

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against the Bill – On Merits – 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 THE INLAND WATERWAYS ASSOCIATION

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the bill”) has been introduced 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.
- 3 The works proposed to be authorised are specified in Schedule 1 of the Bill and are shown on the deposited plans and sections. Schedule 31 Part 4 provides Protective Provisions for the Canal & River Trust.

Your Petitioner

- 4 Your Petitioner is a registered charity, founded in 1946, and a company limited by guarantee registered in England & Wales, with approximately 16,000 members which advocates the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. Individual and corporate members of The Inland Waterways Association, and members of the public whose interests in waterways are promoted and protected by the Association, include boat owners, holiday boat hirers, boat building and hiring companies, marina and moorings operators and other waterway related businesses of all kinds, canal restoration groups, community boat charities, canoeists, anglers and users of canal towpaths for recreational walking, cycling, travel to work and for access to the natural and built heritage of the waterways.

Your Petitioner's Concerns

- 5 Your Petitioner does not object in principle to the decision to construct the new railway however considers that the built heritage, tranquillity and amenity value

of various canal navigations, their access and enjoyment by the public and their commercial interests will be injuriously affected to an unnecessary extent by certain details of the design and construction of the railway authorised by the Bill, to which your Petitioner objects.

Noise Mitigation

- 6 Your Petitioner notes that the Environmental Statement treats all waterway users as 'transitory' noise sensitive receptors. However boats on canals are generally permitted to moor for up to 14 days in any one location and can be residential during that time. At designated long term moorings and in marinas boats may be used residentially for considerably longer periods or permanently.
- 7 With the Promoter's current plans people resident on boats mooring in proximity to the high speed railway would be subject to excessive noise disturbance unless noise mitigation is being provided for other nearby residential property. In practice this would create zones near the railway where mooring for other than very short periods would be intolerable due to noise nuisance, thus depriving users of their use and enjoyment of the waterway.
- 8 The locations particularly affected include: the Grand Union Canal and Harefield Marina by the Colne Valley viaduct (CFA7); the Oxford Canal crossing and a 'loop' of the canal in close proximity to the HS2 line near Wormleighton (CFA16); the Grand Union Canal at Longhole viaduct (CFA17); the Birmingham & Fazeley Canal at Curdworth (CFA20); the Lichfield Canal and Lichfield Cruising Club moorings at Cappers Lane, the Coventry Canal by the proposed Materials Stockpile area at Streethay, and the Trent & Mersey Canal and moorings by the multiple crossings of the Handsacre Link and Manchester spur at Woodend, Fradley (CFA22).
- 9 Your Petitioner notes that the shell of a canal boat has inherently lower sound insulation properties than a building and cannot readily be improved by modifications such as double glazing offered to affected houses. Therefore boats used residentially are dependent on external controls of noise transmission.
- 10 Your Petitioner requests that the Promoter be required to provide and maintain the best available technology noise mitigation measures to full residential standards at all canal crossings and wherever the railway runs close to a canal.

Construction Compounds

- 11 Your Petitioner is aware that waterway users will be impacted by visual and noise disturbance from many temporary construction compounds, some of which are very large and will be in use for many years. Adjacent waterways may be used residentially and should be protected to the same degree as if they were residential buildings.
- 12 Affected locations include: the Regents Canal at Hawley Lock (CFA2), the Grand

Union Canal at Old Oak Common and Willesden (CFA4); and the Coventry Canal by the Materials Stockpile area at Streethay (CFA22).

- 13 Your Petitioner requests that the Promoter be required to minimise the visual impact and noise exposure of waterway users from construction compounds to the lowest practicable levels by provision of landscaped earthworks and /or noise fence barriers.

Limits of Deviation

- 14 Your Petitioner notes that the permitted limits of deviation include vertically downwards to any extent and vertically upwards not exceeding 3 metres. Canal operating water levels cannot be altered without major engineering changes to the canal and the minimum clearances for navigation and towpath use must be maintained at all crossings.
- 15 For both permanent works and during construction works, your Petitioner believes it should be a requirement to maintain the continuity of the navigation and towpath to the specified minimum clearances.
- 16 Your Petitioner requests that the Promoter be required to maintain the existing canal water level and the standard minimum width, draught, air draught and towpath headroom clearances as specified by the Canal & River Trust for each waterway.

