

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF WARWICKSHIRE COUNTY  
COUNCIL

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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 authority for the County of Warwickshire ("the County") and have been invested by Parliament with a number of important powers and duties in relation to the interests of the inhabitants of their area. Amongst other functions of your Petitioners is that of the highway authority for all existing or proposed public highways in their area, except for those which are the responsibility of the Secretary of State. In addition, your Petitioners are the traffic authority for most roads in their area. They are also the local planning authority in respect of minerals and waste, and are thus responsible for preparation of waste and mineral plans. Your Petitioners are also the fire and rescue authority for the County.
8.     The Bill would authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, and in accordance with the

standing orders of your honourable House, notice has been served on your Petitioners of the intention to seek such compulsory powers.

9. 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.
10. 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.
11. In this petition, the Secretary of State and HS2 Limited are together referred to as "the Promoters" and the works that are proposed to be authorised by the Bill are referred to as the "Authorised Works".

### **Part 1: Major Point of Principle on ES**

#### **Environmental statement: adequacy and accuracy**

12. In accordance with the standing orders of your Honourable House, comments on the Environmental Statement deposited with the Bill ("the ES") were invited in the newspaper notices that were published in accordance with the standing orders of your honourable House when the Bill was deposited. Your Petitioners accordingly sent very detailed comments to the promoter of the Bill in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner has raised a great deal of concerns about the adequacy and accuracy of the ES. Fundamental deficiencies in the ES have been identified by your Petitioners, and some are mentioned elsewhere in this Petition. Other concerns have been raised by the Environmental Audit Committee of your honourable House and your Petitioners were very disappointed to note that the independent assessor's report commissioned for your honourable House failed to mention at all that respondents like your Petitioners raised serious points about the deficiency of the ES in terms of compliance with the law and best practice.
13. It is vital that the deficiencies in the ES identified by your Petitioners and by the Environmental Audit Committee of your honourable House 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.

## **Part 2: Site Specific Issues**

### **Introductory**

14. A number of communities in the County lie directly on the line of route of the proposed railway and will be affected to varying degrees. It is not an overstatement to say that some, for example Burton Green, will be devastated by the construction of the railway. None of the communities affected will gain any benefit from the railway. In your Petitioners' submission, it is entirely reasonable to expect the Promoters and the Nominated Undertaker to provide mitigation over and above that which is currently being proposed, and also to provide compensation to communities by the provision of additional infrastructure, facilities and funding which will benefit them as a whole. In the following paragraphs, your Petitioners set out some suggestions in that regard, but consider that the Promoters should be required to consider further suggestions provided by your Petitioners and the local community itself.
15. The paragraphs below are ordered geographically so as to follow the line of the proposed railway from north to south.

### **District of North Warwickshire**

#### **Phase One and Two Special Management Zone**

16. Your Petitioners will be seriously affected by both Phase One and Phase Two of HS2, and in particular there will be construction activities over a very long period of time for both phases in the district of North Warwickshire, particularly at the proposed railhead at Kingsbury Road. In your Petitioners' opinion there has been no co-ordination in the planning of the two phases, and this must be rectified as soon as possible and for the long term. A great deal of the works proposed at this location, particularly the railhead and the Leeds spur junction, were not shown in the draft the

ES, and your Petitioners perceive a lack of co-ordination resulting from a hurried decision that will have enormous impacts on the local community.

17. Your Petitioners request your honourable House to require the Promoters to establish a Special Management Zone ("SMZ") for the area where Phase One and Phase Two meet. Fully resourced processes, and a local office with specifically dedicated staff should be put in place to ensure the comprehensive coordination of project activity between Phase One and Phase Two in North Warwickshire, including the villages of Lea Marston, Marston, Bodymoor Heath and Kingsbury. The processes should include the appointment of a specialist project manager to be a single point of contact and to coordinate the impacts on everyone who is affected by the planning and construction of HS2 in this area. The SMZ's remit would include dealing with some of the areas raised in the petition below, including Middleton and Kingsbury and issues that are more likely to be the matter of concern with Phase Two, such as Pooley Country Park.
18. Preferably, your Petitioners would wish to see the railhead removed from the area or relocated to a site which is less damaging in environmental terms, such as Hams Hall (see below), and the railhead that will be required for the Phase Two works to be constructed elsewhere, such as Toton. Were that to happen, then the SMZ would not be required.
19. In any event, your Petitioners wish to see this issue resolved as soon as possible, and in particular, your Petitioners do not think that it should wait until the conclusion of the select committee proceedings of your honourable House. Assuming no agreement has been reached between your Petitioners and the Promoters by the time your Petitioners appear before the select committee, your Petitioners would ask that an early decision is taken on this issue.

#### **Middleton**

20. Middleton is a small community which will be severely affected by the construction of the railway with no discernible benefits, and your Petitioners consider it is reasonable to expect the provision of infrastructure or funding for the benefit of the community to offset that. Your Petitioners support the local community in their proposal that the Nominated Undertaker should be required to carry out or fund a significant improvement or a rebuild of Middleton Village Hall, a valuable community resource,

the village hall is the central social hub for village life, but is in need of upgrading to meet the needs of the 21<sup>st</sup> century.

21. Your Petitioners fear that the construction of the railway will reinforce the severance of Middleton Village from Middleton Hall. Your Petitioners request that the Nominated Undertaker be required to make provision for a heritage trail between these two locations. The Nominated Undertaker should, in your Petitioner's respectful submission, also be required to explore linking to the Tame Valley Wetlands Landscape Project.
22. Access to health services is likely to be severely affected for Middleton residents due to road closures during construction. Your Petitioners request your honourable House to require that temporary provision for access to health services such as GP services (or funding thereof) should be arranged for residents who cannot visit healthcare services and amenities during the construction period.

#### **Kingsbury Road railhead**

23. Shortly before the Bill was introduced, the Promoters revealed that they would need to construct a railhead for construction purposes at Kingsbury Road, near to where Phase 1 of HS2 will meet Phase 2. Because it is likely to be required for construction purposes for both stages, the railhead may be located there for some 17 years, but in the ES, the facility is classed as 'temporary'. The railhead is also assessed to be of low impact. That is despite the fact that it will be located close to villages that presently are rural in character, and will affect roads which provide access to Kingsbury Water Park, Hams Hall Business Park and an important emergency services route. According to the ES, it will be in operation 24 hours a day, and at peak times will house 510 workers. There will be two satellite compounds at Faraday Avenue (for 1 year) and Cuttle Mill (for 1 year and 3 months). The railhead and associated rail link will have an impact on an ancient woodland and a local wildlife site and will require the removal of a plantation created as compensation for the Hams Hall Business Park. The railhead will also impact on protected species not assessed within the ES.
24. Your Petitioners believe that the effects of the railhead have been seriously underestimated in the ES, that a further environmental impact assessment should be carried out and an addendum to it should be produced accordingly. Your Petitioners are also concerned to ensure that the Promoters have properly assessed all the

alternative sites for the rail head. Your Petitioners are unconvinced that Kingsbury Road is an appropriate location for the railhead and therefore request your honourable House to consider alternative locations for this facility. Ideally, your Petitioners would wish to see the railhead removed completely from this area, but if your honourable House does not agree with that view, then your Petitioners would urge that it be relocated to where it was intended to be previously, at the Hams Hall site, which is acknowledged in the ES to be of lower environmental impact.

### **Kingsbury**

25. Kingsbury Water Park is an area of 624 acres of park land which includes 15 lakes, woodland areas, and is home to a host of activities and clubs. The park has more than 350,000 visitors each year and has facilities including an information centre, children's farm, environmental education centre, outdoor education centre, two cafes, two adventure play areas, miniature railway, a camping and caravan site and jet bike centre. Clubs and organisations which utilise the park and its facilities include the Royal Society for the Protection of Birds (RSPB), a sailing club, power boat club, and miniature railway enthusiasts. It is an important venue in the north of the county as a publically accessible high quality green space that allows the population to increase their physical activity levels and improve mental health and wellbeing.
26. The Park is situated only 250 metres to the north of the proposed Kingsbury railhead, but the ES does not assess it as suffering from any effects at all. Your Petitioners disagree with that in the strongest terms, and at the very least ask your honourable House to require the Promoters to carry out an assessment of the environmental and economic effects on the Park and produce an addendum to the ES. Your Petitioners consider that the whole viability of the Park will be threatened by the construction of Phase Two of the railway if it is constructed along the intended route. It is reasonable, in your Petitioners' opinion, to expect the Promoter to take early steps to deal with this significant loss. Your Petitioners request your honourable House to require the Promoters to provide funding for the provision of land to compensate for the damage that will be caused by the combination of the Phase One and Phase Two works, or if not, early mitigation to ensure the long term viability of the park, including new access arrangements and the relocation of the visitor reception area, ahead of the start of construction of Phase One.

27. The Tame Valley wetlands will be seriously affected by the proposals in the Bill, and your Petitioners request your honourable House to require the Promoters to ensure that landscaping is provided in order to conserve the pastoral character of the farmland. Where arable land is intended to be retained for use for community purposes or biodiversity compensation, it should be converted to pasture land, with traditional grassland management along the river floodplain.
28. Your Petitioners expect the farmland in the area to be conserved by the Promoters, specifically the historic field pattern and pastoral character around settlement edges by strengthening primary hedgelines, planting hedgerow oaks, appropriate woodland planting, and enhancing and managing wetland habitats.

### **Water Orton**

29. Water Orton Primary School and its associated early years facility will be badly affected by the construction and operation of the works, because it is situated some 150 metres from the proposed railway and closer still to the construction compound proposed there. Your Petitioners are of the view that the effects will be so severe that the school and facility should be relocated elsewhere in Water Orton village. Your Petitioners therefore request your honourable House to require that the Promoters or the Nominated Undertaker should fund the construction of a new primary school for the Water Orton community. This issue of the utmost importance to your Petitioners.
30. If your honourable House does not agree with your Petitioners and the school continues to operate as the construction phase commences, then your Petitioners request that the most stringent mitigation measures should be put in place for the protection of the health and safety of pupils, staff and parents, and to ensure that the education of the pupils is not disrupted. Such measures should include a requirement that HS2 construction traffic should be directed away from the school at all times and that any construction work in close proximity to the school should be carried out only during school holidays.
31. Old Saltleians Rugby Club, formed in 1933, is an important sport and leisure centre for the local community and will be unable to continue at its present site at Watton Lane because of the construction of the railway. Your Petitioners support the club and the community in their request that the Promoters should be required to do all they can to locate and provide a satisfactory alternative site long before the land is actually



acquired, so that pitches for the club can be laid out for at least two seasons before they are in a condition to be used for matches.

### **Coleshill**

32. The A446 is a key route to the Hams Hall manufacturing and employment site, which includes the BMW engine plant, and is a key link to Kingsbury Oil Terminal. The proposed HS2 Birmingham Interchange Station, with its proposed 7000 space car park, will add significantly to the traffic using the A446, which is a principal distributor road in the area which is near to peak hour capacity.
33. The A446 is on dual carriageway for the majority of the route but becomes single carriageway for a 1.2 kilometre section adjacent to Coleshill and Hams Hall. Your Petitioners request your honourable House to require that the remaining 1.2 kilometres should be built as dual carriageway to cater for the volumes of additional traffic which will be generated by the construction and operation of the railway. Your Petitioners' concerns about the A446 are shared by important businesses in the area.
34. Your Petitioners request that the proposed widening should be completed before the complex HS2 viaduct construction is started. The proposal will benefit Phase 2 construction of HS2 and help mitigate traffic congestion over the full Phase One and Two interface period between 2017 and 2032 and ensure that delays to emergency services are properly mitigated. Minimising congestion will also avoid unnecessary air pollution and delays in a busy corridor of road networks and reduce the impact on communities and businesses. Integrating the A446 and HS2 works will offer significant savings and disruption compared to doing the works at a later date.
35. The impact of HS2 on Coleshill town centre also deserves consideration. The proposed Birmingham Interchange Station will bring in traffic from Nuneaton and the rural hinterland between there and Coleshill, which would pass through the congested 'Green Man' crossroads (B4114/B4117 junction) in Coleshill.
36. Your Petitioners request your honourable House to require funding to be provided by the Promoters for mitigation measures should future congestion associated with the construction and operation of HS2 impact significantly on the town.

