

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) DOREEN ANNE SPIERS and

(2) WALTER ARTHUR SPIERS

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 freeholders of Barton Hill Farm, Newton Purcell, Buckingham MK18 4BA which is a farm in Buckinghamshire. Barton Hill Farm appears in the Book of Reference as plot numbers 92, 94 and 99 in the parish of Chetwode and Barton Hartshorn plot numbers 2, 3, 6, 7, 9, 10 and 12 in the parish of Barton Hartshorn.
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. Land is to be acquired for construction of works 2/49 (Railway) and 2/100 (Bridge). Construction of the railway and associated works will take a considerable proportion of your Petitioners' holding and will sever the farm into two halves. The amount of land remaining and the access issues to the severed land will in your Petitioners' opinion render their agricultural business unviable.

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 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 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 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. The proposed use includes several ponds, access tracks and replacement floodplain storage.
11. 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.

Inappropriate mitigation measures on farmland

12. The plans published as part of the Environmental Statement show a large area of replacement floodplain storage taking up a roughly square shape within two of your Petitioners' most productive fields. Your Petitioners have no knowledge of this area ever flooding, such flooding usually being in meadows further to the west of your Petitioners' holding. The area taken seems both excessive and poorly designed with regard to ongoing farming operations. The area should be reduced considerably, preferably removed altogether and if it is to remain should follow a more natural shape bordering the watercourse rather than cutting such an irregular and deep shape into these fields.
13. Balancing ponds and land drainage areas are proposed both on your Petitioners' land and on adjacent land with two access tracks leading to them. The number of ponds is

excessive, their design being poorly executed in relation to ongoing farming operations. A redesign should be undertaken to combine as many of these ponds as possible, placing them in field corners rather than more central positions within fields which effectively sterilises the surrounding agricultural land from future production. The access roads should be designed to follow field boundaries as much as possible. The one shown to run along the western side of the proposed railway cuts into a field to go around an existing pond, rather than following field boundaries and taking a more natural route. The ownership and use of these tracks should remain with your Petitioners with HS2 having rights of access as they will provide some degree of mitigation to the severance of the farm.

Accommodation works

14. 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 Petitioner. 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.
15. 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.
16. The above is of particular concern to your Petitioners as currently access to your Petitioners' eastern fields is taken across the line of the disused railway which is to form the line of route for HS2. HS2's assessment of the effect of the loss of this access has not taken this into account as the Environmental Statement documents stated that there would be no severance caused by the loss of this access. None of your Petitioners' internal farm traffic uses the existing disused railway overbridge due to the poor visibility of their farm entrance. As such most of your Petitioners' farm

vehicles are neither taxed nor insured as they do not leave land within their private ownership and are not used on the public highway.

Severance and hedgerows

17. 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.
18. 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

19. 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

20. 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 DOREEN ANNE SPIERS and

WALTER ARTHUR SPIERS

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AGAINST,

BY COUNSEL, &c.

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