

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 THE WENDOVER SOCIETY, REGISTERED CHARITY
NUMBER 258990

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 is The Wendover Society.

Background

6. Your Petitioner was founded in 1965, and exists to protect and enhance the charm and character of Wendover. Wendover is an ancient Market Town, celebrating the 800th anniversary of its Market Charter this year. It has a population of more than 9,000 and with the contiguous Parish of Halton and RAF Halton forms a conurbation of around 12,000 with a vigorous economy. Your Petitioner is the largest organisation in Wendover with around 475 full members and over 600 associates via corporate membership.
7. The Objects of your Petitioner include requirements to stimulate public interest and educate the public in the beauty, history and character of the Parish of Wendover, Buckinghamshire and the care and maintenance thereof; to encourage the preservation, development and improvement of features contributing to the pleasant and convenient living conditions of the inhabitants of Wendover; and to take such actions as the Committee may determine to further the Objects of the Society. Its many achievements include the preservation of mature trees in the conservation area which the Local Authority wished to remove, defining and protecting the status of the Metropolitan Green Belt within Wendover’s boundaries and frequently raising funds to assist other organisations that benefit the community.
8. Almost all of your Petitioner’s members are resident in Wendover, although some reside in the neighbouring parishes or have moved away from Wendover but retained their interest in your Petitioner’s aims and objectives.
9. Your Petitioner therefore asserts that its members’ interests, including their daily domestic, social, educational, working, commercial, cultural and /or community living, will be injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken within the parish of Wendover, and its neighbouring parishes between the Lee and Stoke Mandeville. Such Works are as set out in relevant sections of the Environmental Statement, Health Impact Assessment, Draft Code of Construction Practice and Draft Environmental Minimum Requirements, accompanying the Bill.

10. Your Petitioner's main objectives, in considering the operation of HS2, are to persuade your Honourable House to protect its current enjoyment of this tranquil part of the Chilterns Area of Outstanding Natural Beauty, and to maintain Wendover as a pleasant, vibrant community for all, including future generations, by discrete changes to its current alignment and by additional mitigation as it passes through Wendover.
11. Your Petitioner's concerns during the construction process of the scheduled works are varied and relate to the direct impact those works will have on its interests. In general, therefore, your Petitioner's objectives in this regard are to persuade your Honourable House to require the nominated undertaker to be legally obliged by the specific requirements of the Bill to limit the environmental impact during construction, as hereinafter set out.

Alignment

12. Your Petitioner asserts that the proposed HS2 scheme alignment, (both vertical and horizontal), and the extent of proposed tunnelling, has failed to demonstrate that the environmental impact on its community is adequately mitigated, or that due process has been followed in accordance with the EIA Regulations. The ancient market town of Wendover is an integral part of the Chilterns AONB, yet the proposed scheme makes a marked "kink" from its general alignment between Great Missenden and Aylesbury, taking it unnecessarily close to Wendover (and Stoke Mandeville) thereby increasing, rather than reducing impacts, particularly noise.
13. Moreover, your Petitioner is concerned that no cost benefit analysis has apparently been undertaken in respect of alternative alignment options in accordance with the Requirements of 2012 HM Treasury Green Book Supplementary Guidance "Accounting for Environmental Impacts". Such guidance requires a scheme promoter to monetise, (and hence compare) the adverse environmental costs, such as noise, with construction cost. Your Petitioner also asserts that any such alignment option consideration should also include the associated losses of property value. To date your Petitioner is only aware that alternatives, including options for extending tunnels, have been presented in the Environmental Statement with arbitrary subjective comments, and without any details of any cost benefit studies undertaken.
14. As Vince Cable, Secretary of State for Business, Innovation and Skills wrote in a letter to David Lidington MP dated 20th August 2013, in response to a representation by one of Mr Lidington's constituents concerning cost benefit analysis for HS2, "*It is HS2 Ltd's responsibility to undertake such an analysis in line with the procedures outlined in the Green Book. The Green Book*

Supplementary Guidance is intended to assist with the analysis of policies that have one or more specific environmental effects.”

