

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2014-15

High Speed Rail (London – West Midlands) Bill

Against the Bill – 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.

THE HUMBLE PETITION OF Michael Alan Payne and Jean Angela Payne

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 petitioners (hereinafter referred to as “the Petitioners”) live at Court Leys, South Street, Wendover, HP22 6EF (see map CT-05-038 on last page of Petition)

They have lived in this property in Wendover for 28 years.

Michael Alan Payne is 66 years of age and Jean Angela Payne is 64 years old

The Bill would authorise the construction and operation of the railway through and near Wendover. According to the Environmental Statement Volume 2 Community Forum Area Report CFA10 for Dunsmore, Wendover and Halton, the proposed Wendover green tunnel construction (north & south) will start in 2017 and finish in 2020. In addition to the excavation period, worker compounds and the traffic associated with it will continue until 2025. These proposed workings at their nearest point are within 125 metres of your Petitioner’s property.

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 Petitioner’s property is shown in the Construction Phase Map CT-05-038 (copy attached).

8. Your Petitioners have been the recipients of letters and information in the post from HS2 Ltd, which indicate that it considers they are 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 entire 1.2km length 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 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. Your Petitioner’s property enjoys a rear garden that faces Bacombe Hill between Bacombe Lane and Ellesborough Road. This area of land will be part of the Wendover green tunnel and an area for spoil to be stored during the circa eight years of excavations. Your Petitioners know by history from the building of the Wendover by-pass that they will be unable to enjoy their garden because of excessive noise during HS2 construction hours.

13. Dust caused by the excavation of chalk and soil will blow directly onto your Petitioner's property situated some 125 meters from the green tunnel excavations. When dry, any further movements of this spoil will again carry dust onto your Petitioner's property by way of the prevailing south-west wind.

14. Your Petitioners live in an area of Wendover where there is little artificial lighting. The lighting required for winter time construction of the green tunnel will be invasive and could bring about health problems due to lack of sleep.

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

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

17. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty.

18. Substantial damage to the local cultural heritage, including St Mary's Church, where many generations of Michael Alan Payne's family are buried.

19. Your Petitioners regularly use footpaths to walk to Bacombe Hill, Small Dene and Dunsmore. These footpaths which are accessed along Bacombe Lane will be closed throughout the construction of Wendover's green tunnel.

Problems caused by the operation of HS2

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

21. The noise from these trains would cause an intolerable strain upon your Petitioner's 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.

22. The value of your Petitioner's house has already been adversely affected, and could remain unmarketable until HS2 becomes operational.

23. 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 and skate park, which would be destroyed.

The benefits of a fully-bored tunnel

24. 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 12-19 above and all the disadvantages set out in paragraphs 21-23 above.

28. Chiltern Ridges Action Group (CRAG) 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 is limited, and at all times be such as not to inconvenience other road users. A traffic management plan should be agreed with the local councils before any work commences.

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 the permitted working hours for all matters relating to construction be strictly limited to 8am to 6pm on weekdays, with an hour before and after for start-up and close down. **For tourism trade in Wendover there should be minimum construction work at weekends.**

37. 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.

38. 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 by way of local media and parish council notifications.

39. That artificial lighting at construction areas is limited to working hours and then minimised to a level required for safety and security.

40. 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.

41. That funding is made available to the local police force for increased staffing likely to be required due to the advent of a substantial construction workforce.

42. 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. **This must include instant compensation if owners cannot live in their property due to health problems brought about by construction noise and sleep deprivation.**

43. 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.

44. 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

45. However, if the proposal for a fully-bored tunnel is rejected your Petitioners propose the following mitigation:-

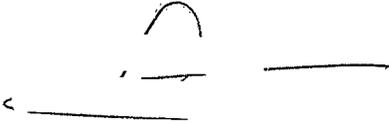
46. That the existing proposed green tunnel be extended to the south and north of Wendover.

47. That the mitigation proposed in paragraphs 33 to 43 above be adopted.

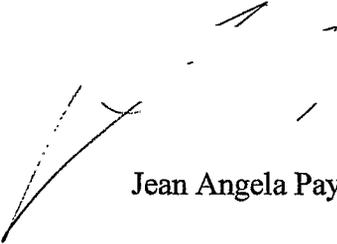
YOUR PETITIONERS therefore pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners as your Honourable House may deem meet.

AND your Petitioner will ever pray, &c.

