

October 2014

**HIGH SPEED RAIL (LONDON - WEST
MIDLANDS) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. 420:
Warwick District Council**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. 420, from Warwick District Council.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response points are attached.

Copies of the Information Papers referred to in the response points can be found at <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill/hybrid-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

Warwick District Council is a local authority within the Warwickshire County Council area of responsibility. The district includes the towns of Kenilworth, Leamington Spa and Warwick and the surrounding rural areas.

Warwick District Council has statutory responsibilities within its administrative area for, amongst other things, town planning and the collection of business rates and council tax, with Warwick County Council having responsibility for, amongst other things, highways.

The Proposed Scheme enters the district in the south and passes north over the A445, the River Avon at Stoneleigh Park, over the A46 Kenilworth Bypass, and the Coventry to Leamington Spa railway line, A429 between Kenilworth and Coventry. The route of the Proposed Scheme then passes along the Canley Brook Viaduct and into the Metropolitan Borough of Solihull.

PETITION NO. 420

WARWICK DISTRICT COUNCIL

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HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 10-11

ISSUE RAISED: Burton Green – cut and cover tunnel and village hall

PETITION PARAGRAPH: 10. The residents of Burton Green will be subjected to unacceptable disturbance and loss of amenity from the proposals as a result of the proposed railway passing directly through the village. In particular, there will be a devastating impact on a number of dwellings and on the village school, which will become isolated from much of the village. The village hall will also be demolished, along with a number of houses. Residents have already vacated some of the most affected properties, which is in turn serving to dismantle the community. A deep bored tunnel was considered by the Promoters at this location but rejected on grounds of cost, and instead a cut and cover tunnel is proposed. A fully bored tunnel would provide the necessary protection for residents from noise and vibration during its operation and would also serve to ensure that the railway would not harmfully sever the village in two leaving some essential facilities such the village school and some residents isolated from the rest of the village, which could have permanent consequences. Your Petitioners therefore ask your honourable House to require that the railway be constructed in a bored tunnel as it passes through Burton Green.

11. In the event that your honourable House does not accept that a bored tunnel should be constructed, your Petitioners would ask that the best possible mitigation against the effects of construction and operation are implemented. Your Petitioners expect that a replacement for Burton Green Village Hall will be built by the Nominated Undertaker. To ensure continuity of community activities the new hall should be built before the existing one is vacated. The replacement hall should be built on an easily accessible and available piece of land in the village, and its design and location should be agreed with your Petitioners and the parish council.

PROMOTER'S RESPONSE:

1. The Promoter fully recognises that the Proposed Scheme has a significant impact on the residents of Burton Green and its community buildings, particularly the Village Hall and the school. The Promoter has proposed mitigation measures to reduce, where possible, the impact of the Proposed Scheme in this regard and is in discussions with the Petitioner on an appropriate way forward in this respect in relation to the Village Hall and school.

2. The impacts of the Proposed Scheme on Burton Green are assessed in the Environmental Statement (ES) Volume 2, Community Forum Area 18, Chapter 5 and are identified as significant. In particular, in relation to tunnel construction works, demolition (and proposed reinstatement) of the village hall and temporary effects of construction on access to the village school (the 36% of pupils who live in the village will need to take a diverted route to school). The ES proposes a number of potential mitigations to help address these effects. The key points raised by the Petitioner are addressed below.

Severance – Burton Green Village and School

3. The ES identifies significant isolation effects arising from the Proposed Scheme in Burton Green, affecting both the community generally and the Primary School in particular (see Section 5 of the Volume 2 report for CFA18). However, these isolation effects are anticipated at this stage to last no more than six months, and it is not anticipated that the village will be significantly affected.

4. The ES explains that the Promoter, 'will work closely with Warwickshire County council [and] Burton Green Church of England Primary School (...) to identify reasonable practicable measures to help mitigate significant residual isolation and amenity effects, including discretionary measures identified in the draft Code of Construction Practice' (Volume 2, CFA Report 18, 5.4.26).

5. As HS2 Information Paper D3, Code of Construction Practice sets out, the Code of Construction Practice (CoCP) for the Proposed Scheme will set out measures to ensure that any disruption caused by construction traffic is minimised by contractors and that public access is maintained where reasonably practicable. The impact of road-based construction traffic will be reduced by identifying clear controls on vehicle types, hours of site operation and routes for large goods vehicles. The CoCP will play a key role in supporting community relations during the construction process. It will detail how local people will be informed in advance of work taking place in their area, including, for example, providing details of any closures to roads or rights of way and details of the working hours applicable. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and Information Paper D3, Code of Construction Practice (CoCP).

6. A community helpline, staffed 24 hours, 7 days a week, will be available during the construction period to handle enquiries from the public. There will also be a small claims procedure to ensure that local people are compensated quickly for any damage to their property caused by the nominated undertaker or its contractors.

Burton Green Village Hall

7. The Promoter recognises the importance of the Burton Green Village Hall to village residents. The ES (Volume 2, CFA Report 18, 5.4.33) states that:

'It is proposed to use the powers within the hybrid Bill to mitigate the effects on the community arising from the demolition of the Burton Green village hall. The limits of land identified in the Bill make provision to acquire an area of land adjacent to the primary school in the village on which a replacement facility could be provided. The Promoter is willing to work with the village hall trustees to assist them with the provision of a replacement facility in another location if this is their preferred option.'

8. HS2 Information Paper E6, Mitigation of Significant Community Impacts on Public Open Space and Community Facilities, sets out the ways in which the Promoter may seek to mitigate this loss. This issue is the subject of ongoing discussions between the Promoter and the village hall trustees as regards the potential replacement of the village hall, its site, design and location.

Bored tunnel proposal/cut and cover scheme

Development of design proposals

9. The Promoter notes the Petitioners request for a bored tunnel. As described in the ES Volume 2, Community Forum Area 18, Chapter 2, a number of bored tunnel options were considered and the Promoter confirms that these were assessed against a range of environmental, cost and engineering factors in the way suggested by the Petitioner. It was concluded that the bored tunnel options would reduce impacts during construction, but would not offer significant long term environmental benefit during the operation of the railway, yet would substantially increase construction costs. For this reason, taking all factors into account, the decision was taken to propose a cut and cover tunnel solution at Burton Green.

10. More detailed information the tunnelling assessment has also been released as a result of a request by Jeremy Wright MP. The Promoter considers that the criteria used for the assessment were balanced and robust, and as such does not consider an independent review to be warranted.

11. These options were found to have significantly greater cost implications and any environmental net benefits would also need to take into account the potential adverse effects elsewhere around the relocated tunnel portal entrances.

12. Further development and assessment work has been undertaken on a short bored tunnel at Burton Green. Development work has focussed on the shortest bored route through Burton Green village as this will provide the most favourable benefit to cost balance as the dominant effects are those affecting the residential properties and the community within the village. This revised assessment has reached a conclusion consistent with the conclusion of the original assessment, as stated within section 2.6 of the ES. In summary, the environmental benefits identified, mainly during the construction phase, do not outweigh the increased construction complexity, impacts and cost. As a result of the outcome of these assessments a bored tunnel, whether 7.4km long as requested within the petition or 1.0km as most recently assessed, will not be incorporated in the Proposed Scheme at Burton Green.

