

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
CHARLES EDWARD 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 freehold owner of land within the Parish of Kings Bromley 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 H2 including works compound areas and also to provide land for mitigation measure including landscape planting. The land to be acquired includes grassland and arable land.
9. Retained land will be affected by severance and injurious affection as a result of the works and this will have an adverse effect on your Petitioner's ability to farm the retained land in a practical and economic manner.

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. It is estimated that some 9.2 hectares of your Petitioner's land are to be acquired with your Petitioner's land holding extending in total to some 32.4 hectares or thereabouts. The loss of land is therefore a significant proportion of the overall holding.
12. The proposed closure of Shaw Lane will have a severe impact in that it will cause significant increases in distance and journey times in travelling between various parcels of land. Your Petitioner requests that Shaw Lane be retained by the construction of a bridge over HS2. An alternative to be considered would be provision of alternative access, for example, by construction of a new road parallel to HS2 to connect with the A515 to be coupled with improvements to existing roads to facilitate the passage of large agricultural machinery. As cattle graze the grassland, access will be required on a daily basis during the construction period in order to tend cattle.
13. Aside from the permanent loss of land, there will be a loss of production on the land temporarily acquired for a considerable number of years, with full production unlikely to be achieved for something approaching 10 years after return to agriculture.
14. The infrastructure of the land will be adversely affected, particularly drainage and fencing. A comprehensive remedial drainage plan will be required. Grazing cattle also use Bourne Brook as a source of water for drinking, the ability to continue to do this may be affected by construction and an alternative mains water supply may need to be considered. All new fencing will need to be rabbitproof.
15. The land is included within Environmental Management Schemes being Higher Level Stewardship and Entry Level Stewardship land. There are concerns of the implications on these schemes particularly in respect of the environmental impact on them.

16. The impacts of the scheme were explained in detail during the course of a meeting on 5th July 2012 when an Agricultural Impact Assessment was carried out by representatives of Atkins on behalf of HS2.
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 construction compounds and materials storage.
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. Your Petitioner considers that the areas proposed for landscape planting are excessive.
21. For instance, 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. A balancing pond is proposed on your Petitioner's land to deal with run off of water from HS2. Your Petitioner is concerned from past experience over the success of such features in view of limited maintenance carried out to both the ponds themselves and outfalls. Your Petitioner requests that assurances be given over the future maintenance of both the balancing pond itself and the outfall to ensure that there is no adverse effect on drainage to adjoining land.
23. The route is adjacent to and crosses Bourne Brook. Your Petitioner is concerned that there will be an increased risk of flooding as a result and requests that adequate measures be taken to minimise food risk and to ensure that retained land is adequately drained.

Maintenance of bunds and made-up ground

24. 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. Embankments are to be constructed through your Petitioner's land, including an embankment to the realigned A515 and overbridge, and considerable concern is expressed over the effect of such embankments on drainage – surface water and ground water - and remedial drainage systems should be installed to minimise the risk.
25. 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

26. 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.
27. 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

28. 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.
29. 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

30. 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

31. 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 petitioners 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.

CHARLES EDWARD BASKERVILLE

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