

In Parliament
House of Commons
Session 2013-14

High Speed Rail (London – West Midlands)

Against the Bill – 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 KENILWORTH TOWN COUNCIL.

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, 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 parish council for the Town of Kenilworth consisting of seventeen members duly elected by the people of the Town to carry out certain functions including such functions as representing the views of the people of the Town.
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.
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’ opinion is that there is no benefit to the businesses and people of the Town of Kenilworth to outweigh the undoubted harm to the environment of the area and amenity of the people of the Town. This opinion represents the opinion of the overwhelming majority of, but not all of, the people in the Town.
11. Kenilworth is a town of 23,000 people and is one of the largest communities affected by the proposed railway excepting the urban areas of London and Birmingham. Although only a short section of the line passes within the Town boundary many residents will be greatly affected, both during construction and operation, by the route passing the Town through the parishes of Stoneleigh and Burton Green very close to the Town boundary.
12. Your Petitioners have engaged, along with residents and community groups in the area, with the Promoters of the Bill during the preceding four years in an attempt to mitigate the effects of the construction and operation of the railway but many major concerns remain.
13. Your Petitioners have also liaised with Warwick District Council and with Warwickshire County Council, being the two Local Authorities within whose area the Town of Kenilworth falls, and support the relevant parts of the petitions which they are making and in particular their views on technical issues, such as for example noise and ecology, in which the Officers of the Local Authorities are expert.

14. Your Petitioners have serious concerns that the construction works, in addition to the effects of construction traffic, would have major effects on the existing traffic and travel both by private car and by public transport during the long construction period and request that your honourable House impose requirements on the Promoters to minimise the effects on the people of Kenilworth.
15. The trunk road A46, which was built to bypass the Town, is to be crossed by the railway and during the extended period of works could result in additional traffic through the Town. There is a ford on one of the main roads through Kenilworth near to the Castle which is impassable at times of exceptional rain. Your Petitioners seek that suitable arrangements be made to prevent total gridlock in the Town at such times.
16. The five other roads out of the Town of Kenilworth in a northerly direction are all proposed to be crossed by the railway. Simultaneous work on all these would result in unacceptable delays and inconvenience both to commuters and to visitors and social traffic. Your Petitioners request that suitable management of temporary diversions be strictly co-ordinated by the Nominated Undertaker.
17. One of these roads in particular, Dalehouse Lane, was originally assessed by the Promoters as a minor country lane but is a main link from the town to the A46 and carries heavy traffic at peak periods. Its proposed closure during construction is unacceptable.
18. Your Petitioners have several serious concerns about the impact of the proposed route through the narrow Crackley Gap which as part of the long-established West Midlands Green Belt has served well its functions of preventing the City of Coventry and the Town of Kenilworth merging and of maintaining open areas for the benefit of the community. The complication which the Promoters have appreciated in this area is the necessity to cross below the existing Coventry to Royal Leamington Spa railway line which brings the new railway down to the level of the floodplain. The latest proposed plan now necessitates massive earthworks to divert the course of Canley Brook.
19. The new railway with its proposed massive earthworks would be visually intrusive and would harm the appearance and openness of the Green Belt. Your Petitioners ask your honourable House to require the Promoters to do more to protect this valued 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 a very carefully designed landscape scheme is required.
20. The Canley Brook joins Finham Brook which upstream flows through the Town of Kenilworth where there are several houses vulnerable to flooding. Your Petitioners are concerned that the Flood Risk Assessment of the effects of the proposed Works so far carried out by the Promoters relates to the risk of flooding to the new railway rather than to the existing houses in the Town. 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.

21. The new railway would have a very significant impact upon the Greenway bridleways which link Kenilworth to both Burton Green and the University of Warwick. These routes provide both commuting and recreational links for walkers, cyclists and horse riders through the Green Belt and are very popular and well-used. Quite apart from the disruption and diversion necessary for construction, the noise during operation would harm the amenity of users and tranquil nature of the Greenway making it no longer the valuable asset for the benefit of the people it is currently.
22. The massive scale, and in particular width, of the proposed earthworks at, for example, the 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 as they are within the proposed area of the Works. Residents very close to the intended Works are therefore ineligible for compensation though they will be subjected to significant noise and dust during construction and a modified landscape afterwards. Your Petitioners request that the Promoters be required to modify and extend the compensation scheme to cover such exceptional circumstances.
23. Your Petitioners are concerned that the various road diversions and traffic controls necessary during the construction of the railway could have a detrimental effect on a number of businesses in the Town of Kenilworth which rely for much of their custom on people travelling from the West Midlands conurbation on the other side of the Works. Your Petitioners note that no compensation scheme has been proposed for such businesses who may be indirectly affected by the construction and request that the Promoters be required to provide a compensation scheme for loss of profits or similar.
24. One business directly affected is the Kenilworth Golf Club which is a significant employer in the Town and which provides an important facility for quiet recreation for your Petitioners' residents, but would 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 or by additional acoustic and visual screening.
25. Your Petitioners, as the Town Council, are the freeholder of Kenilworth Castle, a Scheduled Ancient Monument managed by English Heritage, which is of recognised importance both nationally and internationally and attracts visitors to the Town from across the UK and overseas. Should access for visitors to the Castle be restricted by

traffic diversions or gridlock there could be consequences not only for the Castle itself but also for the restaurants and other businesses in the Town who currently benefit from this tourist trade.

26. Near to the Town of Kenilworth and within the same Community Forum Area defined by the Promoters is the rural innovation centre of Stoneleigh Park which is cut through by the proposed railway. Your Petitioners are concerned at the detrimental effect the railway would have on this important local employment site and support the owners and operators in their petitioning for further mitigation.
27. Part of the village of Burton Green used to be within the Kenilworth Town boundary before the formation of its own Burton Green Parish Council. The Promoters have chosen a route cutting through the heart of the village and the threat alone has already had a devastating effect on the community. Your Petitioners totally sympathise with the residents of Burton Green and support their continuing efforts to obtain a bored tunnel.
28. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, the Bill so far as affecting your Petitioners, should not be allowed to pass into law.
29. 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

G D SYMES

Town Clerk/Proper Officer, Kenilworth Town Council



IN PARLIAMENT
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HIGH SPEED RAIL (LONDON –
WEST MIDLANDS) BILL

PETITION OF
Kenilworth Town Council

AGAINST, By Counsel, &c.

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