

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) ROWAN CAROLINE ADAMS
- (2) JOANNAH LUCY ADAMS
- (3) CATHERINE MARY UMBERS
- (4) MARY CATHLEEN ADAMS AND
- (5) WILLIAM ASHBY ADAMS

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 and leaseholders and occupiers of Old House Farm, Lower Boddington, Northamptonshire NN11 6XY which is a farm in Northamptonshire. The Plot numbers given on the Book of Reference for your Petitioners holding are 1, 2, 3, 4, 5, 6, 7, 8, 9 and 18 in the parish of Boddington.
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 proposed to be built upon your Petitioner's holding are Work 2/111 (Railway) and Work 2/129 (Road). Construction of the railway will sever your Petitioner's holding, see considerable land take and divorce the farmhouse from the main area of farm buildings.

8. Your Petitioner and their rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

Extent of land take

9. Land in the ownership of your Petitioner 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 are unsure why that is. Your Petitioner 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 Petitioner's land is on a temporary basis only.
10. Your Petitioner 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. Such works include large areas of landscape earthworks, temporary material stockpiles, balancing ponds and land drainage areas.
11. Your Petitioner 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 within the Environmental Statement show very substantial landscape earthworks on your Petitioners holding which together with adjacent temporary material stockpiles require a land take of approximately 800 metres in width. Your petitioner understands that the earthworks are proposed to blend the railway into its surrounding landscape but considering that the plans in the Environmental Statement appear to show a considerable plateau at the top of these earthworks, your Petitioner believes these earthworks to be of considerably greater size than is reasonable and that these should be reduced to a more appropriate level.
13. A balancing pond and a land drainage area with associated access tracks are to be located on your Petitioners property. The balancing pond has been poorly designed in regard to agricultural operations as it has been placed in a position that does not use land otherwise affected by the railway, being designed to run into agricultural land that need not be affected by construction of the railway.

Maintenance of bunds and made-up ground

14. 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. These are the earthworks described in paragraph 12 (above).
15. 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

16. 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 Petitioner's 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.

17. 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.
18. 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 and your Petitioners' farm buildings will make 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 and buildings to the south of the proposed railway to the public highway to the north of the railway throughout construction.
19. Your Petitioners' further concern is that livestock which currently graze across the holding will require transport from the north of the railway to the south, which will increase the required working hours of your Petitioners in order to achieve this. HS2 Ltd should undertake to provide suitable livestock facilities in association with construction of the Claydon Road (Hill Road) bridge.

Planning consent for replacement buildings and associated dwellings

20. The construction of the Authorised Works will potentially necessitate the demolition of your Petitioners' grain store between the railway and the canal feeder. HS2 Ltd seem unclear in their own documentation as to whether such demolition is required but the limit of works whilst not including this building include much land around it potentially making its use very difficult and leaving it divorced from the land it serves. Since your Petitioners' core farm business will survive, your Petitioners are likely to want to replace this building. In most cases this will require a full planning application. While the cost of dealing with planning can be factored into the compensation payable by the promoter, the uncertainty over whether an application will be approved and the time delays that can arise if a case goes to appeal can all be very difficult for a business to manage. The development of some agricultural buildings is already permitted development, subject to conditions, including limits on size.
21. Your Petitioners note that the Bill contains provision, in clause 48, enabling the Nominated Undertaker to carry out reinstatement works within the Act limits. In theory, that clause could be utilised so as to meet the concerns of your Petitioners but there is no certainty in that regard, for a number of reasons, most notably that it only applies to reinstatement works within the Bill limits.
22. Your Petitioners propose that the Bill should be amended so as to ensure that the process for relocating farm buildings that are lost or left isolated are capable of being reinstated more easily. This could be achieved by clause 48 being amended so as to ensure that it will apply in any case where land is available for reinstatement works, and to remove other uncertainties.
23. Alternatively, the Bill should make provision for an amendment to the Town and Country Planning (General Permitted Development) Order 1995 so that the replacement of any building used for business purposes and any associated dwelling which is acquired under the provisions of the Bill will be permitted development subject only to the prior notification procedure. The permitted

development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building will be restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior notification process, as for other permitted development.

Severance and hedgerows

24. 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.
25. 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

26. 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 Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

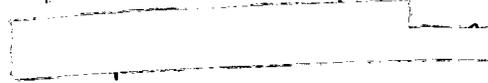
General

27. 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 Petitioner 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

Rowan Caroline Adams

Joannah Lucy Adams

Catherine Mary Umbers

Mary Cathleen Adams and

William Ashby Adams

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AGAINST,

BY COUNSEL, &c.

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