

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) WILLIAM DAVID PROCTER WHITFIELD,
- (2) JAMES WILLIAM WHITFIELD, AND
- (3) CHRISTINE MARGARET WHITFIELD

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 Furzen Hill Farm, Coventry Road, Leamington Spa, Warwickshire CV32 7UJ which is a farm in the County of Warwickshire including Plot numbers 53, 59,61,62,65 and 67 within the Parish of Cubbington, District of Warwick , Warwickshire and Plot Numbers 1,3,5,6,7, 8,9,10,11,13,16, 18, 19 within the Parish of Stoneleigh, District of Warwick, Warwickshire.
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. The Bill seeks to (i) acquire permanently land for the proposed railway line, (ii) acquire of a right over land (iii) divert public highways and services and (iv) acquire land permanently, even though it is only required temporarily for soil storage areas and working areas.
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 geographically
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 Bill includes for the permanent acquisition of land required for soil storage

area, utility diversion corridors and working areas all of which are believed to be only required temporarily

12. Your Petitioners also wish to ensure 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.

Maintenance of bunds and made-up ground

13. It is clear from the 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. Bunds are proposed to both sides of the proposed line and areas of planting are proposed to the north of the line between the existing route of the A445 and the diverted route of the A445.
14. It is your Petitioners submission that 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

15. Your Petitioners' farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points, land drainage, culverts and provision for irrigation pipes in particular are matters of significant importance for your Petitioners. Well-designed accommodation works which meet your Petitioners' needs are likely to substantially reduce a claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree the location and specification for accommodation works with your Petitioners in order to mitigate the impact of

the scheme. For crossing points, such a specification might include the width, height, weight limit and final surface. For culverts and provision for irrigation pipe crossing points, such a specification might include the size, location and number. For land drainage, such a specification might include location, size of pipe and depth of pipe. Once agreed, the specifications should be binding on the Nominated Undertaker.

16. 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.

Relocation of services

17. Your Petitioners are concerned by the need to relocate services and the depth at which such services will be relaid. In particular the Bill provides for the relaying of a high pressure gas pipe across land in the Petitioners' ownership within Plot Number 16 within the Parish of Stoneleigh and Plot Number 62 within the Parish of Cubbington. The gas pipe was originally laid at a depth below the field land drainage believed to be in excess of 1.5m. The pipe was laid at this depth so as not to affect the land drainage of the field and restrict the use of the land for the growing of potatoes and high value vegetable crops.
18. Your Petitioners propose to your honourable House that HS2 Ltd should be required to undertake that it will relay the diverted gas pipe at a similar depth to that when it was originally installed such that it is relaid beneath the depth of the existing land drainage system.

Soil Transfer Area

19. Your Petitioners are concerned by the location of the soil transfer /storage area being located on Plot Numbers 13, 16 and 18 within the Parish of Stoneleigh, District of Warwick, Warwickshire. The soil transfer area is in close proximity to the residential units, holiday units and offices ("Units") at Furzen

Hill Farm. The proposed area is to the south west of the Units being the prevailing wind direction. Your Petitioners believe this will have significant impact on these units especially with regard to noise and dust.

20. Your Petitioners propose to your honourable House that HS2 Ltd undertake to relocate the soil transfer area to the south of the proposed railway route onto Plot Numbers 10 and 16 within the Parish of Stoneleigh, District of Warwick, Warwickshire and Plot Numbers 62 and 65 within the Parish of Cubbington, District of Warwick, Warwickshire, land which is also within the Petitioners ownership. This would move the area away from the Units and help to mitigate and reduce the impact of the scheme on the Units. Your Petitioners may seek to enter into an agreement with the promoter of the Bill so that the soil transfer area is so relocated.

Right of way through Farmyard

21. Your Petitioners are concerned about the proposed permanent acquisition of a right of way over Plot Number 19 within the Parish of Stoneleigh, District of Warwick, County of Warwickshire being a right of way through the farmyard and adjacent to residential premises, offices and farm buildings. Your Petitioners understand this is required for the diversion of services only. Your Petitioners sees no requirement for the acquisition of such a permanent right as other accesses are readily available from the public highway avoiding disruption to the farmstead and farmyard.
22. Your Petitioners propose to your honourable House that HS2 Ltd should undertake that such access will not be acquired permanently as alternative access is readily available from the public highway which will mitigate the effects of the scheme and impact on the farmstead and farmyard. If no alternative should be available HS2 Ltd should be required to undertake that such access will only be acquired temporarily for the purposes of service relocation and for no other purposes.

Realignment of Coventry Road

23. Your Petitioners are concerned about the proposals for the diversion and realignment of the Coventry Road. The realignment will lead to a wide verge to the west of the realigned road, between the realigned road and the Petitioners' field boundary. Your Petitioners already experience fly tipping and other anti-social behaviour at this location. The scheme as proposed is likely to increase the issues caused.
24. Your Petitioners request that in order to avoid an increase in fly tipping and anti-social behaviour at the location HS2 Ltd should undertake to make the proposed verge narrower, with any surplus area being returned to your Petitioners as part of their adjoining field for agricultural use.

Borehole serving Furzen Hill Farm

25. Your Petitioners are concerned about the impact of the soil storage area and construction works on the borehole water supply to his farm. This has previously been brought to the attention of HS2 Ltd. The borehole provides the water supply to all residential properties, holiday lets, offices and farm buildings (the "Properties"). Your Petitioners are concerned that the proposed works will affect the flow and quality of water.
26. Your Petitioners request that HS2 Ltd undertake to provide an alternative supply to the Properties to mitigate the effects of the Scheme

Severance and hedgerows

27. 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.

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 by HS2, without the need to obtain the consent of the Local Planning Authority.

Compensation, generally

29. 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

30. 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.

Sharpe Pritchard LLP

Agents for

William David Procter Whitfield

Christine Margaret Whitfield

James William Whitfield

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- (3) CHRISTINE MARGARET WHITFIELD

AGAINST,
BY COUNSEL, &c.

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