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IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against – on merits – Praying to be heard 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 Hampton-in-Arden Society

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”.
2. The Bill is presented by Secretary Patrick 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, Mr Robert Goodwill.
3. Clauses 1 to 18 set out the Bill's objectives in relation to the authorisation of works and the acquisition of land and rights over land. Clauses 19 to 36 make provision for

the deeming of planning permission and the disapplication of powers contained in other legislation on matters such as heritage issues, trees, traffic, and noise. Clauses 37 to 42 set out the regulatory regime for the railway. Clauses 43 to 56 establish further powers relating to the nominated undertaker, additional related works, and the Crown. Clauses 57 to 65 of the Bill deal with miscellaneous and general provisions.

4. The works proposed to be authorised by the Bill 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.

Your Petitioners

5. Your Petitioners are The Hampton-in-Arden Society (hereinafter referred to as Your Petitioners). The Hampton-in-Arden Society is an association of local residents established in 1966 whose objectives include the promotion of high standards of planning and architecture in the Civil Parish of Hampton-in-Arden and its surroundings. It represents the interests of the residents who are directly or indirectly affected by the works. Their rights, interests, and in some cases property are injuriously affected by the Bill either directly or indirectly, by the works stated above.

Your Petitioners have worked assiduously and tirelessly over 4 years to secure the best possible mitigation for the village, its residents, businesses, environment and wildlife through discussion and negotiation with Solihull Metropolitan Borough Council and HS2 Ltd. To this end, Your Petitioners participated in all six meetings of the High Speed Rail Community Forum meetings arranged by HS2 Ltd between March 2012 and September 2013 and in the meetings of the Solihull Metropolitan Borough Council HS2 Working Party which met at intervals of a month or so from June 2012 onwards, and in its subsequent Scrutiny Boards. Your Petitioners have also had local meetings with Solihull MBC, Hampton-in-Arden Parish Councillors and Staff, the Member of Parliament for Meriden and with HS2 representatives.

The impact of the Railway on Hampton-in-Arden

6. The Bill authorises the construction and operation of the railway and its associated development through the whole length of the eastern part of the Parish of Hampton-in-Arden and is also impacted by the associated major road-works to the A45/A452 Stonebridge roundabout and M42 Junction 6. The Railway traverses and adversely affects the whole length of the Blythe River valley through the Parish, which is an internationally important wildlife migration corridor and wildlife refuge and includes two important Sites of Special Scientific Interest (SSSI) along the River Blythe and at Marsh Lane Nature Reserve.

7. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Alleviation of injurious effects to Hampton-in-Arden and surrounding areas by realigning the Railway to the east and constructing it in a tunnel

8. This area is confirmed Green Belt and is known as the Meriden Gap. It is an open, green interval of mainly agricultural land separating the major conurbations of Birmingham and Coventry. The preservation of this gap has been a cornerstone of regional planning policy for decades. Your Petitioners are very concerned that scant regard for this fragile corridor of Green Belt has been shown in selecting the preferred route for HS2, severely risking the future viability of the Meriden Gap. The proposals will result in severe impacts on the environment, ecology and hydrology. Your Petitioners are also concerned that the proposed surface construction of high embankments and deep cuttings connected by viaducts will adversely affect the local hydrology with the resultant increased flood risk, in addition to severe environmental effects such as noise and visual intrusion, and loss of habitats. For these reasons Your Petitioners believe a detailed engineering and cost-benefit analysis would favour a deep-bored tunnel starting to the south of Hampton-in-Arden near Burton Green, and continuing through the high ground at Balsall Common and Berkswell Parishes. This proposal would create the opportunity for an easterly realignment of the proposed railway near Hampton-in-Arden through to Bickenhill. This would provide greater benefits and thus mitigate much of the environmental and ecological damage along the Blythe valley corridor as well as alleviating the flood risk to properties in Hampton-in-Arden. The tunnel could also be extended through to the A45, the new interchange station and even through to Curzon Street, if shown to be beneficial.

Your Petitioners therefore seek an undertaking from the Promoter that a detailed and thorough examination of the route section between Burton Green and Bickenhill be conducted with immediate effect. This study should compare both the surface and sub-surface options and the results then made available for public scrutiny.

