

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

Against the Bill –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 **MR DAVID ELLIS WILSON, MRS PATRICIA CAROL WILSON**
and MR GEOFFREY ELLIS WILSON

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into and is now pending in your honourable House entitled “ High Speed Rail (London – West Midlands) Bill - 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 Secretary Patrick 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 freeholder and occupier of **Cedars Farm, Lower Boddington, Daventry** which is a farm in Northamptonshire; your petitioner is a family farming partnership with their main holding at Cedars Farm, Lower Boddington on the Greatworth to Lower Boddington stretch of the proposed line (Ref. CFA15(23)). Your petitioner farms beef cattle (450 head); sheep (1000 breeding ewes) and arable crops supplying beef to Waitrose and conservation

grade cereals to Jordan's for their breakfast products. Your Petitioner operates a traditional rotational farming enterprise. The majority of the farm buildings and the main farmhouse are at Cedars Farm where all the sheep are lambed and cows calved.

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 Petitioners of the intention to seek such compulsory powers. Your Petitioners property will be severed by the proposed railway line which will run through their holding between the villages of Lower Boddington and Wormleighton. The existing access road which provides access to your Petitioners land, farmhouse and farm buildings is severed by the proposed railway line and a new access proposed but no provision for access to the severed land.
9. Your Petitioner and its rights, 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.

Land Taken

The proposed route severs your petitioners holding. In the Volume 5 Appendix AG-001-015 of the draft Environmental Statement your petitioner's total holding is noted as 303.5 Ha.

The holding affected is actually 152.43 Has (owned and occupied).

In addition your petitioner owns and occupies Hardwick Grounds at Priors Hardwick which is 44.51 Has. The remainder of the land farmed is circa 91 Has, the majority over 5 miles from the main holding and with no security of tenure – all this land is taken on annual basis so should be discounted from your petitioners secure farmed area.

The percentages taken therefore are incorrect in the Environmental Statement. Your petitioner loses 30% of their affected holding to temporary

land take and 5.7% permanently. As the construction phase is for such a long period the implications to your petitioners farming business is severe.

Temporary Land Take

Your Petitioner is advised that 45.3 Has is required for construction effects whilst only 8.6 Has is permanently required.

Your Petitioner can see no justification for the large temporary land take and require more detailed reasoning on this front. Your Petitioner would dispute the area required specifically the large area to the South of the line and the area to the North of the Boddington to Wormleighton Road as being reasonably necessary for the construction of the scheme.

Due to the length of the build period even temporary land take will have a severe impact on the farm viability.

Severance

Your Petitioners farm is severed by the scheme with approximately 50% to either side of the line.

Your Petitioners existing access is severed and a new access proposed from the East – this leaves 50% of the farm completely severed by the scheme requiring a long road trip to now check and feed livestock and do operations etc.

All of your petitioners stock currently on land to the North of the Boddington Road is brought to the farmyard on foot down our access road to the handling pens for all routine operations – this occurs on virtually a daily basis – it will not be feasible to bring stock the long distance now required around the road.

This has severe implications to the farm and livestock health and welfare. In order for the farm to continue on the same basis as existing your Petitioner

requires an access over or under the railway to enable stock movements and access for farm vehicles from the severed land.

The implications of the severance without provision to access the severed land has significant implications on this business and your petitioner believes make the viability questionable.

Access

There is a new access proposed from the East of the farmstead, this obviously requires additional land take and will need to be constructed to a specification for a farm drive – suitable for articulated lorries, combine harvesters etc.

The access will need to be livestock fenced in its entirety and suitable security installed.

The current bridge which crosses the canal feeder was only installed for farm vehicles and would not be suitable for articulated grain wagons (30 tonne load plus weight of lorry) and would need to be replaced.

Your petitioners would require confirmation that the access is for farm access only and not construction traffic.

Residential

The current farmhouse stands in the middle of the farm adjacent to the farm buildings and all access is past the farmhouse before entry into the farmyard – an important security consideration.

