

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 Robert Andrew Kemp.

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 Robert Andrew Kemp owner/freeholder in common with his wife Ingrid Maria Kemp of 46 Kings Lane, South Heath, Great Missenden, Buckinghamshire, HP16 0QY. This property and all those within South Heath will be directly and specially affected during the construction and fitting out phases of HS2. The community of South Heath includes over 300 homes and community buildings.
- 8) Your petitioner requests that this petition is read in conjunction with the Phase 1 Environmental Statement carried out by HS2 Ltd. This report acknowledges that there are many detrimental impacts on this area. It also acknowledges the fact that the construction of a fully bored tunnel through this area would considerably mitigate these effects.
- 9) Your petitioner's property is in close proximity to the construction of the South Heath Green Tunnel proposed within the Bill. Therefore your petitioner's residential property will be subject to intolerable noise, dust and vibrations for a total of 7 years (3½ years construction and 2 years fitting out with a 2 year gap).
- 10) Your petitioner's property is located 240m from the line hence outside the Homeowner Payment scheme compensation zone and although it will be severely affected by the construction phase of the railway, rendered extremely difficult to sell at appropriate market rates and despite having lost approximately 30% of its value will not be entitled to any compensation.
- 11) Your petitioner's property is located on Kings Lane which adjoins Frith Hill 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 many times a day to access local services including shops, health services, a bank and the post office and for journeys to and from work.
- 12) Your petitioner's property enjoys a tranquil and safe location that will be spoilt during the 5½ year construction and fitting out phases (spread over 7 years) 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.

- 13) Your petitioner and his interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's Concerns (references refer to sections of the Environmental Statement ref CFA9)

Overview of the Area (section 2 of CFA9)

- 14) Your petitioner is concerned of the effect of the route on the Chiltern Area of Outstanding Natural Beauty (AONB). This area warrants special protection regarding conserving and enhancing the natural beauty of the landscape. The government has a right to protect these areas. Examples of legislation that relate to this are the 'Countryside and Rights of Way Act 2000' and the 'National Planning Policy Framework' which stated that AONBs and national parks have equal status when it comes to planning consent and other sensitive issues.

Agriculture, Forestry and Soils (section 3 of CFA9)

- 15) Your petitioner objects to the permanent effects on a number of agricultural holdings described in the environmental statement that would be 'sensitive to change' e.g. Cokes Bottom Farm, Mantles Farm, Field Acres Farm, Middle Grove Farm, Park Farm, etc. There would clearly be disruption to these operations with consequent impact on the local economy. I would also expect there to be additional costs to the project by way of compensation payments.

The area consists of a mixture of soils overlaying a chalk base. The chalk base is considered suitable for tunnelling.

Air Quality (section 4 of CFA9)

- 16) The petitioner objects to the lack of controls in place to maintain air quality standards during construction. The report suggests that there will be a depreciation in air quality during the construction phase owing to construction work and increased traffic flows. The report concludes that the quality will be within acceptable limits (CoCP) although there is no indication of how this will be monitored. Appropriate monitoring equipment would need to be in place to ensure these standards are maintained contributing to additional project cost.

Community (section 5 of CFA9)

- 17) Your petitioner refers to the 7 'bullet' points listed that confirm the considerable effects on communities in the local area. These include demolition of residential properties, demolition of local amenities such as Weights and Measures Gym and the Annie Bailey's public house and restaurant (the only community facilities currently available in the village of South Heath), loss of recreational areas and public rights of way both during and after construction, impacts on amenity and utility supplies
- 18) for residential properties during construction, etc. The petitioner considers that this level of destruction is totally unacceptable to the local population and thriving local businesses and represents an infringement of one of residents' basic rights in this country- their homes. There is also a significant cost to the project by way of demolition and reconstruction costs and compensation payments to local residents and businesses.

Cultural Heritage (section 6 of CFA9)

- 19) Your petitioner objects to the substantial number of effects on heritage sites that would be affected or lost by this construction. These are not in keeping with the rural nature of the area. The Proposed Scheme will result in the demolition of Annie Bailey's public house on the B485 Chesham Road (CC055), Chiltern Cottage (CC060) and the Weights and Measures Gym (CC061) both on Frith Hill. The report states that 'A programme of built heritage works will be prepared to investigate, analyse, report and archive these assets.' This is not considered satisfactory or appropriate for the loss and disruption to the local community. Construction of a fully bored tunnel would clearly mitigate these losses. Of particular concern is the loss of areas of ancient woodland with subsequent loss to the nation of ecologically important areas. These effects have been highlighted in reports by organisations such as 'The Woodland Trust' and 'The Campaign to Protect Rural England' amongst others. Areas of woodland that would be lost or damaged by the scheme include Farthings wood, Mantles wood, Sibleys coppice and Jenkin's wood. The total area of woodland 'destroyed' will be around 17.75ha. The only mitigation suggested in the report is the report is the planting of new trees which is not considered an appropriate replacement.

Ecology (section 7 of CFA9)

- 20) Your petitioner is gravely concerned on the effects on the large no of species of wildlife of all types that are resident in the area including a number of nationally rare species.

Reports by organizations such as 'The Wildlife Trust' have confirmed these findings.

The corridor of the line, bounded by high security fencing, will create a barrier for the movement of many animal species.

