

IN PARLIAMENT
HOUSE OF COMMONS
SESSION (2013-2014)

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – Praying to be heard 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 Christina Marilyn O’Toole and Michael John O’Toole.

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, and 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 the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise They include clauses which would disapply and modify various enactments relating to

special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

- 4 Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
- 5 Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
- 6 The works proposed to be authorised by the Bill (“the Authorised Works”) are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
- 7 Your petitioners are the freehold owners of Daffodil Cottage, Dunsmore, Wendover, Buckinghamshire, HP22 6QH, in which the Petitioners have lived since 1997. The Petitioners bought the property because of its scenic location in quiet surroundings. The Petitioners are members of The Dunsmore Village Hall Association and The Dunsmore Society who have engaged with HS2 Ltd. at Bilateral and Forum meetings and have been engaged in the consultations.
- 8 Your Petitioners’ rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your Petitioners aver that they are already currently affected, suffering blight, and will continue to be severely affected both in the construction of and operation of the proposed HS2 railway.

Current problems injuriously affecting your Petitioners

The Petitioners believe that their property is now blighted as it is in the HS2 corridor. (A description now used by Estate Agents). They bought their property in 1997 as a peaceful tranquil retreat for their retirement. Because of its location in the AoNB and in the then much sought after settlement of Dunsmore, they bought it at a premium price.

They foresee that in the near future they will need to downsize; this plan is now in jeopardy. Also affected is the value of their children's inheritance.

Problems in the Construction and Operation phases injurious to the Petitioners.

Your Petitioners aver that they will be seriously and adversely affected during both the construction phase and then during operation. The impact of noise, vibration, and light pollution, including electric sparking on health, from the high frequency of trains is considered by the Petitioners to be totally injurious especially for them in retirement.

There will be serious disruption of traffic and substantial delays caused by the daily addition of 300 HGV's envisaged by HS2Ltd using the A413, B4009 and the A41 during construction. The proposed closure of Smalldene Lane will mean that all vehicles will have to use the Dunsmore Lane junction with the A413. This junction was not given special analysis by HS2Ltd during the Environmental Statement despite comments in response that the traffic flows asserted by them are completely wrong.

The closure of Smalldene Lane will force your Petitioners when returning from Berkhamsted and Wendover to use the A413 and to stop and make a right turn to get home, crossing continuous and heavy traffic with limited visibility putting your petitioners and others at risk, including Emergency Services to Dunsmore and will impact on the journey times to the Health Care facilities located in Wendover. This could be injurious to the Petitioners and their property. As both Petitioners are asthmatic, easterly winds causing chalk dust from the construction will be a potential serious health hazard.

Your Petitioners currently enjoy little light pollution. The need for powerful lighting on the construction site and the construction camps will have a negative impact on 'dark skies'.

Noise from construction and operation will destroy the tranquility of the property. Although approximately 1km from the proposed line, there is nothing in the way to act as a noise barrier. HS2 Ltd noise assessment has not taken into account the topography of the valley or the tranquility levels. HS2Ltd. has repeatedly ignored requests to assess baseline noise levels, and although acknowledging that noise will be an issue in the valley have chosen to ignore it. HS2 in the local vicinity of Dunsmore is on 2 high viaducts and a huge embankment.

The Chilterns AONB would be permanently and irrevocably scarred by the construction of two viaducts and an embankment with heights ranging from 10 to 18 metres and the associated catenary above. The line would be visible from numerous viewpoints around Dunsmore. The cumulative effect would be overpowering and would destroy what is a nationally protected landscape and the area we are in will be irrevocably vandalised.

The effect of a maximum of 36 x 400 metre trains per hour will totally destroy the tranquility of Dunsmore and its environs. As mentioned above, Dunsmore enjoys relatively high levels of tranquility and it is a matter for regret, that, despite requests to HS2Ltd they chose not to undertake any sound surveys here; this, despite us having a private study done to establish a baseline level of noise. HS2Ltd has admitted that, as our settlement is located above the line we would experience serious aural and visual disturbance, yet have not produced any solution to this problem. The issue of night-time maintenance and track grinding is also an area of great concern to your Petitioners.

The noise from these trains will cause an intolerable strain upon your Petitioners' lives and sleep. During operation the noise will be every 90 seconds and will vary according to the trains' position either on a viaduct or passing along the embankment. This fluctuation has been shown in studies to present more annoyance and associated health risks than a constant loud noise.

Remedies

In the light of all the issues above your Petitioners assert that the only acceptable form of mitigation in this area would be a fully bored tunnel throughout the AoNB. HS2 Ltd. has acknowledged that this is technically feasible.

Failing the above, the 2 viaducts and embankment should be totally enclosed as per ARUP concept. Screening must be with mature trees.

There should be a legally binding Code of Construction Practice.

10. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray 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 their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signature of Petitioners in person,

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BILL

PETITION OF Christina Marilyn
