

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against - on Merits - praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

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 GEOFFREY RICHARD TOULL

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 14 Cavendish Close, Wendover, Buckinghamshire, HP22 6LZ.

He has lived in this property in Wendover for twelve and a half years. He is 82 years of age.

The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 460 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 LV-07-037, and in map CT- 06-038.

8. Your Petitioner has been the recipient of letters and information in the post and by email 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 Wendover 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 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 Petitioner's main objectives are threefold.

11. To persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover.

12. To persuade your Honourable House that authority to approve minimum water quality standards in the Wendover catchment area remain with the Secretary of State for Environment, Food and Rural Affairs (DEFRA) , thereby avoiding any conflict of interest that could arise if such authority were to be transferred to the Department for Transport.

13. To persuade your Honourable House to require practical field-based examinations of the effect and spread of travelling ground bow-waves on physical structures and human well being.

Problems caused by the construction process of the scheduled works

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

15. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially along the A413 and the B4009, which your Petitioner uses every day, and the A41, which he uses on a regular basis.

16. A serious strain on local community services such as the Wendover Health Centre, to which your Petitioner is a regular visitor, and the police, caused by an influx of construction workers.

17. Dust caused by chalk and soil from construction and excavation, leading to the exacerbation of your Petitioner's personal respiratory problems. On storage, chalk dries to a powder consistency, creating dust, the effect of which will be made worse by the prevailing south-west wind, which blows directly across your Petitioner's property, 14 Cavendish Close, and could make it, and properties elsewhere throughout Wendover, uninhabitable on health and safety grounds.

18. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty and its manifold flora and fauna.

19. Substantial damage to the local heritage from which I benefit, including St Mary's Church, Wendover, which your Petitioner visits for cultural occasions.
20. Disruption to power supplies caused by the need to move and re-erect the electricity pylons near the proposed railway line.
21. Disruption to footpaths, which your Petitioner uses on a regular basis.
22. Noise from machines digging, lining, and laying track, and erecting gantries for the green tunnel, moving spoil, constructing embankments and viaducts, and traffic connected therewith, leading to your Petitioner's and other Wendover residents inability to sleep at night and inability to concentrate during the day.
23. Strong artificial illumination over the construction area causing light pollution. Your Petitioner lives in an area where artificial lighting is low-lumen from low lamp-posts. Construction-area and security compound lighting would be intense, mounted high, and would create considerable light spillage. This incursion of light would be very noticeable, disturbing, and disruptive in an area such as Cavendish Close and elsewhere.
24. The Bill proposes that authority for setting minimum water quality standards, in areas scheduled to receive HS2, including in the Wendover area, be transferred to the Secretary of State for Transport from DEFRA. Her Majesty's Government is putting considerable pressure on HS2 Ltd to contain and to reduce HS2 programme costs. Your Petitioner avers that this would axiomatically create a conflict of interest, with the possibility that water quality standards could be in jeopardy to the detriment of your Petitioner and to Wendover residents in general.

Problems caused by the operation of HS2

25. Your Petitioner asserts that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:
26. Your Petitioner's view of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaduct and embankment 42 feet (13 metres) above ground level with gantries a further 46 feet (13.5 metres) high. The line would be visible from numerous viewpoints in the locality including your Petitioner's own property which is within the Zone of Theoretical Visibility. It would be overbearing, would dominate the landscape, and be wholly out of keeping in the Green Belt and its Chilterns AONB.
27. Your Petitioner's view of the Chiltern Hills would also be permanently damaged by 225-250 mph trains, up to 400 metres long passing every two minutes, and for running for lengths on raised viaducts.
28. The noise from these trains, and from the proposed goods train traffic running through the night, would cause an intolerable and debilitating strain upon your Petitioner's life and affect his nerves and 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 every two throughout the 24 hour day. This is in an area which is at present one of peaceful tranquillity, and it also raises Health and Safety legislation issues.
29. The rail industry has no experience in the design and operation of trains running at 225-250 mph, hence there are many unknowns as yet. One such is the ground-effect travelling bow wave: its power, its spread, its rate of attenuation with time, and with increasing distance from the train, and the possible destructive effects as train succeeds train every two minutes – all unknowns. The adverse effects could be both on structures and on human health. Thus the effects could cause long-term damage to your Petitioner's home, and to his person. Such effects reduce, and are understood and catered for, for current 180 mph

trains. Because of the potential severity of this phenomenon on you Petitioner's and fellow villagers' well being, and on their properties, your Petitioner proposes that your Honourable House require as a precondition for project initiation, practical studies and representative field assessments of ground-effect travelling bow wave effects in terms of the above parameters.

