

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

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) **Stephen Francis Adkins** and

(2) **Ross Stanley Clifford Adkins**

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 Petitioners are the freeholders of Greatworth Hall, Greatworth, Banbury, OX17 2DH which is a farm in Northamptonshire. The Book of Reference lists the plot numbers as being 17a, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 43, 44, 45, 48, 53, 54, 56, 57, 59, 60 and 63 in the parish of Greatworth.
8. 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. The Book of Reference shows works 2/111 Railway, 2/120 Bridge, 2/121 Road and 2/122 Road to be located on your Petitioners’ property. More specifically the railway will cross your Petitioners’ holding south east to north west, partially at ground level, partly in cutting and partly in the Greatworth Green Tunnel. The farm will be severed into two parts by construction of the railway and a number of environmental mitigation measures will be located on the property.

9. Your Petitioners and their 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.

#### **Extent of land take**

10. 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 may seek to enter into an agreement with the promoter of the Bill that the extent of compulsory purchase should be limited both geographically and so that acquisition and use of as much as possible of your Petitioners' land is on a temporary basis only.
11. Your Petitioners believe that the amount of land take proposed by HS2 combined with issues of severance will have a major detrimental effect on the viability of the agricultural operations and that HS2 Ltd should undertake to reduce the amount of land take through reduced areas of landscape earthworks and redesigned mitigation features.
12. Your Petitioners are 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 their land when the Nominated Undertaker's requirement is for a temporary use only. Your Petitioners' holding is affected by landscape earthworks, a compound, temporary material stockpiles and other areas which should only be acquired on a temporary basis.
13. The amount of land take is likely to have an effect on your Petitioners' family who wish to continue farming in the future. A large amount of land take will have a detrimental effect on the holdings ability to support multiple incomes.
14. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their land, and are concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

#### **Noise and visual mitigation to house and buildings**

15. Your Petitioners house and commercially let buildings at Greatworth Hall are located immediately adjacent the proposed line of HS2. Landscape earthworks are proposed

along the line of the route at this location but there is a gap in the earthworks where the proposed railway crosses the disused railway. At this location a noise fence barrier is shown to be positioned on the south western face of the railway but no such mitigation is shown on the north eastern face.

16. Your Petitioners believe that Greatworth Hall (a Grade II Listed building set within rolling grassland) and surrounding buildings will suffer a significant detriment due to noise and visual issues from the railway being located so close to the property and the lack of earthworks and barriers at this point.
17. Your Petitioners suggest that the Greatworth Green Tunnel should be extended to the south east past Greatworth Hall which would provide visual and noise mitigation, together with providing partial solution to access issues raised under the heading of Accommodation Works (below).
18. Should the tunnel not be extended then your Petitioners suggest that the landscape earthworks be extended on both sides of the railway which would provide visual and noise mitigation, together with providing partial solution to access issues raised under the heading of Accommodation Works (below).
19. Should neither of the options suggested under the two above paragraphs be implemented then your Petitioners request that HS2 Ltd provide noise fence barriers on the north eastern side of the railway at this point.
20. HS2 Ltd should provide proper internal noise mitigation to Greatworth Hall and its surrounding buildings, such mitigation to include but not be limited to triple glazing.

#### **Inappropriate locations for compound and access routes**

21. The Greatworth Green Tunnel Satellite Compound was shown on the Draft Environmental Statement plans as being located adjacent to the Helmdon Road but in the final Environmental Statement it has been moved so that it is adjacent to the disused railway bridge on the B4525. This location will cause traffic issues by being located so close to the entrance to Greatworth Hall. HS2 Ltd's own assessment of traffic use expects 320 vehicle movements per day at peak periods. The compound should be relocated to the original location by Helmdon Road.

22. The Environmental Statement plans show HS2 Ltd requiring access along the drive to Greatworth Hall. This will be in conflict with the traffic movements of both the farm and your Petitioners' let commercial buildings. An alternative access should be designed to take HS2 Ltd's traffic away from your Petitioners' farm drive which at current estimate sees approximately 160 vehicle movements per day. Using a combined access with the Greatworth Green Tunnel Satellite Compound would achieve this as suggested under the heading Accommodation Works (below).

