

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 DAVID WRIGHT

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 leaseholder of Glebe Farm, which is a farm in located at Waddesdon, Aylesbury, Buckinghamshire HP18 0LS, and occupied under a protected tenancy governed by the Agricultural Holdings Act 1986. The property is listed in the Book of Reference that accompanies the Bill as plot no 84 in the parish of Waddesdon in the district of Aylesbury Vale.

8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which he objects, 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.
9. 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.
10. Your Petitioner submits that his landholding of some 380 acres held on a secure tenancy with succession rights under the Agricultural Holdings Act Tenancy 1986 will be severed by the construction of the HS2 rail line. Prior to the announcement of HS2 your Petitioner completed extensive redevelopment of the farm buildings and the dairy system. He has created a dairy farm that would undoubtedly be the envy of many and allows for a very profitable business milking in excess of 250 cows producing around 2.6 million litres of milk per year on a high welfare farming system. Your Petitioner breeds and keeps all of his dairy followers with around 65 in calf heifers and 65 yearlings on the farm at any one time. The farm has expanded to its business platform and its boundaries and is set up for maximum efficiency and welfare.
11. The route of the proposed HS2 rail way severs your Petitioner's land in the most serious way imaginable. Whilst the Environmental Statement has allowed for some roads, tracks and bridges to be built the acquisition of around 96 acres of land will render the current farming system unviable. The acquisition of this much land will mean, inevitably, the loss of perhaps 70-80 cows and hence the loss of 700,000 – 800,000 litres of milk production per year. The fixed costs on the farm will remain largely the same and whilst there will be some reduction in variable costs, these will not be sufficient to offset that loss of milk production. It would appear that there is a lack of understanding of farm businesses at some levels within HS2 Ltd.

12. Your Petitioner's property will be injuriously affected by the provisions of the Bill.

Extent of land take

13. 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 to that land which is required only for the construction and operation of the railway line with permanent land take limited to that required to operate the railway line, with any land required to construct the railway line being acquired on a temporary basis only by lease, licence or other means.
14. 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. This is in particular reference to land cited within the plan as being for access and egress to the site and in respect to satellite construction compounds and temporary material storage areas and the suchlike.
15. 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

16. Your Petitioner notes the various environmental mitigation measures that are proposed for his land.
17. For instance, trees, grass and vegetation will be planted along the route of the line to provide visual screening, reduce visual impacts and integrate the railway

into the surrounding area. There is one particular field on your Petitioner's farm which the Bill notes as being required for woodland habitat creation. Your Petitioner objects most strongly to this on the grounds that he has never been consulted about it and it has been presented as a *fait accompli* to him. The field in question is a particularly productive field adjacent to the farmstead, the farmstead historically being located in that particular location for a very good reason. Your Petitioner respectfully suggests that if the promoter needs to offset environmental impacts then they could acquire farmland elsewhere, on the open market, and create wildlife habitats in a number of different areas around the region. Your Petitioner respectfully submits that there is indeed a thin layer of topsoil between man and starvation and the best quality agricultural land should be maintained at all times.

18. Your Petitioner is also particularly concerned about the location of newly constructed bunds and embankments designed to shield the route of the line from the neighbouring countryside. It has been stated by the promoter that around 96 acres of land will be required temporarily during the construction process, which is assumed to be seven or eight years, and that around 42 acres of land will be required permanently. However, much of the land to be handed back is, it is assumed, likely to be infilled or made up ground forming steep embankments and the suchlike which will barely be farmable.
19. The severance aspect on this farm should absolutely not be underestimated. The business that has been planned and expanded in this location will almost certainly cease in its current form and a new business enterprise at some great expense will need to be considered.
20. Your Petitioner notes also the location of balancing ponds, particularly on land to the north west of his farmstead and within his remaining land. Your Petitioner has had no information as to the amount of water run-off from the embankments. Your Petitioner respectfully requests that these proposals should be explained more fully.

21. Your Petitioner has concerns about water run-off and how it may flood and affect his land and again considers that the Bill should make provision for drainage matters to be analysed prior to entry to the land to ensure the risk of flooding is minimised.

Maintenance of bunds and made-up ground

22. It is clear from the 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. As explained above your Petitioner believes that these bunds and false embankments could be minimised to allow for a much smaller area of land take and to keep the disturbance to the best quality agricultural land to a minimum. The imposition of these bunds will have a substantial effect on the severance of the landholding leaving many strange and awkward field shapes. This will have a huge effect on the efficiency of the land holding and the way in which the land can be farmed. The embankments are particularly on the eastern side of the railway line and are no doubt created to prevent substrata having to be moved off site. The embankments will create areas of infill which, no matter how good the reinstatement, will be difficult to farm over years to come. Your Petitioner understands from the promoter that the slopes will be to an angle of 1:8 approximately which in itself may well be farmable but would be creating unnecessary gradients that do not already exist. Your Petitioner's remit is to try to ensure that his land remains as productive as it possibly can be in order to provide food for the nation. These areas of made-up ground forming the embankments are likely to be unproductive for many years to come. Your Petitioner requests that the Bill be amended to include for adequate reinstatement and aftercare plans to allow our client to bring back as much land into agricultural production as is possible.
23. 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 the way described in paragraph 22 and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

24. 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. Your Petitioner is pleased to note that HS2 Ltd. has taken on board some of the comments raised initially and that some accommodation works were brought in to the Environmental Statement. These accommodation works however do not go far enough and do not sufficiently mitigate the losses he will incur on the farm. Access tracks need to be extended and underpasses and overbridges need to demonstrate that they will, for the foreseeable future, be of sufficient capacity to carry heavy farm machinery. These accommodation works will be vital to the success or otherwise of the farm moving forwards.
25. 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.

Planning consent for replacement buildings and associated dwellings

26. The construction of the Authorised Works will necessitate the demolition of the farm's slurry lagoon and effluent storage facilities. Since your Petitioner's core farm business will not survive in its current form but will take on a completely different form, your Petitioner is likely to want to replace those facilities. 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.
27. 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.
28. Your Petitioner proposes that the Bill should be amended so as to ensure that the process for relocating farm buildings that are lost is capable of being carried out quickly. 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.
29. 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.

Severance and hedgerows

30. 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.
31. Your Petitioner proposes to your honourable House that the 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

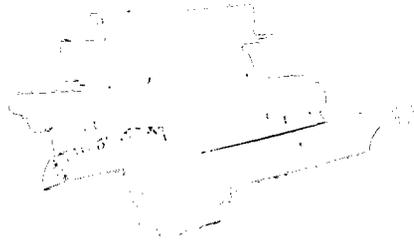
32. The compensation regime set out in the Bill is inadequate and must be improved. In any event, any payment of compensation that is due to your Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

General

33. 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 PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not pass into law as it now stands and that he be heard by himself, his 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 PETITIONER will ever pray, &c.



C R Bedson BSc MRICS FAAV
Agent for Mr David Wright

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

BILL

P E T I T I O N

of

MR DAVID WRIGHT

AGAINST,

BY COUNSEL, &c.

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