30. The value of your Petitioner's house has already been adversely affected, and will continue to be so, on a permanent basis.

31. The damage to local facilities would be substantial, both those of personal value to your Petitioner such as St Mary's Church for its community uses, to the village cricket ground, which would be destroyed, and the village centre, which helps sustain the village as a community.

The benefits of a fully-bored tunnel

32. 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 14-23 above and all the disadvantages set out in paragraphs 25-30 above. And, with respect to paragraph 27, in a fully-bored tunnel, it being that much deeper in the ground than a "green tunnel", the intensity of the high-speed trains' travelling ground bow-wave would attenuate in amplitude and distance more rapidly than for a green tunnel – thus reducing programme and financial risk, and risk to your Petitioner's and fellow villagers' properties and their well being.

33. 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.

34. 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 claimed by HS2 Ltd is seriously exaggerated.

35. Moreover, and fundamentally, it appears that HS2 Ltd has not taken into account the value of the financial benefits which a fully-bored tunnel would bring the taxpayer, such as the money saved by not having to compulsorily purchase properties and land, or move electricity pylons, and not damaging the environment, and reducing the risks and costs inherent in bow-wave effect damage (see paragraphs 29 and 32). Excluding bow-wave damage mitigation, these benefits are valued at over £500 Million, and more when reduced remedial costs are included.

36. 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

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

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

39. That the number of construction vehicles using local roads each day, and per week, be limited in time and in separation distance, consistent with health and safety legislation in the

interests of other road users, and at all times be such as not to inconvenience or delay such other users. That construction vehicle counting be instituted at the outset and that the local council, on behalf of Wendover residents, including your Petitioner, be empowered to obtain specified redress whenever the agreed maximums are exceeded.

40. That the spoil removed by vehicles be at all times be covered securely to prevent any of the contents spilling, or creating polluting dust. And 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.

41. 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 and the resulting plan be enforced once in place.

42. That the permitted working hours for all matters relating to construction be enforced and limited strictly to 8am to 6pm on weekdays, 8am to 1pm on Saturdays and not at all on Sundays, with an half an hour before and after for start-up and close down.

43. That maximum acceptable noise levels be agreed with the local county, district and parish councils before construction starts; such noise levels to go to arbitration if agreement cannot be reached.

44. 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, and enforceable redress obtained.

45. That artificial lighting illuminating construction areas be limited to working hours and that the lighting pitch and intensity be such as to minimise any light spillage and nuisance to a level agreed with the Wendover Parish Council and Aylesbury Vale District Council acting on behalf of your Petitioner and fellow residents.

46. That the maximum level of toxic, and of visibility-reducing, emissions from construction vehicles and from plant be agreed with the local county, district and parish councils before construction starts, such emission level to go to arbitration if agreement cannot be reached. And that levels be monitored and remedy obtained when the levels agreed exceed the maximums negotiated.

47. 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.

48. 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.

49. 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. Your Petitioner considers that the arrangements set out in the Bill are seriously inadequate.

50. 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.

51. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 36 to 49, 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

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

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

54. That the mitigation proposed in paragraphs 37 to 49 above be adopted.

55. That the train design-speed be reduced from the proposed 250 mph to 180 mph to ameliorate the travelling ground bow-wave effect, noting that journey times would rise less than proportionately, because braking would be from a considerably lower speed.

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 in the premises as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

[signed]

BACKSHEET:

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL
PETITION OF GEOFFREY RICHARD TOULL

Against the Bill – On Merits – By Counsel &c

CONTACT DETAILS:

[Faint, illegible text]