

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 MRS ELIZABETH
STEWART-LIBERTY OF THE LEE HOUSE, THE LEE, GREAT
MISSENDEN, BUCKINGHAMSHIRE

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 of Jones Hill Wood, Grims Ditch and Havenfields Wood which are areas of woodland located in Buckinghamshire. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner to which she objects 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.
8. Your Petitioner and her 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.

Demolition of woodland

9. Your Petitioner is concerned that the construction of the proposed route will demolish the corner of Jones Hill Wood which is designated as ancient woodland with high heritage value. This will result in 0.9 hectares/2.22 acres of this ancient woodland being lost and will leave only a marginal section this woodland being retained. Within CFA 10 page 90-95, it is understood from the Environmental Statement that an area of approximately 5 acres has been designated for new woodland planting which is to be located on land adjacent to Jones Hill. It is

understood that their reasoning for this designation according to CFA 10 page 90, para 6.4.2, is that this proposed planting is to compensate the loss of this ancient woodland. The South Heath Cutting will also result in the loss of the eastern part of Grims Ditch which is also a scheduled monument and an asset of high heritage value. Your Petitioner objects to this issue as ancient woodlands are irreplaceable and nothing can mitigate the loss of some of the most important biodiversity and cultural habitats. The plantation of more trees can never fully compensate the loss these ancient woodland and is going to result in taking prime agricultural land out of production, which is also an irreplaceable resource. Your Petitioner requests that the design of the scheme is reconsidered to cause the least amount of impact on such ancient woodlands and prime agricultural land. Your Petitioner is also concerned about what provisions have been made in respect of access to the remainder of Grims Ditch, which is located to the south of the proposed route. It is not clear within the Environmental Statement that such an access has been considered and Your Petitioner requests that such an access is provided in order to gain access to the remainder of Grims Ditch as well as for the owner/occupier of Hunts Green Farm to gain access to farm land belonging to Hunts Green Farm. This access needs to be constructed to a sufficient specification capable of accommodating large farm machinery.

Extent of land take

10. Land in the ownership of your Petitioners 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.

11. 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 her land when the Nominated Undertaker's requirement is for a temporary use only.

12. Your Petitioner also wishes to ensure that she is properly compensated as regards the acquisition and use of her land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Maintenance of bunds and made-up ground

13. It is clear from the draft 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. Your Petitioner objects to the use of an ancient woodland for material stockpile areas which are required on a temporary basis. This is wholly inappropriate and Your Petitioner requests that the proposed scheme is revised in order to reduce the impact on ancient woodland which is irreplaceable.

14. In your Petitioner's 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.
15. Your Petitioner proposes to your Honourable House that the promoter should be required to construct a tunnel for the accommodation of the route for the duration of its journey through the Chilterns Area of Outstanding Natural Beauty. This would remove the vast majority of the highly-damaging impacts of the current proposals including the loss of ancient woodlands as well as damage to scheduled monuments.

Accommodation works

16. Your Petitioner's property 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 Petitioner. Well-designed accommodation works which meet your Petitioner's 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.

17. 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.
18. 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.
19. Your Petitioner proposes that the Bill should be amended so as to ensure that the process for relocating farm buildings that are lost are capable of being reinstated more easily. This could be achieved by clause 48 being amended so as to ensure that it will apply in any case where land is available for reinstatement works, and to remove other uncertainties.
20. Alternatively, the Bill should make provision for an amendment to the Town and Country Planning (General Permitted Development) Order 1995 so that the replacement of any building used for business purposes and any associated dwelling which is acquired under the provisions of the Bill will be permitted development subject only to the prior notification procedure. The permitted development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building will be

restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior notification process, as for other permitted development.

Severance and hedgerows

21. 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.

22. Your Petitioner proposes to your honourable House that the Hybrid 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

23. 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

24. 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 their 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 Mrs Elizabeth Stewart-Liberty

HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST
MIDLANDS)

P E T I T I O N

of

MRS ELIZABETH STEWART-LIBERTY
AGAINST,
BY COUNSEL, &c.

Edward Briggs FRICS FAAV,
Bidwells, Seacourt Tower, West Way,
Oxford, OX2 0JJ,
Agent for the Petitioner