

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against – On merit – 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

Mr Guy Breeden and Mrs Deborah Breeden of Blackgreaves Farm in the Parish of Curdworth, North Warwickshire

SHEWETH as follows;

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and now is pending in your Honourable House entitled “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 Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”
2. The Bill is presented by Mr Secretary Mcloughlin, supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Patterson, Secretary Edward Davy, and Mr Robert Goodwin.
3. Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioning 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 display 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.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime of the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provisions 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, provisions about the compulsory acquisition of land for a regeneration, reinstatement of works and provisions about further high speed rail works. Provision is also made about the application of environmental impact assessment regulations.
6. The works proposed to be authorised by the Bill are specified in clauses 1 and 2 of and schedules 1 and 2 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 and schedules 2 and 3 to the Bill.

Locus Standi

7. Your Petitioners are Mr Guy Breeden and Mrs Deborah Breeden. Your Petitioners have an agreement to access over land identified as plots 87, 95, 96, 99, 100, 101, 102, 103, 103a, 106, 108, 108a, 109 and 110 on the Promoter's Parliamentary Plans, in the Parish of Curdworth in the District of North Warwickshire, for the purpose of removing excavated materials from their land. Your Petitioners thereby have *locus standi* to petition against the Bill.

Overview

8. Your Petitioners operate a number of businesses from Blackgreaves Farmhouse and its associated land, including a bed and breakfast business, an outdoor events business, a plant nursery, a shooting ground and lodge, a caravan site, a restaurant and a cricket pavilion ('your Petitioner's Businesses'). Your Petitioner's ownership extends to approximately 100 acres of arable land to the east of the proposed high speed railway. Your Petitioner's landholding abuts the landholding associated with Dunton Hall (also within the same Parish), and your Petitioners have rights of access over the land associated with Dunton Hall to enable excavated materials to be removed from your Petitioner's land directly to Lichfield Road.
9. Your Petitioners are concerned about the impact that High Speed 2 will have on their ability to excavate and remove sand and gravel from their land, and on their other business activities. Your Petitioner's right of access over the

land associated with Dunton Hall will be severed by the proposed railway, with no alternative means of access proposed to be provided. Furthermore, the works proposed to Kingsbury Road are likely to impact on customer's ability or willingness to access your Petitioner's businesses operated from Blackgreaves Farm.

10. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner(s) object for reasons amongst others, hereinafter appearing.

Objections

11. Your Petitioners have grave concerns relating to property, compensation and administrative matters and object to the Bill on the grounds as follows:

- a) **Objection: Severance of access rights to your Petitioner's land**

Amplification:

Your Petitioner's land is identified within Warwickshire County Council's Minerals Core Strategy. Surveys have indicated that circa one million tonnes of sand and gravel lie beneath your Petitioner's land and that of his adjoining landowners. Your Petitioner has entered in to an agreement with a neighbouring landowner, Mr Patrick Dillon, to enable sand and gravel to be removed from your Petitioner's land via a route over Mr Dillon's land, to the A4097 Lichfield Road. No viable alternative means of removing excavated materials is available.

The Promoter's proposed railway will bisect Mr Dillon's landholding, and in so doing will sever access between your Petitioner's land and the A4097 Lichfield Road. Resultantly, the only viable means by which sand and gravel could be removed from your Petitioner's land to the highway network will be severed.

Your Petitioner considers that the Promoter has overlooked the impact of severing Mr Dillon's land in relation to the effect it will have on the ability of your Petitioner, Mr Dillon and other landowners to extract and remove minerals from their land. Your Petitioner considers that the Promoter's conclusion that the effect of severance of Mr Dillon's land is 'low' (Table 11 within Community Forum Area ('CFA') Report 20 of the Promoter's Environmental Assessment) is wholly inaccurate.

Proposal:

Your Petitioner requests that the Bill be amended to provide for a road overbridge to be constructed by the Promoter to provide direct access between your Petitioner's land and Mr Dillon's retained land to the west of the proposed railway. Provision of a roadbridge will enable minerals to be extracted from your Petitioner's land and transported to

the highway network in a manner which is acceptable to the Highway Authority.

