

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

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

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 BURTON GREEN RESIDENTS ASSOCIATION.

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, 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 disapply 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 (“the Authorised Works”) are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.

- 7 Your Petitioner is the Burton Green Residents Association representing those who live, work, or study in the Warwickshire village of Burton Green and the wider community within the parish of Burton Green. The route proposed in the Bill cuts through the middle of our village of 400 homes and the majority of residents will be impacted in some way by the construction or operation of the line, with members and their properties being variously scheduled for compulsory purchase, affected by noise, affected by construction traffic, affected by loss or disturbance to amenity, and many other impacts as described below.
- 8 Your Petitioners and their rights, interests and some property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

*Introduction: Cumulative impact of the current alignment on the village*

- 9 Your petitioners aver that the residents of the village and parish of Burton Green are unreasonably and unnecessarily affected by the HS2 railway current design, as described in the Bill and in the supporting documents including the Environmental Statement.
- 10 Your petitioners observe that the village of Burton Green is bisected by the proposed railway and although only three homes are currently scheduled for demolition the construction of the line within the village means that over 20 homes are immediately adjacent to the main works, and additionally well over 100 homes are blighted by construction issues from the many construction compounds and other peripheral works that envelope the village. Currently the impacts of the construction phase appear largely dismissed because they are 'temporary' – however the schedule of works shows that Burton Green will be affected for at least seven years, and the invasiveness of the works means that many residents are effectively being forced to leave (even though not all will be correctly compensated).
- 11 Understandably the scale of the planned impacts has already led to the beginnings of the break-up of our community, plus increasing amounts of health and well-being deterioration with stress and anxiety in some cases requiring medical attention.
- 12 Despite taking every opportunity to engage with the proponents of the Bill the needs and requirements of our community appear to have been ignored and the key request of our petition is for our situation to be examined afresh and to take full account of the human and environmental costs/benefits of the proposals, not simply the relative construction costs. Technically feasible solutions to our problems do exist, and we maintain that a transparent and open cost benefit analysis will support the implementation of these.
- 13 The impacts outlined in further detail below each on their own present a significant detriment to the viability of the village, the school, local environment and the physical and mental health of the community. However, when the impacts are considered together the cumulative effect is even more significant and an unreasonable cost for a community to bear.
- 14 Your petitioners request that full consideration is given to a bored Tunnel proposal and specifically a design similar to or the same as Option F as proposed and assessed by HS2 engineers (see further details in paragraph 0 onwards). Such a bored tunnel mitigates in full the vast number of discrete concerns highlighted below, and more importantly acts as an holistic solution that also addresses the cumulative impacts.

*Detailed impacts:*

*Construction noise and dust*

- 15 Your petitioners note that noise and dust will form a significant and on-going impact during the construction phase. This will arise from the digging of the cut and cover tunnel, demolition of houses, the plans for substantial landscaping changes with movements of vast quantities of material, and we even have the location of a material grading area and spoil heap. We would remind the honourable members that this is currently a tranquil rural area where quiet enjoyment of gardens and public footpaths is very significant reason for many residents to have chosen Burton Green as a place to live, making these impacts even more devastating.
- 16 Your petitioners request that requirements within the Code of Construction Practise are independently monitored (e.g. by county council employees, but HS2 paid) and any breaches of the code are subject to effective sanctions and penalties. Furthermore we request that all vehicle movements are subject to the appropriate wheel washdowns and sheeting of loads to minimise dust, and transfer of mud to roads. Operating hours must reflect the rural peaceful nature of the location.
- 17 Your petitioners note that Tunnel F or similar design will remove almost all construction impacts in this area (some works for autotransformer and vent shafts will still be required but these will be tiny in comparison to the current cut-and-cover scheme).

*Temporary and permanent degradation of the Greenway*

- 18 The Berkswell to Kenilworth Greenway is a 'linear park' that passes through Burton Green, and is a highly prized public open space, green corridor and also a key part of the Sustrans network (including the Connect2 link between Kenilworth and Warwick University which will also be affected by HS2)
- 19 Your petitioners are concerned that during the construction process there will be a number of diversions completely inappropriate for the use by cyclists and horse-riders, and access difficulties will present significant barriers for use by residents. There are also concerns about conflicts with construction traffic.
- 20 Your petitioners are concerned that the proposed permanent diversion for the Greenway having it run alongside HS2 for 2.5 km is unsuitable, rendering unusable for horses and significantly degrading its amenity to other users.
- 21 Your petitioners ask that the proposer reviews the proposals in the current alignment and works with the Greenway Trust to develop more appropriate temporary and permanent solutions. We note that Tunnel F or similar design will remove all the major impacts upon the Greenway in this area.

