

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

~~Against – on merits – 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

RICHARD MAXWELL BOOTHEWAY KENYON and JANETTE MARY KENYON

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your honourable House entitled "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 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 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 have lived at Four Winds, Dalehouse Lane, Kenilworth CV8 2JZ for 33 years. We are in our mid-seventies, and had hoped to spend the rest of our lives in this

delightful house and beautiful garden, the latter laid out and planted by Mrs Kenyon's father. Mrs Kenyon's mother, who is aged 95, has lived in the house since 1940 and now lives there with the Petitioners who are primary carers for her. We fear for delays to the arrival of Emergency Services should they be needed.

The proposed track of HS2 will run 124 metres from the house and approximately one fifth of the property is safeguarded for construction work. It will be impossible to enjoy the garden during construction and when the trains are operating. Construction work so close to the property and on the land on three sides will ensure that occupation of the property will be impossible for seven years, to say nothing of the noise intrusion during operation. We fear that we shall not be able to open the windows of the house because of the dust and noise.

Your Petitioner Richard Kenyon fears that his journeys to and from his office in Warwick will be significantly affected as will those to visit his clients. He anticipates that he will lose a significant amount of business as a result.

8. Your Petitioners and their rights and property are injuriously affected by the Bill, to which your Petitioners object for the reasons stated in section seven above and others, hereinafter appearing.
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.
10. Your Petitioners oppose the choice of route. It would be much more sensible for the route connecting London and Birmingham to follow the existing transport corridor alongside the M1 and M6 motorways. If necessary the speed of the trains should be reduced as has already been suggested by EAC. If this option is rejected, then the following detailed objections and suggestions below apply.
11. Your Petitioners are concerned about the validity of the Environmental Statement. After HS2 Ltd stated that HS2 would 'only' go through 19 ancient woodlands, The Woodland Trust who believe the figure to be 27 (with a further 22 suffering secondary effects) asked them to provide a list of these woods, Crackley Woods was not included, despite the fact it is not only an ancient woodland, but a nature reserve. In all incarnations of the proposed route for HS2, maps have shown HS2 going through Crackley Woods, which a highly utilised recreational amenity. In the information provided to the Woodland Trust, Roughknowles Wood, which is across the road from Crackley Woods was missed off from the list of those woods which would be faced with secondary impacts, despite the fact it will be impacted by the proximity of construction works.
12. Your Petitioners do not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("COCP"). That is inadequate because the COCP is in draft form and will remain as such until after the Bill has been enacted. The term, 'reasonably practicable' has been used frequently throughout the COCP but it is not clear who will decide what is 'reasonably practicable'. Your Petitioners are also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust.
13. It is vital that the deficiencies in the ES identified by the Environmental Audit Committee of your honourable House, amongst others, are remedied by the Promoter of the Bill, whether by way of an addendum to the ES or otherwise. One reason this is

so important is that the Environmental Minimum Requirements, which have been produced by the promoter of the Bill in draft, contain important obligations which will fall on the Nominated Undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.

