

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 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 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 Burton Green Parish Council, representing those who live, work, or study in the Parish of Burton Green.
- 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 Under the current alignment, the centre of Burton Green Village will be split in two by the proposed railway causing significant impact on the community both during and post construction. This disruption and cutting off of road access will break community links across the Parish and with Kenilworth our nearest town.
- 11 A significant number of properties are subject to CPO, including the village hall and particularly properties on Hodgetts lane due to the proposed straightening of the road, those that are not to be demolished will be uninhabitable for the 7 year the duration of the proposed works and over 150 homes within the Parish will be impacted by construction noise, dust and traffic. There is a very real threat to the cohesion of the community by this activity for such a prolonged period.
- 12 A number of individual properties outside the village centre are significantly affected by construction activities as well operational noise and visual impairment. South Hurst Farm and cottages, Gooseberry Hall and other properties nearby, Bockenden Grange Farm and houses nearby, and Birches Wood Farm are heavily impacted during the construction and operational phases and the current mitigation proposals are inadequate.
- 13 Your petitioners aver that Burton Green is the most affected community on the proposed route outside of London and that the individual and cumulative impacts of the current alignment are not adequately mitigated
- 14 Property is already blighted in the Parish and the stress and anxiety caused by the thoughts of such disruption to people's lives is already being experienced by some Parishioners.
- 15 Despite taking every opportunity to engage with the proponents of the Bill the needs and requirements of our Parish appear to have been ignored and the key request of our petition is for our situation to be re-examined and to take full account of the human and environmental costs/benefits of the proposals and not simply the relative construction costs.
- 16 Your petitioners consider that the majority of the concerns relating to community and environmental impacts outlined below and the cumulative impacts of those on the Parish can be addressed by the construction of a bored tunnel of length rather than the cut and cover tunnel as currently proposed.
- 17 A bored tunnel would substantially mitigate the impacts of the current alignment on the Parish, it would prevent the village of Burton Green being split in two, reduce construction impacts such as social separation, safety and health concerns, traffic congestion, construction noise and dust and preserve ancient woodland and the amenity of the greenway.

- 18 Your petitioners request that full consideration is given to a bored tunnel proposal that extends from south of Broadwells Wood to a point north of Burton Green to be determined by the neighbouring Parish of Berkswell in their petition but to include the point to Waste Lane which has formed our Forum base. That HS2 undertake a transparent options analysis that applies adequate weighting to environmental and cumulative social cost impacts on the Parish and not just purely financial factors as previous analysis has done.

Detailed impacts:

Construction noise and dust

- 19 Your petitioners note that noise and dust will form a significant and on-going impact during the seven year construction phase. This will arise from the digging of the cut and cover tunnel, demolition of property, and the substantial landscaping works with movement and grading of vast quantities of material, some of which will be polluted. We would remind the honourable members that this is currently a tranquil rural area where quiet enjoyment of gardens, open space and public footpaths is very significant reason for many residents to have chosen Burton Green as a place to live (as evidenced in the 2014 Burton Green Parish Plan), making these impacts even more devastating.
- 20 Your petitioners request that requirements within the Code of Construction Practice are independently monitored (e.g. by county council employed 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 and that operating hours reflect the rural peaceful nature of the location.
- 21 Your petitioners note that a bored tunnel of length would remove almost all construction impacts in this area (some works for autotransformer and vent shafts will still be required).

Temporary and permanent degradation of Greenway linear park

- 22 The Greenway linear park is a highly prized public open space, green corridor and key part of the Sustrans network.
- 23 Your petitioners are concerned that during the construction process there will be a number of diversions inappropriate for the use by cyclists and horse-riders, and access difficulties will present significant barriers for use by residents. In particular the proposed crossing of Cromwell Lane, that is unsuitable for horses and large parties of walkers/cyclists. This concern is increased if the construction traffic routes as proposed are retained. Equestrian access from Hodgetts lane will be lost under the current alignment, further reducing the amenity value to horse-riders. In addition, loss of off road access to the University of Warwick will impact the academic and social benefits it currently brings.
- 24 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. This has been raised with HS2 at the Local Access Forum, but to date no suitable solution has been offered.
- 25 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 a bored tunnel of length would remove all the major impacts upon the Greenway in this area.