The report confirms that a twin-bore tunnel which is proposed for 1.9km of the route in this area will avoid direct impacts on the wildlife and woodlands on this part of the route and is therefore appropriate for the entire route through the AONB

Landscape and visual assessment (section 9 of CFA9)

- 21) The petitioner objects to the many changes to the landscape as a result of this construction. For a significant number of them, the impact is assessed as: 'The high magnitude of change assessed alongside the high sensitivity of the receptor will result in a major adverse effect.'

This is unacceptable in an area designated an Area Of Outstanding Natural Beauty.

The changes will have an adverse effect on its attraction to residents and substantially degrade the tranquil, rural experience that thousands of walkers, cyclists and horse-riders currently enjoy in this part of the Chilterns.

The petitioner also objects to the fact that although mitigation measures are listed in the report they are not sufficient to prevent the development causing a radical change to the nature and appearance of the landscape.

Socio-economics (section 10 of CFA9)

- 22) The petitioner is deeply concerned on the adverse effects whereby a number of businesses will be displaced by the proposed scheme. It also states that these businesses 'will be fully compensated within the provisions of the National Compensation Code' and will be provided with 'additional support over and above statutory requirements.

This is another example of a cost to the project that would not be incurred if a fully bored tunnel was included for this area.

Sound, noise and vibration (section 11 of CFA9)

- 23) The petitioner is gravely concerned that in spite of the significant no of mitigation measures that the report proposes, it still concludes that 'the residual permanent noise effects on the acoustic character of the communities closest to the route in South Heath on Hyde Lane and in Hyde End on Potter Row, are considered significant.'

The petitioner strongly advocates that this is not acceptable either to local residents (many of them have a garden which is an important part of their life) or to the large no of visitors to the area (estimated at several million) who enjoy beautiful countryside on

London's doorstep.

Traffic and transport (section 12 of CFA9)

- 24) The petitioner objects to the destruction of the footpath network in the Chilterns which is one of its important features and the report highlights closure and diversion of at least 8 public rights of way.

The petitioner also regrets that in a nearby Chiltern area, several nationally and regionally important routes will be affected, including the Ridgeway National Trail, the Icknield Way (1km of this ancient bridleway destroyed) and the Chiltern Way.

The petitioner deeply regrets this loss which will be significant for the large numbers of walkers and horse riders that use these facilities.

The report lists road closures required during the construction phase of the project to which the petitioner also objects

The petitioner objects to the significant effect this will have on local travel by motor vehicle. Journeys will require additional time and fuel costs will be increased as there are few local amenities in the area within acceptable walking distance

Water resources and flood risk assessment (section 13 of CFA9)

- 25) The petitioner is concerned at the possible risk to water supplies in the area. The report states that 'The Proposed Scheme in this study area will be partly underground in twin-bored tunnel minimising the impacts to surface water receptors and flood risk in the tunnel.'
- The petitioner suggests that this is minimised to all areas in this study area by extending the length of the bored tunnel.

Property Blight

- 26) Your petitioner is concerned about the property blight effects on the value of his home. In many cases this is his biggest single investment and his security for his later years. Your petitioner's home is now permanently blighted and has been since 2010. The blight impacts on the value of his home and his ability to sell. It is causing your petitioner great anxiety and stress, the compensation arrangements are wholly inadequate in addressing the problems

Emergency and Regular Road Access

- 27) Your petitioner is concerned that the emergency services will be unable to provide timely support due to road congestion, closures and diversions during the construction. Furthermore, he is concerned regarding the safety of local road users including children who use daily school bus services.

28) Remedies/Mitigation Suggested - Proposal Summary

Title	Central Chiltern Area mitigation proposal
Proposal	To replace the proposed 'Cut and fill' tunnel in and around the village of South Heath, Bucks with a fully bored tunnel
Objectives	To minimise the impact of the construction work on the village, its inhabitants and its local businesses To mitigate the detrimental effects of construction detailed in the HS2 Phase 1 Environmental Statement
Benefits	Stop the demolition of 4 local homes Prevent the removal of two local businesses (Annie Bailey's pub and Weights and Measures gym) Conserve the ancient woodlands (Sibley's Copse)
Costs	Construction of bored tunnel
Cost Savings	Cost of green tunnel Disposal of spoil Compensation payments Reconstruction of roads Diversion schemes for roads Disconnection and rerouting of drainage, water, telephone and electricity supplies including rerouting power lines at a cost of £27 million Replanting of trees to replace ancient woodland Rerouting of footpaths
Additional information	More detailed analysis is available in the report by Peter Brett Associates that has been presented to the government. Additional submissions for fully bored tunnels have been petitioned by Chiltern District Council, The Chiltern Conservation Board and the Woodland Trust

29) 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.

Support for other petitions

30) Your petitioner supports the submissions for fully bored tunnels throughout the AONB as petitioned by Chiltern District Council, The Chiltern Conservation Board and the Woodland trust. In principle all these petitions not only preserve the Chilterns AONB but also protect the village of South Heath.

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 in person, or Agent for the Petitioner]

[The Petition should be endorsed on the back as follows:]

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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Against the Bill – On Merits - By: Robert and Ingrid Kemp

Mr and Mrs Kemp