

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – [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 both Timothy Ian Stuart and Ruth Elizabeth Stuart.

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, Mr Chancellor of the Exchequer, and 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 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.
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10. 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.
11. Your Petitioner is the freehold property joint owners Timothy Ian Stuart and Ruth Elizabeth Stuart of Jasmine, Marriotts Avenue, South Heath, Great Missenden, Buckinghamshire HP16 9QL
12. Your Petitioners' rights and interests are injuriously affected by the Bill, to which your Petitioners objects for reasons amongst others, hereinafter appearing.
13. Your Petitioners objects to the Bill because your Petitioners' property is located in close proximity to the A413, Frith Hill South Heath, Kings Lane and the Chesham Road B485. The Environmental Statement Volume 2 CFA9 states that: *Construction of the Proposed Scheme will result in increased traffic flows from workers and construction vehicles accessing compounds together with temporary road closures and diversions.* (12.4.12) and that: *Increased traffic during the most intensive periods of construction will cause additional traffic congestion and delay at a number of junctions in the area including at the A413 London Road with A4128 Link Road; A413 London Road with B485 Frith Hill; B485 Frith Hill/Chesham Road with Frith Hill; King's Lane with Frith Hill/Ballinger Road and Potter Row; B485 Chesham Road with King's Lane and B485 Chesham Road with Hyde Heath Road.* (12.4.29). Your Petitioners use these roads to travel to and from work. Your Petitioners either use Great Missenden station on a daily basis to commute to work in London or frequently use London's Heathrow Airport for international business travel purposes together with the roads aforementioned for business commute when working in the UK. Longer journey time to and from work is a real concern for your petitioners as it will increase cost of travel for work, the time taken and the inability to plan accurate journey times for travel from LHR, meetings in the UK and accessing their places of work. Your Petitioners regularly use the roads aforementioned to access the shops, the gym and services in Great Missenden and Prestwood for leisure purposes. Free access to and from the village of South Heath must be maintained.
14. Your Petitioners understand that The Countryside and Rights of Way Act 2000 sets out a duty for Government and Statutory bodies to make every effort to conserve and enhance Areas of Outstanding Natural Beauty (AONB). Your Petitioners are particularly concerned that the Landscape of the Chilterns AONB will be completely altered by the construction of four ventilation and access shafts, 5 tunnel portals and exits, cuttings, embankments, viaducts, balancing ponds, the loss of three Ancient Woodlands in the AONB, the re-routing of the B485 near to the village of South Heath to include a newly built lit roundabout together with the dumping of millions of cubic metres of extracted soil in the Upper Misbourne Valley at Hunts Green Farm.
15. Your Petitioners are concerned that wildlife will be severely adversely affected both during construction and operation, with the destruction of three ancient woodlands, the loss of 41 km of hedgerows, other habitats and the cutting of animal migration trails. In addition the

operation will put birds at risk of collision, particularly barn owls and red kites and see bat and newt habitats destroyed in the AONB.

16. Your Petitioners are concerned that many of the Rights of Way (RoWs) will be disrupted by the Bill, not only during the 7 years of construction but after the ongoing operation of the railway which will mean that your Petitioners will no longer want to walk along these footpaths because of the noise from up to thirty-six passing trains per hour.
17. Your petitioner requests that all existing roads are returned to their current status (i.e. country roads); all new service roads are built to blend into the rural environment; all new structures are designed and built to reflect the character of those already in the AONB; tunnel portals are disguised and essentially hidden from view; gantries are not visible and all noise barriers whilst being of the most effective possible are sympathetic to our environment.
18. Your Petitioner is concerned about the impact of the excessive noise that will be created by the construction and operation of the proposed railway. Significant time is spent in the house and garden and this will be severely impaired by the continuous noise during the extensive construction period.
19. Your petitioner is also gravely concerned about the broader potential loss or permanent damage to the Chilterns AONB. There are 33 designated AONB's in England and the Chilterns AONB is the closest to London. The primary purpose of this special recognition is to conserve and enhance the natural beauty of the landscape whilst meeting the need for quiet enjoyment of the countryside for all and having regard for the interests of those who work and live there. The Hybrid Bill fails to recognise this in a meaningful way. The residents of South Heath value its rural country environment and the tranquillity of the village. The effective destruction of this area by this major infrastructure project will destroy the tranquillity, serenity, ambiance and overall natural beauty which will be a tragic loss not only to the current residents of South Heath but to all current and future generations.
20. The Environmental Statement Volume 2 CFA9 9.5.1 states that the relocation of overhead power lines and pylons will be a permanent effect arising during operation. Your petitioner requests that all overhead power be routed underground in South Heath and throughout the Chilterns AONB.
21. Your Petitioner proposes that the Bill is amended to provide longest possible fully bored tunnel under the Chilterns Area of Outstanding Natural Beauty (AONB), which would remove the majority, if not all, of the construction traffic from the roads that will otherwise be affected by traffic congestion, and would prevent disruption to the aforementioned Public Rights of Way, thus preserving the peace and tranquillity of the area.
22. In the absence of a fully bored tunnel your petitioner suggest that a newly constructed temporary service road directly from the A413 just north of the proposed South Heath Green Tunnel (North) Satellite Compound would mean the village roads being kept free of most of the construction traffic
23. If no fully bored tunnel is built your petitioner requests that porous tunnel portals of the South Heath Green Tunnel be constructed to the highest international standards in order to reduce the noise impact of frequent high speed trains.
24. Your petitioner requests a comprehensive community compensation scheme be formally agreed with residents and introduced before construction commences this fund should be used by all residents of South Heath for the purposes of sound proofing homes subjected to construction noise, costs associated with maintaining and cleaning properties due to dust pollution, the payment of increased carer cost due to longer travel during the closure of Frith Hill and other resident's out-of-pocket costs caused by the construction and running of HS2.
25. Your petitioner requests that South Heath Village roads are not used by construction traffic

including HGVs during the hours of 16.00 to 09.00 (the following morning) in order to minimise the negative impacts of construction routes on free access to and from South Heath. The village lanes are narrow in many cases with no footpaths and are used on a regular basis by ramblers and the village residents they are totally unsuitable and unsafe for construction vehicles. These points have been identified to HS2 Ltd at Community Forums on more than one occasion. A hotline should be set up allowing your petitioner to report infringement of the restricted hours and related safety concerns.

26. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the relevant clauses of the Bill are amended as proposed above, so far as it affects your Petitioner, it should not be allowed to pass into law.
27. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and her rights and interests and for which no adequate provision is made to protect your Petitioner.

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 she may be heard by her Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for her 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.

Signature of Petitioners: .....

Timothy Ian Stuart

Ruth Elizabeth Stuart

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Against the Bill – On Merits - By: Timothy Ian Stuart and Ruth Elizabeth Stuart

AGAINST, By Counsel, &c.

Name of Petitioner in Persons: Timothy Ian Stuart and Ruth Elizabeth Stuart

Address:

Post code:

Telephone:

Mobile: