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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 Wendover Music : Charity No 1072921

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”) ,Wendover Music has been established in Wendover for twenty years, to promote improve, develop, and maintain public education in and appreciation of the art and science of music in all its aspects by the presentation of public concerts and recitals in St Mary’s Church.

The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 275 metres of your Petitioner’s concert venue, and it is within 325 metres of the entrance and exit of the proposed tunnel according to current plans .

6. Your Petitioner and its interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing. There will be excessive noise and vibration which will mean that it is impossible to hold a concert with such disturbances.

7. Your Petitioner was present at a meeting held on 26th February 2014 at St Mary’s Church where HS2 Ltd consulted those effected . The meeting was minuted by HS2 which indicates that it considers that the petitioner is affected by the Bill

8. 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.

9. Your Petitioner’s main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover.

Problems caused by the construction process of the scheduled works

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

11. Disruption of traffic and substantial delays along all local roads and possible closures caused by around 300 HGVs per day, especially the A413 and the B4009, which your Petitioner’s members use to access the concert venue.

12. Dust caused by chalk and soil from construction and excavation, will seriously impact on the performance of musicians and their instruments.

13. Substantial damage to the local cultural heritage, including St Mary's Church, which your Petitioner uses for cultural occasions.

14. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, will be detrimental to daytime concerts.

Problems caused by the operation of HS2

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

16. The noise from these trains would cause an intolerable disruption to your Petitioner's concerts.

17. 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.

The benefits of a fully-bored tunnel

18. 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 10-14 above and all the disadvantages set out in paragraphs 15-17 above.

19. 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.

20. 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.

21. 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.

22. 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

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

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

24. 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.

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

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. That artificial lighting at construction areas be limited to working hours.

32. 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.

33. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 24-32 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

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

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

36. That the mitigation proposed in paragraphs 33 to 46 above be adopted.

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

AND your Petitioner will ever pray, etc.

[signed]

Agent for the above-named Petitioner

BACKSHEET

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2014-15**

**HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL
PETITION OF Wendover Music**

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

Contact details: Marion Clayton

Address: 11 Pound Street, Wendover Bucks HP22 6EJ

Tel: 01494 441111

Email: marion@wendovermusic.co.uk