

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

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 MARION KATHRYN SADLER AND JOHN ALLAN SADLER

SHEWETH as follows:

1. A Bill (hereinafter called "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. 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.

3. Clauses 37 to 42 of the Bill; deal with the regulatory regime for the railway.
4. 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.
5. 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.
6. 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 her protection and benefit are omitted therefrom.
7. Your Petitioner, Mrs M K Sadler, is the freehold owner and occupier of Ashton Hayes Farm, Tuppenhurst Lane, Rugeley, WS15 4HN which is a farmhouse and land in the County of Staffordshire. The relevant property is referred to in Schedule A of the Book of Reference, Plan number 3-84 and Plots numbered 164 and 165.
8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner and in accordance with the Standing Orders of your Honourable House, Notice reference number C273/002017 dated 25 November 2013 has been served on your Petitioner of the intention to seek such compulsory powers.

9. Ashton Hayes Farm comprises a semi-detached farmhouse, gardens, outbuilding and paddock of about 0.25 hectares (0.60 acres) of pasture land. Your Petitioner was born on Ashton Hayes Farm and now resides in the farmhouse with her husband Mr J A Sadler and their daughter. For the purposes of this Petition Mrs and Mr Sadler are hereinafter referred to as your Petitioners.
10. Ashton Hayes Farmhouse was a single detached dwelling. In 1990 the house was divided into two parts, one part occupied by your Petitioners, the remainder by Mrs Doreen Round, Mrs Sadler's mother. The houses were further extended in 2006.
11. 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

12. Land in the ownership of your Petitioners is liable to compulsory acquisition under Clauses 4 to 8 of the Bill. As proposed, the land to be acquired and used indicates that the majority of the farmable area will be permanently lost from this small holding. This is considered as significant, not only in terms of the effect on land resource but also on the farming interest of your Petitioners.
13. The limits of deviation are drawn very widely and your Petitioners are unsure why that is. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and consider it is 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.
14. Construction Phase Plans CT-05-129 and CT-05-130a show substantial areas, including part of the garden to your Petitioners' property as land potentially required during construction. Proposed Scheme Plans CT-06-129 and CT-06-130a show these areas, excluding the garden, as required for landscape mitigation planting. As proposed, these additional areas indicate that all of the paddock and the farmable area will be permanently taken out of production.

15. With regard to Kings Bromley Footpath 6, which crosses your Petitioners' holding, the plan is inaccurate and indicates an incorrect alignment of the public footpath. The proposed realignment assumes a physical boundary on the neighbouring land which does not exist and therefore the realignment will take excessive land and bring the footpath closer to the farmhouse, affecting amenity and security.

Injurious Affection and Severance

16. Following amendments to the route at Fradley Park the link between HS2 and WCML has been moved north by up to 200 metres. This realignment brings the proposed line immediately to the rear of the farmhouse. It is estimated that moving the junction has increased the height of the line and WCML by between 5-10 metres. The farmhouse is about 60 metres from the proposed alignment but given the increased elevation of the line the new railway will have will have a severe impact upon the amenity and quiet enjoyment of the dwelling.
17. The Bill includes powers for the Secretary of State and the Nominated Undertaker to carry out construction works which are estimated to take ten years to complete. Such works will include lorry movements, the creation of dust and noise, poor air quality and 24-hour working. These proposed works are within approximately 20 metres to the rear and 10 metres to the side of your Petitioners' dwelling and will inevitably lead to severe sleep deprivation of your Petitioners and remove your Petitioners' right to quality of life and cause unwarranted intrusion to the use and quiet enjoyment of their property. It will also exasperate their daughter's respiratory ailments. Despite a request no response has been received as to how the effect upon air quality will be measured in the vicinity of the farmhouse and surroundings. These effects will continue once the railway is operational as it will remain intolerable to live within such close proximity of the railway line.
18. The construction of overhead gantries on this elevated section of the line will be a significant visual intrusion and blight upon the farmhouse, such features are incapable of mitigation and your Petitioners respectively request that such features are not provided within proximity to and affecting the approach to the farmhouse.

Maintenance of bunds, made-up ground and landscape features

19. There appears to be significant lengths of bund, made-up ground, ground re-profiling and landscape mitigation works proposed on your Petitioner's land, much of it on good quality agricultural land.
20. In your Petitioner's submission, the Bill should be amended so as to require the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in any way and is to be responsible for liability for any losses associated with such operations to include, but not limited to, physical failure of ground works and mitigation features, trespass and breaches of security to your Petitioners' retained land.

Accommodation works

21. Well-designed accommodation works which meet the needs of your Petitioners are likely to reduce substantially a claim for compensation. HS2 or the Nominated Undertaker should, at a very early stage, seek to identify and agree with your Petitioner a specification for accommodation works, to include but not limited to, provision of gateways and ditch crossings, replacement of field drainage systems, design and installation of a foul drainage system to replace the existing scheme which will be destroyed by construction works, re-routing of services, and the like.
22. Your Petitioners propose to your honourable House that HS2 Limited or the Nominated Undertaker should be required to undertake that it will seek to agree with your Petitioners a suitable schedule and specification for accommodation works where they are required as a result of the construction of the Authorised Works and that once agreed, the schedule and specification shall be binding upon the Nominated Undertaker.

Shaw Lane

23. Environmental Statement volume 2 CFA22 section 12.5.5 refers to the permanent closure of Shaw Lane (Hanch) south of its junction with Tuppenhurst Lane.

24. Shaw Lane (Hanch) provides the only means of access to Ashton Hayes Farm from the east. The closure southwards to the B5014 will involve a lengthy diversion northwards along Shaw Lane (Hanch) to the A515 and then southwards to the B5014.
25. Such a diversion is neither safe nor practical without improvement to Shaw Lane (Hanch), which is a single-track road with a severe hump-back bridge over the canal which has limited visibility from a private car, and its junction with Shaw Lane (Kings Bromley) and thence to the A515.
26. Your Petitioners would propose that a new road from Shaw Lane (Hanch) should be built to link with the A515 opposite the existing junction with Wood End Lane. This could be provided by making permanent the proposed temporary haul road linking Shaw Lane (Hanch) and the A515, as shown on construction phase plan CT-05-129. Such a link could either be constructed to adoptable standard or be built as a private means of access to those residents and businesses on Tuppenhurst Lane which will be directly affected by the closure of the southern section of Shaw Lane (Hanch).

Compensation, generally

27. Your Petitioners wish to ensure that they are properly compensated as regards the acquisition and use of their land. She is concerned to note that the compensation regime proposed in the Bill is inadequate and must be improved. Compensation properly due to your Petitioners must be made as early as possible and must carry interest at a rate higher than his proposed under the Bill.

Mitigation

28. Your Petitioners consider that the construction and operation of the Authorised Works will adversely impact upon them and their property so as to create conditions which make living in the existing farmhouse a threat to health and wellbeing. Their lifetime of enjoyment of their home is about to be put beyond what is acceptable and tolerable.

29. Your Petitioners understand the established principle that they have the right to be put so far as money can do it, in the same position as if their land had not been taken from them; in other words, they gain the right to receive money payment not less than the loss imposed on them in the public interest, but on the other hand no greater.
30. Your Petitioners' circumstances at Ashton Hayes Farm cannot be quantified in merely financial terms.
31. The proximity of the permanent and temporary works are such that your Petitioners respectfully request your Honourable House support and assist them to have the existing farmhouse demolished and rebuilt elsewhere upon Ashton Hayes Farm, being the property of Mrs Round.
32. Retention of the existing dwelling breaches the landscape mitigation planting, reducing its effectiveness to provide long-range screening of the elevated section of the railway. Demolition would allow reworking of the proposals to improve the environmental mitigation of the scheme.
33. Whilst accepting that additional planting and the footprint of a new dwelling would use up additional land, the overall compensation due to your Practitioners may be reduced and, most importantly, the quality of life for your Petitioners will be maintained.
34. Your Petitioners understand that Staffordshire County Council (SCC) and Lichfield District Council (LDC) support in principle the relocation of properties on the assumption that existing properties are to be demolished. In the special circumstances created by HS2, policy will support your Petitioners' mitigation proposal.
35. The mitigation proposal requires HS2 Limited or the Nominated Undertaker to provide an undertaking to:
 - 35.1 Upon Royal Assent to enter into a pre-agreed legal agreement with LDC to certify that Ashton Hayes Farmhouse will be demolished if the Authorised Works are to proceed.

35.2 Indemnify your Petitioners against planning and associated costs in the event that the Authorised Works do not proceed and Ashton Hayes Farmhouse is not demolished.

35.3 Provide advance payment of compensation or a means of funding to enable your Petitioners to rebuild their home before they are required to vacate Ashton Hayes Farm.

Support for other mitigation

36. Your Petitioners support the Staffordshire County Council (SCC) and Lichfield District Council (LDC) mitigation proposals relating to the lowering of Phase 1 HS2 alignment at Streethay to pass under the WCML, South Staffordshire Line and A38 as opposed to the present proposals shown on construction phase plan CT-05-125.

37. In support of this change your Petitioners respectfully request that the entire alignment from east of the A38 through to the proposed junction with the WCML be reviewed to ascertain whether removing the significant section of HS2 from the viaduct would allow a reworking of the horizontal and vertical alignment of HS2 at the junction with WCML and thereby reduce the amount of land take and injurious affection upon your Petitioner's property.

38. Your Petitioners fully support the matters raised in the Petition of Mrs Doreen Round and will work with her to achieve the outcome of the proposed mitigation.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that she be heard by herself, her 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 her protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

Mrs Marion Kathryn Sadler

Mr John Allan Sadler

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PETITION

of

MRS MARION KATHRYN SADLER

AND

MR JOHN ALLAN SADLER

AGAINST,

BY COUNSEL, &c.

