

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.

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

THE HUMBLE PETITION OF JAMES HENRY KING

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 petitioner is along with his mother the freeholder of Cowley Farm, Preston Bissett, Buckingham which is a farm in Buckinghamshire. The farm extends to 429 acres and has been run by the King family since your Petitioner’s grandfather moved to Preston Bissett in 1940. The proposed railway will cut through three fields at the southern end of the farm and two fields will end up on the other side of the railway from the main farm. One of these fields is to be compulsorily purchased and used to create grassland habitat as an ecological mitigation area.
7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner 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.

8. Your Petitioner and his rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

9. Land in the ownership of your Petitioner is 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 Petitioner is unsure why that is. Your Petitioner 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 Petitioner's land is on a temporary basis only.
10. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.
11. An area of mitigation has been proposed on our land. It is a 13.1 acre field that your petitioner known as 'Top Meadow'. It is on the southern side of the disused Great Central Main Line (GCML) and it is proposed that it be linked with the area currently occupied by the disused railway plus the bottom part of a field to the north through which the new railway will run. This will form an area of ecological mitigation which is supposed to enhance and expand the existing ecological habitat of the former GCML which your petitioner's family has maintained since they bought it over 25 years ago. This area of ecological mitigation is meant to help meet the Schemes overall objective of 'no net loss' of ecological habitat. It is a strange logic that places greater importance to having 'no net loss' of ecological habitat than on the loss of prime farmland. As the world population increases and with the UK not being self-sufficient in

even food we can produce in this country the loss of productive agricultural land needs to be minimised as much as possible. After construction, there will be many fields and part fields that will be rendered useless for modern agricultural purposes due to their size and shape all along the line. They should be used to mitigate any ecological losses rather than entire fields. Additionally, Top Meadow is only one of two fields (the other being the field below it nearer Twyford Mill known as 'Bottom Meadow') that we own on the opposite side of the new line from our main farm holding. Both fields are grass and are run together in winter as Bottom Meadow regularly floods over most of its area. The higher Top Meadow enables animals to retreat from the floodwater to safety. Without Top Meadow, Bottom Meadow would become unusable for large parts of the year as it would be too risky to graze animals there. Your petitioner also feels that a disproportionate amount of land is being taken from us for ecological mitigation compared to others locally. Our farm is not big yet we will be suffering a disproportionately larger loss of land than many others in similar circumstances who have the railway routed through them. It is an accepted fact amongst farmers that although we will be compensated for losses, trying to replace land will be hard as everyone up and down the line will be trying to do the same thing forcing land prices in the locality artificially high. If the land is used for ecological mitigation, the future management of land is also an issue. HS2 Ltd has said that it will ensure provision of on-going management of all compensatory habitat creation, either directly or through suitable legal and financial agreements with third parties/landowners. They have stated that grassland habitats will need to be maintained or will quickly fall in to scrub, so we have been told that it is likely that we will be able to continue to use this area for grazing. This provides a small measure of reassurance but is contradictory, if we can graze it, will it really be providing much ecological mitigation - how will it be any different from a normal grass field? Your petitioner fears that HS2 Ltd has done insufficient research on Top Meadow. Although close to Padbury Brook and nominally a meadow, the field was drained in the 1970's and has been farmed using modern techniques ever since including large periods growing cereals. It

is currently sown to grass as part of the farm's crop rotation but will soon be returned to arable cropping. Your petitioner has recent experience of the Countryside Stewardship scheme where for the last ten years we were paid to convert Bottom Meadow (which since the 1970's has had the same management as Top Meadow) plus another field to a 'reversion meadow'. The aim was to re-create habitats that exist in traditional water meadows. Unfortunately these take many centuries to evolve and it has proved impossible to artificially replicate the habitat successfully and quickly so we have now had to abandon the process. Your petitioner fears that HS2 Ltd will try a similar procedure on Top Meadow with likely similarly unsuccessful outcome. The end result is a field with very little ecological or agricultural use making the whole project an expensive waste of time, effort and land. It would be far better for HS2 Ltd to concentrate ecological mitigation on areas that are rendered unusable for farming and allow unaffected, unneeded whole fields to continue to be farmed as they currently are.

Maintenance of bunds and made-up ground

12. It is clear from the draft Environmental Statement that there will be significant lengths of bund, made-up ground, "sustainable placement" and ground reprofiling alongside the proposed railway, much of it on good quality agricultural land.
13. In your Petitioner's submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in that way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

Accommodation works

14. Your Petitioner's farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points in particular are matters of significant importance for your Petitioner. Well-

designed accommodation works which meet your Petitioner's 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 Petitioner. That would help to mitigate the impact of the scheme. For crossing points, such a specification might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker.

15. Your Petitioner proposes to your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with your Petitioner a suitable specification for accommodation works where they are required as a result of the construction of the Authorised Works, and that the 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 Petitioner's 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 Petitioner proposes 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

Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

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 Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

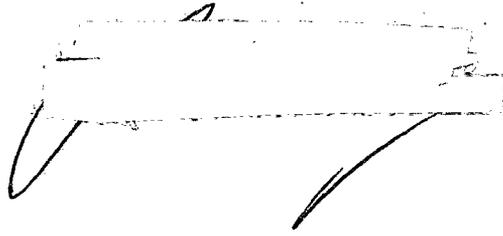
YOUR PETITIONERS THEREFORE HUMBLY

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.

Signed



JAMES HENRY KING

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

of

James Henry King

AGAINST,

BY COUNSEL, &c.

James Henry King

Tel. 