

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 – 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 MARSH HILL FARM LTD
MARSH HILL FARM, MARSH, AYLESBURY, BUCKINGHAMSHIRE HP17 8ST

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 agricultural tenant of land situated off Marsh Lane, Stoke Mandeville which forms part of Yew Tree Farm, Stoke Mandeville. This is part of a larger arable and livestock holding extending to 450 acres or thereabouts overall. Your Petitioner has farmed the affected land for c. 50 years and its tenancy is protected by the Agricultural Holdings Act. The holding has two bases, one at Yew Tree Farm and the other at Marsh Hill Farm, Marsh, some three miles away. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in your Petitioner's land to which it objects, 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.

8. 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.

The splitting of the farm

9. As shown in the Environmental Statement plans CT-06-041 and CT-05-041, your Petitioner's Farm is set to be split into three separate land parcels which will result in a block of high quality farm land being severed from the farmstead at Yew Tree Farm in two parts. Furthermore the proposal to construct the Stoke Mandeville Bypass as part of the scheme will result in the closure of Marsh Lane which is the direct access to route between your Petitioner's two bases. This will also mean that the land lying between the line of the railway and Stoke Mandeville will be completely severed with no obvious access provision shown

on the Environmental Statement. This closure of Marsh Lane will cause significant disruption to your Petitioner's business and will mean far greater travelling time between the two bases and also the severed land. It is clear from the Environmental Statement that an over bridge has been included within the design which directly connects your Petitioner's severed land; however your Petitioner's concern is that this over bridge has only been designed for pedestrian access for the diverted public footpath SMA/9. Therefore, the current specification of this bridge will not be capable of transporting modern agricultural machinery between the farm bases and to the severed land. It will be necessary for the over bridge to have a weight capacity of 40 tons and a minimum width of 6 metres to provide sufficient capacity.

Flood Plain

10. Additional land is shown to be acquired for "Replacement Flood Plain Storage".

Your Petitioner has never known this area of land to flood previously and questions if this land take is necessary. This appears to use up valuable agricultural land unnecessarily.

Extent of land take

11. Land in the ownership 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.

12. 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 its land when the Nominated Undertaker's requirement is for a temporary use only. The proposed scheme is to take 5 acres of your Petitioner's land on a temporary basis for the purpose of material stockpile areas during the construction phase. This land loss will have a significant impact on your Petitioner's business, which is a relatively small family farm. Experience has shown that such land is never fully restored to its previous productivity following such use. Your Petitioner contends that this land should not be used for such a temporary use and retains its agricultural production throughout the scheme.

13. Your Petitioner also wishes to ensure that it is 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

14. The Bill includes powers for the Secretary of State and the Nominated Undertaker to plant trees, grass and vegetation along the route to provide visual screening and reduce visual impacts and integrate the railway in to the surrounding area. Your Petitioner requests that the use of prime agricultural land

needs to be kept to an absolute minimum and only where the impact on the viability of the holding could be lessened.

Accommodation works

15. Your Petitioners' farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points in particular are matters of significant importance for your Petitioners. Well-designed accommodation works which meet your Petitioners' 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 accommodation works with your Petitioner. That would help to mitigate the impact of the scheme. For crossing points, such a specification might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker. Your Petitioner proposes that the design of the over bridge is enhanced to allow the crossing by agricultural vehicles and an access to the severed land is also provided directly from the new Stoke Mandeville bypass.

16. 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 a result of the construction of the Authorised Works, and that the specification, once agreed, will be binding on the Nominated Undertaker.

17. Your Petitioner notes 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 Petitioner 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.

Severance and hedgerows

18. 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.

19. Your Petitioner proposes to your honourable House that the 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

20. 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.

General

21. 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 Petitioners and other clauses and provisions necessary for its 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.



Agent for Marsh Hill Farm Ltd

HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST
MIDLANDS) BILL

PETITION

of

Marsh Hill Farm Ltd

AGAINST,

BY COUNSEL, &c.

Edward Briggs FRICS FAAV,
Bidwells,
Seacourt Tower,
West Way,
Oxford,
OX2 0JJ.

Agent for the Petitioners