*Loss of irreplaceable ancient woodland*

- 22 Three woods are impacted by the proposed route, Little Pools, Black Waste and most notably Broadwells Wood which is designated ancient woodland and of which around [25% - 50%] will be destroyed under the current alignment. Once removed no amount of replanting can replace, in addition, the line during and post construction itself will act as a barrier to habitat connectivity.
- 23 Your petitioners ask that greater consideration is given to preserving this habitat and that the promoters work with the Woodland Trust and local stakeholders to arrive at a more mutually acceptable solution.

- 24 Your petitioners note that Tunnel F or similar design will remove the impact of HS2 on Broadwells and the other woods in this area.

*Threat to the viability of the village school*

- 25 The village school is located at one end of the village away from the line however it too is seriously affected during the construction period, most notably as it lies on one of the main construction haul routes. Hob Lane is a narrow road and completely unsuitable for significant numbers of vehicles, and increased traffic will create disruptive noise affecting education and learning as well as safety concerns for young children on their way to and from school. We would remind your honours that the Code of construction practise agreed in 2013 clearly states that HS2 construction traffic will "avoid schools and running pass schools".
- 26 The school is also impaired by the proposal in the Bill to use part of its limited outdoor space as the location for a replacement village hall. We suggest this idea is an error of a surprising large magnitude, even for HS2 Ltd and trust your honours will instruct the proponents to ensure this will not be the final location. Unfortunately this problem is not unique in giving the impression to your petitioners that there has been a general lack of care and attention to planning in our area.
- 27 Your petitioners also have concerns on the effects of construction noise and dust, and the loss of amenity (both public and private), on sleep and options for outdoor play for pupils at the school and indeed other children and youths living within Burton Green. These will impact the health and wellbeing seriously, and also brings into focus again that seven-year construction periods are not temporary as for some residents these will represent that majority of their lives.
- 28 The last and more subtle effect is that the fall in the numbers of pupils that is likely to occur as part of the HS2 construction process will threaten the very viability of the school. Burton Green school is a small school and as the funding formula requires near to 100% of places to be filled – which historically it has never had a problem in achieving being consistently over-subscribed. However families with children are already leaving the village, and it is possible that the rented properties will not attract replacement children of the correct ages to fill the missing places. Also we note that about half of the pupils of Burton Green school come from the wider areas (Balsall Common, Kenilworth, Tile Hill) – these parents have a choice where to send their children and it is possible that many will simply wish to avoid the area because of HS2.
- 29 Your petitioners request that the construction traffic route along Hob Lane past the school be relocated with regard to safe routes to school. Access to the Cromwell lane compound should be made using access from the autotransformer site. Any remaining vehicles which wish to use Hob Lane should be subject to a strict curfew to remove traffic at school travel hours (8:15 to 9:15) and (3:00 to 4:00). We also request funding of a school crossing keeper for the top of Red Lane.
- 30 Your petitioners request that a binding commitment from the proponents of the bill to maintain the financial viability of the school should be put in place. An guarantee to replace any missing funds should cost very little (or even nothing) but would provide a major reassurance to the school that it can maintain its current high standards of teaching and learning, and to the village as a whole that at least this major institution will be maintained.
- 31 Your petitioners note that Tunnel F or similar design in removing the severance effects of construction as well as the vast majority of road changes, noise and other impacts in our area

would be a very effective means of protecting the village school and pupils (both at school, and at home).

#### *Village hall replacement*

- 32 Your petitioners confirm that the current Village Hall will be rendered unviable by the current construction of HS2, located as it is only a few metres away from the edge of the cut and cover tunnel construction zone and hence to become unusable for many activities and potentially unsafe. The village hall is a much loved and well used facility with bookings on pretty much every day and evening for a range of activities from art to Zumba, and including monthly use for church services. Whilst HS2 have agreed to provide a replacement, the current proposed location in the Bill is unsuitable as it consumes the limited outdoor area of the school as noted in paragraph 26.
- 33 Your petitioners request that the current proposed location for the village hall is abandoned and that the proposer works with the Village Hall trustees and other stakeholders to provide a replacement that is built in good time to ensure continuity of operation, in a suitable location (reasonably central to the village) and to the current standards.
- 34 Your petitioners note that tunnel F or similar design would mean that the existing village hall would remain viable and hence a replacement would no longer be required.