15. Your Petitioner further asserts that in contravention of the National Planning Policy Framework Technical Guidance the proposed HS2 alignment has erroneously been routed along Stoke Brook's Zone 3 (highest category) floodplain, resulting in a vertical alignment several metres higher than would be necessary were the alignment to be relocated a few hundred metres away, i.e. further away from the centres of both Wendover and Stoke Mandeville. The raised vertical alignment also appears to your Petitioner to have contributed to an environmentally based decision to introduce an £18 million bypass of the A4010 around Stoke Mandeville as well as a very long raising of the Princes Risborough to Aylesbury railway line at a cost of £13 million according to FoI responses. An alignment shift away from the narrow floodplain would thus avoid any significant engineering constraint to extending either the Wendover Green tunnel or the Chilterns Bored tunnels alignments to the west of Wendover, whilst minimising the height and hence noise levels due to HS2 embankments in Stoke Mandeville.
16. Your Petitioner also asserts that the Maintenance Loop at the border of Wendover and Stoke Mandeville is an unnecessary additional expense to the project. In FOI 13_785 it was established that there are no specific UK or European engineering standards pertaining to the design of maintenance loops, no specific operational standards for maintenance loops, and that the optimum spacing between the maintenance loops for the HS2 route is dependent on the siting of the Infrastructure maintenance Depot. Section 6.3.1 below from the HS2 **Phase 2** consultation Route *engineering* document, Manchester leg refers to the siting of maintenance loops. This accepts that such loops can be approximately 60km apart and could be at a depot. Hence, since the Calvert maintenance depot is at Chainage 80, the omission of a maintenance loop at Stoke Mandeville (chainage 57+00 - which appears to be too close to it for any maintenance benefit,) could save circa £10 million or more, including associated lighting, access routes and buildings.
17. If a maintenance facility between Euston and Calvert can be proven to be operationally required, your Petitioner asserts that it would seem reasonable to combine its functions with the main Calvert depot, particularly as it is less than 20 minutes from the Calvert depot for maintenance trains. Removal of the Stoke Mandeville maintenance loop would not only avoid the detrimental impacts on the adjoining western Wendover community, arising from all-night flood lighting and noise, but would further facilitate reconsideration of horizontal and vertical alignment options away from Wendover. Your Petitioner therefore asserts that the Nominated Undertaker should undertake, in consultation with local community groups, detailed cost benefit alignment option studies to compare construction cost with monetised environmental impact.

Noise

18. Your Petitioner asserts that HS2 – a new railway, *must* be designed to best practice and not to lowest cost. The World Health Organisation 2009 Night Noise Guidelines (NNG) states “*For the primary prevention of subclinical adverse health effects related to night noise in the population, it is recommended that the population should not be exposed to night noise levels greater than 40 dB of Lnight , (i.e. 11pm to 7am which includes the period when HS2 trains are running) outside during the part of the night when most people are in bed. The LOAEL of night noise, 40 dB Lnight,outside, can be considered a health-based limit value of the night noise guidelines (NNG) necessary to protect the public, including most of the vulnerable groups such as children, the chronically ill and the elderly, from the adverse health effects of night noise.*” It is therefore completely wrong, in the view of your Petitioner that the noise mitigation strategy for HS2 in the Environmental Statement (ES), is to adopt the interim night time average noise level of 55dB in the NNG rather than the proposed 40dB.
19. Moreover, at night especially, your Petitioner agrees with NNG recommendation for the noise mitigation strategy that :-

“If the noise is not continuous, sleep disturbance correlates best with LAmax and effects have been observed at 45 dB or less. This is particularly true if the background level is low”.

“To prevent sleep disturbances, one should thus consider the equivalent sound pressure level and the number and level of sound events. Mitigation targeted to the first part of the night is believed to be effective for the ability to fall asleep.”

Based on an accepted differential of 15dB between internal and external noise level at building facades with windows open, i.e. 60dB max for optimum sleeping conditions in summer, your Petitioner has noted that for each pass-by of a train, which could occur every two minutes or less, the noise level will be exceeded by 100 – 150 homes and businesses in Wendover. The proposed intervention threshold peak noise level proposed in the ES of 85dB is 5 times as loud. Clearly the green tunnel is therefore not long enough to prevent severe health impacts due to high frequency train noise levels. Such peak noise levels will, your Petitioner asserts, last for several seconds. Even the High Street will experience such high noise levels, according to the ES data, interrupting everyday social discourse. It is worth noting that Sweden adopts the limiting 60dB max noise criteria, rather than average noise levels, according to The UIC (International Union of Railways) 2012 obligation, “Exploring bearable noise limits and emission ceilings for railways.

Part 1: National and European legislation and analysis of different noise limit systems”.