13. The Promoter is proposing some additional changes to further mitigate the impacts of the Proposed Scheme at Burton Green which are outside the powers that would be conferred by the Bill. This will require an Additional Provision to be progressed to enable the changes to be delivered. An AP is essentially a Bill in its own right, so will have its own plans and sections, supplementary environmental information and supporting documents. More information can be found in HS2 Information Paper B8, Additional Provisions. Once the AP has been submitted there will be a fresh petitioning period for those directly affected by it. Those who have already petitioned the Bill would not have to pay the petitioning fee again to petition against the AP. It is expected that the AP will be submitted around the middle of next year, although the exact timing has yet to be confirmed.

14. The detail of the change will be developed over the coming months as the AP is prepared. However the changes can be summarized as follows:

- A 50m extension of the green tunnel at the southern portal.
- A 50m extension of the green tunnel at the northern portal.
- A revised vertical alignment through the green tunnel and its approaches, consisting of a reduction in level at the southern portal and an increase in level at the northern portal.
- The location of the southern portal buildings being changed from the south west to the north east side with an associated switch of the tunnel portal access track from accessing via Red Lane to an access from Crackley Lane.
- Improved landscape bunding around the south portal.
- Improved landscape bunding around the north portal and alongside the Burton Green Retaining Walls.
- Provision of an equestrian underpass off Cromwell Lane allowing the Kenilworth Greenway to pass beneath Cromwell Lane with a new path giving connectivity between Cromwell Lane northern footway and the Kenilworth Greenway.
- The northern relocation of Footpath W168 Underpass outside the limits of Broadwells Wood.
- Relocation of the balancing pond to the north east of Broadwells Wood Embankment (to the south west of the embankment).
- Incorporation of an extended mitigation earthwork on the north east side of the alignment further towards Broadwells Wood.
- Provision of a new bridleway link between the current northern end of the Kenilworth Greenway and Berkswell Station.

15. The benefits that this group of changes bring can be summarised in relation to four areas:

- South Portal: the combination of extending the tunnel, lowering the alignment and relocation of the portal buildings and associated access to the north east side of the railway allows for a significant improvement in the mitigation earthworks to the south portal, with the result that the operational community noise significant effects OSV18-Co2 as reported in the ES CFA 18 Report has been reduced to a level which is no longer significant.
- North Portal: the combination of extending the tunnel, raising the alignment and the addition of landscape bunding around the north portal has reduced the operational noise levels at properties on Hodgetts Lane.
- Kenilworth Greenway: incorporation of an equestrian underpass beneath Cromwell Lane has removed the need for a light controlled at grade crossing of Cromwell Lane for the Kenilworth Greenway. The revised greenway alignment through the underpass removes the need for the steeper winding approach from the south keeping the greenway closer to its current horizontal and vertical alignment and maintains the greenway in cutting for more of its length through Burton Green, better reflecting its current character. The relocation of the south portal buildings to the north east side of the railway removes to conflict between the Kenilworth

Greenway and the Portal buildings access track and improves the mitigation bunding provided between the Greenway and south portal. Improved mitigation earthworks are provided between the railway and the Greenway to the north of Burton Green to improve the noise and visual mitigation provided to Greenway users. The provision of a bridleway link between the current northern end of the Kenilworth Greenway and Berkswell Station will improve the utility of this route and its connection to Berkswell for both leisure and commuter users.

- Broadwells Wood: the relocation of the Footpath W168 Underpass further north reduces the impact of the south western connecting track on Broadwells Wood. The relocation of a balancing pond to the south western side of the railway facilitates the provision of an improved mitigation earthwork towards Footpath W168 Underpass.

Mitigation proposals

16. In Warwickshire, as is the case in all areas along the line of route of the Proposed Scheme, the ES CFA Reports consider the significant effects of the Proposed Scheme on residents and businesses and identify a range of mitigation measures that could be used to reduce or eliminate these effects.

17. The scope and methodology for the environmental assessment of the Proposed Scheme was subject to extensive public consultation and the final ES was prepared accordingly. The methodology agreed for the assessment does allow for cumulative and community wide effects to be reported (see paragraph 5.4.44 of the ES Volume 2, CFA18 report). The methodology for determining the magnitude of impact also expressly requires the numbers of properties to be taken into account, so that an accumulation of minor impacts can be assessed as a significant effect in some circumstances. A number of significant environmental effects have been identified at Burton Green and the combination of various effects is recognised as giving rise to a community-wide effect overall. However, in line with the European Directive and Government regulations the focus of the assessment has been on potential significant effects and non-significant effects are not generally reported in detail.

18. As HS2 Information paper E1, Control of Environmental Impacts sets out, the Environmental Minimum Requirements (EMRs) 'are a suite of documents that is being developed in consultation with local authorities and other relevant stakeholders in relation to the environmental impacts of the design and construction of the Proposed Scheme. Any nominated undertaker will be contractually bound to comply with the controls set out in the EMRs. However, where it is considered necessary, these documents will be supplemented or varied in site-specific undertakings in order to deal with specific issues around a particular site'. In particular: 'the nominated undertaker will in any event (...) use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by the Proposed Scheme, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.'

19. Discussions are ongoing with the Petitioner in relation to the issues raised.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 12-14

ISSUE RAISED: Stoneleigh Park

PETITION PARAGRAPH: 12. Your Petitioners are concerned about the impact during both construction and operation of the railway on Stoneleigh Park, which is a unique National Rural and Equine Centre of Excellence, a Science Park and a major local employer. The proposed railway will pass through the Park in cutting.

Site access and land take

13. Unless adequate protection is put in place, businesses in Stoneleigh Park will be seriously affected by the proposal during construction because of the large area of land that is proposed to be acquired and the fact that both the existing access points will be unusable during construction. Construction noise will also be a serious problem for businesses in the Park.

Noise and Vibration

14. Once the railway has been constructed, a number of businesses will be located adjacent to it and the noise and vibration encountered by them from the passing trains is likely to be considerable. The Park will also be severed, and connected only by one single overbridge, according to the plans in the ES. To provide an acceptable long term working environment for all businesses on Stoneleigh Park, your Petitioners consider that the railway should be constructed in a cut and cover tunnel as it passes through the Park. It is also essential that proper access to the park is maintained at all times during the construction period and that the very best measures are deployed to mitigate the effects of noise, dust and other environmental impacts. Your Petitioners accordingly request your honourable House to impose requirements on the Promoters that meet these concerns.

PROMOTER'S RESPONSE:

1. The Promoter continues to engage with stakeholders to refine the design of the scheme and is engaged in ongoing discussions with the owners of Stoneleigh Park about the issues raised by the Petitioner.

2. As set out in the draft Code of Construction Practice (CoCP), the nominated undertaker will engage with the Petitioner and seek to develop an agreed position on the undertaking of all

necessary works/installations on the Stoneleigh Park site. This may include discussion of minimising the extent and duration of land take wherever reasonably practicable, or of accommodation measures and any anticipated reinstatement works, including retention of access.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 15-16

ISSUE RAISED: Crackley Gap – Green Belt

PETITION PARAGRAPH: 15. Your Petitioners have serious concerns about the impact of the proposed route through the narrow Crackley Gap which, as part of the adopted Green Belt, serves an important function in preventing Kenilworth and Coventry from merging and through which the Greenway Bridle Path runs.

