

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-2014

## HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

**Against** - on Merit - 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 George Sterk.

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 Mr. Secretary McLoughlin, supported by the Prime Minister, the Deputy Prime Minister, the Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey and 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 the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters including overhead lines, water, building regulations and party walls, street works and use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime of the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works to be authorised by the Bill (“the Authorised Works”) are specified in

clauses 1 and 2 of the Schedule 1 to the Bill. They consist of scheduled works which are described in Schedule 1 to the Bill and other works which are described in clause 2 of the Bill.

7. Your petitioner is a freehold owner of "Dean House", Smalldean, in which he has lived since 1996. Smalldean is situated on rising ground  $\frac{1}{4}$  mile to the west of the A413 road in an Area of Outstanding Natural Beauty about  $1\frac{1}{2}$  miles south of Wendover. At some 650 feet above sea level, it has a commanding view over the Misbourne Valley running between Gt. Missenden and Wendover and the beautiful Chiltern countryside. It is a tranquil spot and even the existing Chiltern Railway line - running close to and parallel to the A 413 causes no intrusion on the tranquillity, (its trains creating a gentle and barely audibly rumble). The single lane access way to the house is also part of the Chiltern Cycleway and carries little or no other vehicular traffic. It feeds a number of footpaths which are used by walkers over the surrounding woods and fields.
8. Your Petitioners rights, interests, and property injuriously affected by the Bill, to which your Petitioners object for reasons hereinafter appearing.
9. Your Petitioner avers that he will be seriously and adversely affected during both the construction phase and then during operation.

Problems caused by the construction phase:-

- a) The proposed Small Dean Viaduct Main Construction Compound is to be sited off the lower end of Small Dean Lane, effectively shutting it off to us residents. This end of the lane currently provides a **safe exit** for cars and cyclists onto the New Hale Roundabout and thus the A 413 to Aylesbury, London and to of course to Wendover village. Alternative access to Wendover etc. will therefore be restricted to Dunsmore Lane which leads down to a T junction with the A 413. This T junction is already a dangerous spot because of heavy traffic at peak periods and this danger will be aggravated by the planned 300 movements of heavy lorries engaged in the construction work which will lead to further traffic problems during the construction of the Small Dean Viaduct between the Dunsmore Lane/A413 junction and the New Hale round about. The disruption, noise and light pollution will be horrific.
- b) I am a retired engineer and one of the benefits of living here is that I can safely use the lane to travel to and from Wendover village by bicycle - something I had been doing long before this method of transport was extolled by the government. That will prove virtually impossible throughout the construction period; bicycles on the A 413 can only add to the likely congestion and would prove doubly dangerous.
- c) The view over the Misbourne Valley will be destroyed by the unsightly works along Wendover Dean and Small Dean viaduct and embankments planned for the proposed HS2 railway.

Problems caused by the operation of HS2:

Your petitioner avers that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:

- d) Your petitioner's view of the Chiltern AONB would be scarred by construction of two viaducts and an embankment with heights ranging from 10 to 18 meters and the associated overhead gantries and cabling. The reason for going to the trouble and expense of moving here in the first place would be utterly negated. These scarring features would be indeed be visible from a large area of the Chiltern AONB so that this very valuable designation of a protected area would become redundant.
- e) The effect of 400 m long trains running every few minutes would totally destroy the tranquillity of the area. (It has been mooted that, in order to help recover its costs, HS2 would operate commercial freight services by night; whatever the frequency of such movements, it will destroy the night-time peace which is currently a feature of the area). HS2 Ltd have admitted that as we are geographically located above the line we would be affected by noise which travels upwards. No solution to the problem of noise has been offered by HS2 Ltd.
- f) The threatened problem, even at this early stage of planning, of noise generated by these long high speed trains running every few minutes has already had a negative impact on the value of your petitioner's property - the one major asset built up over a lifetime's hard work. The property is outside the stated limits for any compensation. It is therefore realistic, in the interests of all parties, that so form of practical mitigation is allowed for.

#### Remedial Measures:-

HS2 Ltd have attended bi lateral meetings with local residents societies. We and fellow residents have also attended CFA10 meetings. At these meetings it was made clear to HS2 Ltd that the only mitigation to protect the AONB and residents such as your petitioner is to lower the railway line and its conduit carrying structures into a fully bored tunnel to run to a position North of Wendover. This HS2 Ltd have admitted in their environmental statement is technically possible but rejected on cost grounds, despite being reluctant to discuss costings - citing "Commercial Sensitivity". This does not seem to make sense as until the Royal Assent is obtained, no contracts can be awarded unless substantial penalty clauses are in place.

At the bi lateral meeting of the Dunsmore society, also attended by your petitioner and his Small Dean neighbours, it was made clear that if the option of a fully bored tunnel were not enacted then, in order to protect the AONB and the settlements of Small Dean and Dunsmore, a fully enclosed structure similar to the Arup concept enclosure was required on the two viaducts and embankment to ensure the trains would neither be seen or heard. This proposal is discussed - and dismissed - by HS2 Ltd in the Environmental Statement.

It would appear that whilst the Southern section of the Chilterns AONB has received tunnelling by way of mitigation this protection has been denied to the Northern section.

If this proposal is to proceed as a world class railway, then mitigation should be of a world class standard as well. If the Chiltern AONB were to be tunnelled throughout, HS2Ltd would have a whole range of routing options that is denied using the surface routing.

10. There are other clauses and provisions of the Bill which, if passed into law as they stand will prejudicially affect your Petitioners and their rights, interests and property and where no adequate provision is made to protect your Petitioners.

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 their Counsel, Agents and witnesses in support of the allegations of this petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for the protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your petitioner will ever pray etc..

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BILL

PETITION OF John George Sterk

AGAINST, By Counsel etc..

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