

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

## HIGH SPEED RAIL (LONDON TO 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 *Mr A. M. and Mrs R. J. Herring*

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.

#### **Your Petitioners**

7. Your Petitioners are Mr and Mrs Herring (hereinafter referred to as 'your Petitioners') and are the freehold owners of Merton Cottage, 15, Radstone, Brackley Northants NN13 5PZ ('the Property') and The Old School, 14, Radstone, Brackley, Northants NN13 5PZ.
8. The proposed route of High Speed 2 runs to the south of your Petitioner's property.
9. Your Petitioners and their interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

#### **Your Petitioners concerns**

10. Your Petitioners are particularly concerned that the proposed railway will result in unacceptable visual and noise blight impacts on their property and business during construction and operation and that the mitigation as described in the Environmental Statement is insufficient and that your Petitioner should be offered satisfactory compensation and the properties purchased by High Speed 2 Ltd at their full unblighted value. Each of your Petitioner's concern is explained more fully below and solutions to its concerns are identified. Your Petitioner recognises, however that other solutions to these concerns may be brought forward and, insofar as those are to be preferred, it would wish to associate itself with them.
11. Your Petitioners wish to point out the inadequacy of the proposed compensation scheme. It is Government policy to follow existing transport corridors when approving new infrastructure projects. HS2 Ltd has chosen to build across virgin countryside, presumably because it is cheaper and easier.
12. Much of the value of the property in the rural area is not the number of bedrooms but the beautiful and tranquil views, peace and quiet in the garden, little or no traffic and lovely walks in the open countryside. The building of the railway will spoil the ambience of the area forever.
13. Some projects see house prices ultimately recover as access to motorways give greater connectivity. This will not happen for your Petitioners' properties as they are situated in the middle of the proposed Phase One of the railway scheme with no easy access to railway stations. Your Petitioners will suffer maximum pain but there is no gain to them.

**Compensation for Merton Cottage, 15, Radstone, Brackley.**

14. Your Petitioners` property stands just outside the compensation zone as defined by High Speed 2 Limited. However, in this tranquil rural setting, your Petitioners` cottage will look directly at the high speed railway which will be at surface level or above at its closest point to the house. There is no visual obstacle to the view which looks over a field and then the proposed railway with all its gantries and concrete wall up to 5 metres high for supposed sound attenuation. During the construction phase the view will be a massive spoil heap and construction vehicles.
15. The land rises towards the property as the railway crosses at the lowest point of the field and topographically this will enhance the effect of noise when the railway is in operation and noise, dust and disturbance during construction. The property is also sited directly downwind of the prevailing south westerly winds.
16. The property will also suffer from the 15 metre flyover proposed for the Radstone Road to cross the railway again close to the village. At present the road is hidden from view behind the hedgerow. This will cause more noise and light pollution from all the passing traffic, furthermore it will be a huge visual intrusion into the landscape.
17. The house is surrounded by pretty gardens. There is a seating area at the front of the house overlooking the proposed railway as this faces south and gets the best of the sunshine. This amenity will be lost as a result of the dust and visual blight during construction and noise and visual intrusion when the railway is operational.
18. Your Petitioners` property is suffering blight as a result of this proposed railway but with no remedy proposed. The Petitioners have not tried to sell the house but HS2 have already been forced to buy two properties in the village under the Exceptional Hardship Scheme and these properties are further away from the proposed railway and do not directly overlook the works.
19. The adjoining property number 16, is owned by the local farmer and is currently empty. The rest of the terrace of houses and the semi-detached houses at the end of the row are all owned by Merton College and rented out. Your Petitioners are therefore the only owner occupiers in this row of houses and therefore especially affected by the loss of value caused by the blight of the High Speed Rail scheme.
20. Radstone is deemed to be in open countryside for planning purposes and so receives the maximum protection from the local council. It has been extremely difficult to gain any planning permissions in the village and therefore there was a reasonable expectation that no development would be allowed which would alter the village or disturb the tranquil rural setting.
21. Your Petitioners do not wish to stay and see the countryside desecrated by the proposed railway but with the present compensation offer would have to divorce to receive even market value under the Urgent Need to Sell scheme. Having just celebrated our Ruby Wedding Anniversary we find the strain of this situation intolerable.
22. Your Petitioners have lived in the village since 2000 and bought and re built Merton Cottage in 2005. As an architect, a great deal of thought and consideration was put into

the build and many special features were incorporated reflecting a desire for quality and longevity and the Petitioners intention to make this a lifetime home. Such features include, underfloor heating, oak floors, German engineered doors etc.

