

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 WILLIAM TIMOTHY SIMON LEE FRICS

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, together with his wife, 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 he and his 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 permanent injurious affection caused by HS2 to both his wife and himself, while his wife, Debbie Waveny Lee, will include in her Petition the injurious affection caused by HS2 to our joint interests during the long construction phase.

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

(1) Visual Intrusion

1.1

Your Petitioner's view of The Chilterns AONB from his village would be permanently damaged by the construction of two viaducts and an embankment with heights ranging from 10 (33 ft) to 18 metres (59 feet) and the associated gantries above that. The line would be visible from numerous viewpoints around Dunsmore and possibly from part of your Petitioner's own property. The cumulative effect would be overpowering and would destroy what is a beautiful landscape which by law is meant to be fully protected from gross developments such as HS2.

1.2

The publication of the Environmental Statement at the end of 2013 came as a complete shock to all villagers and residents in the Dunsmore and Wendover area. It showed what a completely disastrous effect HS2 will permanently have upon the landscape around your Petitioner's property and village.

1.3

The considerable number of "balancing ponds" proposed to be installed and which will contain polluted water drained off the railway line will not only be clearly visible from the top of the valley, they will in addition constitute a constant danger to wildlife and possibly human beings due to their likely inherent pollution.

1.4

The permanent enormous dumps of spoil proposed to be located close to Dunsmore within the Misbourne Valley from the excavations necessary for creating HS2 will also be very visible, rather like some of the china-clay "Cornish Alps", some of which have not degraded since they were mined, and will disfigure the landscape forever, thus changing the highly valued existing appearance and character of the Chilterns AONB.

1.5

There are proposed to be several work-camps of generally large size located about the A413 London Road opposite the above-ground section of HS2 close to the Petitioner's village, and once the construction of HS2 in this area has been completed, will leave a lasting scar on the landscape for many years afterwards, unless they are fully remediated immediately afterwards. Given experience of the lack of any or poor remediation on many other major transport work camps elsewhere in England that your Petitioner has noted over the years, he is fearful that such blots on the landscape will become permanent.

(2) Noise Intrusion

2.1

The effect of trains up to 400 metres long, projected to run at intervals of at least every 1½ minutes, will totally destroy the tranquillity of Dunsmore and its highly desirable environment. Dunsmore enjoys very highest levels of tranquillity and it is highly regrettable that despite requests to HS2Ltd IT negligently chose not to undertake any sound surveys here in our village, this despite our village having a private study carried out to establish a baseline level of noise.

2.2

On the other hand, the CPRE has recently carried out a proper intrusion impact survey and their findings show that every house within the village of Dunsmore will be affected by a high degree of noise intrusion on a permanent basis, well above the current ambient noise level of between 35 and 40 decibels.

2.3

HS2Ltd has in meetings admitted to your Petitioner and other villagers that as our settlement is located high above the proposed line we would experience serious aural and visual disturbance. Yet HS2 Ltd has not tried to produce any element of mitigation or solution to this problem whatsoever. HS2 Ltd in the local forums held with the villagers of Dunsmore and Wendover Dean admitted there was absolutely nothing it could do to mitigate noise which is likely to be not less than 95 decibels. HS1 running at a maximum 180 mph emits 92.5 decibels and it is a proven engineering fact that the faster a train runs, the noisier it will be.

2.4

The noise from these trains will cause an intolerable strain upon your Petitioner's life. Currently when working in his garden and over his 11 acres of grounds, where your Petitioner now spends a great deal of time, the noisiest feature tends to be the sound of birdsong. During operation the noise will be spaced out every minute, varying according to the train's position either on a viaduct or passing along the embankment. This fluctuation has been shown in studies to present far greater annoyance and associated health risks than a constant loud noise.

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

3.1

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.

3.2

Due to impending retirement, your Petitioner and his wife are in the process of "down-sizing". The Petitioner's existing main house at Dunsmore Park and its formal garden 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.

3.3

The learned Judge determined that the Government's original consultation on its proposals for compensation was "so unfair as to be unlawful". The Government was forced to carry out a second consultation but did so before it published the draft Environmental Statement. This ES revealed the absolutely disastrous proposals for the environment that are to be imposed upon your Petitioner's local community.

3.4

As a result the responses to the second Compensation consultation had to be 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 the second consultation on compensation is again "so unfair as to be unlawful". Your Petitioner also avers that such unfairness in not carrying out proper assessments 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 and has continued to the present day.

3.5

Your Petitioner has been advised by well-known and highly respected national and local estate agents that his property has already 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, not now nor in about 20 years plus time once HS2 is finally completed. Indeed, your Petitioner 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".

3.6

Houses in Dunsmore, which in the past has been a highly-favoured and sought-after village, used to sell very quickly once they were put on the market. Evidence since March 2010 shows that most houses now take a very long time to sell, if in fact they eventually find a buyer.

3.7

Now, since the Bill passed its second reading there are a much larger number of houses in Dunsmore which have been put up for sale by residents desperate to escape living in an environment about to be destroyed by the HS2 juggernaut. The Government claims that HS2 is "an engine for growth". Instead it is an engine for breaking up existing and harmonious communities.

(4) 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.

4.1

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.

4.2

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, was to lower the line into a fully bored tunnel to run to a position north-west of Wendover.

4.3

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 lame excuse does not seem to your Petitioner to carry any weight as until the Royal Assent is obtained, no contracts can be awarded unless huge penalty clauses are in place.

4.4

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

4.5

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 Government from wasting such an enormous amount of taxpayers hard-earned money.

4.6

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 by proposing to skirt 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 or possibly more.

4.7

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.

YOUR PETITIONER therefore humbly 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 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.



William Timothy Simon Lee FRICS
