

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 the Coleshill High Speed Rail 2 Action Group

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, supported by The 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 The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and their construction, the associated granting and extinguishment of rights, compulsory acquisition of land, heritage issues, trees, noise, highway and traffic matters is authorised and regulated (inter alia) by Clauses 1 to 36 and clauses 43 to 65 of the Bill. Other works are authorised in Schedules 2 and 3 to the Bill. Clauses 43 to 65 of the Bill also set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made concerning the application of Environmental Impact Assessment Regulations and other matters incidental to the scheme intended to be authorised by the Bill
- 4 Your Petitioners are Coleshill High Speed Rail 2 Action Group which is an association of Coleshill residents, who are directly or indirectly affected by the works referred to above. Their rights, interests and, in some cases, property are injuriously affected by the Bill.
- 5 The Bill would authorise the construction and operation of the resulting railway system and its associated development through and in the vicinity of Coleshill. Your Petitioners object to the same as outlined below. Your Petitioners' objections hereinafter set out are ordered in to two parts:-

- i. our objection to the proposed vertical alignment and our proposals in mitigation
- ii. other general mitigation issues.

Proposed Vertical Alignment

6 Proposals and Plans for mitigation of the effects of the said construction and operation were sent by your Petitioners to Ms Newsum (a Forum Manager employed by HS2 Limited) ("HS2") with a letter dated 22nd June 2012 asking for technical review of your Petitioners' proposals from HS2's engineering team. They represented measures your Petitioners envisaged to prevent, reduce and where possible offset any significant adverse effects from the project, as required by the EC Directives. They focused upon the proposed vertical alignment.

7 Your Petitioners had no written response from HS2, but at a Coleshill forum meeting on 24th August 2012 Mr Timothy Healy (the Design Director and representative of HS2 present) confirmed that the measures your Petitioners proposed were well thought out, recognised engineering constraints and may well be feasible from an engineering point of view. Your petitioners were advised by HS2 that an appraisal of their proposals would be carried out to determine whether the proposals could be accepted and the results made available to them before the end of the year. Your Petitioners were very surprised, therefore, when no such appraisal was made available, despite their repeated requests to HS2 to that effect, and that, subsequently, none of their proposals were reflected in the design now proposed to be implemented by this Bill.

8 By reason of the lack of substantive reply to their many requests for a response to their proposals, your Petitioners finally submitted a request for information under the Freedom of Information Act on 1st December 2013. On 27th December 2013 your Petitioners received a copy of a general, high level appraisal suggesting that their proposals although demonstrating environmental benefits, had been rejected, mainly due to additional costs and temporary disruption at the construction stage. Only one proposal, to take the northern Birmingham Spur below M6 Toll/M42 (Appraisal Option C), was rejected on engineering grounds, as the resulting gradient was too steep. No appraisal was provided for this option. Your Petitioners are concerned about the high level nature of the appraisal provided which contains insufficient detail for them to assess properly the reasons for rejecting their proposals. In particular no detailed cost breakdown has been provided and this has since been requested under the Freedom of Information Act. Your Petitioners further consider that the balance between the environmental benefit of their proposals and additional cost has not been adequately assessed.

9 Your Petitioners have responded to HS2 regarding assertions in the Non-Technical Summary of the Environmental Statement (the "ES") that:-

- i. HS2's design objective has focused upon reducing adverse effects on the environment by avoiding potential effects, especially upon residential property, for example by changes to vertical alignment and
- ii. Wide public engagement on the design of the project and its effects will contribute to this process by identifying issues of concern.

Although it is documented that HS2 have been persuaded to amend its plans, for example by using tunnels to diminish the effect of the line on the landscape, at considerable additional cost, it remains the case that no improvement to the alignment of HS2 resulting in a substantive reduction in impacts has been made in the Coleshill area

since the original publication of the route, despite the proposals we have put forward.

10 Your Petitioners aver that the published proposals will create an unacceptable level of adverse impact for the communities of Coleshill Gilson and Water Orton, due to the proximity of the railway to so many homes and community facilities such as Water Orton Primary School and Old Saltleians RFC.

11 A particular issue is the proposed height of the railway which your Petitioners aver will in itself make effective mitigation in terms of noise and visual impacts impossible to achieve. As indicated on the plans forming part of the Bill, much of the main line and the two links into Birmingham are at very high levels indeed, including viaducts reaching 15 or even 20 metres above the ground. By crossing over the motorway links, which are already on embankments, the railway would completely dominate its surroundings.

12 Your Petitioners aver that every effort should be made to reduce the level of the railway. The only possible way to achieve this would be by going under the motorways. Specifically, your Petitioners would propose as follows:

13. The main line

13.1 The main line approaching from the south should go under the M6. This would enable the proposed embankment opposite Coleshill south to be substantially reduced from the proposed 10 metres. HS2 have not provided your petitioners with a specific appraisal for this option, but a very high level appraisal of alternative station location options does confirm that an alignment below M6 and M42 to the south would reduce landscape, visual and noise impacts.

