

IN PARLIAMENT
HOUSE OF COMMONS
SESSION ~~2014-15~~ 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 : JOHN NORMAN TH^AITCHER VINCE

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 petitioner (hereinafter referred to as “the Petitioner”) lives at

He/she has lived in this property/in Butler’s Cross for 47 years.

He/she is 82 years of age.

The Bill would authorise the construction and operation of the railway through and near Butler’s Cross. The proposed line would run within 500 metres of your Petitioner’s property.

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

7. Your Petitioner’s property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2., and in mapsLV-68-038a

8. Your Petitioner has been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that he is affected by the Bill.

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

10. Your Petitioner’s main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover.

Problems caused by the construction process of the scheduled works

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

12. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413 and the B4009 and A4010 which your Petitioner uses frequently.

13. A serious strain on local community services such as the Wendover Health Centre.

14.

15. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty.
16. Substantial damage to the local cultural heritage, including St Mary's Church, which I visit for cultural occasions.
17. Disruption to power supplies caused by the need to move the electricity pylons near the line.
18. Disruption to footpaths, which your Petitioner uses on a regular basis ie. SM5 /E19/E26 & E26a /20 / E21.
19. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, leading to inability to concentrate during the day, and inability to sleep at night.
20. Light over the construction area causing light pollution. Your Petitioner lives in an area where there is no artificial lighting, so this incursion of light would be very noticeable.

Problems caused by the operation of HS2

21. Your Petitioner avers that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:
22. Your Petitioner's view of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaduct and embankment of unknown feet above ground level with gantries a further several feet 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.
23. Your Petitioner's view of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes.
24. The noise from these trains would cause an intolerable strain upon your Petitioner's life and affect his sleep. At the distance from the line where he lives the noise would be spread over a longer time period, and thus be heard for approximately one minute in two. This is in an area which is at present one of peaceful tranquillity.
25. The value of your Petitioner's house has already been adversely affected, and will continue to be so on a permanent basis.
26. The damage to local facilities would be substantial, both those of value to your Petitioner such as St Mary's Church for its community uses, and those of value to Wendover as a community such as the cricket ground, which would be destroyed.

The benefits of a fully-bored tunnel

27. Your Petitioner proposes 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 11-20 above and all the disadvantages set out in paragraphs 21-26 above.

28. Chiltern Ridges Action Group 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.

29. HS2 Ltd has said that such a tunnel would cost £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 the figure is seriously exaggerated.

30. Moreover, it seems that HS2 Ltd has not 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 move electricity pylons, and not damaging the environment. These benefits are valued at over £500 million.

31. For the foregoing and connected reasons your Petitioner 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 a fully-bored tunnel

32. If a fully-bored tunnel is included in the Bill, your Petitioner proposes that at least the following mitigation be adopted for its construction:

33. That the operation of construction traffic on the A413, the A4010 and the B4009 only be permitted during the agreed working hours, excluding rush hour (7-9am and 5-7pm) on weekdays.

34. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users. This will not be the case regarding the change in the HS2 plan to dispense with the intended viaduct at Stoke Mandeville.

35. That the removed spoil should not be permitted to be dumped in the Chilterns AONB, and that all spoil should be removed by rail, not road. How can this apply to the formation of two over bridges in Stoke Mandeville?

36. That a traffic management plan be agreed before construction starts with the local county, district and parish councils, such plan to go to arbitration if agreement cannot be reached..

37. That the permitted working hours for all matters relating to construction be strictly limited to 8am to 6pm on weekdays, 8am to 1pm on Saturdays and not at all on Sundays, with an hour before and after for start-up and close down.
38. That acceptable noise levels be agreed before construction starts with the local county, district and parish councils, such noise levels to go to arbitration if agreement cannot be reached.
39. That noise levels be monitored on a frequent and regular basis by an independent organisation, with the result of such monitoring be immediately made public.
40. That artificial lighting at construction areas be limited to working hours.
41. That the maximum level of toxic traffic emissions from construction traffic be agreed before construction starts with the local county, district and parish councils, such emission level to go to arbitration if agreement cannot be reached.
42. That funding be made available to Wendover Health Centre and local hospitals for the provision of any necessary additional facilities to cope with increased health problems, such as sleep disturbance, respiratory illness and hypertension, and including those caused by traffic emissions and dust created by the construction of the scheduled works.
43. That funding be made available to the local police force for increased staffing likely to be required due to the advent of a substantial construction workforce.
44. That full compensation for damage to property or loss in property value caused by construction of the scheduled works be available to all those who suffer such loss.
45. That the maintenance loop at present proposed to be located to the north of Wendover / Ellesborough parish be moved to an area where there are much larger permanent works scheduled.
46. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 33 to 43, 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.

Mitigation for construction of the present proposal

47. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:-

48. That the existing proposed green tunnel be extended to the south and north of Wendover.

49. That the mitigation proposed in paragraphs 33 to 46 above be adopted.

ATTENTION IS DRAWN TO THE FOLLOWING CONSIDERATIONS:

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The destruction of STOKE MANDEVILLE OLD CHURCHYARD

SUMMARY ISSUES

It is now proposed to obliterate the old churchyard at Stoke Mandeville in order to accommodate the changed plans of HS2.

This churchyard was sold by the Oxford Diocese to Stoke Mandeville Parish Council [a secular authority] in the 1990s. This was before the HS2 idea had been devised.

The errors, regarding compulsory purchase made in the HS1 legislation have been assumed by the HS2 organisation.

There are substantive issues which arise;

1. A CHURCHYARD IS A SACRED SPACE and cannot morally be used by a private company for private gain. Stoke Mandeville churchyard has been in use for some eight centuries and the quondam County Archaeologist has estimated that there must be some 2000 plus burials on this site.
2. **It is a criminal offence to deface a churchyard and any legislation must consider this prior to drafting. A local authority cannot be made to be complicit, by statute, in a criminal act.**
3. The Burial Acts [London] 1854 etc. provided for a churchyard space to be levelled but not excavated to allow for an open space to be formed. Any buildings had to be built outside the churchyard ground [not within it].
4. The position of the sanctity of a graveyard space was therefore defined by statute and should be protected.
5. The fact that HS1 & HS2 did not address this matter is not an argument for denying a statutory precedent or compromising criminal law.
6. A subsidiary consideration arises from the proposed extension of a runway at Gatwick airport which will involve the destruction of a church and its graveyard. This is a dangerous concept and it appears that the sacredness of burial grounds is at risk.
7. The integrity of our heritage is effectively being ignored and must be defended. Our ancestors must be respected and treated with proper dignity.
8. **A redundant church or land vested in the Trust ceases to be subject to faculty jurisdiction, but otherwise the legal effects of consecration continue to apply to it.**
9. **A burial ground closed by Order in Council is subject to the Disused Burial Grounds Act 1884 which prohibits building on such grounds except for the purpose of enlarging the church.**

YOUR PETITIONER therefore prays 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 Petitioner 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 Petitioner as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

[signed]



John N T Vince

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BACKSHEET

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

John N T Vince

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

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