

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**PETITION**

Against the Bill – On Merits – Praying to be heard

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

THE HUMBLE PETITION of BALSALL AND BERKSWELL RESIDENTS AGAINST INAPPROPRIATE DEVELOPMENT.

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 Mainline 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, and Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Peterson, Secretary Edward Davey and Mr Robert Goodwill.
3. Sections 1-3 and schedules 1 and 2 (Works), sections 19-23 and schedule 16 (Planning), section 29, section 35 and schedule 25 but without limitation to any other amendments that might be necessary to take account of the Petitioner's objections
4. Your Petitioners are an association of the residents living in the Metropolitan Borough of Solihull in the Parish of Berkswell to the south and east of Balsall Common, particularly but not limited to the areas surrounding Old Waste Lane, Kelsey Lane, Meeting House Lane, Waste Lane, Hob Lane and Windmill Lane. The association was established in November 2011 to make collective representations to Solihull Borough Council and Balsall and Berkswell Parish Councils and other Governmental bodies whose decisions impact upon the Green Belt in our area. In this Petition the association represents the interests of residents of an area that HS2 Ltd call "Beechwood" in their Environmental Statement. The area comprises Waste Lane, Old Waste Lane and that part of Hodgett's Lane which adjoins Waste Lane. The proposed line cuts our area in two.
5. Your Petitioners do not object in principle to the decision to build a high speed railway as specified within the Bill but your Petitioner and their rights, interests and in some cases property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

**SOUND AND NOISE**

6. The Petitioners maintain that there is a failure to provide adequate mitigation measures against the sound and noise that will be caused by the operation and

- maintenance of the proposed high speed line in the area called "Beechwood".
7. Your Petitioners assert that HS2 Ltd have made mistakes in their assessments, failed to follow their own assessment criteria, failed to take account of the special factors identified in their own Environmental Statement and Health Impact Assessment which relate to the "Beechwood" area and have not followed key criteria in the World Health Organisation Night Noise Guidelines to protect the health of local residents. Your Petitioners further maintain that HS2 Ltd did not adequately consult with the local community and by doing so has missed the opportunity to develop better mitigation proposals than those contained within the Environmental Statement on the issues raised in this Petition.
  8. Your Petitioners attest that HS2 Ltd have failed to provide all requested information in relation to HS2 Ltd's assessment of the height of proposed noise barriers for the Environmental Statement. Your Petitioners have applied to the Information Commissioner to obtain the requested information but your Petitioners are significantly hampered by the lack of this information
  9. Your Petitioners seek additional noise mitigation from HS2 Ltd in the area called "Beechwood". The noise barriers specification proposed by HS2 Ltd in the Environmental Statement for the area is shown in map SV-05-050b of HS2 environmental document ES3.2.2.23 and comprises a mix of 3, 4 and 5 metre high noise barriers and noise landscaping. Your Petitioner proposes two alternative remedies as defined in paragraphs 10 and 11 below and humbly suggest that your Honourable House selects the remedy that it considers most appropriate having heard your Petitioner's case.

**Either**

10. An alternative mix of 3 , 4 and 5 metre barriers to that proposed by HS2 Ltd and the retaining wall adjacent to Little Beanit farm on the west side of the new line be covered in absorptive sound insulation
  - 10.1. Your Petitioners are able to provide a map showing the details of this option but note that attachments to this Petition are not permitted.
  - 10.2. In the event that HS2 Ltd develop an improved noise barrier system that gives the same noise mitigation performance as the mix/system proposed by your Petitioners then HS2 Ltd may use such a new system subject to it achieving the same noise mitigation performance as the remedy proposed by your Petitioners.

**or**

11. HS2 Ltd is required to meaningfully work closely and collaboratively with your Petitioners to develop a plan for enhanced noise mitigation for the Beechwood area. In undertaking this work HS2 Ltd to be required to fully consider the following factors and to fairly modify the benefit versus cost comparison as a result of such a consideration.
  - 11.1. The benefits of enhanced noise mitigation on all houses within the Beechwood area where the impact of HS2 operation will take current recorded sound levels as shown in the Environment Statement above the World Health Organisation Night Noise Guideline for Europe 2009 of 40 dB LpAeq (night outside).
  - 11.2. The benefits of enhanced noise mitigation on all houses within the Beechwood area where the impact of HS2 operation increases noise levels by 3 dB LpAeq (day or night outside)
  - 11.3. The benefits of enhanced noise mitigation on all houses within the Beechwood area where the impact of HS2 operation increases noise levels will take current recorded noise levels as shown in the Environment Statement above 50 dB LpAeq (day)
  - 11.4. The age profile of the Beechwood area and the categorisation of elderly

people as high risk in relation to the health impact of noise and hence the higher level of noise mitigation that such a high risk group needs to achieve the same health outcome of alternative groups

- 11.5. The Community's expressed views as a full factor in accordance with HS2 Ltd's own criteria as stated in ES book ES3.5.0.10 paragraph 1.5.58
- 11.6. The current assessed low noise level as reported in the Environmental Statement.
- 11.7. The benefits to users of the Greenway through enhanced noise mitigation in the Beechwood area.
- 11.8. Other such factors which may be derived from the information withheld by HS2 Ltd when that information is made available through the Information Commissioner.

