

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

High Speed Rail (London - West Midlands) Bill

Against the Bill - 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 THE SOLIHULL TREE WARDEN GROUP

SHEWETH as follows: -

1. A Bill (hereinafter called "the Bill") has been introduced into 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 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, and 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, 2 and 3 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, and which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").

Your Petitioners

5. Your Petitioners are the Solihull Tree Warden Group (hereinafter referred to as your Petitioners). The Tree Warden scheme is a national initiative, launched in 1990, and coordinated by the Tree Council. There are now over 8000 voluntary tree wardens nationwide. Your Petitioners are an association of volunteers and nominees of local councils, who care passionately about trees and woodland in our local community, and who are involved in maintaining local woodland, tree planting, and working with local schools. Events and projects are held throughout the year, involving people who live in the local community. Your Petitioners act as the "eyes and ears" of the Borough for all matters concerning trees, with the aim of protecting both rural and urban trees in Solihull for future generations, and are supported by the Tree Council and Solihull Metropolitan Borough Council.
6. The Bill would authorise the construction and operation of some 14 kilometres of the proposed railway through the eastern part of the Metropolitan Borough of Solihull. The current plans would cause major long-term harm to trees and the environment all along the route. Many established woodlands, connecting hedgerows, and individual trees would be severely impacted and lost forever by the construction of HS2. Your Petitioners take objection to the part of the works and the provisions of the Bill that are injurious to our communities, as set out in the paragraphs following.

Valuation of trees

7. Your Petitioners contend that in all consultations attended by our representatives, no attempt has been made to introduce, consider, or assess the true cost in loss of amenity to the residents, and visitors to this area, consequent upon the implementation of the Bill. Your Petitioners are familiar with, and apply, two systems to place monetary value on the visual amenity of trees. The Helliwell System, dating from the mid 1960's has been extensively used in court cases, insurance claims and public enquiries to place visual amenity values on individual trees, and to a somewhat lesser extent, in court to place visual amenity values on woodland. The Capital Asset Value for Amenity Trees (CAVAT) system, from the London Tree Officers Association, dates back to 1995, and has also been widely accepted as a marker of true costs to the community at local public enquiries. Your Petitioners seek an undertaking from the Promoter that a report will be laid before Parliament stating the full monetary amenity value of trees, area by area, that will be lost due to the proposed railway, and that an objective assessment of the amenity value of trees will be included in each and every cost/ benefit analysis of proposals to mitigate the environmental harm of the proposed railway.

Trees and woodlands

8. The southern end of the proposed Pool Wood Embankment would result in the destruction of nearly 5 hectares of natural woodland. It is intended to site a construction roadhead in the wood, construct the 70 metre wide 4-track embankment through it, and convert the surviving area to grassland. Your Petitioners would point out that apart from the ecological value of this wood, it is also used for informal recreational access by the residents of nearby Chelmsley Wood, and that there is a great scarcity of natural green space in the neighbourhood. Your Petitioners seek an undertaking from the Promoter that the proposed railway will be realigned to the east in order to minimise the loss to Pool Wood, that the railway will be constructed on a viaduct rather than an embankment, and that any loss of woodland area will be replaced with an area of similar size and character using the remnant area to the west of the proposed scheme and contiguous parts of Brickfield Farm.
9. The proposed new station at Middle Bickenhill would occupy a very large area of land, taking in part of the surviving trace of the former Coleshill Railway, the Denbigh Spinney Local Wildlife Site, swamp habitats by the Hollywell Brook, and a series of pools north of Middle Bickenhill Lane. Your Petitioners seek an undertaking from the Promoter that naturalised equivalent replacement habitats will be created within the station site as part of the landscaping, that these will be developed to the satisfaction of the local Tree Wardens and the Warwickshire Wildlife Trust, and that they will be protected and maintained in perpetuity.
10. It is noted that the Promoter proposes to acquire permanently some 5% of the area of the Marsh Lane Nature Reserve, to the east of the former Kenilworth Road, now Public Footpath M230A. 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 and many other groups and individuals. The potential affect on the visiting bird populations is unknown, but the Promoter has offered to create additional habitat on adjacent farmland. Your Petitioners seek an undertaking from the Promoter that the proposed railway will be realigned to the east to minimise the impact on the Reserve, and that any loss of area will be replaced by substitute habitat which will be created promptly and to the full satisfaction of the operators of the Reserve.
11. Your Petitioners object to the potential loss of nearly a hectare of trees, including many well-established mature pine trees, from Sixteen-Acre Wood, where the landscape and the environment would be damaged significantly by the proposed railway. Your Petitioners seek an undertaking from the Promoter that trees felled within Sixteen-Acre Wood will be replaced on land not required permanently for the scheme, that substitute woodland will be created in nearby locations to offset the loss of woodland, and that the undertakings sought in paragraphs 27 and 28 will be applied.
12. The Promoter proposes to erect the Bradnock Auto-transformer Station within the boundary of Sixteen-Acre Wood. Your Petitioners believe the proposed screening plantings would be discontinuous and too thin to prevent ruination of the landscape. Your Petitioners seek an undertaking from the Promoter that trees and shrubs will be planted, in depth, all along the west side of the Bradnock Auto-transformer Station, that

