

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 Robert Philip Dixon and Sara Jane Dixon**  
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”.

#### About the petitioners, Robert and Sara Dixon

5. The petitioners (referred to as "Your Petitioners") live at 'Balquhiddier', London Road, Wendover, Buckinghamshire HP226PN. They have lived at this property (referred to as "Their Home") since September 1999 (over 14 years). Robert Dixon is 61 years old. Sara Dixon is 48 years old. They are the only occupants of Their Home. If the railway line is built by 2027, Robert Dixon will be 74 years old and Sara Dixon will be 61 years old. During a significant part of the intervening period, they will be affected by the construction phase; after 2027 (or such time as the railway line is completed) they will be affected by the operational phase.
6. Your Petitioners are injuriously affected by the Bill, to which they object for reasons, amongst others, identified in this Petition.
7. Your Petitioners have been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that they are affected by the Bill.

#### About Their Home

8. Your Petitioners own no other properties and Their Home was purchased with a view to being able to sell it at some point to further their retirement plans. Those retirement plans are currently affected by the loss in value already being experienced in relation to Their Home.
9. The Bill, as proposed, authorises the building and the running of a high speed railway line near Their Home. Their Home has been referred to by their Member of Parliament, the Rt Hon David Lidington, as being in '*one of the worst affected areas of the entire Phase One route*' in his February 2014 response to the Environmental Statement. Put simply, the proposed line would run across the front visual outlook of Their Home, above ground and over an embankment over the hills opposite Their Home, and then on a viaduct to the side of their property at the end of their road.
10. Their Home is shown on maps CT 05 037 and CT 06 037 of the Environmental Statement which can be exhibited as part of the hearing of their Petition. These maps are entitled the Significantly Affected Viewpoints during Operational and Construction phases. Photographs, which include rural views from neighbouring properties, of the area can be seen in the Environmental Statement Volume 5 CFA10 Landscape and Visual Assessment and are numbered: 101.2.003 (view east from dwellings on London Road, Small Dean); 101.2.004 (view east from dwellings on Small Dean Lane) and 101.2.006 (view from North West from dwellings on London Road, Small Dean).

11. Their Home faces the A413 between Great Missenden and Wendover. Behind it runs the small Chiltern Railways line between Aylesbury station and Marylebone station, London.
12. In detail, the proposed route of the line outlines that there will be an embankment between Hartley Farm and Road Barn Farm, a Viaduct near to Small Dean, and an embankment between the northern end of the Small Dean Viaduct and the southern end of the Wendover green tunnel. They will naturally (and are outlined on the maps referred to already) include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings. Their Home, and their legal and environmental enjoyment of it, will therefore be adversely affected given that these works will take place in the immediate area surrounding their home. Indeed, Their Home is approximately 350m from the line itself and approximately 550m from what will become the Small Dean viaduct. More accurate measurements will be provided at the hearing of their Petition.
13. Objection is therefore taken to both the construction and operation of certain of the Scheduled Works proposed to be undertaken in and near Their Home between Great Missenden and Wendover.

Your Petitioners' engagement with HS2 Ltd so far

14. Your Petitioners have a Wendover address. However, living just outside the main part of Wendover, they, along with their neighbours, have organised themselves as a group of occupants of the homes along the A413, falling within the postcode HP226PN. This road is occasionally referred to as 'Wendover Dean', albeit that strictly speaking Wendover Dean lies further to the south.
15. Your Petitioners have tried to engage positively with HS2 Ltd throughout the process. Your Petitioners are both business people who not averse to accepting change at a national or local level. However, their view is that, unlike other major national infrastructure projects such as motorways or other train routes, they will not benefit from this one. The route does not stop in Buckinghamshire. Furthermore, the apparent business benefits of the rail project are not immediately apparent to them.
16. Your Petitioners have been involved in Wendover Community Forum meetings and have held a meeting at their home, with other occupants of their road, with HS2 Ltd. They have also taken part in bi-lateral meetings with HS2 Ltd and occupants of Dunsmore (a village nearby). They have sought, and obtained, the support of their MP the Right Hon David Lidington, as well as local councillors, in their efforts to

engage positively with HS2 Ltd and have tried to suggest alternatives to HS2 Ltd's proposals where appropriate to the situation locally.

