

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 the CRACKLEY RESIDENTS' ASSOCIATION.

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 are a residents' association for the Crackley area of Kenilworth that consist of approximately 130 member households within Crackley. The association has been established for over 25 years and has fought throughout its existence to protect and maintain the Crackley area and its picturesque countryside, woods, nature reserves and footpaths. Your Petitioners members vary from young family households to retired individuals.
8. Your Petitioners and their rights, interests and properties are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. As your petitioners are a collective group, understandably, their individual properties are spread out across the Crackley area. All households are affected by the Bill but, as one would expect, in different ways. Regardless, all members of the association are deeply concerned about the area of land known as the Crackley Gap. The Crackley Gap is an area of Green Belt land that is facing destruction by the Bill. The Crackley Gap has always served as a natural divide between the City of Coventry and the Town of Kenilworth. It also represents a refuge for all forms of wildlife. The Crackley Gap also serves as a natural flood plain accommodating vast amounts of rainfall from both Coventry and Kenilworth which is channelled in to the Canley Brook. This area poses a unique combination of engineering problems and

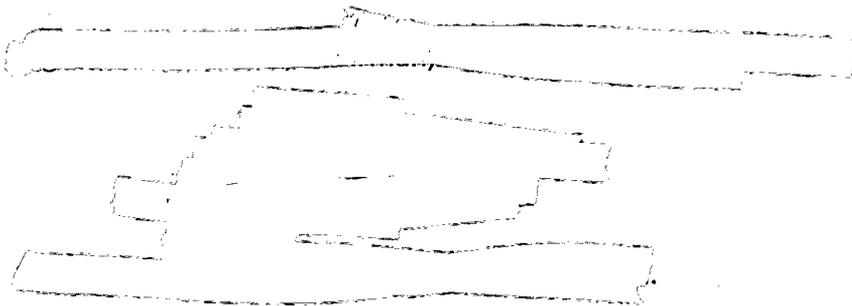
constraints with the crossing of the existing railway, Coventry Road (A429) and Canley Brook floodplain. Earthworks on a massive scale are currently being proposed in order to divert the Canley Brook (see CFA 18 map book; map numbers - CT-05-96, CT-05-97, CT-06-96, CT-05-97). Your Petitioners have engaged 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.

10. 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. Your Petitioners suggest further consideration of a deep bored tunnel under the Crackley Gap as previously suggested to the promoter in 2012. Not only would a deep bored tunnel avoid the destruction of the environment in the area but it would also avoid the engineering constraints in the area including flood risk. Additionally, your Petitioners suggest that proper consideration is given to a review of the requirements of the Bill for the speed of the trains to reach 250mph. Your promoters have frequently insisted that the need for HS2 is capacity – not speed, so surely a compromise could be reached to mitigate the damage and destruction to the environment by lowering the speed. A reduction in the targeted speed of the trains would allow further flexibility in the design of the route thus allowing problem areas to be circumnavigated. It would still allow for a high speed service to be built between the identified locations.
11. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete. Your Petitioners are also deeply concerned about the residential roads which will be used by construction traffic during the construction of the scheme specifically Coventry Road, Dalehouse Lane, Stoneleigh Road, Common Lane and, of course, the A46. Your Petitioners are also deeply concerned about the creation of dust, poor air quality, noise and 24 hour working. This will inevitably lead to a huge amount of disruption, a complete change in day-to-day living and to potential health risks especially to many of your Petitioners' members who are elderly and have breathing problems.
12. Your Petitioners request that your honourable House impose requirements on the Promoters to minimise the effects on the people of Crackley. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. They need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

13. Your Petitioners feel that the current Property Compensation proposals are inadequate and unfair but fundamentally do not address the reality of the current problems that the Bill has created. Current proposals require home owners to accept a financial loss of up to 15% of the value of their home if they are able to sell their home. It is fundamentally wrong that any individual or household should potentially face any level of financial loss due to this State sponsored proposal. In the more likely event of not being able to sell your home, the current proposal does not provide any level of exit strategy for those needing to, or simply wanting to, move house. Residents are therefore trapped in their homes, potentially forever. There are already examples of this amongst your Petitioners' members. Your Petitioners are thus petitioning for a change to the property compensation scheme to ensure that those affected have the ability to move on with their lives, as they would living away from HS2, and do not have to incur any level of financial loss.
14. Your Petitioners suggest that, in the current proposed Property Compensation scheme, the use of a 'distance from the line' criteria to assess those affected by the Bill should be scrapped in rural/semi-rural areas such as Crackley. Instead, your Petitioners suggest that any home owner who is obviously affected by the Bill and can demonstrate that they have tried to but have been unable to sell their home be provided with an exit strategy, if requested. Additionally, the scheme should also include a facility to ensure that no affected home owner should have to accept a personal financial loss as a consequence of the Bill. Based on the same criteria, those homeowners not wishing to move should be compensated.
15. 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.
16. 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.

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