13.2 The proposed viaduct across the River Cole flood plain should then be reduced in height and length to save costs. Flood compensation would be required, but this could be used to positive effect by creating wetlands elsewhere in the valley.

13.3 Regrettably, there does not appear to be any scope to modify the viaduct over M42. This section of the motorway is already in the flood plain and immediately adjacent to the River Cole.

13.4 No change is proposed either to the vertical alignment at Gilson. However the impact upon this community from the published proposals is totally unacceptable. In mitigation therefore the published 10 metre cutting must be covered to create a green tunnel, extended north and south as far as practical by re-profiling the hill. HS2's own appraisal for this option. (Route Development Appraisal Option D) confirms that this would result in reductions in landscape and noise and visual impact and 'substantial benefits' for community integrity in terms of reduced impacts in amenity, public rights of way and reduction in severance. It would also limit adverse effects on health and well-being for local residents.

13.5 North of Gilson your Petitioners accept that the high profile has to be maintained to cross the railways and river Tame.

Birmingham Spur Northern Links

14 The high level of this link going over the M6 Toll/M42 creates particular difficulties due to its proximity to the community of Water Orton. Going below the motorway, as proposed in 2012, would have provided greater opportunity for effective mitigation but your Petitioners have reluctantly accepted the Promoter's explanation that the vertical alignment cannot be achieved within appropriate engineering standards for

gradients. (Route Development Appraisal Option C).

Birmingham Spur Southern Links

15 These links should cross below the M6/M42 Link Road in a cutting rather than a high 9 metre embankment as proposed. HS2's own appraisal (Route Development Appraisal Option F) confirms that there would be a 'substantial reduction' in visual impact for views from Coleshill Manor, Attleborough Farm, Water Orton Primary School, Water Orton and Properties on Coleshill Road, Vicarage lane and Attleborough Lane and from local public rights of way. There would be improved scope to provide effective screening with planting and grading and more scope for effective noise screening by false cuttings and barriers.

16 Your Petitioners understand the constraints and engineering difficulties presented by this area but consider that the solutions your Petitioners have suggested should be adopted, recognising that it may require some compromise on what may otherwise be the 'ideal' or the most cost-effective engineering solution.

17 It should be noted, however, that your Petitioners solution, by reducing the scale of viaducts and imported fill material for embankments would also provide an opportunity for saving costs which should be taken into account in the overall balance.

General issues

18 Your Petitioners submit that the following issues must be taken into account, whether or not their proposals for modifying the vertical alignment of the railway are adopted.

Noise

19.1 Your Petitioners are most concerned about the potential noise impact for our community. We note that in plans issued during the public consultation in 2011 the entire western edge of Coleshill facing the railway was identified as experiencing a Noticeable Noise Increase, and a predicted noise level of more than 50dB. However, your Petitioners have since responded to the published ES by expressing surprise that significant noise effects for the operation of the railway have only been reported for the three dwellings 1-3 new Cottages Birmingham Road, which are likely to qualify for noise insulation, and for approximately ten dwellings at Gilson, all of which are immediately adjacent to the main line of the railway. Notwithstanding their proximity to the railway the effects at Gilson are identified as 'Minor'.

19.2 Your Petitioners are concerned that these effects have been understated. They appear to us to be inconsistent in their findings and that although we accept that there is continuous background noise from road traffic in our area, it is reasonable to assume that noise from the railway, consisting of short episodes of high volume sound only as a train passes, will be perceived by local people as an additional noise, adding cumulatively and significantly to the road noise, rather than being masked by it. Your Petitioners note that North Warwickshire Borough Council as the authority responsible for environmental health has raised issues of a technical nature on the noise assessment methodology. We support their petition.

19.3. The ES further reports (para 11.5.17) that 'mitigation measures in this area will avoid airborne noise adverse effects ... on the vast majority of Coleshill.' However the current plans for the Proposed Scheme (Figures CT-06-109 and CT-06-110) do not show any noise mitigation on the elevated section of the main line facing Coleshill between Footpath M72 and Gilson Drive. Earlier plans provided to your Petitioners in 2013 did

show noise barriers on this section and we respectfully suggest that appropriate absorptive noise barriers be reinstated to mitigate the noise impact for our community. We further request that a similar noise barrier be provided alongside the Birmingham Spur southern link to protect dwellings on Gilson Drive and upon the high viaducts on the Birmingham Spur Northern link crossing the M42/M6 Toll, to protect Water Orton.

Landscape and Visual

20.1 Your Petitioners welcome the proposed tree planting. However to reduce the visual impact of the proposals upon our community and the green belt your Petitioners respectfully suggest that there are further opportunities for tree planting to be carried out on areas of land severed by the proposals. We also consider that substantial earth mounding should be carried out on either side of the main line at Gilson to provide screening to complement the effect of the proposed tunnel, (or cutting if the tunnel is not provided).

20.2 Your Petitioners note that the Gilson Road auto-transformer station has been put in a position that would prevent any such mounding on the north side of the main line. It should be moved to a position which does not conflict with potential mitigation.

20.3 Further mounding should also be provided to supplement proposed planting between Gypsy Lane Water Orton and M42/M6 Toll to help screen the high viaducts on the Birmingham Spur Northern Links.

20.4 Your Petitioners had been advised by HS2 that viaducts would be designed to high aesthetic standards to mitigate their visual impact. However photomontages published in the ES, for example (LV-01-125 and LV-01-127) show that the high level motorway crossings will involve box structures which we aver are very poor in aesthetic terms and add substantially to the adverse visual impact. Your Petitioners respectfully request that HS2 be required to reconsider the design of these crossings to improve their appearance. Any such reconsideration should be in association with a submission of these and all other major structures and viaducts for a Design Review to be carried out by Cabe at the Design Council.

Biodiversity

21.1 The proposals in the Coleshill area fall within the valley of the River Cole. Although wetland habitat creation appears in the legend on the plans of the Proposed Scheme, none is proposed. Your Petitioners respectfully request that the Promoter be required to consider opportunities for wetland habitat creation in the Cole Valley to provide biodiversity net gain in accordance with legislation, including where appropriate those areas identified on the plans for replacement floodplain storage.

21.2 Several sections of the existing river will be destroyed by the proposals. New channels are shown, but your Petitioners consider that the regularly engineered channels, illustrated without planting will not provide an adequate replacement. We respectfully request that the Promoter be required to improve upon this design to provide overall biodiversity net gain for the river corridor.

Heritage

22 Coleshill Hall Farmhouse, a Grade II listed building, will be destroyed by the route and a number of adjacent archaeological sites may also be affected. Your Petitioners request that the Nominated Undertaker be required to carry out an appropriate archaeological investigation to the satisfaction of English Heritage and the Planning Archaeologist and that the results be published with any finds placed on

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display in the local area.

Detailed Design of Mitigation Measures.

23. Following approval of the scheme, further work will be required by the Promoter to design the general mitigation measures in more detail in advance of construction. Your Petitioners respectfully request that we and the appropriate planning authorities be consulted and provided with the opportunity to comment upon such detailed proposals before they are finalised.

Management of Planting and Habitat Creation.

24. The plans illustrating proposed mitigation include large areas of land for planting and habitat creation outside the immediate confines of the railway and its earthworks. It is essential that having been provided at construction, these measures are permanently maintained and monitored to ensure that they are effective. Your Petitioners accordingly respectfully ask your Honourable House to require the Promoters to enter into undertakings that:-

24.1 they will retain title to the land used for mitigation and will maintain all the mitigation measures, hard and soft, set out in the ES or subsequently, in perpetuity;

24.2 the same will apply to those control measures put in place to protect the environment during the operation of the railway, for example those to prevent the pollution of watercourses, or flooding;

24.3 the performance of such measures will be regularly and independently monitored and reported on, with corrective action enforced as appropriate, the reports, including corrective action, being made publicly available;

24.4 the first such report after opening of the railway shall compare the actual noise levels with the predicted levels, with corrective measures put forward for consultation if required; and

24.5 the railway operator be required to ring-fence sufficient funding for the maintenance and monitoring of mitigation measures.

Environmental Management During Construction.

25. Your Petitioners respectfully ask that the Promoter be required to put in place a comprehensive Construction Environmental Management Plan to protect people, heritage and the natural environment during construction. The plan should set out appropriate measures to control traffic, dust, noise and pollution. We also ask that North Warwickshire Borough Council be consulted on the content of the plan and continue to be consulted on its operation throughout the construction period.

Traffic Impacts

26. Your Petitioners are most concerned about the potential impacts of traffic increases within Coleshill Town Centre, during construction and operation of the railway. In particular traffic accessing the Birmingham Interchange Station may bring additional traffic through the 'Green Man crossroads (B4114/B4117 junction). Your Petitioners request your Honourable House to require that funding be provided by the Promoters for mitigation measures should future congestion associated with the construction and operation of HS2 impact significantly on the town, any such measures to be developed in consultation with local residents, your Petitioners, the highway

authority Warwickshire County Council and North Warwickshire Borough Council.

Public Rights of Way.

27. Your Petitioners respectfully request the following mitigation measures for our public rights of way:-

27.1 The proposed diversion of Footpaths M72 and M77, currently Green Lane should be hedged and treed to replace the existing character lost under the main line embankment

27.2 Provision of a green tunnel at Gilson would avoid the need to divert Footpath M62 and to stop up Footpath M60. They could be retained on or close to their existing alignment.

Old Saltleians Rugby Football Club

28 The Club is a very important sports facility for our community, both for adults and the younger generation, running teams and training for all age groups. The existing facility will be destroyed by the railway. Your Petitioners request that the Promoters be required to provide a satisfactory alternative site at least two years in advance of construction so that new pitches can be laid out and established for at least two seasons so that they are in a condition to be used for matches.

29 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, the parts of the Bill referred to in paragraph 3 of this petition, so far affecting your Petitioners, should not be allowed to pass into law.

30 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 in some instances their 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed by Peter Vincent Rafferty, Agent for the Petitioners:

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IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF

COLESHILL HIGH SPEED RAIL 2 ACTION GROUP

AGAINST, By Counsel, &c.

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