#### *Traffic impacts*

- 35 Your petitioners are concerned by the impacts of construction traffic on the local roads. There are 3 compounds proposed within the centre of the village and present routing proposals, where identified in the Environmental statement, are deficient as highlighted by Warwickshire County Council. This will have a detrimental impact on residents through increased congestion on top of the proposed road diversions, and with noise and safety impacts from HGVs travelling down narrow rural lanes.
- 36 Your petitioners request that the location of the compounds and the ingress /egress and transportation of spoil and material is reconsidered and reassessed in partnership with Warwickshire County Council.
- 37 Your petitioners acknowledge that a bored rather than cut-and-cover tunnel design will generate less construction traffic in the immediate area but potentially more spoil and hence more traffic at one or both ends of the tunnel. However we note that with a design such as tunnel F both ends are relatively close to major road links (and major construction compounds) meaning the impacts elsewhere should not be significant.

#### *Increased noise and vibration*

- 38 Your petitioners note that as well as the obvious problems with noise and vibration during the construction period that once the line becomes operational there will remain a large number of properties that will still suffer from a significant increase in noise, especially taking into account the currently tranquil nature of the area and that noise impacts in gardens and outdoor spaces appear to be not recorded by the ES.
- 39 Your petitioners note that as well as problems with vibration during the construction period that once the line becomes operational the properties on the south side of Hodgetts Lane and some on Cromwell Lane will remain subject to vibration due to the relatively high (not very deep) alignment of the cut and cover tunnel.

- 40 Your petitioners note that tunnel F or similar design will remove the vast majority of noise and vibration impacts within the village (some construction vibration may still occur). This and further options are discussed further in paragraphs 0 to 50.

*Location of autotransformer*

- 41 Your petitioners are concerned that the location of the Autotransformer adjacent to Berkswell substation on Hodgetts lane is too close to properties and creating unnecessary noise and visual impact to those residents.
- 42 Your petitioners request that the impacts of the autotransformer works be mitigated to ensure minimum impacts on our community. Ideally the facility should be located further away from the village but if this is impossible there should be further screening by earth banks and tree planting. All lighting in this compound should be designed to have a minimum egress into surroundings and be subject to automatic dimming except when personnel are performing maintenance or other works.

*Permanent impacts on the village*

- 43 Our community will be broken by the construction of HS2, and will remain broken even for many years after construction ends. For example social long-standing friendships and relationships formed over decades once lost cannot be rebuilt with new people except over time, and the viability of groups and clubs may be compromised due to falling numbers of permanent residents – and of course many other impairments both obvious and subtle. Whilst the individual mitigations proposed in this petition go some way to addressing the individual impacts on the village and the environment there is still a net loss to the village, and your petitioners note that only a bored tunnel design will prevent the wholesale devastation of the community from cumulative impacts.

*Desired actions to address cumulative impact*

- 44 As mentioned above (paragraphs 9 to 14) the key outcome we wish is for our situation to be transparently and fully re-assessed, using quantitative criteria including environmental and community impacts, and any cost/benefit thresholds consistently applied as for other parts of the route. The full results of this assessment should be made available to your petitioners.

Your petitioners aver that the vast majority of construction and operational issues will disappear if a bored rather than cut-and-cover tunnel is used. A number of designs exist (and a fresh analysis may create better or further refined options) so we illustrate using those designed by HS2 engineers and discussed briefly in the HS2 ES (vol 2, CFA 18, 2.6.13) and shown in more detail in HS2 document LWM-HS2-DL-PPR-030-000028. For the impacts on Burton Green the key difference in these designs is by the location of the southern portal, with Tunnel F starting to the south of Broadwells ancient wood, while the shorter option Tunnel D starts to the north of Broadwells. The northern portal of these tunnels will emerge into Solihull county and as such we concede detail selection of that end to those with more detailed knowledge of the area – however we note that a tunnel design such as F will also bring great benefits to the areas further north in Berkswell/Balsall Common areas and we would fully support such a design on their behalf as well. Indeed we note that one of the difficulties in justifying such a tunnel design may have been because the benefits are shared rather more widely than the assessment areas used – our recommended tunnel concept straddles both the boundaries of two counties and two community forum areas, and more significantly the boundary of two major HS2 design areas (Country North and West Midlands Metropolitan). We would respectfully point out to your honours that these two areas have

separate design teams from separate companies, which we suggest has not helped the case to be made for a joined up solution.

*Most effective mitigation – tunnel F*

- 45 Your petitioners seek that the promoters reconsider Tunnel F or a similar design (perhaps according to the requirements at the Solihull end) against the human and environmental costs outlined above. As this will mitigate in full almost all of the issues stated we wholeheartedly recommend that such a change is made part of the Bill schedules and works.

*Second best mitigation – tunnel D*

- 46 Your petitioners accept the possibility that even after the most rigorous assessment the costs of tunnel F could turn out to be higher than the benefits and as such we note that even the shortest bored tunnel will still bring great benefits to our community. Tunnel D, or similar design, will still solve many of the construction issues (including the school, and village hall), as well as greatly improving the post construction effects, especially upon the Greenway. Unfortunately this design will not save Broadwells ancient woodland, but it will still provide a very suitable area for compensatory planting and opportunity for wildlife. As such in the absence of tunnel F we would recommend that this design is made part of the Bill schedules and works.

