

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill– 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 NICHOLAS CHARLES DOWDESWELL and TIMOTHY ROGER DOWDESWELL

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, and 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 and 45 to 58 of the Bill set out the powers sought for the construction and operation of the railway referred to in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 37 to 46 of the Bill establish the regulatory regime for the railway and clauses 59 to 65 deal with miscellaneous and general provisions.

4 The works proposed to be authorised by the Bill are described in Schedule 1 of the Bill.

Your Petitioners and their property

5 Your Petitioners are Nicholas Charles Dowdeswell and Timothy Roger Dowdeswell (hereinafter referred to as "Your Petitioners"). Your Petitioners are the freehold owners of land comprising title number WK4743 known as Lower Radbourne Farm ("the Farm").

6 The Bill seeks to authorise the compulsory acquisition of part of the Petitioners' interests at this property, being a significant corridor of land that passes right through the Farm and effectively severs it into two halves. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

The Farm

7 The Farm comprises 440 acres of arable land, amenity woodland and shooting. The Farm has been in the Dowdeswell family for multiple generations and is run as a family business. The soil type at the Farm is clay which requires careful management in order to maintain the quality. It has taken Your Petitioners' and their family approximately 30 years for the soil to reach its current productive state and it is limed on a rotational basis in order to preserve that productivity. Seasonal shooting, including pheasant drives, is also undertaken across the Farm as an activity enjoyed by Your Petitioners.

8 The Farm is accessed via a 1.5 mile private lane, which runs south from the adopted highway known as Welsh Road East. All accesses throughout the Farm are over private tracks which allow free movement of farm machinery without the need to enter onto the public highway.

9 Your Petitioners' elderly mother manages and occupies the Farm and a farm manager is employed on a full-time basis. Another employee is engaged on a seasonal basis. In terms of residential dwellings at the Farm, other than the farmhouse itself there are two cottages; one occupied by friends of the family and the other by the farm manager.

10 The Bill seeks to authorise the compulsory acquisition of a significant corridor of land which comprises around a third of the Farm. The corridor of land runs right through the middle of the Farm, being the route of the proposed high speed railway, effectively severing the northern half of the Farm from the south. The farmhouse is located in the southern half.

11 It is understood by Your Petitioners that this corridor will be used during construction of the railway for engineering and landscape earthworks, material stockpiles and a number of satellite construction compounds. In addition, the Bill seeks the permanent realignment and use of the private lane to the farmhouse by others (which is currently only available for use by the Farm) and the provision of a new overbridge to reconnect the northern and southern half of the Farm. The Bill also seeks to install viaducts within the corridor over two watercourses.

12 Following construction, the corridor will contain the railway itself with areas also allocated for embankments, landscaping, an auto-transformer station and flood plain mitigation. The Bill also seeks permanent access rights over the reconfigured private lane for maintenance vehicles.

13 Your Petitioners raise the following issues with regard to the impact of the Bill on the Farm:-

Land take

14 The extent of the construction works and the lengthy period they will be in progress will render the Farm uneconomic to run from the outset. This is also the case with the permanent land take for operation of the railway. The reasoning for this is as follows:-

- a) The acquisition of the significant corridor of land through the Farm for construction and operation will reduce some fields to widths of approximately 50 metres which cannot be economically farmed using Your Petitioners' existing equipment. It is unlikely for example that the machinery would be able to turn in such short distances.
- b) The acquisition amounts to approximately 30% of workable farmland, which impacts on the viability of the whole farming operation. Areas of high yielding cultivation are being acquired for mitigation works such as marsh or wetland and permanent planting is also proposed for the mitigation of drainage and noise.
- c) Even where land is used only temporarily, that land will lose its productivity forever due to the nature of the clay-based soil. Some of it will revert to marsh very quickly. If topsoil is stored incorrectly it reverts to subsoil. These issues further compound the impact on viability.
- d) Currently Your Petitioners and family plan the operation of the Farm in five-year cycles which involves crop rotation and liming to

maintain soil productivity. There is a lack of information as to when construction may commence, the phasing of the works and how long the land is intended to be used for; therefore future planning for the Farm is severely restricted.