The land take shows the area to be occupied during construction running right to the farmhouse garden and your petitioner does not consider it acceptable to be expected to continue to reside in this house during the scheme.

Your Petitioner would consider a relocation of the farmhouse to the other side of the farm buildings; obviously for animal welfare and security reasons your petitioner needs to be located adjacent to the farm buildings so moving away is not an option.

Services

At present mains water and the telephone connection run parallel to the access drive underground and would be severed by the new line.

Flooding & Drainage

Your Petitioner would need new field drainage schemes where the existing systems are severed by the line and at present do suffer from occasional flooding caused by the canal feeder running over in times of high rainfall and would need to ensure the new line did not compound this.

The natural flow of water across the farm is North to South and a number of ditches, land drains and culverts are severed by this line.

Succession & Taxation

Your Petitioner is extremely exercised by their succession and capital taxation exposure as a result of the scheme.

In the first instance any compensation paid for the land acquisition is subject to CGT – in order to continue farming your petitioner would need to look to

replace lost land but current roll-over relief does not give a realistic time period to allow this. In addition the local land market will be artificially driven by those affected wishing to buy land especially to take advantage of roll-over relief.

Your Petitioner believes that CGT should not apply to the scheme compensation at all or the period to roll-over should be extended to a minimum of ten years to try and remove some of the artificiality in the market as a result of the scheme.

Your Petitioner's business is generational like most farming businesses and does not wish to sell or loose land and therefore on the basis any affected party should be in no worse position after the scheme than before this needs to be addressed.

In addition at present active farmers benefit from Agricultural Property Relief for inheritance matters meaning land can be left between generations without incurring IHT to enable farming businesses to continue. Cash however as a result of a scheme purchase would be exposed to the full rate IHT – again this is not equitable as the succession potential is affected and this needs to be addressed as part of compulsory purchase legislation.

Both CGT and IHT have become so much more significant in the last 10 years due to the significant increase in land values and are also more relevant due to the scope of this scheme and the size of the land take – this is even more exaggerated by the large temporary areas to be acquired and again your Petitioner questions the necessity and wisdom in this.

Summary

In conclusion your Petitioner is a generational family farming business wishing to maintain or indeed increase their farmed area and would draw attention to the following salient points:-

1. The areas quoted are incorrect and misleading and the consequential impact is high.
2. The severance has not been satisfactorily addressed in the ES in respect of the land to the North of the line. This needs to be reconsidered.
3. The residential element has not been addressed in the ES and relocation of the farmhouse.
4. Your petitioner is not satisfied that the temporary land take is reasonable for the scheme and this needs to be justified further in the ES.
5. The new access needs further consideration specifically the bridge across the canal feeder.
6. Further consideration needs to be given to Capital Taxation issues if this farming business and individuals within it are not to be in a worse position after the scheme than before.

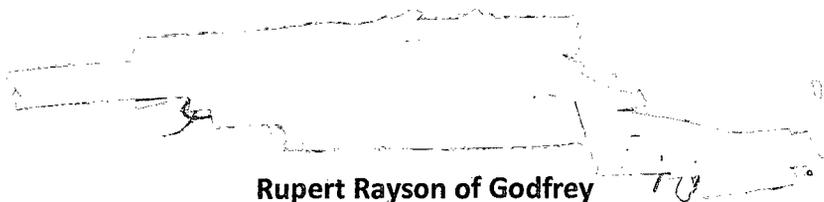
YOUR PETITIONERS THEREFORE HUMBLY

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.

A large, handwritten signature in black ink, appearing to read 'Rupert Rayson of Godfrey', is written over a faint, rectangular stamp or box. The signature is somewhat stylized and extends across the width of the stamp.

Rupert Rayson of Godfrey

Payton

Agents for Mr David Ellis Wilson,
Mrs Patricia Carol Wilson and
Mr Geoffrey Ellis Wilson.

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WILSON

and

MR GEOFFREY ELLIS WILSON

AGAINST,

BY COUNSEL, &c.

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