

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 DEBBIE WAVENY LEE

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 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.

- (1) Your petitioner, with her husband, is the joint freehold owner of Dunsmore Park and has lived in the village of Dunsmore near Wendover since 1993, having previously resided in Chesham Bois between Amersham and Chesham for the previous nine years.
 - (2) Dunsmore is the highest settlement in The Chilterns Area of Outstanding Natural Beauty (AONB) located some 750ft above sea level. Dunsmore experiences high levels of tranquility and particularly low levels of light pollution. The settlement has no mains drainage, no mains gas supply and fortunately no street lighting. It is approached only by steep single track roads which run from either the A413 London Road to the East and the Rignall Road to the West.
 - (3) Dunsmore has a large number of public rights of way and bridlepaths running through it and attracts walkers, horse riders and especially cyclists, as it is located on The Chiltern Cycle Way. The long distance footpath called The Ridgeway runs just to the west of the settlement attracting many walkers. Many of the paths and tracks run along the ridge on which Dunsmore is situated, giving far reaching views across and along the Misbourne Valley through which it is proposed to run the HS2 line on two viaducts and an embankment, all of which will be up to as high as 18 metres (59 feet) above existing ground level, together with gantries of a further 20 feet high above that, with all-day and all-night floodlighting for security and maintenance purposes.
- 8 Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 9 Your Petitioner avers that she and her family will be seriously and adversely affected not only during the construction phase but also forever afterwards during the operation of HS2. Your Petitioner sets out below details of the injurious affection that will be caused by HS2 to her interest during the long construction phase, while her husband, William Timothy Simon Lee, will include in his Petition the permanent injurious affection caused by HS2 to both her husband and herself.

Your Petitioner avers that the operation of HS2 during the construction of the proposed scheduled works would have the following effects:

(1) Traffic Disruption

1.1

There will be serious disruption of traffic and substantial delays caused by the additional 300HGV's envisaged by HS2Ltd using the A413, B4009 and the A41. 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 that the traffic flows asserted by them are completely wrong.

1.2

Your Petitioner is particularly concerned that she will suffer serious delays caused by this extra traffic and access and exit at this junction to her normal daily routine.

1.3

The inevitable congestion will have a detrimental effect on the delivery of Emergency Services to Dunsmore and will impact on the journey times to the Health Care facilities located in Wendover, both for your Petitioner and her husband.

1.4

Assuming the shops in Wendover will survive the inevitable loss of trade that the construction will bring, then even daily visits will become a far more onerous task with the increase in journey time resultant on the congestion caused. This will no doubt have the resultant effect of encouraging your Petitioner and other residents of her village to conduct their shopping and other tasks in other towns instead of their preferred local centre of Wendover.

(2) Visual Damage

The location of Dunsmore on the ridge of the escarpment overlooking The Misbourne Valley means that the views to the east which are currently a beautiful and protected landscape under Section 85 of the CROW Act 2000 will be lost forever. Your Petitioner has for years walked the tracks and paths around Dunsmore, This highly enjoyable recreation will be lost for a considerable time during construction as the views will be of cranes and construction as shown in the Zone of Theoretical Visibility (ZTV) maps in the Environmental Statement issued by HS2Ltd. The proven beneficial health effects of walking will be negated by the reluctance to walk alongside and overlooking such a gargantuan construction site.

(3) Air pollution

The chalk dust from the construction will be of great nuisance when we have easterly winds and it is inconceivable that the whole construction area can be kept damp to prevent the dust travelling large distances from the site during dry weather periods.

(4) Spoil Dumps

Your Petitioner objects to the use of a so called "sustainable placement" in the AONB at Hunts Green Farm across the valley from Dunsmore. Such placement will have negative visual impacts and completely change the character of the area.

(5) Balancing Ponds

Your Petitioner objects to the use of balancing ponds in The Chiltern AONB as these once again will drastically alter the unique character of the area, as well as causing pollution and danger to both people and wildlife.

(6) Light and Noise Pollution

6.1

As mentioned above Dunsmore is an area virtually free from light pollution and the need for powerful lighting on the construction site along the line and the construction camps will have a deleterious effect on the "dark skies" currently enjoyed in the settlement.

6.2

While the effect of permanent noise rising up the valley from the elevated railway line once the construction of HS2 has been completed and trains are running at not less than 1½ minute intervals is fully recognized and clear, your Petitioner is greatly concerned that similar sorts of intermittent noise during the long period of construction from both work camps and along the line will affect both her life and enjoyment of her property and local environment.

(7) Possible Increase in Crime

Your Petitioner with her family moved to Dunsmore before the Wendover by-pass was constructed and opened in 1998. She and other villagers noted a distinct increase in crime levels within the local area during its construction, which phenomenon has been confirmed by long-term residents as well. Your Petitioner is fearful that with so many work-camps and workers brought in to the local area to be employed on the building of the above-ground railway line that local crime levels will inevitably increase. Unless the staffing levels of police or other security forces are greatly increased, residents will need to be even more vigilant to prevent rural crime. Your Petitioner is concerned about the possible danger to herself as well as damage, burglary and vandalism to and from her property during this long construction period.

