

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

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 WARWICK DISTRICT COUNCIL

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, the Deputy Prime Minister, Mr Chancellor of the Exchequer, 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 ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.
7. Your Petitioners are the local authority for the District of Warwick and have been invested by Parliament with a number of important powers and duties in relation to the interests of the inhabitants of their area. Amongst other functions of your Petitioners is that of the local planning authority in respect of most types of development, and your Petitioners are responsible for general planning and the preparation of development plans. Your Petitioners have a statutory duty to investigate the existence of, and to control nuisances within their area.
8. Your Petitioners allege that they and their property, rights and interests in their area and the inhabitants thereof would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and they accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

Introductory

9. Your Petitioners oppose the Bill in principle. Whilst your Petitioners acknowledge that the principle of the Bill is established at second reading, your Petitioners' views on the subject are so strong, they must be recorded in this petition.

Burton Green

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.

Stoneleigh Park

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.

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.
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.

Crackley Gap

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.

South Cubbington Ancient Woodland

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.

Stoneleigh and Stareton

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.
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.
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.

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.
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.

Kenilworth Golf Course

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.

Construction traffic at Leamington Spa, Kenilworth and Warwick

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.

Canley Brook, Kenilworth

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.

Offchurch and Cubbington

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.
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 .

Compensation

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.

General

29. 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 Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, their counsel, agents and witnesses in support of the allegations of this petition, against so much of the Bill as affects the property, rights, and interests of your Petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for Warwick District Council

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P E T I T I O N

of

WARWICK DISTRICT COUNCIL

AGAINST,

BY COUNSEL, &c.

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