

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

- (1) PHILLIP GEORGE MICHAEL ROBINSON AND
- (2) GEORGE MICHAEL ROBINSON

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 ("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.
7. Your Petitioners are the freeholders of land at Lower Boddington which is land in Northamptonshire and leaseholders and occupiers of Stoneton Moat Farm, Priors Hardwick which is a farm in Warwickshire. The plots of land shown in the Book of Reference and in which your first Petitioner has an interest are 20, 21, 22 and 23 (in the Parish of Lower Boddington), 20, 21, 22, 23, 25, 26, and 28 (in

the Parish of Stoneton) and 30 (in the Parish of Wormleighton). The plots of land shown in the Book of Reference and in which your first and second Petitioners have a joint interest are 6, 8, 11, 14, 17, 18, and 19 (in the Parish of Stoneton) and 19, 23, 24, 25, 29, 41, 45, 47, 48, 50, 51, 52, and 57 (in the Parish of Wormleighton).

8. 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.
9. The works proposed to be undertaken on your Petitioners' land are Works 2/111 (Proposed Railway), 2/129 (Road), 2/132B (Road), 2/133 (Proposed Railway) and 2/134 (Footbridge over Proposed Railway).
10. The railway will cross your Petitioners' holding partly in cutting, partly on level ground and partly on embankment, with earth bunding to either side in places. There will be a road diversion to the east of the holding and the effect of this and the construction of the railway will be loss and severance of a large area of land to the west of the main farmstead.
11. 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

12. 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.

13. Your Petitioners are particularly concerned by the possibility of land being acquired permanently for a temporary purpose and consider 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. Specifically, the plans submitted with the Environmental Statement show land being taken for large areas of landscape earthworks and access tracks.
14. 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 railway

15. Your Petitioners are to suffer substantial land take through construction and operation of the railway, including land taken for a cutting running from Boddington to Wormleighton. The cutting is shown on the plans submitted with the Environmental Statement to have two levels of engineering earthworks and a greatest width of approximately 130 metres. At a meeting between residents of Priors Hardwick and Wormleighton and HS2 Ltd on 31st October 2012 Professor McNaughton, on behalf of HS2 Ltd, stated that design work would be undertaken to assess the feasibility of using retained wall sections on this section of the cutting to reduce the width and land take. At the Southam Roadshow on 8th June 2013, Richard Johnston and Ed Ashcroft on behalf of HS2 Ltd stated that HS2 Ltd would develop a proposal and assess the costs and environmental benefits of reducing the width of this cutting. Your Petitioners are not aware of any proposal or design being put forward to reduce the width of the cutting and believe that HS2 Ltd should give an undertaking to reduce the cutting width through suitable design.
16. The proposed line of route heading north west from the end of the 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.

17. 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 they will reduce the effect of the railway on your Petitioners' holding and on the surrounding area.

Banbury Road / Stoneton Lane / Claydon Road junction

18. HS2 Ltd have redesigned the Banbury Road junction to Stoneton Lane and Claydon Road to allow construction of the railway. Your Petitioners' farmstead is to the north east of this junction and all your Petitioners' traffic to the A423 Southam to Banbury road will use this junction. The junction as designed requires substantial additional land take than is reasonably required and will lead to increased journey times.
19. 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.
20. Closure of the roads in this area for construction work to take place will have a significant impact on your Petitioners' business due to restricted access for agricultural traffic.

Claydon Road Closure

21. Your Petitioners' particular concern is that the Traffic and Transport section of the Environmental Statement shows temporary closure (for a three year period) of Claydon Road (Hill Road) with all traffic being diverted along Claydon Road (Boddington Road). The presence of hump back bridges on both of these roads, south of the railway makes the passage of agricultural and heavy vehicles impossible via this route. HS2 Ltd should be required to undertake that it will provide a suitable alternative route for your Petitioners' farm traffic from the

farm land to the south of the proposed railway to the public highway north of the railway throughout construction.

