

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 the Wendover Parish Council.

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 3 of the Bill, along with Schedules 1 to 4, authorise and detail the works to be done in relation to the construction and the operation of the railway mentioned in paragraph one above (also “HS2), including the associated stopping up and construction of highways. The works themselves are detailed in Schedule 1 and referred to as the “Scheduled Works”.
- 4 Clauses 4 to 18 of the Bill, along with Schedules 5 to 15, deal with compulsory acquisition of land, the extinction and exclusion of rights over land and the temporary possession and use of land. Clauses 19 to 36, along with Schedules 16 to 26, provide for deemed planning permission and deregulation, including deregulation in relation to listed buildings, water and noise.
- 5 Clauses 37 to 44 of the Bill, along with Schedules 27 to 29, deal with the regulation of the railway and provide for the appointment of a nominated undertaker to exercise the powers in the Bill. Clauses 45 and 46, along with Schedules 30 and 31, make provision for statutory undertakers. Clause 47 provides a power to compulsorily acquire land for regeneration or relocation, whilst clause 48 provides a power to carry out reinstatement works. Other clauses within the Bill make provision for the Crown, for further high speed railway works and for the application of the Environmental Impact Assessment Regulations (defined as the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) or any regulations replacing them).

Your Petitioner

6 Your Petitioner is Wendover Parish Council within the County of Buckinghamshire, situated within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (“the AONB”). Your Petitioner is responsible for Wendover Parish. The Parish is within Community Forum Area 10 of the Promoter’s Environmental Statement (“the ES”).

7 Wendover Parish is enclosed by the Chilterns and green belt countryside. The Parish is primarily made up of the village of Wendover, which has a good range of shops, services, facilities and employment sites. Wendover abuts the Wendover Woods (Forestry Commission, Chilterns AONB and partly Ancient Woodland), and an RAF base at Halton. On the north side of the town is the Weston Turville Reservoir and Wendover Arm of the Grand Union Canal.

Wendover lies at the foot of the Chiltern escarpment extending through the Wendover Gap to the Dip slope. To the south of Wendover, the landscape is characterised by steep sided and open valley, cutting through the chalk scarp and emphasised by woodland cover on the upper valley slopes. The Wendover foothills, to the north, west and east is an area of transition between the flat landscapes of Aylesbury Vale and the Chiltern Escarpment – lower chalk merging into Gault clay. As a significant gateway, providing access to the beech woods and dry valleys of the Chilterns from the Vale of Aylesbury, Wendover is an established tourist venue to the extent that your Petitioner provides and funds a Tourist and Community Information Office in the Wendover Clock Tower.

The name ‘Wendover’ is derived from an old Celtic term meaning ‘white waters’ because of the deposits brought by the springs rising from the chalk aquifer which flow through the town. The Parish is 5,832 acres (2,360 ha) in size.

8 Your Petitioner has responsibilities for a community of around 8,800 residents, businesses and land in the area that will be directly and specially affected by the Bill with approximately 4 miles of the proposed route running within the Parish Boundary.

The proposed line follows a similar route to the existing Chiltern Railways Line and A413. At the point the proposed line comes closest to the ‘built footprint’ of Wendover village to the west, it is proposed to enter a ‘green tunnel’ (a cutting covered over) of 1.28km. Much of the tunnel will be above the existing ground level and will cross Ellesborough Road, one of the main roads out of the village. A number of houses on Ellesborough Road will be compulsory purchased for demolition with plans for the road to then be re-instated over the green tunnel once it is completed. As the line comes south of the village it is further proposed that it will run along a 12m high viaduct as it passes over the A413 and Chiltern Railways Line. The line then runs to the south eastern boundary of the Parish.

The land proposed to be purchased by compulsion within the Parish is listed within Schedule 5 to the Bill, at pp.195-197.

9 The rights, interests and property of those the Petitioner has responsibility for, along with their quality of life as a whole and your Petitioner’s area, are injuriously affected by the Bill and receive no benefit from it.

Your Petitioner’s concerns and objections to the Bill and your Petitioner’s requests for relief

10 Your Petitioner’s resident and business communities, and the precious environment of the AONB, will suffer a range of adverse impacts by reason of the Bill. The majority of these would be removed or significantly diminished by the provision of a fully-bored tunnel throughout the AONB, such as that recently proposed by Chiltern District Council based on work done by Peter Brett Associates, and referred to by Chiltern DC as “the Green Route”. The Green Route is the single most important alteration your Petitioner respectfully requests your honourable House cause to be made to the Bill.