16. The new railway and proposed works to the watercourse would be visually intrusive and would harm the appearance and openness of the Green Belt. The noise during operation would also harm the amenity of users and tranquil nature of the Greenway Bridlepath. Your Petitioners ask your honourable House to require the Promoters to do more to protect this valuable area. Your Petitioners preferred solution would be a tunnel, but in the absence of that, your Petitioners would suggest that at the very least improved acoustic and visual screening and/or lowering of the proposed track bed should be required of the Promoters in this location.

PROMOTER'S RESPONSE:

Green Belt

1. The presence of the Proposed Scheme in the area known as Crackley Gap does not change the designation of the land from Green Belt. The local planning authority possesses the necessary controls with regard to future development within the Green Belt and the future development of adjacent Green Belt land is not within the scope of the Bill.

Kenilworth Greenway, Crackley Gap and the Canley Brook alignment – landscape and visual

2. As reported in the Environmental Statement (ES), Volume 2 CFA 18, paragraph 9.5.96, the realignment of Canley Brook will be visible from residential properties at Crackley and will result in a moderate adverse effect in the winter of year one of operation. However, as soon as the summer of year one of operation, the intervening vegetation will further screen views, reducing the effect at this location to 'non-significant'.

3. Paragraph 9.5.99 of the CFA 18 report states that the anticipated visual effects from public right of way 'W164' which reports a major visual impact in year one of operation, also reduces to a 'moderate adverse' effect by the summer of year 15 of operation.

4. As outlined above, the CFA Reports in Volume 2 of the ES identify a range of proposed mitigation measures that could also be used to reduce or eliminate the effects of the Proposed Scheme locally both in construction and operation. These include that:

- the railway is in cutting and/or false cutting for the majority of the section of the route passing Crackley and Gibbet Hill which will mitigate visual impact of the scheme and reduce potential noise effects;
- landscape earthworks are proposed to both the east and west of the railway to provide continuity of screening from Crackley and Gibbet Hill; and
- extensive planting is proposed on and around the proposed earthworks to integrate the scheme into the landscape pattern and link to established woodlands and the Diamond Wood.

Kenilworth Greenway and Crackley Gap - noise

5. With regard to operational noise and vibration, as HS2 Information Paper E21, Control of Ground borne Noise and Vibration from the Operation of Temporary and Permanent Railways and Information Paper E22, Control of Noise from the Operation of Stationary Systems set out, significant ground-borne noise and vibration effects will be reduced or avoided through, for example, the performance specification and design of the rolling stock and infrastructure, especially the track system.

6. Calculation procedures for the operational railway are based upon the verified calculation methods that were developed for HS1, further developed and verified to allow for assessment of vibration sources at speeds over 300kph.

7. In Crackley, the sound environment is characterised by nearby transportation sources, namely road traffic on the A429 Coventry Road and occasional local traffic on Woodland Road, Highland Road and Inchbrook Road. Proposed mitigation measures incorporated in the design that could be used to reduce the effects of noise and vibration in addition to the cutting and earthworks mentioned above include proposals for noise fence barriers on both Canley Brook and Finham Brook viaducts to protect residential and non-residential receptors close to the Greenway.

8. As stated in the ES Volume 2 CFA 18, Section 11.4.19, the mitigation measures in this area would avoid airborne noise adverse effects on the majority of receptors including at Crackley Gap.

9. There are no significant noise effects predicted in this area, either during construction or operation of the Proposed Scheme.

Proposals for a tunnel and/or lowering the track bed

10. The Promoter therefore considers that sufficient controls and proposed mitigations are already in place for Crackley Gap and the Greenway, and that the changes to the Proposed Scheme suggested by the Petitioner (of introducing a tunnel and/or lowering the track) would be disproportionate in terms of the benefits they would deliver. The Promoter therefore disagrees that these changes are necessary.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 17

ISSUE RAISED: South Cubbington Wood

PETITION PARAGRAPH: 17. South Cubbington Wood is an area of ancient woodland that will be destroyed if the proposals in the Bill are allowed. The National Planning Policy Framework highlights the importance of protecting "irreplaceable habitats" including ancient woodland and veteran trees. It recommends that planning permission should normally be refused for development in these cases. In order to mitigate the impact of the railway on the historic environment and surrounding area, your Petitioners support the case for the railway to be constructed in a bored tunnel under South Cubbington Wood, rather than the proposed deep cutting, and respectfully ask your honourable House to amend the Bill accordingly.

PROMOTER'S RESPONSE:

1. The Promoter recognises that the Proposed Scheme would have an adverse impact on South Cubbington woodland, and that, as a general principle, 'it is not possible to replace ancient woodland' (see HS2 Information Paper E2, Ecological Impact).

South Cubbington Wood

2. As outlined in the Environmental Statement (ES), Volume 2, CFA17, paragraph 7.4.3, the land required for the construction of the Proposed Scheme will cause the loss of approximately two hectares of ancient woodland from the southern part of South Cubbington Wood Local Wildlife Site (LWS), representing approximately 13% of the site, with the south west of the woodland severed from the main site.

3. As described in the ES, the loss of ancient woodland within South Cubbington Wood LWS will result in a permanent adverse effect on the integrity of the LWS that will be compensated through a range of potential measures which it goes on to set out. Appropriate mitigations are described below.

Tunnel and retained cutting

4. In response to the Petitioner's request for a bored tunnel, proposals for a 1.6km and 2.5km tunnel at Cubbington Wood were developed and assessed by the Promoter as a result of stakeholder engagement, as outlined in the ES, Volume 2, Community Forum Area (CFA) 18 Report, Chapter 2. More detailed information on the assessment has also been released as a result of a

request by Jeremy Wright MP. The Promoter considers that the criteria used for this assessment were balanced and robust.

5. Based on this assessment, the Promoter considers the provision of a bored tunnel in place of the proposed 900 meter, 9-12m deep retained cutting at Cubbington Wood is not justified, given the level of mitigation benefits it would deliver relative to increased construction complexity and costs (See the ES, Volume 2, CFA 18, paragraph 2.6.12). As explained in paragraph 2.2.9, the proposed retained cutting's walls will be used to reduce the loss of ancient woodland by minimising the footprint of the Proposed Scheme. (A retained cutting is supported by retaining walls. This is in contrast to an open cutting which is supported by earthworks over a wider area).

