

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**PETITION**

Against – on Merits – 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 JENNIFER FAITH COLLINS, AMANDA JANE SWEETING AND BELINDA CAREY NAYLOR.

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced 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 Jennifer Faith Collins, Amanda Jane Sweeting and Belinda Carey Naylor, the freehold owners of Chetwode Manor Farms, Chetwode, Buckingham MK18 4BB ("the Property") which is a farm in Buckinghamshire. Your petitioners' business is farming. Your petitioners and their forebears have farmed this land for 100 years. 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' property will also be used for the Chetwode cutting satellite compound. Your petitioners' property is located on School End, a public highway which is proposed to be closed for a period during the construction period. Your petitioners' property is also located on The Green, a public highway which is proposed to be realigned during construction period. Your petitioners' property is also located on the access road to Manthorne Farm which is proposed to be replaced by an overbridge. Your petitioners are regular users of the above roads which are liable to be used by construction traffic during the period of construction of the works authorised by the Bill. Your petitioners estimate that currently approximately 3,000 vehicle movements per year use the accesses to and from Manthorne Farmyard along narrow, single track public roads and private farm tracks now proposed to be used by additional traffic including construction vehicles and many of the roads are proposed to be temporarily severed during construction.
- 8 Your petitioners' 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.
- 9 Land in the ownership of your petitioners 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 petitioners are unsure why that is. Your petitioners are willing to enter into an agreement with the promoter of the Bill that necessary areas of your petitioners' land are made available on a temporary basis only, so as to reduce the land needing to be compulsorily acquired to the minimum.
10. Your petitioners propose that land temporarily required is temporarily acquired. Your petitioners and their forebears have been custodians of this

land and landscape for 100 years and wish to continue. The promoter of the Bill has proposed permanent acquisition of the former railway cutting (disused Great Central Main Line). Your petitioners propose that the promoter makes temporary arrangements with your petitioners to satisfy their conservational requirement, and that thereafter appropriate covenants and management agreements can ensure the continued stewardship, whilst ownership remains with your petitioners. Likewise, your petitioners also wish to retain ownership of land in Newton Purcell referred to as "small severed parcel" in Appendix AG-001-013 Volume 5 of the Environmental Statement.

11. Your petitioners are concerned about the lack of effective noise mitigation for properties to the North East of the proposed route in Newton Purcell. Absorptive sound barriers should be specified.
12. It would appear that there are sections of the proposed railway through Chetwode, Barton Hartshorn and Newton Purcell where the promoter does not intend to provide any sound barriers (Environmental Statement Map SV-05-030). This would result in a swathe of farmland and woodland being subject to very high noise levels, and the noise will affect many residential properties in Chetwode, Barton Hartshorn and Newton Purcell. As well as agriculture, this whole area is used for outdoor recreation including walking, nature watching, horse riding and cycling. Your petitioners seek an undertaking from the promoter that effective noise barriers will be provided along the length of the railway, on both sides of the proposed line, to ensure that the maximum noise level from the passage of a train will not exceed 60 dBA at a distance of 200 metres from the line, and that properties exposed to a high noise level will be provided with sound insulation and air-conditioning to reduce the interior maximum noise level from the passage of a train to no more than 45 dBA.
13. Your petitioners are concerned that in the assessment made by the promoter of the effect of the proposed scheme on the landscape, no account was taken of the consequential effects of the economic damage done to agricultural businesses during the construction phase. Your petitioners anticipate that agricultural businesses would cease to function or function at a reduced level during the construction period, and that afterwards, the reduction in land area and fragmentation will reduce the economic viability of those that continue. Your petitioners seek an undertaking from the Promoter that compensation will take into account the temporary, permanent and future loss of income due to the scheme.
14. Your petitioners' 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 petitioners. Well-designed accommodation works which meet your petitioners' needs will reduce a claim for compensation. The promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with your petitioners. This 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.

15. Your petitioners propose to your honourable House that the promoter should be required to undertake that it will, at a very early stage, seek to agree with your petitioners adequate provision for access to farm land west of Manthorne Farm during construction. This will mitigate your petitioners' claim for damages/losses.
16. Your petitioners propose to your honourable House that the promoter should be required to undertake that it will, at a very early stage, seek to agree with your petitioners temporary access provisions for farm vehicles during the closure of School Lane Overbridge and the closure of access via The Green. During construction phase, the promoter proposes using a narrow gated, unmetalled farm track with no passing places. This is unacceptable from a Health and Safety and liability perspective and is impractical. The promoter must undertake to make appropriate access provisions for both construction traffic and continuing agricultural operational purposes. Your petitioners propose that construction traffic should use the trace of HS2.
17. Your petitioners are concerned that the temporary closure of School End Overbridge will result in considerable delays and disruption to both local and farm traffic. Your petitioners propose that a temporary bridge is provided during construction to allow continuing agricultural operation.
18. The propagation of weeds by the movement of vehicles and the failure to control seed formation would cause inconvenience and loss to agricultural business and residential gardeners. Your petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the nominated undertaker to provide training to contractors and sub-contractors, to carry out inspections, to destroy identified weeds, to grant access to work sites for those with a legitimate concern, and to ensure this topic is properly considered through a meaningful community engagement process.
19. Your petitioners wish to draw attention to the large-scale temporary use of agricultural land during the construction phase of the proposed works. The promoter proposes to occupy substantial areas of agricultural and wood land for spoil heaps, work camps, and other purposes. Your petitioners are concerned that the soil in these areas would be susceptible to damage by static compaction, by pollution, and during handling, and that the field drains will be broken. Your petitioners seek an undertaking from the promoter that every care will be taken to prevent these damages, that restoration will be done to a high standard and will comply with the Standard for Farmland Remediation, that field drains will be restored, and that your petitioners will be fully compensated for any failure to do this work correctly and promptly.
20. Your petitioners propose to your honourable House that the promoter should be required to undertake that it will seek to agree with your petitioners a suitable specification for security and prevention of light pollution from the Chetwode cutting satellite compound and the Chetwode Auto-transformer

