

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

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 SAMUEL JOHN BURTON

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 Petitioner, along with Benjamin Charles Burton, is the leaseholder and occupier of Wormleighton Hall, Wormleighton, Southam, which is a farm in Warwickshire. The plots of land shown in the Book of Reference in which your Petitioners are shown to have an interest are; 1, 3, 5, 10, 13, 15, 16, 16a, 24 (in the parish of Stoneton); and 10, 12, 13, 14, 15, 17, 18, 20, 21, 26, 27, 28, 31, 31a, 32, 33, 34 and 35 (in the Parish of Wormleighton). The plots of land shown in the Book of Reference in which your Petitioner (trading as BC Burton) is shown to have interest are 4, 5 and 6 (in the Parish of Wormleighton).
7. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, 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 Hybrid Bill shows works 2/132 (Road), 2/132B (Road), 2/133 (Railway), 2/134 (Footbridge), 2/134a (Watercourse), 2/135 (Access Road) and 2/136 (Temporary Bridge) crossing your Petitioners' holding. The railway will cross the holding partly in cutting, partly on level ground and partly on embankment, with earth bunding to either side in places. There will be a road diversion to the south of the holding and the effect of the construction of the railway will be severance of a large area of land to the east of the railway from the main farmstead and remaining land.

8. Your Petitioner and his 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 is 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 Petitioners' land is on a temporary basis only.
10. Your Petitioner is 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 plans submitted within the Environmental Statement show land being taken for landscape earthworks, landscape mitigation planting, a balancing pond and access track.
11. Your Petitioner also wishes to ensure that he is 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.

Inappropriate mitigation measures on farmland

12. Poor design appears to have been undertaken of mitigation measures on your Petitioners' holding. A major road junction redesign has been undertaken around the Banbury Road Green Overbridge (Boddington) with substantial land take both for the road and for landscape mitigation planting. The Boddington Auto Transformer Station is to be located in an area of otherwise unaffected farmland when there is a large area of sterilised land immediately to the east of here. Your Petitioner contends that a better designed road layout would see less agricultural land taken, requiring less landscape mitigation planting and that the Boddington Auto Transformer Station would be better placed in a location that was already sterilised from future agricultural use.
13. Substantial landscape earthworks have been designed either side of the railway on your Petitioners' holding. Your Petitioner understands that these earthworks are designed to integrate the railway into the landscape but believes that the size of the earthworks is in excess of reasonable requirements thus requiring greater land take than should be reasonably necessary. Your Petitioner would like the areas of the landscape earthworks reduced significantly.
14. A balancing pond has been designed in a location on your Petitioner's holding between the proposed railway, realigned bridleway SM116 and the Oxford Canal. The size and position of the balancing pond requires a significant amount of land in agricultural production to be removed from such production. Your Petitioner requests that the pond be reduced in size and it to be redesigned to follow the line of the railway or the canal in such a way that it reduces the effect on the agricultural land around it.

Maintenance of bunds and made-up ground

15. 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. As described in paragraph 13 (above) a large area of your Petitioners' holding is to be lost to these areas.
16. In your Petitioner's 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

17. Your Petitioner's holding 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 Petitioner. 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 Petitioner proposes 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 Petitioner 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 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.
20. Your Petitioner proposes 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 for the purposes of 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 Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

General

22. 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.



Sharpe Pritchard LLP

Agents for Samuel John Burton

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PETITION

of

SAMUEL JOHN BURTON

AGAINST,

BY COUNSEL, &c.

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