

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 Parish Council

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 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, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning

permission, heritage issues, trees and noise. They include clauses which would dis-apply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill 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 about the application of Environmental Impact Assessment Regulations.
6. 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

7. Your Petitioners are the Hampton-in-Arden Parish Council (hereinafter referred to as Your Petitioners). The Parish Council is a formally constituted Statutory Organisation which represents the interests of its Parishioners. 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 Parish, its Parishioners, businesses, environment and wildlife through 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 Councillors and Staff and with HS2 representatives.

The impact of the Railway on the Parish

8. 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 construction and operation of the

Interchange station adjacent the northern end of the Parish at Bickenhill. It is also affected by the associated major road-works to the A45, A452 and M42 interchange which juxtapose with the Parish boundary and serve the community. 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 an important SSSI at Marsh Lane Nature Reserve.

9. 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.

1. *Alleviation of injurious effects by placing of the Railway in a tunnel, thus allowing a modest easterly realignment through the Parish*

This whole area is known as the Meriden Gap, an open, green interval of mainly agricultural land separating the major conurbations of Birmingham, Coventry and Solihull. The preservation of this gap has been a cornerstone of regional planning policy for decades. Your Petitioners regret that this fragile corridor of Green Belt within the historic Arden landscape has been selected as the preferred route for HS2, jeopardising the continued viability of the Meriden Gap, affecting the visual acuity of the fragile Arden landscape, and with severe impacts on the environment, ecology and hydrology of the area. Your Petitioners are also concerned that the proposed construction on long, high embankments, using short viaduct sections only over the rivers Blythe and Shadow Brook, will adversely affect the drainage of the Blythe flood plain thus increasing flood risk to properties lying close to the flood plain margins. Your Petitioners believe that proper account has not been taken of the increased flooding risk. For this reason Your Petitioners believe a cost-benefit analysis would favour a deep-bored tunnel starting to the south of our Parish at Burton Green in Warwickshire, and continuing through the high ground at Balsall Common and Berkswell Parishes. This proposal would create the opportunity for a modest easterly realignment of the proposed railway in 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.

Accordingly, Your Petitioners seek an undertaking from the Promoter that a detailed and thorough examination of the proposed tunnel and realignment be conducted with results available for public scrutiny so that the railway, comprising Work No. 2/146 and 3/1, can be placed in a tunnel from Burton Green to a northern portal in a location chosen to minimise the local environmental impact and that corresponding changes will be made to all the subsidiary Works.

2. Alleviation of visual impact of Box Bridge over B4102 at Patricks Farm

Your Petitioners are pleased to see that HS2 has adopted the Parish Council's proposal to retain the existing alignment of the B4102 by providing a bridge at Patricks Farm with a minor realignment of the existing roadway. However, Your Petitioners are concerned at the lack of effort which has gone into the bridge design which is, in effect, a narrow box bridge. The tall embankments either side of the roadway and bridge eliminate the current beautiful open view of the Arden landscape along the Blythe river valley and the open vistas approaching and leaving the village of Hampton-in-Arden.

Your Petitioners would wish to see a more imaginative and elegant design of the bridge structure at this environmentally sensitive location which would allow a sense of open landscape to be retained, similar to that depicted in visual representations shown by HS2 Ltd in video clips to the public.

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

Your Petitioners regret the loss of the open views across the Blythe valley that results from the proposed Diddington and Patrick Farm long embankment and significant shortening of the previously proposed viaducts, changes which were not revealed at Community Forums (Work No. 3/1). This change coincided with the decision to introduce a tunnel at Bromford, and the need to dispose of the spoil arising.

This has raised much concern about the raised level of flooding already identified in the Environmental Statement caused by the restriction of drainage flow into the river channel. The Blythe at this point is subject to regular deep flooding over all adjacent fields and any narrowing of its flood channel will exacerbate the danger to nearby residences and the B4102, dramatically alter the visual amenity of the landscape, would sever wildlife migration routes and impede surface and sub-surface water movements to the detriment of properties on the edge of Hampton-in-Arden.

Your Petitioners seek an undertaking from the Promoter that the embankment will be replaced with an open viaduct structure contiguous with a revised design of the Patricks Farm/B4102 under-bridge.

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

Your Petitioners are concerned that the same issues arise at the narrow channel allowed for the Shadow Brook beneath the Diddington Embankment.

Your Petitioners seek an undertaking from the Promoter that the short viaduct over the Shadow Brook will be extended to allow sufficient drainage of the watercourse,

alleviate the threat of flooding to properties in Diddington Lane, and retain some aspect of the open visual amenity of this landscape with appropriate and sympathetic design.

5. Alleviation of the impact on the environment and ecology

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 there. It is visited by the West Midlands Bird Club. For example CFA23/7.5 in the Environmental Statement (ES) draws attention to the effect on Barn Owls- *'The Barn Owl population will be subject to significant adverse effect due to the loss of nesting sites and foraging habitat during construction. In addition, during operation, there is the potential for mortality due to train strike. Overall there may be a loss of up to 52 pairs of Barn Owls within 1.5 km either side of the line...approximately 1.5% of the UK population. Route-wide this will be significant at the national level'*. Your Petitioners also note that (ES) *'the Barn Owl is a scarce species in Warwickshire and has nesting sites at Patrick's 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 for all affected species including Barn Owls with suitable food and safe foraging sources that will ensure they will survive and thrive.

6. Alleviation of the impact of haulage routes

Your Petitioners note with alarm that both Meriden Road and Diddington Lane, being residential roads, are listed as haulage routes for through traffic causing years of inconvenience, danger, disturbance, pollution and loss of property value.

Diddington Lane is an important route for pedestrians, cyclists, and equestrians and has no footpath. Your Petitioners believe it should be possible, given the availability of the on-line route itself and the nearby A452 dual carriageway, to execute works at Patricks Farm/B4102 Under-bridge and the Diddington embankment and viaducts construction via the A452 Kenilworth Road. This will eliminate the need for a haulage through-route passing residences in Diddington Lane and Meriden Road, 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 will be removed from the general list of haulage

routes and construction traffic and that other routes and means will be used instead for the transport of construction equipment and materials.

7. Location of construction camps

Your Petitioners note that there are two proposed satellite compounds located on the west side of HS2 in the Meriden Road/ Diddington Lane area (DRG No. CT-05-104 refers). Your Petitioners question the location of the Meriden Road/B4102 under-bridge compound as it is located in the flood plain of the River Blythe and regularly submerged under flood water in winter 2013/14. We believe that a better location would be on the east side of HS2 where construction traffic movements would be closer to the A452 and would eliminate the need for this traffic to negotiate both the bridge construction and village roads.

Similarly, Your Petitioners suggest that the Shadow Brook under-bridge compound (DRG No CT-05-105a) be re-located on the east side of HS2, thereby allowing direct access to the A452 and eliminating the need for this traffic to negotiate both the bridge construction 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 even be combined with the A45 over-bridges 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 a more appropriate site further from residences and eliminating, as far as is possible, disruption due to noise, dust, pollution, lighting, haulage traffic and general inconvenience for local residents.

8. Spoil Dumps and land required during construction

Your Petitioners note that two Spoil Dumps are proposed close to properties and immediately at the rear of gardens in Diddington Lane. This will further impede drainage from gardens which are regularly waterlogged due to clay subsoil, gradient and a high water table. Spoil Dumps are totally unacceptable visually so close to residential properties and represent an unacceptable health hazard as well as blighting property values for which no compensation is offered. We 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 there are large areas of land behind properties in Diddington Lane that have been identified as 'land potentially required during construction' and 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 thereby restrict the need for inappropriate land take for Spoil Dumps or 'potential requirements'.

9. Alleviation of the impact on Diddington Lane properties

The Environmental Statement (CFA 23 Sections 9 and 11) looks at the effect of the scheme on 25 properties on the eastern side of Diddington Lane. It states that *'the operation of the proposed scheme in proximity to these properties will result in significant day and night time noise effects. In addition, residents at these properties will experience adverse visual effects. The Diddington Lane embankment, up to 6 metres high with 4-metre high noise barriers on the western side, will be visible in the centre of the view. Overhead line equipment will also be clearly visible on the skyline in the middle ground. In year one, proposed planting on the embankment will provide no visual screening; by year 15 of operation proposed planting on the embankment will serve to soften the engineered appearance and partially screen trains, but there will remain a major, significant effect: change to amenity, character and residents' enjoyment of the residential properties as a result of the combination of noise and visual effects'*.

Your Petitioners note that these properties 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 will be treated sympathetically and consistently.