14. Your Petitioners are concerned that there are potential adverse impacts on water resources. The increased risk of surface water flooding arising from the construction and operation of the works authorised by the Bill has also been inadequately assessed and has the potential to have significantly adverse impacts, especially with regard to the proposed diversion of Canley Brook. The Flood and Water Management Act 2010 explains that Lead Local Flood Authorities have responsibility for surface water flooding, but HS2 Ltd as of yet have been ignoring this legislation and only liaising with the Environment Agency
15. HS2 will significantly impact on travel in and out of Kenilworth during the construction phase. Out of the nine roads into Kenilworth, six will be impacted by around a decade of construction. Additionally, the six-lane A46 Kenilworth Bypass will be re-routed during construction. Currently, Kenilworth Railway station is due to re-open in 2016, before the construction of HS2 starts, as such construction of HS2 will impact on services between Kenilworth and Coventry as soon as they open. Your Petitioners believe that these travel constraints will have a significant effect on everyone trying to get in and out of the town. While this will lead to increased journeys to work, the greater concern is for the viability of businesses in Kenilworth. Kenilworth has a high proportion of pubs and restaurants, which rely on custom coming in from out of town. Your Petitioners are concerned that years of disruption will affect the viability of these businesses and the jobs of those employed within them. A few years ago, when Severn Trent replaced sewers, a compensation scheme was available for businesses, and your petitioners believe the Nominated Undertaker should be required to implement a similar scheme to compensate for lost business.
16. Your Petitioners request that the proposed works to the A46 under Schedule 1 Works No 2/169 are revised. This road is a major route through the area and a part of a national network of principal trunk roads and motorways. In this instance, the A46 links together the M40, M69 and M1. At the moment the proposal is to divert the A46 to one side, to excavate and build a retaining structure for the route under on the temporarily extinguished carriageway and then to repeat the process to the other side to create a covered route under. Such a potential disruption to a major road will cause traffic chaos to the route and traffic gridlock to the area. Furthermore, at a bilateral meeting representatives of HS2 Ltd stated that any costs associated with such chaos would have to be met by local councils and the Highways Agency. Your Petitioners request that such costs should be borne by the overall cost of the HS2 project.
17. Your Petitioners object to the adverse noise and intrusive impacts which will be injurious across the area. Your Petitioners believe that HS2 Ltd have significantly under-estimated the impact of noise generated by HS2 on Kenilworth, and note that HS2 Ltd have rather conveniently projected that noise impacts end just where houses start. Your Petitioners find this hard to accept, firstly because Kenilworth is a tranquil area where any increase in noise will be felt, and secondly because HS2 is placed at the base of a valley through the Crackley Gap, noise will transmit and be amplified. Your Petitioners believe that the use of a sixteen hour day time LAeq masks the significance of impacts generated by the project. There is a lack of detail on noise mitigation in the COCP, and Your Petitioners are also concerned that clear accountability and enforcement protocols are not defined in the COCP. Your Petitioners ask your honourable House to require the Promoters to address these

issues. No proper information has been made available to your Petitioners about the design of noise barriers. Your Petitioners have a particular concern about this, because whilst barriers can be an effective way of mitigating noise, they can also be visually intrusive.

18. Your Petitioners have significant concerns about the Crackley Gap, which is the 600 yard green belt separating Kenilworth and Coventry. This is one of the smallest green belts in the country, and HS2 threatens the viability of Milburn Grange Farm, which makes up the green belt on the eastern side of the A429. Your Petitioners are concerned that this land would be used for development if it cannot economically be farmed in the future. Your Petitioners request that undertakings are made to prevent further development in this area.
19. Your Petitioners believe that compensation must be fair and proportionate; and those affected must be afforded a proper opportunity to influence the final determination. Regrettably these principles have not been observed in the current HS2 proposals. Your Petitioners hope that the Select Committee considers previous rulings by the CTRL Select Committee, which ordered the Nominated Undertaker to buy properties which had failed the hardship test, and the Croydon Tram Select Committee which made a ruling around the issue of negative equity. Your Petitioners seek that compensation should be paid on the sole criteria of suffering loss of value, irrespective of personal circumstances.
20. Your Petitioners are greatly concerned by the Promoter's plans for the temporary use of the Kenilworth Greenway by heavy vehicles during construction of the railway. This would create a major loss of amenity for Greenway users, and risk irreparable damage and loss in terms of the structure, flora and fauna of the Greenway. We request that a Your Petitioners request that if the tunnelling option is discounted, HS2 Ltd should ensure the Kenilworth Greenway remains viable after the construction of HS2, and that it should be enhanced, by connecting the northern end to Berkswell Station.
21. Your Petitioners request your honourable House to require the Promoters to consider the benefits that would arise the provision of a tunnel, starting just south of the A46, and ending north of Berkswell Station. This option was proposed in bilateral meetings with HS2 Ltd by the Kenilworth Stop HS2 Action Group, and no reasons for dismissing this option were ever provided by the promoter. These provisions would provide protection to the community, protection to the local economy during construction, save the Kenilworth Greenway in its entirety, and mean that Crackley Woods, and Broadwell Wood, both areas of ancient woodland would also be saved.
22. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.
23. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray 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 Petitioners 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed:

RICHARD MAXWELL BOOTHEWAY KENYON

JANETTE MARY KENYON

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CONTACT DETAILS