

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

High Speed Rail (London – West Midlands) Bill

Against the Bill – on Merits – Praying to be heard by counsel, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF MR DAVID WILLIAM RIDDELL

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 Secretary Patrick 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 compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”) is authorised by the Bill to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase One of High Speed 2 and works consequent on or incidental to such works. These works are called “the scheduled works”.

5. Your petitioner (hereinafter referred to as the "Petitioner") lives at Ambleside, Bacombe Lane, Wendover, HP22 6EQ.

He has lived in this property/in Wendover for approximately 6 years.

He is 41 years of age.

The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run within approximately 250 metres of your Petitioner's property.

6. Your Petitioner and his interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.
7. Your Petitioner's property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2, will be adversely impacted by noise both during construction and operation and will suffer significant disruption as a result of the temporary redirection of Bacombe Lane.
8. Your Petitioner has been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that he is affected by the Bill. In particular, your Petitioner has received notification that part of his property is within the safeguarded zone.
9. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in and near Wendover between Little Missenden and Stoke Mandeville. These works consist mainly of an embankment between Hartley Farm and Road Barn Farm; Small Dean viaduct; and an embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel. They include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings.
10. Your Petitioner's main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover.

Problems caused by the construction process of the scheduled works

11. Your Petitioner avers that during construction of the scheduled works there would be the following effects:
12. Disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413 and the B4009, which your Petitioner uses every day, and the A41, which he uses on a regular basis. In particular, your

petitioner regularly cycles from his house to Great Missenden train station for both commuting and leisure purposes. This stretch of the A413 is a relatively narrow single carriageway and is not sufficiently wide to permit HGVs to overtake bicycles (or for cars to overtake HGVs) safely if there is traffic coming in the opposite direction. This is particularly relevant during rush hour.

13. A serious strain on local community services such as the Wendover Health Centre and the police, caused by an influx of construction workers.
14. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty.
15. Substantial damage to the local cultural heritage, including St Mary's Church, which I visit for cultural occasions.
16. Disruption to power supplies caused by the need to move the electricity pylons near the line. As your petitioner's house is not connected to the gas mains it is very important that electricity supplies are not disrupted.
17. Disruption to other utilities, in particular telephone and associated broadband connections to Bacombe Lane.
18. Disruption to footpaths, which your Petitioner uses on a regular basis.
19. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, leading to inability to concentrate during the day, and inability to sleep at night. HS2 Ltd has identified that construction activities (taking into account the proposed mitigation) will result in 5 properties experiencing external noise levels that *"may be considered by the local community as an effect on the acoustic character of the area and hence be perceived as a change in the quality of life"* (ES CFA 10 Wendover, Dunsmore & Halton table 13). In addition, 3 of these properties will require noise insulation to mitigate internal noise.
20. Light over the construction area causing light pollution. Your Petitioner lives in an area where there is little artificial lighting, so this incursion of light would be very noticeable.

Problems caused by the operation of HS2

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

22. The noise from these trains would cause an intolerable strain upon your Petitioner's life and affect his sleep. At the distance from the line where he lives the noise would be spread over a longer time period, and thus be heard for approximately one minute in two. This is in an area which is at present one of peaceful tranquillity. The ES states that *"Approximately 10 dwellings in the vicinity of Bacombe Lane. Forecast increases in sound from the railway are likely to cause a major adverse effect on the acoustic character of the area around the three very closest properties to the Proposed Scheme reducing to a minor effect at those furthest away."* ES CFA 10 Wendover, Dunsmore & Halton table 15).
23. The value of your Petitioner's house has already been adversely affected, and will continue to be so on a permanent basis. In addition, it is likely that the impact of the construction and operation of Bacombe Lane will be such that many of the houses will remain unsold and/or unrented for significant periods of time. A number of houses on the lane have already been, or are likely to be, sold to HS2 Ltd and as at the time of writing 2 are unoccupied. Indeed, it is possible that some of the houses closer to the line will not be suitable for their existing purpose on an extended or permanent basis. This is likely to further adversely impact residential amenity for those who remain and will also cause real practical issues (for example the ongoing maintenance of Bacombe Lane, which is jointly owned by the residents and security issues).
24. Your Petitioner's view of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaduct and embankment. The line would be visible from numerous viewpoints in the locality including his own property which is within the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape.
25. Your Petitioner's view of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes.
26. The damage to local facilities would be substantial, both those of value to your Petitioner such as St Mary's Church for its community uses, and those of value to Wendover as a community such as the cricket ground, which would be destroyed.

The benefits of a fully-bored tunnel

27. Your Petitioner proposes that part of the scheduled works be replaced by a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover. This would avoid most of the disadvantages set out in paragraphs 11-19 above and all the disadvantages set out in paragraphs 21-26 above.
28. Your petitioner understands that HS2 Ltd has said that such a tunnel would cost £330 million more than the present proposal. However, it has declined to divulge any detail of this figure, or even the tender documents on which it was based. Moreover,

it is not clear how HS2 Ltd has taken into account the value of the benefits which a fully-bored tunnel would bring, such as the money saved by not having to compulsorily purchase properties and land, or move electricity pylons, and not damaging the environment.

29. Chiltern Ridges Action Group has proposed such a fully-bored tunnel in a report by Peter Brett Associates LLP ("PBA"). More recently, PBA was commissioned by Chiltern District Council ("CDC") to consider options for alternative continuous tunnel alignments. The CDC is working in association with Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board.
30. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended by the inclusion of a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover, then the Bill should not be allowed to pass into law.

