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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, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF SHERRILYN JONES

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 (hereinafter referred to as “the Petitioner”) lives at Oaklyn, Nash Lee Lane, Wendover, HP22 6BG

She has lived in this property in Wendover for 18 years.
She is 50 years of age.

6. Since April 2010 your Petitioner has:

- attended at least two public meetings each year at which HS2 representatives were present
- attended forums and bilateral meetings with HS2 Ltd
- responded to HS2 consultations.

7. The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 100 metres of your Petitioner’s property.

8. Your Petitioner and her interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

9. Your Petitioner’s property is shown in the Operational Sound Contour Maps and Potential Significant Effects Draft Environment Statement Map Book dated 18/04/13 SV-01-20.

10. Your Petitioner has been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that she is affected by the Bill.

11. Your Petitioner will derive no benefit of any kind whatsoever from HS2, and accordingly will suffer twice, firstly as taxpayers having to fund it, and secondly by being subject to the disruption caused by construction and the permanent blight and nuisance caused by operation.

12. 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.

13. Your Petitioner’s main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through the whole of the Chilterns Area of Outstanding Natural Beauty (AONB) and to extend beyond the end of Nash Lee Lane and

the Chilterns Area of Outstanding Natural Beauty (AONB) boundary towards Stoke Mandeville.

Problems caused by the construction process of the scheduled works

14. Your Petitioner avers that during construction of the scheduled works there would be the following effects:

15. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected with that, leading to the inability of your Petitioner to concentrate during the day, and inability to sleep at night. In particular, the projected night-time noise will be substantially above the World Health Organisation guidelines. The noise projections given out by HS2 Ltd. have been of average noise, rather than maximum noise, which has the greatest and most harmful effect. Further, the Department for Transport has incorrectly used targets for upgraded existing lines rather than the proper target for new projects. Noise from the proposed 24 hour construction site opposite her house.

16. Vibration from the construction work causing damage to the Petitioners property which was built in 1930 with limited foundations.

17. Light over the construction area causing light pollution. Your Petitioner lives in an area where there is no artificial lighting, so this incursion of light would be very noticeable.

18. 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 Petitioner uses every day.

19. A serious strain on local community services such as the Wendover Health Centre, to which your Petitioner is a regular visitor, and the police, caused by an influx of construction workers.

20. Dust caused by chalk and soil from construction and excavation, leading to dust within the house and around the garden area. On storage chalk dries out, creating dust.

21. Substantial damage to this part of the Chilterns AONB with its exceptional natural beauty and legally protected landscape which is frequently enjoyed by your Petitioner, for example by the visual intrusion of the construction works. Further to this, the disruption to around 14 public footpaths and bridleways, including the famous Chiltern Way and Aylesbury Ring, and others such as the South Bucks Way, Icknield Way, Ridgeway Trail and Chiltern Link, which your Petitioner uses and enjoys on a regular basis.

22. Substantial damage to the local cultural heritage, including the listed St Mary's Church, which your Petitioner uses for both religious and cultural purposes. In particular, the noise from the Small Dean embankment will render it unusable for concerts, lectures,

weddings, baptisms and funerals both during construction and subsequent operation of the line.

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

24. The effect on the value of your Petitioner's property, which has already suffered blight for over four years, and will continue to do so throughout construction and afterwards.

25. Disruption to footpaths, which your Petitioner uses on a regular basis in the Nash Lee Lane area particularly WEN/4A/1, WEN/4/2, ELL/20/1, ELL/25/1, SMA/5/1, SMA/6/1, ELL/24/1 see Landscape Character Areas and Viewpoints map LV-11-20 dated 19/04/13.

Problems caused by the completion works and the operation of HS2

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

27. The operational noise of the completed railway, with trains passing every 2 minutes, is an unknown factor but due to the prevailing winds and the proximity of Nash Lee Lane to the green tunnel portal, noise is a very real and worrying possibility and would cause an intolerable strain upon the lives and affect the sleep of your Petitioner. Nash Lee Lane is in an area which at present is one of peaceful tranquillity. At the distance from the line where she lives the noise would be intolerable causing conversation to cease.

28. Vibration from the construction work and the passing of the trains causing damage to the Petitioners property which was built in 1930 with limited foundations.

29. The value of your Petitioner's house has already been adversely affected, and suffered blight for over four years and will continue to be so on a permanent basis.