Alleviation of visual impact of the Bridge over B4102 Meriden Road at Patrick Farm

9. Your Petitioners are pleased to note that HS2 has adopted Your Petitioner's and Hampton-in-Arden Parish Council's proposal to retain the existing alignment of the B4102 by providing a bridge at Patrick Farm with a minor realignment of the existing road. Your Petitioners are concerned however at the form of the new proposed structure which is essentially a simple box underbridge. The proposed high embankments either side of this bridge will restrict the current open views across the River Blythe floodplain.

Your Petitioners would like to see a more sympathetic design for this structure in this sensitive location. We further believe that the adjacent viaduct over the River Blythe could be extended across the whole of the floodplain to both improve the visual impact and reduce the potential increased flooding risk caused by HS2 as discussed further below.

Alleviation of flood risk, ecological damage and visual impact along the River Blythe

10. Your Petitioners are very concerned that the proposed viaduct across the River Blythe has been shortened and partially replaced with a long embankment over the floodplain. This new proposal has raised serious concerns about the increased risk of flooding along the River Blythe which is already identified in the Environmental Statement. The River Blythe at this location is subject to regular flooding which was particularly severe during the recent winter of 2013/2014. This flooding was also witnessed by HS2 representatives. Any further narrowing of the flood channel will only increase the flooding risk to both the B4102 Meriden Road and nearby residences. In addition it will also dramatically alter the visual amenity of the landscape, restrict wildlife migration routes and impede surface and sub-surface water movements.

Your Petitioners seek an undertaking from the Promoter that the embankment will be replaced with a viaduct across the whole floodplain and be contiguous with a revised design for the Patrick Farm/B4102 under-bridge.

Alleviation of flood risk, ecological damage and visual impact at the Shadow Brook

11. Your Petitioners are very concerned that the same issues discussed above, namely increased flooding risk, visual impact and adverse ecological impacts, also arise at the narrow channel allowed for the Shadow Brook beneath the Diddington Embankment. This area is also subject to frequent flooding and resultant temporary road closures.

Your Petitioners seek an undertaking from the Promoter that the short viaduct over the Shadow Brook will be extended to increase the flood channel in order to reduce the risk of flooding to properties in Diddington Lane, and restrict the visual impact on the landscape with appropriate and sympathetic design.

Diddington Lane closure

12. Your Petitioners and local residents are pleased to see that it is proposed to close Diddington Lane to through traffic and to restrict use to both farm and future maintenance traffic to the Railway, and to walkers, cyclists and equestrians.

Your Petitioners seek an undertaking that adequate measures will be introduced to prevent unauthorised vehicular access to the closed off sections of road.

Your Petitioners also seek an undertaking from the Promoter that a study be commissioned to investigate the available options for solving potential accessibility problems relating to the closure of Diddington Lane.

Alleviation of the impact on Diddington Lane properties

13. Your Petitioners note that 25 properties on the eastern side of Diddington Lane are not within the proposed compensation zones and seek an undertaking from the Promoter that the noise barriers will be given a visual finish to break up their outline and tone with the area, that trees and shrubs of sufficient height will be planted in front of the Works, arranged irregularly in depth to create a natural effect, that this planting will be done early in the construction phase following best practice guidelines, and that the Promoter will make enduring agreements to provide on-going care and maintenance.

Your Petitioners also seek an undertaking from the Promoter that peak noise levels from the passage of a train will not exceed 57dB at a distance of 200 metres from the line, that the recommendations of the World Health Organisation for external continuous-equivalent noise levels will be met in full, and that any subsequent claims for compensation and/or remedial action will be treated sympathetically and consistently.

Alleviation of the effects of the proposed surface car parking at Birmingham Interchange Station

14. Your Petitioners are concerned at the amount of surface level car parking at the proposed Birmingham Interchange Station. Your Petitioners note that the design for the car parking is higher in the Bill at Clause 22 than shown elsewhere. Your Petitioners are concerned that the adjacent road network may not be able to accommodate the proposed traffic level shown in the Bill, and this could result in the redesign of the A45/A452 Stonebridge roundabout and the A45/M42 Junction 6. Your Petitioners are also concerned that any shortfall in either parking availability or the capacity of the road network may result in affected traffic seeking to park on roads within Hampton-in-Arden to the detriment of the local environment.

Your Petitioners seek an undertaking that the demand for car parking and the capacity of the local road network be re-examined accordingly to determine the necessary requirements.

