

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 WILLIAM, BRIDGET AND RUTH AVERY OF CASTLE HOUSE, 88 AYLESBURY ROAD, WENDOVER, BUCKS. HP22 6LX

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”) is William and Bridget Avery and our daughter Ruth of Castle House, 88 Aylesbury Road, Wendover, Buckinghamshire. Your Petitioner has been a resident of Wendover for 22 years and in the case of Ruth she has lived her entire life in Wendover. In addition, William and Bridget work in the local area. We chose to live in Wendover because of its idyllic setting in the Chilterns Hills where there are many places to visit and walks to take that are both beautiful and peaceful and of course for the facilities of the village and good access to London. Our house is not close to the proposed route but such is the tranquillity of Wendover that other than in the peak daytime we can clearly hear the occasional Chiltern line trains, sheep in fields 200 metres away to give two examples, and have no doubt that HS2 will be clearly audible from our house. However, our greatest concerns about HS2 is the direct effect on St Mary’s church resulting in the total destruction of the essential character of the church and surrounding burial gardens and the needless destruction of the Chiltern Hills that surround Wendover and the disastrous effect on the countryside that we love and enjoy and the effect that HS2 will have on many people and local economy.
6. We chose to move to Wendover because of St Mary’s Church. We attended a normal service before deciding and notwithstanding the snow on the ground, and were warmly embraced both by the people and the warmth from the efficient heating system and immediately knew we had found our future home. We have been regular attendees of St Mary’s since moving into Wendover and for us it is the focus of our life in Wendover since most of our friends are also regular attendees. William leads the music and is deeply involved in the fabric of the building and technology in the church, and in particular the specification of the refurbishment and reordering works to make sure that the new heating and lighting systems are entirely silent and optimised for worship and the many other activities that happen in the building for the benefit of the whole community. William is also a member of the Wendover Music committee which organises concerts at the church with international artists when the silence of the building is a prerequisite to holding such an event. Bridget has been churchwarden for 6 years and largely managed the major refurbishment and reordering and continues to be deeply involved in all activities. Ruth was baptised and confirmed at St Marys and remains a regular attendee. We are keen that what makes St Mary’s special to us and the wider community is not needlessly destroyed.
7. It needs to be understood that there has been a church on the site since the twelfth century and the present building dates from the early and later parts of the fourteenth century. It has recently been extensively renovated and is a much-loved place of worship and community facility, widely used throughout the week.
8. This church plays a key role in the community of Wendover and is used for both religious and community events. It has around 30,000 visitors a year, is the only concert venue within 7 miles of Wendover capable of holding 300 people and is used by a wide variety of community organisations as a meeting place and activity centre (notably University of the Third Age (“U3A”), Wendover Music and Wendover Choral Society).

From a religious perspective, the church and churchyard are used for two to three well-attended services each Sunday and occasional services during the week and dozens of weddings and funerals per year, church music rehearsals and meetings of groups associated with the running of the church (including the PCC).

9. The bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within 150 metres of the churchyard and within 275 metres of the church building. The green tunnel which is currently proposed for Wendover will not benefit St. Mary's as the church lies somewhat away from the village centre. Your church and its operations will therefore be exposed to all the sounds of high speed trains on the Small Dean viaduct and the embankment between that viaduct and the entrance /exit of the Wendover green tunnel.
10. Your Petitioner and his interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.
11. The church and churchyard is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2, and in maps CT-05-038, CT-06-038, CT-10-020, LV-04-037 and SV-05-019.
12. The Environmental Statement that accompanies the Bill acknowledges the expected detrimental impacts (particularly with respect to noise) on your Petitioner's church and its activities. These are specifically referenced at 11.3.15 and 11.3.20 of the Community Forum Area report for Dunsmore, Wendover and Halton (CFA10). Representatives from HS2 Ltd have further acknowledged those detrimental impacts in meetings with your Petitioner. The speech by Secretary Patrick McLoughlin in the House of Commons debate at the second reading of the Bill also referenced and acknowledged the significant impact on St Mary's (Hansard, 28 Apr 2014 : Column 569). Your Petitioner is encouraged that there is such widespread and senior ministerial recognition of the potential issues, but deeply concerned at the lack of effective mitigation that has been proposed.
13. During your Petitioner's meeting with HS2 Ltd, equivalent continuous (average) sound levels (*L_{Aeq}*) impacting St Mary's during construction and operation were discussed. HS2 Ltd suggested projected equivalent continuous (average) sound levels of 56-65 decibels during construction and 65-70 decibels during operation. They also recognized that peak noise during operation (when a train passes) would be substantially higher than the equivalent continuous sound levels published in the Environmental Statement. By coincidence, at the same time that that meeting was happening in the church a local drumming group was practicing in an annex to the church (at the other end of the church and upstairs). HS2 Ltd's acoustician estimated the level of noise from that drumming within the church at 45 decibels, an amount that was barely acceptable for a meeting in church and certainly not appropriate during prayer or contemplation, when listening to a sermon or reading or during a music concert. It is quite clear that both the construction and the operational phases of the planned HS2 project would make many