17. So far Your Petitioners have:

- a. Submitted, along with the rest of their road, a response to the Compensation Scheme (both the original and the re-run)
- b. Submitted, along with the rest of their road, a response to the Environmental Statement.
- c. One of Your Petitioners is the agent for many of the other inhabitants of the road as they too take part in the petitioning process.

#### About their objectives

18. Your Petitioners' main objective is to seek to be included within the Compulsory or Voluntary Purchase zones, falling as they do just a few metres outside these compensation areas. This will provide them with recourse for the loss of enjoyment of Their Home (both during and post construction) as well as compensation for loss in property value, which none of the current proposals from HS2 Ltd/this Bill currently achieves.
19. Their secondary objective is to ensure that, if they have to remain in Their Home post-construction phase, the railway line throughout the Chilterns AONB is encompassed within a fully-bored tunnel. This will minimise as far as possible any negative impacts on both their legal and environmental enjoyment of Their Home.
20. Their third objective is to ensure that, insofar as is practicable, the construction and operational phases of the railway line minimises the clear negative impacts upon their legal and environmental enjoyment of their home. This includes the formation of a 'new A413' road which would take the place of any haul/relief road used by HS2 Ltd.
21. Their final objective is to be adequately recompensed for all losses experienced as a result of the Bill and the Scheduled Works within it.

#### The proposed construction phase and its impact upon the road abutting Their Home

22. Their Home abuts the A413. It is not a dual carriageway – merely a single route in each direction. It is one of the main commuter routes between Central/South Buckinghamshire and London and has become increasingly more heavily used since the Petitioners moved to Their Home. The A413 will form one of the main routes for construction traffic to Rocky Lane, to the viaduct at Small Dean, as well as the usual traffic expected when constructing a railway line. Construction traffic will include not just those in the construction supply chain but with them will come increases in

the weight of the vehicles using the road as construction supplies are delivered and construction spoil etc. is removed. It should be noted that:

- a. At the moment, the A413 is already very busy especially at peak 'office and school' times (between 6.30am and 9am; again between 3pm to 8pm).
- b. It is also used as the main route for heart patients between Stoke Mandeville to the North and High Wycombe to the South.
- c. The road is not well-maintained at the best of times and can result in flooding to some of the properties in the road, further causing problems down the road.  
This is also the position with the drainage in Rocky Lane, opposite Their Home.

23. Your Petitioners therefore have concerns about its use during the construction phase.

24. Your Petitioners would suggest that during the construction phase, a road better suited to transportation of construction materials to the areas most needed should be built in order to avoid the existing A413 with all of its current problems. Most construction phases include 'haul' or 'relief' roads to enable this transportation and Your Petitioners assume that such a road is planned by HS2 Ltd. Your Petitioners propose that such a road could be converted to 'normal' use after construction and that this would become the 'new' A413, thus avoiding many of the current problems (which need to be budgeted for in terms of road upgrade and maintenance anyway) faced by those using the existing A413. Your Petitioners suggest that HS2 Ltd constructs a relief road from the roundabout at the Small Dean end of the Wendover by-pass, extending south-eastwards along the north east edge of the construction site all the way to the Wendover Dean viaduct and beyond, thereby removing all construction traffic from Your Petitioners' stretch of London Road and also from Rocky Lane. It is further proposed that HS2 Ltd. should, in conjunction with Bucks County Council Highways Department, construct this relief road to Public Highways Standards so that, following completion of the construction phase of the railway (during which it would be used exclusively for construction purposes), it can be readily used as a much needed extension of the Wendover by-pass to link up with the Great Missenden by-pass.

