

IN PARLIAMENT

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HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

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 IAN ROSS MACMILLAN AND CHRISTINE MARY MACMILLAN

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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioners reside at Catkins, Nash Lee Lane Wendover, Buckinghamshire, HP22 6BG, where we have lived for over eleven years. Your Petitioner's property will not be demolished as a result of the Bill but is 300 metres from the proposed centre of HS2 line and 150 metres from the works involved and 50 metres from the safeguarded area. Your Petitioner's property is located in a Lane which has a dead end and both the lane in which the property lies and the Road onto which it opens will both require realignment and elevation onto a bridge to allow HS2 to pass under. Thus accesses to and exiting Your Petitioner's property during construction will be severely disrupted. Your Petitioners are both in their very late sixties being 72 when construction work is due to commence and over 80 when the route is due to be opened. The elder of your petitioners suffers from asthma and major cardiac and respiratory problems which are exacerbated by dust and air pollution both of which will be increased during the construction of both the considerable road works and installation of HS2. There are 20 properties in Nash Lee Lane four of which have already been purchased by HS2, one is being privately rented and four are currently on the market. Those rented out by HS2 have had a rapid change of tenants. As such Your Petitioners small community has already been destroyed.

8. Your Petitioners and their Freehold Interest and right to peaceful enjoyment are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioners lives will be totally disrupted by the construction and realignment of roads, excavating the ground for the laying of the HS2 track and the digging of a balancing pond for the railway, required by this scheme.
 - a. To exit the property by car Your Petitioners will be required to cross the works realigning both Nash Lee Lane and Nash Lee Road together with the construction of an embankment and road bridge to enable the excavation of the ground underneath, to enable the track to be built for HS2. Alongside these works will be the construction of a balancing pond.
 - b. The continual construction work will be very noisy and dusty exacerbating the asthma and respiratory problems of the elder of Your Petitioners. The long working hours will be intolerably and consistently noisy causing considerable sleep deprivation.
 - c. There are no bus routes in this area so vehicular access is essential for all shopping GP surgery and social activities. For a considerable period of time, to exit the property Your Petitioners will have to cross builder's rubble and dust whether turning right or left to exit the Lane. This will cause considerable damage to both tyres and suspension to the vehicles used. We go either direction, regularly left to Wendover to visit Your Petitioner's son, G P Surgery, for shopping and the local bowls club and right in the other direction visit to Your Petitioner's brother and his family.
 - d. The footpath ELL/21/1 Your Petitioners use for exercise will no longer be open as it lies on land that has been acquired by HS2.
 - e. The only option left to exit on foot will mean Your Petitioners leaving the dead end of Nash Lee Lane through a short path on to the Wendover by-pass. Here Your Petitioners could walk alongside the Bypass to the main Wendover Road, the A413 or risk life and limb, by crossing the bypass, with no pedestrian aids, in to Nash Lee End, a pretty winding lane with excessive foliage on to the road, but alas as the road leads to the farm shop it has a high volume of traffic and no derestricted speed limit on leaving the A413 and no footpath.
 - f. Your Petitioner's property is and has been since the announcement of HS2 been blighted and unsellable, this leaves Your Petitioners feeling very vulnerable as they approach their later years of life. The property as it stands is too far from the current plans for purchase by HS2 nor do we currently believe that we fit the clauses for the Hardship Scheme.
10. a. Your Petitioners propose That HS2 follows a bored tunnel throughout the Chilterns and AONB to be extended under Nash Lee Lane the boundary of the AONB

and Nash Lee Road opening between Hunter Leaze and Mill House Farm which are both already in the compensation area. The cost of extending the tunnel would be offset by lower compensation claims and monies saved by not having to realign and construct the exits of both Nash Lee Lane and Nash Lee Road.

b. Alternatively, though not as acceptable by Your Petitioners, that HS2 lower the line of the route to enable the train to run under the existing Nash Lee Lane and Nash Lee Road. This Your Petitioners feel would lessen the requirement for the major disruptions of the road works and when completed considerably reduce the noise of the trains.

c. Your petitioners fully support the petitions submitted by Wendover Parish Council and the Wendover Society, who recommend a fully bored tunnel from Little Missenden to a location north of Wendover.

11. a. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. And they need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

b. Your Petitioners request that a review be undertaken to identify those individuals such as ourselves that lie outside of the 300 metre limit of the centre line but are significantly impacted upon by this scheme. This fixed limit is not acceptable for Your Petitioner's circumstances. Guarantees need to be established in respect of this situation such as adequate compensation to reflect blight and to purchase the property. The costs of such purchase will be recovered on the resale by HS2 following completion of the scheme.

c. Your Petitioners feel that the Government should not benefit from the emotional distress caused by the scheme and the consequent insecurity and the destruction of a small local community which has already happened here.

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

13. 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray &c

Signed

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PETITION OF Ian Ross MacMillan and Christine Mary MacMillan

Against the Bill – On Merits – By Counsel &c

IAN and CHRISTINE MacMILLAN

AGENT

MARION CLAYTON

11 POUND STREET

WENDOVER

BUCKINGHAMSHIRE

HP22 6BJ