

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 MR D R WILLIAMS OF OLD
MILL FARM, MARSH, GREAT KIMBLE, AYLESBURY,
BUCKINGHAMSHIRE, HP17 8SP

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 freeholder and occupier of Old Mill Farm, Marsh, Great Kimble, Aylesbury, HP17 8SP, a former watermill situated in the Parish of Little Kimble, Buckinghamshire which is referred to in the Domesday book and was a working mill between 1086 and 1934. The property includes a Mill house, 14 acres of land and a mill stream known as Bonny Brook. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which he 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 his 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.
9. Part of your Petitioner's property is to set to be acquired by the scheme for the purpose of a drainage system which has been described in Notice Number C272/00981. Your petitioner understands that this drainage system has been designed as a result of raising the existing Chiltern Rail Aylesbury to Princes Risborough railway to run over HS2, and as a result a balancing pond has been created as shown on plan CT-06-041-L1. Your petitioner is concerned that the construction of this balancing pond will incur further run off across his land and drain upstream into Bonny Brook. Your petitioner is also concerned that this man made change in the water flow could affect the natural water course and result in Old Mill Farm flooding for the first time in its history. Your Petitioner requests that this drainage system is redesigned, and that hydrologists and engineers make the simple adjustment of taking the culvert a few metres further and therefore, downstream of your petitioner's property. This should then allow any excess drainage water to have time and space to dissipate as it moves downstream. Your Petitioner would further require that the balancing pond is designed so that it is larger and deeper to accommodate a one in 1000 years peak flood event and that a detailed hydrology survey and action plan is provided to illustrate the effects of the scheme on the local water table and how this will be protected.

10. **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 his land when the nominated undertaker's requirement is for a temporary use only.
13. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Inappropriate mitigation measures on farmland

14. Your Petitioner is concerned that the proposed position of the balancing ponds and associated artificial drainage scheme partly on a neighbour's property, and partly on his property will result in an increased risk on flooding on your Petitioner's property. Your Petitioner requests that the underground drainage pipe is extended so that it reaches just downstream from his dwelling and a detailed hydrology mitigation plan is produced by the promoter and agreed with your petitioner. The balancing pond should also be a greater capacity to accommodate 1 in 1000 year flood event.

Maintenance of bunds and made-up ground

15. 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. However your Petitioner is concerned that the Environmental Statement map number CT-06-041-L1 does not show any proposed bunds or landscaping, to mitigate the noise and visual impact of the scheme. Your Petitioner notes that this also applies to the south side of the proposed A4010 Stoke Mandeville Bypass (A-Road). Noise travels long distances in the area, particularly at night, and therefore your Petitioner is concerned that the noise of frequent trains at high speed will impact on Old Mill Farm, as well as the houses, farms and small businesses in the community. Your Petitioner requests that significant earth banks are created as a natural barrier to the expected noise, from the scheme and the proposed A-road.

Accommodation works

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.

Compensation, generally

17. 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. Your Petitioner has also noted that no compensation is offered to those residents suffering either temporary or permanent loss of amenity from years of construction chaos, and subsequent operation of the railway, unless significant personal hardship can be proven.

General

18. 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 his protection and benefit are omitted therefrom.

YOUR PETITIONER 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 MR D.R. Williams

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

MR D.R. Williams

AGAINST,

BY COUNSEL, &c.

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