

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 MRS R E M BETTSON &
MR P B BETTSON

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

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.

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. Your Petitioners are the freeholders/occupiers of Tuppenhurst Farm, Tuppenhurst Lane, Lichfield WS15 4HJ which is a farm in the county of Staffordshire.
7. 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. Your Petitioners' farm relies heavily on the newly constructed Shaw Lane overbridge which currently passes over the West Coast mainline. Indeed this bridge has been

built within the last few years following the recent widening of the West Coast mainline and the current proposals within the Bill are to provide no replacement crossing point at the juncture. Whilst your Petitioners may appreciate that there are difficult engineering solutions to achieve in this area this crossing point is vital to maintain the access to your Petitioners' farm and the contacting business they run therefrom.

8. Your Petitioners have now made representations to HS2 on at least four occasions in a formal manner. To date there has been no satisfactory response.
9. It is important to note that your Petitioners occupy between 1,500 and 2,000 acres of land for their farming business of which 450 acres is owned and occupied. They also carry out contract spraying over a further 25,000 – 30,000 acres in any one year. In addition to the farm's own combinable crops a further 1,600 acres are combined on contract and a further 300 – 400 acres are ploughed and drilled in any one year. The farm also raises 300 breeding ewes and buys in 90-100 lambs and 250-500 store lambs in any one year.
10. The Shaw Lane overbridge is the only exit from the farm in a southerly direction towards Lichfield and the land beyond. This is the direction where most of your Petitioners' farm traffic heads.
11. Your Petitioners' farmstead is located off Tuppenhurst Lane and is the main base for their farming enterprise with grain storage and animal housing located on one site.
12. Your Petitioners request that the Shaw Lane overbridge is maintained. To do otherwise would vastly increase the compensation claim as they would need to journey many extra miles in any one year, taking up valuable operator time and staff time in travelling the extra distance to get to their destinations. The alternative journey route is convoluted and complicated.

13. Your Petitioners' property will be injuriously affected by the provisions of the Bill.
14. Your Petitioners and their rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

15. 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 and where possible so that acquisition and use of your Petitioner's land is on a temporary basis only.
16. Your Petitioners are 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 their land when the nominated undertaker's requirement is for a temporary use only. There are proposals for utility works on your Petitioners' land and we assume these will be of a temporary nature.
17. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their land, and is concerned to note that the compensation regime proposed by the Bill is inadequate.

Accommodation works

18. Your Petitioners' farm will be severed from its main client base 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 Petitioners. Well-designed accommodation works which meet your Petitioners' 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 Petitioners. 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.

19. Your Petitioners propose 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 Petitioners 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.

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.



C R Bedson BSc MRICS FAAV

Agent for Mrs R E M Bettson &

Mr P B Bettson

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

MRS R E M BETTSON

&

MR P B BETTSON

AGAINST,

BY COUNSEL, &c.

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