37. Your Petitioners are concerned about the height of the line south of Coleshill. It will have a detrimental visual and noise impact on the community. It is imperative that this section of the line is lowered or a greater degree of mitigation measures are put in place to lessen the impact, and your Petitioners ask that the Bill be amended to that effect. Your Petitioners support the local community in their proposal that the Nominated Undertaker should be required to construct the railway to a lower alignment in the Coleshill area.
38. Coleshill Hall is situated in a small pocket of countryside in between motorways and the existing rail network. The site is considered to be of regional and national importance but is in a relatively poor condition. In your Petitioners' opinion, the construction of the railway will result in the destruction of the heritage value of the site. Your Petitioners request your honourable House to require that the Nominated Undertaker should conduct a full archaeological investigation of the site and the wider area before construction commences, with any finds being placed on permanent display in the local area at the expense of the Nominated Undertaker.
39. Coleshill Hall Farmhouse, which is a Grade II listed building, is to be demolished under this proposal. The construction of the railway will also have a major impact upon any archaeological deposits associated with it, and a number of known archaeological sites in its immediate vicinity. These include a moated site which is likely to have been associated with a medieval manor house, and a series of as yet undated enclosures. As no intrusive archaeological investigation has yet been undertaken across this area, the significance of these archaeological remains has not yet been established. The ES has, however, highlighted that the available evidence indicates that the moated site is of 'high significance'. Your Petitioners request your honourable House to require that, should it not prove possible to preserve these remains in situ, the Nominated Undertaker should conduct a full investigation of this area, including full building recording and detailed archaeological excavation, before construction commences. The results of this work should be placed on display in the local area at the expense of the Nominated Undertaker
40. Your Petitioners are concerned about the reduction of access to green space at Coleshill that will be caused by the construction of the Authorised Works and consider that the Nominated Undertaker should be required to provide or fund the provision of a new accessible area of open space in the vicinity, possibly a new park in the town.

41. Your Petitioners consider that the construction of the proposed Birmingham Interchange Station should bring with it opportunities for sustainable travel, and your Petitioners request your honourable House to require the Promoters to ensure that the Nominated Undertaker constructs a new cycle link between the Station and Coleshill.

### **Gilson**

42. The hamlet of Gilson will be bisected by the proposed railway, and will therefore suffer some of the most severe impacts on any community along the proposed route of the railway.
43. In Gilson, planning and provision must be made either to maintain the long-term viability of the village through permanent substantial compensatory works or otherwise the Promoters should be required to extend its discretionary schemes so as to enable the local residents of the whole hamlet to require the Promoter to acquire their property for at least the unblighted market value. Your Petitioners understand that the scheme currently does not allow all the residents to utilise the scheme. That could result in them having to remain in their properties, isolated and unable to sell them due to the proximity of the construction works and the railway.
44. Your Petitioners have considerable concerns about the effect that the Authorised Works would have on the health and wellbeing of those residents who remained after the completion of the works, and in particular about the effects of isolation and lack of community cohesion. Access to health services is also likely to be severely affected for remaining Gilson residents due to road closures during construction. Your Petitioners request your honourable House to require that temporary provision, for example, of community transport to transfer patients to medical appointments, should be arranged for residents who cannot visit healthcare services and amenities.

### **District of Warwick**

#### **Improvements to end of Kenilworth Greenway at Berkswell Station**

45. The Kenilworth to Berkswell Greenway is a linear country park, consisting of a 6.5 kilometre section of former railway, with the entire park extending to some 16 hectares. The land is largely owned by your Petitioners and is a permissive bridleway

which means that it can be used by pedestrians, cyclists and horse-riders. As part of the package of works to mitigate the overall effect of the proposals in the County, your Petitioners request your honourable House to require the Promoters or the Nominated Undertaker to enhance the greenway by providing a permanent footpath or bridleway link between its northern end and Berkswell Station in Balsall Common. This would help towards compensating the community and users of the greenway for the alteration in the tranquil nature of the area by the construction of the Authorised Works.

### **Burton Green**

46. The impact of HS2 on the community at Burton Green will be highly significant both during the construction phase and the subsequent operation. In particular, there will be a devastating impact on a number of dwellings and on the village school which will become isolated from much of the village. Your Petitioners request your honourable House to require the Promoters to reconsider the benefits that would arise from the revision of the tunnelling proposals in this locality and in particular lends support to the local community in their request that an independent review should take place of discarded options. As well as providing protection to the community, a bored tunnel would also enable the Boardwell Wood area of ancient woodland to be saved.
47. Your Petitioners expect a replacement for Burton Green Village Hall to be built by the Nominated Undertaker in order to mitigate the potential loss of the current facility as a result of the construction of the railway. The replacement hall should be built on an easily accessible and available piece of land in the village, and its design and location should be agreed with the village hall trustees, and not where it is shown on the plans in the ES.
48. The village is widely appreciated by the local community as a place with a deep sense of history. This will be significantly impacted by this proposal. To mitigate this loss, your Petitioners request your honourable House to require that the Nominated Undertaker should provide or fund offsite measures to benefit the community. This could include a community-focused heritage project and an exhibition of local heritage.
49. Your Petitioners are concerned about the impacts on Broadwells Wood (which is Ancient Woodland and will be bisected by the Authorised Works) and the loss of

connectivity for protected species and other fauna. If your honourable House is not convinced by your Petitioners' and others' argument in favour of a bored tunnel at this location then your Petitioners ask your honourable House to make provision in the Bill to ensure that the design of the underpass for footpath W168 enables animals to pass between the remaining Ancient Woodland stands north and south of the railway.

50. Your Petitioners also request your honourable House to require that the Nominated Undertaker should pay particular care and attention to the detail of traffic management at this location due to the extent of the construction works at the centre of the village and the proximity of the works to the village school.
51. If your honourable House is not convinced by your Petitioners' and others' arguments in favour of a bored tunnel at this location, your Petitioners would ask that the Promoters be asked to implement the very best mitigation measures against the impact of the railway, along with a package of additional community benefits. Any such measures would need to include the provision of an underpass (suitable for equine use) carrying the Kenilworth Greenway under Cromwell Lane, at the west side of the cut and cover tunnel, to avoid the need for users of the Greenway to cross the busy road. It would need to ensure suitable ramped access from Cromwell lane to the underpass.

### **Kenilworth**

52. Kenilworth is a vibrant shopping destination for the town's 25,000 residents and those from the surrounding areas. It has a healthy mix of independent shops, craft shops and well known high street stores. Your Petitioners are concerned about the effect that the construction of the railway will have on those retailers and request your honourable House to require that the Nominated Undertaker should establish a compensation scheme and funding for the promotion of retailers in the Kenilworth area whose businesses are disrupted by the construction of the railway.
53. It is imperative that traffic movement on Dalehouse Lane is maintained during the construction phase, and that access remains in place at the golf club. Your Petitioners request that the Bill should be amended or that the Promoters should be required to give undertakings to that effect.

54. Your Petitioners have serious concerns about the impact of the proposed route through the Crackley Gap which, as part of the adopted Green Belt, serves an important function in preventing Kenilworth and Coventry from merging. Your Petitioners request that the Promoters and the Nominated Undertaker be required to ensure that the integrity of this narrow belt of open countryside will be protected from encroachment through the incorporation of extensive mitigation measures.
55. For example, to improve ecological connectivity, there are the opportunities for the Coventry to Leamington rail bridge to be combined with the adjacent Milburn Grange Farm overbridge to make a 'green tunnel' or large green overbridge. Similarly, there is scope to extend the Canley Brook viaduct to incorporate the Bridleway W164 and 165x and make for a multifunctional connective solution.

### **Stoneleigh and Stareton**

56. Stoneleigh Science Park is an important local employer in the County, housing around 60 tenants who between them employed approximately 1,134 full-time equivalents in 2013. Your Petitioners are therefore very concerned about any threat to its viability arising from the construction of the works. Your Petitioners have particular concerns over the access arrangements to the Science Park and request your honourable House to require that access will be maintained at all times during the construction phase in order to mitigate the impact on businesses at the site.
57. The permanent loss of publicly accessible land at Stoneleigh, combined with the severance of other public rights of way in the area, is likely to require your Petitioners to provide alternative routes and signage in order to maintain access to local services and promote health and wellbeing. Your Petitioners request your honourable House to require that the Nominated Undertaker should be required to reimburse your Petitioners for any such expenses incurred.
58. The impact of the line on Stoneleigh Science Park and its economic and commercial interests will be significant both during the construction phase and operation of the railway. The permanent severance of a substantial section of the park from the remainder is a major concern. Your Petitioners expect the Promoters to devote significant resources towards extensive mitigation measures in order to minimise any such impacts. Your Petitioners are aware that other petitioners will request that a cut and cover tunnel should be provided at Stoneleigh Science Park. Your Petitioners

would support such a proposal as it would meet all your Petitioners' concerns about the long term impacts of the works.

### **Cubbington and Offchurch**

59. In their responses to the draft and final ES, your Petitioners expressed their objection to the closure of Long Itchington Road under the powers contained in the Bill. Your Petitioners ask your honourable House to require that the road be kept open. If that were done, then some of the concerns raised below in relation to Cubbington and Offchurch would also be met.
60. The proposed route of the railway will mean the destruction of ancient woodland at Cubbington and Offchurch. The woodland is home to a diverse range of species, including noteworthy flowers, insects and birds. The railway will also sever two designated footpaths, Shakespeare's Avon Way which links Cubbington and Weston-under-Wetherley, and another from Cubbington to Offchurch and Hunningham.
61. The National Planning Policy Framework highlights the importance of protecting "irreplaceable habitats" including ancient woodland and veteran trees. It recommends that planning permission should normally be refused for development in these cases. In order to avoid the impact of the railway on the historic and natural environment and surrounding area, your Petitioners support the case for the railway to be constructed in a deep bored tunnel under South Cubbington Wood, rather than the proposed deep cutting, and respectfully ask your honourable House to amend the Bill accordingly. If your honourable House does not concur with this request then your Petitioners ask your honourable House to require a cut-and-fill green tunnel as a minimum.
62. Your Petitioners also request your honourable House to require that the Nominated Undertaker should provide a green bridge to be built over Offchurch Greenway and the Fosse Way, and between the Greenway and the village. This would bring many benefits to local residents in terms of health, wellbeing, amenity, sustaining ecology corridors and maintaining cycle and walking routes and community connectedness. This is a matter of great importance to your Petitioners.
63. The Cubbington, Weston-under Wetherley and Offchurch area would be enhanced by upgrading public footpath W129d to bridleway. This would form a connection with the

bridleway W129x/W129a which does not currently form a through bridleway route. Also, a new bridleway commencing at the eastern end of W129a to join the Offchurch Greenway would create an enhanced recreational facility for horse-riders, cyclists and walkers and would link in with Sustrans route 41. Your Petitioners ask your honourable House to require that these measures be taken as part of an overall package of measures to compensate the community for the damage to be caused by the works.

64. Your Petitioners also request your honourable House to require that the Nominated Undertaker should provide a new bridleway link at Cubbington from the eastern end of W129a to the Offchurch Greenway. This would provide a good off road route for cyclists and provide positive community benefit. Your Petitioners also request your honourable House to require that the Nominated Undertaker should provide for the restoration of a link between footpaths W130 and W129d.
65. Your Petitioners are concerned about the impact of the Authorised Works on access to health services for the communities of Offchurch, Hunningham and Western-under-Wetherley. Your Petitioners expect the Nominated Undertaker to make sure that provision is made for alternative temporary routes to nearby health services during the construction phase. In places where the disruption is permanent, your Petitioners submit that the Nominated Undertaker should provide funding and resources to enable the construction of an accessible replacement in the vicinity.
66. Your Petitioners expect the Promoters to protect the effectiveness of the new Cubbington flood alleviation scheme and ask your honourable House to require that the Promoters ensure no new flood risks arise from the construction and operation of the railway.

### **District of Stratford-on-Avon**

#### **Southam**

67. Southam is another area which will be very badly hit by the construction of the railway, with no benefits arising. Southam is a small market town and serves as the local centre for surrounding villages. It is important that Southam residents and businesses are compensated for the disruption caused by HS2 through community-related schemes, including the following suggestions.



68. Southam has a mix of shops and services which are vital to its satellite rural areas and rely on this regular custom, and it is clear that access to the town will be seriously disrupted by the construction of the railway, resulting in loss of business. Your Petitioners therefore request your honourable House to require the Promoters or the Nominated Undertaker to establish a compensation scheme and a fund to enable the marketing and promotion of retailers in Southam.
69. A number of walking routes that connect the villages in this area will suffer temporary or permanent closures as a result of the construction of the works. Your Petitioners are concerned to ensure that alternative routes are implemented in all cases both during and after construction so as to continue to deliver health, wellbeing and social benefits for the local population and ask your honourable House to require the Promoters to provide satisfactory undertakings in that regard.
70. Your Petitioners would ask that the Nominated Undertaker be required to provide or fund a community transport scheme during the construction period in order to ameliorate the effects of isolation and transport disconnection.

