

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 G A DUTFIELD OF
THE MARISH, MARISH LANE, DENHAM,
BUCKINGHAMSHIRE, UB9 5DL.

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 freehold owners of Denham Park Farm and Pynesfield Farm which include agricultural land, buildings and houses situated at West Hyde and Denham Green. Both holdings are located in the county of Buckinghamshire and comprise of prime arable land and are both occupied by long term farm tenants, being Mr P Lory and Mr A Sheriff. Some of the land included with the holdings also has gravel bearing capabilities and is part of a longstanding mineral excavation program. Your Petitioners are also the freehold owner of Harefield Marina. This Marina is let to an established tenant, named M J Musk Marinas (Harefield) Ltd which has operated the Marina in excess of 60 years. Your Petitioner's tenant has confirmed that it is to lose approximately 45 berths from the operation which total circa one third of the marina moorings as a direct result of the proposed scheme. The Marina plays an important part of the local economy and community.
8. 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.
9. Your Petitioners, their rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.

The use of the land.

10. Your Petitioners land which forms part of Pynesfield Farm and let to Mr P Lory on a secure Agricultural Holdings Act 1986 tenancy and is to be split into two land parcels by the scheme, as show on the Environmental Statement Plans CT-05-022, CT-06-022 and CT-05-021 and CT-06-021. It is clear from the Environmental Statement that a large proportion of your Petitioners land will be required during construction. Your Petitioners land which forms part of Pynesfield Farm will be required during the construction phase for the designation of the following satellite compounds named as the 1. Colne Valley Viaduct North Embankment Satellite Compound, 2. Colne Valley Viaduct North Launch Satellite Compound, 3. Colne Valley Viaduct Main Compound, 4. Chilterns Tunnel Main Compound, 5. Chilterns Tunnel South Portal Satellite Compound, as well a HS2 Substation, the Chilterns Tunnel South Portal Buildings, and the Chilterns Tunnel South Portal as shown on map CT-05-022 within the Environmental Statement. Your petitioners are extremely concerned as the area of land required for these satellite compound areas and portal buildings will have a catastrophic effect on the viability of continuing to farm the holding. Your Petitioners are particularly concerned that their tenant will be unable to farm the land remaining which is not required during construction as it will be left in awkward shapes, and crops are likely to be contaminated by dust from the construction works. Following construction the holdings will have very limited future use. It is clear from the current plan within the Environmental Statement

that there are alternative areas where these compounds could be repositioned in order to reduce the amount of land take required of your Petitioners land as a whole. Your Petitioners requirement is therefore, that consideration is given in terms of relocating these compounds.

11. The promoter needs to provide far more detail as to what is proposed including plans showing finished levels and how the reinstated land is to be managed in the future. Large areas of your Petitioners prime agricultural land have also been designated for Landscape Earth Works on the farmstead. Your Petitioners are concerned whether this land will be capable of being farmed in the future and, if not, what use it will then have.

12. Your petitioner's have over many years operated a gravel/sand extraction program on the land which is rich in mineral bearing deposits. This program is sympathetic to the agricultural operations and on completion of such extraction work, the land is restored to agricultural use. The scheme proposed will sterilise the unexhausted deposits which provide a good supply to locally sourced materials. Your petitioner objects to this and requests that a strategy is agreed with the promoter to remove these materials before they are sterilised.

13. As shown on CT-05-022 and CT-05-022-R1, the realignment of Tilehouse Lane and Tilehouse overbridge will also have a major impact on your Petitioners land. Within the Environmental Statement CFA 7 page 62 para 3.4.1, although there is reference to an agricultural access being incorporated into the Tilehouse overbridge, your petitioners have not been given any detail regarding the

specification of this agricultural access. Your Petitioner's requirement is that this agricultural access is constructed to a minimum specification which is going to be capable of transporting modern agricultural machinery between the land holdings. The bridge will need to have a minimum weight capacity of 40 tons and a minimum width of 6 metres.

14. Your Petitioner's land at Denham Park Farm including West Hyde and Denham Green is let to Mr A Sheriff as farm tenant by way of a long term Farm Business Tenancy and the land will be required during the construction phase for landscape earthworks as shown on the Environmental Statement Plan CT-05-022. Your Petitioner is concerned that during the construction period, good quality agricultural land will be removed from production. On Plan CT-05-022 there is also a section of land which has been outlined as land potentially required for construction which suggests that extra prime agricultural land will be required. Your Petitioners are concerned and unsure what this land will be used for and would require details of the use. Your Petitioners would request that land take is kept to a minimum and much greater detail is provided by the Promoter as to finished levels, proposed reinstatement and future management.

