

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,

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

THE HUMBLE PETITION OF Vincent Nicholas Luzar and Mandy Luzar

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

1 of High Speed 2 and works consequent on or incidental to such works. These works are called "the scheduled works".

About Your Petitioners

5. Your Petitioners (hereinafter referred to as "your Petitioners") are the owners of a property the address of which is Chiltern Milion, London Road, Wendover, Buckinghamshire HP22 6PN. The property is situated approximately 195 metres from the proposed HS2 railway line, at which point the line is on a raised embankment of approximately 18 metres high, 350 metres from the proposed Small Dean Viaduct, 1000 metres from the proposed construction site and 100 metres from the proposed balancing pond. For reference Your Petitioners' property is shown in map CT-10-020.

6. The Bill would authorise the construction and operation of the railway through and near London Road, Wendover and your Petitioners object to those parts of the works outlined below.

7. Objection is taken to the works proposed to be undertaken in and near London Road, Wendover between Great Missenden and Wendover. These works consist mainly of two viaducts, embankments and very large scale construction works in connection therewith.

8. Your Petitioners object to the negative environmental impact to the Chilterns Area of outstanding beauty (AONB). The construction and operation of the railway will cause irreparable damage to the protected environment. Therefore Your Petitioners support the Chiltern tunnel extension proposal for a bored tunnel from the M25 which will go under the whole of the Chilterns AONB. Consideration has been given to the European Technical Specification (TSI) on interoperability, who requires a special safety investigation for tunnel in excess of 20KM. The tunnel could be divided by a section of open air of approximately 500M and treated as two separate tunnels. This option is also supported by the Council for the Protection of Rural England

About Their Property.

9. Your Petitioners have already been approached by HS2 Ltd to compulsory purchase approximately two thirds of their land, excluding their domestic house. This means that Your Petitioners will be unable to continue using their property for personal equestrian use. The stabling and ménage that have been constructed will be redundant as they will be left with insufficient grazing land. The close proximity of the balancing pond and proposed railway will leave your petitioner with no choice than to incur the cost of relocating their horses to a more suitable environment. It makes no sense therefore not to have the entirety of their property compulsory purchased.

Your Petitioners' Objectives

10. Your Petitioners' first objective is to have the entirety of their property compulsory purchased.

11. Your Petitioners' second objective is to have a bored tunnel throughout the entirety of the Chilterns AONB.

12. Your Petitioners' third objective is the construction of a relief road.

13. Your Petitioners' fourth objective is to be compensated appropriately for the loss and damage they will suffer, depending on the approach HS2 takes to their objectives.

14. In summary, Your Petitioners aver that the adverse effects caused by the planning, construction and operation of the railway must be mitigated by HS2 Ltd as much as possible and that Your Petitioners who, despite such mitigation, are adversely affected should be adequately compensated for all the consequential financial loss, damage, nuisance, inconvenience, loss of amenity and personal injury that they will suffer.

Fully Bored Tunnel

15 Your Petitioners propose that the works be replaced by a fully bored tunnel under the whole of the Chilterns AONB for the following reasons: -

a. To minimise the devastation to a protected environment and maintain the AONB status of the Chilterns.

b. Financial savings through:-

- the reduction of number of claims for adequate compensation
- not having to build the two viaducts at Wendover Dean and Small Dean
- no need to divert Rocky Lane and construct an under bridge
- no need to complete embankment work or to compulsory purchase nearby properties

and therefore offsetting the cost of the bored tunnel. There are further benefits through the elimination of the construction work and construction traffic along the route of the A413.

d. The bored tunnel option will remove the negative effect of the additional construction traffic and additional workers to the area.

e. The A413 is used by all vehicles including:-

- cycles
- emergency services between Stoke Mandeville hospital and Amersham, John Radcliffe and High Wycombe hospitals.

