

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 Maurice Kite and Mrs Pauline Kite

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, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Teresa 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 of the Bill set out how Phase 1 of the proposed high speed railway known as HS2 will be constructed. In particular, these sections of the Bill provide for powers to carry out the works required for the construction of the railway line, for the compulsory acquisition of required land, for the exclusion of rights over land and for deregulation. The remainder of the Bill deals with regulatory and miscellaneous issues raised by the Bill including railways matters, further works and statutory undertakers.
- 4 The Scheduled Works proposed by the Bill are set out at Schedule 1 to the Bill. These works may only be carried out by nominated undertakers (as defined in the Bill). Further works authorised under the Bill are set out at Schedule 2. These works together are known as the Associated Works.
- 5 Your Petitioners are Mr Maurice and Mrs Pauline Kite. Your Petitioners are the freehold owners of 3 Crackley Crescent, Kenilworth, Warwickshire. The Bill would authorise the construction of the High Speed 2 trainline within 335 meters of your Petitioners' home. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

6 Your Petitioners are a couple, aged 77 and 73, who have lived at their property at Crackley Crescent for over 40 years, their entire married lives. Your Petitioners are now, as a result of their age, struggling to live at their property which is over several floors. Your Petitioners have always planned to release the capital from their home to provide for their retirement and now wish to do so, as well as move to a more manageable bungalow property. Aside from a very small pension your Petitioners will be entirely reliant on the capital in their home and their state pensions as they move forward into their retirement.

7 Your Petitioners' property is 335 metres from the centre line of the railway line as proposed by the Bill (as shown at sheet 2-111 of the deposited plans). The end of the road that your Petitioners' home is on, a self-contained crescent, abuts work number 2/175 which the plans associated with the Environmental Statement deposited with the Bill show may be acquired for construction. Your Petitioners are particularly concerned about the following effects of this construction work on their lives:

- (a) Your Petitioners' home will be within a few hundred metres of four satellite construction compounds. This would effectively mean that they would be living in close proximity to over 300 construction worker who may be living or working on site at any one time. Further, your Petitioners assume that the construction compounds will be the focus of construction activity, equipment storage and construction traffic.
- (b) The road onto which your Petitioners' crescent emerges (and from which their home is only slightly set back from), the A429, is designated as a route for construction traffic. This traffic is likely to be highly disruptive, causing congestion, noise and, in all likelihood, more dangerous driving conditions.
- (c) Under the proposals in the Bill the A429 is scheduled to be raised over the High Speed 2 line and will therefore be subject to major and constant diversions. Coupled with the proposed deviations of nearby roads it will be very difficult for your Petitioners to go about their daily business, including travelling to work, for which both of your Petitioners rely on the A429 and A46. Considering your Petitioners' age and state of health any lengthening of their commute is likely to be impossible for them to manage. Further, there are no food shops within walking distance of your Petitioners' property. As such, your Petitioners are very concerned that there may be times where they will be unable to drive to the shops or receive deliveries.
- (d) Your Petitioner, Mrs Pauline Kite, has recently been suffering from health issues including respiratory difficulties and problems related to high blood pressure. Your Petitioner has been advised by her medical practitioner that she is unlikely to be able to cope with any construction dust which may be generated by the works set out in the Bill. Further, the stress that has been caused by the uncertainty created by the Bill is very likely to have contributed to her blood pressure problems.

- (e) The Kenilworth Greenway runs behind your Petitioners' property and is enjoyed by your Petitioners, as are the fields that surround their Property. Your Petitioners' enjoyment of their property will be further reduced when these area as acquired for the construction of HS2.
- (f) Your Petitioners frequently travel to London to visit their daughter. Your Petitioners are concerned that this train route will be severely disrupted during the construction phase of HS2.

7.2 Your Petitioners wish to re-iterate their age. The construction period for HS2, which will seriously reduce your Petitioners' quality of life, is currently scheduled to last until 2025 at which point your Petitioner, Mr. Kite will be 88 and your Petitioner, Mrs Kite will be 84. There is a chance that your Petitioners will not live to see the works proposed under the Bill completed and operational. If they do, they will be less than 400 metres away from a high speed trainline with all the problems associated with noise, vibration and light pollution that this would entail.

7.3 As currently proposed the Bill will make your Petitioners' lives unbearable if they remain at their property. However, although they would wish to sell their home and move to a smaller, bungalow property or even, in the foreseeable future, to sheltered accommodation the Bill, and the effect that it has had on the value of their home, has made these options impossible.

### **Mitigation**

8 Your Petitioners wish to secure a commitment from the Secretary of State that their home will be purchased for the value which it would have secured had it not been for the Bill. Your Petitioners argue that the current compensation package proposed by the Government is inadequate. Despite the huge impact that the proposals in the Bill would have on their lives, there is no certainty as to the extent to which your Petitioners would qualify for compensation at this stage and/or whether they would be able to move from their property given the serious effect that the proposal is having and will continue to have on their lives.

9 Alternatively, your Petitioners request that the proposals for construction compounds and construction accesses should be reconsidered so as to seek to protect your Petitioners from the unbearable effects of the Bill on their lives. Having regard to the requirements of the European Convention on Human Rights, particularly Article 8 and paragraph 1 of the 1st protocol, the particular sensitivities of your Petitioners to the construction effects of the works proposed in the Bill should be taken into account and there is no evidence that this has to this point been the case.

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 it 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.

---

Simon Ricketts, King & Wood Mallets LLP  
Agent of the Petitioner

BACKSHEET:

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL  
PETITION OF Mr Maurice Kite and Mrs Pauline Kite

Against the Bill – On Merits – By Counsel &c

Simon Ricketts  
King & Wood Mallesons LLP  
10 Queen Street Place  
London  
EC4R 1BE