

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF

- (1) CHARLES HENEAGE FINCH-KNIGHTLEY (THE  
EARL OF AYLESFORD);
- (2) HENEAGE JAMES DANIEL FINCH-KNIGHTLEY  
(LORD GUERNSEY);
- (3) WILLIAM FRANCIS MELFORD (BARON  
STAFFORD), MARK COPLESTONE (LORD  
POLTIMORE) AND ROGER STONE (AS TRUSTEES  
OF THE GUERNSEY MARRIAGE SETTLEMENT);
- (4) PACKINGTON ESTATE ENTERPRISES 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 Petitioners are (1) Charles Heneage Finch-Knightley (the Earl of Aylesford); (2) Heneage James Daniel Finch-Knightley (Lord Guernsey); (3) William Francis Melford

(Baron Stafford), Mark Coplestone (Lord Poltimore) and Roger Stone (as trustees of the Guernsey Marriage Settlement) and (4) Packington Estate Enterprises Limited. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, 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 allege that their 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 Petitioners accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

### **Part 1: Introductory**

#### **The Petitioners**

9. All references in this petition to plot numbers are references to the plot numbers ascribed to those plots, as shown on the deposited plans.
10. Your Petitioners are the freehold owners of the following plots (or parts thereof) in the Metropolitan Borough of Solihull and the County of Warwickshire:
  - (a) in the case of your first Petitioner, plots 52 and 53 in the Parish of Hampton-in-Arden;
  - (b) in the case of your second Petitioner, plots 2 and 3 in the Parish of Meriden, Plots 1 to 4, 5a to 12, 14, 15, 16b, 17b, 18, 19, 28, 30, 32, 40, 43, 45 to 50, 54, 55, 58, 62 and 63 in the Parish of Hampton-in-Arden; plot 28 (in respect of a mast) in the Parish of Bickenhill; and plots 1 to 3 and 4 to 8 in the Parish of Great Packington;
  - (c) in the case of your third Petitioner, plots 19, 22, 27 to 29 in the Parish of Bickenhill; and plots 1 to 3, 4 and 5 in the Parish of Little Packington;
  - (d) in the case of your fourth petitioner, plots 229 to 233 in the Parish of Berkswell.
11. In some cases, your Petitioners are also owners of leasehold interests in the plots mentioned above. The Book of Reference deposited with the Bill shows that the ownership of plots 52 and 53 in the Parish of Hampton-in-Arden is unknown, but as

mentioned above, they are owned by your first Petitioner, who would ask that the Promoters be required to amend the Book of Reference accordingly.

### **The Packington Estate**

12. Together, your Petitioners own a wider area of land, known as the Packington Estate ("the Estate"), of which the above lots form part. The Packington Estate is an ancient agricultural and sporting estate, which now also includes a variety of commercial activities, that extends to some 5,000 acres. Packington Hall is situated in the heart of a Capability Brown Park and both are Grade II\* listed.
13. Within the Estate can be found farms (six of which will be severely affected by the proposed works), a school for autistic children, 70 residential properties, over 75,000 square feet of commercial offices hosting some 60 businesses with some 700 employees, 15 workshops, the 77 acre Marsh Lane Nature Reserve, two golf courses, fish farms, commercial quarrying and nine directly affected listed buildings. More than 800 people are employed by or on the Estate.
14. More than three kilometres of the proposed railway will be built across the Estate and the proposed Birmingham Interchange Station ("the Station") will also be located on the Estate. The Bill would authorise the compulsory acquisition of over 300 acres of the Estate. Connectivity between parts of the Estate will be severely disrupted by proposed works to the A45, the A452, Meriden Road and the Stonebridge roundabout, together with the proposed closure of Diddington Lane and the Old Kenilworth Road.

## **Part 2: Birmingham Interchange Station**

### **Birmingham Interchange: introduction**

15. The Station site is contained within the triangle formed by the M42, A45 and the A452, of which your Petitioners are the majority landowner. The Station building itself would sit almost entirely within land owned by your Petitioners.
16. Your Petitioners have for some time been discussing with the other landowners, who include the local planning authority, Solihull Metropolitan Borough Council ("SMBC"), who between them and your Petitioners own the vast majority of the site, how the

Station site can be developed and have entered into a memorandum of understanding with the Coleshill Estate, Birmingham City Council and SMBC which between them own the vast majority of the site.

17. Your Petitioners have also been engaged in constructive discussions with the Promoters about their concerns in relation to the Station site, and your Petitioners are hopeful that many of their major concerns, particularly relating to the proposed acquisition of their land, will be met through agreement.

#### **Land take at Birmingham interchange**

18. As mentioned above, your Petitioners own the land on which the Station is to be built, and the majority of the land surrounding it in the aforementioned triangle site, on which car parks, roads, balancing ponds, a people mover, and other buildings and infrastructure are intended to be located. Subject to the points made below, your Petitioners have no objection in principle to the use of their land for those measures, and as landowner they very much wish to be seen as a promoter of the use of their land for regeneration of this part of Solihull.
19. However, your Petitioners are most concerned about the provisions in the Bill which will enable the Secretary of State to acquire your Petitioners land, for the reasons in the following paragraphs, amongst others.
20. The physical extent of the land take is too great for the purposes for which the land is needed. In this regard, your Petitioners suggest that the Promoters should be put to strict proof of the need to acquire each Plot, and demonstrate a compelling case to acquire such land compulsorily. Your Petitioners would ask that the powers under the Bill to acquire land permanently be limited so that they only apply to the extent required. Land which is required neither for the Essential Infrastructure (see below) nor for construction purposes should not be acquired at all.
21. All of your Petitioners' land that is subject to compulsory acquisition under the Bill is potentially subject to acquisition on a permanent basis, even though only a small part of it will be required permanently for the proper operation and maintenance of the railway, the Station, the running tracks, other railway related infrastructure, car parks access roads and the people mover (together referred to in this petition as the "Essential Infrastructure"). In this regard, your Petitioners ask that at the very least,

the Bill be amended so that any land which is not required for the Essential Infrastructure (including land above and below it) and only required for construction purposes should be included in the Table in Part 4 of Schedule 15 to the Bill, and therefore subject only to temporary possession powers. A better alternative for land not permanently required would be the Promoters taking construction leases from your Petitioners that would allow the land to return to the possession of your Petitioners once the land is no longer required for the construction of the Essential Infrastructure, to enable regeneration to be progressed without delay.

22. The provisions relating to the acquisition of mineral rights are unsatisfactory. Your Petitioners have planning permission to excavate minerals (obtainable by surface working only) from part of the Estate land which is subject to compulsory acquisition, and have implemented that permission. Your Petitioners also has permission (not yet implemented) to extract clay elsewhere on that land. By applying provisions of the Acquisition of Land Act 1981 (the Mining Code), the Petitioners will not become entitled to any compensation for the sterilised minerals upon the acquisition of the land, and your Petitioners would ask that the Bill be amended accordingly.
23. The provisions that enable the extinguishment of rights over land will result in valuable protection being lost by your Petitioners for which the payment of compensation will be wholly inadequate. In particular, your Petitioners are the beneficiary of a covenant over Plots 23 and 25 in the Parish of Bickenhill, which was formally in the ownership of your Petitioners. The covenant requires the owners to maintain a bund around the neighbouring premises (the Malt Shovel pub) to screen it from views from Packington Hall and its surrounding parkland.
24. Your Petitioners have specific concerns about clause 47 of the Bill. It provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. Your Petitioners are keen to take up opportunities for regeneration and development of the land around the proposed Station themselves and consider clause 47 to be an unnecessary threat to those ambitions. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities. Clause 47 is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last

resort, as the Promoters allege it to be. Your Petitioners do not understand why this clause is required at all and believe that it should be removed from the Bill or, at the very least, disapplied in relation to their land.

25. Your Petitioners are concerned that once the railway is constructed, it would provide an opportunity for the Nominated Undertaker to require ransom value in cases where developers (who may well include your Petitioners) wish to construct bridges or place other infrastructure over or under the railway. This practice has been applied for many years by Network Rail and its predecessors. Your Petitioners ask your honourable House either to require an undertaking from the Promoters or to amend the Bill to the effect that the practice will not be allowed in respect of the proposed railway and that (in the event that your honourable House does not agree with your Petitioners that they should retain the ownership of land above and below the Essential Infrastructure) the Petitioners or any of their successors in title shall be entitled to call for the grant of a right, at no cost, enabling them to construct any structures, culverts, pipes, conduits, wires and other media over or under the railway as shall reasonably be required to service any retained land.
26. Your Petitioners have general concerns about the amount of compensation to which they would be entitled should their land be acquired or otherwise injuriously affected by the proposals in the Bill. Clause 14 of and Schedule 15 to the Bill contain powers to take temporary possession of land including land that may in due course be permanently acquired under clause 4(1). Your Petitioners have particular concerns that where temporary possession of land is taken and where some considerable delay may occur before the permanent acquisition steps are taken, any entitlement to an advance payment of compensation will also be delayed. Your honourable House would not need to be concerned about this issue if it were to agree with your Petitioners' proposals in paragraphs 21 and 22 of this petition.

#### **Station works**

27. Your Petitioners have concerns about the permanent works that are proposed at the Station site, some of which are directly related to the land-take issues mentioned above. Those concerns include:
  - (a) the proposed access arrangements serving the Station, which will not have the capacity to cater for the growth that the government seeks to achieve as an

outcome of its investment in the railway. Your Petitioners seek evidence from the Promoters, using highway modelling techniques, to show that the road network serving Birmingham Interchange Station will have the capacity to serve the station and the development that is expected to come forward in its environs;

- (b) the combination of the proposed works with a lack of adequate alternative routes for agricultural traffic moving around the Estate will force that traffic to merge with fast moving traffic on the main road network, creating delay and safety hazards. That would be exacerbated if agricultural vehicles are prohibited from using the roads that service the station site itself. The Promoters should be required to ensure that all the property on the Estate can be accessed without the necessity for agricultural vehicles to travel on a motorway or dual carriageway road;
- (c) the lack of provision for public transport in the proposed design of the Station, and the consequences that may have in relation to congestion of the highway network. The Promoters should be required to demonstrate how residents, employees and travellers accessing the station may do so without resorting to the use of their own cars and in so doing reducing the demands on the surrounding road network and junctions;
- (d) the failure to take a proper opportunity to extend the proposed people mover system to places other than Birmingham Airport, so that the use of private cars accessing the station could be reduced further. The Bill should include provision for a second people mover system designed to serve the development around the station envisaged by the government, the National Exhibition Centre site and Birmingham Business Park;
- (e) the waste of potential development land, that is proposed to be used for car parking. Your Petitioners question whether the Station being configured as a Parkway type station is appropriate, and if such large amounts of parking are required, why it can't be configured in a better way than is proposed. Your Petitioners' current mineral workings at the location of the proposed station building is creating a void which could be utilised for sub-surface parking;

- (f) there is a lack of proper cross railway accessibility within the boundaries of Park Farm, especially in the south-west and south-east corners;
  - (g) the waste of land that is proposed to be used for balancing ponds and the failure to use the settlement pond water in a better and more sustainable way (see later);
  - (h) the unnecessary intrusiveness of the proposed people mover on the potential development land at the Station site. The Promoters should agree to the relocation of the people mover depot and realignment of the People Mover to accommodate station access as well minimise its impact on possible development in the environs of the Station.
28. Your Petitioners hope that the concerns mentioned above in relation to land take and the proposed station works will be met by agreement with the Promoters, but your Petitioners will ask your honourable House to amend the Bill accordingly if they are not.
29. Many of your Petitioners' concerns relating to the Station are shared by SMBC, Birmingham City Council and by the Coleshill Estate, who also own interests in the Station site. In turn, your Petitioners' support a number of the aspirations of those two councils and the Coleshill Estate, which your Petitioners understand will be included in their petitions. They include support for the UK Central vision, for a two junction solution to the M42, for SMBC's approach to viaduct design and for mineral safeguarding.

## **Part 2: Other Matters**

### **Balancing ponds and drainage**

30. Your Petitioners have grave concerns about the balancing ponds (and associated access tracks and other works) and other drainage infrastructure that are proposed to be constructed on their land, and in particular their design and the extensive use of valuable land, which your Petitioners believe to be unnecessary. The designs should be rethought so that more sustainable solutions are produced and numbers are reduced. Your Petitioners raised concerns about particular balancing ponds in their response to the consultation on the Environmental Statement ("the ES Response"),

and offered solutions, which your Petitioners ask your honourable House to investigate. Your Petitioners would also note that they have received no response from the Promoters to any of the points raised in the ES Response.

31. Your Petitioners have similar concerns about proposed replacement flood plain storage that is proposed on your Petitioners' land, particularly where there is no evidence of flooding having occurred.
32. In some places, substantial drainage channels are proposed, running along the sides of the railway. A substantial area of valuable land will be lost and it is unclear who will own and maintain the channels once they are constructed. Your Petitioners do not understand why the channels need to be so wide and they would urge your honourable House to explore alternative solutions or require the channels to be narrowed unless there are good reasons not to. Clarity is also needed in respect of ownership and maintenance.

#### **Severance of and access to land**

33. The Bill will result in significant severance of agricultural holdings on land in the ownership of your Petitioners, with varying and serious effects on agricultural enterprises, and for which compensation will provide an inadequate redress. An effective solution to this problem is to ensure, where appropriate, that culverts, underpasses or tunnels created for the purposes of land drainage and watercourses are of sufficient width and working height for accommodation access routes for agricultural purposes. Conduits for services should also be provided at regular intervals where holdings are severed. Your Petitioners urge that there should be a Code of Practice for addressing the problem and providing workable solutions.
34. Again your Petitioners raised concerns about individual cases in the ES Response and further submissions about the issue were made to the Environmental Audit Select Committee. No response has been received to the suggestions made, and your Petitioners would ask your honourable House to investigate them.
35. In some cases, unsatisfactory alternative agricultural access arrangements have been provided, and in others fields appear to be left with no access at all. An example of the former is the land to the north of the Malt Shovel Public House. Other examples have

been highlighted by your Petitioners in the ES Response, and solutions suggested which your Petitioners ask your honourable House to adopt.

### Highways

36. The Bill would authorise the permanent stopping up of part of Diddington Lane, to the north and the south of the proposed railway leaving it as private access to fields, and for use as a public footpath and bridleway. The lane serves Pasture Farm and workshops, Diddington Farm house and extensive offices and the Island Project school for autistic pupils. Your Petitioners request that the lane should remain a public road and, having received engineering advice, believe that this is possible. This could be achieved by lowering the surface of the lane and creating a ford or lowering the bed of the brook to the River Blythe. Closing the lane, as proposed by the Promoters, would require farm traffic to utilise the A452 and the Stonebridge island, causing traffic disruption and safety hazards. The management issues that would arise for your Petitioners in dealing with fly tipping and other illegal activities, traveller encampments and nuisances that invariably occur is also a very serious concern.
37. If your honourable House does not agree with your Petitioners about the closure of Diddington Lane, then your Petitioners would urge that the proposed turning head at the end of the remaining stub should be relocated, in order to avoid littering, fly tipping and illegal parking.
38. Your Petitioners have similar concerns relating to the proposed closure of the Marsh Lane intersection. Again, the closure would force slow moving agricultural vehicles onto the A452 and the closure would inconvenience many, many users. Your Petitioners proposed solutions to this problem jointly with SMBC in the ES Response, which your honourable House is asked to investigate.
39. The A452 will be substantially upgraded to deal with the extra forecasted traffic. The south bound filter lane linking to the Station as proposed in the Bill will add a third filter lane in quick succession and to your Petitioners seems dangerous. Your Petitioners ask your honourable House to consider alternative options here which should include the provision of a new safe access to Park Farm.

### **Design of replacement for Old Kenilworth Road**

40. Your Petitioners object to the design of the replacement section of the Old Kenilworth Road (which in part is a footpath - M.230A) because the field through which it passes floods, so the proposed roadway will need to be embanked to be substantially above flood level. Also, the proposed replacement road is only single track and the road it replaces is dual and in addition to that, the proposal will create significant disturbance to wildlife. Your Petitioners propose that the Old Road should either be constructed in an underpass or should be realigned in a different way.
41. Furthermore, your Petitioners do not wish to see the use of the Old Kenilworth Road as access to the works. The Marsh Lane Nature Reserve (see later) is to the west and is the only property served by the road here. Construction traffic passing through or near the reserve would be totally unacceptable. Your Petitioners ask your honourable House to investigate the solutions proposed by your Petitioners in the ES Response.

