

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-2014

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against the Bill – on Merits – Praying to be heard by counsel, etc.

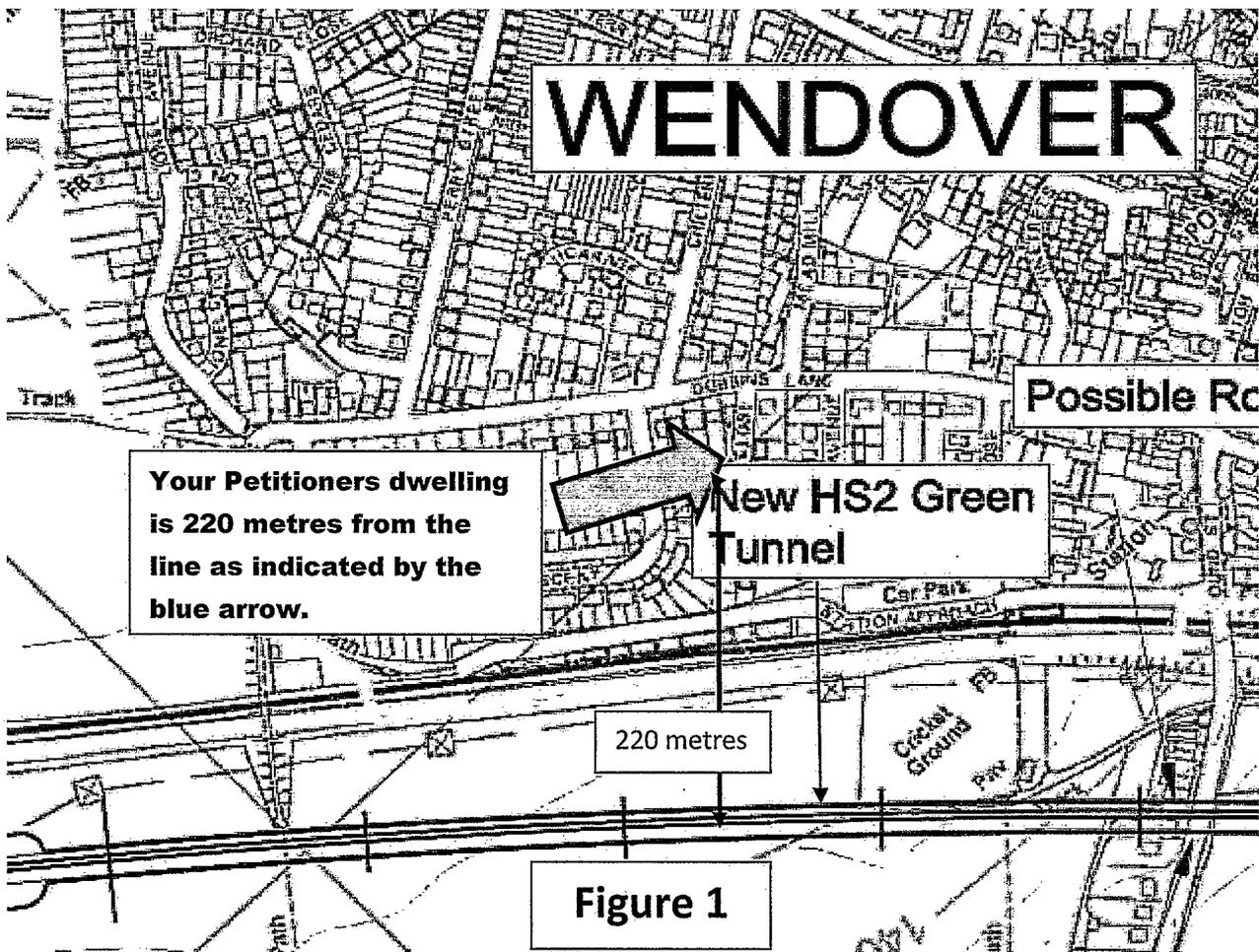
TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF Robert A Phipps
SHEWETH as follows:

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
2. The Bill is presented by Secretary Patrick McLoughlin supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”) is authorised by the Bill to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase One of High Speed 2 and works consequent on or incidental to such works. These works are called “the scheduled works”.

5. The Bill would authorise the construction and operation of the railway through and near Wendover, and your Petitioner's and interests are injuriously affected by the Bill, to which he objects for reasons, amongst others, hereinafter appearing.

