

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) Mr TOBY DALTON

(2) Mr WILLIAM DALTON OF

COPTHALL FARM, BREAKSPEAR ROAD SOUTH,

ICKENHAM, MIDDLESEX UB10 8HS.

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 Copthall Farm, Breakspear Road South, UB10 8HS in the county of Middlesex. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of the Petitioner and accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers. Your Petitioners Farm is a commercial livestock holding which has been run by the Dalton family for several generations. The Farm lies on the edge of Ickenham and provides a rare opportunity for those living within the urban area to have direct contact with a commercial agricultural unit. It provides an essential part of the local economy with your Petitioners operating a Farm Shop which serves the local community produce directly from you Petitioners' holding. The proposals for the scheme show on the plans attached to the Environmental Statement, no's CT-05-019A and CT-05-019A-L1 (both construction phase) and CT-06-019A and CT-06-019A-L1 (proposed scheme) that virtually all of the farm land within your Petitioners' holding is to be taken for sustainable placement during the construction phase. The proposed final scheme then shows this same land to be identified as "grassland habitat creation". Very little detail of which has been provided by the Promoter. No detail has been provided as to what is intended for Harvil Road.

8. Your Petitioners and 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.

Extent of land take

9. 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.
10. 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. The proposed scheme shows that the major part of your Petitioners' land is to be acquired on a temporary basis for the purpose of sustainable placement during the construction phase and thereafter reinstated to grassland habitat creation. This is wholly inappropriate as it restricts the agricultural production of the land and will therefore have a fundamental impact on the future of Copthall Farm as a family business and the important part the holding plays in the local economy. The Farm Shop would be unable to produce local produce for sale and the community would lose its ability to connect directly with agriculture. Something

that is vital in a small urban area. As stated in the response to the Environmental statement your Petitioners' family lives adjacent to the areas identified for sustainable placement at the Copthall Farmstead and the noise and dust created by these works will make it intolerable to live at the premises particularly with young children. The promoter has given no assurances in this respect and your Petitioners request that the promoter is required to provide full mitigated measures which are to be discussed and agreed with the Petitioners.

As part of this process, if the sustainable placement is to remain, that proposed sustainable placement areas are moved further back from Copthall Farmstead and not left directly adjacent to the farmstead boundary as currently shown on the Environmental Statement.

11. Your Petitioners also wish to ensure that they are 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

12. 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. The farmland which forms part of your Petitioners' holding cannot be replaced and forms a vital part of the local economy providing a commercial agricultural enterprise and yet combined with a wide range of bio-

diversity which is so important for this type of holding adjoining the urban fringe. The proposals put forward by the Promoter will destroy the work that has taken your Petitioners' over a number of generations to build. The intended use of this land is not essential for the construction and operation of the railway and your Petitioners contends that the use of the land for sustainable placement and future grassland habitat creation is not necessary and can be avoided by your Promoter and an alternative strategy should be introduced to avoid the irreplaceable damage caused.

13. At a time of rising populations and greater demands on the production of food, your Petitioners believe that the amount of land taken out of production must be limited to the absolute minimum. This is even more so in a sensitive area such as Ickenham. With this in mind, your Petitioners contend that the amount of agricultural land proposed to be acquired must be reduced.

Maintenance of made-up ground

14. It is clear from the Environmental Statement that there will be a significant area of made-up ground, "sustainable placement" and ground re-profiling alongside the proposed railway on your Petitioners' land, this being on good quality agricultural land. 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. The future designations as grassland habitat creation is relevant to this. Your Petitioners request that these areas are designed so that they can continue to be used as agricultural land, in order to keep the loss of agricultural

land to a minimum. Your Petitioners contend that the value of this continued agricultural use is greater to the local community than the proposed designations identified by the Promoter – which have provided little or no substantive detail as to future use on management.

15. 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 in the way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

16. Well-designed accommodation works which meet your Petitioners' needs are likely to reduce substantially a claim for compensation. Your Petitioners contend that 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. Once agreed, the specification should be binding on the Nominated Undertaker.

17. 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.

Severance and hedgerows

18. The severance of agricultural land by such a long linear scheme will potentially 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.

19. 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

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 Petitioners 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 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 Mr Toby Dalton and Mr William Dalton

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P E T I T I O N

of

(1) Mr Toby Dalton &
(2) Mr William Dalton

AGAINST,

BY COUNSEL, &c.

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