15. Your Petitioners are unclear as to the extent of the land at Harefield Marina which is to be required during the construction phase. However the safeguarding directions have designated that approximately one third of the Marina could be potentially required for the scheme. On the Environmental Statement Plan CT-05-020, part of Your Petitioners land has been outlined as

'land potentially required for construction' and therefore your Petitioners are concerned that the current tenant of the Marina will no longer wish to operate his business from the Marina. Furthermore, to the north west of the Marina, the Moorhall Road has been designated as a construction traffic route as shown on map CT-05-020. Your Petitioners are concerned that this will have a major impact on the operation of the Marina, both in the short and long term. The works will reduce the peaceful enjoyment and environment of the Marina, and therefore users of the Marina are likely to go elsewhere. The Marina plays an important part in the local economy and community and this would be damaged if the marina was affected, and the tenant will struggle to operate the remaining part of their business. This could ultimately leave your Petitioners with a Marina which cannot be let. Further detail is urgently required from the promoter in this respect and particularly what steps the promoter will taking to mitigate the impact.

Extent of land take

16. 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 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.

17. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it wholly 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. It is understood from the Environmental Statement that a significant area of prime agricultural land has been designated as temporary material stockpile areas. Your petitioners are concerned as designated stockpile areas have not been designed in order for your Petitioners farm tenant to be able to continue to practically farm the land in the future. It is wholly inappropriate to misuse such a valuable resource which is irreplaceable. Your Petitioners also wish to ensure that they 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

18. 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's land which forms part of the Pynesfield Farm has been designated for grassland habitat creation, as well as landscape mitigation planting. It is wholly inappropriate to lose large areas of prime agricultural land, for 'grassland habitat creation'. Your Petitioner also object strongly to this use and will have a major impact on the viability of the holding both from a commercial and agricultural production prospective. Your

Petitioners request that the use of prime agricultural land needs to be kept to a minimum. Your Petitioners land which forms part of Denham Park Farm and West Hyde has also been designated as a woodland habitat creation. Your Petitioners object strongly to this specific issue as this is totally inappropriate and will have a major impact on the viability of the holding both from a commercial and agricultural production prospective. Your Petitioners request that the reallocation and relocation of tree planting should be linked to the actual area lost in a specific location rather than the scheme as a whole. Again, your Petitioners request that the use of prime agricultural land is kept to a minimum and that any additional tree planting deemed vital is done with the agreement of your Petitioners on areas of the holding where the impact on the viability of the holding could be lessened. The future maintenance of these proposed designations has not been properly explained and how such use and operation will fit with the agricultural operations on your Petitioners land.

19. Balancing ponds and Land drainage areas will be introduced to control the rate, volume, and quality of runoff. The current position of the balancing ponds and land drainage areas on your Petitioners land which forms part of the Pynesfield Farm is a concern as it will severely impact the ability to use the fields for agriculture. If such balancing ponds and land drainage areas are required, then your Petitioners would request that these are relocated to areas which will have a much lesser impact on the holding as a whole.

Maintenance of bunds and made-up ground

20. 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. Large areas of prime agricultural land have been designated for Landscape Earth Works on the farmstead. Your Petitioners are concerned whether the land will be capable of being farmed in the future and, if not, what use it will then have. Your Petitioners request that these areas are designed so that they can continue to be used as agricultural land, or be used to replace the areas taken for tree planting, in order to keep the loss of agricultural land to a minimum.

21. In your Petitioners 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 and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

22. Your Petitioners land 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 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.

23. Your Petitioners propose 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 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.

24. Your Petitioners note 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 Petitioners 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

25. 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.

26. Your Petitioners propose 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

27. 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

28. 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 MRS G. A. DUFFIELD

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P E T I T I O N

of
MRS G A DUTFIELD

AGAINST,

BY COUNSEL, &c.

Edward Briggs FRICS FAAV,
Bidwells,
Seacourt Tower,
West Way,
Oxford,
OX2 0JJ,
01865 797031/07768367542
Agent for the Petitioners