

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, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of Ronald John and Lynn Petersen

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. You petitioners (herein after referred to as ‘the Petitioners’) are Ronald John and Lynn Petersen who have lived at Picket Piece, Hale Lane, Wendover HP226NQ for 21 years.
6. They will be directly and injuriously affected by the proposed construction works relating to HS2 and its ongoing operation.

Background

6. The Petitioner uses a number of facilities and services such as shops, health centre and St Mary’s Church located in Wendover. Both during the construction period of the said

works for HS2 which will last up to 5 years and its subsequent operation, the Petitioners will be directly and specially impacted in the use and enjoyment of these facilities.

7 In addition the Petitioners use both the B4009 and A413 on an almost daily basis and therefore he will be directly and specially affected by the traffic movements relating to the construction of the line.

8. Your petitioners walk regularly through Wendover Woods and currently today enjoy the views of the Chilterns both along both the Misbourne Valley and the Vale of Aylesbury. In addition, walking up to Combe Hill from Halton and enjoying both the tranquillity and view is also an element of enjoying the Chilterns AONB. The proposed changes by HS2 will seriously and directly affect that enjoyment.

9. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing. 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.

10. Your Petitioners' objectives in looking at the operation of HS2 are to persuade your Honourable House to protect the Petitioners' current enjoyment of the Chiltern's an Area of Outstanding Natural Beauty and protect Wendover town as a social and commercial community centre for the enjoyment of the Petitioners by lowering the line into a fully-bored tunnel as it passes through the Chiltern's AONB and passes closely to the town of Wendover.

11. Your Petitioners' concerns during the construction process of the scheduled works are varied and relate to the direct impact those works will have on him.

Problems caused by the construction process.

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

13. Your petitioners have serious concerns over the provision of information by the promoter, both prior to the deposition of the Bill and up to the date of the deposit of this petition. This has meant that thorough and detailed assessments of the proposed project, its impacts, and benefits have been impossible to compile. For example the locally proposed mitigations including the extending the green tunnel have been stated as being too expensive but requests for details have been met with a statements that they are commercially sensitive and therefore there is no transparency to the decision making.

14. Your Petitioners are concerned that the proposed Construction Code of Practise is not legally enforceable and therefore the contractors will ignore some or all of it as it suits the contractor to the detriment of the Petitioners. In addition the self policing of this by the contractors will lead, in the view of the Petitioners, to many breaches with serious consequences on the Petitioners, but no penalty to the contractor.

15. Your Petitioners are concerned that the 'undertaker' has no legal duty to ensure they deliver the undertakings and has no legal powers to ensure that the contractor does what is promised.
18. Your Petitioners are concerned that the movement of HGV's along local roads are not being kept to the bare minimum. With the numbers quoted by HS2 Ltd. in the area there is a concern that the response times from the emergency services to incidents will be extended resulting in the Petitioners being put at risk of death or aggravated personal injuries and/or incremental losses due to that delay in response.
19. Your Petitioners are concerned about the disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day for HS2 construction works, especially the A413 and the B4009, which your Petitioner use every day, and the A41, which they use on a regular basis.
20. In addition, Your Petitioners are concerned that, due to the incremental traffic caused by the construction works, the road tarmac on the B4009 and A413 will be worn out by the end of the construction phase.
21. Your Petitioners are concerned that there will be a serious strain on local community services such as the Wendover Health Centre, to which your Petitioner uses regularly as the only health centre available to them. This would be caused by the influx of construction workers into the area. They also feel that the A&E department in Stoke Mandeville, which is already under strain, will suffer an increase in demand and related time delays due to this project.
22. Another concern your Petitioners have is that there will be a serious strain on local policing due to the influx of a temporary and transitory population in the working camps. In addition the increase in traffic movements will require police management to ensure the roads still function.
23. Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty (AONB) with its exceptional natural beauty.
24. Disruption to power supplies to the area caused by the need to move the electricity pylons near the line.
25. Your petitioners are concerned that, with no proper hydrological survey carried out, the proposed operation of the HS2 line will have a detrimental effect on the springs and aquifers that feed water into the Wendover Arm of the Grand Union Canal that flows through Halton village. The possibility of the canal drying up due to HS2 works would have both a significant impact on the water feeding into the Grand Union canal at its highest point and the beauty, ecology and wildlife around the canal in the Halton area.

Problems caused by the operation of HS2.

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

27. Your Petitioners view of the Chiltern Hills and Misbourne Valley in the AONB would be permanently scarred by the obtrusive viaduct and embankments at Wendover Dean and Small Dean. The line would be visible Picket Piece and from several viewpoints they regularly visit. It would be overbearing and dominant in the landscape blighting the visual enjoyment of Chilterns.

28. Your Petitioners' view and enjoyment of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes on top of embankments and viaducts.

29. Your Petitioners believe the dumping of over 800,000 cubic meters of spoil in the Chiltern AONB at Hunt's Green will cause a permanent and negative change to the AONB and hence the continued enjoyment of it. In addition it has not been made clear what the full environmental and ecological impact of such a proposal would be.

30. Your Petitioners are concerned that the scheme as proposed will have a very negative affect on Wendover town in terms of their quality of life, property prices, socio-economic health/tourism and community cohesion. It is feared that it will be so badly impacted that it will result in shops and facility closures which will in turn impact Your Petitioners.