23. Your Petitioner works from home and therefore will suffer from the noise and dust of construction and the lorry movements every 30 seconds on a 24 hour, 7 day week basis with no relief.
24. The office is situated at the bottom of the garden above the garage block. The studio was not built with any special sound proofing in the roof and therefore the noise from the railway and construction will be especially injurious. The only windows of the studio directly face the railway and construction zone. The concentrated work demanded on sensitive computer equipment and printers will be affected. There are three work stations and clients visit for meetings as well as builders and local suppliers. The Petitioners feel it will be impossible to carry on working in these premises once the construction phase begins.
25. The office building will be difficult to replace elsewhere and its true value to the business will not be reflected in the bland market value of the overall property as a residence.
26. Your Petitioners therefore seeks to have the property purchased by HS2 at its full unblighted market value. The Petitioners would then prefer to rent back from HS2 until such time as they wish to leave. The Petitioners are at a time in their lives when they should not have to endure this. They will not be able to get another mortgage or have time to build up another house to the level they had hoped to enjoy as the fruits of their labours over a lifetime.
27. The Petitioners want to have compensation as of right and not have to be subject to a decision by a faceless board. They believe their freedom of movement and their basic Human Right to enjoy a peaceful life has been damaged. If the scheme is truly in the national interest the Petitioners believe they should not have to pay more towards HS2 than any other tax payer. They should not have to pay with their wealth invested in property for their retirement or with their health which the stress of the scheme threatens to damage.
28. Article 1 of the First Protocol of the Human Rights Act imposes an obligation on the state not to interfere with the peaceful enjoyment of property, deprive a person of their possessions or subject a person's property to control. The HS2 scheme as it stands breaks all of these principles enshrined in the Human Rights legislation.

### **Compensation for The Old School, 14, Radstone, Brackley**

29. Your Petitioners also own the property next door called The Old School which is currently let to short term tenants.
30. When your Petitioners moved to Radstone they had the option to purchase the derelict Old School building which your Petitioner took as an office for his architectural practice. The property was purchased outright and was intended as a pension investment for your Petitioners. It underpins the interest only mortgage on your Petitioners residential property.
31. Before the announcement of the train line, your Petitioners' preparations for retirement had already begun and The Old School had been granted planning permission for conversion to a residence.
32. After the announcement regarding the building of HS2, the office building was blighted along with all other property in the village. Therefore your Petitioners decided to go ahead with the conversion and rent out the property as intended due to the uncertainty surrounding the High Speed Rail scheme and whilst consultations continued.
33. There is nothing in the compensation proposals that allow for the compensation of an asset that was not lived in by the Petitioners at the time the high speed rail proposal was announced. It is unfair that a perfectly reasonable plan for retirement can go uncompensated by HS2 Ltd.
34. Your Petitioners are now of an age approaching retirement and they cannot go back in time and make other arrangements to plan for their retirement. Your Petitioners have worked hard all their lives, been good citizens and paid their taxes. The money that should be released by the sale of The Old School would have been for the benefit of the Petitioners to pay off their mortgage and provide a fund for any necessary care expenses.
35. Once construction begins, the property will become unlettable and yet no compensation is currently proposed.
36. Your Petitioners wish for The Old School to be purchased at the full market value as a three bedroomed cottage. Alternatively, the Petitioners ask that the cottage be provided with sound attenuation in the roof as all the bedrooms are in the attic space, that the Petitioners be compensated for any lost rent if the property becomes unlettable during the construction phase and that they be recompensed for any ultimate loss in capital value experienced.

Your Petitioners submits that the compensation provisions in relation to property that is not compulsorily acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss, damage and stress they will incur as a result of construction and operation of the high speed railway and associated development.

37. In light of the above, your Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that

may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

38. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
39. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER 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 such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioner 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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SIGNED

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF *Mr A. M. Herring and Mrs R. J. Herring*

AGAINST, By counsel, &c

Mr A. M. and R. J. Herring