

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 Patrick Joseph Fell & Julia Fish

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 48 Ellesborough Road, Wendover, Aylesbury HP22 6EL and 46 Ellesborough Road, Wendover, Aylesbury HP22 6EL respectively.

They have lived in these properties for 17 years and 11 years respectively. Their ages are 62 and 43 respectively.

The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 120 metres and 90 metres respectively of your Petitioners’ properties.

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’ properties lie within the Zone of Theoretical Visibility as shown in the maps that accompany the Environmental Statement.

8. Your Petitioners have been the recipients of letters and information in the post from HS2 Ltd, which indicate that it considers that 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 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 Petitioners have three main objectives: the first being to persuade your Honourable House to revise the diversion of Ellesborough Road during the construction period to ensure that there is adequate access by road to their properties; the second being to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover; and the third being to persuade your Honourable House to revise the compensation arrangements for these properties. Adoption of the second proposal would obviate the need for consideration of the first and third but there are also alternative mitigations for them.

**Problems of access to your Petitioners' properties caused by the construction process of the scheduled works**

11. The proposal to divert Ellesborough Road during the construction of the works involves severing connection to the access track to the rear of the Petitioners' properties, where the properties' parking areas are situated. This means that road access will be available only via the Ellesborough Road at the front of the properties. This is not practical for three reasons: the impossibility of parking there, the impossibility of turning a vehicle round in the road, and the severe difficulty larger vehicles would have in using the road.

12. The road here is very narrow. On the side further from the properties there is a steep bank rising from the edge of the road surface until it meets the surface of a field. The bank is covered with trees, bushes and grass and there is no footpath. On the side of the properties, there are vertical differentials of some 400mm and 750mm respectively between the surface of the road and that of the footpath. It is therefore impossible to park there and to open the doors on one side of the vehicle. There are then steep climbs from the footpath up to the properties. At the rear there is a gentle rise from the parking areas to the buildings.

13. The width of the road is insufficient to allow vehicles to be turned round and there will be no point in the road at which turning will be possible.

14. Any vehicle of any size, for instance those used for recycling collections, will be obliged to reverse the length of the road in one direction, past parked vehicles, as well as having to make a dangerous manoeuvre at the new junction with the diversion to Bacombe Lane.

15. The space available for parking at each of your Petitioners' properties would allow for three vehicles at most, compared with the six that can normally be accommodated at the rear.

16. This issue will directly affect three further properties, and the closure of the track will affect other properties in different ways along Ellesborough Road. The Environmental Statement of November 2013 indicates that a period of up to two years is required for construction of the Wendover green tunnel.

17. The Environmental Statement claims at one point (Vol. 2 CFA10, 2.6.38) that "Residential access will be maintained to the front and rear of the properties during construction". However the accompanying maps show no provision for this and a representative of HS2 has confirmed, since publication of the Environmental Statement, that access will be removed at the rear.

### **Mitigation for the problems of access to your Petitioners' properties**

18. Two mitigations are available. The first is to avoid building a green tunnel by lowering the line into a fully-bored tunnel. This forms the subject of other parts of this petition. As regards access to your Petitioners' properties, it would obviate the need to divert Ellesborough Road and to close off the access track. There would be no change to what obtains currently.

19. The second mitigation is to provide a connection to the access track from the diverted Ellesborough Road as it passes to the rear of the properties. It would appear from information currently available that this proposal would involve changes to the alignment of the diversion. However, as the scheduled works involve the nominated undertaker's occupying most of the field at the rear of the properties, there would be adequate space to accommodate this re-alignment.

### **Problems caused by the construction process of the scheduled works**

20. Your Petitioners aver that during construction of the scheduled works there would be the following effects:

21. 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.

22. 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.

23. Dust caused by chalk and soil from construction and excavation. 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' properties.

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

25. Substantial damage to the local cultural heritage, including St Mary's Church, which your Petitioners visit for religious and cultural occasions.

26. Disruption to power supplies caused by the need to move the electricity pylons near the line.

27. Disruption to footpaths, in particular paths W11 and W13a, which your Petitioners use on a regular basis.

28. 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.

