

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against – 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 MATTHEW ANTHONY CLARK

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.

7. Your Petitioner, Matthew Anthony Clark, lives at Fields Farm, Offchurch, Leamington Spa, Warwickshire. He is a partner in the business trading as "J R Clark & Family" and the farm extends to 305 acres of Grade 2 land, all of which is in arable production and has been held in the Tenancy of the Petitioner's family since March 1947. There is a substantial farmhouse which provides residential accommodation for the Petitioner, his wife and children and there is a smaller cottage where the Petitioner's parents live (John and Joke Clark).

There is a range of traditional brick and tile buildings adjoining the house at Fields Farm with the main hub of modern buildings being located in the centre of the farming unit, giving easy access to all the arable fields.

Your Petitioner's property will not be demolished as part of this Bill but the proposed railway line will run approximately 150 metres south of the modern farm buildings and some 300 metres away from the residential properties at Fields Farm. Access to Fields Farm is currently off a private farm track from Hunningham Road, running through the farm adjacent to the houses and traditional buildings and thereafter down to the modern farm buildings.

8. Your Petitioner and their rights, interests and properties are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others hereinafter appearing.
9. The current HS2 proposal provides for the railway line to cut through the farm leaving approximately 25% of the farm to the south west of the railway line and 75% to the north east of the line.

HS2 maps CT-06-090 (Proposed Scheme) and CT-05-090 (Construction Phase) provide details of the overall proposals.

Your Petitioner's two principal objections to the proposals are as follows:

- 1) 75% of the modern farm buildings are included in the Construction Phase drawings as 'land potentially required during construction'. Such a proposal would have a significant impact on farming operations both by way of limiting storage facilities and of day to day vehicle traffic travelling through the buildings complex.
 - 2) As currently proposed, HS2 wish to use the entire existing farm track for 'construction traffic route' requirements. In Your Petitioner's opinion, it is inappropriate to use all of the farm access track for construction traffic from a health and safety point of view and from the adverse effect such use is going to have on farming operations and on quality of lifestyle for those living on the farm. Young children live on the farm and construction traffic travelling through the farmyard and adjacent to the houses is wholly inappropriate.
10. Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submits the Bill should be amended so that:
- a) The farm buildings at the centre of the farm are no longer included within 'land potentially required during construction'. There is no need for these buildings to be 'taken over' during construction and the current 'Construction Phase' drawings indicate that there will be plenty of bare land available for the use of contractors as an alternative site.

and

- b) A new access road is constructed from Hunningham Road taken from a point approximately 180 metres to the north of the existing access in Hunningham Road. The new access road would have to be some 300 metres long but would then provide separate and independent construction traffic access to and from the site area without jeopardising the lives of the families living at Fields Farm and Fields Farm Cottages.

Both of the above proposals were put to HS2 in January this year in the Occupiers Response to the HS2 London – West Midlands Environmental Statement. The covering letter with the response urged HS2 to meet to discuss these realistic suggestions but to date there has been no reply or communication from HS2.

11. For the foregoing and connected reasons Your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting Your Petitioner, should not be allowed to pass into law.
12. There are other clauses and provisions of the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect Your Petitioner.

YOUR PETITIONER 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 Petitioner 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 Petitioner will ever pray, &c.

Signed: Matthew Anthony Clark

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