

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.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF  
**SIMON JAMES LAWRENCE BERNARD and CLAIRE RIDLEY BERNARD**

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 freeholder of Oatleys Farm, Turweston, Brackley, NN13 5JF which is a commercial farm in Buckinghamshire. This includes land identified on HS2 Plan Number 2-72 as Property Numbers 12, 13, 14, 20, 22, 27, 27a, 36, 38, and 39.
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 Oatleys Farm land will be acquired both temporarily and permanently. Additionally, there will be the severing of two existing vehicle accesses serving commercial and residential property owned by your Petitioners. Permanent land take will be

for the rail line, whilst temporary land take will be for temporary material stockpiling, material processing, access plus other works.

8. Your Petitioners' remaining property will be injuriously affected by the provisions of the Bill. Oatleys Farm extends to 134 hectares, of which approximately 14 hectares is located on the route as identified under the Bill. This includes commercial and 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. Two vehicular access points to the Property are located on A422 Brackley Road and are liable, according to the Environmental Statement that accompanies the Bill ("the ES") to be interfered with both temporarily and permanently, plus is to be used as a route for construction traffic during the construction of Phase One of HS2.
9. 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**

10. Land in the ownership of your Petitioners are 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 is on a temporary basis only unless required except for operation of the actual line.
11. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it in appropriate 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 for temporary material stockpiles and material processing centre.

12. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

### **Accommodation works**

13. Your Petitioners' farm will be severed as a result of the construction of the proposed railway. The route of the proposed railway will remove two existing vehicular access from Oatleys Farm to the A22 Brackley Road. These access ways are designed to take large commercial vehicles up to 44 tonnes and over-sized farm machinery. Alternative arrangements need to be made to adequately replace both of these accesses with one access suitable for purpose. 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. Such a specification might include the width, height, weight limit, passing bays and final surface for a single new driveway suitable for purpose from the highway to the Petitioner's dwelling and buildings. Once agreed, the specification should be binding on the Nominated Undertaker.

14. There is temporary material stockpiling and material processing proposed on land close to the Petitioner's driveway, buildings, garden and dwelling. Your Petitioners proposes to your honourable House that HS2 Ltd should be required to restrict operating hours to those between 7am to 7pm between Monday and Saturday (no working on Sundays or Bank Holidays) on any of the Petitioners' land which is within 50 metres of their driveway, garden, dwelling

or buildings to allow quiet enjoyment of their home and business premises. No access should be taken across the Petitioners' yard, buildings, house or gardens between 7pm and 7am Monday to Saturday, nor at any time on a Sunday or Bank Holiday. This is to allow adequate security, privacy and quiet enjoyment for the Petitioners. Additionally, adequate dust suppression methods must be used during construction to protect this same land.

15. The Petitioners operate a commercial business that requires access by heavy good vehicles of up to 44 tonnes in weight to travel to and from the entrance of their property to and from Brackley via the A422. This is for a long established business with time-critical deliveries. Your Petitioners proposes to your honourable House that HS2 Ltd should be required to ensure that the proposed temporary diversion of the A422 as shown in 'The ES' is designed to be accessible by heavy goods vehicles of up to 44 tonnes travelling directly to and from Brackley when entering and exiting from the driveway of the Petitioners Property. The design at present does not appear to facilitate such a requirement. It is also unclear whether the design of the permanent road layout facilitates direct access onto the A422 towards Brackley by such heavy goods vehicles of up to 44 tonnes. HS2 will undertake that it will, at a very early stage, seek to agree with your Petitioners a suitable road layout during and after the construction. The design plus specification, once agreed, will be binding on the Nominated Undertaker.

#### **Severance and hedgerows**

16. 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.

17. Your Petitioners propose 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**

18. 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. Any betterment that might result from accommodation works or other similar works that may be seen as an improvement must be ignored.

### **General**

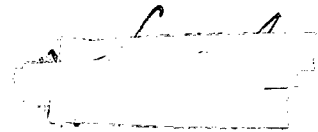
19. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 the Petitioners **SIMON JAMES LAWRENCE BERNARD**

and **CLAIRE RIDLEY BERNARD**

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P E T I T I O N

of

**SIMON JAMES LAWRENCE BERNARD**

and

**CLAIRE RIDLEY BERNARD**

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AGAINST,

BY COUNSEL, &c.

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