Loss of irreplaceable ancient woodland

- 26 Your petitioner is concerned about the impact of the HS2 scheme on ancient woodland. Ancient woodland is an irreplaceable national resource of great importance for its wildlife, soils, recreational uses, cultural value, history and the contribution it makes to our diverse landscape. Your petitioner is concerned about the extent of loss of ancient woodland and harm to biodiversity that will result from the current alignment, both from construction activities and ongoing operation.
- 27 Three designated ancient woods are impacted directly by the proposed route, Little Pools, Black Waste and most notably Broadwells Wood of which around 50% will be destroyed under the current alignment. The line bisects the Broadwells wood and therefore post construction, the line itself will act as a permanent barrier to habitat connectivity. Other ancient woods, Crackley (mentioned in the Domesday Book) and Roughknowles that are both close to the proposed route will be impacted indirectly by noise, light and air pollution.
- 28 Your petitioners ask that the promoter significantly reduce the extent of loss of ancient woodland. Because ancient woodland is irreplaceable, its loss cannot be mitigated, only compensated for. Your petitioners ask that the promoters work with the Woodland Trust, Natural England and local stakeholders to arrive at a more mutually acceptable solution to reduce and compensate for this loss.
- 29 Your petitioners note that a bored tunnel of length would remove the impact of HS2 on Broadwells and the other woods in this area.

Threat to the viability of the village school

- 30 Your petitioners are concerned that the village school could become unviable and close due to impact of the current plans for the construction phase of the project.
- 31 The village school is located at one end of the village on Hob Lane away from the line however it is still seriously affected during the construction period. Current proposals have both HGV and light vehicle traffic routed past the school. Hob Lane is a narrow road with tight bends and completely unsuitable for increased traffic of this type. The current proposals will create a significant safety issue for children, parents and staff travelling to school as well as disruptive noise affecting education and learning. We note that the Code of construction practice agreed in 2013 clearly states that HS2 construction traffic will "avoid schools and running past schools", and that safety and health of children and local residents should be HS2's first priority.
- 32 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.
- 33 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. This proposal is not acceptable to either the school or the village hall.
- 34 Your petitioners request that the proposal to site the replacement village hall on school land is dropped and a more acceptable site is identified in agreement with the village hall committee.

35. 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.
- 36 The cumulative effects of social separation, construction congestion, noise and dust are likely to lead to a fall in the numbers of pupils attending during the seven year construction period, threatening the very viability of the school. Burton Green School is a small school and therefore requires near to 100% of places to be filled to remain viable. Families with children are already leaving the village, and about half the pupils come from the surrounding 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.
- 37 Your petitioners request that a binding commitment from promoters to maintain the financial viability of the school should be put in place. A commitment to replace any missing funds should cost very little (or even nothing) but 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
- 38 Your petitioners note that a bored tunnel of length, 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.

Berkswell Charities

- 39 Your petitioners are concerned that the Berkswell Charities Almshouses on Cromwell Lane will be severely impacted with currently half of these properties being demolished for the line and the remainder left unliveable due to their close proximity to the construction work and the lines once operational. The residents, who have lived in the village for many years will be forced to relocate. These are homes for the very elderly, and moving elderly people is proven to have a detrimental effect on their lifespan.
- 40 Your petitioners request that further consideration is given by the promoter to minimise the impact of the scheme on the Berkswell Charities Almshouses. Your petitioners note that a bored tunnel of length would negate the need to move elderly residents.

Village hall replacement

- 41 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 and that the promoters intend to demolish it. The village hall is a much loved and vibrant facility with over 14,000 individual visits recorded per year (2012), attending such diverse activities as fitness classes, social groups, parent and toddler, and monthly church services. There is no alternative community facility within the Parish. 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 above.
- 42 Your petitioners request that the current proposed location for the village hall is revisited and that the proposer works with the Village Hall Committee and other stakeholders to provide a replacement that is built in good time prior to construction to ensure continuity of operation, in a suitable location (reasonably central to the village) and to the current standards.

- 43 Your petitioners note that a bored tunnel would mean that the existing village hall would remain viable and hence replacement would no longer be required.

Traffic impacts

- 44 Your petitioners are concerned by the impacts of construction traffic on the local roads. Burton Green is a rural location with narrow country lanes that are not designed for heavy goods traffic. There are 3 compounds proposed within the centre of the village, 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 in addition to that caused by the proposed road diversions, and having noise and safety impacts with HGVs travelling down narrow rural lanes.
- 45 Construction traffic throughout the Parish will be severe, disrupting access for medical and emergency services, impacting local businesses and farms, disrupting routes used by residents to go to work, school and other activities for a prolonged period of time.
- 46 Your petitioners request that the location of the compounds, the access points and transportation routes of spoil and material is reconsidered and reassessed in partnership with Warwickshire County Council to provide viable and feasible alternatives to lessen the impact on the Parish and with Burton Green Parish Council.
- 47 Your petitioners note that a bored tunnel would 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 some of the bored tunnel options had ends relatively close to major road links (and major construction compounds) meaning the impacts elsewhere should be less significant.