### **Use of closed A452**

42. The section of the A452 that will be stopped up should be closed and blocked off and reinstated to woodland rather than remaining as an access route to one of the proposed balancing ponds. Your Petitioners are concerned that otherwise the road will be used as a litter dumping ground or other unlawful activities or nuisances. Your Petitioners would be prepared to grant a right of way to and from the highway for maintenance of the pond.
43. Furthermore, the River Blythe Bypass (known to your Petitioners' as the Hornbrook), is to be culverted with no access provided to the east. Your Petitioners propose that in order for HS2 to gain access to the balancing pond to the east, the existing track, running east to west along the south side of the Hornbrook is maintained, such that both vehicles and pedestrians can pass underneath.

### **Noise barriers/visual screening**

44. In the ES Response, your Petitioners identified a number of locations where noise barriers are not currently proposed or where they are not high enough, in your Petitioners' opinion. Screen fencing should also be provided at sensitive locations. Your Petitioners ask your honourable House to give consideration to these cases and

where appropriate, require the Promoter to provide additional mitigation. Examples include:

- (a) noise barriers should be provided near Marsh Farm to protect Marsh Lane Nature Reserve;
- (b) noise barriers should be provided to protect Patrick Farmhouse and nine workshops at Patrick Farm and Meriden Mill Farmhouse and Cottage Farm;
- (c) noise barriers should be provided on the elevated section of the new A452 and the A45 to protect various properties on the Estate and Marsh Lane Nature Reserve;
- (d) screen fencing should be provided alongside the proposed haul road to the west of the A452 to screen Marsh Lane Nature Reserve and footpath PM.230A;
- (e) screen fencing should be provided at the temporary works at Patrick Farm to reduce the impact on the farmhouse, commercial units and farm buildings;
- (f) noise barriers should be provided during construction to protect Pasture Farmhouse and the commercial buildings which lie at the edge of the proposed railway.

45. Your Petitioners have some concerns about the methodology for noise assessment used in the ES, which might explain the lack of mitigations outlined above. First, your Petitioners are concerned that the noise and vibration assessments considered only the noise and vibration generated by the operation of the proposed railway, ignoring the combined impact of the railway and proposed highway realignments to accommodate its creation. Secondly, your Petitioners understand that in assessing whether or not a significant effect arises as regards noise, isolated dwellings and small communities were not considered at all. If that is true, then your Petitioners find it most unfair. Your Petitioners ask your honourable House to require the Promoters to carry out a further environmental impact assessment, addressing the points raised by your Petitioners and bringing forward to your honourable House any additional mitigation that might be required as a result of that assessment.

### **Rabbit and deer fencing**

46. Your Petitioners are concerned that the problems associated with rabbits and deer may increase as a result of the construction of the railway, and request that provision be made in the Bill or a commitment given by the Promoters that rabbit and deer fencing will be installed at appropriate places agreed with your Petitioners for the protection of the Estate.

### **Light pollution**

47. Because of the mainly rural nature of the Estate, any introduction of artificial light will have an adverse effect, particularly on those who reside there and are used to the dark skies. Your Petitioners are particularly concerned about the effect of lighting during construction and operation of the Station and the realigned A452, and its effect on the Capability Brown park at Packington Hall. Your Petitioners are also concerned about the effect of artificial lighting on the various construction sites to be located on the Estate and would ask your honourable House to make minimum requirements of the Nominated Undertaker in relation to the use of low level down lighting, rather than tower lighting systems, hours of operation and other mitigation measures.

### **Inappropriate use of land for mitigation/unnecessary land take**

48. Your Petitioners have already expressed concerns in relation to the amount of land at the Station site that is liable to compulsory acquisition. Those concerns apply equally in relation to other land in their ownership. In their response to the consultation on the ES, your Petitioners made specific suggestions as to how this issue could be resolved, which your Petitioners ask your honourable House to investigate. Some of those suggestions relate to the inappropriate use of land for mitigation measures, where more suitable land is available. Your Petitioners would suggest that they are better placed than the promoters to know the best location for mitigation measures on the Estate. Your Petitioners concerns include:

- (a) excessive land take at Park Farm;
- (b) use of field to west of A452 as grassland habitat creation;
- (c) landscape earthworks to west of proposed Patrick cutting;

- (d) proposed woodland either side of the A452;
- (e) woodland to the west of the proposed Diddington cutting;
- (f) excessive land take at River Blythe Bypass Culvert satellite compound;
- (g) taking of the access to Patrick Farmhouse and the embankment supporting Patrick Farm Barns;
- (h) taking of excessive lengths of the river Blythe;
- (i) loss of land (including area containing 200 year old oaks) to east of A452 and south of Packington Lane;
- (j) use of field adjacent to Stonebridge Roundabout;
- (k) excessive working areas near the Island Project school and Diddington Farm.