there will be further tree planting to integrate Sixteen-Acre Wood with the screening around the Auto-transformer Station, that these plantings will be done early in the construction phase following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance.

13. The proposed bisection of Marlowes Wood would be particularly damaging. Many mature trees, including fine examples of chestnuts, would be felled, with a consequential effect on the whole environment. The Wood contains a heronry, and contrary to the Promoter's reports, the nests are less than 150 metres from the proposed railway, and will experience substantial noise disturbance. Your Petitioners seek an undertaking from the Promoter that there will be no disturbance whatsoever to the heronry until a substitute equivalent habitat has been established in a nearby location and that all necessary measures have been taken to protect the substitute habitat from disturbance.
14. Sections of Marlowes Wood are understood to meet the criteria for registration as Ancient Woodland, but are not yet listed as such. Because of the length of time it takes to develop the ecosystem and soil of ancient woodland, any damage to it would be irreparable. Your Petitioners seek an undertaking from the Promoter that the ancient part of Marlowes Wood will be given the highest standard of physical protection against intrusion and damage, that nearby adjacent areas will be planted to create a habitat that might develop over time into something with a similar ambience and environment to that which has been lost, that this planting will be done early in the construction phase following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance.
15. The proposed railway will cut through the Park Lane Spinney, which follows the trace of the Berkswell Park Pale. Oak trees and archaeological deposits will be lost. Your Petitioners seek an undertaking from the Promoter that intrusion into the Park Pale and Spinney will be minimised, and that following construction of the scheme, the Spinney will be replanted with matching species to leave the minimum possible gap in the trees.
16. Your Petitioners are concerned by the Promoter's proposal to locate the Park Lane Cutting Main Compound, a large area of Temporary Workers' Accommodation, and several material stockpiles, on land adjacent to Park Lane and the Kenilworth Road. This would result in the loss of or damage to individual trees and hedgerows, by felling, impact, pollution, hydrological change, and compaction of the ground. Your Petitioners seek an undertaking from the Promoter that the Park Lane Cutting Main Compound will be relocated and divided into smaller units to reduce the damage to the environment.
17. There is considerable concern that the temporary use of the Kenilworth Greenway by construction traffic during the construction phase could lead to the unnecessary felling of trees along the Greenway. Many of these date from the Nineteenth Century. Because of the length of time taken for trees to reach maturity, there would be significant loss of landscape amenity if trees are felled or damaged. Your Petitioners seek an undertaking from the Promoter that the felling of mature trees along the Kenilworth Greenway will only take place if essential for the passage of equipment, that

the root systems of all the Greenway trees will be effectively protected throughout the construction operations, that damaged or felled trees will be replaced early in the construction phase following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance of replacement trees.

