

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 MARIAN CLAIRE WALLIS AND PHILIP ALEXANDER WALLIS, THE RESIDENTS OF NUMBER 9 COOMBE AVENUE, WENDOVER, HP22 6BX.

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”), Marian Claire Wallis and Philip Alexander Wallis, are the residents of Number 9 Coombe Avenue, Wendover, HP22 6BX.

6. The Bill would authorise the construction and operation of the railway, which runs within 300 metres of your Petitioner’s property.

7. Your Petitioner has:

- attended public HS2 meetings
- attended forums and bilateral meetings with HS2 Ltd.
- responded to HS2 consultations.

8. The interests of your Petitioner are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

9. 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.

10. Your Petitioner’s property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2., and, inter alia, in maps LV-03-036, LV-04-036 and SV-05-019.

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

12. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in Wendover, consisting mainly of the Small Dean viaduct, a high embankment between the northern end of the Small Dean viaduct and the southern portal of the Wendover green tunnel, the Wendover green tunnel, and the northern portal of the Wendover green tunnel. They include ancillary works such as satellite compounds, auto-transformer stations 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) ending at the AONB boundary to the north of Wendover.

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. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413, the B4009 and the A41. This will cause significant disruption, stress and delay to your Petitioner's daily commute to work.

16. 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, which would adversely affect your Petitioner.

17. Dust caused by chalk and soil from construction and excavation, leading to the spoiling of your Petitioner's use and enjoyment of their garden. 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 Number 9 Coombe Avenue.

18. 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 when out walking/cycling/driving, for example by the visual intrusion of the construction works. Further to this as a dog owner, the disruption to your Petitioner's regular enjoyment of local 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.

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

20. Disruption to power supplies caused by the need to move the electricity pylons near the line, which are in the immediate vicinity of Number 9 Coombe Avenue.

21. 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, enjoy the peaceful surroundings, 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.

22. Lighting over the construction area causing light pollution, which will disturb your Petitioner due to the proximity of Number 9 Coombe Avenue to the construction area. Number 9 Coombe Avenue currently has no light pollution at night.

23. The effect on the value of your Petitioner's property, which is of real concern due to the property being your Petitioner's biggest asset and investment. The property value will be blighted throughout construction and afterwards.

Problems caused by the completed works and the operation of HS2

24. Your Petitioner avers that the completed proposed scheduled works would have the following permanent effects:

25. The operational noise of the completed railway, with trains passing every 90 seconds, is an unknown factor but due to the prevailing winds and the proximity of Number 9 Coombe Avenue to both of the green tunnel portals, noise is a very real and worrying possibility and would cause an intolerable strain upon the life and affect the sleep of your Petitioner. Number 9 Coombe Avenue is in an area which at present is peaceful.

26. The views of the Chiltern Hills in the AONB, which your Petitioner enjoys on a frequent basis when out walking/cycling/driving, would be permanently scarred by the nearby Small Dean viaduct, embankment and green tunnel portals, in addition to the sight of 400 metre long trains passing every 90 seconds. It would be overbearing and dominant in the landscape and would abolish one of the main reasons your Petitioner has chosen to live in this area.

27. The effect on the value of your Petitioner's property, which is of real concern due to the property being your Petitioner's biggest asset and investment. Your Petitioner notes that another property in the street was recently removed from the market unsold. This blight will continue on a permanent basis once the line is in operation.

28. Local facilities that are of value to your Petitioner, for example St Mary's Church and the nearby wild meadow, would be substantially damaged. At present, Wendover is a thriving community with a good range of shops and many established businesses. The close proximity of HS2 with its attendant sight and sound will result in fewer visitors and will ultimately have a negative impact on local shops and businesses, many of whom may be forced to close. The loss of these facilities will lead to Wendover becoming a less desirable place to live for your Petitioner.

29. 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

30. Your Petitioner proposes 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 protect the AONB and avoid most of the disadvantages set out in paragraphs 15-23 above and all the disadvantages set out in paragraphs 25-29 above.

31. Chiltern Ridges Action Group (CRAG) and Chiltern District Council (CDC) have proposed such a fully-bored tunnel in reports by Peter Brett Associates, and HS2 Ltd. has confirmed that from an engineering and construction point of view a tunnel is feasible.

32. 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.

33. For the foregoing and connected reasons, your Petitioner respectfully submits that the case for a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover is overwhelming, and unless the Bill is amended by the inclusion of such a tunnel, then the Bill should not be allowed to pass into law.

Mitigation for construction of a fully-bored tunnel

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

35. 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.

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

37. 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.

38. 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.

39. 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.

40. 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.

41. That artificial lighting at construction areas is limited to working hours.

42. 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.
43. 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 levels to go to arbitration if agreement cannot be reached.
44. 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.
45. 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.
46. 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 Number 9 Coombe Avenue to the line.
47. That the opportunity is taken during the construction works to replace overhead electricity pylons with underground ones, which would have a positive impact on the Petitioner due to current visibility of these pylons from Number 9 Coombe Avenue.
48. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 35 to 47 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

49. However, if the proposal for a fully-bored tunnel is rejected, your Petitioner proposes the following mitigation:
 50. 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.
 51. 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.
 52. 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.

53. That the mitigation proposed in paragraphs 35 to 47 above be adopted.

Mitigation for the operation of the line

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

55. 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.

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

57. 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 Number 9 Coombe Avenue to the line.

58. 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.

59. 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 his protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

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Marian Claire Wallis
/

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Philip Alexander Wallis

