

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-2014

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
CHRISTOPHER JOHN PALLET

SHEWETH as follows:

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “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. The Bill would authorise the construction and operation of the railway through and near Wendover, and your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

6. Your Petitioner is the sole owner of two commercial properties in Wendover High Street. These are (a) 1 High Street on the South Eastern side of the High Street and (b) 8 High Street on the North Western side of the High Street. 1 High Street is a Shop with a self contained flat over. The shop tenant trades as a gift shop. 8 High Street comprises two shops at ground level with offices above. The shops are let as a Barbers and an Estate Agent. The offices are partly let to individuals and your Petitioner uses part for his firm of Chartered Surveyors. Your Petitioner owned property (a) for 30 years with others until he purchased his partners' interest two years ago. Property (b) has been owned your Petitioner for 40 years. As a prudent self employed person your Petitioner made these purchases to provide a pension income in due course. Your Petitioner is now 71 and is relying on the rents for much of his income. Properties (a) and (b) are both 550 m from the portal of the proposed Green Tunnel at Bacombe Lane. Your Petitioner will be directly and specifically affected by the operation and during the construction of the works due to the noise, visual effect, congestion and effect on tourism because these factors will serve to lower commercial rental values with a direct effect on your petitioners income and consequentially the capital values of his properties.



7. Objection is taken to the works proposed to be undertaken through and near Wendover, between Little Missenden and Stoke Mandeville. Your Petitioner's main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through and near Wendover. The current works consist mainly of ;

- a. Viaducts.
- b. Embankments and earth bunding.
- c. Green tunnel of cut and cover construction.
- d. A Maintenance loop.
- e. Gantries and overhead cables.
- f. Satellite compounds, transformer stations and portal buildings.

Operational Phase.

8. Your Petitioner avers that the proposed works would have the following permanent reduction in enjoyment of land and loss of amenity effects, in an Area of Outstanding Natural Beauty :

- a. Visual blight due to the viaducts to be built on sections of the route.
- b. Visual blight due to the unnatural earth embankments and bunding proposed.
- c. Visual blight of the gantries and lines above the line and service loop, which are noticeable by their absence on published visibility montages.
- d. Visual blight due to the inevitable change in the natural landscape of the area.
- e. Visual blight associated with the green tunnel entrances and associated banking and support structures.
- f. Visual and noise blight of train operations; at night electrical arcing and train headlight blight will be most noticeable in the South West area of Wendover particularly from South bound trains, in addition the current noise studies illustrate in graphic form only the average noise levels rather than peak levels, which are much higher and have a greater footprint, and which appear not to meet WHO standards. The peak noise level of 70dB and the passing of 36 trains per hour will make St Mary's Church virtually unusable and many other community amenities will be similarly affected. Advice from an Engineer with experience in this area indicates that peak noise levels in the vicinity of your Petitioner's properties detailed in ES Volume 5 Technical Appendices Operational Assessment CFA10 SV-004-010 will be 64dB during 36 train passing events every hour with each event lasting several seconds. It is concerning that Buckinghamshire Councils have reservation about the methodology used to identify noise impacts and that there may be a degree of underestimation.

and in addition,

- g. Destruction of natural wildlife habitat, historic forest and landscape.

- h. Financial blight due to loss of tourism and concomitant unemployment.
- i. Financial blight to private property values.

Your Petitioner is qualified to comment on valuation matters being a General Practice Chartered Surveyor with direct experience in valuing Commercial and Residential properties in Wendover on a continual basis since 1967. From 1973 until 2013 your Petitioner owned an eponymous firm of Estate Agents and still carries out commercial and professional work from first floor offices at 8 High Street. Wendover has attracted a mix of traders and private dwelling purchasers many with wide experience of running things and as a result there is a large range of societies and activities and Your Petitioner has deep concerns that the operation of HS2 will affect this draw and result in a loss of appeal . The expected loss of occupiers in relatively high paid work will reduce the turnover of shops and hence rental and capital values of Your Petitioner's properties. It is an interesting fact that Wendover has traditionally commanded a premium over adjoining villages of approximately ten per cent in property prices. This is likely to be lost with the reduction of appeal of the village

Many of the shops in Wendover including the Gift Shop in Your Petitioner's property at 1 High Street benefit from tourism but also destination shopping from local towns with buyers attracted to the experience of a trip to an attractive historic town with some interesting shops. The majority of these people radiate outwards from close to London but the number will doubtless diminish if visitors are confronted with a massive viaduct dominating the entrance to the village as currently planned. The noise levels will further deter visitors. Fewer customers will result in less viability for the traders and consequently lower rental values or worse the demise of traders and empty units with direct effect on Your Petitioners retirement income.

Your Petitioner has reason to understand some of the issues which are causing his concern having already been directly affected and placed at considerable financial disadvantage when the scheme was first announced. From 1977 Your Petitioner owned an Estate Agency Business in Great Missenden. This office was run by a Partner whose sales in the South Heath and Ballinger area formed a significant part of the office income. Once the scheme was announced several agreed sales aborted with the loss to the firm of several tens of thousand pounds of income. The Partner who had run the office for 14 years found he could not easily replace this effectively lost area of operation and within 19 months decided the office was no longer viable and left. The office closed. This had been a successful and lucrative office. There is no compensation.

Construction Phase.

9. Your Petitioner avers that during construction the works would have the following long term negative effects on his personal interest in the properties:

- a. Irreparable damage to the Area of Outstanding Natural Beauty, including cultural heritage, historic woodland, wildlife habitat, footpaths and bridleways.

- b. The loss of valuable agricultural land.
- c. Prolonged and substantial degradation of main and local route surfaces by construction traffic in and around Wendover.
- d. An increase in health problems associated with construction vibration, noise, dust and light pollution, over an extended period of time.
Dust caused by chalk and soil from construction, excavation and storage; chalk spill dries out, creating dust, the effect of which will be made worse by the prevailing south-west wind, which blows directly onto the South West of Wendover.
Contamination of the area due to construction plant, materials, dust and spill.
- e. Strain on local community services such as the Wendover Health Centre.
- f. Long-term degradation of Emergency Services, due to dangerous road surface conditions in and around Wendover.
- g. Damage to the Wendover Campus School environment, including making adjacent playing fields unusable.
- h. Damage to St Mary's Church and churchyard, as a place of worship and as a community centre.
- i. The loss of Wendover's cricket ground and facilities, unless otherwise prior provided elsewhere.
- j. Prolonged disruption of traffic and substantial delays along all local roads including the A413, A41 and B4009, for an extended period of time.
- k. Additional strain on local police resources, due to the influx of itinerant construction workers.
- l. Lengthy loss of amenity due to restricted access to the Chilterns from South West Wendover for walkers, runners and cyclists. Many Wendover Residents, are regular user of these facilities.
- m. Additional costs to family budgets associated with local businesses bearing additional costs, due to travel disruption in and around the area.

The effect of these problems will cause a loss of revenue to traders and the start of a trend towards traders having to seek rent reductions to keep going with the consequential loss of income and as a corollary capital values to the direct detriment of Your Petitioner. This trend will continue in the operational phase as set out above

10. The HS2 Ltd Environmental Statement ES3.5.2.10.11 dated November 2013 Volume 5, map LV-02-037 shows that the whole of Wendover to be significantly affected during the Construction Phase, adding weight to your Petitioner's concerns regarding the whole range of environmental blight issues previously detailed, and is evidence that HS2 Ltd recognises the serious consequences of the planned construction methodology and its profound effect on the local community.

Fully-Bored Tunnel Alternative.