6. Your Petitioner lives at 2 Gables Close, Wendover, Buckinghamshire, HP22 6NH. This house is sited in a cul de sac, a mere 220 from the proposed line, whilst beyond the arbitrary boundary of the Rural Support Zone but scarcely any the less vulnerable Your Petitioner is aged 81 years and has lived with his wife in Wendover for the past 11 years. In common with 3 of his 4 neighbours – likewise of advanced years - the petitioner's demeanour and peace of mind has been acutely affected by HS2 since March 2010. His freedom of movement in the eventuality of need is wholly compromised within a de-stabilised market. Your Petitioner's property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2., map LV-07-037 and in map HS2-ARP-OO-DR-05009, part of which is reproduced in **Figure 1** below.



In addition noise and vibration reports in accordance with the Environmental Statement ES3.5.2.10.11 dated November 2013, show the level of vibration and noise associated with the construction phase to be significant in the area of my home and gardens. Your Petitioner has also been recipient of perfunctory letters and information from HS2 Ltd, which implicitly acknowledge that your Petitioner is directly and specially affected by the Bill.

7. Objection is taken to the works proposed to be undertaken through and near Wendover between Little Missenden and Stoke Mandeville. Your Petitioner's objective is to persuade your Honourable House that government failed to define its brief mindful of the realities (in terms of cost, environment, connectivity and otherwise) whereby the line would not have been designed in this way.

Consequently, your petitioner urges your Honourable House to scrutinize the fundamental flaws that are the bi-product of this failure and, in particular to recognize that 'mitigation,' however 'plausible' that may be claimed to be, is no alternative to the imperative of a fully-bored tunnel throughout the Chiltern's AONB.

In making this plea, your petitioner further urges that Honourable Members should not be mis-led by allegedly adverse cost equations where priceless countryside is at risk and whereby compensation for surface intrusion has yet to be set at the 'fair and proportionate' level

The current works consist mainly of;

- a. Viaducts.
- b. Embankments and earth bunding.
- c. Green tunnel of "Cut and Cover" construction.
- d. A Maintenance loop.
- e. Gantries and overhead cables.
- f. Satellite compounds, transformer stations and portal buildings.

Operational Phase.

8. Your Petitioner claims that the proposed works would lead to the following permanent reduction in enjoyment of land situated in an Area of Outstanding Natural Beauty as well as loss of amenity:

- a. Visual blight due to the viaducts to be built on sections of the route.
- b. Visual blight due to the unnatural earth embankments and bunding proposed.
- c. Visual blight of the gantries and overhead power lines and the maintenance loop which are noticeable by their absence on published visibility montages.
- d. Visual blight due to the inevitable change in the natural landscape of the area.

- e. Visual blight associated with the tunnel entrances and associated banking and support structures.
- f. Visual and noise blight of train operations. At night electrical arcing and train headlight blight will be most noticeable at the tunnel approaches North and South of Wendover. Current noise studies illustrate in graphic form only the average noise levels rather than peak levels which are much higher and have a greater footprint, and which appear not to meet WHO standards. The peak noise level of 70dB and the passing of up to 36 trains per hour will make St Mary's Church virtually unusable and many other community amenities will be similarly affected. Peak noise levels in the vicinity of your Petitioner's dwelling detailed in ES Volume 5 Technical Appendices Operational Assessment CFA10 SV-004-010 will be 60dB during train passing events every hour with each event lasting several seconds. This is illustrated in **Figure 3**. Other dwellings closer to the site will be similarly affected by this noise. It is concerning that Buckinghamshire Councils have reservation about the methodology used to identify noise impacts and that there may be a degree of underestimation.

and in addition,

- g. Destruction of natural wildlife habitat, historic forest and landscape.
- h. Financial blight due to loss of tourism and concomitant unemployment.
- i. Financial blight to private property values.