20. The predicted peak and average noise levels are calculated in the ES with noise barriers in place. Any higher will lead to landscape views worsening. Your Petitioner thus asserts that the extent of tunnelling should therefore be increased to ensure that operational average and peak pass-by noise levels are below long term WHO noise level guidance, particularly as not only sleep deprivation is at risk but also increased risk of heart attacks, irritability and hypertension, particularly in the very young and elderly.
21. In clause 9.4.16 of the ES, regarding Central Wendover, it is stated that the operation of the railway will “noticeably reduce tranquillity”. Clause 9.4.23 concludes a major adverse effect on Chiltern scarp due to magnitude of change. Many views, even in year 1 operation, conclude a “major adverse effect” e.g. Ellesborough Road, Bacombe Lane and Nash Lee. Clearly the alignment is not acceptable and no attempt has been made to seek suitable local revisions to the alignment in accordance with the stated priorities.
22. Your Petitioner asserts, therefore, that such unacceptably high pass-by and other noise levels should be mitigated by an alternative route around Wendover, incorporating an extended Chilterns Tunnel, or longer Green tunnel with higher noise barriers.

Landscape and Visual

23. Your Petitioner is concerned that landscaping must be incorporated around the green tunnel portal to disguise its bland grey concrete appearance as indicated in the ES.
24. Visualisations in the ES also omit showing overhead line electrification masts and catenaries. In winter, the night-time cold weather effect of electrical arc flashing, during the passage of trains, particularly the illumination of the night sky will be a detrimental feature of HS2 operations in the AONB, particularly in Wendover, where the line is so close to the town. This effect will be exacerbated where high viaducts and embankments are proposed to the south of the Town.
25. Particularly given the acknowledgement in Vol 2 9.3.7, regarding Wendover being described as a main “settlement” “having a high sensitivity to change” as do many other areas – e.g. Wendover Gap and Chiltern Scarp (Bacombe Hill), we consider that the use of a 15 year period to consider the establishment of trees and other screening of the proposed railway, is too long.

26. Your Petitioner therefore asserts that the nominated undertaker must provide effective screening of the railway, particularly where electrification masts and catenary cables will be visible to the detriment of Wendover residents whose night time environment will be drastically affected.

Hydrology

27. Your Petitioner is gravely concerned regarding the potential for groundwater contamination, especially around borehole extraction points. Also, regarding interruption of groundwater flows, particularly since there have been no scheme boreholes to check validity of the ES analysis.
28. Your Petitioner therefore asserts that any HS2 alignment should not be confirmed without a proper evaluation of the impacts on water resources, and drinking water, i.e. boreholes and standpipes placed and potential risks modelled and analysed. Having to use bottled water is not an acceptable risk to be borne by the population. This is particularly concerning given the Bill gives the SoS powers to accept lower standards of drinking water.

Ecology

29. Your Petitioner believes that it is unacceptable to risk death or injury, as the ES acknowledges, to the populations of bats, barn owls and other wildlife which, they may wish to continue to see safely living in their Chilterns environment. Your Petitioner asserts that this is another reason for extending the length of tunnelling throughout the Chilterns AONB.

Cultural Heritage

30. Your Petitioner is proud of Wendover as an ancient market town which this year is celebrating the 800th year since it received its market charter. Edward The Confessor held the Manor of Wendover in 1066. Wendover's cultural character has been preserved, partly by the approach of successive Lords of the Manor in protecting much of the town centre from ugly development. The English Heritage website lists 138 mainly Grade 2 nationally protected historic items in Wendover. There is considerable concern that the construction activity and the proposed proximity of the line to the town centre will damage our cultural heritage. Your Petitioner asks that the construction code should take account of this concern and hopes that additional tunnelling and appropriate heavy traffic control will mitigate the potential effects of the construction and operation of the proposed line.

Farming Community

31. Your Petitioner is concerned that the ES failed to include a discussion or any cost benefit analysis with regard to the effect of temporary loss of land of so many farm businesses in the Chilterns AONB. The viability of any farm business which incurs such land losses for seven years or more may lead to a failure of that business prior to long term (partial) land reinstatement once construction is complete. There is also concern that the effect of any job losses is not considered in the ES.
32. Your Petitioner therefore asserts that the risks of the temporary and permanent loss of farm landholdings during construction of HS2, and its impact on local employment and community cohesion, is unacceptably high and a further justification for tunnelling throughout the Chilterns AONB.