Proposed mitigations

6. In addition, a series of proposed mitigations are set out in the ES, Vol 2, CFA17. These may include, as paragraph 7.4.29ff sets out:

- Ancient woodland soil with its associated seed bank being salvaged and translocated to a 5.3 hectare receptor site between North Cubbington Wood and Weston Wood. The proposed receptor area would create a woodland link between North Cubbington Wood and Weston Wood, whilst retaining the degraded rush pasture in the southern part of Waverley and Weston Woods LWS. This would increase the connectivity of fragmented ancient woodland parcels.
- Other proposed measures such as planting native tree and shrub species of local provenance and translocation of coppice stools and dead wood may also be appropriate.
- The inclusion of proposed planting areas on the east and west sides, adjacent to the railway and associated earthworks, to mitigate for loss of ancient woodland and associated habitats, and to provide visual screening, landscape integration and habitat connectivity. These include a large area of proposed woodland planting immediately to the east of South Cubbington Wood (Volume 2: CFA17 Map Book, Map CT-06-091, D2).
- Proposals to incorporate an area of land to provide a woodland link between North Cubbington Wood and Weston Wood (Volume 2: CFA17 Map Book, Map CT-06-092a, F3 to G1). This measure would mitigate severance effects as well as loss of ancient woodland habitat.
- As well as proposals for compensatory woodland habitat creation and hedgerow creation, green bridges have been designed into the Proposed Scheme with the intention of forming commuting and foraging links to mitigate for the severance of hedgerows and commuting routes for wildlife, in particular in relation to South Cubbington Wood and adjoining hedgerows (see Volume 2, CFA 17, 7.4.37).
- Proposed compensation for the loss of the veteran wild pear tree present in the hedgerow south of South Cubbington Wood could include the propagation of cuttings (grafting) along with seed collection from the tree to retain the genetic material from the tree. However it is recognised that, whilst a suitable option to retain the genetic material would be progressed, success could be guaranteed. Taking a precautionary approach to

assessment, there could be a residual adverse effect on its conservation status that would be significant at up to a district/borough level. (The veteran pear tree is hollow at the base; therefore translocation is extremely unlikely to be successful and is not proposed.) (Please see Volume 2, CFA 17, 7.4.38.)

7. Please see HS2 Information Paper E2, Ecological Impacts for more information on how ecological impacts have been assessed and how they will be mitigated or compensated for during the construction of the Proposed Scheme.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 18, 20

ISSUE RAISED: Cultural heritage - listed buildings

PETITION PARAGRAPH: 18. Your Petitioners are deeply concerned about the impact that the proposals in the Bill will have on the key heritage assets of the Grade I listed Stoneleigh Abbey and other heritage assets in Stoneleigh village and Stareton hamlet, including the Grade 2* listed Stare Bridge, East Lodge and the two listed farmhouses at Dalehouse Farm and South Hurst Farm. All of these buildings will be located close to the proposed railway, and your Petitioners are concerned about the effect of the proposed works on their settings.

20. In your petitioners view, neither the Bill nor the environmental statement deal with the issues raised above adequately. Inadequate mitigation is proposed in order to protect the setting of the heritage assets. Your Petitioners would ask your honourable House to require the Promoters or the Nominated Undertaker to implement sensitive construction methods and bespoke landscape solutions. A review of the impact of the works on the settings of these listed buildings should be carried out by the Promoters in consultation with your Petitioners and English Heritage, and all options should remain open, including the provision of mitigation works and, if the impacts are considered to be so severe as to warrant it, dismantling and reconstruction of the buildings in question.

PROMOTER'S RESPONSE:

1. The Promoter has sought to avoid direct physical impacts on listed buildings during the development of the route during its design of the Proposed Scheme and its associated works.
2. The impacts on listed buildings (and other heritage assets) have been assessed in the Environmental Statement (ES) (cultural heritage topic assessment). As the ES sets out in Volume 5, CFA18, the adverse impact on the Grade I listed Stoneleigh Abbey from construction of the Proposed Scheme will be minimal, whilst the scale of the operational impact will be 'no change/ neutral'. Again, the ES Volume 5 CFA 18, STNo23 sets out that the Grade II listed buildings in Stoneleigh Village will only experience a 'temporary and minimal low adverse' impact as a result of the Proposed Scheme, with no change in effects from the operation of the Proposed Scheme. The construction of the Proposed

Scheme will result in the loss of a small area of historic parkland from the Grade II* registered park of Stoneleigh Abbey. Construction will sever the existing designated area that links the two halves of the registered park. However, the location of the Proposed Scheme within the former National Agricultural Centre and in retained cutting means that it will not be a major visual intrusion in to areas of the registered parkland to the east and west.

3. The ES (Volume 2, CFA 18) recognises that there will be a moderate adverse effect on the rural settings of the listed buildings at Stareton (due to there being some views of the Proposed Scheme from the village), but extensive new planting proposed to the south and east of the village will lessen its visual intrusion so that the overall impact in operation will be neutral. Volume 2 of the ES (CFA18, cultural heritage) sets out that the combined presence and operation of the Proposed Scheme will result in a major adverse effect on East Lodge and will alter 'key characteristics of the setting of this asset'.

4. There will be significant construction impacts on Dale House Farmhouse, which will experience notable changes in noise levels and trains will be visible on viaduct and adjacent to the Farmhouse. South Hurst Farm, as reported in the ES, Vol 2, CFA 18 will see an increase in noise. Buildings including those at Dale House Farmhouse and South Hurst Farm cottages may be offered noise insulation (see Volume 5, Sound, noise and vibration, Map series SV-05). Proposed mitigation planting will mean that by the summer of year 1 of operation and in year 15, the intervening vegetation will largely filter views of the Proposed Scheme from South Hurst Farm.

5. Paragraph 2 of Schedule 17 to the Bill dis-applies some of the legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990 for those listed buildings specified in Table 2 of that Schedule, specifically with regards to works to maintain or restore their character, or for the affixing of monitoring apparatus. This has the effect of removing the need for listed building consent for works to protect the listed building from adverse effects, such as ground settlement as a result of works on the Proposed Scheme. It is proposed that a Heritage Agreement will be made with each affected local authority and with English Heritage, in respect of these works, setting out the process by which protective works to listed buildings will be approved. The nominated undertaker will liaise with Warwick District Council and English Heritage during the preparation of the methodology for the works. Within Warwick District the following listed buildings mentioned by the Petitioner are set out in Table 2 of Schedule 17 to Bill:

- Stare Bridge
- East Lodge
- Dale House Farmhouse
- South Hurst Farm Cottages

6. In relation to the Grade I listed Stoneleigh Abbey, as the ES Volume 5 sets out, the effect of the Proposed Scheme on the Abbey will be neutral or 'no change'.

7. The draft Environmental Memorandum sets out the approach to landscape and visual mitigation which takes account of the historic environment, including listed buildings. The design of new and modified structures, landscape works and noise mitigation will be developed during detailed design. It is recognised that this work may have implications for the setting of nearby heritage assets, notably designated assets, and appropriate regard will be given to this. Mitigation measures will be developed in consultation with other disciplines.

8. Schedule 16 to the Bill establishes the planning regime under which certain details of the works for the Proposed Scheme will require approval from the relevant local planning authority. The design of the Proposed Scheme to date provides the level of detail necessary for the purposes of the Bill and the requirements of the Environmental Impact Assessment Regulations. The detailed design necessary to enable the Proposed Scheme to be constructed has yet to be carried out, and is unlikely to be completed until after the Bill has secured Royal Assent. Once complete the nominated undertaker will need to apply for approval of the detailed design for various elements of the Proposed Scheme from local planning authorities along the route under the planning regime established under Schedule 16 to the Bill.. Such works requiring approval of the relevant local planning authority generally apply to all permanent above ground building works. This will ensure that although deemed planning permission for the Proposed Scheme is granted by Parliament, local planning authorities will be able to approve the detailed design thereby ensuring that the design of permanent structures fits into the local environment.