Inappropriate mitigation measures on farmland

22. Your Petitioners' land at Lower Boddington is shown to be subject to a footpath diversion for Footpath AC1. The existing footpath runs through an arable field and is open to the surrounding land. The plans submitted within the Environmental Statement show the diverted path being subject to landscape mitigation planting (scrub/woodland). Such planting is inappropriate to the use of the land and your Petitioners request that HS2 Ltd give an undertaking to remove the requirement for the planting.
23. Your Petitioners' land at Wormleighton is shown on the plans submitted within the Environmental Statement to be subject to an area of landscape mitigation planting around the western end of the cutting leading from Boddington to Wormleighton. Such planting is inappropriate considering the amount of land already being lost by your Petitioners and your Petitioners request that HS2 Ltd give an undertaking to remove the requirement for the planting.
24. Substantial landscape earthworks have been designed either side of the railway on your Petitioners' holding. Your Petitioners understand that these earthworks are designed to integrate the railway into the landscape but believe that the size of the earthworks are in excess of reasonable requirements thus requiring greater land take than should be reasonably necessary. Your Petitioners would like the areas of the landscape earthworks reduced significantly.

Maintenance of bunds and made-up ground

25. 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 24 (above) a large area of your Petitioners' holding is to be lost to these areas.
26. In your Petitioners' 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

27. Your Petitioners' 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 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.
28. 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.

29. The Environmental Statement plans which show the provision of landscape earthworks on your Petitioners' land at Lower Boddington do not show a replacement field access being constructed at this location. This will lead to reduced flexibility for your Petitioners' farming operations. HS2 Ltd should undertake to provide permanent replacement access at this location.
30. The plans published within the Environmental Statement show temporary construction access being taken from Stoneton Lane through an 'unnamed farm' to footpath SM116a bridge. On completion of construction this access is relabelled "existing access to be upgraded for HS2 maintenance vehicles and accommodation access". The unnamed farm is your Petitioners' farmstead, Stoneton Moat Farm, and your Petitioners object most strongly to construction and accommodation access being taken through the farmstead. This has both amenity issues through heavy traffic disturbing your Petitioners' holding and practical issues as water from the moat at Stoneton Manor has in the past caused stability issues to this track when used by heavy traffic on behalf of The Canals and Rivers Trust for improvement works to the Oxford Canal. HS2 Ltd should undertake to provide alternative access at this point, avoiding Stoneton Moat Farm.
31. The plans published within the Environmental Statement show an access route from Wormleighton Road leading to Footpath SM116A Underpass under the proposed route of the railway and a separate route along Bridleway SM116 leading under the Oxford Canal Viaduct, to the south of the canal. No route is shown for your Petitioners to maintain their existing access over the canal. Separately an underpass is shown for Wills Pasture Road to cross the proposed railway. Such underpass could potentially assist your Petitioners in reaching land to the north of the farm which is otherwise made difficult if not impossible by construction of the railway but your Petitioners have no rights of access to the eastern end of Wills Pasture Road which is not public highway. HS2 should procure rights in favour of your Petitioners so that your Petitioners have no worse rights of access than are currently enjoyed.

32. The construction period for the SM116a Underpass is shown in the Environmental Statement to be four quarters. No indication is given as to how access is to be maintained for your Petitioners from Stoneton Moat farmstead, across the line of the railway to your Petitioners' grain store in Wormleighton during this period. HS2 Ltd should undertake to maintain suitable access throughout the construction period.

Severance and hedgerows

33. 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.
34. 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 by HS2.

Compensation, generally

35. 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.

General

36. 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.

A rectangular area that has been redacted, likely containing a signature or name. The redaction is represented by a white box with a black border.

Sharpe Pritchard LLP

Agents for Phillip George Michael Robinson
and George Michael Robinson

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

of

(1) PHILLIP GEORGE MICHAEL ROBINSON AND

(2) GEORGE MICHAEL ROBINSON

AGAINST,

BY COUNSEL, &c.

Sharpe Pritchard LLP
Elizabeth House
Fulwood Place
London WC1V 6HG
Parliamentary Agents