- on many occasion horses and heavy moving ancient vehicles attending the local fetes and county shows.

f. All of which listed can be slow moving and have an impact on the speed & flow of the traffic. There is no doubt the additional construction traffic and workers will create a hazard and increase the likelihood of accidents and traffic jams on the A413 as well as an increase nuisance, increase hazard and undue anxiety to residents trying to obtain access onto the A413 during peak times. The bored tunnel option will eliminate much of this increased risk

16. The proposed bored tunnel will also eliminate the fact that, at present, Your Petitioners cannot sell their home and is unlikely to be able to sell, or sell at the full market value, whilst the prospect of the Small Dean viaduct (both literally and figuratively) overshadows the property. The Petitioners have resided at their property in excess of 23 years, purchased the additional adjoining land 14 years ago and created a smallholding with equestrian facilities for family use. They have made significant investment in the property to improve security and to make provisions for comfort and enjoyment of their home, none of this will be realised if the Bill is approved as a consequence it makes their ability to stay residing at the property untenable due to pollution, noise, stress and negative impact of environmental changes.

17. Furthermore, the market value of their home will be permanently and substantially reduced by the noise nuisance and the proximity of both the

- building of the Small Dean viaduct
- the cutting/embankment to the east
- the construction site planned to accommodate workers
- the balancing ponds (aka toxic ponds)
- the increase in traffic hazard to the A413
- the negative impact on the Chilterns AONB

18. Even allowing for mitigation measures (such as noise barriers) that may be proposed in the Environmental Statement, on the basis of existing data it is likely they will suffer significant noise and increase in pollution during the construction of the railway and permanently once the railway is operating. There will be increase of unavoidable stress & pollution suffered by Your Petitioners and other residents in the vicinity during construction and operating of the railway that will have a negative impact on their health and well being in the future leaving the NHS to incur the cost and find resource in dealing with the resulting outcome.

19. In principle the construction of a bored tunnel has been approved by HS2 Ltd.

Compulsory Purchase and compensation

20. If the proposal of a bored tunnel is rejected by your Honourable House, your Petitioner proposes the following mitigation:-

21 Your Petitioners request to be compulsory purchased. That purchase should be with no detrimental financial impact to Your Petitioners and should include the following

- Purchase at the Market value of property prior to announcement of HS2
- Purchase price to include the increase in market value they would have benefited from before the announcement of HS2 railway construction

22. Compensating consequential losses to be included:-

- the cost of moving fees
- the removal costs
- Solicitors fees
- the cost of Stamp duty for new residence
- Recovery of the investments made to the residence that Your Petitioners will not be able to realise nor enjoy
 - Recovery of costs for stabling, ménage and relocation of horses including transportation, any subsequent veterinary fees incurred as a result of stress or injury during relocation process. Ongoing costs for livery, and daily travel costs to offsite location of horses.
 - Your petitioner has spent a great deal of money, time and effort, replanting a traditional fruit orchard which they will no longer be able to enjoy or realise their efforts. Therefore they wish to be appropriately compensated to enable them to secure a similar property with the associated land, for them not to be negatively impacted by any move.

23. Failure to provide just and reasonable compensation is inconsistent with statement made to the House of Commons by Philip Hammond MP (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 cast for future projects..."

24. Your Petitioners' MP David Lidington acknowledges the situation in his response to the Environmental Statement as follows:-

'This area is one of the worse affected areas of the entire Phase 1 route.'

25. Consideration for how exceptional Your Petitioners' position is with the HS2 Ltd railway project should be taken into account and they should be fully and fairly compensated. Should Your Petitioners wish to be compulsory purchased due to the impact of construction and operation of the Railway then HS2 Ltd should not dictate

the criteria for compensation. The current compensation scheme is unfair and does not go far enough to cover the negative financial and human impact on individuals.

26. Once the construction has been completed and the railway operational. HS2 Ltd can put the residence back onto the market and recoup the compensation paid.

Issues during construction and operation

27. Your Petitioners are concerned on the impact of the current surface water issues they are experiencing, presently there is inadequate drainage resulting in surface water in the road (A413) causing the pavement impassable at times of heavy rain and flooding at the front of residential properties. During the construction and subsequent operation of the railway this will increase considerably.

28. According to the U.K. Government paper "**Future Water**"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69346/pb13562-future-water-080204.pdf

"Pollution from the surface can take a long time to travel through the ground to reach groundwater but, once it becomes polluted, it is often impractical to remediate it artificially. Natural recharge and recovery can take many decades to clean groundwater. For these reasons, preventative approaches to groundwater pollution is essential and in the long term the most cost effective solution."