*Third best mitigation – improved cut and cover tunnel*

- 47 Your petitioners ask that in the absence of a bored tunnel (paragraphs 45 or 46) that a number of changes be made to the cut and cover design to achieve at least an improvement in mitigation. We note that previous refinements of the design have been driven rather more by the aim to reduce financial costs than to create better mitigation – in fact environmental and noise impacts in our area have generally increased over this period.
- 48 Your petitioners respectfully ask that the cut and cover tunnel alignment should be lowered and length extended. The northern portal at minimum should be moved back to the initial consultation distance (50m northwards) but ideally extended to the match the end of the dwelling line on Hodgetts Lane. This will reduce the noise impacts at the NW edge of the village. The southern exit should be moved southwards to the edge of Black Waste Wood and the alignment lowered. This will greatly reduce the noise impacts on the Greenway as well as properties along Cromwell Lane and Red Lane.
- 49 Your petitioners note that even with the benefits of an improved cut and cover tunnel as described in paragraph 48 the construction impacts on the village will remain essentially unchanged. As such we re-assert that the individual mitigation requests detailed elsewhere (e.g. for school and village hall) need to be also enacted.

*Compensation*

- 50 Your petitioners note that while we maintain that all impacts on our community and local environment are fully avoidable (e.g. using bored tunnel F described in paragraph 45) it remains the possibility that the proponents of the Bill only wish to pay for mitigation at the lowest level of the mitigation hierarchy (see section 9 of ES volume 1) being compensation for loss or damage. We therefore request that such compensation should be full and fair, noting that 'fair' refers to the concept of fairness to the people, flora, fauna, and landscapes affected who have no choice in the matter not to the proponents and taxpayers who are choosing to cause the damages.

- 51 Regarding the damage to ancient woodland and to other wildlife habitats we ask that the proponents take full account of the suggestions from the Woodland Trust, the Wildlife Trust, and other such bodies and implement the best possible set of compensatory schemes including planting, green bridges and other such measures.
- 52 Regarding the compensation for residents affected by the scheme we bring by commenting that the first unveiling of a 'generous HS2 compensation package' was in October 2012, but at the time of writing it would appear that most of those announcements will still not actually be enacted at least before the end of 2014 – a time scale that has not been helpful to reassuring those affected by the scheme. The latest incarnation of the proposals announced in April 2014 have the promise of slight improvements but do not go far enough, especially for many in Burton Green that will experience the full effects of the construction period but find themselves outside of the existing safeguarding and rural protection zones.
- 53 Your petitioners therefore respectfully suggest that the RPZ should be extended to apply at least to all properties within 120m of the marked construction areas within the plans and schedules of the Bill (not just the line itself), and with further properties assessed on merits as some impacts may be significant even further afield – for example this should also include all properties falling inside the marked noise contours within the ES maps. These proposals would then offer some measure of redress for those in places such as Gooseberry Hall, Birches Farm, South Hurst Farm, Red Lane, and Cromwell Lane.
- 54 Residents within the RPZ zone should be offered a compensation payment as suggested however this should be increased from the stated 10% to reflect the loss in value and general distress caused, while helping as many people as possible to make the choice to stay.
- 55 Furthermore we ask that because the residents of properties in these areas are being asked to share an unreasonable dis-benefit from the construction of HS2 it should be accepted that no penalties should apply to prevent anyone making the alternative choice to leave, which means that at least all moving costs (including stamp duty of replacement property) should be paid – we remind the honourable members that for the previous scheme of HS1 that residents in the VPZ received the same package of benefits as those in safeguarding (i.e. also including home-loss payments).

### *Summary*

- 56 Your petitioners summarise our requests by noting that the above sections are only a very brief description of the effects of HS2 on our village and we return to the key statement that the Bill does not correctly account for the impact – it is the accumulation of the many effects on the environment, the school, the roads, the village hall, the footpaths and the Greenway, the woods, the ambient noise, and above all the people and community that is so devastating. The proposed mitigation is completely insufficient both in final result and in the long-duration construction impacts. We ask therefore that the case for a bored tunnel through Burton Green is re-examined and in a transparent and quantified manner that correctly captures all costs and benefits, not just financial outlay. Only such a bored tunnel is capable of saving Burton Green.
- 57 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, the Bill so far as affecting your Petitioners, should not be allowed to pass into law
- 58 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

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PETITION OF BURTON GREEN RESIDENTS  
ASSOCIATION

AGAINST, By Counsel, &c.