

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 the RADSTONE RESIDENTS GROUP

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.

Clauses of the Bill

- 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”) 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 and their concerns

- 7 Your Petitioners are a group of residents who live on the Whitfield Road, Radstone, South Northants. Radstone consists of 18 properties, of which 2 have recently been acquired by the Promoters, a farm and a Church. Of the 18 properties, 3 are currently vacant. All residents / households, excluding the vacant properties and the properties now owned by the Promoters have signed this petition.

Your Petitioners properties are set in a rural and tranquil location, between 220 – 400 metres from the proposed rail line, separated only by a field. The rail line will pass by the village at ground level, with a newly constructed over bridge to accommodate the Radstone Road also within 250 metres of the village. Your Petitioners properties will be subject to intolerable noise, vibration and negative visual impact during the operation of the trains and significant dust and disruption during construction. Each of your Petitioners concerns are explained more fully below and solutions to its concerns identified. Your Petitioners recognise, 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.

8. Your Petitioners rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioners have sought on a number of occasions to work with the Promoters in their development of the proposals. However, as outlined in this petition, your Petitioners still have substantial outstanding concerns relating to the impacts on noise and visual blight, safety, ecology, public rights of way as well as concerns during the construction period.
10. *Noise and visual blight*

Your Petitioners are extremely concerned about the substantial interference from noise and vibration the proposed rail line will have on Radstone, in particular on those Petitioners located on the Whitfield Road. The Environmental Statement accompanying the Bill states that even with the proposed mitigation, 15 dwellings (85%) will suffer direct adverse noise effects and this is considered significant. This will result in a significant detriment to the quality of life for residents and is likely to cause daytime stress, sleep deprivation and subsequent health issues as well as loss of value to their properties. Forecast increases in the sound from the rail line are likely to cause a major adverse effect on the acoustic character of the area around the dwellings close to the line and open areas as well. (Volume 2 p.220 11.4.21).

Your Petitioners are very concerned that this impact has been underestimated by the Promoter as data collected by the Promoter differs significantly from that collected by South Northamptonshire Council. The Promoters state that the base line noise for the operational period is 45dB during the day and 35-40dB at night, (Volume 2 p.212 11.2.6). Measures taken by South Northamptonshire Council in 2011 show a typical measure of 27-31dB during the day and 22-26dB at night. Subsequently your Petitioners are not satisfied that the predicted noise increases stated in the Environmental Statement are credible. (volume 2 map book ref OSV14-CO3)

Your Petitioners are extremely concerned that the 50dB noise baseline established by the Promoters to consider significant noise mitigation is set too high for rural locations such as Radstone bearing in mind the relatively quiet and natural soundscape that currently exists. The sporadic nature of regular train movements means that there will be substantial peaks around this mean figure.

Your Petitioners respectfully request that the Promoter should be required to modify its design to overcome these difficulties, by means of reducing the mitigation level to reflect the existing lower noise levels in rural areas, as measured independently by South Northamptonshire Council. This should be in the region of 40dB during daytime and 35dB at night time.

St Lawrence Church

Your Petitioners are also very concerned at the significant noise impact the proposed rail line will have on their use of the Church of St Lawrence, which was built in the 12th century, is Grade 1 Listed and located within 250 metres from the proposed rail line, separated only by a field (Volume 2 p.221 11.4.31). The Church is also the only community space in the village. Noise and vibration from the rail line will interfere with the solemnity of divine service and other community activities which currently take place within the Church. In addition the Church does not have modern deep foundations.

Only 2.5% of all the listed buildings in Britain are of Grade 1 status and are therefore given the highest level of protection, including noise and visual intrusion.

Your Petitioners respectfully submit that the Promoters have not adequately considered alternatives to reduce the impact on the Grade 1 listed Church and request that further work is undertaken to cost and assess the impact of less harmful alternatives, (see proposed solutions, point 12, page 3), which would protect the Church from noise, vibration and visual intrusion from the proposed rail line and preserve its unique setting for your Petitioners use and that of future generations.

11. Your Petitioners are also extremely concerned about the visual impact the proposed rail line will have on the village of Radstone. The Environmental Statement concludes (Volume 2 p.83-5.5.7/8) that 10 of the properties in Radstone (55%) will experience significant adverse visual (and noise) effects due to fence barriers, trains, overhead line equipment, two footpath over bridges and the newly constructed Radstone Road over bridge. This will permanently blight the beautiful rural character of this ancient village and it's Church and this will, in addition, forever negatively impact on people's quality of life and significantly reduce the true value of individual properties.
12. Your Petitioners respectfully request that measures are put in place by the Promoter to reduce the noise, vibration and visual impact on the village of Radstone, including the Church, through means of one of the following three options in order to improve the significant negative impact the proposed rail line will have on Radstone. These have been discussed with the Promoters on a number of times and more recently on 11th February 2014, which was also attended by your Petitioners MP, but have not been examined by the Promoters satisfactorily.

a) Restore the rail line to the original position as specified in March 2010. This would not impact on any other community as the original location would, in fact, be more rural. Your Petitioners rationale to propose this as a viable solution is as follows:

In the original plan published in March 2010, the rail line was approximately half a mile further away from the current proposed route. It was moved much closer to the village in Sept 2010 on the proviso that mitigation for Radstone would be a deeper cutting that could be further enhanced with earth bunds to provide protection against noise in this location. This was published by the Promoters in a supplementary report in Sept 2010 entitled "High Speed Rail - London to the West ~Midlands and Beyond - Refining the Alignment of HS2's Recommended Route", (page 4 paragraphs 1.6 and 1.7) This proposed mitigation has not, however, been included in the final Environmental Statement accompanying the Bill. The level of the proposed rail line has, in fact, been raised further and is now at ground level by Radstone.

