

**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 Roger William Waller**

**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 petitioner is a freehold owner of “The Outlook” and has lived in Dunsmore since 1983. Dunsmore is the highest settlement in The Chiltern Area of Outstanding Natural Beauty (AoNB) located some 800ft above sea level. Dunsmore experiences high levels of tranquility and exceptionally 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 a steep single track road which runs from either the A413 to the East and the Rignall Road to the West. Dunsmore has a large number of ProW running through it and attracts visitors, walkers, horse riders also cyclists as it is located on The Chiltern Cycle Way. The Ridgeway long distance footpath 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.**
- 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 Petitioner avers that he will be seriously and adversely affected during both the construction phase and then during operation. Your Petitioner has attended meetings with HS2Ltd both in CFA10 and in bi-lateral meetings in Dunsmore itself, when HS2Ltd staff were shown the problems that would be experienced in the settlement.**

**Problems caused by the Construction Phase which will injuriously impact on your Petitioner:-**

- 1) **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. 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. Smalldene Lane was contrary to HS2's a busy route used to prevent cars being stationary in the middle of the A413 when returning to Dunsmore from Wendover or Aylesbury or indeed anywhere North of Dunsmore. During rush hour this junction sees a constant stream of traffic travelling North which has to be crossed and there is impaired visibility, causing risks to all concerned.

- 2) **The 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. Assuming the shops in Wendover will survive the inevitable loss of trade the construction will bring, then even daily visits will become a more onerous task with the increase in journey time resultant on the congestion caused.**
- 3) **The location of Dunsmore on the ridge crest overlooking The Misbourne Valley means that the views to the East which are currently a protected landscape under Section 85 of the CROW Act 2000 will be lost for ever. Your Petitioner has for years walked the tracks and paths around Dunsmore, this recreation will become totally unenjoyable 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.**
- 4) **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.**
- 5) **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 change the character of the area.**
- 6) **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.**
- 7) **As mentioned above Dunsmore is an area relatively free from light pollution and the need for powerful lighting on the construction site and the construction camps will have a deleterious effect on the "dark skies" currently enjoyed in the settlement.**

**Problems caused during operation of HS2 will have the following injurious effects on your Petitioner:-**

**Your Petitioner avers that the operation of Hs2 following the completion of the proposed scheduled works would have the following permanent effects:**

- 8) Your Petitioners view of 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 on top of that. The line would be visible from numerous viewpoints around Dunsmore and from your Petitioners own property. The cumulative effect would be overpowering and would destroy what is a Nationally protected landscape.**
- 9) The effect of a maximum 36 x 400 meter trains per hour will totally destroy the tranquility of Dunsmore and its environs. As mentioned above Dunsmore enjoys relatively high levels of tranquillity 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 have 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 Petitioner.**
- 10) The noise from these trains will cause an intolerable strain upon your Petitioners life and his sleep. Currently when working in the garden the noisiest feature is a blackbird singing at the end of the garden where your Petitioner spends a great deal of time as he is now retired. 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.**
- 11) The value of your Petitioners house has already been adversely affected due to the plan to construct HS2, this will only increase during the construction when it will be unsaleable.**
- 12) Your Petitioner is concerned that he may be suffering a breach of Article 1 of The First Protocol of The Human Rights Act. Whilst it is a qualified right, a significant detrimental effect on the value of the property, the inference may amount to a partial deprivation of that property for which compensation should be paid. ( Rayner v UK 1986 )**

**Your Petitioner opines that HS2 Ltd should in dealing with such problems as listed above have adopted the maxim of, Avoidance followed by Mitigation and if not possible then Compensation. In the view of your**

**Petitioner they have done none of these in their current plans.**

**Remedial Measures:-**

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

- 1) 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 was to lower the line into a fully bored tunnel to run to a position North of Wendover. This HS2Ltd have admitted in the Environmental Statement is technically possible but rejected 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.**
- 2) At the bi-lateral meetings Dunsmore residents made it clear that if the option of the fully bored tunnel were not to be enacted then in order to protect both the AoNB and the settlement of Dunsmore, a fully enclosed structure similar to the Arup concept enclosure was required on the 2 viaducts and on the embankment to ensure people would neither see nor hear the trains. This proposal is discussed and dismissed by HS2Ltd in the Environmental Statement.**
- 3) It would appear that whilst the Southern section of the AoNB has received tunneling by way of mitigation this protection has been denied to the Northern section.**
- 4) As mentioned above 7) the area is largely free of extraneous light at night, your Petitioner requests that in The Code of Construction Practice it is mandatory that no bright lights are illuminated outside of the agreed hours of working. It is requested that the Code be legally enforced via an independent agency with powers to fine breaches and as an ultimate sanction have powers to close working until problems are resolved.**
- 5) If this proposal is to proceed as a world class railway then the mitigation should be of a world class standard as well. If The Chiltern AoNB were to be tunnelled throughout, HS2Ltd would have a whole range of routing options that is denied to them using the surface routing.**
- 6) There should be a much more inclusive and wide ranging Compensation Scheme in force along the whole route, one that acknowledges that the detrimental effects of this project both during construction and during operation will be severe. Any losses suffered by those on the route should be fully compensated for. It appears to Your Petitioner, that those people on Phase 1 have the unfair burden of paying twice, by way of their taxes**

to pay for the project and in suffering depreciation of probably their greatest asset, their home, through no fault of their own. Unless one lives close to either London or Birmingham the railway brings only pain and certainly no gain.

- 7) **Your Petitioner believes that the Environmental Statement deposited with the Bill (“ the ES “) fails to adequately assess and report adverse impact on The Chiltern AONB. It is your Petitioners view that where there are options to avoid or minimise those adverse impacts they have rarely been taken by the Proposer, and that as a consequence the Government has failed to fulfil its duty under Section 85 of The Countryside and Rights of Way Act 2000. This is evidenced by the report of The Environmental Select Committee who stated only 40% of the route had been studied. This is clearly inadequate, and Your Petitioner requests a full multi-season environmental study be required before proceeding with this project.**
- 8) **Your Petitioner has based his request for additional mitigation measures on the information contained in the “ES”. Your Petitioner remains concerned that there are adverse impacts which have not been assessed or reported fully in the Environmental Statement. As further details become available, additional Petitioning requests beyond the current deadline may be necessary. Your Petitioner requests that provision be made for hearing such additional requests and that there will be no additional fee payable for such requests.**
- 9) **Your Petitioner requests that the Select Committee hearing these Petitions be afforded the benefit of independent specialist advice on technical matters, and not to be reliant on the advice offered by HS2Ltd, to eliminate any possible charges of bias or misleading information.**

**This was the case in the 2nd Reading debate when Secretary of State Mr McLoughlin stated**

**“ of the 20.8 km of the route that passes through the Chilterns, only 3.3 km - will be on the surface-at the moment the rest will be below ground level “.**

**It is actually the case that 11.5 km will be on the surface of which 9 km are in the open. (2.5 km being in green tunnel).**

**This is evidenced in Hansard 28th April column 570.**

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

**YOUR PETITIONER 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signature of Petitioner

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PETITION OF ROGER WILLIAM WALLER

AGAINST, By Counsel, &c.

Roger William Waller