9. Paragraph 5 of Schedule 16 sets out the grounds or matters upon which Schedule 16 requests for permanent works can be determined or conditioned by the relevant local planning authority - for example cover the preservation of a site of historic interest, the local environment or local amenity. The control of impacts of permanent works on these heritage assets is therefore already proposed as one of the key local planning authority powers and controls as contained in the Bill. This is explained in HS2 Information Paper B1, The Main Provisions of the Planning Regime, Information Paper D1, Design Policy, and Information Paper G6, Design Development – Detailed Design and the Role of Planning Authorities.

10. The draft Heritage Memorandum sets out how the historic environment (including heritage assets and their setting), will be addressed during the design and construction of the Proposed Scheme. It provides a framework for the nominated undertaker, English Heritage, local authorities and other stakeholders to work together to ensure that the design and construction of the Proposed Scheme works are carried out with due regard for heritage considerations.

11. Further information regarding the control of environmental impacts and the measures in place during construction are set out in HS2 Information Paper E1, Control of Environmental Impacts and Information Paper D3, Code of Construction Practice. The latest version of the Draft Code of Construction Practice can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf.

12. The Promoter can also reassure the Petitioner, that the Promoter will work with owners of heritage assets as part of negotiations over application of the Compensation Code. These negotiations are to determine whether additional financial compensation or specific accommodation works might ameliorate the effects of the Proposed Scheme on these assets.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 19

ISSUE RAISED: Construction compound – impact on A46 and Stoneleigh area

PETITION PARAGRAPH: 19. Your Petitioners are also concerned about the impact of the proposed construction compound in this location, particularly as regards the level of construction traffic on the A46 and local roads around Stoneleigh, which are not suitable for use by heavy goods vehicles.

PROMOTER'S RESPONSE:

Location of construction compound

1. The Promoter has identified the need for a construction site in this location because it is necessary for operational requirements of the proposed railway. More information on the locating of construction compounds can be found in HS2 Information Paper D2, Selection of the Location of Construction Compounds. The A46 Kenilworth Bypass Overbridge Main Compound and associated road-head have been located adjacent to the A46 to ensure that construction vehicle movements could be focussed on the principal highway routes and minimised on the more minor highways. The access arrangements for this compound have been developed with the input of the local highway authority. Traffic Management Plans for the Proposed Scheme and construction routes will also be subject to approval by the local highway authority under the planning regime established under Schedule 16 to the Bill.

2. The Promoter understands through engagement with the Petitioner that the main concern in this regard is the management of construction traffic. Section 14 of the draft Code of Construction Practice (CoCP) includes a long list of the type of matters that the nominated undertaker will engage with local highways authorities on in respect of the Proposed Scheme works, including (but not limited to) measures to provide for road safety and procedures relating to obtaining highways consents. In addition to this, the nominated undertaker will ensure that Traffic Management Plans (TMPs) will be produced in consultation with the highway and traffic authorities and the emergency services. The TMPs will include, as appropriate: site boundaries and the main access/egress points for worksites and compounds; temporary and permanent closures and diversions of highways and other public rights of way; and the proposed traffic and construction vehicle management strategy.

3. As HS2 Information Paper E13, Management of Traffic During Construction points out, 'the routes to be used by large goods vehicles must be approved by qualifying planning authorities (see also HS2 Information Paper B1, the Main Provisions of the Planning Regime and Information Paper E14, Highways and Traffic During Construction – Legislative Provisions). This applies 'when the number of large goods vehicles exceeds 24 one-way trips per day. (...) The highway authority must

be consulted before works affecting highways or traffic can be undertaken and consent must be sought before interfering with any property of the highway authority...'. Part 1 of Schedule 31 of the Bill also sets out the protective provisions applicable to highways and traffic under the Bill. Further information on these protective provisions is set out in HS2 Information Paper E14, Highways and Traffic During Construction – Legislative Provisions.

4. As the Petitioner will be aware, the relevant highway authority will be Warwickshire County Council.

5. HS2 Information Paper E13, Management of Traffic During Construction also explains that, 'liaison will continue on a more local basis during construction to discuss specific day-to-day issues around construction traffic management as they arise. This is likely to involve the nominated undertaker, the contractor(s), relevant highway authorities, the emergency services and bus operators (and also taxi representatives as necessary).'

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 21

ISSUE RAISED: Stoneleigh and Stareton – visual and noise impact

PETITION PARAGRAPH: 21. To protect the amenity of residents from Stoneleigh and Stareton, additional noise and visual impact mitigation should be implemented by the Nominated Undertaker, designed in such a way as to blend in with the character of the area.

PROMOTER'S RESPONSE:

Amenity

1. The assessment of community effects at Section 5 of the Environmental Statement (ES) Volume 2, CFA18 report includes consideration of 'amenity'. The Promoter defines amenity as 'the benefits of enjoyment and well-being which are gained from a resource in line with its intended function. Amenity may be affected by a combination of factors such as sound, noise and vibration, dust/air quality, traffic congestion and visual impacts' (ES, Glossary of Terms). As such, the amenity assessment of the ES has drawn on the conclusions from other assessment topics.
2. As explained in Paragraph 5.3.4 of the ES, Volume 2, CFA18, the centre of Stoneleigh is about 1km north-east of the route of the Proposed Scheme and is beyond the corridor within which receptors are likely to be affected by amenity effects or the land-take required for the construction and operation of the Proposed Scheme. Stareton, a small hamlet, lies about 1.5km south-east of Stoneleigh village and within 400m of the route of the Proposed Scheme as it approaches Stoneleigh Park from the south-east. Map CM-01-108 contained within Volume 5 of the ES, indicates that no significantly affected community resources are identified in either Stoneleigh or Stareton.
3. No adverse noise effects are identified at either Stoneleigh or Stareton; this can be seen in Map SV-05-047 (contained in Volume 5 of the Environmental Statement), which shows that Stareton and Stoneleigh lie beyond the extent of the 40 decibels night-time and the 50 decibels day-time noise contours.
4. The Promoter has sought to avoid direct impacts on the landscape by the Proposed Scheme during the scheme development and design and associated works. The relevant section of the proposed route to Stoneleigh includes the 1.3km Glasshouse Wood cutting and planting on both sides of the route north-east and south-west of the River Avon is proposed to provide a combination of visual screening, landscape integration and habitat connectivity.

