

## House of Commons

# High Speed Rail (Crewe - Manchester) Bill – First Additional Provision

### 1. Petitioner information

In the box below, give the name and address of each individual, business or organisation submitting the petition.

Canal & River Trust of National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire, CH65 4HW

In the box below, give a description of the petitioners. For example, “We are the owners/tenants of the addresses above”; “My company has offices at the address above”; “Our organisation represents the interests of...”; “We are the parish council of...”.

1. The Petitioner is a charity registered with the Charity Commission and a company limited by guarantee registered in England & Wales which was set up to care for England and Wales’ legacy of 200-year-old waterways, holding them in trust for the nation forever. The Petitioner is among the UK’s largest charities, with responsibility for 2,000 miles of canals, rivers, docks and reservoirs, along with museums, archives, 63 Sites of Special Scientific Interest, over 1,000 wildlife conservation sites, and the country’s third largest collection of protected historic buildings.
2. The Petitioner was launched in July 2012, taking over responsibility from British Waterways and The Waterways Trust in England and Wales from which it inherited its statutory duties to:
  - a. ensure continuous navigation on its waterways for vessels of specified dimensions;
  - b. maintain the safety and structural integrity of waterway infrastructure, water supply, discharges and drainage, waterway management and maintenance operations, including maintaining water levels for navigation purposes; and
  - c. protect and safeguard the natural environment, landscape character and built heritage of waterways; as well as to encourage public access to and recreation use of the inland waterways.
3. In addition, as a registered charity, the Petitioner has a range of charitable objects including:

- a. to preserve, protect, operate and manage inland waterways for navigation, for walking on towpaths and for recreation or other leisure-time pursuits of the public in the interest of their health and social welfare;
  - b. to protect and conserve sites, objects and buildings of archaeological, architectural, engineering or historic interest on, or in the vicinity of, the inland waterways;
  - c. to further the conservation, protection and improvement of the natural environment and landscape of the inland waterways;
  - d. to promote, facilitate, undertake and assist in the restoration and improvement of inland waterways;
  - e. to promote and facilitate awareness, learning and education about inland waterways, their history, development, use, operation and cultural heritage; and
  - f. to promote sustainable development in the vicinity of any inland waterway.
4. The Petitioner is also subject to statutory and common law duties applicable to all charities, including the restrictions on disposals of interests in its land in part 7 of the Charities Act 2011.
  5. The Petitioner holds its operational property (its waterways, towpaths and associated infrastructure) as sole trustee for the Waterways Infrastructure Trust and may not dispose of any of this land without the prior consent of the Secretary of State pursuant to the terms of the Trust Settlement between the Petitioner and the Secretary of State for Environment, Food and Rural Affairs, dated 28 June 2012.
  6. In addition to the adverse impacts of the Bill as deposited, the Petitioner is further directly and specifically affected by the Additional Provision insofar as it relates to the powers sought by the Promoter over the parcel of land identified as AP1-2 (Parish of Winsford), in which the Petitioner has an interest, and to provisions the exercise of which could adversely affect the canal network.

## 2. Objections to the First Additional Provision to the Bill

In the box below, write your objections to the First Additional Provision to the Bill and why your property or other interests are **directly and specially affected**. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the Committee. You will not be entitled to be heard by the Committee on new matters not included in your written petition.

*Community Area Report MA02 Wimboldsley to Lostock Gralam*

*Provision of a shared use cycle and pedestrian ramp to the north of Clive Green Lane immediately adjacent to the Shropshire Union Canal ("SUC") (AP1-002-004) (map numbers CT-05-310 and CT-06-310)*

7. The Promoter seeks powers under the First Additional Provision in relation to land immediately to the west of the SUC comprised in plots AP1-2 and AP1-3 (Parish of Winsford) (see CT-05-310, grid reference B3 and C3). The Petitioner has an interest in plot AP1-2, which includes a section of SUC towpath. This land is required to support the provision of a new shared-use path from the junction between Clive Green Lane and Clive Back Lane, to connect to the existing public right of way along the SUC towpath. The Promoter's revised proposals also include a new ramped access to the SUC towpath from the existing Clive Green Lane SUC overbridge.
8. The Petitioner welcomes the proposal for a ramped access to the SUC, which will enable all users to safely access the sustainable transport route along the canal corridor and National Cycle Route 5. However, it is not clear from the maps which accompany the Environmental Statement that the proposed ramped access would require the removal of the existing stepped access, since the existing stepped access appears to be located to the south of the proposed ramped access. The Petitioner seeks further clarity from the Promoter in this regard.
9. The Petitioner is concerned that without stepped access being incorporated into the design of the access ramp or being improved at its current location, users may seek informal shortcuts to access the towpath, which could threaten users' safety and the integrity of SUC infrastructure. The Petitioner therefore seeks a binding commitment that adequate stepped access will be provided at this location, either through improvements to the existing steps or by providing new stepped access and removing the existing access. If the Promoter is to remove the existing stepped access, the Petitioner seeks a binding commitment that the land on which the access is located will be made good to the Petitioner's satisfaction and will be used for planting, the specification of which should be agreed in consultation with the Petitioner.
10. The Petitioner is also concerned that the area between the stopped up Clive Green Lane and the proposed Clive Green Lane overbridge could be used for antisocial

behaviour. Accordingly, the Petitioner seeks a binding commitment that the space between the new and existing crossings of the SUC at this location will be planted and landscaped to prevent antisocial behaviour and to improve the amenity for towpath users. The Petitioner seeks a binding commitment that it will be consulted on any such landscaping and planting proposals.

11. The Petitioner is also concerned to ensure that, having regard to its close proximity to the Petitioner's land, the construction of the access ramp will not interrupt the operation of the SUC and SUC towpath. Accordingly, the Petitioner seeks a binding commitment from the Promoter that the works will be carried out and programmed to avoid any closure of the SUC or SUC towpath.
12. The ownership and future maintenance regime in respect of the ramped access should also be clarified by the Promoter. Specifically, the Petitioner seeks confirmation that the provisions of Part 3 (Construction and maintenance of highways) of Schedule 5 (Highways) to the Bill will apply to the maintenance of the ramped access once it has been constructed.
13. The Petitioner will also require a right of access for vehicles and pedestrians from the access road formed by the redundant Clive Green Lane to the bridge (Trust Bridge 24) to enable it to conduct maintenance works and inspection of its assets. The Petitioner therefore seeks a binding commitment that it will be granted such access.
14. The Petitioner also notes that the route of the new public right of way along Clive Green Lane, to its junction with Clive Back Lane, is not shown on the maps which accompany the Environmental Statement. The Petitioner would welcome further clarity from the Promoter in this regard. The Petitioner maintains that it is important that a public right of way is provided at this location to maximise the use of the ramped access and towpath as a sustainable transport option.

*Powers sought under the First Additional Provision in relation to the Petitioner's property comprised in plot AP1-2 (in the Parish of Winsford)*

15. The Promoter seeks powers over plot AP1-2, which is land in respect of which the Petitioner has an interest and includes a section of SUC towpath. The Petitioner objects to the exercise of powers of temporary possession and compulsory acquisition over this land under the powers conferred by the Bill. The Petitioner considers that the ramped access to the SUC towpath can be delivered (and the land be dedicated as highway to such extent as is necessary) without the need to exercise those powers and does not understand why the Promoter has sought powers of compulsory acquisition in relation to the land, in circumstances where it has no permanent need for it.

16. The Petitioner therefore seeks a binding commitment from the Promoter that it will not exercise Bill powers to acquire or take temporary possession of any of the land comprised in plot AP1-2.

*Impact of the works to construct a ramped access on the Petitioner's assets, including a culvert and embankment located within grid reference B3 on map number CT-05-310*

17. The Petitioner is concerned about the potential adverse impacts of works to construct the ramped access on the SUC, SUC towpath and associated infrastructure. The proposed location of the access ramp is on a part of the SUC towpath which is constructed on a small embankment. The Petitioner is therefore concerned that the design and construction of the access ramp could impact the integrity of the embankment. The Petitioner seeks a binding commitment from the Promoter that appropriate protective measures (including protective works) will be employed in order to avoid the risk of damage to the Petitioner's assets and that works will not impact the stability of the embankment and associated infrastructure. The Petitioner seeks a further binding commitment that the Promoter will compensate the Petitioner for any damages, losses, costs and expenses in relation to the Petitioner's assets which is attributable to the Promoter's works. Furthermore, the Petitioner considers that works to alter the location and alignment of a culvert owned by the Petitioner (located within grid reference B3 on map number CT-05-310) may be required to accommodate the new ramped access. However, it is not clear that the Promoter has considered the potential for this in defining the Bill limits. The Petitioner seeks a binding commitment that the Promoter will consult the Petitioner in relation to the need for potential alteration works to this culvert.

*Design of the access ramp*

18. The final design of the access ramp is of importance to the Petitioner, since any access which is inappropriate has the potential to affect the safety of those using the SUC and SUC towpath. The Petitioner is therefore supportive in principle of the proposed arc in the access ramp where it meets the SUC towpath, which is likely to reduce the potential for those joining or leaving the SUC towpath from doing so at excessive speed. The Petitioner seeks a binding commitment that it will be consulted on, and that its approval will be sought, in relation to the detailed design of the access ramp.

*The Promoter's drainage proposals*

19. The Petitioner also notes that a new drainage ditch is proposed to be constructed by the Promoter along the western embankment of the access ramp, to provide an outlet for the proposed balancing pond located further to the west (map number CT-06-310, grid reference B2). However, the location at which water is proposed to be discharged from these ditches is not apparent from the plans which accompany the Environmental Statement. The Petitioner is concerned that the Promoter may have assumed that it

is viable to discharge to the SUC, yet there is no evidence that the effects of doing so have been specifically assessed.

20. As with any other proposed discharges to the Petitioner's waterways under the Bill, the Petitioner therefore seeks binding commitments from the Promoter that any discharge to the SUC in this location must be subject to prior consultation with, and agreement by, the Petitioner. Any such agreement may be given by the Petitioner subject to conditions.
21. Similarly, to the extent that the Promoter seeks to rely on any watercourse culverted beneath the SUC to provide drainage for the works under the Bill, it is of concern to the Petitioner that there is no evidence that such proposals have been specifically assessed by the Promoter to ensure that this drainage infrastructure can accommodate additional water flows. In particular, the Petitioner is concerned that increased water flow could lead to water from the ditches near the culvert flowing back to the canal and causing a flood risk.
22. The Petitioner therefore seeks a binding commitment from the Promoter that the Promoter will undertake the necessary surveys, works and future maintenance to ensure that any assets owned by the Petitioner which it seeks to use to provide drainage for its works under the Bill are appropriate. The Petitioner seeks further binding commitments from the Promoter that it will carry out its works under the Bill so as to avoid any damage to the Petitioner's drainage assets and will compensate the Petitioner for all damages, losses, costs and expenses in relation to those assets which is attributable to the Promoter's works.

*Landscape mitigation planting*

23. The Petitioner considers that the alignment of the ramp from the existing SUC overbridge to the SUC towpath fails to maximise opportunities for landscape planting in this location, in order to properly compensate for the loss of trees and hedgerow in connection with the construction of the access ramp and temporary realignment of Clive Green Lane. In particular, the Petitioner considers that there is insufficient space between the SUC towpath and the proposed ramped access to deliver any meaningful mitigation planting. The Petitioner therefore considers that the ramped access should be set further back from the SUC towpath, so that the proposed mitigation planting can then be designed to frame the access.

### 3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections to the First Additional Provision to the Bill. You do not have to complete this box if you do not want to.

You can include this information in your response to section 3 'Objections to the First Additional Provision to the Bill' if you prefer. Please number each paragraph.

The Petitioner seeks binding commitments and further information from the Promoter in the terms set out in Section 2 of this petition.