

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 MR ROBERT LOCKHART

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 Petitioner is the freeholder and occupier of Brook Farm, Portleys Lane, Tamworth B78 2AB which is a farm in the county of Staffordshire.
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 Petitioner of the intention to seek such compulsory powers.

9. Your Petitioner farms, owns and occupies 280 acres of land in Tamworth Staffordshire, from which he runs his farming business. He also rents in additional land elsewhere on a seasonal basis from time to time.
10. The farm focus is on growing 40 acres of high quality potatoes in any one year with the remainder land down to arable crops with emphasis on first wheat. Around 15% of the land in any one year is sown to potatoes. With the land predominantly in a ring fence all of the land is irrigated from the farm's reservoir which holds around 8.5 million gallons of water. The farm also employs contractors as and when necessary and has a DIY horse livery enterprise.
11. The route of HS2 severs one of the largest and most productive fields on the farm. This particular field measures around 54 acres in size and we anticipate the construction of HS2 will acquire/sever/render unfarmable around 35-40 acres of land.
12. Of this area, around 15 acres is proposed to be severed or planted down to wildlife habitat creation. The farm will not easily sustain the loss of this amount of land from its rotational cropping enterprise.
13. Your Petitioner and his rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

14. 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 so that acquisition and use of your Petitioner's land is on a temporary basis only.

15. Your Petitioner is 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 his land when the nominated undertaker's requirement is for a temporary use only. There are indeed embankments and bunds proposed together with temporary material stockpiles noted on the plan CT-05-116A and CT-06-116A.
16. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his 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

17. Your Petitioner considers some of the mitigation measures proposed on his farmland is inappropriate. For instance –
18. Trees, grass and vegetation will be planted along the route to provide visual screening, reduce visual impacts and integrate the railway into the surrounding area. Your Petitioner has grave concerns that around 15 acres of his land will be severed and he will have no means of accessing it. Your Petitioner would like to engage with the promoter to ensure that an access track is constructed beneath the Drayton Bassett viaduct in order to gain access to this particular parcel of land and keep this valuable area within his farming business. Your Petitioner considers it inappropriate that the area should be taken out of good agricultural production and converted to a wildlife haven.
19. Your Petitioner also suggests that his losses could be mitigated and his compensation claim reduced if access could be maintained to this parcel of land. This in theory could be done quite simply by the installation of a trackway passing under the Drayton Bassett viaduct.

20. Your Petitioner is concerned that on his retained land the embankments that the promoter proposes to construct will cause excessive water run-off due to their steepness and, surface water which would have otherwise flowed into the Gallows Brook will now flow off the embankments in a north easterly direction and potentially flood his field. Further discussion is sought with the promoter to mitigate this potential problem.

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. Your Petitioner respectfully requests the Bill is amended such that bunds and made up ground on his land are kept to an absolute minimum. Whilst there is some tree planting proposed on this area which has been done without his consultation, any areas of infill are unlikely to produce significant arable crops for many years to come. Your Petitioner's claim for compensation will be mitigated if these bunds and areas of made up ground are kept to a minimum and he requests further discussions with the promoter in this regard.
22. In your Petitioner's 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 Petitioner's 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 Petitioner's 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 Petitioner. 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 Petitioner proposes 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.

Severance and hedgerows

25. The severance of agricultural land by such a long linear scheme will result in some of your Petitioner's fields being left in awkward shapes. A common element of a claim for severance is the cost of removing hedges and fences in order to re-shape fields into a sensible layout. Since the introduction of the Hedgerows Regulations 1997, the removal of any hedge which is more than 20 metres long requires the consent of the local planning authority. This will add time, cost and uncertainty for farmers who are affected.
26. Your Petitioner has been in discussion with some of his neighbours and it is apparent that land swaps along the length of the route would substantially reduce any claim for compensation. Your Petitioner is disturbed to note that these have not yet been addressed by the promoter nor have they been addressed within the Bill. In your Petitioner's particular case it may be possible to "swap" the 15 acres or so of land which is being severed with an adjoining farmer or farmers to retain as near as possible, the status quo.
27. Your Petitioner proposes to your honourable House that the Hybrid Bill should be amended to provide that the Hedgerow Regulations 1997 do not apply to hedges which have to be removed to allow the reasonable re-organisation of field boundaries where land has been acquired by HS2.

Compensation, generally

28. 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. Your Petitioner also has concerns about the tax implications of the scheme on his business and financial plans. The forced sale of agricultural land raises a potential tax liability which your Petitioner would not ordinarily have and he comments that this matter needs addressing in some detail in the Bill.

General

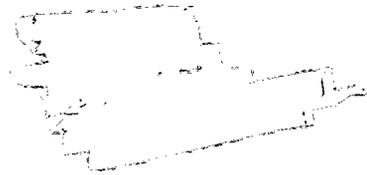
29. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 Robert Lockhart

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PETITION

of

MR ROBERT LOCKHART

AGAINST,

BY COUNSEL, &c.

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