25. A meeting has already taken place regarding this potential relief road with Your Petitioners' MP David Lidington, and their local Councillor, and both have indicated their support for it. Your Petitioners currently await hearing from HS2 Ltd with a response to this proposal.

The construction phase and its impact caused by noise, dust, smell and the other impacts from the construction process.

26. Your Petitioners will clearly be impacted by the usual trappings of a major infrastructure project in such close proximity to a domestic dwelling such as noise, dust, smell, and other nuisances caused by operational activities. Whilst Your Petitioners will clearly have the usual common law remedies of nuisance etc., regardless of statutory planning limitations, it will be prohibitively expensive for Your Petitioners to bring such action/s, particularly if injunctive relief is sought. Such relief, if sought, may well slow up the construction process itself as part of the remedies sought by such recourse to legal redress. This would be of benefit to neither Your Petitioners nor to HS2 Ltd.
27. To provide them with a measure of protection during the construction phase, Your Petitioners would like to see a robust and enforceable Construction Code of Conduct akin to that which was employed during the 2012 Olympics. They would like to see it enforced by an independent authority that is neither HS2 Ltd nor any local political body.
28. Your Petitioners are not currently in need of constant or indeed occasional visits to the Wendover Health Centre but they may well be by the time construction begins and most certainly will be by the time it is completed. Your Petitioners would like to see some evidence that the availability of health and services will not be adversely impacted during the construction phase by the appropriate inclusion in the Bill of plans to avoid impacting upon local health services. Your Petitioners would also like to see some evidence that those who are part of the construction process itself will also be adequately catered for by the provisions of this Bill or of provisions issued within the Bill's remit.
29. Your Petitioners wish to effective provision made for the reduction in levels of inevitable chalk dust from the construction.
30. It is clear that air quality will be adversely affected (possibly with hazard to health) from the exhaust emissions from the construction traffic using the A413. There will also be storage and transportation of tonnes of chalk at the Hunts Green Farm dump site. Furthermore, the dust from the excavations of both the viaduct and the embankment are of considerable concern to Your Petitioners in such close proximity to Their Home.
31. In particular, Your Petitioners believe that asphyxiative and explosive gases are to be stored at the Small Dean compound with the consequent risk to health from build-up and lateral migration.

32. The noise and vibration, at all times of the day and night, which inevitably arises from construction work, are bound to lead to a loss of enjoyment of their Home during the day and night, with the consequent impact for both Your Petitioners on their ability to run their businesses effectively caused, particularly, by the inevitable lack of sleep.
33. The construction areas and compounds near to Their Home are likely to be brightly lit for lengthy periods which in this area of little artificial light will make sleep at night difficult.

The post-construction operation of the line

34. Your Petitioners' environmental and legal enjoyment of Their Home will be permanently impacted upon by the train line. They do not make this statement lightly. The small train line behind Their Home is an example of occupants becoming used to certain sights and noises – the Petitioners are not averse to noise! However, the proposed impact from noise and visual imagery is incomparable with that of the Chiltern Line.
35. In particular, Your Petitioners consider that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:
- a. Your Petitioners' view of The Chilterns AONB would be permanently scarred by the construction of two viaducts and an embankment with heights ranging from 10 to 18 metres and the associated catenaries on top of that. The line would be visible from numerous viewpoints and from Your Petitioners' own property.
  - b. The effect of trains up to 400 metres in length running as frequently as every 2 minutes will affect not just the tranquility of the area but also the ability of Your Petitioners to enjoy any aspect, whether inside or outside, of Their Home.
  - c. Your Petitioners are concerned regarding the use of a so called "sustainable placement" in the AONB at Hunts Green Farm. This placement will have a negative visual impact and will of course change the character of the area.
  - d. Your Petitioners object to the use of balancing ponds anywhere in The Chiltern AONB as these once again will drastically alter the unique character of the area.