Design Principles

- 17 Your Petitioner considers that the proposed railway bridge and viaduct crossings of the canals will have a major visual impact on their setting and environment. The architectural design and appearance of the structures as seen from below is more apparent to canal and towpath users travelling at slow speed than with most traffic under road bridges. It is therefore important that bridge and viaduct crossings are of simple and elegant architectural design relevant to their setting and are not just designed for the cheapest engineering solution.
- 18 Your Petitioner notes the Promoter's photomontage visualisations of bridges and viaducts over canals at several locations reveal major visual intrusion, especially where the crossings are at an acute angle and/or at great height. These include the Colne Valley viaduct (CFA7), the viaducts at Curdworth (CFA20), and at Cappers Lane and at Woodend, Fradley (CFA22). The visual impact of the proposed multiple crossings of the Trent & Mersey Canal at Woodend, Fradley is a major concern, in conjunction with other factors as discussed below.
- 19 Your Petitioner also has particular concerns where multiple bridges across the canals are required on the approach to Birmingham at Saltley Viaduct over the Grand Union Canal and at Curzon Street Station across the Digbeth Branch Canal (CFA26). Without good design these could create dark enclosed public spaces. Such spaces have led to both undesirable and criminal behaviour

elsewhere on the waterways and this dissuades the public from using the area thus increasing the problem.

- 20 Your Petitioner is aware that the Canal & River Trust has produced guidance on 'HS2 Design Principles' from the waterways perspective. Your Petitioner requests that the Promoter be required to adopt these for waterway crossings or that they are required to consult with and gain approval from the Canal & River Trust to ensure the appearance and functionality of all major structures make a positive impact on waterways affected by the railway.

Canal Crossings at Woodend, Fradley

- 21 Your Petitioner noted that the original proposals for HS2 in 2010 did not affect the Trent & Mersey Canal at Fradley. However the route around Lichfield was amended in 2011 to include two crossings of the canal. It has since been altered several times with the addition of grade separated junctions and the Manchester Line spur in 2013 adding further to the impacts on the canal. The Woodend to Fradley Junction section of the canal will now be crossed by four HS2 bridges at different levels in close proximity, making this the most adversely affected of all canal crossing locations nationally.
- 22 This is an exceptionally attractive and tranquil part of the canal system. The Trent & Mersey Canal is a Conservation Area and Woodend Lock & Bridge and Woodend Lock Cottage are Listed Buildings dating from the original construction of the canal by engineer James Brindley in 1770. The visual impact of the HS2 viaduct bridges and embankments will adversely affect the setting of the canal's heritage, and the visual and noise intrusion will damage its amenity, recreation and tourism benefits. Additional impacts include loss of moorings above Woodend Lock, the proximity of the construction compounds, and interruptions to navigation and towpath access during construction.
- 23 Your Petitioner is aware that one of the crossings is the Manchester Line spur for Phase 2 which your Petitioner does not contest in principle, subject to adequate mitigation of noise, maintenance of clearances and appropriate design, as above. However, it was apparent to your Petitioner from 2011 that an alternative alignment could be followed that would avoid the double crossing of the canal above and below Woodend Lock and your Petitioner proposed this in their consultation response and again later through the Whittington to Handsacre Community Forum.
- 24 Your Petitioner held 'bilateral' meetings with HS2 Ltd who examined this proposal and, very belatedly, produced a working drawing that demonstrated that an alternative alignment avoiding the canal crossings was possible. However, they dismissed it as requiring a speed reduction on the link adding some seconds to journey times. Your Petitioner did not accept that this was properly considered and made further representations at local and national level to the Design Refinement and the Draft Environmental Statement consultations.

- 25 Your Petitioner believes that HS2 Ltd were not prepared to consider any significant changes to their plans, however reasonable and justified, due partly to resource limitations and partly to the imposition of an arbitrary timetable for submission of the Bill to your House. Your Petitioner therefore resolved to commission an independent expert consultancy report, jointly with the Canal & River Trust, to validate a practical alternative route avoiding the canal crossings and to compare its environmental impacts and economic benefits.
- 26 The report entitled "HS2 – Fradley Junction Area – Alternative Alignment Study. Outline Appraisal" by Hyder Consulting (UK) Limited was submitted with the response to the Phase One Environmental Statement consultation in February 2014 by your Petitioner and also by the Canal & River Trust.
- 27 In summary, the 'Hyder Report' demonstrates that an alternative alignment for the link to the West Coast Main Line between Streethay and Handsacre that avoids crossing the Trent & Mersey Canal is technically feasible and meets the HS2 design criteria including operating speed, which the current proposal does not. The benefits of this alternative include:
- Avoiding most of the visual and noise impacts on the Canal Conservation Area and the setting of its Listed Buildings
 - Minimising construction and operational impacts on canal and towpath users including temporary closures, permanent loss of moorings and ongoing loss of tranquillity
 - Reducing wider impacts on the recreation, tourism and economic benefits of the canal system
 - Removing the canal crossings and thereby significantly reducing the height of the railway above ground level, with consequent reduction in noise transmission and visual impact over a wide area
 - Benefitting the environment overall, with similar effects on woodland and wildlife and reduced impacts on heritage, landscape, noise and people
 - Avoiding the need to construct 3 permanent canal viaducts, 2 viaducts over the Pyford Brook and 2 temporary canal bridges and reducing the height and length of embankments which will save an estimated £54 million in construction costs and reduce construction time, the traffic on local roads and the impacts on local communities.
- 28 Your Petitioner therefore requests that the current proposals at this location are prevented from forming part of the works and that instead the Promoter seek to pursue the much improved alternative proposed by the Petitioner and the Canal & River Trust by way of promoting an Additional Provision authorising the improved alignment.

