

**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 Alan Andrews and Mrs Christine Richfield-Andrews
45A Chiltern Road
WENDOVER, Bucks HP22 6DA

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 45A Chiltern Road WENDOVER, Bucks HP22 6DA

The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 403 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 ES C252-ETM-EV-MAP-020-003463-PO7.00 and C252-ETM-EV-MAP-020-003515-PO7.00, and in the Draft Environmental Statement Map Book Community Forum Area 10, map reference C222-ATK-EV-MAP-020-000030 PO3.

8. Your Petitioners have been the recipients of e-mails, letters and information in the post from HS2 Ltd, which indicate that HS2 consider that they are affected by the Bill due to their proximity to the construction and operation of the High Speed line.

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 have three objectives.

Firstly, to persuade your Honourable House to introduce a fair and just approach to compensating residential property owners for their loss in **market value** due to the construction and eventual operation of the railway, where currently CPOs and the Land Compensation Act do not apply them. Unlike any proposals so far put forward by HS2, a fair and just approach to compensating property owners would **not** be based upon restrictive and arbitrary criteria set by HS2 regarding an owners’ apparent “need” to sell their property; such owners would **not** be excluded from receiving compensation based upon restrictive and arbitrary conditions set by HS2 in respect of their property’s distance from the line, and such owners would **not** be restricted by arbitrary conditions set by HS2 regarding when such owners decide to sell their property. **Secondly**, to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes via Wendover from the south, by-passing Wendover some 400 m west of the village and exiting northwest of Wendover. The northern access point to this tunnel would be that which is described in Chiltens Ridge Action Group proposal published in December 2013. This tunnel would emerge just north of, and outside of the boundary of the AONB and would fully mitigate the negative visual, noise, vibration and

night time gantry lighting impacts that the current HS2 design has on the amenity and quality of life enjoyed by your petitioners of the Chilterns AONB, the village of Wendover, and from their own property. **Thirdly**, to persuade your Honourable House to enshrine into enforceable law a locally agreed construction and spoil removal plan incorporating the Code of Construction that would minimise potential hazards and disruption to the community in which your petitioners live and work, **during construction of the proposed railway.**

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

Compensating Residential Property Owners' loss of Market Value Fairly

12. The statutory provisions regarding compensating property owners through Compulsory Purchase Orders and the Land Compensation Act do **not** apply to your petitioners.

13. Since HS2 was first announced, there have been various consultations regarding compensation to residential property owners and none of the proposals applied to your petitioners'. HS2 state that these proposals exceed any statutory compensation provisions.

14. In April 2014, HS2 announced a further range of compensation with the intention to uphold the principles stated in the document "**Reducing the impact of HS2 on the local environment and communities**". The document states that "Where people are affected by HS2, we are committed to compensating them fairly. We will go above and beyond what is required by law by introducing discretionary assistance that helps more people and reflects the unique nature of the HS2 project."

15. The September 2013 HS2 Consultation on compensation specifically targeted property owners "**within postcodes 1 km either side of the proposed route**" to canvas views on compensation. According to the HS2 Quality Assurance Review document on that consultation, Royal Mail was specifically commissioned to deliver leaflets to properties within those postcodes. This clearly shows that HS2 itself anticipated the negative impact of HS2 on community residential property values were likely to be felt by property owners up to 1 km from the line.

16. Current compensation proposals announced in April 2014 still do **not** reflect the geographical extent over which the value of residential properties have declined as a result of HS2, especially up to the 1 km distance from the proposed line that HS2 itself considered is likely to be negatively affected, and these latest proposals are still based on arbitrary and restrictive conditions.

17. Analysis of Land Registry data and Nationwide Regional Housing Indices on historical property transactions and values transacted on residential property since March 2010 across a range of streets and roads in Wendover, confirm that property values are lower than their unblighted market values even at a distance of 1 km from the line. This statistical evidence

supports HS2's own decision to commission Royal Mail to send consultation leaflets to residential property owners within the 1 km boundary of the line.

18. Your petitioners' property is 403 m from the line, and based on the same analysis of property transactions would indicate that they have lost between **10% and 15%** of the unblighted value of their property.

Problems arising from the current HS2 design and HS2 line operation -- the need for a deep bored tunnel

19. Your Petitioners aver that **without a deep bored tunnel** as proposed by the CRAG report, the completed proposed scheduled works and line operation would have the following permanent effects:

20. 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 the petitioners' own property which is within the Zone of Theoretical Visibility. It would be overbearing and unnecessarily and avoidably dominant in the landscape, to the severe detriment of its AONB status. This would be markedly more dominant during the night-time when the impact of overhead gantry lighting will produce bright light pollution where currently none exists.

