

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

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 Mr. Clive Nicholls

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, the Deputy Prime Minister, 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.
7. Your petitioner is Mr Clive Nicholls, joint freeholder with his wife, Mrs. Shirley-Ann Nicholls of 23 Kings Lane, South Heath, Great Missenden, Buckinghamshire, HP16 0QY. This property and all those on Kings Lane will be directly and specially affected during the construction and fitting out phases of HS2.
8. Your petitioner's property is in close proximity to the construction of the South Heath Tunnel proposed within the Bill. Therefore your petitioner's residential property will be subject to intolerable noise, dust and vibrations for a total of 5½ years (3½ years construction and 2 years fitting out).
9. Your petitioner's property is located just outside the 300m Homeowner Payment scheme compensation zone and although it will be severely affected by the construction phase of the railway, rendered unsellable and hence valueless will not be entitled to any compensation.
10. Your petitioner's property is located on Kings Lane which is proposed to be used, under the Bill, as a route for construction traffic for 5½ years by up to an estimated 520 average daily two-way combined vehicle trips (60 HGV, 460 other vehicles). Your petitioner uses Kings Lane 2-3 times daily to access local services including shops, health services, a bank and the post office.
11. Your petitioner's property enjoys a tranquil and safe location that will be spoilt during the 5½ year construction and fitting out phases and once the railway authorised by the Bill is operational. The Environmental Statement accompanying the Bill states in the Non-Technical summary Page 44, 7.4 Community that "Community wide adverse effects, whereby a substantial number of local people are significantly affected by the construction of the project, are limited to the Regent's Park Estate, Camden; Park Village East, Camden; Wells House Road, Ealing; South Heath; Thorpe Mandeville and Lower Thorpe; Chipping Warden; Burton Green; Gilson; Water Orton; and the small rural community which lies between Weeford and Whittington in Staffordshire". It should be noted that South Heath is the only community in Buckinghamshire that is deemed to suffer community wide adverse effects. Furthermore pages 87 and 88 of the NTS also refer to the negative impact on South Heath.
12. Your petitioner and his interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Construction routes

13. The use of village roads (Kings Lane, South Heath Frith Hill leg / Potter Row) is wholly inappropriate as construction routes using HGVs. Their immediate proximity to more than 75 dwellings will lead residents to unnecessarily suffer excessive noise, dust and disturbance.

14. The roads referred to in paragraph 13 were never designed or built for the use of HGVs and in many places the road width will not permit passing of HGVs.
15. The roads referred to in paragraph 13 are used daily by school buses for collection and set-down of young pupils. Safety considerations have been ignored in selecting these routes for construction traffic.
16. The inappropriateness of these routes has been made known to HS2 Ltd on many previous occasions in Community Forum meetings and written submission to HS2 Ltd. No alternative routes have been considered or discussed with residents.
17. Your petitioner requests that Kings Lane and Frith Hill are not used as a construction route and that the alternatives given in paragraphs 18 to 20 are considered sequentially.
18. Your petitioner proposes the Extended Chiltern Tunnel to the end of the AONB be built as this would remove most, if not all, construction traffic from the roads cited above and hence the negative impact on those residents living along the currently proposed construction routes. In addition the AONB, including three ancient woodlands would be preserved. Tunnel options are referred to in the Environmental Statement Volume 2 Community Forum Area report CFA9 Central Chilterns page 41 paragraphs 2.6.3 to 2.6.17.
19. If the Extended Chiltern Tunnel to the end of the AONB is not granted then your petitioner proposes that the alternative Extended Chilterns Tunnel to Liberty Lane (near Leather Lane) be built in place of the above ground construction described in the Hybrid Bill and Environmental Statement. This alternative fulfils the reason given in paragraph 21 above. This alternative tunnel is referred to in the Environmental Statement Volume 2 Community Forum Area report CFA9 Central Chilterns page 41 paragraphs 2.6.18 to 2.6.23
20. Alternatively your petitioner suggests that a newly constructed temporary service road directly from the A413 just north of the proposed South Heath Green Tunnel (North) Satellite Compound better serves the construction of this part of the railway and removes the very severe impact on the residents of South Heath.
21. For the foregoing and connected reasons your petitioner respectfully submits that, unless the Bill requiring the use of Frith Hill (Chesham leg – B485), Frith Hill (South Heath Leg), Kings Lane and Potter row as construction routes is amended as proposed above, then the Bill affecting your petitioner, should not be allowed to pass into law.

Temporary/permanent road closures, diversions & construction

22. Your petitioner is gravely concerned and affected by the Hybrid Bill's proposal to close, divert and reconstruct three key local access roads namely Frith Hill, B485 Chesham Road and Kings Lane, linking his property to the principal local towns, Great Missenden, Amersham and Chesham (Kings Lane, Frith Hill and Chesham Road).