HS2 Ltd to be required to fully disclose to your Petitioners all information used in any evaluation of options. The results of evaluation of enhanced mitigation options and any decision on the provision or non-provision further mitigation measures to be subject to a full independent review the costs of which will be borne by HS2 Ltd.

12. Your Petitioners additionally seek that the maximum speed on the line be restricted to 300 kph, which will reduce noise levels with only a 4 minute increase in journey times which your Petitioners maintain will not meaningfully impact upon the travelling experience of passengers and hence not alter the business case.

#### **UNNECESSARY DESTRUCTION OF TREES AND VEGETATION**

13. The works include the clear cutting of vegetation and trees on the Kenilworth Greenway between Waste Lane and Berkswell Station.
14. Your Petitioners maintain that such clear cutting is not necessary for the successful completion of the construction, operation or maintenance of the new railway line and will result in environmental and ecological damage to this treasured local amenity and remove an existing natural visual tall screen for both the construction and operational phases of the new railway.
15. Your Petitioners seek that no tree or vegetation shall be cut from the current embankment sides of the Kenilworth Greenway between Waste Lane and Berkswell Station except where such cutting of trees and vegetation is critical to the provision of access and egress to the top horizontal surface of the Kenilworth Greenway for construction and maintenance related vehicles or where the land involved will be occupied by the new rail line. HS2 Ltd shall consult with Solihull Metropolitan Borough Council concerning proposed access and egress points, their design and size with a view to minimising the impact on the tree and vegetation cover on the sides of the embankment.

#### **UNSAFE PROVISION FOR PEDESTRIANS ON THE NEW ROAD BRIDGE ON WASTE LANE**

16. The works, as described by HS2 Ltd, do not provide a path for pedestrians on the new/replacement bridge on Waste Lane over with new railway and Kenilworth Greenway.
17. The Works will divert the Millennium Way national route and the Coventry Way from across the fields between Old Waste Lane and Hodgett's Lane to use the new bridge at Waste Lane.
18. Your Petitioners seek a footpath to be incorporated into the new Waste Lane bridge on its north side to provide safe use of the bridge by pedestrians. HS2 Ltd shall consult with Solihull Metropolitan Borough Council as to the design of the footpath proposed and its connection to The Millennium Way national route and the Coventry

Way to ensure the safety of path users which include users from the "Beechwood area" as well as people from a wide geographical area

## GENERAL

19. Old Waste Lane is a narrow residential crescent of about 400 metres in length which starts and finishes on Waste Lane. It was created when Waste Lane was straightened many years ago. Your Petitioner is concerned that construction related traffic might seek to use the lane as a parking place.
20. Your Petitioners seek that all traffic associated with the construction of HS2 be banned from entering Old Waste Lane.
21. Your Petitioners support the Petition being made by Solihull Metropolitan Borough Council and Berkswell Parish Council for a tunnel to take the proposed rail line past Balsall Common. We respectfully advise that in the event that the provision of a such a tunnel past Balsall Common is incorporated within the provisions of the Bill, then the issues detailed in the Petition (except in paragraph 20) will be remedied by the tunnel and the more modest remedies suggested in this Petition will not be required except for that in paragraph 20.
22. For the foregoing and connected reasons your Petitioners respectfully submits that, unless the Bill is amended as proposed above, the Bill so far as affecting your Petitioner, should not be allowed to pass into law.
23. 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 protects 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

1915/14  
Andrew Burrow

Agent for Balsall and Berkswell Residents Against Inappropriate Development  
Committee Member Berkswell Residents Against Inappropriate Development

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Επισημαίνεται επίσης ότι η προτεινόμενη διαδικασία υποβολής αίτησης διαβιβάζεται  
από τον ΕΠΕΑΕΚ στην ΕΠΕΑΕΚ, με σκοπό να εξασφαλιστεί η διαβιβάση στην

ΕΠΕΑΕΚ

### ΑΝΤΙΣΤΟΙΧΗ ΠΡΟΚΑΤΑΡΑΧΗ ΚΑΙ ΕΠΙΣΤΡΟΦΗ

Οι αιτήσεις που υποβάλλονται από τους δικαιούχους για την προκήρυξη  
διαβιβάζονται στην ΕΠΕΑΕΚ, όπου σύμφωνα με τον Ν. 2287/2005, η ΕΠΕΑΕΚ  
αποφασίζει για την επιλογή των δικαιούχων. Η ΕΠΕΑΕΚ υποβάλλει στην ΕΠΕΑΕΚ  
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Against the Bill - On Merits

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