Effects on St Mary's Church, Wendover and Community users

33. Your Petitioner is concerned about the serious long term effects on this majestic, listed 14th century church with 11th century links and which has recently benefited from a refurbishment costing around £1 million. The proposed line passes around 150 metres from the churchyard and around 300 metres from the church. Wendover has considerable community activity and much of it takes place at St Mary's Church because it has the highest seating capacity in Wendover of around 300. It has been the home of the Wendover Choral Society for 50 years and of Wendover Music with its annual series of concerts by international artists. Peter Bassano, musical director, believes that the expected noise levels of HS2 at this location will make these activities untenable. Many other communal activities will also be affected. At least 13,000 annual individual attendances are estimated to be affected, and this does not include smaller events that also take place. There are no local facilities to relocate the major events. The total number of individual attendances at formal worship and ceremonies such as weddings is estimated at around 15,000 annually. The Church is also visited for private prayer and by many tourists on the local walking trails. Your Petitioner considers that unless there is a bored tunnel or an extension of the Wendover green tunnel the community activities of the town will be seriously damaged.

Effects on Play Areas

34. Your Petitioner is aware of the value to the children of the town from the various play areas maintained by the Local Authority. Some of these will be affected by noise and during construction by dust and traffic. Some are within 100-250 metres of the proposed line. Your Petitioner considers that these problems would

be eliminated by a bored tunnel or extension of the Wendover green tunnel and that unless such is granted some play areas should be re-located within the cost of the project.

The future of Wendover Cricket Club

35. Your Petitioner is aware that the main ground of the Wendover Cricket Club will no longer be usable if the current proposal is implemented. The Cricket Club is one of the most important social features in the town for people of all ages. It has around 400 members of whom 120 are junior members. Apart from the senior league teams there are enthusiastic junior teams and learners. The Club provides a healthy and enjoyable interest for these young people. Your Petitioner is aware that it takes at least 18 months after square construction to create a new cricket pitch and considers that, unless there is additional tunnelling that protects the main ground, the Cricket Club must be provided with a new facility in a time scale that ensures that there is no interruption to play. Your petitioner is also concerned that noise could make the Witchell training field unusable thus requiring a second new pitch.

Property Values and Blight

36. Your Petitioner is aware that Wendover has always been a popular town in which to reside. There are many reasons for this including the strong sense of community, as there are at least 80 social organisations for people to join. There is a high quality High Street with a range of both every day and specialist shops. The town is surrounded by the natural beauty of the Chilterns AONB. All these and other factors have meant that Wendover properties have traditionally had at least a ten per cent value premium over other communities in the area. The properties that are close to the open sector of the proposed line have already experienced massive falls in value, as much as 50% in some cases. Your Petitioner expects that almost all properties will fall in value by at least the 10% premium and some by much more due to the disruption of the construction period and the noise and visual effects of the proposed line when in service. We believe that a bored tunnel or extension of the green tunnel would largely mitigate this loss. The proposed compensation scheme will benefit only a few owners which seems unfair when Wendover will get no benefit whatsoever from HS2. Your Petitioner considers that if HS2 will benefit other parts of the nation then the nation should fully compensate those who are the losers in this project.

Problems caused by the construction process of the scheduled works

37. Your Petitioner avers that during construction of the scheduled works there would be the following effects:
38. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413, the B4009, the A41 and connecting roads and junctions which your Petitioner's members regularly use from time to time if not daily.
39. Your Petitioner asserts that the nominated undertaker should be bound by the Construction Code of Practice to design the alignment and to plan construction spoil movement such that the Chiltern railway line is utilised wherever feasible.
40. Your Petitioner asserts that the Code of Construction Practice and Environmental Minimum Requirements should invoke legally enforceable limitations in respect of design and construction obligations including operational and construction noise, dust, access, transport of spoil etc, and that terms such as "where reasonably practicable" should not be permitted. The enforcement methodology should be subject to detailed local consultation.
41. Your Petitioner asserts that any costs arising from a requirement, for whatever reason associated with the construction or operation of HS2, to employ increased police resources, fire services and ambulance services should not be borne by the local community, but by central government or the nominated undertaker.
42. Your Petitioner asserts that any costs arising from a requirement, for whatever reason associated with the construction or operation of HS2, to increase local health services should not be borne by the local community, but by central government or the nominated undertaker.
43. Your Petitioner asserts that any costs arising from a requirement, for whatever reason associated with the construction or operation of HS2, to increase street cleansing, or additional highway or bridge maintenance, should not be borne by the local community, but by central government or the nominated undertaker.
44. Your Petitioner asserts that any costs arising from a requirement, for whatever reason associated with the construction or operation of HS2, to divert, renew or alter any services, electrical water, gas, telephone etc should not be borne by local residents or consumers but by central government or the nominated undertaker. Any disruption to the consumer should be fully compensated.