31. Your Petitioners are seriously concerned about the permanent and substantial damage to St Mary's Church due to inadequate noise mitigation from the Small Dean viaduct. This listed building is visited by the Petitioner both for cultural events and religious occasions. The impact of the projected noise levels of HS2 will result in it not being useable as a concert venue and unfortunately weddings and funerals in the churchyard being accompanied by a cacophony of noise from HS2 .

32. Your petitioners are concerned that both they and the local people and communities impacted by HS2 derive no benefit from it. Consequently they are being asked to suffer twice over, once as a normal taxpayer who has to fund it and secondly suffering the construction disruption, and permanent blight of HS2.

Mitigation of the Construction Impacts of HS2

33. Your petitioners request that separate funding should be made available to Thames Valley Police Authority from the Department for Transport for increased staffing locally likely to be required due to the advent of a substantial construction workforce and complex traffic management arrangements.

34. Your petitioners request that separate incremental funding is made available for both the local GP service at Wendover Health Centre and for Stoke Mandeville Hospital – A&E department to cater for the need to increase resource 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. In addition the resources will be required to cover the increase in construction workforces in the area during the construction process.

35. In addition, your Petitioners request that the operation of construction traffic on the A413 and the B4009 only be permitted during the agreed working hours, excluding rush hour and school pick up times (7-9am and 4-6pm) on weekdays.

36. In addition, Your Petitioners would request that the number of construction vehicles using local roads be limited and that HS2 Ltd., or the specified undertaker, be directed to maximise the use of the Chiltern Line to bring materials into the local area and take spoil away. All exceptions to be authorised by the specified undertaker and Buckinghamshire County Council (the responsible authority for traffic in Buckinghamshire). Each exception to be published with associated reasons – any dispute to be resolved by independent arbitration with associated penalties for abuse.

37. Your Petitioners ask that the removed spoil should not be permitted to be dumped in the Chilterns AONB and should be moved along the trace or by rail out of the area.

38. Your Petitioners ask that a traffic management plan be agreed before construction starts with Aylesbury Vale District Council and Buckinghamshire County Council with agreement from the affected parish councils. In the event of failure to reach agreement, such a plan should go to independent arbitration.

39. Your Petitioners ask 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.

40. Given the lack of research by HS2 Ltd., and the Department for Transport on Hydrological issues Your Petitioners would request an undertaking that once the analysis and research has been completed all necessary steps are taken to ensure that the springs and aquifers that feed The Wendover Arm of the Grand Union canal are not impeded, damaged or affected at all by the scheduled works. Such mitigation work would include if necessary slight changes to the alignment of the actual route to avoid disturbing aquifers and springs.

Mitigation of the Operation of HS2

41. Your Petitioners believe that part of the scheduled works should be replaced by a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover (the portal being sufficiently away from the north side of Wendover). This would avoid all of the disadvantages set out in paragraphs above .

53. Both the Chiltern District Council and Chiltern Ridges Action Group have proposed such a fully-bored tunnel. In a report by Peter Brett Associates on the CRAG tunnel, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible.

54. HS2 Ltd., have stated that the cost of a bored tunnel would be approximately £330m more than the existing proposal. Unfortunately, they have failed to provide details of how this figure is arrived at. It is the Petitioners view that they have excluded the environmental and ecological benefits that a tunnel would have, the health impacts on the local population due to unacceptable environmental noise levels, the adverse impact on the socio-economic life of the area and the avoidance of depressed property prices being suffered locally. Taking these and other non-market affects into account Your Petitioners believe the case for a fully bored tunnel through the whole of the Chiltern AONB is overwhelming. For these reasons, your

Petitioners submit that the Bill should not be passed without being amended to include a fully bored tunnel through the whole of the Chilterns.

55. If the honourable house cannot find the funds for a fully bored tunnel through the whole of the Chilterns AONB then Your Petitioners believe much better mitigation for both noise and visual blight is required for this area. This could include but should not be limited to extending the green tunnels to the north and south of Wendover and having an enclosure on the Small dean viaduct and embankments near Wendover.

56. We note that HS2 Ltd., have stated they have sufficiently mitigated the noise problem such that it should not be an issue. Your petitioners would propose that, if this is true, then a legally enforceable noise limit for day/night and average/peak based on the correct WHO targets is introduced at points 120m from the line around Wendover would answer this. To be effective it would require significant penalties if it is breached. If HS2 Ltd., and the DfT are correct, then granting this will not add any additional costs but would provide comfort to Your Petitioners.

57 Your petitioners would point to the example of HS1 where a community fund was established for those areas who derived no benefit from the project but had to bear the construction pain. A similar approach to Wendover would do much to assuage both his and the local feeling of pain. Likewise, re-tarmac the Wendover bypass with 'silent' tarmac would be a small compensation and recognition of the strains put on the community by HS2. More specifically with the increased traffic movement around the area driven by HS2 the funding of a roundabout at the junction of Chestnut Avenue and the B4009 would assist both the traffic flows and local feelings.

YOUR PETITIONERS therefore pray 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 Petitioners 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 Petitioners as your Honourable House may deem meet.

AND your Petitioners will ever pray, in the premises etc.

By the Petitioners

Date: 23.07.14