

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) MICHAEL PAUL TAYLOR and

(2) T TAYLOR AGRICULTURAL CONTRACTORS 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 freeholders of Moat Farm, Godington, Bicester OX27 9AF which is a farm in Buckinghamshire. The plots of land shown in the Book of Reference and in which your first Petitioner has an interest are 44 (in the Parish of Preston Bissett); 2, 14, and 15 (in the Parish of Godington), and 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 35, 36 and 39 in the Parish of Chetwode). The plots in which your second Petitioner has an interest are 53, 54, 56 and 57 In the Parish of Preston Bissett, and 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21 and 22 in the Parish of Godington.
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.
8. Works shown to be undertaken on your Petitioners land are Work 2/49 (Proposed Railway), Work 2/97 (Watercourse Diversion over Padbury Brook), Work 2/98 (Road from the Green) and Work 2/99 (Bridge over proposed railway).

9. Specifically the Environmental Statement documents show 27.2 hectares of your Petitioners' holding being required for construction of the railway. Access is shown to be taken past Moat Farmhouse, the only dwelling on the holding. This will require access being taken through the village of Godington on poor quality single carriageway roads. Your Petitioners contend that access need not be taken along this route but should instead be taken from the Green to the east of the proposed railway.
10. 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.

#### **The Effect of the Bill on your Petitioners**

11. The Environmental Statement plans show mitigation planting to be planted along the disused railway embankment between the proposed line of HS2 and the village of Godington. This disused railway embankment already has a certain amount of planting to either side as part of a Higher Level Environmental Stewardship Scheme with Natural England, forms a vital access route across your Petitioners' holding for farm traffic and is the position of a number of your first Petitioner's family's ashes being spread, being an area of quiet contemplation for family members. Further planting here will block the access route and spoil an area of considerable personal concern to your first Petitioner. Your Petitioners would only support further planting where sensitive to the above matters.
12. Previously, the Promoters have published plans for a bridleway to be diverted along the disused railway embankment. Whilst these plans have now been amended, your Petitioners seek an undertaking from the Promoters that the bridleway will not be diverted along the disused railway embankment for the same reasons of agricultural access and area of personal family concern.
13. Noise fencing is proposed for the eastern side of Godington East and West Viaducts but not the western side facing Moat Farmhouse. Your Petitioners are concerned that provision of noise fencing on one side of a viaduct but not the other will deflect noise towards the farmhouse. The boundary of the major adverse noise effect on the operational noise plans shows an unnatural boundary around the farmhouse and as such your first Petitioner believes that his and his family's residence will suffer a major adverse noise effect. Noise fencing should be provided on both sides of the viaducts.

## **Extent of land take**

14. As mentioned, 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 Promoters 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.
15. 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. Areas shown as required for construction on the Environmental Statement plans include landscape mitigation planting, grassland habitat creation, replacement floodplain storage, landscape earthworks, balancing ponds, wetland habitat creation and access roads. All of these areas could be dealt with by temporary acquisition under licence or similar agreement.
16. 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**

17. The plans published in the Environmental Statement show only 4.4 hectares of your Petitioners' land between the proposed route of HS2 and the disused railway embankment to be used for mitigation measures with 14.3 hectares of your Petitioners' land between the two railways being unaffected by the proposals. The same plans show 4.6 hectares of your Petitioners' land to the west of the disused railway embankment and 9.8 hectares of your Petitioners' land to the east of the proposed route of HS2 to be required for flood mitigation measures, soil bunds and environmental matters. The unaffected land between the two railways will be difficult to access and of small size and irregular shape making farming operations exceptionally difficult. Your Petitioners contend that the plans should be amended to locate between the disused and the proposed railways as much of the mitigation

measures as possible thus protecting as much of their productive farmland as possible from the effects of the railway.

#### **Maintenance of bunds and made-up ground**

18. 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. One such bund is located on the east of the proposed railway, adjacent to a cutting, taking up a sizable area of agricultural land. There is only one residential dwelling within close proximity of the railway at this point and this does not have bunding immediately adjacent to it, nor does the nearby area where the railway is on an embankment. Your Petitioners consider that the positioning of this bunding with associated balancing pond is inappropriate and should be removed from the plans.
19. 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**

20. 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.
21. 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**

22. 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.
23. 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**

24. 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**

25. 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 Michael Paul Taylor and

T Taylor Agricultural Contractors Limited



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BILL

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(1) MICHAEL PAUL TAYLOR and

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AGAINST,

BY COUNSEL, &c.

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