

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

**PETITION**

Against - on Merits - [By Counsel], &c.

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

THE HUMBLE PETITION of John Cole

SHEWETH as follows:

1. A Bill (hereinafter referred to as "the bill") has been introduced and is now pending in your honourable House intituled "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 Mr Secretary 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") owns and resides at New Hope Lodge, London Road, Wendover, Buckinghamshire HP22 6PN. He has lived in this property for 24 years. He is 78 years of age. The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 380 metres of your Petitioner's property.
6. Your Petitioner and his interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

7. Your Petitioner's property is shown on map CT-10-020.
8. Your Petitioner has been the recipient of letters and information in the post from HS2 Ltd which indicate that it considers that he is affected by the Bill. 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 property was one of three in London Road used to take sound measurements for later comparison purposes.
10. 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 Chilterns Area of Outstanding Natural Beauty.

**Problems caused by the construction process of the scheduled works**

11. Your Petitioner avers that during construction of the scheduled works there would be the following effects:
12. The A413 (London Road) on which your Petitioner's property is located and which is his sole means of access, is a single lane in each direction and the normal volumes of traffic will be hugely disrupted by the large number of traffic movements of heavy vehicles and plant serving the construction sites. 300 HGVs per day will cause long delays along this and all local roads, especially the B4009 and A41, which he uses on a regular basis.
13. Air quality will deteriorate to the level of discomfort and hazard to health through exhaust fumes from the large number of heavy vehicles and plant using the A413, the storage and transportation of the many thousands of tonnes of chalk at the Hunts Green Farm dump site, the dust arising from the excavations for the viaduct and embankment.
14. Your Petitioner is also concerned 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.
15. Construction work, plant and spoil movements will produce substantial noise and vibration, leading to difficulties in concentration during the day and sleep disruption at night.
16. The construction areas and compounds will be brightly lit for extended periods which in this area of little artificial light will make sleep at night difficult.
17. Your Petitioner is concerned that although the Code of Construction Practice might be written to the highest standard, enforcement will not be total without independent monitoring and fast track arrangements for the raising and resolution of breaches.
18. Your Petitioner's house has been blighted since the announcement of HS2 in 2010 and its value will be adversely affected throughout the construction phase.

**Problems caused by the operation of HS2**

19. Your Petitioner's house has been blighted since the announcement of HS2 in 2010 and its value will be adversely affected on a permanent basis, rendering it impossible for your Petitioner to downsize while he is still in good health.

### **The benefits of a fully-bored tunnel**

20. Your Petitioner proposes that part of the scheduled works be replaced by a fully-bored tunnel under the whole of the Chilterns Area of Outstanding Natural Beauty. This would overcome most of the disadvantages set out in paragraphs 12-18 above and all the disadvantages set out in paragraph 19 above.
21. HS2 Limited has not taken into account the value of the benefits a fully-bored tunnel would bring, for example, not having to compulsorily purchase land and properties, or move electricity pylons, and not causing damage to the environment.
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 under the whole of the Chilterns Area of Outstanding Natural Beauty it should not be allowed to pass into law.

### **Mitigation for construction of the present proposal**

23. That construction traffic on the A413 and B4009 be permitted only during the agreed working hours, excluding rush hour (7-9am and 5-7pm) on weekdays.
24. That the number of construction vehicles using local roads be limited, and always such as not to cause inconvenience to other road users.
25. That all removed spoil be removed by rail, not road, to a suitable location and not be permitted to be dumped in the Chilterns AONB.
26. That before construction starts, a traffic management plan be agreed with the local county, district and parish councils, with arbitration being sought if agreement cannot be reached.
27. That for all matters relating to construction, permitted working hours be strictly limited to weekdays between 8am and 6pm, on Saturdays from 8am to 1pm, and no work at all on Sundays, with an hour before and after for start-ups and close down.
28. That before construction starts, acceptable noise levels be agreed with local county, district and parish councils, with arbitration being sought if agreement cannot be reached.
29. That an independent organisation be appointed to monitor noise levels on a frequent and regular basis, with the results of such monitoring being immediately made public.
30. That artificial lighting at construction areas be limited to working hours.
31. That before construction starts, the maximum level of toxic traffic emissions from construction traffic be agreed with local county, district and parish councils, with arbitration being sought if agreement cannot be reached.
32. 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.
33. That full compensation for damage or loss to property or loss in property caused by construction of the scheduled works be available to all those who suffer such loss.

34. That the Code of Construction Practice and all regulations and agreements dealing with all the above matters in paragraphs 26-36 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 a fully-bored tunnel**

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

36. That all the mitigation proposed in paragraphs 23-34 be adopted.

**Mitigation if a fully-bored tunnel is not constructed**

37. If the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:

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

39. That the Enclosure Draft Concept Noise Barrier Design Provided for HS2 Ltd by Arup 12.05.11 and presented at the High Speed Rail Noise Mitigation UIC 7<sup>th</sup> Annual Workshop on Railway Noise Reduction on 9 November 2011 be installed over the line as it passes over the embankment and viaducts at Small Dean and Wendover Dean.

40. That if the mitigation described in paragraph 39 is not provided, your Petitioner prays that good sound barriers be incorporated onto both sides of the viaducts and embankment.

41. That the mitigation proposed in paragraphs 23-34 above be adopted.

**Financial Compensation**

42. The value of your Petitioner's house is already blighted to the extent as to be unsaleable and it is outside the present compensation zones. The compensation proposals by HS2 Ltd are unacceptable and your Petitioner seeks an extension to the scheme to include his property so that he may seek compulsory purchase by HS2 Ltd.

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 as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

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