- 11 Permanent adverse impacts include, but are not limited to;
- Noise & visual blight - visual scar through the AONB
 - Severely detrimental impact on community facilities and heritage assets such as the cricket ground, St Mary's church, Grim's Ditch, Wendover Campus of the Chiltern Hills Federation and Skateboard Park
 - Compulsory purchase and demolition of land and property and other issues of property blight
 - Risk of permanent potential damage to the aquifer
 - Dust, pollution and poor air quality from the portals
 - Light pollution, particularly from the proposed maintenance loop
 - The dumping of considerable quantities of locally and externally derived spoil
 - Alterations to highways infrastructure
- 12 Adverse impacts during construction include, but are not limited to:
- Noise, vibration and traffic
 - Dust and Dumping of Soil
 - Unacceptable strain on public services, such as health, police and other emergency services etc.
 - Diversion of highways and general disruption to the local economy and the community
 - Light pollution from construction sites
 - HGV Damage to highway surfaces and additional road noise
- 13 All of these will heavily impact on the health and wellbeing of the residential and business communities in your Petitioner's Parish, including the tourist industry which is of great importance to the Parish. In addition to the human suffering, the Bill as presently formulated will cause, it will also cause lasting damage to a precious environment. A fully bored tunnel throughout the AONB, such as the Green Route, as opposed to the present proposal of a mixture of fully bored and cut-and-cover ("green") tunnelling through only part of the AONB, would address most, albeit not all, of these impacts. This Petition briefly addresses each impact area along with your Petitioner's requests of your honourable House as to how the Bill should be altered, or the Proposer required to give undertakings, to mitigate the impacts. It will start with the permanent impacts and then consider the construction-related impacts.
- 14 Your Petitioner also respectfully asks your honourable House to note that it has had great difficulty understanding the Promoter's enormous ES, and has great concerns that it has failed to adequately identify the impacts of HS2 in many areas. Your Petitioner adopts the detailed criticisms made of the ES in the finalised Petitions from other Buckinghamshire local authorities and organisations.
- 15 This Petition will briefly address each impact area, and your Petitioner's requests as to how the Bill should be altered to remove or mitigate the impact, in turn, starting with the permanent impacts and then considering the construction related impacts.

16 Permanent impacts and mitigation sought

16. Noise & visual blight - visual scar through the AONB:	
16.1 Detail	<p>Noise: The railway will cause chronic levels of adverse noise, especially to the southern approaches to Wendover.</p> <p>Your Petitioner has caused to be carried out a noise survey, which reflects the presently low levels of noise within the Parish. Both average daytime noise in some areas and high levels of night time peak noise predicted for the railway are in excess of World Health Organisation (WHO) guidelines across wide areas of your Petitioner's area. Your Petitioner believes that the quality of its residents' lives could be made intolerable by chronic sleep disturbance with associated health impacts, along with interference with their peace and quiet, which will become common place under the railway as proposed. Your Petitioner will wish to adduce evidence as to noise before your honourable House.</p> <p>Because of noise, St Mary's Church, a grade II* listed building, could become unusable both for worship and for community activities. The Wendover Campus of the Chiltern Hills Federation, a school for BESD (behavioural emotional and social difficulties) pupils will also suffer and the school's playground could potentially become unusable.</p> <p>Visual blight: The railway will create a permanent visual scar through the AONB, an area that, but for this Bill, would be subject to the strictest statutory protection. The Chilterns AONB was designated under the provisions of the 1949 National Parks and Access to the Countryside Act, in order to secure the strictest statutory protection against development that would damage its special qualities, thus conserving one of the finest landscapes in England for the nation's benefit.</p> <p>With viaducts, embankments and associated gantries being above ground level, the line would be visible from numerous viewpoints in the locality, as shown in the 'Zones of Theoretical Visibility' set out in the Environmental Statement.</p> <p>Impacts of both on local economy: Wendover attracts tourism as a gateway to the Chilterns AONB and numerous businesses in the village benefit and in some cases rely, on this trade. The visual and noise blight (along with the more temporary impacts) will make Wendover a less attractive destination for tourists having a severe impact on the local economy and in some cases make existing businesses no longer viable. Noise may also make it impossible for staff in offices to carry out their ordinary work.</p>
16.2 Proposed Mitigation	<p>A fully bored tunnel throughout the AONB, such as the Green Route.</p> <p>Failing that, an extension of cut-and-cover ("green") tunnelling to the north and south, enclosure of embankments, substantial noise barriers, a legally enforceable noise limit (50dB in the daytime and 40dB at night).</p> <p>To reduce the visual blight, planting of quickly maturing trees to mask the line and the burying of electricity pylons scheduled for realignment.</p>
17. Severely detrimental impact on community facilities and heritage assets such as the cricket ground, St Mary's church, Grim's Ditch, Wendover Campus and skateboard park:	
17.1 Detail	<p>Part of Grim's Ditch, a scheduled ancient monument, will be destroyed and the remainder negatively impacted.</p>