Alleviation of the impact on Old Station Road properties due to proposed works on the A45 and M42 Junction 6

15. Your Petitioners note that there will be significant impact on properties on the north-eastern end of Old Station Road. The raising of the A45, the re-design of the M42 Junction 6 and the Diddington cutting will adversely affect property owners. CFA24/9.5 suggests long term mitigation through planting, but restricts sound

insulation to Pasture Farm and the northern most dwelling in Old Station Road. Your Petitioners find this proposal unsatisfactory since it is not clear that the severity of the blight to other properties has been addressed in the Environmental Statement. Therefore no compensation is offered to residents suffering permanent loss of amenity from years of construction chaos unless hardship can be proven.

Your Petitioners seek an undertaking from the Promoter that this oversight will be addressed.

Alleviation of the impact on Lapwing Drive/Nesfield Grove properties

16. Your Petitioners note that no specific mention is made regarding properties in Lapwing Drive and Nesfield Grove. Properties on the east side are approximately 500 metres from HS2 on embankment and will experience both noise and visual intrusion. We also note that further residential development has been approved in the Solihull Local Plan adopted in December 2013, on land to the east of Lapwing Drive and Nesfield Grove.

Your Petitioners seek an undertaking from the Promoter that these oversights will be similarly addressed.

Alleviation of the impact on the environment and ecology

17. Your Petitioners note from the Environmental Statement that there will be significant impact on several species due to loss of habitat and in particular note the impact on local otter, bat and barn owl populations. 5% of the Marsh Lane Nature Reserve will be taken and not replaced. The Reserve consists of pools, a reed bed, woodland and grassland and nearly 200 species of bird have been observed by the West Midlands Bird Club. Overall there may be a loss of up to 52 pairs of Barn Owls within 1.5 km either side of the line particularly in the vicinity of Patrick Farm, amounting to approximately 1.5% of the UK population. Your Petitioners also note that the Barn Owl is a scarce species in Warwickshire and has nesting sites at Patrick Farm within land required for the construction of the scheme.

It is a matter of regret that no mitigation is offered in the Environmental Statement to deal with these consequences and Your Petitioners seek an undertaking from the Promoters that appropriate and effective measures will be put in place before construction begins to secure alternative local habitats and re-location at suitable times of the year, for all affected species including Barn Owls with suitable food and safe foraging sources that will ensure they will survive and thrive.

Location of Construction camps

18. Your Petitioners note that there are two proposed satellite compounds located on the west side of HS2 in the Meriden Road/ Diddington Lane area for the construction of the B4102 and Shadow Brook bridges respectively (Drg Nos CT-05-104 and 105a refer). Your Petitioners question the location of the B4102 compound as it is located

in the flood plain of the River Blythe and is in an area that is subject to regular flooding. This flooding was particularly severe during the winter of 2013/2014. We believe that a better location would be on the east side of HS2 above the floodplain. This revised location would also be closer to the A452 and would eliminate the need for construction and materials delivery traffic to negotiate both the active bridge construction site and village roads.

Your Petitioners also suggest that the Shadow Brook under-bridge compound be re-located on the east side of HS2 as the proposed location is also subject to severe flooding during winter storms. This proposed relocation would allow direct access to the A452 and eliminate the need for construction traffic to negotiate both the bridge site (which is located directly on the alignment of the existing road) and the need to use Diddington Lane and Meriden Road. This compound could be combined with the A45 compound to further reduce the construction impact on the area.

Your Petitioners therefore seek an undertaking from the Promoters that the location of these compounds will be reviewed with the aim of re-locating them to more appropriate sites.

Alleviation of the impact of haulage routes

19. Your Petitioners note that both Meriden Road and Diddington Lane have been identified as haulage routes for construction traffic. For local residents this will cause years of increased inconvenience, noise, pollution, danger and potential loss of property value. Both roads are narrow, and are frequently used by pedestrians, cyclists and horse riders.

Your Petitioners believe that construction traffic should be able to use a combination of both the nearby A452 dual carriageway and The Trace of the new rail line as adequate routes, thereby negating the need for local village roads. All construction works within this local area can be accessed using these two routes, with the exception of the work required in the closure of Diddington Lane to through traffic at the end of the line of residential properties.

Your Petitioners therefore seek an undertaking that the residential parts of Diddington Lane and Meriden Road be removed from the general list of haulage routes and construction traffic and that other routes and means (ie A452 and The Trace) will be used instead for the transport of construction equipment and materials.

