

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 KIM AND GILLIAN WHARTON

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, 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 petitioners are Kim Wharton and Gillian Wharton (hereinafter referred to as "Your Petitioners") who live in Hale Road, Wendover, Buckinghamshire, HP22 6NF and have lived in this property in Wendover for almost 13 years. The Bill would authorise the building and operation of the high speed railway through and near Wendover.

6. Your Petitioners and their interests and property are directly and injuriously affected by the Bill, to which your Petitioners object for reasons, amongst others, hereinafter appearing.

7. Your Petitioners' property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2, map CT-05-038. The proposed line would run within 400 metres of your Petitioners' property. At this distance, the proposed line will run above ground and, just prior to this point, across a raised concrete viaduct, 500 metres long. This viaduct will be 13 metres high with gantries a further 5 meters high; significantly higher than the existing adjacent A-road (A413) and Chiltern Railway line.

8. Your Petitioners have directly received letters and information from HS2 Ltd, which indicate that it considers that they are directly and specially affected by the Bill.

9. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in and close to Wendover. 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 Petitioners do not object in principle to development of the railway network in the UK, but do object to the works proposed to be carried out.

11. Your Petitioners' main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover to eliminate the need for a viaduct.

#### *Construction process of the scheduled works*

12. Your Petitioners aver that during construction of the scheduled works there would be the following effects:

13. Serious disruption along all local roads, caused by a high volume of construction vehicles and construction workers personal vehicles, and enforced diversions and road closures. These local roads include the B4011 and A41, which your Petitioner's use on a daily basis, and the B4009 and A413, which your Petitioners use on a regular basis, a number of times per week.

14. A severe strain on local community services including the Wendover Health Centre, at which your Petitioners are registered patients and users, and the local police service, caused by an influx of construction workers.

15. Dust caused by chalk and soil from construction and excavation. On storage chalk dries out, creating dust, the effect of which will be made worse by the prevailing south-west wind, which blows directly onto your Petitioners' property in Hale Road, Wendover.

16. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty, which your Petitioners enjoys on a daily basis.

17. A substantial impact on Hampden Pond which your Petitioner frequently enjoys fishing at and the adjacent recreational park, which your Petitioner visits a numerous times per week with their dog.

18. Disruption to local power supplies caused by the need to move the electricity pylons near the line.

19. Disruption to footpaths, which your Petitioners uses on a daily basis to walk their dog. In particular, the following footpaths that run:

- alongside the cricket pitch that is to be eliminated by the line (8607 for Ordnance Survey [OS] Explorer Map 181)
- from Wendover High Street to Bacombe Lane (8607 for OS Explorer Map 181)
- from Bacombe Lane close to the A413 roundabout on the Southern side of Wendover (8607 and 8706 for OS Explorer Map 181)
- along the track from the aforementioned A413 roundabout to Small Dean Farm (8706 for OS Explorer Map 181).

20. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, leading to spoiled daytime activities, an inability to concentrate during the day working from, home and inability to sleep at night.

21. Light over the construction area causing serious light pollution. Your Petitioners live in an area where there is little artificial lighting, so this incursion of light would be very noticeable.

### *Operation of HS2*

22. Your Petitioners aver that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:

23. Your Petitioners' view of the Chiltern Hills in the AONB would be permanently scarred by the obtrusive viaduct and embankment (13 metres) above ground level with gantries a further 5 metres) high. The line would be visible from numerous viewpoints in the locality including The Petitioner's own property which is within the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape at the southern edge of Wendover.

24. Your Petitioners aver that trains up to 400 metres long passing every two minutes would also permanently damage their enjoyment of living in the Chiltern Hills.

25. The noise from these trains would cause an intolerable strain upon your Petitioners' life and affect their sleep. At the distance from the line where your Petitioner 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.

26. Your Petitioners moved to Wendover for the remainder of their working life and to retire. This currently includes some working from home, which will continue in the future. The proposed line will significantly affect your Petitioner's ability to work effectively from home.

27. Your Petitioners already enjoy many outdoor activities, most significantly, gardening, walking, road cycling. Off-road biking and fishing locally on Hampden Pond, all in a tranquil and relatively peaceful area. The proposed line will significantly affect our plans to enjoy our hobbies and interests for the remainder of our lives.

28. Should your Petitioners elect to move because our semi and full retirement plans are spoiled by the line, the value of your Petitioner's house has already been adversely affected, and will continue to be so on a permanent basis.

29. The Petitioners are entitled to no compensation under the current hardship or proposed compensation schemes so would be financially worse off should they choose to sell their property.

30. The damage to local facilities would be substantial, both those of value to your Petitioners such as a thriving high street, and those of value to Wendover as a community such as St. Mary's church, the skateboard park alongside the London Road and the cricket ground, the latter which would be destroyed. Your Petitioners enjoy the various cafes and pubs in Wendover with outside seating which would be significantly affected by the noise of the proposed line. The skateboard park offers teenagers a great environment for bikers and skateboarders which would be severely affected by the line.

*The benefits of a fully-bored tunnel*

31. Your Petitioners propose 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 11-21 above and all the disadvantages set out in paragraphs 21-30 above.

32. Chiltern Ridges Action Group has proposed such a fully-bored tunnel in a report by Peter Brett Associates, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible.

33. HS2 Ltd has said that such a tunnel would cost £330 million more than the present proposal. However, it has refused to divulge any detail of this figure, or even the tender documents on which it was based, and there is considerable evidence that the figure is seriously exaggerated and inaccurate.

34. Moreover, it seems that HS2 Ltd has not 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. These benefits are valued at over £500 million. Furthermore, your Petitioners believe that the value of preserving an AONB for years and centuries to come, whilst difficult to quantify, is significant.

35. For the foregoing and connected reasons your Petitioners respectfully submit 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*

36. If a fully-bored tunnel is included in the Bill, your Petitioners propose that at least the following mitigation be adopted for its construction:

37. That the operation of construction traffic on the A413, B4011 and B4009 only be permitted during the agreed working hours, excluding rush hour (7-9am and 5-7pm) on weekdays.

38. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.

39. 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.

40. 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.
41. 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.
42. 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.
43. 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.
44. That artificial lighting at construction areas be limited to working hours.
45. 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.
46. 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, associated with the construction of the scheduled works.
47. 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.
48. 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.
49. That the maintenance loop at present proposed to be located to the north of Wendover be moved to an area where there are much larger permanent works scheduled.
50. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 33 to 43, 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*

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

52. That the existing proposed green tunnel be extended to the south and north of Wendover.

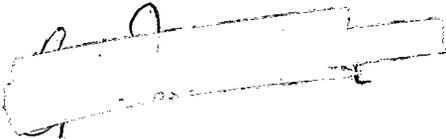
53. That the mitigation proposed in paragraphs 36 to 50 above be adopted.

YOUR PETITIONERS in the premises 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.



AND your Petitioner will ever pray, etc.



BACKSHEET

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Against the Bill – on merits – by Counsel, etc.

Contact details: Kim and Gillian Wharton

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