

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-2014

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 Nilesh Shah

SHEWETH as follows:-

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.”

1. 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. 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.
2. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
3. 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.
4. 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.
5. Your Petitioner and family are the freehold owners of Hollytree, Wood Lane, South Heath, Buckinghamshire, HP16 0RB Mr Nilesh Shah and Mrs Shirley Nicol.

6. Your Petitioner's rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

7. Your Petitioner objects to the bill because your petitioner's property is in close proximity to two Construction Compounds and three major material stockpile sites.

8. Your petitioner's home is located some 300 metres from the track together with being in close proximity of the entrance/exit portals of the proposed South Heath cut and cover tunnel. As a result your petitioner's property will be subject to distressing pernicious noise, dust, dirt, traffic, excess light pollution and associated value degradation of the property.

9. Your Petitioner's property located on Wood Lane, South Heath and is located in close proximity to the A413, Frith Hill South Heath Leg, Kings Lane, Potter Row and the Chesham Road B485. in order to exit or enter the village of South Heath these roads must be used. under the Bill all are the aforementioned are designated to be used as major routes for HGV construction traffic over a period of up to 7 years.

10. The Environmental Statement Volume 2 CFA 9 states that the Kings Lane junction with the Chesham Road B485 will be realigned 120m closer to the village of South Heath and Frith Hill South Heath Leg will be closed for around two years. Your petitioner (and family) use these roads on average six times daily (leaving for work and returning home) and as such will suffer extensive adverse time, cost, safety, stress, health and quality of life issues.

11. Your Petitioner (and family) are regular users of the local PROW's for recreational, social and/or exercise purposes. Up to 16 PROW's and three ancient woodlands are planned to be permanently affected and include Hyde Lane, Mantles Wood, Sibley's Coppice, Farthings Wood, Chapel Farm, Rook Wood, Frith Hill, Potter Row, Frith Hill Farm, Bury Farm. These are all planned within the Bill to be lost by the creation of construction compounds, material stockpiles, road closures/diversions/new constructions and track building (and operation) with the consequential loss of these vital recreational, health and quality of life facilities.

12. Your Petitioner will also be punitively affected through a combination of

- everlasting property blight and significant loss in property value
- loss of peace, tranquillity, aesthetically beautiful, rural Chilterns a government designated Area of Outstanding Natural Beauty
- visual impact of road constructions, material stockpiles, construction camps, excavation equipment, HGV vehicles, rail tracks,
- electrified gantries, cement works, high powered night lights, metal fencing
- potential increased security risks to family and property
- increased risks of utility failures (electricity, water, communications)
- permanent loss of four ancient woodlands in close proximity of Wood Lane
- the adverse impact on indigenous flora and fauna and general ecology
- extensive travel disruption, delays and road damage

- additional detritus and litter associated with large numbers of construction personnel and heavy industrial equipment

NOISE, DUST, DIRT AND LIGHT POLLUTION

13. Your Petitioner is profoundly concerned and seriously threatened by the noise dust, dirt and light pollution implicit within the construction proposals identified in the Hybrid Bill and Environmental Statement. It will effectively destroy this area of AONB and turn it into an industrial wasteland.

14. Your Petitioners property is between 300 and 600 metres of diverted new road constructions, material stockpile sites, major construction satellite compounds, cutting excavations, a green tunnel construction, major soil and spoilage excavations/dispersals/removals, construction traffic, drilling and mining apparatus and the actual high speed rail track associated buildings and electrification. This is particularly poignant given that the Petitioners dwelling is located in a peaceful, tranquil designated AONB the Chilterns.

15. In addition, the proposed South Heath cut and cover tunnel once operational, could greatly adversely exacerbate noise problems at the entry/exit portals due to high impact compressed air turbulence/explosions caused by 220mph high speed trains entering/exiting this feature. No accurate information has been provided by HS2 Ltd as regards the noise impact created by trains entering and exiting these two portals. As such the proposed construction of a South Heath Green Tunnel will not effectively protect the Chilterns AONB and could in itself, exacerbate some of the environmental noise issues.

