

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

0879

High Speed Rail (London – West Midlands) Bill

Against the Bill – on Merits – Praying to be heard by counsel, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF Michael Richard Kearney and Elizabeth Philomena Kearney

SHEWETH as follows:

1. A Bill (Herein referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “A Bill to make provision of 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 into Curzon Street in Birmingham; and for connected purposes.
2. The bill is presented by Secretary Patrick 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, 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 compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and where referred to as “the nominated undertaker”) is authorised by the Bill, if enacted, to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase 1 of High Speed 2 and works consequent on or incidental to such works. These works are called “the scheduled works”.
5. Your Petitioners (hereinafter referred to as “your Petitioners”) own and live at “The Lilacs” London Road Wendover, HP22 6PN. The Bill’s enactment would authorise the construction and operation of the railway over and near London Road, Wendover and your Petitioners object to those parts of the works outlined below. (Para 6)
6. Objection is taken to the works proposed to be undertaken in and near London Road, Wendover between Great Missenden and Wendover. These works consist mainly of two viaducts, embankments and very large scale construction compounds, in connection therewith.
7. Your Petitioners aver that the proposed works affect the area in which they reside which forms part of the Chilterns Area of Outstanding Natural Beauty (AONB) and HS2 will cause unacceptable damage to this area if it is allowed to go ahead as currently proposed. Your Petitioners support the only reasonable option which is for a bored tunnel under the whole AONB.

8. Your Petitioners aver that the adverse effects caused by the planning, construction and operation of the railway must be mitigated by HS2 Ltd as much as possible. Your Petitioners are seriously affected and should be adequately compensated for all the consequential financial loss, damage, nuisance, inconvenience, loss of amenity and personal injury that they suffer.

9. Your Petitioners propose that the works be replaced by a bored tunnel from Frith Hill to the northern boundary of AONB for the following reasons:

- i) Savings would be brought about by not having to construct the two expensive viaducts at Wendover Dean and Small Dean as well as avoiding the need for diversion of Rocky Lane (Chesham Lane) the construction of the Rocky Lane under-bridge, all the embankment work and the purchase of nearby properties.
- ii) A bored tunnel would eliminate all the construction work in the area wherein your Petitioners reside together with the associated disruption caused by additional construction traffic on the A413 which is already a heavily used main road that becomes badly congested particularly during the morning and evening rush hours.
- iii) Construction of this bored tunnel would eliminate the fact that, at present, your Petitioners cannot sell their home and are unlikely to be able to sell, or sell at the full market value, whilst the prospect of the Small Dean viaduct overshadows their property.
- iv) The market value of your Petitioners' home will be permanently and substantially reduced by railway noise and the proximity of both the Small Dean viaduct and the embankment. Your Petitioners' enjoyment of their home overshadowed by the Small Dean viaduct to the north and bordered by the embankment to the east, will be substantially adversely affected by the railway.
- v) The integrity of the AONB would largely be preserved

10. In principle the construction of a bored tunnel has been approved by HS2 Ltd.

11. However if the proposal of a bored tunnel is rejected, your petitioners propose the following mitigation:

- i) That HS2 Ltd constructs a relief road from the roundabout at the Small Dean end of the Wendover by-pass, extending south-eastwards along the north east edge of the construction site all the way to the Wendover Dean viaduct and beyond, thereby removing all construction traffic from your Petitioners' stretch of London Road and Rocky Lane. It is further proposed that HS2 Ltd should, perhaps, in conjunction with Bucks County Council Highways Department, construct this relief road to Public Highways Standards so that, following completion of the construction phase of the railway (during which it would be used exclusively for construction purposes), it can be readily converted to the much needed extension of the Wendover by-pass southwards to join the Great Missenden by-pass.
- ii) That drainage of the works be directly to the aquifer via appropriate soakaways.
- iii) That the surface drainage of the A413 London Road carriageway between Rocky Lane and Wendover Bypass be corrected in order to eliminate the unsatisfactory conditions at present prevailing.

12. Your Petitioners aver that they will be seriously and adversely affected both during the construction phase and then during operation.

Problems caused by the construction phase:

- i) There will be serious disruption of traffic and substantial delays caused by the additional 300HGV's envisaged by HS2 Ltd using the A413 and passing your Petitioners' property. The proposed closure of Smalldene Lane will mean that more vehicles will have to use the Dunsmore Lane junction with the A413. This junction was not given detailed consideration by HS2 Ltd in the environmental Statement despite comments that the traffic flows asserted by them are completely wrong.
- ii) This congestion will have a detrimental effect on the delivery of police, fire and ambulance services.
- iii) Your Petitioners object to the use of a so called "substantial placement" in the AONB at Hunts Green Farm. Such placement will have negative visual impact and change the character of the area.
- iv) Your Petitioners object to the use of balancing ponds in The Chiltern AONB as these once again will drastically alter the ecology of the area.

Problems caused during operation of HS2:

Your petitioners aver that the operation of HS2 following the completion of the proposed scheduled works would have the following ill effects:

- v) Your Petitioners' view of The Chilterns AONB would be permanently scarred by the construction of two viaducts and an embankment with heights ranging from 10 to 18 meters and the associated catenaries above that. The line would be visible from numerous viewpoints and from your Petitioners' own property.
- vi) The effect of trains up to 400 meters in length running as frequently as every 2 minutes will totally destroy the tranquillity of the area.
- vii) The noise from these trains will cause an intolerable strain upon your Petitioners' lives.
- viii) The value of your Petitioners' home is already so adversely affected that it is unsalable. The current proposals of HS2 Ltd for compensation are derisory. Your Petitioners seek a further extension of the scheme to include your Petitioners' property which is presently excluded.
- ix) Your Petitioners seek Compulsory Purchase of their property. If Your Honourable House deems this proposal unacceptable, then your Petitioners seek recompense by way of financial compensation for loss of amenity and diminution in value of their property.

Remedial measures:

Your Petitioners draw the attention of your Honourable house to the fact that, in the Southern section of the AONB, the specification of the route has been altered to include tunnelling by way of mitigation. This provision has not been afforded to the northern section in which your Petitioners reside. Your petitioners aver that The Chilterns AONB must be tunnelled throughout.

YOUR PETITIONERS therefore 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 Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners as you Honourable House may deem meet.

And your Petitioners will ever pray, etc

[signed]


E. P. Kearney
Agent for the above-named Petitioners

IN PARLIAMENT

HOUSE OF COMMONS SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF MICHAEL RICHARD KEARNEY (1) AND ELIZABETH PHILOMENA KEARNEY (2)

Against the Bill - On Merits - By Counsel &c

CONTACT DETAILS OF AGENT:

Sara Dixon, 'Balquhidder', London Road, Wendover, Bucks. HP226PN

Daytime Telephone:

Mobile:

Email address: