

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

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 COLMORE BUSINESS DISTRICT, RETAIL BIRMINGHAM, BROAD
STREET BUSINESS IMPROVEMENT DISTRICT, SOUTHSIDE BUSINESS DISTRICT and
JEWELLERY QUARTER DEVELOPMENT TRUST**

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 (hereinafter referred to as "the Promoter").

CLAUSES OF THE BILL

3. Clauses 1 to 23 of the Bill together with Schedules 1 to 16 make provision for the construction and maintenance of the proposed works including the 'Scheduled Works' set

out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the extinction and exclusion of certain rights over land, and for the grant of planning permission and other consents.

4. Clauses 24 to 36 of the Bill together with Schedules 17 to 26 make provision for the disapplication or modification of certain controls such as those relating to heritage, trees, commons and open spaces, street works and noise.
5. Clauses 37 to 42 of the Bill together with Schedules 27 to 28 make provision for railway matters such as the application (with modifications) and disapplication in part of the existing railways regulatory regime. In particular, they provide for the inclusion of the proposals in the objectives of the Office of Rail Regulation, the disapplication of certain licensing requirements, the disapplication of railway closure requirements, as well as the application (or disapplication) of other railway legislation. Provision is also included to enable agreements between the nominated undertaker and controllers of railway assets and to provide for the transfer of statutory powers in relation to railway assets.
6. Clauses 43 to 65 of the Bill together with Schedules 29 to 31 contain general and miscellaneous provisions. Particularly, these provide for the designation of nominated undertakers, the making of transfer schemes, the power to carry out regeneration and reinstatement works, the application of certain powers in the Bill to future high speed rail works, the treatment of Crown Land, the effect of the Environmental Impact Assessment Regulations and the application of arbitration.
7. Your Petitioners' rights, interests and property are injuriously affected by the Bill, including the clauses mentioned above, to which your Petitioners object for the reasons amongst others set out below.

YOUR PETITIONERS

8. Your Petitioners are Colmore Business District ("CBD") (registered company, no. 06731032), Retail Birmingham (registered company, no. 6181225), Broad Street Business Improvement District (registered company, no. 05531474), Southside Business District (registered company, no. 7508452) and Jewellery Quarter Development Trust (registered community interest company, no. 7675188).
9. CBD, a Business Improvement District ("BID") in Birmingham city centre, represents over 500 businesses in Birmingham city centre, primarily in the areas of professional, financial, property and legal services. CBD is also representing the interests, by common agreement, of the other four Birmingham city centre BIDs so far as those interests relate to, and are

affected by the Bill: Retail Birmingham, Broad Street BID, Southside Business District and Jewellery Quarter Development Trust.

10. Retail Birmingham represents Birmingham's retail community through promoting, enhancing and developing the shopping and leisure experiences in the city centre.
11. Broad Street BID works to create a more attractive, cleaner and safer environment in the Broad Street business district of the city centre. This district has more than 300 businesses throughout the area and includes the International Convention Centre and National Indoor Arena.
12. Southside Business District represents a district to the south of the city centre that houses a range of businesses from retailers, hotels, theatres and bars to warehouses and car parks. These businesses include The Hippodrome Theatre, Chinatown and The O2 Academy.
13. The Jewellery Quarter Development Trust represents a range of businesses in Birmingham's Jewellery Quarter and works to deliver projects and services that improve the environment and experience of visitors and service users. This BID is the largest in Birmingham, covering over 300 acres, including shopping, manufacturing and the strategically important areas that link Hockley to the city centre.

YOUR PETITIONERS' CONCERNS

14. Your Petitioners are supportive of the Bill in principle, and consider that the development of a high speed rail network in the UK will bring economic and social benefits to the West Midlands region. Your Petitioners fully appreciate the importance to the region of placing Birmingham at the centre of a national rail network that will connect the city to mainland Europe.
15. Your Petitioners are however concerned that the Bill in its current form fails to provide the optimum integrated transport solution within the West Midlands. Your Petitioners are therefore unable to support the Bill in its current form and object to the Bill for the reasons, among others, here stated.
16. Your Petitioners' primary concerns are:-
 - 16.1 inadequate provision of interchange facilities between Curzon Street station and other rail stations in the Birmingham city centre;
 - 16.2 inadequate provision of interchange facilities between Curzon Street station and the Midland Metro tramway and potential interference with the Birmingham Eastside Extension programme;

- 16.3 inadequate provision for cycling facilities and interchange at Curzon Street station;
and
- 16.4 that the current design of the proposals has not maximised their economic impact and will thus fail to realise the aim of redevelopment and regeneration. This thereby risks causing severance and irreparable long term damage to the regeneration of the Birmingham and West Midlands area.
17. Your Petitioners hope that their concerns will be addressed through an agreement with the Promoter but, to date, no binding commitments have been offered by the Promoter in this respect.
18. Each of your Petitioners' concerns is explained more fully below together with proposals for how each should be addressed.

INADEQUATE PROVISION OF INTERCHANGE FACILITIES BETWEEN RAIL STATIONS

19. Scheduled Work No. 3/205 of the Bill provides for a new station for the high speed railway at Curzon Street in Birmingham. Having reviewed the design proposals for the station, your Petitioners are concerned that there is inadequate provision for passenger interchange between Curzon Street and Moor Street stations. This is particularly problematic, given the significant volume of passengers expected to be using train services to access the new station. Your Petitioners note that the Environmental Statement predicts that over 40% of passengers using Curzon Street in 2026 will use train services to access the station (rising to over 50% 2041). Two thirds of these passengers will use train services via New Street station and one third via Moor Street station.
20. The Birmingham Curzon HS2 draft Masterplan, which was published by Birmingham City Council on 27 February 2014, details a vision for fully realising the social and economic benefits of the new railway in Birmingham. Crucially, the draft Masterplan highlights the importance of a world-class common concourse between Curzon Street and Moor Street stations. Your Petitioners contend that a high quality interchange between the stations is necessary to deliver on the key recommendations of the HS2 Growth Taskforce, particularly on matters relating to regeneration and economic development. It is important that there is an efficient, convenient and attractive interchange between Curzon Street and Moor Street stations, in order to ensure that Moor Street is an effective and attractive option for accessing the new railway via sustainable transport from other parts of the West Midlands, including the Black Country, Birmingham, Worcestershire, Solihull and Warwickshire.
21. In addition to offering the potential for an enhanced interchange between the two stations, the Birmingham Curzon HS2 draft Masterplan would enable Moor Street station to be extended in the future to accommodate increased passenger numbers. Such an approach

contrasts with the Promoter's design proposals, which do not allow for potential future growth at Moor Street station.

22. The current proposal is that the stations would be connected by a pedestrian link (which is shown on plan CT-06-142 and Figure LV-15-010 in the CFA26 Map Book – part of the Environmental Statement). Your Petitioners contend that this proposal is inadequate in capacity terms, given that it does not allow for predicted future growth in passengers numbers at Moor Street station. Your Petitioners also consider that such a pedestrian link is not of the appropriate standard and quality for an interchange at such an important station location, in a strategically important area within Birmingham city centre.
23. Your Petitioners therefore seek an undertaking from the Promoter that the proposed pedestrian link will be removed from the design of the Curzon Street station and that the Promoter will work in co-operation with relevant stakeholders to develop a radically improved solution for passenger interchange that delivers the required world-class common concourse between Curzon Street and Moor Street stations in accordance with the draft Masterplan.

INADEQUATE PROVISION OF INTERCHANGE FACILITIES WITH THE MIDLAND METRO TRAMWAY AND POTENTIAL INTERFERENCE WITH THE BIRMINGHAM EASTSIDE EXTENSION SCHEME

24. Your Petitioners have three primary concerns relating to the interaction between the new railway and the Midland Metro tramway. These are that: (a) there is inadequate provision for passenger interchange with the Midland Metro once it has been extended; (b) the Bill proposes the acquisition of a plot of land which will prejudice the delivery of a proposed extension to the Midland Metro; and (c) the new railway may cause electromagnetic interference ("EMI") with that proposed Midland Metro extension. Your Petitioners have outlined each of these concerns below.
25. Your Petitioners are concerned that the proposals under the Bill make no provision for the close integration of the new railway with the Midland Metro.
26. Your Petitioners are supportive of the Birmingham Eastside Extension ("BEE"), which is a proposed extension to the Midland Metro that will connect the expanding business district to the west of Birmingham city centre to the new railway station at Curzon Street. Your Petitioners submit that the BEE is vital in helping to fully achieve all the benefits of the new railway to Birmingham and the West Midlands, as it would provide a much-needed link between Curzon Street, New Street and Snow Hill stations. The new railway station would consequently be linked to the Black Country via the existing Midland Metro line. This connection would enhance the interchange experience for passengers, especially those whose movement on foot is restricted by disability or who are travelling with heavy baggage. Your Petitioners cite paragraph 8.6.577 of Volume 5 of the Environmental Statement in

support of this statement, which provides that "an extension of the network to Curzon Street station would enhance the interchange experience". The BEE is consistent with the Curzon draft Masterplan published by Birmingham City Council. This includes a Midland Metro line along New Canal Street, linking Curzon Street station and the proposed regeneration site in Digbeth.

27. The proposed design of Curzon Street station, including the highway access arrangements and the proposals for landscaping mitigation, takes little account of the BEE and so prejudices the ability for this programme to be brought forward. Moreover, given the importance of the BEE and for the Midland Metro line to be easily accessible from the new railway line (as it provides a sustainable transport mode by which passengers can access the new railway), your Petitioners request that the BEE and its integration into Curzon Street station be funded by the West Midlands HS2 Local Connectivity Package. This will assist in delivering the full economic benefits of the new railway to Birmingham and the West Midlands.
28. Your Petitioners' second concern is regarding the proposal for the permanent acquisition of a plot of land on the corner of New Canal Street and Fazeley Street (plot 444) for the installation of electrical infrastructure associated with the new railway.
29. This plot of land lies within the alignment of the BEE and is strategically important in relation to the redevelopment of the three acre site east of New Canal Street (known as Typhoo Wharf). The permanent acquisition and proposed usage of this plot through the powers contained within the Bill will prejudice the delivery of the BEE and a key regeneration project within the Digbeth district.
30. Your Petitioners are also concerned that the new railway may cause EMI with the BEE which will be running in close proximity to the railway line.
31. EMI can be a significant issue for tramways which are close to heavy rail equipment. Your Petitioners contend that assessment and modelling of this issue has not been undertaken in the Environmental Statement. Neither has this potentially significant impact been considered in the design for the Washwood Heath to Curzon Street section of the new railway.
32. Accordingly, your Petitioners seek an undertaking from the Promoter that:-
 - 32.1 Curzon Street station will be designed to provide high quality and high capacity interchange between the new railway and the Midland Metro, including incorporating a Metro stop on New Canal Street within the new station;
 - 32.2 full funding for the BEE and its integration into Curzon Street station will be provided by the Promoter as part of the West Midlands HS2 Local Connectivity Package;

32.3 plot 444 will not be acquired or used in any way that is inconsistent with the delivery of the BEE and the Typhoo Wharf development; and

32.4 the new railway and Curzon Street station, and the associated signalling and power systems, will be designed to be fully compatible with the BEE, taking into account EMI, so as not to interfere with the Midland Metro line or require any amendment to the BEE design or specification.

INADEQUATE PROVISION FOR CYCLING FACILITIES AND INTERCHANGE

33. Your Petitioners are concerned that little detail has been provided regarding the scale and capacity for cycling facilities at the new railway station at Curzon Street or what measures to encourage cycling interchange will be implemented.

34. Your Petitioners support Birmingham City Council and Centro, with the Cycling Revolution BID. Indeed, sustainable travel, which includes cycling, is an important tenet of CBD's work in particular. Your Petitioners view the new railway station at Curzon Street as an important opportunity to encourage active modes of transport, including cycling.

35. Therefore your Petitioners seek an undertaking from the Promoter that engagement with Birmingham City Council, Centro and other relevant stakeholders is undertaken to ensure that adequate provision is made for cycling facilities and that the use of bicycles is encouraged at Curzon Street station.