49. Associated with the above point, your Petitioners have concerns about the proposals for the felling, replacement and replanting of trees on the Estate. As mentioned above, your Petitioners are best placed to determine the location of any trees being planted in mitigation of those felled to make way for the railway. They object to the tracks being created to give access for the ongoing care of replacement trees, often on best and most versatile agricultural land and wish to agree terms with the Promoters so that your Petitioners will be responsible for the care of the replacement trees so that the peace, tranquillity and privacy of the Estate can be maintained.

#### **Media transmission rights**

50. Your Petitioners wish to ensure that they benefit from media transmission along the corridor of the proposed railway. It is normal practice for fibre optic signalling equipment trunking, troughing, pipes or cables to be oversized, as the cost of creating the route is much the same regardless of the size of the signalling cables carried by them. The additional space in the trunking, etc. is often sold by the railway companies to telecommunications providers and others for use in their networks. Your Petitioners believe that as the original landowner they should benefit from the income attained by the Nominated Undertaker from permitting the trunking etc. to be used for these purposes, as they are not purposes for which the land will have been acquired.

## **Blythe Valley Embankment**

51. Your Petitioners are concerned about the construction of the Blythe Valley embankment next to Patrick Farm. It would have adverse impacts on water flow, agricultural operations, visual amenity, and ecology, adding an alien feature into the openness. Aesthetically, the openness of The Blythe Valley is one of its unique characteristics. Your Petitioners would ask that the Promoters be required to construct a viaduct of architectural merit at this location instead of an embankment.

## **Marsh Lane Nature Reserve**

52. Marsh Lane Nature Reserve, formally a quarry site, is owned and managed by your Petitioners and is a very popular facility for the local community. It consists of three main pools (one of which is a reedbed) together with woodland, grassland, ponds and some agricultural land. Some 197 bird species visit the site including hoopoe, spotted sandpiper, grey phalarope, black kite, rough-legged buzzard, spoonbill, stone curlew, lesser yellowlegs, little egrets and osprey.
53. In the ES Response, your Petitioners set out a number of detailed observations on the accuracy of the ES, in particular in relation to the assessment of numbers of species found at the reserve and elsewhere on the Estate and the conclusions reached about the level of impact on the reserve. There were so many errors, that your Petitioners question whether the Promoters carried out proper research, let alone visited the site. Your Petitioners would ask that a further environmental impact assessment for the site is conducted and an addendum to the ES produced if necessary.
54. There is currently a vehicular and pedestrian access under the A452 between east and west, near to the reserve. This is valuable to users of the reserve who view and monitor the birds and wildlife east of the A452. Your Petitioners would ask your honourable House to require the Promoters to ensure that the link will be maintained at least for pedestrians.

## **General**

55. 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 (1) Charles Heneage Finch-Knightley  
(the Earl of Aylesford); (2) Heneage James  
Daniel Finch-Knightley (Lord Guernsey); (3)  
Francis Melford, William Baron Stafford, Mark  
Coplestone (Lord Poltimore) and Roger Stone  
(as trustees of the Guernsey Marriage  
Settlement) and (4) Packington Estate  
Enterprises Limited.

HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

- (1) CHARLES HENEAGE FINCH-KNIGHTLEY (THE EARL  
OF AYLESFORD)
- (2) HENEAGE JAMES DANIEL FINCH-KNIGHTLEY (LORD  
GUERNSEY)
- (3) WILLIAM FRANCIS MELFORD (BARON STAFFORD),  
MARK COPESTONE (LORD POLTIMORE) AND ROGER  
STONE (AS TRUSTEES OF THE GUERNSEY MARRIAGE  
SETTLEMENT)
- (4) PACKINGTON ESTATE ENTERPRISES LIMITED

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AGAINST,

BY COUNSEL, &c.

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