16. Against this backcloth 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.

17. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath cut and cover tunnel be changed to accommodate as long a possible extended bored tunnel through the Central Chilterns in order to mitigate the Bills overall punitive impact and conscientiously protect the AONB.

18. If this is not possible and given the dramatic punitive specific impact on South Heath residents, your petitioner requests the construction/extension of an extended bored tunnel from Mantles Wood through to Leather Lane.

19. 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.

CONSTRUCTION TRAFFIC

20. Your Petitioner is concerned as to the safety risks, threats, delays and damage posed by extensive HGV construction traffic using Hyde Lane, Chesham Road B485, Frith Hill South Heath Leg, Kings Lane, and Potter Road during the Bills implementation. They are small, rural country

roads and as such unsuitable for heavy construction traffic or HGV movements. They are used daily by your petitioner and regularly used by local residents, cyclists, ramblers and horse riders.

21. The damage to road surfaces would in addition bring about safety issues in themselves and generate potential additional car repair and maintenance costs to your petitioner and other users.

22. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath cut and cover tunnel be changed to accommodate an extended bored tunnel through the Central Chilterns area in order to remove the need to route the severe HGV traffic through these rural country roads.

23. If this is not possible and given the dramatic punitive impact on South Heath residents, your petitioner requests the construction of an extended bored tunnel from Mantles Wood through to Leather Lane, which will mitigate some of the impact/disruption/damage arising from HGV traffic through the area.

24. Where vehicles are still necessary your Petitioner requests removing the need to use small rural roads by the building of specific HGV access roads linking up to appropriate main 'A' roads.

25. Your Petitioner also requests that consideration be given to loading these vehicles by day but moving them by night in order to ease road congestion and address safety issues. In addition, the hours when construction traffic is permitted on these rural country roads should be restricted agreed with the local community.

26. Your Petitioner requests the formal revue of local road conditions during construction and the regular repair and maintenance of those damaged.

27. Your petitioner requests that a fully developed, HGV movement code of practice and operational policies be agreed, published & monitored by HS2 and the local community before commencement & adoption.

28. Your petitioner requests a comprehensive community compensation scheme be formally agreed and introduced reflecting the punitive impact of these considerations.

TEMPORARY/PERMANENT ROAD CLOSURES, DIVERSIONS & CONSTRUCTION

29. Your Petitioner is gravely concerned and affected with the Bill's proposal to close, divert and reconstruct three key local access roads linking his property to the principle local towns, Great Missenden, Amersham and Chesham (Kings Lane, Frith Hill and Chesham Road). Your Petitioner (and family) travel all these roads on a daily basis averaging six excursions per day to access local facilities and services such as shops/banks/post offices/main line & underground stations/medical & dental facilities/library/church/recreational clubs/garages/refreshment facilities/pubs/garages/hardware stores/waste disposal sites etc. The genuine hardship arising from these proposals has not been recognised within the Bill or the Environmental Statement. In addition, your Petitioner commences all longer journeys by accessing these routes. They are the three principle exit/entrance access routes to his property and restrictions and delays to emergency services may also be implicit. The inevitable industrial scale disruption will have life changing implications with significant adverse time, cost and quality of life issues.

30. Your petitioner is concerned that under the Bill the whole village of South Heath's identity, its ambience, closeness to nature, social cohesiveness etc will be lost forever.

31. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath cut and cover tunnel be changed to accommodate an extended bored tunnel through the Central Chilterns in order to mitigate the overall damaging impact and protect the AONB.

32. If this is not possible and given the life changing punitive impact on South Heath residents your Petitioner requests the construction of an extended bored tunnel from Mantles Wood through to Leather Lane.

33. Your Petitioner requests a comprehensive community compensation scheme be formally agreed and introduced reflecting the adverse financial impact of these considerations.

