

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

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 Daniel Richard Wolfe

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 the owner of Ballinger Meadow, Herbert's Hole, Ballinger, Bucks, HP16 9LQ. (the "Property." The Property lies within an area where the construction and operation of HS2 will adversely affect noise levels, air quality, access to vital services and enjoyment of rural landscapes. Your Petitioner must use Frith Hill and King's Lane for access to vital medical services, shopping and other necessities associated with our care of infant grandchildren at the Property. Frith Hill will be cut-off for two years and King's Lane will be permanently re-routed and subject to heavy construction traffic. It is also possible that cars seeking to avoid the disruption on Frith Hill and Kings Lane will use the wholly unsuitable, one-lane Herbert's Hole where the Property is located as "rat-run" bypass to Chesham, threatening the safety of the children, pets and riders who regularly used the road as a bridal path and cycle route.

Your Petitioner is also a user of footpaths GM 12, 13 and 16 which will be severed during construction and their value as tranquil countryside walks permanently destroyed by HS2 as it is currently proposed. The value of Ballinger Meadow, which may have to be sold in the not-to-distant future given your Petitioner's status as an old age pensioner, has been and will be adversely affected by the construction and operation of HS2.

Your Petitioner moved with his family to Ballinger in 2001 from a conservation area elsewhere in South Bucks, specifically to enjoy the beautiful rural views, walks, and wildlife of the surrounding Chilterns extending from Amersham to Wendover, trusting that these amenities would be protected by virtue of their lying within the Chilterns Area of Outstanding Natural Beauty. So far, the HS2 promoters have failed in their duty to protect the AONB and the rights of its residents, so it seems it is now up to Parliament to do so.

8 Your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9 Noise

HS2 promoters have used inadequate and inappropriate measurement techniques to enable them to claim that the noise effects of construction and operation of HS2 will be minimal, affecting only a handful of households in the "Central Chilterns" (CFA 9) where the Property is located. This ludicrous claim simply fails the common sense test. The noise will be very loud throughout construction and operation, particularly given the two tunnel exits planned within the Central Chilterns area.

True assessment of noise should be based on the World Health Organisation standard that operational noise of the railway should not exceed 40dB. Binding monitoring and mitigation measures should be decided by an independent panel of experts before the project proceeds.

Key action requested: The WHO standard can only be achieved and the tranquillity of the area preserved if either the line is re-routed away from the AONB altogether, or a fully bored tunnel is constructed through the entire length of the AONB.

10 Air quality

Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development. Given the documented health hazards created by dust blowing all the way from Africa and emissions from the continent, the prospect of air quality hazards stirred up by the largest civil engineering project in Europe occurring on our doorstep is frightening.

As a pensioner and a regular carer of infant grandchildren at the Property, your Petitioner is particularly worried about dust and dirt produced during construction and operation of HS2, as health alerts about air quality are usually addressed especially to the young and the old.

Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.

Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.

Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create.

Your Petitioner requests that there be a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

Your Petitioner requests that before construction begins there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.

Your Petitioner requests that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

Key action requested: Your petitioner believes that the only way that air quality in the area can be adequately protected is for the line to be re-routed away from the Chiltern AONB entirely, or for a fully bored tunnel to be constructed for the entire length of the AONB.

11 Closure, re-routing and degradation of public rights of way

Your Petitioner will be adversely affected by the closure of Frith Hill for a prolonged period, the permanent re-construction/re-routing of King's Lane and closure of public footpaths eventually followed by their re-opening in degraded form.

Your Petitioner uses Frith Hill and King's Lane regularly including transport of two young infants for whom he is a part time carer. Both roads will be more congested and less safe because of heavy use by construction traffic.

Your petitioner uses Public Footpaths GM16, GM16a, GM 16b, GM13 and GM12 for dog-walking, therapeutic exercise and aesthetic enjoyment of the countryside. These footpaths will be closed for a prolonged period and when re-opened will be subject to noise and visual pollution resulting from HS2, in contrast to their current tranquillity. The locations where these footpaths meet the rail line have been specifically highlighted by HS2 as places where views will be significantly affected.

Key action requested: Your petitioner believes that these closures, re-routings and degradations should be avoided by either re-routing the line away from the Chiltern AONB entirely, or by building a fully bored tunnel the entire length of the AONB.

12 Loss of ancient woodland

The destruction of ancient woodland is un-mitigatable and unconscionable. Ancient woodland cannot be replaced at any price. The promoters' intention to destroy ancient woodland at nearby Mantle's Wood by choosing it as the exit for the bored tunnel is simply an outrage.

Key action requested. The destruction of ancient woodland at Mantle's Wood can only be prevented if the line is re-routed away from the Chilterns entirely, or if a fully bored tunnel is extended through the full length of the AONB.

13 Loss of endangered wildlife

HS2 admits in the Environmental Statement that there will be significant negative effects on wildlife in the Central Chiltern area, specifically mentioning the permanent significant effect on bats. It is also admitted in the ES that the line is likely to have a significantly damaging effect on the already scarce barn owl population. Our family has cared for barn owls in the past and have experienced the wonderful local common feeling of enthusiasm for them when the rare one is spotted in the wild in Ballinger. Sightings become a major topic of neighbourhood conversation because barn owls are considered

so precious.

Key action requested: The only way to prevent the loss of endangered wildlife locally is to re-route the line away from the Chilterns or to build a fully bored tunnel the entire length of the AONB.

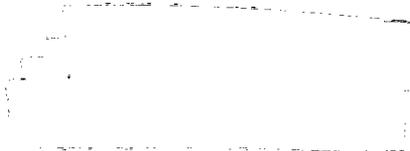
14 Compensation for properties near HS2 but not scheduled to be acquired

Because of the damaging effects cited above, properties such as the Petitioner's sited near the line but not scheduled to be acquired, have suffered and will continue to suffer a loss in market value during the construction and subsequent operation of HS2.

Key action requested. The only way to substantially mitigate this loss is to re-route the line away from the Chilterns or to construct a fully bored tunnel throughout the area within the Chiltern AONB.

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

AND your Petitioners will ever pray, &c.



IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Daniel Richard Wolfe

AGAINST, By Counsel, &c.