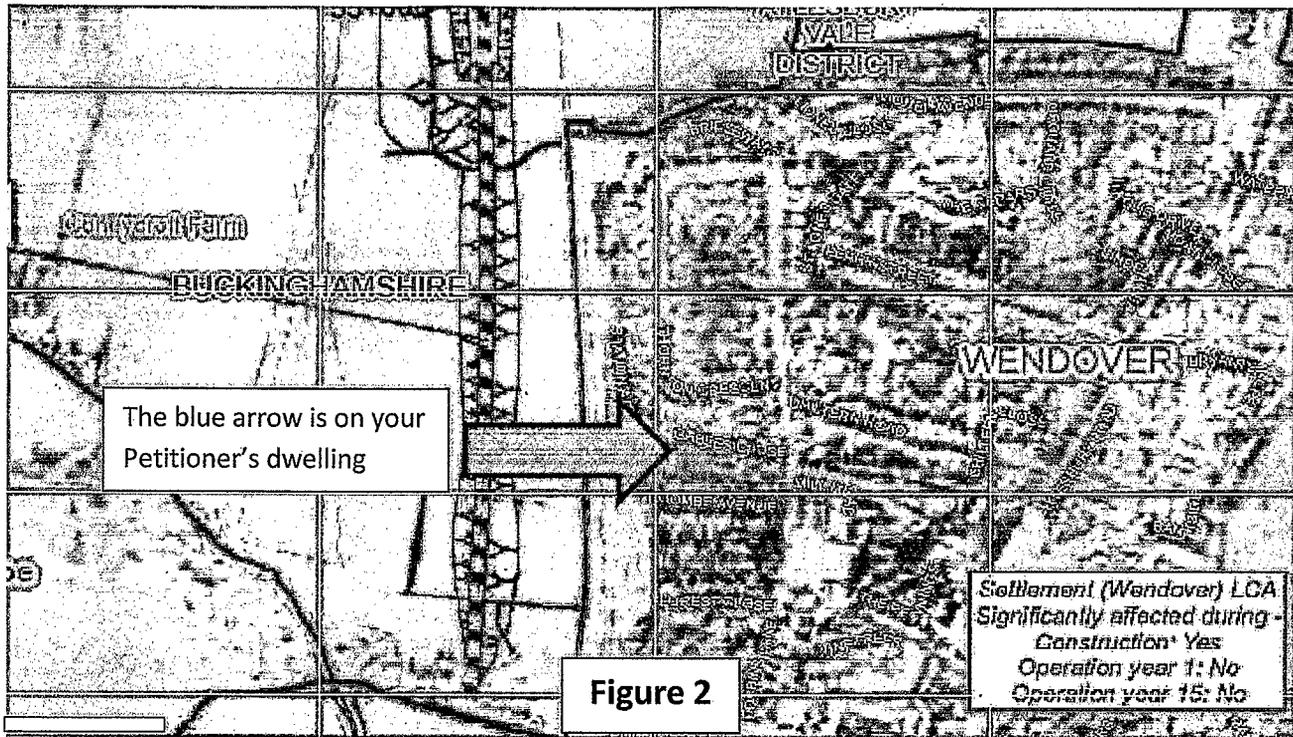
Construction Phase.

9. Your Petitioner considers that during construction the works would have the following long term negative effects on their personal enjoyment of the land and loss of amenity:

- a. Irreparable damage to the Area of Outstanding Natural Beauty, including cultural heritage, historic woodland, wildlife habitat, footpaths and bridleways.
- b. Major disruption to the Chilterns chalk aquifer and consequent threat to the source of water feeding the Wendover Arm Canal which provides 80% of the water needed to maintain the Grand Union Canal as it crosses the Tring summit.
- c. Contamination of the area due to construction plant, materials, dust and spoil.
- d. Prolonged disruption of traffic and substantial delays along all local roads including the A413, A41 and B4009, for an extended period of time.
- e. Prolonged and substantial degradation of main and local route surfaces by construction traffic in and around Wendover.
- f. Lengthy loss of amenity due to restricted access to the Chilterns from South West Wendover for walkers, runners and cyclists. I and many other residents are regular users of these countryside leisure features.

- g. The loss of valuable agricultural ground.
- h. Devastating and lasting damage to St Mary's Church and churchyard, as a place of worship and community centre.
- i. Damage to the Wendover Campus School environment, including making adjacent playing fields unusable.
- j. The loss of cricket ground and facilities vital to youth and welfare.
- k. Long-term degradation of Emergency Services due to road closures and dangerous road surface conditions in and around Wendover.
- l. Strain on local community services such as the Wendover Health Centre.
- m. An increase in health problems associated with construction vibration, noise, dust and light pollution over an extended period of time.
 - i. Dust caused by chalk and soil from construction, excavation and storage; chalk spoil dries out creating dust, the effect of which will be made worse by the prevailing south-west wind, which will blow it directly onto the community.
 - ii. Lighting the construction site will cause light pollution over the same area. Your petitioner lives in the area where there is minimal artificial lighting so this incursion of extra light would be very noticeable. There appears to be no light pollution study report for the Construction Phase which would illustrate the potential light pollution effect upon Wendover.
 - iii. The inevitable vibration and noise pollution will be noticeable in your Petitioner's dwelling which *is even less than 200 metres* from the construction site. Current noise reports show the level of vibration and noise associated with the construction phase to be significant, in accordance with the Environmental Statement ES3.5.2.10.11 dated November 2013.
- n. Additional strain on local police resources due to the influx of itinerant construction workers.