	<p>Due to its proximity to the line, St Mary's Church (a grade II* listed building) will be virtually unusable because of the noise. With a potential 36 trains per hour the noise will render it unusable for worship or community events impacting on its future viability. Damage could also be caused to the structure of the church through vibration from the proposed 36 trains per hour.</p> <p>Wendover Campus, a special school for boys with Behaviour Emotional and Social Difficulties (BESD) will also suffer significant noise blight which could potentially leave its playground unusable. Research shows the negative impact that noise stress can have on children with BESD and the need for these children to have quiet surroundings in which to learn, play and socialise.</p> <p>Your Petitioner owns and manages the London Road Skateboard Park which will also suffer from noise blight due to its very close proximity to the line. It would be unlikely that young people would be able to talk to each other in the skate park while a train was passing.</p> <p>Such facilities as these are important for keeping together the 'fabric of the community'.</p>
<p>17.2 Proposed Mitigation</p>	<p>A fully bored tunnel throughout the AONB such as the Green Route.</p> <p>Failing this the alternative recommendations in 16.2 regarding noise prevention along with funding for improvement to community facilities generally to offset the impact of the proposed railway.</p>
<p>18. Compulsory purchase of land and property and other issues of property blight:</p>	
<p>18.1 Detail</p>	<p>A number of houses on Ellesborough Road are to be compulsorily purchased and demolished. Further home owners along the line will suffer property blight to varying levels.</p> <p>The basic human right to the enjoyment of residents' property and possessions is being removed without proper compensation (Art.1 to the First Protocol of the ECHR). The blight is real, extensive & severe and is already being felt: it goes far beyond 60m or 120m from the line. The Proposer's current compensation schemes are inadequate, as they do not fairly compensate the many residents, property owners and business who will suffer property blight and financial loss by reason of the Bill.</p>
<p>18.2 Proposed Mitigation</p>	<p>A fully bored tunnel throughout the AONB such as the Green Route.</p> <p>Whether a fully bored tunnel is built, or even a cut and cover tunnel is built, a Property Bond should be introduced in place of a Hardship Scheme (though not to replace any Voluntary Purchase Scheme). Eligibility for a Property Bond should depend on material loss in market value rather than distance from the line. Due to the nature of the way noise travels, properties further from the line may suffer more noise than those closer to it and as such suffer a more significant blight. Compensation must also apply to those businesses whose viability is adversely affected by the proposed railway.</p> <p>Compensation schemes must not apply only to owner occupiers as no individual should suffer financial loss because of HS2.</p>

19. Permanent potential damage to the aquifer:	
19.1 Detail	<p>Your Petitioner is concerned by the risks to the hydrology of the area and its implications for drinking water. It is unlikely that post the building of the railway the damage to the chalk strata could be rectified.</p> <p>The excavated base of the “green tunnel” and subsequent cutting at the northern end of Wendover can be expected to intercept the water table (top of the unconfined calcareous chalk aquifer) which is generally very close to ground level in these vicinities. This will cause pollution of the main water supply system for the north western Home Counties area and potentially further into north London – with the subsequent need to source water from other, much more distant parts of the country. There would also be a risk of serious ground collapse in areas with deep sections of weathered chalk.</p> <p>Locally, interception would certainly jeopardise flows in the subsidiary of the two major spring complexes on the western flank of Wendover’s built footprint. The probability of excavating below the spring line to the west of Wendover and affecting the essential supply of water to the Wendover Arm Canal has consequences for the Country’s spinal inland waterway - the Grand Union Canal, as well as the impact on a most attractive amenity value to your Petitioner’s town. It should be noted that the Wendover Arm Trust has plans to further improve the canal as a leisure facility.</p> <p>Loss of these perpetual springs will represent a significant amenity loss to residents in Lionel Close, Lionel Avenue and property bordering Barn Field as well as an agricultural loss to the grazer of stock on Barn Field.</p> <p>Your Petitioner does not consider that the Promoter has adequately assessed these risks.</p>
19.2 Proposed Mitigation	A fully bored tunnel throughout the AONB, such as the Green Route, and a full hydrological survey to ensure no damage to the aquifer occurs.
20. Dust, pollution and poor air quality from the portals and shafts:	
20.1 Detail	<p>Above a tunnel, air quality is expected to be better than for an open line. However, at portals and shafts, polluted air is ‘set free’, when a longitudinal or transverse airflow is discharged by the piston effect of trains and/or by ventilation systems.</p> <p>Depending upon background concentrations and other sources close to a tunnel portal or shaft, the concentration levels of pollutants can exceed the safe levels set out in WHO (World Health Organisation) Air quality guidelines. This would have a negative impact on the health of people living in close proximity to the portals and shafts, particularly for those with existing respiratory conditions.</p>
20.2 Proposed Mitigation	Efficient civil and mechanical ventilation control and frequent air quality measurement. Also the relocation of portals away from residential properties.
21 Light pollution, particularly from the proposed maintenance loop:	
21.1 Detail	<p>This will be a particular issue during evening and night time works.</p> <p>This will impact particularly on those people living in properties that currently have very little external artificial lighting.</p>
21.2 Proposed Mitigation	A fully bored tunnel throughout the AONB, such as the Green Route. Failing this, restrictions imposed on night time use of artificial lighting.