21. Your Petitioners' enjoyment of the Chiltern AONB and the village environs would also be permanently damaged by highly visible, fast trains, up to 400 metres long. These trains running up to 36 times an hour during the day would pass by the village and your petitioners' property every 3 minutes and twenty seconds (assuming that both northbound and southbound trains cross exactly at the same time they pass the village), or 1 minute and 40 seconds (if every southbound train passed by the village ahead of each northbound train -- or vice versa).

22. The noise from the trains would cause major disruption to your petitioners' enjoyment of their patio and rear garden during the day, and affect the quality of their sleep during the night. The ES contours show average values for noise and do not show the peak values that would arise each time a train enters and leaves the proposed green tunnel. This is seriously misleading, as it is the peak noise that registers disruption. HS2 claim that peak noise occurs when trains exit the proposed tunnel which they estimate produces 65dB of noise which compares with the U.S Department for Transportation, Federal Railroad Administration's own High-Speed Ground Transportation Noise and Vibration Impact Assessment document (September 2012) that states peak noise from high speed trains travelling at 180 mph will produce 95dB of noise. As HS2 trains will run at 250 mph peak noise is estimated to rise to 115 dB at source, diminishing to about 90dB at your petitioners' house. This contrasts with HS2's noise estimates of around 55- 58dB at two points nearest your petitioners' house. Peak noise would arise up to 36 times each hour or once every 3 minutes and twenty seconds. This

is unacceptable and contrasts with the recent proposal by Gatwick Airport to offer annual noise compensation payments of £1000 pa to residential householders which are triggered when the peak noise level reaches 57dB.

Proposed Amendment to include a fully bored tunnel and expected impact on residential property values, personal and community impact during construction and operation

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 mitigate (or even avoid) the disadvantages set out in paragraphs 29-34 below and would be demonstratively in accordance with Recommendation 8 of the House of Commons Environmental Audit Committee's Report – HS2 and the Environment.

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 indicated that the CRAG proposal would cost an additional £330 million over and above the present HS2 proposal, refusing to share the basis of that estimate.

26. In the context of a project that is estimated to cost the taxpayer in general **£50 billion** this would amount to just **over half of one percent of the estimated project cost.**

27. Such a cost is comparatively extremely small and is likely to result in fewer claims for compensation for loss of residential property value during operation of the line (the basis of which has not been finalised as there are further consultations planned later this year); fewer properties compulsorily purchased prior to and during construction; the avoidance of excessive numbers of HGVs on local roads that are not designed for such volumes of heavy traffic; the restoration of Wendover within its heritage landscape; the avoidance of destroying the Chilterns AONB, reducing noise and light pollution which would all occur should HS2's existing plans not be changed in favour of the tunnel.

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

Mitigating the problems caused by the construction process of the scheduled works – the need for locally agreed construction and spoil removal plans enforceable in law

29. Construction of the current HS2 proposal would cause substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty, and under current HS2 proposals would significantly diminish the amenity enjoyed by your petitioners over a prolonged period of time.

30. Your petitioners regularly walk along the Ridgeway footpath westwards toward Chequers and beyond, and construction of the current HS2 proposal would cause a major and long standing impediment to your petitioners ability to walk the Ridgeway and connecting footpaths over a prolonged period. It is not clear what practical access arrangements HS2 have made to rectify this, but practical and easy access must be maintained.

31. Your petitioners quality of life and enjoyment of the amenity of their property will be significantly diminished due to noise from machines digging out the cuttings, moving spoil, constructing embankments and viaducts etc associated with the current HS2 proposal – given that the construction timetable does not allow any real break in those activities to allow respite to your petitioners throughout the construction period which could be up to 4 years.

32. Your petitioners will be subject to excessive traffic noise and congestion caused by the removal of spoil throughout construction. HS2 estimate the amount of spoil which will be created locally and in need of removal to be in the region of 5,106,000 tonnes. As a result it is estimated that in excess of 300 HGV movements per day can be expected for a period in excess of 2 years to remove that spoil. This will put additional wear and tear on local roads and aggravate the normal morning and evening rush hour traffic congestion in the village and along the A413, A4010 and B4009 throughout the day.

33. The anticipated 300+ HGV movements mean 1 HGV entering the local road network every 2 minutes of the envisaged working day carrying a full load of spoil, with a corresponding empty vehicle entering the construction area from those same roads. These are roads that your petitioners use regularly in our day to day business.

34. Your petitioners request that the Code of Construction along with local traffic plans be agreed between HS2 and the Wendover community in order to alleviate the foreseeable disruption and congestion that your petitioners suffer, and that these are enforceable with financial penalties and /or compensatory payments to local residents where any breach occurs.

YOUR PETITIONERS 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 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 their 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.

BACKSHEET:

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