

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

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 MR RONALD DRAKE & MRS ROSEMARY DRAKE

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 occupiers of Barn Covert, Kingsbury Road, Marston, Sutton Coldfield B76 0DH which is a residential dwelling with land in the West Midlands conurbation.

8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners 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' land falls within an area denoted as the Kingsbury Road railhead site. Whilst this area is featured on HS2 Phase 1 the HS2 Spur to Leeds at this location also passes immediately to the west of your Petitioners' property at this location.

The entirety of your Petitioners' property in this location is consumed under the area denoted as the Kingsbury Road railhead site on the plans accompanying the Hybrid Bill.

9. 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

10. 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 their property be acquired earlier under Blight provisions.
11. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it in appropriate 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. Your Petitioners are particularly concerned because their land holding does not appear to sit within a safeguarded area. The safeguarded track for Phase 1 does not continue along the short length of the Phase 2 spur in this location and the Kingsbury Road railhead site is indeed all consuming of your Petitioners' property in this location. Your Petitioners request therefore that

the area be safeguarded to allow for Express Purchase Provisions to be enacted.

12. 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 and needs to be improved.

Compensation, generally

13. 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 Petitioners must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

General

14. 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 Mr Ronald Drake &

Mrs Rosemary Drake

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

MR RONALD DRAKE

&

MRS ROSEMARY DRAKE

AGAINST,

BY COUNSEL, &c.

Mr C R Bedson BSc MRICS FAAV

Hinson Parry & Company

12 Stafford Street

Eccleshall

Staffordshire ST21 6BH

Agent for the Petitioners