29. 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**

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

31. Your Petitioners' view of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive structure of the green tunnel. The line would be visible from numerous viewpoints in the locality including their own properties which are within the Zone of Theoretical Visibility. In particular, the viaduct and embankments at Wendover Dean would constitute a permanent disfigurement. It would be overbearing and dominant in the landscape.

32. Your Petitioners' views of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes.

33. The noise from these trains would cause an intolerable strain upon your Petitioners' lives 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.

34. The values of your Petitioners' properties have already been adversely affected, and will continue to be so on a permanent basis.

35. The damage to local facilities would be substantial, both those of value to your Petitioners such as St Mary's Church for its religious and 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**

36. 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 20-29 above and all the disadvantages set out in paragraphs 30-35 above.

37. It would also eliminate the need to demolish houses in Ellesborough Road and to divert that road.

38. 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.

39. 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.

40. 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.

41. 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**

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

43. 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.

44. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.

45. 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.

46. 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.

47. 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.

48. 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.

49. That noise levels be monitored on a frequent and regular basis by an independent organisation, with the result of such monitoring being immediately made public.

50. That artificial lighting at construction areas be limited to working hours.
51. 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.
52. 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.
53. 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.
54. That full compensation for damage to properties or loss in property value caused by construction of the scheduled works be available to all those who suffer such loss.
55. 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.
56. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 43 to 53, 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**

57. However, if the proposal for a fully-bored tunnel is rejected your Petitioners propose the following mitigation:-
58. That the existing proposed green tunnel be extended to the south and north of Wendover.
59. That the mitigation proposed in paragraphs 43 to 56 above be adopted.

### **Compensation for impacts on your Petitioners' properties**

60. Your Petitioners submit that the compensation provisions in relation to property that is not compulsorily acquired are not sufficient to compensate your Petitioners adequately for the loss and damage they may incur as a result of construction of the high speed railway and associated development.

61. Your Petitioners aver that during the construction process there will be the following effects specific to the location of their properties, further to those set out above in paragraphs 20 to 29:

62. The properties will be isolated in that land both in front of and to the rear will be given over to construction activities, while the construction of the tunnel itself will be within 60 metres on a third side. The construction of the new road to Bacombe Lane and the works for the Western end of the diversion of Ellesborough Road complete the remaining side. Nos. 42-50 Ellesborough Road will in fact be an island surrounded by construction activities.

63. There will be a loss of adequate vehicular access to your Petitioners' properties, as set out above in paragraphs 11 to 19.

64. The Environmental Statement acknowledges more than once the extent of impacts on these properties. At Vol. 2 CFA10, 2.6.38 it states that "these properties will... be significantly affected by the construction of the green tunnel"; at Vol. 2 CFA10, 5.1.2 it recognises "impacts on amenity for residential properties on Ellesborough Road"; at Vol. 2 CFA10, 5.1.2 it states: "...residential properties on Ellesborough Road ...are predicted to experience in-combination effects...associated with the construction of the Wendover green tunnel". It goes on to identify visual effects including additional lighting and "significant daytime noise effects".

65. At Vol. 2 CFA10, 2.6.38, cited above, the impact of the construction of the green tunnel is actually called in mitigation of the decision to locate the diversion of Ellesborough Road to the rear of the properties. The additional effects of the road diversion will be "minor" in comparison.

66. As previously noted, the Environmental Statement indicates that a period of up to two years is required for construction of the Wendover green tunnel. Both your Petitioners have children of school age, who will be taking key exams including A-levels during this period and your Petitioners aver that this situation is not acceptable.

### **Mitigation for compensation for impacts on Your Petitioners' properties**

67. Your Petitioners therefore request that these properties be offered the same compensation as is available to properties in the Compulsory Purchase Zone and, in particular, that the full costs of moving, as well as the full value of the properties, be available in compensation.

YOUR PETITIONERS in the premises 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 Petitioners will ever pray, etc.

BACKSHEET

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL  
PETITION OF Patrick Joseph Fell & Julia Fish

Against the Bill – on merits – by Counsel, etc.

Contact details: Paddy Fell