

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 JONATHAN KARL CLOVER and ENID MARY CLOVER

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 (i) Your petitioners Jonathan Karl Clover (hereinafter referred to as “the first Petitioner” when referred to individually) and Enid Mary Clover hereinafter referred to as “the second petitioner” when referred to individually) live at 2 Vinetrees Wendover Bucks HP22 6BS.

(ii) Your petitioners are both over 60 years old.

(iii) Your petitioners have lived in their current property for 22 years. The first petitioner has lived in Wendover for much of his life and the second petitioner has lived here for over 30 years.

(iv) The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 400 metres of your Petitioners’ property.

(v) Your Petitioners have played an active part in the Wendover community. The first petitioner has served on the local Parish and Parochial Church Councils. The petitioners also participate in a number of local organisations both in Wendover, Hartwell and Aylesbury.

(vi) The first petitioner is currently unable to work as a result of a diagnosis of severe depression. However he hopes to return to work and is undertaking a range of voluntary activities and undergoing training to assist in his recovery. The second petitioner is a retired teacher.

(vii) The petitioners main concern is that Wendover will be transformed from “the Gateway to the Chilterns” to another settlement adjacent to what will be a major transport corridor, from which they, and many thousands more will derive no benefit. The visual appeal and joy of the Chilterns both at Wendover, the southern areas of Aylesbury Vale and throughout the whole of the route will be destroyed. This will have a major impact on the tourist and leisure economies as well as adversely affecting local businesses and farms. The pressure on the natural world will be further intensified, habitats will be lost and this will lead to reductions in, as merely one small example, bird song numbers.

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

7. Your Petitioners’ property appears to be shown in the Zone of Theoretical Visibility during the railway’s operational phase in London-West Midlands Environmental Statement CFA10: 3.5.1.7.2 in map entitled Operational Phase Zone of Theoretical Visibility (ZTV) and numbered LV-08-037.

8. Your Petitioners have been the recipient of letters and information in the post from their MP, David Lidington, which indicates that he considers that the petitioners are affected by the Bill. Based on losses merely expressed in terms of loss of property values, the petitioners believe they are adversely affected.

9. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken (and set out in detail in the London –West Midlands

Environmental Statement Volume 2 Community Forum Area report, CFA 10, reference paragraphs 2.2.8 to 2.2.13), in and near Wendover between Little Missenden and Stoke Mandeville. These works consist mainly of an embankment between Hartley Farm and Road Barn Farm; the Small Dean viaduct; an embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel; and a viaduct and embankments at Wendover Dean. They include the construction of noise barriers and gantries on top of the viaducts and embankments along the route, and adjacent to the proposed line ancillary works including satellite compounds, auto-transformer stations, balancing ponds, and portal buildings.

10. Your Petitioners' 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 Petitioners aver 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 A41 which your Petitioners use regularly.

13. A serious strain on local community services such as: (i) the Wendover Health Centre, to which your Petitioners are regular visitors and (ii) the police, caused by an influx of construction workers, and other personnel, associated with the project.

14. Dust caused by chalk and soil from construction and excavation, leading to the exacerbation of my respiratory problems. On storage chalk dries out, creating dust, the effect of which will be made worse by the prevailing south-west wind, which blows directly onto your Petitioners' property at 2 Vinetrees Wendover Bucks

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 the petitioners visit for church services, and events and 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 Petitioners use on a regular basis notably those to the south west of Wendover in the vicinity of Ellesborough Road.

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 Petitioners live in an area where there is little artificial lighting, so this incursion of light would be very noticeable.

Problems caused by the operation of HS2

21. Your Petitioners aver that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:

22. Your Petitioners' view of the Chiltern Hills in the AONB, as residents and walkers would be permanently scarred by the obtrusive viaducts and embankments at Small Dean, Wendover Dean some 30 feet (35 metres) above ground level with gantries a further 30 feet (35 metres) high. The line would be visible from numerous viewpoints in the locality including their own property, and footpaths which they use, which property and paths they believe are within the Zone of Theoretical Visibility. The embankments, viaducts, and other permanent features of the line would be overbearing and dominant in the landscape.

23. Your Petitioners' views of the Chiltern Hills both from their own property, and throughout the vicinity, 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 Petitioners' life and affect their sleep. At the distance from the line where they live 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. In particular:-

(i) average noise figures only have been included in the Environmental Statement rather than peak noise figures (a point made comprehensively in the comments by David Lidington MP in his response to the Environmental Statement dated February 2014 (paras 6.01 to 6.03)), so that the precise effects of noise at all local locations relevant to your Petitioner's interests have yet to be clarified.

(ii) The believed effects of the viaducts and embankments at Wendover Dean and Small Dean will be to cause noise from the operation of the line to echo round the valleys and adjoining hills and lead to a substantial loss of his amenities and cause damage to the tourist industry and reduced income to local businesses.

25. The value of your Petitioners' 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 Petitioners 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 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 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 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.

Mitigation for construction of a fully-bored tunnel

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

33. That the operation of construction traffic on the A413 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.

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.

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 (i) the best possible sound barriers and other relevant means of reducing noise be provided and installed on both sides of the proposed line and (ii) acceptable noise levels be agreed before construction starts with the local county, district and parish councils, with any issue concerning the appropriate level of allowable noise 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 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 Petitioners propose 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.

YOUR PETITIONERS therefore prays 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 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.

Jonathan Karl Clover Enid Mary Clover

15/5/14

BACKSHEET

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SESSION ~~2014-15~~ 2013/14

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL
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Contact details for petitioners

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