

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013 – 2014

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS ) BILL**

PETITION OF Murray Jonathan Brown

Against the Bill – on Merits – Praying to be heard by Counsel. &c.

Agent: Simon Harris  
Brown & Co/Berry Morris, 44 South Bar, Banbury, Oxfordshire OX15 4JN

Tel: 01295 273555  
Email: [simon.harris@brown-co.com](mailto:simon.harris@brown-co.com)

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To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of Murray Jonathan Brown

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 system mentioned in paragraph 1 above. They include provision for the construction and maintenance 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 and 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 Petitioner is Murray Jonathan Brown whose address is Radstone House, Radstone, Northamptonshire NN13 5PZ who owns and occupies the Radstone Estate, an agricultural holding extending to 1,000 acres or thereabouts, a principle and substantial farmhouse and three cottages. The rail line passes through the middle of the estate within approximately 200m of your Petitioners principle dwelling. The Bill would authorise the construction and operation of the railway system and its associated development through the Radstone Estate causing considerable injurious affection to the Petitioners freehold interest. Approximately 228.48 acres are to be acquired through the centre of the estate for the construction of the rail line with only 123.45 acres being returned. For the reasons stated below not all of it will be returned to agricultural production.
8. Your Petitioners rights, interests and property are injuriously affected by the Bill to which your Petitioner objects for reasons amongst others hereinafter appearing.
9. Your Petitioner has listed below his serious concerns regarding the operation of the rail line for reasons relating to noise and visual blight, the loss of valuable agricultural land and injurious affection to his freehold interest.
  - 9.1 **Noise** - Your Petitioner is extremely concerned about the substantial interference from noise and vibration that the rail line will have on his private house, the Radstone Estate and the subsequent quality of life. The Environmental Statement accompanying the Bill states that Radstone is identified as an area which will suffer direct adverse noise effects which are considered significant. Forecast increases in the sound from the rail line are likely to cause a major adverse affect on the acoustic character of his private dwelling and the area around his dwelling close to the line and open areas. (volume 2 page 220 11.4.21).
    - 9.1.1 Your Petitioner is concerned that data produced by the Promoters differs from that produced by South Northants Council. The Promoters state that the base line noise for the operational period is 35 – 40 Dbs at night and 45 Dbs during the daytime (volume 2, page 212 11.2.6).
    - 9.1.2 Measures taken by South Northants Council in 2011 show a typical measure of 22 – 26 Dbs at night and 27 – 31 Dbs during daytime.
    - 9.1.3 The predicted noise increases stated in the Environmental Statement (volume 2, a map book reference 0SVI4-C03) are not considered credible, especially bearing in mind the specific references made to noise in Radstone such as “significant impact”, “adverse affect on the village” within the narrative of the Environment Statement documentation (paragraph 11.4.21 of the Environmental Statement). The noise and vibration will significantly and negatively impact on the Petitioners quality of life and is likely to cause daytime stress, sleep deprivation and subsequent health issues.
    - 9.1.4 Your Petitioner is extremely concerned that the 50 db noise baseline established by the Promoters to consider significant noise mitigation is set too high 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 Petitioner respectfully requests this mitigation level is reduced to reflect the existing lower noise levels in rural areas as measured independently by South Northants Council.

9.1.5 Your Petitioner respectfully suggests that interference from noise and vibration could be reduced by addressing the vertical and/or horizontal alignment of the rail line through the construction of a deep cutting or movement of the line further away from his principle dwelling. Your Petitioner also respectfully requests that the higher of the embankment levels shown on plan no. SV-05-034a of the Environmental Statement is constructed and that an acoustic fence is constructed along the top of the embankment as shown by the blue line on the above numbered plan

9.1.6

9.2 **Visual Blight** – Your Petitioner is also extremely concerned about the visual impact the rail line will have on his estate. The Environmental Statement concludes (volume 2, page 83, 5.5.7) that Radstone House is one of a number of properties in Radstone which will experience significant adverse visual (and noise) affects due to the fence barriers, trains, overhead line equipment, two footpaths over bridges and the newly constructed Radstone Road overbridge. This will permanently blight the rural character of the Radstone Estate and this will, in addition, forever reduce the value of the Petitioners freehold interest and his quality of life and that of his family. Your Petitioner respectfully suggests that visual blight could be reduced through the construction of higher earth bunds either side of the rail line and the planting of suitable shrubs and trees on those bunds.

