

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013 - 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

Against – On Merits – 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 PATRICK DONNELLY

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 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", "the Proposals") 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 Petitioner is Patrick Donnelly (hereinafter referred to as 'your Petitioner'), the owner and occupier of 2 Warren Farm Cottages, Banbury Road, Finmere, MK18 4AJ ('the Property').
8. Warren Farm is a community of eleven homes made up from the original farm house, cottages and converted farm buildings. The Property is about 250 meters from the centre of the line, located close to where the railway will intersect the A 421, a mile and a half west of Finmere. Your petitioner is especially concerned about the access drive to the property from the A421. As well as the eleven houses already mentioned, the access drive serves some horse paddocks and arable farmland. It will be cut off by HS2.
9. Your Petitioner's rights, interests and property will be injuriously affected by the Bill to which your Petitioner objects for reasons amongst others hereinafter appearing.
10. The A 421 is a busy road with traffic passing by at 60 mph. The current access point came as a condition of Planning Permission CHS.390/88 granted by Cherwell District Council in July 1988. It meets the road at a point where there is good visibility in both directions to facilitate joining the road safely.
11. The bill is proposing to relocate the drive back to where it was before the planning permission. It was deemed to be unsafe then and if anything it would be even less safe now because of increased traffic volumes. With the bill as it stands, visibility would be reduced even further by the crest in the road created where the A 421 rises to bridge the line.
12. Your Petitioner believes that the current proposal for access to Warren Farm creates risks to road safety and requests that HS2 ltd be instructed to re-asses the plans with due regard to Planning Permission CHS.390/88 granted by Cherwell District Council.
13. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
14. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioner 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c

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SIGNED Patrick Donnelly

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AGAINST, By counsel, &c

Patrick Donnelly, _____
