

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

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 SILKLINK LIMITED

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 ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioner is Silklink Limited. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which it 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 alleges that its rights, interests and property will be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form, and your Petitioner accordingly objects to the Bill for the reasons, amongst others, hereinafter appearing.

The Petitioner

9. Your Petitioner are the freehold owner of plots of land that are mentioned in the Book of Reference deposited with the Bill and numbered 435, 445, 460, 468 473, 474, 479, 483, 485, 487 and 498 in the Parish of Coleshill, in the District of North Warwickshire.
10. The land which is in the ownership of your Petitioner is all located in or near to the village of Gilson. It is widely acknowledged that Gilson will be one of the, if not the, most seriously affected communities along the whole route of HS2.
11. Amongst the property owned by your Petitioner is the Grimstock Country House Hotel ("the Hotel"), and land forming part of the hotel is subject to compulsory acquisition under the Bill, together with some other land, described as agricultural land in the book of reference, which is situated to the rear of the hotel, and which has potential development value.
12. One of your Petitioner's directors is Mr Morteza Vakil. Mr Vakil has run the Hotel as a country house hotel business for many years. The hotel offers 44 bedrooms, four conference rooms, a garden and a la carte restaurants, a function room and Gymnasium. There are over 40 full and part time staff employed in the business. The hotel caters for a wide range of family and business functions for up to 120 delegates. Weddings and other functions are booked up to three years in advance. There is a wide range of catering on offer, a licensed bar and secure parking. The hotel grounds provide a quiet haven from the surrounding busy road network, and that is one of the reasons why the Hotel hosts so many weddings and other functions.
13. The proposed works to be authorised by the Bill ("the Authorised Works") will be carried out directly adjacent to the Hotel grounds. In addition to the railway itself (which will be some 100 metres from the Hotel), the Authorised Works include changes to the local road configuration including a major diversion of the B4117 Gilson Road. The starting point of that proposed diversion is proposed to be immediately outside the existing entrance to the Hotel grounds. Other land that is immediately adjacent to the Hotel grounds is to be taken and used for overhead line diversionary works, and part of the Hotel car park (which has a vehicle capacity of 80) is subject to compulsory acquisition. Access to your Petitioner's land to the side of the Hotel will be permanently blocked by the Authorised Works. The combination of the works proposed will have a devastating impact on the Hotel, which trades on its

peaceful and secure setting in a pocket of countryside, yet within close proximity of the motorway and trunk road network.

14. Indeed, the impact of the proposals on your Petitioner's business is already proving to be very significant indeed and causing significant blight. Your Petitioner has suffered a significant reduction in turnover since the HS2 proposals were first announced, repeat business bookings have fallen, and advance wedding bookings are significantly reduced.
15. The business projections for the Hotel show that the prolonged timetable for the planning phases of HS2 (including Phase Two) will continue to affect trading performance. The time is fast approaching when the business will no longer be sustainable.
16. As mentioned, the village of Gilson will be very seriously affected by the proposals. Your Petitioner understands that 45 of the 51 residential properties in the village are the subject of blight notices. Of the 6 remaining, your Petitioner understands that two have been accepted under the promoter's Exceptional Hardship Scheme. The ES demonstrates that there are no mitigation measures available which could properly ameliorate the impact of the proposals on Gilson. The location of the proposed railhead nearby will only add to the harmful effects of the proposals given that the railhead is likely to take some four years to construct, will house some 560 workers at any one time and will be used for the Phase Two works as well as the Phase One works. Altogether, the works will add considerably to local road congestion, and impact on the viability of local businesses.
17. Your Petitioner has reluctantly come to the conclusion that it must ask that the whole of the Hotel property should be acquired by the Promoters (including, if your Petitioner concludes that there is no reason to continue holding it, the agricultural land to the rear), and through its agent it has entered into discussions with the promoters about that. Your Petitioner is unable to take advantage of the Promoter's Exceptional Hardship Scheme, so it is by no means certain that the Promoter will agree. If the Promoter does not agree, then your Petitioner will ask the select committee of your honourable House to require the Promoter to purchase your Petitioner's property, as soon as possible, and with appropriate compensation (which should reflect the fact that the acquisition is in effect compulsorily). Your Petitioners

do not think it is fair on them to have to wait until the Bill has been enacted to make a claim for material detriment.

18. Your Petitioners are dissatisfied with the proposals for compensation contained within the Bill and ask your honourable House to review them generally.
19. If your Petitioner fails to convince your honourable House that the Promoter should be required to acquire your Petitioner's land, then your Petitioner will urge your honourable House to ensure that your Petitioner is properly compensated for all losses arising as a result of the construction and operation of the Authorised Works. Although your Petitioner finds it difficult to imagine what additional mitigation measures could possibly mitigate the effect of the works on your Petitioner's business to a satisfactory extent, your Petitioner will also ask that the Nominated Undertaker be required to implement the most stringent measures to mitigate the effects of noise, dust and visual impact on the Hotel.
20. Your Petitioner has received the assistance of his Member of Parliament, Mr Dan Byles, who has raised the issue of the hotel at the highest levels in government. Mr Byles may be asked to give evidence on behalf of your Petitioner should matters not be resolved in the meantime.

General

21. 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 Petitioners 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.

SHARPE PRITCHARD LLP

Agents for Silklink Limited

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PETITION

of

SILKLINK LIMITED

AGAINST,

BY COUNSEL, &c.

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