

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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
Mr Colin Victor Bryant and Mrs Julie Anne Bryant
50 Hale Road
WENDOVER, Bucks HP22 6NF

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. Your petitioners (hereinafter referred to as “the Petitioners”) live at 50 Hale Road WENDOVER, Bucks HP22 6NF
The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 409 metres of your Petitioners’ property.

6. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

7. Your Petitioners’ property is shown in the Zone of Theoretical Visibility in the Environmental Statement (hereafter known as ES) volume 5 document. And in the ES Operational Sound Contour Map SV-02-019 the property is adjacent to the Assessment Location no. 369288 on this map and is approximately 50 metres from the School and St Mary’s Church an area identified as OSV10-N01, this is an area recognised in the ES as likely to be significantly affected by noise. **Quote from the ES ‘On a reasonable worst case basis a significant noise effect has been identified on St.Mary’s Church, Wendover.’**
(ref.ES Volume2 CFA10 Dunsmore,Wendover and Halton Page 213 paragraph 11.4.31)

8. Your Petitioners have been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that they are affected by the Bill due to their proximity to the construction and operation of the High Speed line. They were also contracted by HS2 Ltd to participate in the HS2 ambient noise measurement programme.

9. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in and near Wendover between Little Missenden and Stoke Mandeville. These works consist mainly of an embankment between Hartley Farm and Road Barn Farm; Small Dean and Wendover Dean viaducts; and an embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel. They include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings.

10. **Your Petitioners’ main objective is to persuade your Honourable House to mitigate the numerous problems envisaged for the themselves and the community by an amendment to the current plan to include a fully-bored tunnel as it passes through the Wendover Area Of Outstanding Beauty (AONB)**

11. Your Petitioner avers that during construction of the scheduled works there would be the following negative effects:

Problems caused by the construction process of the scheduled works

12. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty with its exceptional natural beauty.
13. Noise from machines digging out the cuttings, moving spoil, constructing embankments and viaducts and the traffic connected with these activities, leading to disruption of our normal peaceful life and inevitable loss of sleep at night.
14. Substantial damage to our local cultural heritage including the St Mary's Church venue, which we visit regularly for community activities including musical evenings and U3A meetings.
15. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A41, A413 and the B4009, which we use regularly.
16. A serious strain on local community services such as the Wendover Health Centre (to which we are regular visitors) and the police, caused by an influx into the community of hundreds of construction workers and support staff.

Problems caused by the completed works and HS2 line operation

17. Your Petitioner avers that the completed proposed scheduled works and line operation would have the following permanent effects:

18. Your Petitioners' outlook of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaduct and embankment 12 metres above ground level with gantries a further 5 metres high. The line would be visible from numerous viewpoints in the locality including his own property which is within the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape.

19. Your Petitioners' outlook of the Chiltern Hills would also be permanently damaged by the highly visible, fast trains, up to 400 metres long, passing every few minutes.

20. The noise from these trains would cause an intolerable strain upon your Petitioners' life and affect their sleep. This is in an area within the AONB which is at present one of peaceful tranquillity. The Petitioners would no longer be able to enjoy their patio and rear garden for their current activities because of the projected noise from HS2.

From the actual ES data it can be seen that the Peak (max) noise projection, such as the noise made as a high speed train exits a tunnel portal, is 65db at the petitioners' location, this is unacceptably high. The noise contour maps in the ES show only the average noise which is not valid, it is obviously the peak noise that is disruptive to your petitioners. Averaging out the short, loud, intermittent bursts of noise to a lower average level does not adequately describe the misery with which your Petitioners would have to live their lives.

21. **The anticipated loss of amenity has already adversely affected the value of your petitioners' home, and will continue to do so on a permanent basis with the current plan. The current compensation plan arbitrarily sets a maximum distance of 200 metres for compensation payments. If, as it is claimed, the compensation plan is to be generous and fair. Any loss of amenity that translates into loss of market value should be compensated for in full irrespective of 'distance from line'.**

22. The damage to local facilities currently enjoyed by your petitioners will be substantial, St Mary's Church has been recognised in the ES as being significantly affected by noise and the community cricket ground will be destroyed. The local Tourist business will be very negatively affected particularly by the loss of the popular AONB circular footpath route across the vale south of Wendover (via Kings Ash and Wendover Dean) this is a major amenity enjoyed by visiting tourists and local people including your petitioners. This walk includes many fine views across the AONB vale and is particularly quiet and peaceful, needless to say, this amenity will be destroyed by the current plan.

Amendment to include a fully bored tunnel

23. **Your Petitioners propose that part of the scheduled works be replaced by a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover. This would avoid most of the disadvantages set out in paragraphs 12-16 above and all the disadvantages set out in paragraphs 18-22 above.**

24. Chiltern Ridges Action Group (CRAG) has proposed such a fully-bored tunnel in a report by Peter Brett Associates, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible.

25. HS2 Ltd has been quoted as indicating that the cost would be £330 million more than the present proposal. However, it has refused to divulge any detail of this figure, or even the tender documents on which it was based, and there is considerable evidence that HS2 Ltd has not fully taken into account the value of the benefits which a fully-bored tunnel would bring, such as the money saved by not having to compulsorily purchase properties and land, or pay compensation to effected householders, and there would be significant reduction in works cost on the surface and subsequent reduction in environmental damage.

These benefits are valued at substantially more than the indicated cost of a bored tunnel. Although the bored tunnel could take longer to complete, this is an acceptable trade off to our community, taking into consideration the huge benefits in terms of the reduction of damage to our environment and our community lifestyle, both of which would be substantially destroyed by the current plan.

26. **For the foregoing and connected reasons your Petitioners respectfully submits 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 of Wendover, then the Bill should not be allowed to pass into law.**

Mitigation for construction of the present proposal

27. However, if the proposal for a fully-bored tunnel is rejected your Petitioners propose the following mitigation:-

28. **That the existing proposed green tunnel be extended approximately 550 metres to the south and north of Wendover. To a distance whereby the tunnel portals would be beyond the distance where the anticipated PEAK noise could affect Wendover properties and facilities. Including the areas the ES currently designate as being ‘likely significantly effected’ namely areas OSV10-N01 (Church/School) and OSV10-C03 (residences).**

Mitigation requirements during construction of a fully-bored tunnel or green tunnel

29. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.

30. That spoil is not redeployed in the Chilterns unless part of an agreed plan to construct earth bunds to minimise noise and visual impacts.

31. That a traffic management plan be agreed before construction starts with the local community, such plan to go to arbitration if agreement cannot be reached..

33. That acceptable noise levels be agreed before construction starts with the local community, such noise levels to go to arbitration if agreement cannot be reached.

34. That the Code of Construction Practice, and regulations and agreements dealing with all matters pertaining to the construction, be legally enforceable both at criminal and civil law, with civil law breaches being first dealt with by an Ombudsman, and the local county council having the right to bring both criminal and civil proceedings.

YOUR PETITIONERS therefore pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioners as your Honourable House may deem meet.

AND your Petitioners will ever pray, etc.

Roll B Agent for the above-named Petitioners.

BACKSHEET

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL
PETITION OF

Against the Bill – on merits – by Counsel, etc.

Roll B agent

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