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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 MARGARET HUGHES & MR PETER HUGHES

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. 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.
7. Your Petitioners are the freehold owners/occupiers of Truggist Hill Farm, Truggist Lane, Berkswell, Coventry CV7 7BW which is a farm in the county of Warwickshire.

8. 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 acquired Truggist Hill Farm approximately 27 years ago and have developed a property which has been designed to cope with their needs and those of their family into retirement.
9. Aerial photographs and desk top studies will belie what goes on within the property.
10. The construction of HS2 will result in the acquisition of approximately 10 acres of land on a permanent basis with a further 5 acres of land or thereabouts on a temporary basis.
11. Your Petitioners have created not only a home for themselves but also their family together with lettable work units which bring in a rental income for their retirement. The permanent acquisition of land from them will take away some former agricultural buildings which have over the last twenty years or more been used for commercial use and which are now licensed to other occupiers bringing in a substantial income to the family.
12. Your Petitioners also raise horses, some of which are bred as racehorses and have achieved well in the past. Removing this land from them takes that facility away which removes a further income stream from them together with a very important part of their lifestyle.
13. To date, your Petitioners have had little engagement with the promoter although it is envisaged that a Blight Notice will be served shortly given that in excess of 25% of their property falls within the safeguarded area.
14. Your Petitioners also have grave concerns about the lack of mitigation effects of the railway on their property, the primary dwelling house of which will be around 80-120 metres away from the centre line of the railway once it is built.

They have a number of residential dwellings at this location, all of which are owned and to all intents and purposes occupied, by Margaret Hughes.

15. 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

16. 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 so that where possible acquisition and use of your Petitioner's land is on a temporary basis only.
17. 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 her land when the nominated undertaker's requirement is for a temporary use only. Indeed, there are two proposed construction compounds on your Petitioners' land and they require further details of this and how it will affect their enjoyment of their home as it will be within a few metres of it.
18. Your Petitioners also wishes to ensure that Mrs Hughes is properly compensated as regards the acquisition and use of her land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Inappropriate mitigation measures on farmland

19. Your Petitioners believe the mitigation measures are inappropriate. For instance –

20. Trees, grass and vegetation may be planted along the route of the line to provide visual screening. Further debate is required please between your Petitioners and the promoter as none has yet been undertaken.

Maintenance of bunds and made-up ground

21. It is clear from the draft Environmental Statement that there will be significant lengths of bund, made-up ground, "sustainable placement" and ground reprofiling alongside the proposed railway, much of it on good quality agricultural land. However the bunds and embankments in this location will encroach onto that small part of agricultural land which remains for Your Petitioners and hence their equestrian activities may almost certainly have to cease. Your Petitioners feel this is grossly unjust and denies them not only a source of income but also an interest which provides them with a lot of enjoyment.
22. In your Petitioners' submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in that way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

23. Your Petitioners' farm will be severed 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 Petitioner. 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.

24. 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 Petitioner 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.

Planning consent for replacement buildings and associated dwellings

25. The construction of the Authorised Works will necessitate the demolition of various buildings on the site, including agricultural buildings, workshops and manufacturing units etc. Your Petitioners' core activities on this site are unlikely to succeed but it would be beneficial if replacement buildings were allowed to allow them to continue in shape or form. In most cases this will require a full planning application. While the cost of dealing with planning can be factored into the compensation payable by the promoter, the uncertainty over whether an application will be approved and the time delays that can arise if a case goes to appeal can all be very difficult for a business to manage. The development of some agricultural buildings is already permitted development, subject to conditions, including limits on size.
26. Your petitioner notes that the Bill contains provision, in clause 48, enabling the Nominated Undertaker to carry out reinstatement works within the Act limits. In theory, that clause could be utilised so as to meet the concerns of your Petitioner but there is no certainty in that regard, for a number of reasons, most notably that it only applies to reinstatement works within the Bill limits.
27. Your Petitioners propose that the Bill should be amended so as to ensure that the process for relocating farm buildings that are lost are capable of being reinstated more easily. This could be achieved by clause 48 being amended so as to ensure that it will apply in any case where land is available for reinstatement works, and to remove other uncertainties.
28. Alternatively, the Bill should make provision for an amendment to the Town and Country Planning (General Permitted Development) Order 1995 so that

the replacement of any building used for business purposes and any associated dwelling which is acquired under the provisions of the Bill will be permitted development subject only to the prior notification procedure. The permitted development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building will be restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior notification process, as for other permitted development.

Compensation, generally

29. 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

30. 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 Petitioners 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 Margaret Hughes &

Mr Peter Hughes

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of

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&

MR PETER HUGHES

AGAINST,

BY COUNSEL, &c.

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