

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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 Simon and Claire Marinker, The Old School House, Radstone, Northamptonshire

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, together with Schedules 1-26 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, together with Schedules 27-28 deal with the regulatory regime for the railway.
- 5 Clauses 43 to 65 of the Bill, together with Schedules 29-31 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") as 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 and described in clause 2 of the Bill.

Your Petitioners and their concerns

- 7 Your Petitioner's are the freehold owners of "The Old School House, Radstone, Northamptonshire". They are married and have lived in this property since August 2006. Radstone is a rural village and is protected by the designation of "open countryside" under planning laws.

Your Petitioners will suffer intolerable noise, vibration and negative visual impact during the operation of the trains and significant dust and disruption during construction. The proposed rail line is only circa 300 metres from your Petitioners property, at ground level and separated only by a field. In addition there will be an over bridge constructed on the Radstone Road, which will be visible from the property and create increase noise.

Your Petitioners are also extremely worried, upset and stressed in the knowledge that they will be unable to sell their property at a fair market price. This is seriously affecting their quality and enjoyment of life.

- 8 Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Freedom for your Petitioners to sell their property at a fair market value

- 9 Your Petitioner's are gravely concerned about the fairness of the Promoters property compensation packages available.

Two properties in Radstone went on the market following the HS2 announcement in March 2010, one was next door to your Petitioners property and the other is separated by 2 properties. Both properties were on the market for quite some time and failed to sell. Both properties have subsequently been purchased by the Promoter under the extreme hardship scheme.

The Environmental Statement confirms Radstone, and therefore your Petitioners property, will be severely impacted by noise and visual intrusion and this is significant. This seriously hinders your Petitioners ability to sell their property at a fair market value.

Local estate agent advice is that selling properties so close to the proposed new rail line will be very difficult and would require substantial discounting below market value.

Your Petitioners feel their freedom to move house has been completely removed as a result of HS2, unless your Petitioners are prepared to lose a substantial amount of money against the true market value of their property.

As a result, your Petitioners lives, their plans and aspirations have been halted forever because of HS2. This compromises their human rights and is not just or fair.

Your Petitioners believe this House and Committee support the essence of fairness and would not expect your Petitioners to have to suffer a significant personal financial loss on selling their property purely as a result of the construction of the proposed rail line.

Your Petitioner's respectfully request that a scheme is established to purchase properties in rural areas that clearly will not sell on the open market due to HS2. This could be done on a property by property basis depending, for example, on topography and distance to the rail line.

Notwithstanding the above, your Petitioners also respectfully request that the Promoters recompense the price differential in the event your Petitioners property, "The Old School House, Radstone, Northamptonshire" is unable to be sold at the true market value due to the impending construction of HS2.

Noise and visual blight

10. Your Petitioners are very concerned about the substantial interference from noise, visual blight and vibration the proposed rail line will have on their home. The Environmental Statement confirms properties, such as your Petitioners in Radstone, will suffer direct adverse noise effects and this is considered significant. This has put untold stress, pressure and worry on your Petitioners. The proposed rail line will have a severe impact on your Petitioners quality of life, in particular stress, sleep deprivation and health.

Your Petitioners are also very concerned that the 50dB noise baseline established by the Promoters for mitigation purposes is far too high bearing in mind the very rural and tranquil nature that currently exists. Noise measure readings taken by South Northants Council in 2011 indicate average readings of 27-31 dB during the day and 22-26 dB at night.

Your Petitioners respectfully request the Promoters reconsider mitigation options for Radstone as the proposed rail line will have an incredibly negative impact on your Petitioners property and their subsequent quality of life.

Your Petitioners respectfully request options to consider could include either to:

1. Restore the rail line to its original position as stated in 2010, which is about a further half a mile away from the proposed route.
2. Create a much deeper cutting with higher bunding.
3. Create a long green tunnel.

Your Petitioners request for the Promoters to recompense the price differential of their property if it fails to sell at its true market value, (see point 9 above) would still be required irrespective of these options, but the differential could be much lower.

- 11 For the forgoing and connected reasons your Petitioners respectfully submit that, unless those clauses of the Bill referring to the proposed construction of HS2 as it affects "The Old School House, Radstone, Northamptonshire" are removed or amended, then the Bill should not be allowed to pass into law.
- 12 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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