

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.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF  
**ARTHUR BERNARD BASKERVILLE**

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. The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, Mr Chancellor of the Exchequer, and Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. 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.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. 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.
6. 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.
7. Your Petitioner is the owner occupier of Blackslough Farm, Curborough, Lichfield WS13 8ET in the county of Staffordshire.
8. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioner, to which he objects, and in accordance with the standing orders of your honourable House notice has been served on your Petitioner of the intention to seek such compulsory powers. It is proposed to acquire land on both a permanent and temporary basis from your Petitioner for the purpose of the construction of HS2. The land to be acquired is grassland used for grazing by the dairy herd and followers and for the production of hay and silage.
9. Land retained by your Petitioner will be severely affected by severance and injurious affection as a result of the construction works and this will have a fundamental and adverse effect on your Petitioner's ability to farm the retained land a practical and economic matter.

10. 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**

11. Your Petitioner farms a total area of some 56 hectares of which some 32 hectares are owner occupied at Blackslough Farm which includes a farmhouse and range of buildings to accommodate the dairy herd of 63 dairy cows and followers (approximately 100 head in total). It is estimated that some 12.7 hectares of the owner occupied area is to be acquired.
12. The loss of such a significant proportion of land will have a severe impact on the economic viability of the farm and result in a fundamental change in the operation of the farm. Your Petitioner does wish to continue to farm if at all possible following the construction of HS2.
13. The proposed acquisition includes an area of temporary land take which, it is considered, could be reduced and an access route is also shown as running directly through the farmstead – this in particular is considered to be insensitive and unnecessary.
14. The infrastructure of the farm will be severely affected and mitigation measures are required to ensure appropriate reinstatement of items such as land drains, field water supply, hedgerows plus noise mitigation measures to protect the farmhouse and buildings.
15. The land is included within an Entry Level Stewardship Scheme with the proposed works having a serious effect on this. The land is also within a Nitrate Vulnerable Zone and the loss of such a proportion of the land will have implications in respect of stock numbers and the ability to store and spread slurry and farmyard manure.
16. A meeting was held on 5<sup>th</sup> July 2012 with representatives of Atkins, acting on behalf of HS2 Ltd, who carried out an Agricultural Impact Assessment when full details of the existing farming operation were given and the need for detailed discussions on mitigation measures and accommodation works was emphasized.
17. 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 geographically.

18. 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 his land when the Nominated Undertaker's requirement is for a temporary use only for temporary construction purposes.
19. Your Petitioner also wishes to ensure that he is properly compensated as regards the acquisition and use of his 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**

20. Areas proposed for landscape planting are considered to be excessive and your Petitioner requests these areas be reduced.
21. The proposal for planting of trees and other vegetation on productive agricultural land is considered excessive. Your Petitioner suggests that such planting be reconsidered and be confined in this location to areas of poorer quality land in the immediate proximity to the route of HS2.
22. Your Petitioner is concerned over the implication for land drainage on the retained land. The current drainage outfall is to the north, passing under the Trent and Mersey Canal – appropriate measures to ensure continuance of adequate drainage are required.

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

23. 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. It is proposed that the route runs on an embankment through Ravenshaw Wood and concern is expressed over the implications of this on drainage – surface water and ground water – with remedial drainage systems required to be installed to minimise future risks.

24. 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**

25. Your Petitioner's 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 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.
26. 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.

### **Planning consent for replacement buildings and associated dwellings**

27. The proposed acquisition will result in a fundamental change to the farming practices of the holding. As your Petitioner wishes to continue farming, it is possible that amendments to existing buildings, to include possible demolition and replacement or significant amendment, may be required. 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.

28. Your Petitioner notes 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 Petitioner 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.
29. Your Petitioner proposes that the Bill should be amended so as to ensure that the process for replacing or amending existing buildings required as a result of the scheme is simplified. 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.
30. 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**

31. 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.
32. 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 by HS2.

### **Compensation, generally**

33. 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

34. 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.
35. 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 PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not pass into law as it now stands and that he be heard by himself, his 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 petitioner and in support of such other clauses and amendments as may be necessary and proper for his protection and benefit.

AND YOUR PETITIONER will ever pray, &c.



ARTHUR BERNARD BASKERVILLE

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AGAINST,

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