

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 Michael Charles Doyle Malone

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 petitioner lives at Old Hale Cottage, Hale Lane, Wendover, Bucks HP22 6NQ, where he has lived for over 38 years. Your Petitioner is 82 years of age. The Bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run some 600 metres to the south-west of Old Hale Cottage.

As mentioned above your Petitioner has lived in Old Hale Cottage for 38 years, his wide-ranging environmental and cultural interest allied to his community interests include membership of BBONT, Born Free Foundation, Friends of Bucks County Museum, Ian Rennie Hospice, The Lee Old Church Trust, a Patron of The Royal Academy of Music. After serving in The Royal Artillery he is a member of The Royal Artillery Institution Fund, Acting Chair of The Royal British Legion Kimble Branch, a member of The Gurkha Welfare Trust and a member of The Alzheimer Society.

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

7. Your Petitioner and Local Residents will derive no benefit of any kind whatsoever from HS2, and accordingly suffer twice, firstly as taxpayers having to fund it, and secondly by being subject to the disruption caused by construction and the permanent blight caused by operation.

8. Your Petitioners' property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2., and in maps LV-03-036, LV-04-036 and SV-05-019.

9. Your Petitioner has been the recipient of letters and information in the post from HS2 Ltd, which indicates that it considers that he be affected by the Bill.

10. Objection is taken, in particular, to the construction and operation of the scheduled works proposed, in and near Wendover. These works consist of the Wendover Dean and Small Dene viaducts, each 500 metres long and up to a maximum of 18 metres high. Not to mention the gantries on top. These viaducts are connected by a huge embankment with minimal cuttings. The Small Dene viaduct joins the southern end of the Wendover green tunnel (otherwise known as a 20 metre cutting with a roof on top!) There are planned ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings.

CPRE have referred to this proposal south of Wendover as the iconic scar of the AONB. HS2 Ltd have failed totally in any mitigation for this iconic scar, and in so doing the Petitioner believes are in breach of the CROW Act 2000. If as HS2 Ltd has claimed the high speed line is in the National good, HS2 Ltd should be ensuring that only world class mitigation for the AONB is employed. This they have patently failed to do.

11. Your Petitioners' main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel through the whole of the Chilterns Area of Outstanding Natural Beauty.

**Your Petitioner avers many problems will ensue from the construction process of the scheduled works**

- Severe traffic disruption impacting on your Petitioners daily life and emergency access to himself and his home.
- A serious strain on local community services caused by an influx of construction workers.
- Dust caused by chalk and soil from construction and excavation, leading to the exacerbation of your Petitioners respiratory and cardio-vascular problems. The prevailing south-west wind, which blows directly onto his property to the north-east.
- This problem with dust was a feature of the Wendover by-pass construction and at that time, the mitigation measures promised, were not complied with and there appeared no policing of a Code of Construction Practice. This inevitably leads to cynicism regarding declared mitigation measures stated by HS2Ltd. Leading to a request for your Honourable House to provide a legal framework around the Code of Construction Practice to prevent contractors taking short cuts to reduce costs and maximise profits at the expense of the community and Your Petitioner.
- Substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty with its exceptional natural beauty and legally protected landscape, e.g. at Hunt's Green, where over 800,000 cubic metres of spoil is projected to be dumped. This is waste dumping by another name and should not be permitted in a protected landscape. They would also be waste dumping to construct the embankments.
- Substantial damage to the local cultural heritage, including St Mary's Church, which your Petitioner visits for cultural occasions.
- Disruption to power supplies caused by the need to move the electricity pylons near the line. Your Petitioner heats their Property with electric heaters. Any disruption of supply could have serious consequences.
- Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected with that, leading to inability to concentrate during the day, and inability to sleep at night. In particular the projected night-time noise will be substantially above World Health Organisation guidelines. The noise projections given out by HS2 Ltd have been of average noise, rather than maximum noise which has the greatest and most harmful effect. Further, the Department for Transport has not used the proper targets for new projects, but has used those for upgraded existing lines.

- 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.
- The effect on the value of your Petitioners' property at Old Hale Cottage, which has already suffered blight for over four years, and will continue to do so throughout construction and afterwards.
- Your Petitioner avers that the completed proposed scheduled works would have the following permanent effects many identical to those above.
- Your Petitioners' view of the Chiltern Hills in the AONB would be permanently scarred by the infrastructure and operational movements. This desecration of an AONB sets a very dangerous precedent, and renders the Statutory protection afforded to other AONB's and National Parks almost meaningless.
- The noise from these trains would cause an intolerable strain upon your Petitioners' life and affect his sleep. At the distance from the line where he lives the noise would be spread over a longer time period. The period during which the noise would be heard would be longer than periods without noise. Your Petitioner after 38 years of peace and after 24 years of retirement, has for 4 years been plagued by nightmares and sought medical treatment for this. Your Petitioner avers that it is immoral that Your Petitioner should end his life after 4 years of fruitless HS2 discussion and then the disruptions caused by the construction as it is unlikely he will see the train in operation thankfully. He would rather have been spared all of this.
- The value of your Petitioners' house has already been adversely affected, and would continue to be so on a permanent basis.
- 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**

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 above.

HS2 Ltd has confirmed that from an engineering and construction point of view a tunnel is feasible. A fully-bored tunnel throughout the whole of the AONB is the only possible acceptable mitigation.

HS2 Ltd has not taken into account the value which a fully-bored tunnel would bring For the above reasons your Petitioner respectfully submits that the case for a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover is overwhelming, and that, unless the Bill is amended by the inclusion of such a tunnel, then the Bill should not be allowed to pass into law.

**Mitigation for construction of the present proposal**

If the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:-

That the existing proposed green tunnel be extended as far as possible to the south and north of Wendover.

That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality infrastructure to be made as visually pleasing as possible, with full enclosures and with the maximum use of noise barriers on both sides to minimise the damage to nearby residential accommodation, Wendover House School and St Mary's Church.

That the maximum amount of mature planting be used, at the earliest opportunity and with the use of mature trees able to grow quickly to at least forty feet high, in order to conceal the line from view at the earliest possible time.

YOUR PETITIONER therefore 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 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 their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

Michael Charles Doyle Malone

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013- 14

HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITIONER OF MICHAEL CHARLES DOYLE MALONE

AGAINST, By Counsel, &c.

1

WEST MIDLANDS  
HIGH SPEED RAIL  
BILL