5. No additional visual and noise mitigation is considered to be required for Stoneleigh and Stareton.
6. HS2 Information Paper E16, Maintenance of Landscaped Areas, outlines the approach that will be taken to these areas to ensure that they meet and continue to meet their objectives.
7. Detailed design for the Proposed Scheme has yet to be carried out and is unlikely to be completed until after the Bill has secured Royal Assent. Once completed, the nominated undertaker will need to apply for approval of the detailed design of a range of parts of the Proposed Scheme, including viaducts, from the local planning authority under Schedule 16 of the Bill. This will ensure that although deemed planning permission for the Proposed Scheme is granted by Parliament, local planning authorities will be able to ensure that the design of permanent structures fit into the local context and environment.
8. For more information, see HS2 Information Paper B1, the Main Provisions of the Planning Regime and HS2 Information Paper G6, Design Development - Detailed Design and the Role of Planning Authorities

Noise and vibration

9. As detailed in the ES Volume 5 operational sound, noise and vibration assessment for Stoneleigh, Kenilworth and Burton Green CFA 18 (ref Appendix sv004-018) no likely significant adverse noise effects are predicted at the dwellings in Stoneleigh or Stareton. (See, for example, locations 229933 and 220606 respectively, on Table 3.)
10. The Promoter has set lowest observable adverse effect levels (LOAELs) and significant observable adverse effect levels (SOAELs) to assess the airborne noise impact from the Proposed Scheme. The values for these effect levels were set having due regard to established practice, research results, guidance in national and international standards, guidance from national and international agencies and independent review by academic, industry and Government employees, along with the Promoter's representatives, on the Acoustics Review Group.
11. As required by Government noise policy, all reasonable steps will be taken to design, construct, operate and maintain the operational railway so that the LOAELs are not exceeded. Further details can be found in HS2 Information Papers E20, Control of Airborne Noise from Altered Roads and the Operational Railway, which sets out the Government's interpretation of its own noise policy, the Noise Policy Statement for England (NPSE), with regard to the control of airborne noise from altered roads and the operational railway.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 22

ISSUE RAISED: Routes for construction traffic

PETITION PARAGRAPH: 22. Your Petitioners would also ask your honourable House to require the Promoter to ensure that the Nominated Undertaker only uses local rural roads for construction traffic if absolutely necessary, and in particular, your Petitioners would ask that Hob Lane which runs past the local primary school is not used at all. The Nominated Undertaker should, in your Petitioners view, be required to use haul routes along the trace of the proposed railway wherever possible.

24. Your Petitioners are concerned about the impact of construction traffic on the towns of Leamington Spa, Kenilworth and Warwick, and in particular on local roads that are unsuitable for heavy goods vehicles. Your Petitioners are concerned about congestion and road safety and the impact on commercial activities within these towns. Your Petitioners ask your honourable House to require the Promoters to ensure that the Nominated Undertaker uses dedicated haul routes, in particular on the trace of the proposed railway as much as possible, avoids roads that: are classified below "A" road status and uses roads which avoid towns and villages as much as possible.

PROMOTER'S RESPONSE:

1. As HS2 Information Paper E13, Management of Traffic During Construction points out, 'excavated material will be transported by public highways along designated construction routes using A roads and motorways and minimising the use of local roads'. Transport effects of construction are shown on the TR-03 map series within the Environmental Statement (ES). If the number of large vehicles to go to or from a site (that is, a site where material will be re-used, a waste-disposal site, a working site or a storage site) exceeds 24 per day, any local roads to be used by such vehicles must have been approved by the relevant planning authority (that is, the unitary authority or county council for the area) under the planning regime established under Schedule 16 to the Bill. This is explained in HS2 Information Paper B1, the Main Provisions of the Planning Regime.

2. As mentioned in response to paragraph 19 of the Petition, and as HS2 Information Paper E13, Management of Traffic During Construction, sets out, 'routes to be used by large goods vehicles must be approved by qualifying planning authorities when the number of large goods vehicles exceeds 24 one-way trips per day.' (...) 'The highway authority must be consulted before works affecting highways or traffic can be undertaken and consent must be sought before interfering with any property of the

highway authority’.

3. This is explained further in HS2 Information Paper E13, Management of Traffic During Construction, Information Paper E14, Highways and Traffic During Construction – Legislative Provisions, and Information Paper D3, Code of Construction Practice (CoCP). The latest version of the draft Code of Construction Practice can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf.

4. Further information on local construction and operational impacts of the Proposed Scheme on traffic and transport is outlined in the respective Transport Assessment reports for each CFA area, in this case, TR-001-000 (ES.5.0.12.3 – ES.5.0.12.9). These include an assessment of the impacts of the additional construction traffic generated by the Proposed Scheme and includes details of the numbers and types of vehicles used in the assessment.

5. Schedule 23 to the Bill dis-applies various provisions within highways legislation relating to works affecting highways and streets. However, they are replaced by requirements for detailed approval by or consultation with the highway authority under protective provisions that are contained in Part 1 of Schedule 31 to the Bill. The local authority will be able to engage with the Promoter under the protective provisions which are explained further in HS2 Information Paper E14, Highways and Traffic During Construction – Legislative Provisions.

Hob Lane

6. Hob Lane was identified as one of the main proposed routes for construction traffic accessing the works at Burton Green on the grounds that it would be the least disruptive to the community overall. By having two routes, one via Hob Lane and another via Hodgetts Lane, it was thought there would be no requirement for construction vehicles to pass through the centre of the village to serve the construction working areas on either side of the route of the Proposed Scheme.

7. No significant adverse traffic or amenity effects have been identified in the ES due to Hob Lane being identified as a route for construction traffic. On this basis, redirecting construction traffic away from Hob Lane to access via Hodgetts Lane would not offer any overall benefit to the community of Burton Green. Vehicles would still be required to access the works at the South Portal construction site at Red Lane, so that the minor adverse pedestrian severance effects and the temporary isolation effects on the school identified in the ES and mentioned earlier in this response, would remain.

8. The ES, Volume 2, CFA 18 report section 12 (Table 26) indicates that the average combined two-way vehicle trips using the Hob Lane route are likely to be in the order of 140-165 cars and 60-75 heavy goods vehicles per day. This represents a worst-case forecast likely to occur over a 3 – 4 year period during the bulk of the engineering works at Burton Green. For HGVs, these figures equate to approximately one heavy goods vehicle per 5 minutes, assuming deliveries are spread throughout the day.

9. The ES did not identify any significant amenity effects on the school due to the use of Hob Lane by construction traffic. Noise levels at Hob Lane due to the additional traffic, are predicted to increase by 0.6dB, which is not considered sufficient to trigger a significant effect on any receptor along Hob Lane, including the School (explained within the ES Volume 5 Sound, Noise and Vibration Construction

Assessment Report for CFA18, Table 3).

10. On this basis, the Proposed Scheme would not cause noise levels at the school to exceed the levels set out in relevant design guidance. In terms of air quality, the number of additional vehicles likely to be using Hob Lane during the construction works was not considered sufficient to trigger a potential significant increase in traffic related emissions. Any potential dust impacts on the school were assessed as being negligible (see ES Volume 2, CFA18 report, paragraph 4.4.8).

11. The Promoter has set out (see, for example, HS2 Information Paper B1, The Main Provisions of the Planning Regime), how the draft Code of Construction Practice (CoCP) and supporting Traffic Management Plans will mitigate construction impacts related to the Proposed Scheme. Main construction traffic routes will also be the subject of agreement with the local authority under the planning regime established in the Bill. The nominated undertaker will work with local highway authorities with the aim of developing strategies to mitigate any local traffic issues.

12. It is indicated in the draft CoCP that site specific traffic management measures may include, where practicable, the avoidance of large good vehicles operating adjacent to schools during drop off and pick up periods (please see the draft CoCP Section 14).

13. The Promoter will work closely with the individual institutions and, where relevant, the local education authority, to understand the implications for pupils and staff of these proposals and identify practicable measures to mitigate these, including discretionary measures identified in the draft CoCP. This is explained further in HS2 Information Paper D3, Code of Construction Practice (CoCP).