22. The dumping of considerable quantities of locally and externally derived spoil:	
22.1 Detail	It is estimated 128 million tonnes of spoil will be generated by HS2. Proposals for what will happen to the waste include the dumping of 800,000 cubic metres of this waste near Hunt's Green Farm in the AONB.
22.2 Proposed Mitigation	A fully bored tunnel throughout the AONB, such as the Green Route. That whether from a cut and cover or bored tunnel, all spoil must be removed by train out of the AONB.
23. Alterations to highways infrastructure:	
23.1 Detail	The proposals include a permanent diversion of Rocky Lane diverting it under the proposed HS2 line.
23.2 Proposed Mitigation	A fully bored tunnel throughout the AONB, such as the Green Route.

CONSTRUCTION IMPACTS

24. Noise and traffic:	
24.1 Detail	Construction traffic is likely to lead to gridlock along the A413, B4009 and A41 impacting the whole of CFA10. There will also be a general plethora of highway control measures.
24.2 Proposed Mitigation	A fully bored tunnel throughout the AONB. That all spoil is removed from construction sites by rail. That the relevant local authorities agree an enforceable and sustainable traffic management plan to be implemented at the start of works. Ensuring the Code of Construction Practice is strengthened to enforce an agreed traffic management plan and made enforceable in law, with monitoring by Local Authorities paid for by the Promoter/the Nominated Undertaker.. That construction traffic is routed onto main roads and not to be permitted to use the above mentioned roads during peak 'rush hour' traffic times. That there is a clear system of arbitration and recourse for aggrieved residents and businesses.
25. Dust and Dumping of Spoil:	
25.1 Detail	Chalk spoil particularly is prone to drying out, creating dust, the effect of which will be made worse by the prevailing south-west wind, which blows directly onto the South West of Wendover. Dust in the atmosphere will have a negative impact on the health of people living in the area, particularly for those with existing respiratory conditions. Mud on the road also causes a significant hazard to motorists. Temporary soil mounds will also cause a visual blight in the AONB.

<p>25.2 Proposed Mitigation</p>	<p>Ensuring the Code of Construction Practice is made enforceable in law, with monitoring by Local Authorities paid for by the Promoter/the Nominated Undertaker.</p> <p>Implementation of a Dust Management Plan (DMP) (which may include measures to control other emissions), approved by the Local Authority. Plan the site layout so that machinery and dust causing activities are located as far away from the population as possible. Use intelligent screening where possible. Erect solid screens or barriers around the site boundary to reduce 'wind whipping'.</p> <p>Use fine water spray to dampen dust. Water to be applied at rates so that runoff does not occur. Imperative that if runoff does happen, that it does not enter the aquifer - this would be particularly damaging in the case of chalk runoff.</p>
<p>26. Unacceptable strain on public services, such as health, police, education etc:</p>	
<p>26.1 Detail</p>	<p>The additional temporary increase in the local population will put unacceptable strain on public services. There will be an increased demand particularly on health services particularly with the influx of construction workers. This will be compounded by the potential increase in the need for medical care in the permanent population suffering from the impact of, for example, dust inhalation, sleep deprivation and stress related illnesses.</p>
<p>26.2 Proposed Mitigation</p>	<p>A fully bored tunnel throughout the AONB, such as the Green Route.</p> <p>Public services to be provided with all necessary information for these services to plan for this influx.</p> <p>Public services must be provided with additional support and all resources necessary (financial and otherwise) to manage this situation at no cost to the local community or local authorities.</p>
<p>27. Diversion of highways and general disruption to the local economy and the community:</p>	
<p>27.1 Detail</p>	<p>The Parish is a tourist centre, particularly for walkers and cyclists keen to explore the AONB. The construction phase will be massively disruptive to the tourist industry and the businesses that rely on it. See also the comments in 11.1 above.</p> <p>There will be numerous highway diversions. The community will struggle to go about its daily life, to get to and from home, work, schools and leisure. Its enjoyment of the surrounding countryside will be stymied.</p> <p>The impact of traffic diversions on the emergency services are also of particular concern.</p>
<p>27.2 Proposed Mitigation</p>	<p>A fully bored tunnel throughout the AONB, such as the Green Route.</p> <p>Failing that, ensuring that the Code of Construction Practice is made enforceable in law, with monitoring by Local Authorities paid for by the Promoter/the Nominated Undertaker.</p> <p>A well thought out Transport Management Plan which is agreed and enforceable by the Local Authority.</p> <p>Rerouting of public transport services and an increased frequency of services in an effort to reduce vehicle movements. This must be at zero cost to the local authority.</p>