of the activities that St. Mary's supports (both in terms of worship and community activities) unsustainable.

14. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in and near Wendover. Your Petitioner's concerns about construction focus primarily on the Small Dean viaduct and the embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel. They also include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings. Your Petitioner's concerns about operation of the railway focus primarily on the issue of noise and visual intrusion of trains operating along the same stretch of line from the Small Dean viaduct to the southern end of the Wendover green tunnel. Your Petitioner is also concerned about the broader community impacts of the railway on the community that St Mary's serves and the long term detrimental effect of the train noise on the quiet enjoyment of our house and garden.
15. Your Petitioner's main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes Wendover.

Problems caused by the construction process of the scheduled works

16. Your Petitioner avers that during construction of the scheduled works there would significant noise and visual intrusion that will significantly impact the peaceful and successful operation of St Mary's Church as well as our house which is a Grade II listed Georgian structure and as such susceptible to road vibration, as follows:
17. Most particularly, your Petitioner is concerned about the noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, which will cause significant noise pollution and interference both to the churchyard and the church itself as well as the surrounding area to the detriment of those seeking the enjoyment of the countryside.
18. Within the churchyard, burials (which typically occur on weekdays and therefore during the times of proposed construction) will be substantially impacted. We judge that they may not be possible at all during the time when construction of the viaduct and embankment near the church is underway. The construction work will also impact the peaceful enjoyment of visitors to the churchyard, not least the many relatives who visit the graves of their loved ones at all times during the week.
19. HS2 Ltd have acknowledged that construction noise will also be audible within the church. While this should not impact Sunday services (given that construction, under the draft Code of Construction Practice ("CoCP"), will not occur on Sundays) it will significantly impact Saturday morning weddings, weekday funerals and other services and other activities held within the church during construction periods (including some

music concerts and rehearsals and meetings of community groups such as U3A). Groups that have hitherto relished the excellent acoustic and lack of ambient noise in and around St Mary's are likely i) to stop using the church, resulting in a significant loss of income and/or ii) potentially to fold, given the lack of alternative facilities within Wendover, resulting in a reduction in community amenity.

20. Your Petitioner is also concerned about the disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413 and the B4009. These roads are already very congested during weekday rush hour and the addition of further construction-related traffic at those times is unsustainable and will cause disruption to church activities and those of the community that the church serves as well as potential damage to our house.
21. Your Petitioner is also concerned about the disruption to power supplies caused by the need to move the electricity pylons near the line.
22. Your Petitioner is also concerned about lighting over the construction area causing significant light pollution. The area around St Mary's has little artificial lighting so this incursion of light would be extremely noticeable.
23. Your Petitioner is also concerned about the impact of construction-related dust, given the many older people that use the church and churchyard, many of whom have a propensity to respiratory illnesses.

Problems caused by the operation of HS2

24. Your Petitioner avers that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:
25. The whole atmosphere of peace and beauty in the immediate vicinity of the church would be permanently scarred by the obtrusive viaduct and embankment 42 feet (13 metres) above ground level with gantries a further 16 feet (5 metres) high. The line would be visible from numerous viewpoints around the church and its environs. It would be overbearing and dominant in the landscape.
26. The noise from trains up to 400 metres long passing every 2 minutes would cause an intolerable strain upon church parishioners and the community users of the church's facilities. It will cause a fundamental reduction in the utility of the church as a place of worship and as a concert and meeting venue. As noted in paragraph 11 above, HS2 Ltd have acknowledged in meetings with representatives of the church, including Bridget Avery, that the noise from trains (on a equivalent continuous basis) will be even greater than that experienced during the construction phase. This disregards the fact that on peak level basis as a train passes, the noise will be even greater and more disruptive making the true impact far more substantial than HS2 Ltd have yet disclosed. The

situation will also be worse than the construction phase, given that trains will run throughout evenings and weekends, ensuring a far broader impact on all of the activities of the church (including concerts and weekend services).

