

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 South Heath Garden Centre & Nursery Ltd

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 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 the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of

Environmental Impact Assessment Regulations.

6. The works proposed to be authorised by the Bill ("the Authorised Works") are specified in clauses 1 and 2 of, and Schedule 1 to, the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.

Your Petitioner

7. Your Petitioner is South Heath Garden Centre & Nursery Ltd and was established 54 years ago and has remained in the family since. The business is in retail, selling trees, plants, garden products and machinery as well as being a nursery for plants. Your Petitioner has up to 10 employees including part-timers, many of whom live in the area that will be affected by the construction and operation of the railway authorised by the Bill and your Petitioner's responsibilities extend to that area. Your Petitioner's property is at Meadow Lane, South Heath, HP16 9SH. Your Petitioner's business covers Great Missenden, Prestwood, Wendover, Amersham, Chesham and the villages in between.
8. Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

9. Your Petitioner is concerned that the deep cuttings, the new service roads and the security fences and ancillary portal buildings required by the proposed line will ruin the landscape of the AONB forever and deter customers and employees so making it unviable to continue the business.
10. Furthermore the unattractive landscape of gantries and security fences will make it difficult to attract and retain staff and during the construction period will result in increased time and cost for employees accessing the business and therefore fewer employees will be willing to work for the business.
11. Your Petitioner uses Frith Hill, Ballinger Road and Kings Lane on a daily basis to conduct business. Therefore closure of Frith Hill and the diversion of Kings Lane will result in severe delays, and increase the time and cost of your Petitioner's customers to visit the garden centre. The closure of Frith Hill is for up to 2 years and is at the same time as the re-alignment of Chesham Road B485 and Kings Lane for up to 7 years.
12. Your Petitioner is further concerned about the effects that the construction of the railway will have on deliveries getting to, and arriving on time, at the business due to congestion caused by construction traffic on the A413 and B485 and further congestion by construction traffic along the rural lanes of Frith Hill, Kings Lane and Ballinger Lane. The business takes deliveries on a daily basis with delivery vehicles ranging from vans to articulated lorries from the continent, some with trailers, along roads and lanes down which HGV construction traffic will be travelling. Two or

more of such large vehicles meeting on the rural lanes would be a safety hazard to pedestrians as there is no footway along Kings Lane for instance and to children en route to and from school and to cyclists who use the country lanes regularly.

13. Your Petitioner is located just over 500metres from the proposed line and is concerned that noise given the prevailing southerly winds and light pollution from gantries and pantographs above the surface and cuttings will have negative impacts in this previously tranquil area. This will result in a change in character of the area, and deter visitors who provide a vital source of funding for the business

Your Petitioner's request for alteration of the Bill

14. Your Petitioner proposes that a fully bored tunnel under the Chilterns AONB would remove most, if not all, of the adverse impacts of the operation of the line and construction traffic from the South Heath village roads so that no road diversions or closures would be required.
15. In the alternative to the extension of the fully bored Chiltern Tunnel throughout the AONB, which is the primary alteration to the Bill your Petitioner seeks, your Petitioner requests that the fully bored Chiltern Tunnel is extended to Leather Lane as it will address, most but not all, of the above concerns.
16. Your Petitioner affirms that the extensions to the fully bored Chiltern tunnel outlined above and on pages 39 to 42 of Vol2, CFA9 of the Environmental Statement are the only acceptable approaches to mitigate the impact on residents, businesses and the AONB. However if these are not preferred then the following will be required.
17. Your Petitioner requests that an alternative temporary construction route is made to access the trace such that South Heath village roads are not used at anytime by construction traffic.
18. Your Petitioner requests that the closure of Frith Hill is avoided by the building of a temporary vehicular bridge to include cycle, foot and bridleways
19. Your Petitioner requests that South Heath Village roads are not used by construction traffic including HGVs during the hours of 10am and 4pm in order to minimise the negative impacts of construction routes on free access to and from South Heath. A hotline should be set up allowing your Petitioner to report infringement of the restricted hours detailed above.
20. Your Petitioner requests compensation for businesses which are indirectly or only temporarily affected; compensation for loss of profit, loss of trade and fees of any professional advisor appointed by the business and a substantial reduction in business rates.
21. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly 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 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 Petitioners 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 Petitioners will ever pray, &c.



Signed by Susan Ann Spencer
on behalf of South Heath Garden Centre & Nursery Ltd

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