10. Alleviation of the impact on Old Station Road properties

Your Petitioners note that there will be significant impact on properties on the north-eastern end of Old Station Road. The A45 realignment, raised flyover and the Diddington cutting will adversely affect property owners. CFA24/9.5 (ES) suggests long term mitigation through planting, but restricts sound insulation to Pasture Farm and the northern most dwelling in Old Station Road. We find this unsatisfactory since it is not clear that the severity of the blight to other properties has been addressed in the Environmental Statement and 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.

11. Alleviation of the impact on Lapwing Drive/Nesfield Grove properties

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

12. Top Hat Cattery and the Aero-modellers Club

It is a matter of regret that this long-established Club has been left to its own devices to find a replacement facility of equivalent convenience and utility and we have been unable to find any reference to the fate of the Cattery, a successful business which lies within the Parish.

Your Petitioners seek an undertaking from the Promoter that substitute facilities, comparable to the existing ones in utility and amenity, will be located without imposing any financial or administrative burden on the current operators.

13. The Island Project School at Diddington Hall

Attention has been drawn in the past to the potential impact the scheme could have on the Island Project School which caters for children with very special needs and the most profound and complex learning needs. We are concerned that the School, which has an Outstanding Ofsted report, is unlikely to be able to provide a peaceful and stable learning environment for these children, much of which is dependent on access to a calm and quiet outdoor learning space and experience.

Notwithstanding possible control of noise Your Petitioners seek an undertaking from the Promoter that every possible measure will be taken to allow the School to function during the construction phase, that immediate enforcement measures will be taken to stop any construction activities that are found to be disruptive, and that should the environment prove to be unsuitable when the railway becomes operational the Promoter will provide suitable alternative premises and all necessary support to re-locate with urgency at no cost to the School.

14. Alleviation of the impact on Pasture Farm and Farmhouse

Your Petitioners are concerned that this farm is acutely impacted by the severance of land with a cutting 9 metres deep. The Promoter proposes to provide access to the farm with several works including an accommodation over-bridge, Work No. 3/15. Whilst welcoming this provision Your Petitioners are concerned about the severance of wildlife corridors and 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 no doubt be required and these will be prominent in the landscape.

Your Petitioners therefore seek an undertaking from the Promoter that these will be sympathetic to the open farmland setting.

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 to enable a good sleeping environment.

15. Alleviation of the impact on Patricks Farm and associated businesses

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 therefore provide sound insulation and air conditioning to meet the recommendations for interior noise levels.

16. Diddington Lane closure

Local people are pleased to see the proposal to close this lane to through traffic and to retain non-vehicular access using the Shadow Brook under-bridge as a direct route for walkers, cyclists and equestrians. This lane has no footpath and is subject to frequent accidents due to an acute blind bend at its northern end.

However, Your Petitioners seek an undertaking from the Promoter that suitable provision will be made for farm traffic to gain access to adjacent fields via a gate or similar whilst preventing the lane being used as a short-cut to the Interchange Station, thereby eliminating any hazard to walkers, cyclists or equestrians.

17. Parish footpaths

Several footpaths are affected by road realignment and the Railway.

1. Your Petitioners are pleased to see that a new footpath is planned to replace a section of the Old Kenilworth Road FP M230A to the Northwest. 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.

2. 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.

3. 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.

10. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

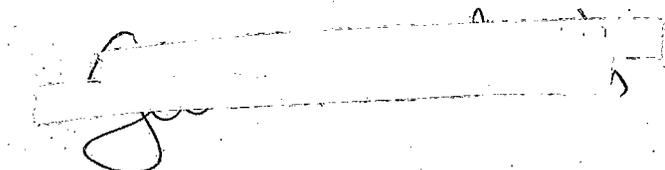
11. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

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.

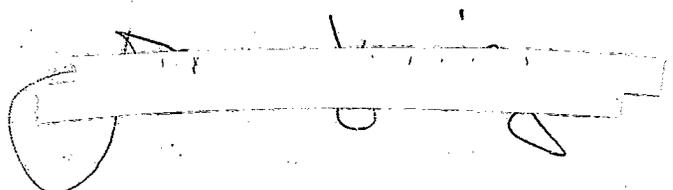
AND your Petitioners will ever pray, &c.

Signed

Councillor Dr Gillian Anne Lewis

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Councillor Mr John Charles Doidge

A handwritten signature in black ink, appearing to read 'John Charles Doidge', written over a horizontal line.

On behalf of Hampton-in-Arden Parish Council

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Against the Bill – On Merits – By Counsel &c

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