27. The impact of these very significant forms of noise pollution will include: a dramatic reduction in the quality of worship within and around the church building (much of which requires an atmosphere of peace and the opportunity for quiet and concentrated reflection), a reduction in the attractiveness of the building as a concert venue, a reduction in our congregation as parishioners choose to worship elsewhere, and a substantial loss of income from weddings, funerals, concerts and other bookings (such as U3A meetings). The development of the proposed railway threatens the very viability of St Mary's as Wendover's parish church.
28. In addition, the damage caused by the proposed railway to a wide range of local community facilities would be substantial. The damage to the church's community facilities is outlined above but we are also deeply concerned at the impact on other community facilities of value to Wendover as a community such as the cricket ground, which would be destroyed as a result of the proposed scheme.
29. We are also concerned that a train every two minutes will be clearly audible from our house and will drown out the underlying background sounds that are a feature of living in Wendover.

The benefits of a fully-bored tunnel

30. 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 16-23 above and all the disadvantages set out in paragraphs 24-28 and in part, 29 above.
31. 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. 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. 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 avoiding environmental damage within the Chilterns AONB. These benefits have been valued at over £500 million.
32. A similar fully-bored tunnel has also been proposed by Chiltern, Aylesbury Vale and Buckinghamshire County Councils along with the Chilterns Conservation Board, following a further study produced by Peter Brett Associates. It proposes a revised Green Route, all in tunnel, which goes under the River Misbourne at Chalfont St Giles as far as the A404. The route then follows a line east of Little Kingshill and west of Little

Missenden to cross under the River Misbourne, Chiltern Line and A413. It then runs parallel to the A413 passing to the east of Great Missenden with an intervention gap close to the A413 south of Bowood Lane. This is close to existing transport routes, lessening the effect of this open section. Access to the required gap for emergency purposes is accessible from the A413 and will be entirely underground.

33. Both of these proposed fully-bored tunnel solutions substantially mitigate the foregoing impacts to St Mary's church and its operations, listed under paragraphs 16-28 above.
34. 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

35. If 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 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.
 37. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.
 38. 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.
 39. That a traffic management plan be agreed before construction starts with the local county, district and parish councils, and such plan to go to arbitration if agreement cannot be reached.
 40. That the permitted working hours for all matters relating to construction be strictly limited to 8am to 6pm on weekdays, with no weekend operation at all.
 41. That acceptable noise levels be agreed before construction starts with the local county, district and parish councils, and such noise levels to go to arbitration if agreement cannot be reached.
 42. 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.
 43. That artificial lighting at construction areas is limited to working hours.

44. 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.
45. 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.
46. That funding is made available to the local police force for increased staffing likely to be required due to the advent of a substantial construction workforce.
47. That full compensation for damage to property or loss in property value caused by construction of the scheduled works be available to all those who suffer such loss.
48. 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.
49. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 35 to 47, 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.

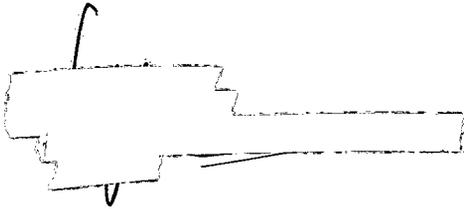
Mitigation for construction of the present proposal

50. The impact on your Petitioner's church and its activities by the proposed scheme is such that a fully-bored tunnel is the only realistic and practical approach to mitigation.
51. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes that the existing proposed green tunnel be extended to the south and north of Wendover, to include a solution in which the line passes under rather than over the A413 road and Chiltern line railway at Small Dean.
52. Given the inherent uncertainty of HS2 Ltd's sound level projections, your Petitioner also proposes a legally enforceable noise limit (based on WHO guidelines) on the operation of trains as they pass St Mary's church and churchyard. Any breach of those limits would result either in the immediate payment of compensation to your Petitioner or a halt in operation of the railway until sound levels are reduced.
53. In addition, under this more minimal approach to mitigation, we would propose that the specific construction measures outlined in paragraphs 35 to 48 above be adopted.

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.

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William Avery

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PETITION OF

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