

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – [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:

THE WILLS ESTATE, THE TRUSTEES OF THE EDGCOTE CONSERVATION TRUST, THE TRUSTEES OF THE MCJ TRUST and THE TRUSTEES OF THE NEWHALL No. 2 TRUST (Together known and referred to as THE EDGCOTE ESTATE)

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 (referred to in this Petition as the Promotor).
3. Clauses 1 to 3 of the Bill combined with Schedules 1 to 4 provide for that content relating to the proposed works in construction and maintenance including a schedule of the works and highway matters.
4. Clauses 4 to 18 of the Bill, along with Schedules 5 to 15 contain the prescriptions for compulsory acquisition, the temporary use of land for the duration and the access issues with creation or amendment of public rights of way. Compensation consideration is also deliberated within these Clauses.
5. Clauses 19 to 36 of the Bill, and Schedules 16 to 26 make reference to the planning requirements and measures throughout the process, to include the deregulation of permanent site specific features. The controls and measures to be adhered to for such things as water, listed buildings, noise, trees and local legislation.
6. Clauses 37 to 42 of the Bill, together with Schedules 27 to 28, provide for matters in connection with the railway, such as the disapplication of licencing requirements and of existing statutory procedures. The current asset ownership of the railways affected and their usage for the forthcoming scheme together with the undertaking of these.
7. Clauses 43 to 65 of the Bill, including Schedules 29 to 31, encapsulate the remaining matters and miscellaneous provisions comprising detail on the statutory undertakers, the compulsory acquisition of land for regeneration or relocation, reinstatement

works; and the application of regulations such as Environmental Impact Assessments.

Your Petitioners and their Estate

8. Your Petitioners are the Wills Estate, the Trustees of the Edgcote Conservation Trust, the Trustees of the MCJ Trust and the Trustees of the Newhall No. 2 Trust (together known and referred to as The Edgcote Estate).
9. Your Petitioners own the Edgcote Estate near Banbury, Oxfordshire.
10. The total area of the Estate comprises 750 hectares (1,853 acres) situated within the parish of Chipping Warden and Edgcote.
11. The Estate comprises:
 - a. Edgcote House, a Grade 1 Listed property, which was built between 1748 and 1754 by William Jones and now remains the private residence of Mr and Mrs David Allen.
 - a. 37 residential dwellings
 - b. Extensive gardens, stable courtyard, offices, outbuildings and lakes fed by the River Cherwell;
 - c. Extensive parkland providing grazing for livestock
 - d. The 13th Century St James Church
 - e. The Edgcote Estate farm, comprising approximately 1,853 acres of land farmed by the in-hand arable business, producing a range of high quality combinable crops;
 - f. Woodland, comprising both ancient woodland and new plantations used for amenity purposes as well as to support the Estates sporting enterprise;
 - g. Various commercial equestrian enterprises providing top class training facilities for over 160 horses at any one time;
12. The Estate is predominantly a commercial farming operation with a number of other enterprises carrying on alongside, including residential property letting, equestrian training facilities, (in-hand and let), forestry and sporting activities.
13. Your Petitioners' Estate is identified in Schedule 5 on Sheet No. 2-84 and 2-85 in the District of South Northamptonshire, Parish of Chipping Warden and Edgcote. Various areas are materially and detrimentally affected by the Bill including agricultural land, equestrian training facilities, commercial premises, residential properties, woodland, hedgerows, watercourse diversion, loss of private water supplies, public and private rights of way.
14. The provisions of the Bill therefore have a seriously adverse impact on the whole, and parts of the holding which provoke your Petitioners to object to the Bill and its provisions. They would be willing to prove that they and their property interests are injuriously and prejudicially affected by the Bill for the reasons herein contained but not limited to.

Your Petitioner's Concerns

Trafford Bridge Viaduct

15. The fundamental concern of your Petitioner is that of the proposed viaduct due to be sited directly in the line of sight from Edgcote House and that impact upon the visual setting, residential enjoyment and the diminution in value upon the Estate as a whole resulting from the proposed scheme.
16. As highlighted within the Environmental Statement, while it appears that some effort has been made to mitigate the impact on Edgcote House through a number of tree planting proposals to provide screening, your Petitioners feel that these will not be sufficient to completely mitigate impact caused by the construction and use of the line in future. Regardless of any planting, the proposed Trafford Bridge viaduct is likely to be seen from various parts of the Estate including, Edgcote House. The future impact upon the cultural heritage of the house, parkland and Estate in general remains a key factor in the consideration of extenuation measures.
17. Your Petitioner would like to be fully engaged from the outset on various measures such as tree planting, the location of these, species, age and ownership and where possible if these can be started sooner rather than later. Your Petitioner would like assurance that if they undertake to progress such planting in the short term then they will be fully compensated for the costs incurred, the diminution in the land value resulting from the change of use of land and that any works undertaken by them will not prejudice the ability to claim compensation for injurious affection to any part of the property in due course.
18. The viaduct construction and subsequent operation will be a permanent and substantial imposition upon the landscape and for residents and rural businesses. The detrimental impact upon the equestrian use of the Estate will be severe in the short term but will continue to have longer lasting impact resulting in the likely loss of training facilities which your Petitioners would like confirmation will be properly addressed during compensation negotiations.
19. The proximity to the holding known as Blackground's Farm has significant implications on the current and future use of the holding including the capital value. The current tenants will be unable to continue their operations from here and the future letting potential is put in great jeopardy, perhaps rendering it unviable altogether. Your Petitioner would like to engage in discussions over how this will be dealt with and compensated.

Land Take

20. Your Petitioner would like to remove temporary land being compulsorily purchased, utilised and then handed back to the landowner on a "right to first refusal" basis under the Crichel Down Rules as and when construction has been completed. This process is deemed unfair and irrelevant for these circumstances and an additional complication in an already arduous process.

21. Where the land is not required for the permanent use of the railway or associated works then the land should not be compulsorily acquired. If a temporary use is only required, then short-term access or possession arrangements would be more welcome. The unnecessary purchase of land which is surplus to the railways requirements will cause superfluous disruption and aggravation to your Petitioner and concerns over the repossession of that land upon completion of the works. There are uncertainties as to whether the land will be conveyed back to them, the condition and the cost and tax implications amongst other things.
22. Your Petitioners would be more willing to enter into a licence arrangement on the land temporarily required. This option will better protect your Petitioners interest, will provide some income to the Petitioners for the duration, whilst protecting them from the uncertainty in restoration and reinstatement.
23. Where severance of land occurs or where land is permanently retained by HS2, you Petitioner requires that future ownership and management of the land should be agreed with them from the outset to safe guard future use and respect contiguous management.
24. The Petitioners would like to engage in proactive discussions prior to commencement for an active involvement in the mitigation, restoration and boundary decisions to ensure the provision of proper access, cohesion with the landscape and management ease going forwards.

Construction Movements

25. Your Petitioner objects to the usage of the Edgcote Lane for heavy and constant vehicular movements as this lane is not suitable for this type of traffic. Not only will it increase the pressure on the village and Conservation Area but will also destroy the use of the surrounding land and facilities for racehorse training and also the movement of agricultural machinery.

Compensation

26. In respect of the compulsory acquisition of your Petitioners' land and other matters contained within the process, it is a concern that this does not adequately cover or provide for full and fair compensation for the land loss, diminution in value on Edgcote House and damage and disturbance that results from the construction of the proposed scheme.
27. Your Petitioner has grave concerns over the protection of the capital value of Edgcote House and the wider estate and seeks engagement on this matter.
28. Your Petitioners would like guidance on the ability to reclaim costs for your Petitioners and their advisors time in the reorganisation of assets and restructuring of the holding as a direct result of the proposed works, to include the loss of future income for the various enterprises operated on the holding.
29. Where land is taken to facilitate construction of the viaduct, this is likely to jeopardise the viability of the businesses operated at Trafford Bridge Farm and your Petitioners seek certainty that this type of loss will be fully accounted for when compensation provisions are considered.

Disturbance

30. Your Petitioner objects to a seven day and night time schedule of construction. In particular, due to the nature of the equestrian enterprises operated on the Estate continual construction workings will have significant implications and will be likely to render these operations unviable at both Blackgrounds Farm and Trafford Bridge Farm.
31. There are general concerns about the impacts from noise, visual, vibration and light pollution resulting from both the construction and subsequent use of the line which have not been adequately addressed and will directly affect the Estate as a whole, both operationally and residentially. The concentration of equine housing and training facilities on the Estate is a serious concern as young, highly strung horses do not react well to disturbance and disruption. The proposed scheme may well render many of the existing facilities unusable.
32. Your Petitioners are concerned that the Bill does not cover in enough detail, if at all, the means for compensating your Petitioners for such disturbance, which will remain for the long term.
33. Your Petitioner requests that the nominated undertaker be bound by the Code of Construction practice in order to regulate their workings and engages with your Petitioners on the ground in order to maximise mitigation potential, limit environmental impact and reduce potential problems from the outset.
34. It is felt that the 50db baseline for noise mitigation is set too high considering the quiet rural location of Edgcote Estate. The area promotes a quiet and natural soundscape which will be adversely and permanently affected with the development of the railway. There is little information on the additional impact that the viaduct will have, both in wet and dry conditions based upon the sheer quantity of concrete that is being used in its construction – noise levels will differ considerably in different conditions.

Conclusion

35. Your Petitioners express the concerns that the Bill does not adequately recognise the historic and conservation importance that Edgcote Estate provides at both local and national level.
36. For the foregoing reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.
37. This Petition does not cover all the Clauses and provisions within the Bill, and is by no means an exhaustive or exclusive document. The Petitioners reserve the right to raise the above matters and any further matters relating to the substance of the Hybrid Bill, this Petition and any other problems relevant to your Petitioner's express concerns that may occur in due course and prior to representation before the Select Committee.

YOUR PETITIONERS 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 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.



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Agent for:

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PETITION OF THE EDGCOTE ESTATE

AGAINST the Bill – On Merits - By Counsel, &c.

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