

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

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

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 THE GREENWAY TRUST (KENILWORTH TO BERKSWELL)

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 (“the Authorised Works”) are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.

*Your petitioners*

- 7 Your Petitioners are the Greenway Trust (Kenilworth to Berkswell), a charitable organisation formed in 2012 that exists to promote the Kenilworth to Berkswell Greenway and raise awareness of the wide variety of health, social and other benefits arising from the use of this multi-use corridor. The Greenway Trust works in partnership with landowners along the route, including Warwickshire County Council, Warwick District Council, the University of Warwick and others, together with Sustrans and other interested parties, to maintain and improve the route and its local environment. Greenway Trust members carry out maintenance and improvement activities on a voluntary basis, and raise funds to support the activities of the Trust.
- 8 Your Petitioners and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your Petitioners oppose the Bill in principle, while recognising that the principle of the Bill has been established at Second Reading.

*Geographical scope of the Greenway Trust (Kenilworth to Berkswell)*

- 10 Your Petitioners wish to clarify that the routes variously referred to in HS2 Ltd documentation as the Kenilworth Greenway and Connect2 Kenilworth (linking the Greenway with the University of Warwick) are in fact a single leisure and sustainable travel facility (hereinafter referred to as “the Local Scheme”) constructed over the period 2007 to 2013 by Warwickshire County Council in partnership with Sustrans, Warwick District Council and the University of Warwick, and partially funded by the Big Lottery Fund. The Local Scheme is of national, regional and local strategic importance, forming part of the National Cycle Network (routes 52 and 523). The whole route is in a “Y” formation, linking the centre of Kenilworth to the University of Warwick via one arm of the Y, while the other arm links to Burton Green and on to Berkswell Station. The Local Scheme is almost entirely off-road. Where the route crosses the busy A429 Kenilworth to Coventry Road, Warwickshire County Council and its partners built a new bridge for cyclists and pedestrians rather than the cheaper option of a light-controlled crossing of a busy road. The safety of pedestrians, cyclists and other vulnerable users was a key design criterion for the Scheme.
- 11 Your Petitioners believe that the Promoters of the Bill have consistently understated the Local Scheme’s national, regional and local strategic importance in their documentation and community engagement actions to date. We contend that the various mitigation actions so far proposed to address the acknowledged impacts of the railway and its construction on the Local Scheme are completely inadequate.

*Connect2 Kenilworth route (public right of way W164)*

- 12 The planned diversion of the Canley Brook will mean the permanent loss of about 600 metres of the current Connect2 Kenilworth route, with a diverted route to be built around the earthworks for the diverted Canley Brook, and a temporary diverted route to be used during the construction period of over five years. Your petitioners believe that the plan to create both temporary and permanent diversions of the Connect2 Kenilworth route is flawed, and that a much better solution would be to build a permanent replacement route away from the construction area required for the Canley Brook diversion before construction starts. We respectfully request that the Promoters of the Bill be asked to pursue this alternative solution, which is referred to further in paragraph 13.
- 13 The Environmental Statement acknowledges that the planned temporary diversion of the Connect2 Kenilworth route between the Greenway and the University of Warwick will cause it to be “partially closed and unusable for its intended purpose” for a period of over five years. Your Petitioners consider this impact to be highly detrimental given the national, regional and local importance of the route, and request that a fully usable alternative route should be built before the existing route is closed, of comparable quality to the existing route and constructed to Sustrans National Cycle Network standards.
- 14 Your Petitioners are concerned that the planned routing of construction traffic along Cryfield Grange Road will create an unacceptable safety hazard for walkers, cyclists and horse riders at the point where the Connect2 Kenilworth route currently crosses Cryfield Grange Road at grade. The road is very narrow, with extremely limited forward visibility of the crossing point for road traffic in either direction. We request that either construction traffic is not routed along Cryfield Grange Road, or alternatively that a safe crossing point for Connect2 Kenilworth users be created.

*Permanent impacts on the Kenilworth Greenway*

- 15 Your Petitioners aver that there will be a significant deterioration of the peace and tranquillity of the Kenilworth Greenway over most of its route, which will reduce the quiet enjoyment of all users and reduce the use of the facility for healthy outdoor exercise, thus creating an additional barrier to health for local residents. We are particularly concerned that planned noise attenuation measures between the railway and the Greenway will be inadequate, in particular to eliminate the risk of startling horses in what is a confined space, with other users such as walkers and cyclists in close proximity, which could create a serious danger of injury or death. We request that, in the absence of conclusive evidence on the effects of high speed rail noise on animals and horses in particular (Environmental Statement Appendix SV-001-000: Annex F), the Promoters be required to follow the precautionary principle, in particular by applying a significantly lower threshold for sound exposure level than the currently proposed 100 dB(A).
- 16 The planned permanent diversion of the Greenway through the village of Burton Green is acknowledged in the Environmental Statement to be a significant

impairment of an off-road recreational route. Your Petitioners request that a means is found for the diverted Greenway to remain an off-road route by passing under Cromwell Lane rather than across it at grade via a light-controlled crossing. We further request that any gradient changes introduced on to the Greenway as a result of its diversion are designed to ensure that the access and enjoyment of disabled and other users is not impaired.

- 17 Between north of Burton Green and Berkswell Station, your Petitioners aver that there is insufficient distance between the railway and the realigned Greenway for effective visual and noise screening using natural barriers, that enables reinstatement of the Greenway in ways that would restore and mimic its original ambience. We request that the Greenway be displaced from the railway line as far as is necessary to provide space for effective noise barriers and for planted foliage to conceal these barriers from view from the Greenway.
- 18 Your Petitioners request that the Kenilworth Greenway be enhanced by creating a permanent shared use cycleway path and bridleway link between its northern end and Truggist Lane, Balsall Common (at Berkswell Station), to help to compensate the many users of the Greenway for the permanent loss of peace, tranquillity and natural beauty which will be caused by the proposed Authorised Works even with the best possible mitigation measures.

*Temporary diversion route for the Kenilworth Greenway at Burton Green*

- 19 The Environmental Statement acknowledges the “major adverse effect on the amenity of people using the Greenway in this location”. Your Petitioners believe that the planned temporary diversion route is totally inadequate as a replacement for the current Greenway route through the village of Burton Green for a four to five year period, and request that the promoters of the Bill be asked to come forward with new proposals to meet the points set out in paragraphs 19 to 22.
- 20 The section leading from the Kenilworth Greenway to Red Lane would co-mingle Greenway users with construction traffic accessing the Burton Green Tunnel South Portal Satellite Compound, which your Petitioners aver could jeopardise the safety of walkers, cyclists and horse riders. We request that there be complete separation of the diverted Greenway route and the site access road, with effective screening between them to minimise noise and dust impacts on Greenway users.
- 21 The point where the site access road and diverted Greenway route join Red Lane has poor forward visibility for existing road traffic in both directions, which your Petitioners believe will create a potential hazard for Greenway users needing to cross the road. We request that measures to reduce traffic speeds and to provide a light-controlled crossing be introduced at this location.
- 22 Your Petitioners believe that the co-mingling of Greenway users with existing road traffic and construction traffic on Red Lane, and at its junction with Hob Lane and Cromwell Lane, will jeopardise the safety of walkers, cyclists and horse riders and impede road traffic. We request that a separate shared use path and bridleway be

constructed alongside the Red Lane carriageway, and that a light-controlled crossing be provided at Hob Lane.

- 23 Beyond Hob Lane, your Petitioners believe that the planned temporary Greenway route would be too close to the Cromwell Lane Satellite Compound, subjecting Greenway users to noise and dust from the construction site, and that it is unnecessarily circuitous. We request that the alignment of the temporary route is straightened and moved further away from the Compound, with effective screening between them.

*Use of the Kenilworth Greenway by construction traffic*

- 24 Your Petitioners are greatly concerned by the Promoter's plans for the temporary use of the 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 temporary parallel haul route be created and used by construction traffic instead, and that the Greenway should not be used by construction vehicles other than in exceptional circumstances, and that any damage or loss arising be fully compensated.

*Indirect impacts on the local environment*

- 25 Your Petitioners aver that the planned railway could be a major barrier to migration of species between local wildlife habitats, because the Greenway and its interconnected network of wildlife corridors represent locally important migration pathways for many species of invertebrates and vertebrates. We request that the promoters of the Bill be asked to carry out a full quantitative assessment of the effects of the railway on migration patterns, and to implement the best available measures to mitigate their impacts.
- 26 The Environmental Statement acknowledges the Greenway as a key commuting route for certain bat species, including those rare in Warwickshire. Your Petitioners believe that the impact of the railway will be severe on bat activity, especially in the Burton Green section of the route, and request that the best available measures to promote bat activity along the rest of the Greenway be investigated and implemented.
- 27 Your Petitioners are concerned that there will be adverse impacts on the habitats of certain bird and mammal species alongside the Greenway, including those rare in Warwickshire. We request that the promoters of the Bill be asked to carry out a full quantitative assessment of the effects of the railway on these bird and mammal species, and to implement the best available measures to mitigate their impacts.
- 28 The Greenway provides a key access route for walkers to a number of well-used ancient footpaths (rights of way) which cross the area, in particular W167, W168 and W169. Your Petitioners request that all possible steps are taken to maintain accessibility to all of these routes throughout the construction period and beyond.

*Benefits of bored tunnel under Burton Green*

- 29 Your Petitioners believe that many of the most critical impacts of the planned railway on the Kenilworth Greenway, both permanent and during construction, could be removed completely by construction of a bored tunnel under Burton Green in place of the planned cut-and-cover green tunnel.
- 30 We are concerned that the Options Assessment of the Burton Green Tunnel carried out on behalf of HS2 Ltd (document number LWM-HS2-DL-PPR-030-000028) and summarised in the Environmental Statement, failed to give adequate weighting to environmental vs cost factors and omitted relevant cost considerations. Your Petitioners request that a rigorous independent review is conducted of the Options Assessment of the Burton Green Tunnel, and the outcomes and methodologies used are published and reviewed before any decision to proceed with the current proposed Option B is approved.
- 31 In particular we support bored tunnel Option F as described in the Environmental Statement as providing the most effective mitigation of the cumulative impacts of the Works on the Kenilworth Greenway, and respectfully ask your honourable House to amend the Bill accordingly.

*General*

- 32 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 and interests 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 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.

Name: John Whitehouse

Signature: 

Agent for the Greenway Trust (Kenilworth to Berkswell)

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AGAINST, By Counsel, &c.