Increased noise, vibration and flood risk

- 48 Your petitioners are concerned that once the line becomes operational there will be a large number of properties across the Parish that will be subject to increased noise and vibration.
- 49 Your petitioners note that as well as the problems with noise and vibration during the construction period that once the line becomes operational there will remain a significant 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.
- 50 With vibration likely to affect houses within at least 250m from the line once the line becomes operational, the properties on both sides 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. Whilst HS2 is providing 'promise' of continued insurance to residents whose properties will face subsidence post HS2 build, we feel that the impacts could be mitigated better.
- 51 Your petitioners are concerned that with the alteration in flood plain, we can expect areas not previously flooded to become at risk.
- 52 As the south of the Parish in a natural bowl the noise impacts will be significant in this area and that residents of the hamlets of Birches Wood, South Hurst and Bockenden will be severely impacted by noise that is not addressed by the current mitigation proposals.

- 53 Your petitioners request that further consideration is given to noise and vibration mitigation and flood risk in the village centre and across the Parish to protect the citizens of the Parish.
- 54 Your petitioners note that a bored tunnel would remove the vast majority of operational noise, vibration impacts and flood risk across the Parish.

Location of autotransformer (ATFS)

- 55 Your petitioners are concerned that the location of the ATFS adjacent to Berkswell substation on Hodgetts lane is too close to properties and will create unnecessary noise, disturbance and visual impact to those residents. Hodgetts Lane is severely blighted as a result of the line, the ATFS, construction and site accommodation as well as transport and we would request HS2 mitigation to alleviate this blight is looked at again.
- 56 Your petitioners request that the impacts of the ATFS be mitigated to ensure minimum impacts on residents and that the facility is located further away from housing; there is space to do so.

Risk to historic sites

- 57 Burton Green Parish has 19 documented sites in the National Archives, including 2 medieval deserted villages, an 11th Century moat and Roman finds. These heritage assets are endangered by HS2 as there are currently no proposals of how to deal with them.
- 58 Your petitioners seek that the promoters engage with the local heritage groups such as the Burton Green archaeological and historical society to undertake archaeological digs to assess these sites and that these heritage assets are considered within the impact assessment of tunnelling options.

Desired actions to address cumulative impact

- 59 As mentioned above (paragraphs 16 to 17) the key outcome we wish is for our situation for the current alignment to be replaced by a bored tunnel.
- 60 Your petitioners seek that the promoters reconsider the tunnelling options and undertake a rigorous and transparent assessment that considers both cumulative and environmental impacts on the Parish as outlined above as well construction costs versus demolition costs as previous analysis has done.
- 61 If after rigorous assessment of tunnelling options, it is decided not to be pursue a bored tunnel, your petitioners ask that a number of changes be made to the cut and cover design to achieve at least an improvement in mitigation. The cut and cover tunnel alignment should be lowered and length extended. The northern portal at minimum should be extended beyond 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 with extensive bunding and noise mitigation measures for Bockendon. This will greatly reduce the noise impacts on the Greenway as well as properties along Cromwell Land and Red Lane.
- 62 Your petitioners note that even with the benefits of an improved cut and cover tunnel as

described above the construction impacts on the Parish 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.

- 63 Due to the significant impact on Burton Green in addition to the mitigation requests above we respectfully request that that he Honourable Committee urge HS2 to put in place stringent mitigation to protect citizens of this Parish, we respectfully request that HS2 complete an environmental and economic impact on farms, businesses and community infrastructure within 500m of the zone and expect HS2 to deal with any loss.

Summary

- 64 Your petitioners summarise our requests by noting that the above sections are only a very brief description of the significant effects of HS2 on our Parish and we return to the key statement that the Bill does not correctly account for the devastating cumulative impacts –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 communities of Burton Green Parish directly or indirectly impacted. 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. Above all we request that mitigation measures that deal with the specific and cumulative impacts on this Parish are put into place.
- 65 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.

&c.

Marcus ...

Parish Councillor, Burton Green Parish Council

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