

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 FRED DAWSON
(2) Mrs JEAN VALERIE DAWSON
OF HARVIL FARM, HARVIL ROAD, ICKENHAM, UXBRIDGE UB10 8AJ

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 Harvil Farm, Harvil Road, Ickenham, Uxbridge UB10 8AJ. 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 Dawson family for over 30 years. The Farm sits 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. 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 approximately 45% of the total farm area is to be taken for a mixture of uses including sustainable placement, temporary materials, stock pile, construction compound and land simply identified as "land potentially required during construction". Further explanation has been given in respect of this definition but this seems to include the whole of the Harvil Road section that serves your Petitioners property.

The proposed final scheme then shows this same land to be identified as "grassland habitat creation" and "woodland 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 and woodland habitat creation. It is wholly inappropriate as it restricts the agricultural production of the land and will therefore have a fundamental impact on the future of Harvil Farm and the important part this property plans in the

local economy. As stated in the response to the Environmental statement your Petitioners' extended family lives adjacent to the areas identified for materials stock pile and sustainable placement 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.

Any changes to Harvil Road will inevitably cause issues to your Petitioners holding and your Petitioners request that the Promoter ensures that unrestricted access to your Petitioners' holding is provided at all times.

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 biodiversity 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 30 years 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. Balancing ponds will be introduced to control the rate, volume, and quality of runoff. The current position of the balancing pond on your Petitioners' land is a concern as it will severely impact the ability to use the field for agriculture. If such a balancing pond is required, your Petitioners would request this balancing pond is to be relocated to an area immediately adjoining Halse Copse North, as this will be of a significant assistance to the management of the farmstead in the future.

14. 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. With this in mind, your Petitioners contend that the amount of agricultural land proposed to be acquired must be reduced.

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 re-profiling alongside the proposed railway, much of it on good quality agricultural

land. Large areas of prime agricultural land have been designated for sustainable placement and materials stock piles 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. The future designations as both grassland and woodland habitat creation are relevant to this. 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. 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 little or no substantive detail as to future use or management.

16. 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

17. 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 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.

18. 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.

19. 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

20. 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.

21. 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

22. 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

23. 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 Fred Dawson and Mrs Jean Valerie Dawson

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P E T I T I O N

of

(1) Mr Fred Dawson &
(2) Mrs Jean Valerie Dawson

AGAINST,

BY COUNSEL, &c.

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