18. It is understood that the Burton Green Auto-transformer Feeder Station is an essential part of the proposed railway scheme, yet the Promoter has given no details other than the allocation of a site between Hodgetts Lane, the proposed railway, Work No. 2/146, and the existing electrical substation. The field is currently edged with woodland, through which runs Public Footpath M187. Your Petitioners seek an undertaking from the Promoter that the woodland to the east and south of the site will be safeguarded during the construction phase, that additional trees and shrubs will be planted, in depth, around the Burton Green Auto-transformer Feeder Station, that these plantings will be done early in the construction phase following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance.
19. There is concern that the temporary route of the Kenilworth Greenway, Work No. 2/183B, would run for 90 metres alongside Big Poots Wood. With the disruption of normal recreational walking routes by the widespread construction activity, there would be an increased risk of incursion into the wood, and possible damage, during the construction period. Your Petitioners seek an undertaking from the Promoter that Big Poots Wood will be securely fenced and properly protected from incursion, that the nominated undertaker will monitor the security of the fencing and make repairs as needed, and that any complaints of intrusion will be investigated promptly.
20. Considerable damage would be caused to Little Poots Wood by the scheme proposed by the Promoter. A section of the wood with established oaks and other trees, plus ground cover and woodland soil profiles, would be destroyed, to permit construction of the Burton Green Tunnel. There is an intention that the area would be replanted, but your Petitioners seek an undertaking from the Promoter that the part of Little Poots Wood to be destroyed will be kept to the minimum, that the rest of the wood will be securely fenced and properly protected throughout the construction period, that the topsoil from the wood will be conserved and used during reinstatement, that the wood will be replanted with species equivalent to those lost following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance of replacement trees.

Tunnelling

21. The route of the proposed railway appears to your Petitioners to have been chosen without balancing the harm to the environment against other objectives. Your Petitioners believe that the damages set out in the foregoing paragraphs could be greatly reduced by the increased use of tunnelling. Your Petitioners seek a revision to the plans for the proposed railway, with the route constructed in tunnel from Burton Green northwards to beyond Sixteen-Acre Wood, and with the northern portal of the tunnel located and designed to minimise the environmental impact.

Construction phase

22. Your Petitioners believe that the proposals in the Code of Construction Practice for enforcement of measures to protect agriculture, ecology, and the natural environment, during the construction of the scheme, are inadequate. Example issues in this category are the handling of reusable spoil, topsoil storage, compaction, weed propagation, dust and contamination in an agricultural context, disturbance of livestock, trees, hedges, root systems, habitats, fauna, flora, pollution, spillage, drainage, and de-watering. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would empower local parish and town councils to employ jointly an Ecological Officer, for the duration of the works, with the power to suspend works, should agreed control measures be breached, and until more rigorous measures have been put in place, and your Petitioners seek an undertaking from the Promoter that all costs arising from the employment of such an Ecological Officer will be met by the nominated undertaker.
23. It is noted that the protection of trees during construction works requires specialist knowledge. Your Petitioners assert that inadequate measures are specified in the Code of Construction Practice, and so seek amendments to the Code of Construction Practice that would require the nominated undertaker and its contractors to work through a community engagement process and to respond to advice from the Local Authority Tree Officers and the local Tree Wardens.
24. Your Petitioners would draw attention to the substantial risk to the environment from spillages of oil, fuel, hydraulic fluids, other materials from vehicles, machinery, and fixed installations, and to the harm that would be caused by contaminated run-off into the water system and by residues left on land that is returned to agriculture. Your Petitioners seek amendments to the Code of Construction Practice that would require the application of strict control measures to the latest standards.
25. The propagation of weeds by the movement of vehicles and the failure to control seed formation would cause inconvenience and loss to agricultural business and residential gardeners. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the nominated undertaker to provide training to contractors and sub-contractors, to carry out inspections, to destroy identified weeds, to grant access to work sites for those with a legitimate concern, and to ensure this topic is properly considered in a community engagement process.
26. Your Petitioners consider that the significant lengths of embankments and deep cuttings in the proposed Works will have a serious impact on drainage and ground water, with implications on residential, commercial, and agricultural land use. As an example, the recent overbridge at Tile Hill station is believed to have contributed to the increased flooding in the area of Duggins Lane, Berkswell. The geology in our area includes surface layers of limited permeability with more porous sub-strata, so that sub-surface flows have a material effect on the depth of water in surface watercourses. De-watering or changes to permeability could increase seasonal flow fluctuations. The Promoter has not set out a procedure for reviewing hydrological issues during the groundworks. Your Petitioners seek amendments to the provisions of the Bill and to the