Mitigation for construction of a fully-bored tunnel

31. If a fully-bored tunnel is included in the Bill, your Petitioner proposes that at least the following mitigation be adopted for its construction:
32. That the operation of construction traffic on the A413 and the B4009 only be permitted during the agreed working hours, excluding rush hour (7-9am and 5-7pm) on weekdays.
33. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.
34. That the removed spoil should not be permitted to be dumped in the Chilterns AONB, and that all spoil should be removed by rail, not road.
36. That a traffic management plan be agreed before construction starts with the local county, district and parish councils, such plan to go to arbitration if agreement cannot be reached.
37. That the permitted working hours for all matters relating to construction be strictly limited to 8am to 6pm on weekdays, 8am to 1pm on Saturdays and not at all on Sundays, with an hour before and after for start-up and close down.
38. That acceptable noise levels be agreed before construction starts with the local county, district and parish councils, such noise levels to go to arbitration if agreement cannot be reached.

35. That noise levels be monitored on a frequent and regular basis by an independent organisation, with the result of such monitoring be immediately made public.
36. That artificial lighting at construction areas be limited to working hours.
37. That the maximum level of toxic traffic emissions from construction traffic be agreed before construction starts with the local county, district and parish councils, such emission level to go to arbitration if agreement cannot be reached.
38. That funding be made available to Wendover Health Centre and local hospitals for the provision of any necessary additional facilities to cope with increased health problems, such as sleep disturbance, respiratory illness and hypertension, and including those caused by traffic emissions and dust created by the construction of the scheduled works.
39. That funding be made available to the local police force for increased staffing likely to be required due to the advent of a substantial construction workforce.
40. That full compensation for damage to property or loss in property value caused by construction of the scheduled works be available to all those who suffer such loss. In particular, provision should be made for the following circumstances: (i) an inability to refinance mortgages at maturity on normal commercial terms; (ii) a need to relocate as a result of children changing school.
41. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 32 to 40, be legally enforceable both at criminal and civil law, with civil law breaches being first dealt with by an Ombudsman, and the local county council having the right to bring both criminal and civil proceedings.

Mitigation for construction of the present proposal

42. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:-

Extended Green Tunnel

43. That the existing proposed green tunnel be extended to the south and north of Wendover. In relation the extended green tunnel the ES states that "*In terms of potential noise impacts, extending the green tunnel to the west would benefit a few additional dwellings at Nash Lee Lane, whilst extending the green tunnel to the east would benefit dwellings on Bacombe Lane. However, in both locations the noise effects can be effectively managed by adopting noise fence barriers.*"(CFA 10, Wendover, Dunsmore & Halton, para 2.6.42). This would however seem to be contradicted by statements elsewhere in the ES, see paragraph 22 above).

During construction

44. That the construction compound currently closest to residential properties on Bacombe Lane be moved to another location further away from residents.
45. That HS2 Ltd takes responsibility for appropriate signage to indicate how visitors can access Bacombe Lane during construction. In this regard, it is important to note that several of the residents of Bacombe Lane are elderly and it is very important that they are able to receive deliveries on a reliable basis during construction.
46. That the maintenance, including gritting and clearance during winter, of all temporary roads (for example the temporary link road between Bacombe Lane and Ellesborough Road) is the responsibility of HS2 Ltd and that such works are carried out to a high standard. In a number of cases (including the example cited) such roads will be the only means of access for residents during construction.
47. That HS2 Ltd ensures that residents have access to basic utilities (including telephone and associated broadband services) throughout the construction period and thereafter. Your petitioner and his wife rely on domestic broadband access in relation to our employment and it would be extremely inconvenient to be without such access.

General

48. That the design of significant structures (for example the southern portal of the Wendover Green Tunnel and the tunnel portal buildings) be to the highest standard and that such designs are agreed in consultation with local residents.
49. That the planting proposed to conceal the southern portal of the Wendover Green Tunnel and the tunnel portal buildings be in the form of mature trees rather than saplings such that this otherwise intrusive structure is concealed from the earliest possible point following completion of construction. In addition, existing vegetation that would conceal the southern portal of the Wendover Green Tunnel as viewed from the existing Bacombe Lane overbridge should be retained (this is shown as being removed in the relevant photomontage).
50. That the maintenance, including gritting and clearance during winter, of all new permanent roads (for example the diverted) is the responsibility of HS2 Ltd and that such works are carried out to a high standard. In a number of cases (including the example cited) such roads will be the only means of access for residents following construction and it is unreasonable to expect local residents or local authorities to assume responsibility for such maintenance in the future.

51. That HS2 Ltd reaches agreement with the other property owners on Bacombe Lane in relation to: (i) ongoing maintenance of the existing Bacombe Lane; (ii) maintenance and security of unoccupied properties; and (iii) further actions to be taken in relation to properties owned by HS2 Ltd where there is a reasonable prospect of such properties remaining empty for an extended period of time. Your petitioner is particularly concerned that on the basis of the current plans the properties on Bacombe Lane closest to the railway will be permanently blighted to a significant degree. The nature of these properties is such that the ability to enjoy the external space is a particularly important factor in any buyers' decision to acquire them. The current HS2 proposals indicate that noise insulation may be available but this does not address the issue of external noise.

52. That the mitigation proposed in paragraphs 32 to 41 above be adopted.

YOUR PETITIONER therefore 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 Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioner and in support of such other clauses, amendments or provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioner as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

David William Riddell

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