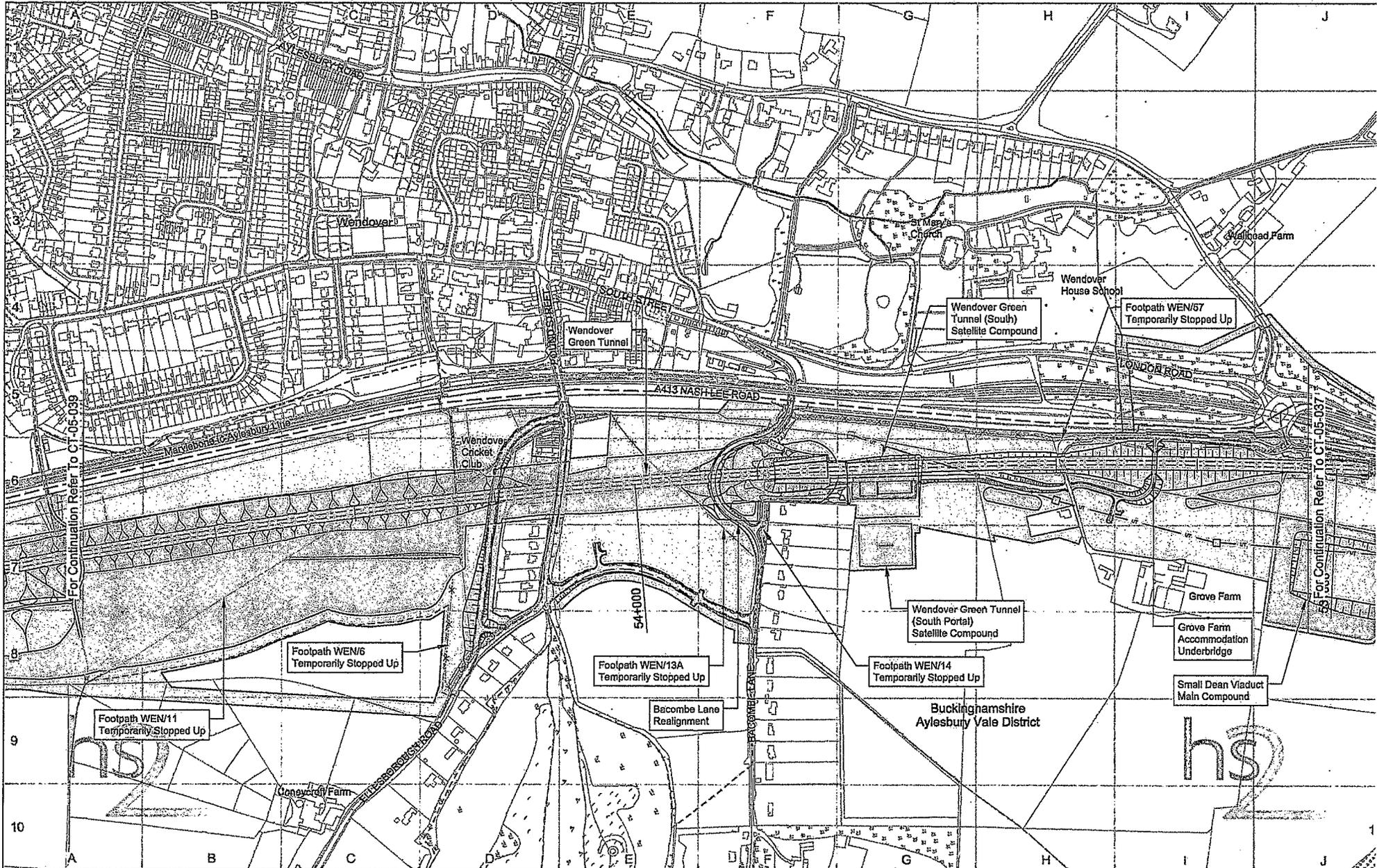
Signed.

A handwritten signature in black ink, consisting of a large, sweeping arch at the top, followed by a horizontal line, and a shorter horizontal line below it.

Michael Alan Payne

A handwritten signature in black ink, featuring a large, sweeping arch on the left side that curves upwards and then downwards, followed by several horizontal strokes.

Jean Angela Payne



Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Main construction compound
	Satellite construction compound
	Temporary material stockpile
	Rail alignment formation
	Landscape earthworks
	Engineering earthworks
	County boundary
	Borough / District boundary
	Land potentially required during construction
	Community forum boundary
	Existing watercourse
	Tunnels external extent
	Construction traffic route
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Temporary PRoW diversion / realignment
	Temporary highway diversion / realignment
	Main utility works
	Chalnage (e.g. 10+000)
	Rail alignment

Map Number: **CT-05-038**

Map Name: **Construction Phase**

Community Forum Area: **CFA10**
Dunsmore, Wendover and Halton

COURT LEYS SOUTH STREET

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Contact details: