

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

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 (1) MR JOHN MINSHULL AND
(2) MRS SHEILA MINSHULL

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. 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 ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioners are Mr John Minshull and his wife Mrs Sheila Minshull of Chase Farm, Birmingham Road, Kenilworth, Warwickshire, CV8 1PT. 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.
8. Your Petitioners are farmers of land at Ladbroke Grove Farm, between Ladbroke and Southam in South Warwickshire, just east of the village of Ladbroke and the A423 running south from the village of Southam. The farm currently extends to some 200 acres of pasture and woodland and includes a farmhouse, bungalow and range of steel portal frame buildings.

Severance

9. The proposed route of the railway would sever the farm leaving approximately a third to the west and two thirds to the east. The foot of the embankment supporting the railway would be very close to the farmhouse and buildings. The overall length of the railway through the farm would be approximately 1km.
10. Approximately 20% of the farm will be lost to the proposed scheme and there will be other serious effects associated with severance, injurious affection and difficulties of access, none of which have been addressed by the Promoters of the Bill ("HS2").
11. Although under the powers of the Bill, the Nominated Undertaker would have powers to divert the main road access to the farmhouse and buildings on the east, the land on the west side of the railway will potentially be severed from the rest of the farm because there appears to be no adequate linkage between it and the eastern portion. HS2 have been provided by your Petitioners with suggested methods of improving access and mitigating loss, but to no avail.

Woodland

12. Extensive woodland habitat creation and landscape mitigation planting have been proposed on your Petitioners' land. This further increases the loss of land which is capable of being farmed. Your Petitioners have made suggestions to HS2 which would result in some of the proposed planting being carried out more efficiently in terms of land take.. Again, these suggestions have not been taken up. Furthermore, it is not clear how these areas of planting are to be managed in the future or indeed how access to them is to be undertaken and your Petitioners seek undertakings from HS2 regarding these matters.

Ditches

13. Substantial drainage ditches are proposed to be constructed on either side of the railway. The question of who will be responsible for the maintenance of the proposed ditches needs to be clarified. Furthermore, the creation of open ditches like those proposed restricts further the ability of your Petitioners to farm their land as a single unit. Your Petitioners have proposed that sections of the ditches should be piped and

stoned to ensure that more of the land will be able to be farmed after completion of the works, and therefore mitigate the claim.

Water Supplies

14. As mentioned earlier, the land to the west of the proposed railway will be severed. It is not clear how water and other services will be taken from east to west from the main farm during and after the construction of the works.
15. Your Petitioners seeks undertakings from HS2 about how this issue will be dealt with, and requests that the Nominated Undertaker should be required to provide service conduits underneath the railway for future service provision, both at the time the railway is constructed, and in the future, at no cost, if reasonably requested by your Petitioners or its successors in title.

Ladbroke Farm Accommodation Overbridge

16. Your Petitioners have sought undertakings from HS2 on the specification attached to the proposed accommodation overbridge that forms part of the Scheduled works and which will service your Petitioners' farm. Your Petitioners request that the bridge must meet their reasonable specifications, including specifications as to weight limit and width. The bridge will need to take agricultural machinery with a minimum weight of 45 tonnes and will need to have a minimum width of 6.5m. Undertakings from HS2 are sought to that effect. Also, your Petitioners seek a commitment that the bridge will be constructed at such time that it will ensure that continuous access is provided to the farm before during and after construction of the main railway works.

Radbourne Lane

17. The reason for the creation of a track from a route described as Radbourne Lane (E2413) has not been explained. The route does not, as far as your Petitioners' know, exist and they seek undertakings from HS2 that the track will not be laid out as a stoned access track from Ladbroke Grove Farm to the west of the proposed bridge.

18. Your Petitioners seek reassurance and undertakings from the Promoters that all necessary third party rights and maintenance liabilities will be clarified because access between the west and east parts of the southern section of your Petitioners' land is obtained over land which is owned by others.
19. Your Petitioners seeks remedies from your Honourable House by either or both of an amendment to the Bill or by requirements to be imposed on the Promoters or nominated undertaker. Any such remedy should:
- a) reduce severance and injurious affection;
 - b) reduce land take and increase the remaining farmable area;
 - c) still provide mitigation planting which will achieve all or most of the aims outlined by the Promoters without so adversely affecting your Petitioners' holding so significantly; and
 - d) provide improved linkage on the severed parts of the farm for both farming, access and services.

Compensation Generally

20. 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 Petitioners must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.
21. 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 Petitioner is 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 geographically or so that acquisition and use of your Petitioner's land is on a temporary basis only.
22. 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.

23. 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.
24. 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 Petitioners 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.

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SHARPE PRITCHARD LLP

Agents for Mr John Minshull and
Mrs Sheila Minshull

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P E T I T I O N

of

(1) MR JOHN MINSHULL AND

(2) MRS SHEILA MINSHULL

AGAINST,

BY COUNSEL, &c.

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