

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

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 **Geoffrey Brunt**

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. 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.

3. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
4. 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.
5. 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.
6. Your petitioner is the **freeholder and occupier of Nash Lee Farm, Nash Lee Road, Terrick HP17 0TQ** which is a farm in **Buckinghamshire, lying within the Stoke Mandeville and Aylesbury community forum area number 11.**
7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner 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. With reference to footpath ELL/20 on Nash Lee Farm, map number CT-06-040. Your railway takes about one acre off the corner of my eight acre field. It needs no more. The environmental statement map shows an earth ramp bisecting the rest of the

field rendering it all unusable. Just for good measure a totally random piece of woodland has been inserted to fill in a gap. The nicely rectangular arable field next door, which does not need to be affected at all, has an even more random area taken from it for a drainage area. In the event it all goes ahead it will be necessary to move footpath ELL/20 to follow the water course which forms the field boundary thereby causing the ramp to occupy the minimum useable area. If a land drainage area is necessary, which I doubt as the brook is already there to receive any local ground water (as it already does), then a suitably small and shaped area of the eight acre field could be allocated to this use. There is a reason why we call that field the bottom field ... it is the lowest point on the farm. At least half of that field will still be accessible and useable, none of the arable field will have been encroached on (other than during construction) and the minimum land will be lost to production.

8. The above assumes that the railway line will take the course as described in the environmental statement as published in April 2013. There is currently a strong movement in favour of a full bore tunnel under the Chilterns. This has not yet been decided, nor has the route that it would take, but such projections as have been published so far suggest that a full bore tunnel would emerge from the hill in a different place, most likely to the west of the currently proposed portal. In this case your Petitioner's farm would be fully dissected somewhere else, the details of which cannot be predicted at this stage but the consequences would certainly be even more severe.
9. Your Petitioner and his 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.

Extent of land take

10. Land in the ownership of your Petitioner 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 his land when the nominated undertaker's requirement is for a temporary use only.
12. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his 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

13. Your Petitioner considers mitigation proposed for his farmland to be inappropriate. For example –
 14. An area of woodland is proposed to be planted on your Petitioner's land, presumably to use as environmental mitigation. Your Petitioner considers it unfair to not only take his land for the proposed railway, but to use productive farmland as part of your environmental mitigation. The environmental mitigation woodland should be moved to another location entirely, where it will not impact unfavourably on any productive farmland.
 15. A land drainage area is proposed on the Petitioner's land which the Petitioner considers to be unnecessary. A brook already exists in the area to take any surplus rainfall and water run off. The proposed land drainage area is totally unnecessary and removes perfectly productive farmland from use. It is not needed.

16. A ditch is proposed to run alongside the line, your Petitioner considers that is logical, and that this gives extra reason to negate the necessity for the proposed land drainage area referred to above.

Maintenance of bunds and made-up ground

17. 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. The aim of the exercise should be to use as little productive farmland as possible.
18. 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.

Accommodation works

19. Your Petitioner's 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 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.
20. 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.

Planning consent for replacement buildings and associated dwellings

21. The construction of the Authorised Works will necessitate the demolition of [agricultural buildings], [including farm buildings], [storage facilities], [workshops and manufacturing units], [together with associated dwellings]. Since your Petitioner's core farm business will survive, your Petitioner is likely to want to replace those buildings and the dwellings associated with them. In most cases this will require a full planning application. While the cost of dealing with planning can be factored into the compensation payable by the promoter, the uncertainty over whether an application will be approved and the time delays that can arise if a case goes to appeal can all be very difficult for a business to manage. The development of some agricultural buildings is already permitted development, subject to conditions, including limits on size.
22. 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.
23. 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.
24. 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

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 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

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 Petitioner 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 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.

Signed by Geoffrey Brunt

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of

Geoffrey Brunt

AGAINST,

BY COUNSEL, &c.