

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:

MR AND MRS DAVID FRUSHER

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 Promoter).
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

8. Your Petitioners are Mr and Mrs David Frusher (herein referred to as "Your Petitioner"). Your Petitioner has been the freehold owner of the property Manor Farm, Blacksmith's Lane, Aston Le Walls, Northamptonshire, NN11 6UN since 1998.
9. The property comprises a substantial Grade II Listed Manor House, outbuildings, renovated ancillary buildings, (modern and traditional), lakes and 62 hectares, (155 acres), of land comprising permanent pasture, mixed species woodland and game cover.
10. The holding supports a successful lowland pheasant, partridge and duck shoot which is run in conjunction with two other neighbouring farms, also affected by HS2.
11. Your Petitioner's Estate is identified in Schedule 5 on Sheet No. 2-86 and 2-87 (in the District of South Northamptonshire, Parish of Aston Le Walls) on the plans deposited with this Bill. Various areas are materially and detrimentally affected such as agricultural land, woodland, hedgerows, watercourse diversion, main farm access and highway access routes as well as significant impact on the residential dwelling and ancillary buildings.
12. 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 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 Petitioners' Concerns

Land Take

13. 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 only is required, then short-term access or possession arrangements should be taken. 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, in what condition, the cost and tax implications amongst other matters.
14. 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 Criche Down Rules as and when construction has been completed.
15. Instead, your Petitioners would welcome temporary land take to be negotiated by way of licence to provide a form of income to the Petitioner for the duration, to protect their interest and to mitigate uncertainty associated with the restoration and reinstatement. This also resolves the landowner losing the legal Title.
16. Where severance of land occurs to the Petitioners' holding resulting in the retention of land by the Acquiring Authority, they specify that future ownership and management of the land should be agreed with them from the outset.

17. 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 cohesion with the landscape, farmed area and management going forwards.

Acquiring Authority Infrastructure

18. It is proposed that certain infrastructure be located on your Petitioners' land following completion of the works to include an Auto-transformer station and compound area along with a surfaced track to provide access to these from the public highway.
19. The current proposal is for these to be located to the east of the proposed route and your Petitioner has raised his concerns as to this proposal in his Consultation Response to the Environmental Statement suggesting that this infrastructure might be moved to the west of the route so as to reduce land loss and to minimise future disturbance on the dwellings and the village to the east.

Disturbance

20. Your Petitioner has significant concerns about the disturbance likely to be caused to their use and enjoyment of the holding during both the construction phase and subsequent use and seeks engagement with the Acquiring Authority on how disturbance will be mitigated.
21. In particular there will be significant traffic, major excavations and spreading of spoil arising from the proposed green tunnel across your Petitioner's land and at present there is insufficient information available as to timing, process and mitigation measures relating to these works.
22. Your Petitioner is also concerned that sufficient measures should be put in place to mitigate noise disturbance caused where trains access / exit the tunnel located on their land.

Compensation

1. In respect of the compulsory purchase of your Petitioners' land and other matters contained within the process, the concern that this does not adequately cover and provide for full and fair compensation for the land loss, damage, and disturbance and inconvenience that results from the construction of the proposed scheme.
2. Your Petitioners would like clarification upon reclaiming time spent by themselves and their Advisors in engaging with and consulting the Acquiring Authority, in the reorganisation of farming operations and other costs incurred from the restructuring of the holding as a direct result of the proposed works and on compensation provisions for the loss of value for such interests as the sporting.
3. Where land is taken thus reducing the retained operating area which will impact upon the efficiency of farming operations. As such it jeopardises the financial viability of the business and your Petitioners would like the security that this type of loss will be fully accounted for when compensation provisions are considered.

Conclusion

4. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as affecting your Petitioners, the Bill should not be allowed to pass into law.
5. This Petition does not cover all the Clauses and provisions within the Bill, and is by no means an exhaustive 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.

Mark Juniper MRICS FAAV
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Agent for:

MR AND MRS DAVID FRUSHER

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