- b) **Kingsbury Road overbridge should be constructed as a dual carriageway**
Your Petitioners consider that the roadbridge proposed to be constructed to enable Kingsbury Road to cross over the railway, between Blackgreaves Lane and the M42/Lichfield Road roundabout, should be constructed as a dual carriageway.

Amplification:

Having regard to the Promoter's Traffic and Transport report, your Petitioners do not believe that a meaningful assessment of the future volume of traffic using Kingsbury Road has been undertaken.

The tables within the Promoter's Traffic and Transport report which assess traffic flows and queue times at junctions do not consider the period beyond 2021. Your Petitioners consider the report to be inadequate in that regard, not least because the report identifies that increases in the number of journeys along Kingsbury Road will not peak until between 2023 and 2027, when the Kingsbury Road railhead compound is planned to be used.

Your Petitioners are of the opinion that if assessments had been undertaken to consider the number of vehicle movements along Kingsbury Road beyond 2021, and the queue time at the Kingsbury Road / Lichfield Road / M42 roundabout beyond 2021, the report would conclude that a single carriageway road is inadequate, and that a dual carriageway roadbridge is the appropriate measure.

Proposal:

Your Petitioners propose that the Kingsbury Road overbridge be constructed as a dual carriageway, or alternatively that it is constructed in such a manner to provide passive provision for it to be widened to a dual carriageway in the future.

- c) **Objection:**
Access to Blackgreaves Farm will be adversely affected by the proposed works.

Amplification:

Paragraph 5.12 of the Promoter's Environmental Statement CFA Report 20 states that in the vicinity of Lea Marston there will be 'disruption to local journeys and access to day to day facilities in the area due to work to realign or divert roads, construction of new over bridges or congestion and delays caused by the increased construction traffic generated by the proposed scheme'.

Your Petitioners have particular concerns over the access provisions which will be provided during the realignment and construction of the Kingsbury Road overbridge. This road currently provides the main access route to your Petitioner's Businesses from the M42 and other major routes.

Your Petitioners note that the Promoter's Information Paper D11 commits HS2 Limited and its nominated undertaker to maintain vehicular access to properties 'where reasonably practical'. However, your Petitioners are concerned that no property-specific undertaking is provided, and the commitments provided within Information Papers are not legally binding. Consequently your Petitioners are in no way satisfied that access will be retained to Blackgreaves Farm throughout the period of the Promoter's Works. If access is not retained throughout the Works it is likely that your Petitioner's Businesses will suffer losses which are incapable of being recovered under the Compensation Code.

Proposal:

Your Petitioners request a personal undertaking that all reasonable endeavours will be used to ensure unrestricted vehicular access is retained along Kingsbury Road and to Blackgreaves Farm guesthouse throughout the period of HS2 Works.

In the event that access along Kingsbury Road is required to be temporary stopped up or diverted, your Petitioners request that signage is included along the diversion route to direct traffic to your Petitioner's Businesses

Conclusion

12. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the nominated undertaker and respectfully submit that the Bill should be amended or undertakings should be required to overcome your Petitioners objections.
13. Your Petitioners have made proposals for meeting their objections and respectfully suggest that either these or other changes that would meet the objections (to be proposed to and agreed with your Petitioners) should be incorporated before the Bill passes in to law.
14. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, (including their human rights) interests and property and for which no provision is made to protect your Petitioners and other clauses and

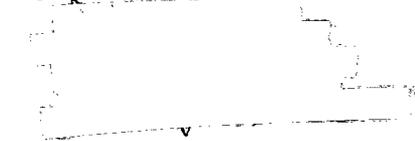
provisions necessary for their protection and benefit are omitted therefrom.

15. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by 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 provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed by Jonathan Stott MRICS



Agent for and on behalf of:

Mr Guy Breeden and Mrs Deborah Breeden

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SESSION 2013-14**

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF MR GUY BREEDEN AND MRS DEBORAH BREEDEN

Against the bill –on Merits- By Counsel &c

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