Access

- 15 It is understood by Your Petitioners that access to the farmhouse itself would be via a new overbridge, in order to mitigate the severance of the northern half of the Farm from the south. However, it is not clear whether or not combine harvesters or other heavy farm machinery will be able to travel over the bridge. The phasing of the works is also not evident and whether alternative access will be available whilst the overbridge to replace the only access serving the farmhouse is being constructed.
- 16 Furthermore, the accommodation works do not provide sufficient points of access within the Farm itself for farm plant access routes. In the event that the overbridge is not adequate for farm machinery, in order to access a number of the fields in the northern half of the Farm from the south Your Petitioners would be required to undergo at least a 10 mile diversion via the public highway.
- 17 The remaining fields in the northern half would not be accessible at all from within the perimeter of the Farm. Therefore, again Your Petitioners would be forced to access these areas by the public highway. The time it would take to do so renders the productive working day untenable.
- 18 The inclines on the proposed narrow overbridge are not acceptable for Your Petitioners' elderly mother who would not be able to continue driving between the two "halves" of the Farm. This could prevent her continued living in the farmhouse.

Drainage

- 19 With regard to the drainage proposals affecting the Farm, many of the features as currently designed and presented in the Environmental Statement do not correctly reflect, or take proper account of, the lie of the land, the drainage patterns and in some instances make over-provision for accommodation of existing watercourses which could be culverted rather than bridged.
- 20 As well as the loss of agricultural land through the creation of flood plain mitigation, in introducing new drainage mitigation there will be an impact on drainage across the rest of the Farm, which could render well drained land useless for future cultivation if not implemented appropriately.

Additionally, the source of the material for the proposed embankments to be constructed either side of the railway is not clear, or how these works will affect the existing natural and man-made drainage systems.

Noise during construction and subsequent operation

- 21 The Environmental Statement notes that it is proposed to carry the works in accordance with the general draft Code of Construction Practice. However, there has been a failure to date to consult with Your Petitioners in order to evaluate how the works will impact upon their farm operations and residential status and how such nuisance might be mitigated with regard to the farmhouse and cottages.
- 22 Your Petitioners are particularly concerned regarding noise levels during construction and operation. This is especially relevant given the nature of the seasonal shooting enjoyed by Your Petitioners (in any event, the shooting is likely to be inoperable as all but two of the drives are dissected by the route of the proposed railway), and the fact that there are a number of residential properties within close proximity to the proposed works. Your Petitioners' are particularly concerned for their elderly mother's safety.

Requested undertakings

- 23 The Farm is at present only viable as a result of the current size of the crop yielding areas, scale of operation and efficient layout together with the well-established method of management operated by Your Petitioners for many years.
- 24 However the extent of the proposed acquisition, associated drainage facilities and permanent planting and wetland areas is so extensive – at around 30% of the usable or workable area of farmland – that the impact amounts to material detriment. At the same time, Your Petitioners would still be subject to fixed costs such as machinery and labour which cannot accordingly be reduced to reflect the decrease in workable area. The proposed permanent and temporary works render the Farm unviable and therefore the proposals under the Bill will be effectively extinguishing the family business.
- 25 Furthermore, Your Petitioners would also be prevented from progressing any viable future development plans for the farmhouse.
- 26 Therefore Your Petitioners respectfully request that the Bill provides for the acquisition of the whole of the Farm.

27 In the alternative, if the entirety of the Farm is not purchased, Your Petitioners would seek undertakings on the following:-

- a) That adequate provision is made for access routes between the northern and southern half of the Farm, so that Your Petitioners can access all areas within the perimeter of the Farm and avoid the need to use the public highway to move large machinery and plant between these areas.
- b) That the new overbridge is sufficient to allow farming traffic, including combine harvesters, to pass over without the need to dismantle machinery each time. It should also be designed appropriately to ensure safe residential access.
- c) That further information is provided regarding the noise impacts during construction and subsequent operation on the residential dwellings at the Farm. Provision should be made so that noise during construction and operation is minimised by reference to prescribed thresholds, taking into account the close proximity of the farmhouse and cottages.
- d) That soil conditions are reviewed and minimum standards are put in place for the undertaking of works, particularly with a view to ensuring that the topsoil is properly defined.
- e) That a formal study is undertaken regarding the existing drainage at the Farm to ascertain the impact on the hydrology and drainage of the Farm of these proposals.
- f) That the scheme promoter work with Your Petitioners to ensure any proposed drainage schemes take into account the lie of the land and the current drainage patterns and that the proposal the subject of the Bill is modified as appropriate to ensure minimal impact on the remaining areas of farmland.

28 For the foregoing and connected reasons Your Petitioners respectfully submit that, unless the Bill is amended as proposed above, those clauses seeking to authorise compulsory acquisition together with the deposited plans so far affecting Your Petitioners, should not be allowed to pass into law.

Conclusion

29 Your Petitioners submit that the Bill fails to safeguard and protect the interests of Your Petitioners and should not be allowed to pass into law without these issues mentioned above being addressed.

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.



Signed by Jonathan Bower of Bond Dickinson LLP as agent for your Petitioners



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AGAINST, agreed by your Petitioners
the Bill –

On Merits –

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