

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – 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:

UNIVERSITY OF WARWICK

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.

Clauses of the Bill

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
- 6 Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.
- 7 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

Your Petitioner

- 8 Your Petitioner is a charity originally created by Royal Charter granted in March 1965. Its objects, powers and framework of governance are set out in the Charter and its supporting Statutes.
- 9 Your Petitioner provides public benefit for the advancement of learning and knowledge by teaching and research and the provision of University education. It is consistently within the top rank of higher education institutions in the UK, with a global reputation for research and teaching. It aspires to offer a world class education to everyone with the ability to benefit, regardless of their economic circumstances. Your Petitioner is regulated by the Higher Education Funding Council for England.
- 10 Your Petitioner currently has over 22,000 students enrolled and employs over 5,000 staff, making it one of the largest employers in the Coventry and Warwickshire sub-region. A recent economic impact study found that the University generates an £520m annual expenditure in the regional economy and it is expected that this will grow towards £1bn over the next ten years.
- 11 Your Petitioner operates a campus in the south west of Coventry, to the north east of the proposed railway. The campus has four components – Central Campus East and West, either side of Gibbet Hill Road (which forms the administrative boundary between the city of Coventry and the district of Warwick) within which most of the main buildings are to be found, Westwood Campus to the immediate north-west (a former teacher training college incorporated into the University) and Gibbet Hill Campus to the immediate east.

- 12 The campus incorporates academic buildings, supporting facilities such as a Students' Union, library, sports centre, and student accommodation, as well as a major Arts Centre open to the public. To the north and west of the campus is the Westwood Business Park (WBP) and the University of Warwick Science Park (UWSP). There are additional university buildings located at the Science Park.
- 13 To the south of the University campus, your Petitioner is the freehold owner of agricultural land, including plots 153, 167 and 170 to 184 in the parish of Stoneleigh in the District of Warwick in the County of Warwickshire and plots 6, 12 and 14 in the parish of Burton Green in the District of Warwick in the County of Warwickshire.
- 14 Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

Background to development and future expansion of the university campus

- 15 Your Petitioner has an existing ten-year master-plan, approved in 2009, for the development and expansion of its campus. This plan includes outline planning permission for 171,000 square metres of development across the campus (a 40% increase from the existing estate).
- 16 Your Petitioner's strategic aims are to plan for an integrated University optimising the use of its established successful campus. The university aims to double its research capacity over the period of the master-plan, increase student numbers (particularly post-graduates), grow its support facilities and increase commercial activities.
- 17 The outline planning permission was granted in October 2009 with a 10 year time limit on submission of reserved matters and development permitted to commence up to 2 years after that date.
- 18 Development under the master-plan is progressing well and it is expected, on the basis of the current development pipeline, that approximately 60% of the floor space will have been built or committed through the Capital Programme by 2017.
- 19 Most recently, the University has entered into a joint venture with Jaguar Land Rover and Tata Motors to build the National Automotive Innovation Centre (NAIC) on campus. The project is sponsored by the Department for Business, Innovation and Skills and is likely to be the first of a new breed of University project, which are of a larger scale than the master-plan ever contemplated and may result in other partners and suppliers wishing to locate in close proximity.

20 As a result, your Petitioner has decided to undertake a refresh of the master-plan at its halfway point in 2014. This work will take place from the second half of 2014 and into 2015, alongside a Chancellor's Commission reviewing the future of the University to coincide with its 50th anniversary. A revised master-plan is likely to be adopted by late 2015. It is therefore too early to say what scale of growth or direction of growth the University will need to address in its next master-plan period.

Importance of area subject to compulsory acquisition for future development

21 The above master-plan does not cover all of your Petitioner's landholdings which include extensive areas of farmland south of Cryfield, which are designated as Green Belt. It is this area which is affected by the Promoter's proposals.

22 Your Petitioner manages the land by way of agricultural tenancies, but has also sought to make best use of the land by the introduction of University uses, such as the residential centre for visiting academics at Cryfield Grange Farmhouse, recreational uses including the Sustrans route, Greenway and a wide range of bridle paths and long distance walking routes and the planting of the Jubilee Wood in 2012. Previous consideration was also given to the growing of biomass on your Petitioner's agricultural landholdings in order to provide a ready fuel supply for a shift towards renewable energy sources. The land is therefore part of your Petitioner's assets for the furtherance of its charitable objectives.

