

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 BETI A KIBBLE
of Kibble and Sons,
Halse Grange,
Halse, Nr Brackley,
Northamptonshire, NN13 6DY.

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 of Halse Grange, Halse, Nr Brackley, which is an arable and livestock farm in Northamptonshire. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which your Petitioner objects, 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.
8. Your Petitioner and her 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. Halse Grange is set to be split in half which will result in a large block of high quality farm land being severed from the main farmstead. It is clear from the Environmental Statement that an over bridge has been included within the design; however, your Petitioner’s concern is whether the specification of this bridge is going to be capable of transporting very large agricultural machinery between the land holdings. The over bridge will need to have a weight capacity of up to 40 tonnes and a minimum width of 6 meters.

10. Your Petitioner's house, buildings and land are served by a spring which is located on the land owned and farmed by B F Humphrey & Sons, and is set to be severed. This water supply is a private supply, and your Petitioner's concerns are that the pipework for this supply is maintained at all times across the new line both during the construction phase and thereafter. It is unclear within the Environmental Statement what measures have been put into place in respect of this private water supply and who will be responsible for this in the event that excavation works stop, divert or contaminate the flow. Your Petitioner is also concerned that a 'replacement floodplain storage area' is to be constructed on her land. Measures need to be put in place to ensure that the integrity of the private water supply is preserved and maintained, and your Petitioner will require hydrology reports to confirm this.
11. Halse Grange is also drained with falls running through the line of the proposed scheme. Your Petitioner's concern is that this will have a major impact on the drainage of the land. Your Petitioner will require a complete drainage system to be designed, and paid for by the promoters, to ensure that the land continues to be well drained.
12. 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 or so that acquisition and use of your Petitioner's land is on a temporary basis only.

13. 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 her land when the Nominated Undertaker's requirement is for a temporary use only. The proposed scheme is set to take 7.2 hectares of your Petitioner's land on a temporary basis for the purpose of material stockpile areas during the construction phase. This is wholly inappropriate as it restricts the agricultural production of the land.

14. Your Petitioner also wishes to ensure that she 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.

15. The Bill includes powers for the Secretary of State and the Nominated Undertaker to plant trees, grass and vegetation along the route to provide visual screening and reduce visual impacts and integrate the railway in to the surrounding area. Your Petitioner requests that land taken for vegetation and trees is kept to a minimum in order to protect prime agricultural land from being taken out of production.

16. Balancing ponds will be introduced to control the rate volume and quality of runoff. Your Petitioner's land includes an area of organic permanent pasture land

which has been farmed organically for a number of years. A proposed balancing pond has been positioned next door to this land on a neighbouring farm as part of the proposed scheme. Your Petitioner is concerned that the balancing pond might be relocated or moved on to her land. Were this to be proposed, your Petitioner would object in the strongest terms in order to protect the integrity of the organic pasture.

17. 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. Large areas of prime agricultural land have been designated for Landscape Earth Works on the farmstead. Your Petitioner' is concerned whether this land will be capable of being farmed after being used in this way and, if not, what use it will have. Your Petitioner requests that these areas are designed so that they are they can continue to be used as agricultural land, in order to keep the loss of agricultural land to a minimum..

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. There are other clauses and provisions in the Bill which, if passed into law as they

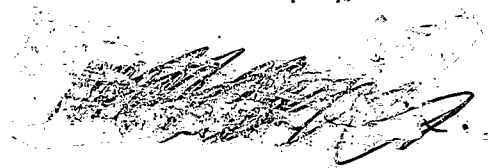
now stand, will prejudicially affect the rights and interest of your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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.

A handwritten signature in dark ink, appearing to be 'BETI A KIBBLE', is written over a circular embossed seal or stamp. The signature is somewhat stylized and overlaps the seal.

Agent for MR. BETI A KIBBLE

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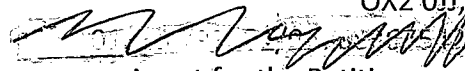
P E T I T I O N

of

Mrs Beti A Kibble
AGAINST,

BY COUNSEL, &c.

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