

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 (1) Miss MONICA A BONHAM
(2) Mrs BRIDGET GILL
OF DODDS FARM, NORTH LEE,
TERRICK, AYLESBURY HP22 5YA

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 Petitioners are the freeholders of Dodds Farm, North Lee Lane, Terrick, Aylesbury HP22 5YA which is a small commercial agricultural holding in the parish of Little Kimble, Buckinghamshire. Your petitioners land extends to approximately 21.8 hectares of agricultural land which comprises 9 fields, 7 of these fields are affected by the proposed scheme. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners to which they object 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. As detailed within the Environmental Statement, Community Forum Area Report 11, and plan numbers CT-05-041-L1 and CT-06-041-L1, your petitioners land has been designated for the construction of the proposed Princes Risborough to Aylesbury Rail Overbridge Satellite Compound (West). Your petitioners are particularly concerned that the construction of this Satellite Compound is going to have major impact of the viability of the holding as it is going to result prime agricultural land being taken out of production. Furthermore, the location of this compound is going to leave marginal areas of land which will no longer be capable of being farmed practically and your petitioner is also concerned that there does not seem to be any detail in respect of how they will be able to access the remainder of the land.
9. Your Petitioners' are also concerned that the Satellite compound will result in a loss of water supply to the remaining land and that this use will result in a permanent loss in the productivity in the land for agricultural purposes, once the use as a satellite compound ceases.

Extent of land take

10. Land in the ownership of your Petitioners are 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 Petitioners are unsure why that is. Your Petitioners 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 Petitioners' land is on a temporary basis only.

11. Your Petitioners are 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 their land when the nominated undertaker's requirement is for a temporary use only. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their 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

12. Balancing Ponds will be introduced to control the rate, volume and quality of runoff. As detailed within the Environmental Statement, Map CT-06-041-L1 shows that a balancing pond will be constructed on your Petitioners land, with the associated water course linking into the watercourse south west of the holding. The drainage running to the proposed balancing pond would have to cross two existing ditches. These ditches run very high at peak rainfall and merge at a level crossing. Your petitioners have major concerns about the implications of this proposal and the affect that this will have on the water table of Dodds Farm. Your petitioners are concerned that this will result in an increased risk of flooding on the holding. Your Petitioners therefore suggest that the proposed Balancing Pond is relocated away from the holding to a location which is likely to be less of a flooding impact. The current location of this balancing pond is close to the farmstead and farmhouse at Dodds Farm and any resultant flooding issues would directly affect the farmstead. Your petitioner would also like to raise their concern that putting additional quantities of water into the existing water course is likely to have a flooding

impact which would exacerbate the current position and this would also have effect on your petitioners holding. Your Petitioner would further require a detailed hydrology survey and action plan to illustrate the effects of the scheme on the local water table and how this will be protected.

13. There is underground telephone cable which is connected to your Petitioners dwelling and follows the access route to, and through the proposed Balancing Pond. Your Petitioners is concerned that the construction of the balancing pond is going to have a significant impact on this telephone line and your petitioners requirement is that either the Balancing Pond is relocated or if this is not possible then the balancing pond would need to be redesigned and the telephone line relocated with as little disruption as possible.
14. The proposed culvert across your Petitioners property will also cause significant damage to established trees, hedges, land drainage and water supply in the vicinity. Within the Environmental Statement, map number CT-06-041-L1 does not show that any environmental works will be undertaken to re-establish this damage. Your Petitioners request that for every tree/hedge that is damaged as a result of the scheme then a minimum of three trees are planted in order to assist in replacing them. Your Petitioners request that where compaction of soil occurs due to the construction phase, land drainage is reinstated. Your petitioners will also require an over bridge to be constructed over this culvert which will need to have a weight capacity of 40 tons and a minimum width of 6 metres.
15. With the land take required for the Satellite Compound and the Balancing Pond as detailed above, the loss of this prime agricultural land will in effect mean that your petitioner's holding will cease to be able to be run as a commercial agricultural unit. Your petitioner will require the promoter to provide further details on the overall impact on the agricultural viability of the holding.

Maintenance of bunds and made-up ground

16. 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. Your Petitioners however, are concerned that map number CT-06-041-L1 does not show any proposed bunds or landscaping, which would mitigate the noise and visual impact of the scheme. Your Petitioners note that this also applies to the south side of the proposed A4010 Stoke Mandeville Bypass. Noise travels long distances in the area, particularly at night, and therefore your Petitioners are concerned that the noise of frequent trains at high speed will impact on Dodds Farm, as well as the houses, farms and small businesses in the local community. Your Petitioners request that significant earth banks are to be created as a natural barrier to the expected noise, from the scheme and the proposed A4010 Stoke Mandeville Bypass.
17. In your Petitioners submission, the Bill should be amended 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.

Accommodation works

18. 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 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 Petitioners. 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.

19. Your Petitioners propose that your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with your Petitioners 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.
20. Your Petitioner proposes that the design of the over bridge is built to the specification as mentioned above and is capable of transporting agricultural machinery.

Severance and hedgerows

21. The severance of agricultural land by such a long linear scheme will result in some of your Petitioners 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 Petitioners propose 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 Petitioners 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 Petitioners 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 Miss Monica A Bonham and Mrs Bridget Gill

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

of

MISS MONICA A BONHAM

AND

MRS BRIDGET GILL

AGAINST,

BY COUNSEL, &c.

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