10. The HS2 Ltd Environmental Statement ES3.5.2.10.11 dated November 2013 Volume 5, map LV-02-037, part of which is reproduced as **Figure 2**, shows that the whole of Wendover to be significantly affected during the Construction Phase adding weight to your Petitioner's profound concern regarding the whole range of environmental blight issues previously detailed, and is evidence that HS2 Ltd recognises the serious consequences of the planned construction methodology and its profound effect on the local community.



Fully Bored Tunnel Alternative.

11. Your Petitioner proposes that the works be replaced by a fully bored tunnel from Little Missenden to beyond the North Western border of the Area of Outstanding Natural beauty for the following reasons:-

- a. In principle the construction of a bored tunnel was originally proposed and has been approved by HS2 Ltd, so this is a practicable solution that has already been researched and cost estimated. This option has already been described as a better performer from a sustainability point of view than the option currently planned, with marginal cost implications.
- b. The advantages and benefits of a fully bored tunnel are that many of the high impact noise, visual and financial blight problems will be mitigated and consequently ensure some protection for the Area of Outstanding Natural Beauty.
- c. Financial blight of private property will be significantly reduced although not entirely eliminated.
- d. Construction disruption could be confined to limited areas of the route.
- e. Leisure amenity will mainly be retained for the period of the construction due to fewer restrictions of access to the South and West of Wendover.

f. Health problems associated with spoil, light and noise will be reduced; spoil can be transported to where it will permanently reside rather than have to be temporarily stored to the South West of Wendover and much of the dust, noise and light pollution associated with above ground construction will be largely eliminated in the areas adjacent to most dwellings.

12. The cost implications of providing a fair and proportionate compensation payments system, which should be introduced for the existing scheme will be reduced if a fully bored tunnel is used in this area. These benefits include a reduction in these compensation payments and savings in compulsorily purchasing properties and land, or moving electricity pylons and other services. There will also be less environmental impact and the need to close or divert fewer roads.

13. Wendover is unique in that it is the only community along the length of the proposed HS2 route in Buckinghamshire that will be subjected to the whole range of blight effects highlighted above. Indeed, some of the purely financial blight effects have already been felt since the route was announced. Furthermore, due to the planning and construction timetable, some residents will become subject to the effects of financial blight in the future, even though their immediate plans do not include selling property to facilitate employment location changes or to up or down-size. The present compensation plans do not cater for the actual effects due to blight and use an arbitrary distance threshold as a compensation trigger.

This arbitrary distance is shown in **Figure 3** below, which is an extract from The Property Compensation Consultation Report map 32 issued in September 2013, which has been superimposed with the 60dB peak noise Isobel.

