

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013 – 2014

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

PETITION OF Jacqueline Mary Owen and Roger James Beck Brown

Against the Bill – on Merits – Praying to be heard by Counsel. &c.

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### **PETITION**

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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 Jacqueline Mary Owen and Roger James Beck Brown

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill” has been introduced 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 together with Schedules 1-26 set out the Bill’s objectives in relation to the construction and operation of the railway system mentioned in paragraph 1 above. They include provision for the construction and maintenance 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 and street works and the use of lorries.
4. Clauses 37 to 42 of the Bill, together with Schedules 27-28 deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill together with Schedules 29-31 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 Jacqueline Mary Owen whose address is Mill Farm, Mill Lane, Westbury, Northamptonshire NN13 5JS and Roger James Beck Brown whose address is Tibbetts Farm, Church Lane, Mixbury, Northamptonshire NN13 5RP, trading as Owen Farms (Westbury) Limited. Mill Farm, Mill Lane, Westbury, Northamptonshire NN13 5JS. Collectively your Petitioners own and farm some 1,924 acres between the villages of Mixbury and Westbury, Northamptonshire. The estate includes two substantial houses, farm buildings, cottages and agricultural land. The Promoters propose to acquire 103.70 acres of Tibbetts Farm and Mill Farm returning 57.03 acres following construction.
8. Your Petitioner’s rights, interests and property are injuriously affected by the Bill to which your Petitioners object for reasons amongst others hereinafter appearing.
9. Your Petitioner’s have listed below their serious concerns regarding the operation of the rail line for reasons relating to noise and visual blight, the loss of valuable agricultural land and injurious affection to their freehold interest.
  - 9.1 **Noise** - Your Petitioners are extremely concerned about the substantial interference from noise and vibration that the rail line will have on Tibbetts Farmhouse and the subsequent quality of life. The noise and vibration will significantly and negatively impact on your Petitioners quality of life which is likely to cause stress, sleep deprivation and subsequent health issues. Your Petitioners respectfully request the rail line is constructed in a deeper cutting and/or moved further from your Petitioners property. Your Petitioners also respectfully request the erection of substantial acoustic fencing along relevant sections of the rail line to reduce the interference from noise.
  - 9.2 **Visual Blight** – Your Petitioners are also extremely concerned about the visual impact the rail line will have on their estate. Mixbury and Westbury will experience significant adverse visual (and noise) affects due to the fence barriers, trains, overhead line equipment and a viaduct. This will permanently blight the rural character of your Petitioner’s Estate and this will, in addition, forever reduce the value of the Petitioner’s freehold interest and their quality of life. Your Petitioners respectfully request the rail line is constructed in a deeper cutting where it passes through the Mixbury area and that substantial acoustic fencing is erected along the relevant lengths of the rail line together with landscaping measures to comprise tree planting.
  - 9.3 **The unnecessary loss of agricultural land** – All references to plan number relate to those within the Environmental Statement.
    - 9.3.1 With regard to plan numbers CT-05-062 and CT-06-062; your Petitioners have planning consent to build a grain store within Tibbetts Farm yard on land affected by the rail line. Your Petitioners are investigating the possibility of moving the grain store 15-20m so as to avoid the working area. Your Petitioners respectfully request the costs of reapplying for planning consent to construct the grain store

are met by the Promoters as previous requests for them to do so have been declined

9.3.2 East of the proposed line on plan no. CT-05-062, is illustrated a track to the Tibbetts Farm auto transformer station which will also serve your Petitioners land. Your Petitioners asked for the specification of that track at your Petitioners most recent meeting with the Promoters on the 20<sup>th</sup> January, they again raised this question and have been promised greater detail but to date they have not received it. Your Petitioners respectfully request the Promoters provide the information previously requested.

9.3.3 With reference to plan CT-06-063, a balancing pond is illustrated; rectangular in shape south-west of the proposed line, south of the River Great Ouse and north of the disused railway line.

The balancing pond is designed to drain the proposed embankment which, with respect, is to be constructed of local soils porous in nature; your Petitioners therefore respectfully question the need for this balancing pond which takes up valuable agricultural land and is an unnecessary maintenance obligation in perpetuity. Your Petitioners respectfully request that the balancing pond is deleted from construction plans thus avoiding the unnecessary loss of agricultural land.

9.3.4 A bridge is illustrated on plan CT-05-063 north of Tibbetts Farm, crossing the proposed line which is described as Bridleway 303/4 overbridge. With respect, it is essential that the bridge is of a suitable specification capable of taking agricultural equipment including combine harvesters; bearing in mind Owen Farms Limited farm both the land comprising Mill Farm, Westbury and Tibbetts Farm. Your Petitioners have not been informed of the specification despite requests. Your Petitioners respectfully request that the specification of this bridge is such that it is able to carry all types of agricultural machinery.

9.3.5 Access for agricultural machinery is also required under the proposed viaduct and while none has been illustrated on any of the plans illustrated at your Petitioners most recent meeting with the Promoters, your Petitioner's received verbal assurances that access would be possible but to date your Petitioners have not received written confirmation that that is the case. With respect, clear access for agricultural purposes is required and your Petitioners respectfully request that agricultural access is provided suitable in width and specification as previously requested from the Promoters.

9.3.6 With reference to plan no. CT-06-064, your Petitioners question the need for the provision of the balancing pond shown south-west of the proposed rail line designed to drain an embankment which would be put to agricultural use were it not for the proposed balancing pond and boundary ditch. Your Petitioners respectfully request that both these items are deleted from the construction plan. Your Petitioners similarly respectfully question the need for the balancing pond illustrated east of the proposed line bearing in mind the soils are porous in nature.

9.3.7 Mr Mark Edmund Beck Brown of Field Burcote Farm, Duncote, Towcester, being the brother of Roger James Beck Brown and son of Mrs Jackie Owen, has submitted comments to the Promoters regarding the relocation of some proposed hedgerow planting to land in your Petitioners ownership just west of the village of Westbury. Your Petitioners have no objection to Mark Brown's proposal and

respectfully suggest it would seem a more sensible position to have the hedgerow planting against the new inner roadway and thus provide greater screening for the village of Westbury.

- 9.3.8 Your Petitioners note from construction drawing CT-05-062 in the Environmental Statement that the route for construction traffic is along the road known as Featherbed Lane which passes in close proximity to Tibbetts Farm and is indeed a route your Petitioners would use often on a daily basis.
- 9.3.9 Your Petitioners note from Section 12.4.13 of the Environmental Statement, that Featherbed Lane would be closed for a temporary period of 12 months resulting in a diversion of approximately 4.57 miles via Fulwell Road, Valley Road, Mere Road, Sandpit Hill and the A421 London Road causing your Petitioners significant inconvenience and disturbance which would result in a large disturbance claim. Your Petitioners respectfully request whether it is possible for them to have access along Featherbed Lane for agricultural purposes during the construction period of the rail line.
- 9.4 Your Petitioner's would respectfully record their disappointment at the need to petition against the Bill but this is due to the inadequacy of the Promoter's efforts to properly consider an adequate mitigation plan with your Petitioner's before the Bill was deposited. Your Petitioner's have engaged with the Promoters for a number of years in good faith to identify various solutions to the serious impacts on their Estate but have not received responses from the Promoters.
- 9.5 Your Petitioner's feel dismayed and frustrated at the lack of consideration shown to them by the Promoters.
10. For the foregoing and connected reasons your Petitioner's respectfully submit that unless those clauses of the Bill referring to the proposed construction of HS2 as it affects Owen Farms are removed or amended then the Bill should not be allowed to pass into law.
11. There are other clauses and provisions of the Bill which if passed into law as they now stand will prejudicially affect your Petitioner's and their rights, interests and property for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONER'S therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he may be heard by 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 provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

.....  
R J B Brown

.....  
Mrs J M Owen