

**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**

Your petitioners, Mr Indra Kansara, Mrs Bhakti Kansara

Miss Rima Kansara, Miss Reha Kansara

Miss Lina Kansara, Mr Neel Kansara

Of

The Tilehouse

Tilehouse Lane

Denham UB9 5DG

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 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 Petitioners are the freehold owners and occupiers of The Tilehouse, Tilehouse Lane, Denham, Uxbridge, Middlesex UB9 5DG. We acquired the property in 2009 and have lived there ever since. Our reasons for moving to Tilehouse Lane were the rural nature of the area and our wish to bring up our family in a rural environment but with ready access to London. 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

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a) Unjust and unfair burden

Your petitioners as UK taxpayers should not bear the burden of a government infrastructure project which the government deems to be for the good of all U.K citizens because of the close proximity of the HS2 railway line to our home. We bear this cost through the reduction in the value of our property and we suffer personally as we reside in a rural location where it not the norm to have a major infrastructure project constructed close to residential dwellings where the inhabitants are severely affected and their lives disrupted. This could be resolved by either changing the route of the line or routing it through a tunnel under the Colne Valley to link underground with the Chalfont tunnel

b) Human Rights Violation.

Your petitioners, as residents of the above mentioned property feel that it would be unjust and highly likely there would be a severe violation of our human rights as a result of HS2. Our right to lead our lives as we wish without Government intervention of this nature which will result in our suffering from construction noise, dust, traffic, the proposed closure of Tilehouse Lane at one end and when the project is completed the complete destruction and desolation of the beauty of the area in which we the above reside. It would be morally unjust if her majesty's government violated these rights. This could be resolved by either changing the route of the line or routing it through a tunnel under the Colne Valley to link underground with the Chalfont tunnel

c) To go above and beyond,

Your petitioners have heard and read in the news that Ministers representing her majesty's government have on numerous occasions said that "this government will go above and beyond to make sure that people who are directly affected are compensated in a fair manner". From the latest proposals that her majesty's government has released it seems that your petitioners are going to be personally penalised by an infrastructure project which her majesty's governments deems to be for the benefit of all in the united Kingdom. Your petitioners believe that in the spirit of justice, government and the systems which are in place for governments to be democratically elected the current compensation arrangements do not meet the Government's promises in this context. We request therefore that the compensation arrangements are reviewed so that all affected parties regardless of how far their property may be from the proposed line are compensated fully for any loss they suffer to meet the Government's promise to go above and beyond in compensation terms. In this context the example of France where property owners receive their full property value plus 10% to cover the significant inconvenience to property owners in terms of their mental suffering should be a useful guide to what is required.

d) Justice,

Your petitioners will all be affected in many different ways. We are already being affected mentally with the stress of HS2 which is literally going to be constructed behind the boundary of our rear garden. This is not fair, why should we have to mentally suffer for a project which her majesty's government deem to be beneficial for all of the United Kingdoms' population? We request that HS2 behave in a just and fair manner when dealing with property owners along the line as their approach to date has been little short of dictatorial.

e) Health Issues,

Your petitioners, wife and I already suffer from various health issues and why should we have to suffer the extra burden of the worries the stress, the construction, the completion and the noise from the HS2 construction over the next several years. Your petitioner, Rima Kansara suffers from pulmonary stenosis, a severe condition of the heart. Why should she have to suffer the extra burden of the HS2 being constructed so that it can be viewed from her bedroom window. Indeed why should we your petitioners all have to suffer from the current proposed construction of the line on a viaduct across the Colne Valley which is an area of special scientific interest. Once destroyed by the construction it will be scarred forever. These issues could be resolved by either changing the route of the line or routing it through a tunnel under the Colne Valley to link underground with the Chalfont tunnel

f) Legal Noise tolerance,

Your petitioners request that HS2 Ltd be required to ensure that the noise during the construction and operation of the railway line does not exceed 40db which we understand reflects current World Health Organisation standards. Given our existing health problems we do not want to face additional issues as a result of excess noise. HS2 Ltd should therefore be required to pay for an independent

body who appoint a truly independent organisation to monitor noise levels and if they are exceeded construction must stop.

g) HS2 transparency,

Your petitioners are disappointed that HS2 Ltd after spending a great deal of taxpayers' money have not been clear and forthright in their dealings with residents whose life's are going to be severely affected by the construction of the railway line. They give the exact opposite feeling of going above and beyond. We request that they go above and beyond to look after the residents and people who are affected as was stated by various government ministers.

h) Noise and vibrating,

Your petitioners, we requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.

i) Independent Monitoring,

Your petitioners request that the binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled *HS2 and the environment thirteenth Report of Session 2013-2014* dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced. Your Petitioners, we are concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioners are also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.

j) Tilehouse Lane,

Your petitioners are devastated at the proposed closure of Tilehouse Lane, and the traffic congestion and environmental pollution which this will cause in the area whilst the railway line is being constructed. We request again that a tunnel is built under the Colne Valley to link underground with the Chalfont tunnel which will avoid the need to close Tilehouse Lane.

k) The Tilehouse,

Your petitioners purchased this residence as our dream home in November 2009 without prior knowledge of the railway line. We have taken out a huge mortgage and are extremely worried that this railway line will ruin our futures financially and we urge HS2 to follow in the spirit and statements of government ministers in going above and beyond to make sure people lives are not severely affected. The purchase of The Tilehouse was always intended as our family home for the long term so that on our deaths we could pass it on to our children. This dream has been destroyed. Paying full compensation for our property and covering all ancillary costs of moving such as stamp duty will help us to resurrect this dream elsewhere.

l) Destruction of the countryside,

Your petitioners' requests that HS2 is constructed alongside the M40 for phase one to avoid the widespread destruction of our natural habitat. This is common practice throughout Europe and avoids the damage to our countryside.

m) Compensation and losses,

Your petitioners are greatly concerned at the proposed levels of compensation for a property like ours whereby on the one hand the maximum compensation offered is £100,000.00 but the losses which will more than likely arise from the high speed railway line will run into well over 30% to 40% of our property which we estimate to be in the region of £6,000,000 (£ six million pounds).

Not only are we suffering and carrying the financial and personal burdens for the railway line but we stand to lose a major part of our family's wealth which has taken a lifetime to achieve. We request that we do not as a family suffer personal financial penalties for a major government infrastructure project in which we have had no say and from which we will never benefit. We also strongly object to the request of HS2 Ltd and Her Majesty's government to have to give a reason why we want to sell. Your petitioners believe this request is a violation of the UK citizen's rights. If this were not a violation then why does the government not ask this question to each and every citizen who wants to sell their residence? Your petitioners believe this is in direct contradiction to the promise to go above and beyond and respectfully ask that this question be withdrawn by HS2 Ltd and the government. This would put us on an equal footing with all other citizens who seek to sell their residences/houses in the U.K and we should be able to sell our property at its' full unblighted value and compensated accordingly.

10 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.

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IN PARLIAMENT

HOUSE OF COMMONS  
SESSION 2013-14

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