As this change was broadly neutral in terms of costs and journey times, as stated by the Promoters in the same document described above (page 4 paragraph 1.5), your Petitioners respectfully suggest that it becomes a viable solution to the very serious problems that will be experienced in Radstone.

b) Create a green tunnel in front of Radstone, which is deep and long enough to protect the village and the Grade 1 listed Church from noise, vibration and visual blight and "rare Bat" fatalities (as described in point 14 below).

c) Create a very deep cutting to an actual level that, after allowing for a possible vertical elevation of 3 metres as stated in Schedule 1 of the Bill, together with high bunding, will give Radstone significant protection from noise, vibration and visual blight.

13. Safety

Your Petitioners are extremely concerned that the Promoters have not considered the consequences and procedures in relation to any accident or derailment impact on properties and residents in close proximity to the proposed rail line.

Your Petitioners respectfully request that a risk assessment is produced and published and that amendments are made to the final scheme to mitigate the impact on your Petitioners and address their concerns.

14. *Ecology*

Your Petitioners are particularly concerned about the community of Natterer bats which roost in and around the St Lawrence Church in Radstone. Ecologists grade this population of bats as of Regional importance, and arguably of National importance.

Your Petitioners are concerned that even with mitigation, the Environment Statement concludes that the proposed rail line will result in a "permanent adverse effect on the population of Natterer bats" at Radstone (Volume 2, p125, 7.6.6/7.).

Your Petitioners respectfully request that modifications to the proposed scheme is taken to reduce bat fatalities by reducing the likelihood of conflict with trains and paraphernalia associated with the proposed rail line, either by restoring the rail line to it's original position or tunnelling (as described in point 12 on page 3).

15. *Rights of way*

Your Petitioners are especially concerned regarding the proposed deviation to the footpath AX7.

Your Petitioners respectfully request that footpath AX7 should continue on its original route across the field in front of the Church and join up with the HS2 Access road and then follow this route onto the Radstone Road.

16. *Construction period*

Your Petitioners are especially concerned with regards to construction impacts, particularly noise, vibration, subsidence, dust and dirt, emissions from construction traffic and plant machinery, hours of work, impact on quality of life and personal health, loss of property value and ability to sell property.

Your Petitioners are also concerned that residents ability to enter and leave Radstone by car will be severely restricted due to the substantial disruption caused during the construction of the proposed rail line, the Radstone Road overbridge and the re alignment of the A43.

Your Petitioners also respectfully seek assurance that no construction traffic will be allowed to use any part of the Whitfield Road, from the A43 to the Radstone Rd T junction.

In addition to the proposed solutions described in point 12, (page 3), your Petitioners respectfully seek assurance that measures will be taken to ensure that effective mitigation is put in place for all of the above concerns caused during construction.

17. *General process concerns*

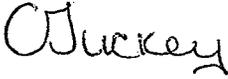
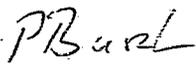
Your Petitioners would respectfully record their disappointment at the need to petition against the Bill but this is due to the Promoter's failure to properly consider an adequate mitigation plan with your Petitioners before the Bill was deposited. The community has engaged with the Promoters for a number of years, in good faith, to identify various solutions to the very serious impacts on Radstone. The Promoters had said plans could only be changed once the final designs are presented in the Final Environmental Statement. In a recent meeting, also attended your Petitioners local MP, (11th February 2014) the Promoters stated it was now too late to consider anything meaningful in terms of mitigation. As a community your Petitioners feel dismayed by this process, which they feel is grossly unfair.

Conclusion

18. 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 Radstone are removed or amended, then the Bill should not be allowed to pass into law.
19. 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Name	Signature	Address
SIMON MARINKER		The Old School House Radstone Northants NN13 5PZ
ANDREW P SMITH		MAVOR FARM BARN RADSTONE NORTHANTS NN13 5PZ
FRANCES COOKE	Frances Cook	19. Radstone Brackley Northants NN13 5PZ
CLARE TUCKEY		18 Radstone, N Brackley, Northants. NN13 5PZ
PHILIP BURCH		17, Radstone nr. Brackley Northants NN13 5PZ.
CHARLIE STOPFORD		THE OLD SCHOOL RADSTONE NN13 5PZ
David Moore		12 Radstone Brackley NN13 5PZ

On behalf of the Radstone Residents Group

Name	Signature	Address
ALISON SHEPPARD	A Sheppard	9 Radstone Brackley Northants.
ROY. A. FITZJOHN	Roy Fitzjohn	6 RADSTONE. BRACKLEY NORTHANTS.
D CASTLE	D Castle	20 RADSTONE BRACKLEY NORTHANTS
ROSEMARY HERRING	Rosemary Herring	15 RADSTONE BRACKLEY NN13 5PZ
SONIA HILSDON	S. Hilson	11, RADSTONE BRACKLEY. NN13 5PZ.
MURRAY BROWN	Murray Brown	RADSTONE HOUSE RADSTONE BRACKLEY NORTHANTS NN13 5PZ
BRIAN TAYLOR	B Taylor	8 RADSTONE BRACKLEY NN13 5PZ

On behalf of the Radstone Residents Group

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON-WEST
MIDLANDS) BILL
PETITION OF THE RADSTONE RESIDENTS
GROUP

Against the Bill - On Merits - By Counsel, &c.

SIMON MARINKER

Tel. no. _____
Mobile: _____
E mail: _____