23 Your Petitioner recognises the national significance of the proposed project but considers that the current proposal does not adequately address the loss it will suffer by removal of this important land.

24 Your Petitioner therefore respectfully requests that the Promoter be required to acquire land adjacent to the existing campus and provide it to your Petitioner by way of land-swap in place of compensation to facilitate future use.

Construction Traffic

25 The Promoter has identified that the A429 (Kenilworth Road), B4113 (Stoneleigh Road) A45 and A46 will be used for construction traffic. Each of these roads forms part of the principal routes to your Petitioner's campus with the A429 operating as a critical access route.

26 The operation of a number of compounds and work sites in this area will directly impact on traffic flows. The combined impact of the Coventry-Leamington Spa Line Overbridge Compound, Canley Brook Viaduct Compound, Crackley Lane Overbridge Compound, and the Kenilworth Road roadhead will affect your Petitioner from 2018 to 2023 with up to 520 average daily HGV movements associated with these sites.

- 27 A major adverse effect is identified on the A429 Kenilworth Road / Gibbet Hill Road / Stoneleigh Road, and a further major adverse effect on the A46 / Stoneleigh Road junction directly affecting your Petitioners.

Access

- 28 Your Petitioner's campus faces existing access challenges. A travel plan is in operation as part of your Petitioner's commitments under a section 106 agreement associated with the current outline planning permission. This travel plan is successful and has been hitting targets for modal shift and thereby traffic reduction. With this plan in place, your Petitioner considers it can continue to build out the current master-plan for a further five to seven years in accordance with the outline planning permission.
- 29 Throughout the recent recession, there have been consistently very high levels of occupancy at both the WBP and the UWSP. This demonstrates the very real demand for businesses to be located in this area and illustrates the limited capacity for further development in either of these areas. The pressure in the area is only going to be enhanced as a result of the world-leading NAIC development building upon the resurgence of the automotive industry in the UK, the West Midlands and particularly in and around Coventry.
- 30 As the current master-plan reaches fruition post-2017, the existing campus, along with WBP and UWSP, are considered by both your Petitioner and the local authorities - Coventry City Council, Warwick District Council and Warwickshire County Council - likely to require additional transport links before any further development is considered. Therefore, if the Bill is passed, construction of the new railway will take place at the same time as the current access arrangements will be reaching capacity and improvements are expected to be required for any further development in the area.
- 31 The Promoter's proposal that the railway be constructed between 2017 and 2026 will therefore fall in the period beyond the expected capacity of the existing transport infrastructure in this locality. The potential adverse traffic impacts are therefore significant, with southern routes for staff and students arriving from Kenilworth, Leamington, south Warwickshire and the M40 corridor affected. The increase in traffic associated with construction will affect at least 7,500 people per day over a prolonged period, risking reputational damage to your Petitioner.
- 32 Your Petitioner respectfully submits that in order to mitigate this impact, a long-term access solution from the A46 is needed. Your Petitioner, in conjunction with the owners of WBP and UWSP is willing to participate with local authority partners in a joint investigation with the Promoter of the potential for a long term capacity solution. This could cover:

- creation of a parkway station on the upgraded Coventry-Kenilworth line to improve public transport accessibility in the north-south corridor;
- the A46/Stoneleigh junction improvement which could be implemented in parallel with the HS2 construction works and which could help mitigate construction impacts; and
- consideration of options for improved east-west routes parallel to the HS2 route.

33 Such a collaboration could provide an opportunity to construct an important infrastructure link during construction of HS2 which would unlock future growth potential for the Coventry area.

34 This would potentially provide an access solution, not only to support the University's long-term growth, but to WBP and UWSP as well as nearby Stoneleigh Park which is home to over 60 businesses which lies to the east of the A46,. It would alleviate junctions on the A45 by providing an alternative for other traffic from south-west Coventry to access the strategic road network.

Pedestrian and Cycle Access

35 Your Petitioner has provided land and financial support towards the creation of the C2K Sustrans cycle route between Kenilworth and Coventry. The Promoter's proposal for temporary and permanent realignment of this route including the bridge structure creates a complicated diversion away from what is currently a very straightforward alignment. Your Petitioner requests that the Promoter be required to redesign both the temporary and permanent diversions to achieve a better solution..