29. Your Petitioners request that the surface drainage of the A413 London Road between Dunsmore Lane has new underground drainage in preparation to cope with heavy construction traffic and prevent surface water accumulation.

30. That all balancing ponds (aka toxic ponds) for railway and railway embankment drainage should also be to underground reservoirs with appropriate soakaways and not contribute to ground water pollution.

31. Your Petitioners aver that they will be seriously and adversely affected both during the construction phase and then during operation.

32. There will be serious disruption of traffic and substantial delays caused by the additional 300HGV's envisaged by HS2Ltd using the A413, and passing your

Petitioners' property as well as to B4009 with backups in congestion reaching as far as the A41 three miles away. There will be a significant impact on personal risk

through the unavoidable increase in the hazard the construction traffic will bring to the area.

33. The congestion will have a detrimental effect on the delivery of Emergency Services. The A413 is a major 24 hour Emergency Ambulance Service Route between Stoke Mandeville Hospital in Aylesbury and High Wycombe Hospital conveying heart patients between the A & E Department at Stoke Mandeville and the Cardiac Department at High Wycombe Hospital. Congestion in London Road Wendover will also impact on the journey times to local Health Care facilities located in Wendover. Visiting the shops in Wendover will become a more onerous task with the increase in journey time resultant on the congestion caused.

34. The chalk dust from the construction will be of great nuisance and it is inconceivable that the whole construction area can be kept damp to prevent the dust travelling large distances from the site.

35. Your Petitioners object to the use of balancing ponds (aka toxic ponds) in The Chiltern AONB as these will drastically alter the unique character of the area and negatively impact ground water pollution.

36. The noise pollution and disruption during construction and operation will be insufferable and Your Petitioners request every effort to mitigate the noise and disruption at their property and for their community be afforded by HS2 Ltd. This could include but not an exhaustive list

- Triple glazing to property
- Noise reduction fencing
- Appropriate screening to obstruct the impact of the viaduct and construction site.
- No parking in lay-bys by workers or visitors to the site outside of residents properties
- 24/7 contact for breaches of conduct and nuisances caused by the construction and immediate response or action taken.
- Compensation paid direct to residents when breaches or nuisances have been made
- Relief Road to be constructed to avoid the negative impact of construction traffic and additional workers in the area.
- Appropriate infrastructure put in place for the construction workers to have no negative impact on current residents.

37. Your Petitioners aver that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:

a. Your Petitioners' enjoyment of The Chilterns AONB would be permanently spoiled 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 Petitioner's own property. The enjoyment of their own property will be blighted due to the increase in noise pollution from the trains

b. The effect of trains up to 400 meters in length running as frequently as every 2 minutes will totally destroy the tranquility of the area and have a negative impact on Your Petitioners' enjoyment of their surrounding environment and a devastating impact to the Chilterns AONB where flora and fauna have been protected for a long time.

c. The noise from these trains will cause an intolerable strain upon Your Petitioners' life and consequentially cause health issues longer term.

d. The value of your Petitioners' house has already been adversely affected to such an extent as to be unsalable. The current proposals of HS2 Ltd for compensation are unacceptable and Your Petitioners seeks a further extension of the scheme to include your Petitioners' property which is, at present, excluded.

38. Your Petitioners draw the attention of your Honorable House to the fact that, in the Southern section of the AONB, the specification of the route has been altered to include tunneling by way of mitigation. This provision has not been afforded to the Northern section in which your Petitioner resides.

39. Your Petitioners therefore aver that, if this proposal is to proceed as a world class railway then the mitigation and compensation should also be to a world class standard.

40. Your Petitioners aver that The Chilterns AONB must therefore to be tunneled throughout.

YOUR PETITIONERS therefore prays 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 Petitioner will ever pray, etc.

[signed]


Vincent Nicholas Luzar


Mandy Luzar

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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF VINCENT NICHOLAS LUZAR (1) AND MANDY LUZAR (2)

Against the Bill - On Merits - By Counsel &c

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