Code of Construction Practice that would require the on-site identification of the exposed strata and hydraulic modelling to determine appropriate mitigation, and that would require the Promoter to establish a committee to review hydrological findings on a monthly basis and ensure corrective actions are carried out.

Restoration after construction

27. Your Petitioners note that a wide range of measures for ecological compensation has been offered by the Promoter, but there is a lack of firm action plans and clear standards. Your Petitioners seek an undertaking from the Promoter that the implementation and monitoring of bio-system replacement will be done to a high uniform standard throughout the proposed scheme, that the Promoter will follow the guidance in the National Planning Policy Framework and seek to improve the natural environment, that there will be compliance with the European Environmental Impact Assessment criteria, the UK Chartered Institute of Ecology and Environmental Management standards, and British Standard BS 8545 "Trees: from nursery to independence in the landscape", and that the creation of alternative habitats and translocation of species will be commenced as soon as reasonably practicable.
28. Trees are critical features in the landscape and need long-term planning and care due to their slow growth rate. Your Petitioners seek an undertaking from the Promoter that where tree planting is to be used as an offset, a replacement ratio of 5-for-1 will be used in order to ensure satisfactory replacement, and that advice from the relevant parish and town councils and local interest groups on species and locations will be heeded.
29. It is noted that the proposed Works will entail damage or removal of hedgerows throughout our area, with serious implications for the complete ecosystem. The hedgerows provide a vital interconnection function, and give shelter to numerous species of fauna and flora. Many hedgerows were established by the Enclosure Act of 1802 and contain mature oak trees from that period. Your Petitioners note the intention to plant substitute lengths of hedging, but seek an undertaking from the Promoter that the replacement hedges will be planted and nurtured to maturity in appropriate interconnecting locations, using species that are similar to those displaced, and that the overall scheme of planting will provide a quantity and quality of habitats equivalent to those that have been lost.
30. Given the long-term nature of ecological effects, it would appear there would be considerable difficulty in knowing whether the mitigation and offset arrangements advanced by the Promoter have produced the desired results. Your Petitioners seek an undertaking from the Promoter that a long-term ecological monitoring programme will be established, and that the monitoring programme will be open to full involvement by the local Tree Wardens, Solihull Metropolitan Borough Council, the local parish and town councils, and other relevant special-interest groups.
31. It is expected that long-term ecological monitoring would identify the need for restorative or corrective measures to bring the environmental outcomes closer to that which was intended and authorised. Your Petitioners seek an undertaking from the

Promoter that future operators of the proposed railway will be obliged by contract to provide funding for, and to take, restorative ecological measures, when adverse affects appear to be developing.

32. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended and undertakings given as proposed above, the provisions of the Bill, so far affecting your Petitioners, should not be allowed to pass into law.
33. 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 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 such of the clauses and provisions of the Bill as affect 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

Herbert Donald Hitchcock (Chairman - Solihull Tree Warden Group)

Carol Henrick (Secretary- Solihull Tree Warden Group)

James B Hope (Treasurer - Solihull Tree Warden Group)

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PETITION of THE SOLIHULL TREE WARDEN GROUP

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