

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
NIGEL PETER BELLINGHAM AND SALLY ANN BELLINGHAM

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 Petitioners are the freeholders of Iletts Farm, Northampton Road, Brackley, NN13 7TY which is a commercial farm in Northamptonshire. This includes land identified on HS2 Plan Numbers 2-75 and 2-76 as Property Numbers 16, 17, 23, 25, 26, 27, 29, 34, 36, 40, 42, 47 and 48.
7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners 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. At Iletts Farm land will be acquired both temporarily and permanently. The Petitioners’ home, range of farm buildings, holiday lets and a farm worker’s dwelling will be demolished at an early stage of the construction process to facilitate the

building of the revised A43 dual carriageway and then also for construction of the main line. This will leave the Petitioners without important dwellings on their long established 80 hectare dairy farm, including their family home. Additionally, there will be the severing of the southern farm land away from the remaining farm buildings. Adequate provision needs to be made for the linking the severed land to the main farmstead. This is a livestock farm and it is not practical to move animals and slow vehicles along the very busy A43 dual carriageway. Permanent land take will be for the rail line, whilst temporary land take will be for temporary material stockpiling, a main civil engineering compound (including residential facilities for workers), access plus other works. Such temporary land take must be kept to a minimum to allow the operation of the livestock farm which is reliant on land being available for the grazing of animals, growing of fodder, disposal of farm waste and other associated operations. It is not feasible or practical to use other land within the district which does not directly adjoin the agricultural holding know as Iletts Farm.

8. Your Petitioners' remaining property will be injuriously affected by the provisions of the Bill. Iletts Farm extends 80 hectares, of which approximately 14 hectares is located on the route as identified under the Bill. This includes commercial holiday letting units, an agricultural worker's dwelling, farm yard, access roads, agricultural buildings and the Petitioners' own private dwelling. Although not subject to compulsory acquisition or use, the Petitioners' remaining property will be injuriously affected by the proposals of the Bill. The Property is identified in the Environmental Statement that accompanies the Bill ("the ES") as being affected by Phase One of HS2. There is a well established dairy farming enterprise that must remain viable and profitable during and after the construction period. Adequate compensation for all of the Petitioners' established commercial businesses must be paid during and after construction to ensure the long term, profitability, viability and ease of operation, without any deduction for any potential perceived betterment due to relocation or renewal of the above listed facilities.

9. The parlour and dairy at Iletts Farm are located approximately 300 metres west of the existing A43 dual carriageway and the main access to the parlour and dairy is from the A43 (via the Radstone Road). The Petitioners ask that this route of access remains open at all times for commercial and agricultural vehicles visiting the parlour, dairy and other such buildings at this location.
10. The Bill contains wide ranging powers to enable the Secretary of State to acquire land compulsorily outside the limits of land to be acquired under the Bill for purposes including regeneration and because of the proximity of the Property to Phase One of HS2. Those powers are more likely to be used in relation to Iletts Farm than other property, causing unnecessary blight and hardship to the viable operation of the existing commercial farming business.
11. 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

12. 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 so that acquisition and use of your Petitioners' land, where not used directly for the operation of the road or rail line itself, is on a temporary basis only.
13. 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 for material stockpiling, civil engineering compounds, construction work site and other similar uses that could be on a temporary basis only.

14. 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.

Accommodation works

15. 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.
16. Your Petitioners 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 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.
17. Agricultural land used for the growing of fodder for dairy cattle is susceptible to contamination. Therefore, adequate dust suppression methods must be used during construction to protect agricultural land at Iletts Farm used in grass or other fodder production.

Planning consent for replacement buildings and associated dwellings

18. The construction of the Authorised Works will necessitate the demolition of agricultural buildings, including farm buildings, storage facilities, workshops, silage clamps, plus holiday let units together with associated dwellings. Since

your Petitioners' core farm business will survive, your Petitioners are 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.

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.
20. Your Petitioners propose 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.
21. 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.

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.
23. Compensation for replacement buildings, access roads, yards and gardens must be at reinstatement cost rather than market value. Such compensation must be without deduction for betterment as it is not the Petitioners' fault that their existing buildings, dwellings, access and gardens are being demolished for the proposed scheme.

General

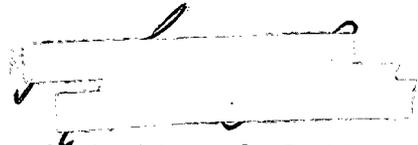
24. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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.



As duly authorised Agent for Petitioners

NIGEL PETER BELLINGHAM

AND SALLY ANN BELLINGHAM

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PETITION

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NIGEL PETER BELLINGHAM

AND

SALLY ANN BELLINGHAM

AGAINST,

BY COUNSEL, &c.

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