	HS2 Ltd to provide passenger transport for all staff from 'residential compounds' to construction site.
28. Light pollution from construction sites:	
28.1 Detail	This will be a particular issue during evening and night works. This impact on those people living in properties that have very little, or no, external artificial lighting in the proximity will be particularly significant.
28.2 Proposed Mitigation	A fully bored tunnel throughout the AONB, such as the Green Route. Failing this, construction work only to be carried out from 8am to 6pm with the least lighting as absolutely necessary outside of these times to keep the site and people safe
29. HGV Damage to highway surfaces and additional road noise:	
29.1 Detail	There will be significant additional usage of the local main and side roads by HGVs which will cause damage to the roads and verges as well as producing significant road noise.
29.2 Proposed Mitigation	The use of noise reducing tarmac on the roads most affected and those closest to residential and business properties. Additional funding to the Local Authority to carry out highway repairs.

Impacts – a wider picture

30. Your petitioner believes there will also be a significant impact on the physical health of residents from issues such as dust inhalation, pollution and lack of sleep from stress, noise and light pollution. There will also be problems with mental health exacerbated by the worry of the impact on property value, whether the business they own or work for will remain viable and from the strain of traffic delays in the area.

Adequacy of the information available to your Petitioner

31. Your Petitioner is concerned that the Environmental Statement is a vast document that your Petitioner has struggled in places to understand, and that, in addition to its failure to adequately assess the impacts of the proposed railway and associated works, neither it nor the Bill allow the reader to readily understand what is proposed. Your Petitioner is also concerned that HS2 Ltd has announced changes to the proposed works since the Bill was lodged with Parliament.
32. In light of the above, the Petitioner respectfully asks that it be entitled to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussion, the preparation and publication of reports, any possible revisions that may be made to current proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to its representation before the Select Committee appointed by your honourable House.

Conclusion

33. Your Petitioner fully supports the petitions for a fully bored tunnel that extends throughout the AONB, such as the Green Route being proposed by Chiltern District Council. Only that will address most, if not all, of the numerous significant adverse impacts that your Petitioner's residents will otherwise suffer. As an inferior fall back, your Petitioner requests the numerous subsidiary mitigation measures outlined above.
34. For the foregoing and connected reasons your Petitioner respectfully submits that unless the Bill is amended as proposed above or suitable undertakings given by the Promoter, in particular requiring a fully bored Chiltern Tunnel throughout the AONB such as the Green Route, the Bill, should not be allowed to pass into Law. Your Petitioner humbly requests your Honourable House to amend the Bill accordingly, at clause 1 and Schedules 1 and 5 and elsewhere, and that your Honourable House require the Promoter to give undertakings accordingly.
35. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their community's rights, including their rights, interests and property and for which no adequate provision is made to protect your Petitioner and their community.

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 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 Petitioner's community 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.

Signatories :



Charlotte Hewes – Clerk to Wendover Parish Council



Cllr Robert Duggan - Chairman of Wendover Parish Council

IN PARLIAMENT
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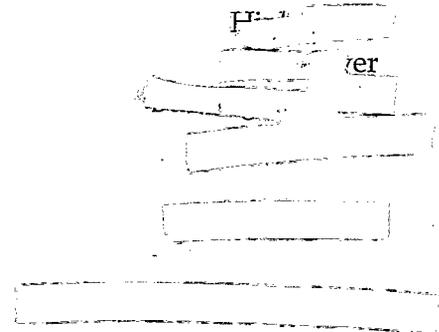
HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Wendover Parish Council

AGAINST, By Counsel, &c.

Mrs Charlotte Hewes
Clerk to Wendover Parish Council

The Clock Tower



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