#### **Ladbroke**

71. The residents of the tranquil rural village of Ladbroke face very high levels of disruption from the construction of HS2. Your Petitioners expect the Promoters and the Nominated Undertaker to compensate properly for this disruption.
72. Your Petitioners expect the Nominated Undertaker to mitigate, to the highest standards, both visual and noise impacts where the line enters and exits the deep cutting in Windmill Hill and crosses the A423. Construction and operational noise can have a negative impact on physical and mental health and wellbeing, disturbing sleep patterns and concentration, and increasing stress and anxiety. Your Petitioners request your honourable House to impose stringent noise mitigation standards at this location.
73. Your Petitioners have existing concerns about flood risk at Ladbroke, and as part of the package of mitigation measures for residents there, your Petitioners expect the Promoters and the Nominated Undertaker to mitigate future flood risk through the installation of the highest quality flood defences and balancing ponds, working with

your Petitioners, the district council, the Environment Agency and the relevant landowners.

74. Ladbroke is an isolated location with no sustainable transport links to any shops and amenities. As part of the package of mitigation measures that your Petitioners believe should be provided, your Petitioners would request your honourable House to require the installation of a cycle way by the Nominated Undertaker between Ladbroke and Southam. This would promote the use of sustainable travel and provide the community with a safe link to the nearest urban area and would also impact positively on health. The cycleway would also increase the safety of walkers and cyclists, given the large number of construction lorries which will be transferring materials along the A423.
75. The ridge and furrow landscape around Ladbroke is particularly significant, having being identified as a priority for preservation in the English Heritage funded 'Turning the Plough' project. The surviving ridge and furrow and associated fieldsapes are therefore very important across that area. The preservation of the ridge and furrow and the wider landscape character of this area should be a priority when designing this scheme, including any associated landscaping.

### **Stoneton and Wormleighton**

76. The proposed railway will pass close to the remains of the deserted medieval villages of Stoneton and Wormleighton. The area between Wormleighton and Ladbroke is a very distinctive, historic landscape and extremely tranquil. Historically, it is an area of deserted medieval villages where few people live and any similar physical mitigation measures are likely to have a negative impact.
77. Every effort should be made to maintain the tranquil setting in which these important sites lie. Your Petitioners expect the Promoters to be sympathetic to the local environment in the location and operation of the proposed maintenance loop in this area, and implement special safeguards in relation to noise and lighting. In particular your Petitioners request your honourable House to require the Promoters to use low level, motion sensitive lighting and to landscape the area in keeping with the natural environment, installing appropriate visual bunding where the line and the loop is visible from public vantage points.

78. Your Petitioners expect the Promoters to enhance the structure and unity of the landscape by restoring or strengthening primary hedgerows through replanting, gapping up or appropriate management, to replant hedgerow oaks, especially between Wormleighton and Priors Marston, and plant appropriate woodland in a way that also maintains the characteristic of openness. Your Petitioners request that undertakings be required of the Promoters in this regard.
79. Your Petitioners believe it is reasonable to expect the Promoters or the Nominated Undertaker to provide a compensatory scheme in the form of a green infrastructure project, with public access, in the Stoneton and Wormleighton area. Having public green spaces that are accessible to all is also important for good health. Your Petitioners have identified land in the south-eastern corner of Stratford district which has insufficient natural accessible green space and it would be an ideal location for a compensatory scheme. Your Petitioners request your honourable House to make provision in the Bill for the provision for such a scheme.

#### **Priors Hardwick – Wormleighton Loop**

80. Your Petitioners request your honourable House to amend the Bill so that the impact of the construction of the Wormleighton Maintenance Loop, which will cause community severance between Priors Hardwick and Wormleighton, is mitigated by the provision of a new “green” multi-use bridge structure of 60-80m width. The proposed move of the junction of Wormleighton Road and Stoneton Road creates an additional 1200m journey which is excessive, in your Petitioners’ opinion.
81. In addition, your Petitioners consider that the proposal shown on plan CT-06-079b in the ES will result in significant impacts on the local environment and wildlife. The “green” multi-use bridge structure would avoid the loss of several mature trees at the Glyn Davies - Fox Covert and other habitats, mitigate for the severance of wildlife corridors in the area and reduce the need to compensate for the residual loss. In so doing, this solution would conform to the National Planning Policy Framework mitigation hierarchy. This solution would also reduce the impact of the construction and operation of the works on Hill Farm.

### **Part 3: General Issues**

#### **Agriculture: severance and accommodation works**

82. A large number of farms will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points in particular are matters of significant importance for those affected. Well-designed accommodation works which meet the farmer's needs and are environmentally sensitive to its surroundings are likely to reduce substantially a claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with affected farmers. That would help to mitigate the impact of the scheme. For crossing points, such a specification might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker.
83. Your Petitioner proposes to your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with the landowner and/or farmer concerned a suitable specification for accommodation works where they are required as a result of the construction of the Authorised Works, and that the specification, once agreed, will be binding on the Nominated Undertaker.

#### **Agriculture: extent of land take**

84. Generally, your Petitioners are concerned that the amount of land that is subject to compulsory acquisition should be kept to a minimum and that where land is only required for construction purposes, it should only be subject to temporary acquisition. This is particularly important where agricultural land, particularly high quality agricultural land is concerned. Your Petitioners are also concerned about good quality agricultural land being used for mitigation and compensation works. The Promoters should be put to proof about the need for all the agricultural land to be acquired and should be required to take into consideration views and suggestions made by Landowners about the location of mitigation and compensation works on other land owned by them. This request is supported by the Promoters' ecological advisers and supports your Petitioners' later request for your honourable House to consider environmental compensation further afield from the proposed railway.

## **Air quality and dust**

85. Your Petitioners are concerned about the wider impact of construction related activities on the public realm, for example the impact that dust generated from worksites would have on properties in the vicinity. Property maintenance would need to be carried out on a more regular basis. Your Petitioners submit that the cost of this should be borne by the promoter. This is particularly important for the buildings in conservation areas.
86. Your Petitioners submit that all worksites should be screened to reduce the visual impact of the sites upon the residents and businesses within your Petitioners' area, as well as to help reduce the impact of noise and dust from the worksites. Your Petitioners request that they should be consulted upon the design and structure of the planned screens for each worksite so as to ensure, as far as possible, that the screens are effective and do not impact upon the local amenity. Particular consideration should be given to crop loss and livestock affected by dust and appropriate mitigation provided.
87. Effective mitigation measures against noise, dust, dirt and light pollution should be provided for residential premises located in the vicinity.

## **Air quality: environmental statement**

88. In their response to the consultation on the ES, your Petitioners made a number of points arising in the main volume 2 reports on air quality. Your Petitioners respectfully request that the promoters be required to review the ES and make corrections and alter methodologies accordingly. Some of the most important points raised by local authorities are noted below but this by no means represents the full extent of your Petitioners' concerns:
- (a) In terms of study areas, the assessment does not adequately consider where traffic will be displaced as a result of construction activity. This is a major emission, as it will impact upon a number of locations in the County that will be used for rat running;
  - (b) using the Promoters' methodology, single properties and groups of up to 9 properties are unable to have been assessed as suffering a significant effect;

- (c) The current year should be used for baseline in assessments to provide the “worst case for the assessment” of vehicle emissions.

**Air quality: highways**

89. Your Petitioners request that air quality monitoring for current air quality management areas (“AQMA’s”) should be carried out as well as areas which are close to thresholds in order to identify when new AQMA’s are created. Your Petitioners request that sufficient mitigation is provided when air quality is compromised by the Promoter’s scheme.

**Business: support for local businesses and tourism**

90. Your Petitioners have expended a great deal of effort during the recent recession in supporting local businesses and promoting economic growth in the County. In those areas most affected by the construction of the Authorised Works, there will be a severe negative effect on local businesses, and no corresponding economic gain. Your Petitioners are keen to explore ways in which the Promoters and the Nominated Undertaker can assist your Petitioners in helping local businesses affected by the works and who will not be adequately compensated by the compensation code. Also, the compensation code will do nothing to address the overall perception that some people may have about the level of disruption to the area in general.
91. Your Petitioners request your honourable House to require the Promoters to put in place a funding strategy that will help your Petitioners to better support affected local businesses, maximise skills and training opportunities arising from the construction of the works, promote local employment and procurement opportunities in relation to the construction works, and fund an initiative that ensures that the public knows that the County is open to business and tourism during the construction programme

**Business: relocation, communications and training strategies**

92. Inevitably, the construction of the works will require that a number of local businesses in the County will need to be relocated. Your Petitioners request your honourable House to require the Promoters to develop and implement, in partnership with your Petitioners and the relevant district and borough councils, a business relocation strategy for affected businesses, with the aim of finding suitable premises nearby and

to include the provision of advice and guidance over and above simple after the event compensation payment under the compensation code, and in particular to take proactive measures in assisting businesses finding sites, arranging finance and relocating in advance of the time when land acquisition takes place.

93. It will be essential that businesses are able to plan in advance for any disruption caused to them as a result of the construction of the works. Your Petitioners are keen to ensure that the Promoters or the Nominated Undertaker develop, fund and implement an effective communications strategy that is aimed at keeping businesses, including tourist facilities in the County updated on detailed work plans, and your Petitioners ask your honourable House to make provision accordingly.
94. Neither the Bill nor the documents which accompany it explain how jobs and training opportunities will be affected in the County and the wider Coventry and Warwickshire Local Enterprise Partnership area. Your petitioners request that your honourable House requires the Promoters or the Nominated Undertaker to put in place a funding and training strategy that will help your Petitioners to maximise skills and training opportunities arising from the delivery of HS2 including promoting local employment and procurement opportunities in relation to the design detail, construction and operation and maintenance of HS2.
95. It is critical that Warwickshire and the LEP are able to maximise local economic benefits directly and through the supply chain. Your petitioners request that your honourable House require the Promoters to identify a mechanism to do this, as well as quantify the economic benefits anticipated to be gained within Warwickshire and the LEP area.

**Business: rates relief**

96. It is very likely that businesses will suffer a downturn in trade as a result of the construction of the works, particularly during the construction phase. Your Petitioners consider that it would be fair for those businesses who are so affected to be provided with some relief from business rates, and your Petitioners request your honourable House to require the Secretary of State to make such provision as is reasonably necessary in this regard to assist businesses who can demonstrate that they have been adversely affected by the construction of the works.

### **Construction: mitigation generally and adequacy of Code of Construction Practice**

97. 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'. It is notable that in the environmental minimum requirements and supporting documents, the requirements on your Petitioners are more stringent, being framed in terms of "best endeavours", etc.
98. 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 caused during the construction period and, in particular, that the CoCP replicates the standard industry Code of Construction Practice as a minimum and the further best practice requirements imposed by your Petitioner on other major construction projects in the locality. There should also be a guarantee that any future changes to industry standards will be complied with.
99. Your Petitioners respectfully suggest that the Nominated Undertaker should provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operation in order to minimise their impact on residents and businesses. Your Petitioners should be notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.
100. Your Petitioners also allege that there is a lack of detail on noise mitigation in the COCP, which in any event will remain in draft until after the select committee of your honourable House has considered this Petition. Your Petitioners are also concerned that clear accountability and enforcement protocols are not defined in the COCP. Your Petitioners would ask your honourable House to require the Promoters to address these issues.



101. Your Petitioners consider that the Promoters should compensate local authorities for the cost of checking compliance with noise and vibration design standards.

**Code of construction practice: drafting**

102. Your Petitioners are concerned that the draft CoCP that has been published is inadequate in a number of respects, and that the wording used is often too imprecise. Your Petitioners will discuss the detailed concerns with the Promoters but in the event that agreement is not reached, your Petitioners will ask your honourable House to require the Promoters to amend the draft CoCP accordingly. In addition, your Petitioners respectfully ask your honourable House to require the Promoters to undertake that where the nominated undertaker or its contractor complies with the control measures set out in the final CoCP and those measures prove to be ineffective, flexibility will be given to explore alternative control measures and the most suitable option adopted. 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 seek assurances that corners will not be cut and 'practicable' is not used as an excuse for cost saving. It is notable that in the environmental minimum requirements and supporting documents, the requirements on your Petitioners are more stringent, being framed in terms of "best endeavours", etc. Your Petitioners are concerned that time and monetary constraints may unduly influence this definition.

