

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 AIDAN BYLES

HEWETH 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”.

7. The Bill would authorise the construction and operation of the railway through and near Wendover.

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

9. Your Petitioner and Local Residents 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 caused by operation.

10. The property of Local Residents 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 mail from HS2 Ltd, which indicate that it considers that Local Residents are affected by the Bill.

12. Your Petitioner has been invited to and has attended forums with HS2 Ltd.

13. 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 Wendover Dean viaduct; a cutting from the northern end of the Wendover Dean viaduct to Hartley Farm; an embankment between Hartley Farm and Road Barn Farm; Small Dean viaduct; an embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel, and the Wendover green tunnel. They include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings.

14. 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 AONB ending at the AONB boundary to the north of Wendover.

Problems caused by the construction process of the scheduled works

15. Your Petitioner avers that during construction of the scheduled works there would be the following effects on Local Residents:

16. 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.

17. A serious strain on local community services such as the Wendover Health Centre and the police, caused by an influx of construction workers.

18. Dust caused by chalk and soil from construction and excavation, leading to the exacerbation of respiratory problems suffered by Local Residents. 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 Wendover.

19. Substantial damage to this part of the Chilterns AONB with its exceptional natural beauty and legally protected landscape, for example by the visual intrusion of the construction works and the dumping of over 800,000 cubic metres of spoil at Hunt's Green. I am an ardent cyclist and walker. It is clear that HS2 will have a detrimental impact on routes an adverse impact on the environment that will detract from the quality of life in the area.

20. Substantial damage to the local cultural heritage, including the listed St Mary's Church, which is used for both religious and cultural purposes. In particular the noise from the trains on the Small Dean embankment will render it unusable for concerts, lectures, weddings, baptisms and funerals.

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

22. Disruption to public footpaths and bridleways, which many Local Residents and tourists use on a regular basis. These include The Ridgeway, which is one of only fifteen National Trails in England and Wales, and the Chiltern Way, the Icknield Way, the South Bucks Way, the Aylesbury Ring and the Chiltern Link.

23. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected with that, leading to the inability 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.

24. Light over the construction area causing light pollution. Many Local Residents live in an area where there is little artificial lighting so this incursion of light would be very noticeable.

25. The serious effect on the springs and aquifers that exist in Wendover, which feed into the Wendover Arm of the Grand Union Canal, and for which no hydrological survey has been carried out.

26. The effect on the value of property situated not just near the line but often at many hundreds of metres away from it, which have already suffered blight for over four years, and will continue to do so throughout construction and afterwards.

27. The effect on trade and commerce in Wendover, in particular the adverse effect on tourism, as evidenced by the construction of the Wendover bypass in 1997/8 which caused serious financial damage to many businesses, which in turn affects the social cohesion of the community.

Problems caused by the completed works and the operation of HS2

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

29. The views of Local Residents of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaducts and embankments 24 feet (13 metres) above ground level with gantries a further 16 feet (5 metres) high. The line would be visible from numerous viewpoints in the locality, as shown in the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape.

30. The views of the Chiltern Hills enjoyed by many Local Residents would also be permanently damaged by trains up to 400 metres long passing every ninety seconds.

31. The noise from these trains would cause an intolerable strain upon the life and affect the sleep of many Local Residents. The peak noise for those living nearby would be intolerable. For those living at a distance from the line the noise would be spread over a longer time period. The periods during which the noise would be heard would be longer than the periods without noise. This is in an area which is at present one of peaceful tranquillity.

32. The value of hundreds of properties belonging to Local Residents has already been adversely affected, with many belonging to those living near the line being unsellable, and would continue to be so on a permanent basis.

33. The damage to local facilities would be substantial, both those of value to many Local Residents such as St Mary's Church for its religious and community uses; those of value to young people such as the skateboard park; and those of value to Wendover as a community such as the cricket ground, which would be destroyed.

34. The damage to local businesses would also be substantial due to the negative impact of HS2 on tourism, as Wendover would become a less desirable place to visit with the sight and sound of HS2 being in close proximity.

35. 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, which feed into the Wendover Arm of the Grand Union Canal.

36. Your Petitioner is concerned at the placing of a Maintenance Loop between Wendover and Stoke Mandeville. This will be a permanent scar on the landscape with attendant noise and light problems, and would be better placed in an area where there will be much larger permanent works.

The benefits of a fully-bored tunnel

37. 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 avoid most of the disadvantages set out in paragraphs 16-27 above and all the disadvantages set out in paragraphs 29-36 above.

38. Chiltern Ridges Action Group (CRAG) and Chiltern District Council have both proposed such a fully-bored tunnel in reports by Peter Brett Associates. HS2 Ltd has confirmed that from an engineering and construction point of view the CRAG tunnel 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 justifiable speculation that the figure is considerably exaggerated.

40. 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 Local Residents; by having a lesser impact on local business and tourism; and by not damaging the environment. These benefits are valued at over £500 million.

41. 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

42. If a fully-bored tunnel is included in the Bill, your Petitioner proposes 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 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.
52. That the maximum level of toxic traffic emissions from construction traffic be agreed with the local county, district and parish councils before construction starts, such emission level to go to arbitration if agreement cannot be reached.
53. 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.
54. 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.
55. That full compensation for damage to property or loss in the value of property or business caused by construction of the scheduled works be available to all those who suffer such damage or loss irrespective of distance from the line.
56. 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 area.

57. 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.

58. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 43 to 57 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

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

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

61. That the Wendover Dean and Small Dean viaducts and adjacent embankments 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 residential accommodation, Wendover House School and St Mary's Church.

62. 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.

63. That the mitigation proposed in paragraphs 43 to 58 above be adopted.

Mitigation for the operation of the line

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

65. 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 help reduce the environmental impact.

66. That there be a legally enforceable noise limit covering the whole of Wendover and Dunsmore with substantial penalties for breach.

67. That full compensation for damage to property or loss in the value of property or business caused by the operation of the line be available to all those who suffer permanent blight due to such damage or loss irrespective of distance from the line.

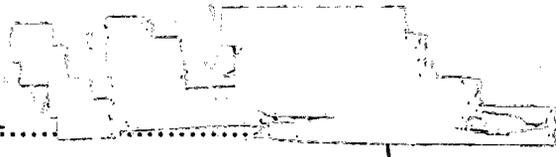
68. That the maximum amount of planting be used, at the earliest opportunity and with the use of mature trees able to grow quickly to at least forty feet high, in order to conceal the line from view at the earliest possible time.

69. That, based on the example of HS1, a Community Fund of at least £25 million be established for the benefit of Wendover, Dunsmore and Halton, none of which would 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.

Signature of Petitioner/Agent.....



IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL
PETITION OF AIDAN BYLES

Against the Bill – On Merits – By Counsel &c

Agent for the Petitioner:

Mrs Marion Clayton, 11 Pound Street, Wendover, Bucks HP22 6EJ

Telephone:

Email: