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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.

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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) JOHN BARNES AND  
(2) ROSEMARY BARNES

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 Packington Moor Farm, Packington, Lichfield, WS149QB which is a farm in Staffordshire and which is listed in the

Book of Reference accompanying the Bill as plot numbers 8, 10, 11 – 15, 18a and 18b in the parish of Swinfen and Packington in the district of Lichfield.

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.
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.
10. The scheme bisects your Petitioners' farm in half and in so doing demolishes not only one house and all the buildings associated with the working farm, but also most of the buildings associated with their wedding and event business. If the Bill is enacted as it is currently drafted the wedding and event business will cease to exist.
11. The only buildings left would be the farmhouse, three brick and tile buildings and the farmshop and café. These business' will almost certainly have to cease trading during construction and afterwards the trade will be very difficult to re-establish.
12. Your Petitioners will lose approximately thirty acres of land and will be left with a number of awkward shaped fields. Moreover, without a link between the severed land, their sheep enterprise will have to be terminated. The scheme severely compromises the future viability and livelihood of your petitioners at Packington Moor Farm. There will also be a loss of sixteen fulltime and thirty part-time jobs. The impact of these job losses will be felt keenly in this rural community. Your Petitioners emphasise that after four generations their lives and all they have worked for would be changed forever, and for the worse, if the proposed scheme is not changed. Nothing can compensate for that.

### **Extent of land take**

13. 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. Your Petitioners are willing 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 some of your Petitioner's land is on a temporary basis only.
14. Your Petitioners are willing to make available land for a temporary purpose and consider 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 would emphasise that their main drive to their property is required for the scheme temporarily severely restricting access to and from the property.
15. 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.

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

16. Your Petitioners require greater mitigation, not only visual but also in respect of noise and sound as the railway line more or less travels at ground level across a large part of the farm. It was previously proposed that the line would proceed in a cutting but, and contrary to apparent HS2 policy, the line has been raised by approximately seven metres thus compromising your Petitioner's situation severely. The farmhouse has been identified as needing sound insulation, but with it being just fifty metres from the line it will need substantially more than just a hedgerow for visual and sound mitigation.

17. Your Petitioners believe the Bill's proposals do not contain sufficient bunding, trees or vegetation planting to provide visual screening at Packington Moor Farm.

#### **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, but these works are lacking at Packington Moor Farm, more of which are needed for mitigation.
19. 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**

20. Your Petitioners' farm will be severed as a result of the construction of the proposed railway; indeed, the only access to the farm is required by HS2 Ltd. during that period. Accommodation works in general and crossing points in particular are matters of significant importance for your Petitioners, and your Petitioners consider that HS2 Ltd 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.
21. 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 Petitioner 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.

## **Planning consent for replacement buildings and associated dwellings**

22. The construction of the Authorised Works will necessitate the demolition of agricultural buildings, including farm buildings, storage facilities, workshops and all the buildings associated with the wedding venue, the diversified business, together with associated dwellings. Your Petitioners' core farm business will not survive, however your Petitioners are likely to want to replace those buildings and the dwellings associated with them if the compensation is insufficient for re-establishment on another holding. In most cases this will require a full planning application. While the cost of dealing with planning can be factored into the compensation payable by the promoter, the uncertainty over whether an application will be approved and the time delays that can arise if a case goes to appeal can all be very difficult for a business to manage. The development of some agricultural buildings is already permitted development, subject to conditions, including limits on size.
23. Your Petitioners note that the Bill contains provision, in clause 48, enabling the Nominated Undertaker to carry out reinstatement works within the Act limits. In theory, that clause could be utilised so as to meet the concerns of your Petitioners but there is no certainty in that regard, for a number of reasons, most notably that it only applies to reinstatement works within the Bill limits.
24. Your Petitioners propose that the Bill should be amended so as to ensure that the process for relocating farm buildings that are lost are capable of being reinstated more easily. This could be achieved by clause 48 being amended so as to ensure that it will apply in any case where land is available for reinstatement works, and to remove other uncertainties.
25. Alternatively, the Bill should make provision for an amendment to the Town and Country Planning (General Permitted Development) Order 1995 so that the replacement of any building used for business purposes and any associated dwelling which is acquired under the provisions of the Bill will be permitted development subject only to the prior notification procedure. The permitted

development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building will be restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior notification process, as for other permitted development.

### **Severance and hedgerows**

26. 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.
27. 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**

28. 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, indeed as it stands, all of your Petitioners' core business is extinguished and a significant proportion of the land is taken. Your Petitioners would ask to be compensated sufficiently so that their businesses and homes can be re-established elsewhere .

### **General**

29. 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.

JOHN BARNES AND  
ROSEMARY BARNES

HOUSE OF COMMONS

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

BILL

PETITION

of

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AGAINST,

BY COUNSEL, &c.

JOHN BARNES AND

ROSEMARY BARNES

John Barnes  
Rosemary Barnes  
Petitioners