#### **Inappropriate mitigation measures on farmland**

23. The plans published within the Environmental Statement show an area of landscape mitigation planting between your Petitioners dwelling and the proposed railway, with a further area of such planting surrounding the entrance to Greatworth Green Tunnel. Your Petitioners contend that such planting is inappropriate to the grassland setting of the holding and suggests that HS2 Ltd plant this area to grass. If there is a requirement for environmental purposes to provide areas of such planting then your Petitioners agree to work with HS2 Ltd to find more suitable locations for this within their property boundaries.
24. The plans submitted with the Environmental Statement show a series of ditches, balancing pond and land drainage areas on your Petitioners' property. Open ditches will create further severance issues whilst the number and location of ponds and land drainage areas take greater land than appears necessary.
25. Greatworth Hall suffers from flooding of its cellar during times of high water in the adjacent ha-ha. Your Petitioners are concerned that open ditches close to The Hall will cause further flooding issues.
26. Your Petitioners suggest that all ditches should be piped in order to prevent severance and flooding issues. Your Petitioners also suggest that the balancing pond and two land drainage areas should be combined into a single water storage body located to the south western side of the proposed railway, with suitable drainage under the railway to take water flow away from the north eastern side of the line to such water body. This will have the combined benefit of reducing the amount of direct land take and loss of surrounding land, reduce the visual and potential flooding effects on Greatworth Hall and require a single access which can be managed from the Greatworth Auto-

transformer Station access track rather than requiring access along Greatworth Hall's access drive.

### **Maintenance of bunds and made-up ground**

27. 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.
28. There is to be a significant area of such bunding, described as 'landscape earthworks', to the south west side of the railway, with increased area around the entrance to the Greatworth Green Tunnel. Your Petitioners contend that the amount of agricultural land required to form these bunds is excessive and the land returned to agricultural use will be on steep gradients which increase the difficulties of farming the land. Your Petitioners suggest that the areas around the tunnel and to the south west of the railway should be reduced considerably in order to preserve the agricultural use of the land. Reduction of these areas would it is presumed also reduce the areas required for materials stockpiles.
29. In your Petitioners 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**

30. 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 are likely to reduce substantially a claim for compensation. The promoter and or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with your Petitioners. 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 promoter and or Nominated Undertaker.

31. Your Petitioners propose 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 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.
32. Your Petitioners propose that in conjunction with the extension of the Greatworth Green Tunnel or the extension of the landscape earthworks past Greatworth Hall as proposed (under the Noise and Visual Mitigation to House and Buildings heading (above) above and in conjunction with the issues raised under the Inappropriate Locations for Compound and Access Routes heading (above)), that an access or accommodation bridge is provided at the point where the proposed railway crosses the disused railway. This, along with minor changes to the proposed access tracks, would have the combined benefits of providing your Petitioners' holding with a suitable access from one side of the railway to the other, thus reducing severance issues and providing a single access from Helmdon Road to the Greatworth Auto-transformer Station, the balancing pond, land drainage areas and the Greatworth Green Tunnel Satellite Compound. It would negate the requirement for HS2 Ltd to take access to the Greatworth Green Tunnel Satellite Compound from a point on the B4525 that will conflict with traffic from Greatworth Hall and negate the requirement for HS2 Ltd to take access along Greatworth Hall's access drive.
33. Should this proposal be rejected then in order for your Petitioners' existing livestock enterprises to continue, Bridleway AN14 Accommodation Overbridge must be built to a suitable specification to take agricultural traffic with suitable livestock handling facilities and access tracks both sides of the railway to enable livestock to be transferred safely from Greatworth Hall farm buildings to the land to the south west of the railway.

#### **Irrigation, drainage and services**

34. The amount of landscaping taking place over your Petitioners' holding will render the existing irrigation and drainage systems unworkable thus having a detrimental effect on farming operations. HS2 Ltd should be required to undertake a full irrigation and drainage operation for the farm on completion of the building works.
35. Your Petitioners' land to the south west of the proposed railway benefits from water supply to the fields. HS2 Ltd must connect new supply where severed.

36. Your Petitioners' electricity supply comes from south west of the proposed railway and will be severed by construction of the railway. HS2 Ltd must provide new supply at as little inconvenience to the farming and commercial businesses as possible.

### **Severance and hedgerows**

37. The severance of agricultural land by such a long linear scheme will result in some of your Petitioners' 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.
38. 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.

### **Compensation, generally**

39. 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 Petitioners must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.
40. Your Petitioners contend that specific tax allowances should be included within the Bill to assist agricultural land owners who otherwise are prejudiced by construction of the railway. Your Petitioners believe it to be inequitable that compensation for a Government scheme is subject to Income Tax and Capital Gains Tax and suggests that such taxation should not apply to the compensation payment.
41. Should taxation be levied on the compensation then specific tax allowances should include but not be limited to an extension of the time limits for purchase of replacement land under Rollover Relief from Capital Gains Tax and consideration of the full extent of the farm prior to the construction of HS2 when assessing properties at a future date for Agricultural Property Relief from Inheritance Tax.

### **General**

42. 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.

ANI

**AGENT FOR STEPHEN FRANCIS ADKINS  
AND ROSS STANLEY CLIFFORD ADKINS**

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PETITION

of

**Stephen Francis Adkins**

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**Ross Stanley Clifford Adkins**

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AGAINST,

BY COUNSEL, &c.

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