103. Your Petitioners may also have similar concerns about the local environment management plans ("LEMPs") which will accompany the code of construction practice. Unfortunately, your Petitioners cannot make further comment as they have not seen even an early draft of a LEMP other than a template contained in the draft environmental minimum requirements, so they reserve their position on that aspect.

**Code of construction practice: engagement and compliance**

104. Your Petitioners are concerned to ensure that the level of community engagement by the Promoters will be much better during the construction process than it has hitherto. Effective community engagement and a mediation mechanism must be put in place to shape emerging details and smooth the implementation stage. Your Petitioners request your honourable House to require the Promoters to ensure that a refocused and more effective mechanism for the Promoters and the Nominated

Undertaker is put in place, working with the community through the design and construction stage (including the evolution of detailed designs for elements and also LEMPs) and resolving issues that emerge. Your Petitioners also believe that independent arbitration or mediation arrangements should also be put in place, and an Ombudsman system created (see below) who can deal expeditiously and in a cost and time efficient manner with disputes that do not get resolved in relation to construction issues.

**Code of construction practice: ecology**

105. Your Petitioners are concerned that the draft CoCP does not include sufficient detail to give confidence that adequate ecological protective measures will be adopted when the works are carried out or that those measures will be informed by relevant expertise or incorporate appropriate techniques. The proposed Environmental Minimum Requirements (EMR's) and Environmental Management System are also very generalised. Your Petitioners ask your honourable House to require assurances that the Promoters and the Nominated Undertaker will follow BS42020 and that local planning authorities will have a meaningful role in LEMP preparation.

**Code of Construction Practice: local authority costs**

106. Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel Rail Link and Crossrail. Your Petitioners will wish to ensure that the CoCP, is complied with properly, and in that respect, your Petitioners will incur a great deal of expenditure. Your Petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the nominated undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the CoCPs and in enforcing them.

**Code of Construction Practice: Maintenance and Monitoring**

107. Your Petitioners require assurance that a minimum of five years aftercare from the time of planting or restoration will be provided in order to support establishment of newly planted habitats and landscape planting, and that during this period dead or defective material will be replaced or remedial measures taken to secure the mitigation proposed. Your Petitioners also seek assurance that in addition long term

management and habitat monitoring will be secured so that the mitigation incorporated into the project is sustainable. Your Petitioners recognise that aftercare has been dealt with in one of the Information Papers produced by the Promoters, but your Petitioners would ask that the proposals contained in the paper be incorporated into a binding undertaking.

#### **Construction: LEMPs**

108. Your Petitioners cautiously welcome the proposals to provide local environmental management plans (“LEMPs”) to supplement the more general COCP. However, your Petitioners have not seen even a draft of a LEMP and they need to be satisfied that they will be fit for purpose. Your Petitioners’ request your honourable House to require the Promoters to provide an undertaking that the LEMPs will be thorough in their design and truly reflect local circumstances by agreeing the outline criteria prior to your Petitioners’ appearance before the select committee of your honourable House. Your Petitioners also seek an undertaking that all of their reasonable expenses in monitoring construction sites will be met by the Nominated Undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the construction codes and in enforcing them.

#### **Construction: ombudsman**

109. The nature of a major scheme like Phase One of HS2 is that it will impact on the day-to-day lives and businesses of very many people. Inevitably there will be disputes and grievances on a wide range of matters, many of which will be minor in terms of economic impact, but which nevertheless cause distress to those affected. Those affected should be able to have their grievances heard swiftly by an independent third party who has powers to offer a remedy.
110. Your Petitioner proposes to your honourable House that the Bill should be amended so as to make provision for a statutory Ombudsman to handle complaints from claimants and with powers to order remedies. In order for the proposal to be effective, the Ombudsman would need powers to fine the Nominated Undertaker, or to order it to remedy matters where it had failed in its dealings with those aggrieved. Disputes over the amount of compensation payable in relation to any claim under the compensation code would still be referred to the Lands Chamber and would not form part of this proposal.

## **Community fund**

111. Your Petitioners are concerned that, without further protection, the proposed works will leave a negative legacy on the landscape and communities in their area. Whilst the ES contains mitigation for a number of identified adverse impacts, your Petitioners consider that the aggregation of a large number of adverse impacts not considered significant would result when considered across the whole of your Petitioners' area and further adverse effects on the environment and local communities. Your Petitioners request that the promoters of the Bill should be required to establish a community fund, the form of which should be discussed and agreed with local authorities, and which should be made available for the use of your Petitioners, other public bodies, charities and other organisations as a means to offset the environmental and other damage that will be caused to the inhabitants of your Petitioner's area, in the absence of any gain. The fund should enable your Petitioners and others to provide for replacement and additional facilities, infrastructure or other mitigation. There is relevant and recent precedent for the establishment of such funds in respect of other major infrastructure projects, for example on HS1 and the Hinckley Point nuclear power station. Your Petitioners consider the proposition now set out in the Promoter's information paper that local authorities should not qualify for funds available as part of the community fund to be misconceived.

## **Council finance: loss of business rates**

112. It is very likely that a large number of businesses will be affected by the impacts of the construction of HS2. Unfortunately, your Petitioners can envisage businesses closing in the most badly affected areas. How that can be prevented is dealt with elsewhere in this petition. In the unfortunate event that businesses are forced to close, or there is a general lowering in the rateable values of commercial property as a result of the construction of the works, there will be losses of income to your Petitioners through the business rates. Your Petitioners request your honourable House to require the Promoters to put measures in place to alleviate that financial impact.

## **Council finance: CoCP compliance**

113. Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel

Rail Link and Crossrail. Your Petitioners are pleased to note that this regime will include the agreement of a code of construction practice ("CoCP"), and local area management plans ("LEMPs"). Your Petitioners will wish to ensure that the CoCP is complied with properly, and in that respect, your Petitioners will incur a great deal of expenditure. Your Petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the Nominated Undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the CoCPs and in enforcing them. This should also extend to compensation for the cost to your Petitioners of checking for compliance with sound, noise and vibration design standards, and other standards.

#### **Council finance: other authorisation costs**

114. As part of the alternative consent regimes mentioned above, your Petitioners must be able to recover from the promoter of the Bill or the Nominated Undertaker their full costs of processing applications, providing advice and other work related to HS2. Your Petitioners note that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of requests for detailed planning consent. Your Petitioners are pleased to note this, but seek assurances from the promoter of the Bill about the level of those fees and the ability of the promoter of the Bill to cover their costs of dealing with all applications, not just those directly related to the planning provisions in the Bill, including pre-application and post-application work and taking enforcement action where necessary.

#### **Design manual for viaducts and other major structures**

115. The Bill proposals envisage a range of significant viaducts and other structures within your Petitioners' area associated with the railway, including the "Delta" and "Y" junctions on viaduct at Coleshill. The design of such structures should seek to protect heritage assets, to be sympathetic to their surroundings in general and to be iconic where appropriate rather than purely functional. Your Petitioner is concerned that the designs set out in the Environmental Statement are inadequate in this respect.
116. Therefore your Petitioner seeks an undertaking that a Design Manual will be agreed with each local planning authority, to contain design principles aimed at ensuring that the designs of viaducts and other major structures are of high quality, iconic where

appropriate and sympathetic to their surroundings, and that all proposals for viaducts and other major structures shall accord with the Design Manual for the local authority area in which they are situated.

### **Drainage and flooding**

117. In areas where the Authorised Works sever drainage systems and ditches, suitable alternative provision must be made to ensure that there is no consequential adverse effect in relation to drainage and flooding. Any additional maintenance liability arising as a result of the construction and operation of the works in respect of flooding, waterlogging or poor drainage must be the responsibility of the Promoters or the Nominated Undertaker. Winter conditions or the results of periods of heavy rain must also be taken into account during assessment of whether flood prevention works are required, and if so what type.
118. Your petitioners are concerned that there are potential adverse impacts on water resources in terms of risks to groundwater from around the River Itchen, to the north of the Oxford Canal and south of Ladbroke. 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. Some of these areas experienced flooding recently and the construction impacts, and particularly the changes to landscape from dumping material, are likely to exacerbate the existing problems.
119. Your petitioners are concerned that the assessment of flood risk in the ES was developed solely with the Environment Agency and not Lead Local Flood Authorities such as your petitioners. The Flood and Water Management Act 2010 explains that Lead Local Flood Authorities have responsibility for surface water flooding and your petitioners are concerned that by only liaising with the Environment Agency, the Promoters have not come forward with a joined up approach to flood risk management. As a consequence, the result is a situation that the scheme could exacerbate flood risk by disrupting surface water flooding regimes.
120. Your petitioners consider that the Promoters have not carried out a proper assessment of the risks of surface water flooding or the implications on ground water contamination arising from the HS2 proposals in your petitioners' area. Your petitioners request that HS2 Ltd commission a detailed independent assessment of

these matters which can form the basis of comprehensive mitigation proposals. Your petitioners believe that the Bill as it stands makes no provision to safeguard your petitioners' area including its roads, from flooding and ground water contamination and the provisions necessary for their protection have been omitted from it.

**Water: watercourses and siltation**

121. Your Petitioners consider that a number of significant earthworks to be carried out during the construction phase will present a risk of silt pollution to local watercourses. Your Petitioners therefore request that all site run off is captured and adequately treated.

**Ecology: application of precautionary principle**

122. HS2 will have a significant effect on biodiversity in the County, both directly, for example by habitats being destroyed during construction, and indirectly, through disturbance from noise, vibration and dust. The impacts will also be felt by the species that these habitats support. Impacts will also continue after construction and will include electromagnetic effects, noise and wind turbulence, and gradual changes such as hydrological changes and will only be determined through long term monitoring. It is essential that the recognised 'Precautionary Principle' is applied to all known and unknown causes and effects, so that adequate mitigation and compensation is secured on worst case scenarios. Impacts will range from the loss of irreplaceable habitats such as ancient woodland, to arable fields, which all support a varying degree of biodiversity value.
123. Your Petitioners are encouraged by the adoption of the 'Precautionary Principle (Approach)' and 'worst case scenario' referenced throughout the ecology sections of the ES. However, your Petitioners have some serious concerns about the way in which this framework has been adopted. Your Petitioners will be discussing these with the Promoters and if not resolved will bring them to the attention of the select committee.

**Ecology: wildlife connectivity and additional green bridges**

124. Your Petitioners are concerned about the effect of the proposals on flora and fauna in the County, and have particular concern about damage to ecological connectivity

caused by the creation of physical barriers, turbulence or through perception. Ecological connectivity and 'the establishing of coherent ecological networks that are more resilient to current and future pressures' is a key objective of the National Planning Policy Framework. Therefore, it is essential that connectivity is maintained as much as possible during and after construction of the railway and that in particular satisfactory substitutions for existing animal crossing points are constructed as part of the works. Your Petitioners are also very concerned that without these animal crossing points there will be a significantly increased risk of wildlife and traffic collisions endangering human life.

125. Examples in the County where connectivity restoration can be achieved using modelling that your Petitioners have carried out in relation to lesser horseshoe bats, and in respect of which your Petitioners would ask that provision should be made in the Bill include (but are not limited to) potential connections at Ladbroke, South Cubbington Wood, Stoneleigh Road, Stareton and Wormleighton.
126. Due to the lack of ecological survey data within the Environmental Statement, your Petitioners have not modelled the ecological landscape for grassland or wetland species. Therefore your petitioners cannot make recommendations where to place any engineering solutions to restore connectivity for species that would use these habitats.
127. Your Petitioners seek a thorough review of the proposed over bridge structures with a view to create wider multi use "green bridges", "cut and cover" green tunnels, underpasses, reptile and amphibian tunnels and other engineering solutions to ensure critical wildlife corridors are restored. Your Petitioners have already mentioned some cases where green bridges would help to mitigate other undesirable impacts, and your Petitioners would ask your honourable House to consider the following suggestions, which would all provide welcome ecological mitigation and compensation:
  - (a) a new green bridge at Wormleighton Loop;
  - (b) a green tunnel at Windmill Hill, Ladbroke Hill Farm;
  - (c) a green tunnel at South Cubbington Wood, should the honourable House not be convinced by the Petitioner's and Others' request for a bored tunnel at this location;



- (d) a substantial green bridge at A445 Leicester Lane;
- (e) a green tunnel or substantial green bridge at Stoneleigh Road;
- (f) a green bridge and viaduct construction at A46 to enable north-south and east-west ecological connectivity.

128. Your Petitioners request your honourable House to require that when considering connectivity, the Promoters ensure that species modelling is carried out as part of a scientifically led scheme using up to date accurate data, rather than being reliant on cost and assumption.

129. Your Petitioners would request your honourable House to require the Promoters to ensure that the Nominated Undertaker provides either additional bored tunnels, green bridges, underpasses and wider green accommodation bridges (as mentioned elsewhere in the petition) at locations guided by species modelling instead of or in addition to those currently proposed in the County. This deficiency could be addressed by shortening the span of the planned overbridges and widening the structures to create multi-functional bridges to suit wildlife, pedestrians and road users.

130. Your Petitioners also ask your honourable House to require the Promoters to give assurances that ecological connectivity will be ensured in the final designs of the delta junction, the Kingsbury Road railhead and surrounding line, the Ladbroke Maintenance Loop and the footpath W168 underpass.

### **Ecology: biodiversity impacts and offsetting**

Your Petitioners share the concerns raised by the Environmental Audit Select Committee of your honourable House regarding measuring, monitoring and reporting of the biodiversity impacts of the scheme to ensure that the scheme does not result in a biodiversity net-loss. Your Petitioners agree with the select committee recommendations relating to biodiversity offsetting as set out in paragraphs 13 to 17 in their recommendations.

131. In order to meet those concerns, your Petitioners request your honourable House to make provisions within the Bill for the Promoters to do the following:

- (a) establish an adequately resourced, publically accountable and independent Biodiversity Group to measure and monitor local and HS2 line-wide biodiversity impacts, mitigation and compensation in accordance with the mitigation hierarchy described in the National Planning Policy Framework, in order to ensure a biodiversity net gain through the adherence to relevant British Standards, Government Standing Guidance, current CIEEM EcIA Guidelines and an independently set and government approved HS2 Biodiversity Offsetting Metric;
- (b) ensure that your Petitioners are appointed on the Biodiversity Group to advice and approve any ecological impact assessment and the selection of mitigation and compensation measure plus subsequent monitoring within the county.
- (c) establish a ring fenced Biodiversity Compensation and Offsetting fund to ensure a biodiversity net gain (as defined within an independently and government approved HS2 Biodiversity Offsetting Metric that is grounded in Defra researched habitat creation and restoration cost analyses) is implemented through the Biodiversity Group previous discussed in (a) above.

132. Your Petitioners can demonstrate that through partnership working, habitat compensation is most effective and efficient if placed in a strategic framework based on sound evidence and scientific modelling. The Promoter's data is currently insufficient to quantify and qualify the habitat that will be subject to impacts from the proposed works and is ineffectual in determining species connectivity in the wider landscape. To rectify this flaw the government must instruct additional surveys and work with your Petitioners to ensure the right habitat is located in the right place to include offsets further afield than directly alongside the railway. By doing so this will ensure a biodiversity net gain and maintain a connected sub-region to safeguard future species populations through consolidation of home ranges and population expansion, enabling climate change adaptation affected by the Proposed Scheme.

133. Your Petitioner most strongly believes that the establishment of an independent Biodiversity Group comprised of local and national experts that enables offsets further afield of the railway will substantially reduce the cost of biodiversity compensation and enable biodiversity net gain.

### **Electro-magnetic interference**

134. Your Petitioners are concerned by the prospect, during the construction and operation of the project, of electromagnetic fields adversely affecting electrical equipment and human health. Owing to this, your Petitioners request that the promoter or Nominated Undertaker produce a statement of the method which will be used to monitor electromagnetic fields before, during and after construction, and that such statement will be adhered to.

### **Emergency services: funding of new equipment and training**

135. Your Petitioners are responsible as fire and rescue authority for the provision of fire and rescue services in their area. The construction of the Authorised Works will raise new challenges for those services. One example will be the requirement to be able to deal with emergencies that may happen on railway viaducts and tunnels of the type that are being proposed in the County. Your Petitioners' fire and rescue services do not have the equipment that would be required to deal with such emergencies. Your Petitioners respectfully request that the Promoters should bear the cost of any new equipment and additional training that will be required as a result of the construction of the authorised works in the County.
136. Your Petitioners are particularly concerned that the scale and duration of the works will result in delays at "pinch points" that could impact on response times of emergency services. For example the proposal to dual the remaining part of the A446 and the use of a holistic Active Traffic Management system are two important items to ensure the effective delivery of emergency services in the sub-region.

### **Emergency services: provision of information**

137. Your Petitioners ask your honourable House to require the Promoters to ensure that the Nominated Undertaker will provide such information about works which are likely to affect the operation of fire and other emergency services operating in Warwickshire as may be requested by those services, to enable those emergency services to continue to carry out their statutory duties in a timely and robust fashion and to enable them to consider issues raised by the implementation of HS2 as part of their annual strategic plan process.

## Health Issues

138. A “golden thread” that should run through every stage of the planning and construction of the Authorised works is the impact on people’s health. In almost every aspect of this petition, there is a health angle, whether it be in relation to the preservation or enhancement of rights of way and open spaces, mitigation to prevent isolation and severance or the effects of noise, or the importance of maintaining access to health facilities, your Petitioners ask your honourable House to take health issues into consideration when considering your Petitioners’ points, and require the Promoters and the Nominated Undertaker to do so as well in planning, constructing and operating the Authorised Works.
139. The Department for Communities and Local Government’s guidelines in the National Planning Policy Framework (2012) state that local authority planners should consider consulting with the relevant local Director of Public Health on any planning applications that are likely to have a significant impact on the health and wellbeing of the local population. Health Impact Assessments (“HIA”) are recommended as a useful tool where there are expected to be significant impacts. Your Petitioners request that the Promoters should be required to follow this national guidance in respect of the planning of HS2, and that should include the compilation of an independent, comprehensive and robust Health Impact Assessment covering the entire HS2 route and including Warwickshire specific impacts. The HIA that accompanies the Bill does not, in your Petitioners’ submission, achieve that. This must include not only the impact during the construction phase but also the impact during the operation of the line in the following years. This will allow stakeholders to plan and make decisions on potential future impacts on health services in the future.
140. Your Petitioners seek an assurance from the Promoters that the health impacts of the works on local residents and workers in the County will be considered and monitored in detail during the construction period and for a period to be agreed with your Petitioners after completion of the works and that the results will be shared with your Petitioners and Public Health Warwickshire. In particular, your Petitioners are not convinced that the Promoters have taken into account the effect on local health services of the introduction of so many workers in the County during the construction period. For example, your Petitioners ask that the Promoters should provide

resources to ensure that outreach work is carried out during the construction period at the construction camps in relation to sexual health.

**Land: disposal of surplus property**

141. Your Petitioners note that the Promoters intend to acquire large amounts of land permanently under the Bill, even where the land is only required for construction purposes. That will undoubtedly result in there being a great deal of land which will not be required by the Promoter or Nominated Undertaker when the construction phase is over, in respect of both Phase One and Phase Two. Your Petitioners understand that a land disposal policy will be put in place by the Promoters, similar to the one which was put in place for Crossrail. Your Petitioners are concerned about all the land potentially coming onto the market together, if the original landowner does not wish to purchase it. Your Petitioners think it would be advantageous if land sales of that nature were staggered, and ask your honourable House to require the Promoters to ensure that is the case in the County.

**Land: empty houses**

142. Your Petitioners are very concerned that the impact of the construction of the works will lead to many residents in the County moving from their properties, and leaving those properties empty, whether or not in pursuance of the Promoters' voluntary purchase schemes. It is undesirable, for many reasons, for particular areas to become characterised by the amount of empty properties in them and your Petitioners are keen to explore with the Promoters ways in which this can be avoided in the County. One way this could be tackled is by the Promoter or the Nominated Undertaker developing, in consultation with your Petitioners and other relevant parties, a lettings, sales and management policy, and your Petitioners respectfully request your honourable House to require such a policy or a similar arrangement to be put in place by the Promoters.

**Land: acquisition of council land**

143. Your Petitioners have general concerns about the fairness of the statutory compensation code as it applies in relation to the land in their ownership which is to be acquired under the Bill. Aside from your Petitioners' general concern that the extent of that land take must be justifiable in every instance, and that where it is

required only for the construction period it must only be subject to temporary acquisition in the first place, your Petitioners also seek clarification that the Crichel Down rules, or an equivalent policy, will be put in place and be enforceable in relation to land which is acquired from your Petitioners but not required at a later stage by the Nominated Undertaker for the purposes of the railway.

**Land: clause 47: acquisition outside limits**

144. Your Petitioners have specific concerns about clause 47 of the Bill. It provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. Your Petitioners are particularly concerned about this clause because land which is in its area lies in close proximity to the railway. This power is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last resort, and your Petitioner is concerned that the existence of this power significantly undermines its own role in promoting the regeneration of its own local authority area. Your Petitioners do not understand why this clause is required at all and believe that it should be removed from the Bill. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities.

**Land: powers of entry for Phase Two**

145. Clause 51 of the Bill provides powers to authorised persons to enter land for certain purposes connected with Phase Two of HS2. If the Promoters wish to enter land for those purposes now then the land owner would be able to require payment. Clause 51 does not appear to require an authorised person to make any payment to the land owner except for compensation for any damage caused to the land. Your Petitioners ask your honourable House to amend the Bill to provide that payment should be made in accordance with a reasonable scale of rates that reflects the amount that HS2 currently pay to landowners now on a voluntary basis.

**Land and planning: time limit for implementation of powers of bill**

146. Your Petitioners note that the periods within which the deemed planning permission under the Bill must be implemented and by which the powers of compulsory

acquisition must be exercised are both capable of being extended by order of the Secretary of State. Your Petitioners submit that the Bill should be amended by your honourable House so that those powers to extend time periods should only be exercised in order to ensure proper coordination between Phase One and Phase Two, should Phase Two be delayed for any reason. Your Petitioners would ask your honourable House to make it clear to the Promoters that any Bill for Phase Two should not contain any similar time extensions.

147. Your Petitioners also note that there is no time limit imposed on the implementation of planning permission that is deemed to be granted for works that are not Scheduled Works. Your Petitioners are very concerned about this. The Nominated Undertaker will be entitled to rely upon permitted rights for railway undertakers, in the usual way, and that should suffice, so your Petitioners ask that the Bill be amended accordingly.
148. Your Petitioners respectfully ask your honourable House to require the Promoters to undertake that the Phase One works will all be constructed together as one project, so that disturbance and blight in your Petitioners area will not be protracted necessarily.

#### **Landscape: introductory**

149. In the 1990's, your Petitioners and the Countryside Commission developed a landscape assessment process which was adopted nationally. The Warwickshire Landscapes Guidelines were published in 1993 and included in the Warwickshire, Coventry and Solihull Green Infrastructure Strategy which is an evidence base document forming part of the local planning authority planning documents and taken into account in your Petitioners' planning decisions.
150. In September 2012 the Planning Inspectorate recognised the Ancient Arden landscape classification (a sub-set of the Arden Landscape Character) as a "valued landscape" within the National Planning Policy Framework. Your Petitioners are of the view that as there has been no appropriate assessment of the proposals in the Bill that is compliant with the EU Landscape Convention or government standing guidance on Landscape Character Assessments, your Petitioners are justified in recommending to your honourable House that a precautionary approach should be adopted and that all the Landscape Character Areas within the County should be considered equally valuable.

151. The proposed railway will pass through three distinctive landscape character areas in the County - Feldon, Dunsmore and Arden. The Feldon Landscape Character Area covers the southern part of the route and is typically a very open, flat rural area with unspoilt views of the natural landscape. The Dunsmore Landscape Character Area features a large amount of woodland, including North and South Cubbington Wood, which would be destroyed by HS2. In the north of the county, the open, flat river valleys of the Arden Landscape Character Area are visually intruded by a network of major roads and motorways, and this will be exacerbated by a series of embankments and viaducts constructed for HS2. Beyond the road corridors is a more remote area, around Middleton, where the landscape character is likely to be more radically affected.

**Landscape: protection of vegetation**

152. The Promoters must ensure that existing vegetation on land temporarily affected by contractors' compounds, access roads, borrow pits and other works will be protected where possible, and that any replacement planting will be undertaken in a timely manner, in accordance with the Warwickshire Landscapes Guidelines, to mitigate all necessary vegetation clearance. Your Petitioners seek undertakings from the Promoters in that regard.
153. Your Petitioners also expect the Promoters to prevent any disturbance to landscape components such as woodlands, trees, hedgerows, soils, grassland and other habitats outside of the land necessary for the construction of the railway. Should any disturbance or impact occur your Petitioners request that the Nominated Undertaker should be required to remedy the damage.
154. All controls and measures put in place to mitigate the effect of the Authorised Works on the landscape must be independently monitored to assess their effectiveness. Your Petitioners would request your honourable House to require that any landscaping and planting provided as part of the Authorised Works is carried out on the advice of and monitored by an independent group to ensure its effective establishment after construction and that any costs incurred by your Petitioners in the process (if it forms part of the independent group) in advising and monitoring are reimbursed by the Nominated Undertaker. Your Petitioners would suggest that such monitoring



techniques would include but not be limited to photographic/digital recording of landscape prior to and after construction works.

**Archaeology: risk model**

155. Your Petitioners are concerned about the lack of information about the Archaeological Risk Model referred to in the ES because it significantly limits their ability to critically evaluate the robustness of the information presented in the ES. Your Petitioners request that further information about the results of the risk modelling should be provided by the Promoters at the earliest opportunity.

**Heritage: generic written scheme of investigation**

156. The Promoters have indicated that they will carry out archaeological assessment work throughout the construction of the Authorised Works. Your Petitioners are concerned about the lack of information provided by the Promoters about what that work will comprise and where it will take place.
157. To remedy their concerns, your Petitioners request that a proper assessment and mitigation strategy be put in place at an early stage, and to achieve that, a generic written scheme of investigation, referred to in the Heritage Memorandum, should be provided to your Petitioners without delay. It should, in turn, provide at least the following:
- (a) the general principles for design, evaluation, vibration, community impact, archaeological deposits, mitigation, analysis, reporting and archive deposition to be adopted;
  - (b) that a precautionary approach to impact assessments will be carried out where there is insufficient baseline data to enable archaeological potential to be assessed;
  - (c) that heritage assessment work will be undertaken by appropriately qualified and experienced specialists, in accordance with industry standards and best practice guides;
  - (d) that the assessment work will be informed by relevant local, regional and national research priorities;

- (e) that research frameworks will be developed and agreed with appropriate specialists and re-assessed and refined throughout the project as new information becomes available;
- (f) details of monitoring arrangements including how this will be funded.

**Heritage: storage, recording and display**

158. As a consequence of the construction of the Authorised Works a substantial amount of data and finds will be generated and found, requiring detailed analysis. The results of these surveys will require publication and the archives generated will require storage in appropriate museums or other institutions in perpetuity, with public displays as appropriate. Your Petitioners request that the Promoters should be required to plan for those implications at an early stage.
159. The draft Heritage Memorandum does not make any provision about what will happen with heritage archives should appropriate repositories not be identified, and your Petitioners ask that the memorandum be amended so that it does.
160. The large amounts of data recorded will require inputting on the relevant Historic Environment Records (HER). Your Petitioners request that the nominated undertaker be required to develop methods of data capture to minimise the time required to integrate this data into the HER, implement those methods, and contribute to the costs of adding this data to the HER.

**Heritage: draft Heritage and Environmental Memoranda – further points**

161. Your Petitioners have a number of detailed concerns about the draft Heritage Memorandum and Environmental Memorandum, which they hope will be able to be settled through discussions with the Promoters. If they are not, then your Petitioners will ask your honourable House to require that amendments be made. The concerns are as follows:
- (a) Setting of heritage assets: provision should be made about the mitigation of impacts upon the setting of any relevant heritage assets (including historic landscapes) and should include a clear declaration of the intention to minimise harm;

- (b) Landscape design: section 4.6 of the draft Environmental Memorandum should include reference to the need for landscape design to take into account potential impacts upon the setting of heritage assets in the wider vicinity of the proposal;
- (c) Unexpected remains: your Petitioners are concerned that the time available for preservation by record on work sites will need to be 'commensurate with the construction timetable'. Your Petitioners would expect sufficient time to be allowed for an appropriate programme of heritage works to be undertaken particularly in relation to unexpected remains of national significance, irrespective of the development timetable. No provision is made about unexpected remains that are not of such significance and your Petitioners would expect any such remains to be recorded to a level commensurate with their significance.
- (d) Burials: The Heritage Memorandum should provide that any human remains over 100 years will be archaeologically investigated in every case.

#### **Heritage: ground settlement**

162. Paragraph 6.3.52, of volume 1 of the ES makes reference to the nominated undertaker assessing potential settlement along the route of the railway, including the risk of damage to all buildings within the zone affected by settlement. The Environmental Minimum Requirements documents should require that this assessment also take into account any impacts upon any archaeological deposits within any zones which are likely to be affected by settlement.

#### **Heritage: vibration**

163. The ES only makes reference only to the impacts of sound, noise and vibration on people. Your Petitioners request that either an addendum to the ES be published, or the Environmental Minimum Requirements be altered so as to require that the impact of sound, noise and particularly vibration on heritage assets should also be assessed and appropriately mitigated.
164. Your Petitioners also request that the draft code of construction practice should be amended to meet the following points:

- (a) paragraph 8.1.4 provides for the implementation of controls to avoid damage by vibration to archaeological deposits or structures of historic importance or interest. This should include any heritage assets which could be impacted, not just those lying within the 50m referenced in paragraph 13.2.27;
- (b) paragraph 8.3.1, which states that vibration monitoring will be undertaken, should state what will be happen should the monitoring identify a problem.

**Heritage: code of construction practice – further points**

165. Your Petitioners have a number of detailed concerns about the draft code of construction practice, which again they hope will be able to be settled through discussions with the Promoters. If they are not, then your Petitioners will ask your honourable House to require that amendments be made. The concerns are as follows:

- (a) Provision of data to contractors: contractors should be provided with locations and descriptions of all known cultural heritage assets and areas of potential archaeological sensitivity requiring protection prior to and/or during construction works, not just those identified in the Environmental Statement.
- (b) Metal detecting: metal detecting on land taken for the Authorised Works should be restricted until an appropriate, identified, post holder has formally confirmed that an area is of no archaeological interest.
- (c) Site reinstatement: the reinstatement of any areas in which no archaeological fieldwork prior to, or during, construction was required should be undertaken in such a way as to minimise any inadvertent impact upon any underlying archaeology.
- (d) Protection of demolished building material etc: any materials related to the demolition of buildings which are to be re-erected should be securely stored and protected.

**Heritage: public engagement**

166. Your Petitioners strongly recommend that a strategy for engaging the public about heritage issues relating to the Authorised Works be developed, and ask your honourable House to make requirements of the Promoters in that regard. This could

include engaging and informing local communities through the creation of public displays of the results of fieldwork, holding open days to enable members of public to view exemplar sites being investigated, and the use of social media and other new technologies. This will help to mitigate the impacts that this proposal will have upon the communities in the vicinity of the proposed railway and associated works.

#### **Highways: general**

167. It is essential that measures are put in place to ensure the Nominated Undertaker complies with provisions that are equivalent to any legislation relating to highways and road traffic that are disapplied by the Bill, and in particular that additional highway maintenance required directly as a result of the construction of the Authorised Works is taken into account. This includes ensuring that your Petitioners are able to recover the cost of damage caused by extraordinary traffic, in accordance with section 59 of the Highways Act 1980 and ensuring that liability can be agreed in advance of the works being undertaken.

#### **Highways: design manual**

168. Whilst your Petitioners recognise that they will have some control over the detailed plans and specifications for highway works authorised by the Bill in relation to highways for which they are the highway authority, they ask your honourable House to require the Promoters to give a commitment while the Bill is before your honourable House that all highway alterations will be carried out in accordance with the standards of the Design Manual for Roads and Bridges unless there are exceptional reasons not to do so. Any deviation from these standards should be subject to your Petitioners' consideration and approval. In particular, your Petitioners are keen to ensure that all highway design work is agreed with your Petitioners in advance.

#### **Highways: maintenance period and liabilities**

169. Your Petitioners consider that the maintenance period of 12 months for new or altered roads as set out in the Bill under Schedule 4 is inappropriate, given the very high levels of construction traffic likely up to 2026. Your Petitioners request that Part 3 of Schedule 4 to the Bill be amended in its application to the County so that the Nominated Undertaker will remain responsible for maintenance of new or altered

highways until 12 months after the construction of the railway in the County, ensuring that the Nominated Undertaker remains responsible for maintenance until after the highway ceases being used for HS2 construction traffic. Alternatively, the maintenance period should be set at 60 months from practical completion or bringing into use.

170. The construction of the Authorised Works will involve the construction of some 25 overbridges in the County and associated approach embankments, safety fencing, signage and other highway infrastructure. Your Petitioners seek further clarity about maintenance responsibilities under the Bill, and at least require assurances that under agreements made under Schedule 4 to the Bill will cover the costs of routine inspection, maintenance and repairs of new highway infrastructure constructed under the Bill. The requested changes must ensure that your Petitioners do not incur significant additional and unrecoverable costs over the life of HS2.
171. Your petitioners asks that the Nominated Undertaker should be required to discuss and agree the appropriate treatment of redundant stretches of road with your Petitioners as local Highway Authorities and local communities. Your Petitioners should not be forced to maintain excess road nor should these areas encourage fly tipping.

#### **Highways: safety appraisal of haul routes**

172. Once proposed construction haul routes have been notified to your Petitioners, safety considerations relating to the access and egress to and from the highway must be subject to a further comprehensive appraisal. Your Petitioners respectfully request your honourable House to require that the Promoter or Nominated Undertaker should conduct such an appraisal in relation to every new haul route required for the construction of the works, and any alterations to such haul routes.

#### **Highways: construction traffic**

173. The scale and duration of construction traffic associated with HS2 between 2017 and 2026 will be unprecedented when compared with other infrastructure works in the County and wider sub region. HS2 will generate daily flows in excess of 1000 HGV's at key construction locations in the County, with routes typically crossing several highway authority boundaries. Your Petitioners consider that the cumulative impact

of construction traffic has been inadequately considered and is poorly presented in the ES with no significant consideration of how major sites of economic activity, for instance, Warwick University and Hams Hall Business Park are impacted. There is a high potential for significant traffic congestion at several “pinch points” in the County and wider sub region. The Promoter identifies some, but not all, of the traffic “pinch points” in the ES.

174. Your Petitioners seek assurances from the Promoter or the Nominated Undertaker that opportunities to deliver local access improvement schemes to major employment sites and local junction improvements will be collaboratively explored with key stakeholders and funded as part of HS2 enabling works to mitigate construction traffic impacts.
175. Your Petitioners also require the Promoters or the Nominated Undertaker to proactively monitor and manage construction traffic that enters the highway network across the sub-region. The Promoters or the Nominated Undertaker should provide the additional resources, equipment, co-ordination and staffing for a sub-regional Active Traffic Information System (ATIS) across strategic haul routes in Warwickshire, Coventry, Solihull, Birmingham, Staffordshire and Northamptonshire. The ATIS system should be developed to integrate and complement existing Highways Agency, Local Highway Authority and Emergency Service systems to give real time information that can be accessible via the internet.

#### **Highways: Construction travel plans**

176. Your Petitioners respectfully request your honourable House to require that before commencement of the construction of the authorised works, the Promoter or Nominated Undertaker should produce an effective travel plans, to be agreed with your Petitioners and neighbouring authorities, which seeks to achieve target car/employee ratios of 65% (county targets), by the promotion and investment in alternative sustainable modes of transport. The travel plans must reflect and build on the various sustainable transport opportunities along the route in the County. The Promoters must implement incentives to achieve the above and agree appropriate targets with your Petitioners and the district councils in the County who are affected in order to identify the areas which would benefit from these measures.

### **Highways: additional school bus services**

177. The construction of the Authorised Works could severely interrupt the flow of buses on the school transport network in the County. In instances where schools have a close proximity to their catchment areas and the hours are sufficiently staggered, two school runs are covered by one vehicle. This will not be possible if journey times increase as a result of HS2 crossing bus routes. This mainly impacts on services to Kington and Southam schools where the A425 will be crossed by the proposed railway. Your Petitioners request that the Promoters or the Nominated Undertaker should fund the additional cost to your Petitioners of providing any additional school bus services, taxis, coaches and other forms of transport (and additional fuel costs) arising as a result of taking longer routes as a result of the construction of the works.

### **Highways: additional public bus services**

178. The public bus network in the County will also be affected by the Authorised Works. Most of the affected bus routes are operated commercially but your Petitioners have identified the need for an extra vehicle to be operated all day on the part subsidised group of routes to link Leamington, Southam and towards the north and east. Your Petitioners request that the Promoters or the Nominated Undertaker should fund the additional cost to your Petitioners of subsidising bus services in cases where additional costs arise to them as a result of the construction of the works, for example when gaps appear in service patterns and as a result of additional resources being required to communicate diversions to the travelling public. This is likely to be of particular concern in areas such as the outlying villages in North Warwickshire, and connections to and from Coleshill.

### **Highways: priority alterations**

179. Your Petitioners consider that a number of priority highway improvements should be made to the proposals set out in the Bill and the ES. Your Petitioners specific requests are set out in Part 1 of this petition (Site Specific Issues) and they include the following:

- (a) dualling a 1.2km section of the A446 at Water Orton;
- (b) retention of Long Itchington Road;



- (c) A423 – Ladbroke to Southam cycle link;
- (d) new green multi-use bridge structure at Wormleighton Loop.

#### **Highways and traffic: remedial works**

180. Your Petitioners are concerned that many of the roads used in the construction phase will suffer irreparable damage. Your Petitioners submit that the nominated undertaker should be required to carry out and fund all necessary remedial and repair works to the highway and any necessary bridge strengthening to a standard specified by your Petitioners in respect of all highways and bridges for which they are the responsible authority. Your Petitioners submit that the promoter of the Bill should be required to carry out detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, particularly on highways which are to be used as worksites or which will be heavily used by construction traffic. The promoter should also have full responsibility for embankments and security fencing required for remedial works.

#### **Highways and traffic: construction routes**

181. Each of the construction sites in your Petitioners' area will be centres to and from which large quantities of construction materials and equipment will be transported, together with staff. There will also be the problem of removal of spoil from the working sites. The matters which your Petitioners submit should be subject to their control in this respect are the routeing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and miscellaneous related matters. This includes details of how the extra traffic and noise will impinge on trade in each of the major towns in your Petitioners' area.

182. Your Petitioners submit that the nominated undertaker should be required to use every endeavour to utilise rail, river and canal for transport purposes. The promoter of the Bill and subsequent nominated undertaker should confirm the numbers and type of vehicles on specific routes and assess impacts accordingly, particularly cumulative impacts. The nominated undertaker should also be required to minimise the cumulative impact of lorry movements by properly managing lorry movements, keeping the number of movements to a minimum, using the strategic road network and confining movements to normal worksite hours.

183. Your Petitioners have prepared a list of other inappropriate routes which are proposed for the project. This will be sent to the promoter and your Petitioners seek undertakings and assurances that these will not be used. Your Petitioners presented details of inappropriate haul roads in its response to the ES. Your petitioners respectively requests your honourable House to require that the Promoter or Nominated Undertaker should conduct a more thorough traffic appraisal of several remote rural routes and those that front residential areas.

#### **Highways: noise**

184. Your Petitioners are concerned that the construction of overbridges on high embankments will have the effect of raising road traffic above established hedgerow, trees and other adjacent vegetation. There will be the potential for an increase in background road noise being suffered from traffic on overbridges and the associated approach roads. Your Petitioners request that in some locations the Promoters should adopt the use of low noise surfacing materials, in agreement with your Petitioners as highway authority, on the approaches to overbridges where they are close to communities. The Promoters should be responsible for ensuring baseline monitoring of noise and appropriate mitigation action to address claims associated with road noise.

#### **Traffic authorities and street works**

185. Under clause 3 of and Schedule 4 to the Bill the Nominated Undertaker may stop up and otherwise interfere with various highways in connection with the authorised works. Schedule 4 disapplies a range of highways and street works legislation. The proposed removal of these controls over such a major series of highway works has the potential to render your Petitioners powerless in its ability to manage its own highway network. For example, there would be no powers available to your Petitioners under section 74 of the New Roads and Street Works Act 1991 to charge for the occupation of the highway where works are unreasonably prolonged. The key principle the street works legislation contained in the 1991 Act is to provide for coordination and parity across street works undertakers. The proposed disapplication of these provisions would remove this principle and the replacement arrangements proposed under the Code of Construction Practice between the relevant highway authority and the Nominated Undertaker will have no sound legal or contractual basis.

186. Therefore your Petitioners seek an amendment to the Bill omitting or qualifying the disapplication of the New Roads and Street Works Act and other relevant highways and street works legislation.

### **Lighting – construction and operational lighting levels**

187. Your Petitioners and communities along the HS2 route in the County are concerned about the impact of artificial during construction and operation of the railway. Parts of South Warwickshire are known for their tranquillity and “darker skies”. It is important that the use of artificial light is kept to a minimum to preserve that status and maintain ecological connectivity. Lighting can also be a significant barrier to the movement of some fauna.
188. Under the current proposals, the Nominated Undertaker could use artificial lighting at all worksites, particularly at Wormleighton Loop and at Kingsbury Railhead. Your Petitioners recognise that under the planning provisions in the Bill, lighting conditions might be dealt with a class approval design matter. This “one size fits all” approach may be taken by the Promoters. Your Petitioners need further clarity about that, and require some flexibility to make specific requirements about lighting, particularly in “darker skies” areas within your Petitioner’s area and seek require the Promoters to give assurances in that regard and that effective landscaping is provided to reduce the impact of lighting during the night time operation of HS2.

New section:

### **Minerals and waste: mineral assessment**

189. Your Petitioners consider that in accordance with national planning policy, the Promoters should undertake a detailed mineral assessment of the County (as part of an assessment of the entire route) to examine the potential impacts upon mineral resources. Where mineral resource is likely to be sterilised by the project, detailed borehole investigation should be undertaken to determine the depth and quality of the resource. Consultation should be undertaken with your Petitioners as mineral planning authority and the minerals industry to determine whether prior extraction is “practicable and environmentally feasible” (as per paragraph 143, bullet point 5 of the National Planning Policy Framework). In particular, your Petitioners expect to see prior extraction investigated at the Dunton landfill site (estimated to be 107,000 tonnes of

permitted reserves) and the site allocated as Site PA2 - Lea Marston in the Warwickshire Minerals Local Plan 1995 (estimated to be 1.06 million tonnes). Furthermore, in response to your Petitioners' Minerals Plan's 'call for sand and gravel sites' (Feb 2014), two sites have been submitted that fall within the area of the proposed Kingsbury Road railhead, namely Marston Fields Farm and Barn Covert. However, prior extraction should be investigated along the whole route, not just at those sites.

190. Any material recovered through prior extraction should be accurately quantified and recorded, particularly for sand and gravel and crushed rock so that the volumes can be accounted for and contribute towards your Petitioners' aggregate supply as part of the Aggregate Working Party annual monitoring process.
191. The minerals assessment should inform a minerals strategy for HS2 that details the exact location of where the aggregates required for the project will be sourced and how much will comprise primary, recycled and secondary aggregates. This will ensure that the environmental impacts arising from the use of minerals in the scheme are adequately assessed and mitigated.

#### **Minerals and waste: mineral restoration**

192. Where sites have been worked (either for prior extraction or for borrow pits) it is expected that restoration is of the highest quality and to the most beneficial after uses, taking into account the unique characteristics of each site. For mineral workings in the County, your Petitioners would expect the Promoters to engage with local communities and key stakeholders (including specialists from your Petitioners) when devising, implementing and monitoring restoration schemes.

#### **Minerals and waste: use of excavated materials**

193. The ES indicates that over 132 million tonnes of excavation, demolition and construction materials will require management across the route, with 34 million tonnes of excavated material and spoil generated in the County alone. However, the inevitable environmental impact associated with managing the material has not been assessed through the ES because it has not identified:

- (a) the exact locations at the local level (i.e. below Community Forum Area level) where the major sources of excavated material will arise and the associated volumes of material; and
  - (b) the exact locations to be used for managing/disposing of the materials.
194. Your Petitioners request that the Promoters be required to provide an assurance that a detailed excavated material management strategy will be published that indicates the exact volumes of material arising at the sub-CFA level, as well as where the material will be managed and disposed of. This should then be used to assess the full range of direct and indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects and their significance so that they can be appropriately mitigated or compensated.
195. In the case of the third party use of excavated material, an inspection and monitoring schedule should be established to ensure that the material is used in accordance with the purpose and methods of working prescribed.
196. Your Petitioners strongly supports the genuine re-use and recovery of materials to provide necessary environmental mitigation, for example in earthworks to protect public amenity. Where excavated material is to be reused within the scheme for embankments, environmental mitigation earthworks or agreed third party use, however, your Petitioners seek an assurance from the Promoters that a detailed justification will be provided in the material management plan that demonstrates that the quality and quantity of material in that location is the most appropriate and that the use represents the most sustainable method of managing the material.
197. Furthermore, your Petitioners seek assurance that materials that are genuinely surplus to the project's requirements are managed as closely as possible to their source and at authorised waste management facilities. A legacy of mineral extraction and higher recycling rates has resulted in unrestored mineral workings within proximity of the route. Given that HS2 may provide a unique opportunity for supplying inert material to restore such voids, this option should be explored as part of the excavated material management strategy as it may, in some cases, be the most sustainable option for managing surplus materials.

### **Minerals and waste: sterilisation of permitted waste sites**

198. It is unclear whether the KSD Recycling construction and demolition waste recycling facility near Dunton Island will continue in its current form given that it falls within the latest HS2 Safeguarding Area (July 2013), but it is not within the area defined as 'land potentially required during construction' (October 2013). Your Petitioners considers the site to be of County, and arguably regional, importance given the capacity of the site (up to 500,000tpa) and its contribution to meeting landfill diversion targets for construction, demolition and excavation wastes. Your Petitioners seek assurance that the impact of the development upon future operation of the Dunton facility is explained, acknowledged and, if necessary mitigated in order to maintain recycling capacity and contribution towards landfill diversion targets.

### **Sound, noise and vibration: site specific impacts**

199. Your Petitioners are concerned about the impact of noise from the proposed railhead near to Kingsbury Road which is identified in the ES has as having a significant impact on nearby dwellings at Marston. Your Petitioners are extremely concerned that the railhead will remain in place longer than is suggested in the ES and will be utilised for the construction of phase two of HS2. Your Petitioners believe that this impact has not fully assessed in the ES and expect HS2 to commit to providing substantial mitigation measures to ensure that the Marston/Kingsbury communities receive the benefit of mitigation now and not have to wait for phase two of HS2 to commence.

200. Your Petitioners are concerned that the impact of noise from the construction and operation of the railway will have a severe impact on the village of Water Orton and in particular Water Orton Primary School. Your Petitioners request that the Promoter provide significant additional mitigation to limit the impact to ensure that noise levels will meet the Acoustic Performance Standards for the Priority Schools Building Programme criteria on noise.

201. Your Petitioner believes that the noise mitigation proposed for residents of Burton Green during the construction of the tunnel is wholly inadequate. The adverse effects will continue, according to the ES, for up to 16 months and your Petitioners have major concerns about the lack of information contained in the ES on how this will be mitigated and managed. Your Petitioner notes that four dwellings may be offered noise insulation but believe this is insufficient and request that the Promoter

addresses this by providing mitigation to ensure the impact is minimised for all affected properties.

202. Your Petitioners are concerned that construction of the Long Itchington Wood tunnel will require work to be carried out during the evening and night time periods. Your Petitioners are concerned that the removal of spoil during the night time period will impact on residents and your Petitioners seek assurances that the Nominated Undertaker will comply with the strictest standards with regards to minimising noise. Your Petitioners seek assurances that the tunnel portal design which was not detailed in the ES will fully mitigate against micro-pressure waves which can occur as a train leaves a tunnel.

**Noise: interpretation of the national planning policy framework noise guidance**

203. Your Petitioners have worked closely over the last few years with other local authorities affected by the proposed construction and operation of the railway and there are concerns shared by some of those authorities and upon which common ground has been reached. One of these is a concern that the assessment of the potential noise impacts within the ES has not been conducted on a basis that is consistent with relevant national policy. There are a number of material aspects of the ES appraisal framework which are not consistent with national noise policy. With reference to the Noise Policy Statement your Petitioners are of the view that the Lowest Observed Adverse Effect Level ("LOAEL") and the Significant Observed Adverse Effect Level ("SOAEL") may not have not been correctly identified. These terms are adopted in the Government's emerging planning guidance on noise. The guidance links them directly, in increasing severity, to four levels of effect:

- (a) effect;
- (b) adverse effect;
- (c) significant adverse effect; and
- (d) unacceptable adverse effect.

204. Your Petitioners are concerned that that the Promoters may not have mapped this clearly onto the EIA methodology and as a consequence may have underestimated significant adverse effects. As a consequence your Petitioners have concerns that the

proposed noise and vibration mitigation may not be adequate. In the context of planning guidance. Your Petitioners are concerned about the adoption by the Promoters of LOAELs (Lower Adverse Effect Levels) and about the SOAELs (Significant Observed Adverse Effect Levels) that are standardised across the route, irrespective of the local circumstance. As a result, your Petitioners are concerned that this project could set a precedent in determining LOAELs and SOAELs which could impact on your Petitioners' ability to control future planning applications. These concerns are shared by other local authorities on the HS2 route.

205. Furthermore, the adoption of a route wide system of LOEALs and SOAELs appears to go against the guidance on application of the National Planning Policy Framework, which recommends that the existing noise climate around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties, should be assessed. Your Petitioners suggest that the Promoters should be required to follow that guidance.

#### **Noise: basis of LOAEL**

206. From the Health Impact Assessment published alongside but not as part of the ES it can be seen that the LOAEL set by the Promoter is based partially on dose response curves related to annoyance. These curves are based on the total noise experienced not just the noise from a particular source.
207. In addition, the method of identification of significant effects in relation to individual and small groups of properties means that a significant effect will only be identified where SOAELs set by the Promoter are exceeded. Below the SOAEL the method will not enable consideration of a change in noise levels (even though it has been assessed as a possible impact). Your Petitioners are concerned that when assessing significance for individual dwellings the Promoters do not take change in levels into account. The Council has concerns regarding the assessment methodology for operational airborne and groundborne noise. According to the Promoter's methodology, individual or isolated properties are only identified as automatically constituting significant effects in their own right when certain absolute noise levels, set as SOAELs, are exceeded. The Council is concerned that between the LOAEL and SOAEL the Promoter's approach to determining significant effects relies on judging the proportion of a community or



clusters of properties subject to adverse impacts, and as such isolated or individual properties are automatically disadvantaged.

**Noise: use of 16 hour LAeq**

208. Whilst it is accepted that the Promoters' use of a sixteen hour day time LAeq is standard practice, your Petitioners are concerned that this may mask the significance of impacts generated by the project in the evening when residents in your Petitioners' area have a reasonable expectation of peace and quiet and in the early morning. This principle also applies to the Promoters' use of an eight hour night time LAeq. Indeed, HS2 trains will only operate for three hours of this period. Your Petitioners are concerned that smoothing the data over an eight hour night time period may mask the significance of impacts particularly in the period between 11pm and midnight when many residents are trying to get to sleep and five and seven in the morning when sleep patterns may be adversely affected. Your petitioners would like a re-assessment in their area for daytime, evening and night time periods as well as a spate assessment of shoulder hour operation.

209. Your Petitioners believe that a practical way to mitigate this effect would be to apply a speed restriction to trains in the evening period. Your Petitioners ask your honourable House to require that the Promoters undertake that a speed restriction of 300km/h or less will be applied to all trains running through the District between the hours of 8pm and midnight. Furthermore, your Petitioners ask that the Promoters be required to carry out an assessment of the reduction in noise levels that would arise from reducing train speeds in the period from 8pm to midnight and 5am to 8 am to a range of speeds between 275 and 300 km/h.

**Noise: barrier design**

210. 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. Your Petitioners have some limited control over barrier design, but would also want the Promoters to ensure that local residents who will be significantly affected will have the opportunity to influence the barrier design.

**Noise: operational: maintenance of track and rolling stock**

211. Your Petitioners are concerned to ensure that high standards are met in terms of the lifespan and maintenance of the running tracks, trains and rolling stock. Appropriate standards should be incorporated in the contracts between the Secretary of State and the Nominated Undertaker to ensure that the Nominated Undertaker meets those standards, that rail grinding activities will be carried out at a minimum frequency consistent with ensuring that no significant deterioration in operational train noise will occur and the only 'state of the art' equipment is used. Your Petitioners request that the Promoter provides a long term lifecycle assessment of noise and vibration variation with time to enable an appreciation of the likely fluctuations either side of maintenance activity.

**Noise: Cost of checking for compliance with EMRs**

212. Your Petitioners consider that the Promoters should compensate them for the cost of checking compliance with noise and vibration design standards, both during the construction phase and for ten years after the railway becomes operational.

**Planning: conditions**

213. Your Petitioners note that the planning regime set out in the Bill is very similar to that contained in both the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2007. However, there is one significant difference that causes Your Petitioners considerable concern, namely sub-paragraph 6(6) of Schedule 16 to the Bill. That sub-paragraph says that the relevant planning authority may impose conditions on approval of detailed plans and specifications only with the agreement of the Nominated Undertaker. This tautological provision could render the planning authorities unable to impose conditions and should be struck from the Bill. Your Petitioners' concern applies to any other provision in the Bill in which authorities are given powers to impose conditions or other matters, only with the agreement of the Nominated Undertaker.

**Railways: general rail services**

214. Your Petitioners consider that it is important that the construction and operation of HS2 does not result in significant reductions in rail services to Leamington and

Coventry. To this end your Petitioners request that the Promoters be required to provide a commitment to ensure that:

- (a) there is provision of a high quality and frequent connection between Birmingham Interchange and Birmingham International Stations;
- (b) there is better classic rail access from the County to HS2 stations - for example a new hourly local service between Birmingham and Nuneaton to improve Nuneaton's connectivity to Birmingham City Centre, and similarly for Warwick to Birmingham services;
- (c) new and more frequent classic rail services following the transfer of some High Speed services from the existing network to HS2. For example, a new local hourly through service across Coventry between Nuneaton and Leamington Spa;
- (d) there will be improved pedestrian connections between Birmingham New Street and Birmingham City Centre (Curzon St) HS2 station.

**Railways: passive provision on the Coventry to Leamington Line**

215. It is expected that the Coventry to Leamington railway (which crosses the proposed HS2 line at Gibbet Hill) will be double tracked before the construction of HS2 takes place. The Bill does not make provision to accommodate these works and your Petitioners request assurances that HS2 will not prejudice the double tracking of this line in the unlikely event these works are delayed.

**Railways: passive provision on the Coventry to Birmingham Line**

216. The West Coast Main Line ("WCML") between Coventry and Birmingham forms a critical part of Coventry's transport network. The line is near capacity and this needs to be addressed; for instance, through targeted capacity enhancements such as route widening. HS2 does not make passive provision for any future widening schemes on the WCML. Retrospective widening of HS2 would add significant costs to any future schemes on the WCML. Your Petitioners request that the Bill makes passive provision for any future widening schemes on the WCML for the mutual benefit of residents in Coventry and surrounding Warwickshire area.

### **Rights of way: Definitive map and statement**

217. The Bill provides for many permanent diversions and stoppings up of public rights of way within the County. Your Petitioners request that each of these is constructed and located as shown in the Deposited Plans or as approved by your Petitioners. If the Promoters cause any variation when implementing the proposal your Petitioners require the Promoters to remedy the situation and bear the cost of all necessary legal work to ensure that the Definitive Map and Statement is accurate and definitive.

### **Rights of way: bridleway network enhancement**

218. As mentioned elsewhere in the Petition, your Petitioners' residents will suffer years of hardship as a result of the construction and operation of the Authorised Works with little or no gain, and your Petitioners believe they are justified therefore in asking your honourable House to require the Promoters to provide enhancements to the transport network in the County. Your Petitioners ask your honourable House to require the Promoters to improve and upgrade the bridleway network across the County. The bridleway network is a valuable resource for equestrians and cyclists which is in short supply in The County. An example of an improvement of this nature is the proposal made in Part 1 of this petition in relation to the bridleway at Cubbington.

### **Rights of way: maintenance of adjoining landscaping and green bridges**

219. Any planting carried out close to a public right of way as part of the construction of the authorised works must take into account the effect on that right of way of the future growth of that planting. In particular, your Petitioners request your honourable House to require the Promoters or the Nominated Undertaker to include mitigation works to prevent such effects as far as practicable and to take responsibility for the cost of any additional maintenance of routes for which your Petitioners are responsible and which might be required as a result of the encroachment of planting. A similar concern arises in relation to the provision of any green bridges under the Bill. Any green bridges must be wide enough to allow vegetation to grow and not unreasonably impinge on any public right of way and yet still serve the purpose of restoring ecological connectivity for the species the planting has been planted for. If they do then the cost of the maintenance of the right of way must fall on the Nominated Undertaker not your Petitioners.

### **Rights of way: structures**

220. Your Petitioners are concerned about the possible effects on public rights of way and on the safety of their users of the construction of structures and the placement of plant, equipment, route surfacing and other materials on public rights of way, required as a consequence of the authorised works. Your Petitioners request your honourable House to require that the Nominated Undertaker must ensure that any object or structure placed on a public right of way must conform with any relevant and appropriate safety standard, and to any other appropriate British Standard. The placement of any structure (for example bridges, crossings, gates etc) and route surfacing must be agreed with your Petitioners in advance, with reference to suitability and appropriateness for the site and the routes in question, and should be in accordance with the relevant provisions contained within the policies of the Local Transport Plan. If the surface of any public right of way for which your Petitioners are responsible is disturbed as a consequence of the placement of anything on it, it must be restored promptly by the Nominated Undertaker to a condition that satisfies your Petitioners.

### **Rights of way: diversions**

221. Your Petitioners question whether all the footpath diversions that are authorised by the Bill need to be as long as proposed, and your Petitioners require justification for the length of each one. Where no such justification is forthcoming, your Petitioners request your honourable House to amend the Bill accordingly so as to provide for an alternative route. Also it is not clear that every footpath diversion and closure that is proposed to be authorised is necessary at all, and each must be justified to your Petitioners.

222. For example, no provision is being made for a diversion of a section of Public Footpath M23 which will be closed during the proposed nine years closure required for the Kingsbury Road railhead. This will in effect be a permanent closure and will disconnect the remaining southern sections of M23 from the rights of way network to the north, requiring a long diversion along a very busy road. Another example is a proposed temporary diversion of W164 close to the Kenilworth Greenway which, as the ES says, will add significantly to the length and be of less use, due to the provision of gates, to those who use the route most (i.e. cyclists using the route from Kenilworth to

Warwick University). The Promoter has not indicated where the diversion will be located.

223. If a diversion or loss of a public right of way is unavoidable, your Petitioners expect the Promoters or Nominated Undertaker to consult your Petitioners and provide the best possible solution for users and landowners. Where a significant diversion is proposed, your Petitioners expect the Promoters to provide details of the diversion.

#### **Rights of way: security and safety**

224. Your petitioners request that the Promoters should be required to give consideration to health and safety and security issues when diverting public rights of way. Any proposed diversion should not adversely affect security of properties along it and the health and safety of users of the rights of way should not be compromised. Your petitioners ask where a route is placed close to farm buildings that the landowners are consulted and that any concerns raised are properly taken into account. The permanent diversion of T17, for example, will pass through the working element of the farm yard and will bring users into close proximity to machinery such that the health and safety of such users may be at risk. In addition the proposed permanent diversion takes the users along a busy road for a considerable distance and is not an appropriate replacement. An alternative route would take into account the refilled gravel extraction site and would allow the landowner access to the farm land that the proposal alienates and would keep the route of T17 on its current alignment with the minimum of changes other than the provision of a bridge.

#### **Rights of way: North Warwickshire Delta Area**

225. Although your Petitioner has requested that the bridleway network within the County be enhanced and improved, you petitioner is concerned to ensure that proper consideration is given to the suitability of any new routes proposed. The Promoters have suggested that a new bridleway be created around the curve of the M6/M42 link at Water Orton. This proposed bridleway has no connection with other bridleways and does not link in satisfactorily with any other appropriate element of the rights of way network. As the proposed bridleway serves no amenity purpose your petitioner requests that the proposer remove it from the plans.

226. In addition, your Petitioner requests that the provision of new public footpaths in the Delta area is re-considered. The provision of new routes should enhance the network and provide a benefit to the population of the area. It is recommended that the proposer consults with your petitioner on the provision of new routes and with the local crime prevention teams. New routes should not be provided where they are likely to be result, because of their type or location, for criminal or anti-social activities.

**Rights of way: new byway at Marston**

227. Your petitioners are concerned that the provision of the replacement byway (upgrade of a section of Bridleway M23a) for byway M450 will have the unintended consequence of introducing illegal motor vehicle usage on to a short section (approximately 200m) of the remaining bridleway (M23a) which links the proposed byway with byway T179, part of which will be surfaced as an HS2 access route to the Cuttle Mill Mid Point Autotransformer Station. The provision of barriers is known not to be a deterrent to such users. The close proximity of these byways, particularly if well surfaced, will encourage the use of that section of bridleway to form a through road from Marston to the A4091 thus making a short cut vehicular route. Your petitioners request that the Promoter be required to reconsider the M23a bridleway upgrade and to consider an alternative route to the properties on the western side of the canal and the proposed railway, keeping M23a as a bridleway.

**General**

228. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY  
your Honourable House that the Bill  
may not pass into law as it now  
stands and that they be heard by

themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for Warwickshire County  
Council



HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

WARWICKSHIRE COUNTY COUNCIL

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