34. Your Petitioner requests that the road construction/diversion works are done in a manner that always permit continuous vehicle access to the principle towns of Amersham, Great Missenden and Chesham and that plans for these are shared and agreed with the local community prior to work commencement. Procedures for any 'failure to agree' similarly should be defined for independent arbitration.

PUBLIC RIGHT OR WAY (PROW)

35. Your Petitioner (and family) are concerned that the Bill entails the permanent closure of many of South Heaths footpaths and PROW. They represent an important community asset and your petitioner (and family) are daily users of the local PROW 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. They are all planned within the Bill to be closed or destroyed by the development and creation of satellite construction compounds, material stockpiles, road closures/diversions/new road builds and the actual HS2 rail track construction itself with the consequential permanent loss of these important recreational, health and quality of life environmental facilities.

36. Your Petitioner requests that the Bill be amended to protect and preserve these PROWS by the construction of an extended bored tunnel through the South Heath Chilterns area of outstanding natural beauty. The proposed South Heath cut and cover tunnel only re-establishes one PROW when completed (6 years) later.

VISUAL IMPACT

37. Your Petitioner is gravely concerned about the Bill's proposals to transform the Chilterns AONB into a industrial wasteland and in particular the sitting & creation of a cut and cover tunnel, satellite construction compounds, material stockpiles, transformer stations, road re-routing and construction, HGV truck parks, cranes, cement works, excavation diggers etc. In particular:

- A new Kings Lane/Chesham Road/Frith Hill road re-routing, roundabout & their construction

- Satellite construction compounds
- Material stockpiles (3 sites). Some 50 acres of affected area
- Open track rail cuttings/embankments across the Chilterns AONB
- Overhead electric rail gantries, transformer stations, masts
- The Kings Lane/Chesham Road re-routing closer to your petitioners property boundry

38. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath cut and cover tunnel be changed to accommodate an extended bored tunnel through the Central Chilterns in order to mitigate the overall punitive visual impact and protect the AONB during both construction and HS2 operations thereafter.

39. If this is not possible your Petitioner requests that the Bill's plans be changed to include the construction of an extended bored tunnel through the South Heath Chilterns area from Mantles Wood through to Leather Lane.

40. Your Petitioner requests that the need for the road re-construction work be reconsidered and that specific HGV access to main 'A' roads be designed.

41. Your Petitioner requests that suitable sympathetic tree planting programmes and rural landscaping proposals be shared and agreed by the South Heath local community. Procedures for any 'failure to agree' should be defined for independent arbitration.

42. Your Petitioner requests that rail cuttings/embankments be cut deep enough to screen out any signs/evidence of the Bills HS2 rail placement (not artificially raised embankments). This is particularly poignant to the Chilterns AONB.

LOSS OF ANCIENT WOODLAND and AONB

43. Your Petitioner earnestly requests the reconsideration of the Bill's proposal to destroy three Chiltern & South Heath ancient woodlands, given the irreplaceable 400 year link to the countries rich ecological past. Three ancient woodlands prevail within 1km of your Petitioner's property namely, Sibley's Coppice, Mantles Wood, Farthings/Hedgemoor Woods. They will be permanently lost together with indigenous flora, fauna and natural biological eco-systems and will sadly directly affect your Petitioner's regular daily use for leisure purposes.

44. 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 is sited 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. This Bill does not recognise this in a seriously effective way.

45. Your Petitioner specifically set out some 15 years ago to find a property in the Chilterns in order to enjoy the rural country environment whilst he commuted to London. The effective destruction of this, with its tranquillity, serenity, ambiance, aesthetics, and overall natural beauty will be a tragic loss not only to him personally but to all current and future generations.

46. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath green tunnel be changed to accommodate an extended bored tunnel through the Central Chilterns in order to mitigate the overall punitive impact and protect the irreplaceable AONB and the ancient woodland therein.

47. If this is not possible your Petitioner requests that the Bills plans be amended to reflect the construction of an extended bored tunnel from Mantles Wood through the Chilterns AONB area and at least save at least three ancient woodlands.