36. Your Petitioners are of the view that a fully bored tunnel throughout the area of the Chilterns AONB would avoid many of the construction and operational issues outlined above. Your Petitioners seek therefore that the Bill is amended to allow for such a fully bored tunnel.

About Your Petitioners' wish to be bought out of Their Home

37. The purpose of a fair compensation scheme should be to ensure that those who are adversely affected by the planning, construction and operation of the railway are adequately compensated for the consequential loss, damage and nuisance they will suffer. Neither the initial (2013 and the re-run in 2014 after appeal) nor latest (2015) proposed compensation arrangements achieve this objective in relation to Your Petitioners and Their Home . The current proposals, particularly those relating to the compulsory and voluntary purchase schemes, are based on arbitrary considerations and do not compensate those (such as Your Petitioners) whose homes will be permanently blighted but who will not benefit from any of the proposed compensation arrangements.

38. Even allowing for such mitigation measures as are possible (such as noise barriers) it is clear that Their Home will suffer from significant noise and other pollution, not only during the construction of the railway but permanently once the railway is operating. The result of this is that Your Petitioners cannot now sell their home and are unlikely to be able to sell or sell at the full market value whilst the prospect of the viaduct and embankments (both literally and figuratively) overshadow their property; and the market value of Their Home will be permanently and substantially reduced by the noise nuisance and the proximity of both the viaduct and the cutting/embankment. Considering the nature, severity and duration of the blight which will afflict Their Home due to their proximity to the railway line, it is inequitable that Your Petitioners do not benefit from the compulsory or voluntary purchase schemes and it is improbable that the long-term hardship scheme will provide any or any meaningful compensation.

39. On any analysis and as illustrated by Your Petitioners' particular circumstances, a scheme which does not adequately or fairly address the blight caused by the planning, construction and operation of the railway affecting those in the vicinity does not achieve the Government's stated aim of providing fair compensation.

40. If Your Petitioners are not brought within the Compulsory or Voluntary Purchase zones, then they will require just and reasonable compensation. Currently they do not appear to be able to obtain this. It is worth noting that this failure to provide just and reasonable compensation to your Petitioners is inconsistent with the

statement made to the House of Commons by Philip Hammond MP (then the Secretary of State for Transport) that: "*... developing European jurisprudence in the area of property rights and the need for Governments to compensate is pointing towards more generous compensation becoming the norm and I suspect that will be the case for future projects ...*"

41. In the circumstances, your Petitioners would like to see the Bill allow for fair compensation arrangements which are determined, in accordance with clearly defined policies and criteria, by reference to the nature, severity and duration of the blight suffered by them as a result of the planning, construction and operation of the line. Your Petitioners require the diminution in market value at appropriate intervals as a verifiable and objective means of providing adequate redress. Furthermore, your Petitioners would require compensation for consequential losses.
42. It is clear from the above that Your Petitioners will have legal recourse during both construction and post-construction phases in relation to nuisance and other breaches of civil and criminal common law rights.

#### In Summary

43. Your Petitioners are severely and adversely impacted upon by the proposals contained within the Bill as proposed. They wish:
  1. To be brought within the compulsory or voluntary purchase zones
  2. For the proposed route of the train line throughout the whole of the Chilterns AONB to be within a fully bored tunnel
  3. For the construction and operation of a relief/haul road which will become a 'new' A413 post-construction
  4. For appropriate recourse to adequate compensation for the loss of enjoyment of Their Home.

YOUR PETITIONERS therefore pray in the premises your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they 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 Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for their protection, or that such other relief may be given to Your Petitioners as your Honourable House may deem meet.

AND Your Petitioners will ever pray, etc.

[signed]

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

**Petition of Robert Philip Dixon (1) and Sara Jane Dixon (2)**

Against the Bill – On Merits – By Counsel &c

Contact Details:

Robert and Sara Dixon

Balquhiddier, London Road, Wendover, Bucks HP22 6PN

Home Number:

Mobiles:

Email addresses: