

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 THE TRUSTEES OF THE 8TH
EARL SPENCER'S FAMILY SETTLEMENT

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 Petitioners are the trustees of the 8th Earl Spencer's Family Settlement, and are the freeholders of land at Wormleighton and Stoneton in the county of Warwickshire known as the Wormleighton Estate. The land comprises Stoneton Moat Farm, Wormleighton Hall Farm and Cottages in the village of Wormleighton together with Wormleighton Manor House.

The plots of land shown in the Book of Reference in which your Petitioners have an interest are 4, 5, 6, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 32, 33, 34, 35, 41, 45, 47, 48, 50, 51, 52 and 57 in the parish of Wormleighton and 1, 3, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 16a, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28 in the parish of Stoneton.

7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, 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. The Hybrid Bill shows works 2/132 (Road), 2/132B (Road), 2/133 (Railway), 2/134 (Footbridge), 2/134a (Watercourse), 2/135 (Access Road), (Railway and 2/136 (Temporary Bridge) crossing your Petitioners' land.
8. The railway will cross your Petitioners' land in cutting, partly on level ground and partly on embankment, with earth bunding to either side in places. There will be a road diversion. The effect of this and the construction of the railway will be loss of land and severance of land.
9. Your Petitioners and their rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

10. Land in the ownership of your Petitioners 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 Petitioners are unsure why that is. Your Petitioners may seek to enter into an agreement with the promoter of the Bill that the extent of compulsory purchase should be limited both geographically and so that acquisition and use of as much as possible of your Petitioners' land is on a temporary basis only.
11. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it inappropriate for the Bill to contain compulsory purchase powers in respect of their land when the nominated undertaker's requirement is for a temporary use only. The plans submitted within the Environmental Statement show land being taken for landscape earthworks, landscape mitigation planting, a balancing pond and access tracks.

12. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their land, and are concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.

Line of the Railway

13. The proposed line of route heading north west from the end of the proposed Boddington to Wormleighton cutting rises onto an embankment to allow the line to cross the Oxford Canal on a viaduct. Substantial engineering earthworks have been positioned either side of the railway to provide visual screening of the railway, such earthworks require a significant land take from your Petitioners.
14. Your Petitioners understand that The Canal and Rivers Trust has put forward proposals for the railway to remain in cutting at this point, tunnelling under the Oxford Canal. Your Petitioners support these proposals on the basis that it will reduce the effect of the railway on your Petitioners' land and on the surrounding area.

Banbury Road/ Stoneton Lane/ Claydon Road Junction

15. HS2 Ltd have redesigned the Banbury Road junction to Stoneton Lane and Claydon Road to allow construction of the railway.
16. Your Petitioners understand that Warwickshire County Council have put forward their own design for the realigned road junction and support this design over that put forward by HS2.

Inappropriate mitigation measures on farmland

17. Substantial landscape planting and landscape earthworks have been designed either side of the railway on your Petitioners' land. Your Petitioners understand that these works are designed to integrate the railway into the landscape but believes that the size of the landscape work is in excess of

reasonable requirements thus requiring greater land take than should be reasonably necessary. Your Petitioners would like the areas of the landscape works reduced.

18. A balancing pond has been designed in a location on your Petitioners land between the proposed railway, realigned bridleway SM116 and the Oxford Canal. The size and position of the balancing pond requires a significant amount of land in agricultural production to be removed from such production. Your Petitioners request that the pond be reduced in size and to be redesigned to follow the line of the railway or the canal in such a way that it reduces the effect on the agricultural land around it.

Maintenance of bunds and made-up ground

19. 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. As described in paragraph 17 (above) a large area of your Petitioners' land is to be lost to these areas.
20. In your Petitioners' submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker 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

21. Your Petitioners' land 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 Petitioners. Well-designed accommodation works which meet your Petitioners' 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 Petitioners. 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.

22. Your Petitioners propose 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 Petitioners 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.
23. Your Petitioners are concerned that once the railway is constructed, it would provide an opportunity for the Nominated Undertaker to require ransom value in cases where adjoining landowners like your Petitioners wish to construct bridges or place other infrastructure over or under the railway. This practice has been applied for many years by Network Rail and its predecessors. Your Petitioners ask your honourable House either to require an undertaking from the Promoters or to amend the Bill to the effect that the practice will not be allowed in respect of the proposed railway and that your Petitioners or any of their successors in title shall be entitled to call for the grant of a right, at no cost, enabling them to construct any structures, culverts, pipes, conduits, wires and other media over or under the railway as shall reasonably be required to service any retained land.

Temporary Construction Works

24. Plans published show temporary construction access roads and construction compounds close to or across your Petitioners' land.
25. Your Petitioners understand that Wormleighton and Stoneton Parish Councils together with Philip George Michael Robinson and George Michael Robinson have put forward representations in connection with these matters which they support.

26. Closure of the roads in this area for construction work will have a significant impact on your Petitioners' agricultural tenants due to restricted access for agricultural traffic. Your Petitioners support the representations made by Philip George Michael Robinson and George Michael Robinson in this regard.

Severance and hedgerows

27. The severance of agricultural land by such a long linear scheme will result in some of your Petitioners' 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.
28. Your Petitioners propose to your honourable House that the 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 for the purposes of HS2.

Rabbit and deer fencing

29. Your Petitioners are concerned that the problems associated with rabbits and deer may increase as a result of the construction of the railway, and request that provision be made in the Bill or a commitment given by the Promoters that rabbit and deer fencing will be installed at appropriate places agreed with your Petitioners for the protection of the Estate.

Compensation, generally

30. 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

31. 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.

Sharpe Pritchard LLP

Agents for the Trustees of the 8th Earl

Spencer's Family Settlement

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AGAINST,

BY COUNSEL, &c.

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