

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – 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 **M J MUSK MARINE SALES**
(HAREFIELD) LTD

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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. 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 which, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
3. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.

4. 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.
5. 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.
6. The route of the HS2 will not only directly affect the 45 Narrowboat mooring which are adjacent to the route, but will affect 100% of the Marina due to the noise and structure of the HS2. This will adversely affect the tranquillity of the Marina, which our mooring clients have enjoyed for over 60 years. This in turn will lead to a catastrophic loss of our business. Your petitioner is the leaseholder of Harefield Marina, Moorhall Road, Harefield, UB9 6PD. Which is a Marina in the county of Middlesex. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner and in accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers.
7. Your Petitioner's property will be injuriously affected by the provisions of the Bill. The property is located approximately 5 metres from the nearest area of land which can be acquired and used under the Bill. The Property is identified in the Environmental Statement that accompanies the Bill ("the ES") as being affected by Phase One of HS2. The Property is located on Moorhall Road which is liable, according to the Environmental Statement that accompanies the Bill ("the ES") to be interfered with a route for construction traffic during the construction of Phase One of HS2. The Bill contains wide ranging powers to enable the Secretary of State to acquire land compulsorily outside the limits of land to be acquired under the Bill for purposes including regeneration and because of the proximity of the Property to Phase One of HS2, those powers are more likely to be used in relation to the Property than other property, causing unnecessary blight. Your Petitioner was not consulted by High Speed 2 Limited about the proposals in the Bill indicating that the promoter of the Bill is of the view that your Petitioner will be specially and directly affected by the Bill. According to the Environmental Statement, your Petitioner's

property lies within the Zone of Theoretical Visibility with respect to the construction and operational phase of the railway.

8. Your Petitioner and its rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

9. Land in the ownership of your Petitioner is liable to compulsory acquisition under clauses 4 to 8 of the Bill. The limits of deviation and of land to be acquired and used are drawn very widely and your Petitioner is unsure why that is. Your Petitioner may seek to enter into an agreement with the promoter of the Bill that the extent of compulsory purchase should be limited geographically or so that acquisition and use of your Petitioner's land is on a temporary basis only.
10. Your Petitioner is particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it inappropriate for the Bill to contain compulsory purchase powers in respect of its and when the nominated undertaker's requirement is for a temporary use only **The proposed use is for access and a safe guarding area.**
11. Your Petitioner also wishes to ensure that it is properly compensated as regards the acquisition and use of its land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Maintenance of bunds and made-up ground.

12. It is clear from the draft Environmental Statement that there will be significant lengths of bund, made-up ground, "sustainable placement" and ground re-profiling alongside the proposed railway, much of it on good quality agricultural land.
13. **In your Petitioner's submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in that way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.**

Accommodation works

14. Your Petitioner's Marina will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points in particular are matters of significant importance for your Petitioner. Well-designed accommodation works which meet your Petitioner's needs are likely to reduce substantially a claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with your Petitioner. That would help to mitigate the impact of the scheme. For crossing points, such a specification might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker.

15. Your Petitioner proposes to your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with your Petitioner a suitable specification for accommodation works where they are required as a result of the construction of the Authorised Works, and that the specification, once agreed, will be binding on the Nominated Undertaker.

16. Planning consent for replacement buildings and associated dwellings

17. Your petitioner notes that the Bill contains provision, in clause 48, enabling the Nominated Undertaker to carry out reinstatement works within the Act limits. In theory, that clause could be utilised so as to meet the concerns of your Petitioner but there is no certainty in that regard, for a number of reasons, most notably that it only applies to reinstatement works within the Bill limits.

18. Your Petitioner proposes that the Bill should be amended so as to ensure that the process for relocating the Marina infrastructure that are lost are capable of being reinstated more easily. This could be achieved by clause 48 being amended so as to ensure that it will apply in any case where land is available for reinstatement works, and to remove other uncertainties.

19. Alternatively, the Bill should make provision for an amendment to the Town and Country Planning (General Permitted Development) Order 1995 so that the replacement of any building used for business purposes and any associated dwelling which is acquired under the provisions

of the Bill will be permitted development subject only to the prior notification procedure. The permitted development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building will be restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior notification process, as for other permitted development.

Compensation, generally.

20. The compensation regime set out in the Bill is inadequate and must be improved. In any event, any payment of compensation that is due to your Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

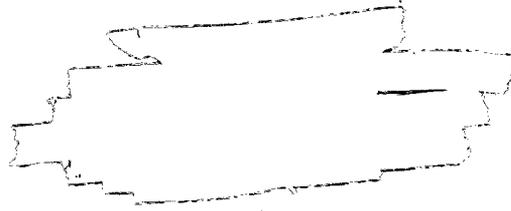
General.

21. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.



Mr Philip John Musk (Director)

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AGAINST,

BY COUNSEL, &c.