14. HS2 Information Paper E13, Management of Traffic During Construction, provides further details on the measures that will be taken to minimise the impact of construction traffic in relation to the Proposed Scheme.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 23

ISSUE RAISED: Kenilworth Golf Course

PETITION PARAGRAPH: 23. Kenilworth Golf Course provides an important facility for quiet recreation for your Petitioners residents, but it will be severely affected by the proposed works. The proposed works for the realignment of Dalehouse Lane and the movement of the layby on the A46 will mean that a number of holes on the Golf course will become unplayable, and the viability of the course and the business as a whole will be put at risk. Furthermore, the impact of sudden noise from passing trains will adversely affect the play and enjoyment of golfers. Your Petitioners support the owners of the golf course in their efforts to obtain better mitigation for the course, whether it be by an alternative location for the proposed works (for example, movement of the layby and an additional compound or use of the Finham Brook compound or a new compound for the realignment of Dalehouse Lane) or by additional acoustic and visual screening.

PROMOTER'S RESPONSE:

1. The Promoter is in ongoing discussions with Kenilworth Golf Club regarding minimising impacts on the golf course, including those associated with land required at the 16th hole and the third tee.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 25

ISSUE RAISED: Flood risk in Kenilworth

PETITION PARAGRAPH: 25. Your Petitioners are concerned about the potential for flooding at Kenilworth arising from the proposed major alterations to Canley Brook and the subsequent effect on Finham Brook. Your Petitioners are not convinced that the Promoters have carried out sufficiently detailed studies on this aspect and ask your honourable House to require the Promoters to carry out a detailed assessment and ensure that the Nominated Undertaker implements any mitigation measures required as a result.

PROMOTER'S RESPONSE:

1. HS2 Information Paper E4, Water Resources and Flood Risk, outlines the approach taken to assessment and mitigation of, the impact on water resources and flood risk of the Proposed Scheme. This includes impacts and mitigations on surface and groundwater resources and flood risk, the general approach to monitoring, the Water Framework Directive, engagement with water agencies and legislative provisions.
2. The Proposed Scheme will realign a section of Canley Brook, upstream of Crackley Bridge (please see the Environmental Statement (ES) Volume 5, Map WR-01-031, SWC-CFA18-003), and sections of two its tributaries at Birches Wood Farm and Burton Green/Black Waste Wood (ES, Volume 5: Map WR-01-031, SWC-CFA18-004 and 007).
3. Paragraph 13.4.8 of the Environmental Statement (ES), Volume 2, CFA 18 explains that the realignment proposes the creation of around 1km of new meandering channel, enabling the route to cross the watercourse on a single viaduct. Approximately 200m of the existing Canley Brook channel is proposed to be re-graded and used as an outflow channel from the balancing pond; with the existing flow direction being reversed. At Birches Wood Farm (Volume 5: Map WR-01-031, SWC-CFA18-004), it is proposed the channel will be re-graded and realigned to enable it to pass beneath the route in a new culvert. At Burton Green/Black Waste Wood (Volume 5: Map WR-01-031, SWC-CFA18-007), it is proposed that the channel is to be realigned and culverted to avoid the green tunnel.
4. Further details of the assessment of water resources and flood risk in this area can be found in Section 13 of the ES Volume 2 CFA 18 report. This sets out that neither the construction or operational phases of the Proposed Scheme have been assessed as resulting in an increase in flooding from any source, and therefore no significant temporary effects will arise (see paragraph 13.4.36). Further details of the assessment, including the determination of the potential impacts

that will not have likely significant effects, is provided in Volume 5: Appendix WR-003-018.

5. The ES, Vol 2, CFA 18 report paragraph 13.4.9 also mentions that the detailed design phase will provide an opportunity to consider opportunities to reduce flood risk at the Canley Brook, where reasonably practicable, in consultation with the Environment Agency. Paragraph 13.4.17 of the same report explains that replacement floodplain storage will be provided upstream of the Finham Brook viaduct structure to avoid an increase in flood risk.

6. Given all of the above, the Promoter does not agree with the Petitioner's view that the Promoter has not carried out a suitably detailed study and that a further study needs to be completed, nor that the potential for flooding at Kenilworth will increase as a result of the Proposed Scheme and alterations it may make to Canley Brook.

7. As HS2 Information Paper E4, Water Resources and Flood Risk sets out:

'where the railway and associated works has the potential to increase flood risk, the design reflects the approach required by the National Planning Policy Framework (NPPF) and the supporting Technical Guidance (such as the incorporation of flood risk mitigation measures). The design aim is for no increase in the risk of flooding for vulnerable receptors including residential property (defined as more/ highly vulnerable essential infrastructure in Table 2 of the NPPF) during the lifetime of the development, taking projected climate change impacts into account. If required, the design will mitigate loss of floodplain by creating replacement storage areas for the 1 in 100 year (1%) annual rainfall probability event, with an allowance for climate change.'

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 26

ISSUE RAISED: Long Itchington Road – ecological impact and local traffic flow

PETITION PARAGRAPH: 26. The Bill proposes to authorise the running of the railway through a cutting to the east of the village of Offchurch. The effect of this cutting will be the closure of Long Itchington Road at Offchurch, which is a major commuter route, and isolate wildlife from neighbouring woods and fields. It would in turn cause vehicles to turn right from the busy Fosse Way which would be detrimental to highway safety. Your petitioners require a green tunnel to be built across the cutting, thus allowing commuter traffic to pass across it, together with enough green space to provide a viable wildlife corridor.

PROMOTER'S RESPONSE:

Long Itchington Road

1. As the Environmental Statement (ES), Volume 2, CFA 17, paragraph 5.4.15 sets out, under the Proposed Scheme, the current Long Itchington Road is to be stopped up and the permanent re-routing of the Sustrans National Cycle Route No.41 via the Offchurch Greenway and a new dedicated link to connect back to Long Itchington Road to the east of the re-aligned Fosse Way (B4455).

Offchurch Greenway – wildlife corridor

2. To reduce the effect of habitat severance and provide habitat connectivity, as ES Volume 2, CFA 17, paragraph 7.4.36 points out, it is proposed that there will be a wider bridge to accommodate hedges at Offchurch Greenway green overbridge.

Offchurch Greenway – commuter and leisure usage

3. As Paragraph 5.3.5 of the ES, Volume 2 CFA17 Report describes, the Offchurch Greenway, as a shared cycle and footpath, which follows the route of the disused Rugby to Leamington Spa Line between Radford Semele and the Fosse Way, with the western part of the Greenway forming part of the Sustrans National Cycle Network (NCR) no.41, Lias Line from Warwick to Rugby, mostly following local roads including Long Itchington Road. The Greenway is crossed by the Proposed Scheme to the East of Offchurch Village. The Promoter recognises that the Greenway is a well-used recreational resource and route for pedestrians and cyclists. As the ES Volume 2, CFA 17, paragraph 5.4.9 sets out, approximately 350m of the Greenway falls within the area of land required

for the construction and operation of the Proposed Scheme. During construction, the Greenway will be re-routed very slightly around the works for the new Greenway overbridge, to avoid any loss of use of the route. This section of temporarily re-routed Greenway would be shared by users of the re-routed NCR no.41, which would be permanently re-routed via the Greenway. The change in amenity during construction due to a combination of significant visual effects and heavy goods vehicle traffic presence in Welsh Road is, however, assessed as a major adverse, or 'significant' effect, in the ES.

