

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) GRIZELDA HOUGHTON BROWN and
- (2) HOUGHTON BROWN ENTERPRISES LIMITED

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 freeholder of Culworth Mill, Trafford Bridge, Banbury, OX17 1LH and Redhill Farm, Banbury Road, Chipping Warden, Daventry NN11 6LW which are two farms in Northamptonshire. The Book of Reference plot numbers for your first Petitioner are 42 and 44 in the parish of Culworth, and 17, 18, 19, 21, 22, 24, 27, 28 and 29 in the parish of Chipping Warden and Edgcote. The plot numbers for your second Petitioner are 92, 94, 96, 101 and 102 in the parish of Chipping Warden and Edgcote.
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. Works to take place on your Petitioners' land are Works 2/111 (Railway), 2/126B (Watercourse), 2/126C (Watercourse), 2/128A (Temporary Road) and 2/128B (Road). The plans submitted

within the Bill show the railway being built across both parts of your Petitioners' farm with the Edgcote Viaduct being built across your Petitioners' land. The viaduct and associated works will take 45% of your Petitioners holding at Culworth Mill.

8. 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

9. 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.
10. 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.
11. Your Petitioners also wish to ensure that they are properly compensated as regards the acquisition and use of their land, and is concerned to note that the compensation regime proposed by the Bill is inadequate and needs to be improved.
12. At Redhill Farm the design of a materials stockpile appears to have been undertaken to abut footpath AE16 despite said footpath being temporarily stopped up. The resultant shape of the materials stockpile will leave an unnaturally shaped area of field remaining in agricultural production. It would be beneficial to your Petitioners if the materials stockpile was redesigned to run in parallel with the railway, with a straight north-eastern boundary.

Lack of Noise Mitigation

13. Your Petitioners' residential dwelling at Culworth Mill is located 275 metres from Edgcote Viaduct which is listed as a 600 metre long, 8.5 metre high viaduct. The Environmental Statement showed noise fence barriers located on both sides of the viaduct. The plans within the Environmental Statement do not show such noise fence barriers but the operational noise maps published within the Environmental Statement show a lesser noise diffusion from the viaduct than from the track either side of the viaduct. Culworth Mill is not listed as being a property for which additional noise mitigation measures will be provided due to the results of the operational noise maps. Your Petitioners believe that either the Environmental Statement plans are wrong in not showing noise fence barriers or that the operational noise maps are wrong in assuming that noise fence barriers are to be in place. Your Petitioners wish to see noise fence barriers erected on the viaduct to protect the amenity of Culworth Mill.

Inappropriate mitigation measures on farmland

14. The plans published in the Environmental Statement show significant areas of your Petitioners' holding at Culworth Mill to be used for grassland habitat creation, landscape mitigation planting and wetland habitat creation. The design for placing of these mitigation measures appears to have been undertaken with little thought for the ongoing viability of your Petitioners' agricultural operations nor the amenity of your Petitioners' residential dwelling, being heavily loaded onto your Petitioners holding compared to adjacent land.
15. Despite the large amount of landscape mitigation planting on your Petitioners' Holding, there will be a clear view of the railway from Culworth Mill both across your Petitioners' own land and over neighbouring land. The wetland habitat creation is designed so that it covers the majority of the field immediately west of Culworth Mill and comes to within 35 metres of the house. Your Petitioners believe that the area of environmental mitigation should be reduced significantly; and should be designed so as to have less of an impact on the amenity of Culworth Mill, the landscape mitigation planting being placed in such a way as to give visual screening to the railway including planting in the field in third party ownership between the railway and Welsh Road, and

the wetland habitat creation should be redesigned to take less land, such land to be situated away from the house.

16. A balancing pond is to be constructed to the east of Edgcote Viaduct on your Petitioners' land. The design of this appears to have been undertaken with little thought for ongoing agricultural viability, the pond being in the centre of a field with associated access track running to it. The pond and access track should be redesigned to sit in the north western corner of the field between the railway and the replacement floodplain storage.

Accommodation works

17. 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.
18. 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.

Severance and hedgerows

19. 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.

20. Your Petitioners propose 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

21. 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.
22. Your Petitioners contend that specific tax allowances should be included within the Bill to assist agricultural land owners who otherwise are prejudiced by construction of the railway. These should include but not be limited to an extension of the time limits for purchase of replacement land under Rollover Relief and consideration of the full extent of the farm prior to the construction of HS2 when assessing properties at a future date for Agricultural Property Relief from Inheritance Tax.

General

23. 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 Grizelda Houghton Brown and
Houghton Brown Enterprises Limited

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AGAINST,

BY COUNSEL, &c.

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