Potential disruption to the local economy, including tourism, specialist shopping, and market through noise and traffic

45. Your Petitioner was surprised when the Draft Environmental Statement (DES) referred to Wendover as a 'settlement' when the combined population of the town and the contiguous Parish of Halton amounts to around 12,000 people and is a thriving regional centre. People come from a wide area to use the many specialist shops and the weekly ancient market. The economic analysis in the DES did not mention the important role of tourism in the local economy, for which Wendover maintains a tourist centre. There are many walkers throughout the year on the local trails such as The Ridgeway. RAF Halton was also not mentioned. This large training base employs around 600 people and often has up to 700 trainees in residence. Attendees at the regular passing out parades also make a significant contribution to the local economy when they stay overnight and spend locally. Wendover also has many small specialist businesses. Your Petitioner is concerned that the disruption of the construction period will seriously harm the Wendover economy beyond recovery unless there is a bored tunnel or extensions to the green tunnel.

Potential effects on schools, pre-schools, sheltered accommodation and nursing homes

46. Your Petitioner is aware that there are 13 schools, nurseries and childcare locations in Wendover and Halton. Together they provide around 2,100 educational and child care places. Most of the attendees live in Wendover but a fair number do travel from a wide area around. Many children travel on bikes or on scooters with their parents on very busy pavements. The Children's Room Day Nursery on South Street which has a roll of 132 children is only around 400 metres from the proposed line. Your Petitioner considers it vital that the nominated undertaker ensures that the code of construction conduct ensures that all these children can travel to school in complete safety.
47. Your Petitioner is particularly concerned about the possible effects on The Wendover Campus of Chiltern Way Federation of BESD Schools. It is the nearest educational establishment to the proposed line. The school is only 250 metres from the proposed line and its playing fields are only 150 metres away at the nearest point. The school has weekly boarding for children identified as having special educational needs relating to behavioural, emotional and social difficulties. The health effects of noise and the temptation of the proximity of the proposed construction and operational activity is likely to be very harmful to

these children. Your Petitioner believes that only more tunnelling could address this problem effectively.

48. There are five care and nursing homes in Wendover with a total of 165 rooms. The nearest to the proposed line is 400 metres away. There are also five blocks of sheltered housing the nearest of which is 500 metres away. Some of these facilities are in exposed positions. Your Petitioner asks that the nominated undertaker should liaise with these facilities to determine whether any special mitigation is appropriate.

Mitigation of the Operation and Construction of HS2

49. Your Petitioner believes that part of the scheduled works should be replaced by a fully-bored tunnel from its current portal at Little Missenden, to the end of the AONB to the north of Wendover, i.e. beyond Nash Lee Lane. This would avoid all of the operational and construction disadvantages set out above. Your Petitioner considers that current technology permits the noise impact from tunnel portals to be such that noise levels will not be higher outside a tunnel portal than they would otherwise be without a tunnel. On this basis your Petitioner does not envisage that a change in tunnel portal location would worsen noise impacts on neighbouring properties.
50. Your Petitioner considers that such tunnel extension should be optimised by a proper cost benefit analysis, incorporating monetised adverse environmental costs, landscape costs, loss of business to the local economy, and loss of property value in affected roads.
51. It is the view of your Petitioner that the siting of a Maintenance Loop at Stoke Mandeville has not been justified. It should be removed as set out above, and provision made at the Calvert Depot, in order that the horizontal and vertical alignments can be revised to reduce impacts, particularly noise, not only on Wendover but also Stoke Mandeville.
52. Your Petitioner avers that where your Honourable House disagrees with your Petitioner's proposed amendments to the HS2 Bill, that the existing green tunnel be extended from the South Dean viaduct (in full noise enclosure) to a sufficient distance beyond Nash Lee lane, and that noise attenuation elsewhere in Wendover parish be increased, so as to limit peak and average noise levels to within WHO guidance.

YOUR PETITIONER in the premises 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 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 as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

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M Beard

On behalf of the above-named Petitioner

BACKSHEET

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL
PETITION OF THE WENDOVER SOCIETY

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

Contact details: Michael Beard, Chairman, on behalf of The Wendover Society

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