Spoil Dumps and land required during construction

20. Your Petitioners note that two Spoil Dumps are proposed close to properties and immediately at the rear of gardens in Diddington Lane. This area is regularly waterlogged due to the proximity of the River Blythe floodplain and the clay sub-soil. The visual intrusion of these spoil dumps so close to residential properties, is totally unacceptable. They will also increase flooding risk close to residential properties and

will represent unacceptable health risks and blight property values. Your Petitioners question the justification for these Spoil Dumps bearing in mind that the B4102 diversionary route has now been deleted in favour of an on-line solution. In addition Your Petitioners note that there are large areas of land around the properties in Diddington Lane that have been identified as 'land potentially required during construction'. We question the need for this large area now that the B4102 diversion no longer exists.

Your Petitioners seek reassurance from the Promoters that amendments will be made to plans to reflect current proposals and restrict the need for inappropriate land take for Spoil Dumps or 'Land potentially required during construction'.

Alleviation of the impact on Pasture Farm and Farmhouse

21. Your Petitioners are concerned that this farm will be severely impacted by severance. An accommodation bridge is proposed to provide access over the 9 metre deep cutting (Work No 3/15). We welcome this provision but are concerned about the severance of wildlife corridors caused by this long cutting.

Your Petitioners seek an undertaking from the Promoter that the accommodation bridge will be constructed as a wide 'green' bridge of around 30 metres width adequate for wildlife to cross with cover. Safety parapets will be required and these will be prominent and should be in keeping with the open environment.

The farmhouse is well within 100 metres of the railway and Your Petitioners seek an undertaking from the Promoter that the noise levels will conform to a maximum of 57dB and that the recommendations of the World Health Organisation be met in full, such that if necessary sound proofing and air conditioning will be provided.

Alleviation of the impact on Patrick Farm and associated businesses

22. Given the proximity of the railway the Promoter appears to accept that these premises will be adversely affected by high noise levels.

Your Petitioners seek an undertaking that the Promoter will provide sound insulation to these properties in order to meet the recommendations for interior noise levels and air conditioning.

Public footpaths around Hampton-in-Arden

23. Several footpaths are affected by road realignments and the Railway.

Your Petitioners are pleased to see that a new footpath is planned to the northwest of and replacing a section of the Old Kenilworth Road FP M230A. However the planned route is in the middle of the flood plain and consequently would be unusable for many weeks a year. The proposed junction with the Meriden Road B4102 would be at a point where there is no footway on the south side of the road and where there have been frequent accidents because of the road profile and restricted view. This will expose users to unnecessary hazards and crossing the road

at this point to the footpath on the northern side would be dangerous for pedestrians. Your Petitioners seek an undertaking from the Promoter that an additional footpath will be created on the south side of the current bridge over the river Blythe and that the footway will be continued at the side of the carriageway for some 60 metres to the junction with Public Footpath M118.

Your Petitioners are pleased to see that during the construction period the Promoter proposes to divert Public Footpath M114 along Diddington Lane and the private access track to Pasture Farm. However, Your Petitioners seek an undertaking from the Promoter that this temporary diversion will be available for use at all times when the lawful route of M114 is closed by the proposed construction works.

Your Petitioners object to the diversion of Public Footpath M107 which runs through the grounds of the National Motorcycle Museum and terminates at a junction with the A45. The Promoter proposes to displace the path eastwards onto unmade ground to provide space for construction works No 3/16D. The proposed route would be inconvenient and hazardous for path users and does not facilitate safe pedestrian access across the A45. Your Petitioners seek an undertaking from the Promoter that Footpath M107 will be extended by some 100 metres on its generally east-north-east alignment to join the loop road and underpass to the Eastway, and that the path surface will be properly made and graded.

24. The time predicted for the construction of the proposed railway is some four years plus time for commissioning. Your Petitioners consider that the effects on living conditions for this length of time are unacceptable.
25. Your Petitioners are concerned that substantial changes may be made to the proposed works in the form of Amendments to the Bill before Parliament, and produce technical revisions after the closing date for the submission of Petitions. Your Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the High Speed Rail (London – West Midlands Bill) and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any matters relevant to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
26. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights (including their human rights), interests and property and for which no adequate provision is made to protect 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 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.

Signed



Mr Kenneth Blanch

Mr George Goodall

On behalf of the Hampton-in-Arden Society

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Against the Bill – On Merits – By Counsel &c

Mr Kenneth James Blanch BSc CEng MICE MCIHT,

Mr George Goodall TD BA MSc MSocSc FRTPI,

Email: none