(8) Fair Compensation (or the lack of it)

8.1

The value of your Petitioner's house and property has already been adversely affected due to the proposals to construct HS2. This can only increase during the long construction phase when it is likely to be unsaleable at a reasonable price which would have been obtained prior to the announcement of HS2 in March 2010 and permanently thereafter.

8.2

Due to impending retirement, your Petitioner and her husband are in the process of having to "down-size". Your Petitioner's existing main house at Dunsmore Park will have to be sold, the proceeds providing much needed funds to act in effect as a "pension" fund or to provide for possible future care costs.

8.3

The learned Judge determined that the Government's original consultation on its proposals for compensation was "so unfair as to be unlawful". The Government, having lost its appeal, carried out a second consultation but did so before it published the draft Environmental Statement. This revealed the absolutely disastrous proposals for the environment that are to be imposed upon your Petitioner's local community. As a result the responses to the second Compensation consultation were made by your Petitioner and other residents of his village and local community without the full knowledge of these latest destructive proposals and thus your Petitioner opines that second consultation on compensation is again "so unfair as to be unlawful". Your Petitioner also avers that such unfairness and complete dismissal of all the local community's reasonable objections has been the default position of the Government's and HS2 Ltd's attitude on this HS2 project right from the start.

8.4

Your Petitioner has been advised by well-known and highly respected national and local estate agents that her property has been reduced by an amount of up to £250,000 or 20% of its pre-HS2 2010 market value. Yet, even under the Government's latest compensation proposals, not one penny of compensation is likely to be paid to him. Indeed, your Petitioners opines, very few above the original miniscule number of 1½% of home-owners in the rural areas who have suffered and will continue to suffer financial loss will receive any compensation either. As Cheryl Gillan MP has said, your Petitioner and all who live within at least a mile of the proposed line above ground will suffer "all of the pain, but none of the gain".

8.5

Without any solid evidence to back it up, the Government claims that market values of residential property currently affected by HS2 will return to previous levels once HS2 has been constructed and the trains are running. Even if that were so, which your Petitioner doubts, she is rightly concerned that she and any other property owner directly affected already should have to wait for over 20 years before having the opportunity to prove that values have been detrimentally affected as they certainly are now. Your Petitioner opines there is clear evidence that the recent increase in rural house prices has not been applicable to houses directly affected by HS2, such as her own, and from past experience of properties affected by major developments, it is unlikely that the values of those properties will ever catch up again.

(9) Remedial Measures

Your Petitioner opines that HS2 Ltd and the Government should, in dealing with such problems as listed above, have adopted the principle of "Avoidance" followed by "Mitigation" and if not possible, "Compensation". In the view of your Petitioner they have done none of these in their current proposals.

9.1

HS2 Ltd has attended bi-lateral meetings with The Dunsmore Society and residents of Dunsmore, including your Petitioner. Residents have also attended the CFA 10 meetings.

9.2

At these meetings it was made clear to HS2Ltd that the only mitigation to protect the AONB in this area and for the residents of Dunsmore, including your Petitioner's interests, was to lower the line into a fully bored tunnel to run to a position north of Wendover.

9.3

HS2Ltd has admitted in its Environmental Statement this solution is technically possible but rejected it on cost grounds, despite being very reluctant to discuss costings citing "Commercial Sensitivity". This does not seem to make sense as until the Royal Assent is obtained, no contracts can be awarded unless huge penalty clauses are in place.

9.4

Local organisations such as Wendover HS2 and the Wendover Society have in their submissions to HS2 Ltd and Parliament proved without doubt that any extra cost of such tunneling is effectively minimal in relation to the overall enormous cost of HS2.

9.5

Such tunnelling, either in accordance with the CRAG proposals or the latest Chiltern District Council "Green Route" tunnel proposal, avoid most, if not all of the problems discussed and described by your Petitioner above and can be the only solution in saving the character and appearance of the AONB, which Ministers of the Crown and elected politicians have a legal duty to defend, apart of course from scrapping HS2 and preventing the Government from wasting such an enormous amount of taxpayers' hard-earned money on this HS2 financial and environmental folly.

9.6

Your Petitioner opines that it cannot be lawfully right that whilst the southern section of the AONB has received tunnelling by way of mitigation this protection has been denied to the northern section. Indeed your Petitioner avers that this current denial by the Government and HS2 Ltd on the so-called grounds of a minimal extra cost flies in the face of its proposed mitigation within HS2 Phase 2 when skirting around the parliamentary constituency of Tatton, which just so happens to be the seat of the current Chancellor of the Exchequer, at an extra cost of as much as £600 million.

9.7

If the route and proposed construction of HS2 is to proceed as a world class railway then the mitigation should be of a world class standard as well. If the route of HS2 through the Chilterns AONB were to be tunnelled throughout, HS2Ltd would have a whole range of routing options that is denied to them using the surface routing. In the opinion of your Petitioner this would lead to a reduction in overall cost and a reduction of disturbance and injurious affection to the residents of Dunsmore and your Petitioner.

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.

be allowed to pass into law as it now stands and that he 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 Petitioner 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Debbie Waveny Lee

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