9.3 **The unnecessary loss of agricultural land** – shown on Plan no. CT-06-067 of the Environmental Statement is an area of grassland habitat creation north-east of the proposed railway line and south of the village of Radstone. Your Petitioner understands from the Promoters that this is an area designated as environmental mitigation (for butterflies) as a result of the rail line dissecting a small part of the Helmdon disused railway classified as a Site of Special Scientific Interest (SSSI). The Promoters propose that the grassland habitat should extend to approximately 40 acres which your Petitioner respectfully suggests is excessive and out of proportion to the extent of the SSSI which will be lost at the rail line which extends to only 1.55 acres. Your Petitioner has proposed an alternative site to the north-west of the SSSI and north of the proposed rail line. The alternative would be less disruptive to your Petitioner's farming practices and provide useful screening to the benefit of the village of Radstone.

9.3.1 Your Petitioner has working closely with Adam Kwolek of Natural England relating to the management of a significant area of SSSI which passes through the Radstone Estate. Following detailed discussions Adam Kwolek is supportive of the alternative mitigation site as proposed above.

9.3.2 A new ditch is shown together with a land drainage area north of Hall Farm on the southern edge of the landscape works. Your Petitioner objects to the proposed construction of the ditch which would prevent the landscape area returning to agricultural production.

- 9.3.3 Your Petitioner requests the Promoters pipe the ditch referred to above and so enable the landscape area to return to agricultural use.
- 9.3.4 Your Petitioner also objects to the proposed construction of a further land drainage area south-west of the Radstone Road overbridge and the ditch running west from it on the southern edge of the landscaped earthworks which would result in further loss of agricultural land. Your Petitioner respectfully requests the deletion of the proposed land drainage area referred to above and so reduce the area permanently lost to agriculture.
- 9.3.5 With reference to Plan CT-06-068a of the Environmental Statement the Promoters propose a further land drainage area at the western edge of the embankment south of the proposed rail line which your Petitioner considers to be unnecessary. The soils are medium loam over limestone and are relatively free draining. The Promoters also illustrate a new ditch constructed at the bottom of the proposed embankment preventing that area of land being returned to agriculture. Your Petitioner respectfully requests the deletion of the land drainage area referred to above and so retaining a greater area in agricultural use.
- 9.3.6 Illustrated on Plan CT-06-067 of the Environmental Statement is a proposed footpath diversion following the line of your Petitioners driveway to his private dwelling. The footpath follows on the edge of your Petitioners garden which contains leisure facilities including a swimming pool used by his children. Your Petitioner strongly objects to this proposal and requests that the footpath be diverted around the southern edge of the proposed balancing pond, linking with the HS2 access road and then to the Radstone village.
- 9.3.7 Plan no. CT-05-067 illustrates an accommodation overbridge which forms part of the realignment of bridleway AX18. Your Petitioner respectfully requests that the overbridge is constructed to a specification capable of allowing the passage of all farm vehicles, including combine harvesters so as to provide access to severed parts of the Radstone Estate.
- 9.4 Your Petitioner would respectfully record his disappointment at the need to petition against the Bill but this is due to the inadequacy of the Promoter's efforts to properly consider an adequate mitigation plan with your Petitioner before the Bill was deposited. Your Petitioner has engaged with the Promoters for a number of years in good faith to identify various solutions to the serious impacts on the Radstone Estate but responses have not been received from the Promoters to your Petitioners requests for amendments.
- 9.5 Your Petitioner feels dismayed and frustrated at the lack of consideration shown to him by the Promoters an opinion shared by Andrew Clarke, the Head of Policy Services of the National Farmers Union who says "we are worried over a distinct lack of engagement with the farming community, which will be directly affected by the proposed route, as well as the Government's refusal to consider prompt and adequate compensation for farming livelihoods damaged by this national project.
10. For the foregoing and connected reasons your Petitioner respectfully submits that unless those clauses of the Bill referring to the proposed construction of HS2 as it affects the Radstone Estate are removed or amended then the Bill should not be allowed to pass into law.

11. There are other clauses and provisions of the Bill which if passed into law as they now stand will prejudicially affect your Petitioner and his rights, interests and property for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he 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 Petitioner will ever pray, &c.



**M J Brown**