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HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

BILL

PETITION

of

Jeremy Robert Fenemore

AGAINST,

BY COUNSEL, &c.

Insert address here



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 JEREMY ROBERT FENEMORE

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 Petitioner is the tenant/occupier of Hill Farm, Quanton, Buckinghamshire, also of land known as Diddershall Meadows, and share farmer of land at North Farm Diddershall which is also in the county of Buckinghamshire. These properties are listed in the Book of Reference that accompanies the Bill as plots 138 to 141 in the parish of Quanton in Aylesbury.

district. (map number CT-06-051 November 2013). Your Petitioner's family have been farming at Hill Farm since 1932.

8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which he 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. Your Petitioner understands the land is to be taken for the construction of a National Grid substation, an auto feeder station and associated environmental mitigation measures. A total of 46.5 hectares or 115 acres is proposed to be taken.
9. Your Petitioner and his rights, and his interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

10. Land in the tenure of your Petitioner 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 Petitioner is unsure why that is. Your Petitioner may seek to enter into an agreement with the promoter of the Bill that the extent of compulsory purchase should be limited geographically or so that acquisition and use of your Petitioner's land is on a temporary basis only.
11. Your Petitioner is 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 his land when the Nominated Undertaker's requirement is for a temporary use only. The works compound next to your Petitioner's auto feeder station is marked for compulsory purchase and your Petitioner sees no reason why the majority of the land should not be returned for your Petitioner's use.

12. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.
13. Your Petitioner is very worried that compensation on the tenanted land will not fairly compensate the petitioner for over 30 years' investment in such things as drainage and fertilizer improvements. Your Petitioner is concerned that he may not be able to find nearby land to rent in the same condition, at similar rent or for similar length of tenure.
14. The land your Petitioner share farms at North Farm, and which he has farmed for 18 years, will also be subject to compulsory acquisition, and nowhere in any compensation documents does the mention of share farming operations appear. The loss of such a large piece of his business could have a serious effect on your Petitioner's future.
15. Your Petitioner believes that, with such a large project as HS2, replacement land will be in short supply and therefore your Petitioner may have to restructure the way he farms. For instance, he might have to cultivate arable land from neighbouring grassland which is part of his farm. It would be very expensive to do this and, owing to regulations concerning the loss of grasslands, it might not even be possible to do so. Your Petitioner considers that where a farmer is to have arable land acquired by HS2, one way in which he could be compensated would be by being allowed to cultivate other land as arable land.

Inappropriate mitigation measures on farmland

16. On earlier plans, the National Grid substation was to be located west of the HS2 line. It was subsequently moved, supposedly to protect environmental meadows, to the east of the line. Your Petitioner considers that the proposed location of the substation will cause greater harm to the meadows, which are

near a site of special scientific interest at Finemere Wood, and so will have a detrimental impact on a sensitive area.

17. Your Petitioner considers that the National Grid substation could be located to the north-west of its currently proposed location on land which might already be owned by the promoters. If this were to occur, the effects on your Petitioner's land, and his livelihood, would obviously be less serious.

Maintenance of bunds and made-up ground

18. 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. The loss of good crop growing land will have a detrimental effect on the viability of your Petitioner's business since, for instance, your Petitioner will not be able to grow crops for sale or allow livestock to graze on that land.

19. In your Petitioner's 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 the way described in paragraph 18 and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage secure and long lasting fences to keep livestock away during construction and also when completed.

Accommodation works

20. Your Petitioner's farm will be severed as a result of the construction of the proposed railway. Crossing points in particular are matters of significant importance for your Petitioner and works which meet your Petitioner's needs are likely to reduce substantially a claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree a specification for crossing point works with your Petitioner. That would help to

mitigate the impact of the scheme. This might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker.

21. Your Petitioner proposes 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 Petitioner a suitable specification for crossing points 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.

Severance and hedgerows

22. The severance of agricultural land by such a long linear scheme will result in some of your Petitioner's 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.
23. Your Petitioner proposes 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

24. 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 Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill. With reference to unclear and inadequate tenanted and share farmed provisions with regards to ground lost, loss of investment, and through work and mitigation measures.

General

25. 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 Petitioner 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.

 JEREMY ROBERT FENEMORE