Offchurch Greenway – green bridge

4. The proposed provision of the Offchurch Greenway green overbridge avoids any permanent severance of the Offchurch Greenway (ES, Vol 2, CFA 17, Paragraph 5.4.14).

Highway safety

5. The modification of the junction between Welsh Road and Long Itchington Road will alter pedestrian crossing arrangement to use both sections of the Greenway, however no significant effects on users have been identified.

6. The Proposed Scheme proposes the permanent stopping up of Long Itchington Road, but it is proposed that a diversion will be put in place. It is also proposed for the Proposed Scheme to include a ghost island at the Long Itchington Road/ Fosse Way junction for right turning traffic and a roundabout at the Welsh Road/ Fosse Way junction. These features are proposed to mitigate any increased highway safety risk associated with an increase in right-turning traffic.

7. The re-routing of the Sustrans national cycle route No. 41 via the Offchurch Greenway is, again, not assessed as resulting in any significant adverse permanent effects on users and could potentially offer a slight long-term benefit by offering an off-road alternative and making provision for improved crossing facilities at the Fosse Way (ES, Vol 2, CFA17, Paragraph 5.4.15.)

Cut and cover tunnel proposal

8. The Promoter has considered, as a result of proposals from stakeholder engagement, a cut and cover tunnel approximately 1.8km long between Welsh Road and Hunningham Road, combined with a lowering of the alignment across the Leam valley and through South Cubbington Wood. It was assessed that, on balance, given the relative benefits of the proposal as against its significant additional costs, that this was not justified for inclusion within the Proposed Scheme.

Code of Construction Practice

9. In addition to the specific mitigations proposed above, the draft Code of Construction Practice (CoCP) proposes a number of measures which will help mitigate the effects of the construction of the Proposed Scheme, including the following (please see the draft CoCP, Section 5):

- appointment of community relations personnel;
- community helpline to handle enquires from the public;
- sensitive layout of construction sites to minimise nuisance;
- where reasonably practical, maintenance of public rights of way for pedestrians, cyclists and equestrians around the perimeter of construction sites and across entry

- and exit points
- where practicable, the avoidance of large goods vehicles operating adjacent to schools during drop-off and pick-up periods (please see the draft CoCP, Section 14).

10. The Promoter remains in discussion with Warwickshire County Council, both as the owners of the Greenway and as highway authority, on the above matters.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 27

ISSUE RAISED: Lowering the viaduct at the River Leam

PETITION PARAGRAPH: 27. In your Petitioners view the height of the proposed viaduct across the River Leam is much greater than is necessary to protect the railway from flooding. As a result, the associated embankments are also very high and would, in your Petitioners opinion, create an unacceptably obtrusive feature in the landscape. Moreover, in view of the open nature of the proposed viaduct and its height, the village will be subjected to unnecessary additional noise from the operation of the railway. Your Petitioners, therefore, request that the viaduct is lowered as much as possible from its current proposed height.

PROMOTER'S RESPONSE:

1. The height of the railway across the River Leam viaduct is dictated by the topography between Cubbington Wood and Long Itchington Wood and is a balance between minimising the height of embankments within the river valleys against the depths for the cuttings required in the higher areas in between. The current crossing height is deemed to be the optimal balance between the associated environmental, engineering and costs impacts. The Promoter therefore believes the height of the viaduct at this location is appropriate.
2. In accordance with the planning regime established under Schedule 16 to the Bill, in two-tier local authority areas, if a district council signs the Planning Memorandum it will become a qualifying authority when the Bill is enacted. By becoming a qualifying authority, the planning authority will gain powers to determine more than just detailed design approvals for building works under Schedule 16 of the Bill. For example, under powers conferred by the Bill once enacted, these qualifying (district) authorities will be able to consider 'requests for approval' for the design or external appearance of Proposed Scheme works such as bridges and viaducts, walls and fences and sight and noise screens.
3. Approvals for the detailed design and appearance of these structures will be sought from the relevant planning authority after the Bill is enacted. As explained in HS2 Information Paper E1, Control of Environmental Impacts and Information Paper B1, The Main Provisions of the Planning Regime, qualifying authorities will be able to refuse requests for approval for Proposed Scheme works, such as bridges, fences and noise barriers where the design or external appearance of that structure would not 'preserve the local environment or local amenity'.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Warwick District Council

PETITION NO: 420

PARAGRAPH NO: 28

ISSUE RAISED: Coverage of compensation scheme

PETITION PARAGRAPH: 28. The massive scale, and in particular the proposed width of some of the proposed necessary earthworks (for example works to the watercourse at Crackley Gap) means that the zones currently identified for suitable compensation, which are determined in relation to distance from the centre of the track, are wholly inadequate. Some residents located very close to the proposed works and who will be subject to significant noise and dust will not be able to claim compensation. Your Petitioners request that the Promoters be required to modify and extend the compensation scheme to cover such exceptional circumstances.

PROMOTER'S RESPONSE:

Property compensation consultation proposals

1. In April 2014, the Promoter announced an additional package of property help and compensation measures for residential owner-occupiers affected by the Proposed Scheme.
2. These measures are designed to assist residential owner-occupiers who have a property that might be affected by the development of the Proposed Scheme.
3. The additional measures which are available now include an express purchase offer for those in the surface safeguarded zone, under which the Promoter would buy properties at their full un-blighted market value, plus the ability to claim 10% of the un-blighted market value (up to a maximum of £47,000) and reasonable moving costs.

Further discretionary purchase schemes

4. The Promoter proposes to launch two other initiatives - the 'Voluntary Purchase' and 'Need to Sell' schemes towards the end of 2014.

Voluntary Purchase Scheme

5. The Voluntary Purchase Scheme would operate in rural areas, under which the Promoter will offer to buy properties at their full un-blighted market value for those outside of the safeguarded zone, up to 120 metres from the line.

Need to Sell scheme

6. The Need to Sell scheme would operate under no defined boundary whereby the Promoter will offer to accept applications to buy properties at their full un-blighted market value from those who have a compelling need to sell such as job relocation or ill health, but who are unable to do so other than at a substantially reduced price, as a direct result of the announcement of the HS2 proposals. This scheme, if introduced in the form announced in April 2014, would be available to residents of Crackley Gap, subject to the relevant eligibility requirements.

Further schemes

7. The Department for Transport consulted separately over the Summer of 2014 on two supplementary cash payment schemes:

- For owner-occupiers in the Voluntary Purchase area, an alternative cash offer of 10% of the un-blighted market value of their property, with a cap of £100,000 and a minimum payment of £30,000; and
- A Homeowner Payment Scheme to provide cash payments to eligible owner-occupiers between 120m and 300m from the centre line, following Royal Assent of the Phase One Bill, enabling residents to share early in the future economic benefits of the railway. These zones extend to include the majority of properties at Crackley Crescent, if the scheme is introduced in the form shown in the consultation.

8. Further details can be found at <http://www.hs2.org.uk/developing-hs2/property/april-2014-announcement>.