station.

21. Your petitioners are concerned about the landscape and visual impacts of the Chetwode Auto-transformer station and overhead power lines, which introduce new infrastructure into a very rural landscape. Your petitioners request that all National grid overhead lines serving the site are buried, and a sensitive design is used for the Auto-transformer station building. The design of the station should be produced in consultation with the local community, and it must be designed to fit in with the character of the area.
22. Your petitioners propose to your honourable House that the promoter should be required to undertake that it will seek to agree with your petitioners adequate provision for continuous electricity supply to Manthorne Farm while the major utility works are underway.
23. Your petitioners propose to your honourable House that the promoter should be required to undertake that it will, at a very early stage, seek to agree with your petitioners 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.
24. The construction of the Authorised Works will necessitate the demolition of agricultural buildings at Manthorne Farm. Since your Petitioners' core farm business will survive, your petitioners are likely to want to replace those buildings and the dwellings associated with them. 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.
25. Your petitioners note 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.
26. Your petitioners propose that the Bill should be amended so as to ensure that the processes for relocating farm 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.
27. 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.

28. 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.
29. Your petitioners propose 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.
30. As discussed with the promoters, your petitioners favour a cut and cover ("Green") tunnel banked and landscaped over the top, starting to the south of the village of Chetwode and continuing through the high ground past Manthorne Farm, Chetwode village and School End to avoid the many injurious effects in the parish of Chetwode. Your petitioners understand that the residents of Chetwode enjoy the full support of their District and County Councils in petitioning for such a change to the construction of the scheme, and would respectfully point out that a tunnel on the alignment proposed by the promoter would relieve many of the injuries to residents of Chetwode and the local environment identified in the Environmental Statement. Accordingly, your petitioners seek an undertaking from the promoter that the railway, will be placed in a cut and cover tunnel to minimise the local environmental impact, that corresponding changes will be made to all the subsidiary Works, and that the relevant Plans and Sections will be amended accordingly.
31. High noise levels are predicted for Manthorne Farm and residential properties in Chetwode after the mitigation currently proposed by the promoter. The promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for further, more effective mitigation against these noise impacts. A banked, cut and cover tunnel would remove the high noise levels, and all noise barriers used at either end of the tunnel should be absorptive and their specification detailed.
32. The construction of the Authorised Works will necessitate the permanent diversion of footpath CHW/18. The promoters have proposed this footpath is diverted over The Green Overbridge and then looped back through the working farmyard at Manthorne Farm. This is illogical from a practical and Health and Safety perspective. This footpath should run along the outside of the farm buildings on the Western edge of the farmyard.
33. The noise of the trains could be a hazard for people riding or leading horses

across the proposed overbridges at School End and The Green, due to the high sound level and its rapid onset. Barriers will need to be fitted to protect equestrians from noise and air blast. Your petitioners seek an undertaking from the Promoter that the overbridges will be furnished with barriers to reduce noise to a safe level, and will certify that the noise level is safe for the riding or leading of horses.

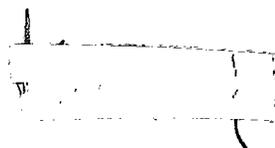
34. Your petitioners seek an undertaking from the promoter that the Green Overbridge be constructed to carry the heaviest vehicles specified by the land owner, that the structure will be made as a green bridge with foliage planted in those areas not required for traffic, that the width will be increased to a minimum of 30 metres.
35. 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.
36. Your petitioners have set out in the preceding paragraphs numerous harms that would befall residents, land owners, businesses, visitors, and the environment were the scheme to be constructed as proposed currently by the promoter. Although these harms might be moderated to a degree by the undertakings sought herein from the promoter, they would be alleviated further by constructing the entire section through Chetwode as a cut-and-cover tunnel, banked and landscaped over the top to prevent the requirement of lowering the route
37. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your petitioners and their rights, interests and property and for which no adequate provision is made to protect your petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by 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 provisions as may be necessary or expedient for their protection, or that such other relief may be given to your petitioner in the premises as your Honourable House shall deem meet.

AND your petitioners will ever pray, &c.



*Jennifer Collins*



*Amanda Sweeting*



*Belinda Naylor*

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HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITION OF JENNIFER COLLINS,  
AMANDA SWEETING AND  
BELINDA NAYLOR

AGAINST, By Counsel, &c.

JENNIFER COLLINS, AMANDA  
SWEETING AND  
BELINDA NAYLOR