11. Your Petitioner proposes that the works be replaced by a fully-bored tunnel from Little Missenden to beyond the North Western boundary of the Area of Outstanding Natural beauty, for the following reasons :-

- a. In principle, the construction of a fully-bored tunnel was originally proposed and has been approved by HS2 Ltd, so this is a practicable solution that has already been researched and cost estimated. This option has already been described in an HS2 Ltd Report to Government, published in January 2012, as a better performer from a sustainability point of view than the option currently planned, with marginal cost implications.
- b. The advantages and benefits of a fully-bored tunnel are that many of the high impact noise, visual and financial blight problems will be mitigated and consequently ensure some protection of the Area of Outstanding Natural Beauty. Moreover, the fact that on the whole the mitigation is part of the basic build means that there is little possibility that cost savings can be made by skimping on the mitigation works.
- c. Financial blight of private property will be reduced, but not eliminated.
- d. Construction disruption could be confined to limited areas of the route.
- e. Leisure amenity will mainly be retained for the period of the construction, due to less restrictions of access to the South and West of Wendover.
- f. Health problems associated with spill, light and noise will be reduced; spill can be transported to where it will permanently reside, rather than have to be temporarily stored to the South West of Wendover and much of the dust, noise and light pollution associated with above ground construction will be largely eliminated in the areas most adjacent to dwellings.

12. The cost implications of providing a fair and proportionate compensation payments system, which should be introduced for the existing scheme, will be reduced if a fully-bored tunnel is used in this area. These benefits include a reduction in these compensation payments, and savings in the compulsory purchase of properties and land, and savings in the relocation of electricity pylons. There will also be less environmental impact.

13. Wendover is unique in that it is the only village along the length of the proposed HS2 route in Buckinghamshire that will be subjected to the whole range of blight effects highlighted above. Indeed, some of the purely financial blight effects have already been felt since the route was announced. Furthermore, due to the planning and construction timetable, some residents will become subject to the effects of financial blight in the future, even though their immediate plans do not include selling property to facilitate employment location changes, or to up or down-size; the present compensation plans do not cater for the actual effects due to blight and use an arbitrary distance threshold as a compensation trigger.

14. Financial blight is not proportional to distance alone. It has more to do with market perception, but is by no means less real for those affected, so a fair and proportionate compensation scheme should be devised that effectively reflects reality. Furthermore, there is a degree of psychological blight in the form of anxiety associated with the uncertainty that such a project brings with it, that cannot be quantified, but is none-the-less real for those whose plans have been disrupted, including your Petitioner.

15. The negative environmental, economic, social and health effects of the present scheme are real, prolonged and severe in their impact upon the community. However, some alleviation may be achieved by having a fully-bored and extended tunnel construction, instead of the scheme presently planned. If careful consideration is given to the effect of having a major above ground construction site, so close to a quiet rural community and for such an extended period, the conclusion must be that no promised amelioration can reduce the impact to an acceptable level. Previous promises associated with the construction of the Wendover bypass were not honoured and your Petitioner is not confident that promises associated with the construction phase of HS2 will be handled differently. The Wendover community is being subjected to a disproportionate level of blight due to the announcement of the HS2 route and construction methodology, which will continue through the construction and operating phase of the line.

16. 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 beyond the boundary of the AONB to the North West of Wendover, then the Bill should not be allowed to pass into law.

17. If the proposal of a fully-bored tunnel is rejected, your Petitioner and co-Petitioners propose that the mitigation works be guaranteed so that savings cannot be taken and that the further measures below be included in the works :-

- a. Further investigation be carried out into the alignment of the route South East of Wendover with a view to achieving a lower entry point into Wendover to avoid the need for the Small Dean viaduct and with the Green tunnel starting at least 400 m further South East.
- b. The existing proposed Green tunnel be extended North West, to beyond the boundary of the AONB.
- c. The maintenance loop be relocated to a less obtrusive position, or taken out as a cost saving.
- d. A fair and proportionate compensation scheme be implemented based on real blight, rather than arbitrary distance triggers.
- e. That a 40dB noise level maxima be enforced, in accordance with WHO guidelines, and that enforcement procedures be enshrined in clauses in the Hybrid Bill.
- f. That the Code of Construction Practice be enforceable by virtue of clauses in the Hybrid Bill.

YOUR PETITIONER therefore humbly 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 so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and 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 shall deem meet.

AND your Petitioner will ever pray, etc.

Petitioner

Christopher John Pallet

15th May 2014

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CONTACT DETAILS

Mr Christopher Pallet

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HOUSE OF COMMONS
SESSION 2014-15

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PETITION OF

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