

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 TREVOR LANE of LANE'S LANDSCAPE
CONTRACTORS, 35 STATION ROAD, STOKE MANDEVILLE,
AYLESBURY, BUCKINGHAMSHIRE, HP22 5UE.

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 freehold owner of The Paddock, Old Risborough Road, Stoke Mandeville, which is a property in Buckinghamshire. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property owned by 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.
8. Your petitioners' property is the base for his family run landscaping business which is his principle livelihood as well as providing employment locally. The authorised works are set to potentially acquire up to 60% of the total area which incorporates buildings and yard areas for the construction phase, and therefore your petitioner would not be able to continue operating

his business. Within the Environmental Statement, although it indicates that permanently only a small area of land would be required for an access road from the Old Risborough Road to a balancing pond. The acquisition of such a large area of land for construction will have a devastating effect on the business. Your petitioner is also concerned that no provisions have been provided within the Environmental Statement for any mitigation works between the railway line and his property. Your petitioners' property is currently protected by mature hedgerows and security fencing, and your petitioner is extremely concerned because the Environmental Statement does not provide replacement for any of these assets then it raises significant concerns over the security of the business and the property. As a direct result of the scheme, your petitioner's property and the family run business will be significantly impacted and will require complete restructuring. This may result in the loss of jobs for those employed locally and deny the local area of the landscaping services which your petitioner has provided for many years. Your petitioner requires provisions to be made to either redesign the scheme so that the impact on his property is significantly reduced, or alternatively provisions to relocate the business permanently so that your petitioner is able to continue to run the family business. Your petitioner would request that these requirements are accepted to ensure such a relocation would be of a permanent benefit to the local community for the reasons as stated above? 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.

9. Land in the ownership of your Petitioner is liable for compulsory acquisition under clauses 4 to 8 of the Bill. The limits of deviation and of the 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 or so that acquisition and use of your Petitioner's land is on a temporary basis only.
10. 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. Your petitioners land has been designated as 'land potentially required for construction' (CT-05-041 and CT-06-041) however; it is not clear within the Environmental Statement exactly what the use is for.

11. 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.
12. 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

13. Your Petitioner's property 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.
14. 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

15. The construction of the Authorised Works will necessitate the relocation of existing buildings and structures, including storage facilities and workshops, in order for your Petitioner's core family run business to continue to operate and serve the local community. Your Petitioner is likely to want to relocate/replace those buildings. 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.

16. 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.
17. Your Petitioner proposes that the Bill should be amended so as to ensure that the process for relocating 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.
18. 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

19. 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

20. 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.

Agent for Mr Trevor Lane

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

of

MR TREVOR LANE

of

LANE'S LANDSCAPE CONTRACTORS

AGAINST,

BY COUNSEL, &c.

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