PROPERTY VALUE

48. The Petitioner earnestly requests that current compensation proposals reflect what has been publicly expressed by Government Ministers and the Department for Transport in so much that fair and just compensation be offered to individual constituents & communities to reflect the permanent blight on their properties and the impact on their lives during construction and operational phases of the Bills proposals.

49. The Petitioner's property is facing a 30- 40% reduction in its value given its close proximity (300 metres) to the Bills proposals but yet this loss is not expressly referred to or underwritten in the current HS2 Compensation proposals where loss in market value is not used as a qualifying benchmark in those instances where individuals need or wish to relocate. Your petitioner is in his 55th year and is profoundly concerned that personal plans for his retirement and desired retirement property have been seriously affected. Due to the relocation of your Petitioners workplace, your Petitioner has attempted to sell his property both last year and at present and to date has had virtually no interest despite the value of the property being considerably reduced.

50. Your Petitioner earnestly requests that the Hybrid Bill's plan for a South Heath cut and cover tunnel be changed to accommodate an extended bored tunnel through the Central Chilterns in order to mitigate the overall punitive impact on property values and protect the AONB.

51. If this is not possible your Petitioner requests that the Bill's plans be amended to reflect the construction of an extended bored tunnel from Mantles Wood through the Chilterns AONB area and in so doing effectively mitigate the major adverse life changing implications for the community and their properties.

52. Your Petitioner requests that in order to mitigate his potential loss (and those of all the community), that current Compensation proposals be amended to acknowledge the genuine actual property market impact & to quickly and efficiently make good the prevailing blight element based on 'impact on property value'. This only would need to come into effect if property owners need or wish to relocate. The proposed current scheme is punitively unfair and should not be based on an arbitrary 'Hardship Basis'. Your petitioner is currently facing a 30 – 40% reduction in his property value and is unable to sell.

TIMING OF CONSTRUCTION WORKS/CODE OF PRACTICE

53. Your Petitioner is concerned about the Bills proposals for working practices during the construction phases and particularly the commencement and closure of daily activities over a planned period of up to 7 years.

54. Your Petitioner requests that HS2 have defined working practices and planned road closures that are shared and agreed with local communities before construction commencement. Your petitioner requests that working hours are shared and agreed with local communities before construction commencement

CONTINUITY OF POWER, WATER AND TELECOMMS

55. Your Petitioner is concerned about the significantly increased risks of power, water and general telecoms discontinuity (particularly) during the Bill's construction phases and the increased inconvenience, time and cost associated with these.

56. Your Petitioner requests that HS2 and the area's utility companies involved have defined emergency contingency plans in place that are shared and agreed with local communities before construction commencement together with defined compensation schemes in the event of failures and discontinuity.

SECURITY, HEALTH AND SAFETY

57. Your Petitioner is concerned about the increased risk of criminal activity to his property, possessions and family during the Bills implementation and the general reduction in their environmental health and safety during the protracted construction phases.

58. Your Petitioner requests that anti-crime policing policies be drawn up specifically in those areas potentially affected along the rail construction route which are discussed and agreed with local communities and published before construction work commences. Similarly environmental health and safety policies as they relate to South Heath community be specifically defined, agreed and published.

59. Your Petitioner requests that compensation policies for any ensuing prejudicial financial 'cost' situations arising from the Bill eg. insurance costs, excess premiums, medical care, vehicle damage, etc, be likewise defined, agreed and settled.

HS2 COMPENSATION SCHEME (impact on property valuations)

60. Your petitioners are concerned at the property blight that has existed since 2010, and can only worsen during the 7 year construction period. This has led to stress and quality of life impacts as your petitioners members discover they cannot sell their homes and move on with their lives. Typically properties close to the line have lost a quarter of their value

61. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.

62. 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.

Signature of petitioner.....

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BILL

PETITION OF

AGAINST, By Counsel, &c.