

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2015–16

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL (ADDITIONAL PROVISIONS)

Against – on Merits – By Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland  
in Parliament assembled.

THE HUMBLE PETITION of CANAL & RIVER TRUST

SHEWETH as follows:—

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your Honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”.
- 2 The Bill is presented by Mr Secretary McLoughlin (referred to in this Petition as “the Promoter”).
- 3 On 13th July 2015 the Promoter deposited certain amendments to the Bill, together with supplementary environmental information, plans and other documents collectively entitled “Additional Provision (July 2015)” (hereinafter referred to as “the Additional Provision”).

*Your Petitioner*

- 4 Your 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. Your 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.

- 5 Your 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 ensure continuous navigation on its waterways for vessels of specified dimensions; to 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; to 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.
- 6 In addition, as a registered charity, your 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, in the vicinity of, or other associated with 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.
- 7 Your 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.
- 8 Your 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 your Petitioner and the Secretary of State for Environment, Food and Rural Affairs, dated 28 June 2012.
- 9 Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 10 This Petition is supplemental to the Petition your Petitioner deposited against the Bill in May 2014 proposing changes to the Bill where their land holding and interests are directly affected (Petition No. 1786). In addition to the adverse impacts of the Bill as

deposited, your Petitioner is further directly and specially affected by the Additional Provision.

*General concerns*

- 11 The Additional Provision affects your Petitioner's rights, interests and property at the following locations:
  - (a) Royal Borough of Kensington & Chelsea in Greater London;
  - (b) London Borough of Hammersmith & Fulham in Greater London;
  - (c) London Borough of Ealing in Greater London;
  - (d) London Borough of Hillingdon in Greater London;
  - (e) Parish of Iver in the District of South Bucks in the County of Buckinghamshire;
  - (f) Borough of Slough in the County of Berkshire;
  - (g) Parish of Curdworth in the District of North Warwickshire in the County of Warwickshire;
  - (h) Parish of Whittington in the District of Lichfield in the County of Staffordshire;
  - (i) Parish of Fradley and Streethay in the District of Lichfield in the County of Staffordshire;
  - (j) Parish of King's Bromley in the District of Lichfield in the County of Staffordshire.
- 12 Your Petitioner owns or has an interest in properties that are subject to compulsory acquisition or use under the Additional Provision at those locations listed in paragraph 11. The Petition your Petitioner deposited against the Bill (Petition No. 1786) sets out your Petitioner's concerns regarding compulsory acquisition rights and other powers sought by the Promoter including those to impose restrictive covenants over, acquire temporary rights over, and/or acquire subsoil in your Petitioner's property. These general concerns apply likewise to the additional land and interests of your Petitioner as set out in the Book of Reference to the Additional Provision (which fall within those locations detailed in paragraph 11).
- 13 Further, the general concerns and requests for commitments set out in paragraphs 41 to 62 of Petition No. 1786 likewise apply to the additional land and interests included in the Book of Reference to the Additional Provision (which fall within those locations

detailed in paragraph 11) and to any part of your Petitioner's waterway network which although outside these parcels may be affected by adjacent works. In particular, these concerns and requests for commitments relate to design of works; landscape; biodiversity; heritage; noise; water management; impacts on navigation and use of the towpath; asset resilience; access; construction impacts; vibration and settlement; lighting; vehicles, plant and machinery; survey of waterways; interference with services; detriment; worksites; and full and proper reimbursement.

- 14 In addition to these impacts, your Petitioner wishes to draw specific attention to the following major concerns:

#### *Site Specific Concerns*

##### *Parish of Fradley and Streethay and the Parish of King's Bromley in the District of Lichfield – Trent & Mersey Canal*

- 15 Your Petitioner welcomes the realignment proposed by the Additional Provision insofar as the railway is moved further from your Petitioner's waterway network. Indeed, the realignment here is proposed as a result of your Petitioner's efforts (as set out in your Petitioner's Petition No. 1786) to protect this important part of your Petitioner's waterway network. This part of the waterway network is considered to be exceptionally attractive and tranquil – the Trent & Mersey Canal through Fradley is a conservation area and Woodend Lock, Woodend Bridge and Woodend Lock Cottage are all listed buildings, dating from the original construction of the canal by the renowned engineer James Brindley in 1770. However, the benefit of the realignment of the railway proposed by the Additional Provision is significantly negated by the accompanying proposed realignment of the road known as Wood End Lane.
- 16 The Promoter proposes that Wood End Lane is realigned such that it runs between the railway and your Petitioner's waterway network. Your Petitioner has significant concerns as to the environmental effects on this particularly valued part of the waterway network as a result of the newly proposed proximity of the road. In particular, the proximity of the road (which rises to a high embankment to cross over the proposed railway, with a further embankment for the access road to Woodend Cottage) will be hugely detrimental to the canal's heritage, landscape, character and amenity in that it will not only have serious visual impact, but also significant other impacts both during construction and from the subsequent operation of the road. Indeed, whilst the operation of a proximate railway would particularly impact on the waterway each time that a train passes by, the impact of road traffic (including heavy goods vehicle traffic accessing the Fradley Park Industrial Estate which is likely to increase as the estate and adjacent housing area continue to grow), and the accompanying noise and air pollution, will be constant.
- 17 Your Petitioner therefore asks that the current proposals as regards Wood End Lane are prevented from forming part of the works and that instead the Promoter revises the current proposed route of Wood End Lane in the Additional Provision such that it runs

under the proposed railway and then continues to run alongside the south of the proposed railway by way of promoting an Additional Provision authorising an improved alignment should it be deemed necessary. This alignment of Wood End Lane would have considerable benefits over the Promoter's alignment in that it would reduce the visual and noise impacts on the canal, and reduce impact on the conservation area and setting of the listed buildings. Your Petitioner would note that although such an improved alignment of the road may be more costly to the Promoter, this cost is an insignificant amount when consideration is given to the sum saved by the Promoter's pursuance of the improved railway alignment.

*Parish of Whittington in the District of Lichfield – Wyrley & Essington Canal and Lichfield Canal*

- 18 The Additional Provision includes the Promoter's proposal to realign the Lichfield Canal such that it will pass between the piers of the proposed railway before reconnecting with the existing route of the waterway, which, as set out in your Petitioner's Petition No. 1786, is currently undergoing restoration. This work is welcomed by your Petitioner however, your Petitioner supports the Lichfield & Hatherton Canals Restoration Trust in the further assurances it is seeking in its petition to the Additional Provision in terms of the timing of the work and the dimensions of the re-aligned canal. Your Petitioner further seeks a commitment from the Promoter that should the railway works in this area proceed, the Promoter will undertake Work No. 3/86C.
- 19 Further, it is not apparent from the documentation accompanying and comprising the Additional Provision the standard and specification of Work No. 3/86C which comprises the re-alignment of the canal. Your Petitioner seeks a commitment from the Promoter that Work No. 3/86C will comprise a fully lined 'in water' canal with a winding hole at the southern end to allow boats to navigate the length then turn around to a standard satisfactory to your Petitioner and the Lichfield & Hatherton Canals Restoration Trust to ensure that the restoration is not prejudiced in any way by the proposed railway.
- 20 In addition, following paragraph 28 of the Petition No. 1786, your Petitioner shares the concerns expressed by the Inland Waterways Association in its Petition to the Additional Provision in relation to the lack of provision for the replacement facilities for the Lichfield Cruising Club on the Wyrley & Essington Canal which will be severely disrupted by the proposed railway at this location.

*Parish of Iver in the District of South Bucks in the County of Buckinghamshire and the Borough of Slough in the County of Berkshire – Grand Union Canal*

- 21 Your Petitioner has substantial concerns regarding the potentially severe adverse impact that the proposed Heathrow Express depot will have upon the Slough Arm of the Grand Union Canal. The Slough Arm of the Grand Union Canal runs east to west approximately 50m to the north of the proposed site. In addition, construction compounds and floodplain storage areas further adjacent to the canal are proposed by the Promoter. This part of your Petitioner's waterway network comprises a large mooring site operated by your Petitioner's tenant, High Line Yachting Limited. The mooring site has space for over 60 moorings, of which around 45 are used by residential boats. The

Promoter appears to have significantly underestimated the number of affected residential boats (see 'Supplementary Environmental Statement and Additional Provision 2 Environmental Statement Volume 4').

- 22 Your Petitioner is concerned that the proposed Heathrow Express depot and associated compounds and floodplain storage areas will impact on the tranquillity and visual amenity of the waterway and adjacent canal towpath (which is a Public Right of Way) both during the construction and the operation of the depot. This is particularly an issue as the waterway comprises permanent residences. It is not apparent that the Promoter has undertaken any proper assessment as to how such works will affect residential boats (as opposed to residential housing). Therefore, your Petitioner seeks a commitment from the Promoter that a full and proper assessment of the impact of the works and operation of the depot on the residential boats will be undertaken and that as a result of such assessment adequate environmental mitigation works will be undertaken and appropriate measures will be in place prior to the commencement of works and for their duration, as well as for the subsequent operation of the depot. Such assessment and measures should address those matters set out in detail in your Petitioner's Petition No. 1786 relating to noise and vibration, light pollution, and construction impacts including dust.
- 23 Further, your Petitioner seeks a commitment from the Promoter that adequate landscape planting will be provided to lessen the impact of both the depot and the associated construction compounds and storage areas, and that any woodland removed by the Promoter will be replaced with similarly effective landscape planting, including mature trees.
- 24 Your Petitioner has concerns as to the Promoter's proposal to construct a flood plain storage area by excavating to a depth of 2.5m adjacent to the waterway which itself is supported on a 4m high embankment. Your Petitioner has concerns as to the possible adverse effect of this excavation work on the embankment to the waterway. The Promoter has not provided your Petitioner with any detail as to the assessment undertaken in relation to this work or any mitigation measures identified by that assessment as being necessary. Your Petitioner therefore seeks a commitment from the Promoter that all such details will be provided to your Petitioner before any work is undertaken, and that adequate mitigation measures will be in place for the protection of the waterway.
- 25 Further to the generality of the submissions made at paragraphs 11 and 12 above relating to powers sought over land in which your Petitioner has an interest, it should be noted particularly that the Promoter seeks rights in land adjacent to the southern end of the Hollow Hill Lane canal underbridge (your Petitioner has interests in parcels AP-2-19, AP-2-20 and AP-2-21 in the Parish of Iver, and parcels AP-2-8 and AP-2-10 in the Borough of Slough), which provides access to the canal and towpath. As that is the case, your Petitioner particularly resists the inclusion of this land within the limits of the Bill.
- 26 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.

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

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

A handwritten signature in black ink, appearing to read 'Bircham Dyson Bell', written in a cursive style.

Bircham Dyson Bell LLP

Parliamentary Agents for *Canal & River Trust*

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PETITION OF  
CANAL & RIVER TRUST

AGAINST, By Counsel, &c.

Bircham Dyson Bell LLP  
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Solicitors and Parliamentary Agents

14 August 2015