Handsacre Link

- 29 Your Petitioner notes that the proposed HS2 junction with the West Coast Main

Line at Handsacre is essentially a temporary link pending completion of the intended Phase 2 continuation to Manchester. In between its grade separated junction with the Manchester spur at Streethay and another grade separated junction with the West Coast Main Line at Handsacre it follows an 'S' shaped alignment with curvature not suitable for high speed running. As planned, it would be used for all services to the north from 2026 to 2033 but thereafter carry only one train an hour.

- 30 However, Handsacre is possibly the most difficult place to join the West Coast Main Line, representing a major bottleneck. The 'four tracking' improvements of a few years ago ended north of Rugeley, hence four tracks carrying express passenger, local stopping services and freight are all funnelled into the non-grade separated junction at Colwich. Most of the traffic then continues through the two track Shugborough tunnel before a four track alignment is regained towards Stafford. Joining HS2 to the West Coast Main Line at Handsacre just south of Rugeley will then make six tracks funnelling into this two track section. There have been several schemes over the years to bypass Shugborough and Stafford which have not been implemented.
- 31 Your Petitioner observed that the review of HS2 by Sir David Higgins (HS2 Plus, March 2014) implicitly recognises this problem by proposing that the HS2 main line is extended beyond Stafford to Crewe by constructing that part of the Phase 2 route simultaneously with Phase 1. The Government supports this proposal and has commissioned detailed work on it that is likely to result in changes to the Bill or some supplementary legislation.
- 32 Your Petitioner considers that agreement to this major change would then call into question the purpose of and need for the Handsacre Link. It will no longer be required to carry all the northern services over a 7 year period from 2026 to 2033 but only for at most one year (2026 to 2027). A slight change to the construction timetable for an extended Phase 1 could eliminate even this usage, removing the main purpose of the link. Once the HS2 line to Crewe is completed the link is scheduled to be used by only one train an hour, a Liverpool service via Stafford. The projected time saving to Stafford on this service is limited and Stafford already has a good service on the West Coast Main Line with better connectivity than will be provided by HS2. Thus the Handsacre Link may effectively be redundant. Even if retained just to serve Stafford the link would be over-specified for such limited use and not justify the considerable infrastructure cost and impact of the present design (including two grade separated junctions). Your Petitioner questions the need for the Hansacre link given the potential cost saving and environmental benefits to the overall project.
- 33 Your Petitioner therefore requests that due consideration be given to this aspect of the Government's response to the Higgins report and to the HS2 Phase 2 consultation, and any proposed changes to the overall project and its timetable that may render unnecessary the construction of the Handsacre Link, and recommendations be made accordingly.

Conclusion

- 34 In consideration of the above, your Petitioner reserves the right to raise any further matters of concern related to the above matters and related to any changes or additions to the Bill that may arise from continuing discussions, the preparation and publication of reports, any revisions that may be made to current plans or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
- 35 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, including amendments to the alignment of the Handsacre Link at Woodend, Fradley, then the Bill should not be allowed to pass into law.
- 36 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights and interests and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

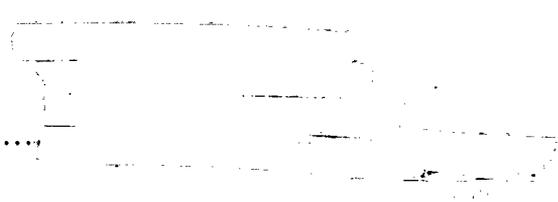
YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of Your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to Your Petitioner in the premises as your Honourable House shall deem meet.

AND Your Petitioner will ever pray, &c.

NAME: Grenville Messham
Director Trustee and duly authorised representative of The Inland Waterways Association

Signature.....

NAME:
Clive Henderson
Director and Trustee of The Inland Waterways Association

Signature.....

Backsheet

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