36 Your Petitioner is aware that there is a further local cycle route between Coventry and Kenilworth along the A429 which is not identified at all in the Promoter's proposals. Your Petitioner requests that this route is identified and that appropriate temporary diversion and realignment is proposed as a result of the new overbridge.

37 Your Petitioner is aware of the Kenilworth Greenway, a recreational route used by walkers and cyclists along the line of the former railway between Kenilworth and Burton Green, which is also used by students and staff of the University. The Promoter's proposals will significantly affect this route, in particular the major access point at Burton Green. Your Petitioner respectfully submits that further consideration should be given to a deep-bored tunnel along this section to allow the Greenway to be retained.

38 Your Petitioner is also aware of a proposal by Warwick District Council to promote a Country Park to the north of Kenilworth, arising from its 2012 Green Infrastructure Delivery Assessment. This would meet an existing open space deficiency but would also serve to mitigate against the visual and environmental impacts of HS2, and would include new tree planting, ecological areas, pedestrian and cycle access. Your petitioner has been identified as a potential partner organisation by Warwick District Council, along with other local stakeholders and the Promoter. Your Petitioner

respectfully submits that this proposal should also be considered as part of the mitigation proposals by the Promoter, particularly given the loss of the Jubilee Wood planting carried out by your Petitioner in recent years.

Vibration and EMF impacts

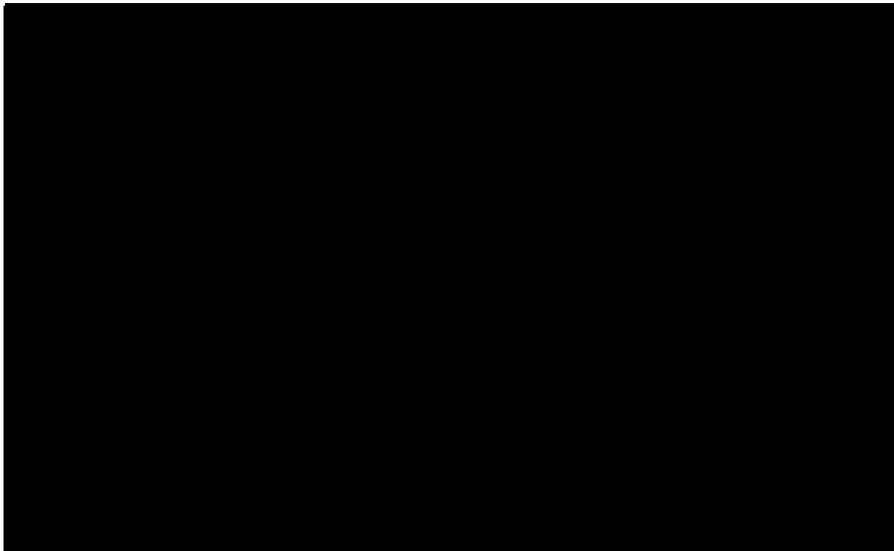
- 39 The Promoter has not undertaken any assessment of the likely vibration impacts on your Petitioner. While the majority of the university campus is some distance from the route, the scientific equipment located at the university is highly sensitive to vibration and this sensitive use has not been included in the Promoter's assessment.
- 40 The environmental assessment information presented by the Promoter with the draft Bill does not include any assessment of electromagnetic fields (EMF) associated with the works. Your Petitioner considers the absence of this assessment to be inappropriate as the scientific equipment located at the university is sensitive to such effects and as such they should be assessed.
- 41 Your Petitioner respectfully requests that the Promoter be required to undertake suitable assessment of the likely vibration and EMF effects of the works and provide appropriate mitigation to your Petitioner should any likely effects be anticipated.

Cryfield Grange

- 42 Your petitioner is concerned that there will be substantial noise impacts caused by construction and operation of the railway. This will be particularly acute at the Cryfield Grange Farmhouse which is used by your Petitioner as a residential centre for visiting academics. Housing such visitors in accommodation made unsuitable by the nearby works will damage your Petitioner's reputation.
- 43 Your Petitioner notes that Cryfield Grange has been identified as a location from which the viewpoint will be significantly affected during both construction and operation of the railway. As noted above, your Petitioner uses this accommodation to house visiting academics. A material change in the amenity of the view will harm the existing rural setting of this property and affect your Petitioner's reputation among the international academic community.
- 44 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.

45 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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 it may be heard by its 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 its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.



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AGAINST, By Counsel, &c.

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23 May 2014