23. Your Petitioner (and wife) travel all these roads on a daily basis to access local facilities and services such as shops, banks, post offices, main line & underground stations, medical & dental facilities, library, garages, restaurants, pubs etc. The genuine hardship and considerable effect on daily life arising from these proposals has not been recognised within the Hybrid Bill or the Environmental Statement.
24. Your petitioner commences all longer journeys (outside the immediate area) by using the local roads that will be adversely affected by the construction of the railway. They are the three principal exit/entrance access routes to his property and restrictions and delays to emergency services may also be affected.
25. Your petitioner is concerned that the whole village of South Heath's identity, its ambience, closeness to nature, social cohesiveness etc. will be lost forever.
26. Your petitioner requests that the Hybrid Bill's plan for a South Heath green tunnel be changed to an extended bored tunnel through the Central Chilterns in order to mitigate the overall punitive impact and protect the AONB.
27. Alternatively, given the dramatic punitive impact on South Heath residents your petitioner requests the construction of an extended bored tunnel from Mantles Wood through to Liberty Lane (3.7km)
28. Your petitioner requests a comprehensive community compensation scheme be formally agreed and introduced reflecting the punitive impact of these considerations.

Public rights of way (PROW)

29. Your Petitioner notes that the Hybrid Bill requires the permanent closure of many of South Heaths footpaths and PROWs. These represent an important community asset and your petitioner is a very frequent user of the local PROWs for recreational, social or exercise purposes. They include Hyde Lane, Mantles Wood, Sibley's Coppice, Farthings Wood, Chapel Farm, Rook Wood, Frith Hill, Potter Row, Frith Hill Farm, Bury Farm. Many are through four nationally designated ancient woodlands. The Hybrid Bill requires either closure or destruction of most of the PROWS in the Central Chilterns. Where some PROWs are to be re-instated the route chosen is often totally inappropriate.
30. Your petitioner requests that the Bill be amended to protect and preserve these PROWs by the construction of an extended bored tunnel through the Chilterns area of outstanding natural beauty. It should be noted that the proposed South Heath green tunnel only re-establishes one PROW when completed (6 years) later.

Noise, dust, dirt and light pollution

31. Your petitioner is gravely concerned and seriously threatened by the implicit noise dust, dirt and light pollution by the construction proposals within the Hybrid Bill and Environment Statement. It will effectively turn this area of AONB

into an industrial wasteland.

32. His property is approximately 300 metres from the proposed line and on a construction route that will be diverted. Material stockpile sites, major construction satellite compounds, cutting excavations, a green tunnel construction, major soil and spoilage excavations/dispersals/removals, construction traffic and the actual high speed rail track building and electrification will all lead to excessive noise dust and light pollution. This is particularly poignant given that your petitioner's dwelling is located in a peaceful, tranquil designated Area of Outstanding Natural Beauty (AONB) in the Central Chilterns.
33. In addition the proposed South Heath green tunnel once operational could greatly adversely exacerbate noise at the entry/exit portals due to high impact compressed air turbulence/sonic boom caused by 220mph high speed trains entering/exiting all tunnels. No information has been provided by HS2 Ltd as regards the noise impact created by trains entering and exiting these tunnel portals.
34. As such the proposed construction of a South Heath green tunnel will not effectively protect the Chilterns AONB and could in itself, exacerbate environmental noise issues.
35. Considering the foregoing your petitioner is also gravely concerned about the welfare, health and safety of his family who have already been living with and endured the stress, anxiety and concerns associated with this project for over 4 years and continue to do so.
36. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath green tunnel be changed to an extended bored tunnel through the Central Chilterns in order to mitigate the Bill's overall on the AONB.
37. Alternatively, given the severe adverse impact on South Heath residents your petitioner requests the construction/extension of an extended bored tunnel from Mantles Wood through to Liberty Lane (3.7km).
38. If no tunnel is built your petitioner requests that porous tunnel portals built to the highest international standards are provided in order to reduce the noise impact of frequent high speed trains.
39. Your petitioner requests a comprehensive community compensation scheme be formally agreed with residents and introduced before construction commences reflecting the punitive impact of these considerations. These to include specific sound proofing costs & those regular costs associated with maintaining & cleaning properties, cars and surroundings.

Loss of ancient woodland and Chilterns AONB

40. Your petitioner notes that the current above ground construction route passes through and will partially destroy three ancient woodlands in Chilterns & South Heath area (CFA9). These have an irreplaceable 400-year link to the countries rich ecological past. The three ancient woodlands within ~1.5km of your petitioner's property are, Sibley's Coppice, Mantles Wood, Farthings

Woods. They will be permanently lost together with indigenous flora, fauna and natural biological eco-systems and will sadly directly affect your petitioner's frequent use of these woodlands.

41. 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 and ignore the fact that alternative construction, namely a fully bored tunnel, will preserve the Chilterns AONB.
42. Your petitioner moved to South Heath 5 years ago to find a property in the Chilterns in order to enjoy the rural country environment in his retirement. Additionally the area was chosen, as property development appeared most unlikely. The effective destruction of this area by a major infrastructure project will destroy its tranquillity, serenity, ambiance, aesthetics, and overall natural beauty which will be a tragic loss not only to your petitioner personally but to all current and future generations.
43. Your petitioner requests that the line though the Chilterns AONB is a fully bored tunnel in order to mitigate the overall adverse impact and protect the irreplaceable AONB.
44. Alternatively your petitioner requests that the Hybrid Bill be amended to incorporate the construction of an extended bored tunnel from Mantles Wood through the Chilterns AONB area to Liberty Lane. This will protect a further 3.7km of the AONB
45. 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.

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Against the Bill – On Merits - By: Mr.Clive Nicholls & Mrs. Shirley Nicholls

Mr. & Mrs. Clive Nicholls