30. Your Petitioner's view of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes. The line would be visible from numerous viewpoints in the locality including her own property which is within the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape.

31. 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, which would be destroyed.

32. With no proper hydrological survey having been carried out by HS2 Ltd., your Petitioner is concerned that the operation of HS2 will have a serious effect on the springs and aquifers that exist in Wendover, with potential risk to the quality of the drinking water. This

is a very serious concern and further hydrological investigations are needed to determine if the current route is feasible for this reason.

The benefits of a fully-bored tunnel

33. Your Petitioner proposes that part of the scheduled works be replaced by a fully-bored tunnel from Little Missenden to the beyond the end of the AONB to the north of Wendover closer to Stoke Mandeville. This would avoid most of the disadvantages set out in paragraphs 12-25 above and most of the disadvantages set out in paragraphs 27-32 above. Having the proposed fully-bored tunnel move towards Stoke Mandeville would reduce the noise problem for those houses around the Nash Lee Lane and Nash Lee Road area.

34. Chiltern Ridges Action Group (CRAG) and Chiltern district council (CDC) have proposed such a fully bored tunnel in a reports by Peter Brett Associates, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible. Your Petitioner proposes it is extended towards Stoke Mandeville and does not stop at Nash Lee Lane.

35. So far HS2 Ltd. has refused to seriously consider a fully bored tunnel. Moreover, HS2 Ltd. has not taken into account the value of the many benefits, both market and non-market, which a fully-bored tunnel would bring, such as the money saved by not having to compulsorily purchase properties and land, or compensate for blight, or move electricity pylons; by reducing the adverse health impacts on the community; by having a lesser impact on local businesses and tourism; and by not damaging the AONB, which is a legally protected landscape of national importance. These benefits are valued at over £500 million.

36. 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 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

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

38. 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.

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

40. 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.

41. 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.
42. 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.
43. 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.
44. That artificial lighting at construction areas be limited to working hours.
45. That a full hydrological survey be carried out to determine if the current route is viable or whether it should be moved to a more suitable location.
46. 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.
45. 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.
46. 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.
49. That full compensation for damage to property or loss in property value caused by construction of the scheduled works and subsequent operation of the line be available to all those who suffer such loss.
50. 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.
51. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 38 to 50, 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

52. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:

53. That the existing proposed Wendover green tunnel be extended to the south to meet the northern end of the Small Dean viaduct, and to the north to take the portal further from the edge of the town and Nash Lee Road / Nash Lee Lane.

54. That the Small Dean viaduct and embankment be of high quality infrastructure to be made as visually pleasing as possible, with enclosures and with the maximum use of noise barriers on both sides to minimise the damage to nearby countryside and St Mary's Church.

55. That the maximum amount of planting be used, at the earliest opportunity and with the use of mature trees able to grow quickly to at least forty feet high, in order to conceal the line from view at the earliest possible time so that your Petitioner can attempt continued enjoyment of the surrounding area.

56. That the mitigation proposed in paragraphs 38 to 50 and 53 to 55 above be adopted.

Mitigation for the operation of the line

57. If the line does go ahead, the following mitigation is proposed for the operation of the train:

58. That the speed of the trains be reduced as per the recommendation of the House of Commons Environmental Audit Select Committee Report, in order to minimise the potential audible impact on your Petitioner.

59. That there be a legally enforceable noise limit covering your Petitioner's street and surrounding area with substantial penalties for breach.

60. That full compensation for loss in property value caused by construction of the scheduled works and subsequent operation of the line be available to your Petitioner in light of the very close proximity of Nash Lee Lane.

61. That the maximum amount of planting be used, at the earliest opportunity and with the use of mature trees able to grow quickly to at least forty feet high, in order to conceal the line from view at the earliest possible time so that your Petitioner can attempt continued enjoyment of the surrounding area.

62. That, based on the example of HS1, a Community Fund of at least £25 million be established for the benefit of Wendover, which would not benefit from HS2 in any way whatsoever.

YOUR PETITIONER therefore 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 her 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.

Signed

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Agent for the above-named Petitioner

BACKSHEET

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL
PETITION OF SHERRILYN JONES

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

Contact details: Emma Claire Davies (Role B agent)
Address: 3 Coombe Avenue, Wendover. HP22 6BX
Tel:
Email: