

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – By Counsel, &c.

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

THE HUMBLE PETITION of:

BMW HAMS HALL MOTOREN GMBH

SHEWETH as follows:–

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your Honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”.
- 2 The Bill is presented by Mr Secretary McLoughlin.

Clauses of the Bill

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

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
- 6 Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.
- 7 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.
- 8 The works affecting Your Petitioners are contained in Schedule 1 Scheduled Works numbers: 3/36, 3/41A, 3/41B, 3/41C and 3/41D.

Your Petitioners

- 9 Your Petitioners are volume producers of engines and high-precision engine components. They own and operate from land and advanced manufacturing premises at Canton Lane, Hams Hall, Coleshill, North Warwickshire B46 1GB. Finished engines are supplied to BMW and MINI vehicle assembly plants around the world. In addition, key components are supplied to BMW engine assembly plants in Germany and Austria as well as to a major third-party automotive manufacturer.
- 10 Your Petitioners employ approximately 800 people on shifts and operate up to 24 hours a day, 7 days a week. Production is continuously adjusted to reflect dynamic changes in demand, both in volume and individual engine variants. Your Petitioners supply engines to customer plants 'just in sequence' (i.e. supplied within a defined and narrow timeframe and in a pre-determined order). The process only allows for the short-term storage on site of minimum levels of components required for production and finished engines and components.

- 11 The continuity, reliability and stability of the production and logistical processes are business critical and highly sensitive to disturbance.
- 12 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for the reasons amongst others, hereinafter appearing.

Your Petitioners' concerns

Vibration

- 13 The precision machining your Petitioners undertake at their plant is sensitive to vibration because of the exacting tolerances required. Vibration during the construction of HS2 has the potential to cause your Petitioner to fail to work within those tolerances. As a consequence, any 'out of specification' machined components will have to be scrapped and production stopped until the situation is rectified. This in turn, could cause stoppage of production at customer plants.
- 14 There were no construction vibration assessment locations in the area of either your Petitioner's site, or any point between the site and the proposed railway (see plan SV-03-056). As such, the Promoters are yet to assess the likely significance of vibration effects on your Petitioners during the construction works.
- 15 The Environmental Statement (plan SV-05-056) shows the areas within which it is expected that there will be operational vibration effects. Your Petitioner's property is outside of the ground borne vibration study area and as such no assessment of the likely effects has been provided. As operations at the property are particularly sensitive, your Petitioners request further assurances from the Promoters that there will be no adverse effects.
- 16 Your Petitioners consider that in view of the site's particular sensitivity to vibration, the Promoters should be required to undertake a detailed assessment of vibration at locations relevant to your Petitioner's site. The Promoter should provide confirmation that both the construction and operation of the railway will have no impact on your Petitioner's operations. If unable to do so, the Promoter should be required to undertake a full assessment of the likely effects and, where necessary, provide appropriate mitigation in this location.
- 17 Your Petitioners further request that the Promoter bears the cost of ongoing vibration monitoring during the construction phase to ensure that predictions remain correct and any additional mitigation or compensation required may be provided.

Access to site

- 18 Access to and from the plant is time-critical as interruption and delay to inbound and outbound deliveries and to workers' travel movements to the plant can adversely affect continuity of production. A system of "just in sequence" operation is used at the site, meaning that all deliveries are time-critical and any delays directly impact on the full chain of production.
- 19 Onward transfer of completed engines to other sites is time-critical for the wider supply chain and delays caused at your Petitioners' site at Hams Hall could have an impact at other sites.
- 20 The site operates on a 24 hour, 7 day a week basis. Traffic delays caused by out-of-hours road closures and other works therefore also have the potential to affect production at the site and consignments transferring to other sites.
- 21 The location of the site is such that there is only one access route (Faraday Avenue). The construction of the railway over Faraday Avenue will reduce the traffic capacity and flow along this critical access route. Faraday Avenue will be subject to a number of disruptions including use as a construction traffic route to reach the roadhead and nearby construction compounds. This additional traffic will directly affect the operation of the business. The roadhead will be operational for approximately four and a half years and as such the impact on your Petitioners will be protracted.
- 22 The Promoter's traffic assessment has identified some potential impacts associated with increased traffic, however, this has failed to consider the importance of the route identified above to your Petitioners and as such does not take full account of the potential impact of the works on their site.
- 23 Your Petitioners respectfully request that the Promoter is required to conduct and provide to your Petitioners a detailed assessment of current and projected (during construction and operation) traffic flows for Faraday Avenue, A446 Northbound to M42 and A446 Southbound to M6.
- 24 In addition, unacceptable traffic disruption will be caused by the wider construction activities in the locality. This will include significant and long term disruption caused by the proposed traffic management of the M42 and M6 (key transport routes used for deliveries and worker access to the site).

- 25 Your Petitioners respectfully request that the Promoter be required to address these issues by providing appropriate mitigation measures, which may include:
- (a) Secondary access to your Petitioners' site should be secured to reduce reliance on Faraday Avenue.
 - (b) Two lanes in and out on Faraday Avenue should be maintained for the duration of the works.
 - (c) Actions to ease the anticipated congestion at and around junction 9 of M42 taking into account increased construction related traffic.

Supply of utilities

- 26 Your Petitioners note that there will be two utility diversions at Faraday Avenue (132 kV cable and a 400kV overhead cable approximately 400m to the north of Faraday Avenue). The potential for interruption to, and outages of, electricity and other key utility supplies during the construction phase is of significant concern to your Petitioners. Operations at Hams Hall rely on a constant and reliable supply of power and relocation of network grid infrastructure will therefore impinge on your Petitioners' operations.
- 27 Your Petitioners therefore request that:
- (a) The Promoter ensures that the supply of utilities is maintained to its site during your Petitioners' operational hours.
 - (b) In the event of any unavoidable interruption of supply, the Promoter shall consult with your Petitioners sufficiently in advance to take account of your Petitioners' production schedules.
- 28 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.
- 29 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other

clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Bircham Dyson Bell LLP

Parliamentary Agents for BMW Hams Hall Motoren GmbH

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PETITION OF
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GMBH**

AGAINST, By Counsel, &c.

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Solicitors and Parliamentary
Agents

15 May 2014