

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        ROBERT ANDREW MCGREGOR

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, Robert Andrew McGregor, is the freeholder of Weston Hall Farm, Weston under Wetherley, Leamington Spa, Warwickshire CV33 9BZ which has been the personal residence and principal base of business since 1976. The farm extends to some 140 hectares (350 acres) in all being predominately arable land and part of an overall 1,000 acre farming business in Warwickshire. Weston Hall Farm is the base for all arable operations including grain storage handling and drying facilities.

The business trades as Weston Hall Farm Ltd.

The farmhouse at Weston Hall is occupied by Andrew McGregor, his wife, Maureen McGregor and his daughter Penelope McGregor. Nearby there is a further house occupied by the Petitioners son, Alastair McGregor together with his wife Serena and two young boys, Hamish and Benjamin McGregor. The proposed HS2 railway line passes through Weston Hall Farm approximately 700m to the south of the farm steading.

Details of the HS2 proposal, as it affects Weston Hall Farm, are shown in Environmental Statement Maps of 29<sup>th</sup> October 2013 ref CT-06-091 and CT-05-091.

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 has been served on your Petitioner of the intention to seek such compulsory powers.

The HS2 proposal, as currently drafted, requires the physical rail line land take through South Cubbington Wood and fortunately requires only a small part of an arable field to be lost to production. As part of the proposed environmental mitigation, however, the proposed scheme will now take further arable field for Woodland Planting, so that in all, there is a land take of 14.80 hectares (36.50 acres).

9. Your Petitioner and his rights, interests and properties are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others hereinafter appearing.

- a) The current HS2 proposals provide for the railway line to cut through the southern end of Weston Hall Farm with a projected land take of 14.80 hectares in total.
- b) It would appear as if the land take required solely for the railway line extends to no more than 2.50 hectares with a further 1.90 hectares taken for realigned footpaths and further woodland planting for environmental mitigation.
- c) Your Petitioners principal objection to the proposal however is that the whole of field reference SP 3568 – 4949 and extending to 10.40 hectares is also to be taken for woodland planting.

10. Your Petitioner's objection to the current proposals are:

- a) Field 4949 is a high quality Grade 3 arable field adjoining Grade 2 land immediately to the east. As such, it is a highly productive field that should not be taken out of arable and food production.
- b) The extent of the Petitioners land ownership has already been explained to HS2 in previous correspondence. The main farm grain store buildings are located at the farm steading with the nearest field gateway being less than 300m from the grain store. Field SP 3569 – 4949 is therefore one of the closest fields to the farm grain store and therefore one of the most efficient fields for arable production, particularly in terms of transport time of harvested crops to the grain store.

- c). Losing this field to tree planting will be taking land out of arable production and, in the Petitioner's view, this field is one of the most valuable on the farm being located as close as it is to the farm buildings complex.
  - d) Past experience shows that it is almost impossible to replace land taken under a Compulsory Purchase Scheme on a like for like basis. Single arable fields are rarely available for sale and will certainly have significant additional costs due to the distance but any such future acquisition is from the main farm holding.
  - e) The lack of communication from HS2 has been bitterly disappointing. Your Petitioner wrote to HS2 on 8<sup>th</sup> August 2013 stating the various points of concern and offering alternative areas for woodland mitigation planting. A formal response on the HS2 London – West Midlands Environmental Statement (November 2013) was also submitted on 24<sup>th</sup> January 2014 and again this has brought no response or contact from anyone at HS2.
  - f) 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 to reduce the requirement for woodland planting in field SP 3569 – 4949.
11. Your Petitioner has already put forward proposals for alternative woodland mitigation planting and in discussion with the adjoining land owner, there is a further 1.80 hectares of land to the north of the railway line which will be landlocked so far as the neighbouring owners are concerned. This land could be offered as woodland mitigation planting thereby releasing the field SP 3569 – 4949 for continual arable production.

Plans and aerial photographs are available to show the Petitioner's alternative proposal and it is extremely disappointing that HS2 have not responded in any way to these suggestions.

12. It is clear from the draft Environmental Statement there will be significant lengths of bund, made up ground, sustainable placement and ground re-profiling alongside the proposed railway, with much of this on good quality agricultural land. 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.

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 accommodation works where they are required as the result of the construction of the Authorised Works and that the specification, once agreed, will be binding on the Nominated Undertaker.

13. For the foregoing and connected reasons, your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.
14. 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:

ROBERT ANDREW McGRZGOR

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