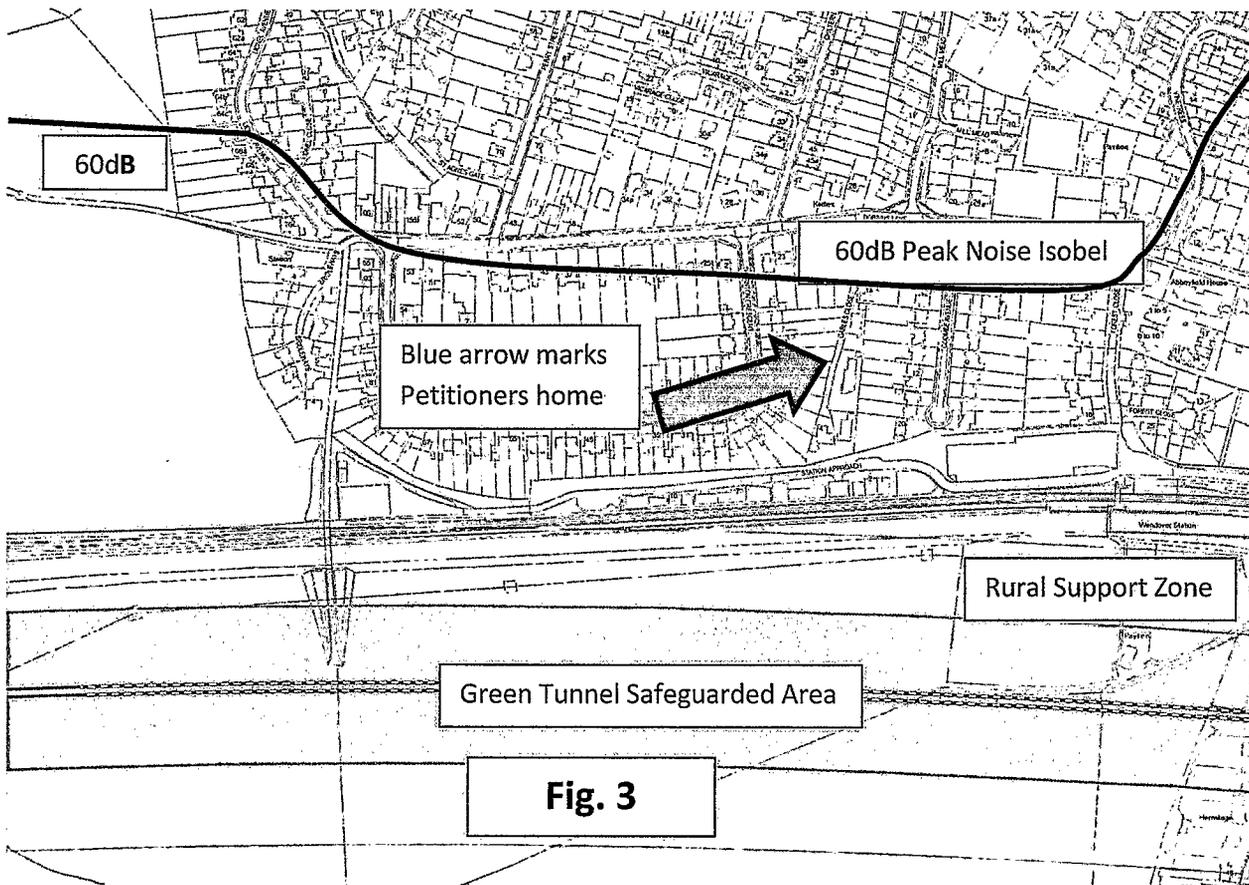


Fig. 3

14. Financial blight is not proportional to distance alone, it has more to do with market perception, but is by no means less real for those affected, so a fair and proportionate compensation scheme should be devised that effectively reflects reality. Furthermore, there is a degree of psychological blight in the form of anxiety associated with the uncertainty that such a project brings with it that cannot be quantified but is none-the-less real for those whose plans have been disrupted, including your Petitioner.

15. The negative environmental, economic, social and health effects of the present scheme are real, prolonged and severe in their impact upon the community. However, some alleviation may be achieved by having a fully-bored and extended tunnel construction instead of the scheme presently planned. If careful consideration is given to the effect of having a major above ground construction site so close to a quiet rural community for such an extended period of time, the conclusion must be that no promised amelioration can reduce the impact to an acceptable level. Previous promises associated with the construction of the Wendover bypass were not honoured and your Petitioner is not confident that promises associated with the construction phase of HS2 will be handled differently. The Wendover community is being subjected to a disproportionate level of blight due to the announcement of the HS2 route and construction methodology which will continue through the construction and operating phase of the line.

16. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended by the inclusion of a fully-bored tunnel from Little Missenden to the end of the AONB to the North West of Wendover, then the Bill should not be allowed to pass into law.
17. If the proposal of a bored tunnel is rejected your Petitioner seeks the following measures:-
- a. The existing proposed green tunnel be extended Northwest to Chainage 55-800
 - b. The maintenance loop be relocated to a less obtrusive position or removed as a cost saving since its value to the operation of the line is questionable.
 - c. The over-riding/repeal of obsolete legislation and precedent in favour of fair and proportionate compensation provisions based on the principle that the polluter pays **contemporaneously** and **not** at some distant date. To be aligned with provisions that recognize the freedom to move at the polluter's expense and at untarnished valuation. Such measures to be administered impartially and independently. Further acknowledgement that property markets in 'comparable but un-contaminated' localities have been seen to out-perform afflicted areas and that indices must be applied in determining untarnished valuations. **(Note: These measures have relevance whatever the ultimate configuration!)**
 - d. That a 40dB noise level maximum, in accordance with WHO guidelines and enforcement procedures be enshrined in clauses in the Hybrid Bill.
 - e. That the Code of Construction Practice be enforceable by virtue of clauses in the Hybrid Bill.

YOUR PETITIONER therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, etc.

Petitioner

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CONTACT DETAILS