DESIGN OF THE PROPOSALS HAS NOT MAXIMISED THEIR ECONOMIC IMPACT

36. Your Petitioners submit that the new railway station at Curzon Street in Birmingham should be of the highest quality in relation to architectural design, integration with its surroundings, passenger experience, permeability and connectivity. Your Petitioners are concerned that the current proposals fail to achieve those aims and in fact risk causing severance and irreparable long term damage to the regeneration of the Birmingham and West Midlands region.

37. Your Petitioners contend that the proposals do not fully consider the impacts of the new railway on landscape, place-making, permeability and connectivity within the region. This will lead to a failure to maximise opportunities created by the new station which should act as a catalyst for regeneration in the local region supporting the aspirations detailed in the draft Curzon Masterplan. Your Petitioners are concerned that not only will these opportunities be missed but that there may also be damage to the local area which cannot be reversed.

38. Your Petitioners' particular concerns are that:-

38.1 the current designs include no evidence that place-making or architectural designs have been fully considered. This will damage your Petitioners' and the region's economic prospects and regeneration potential by reducing Birmingham's ability to promote itself as an international city, alongside the functional requirement for the new station;

38.2 the current designs will sever current pedestrian links to the Digbeth area of the city centre. The proposals fail to address the negative impacts of severance on economic growth and regeneration potential, the environment, heritage and the community and do not provide replacement infrastructure to mitigate the loss of these links;

38.3 there are no proposals to enhance the quality of provision of supporting transport modes, namely pedestrian, cycle, bus, taxi, Metro-SPRINT, 'park and ride', express coaches, heavy rail and particularly the existing Midland Metro;

38.4 there are no proposals to enhance the existing Moor Street station, which will be one of the main passenger arrival avenues for the new railway. Similarly, there are no proposals to enhance the key pedestrian route into the core of the city centre. Both of these deficiencies raise safety and capacity concerns as well as highlighting your Petitioners' concerns regarding lack of place-making;

38.5 the proposals will have an adverse effect on the Eastside City Park, a vital area of recently-constructed green space within the city centre, the ThinkTank Science Garden and a main pedestrian route due to the diversion of Curzon Street and the location of construction compounds. In addition, the width and environmental quality of the main pedestrian route which serves Millennium Point and Birmingham City University's main teaching campus will be severely reduced; and

38.6 the quality of the environment within the Warwick Bar conservation area will suffer significant adverse impacts due to the location of the railway infrastructure, including an electricity substation, service roads and balancing ponds, which is proposed alongside the Digbeth Branch Canal. Your Petitioners submit that such impacts would result in the permanent loss of prominent regeneration sites along Curzon Street and the canal corridor.

39. Your Petitioners consider that the current proposals fail to seize and maximise the opportunities and benefits that could be directly and indirectly generated by the new railway in Birmingham. Your Petitioners contend that the Bill's planning regime will not provide sufficient control to the Local Planning Authority to ensure that proper design of the new railway and Curzon Station is achieved. This is necessary to ensure that no harm is caused

to the potential economic growth and regeneration of Birmingham city centre and that the benefits from the new railway are fully achieved. Your Petitioners are supportive of the vision detailed in the draft Curzon Masterplan and believe that this should be considered as part of the design process to ensure that the new railway maximises economic growth and regeneration potential.

40. Therefore your Petitioners seek an undertaking from the Promoter that there will be an agreed mechanism by which the Promoter and relevant stakeholders will work together to secure an appropriate design for the new railway and Curzon Street station. This must include consultation with the Local Planning Authority during the detailed design process and before the submission of requests for planning approvals. Your Petitioners request that the purpose of the mechanism should be to secure a proposed design that incorporates the minimum requirements and standards in accordance with the draft Curzon Masterplan, or appropriate alternatives.

SUPPORT FOR OTHER PETITIONERS

41. Your Petitioners support the following points made by other Petitioners.

Link with High Speed One

42. Your Petitioners are concerned that the proposed design of the Old Oak Common station in West London does not include passive provision for a future direct rail link between the new railway and the High Speed 1 rail line.
43. Your Petitioners support the work that has been undertaken by Transport for London in this respect. They therefore believe that including passive provision at the new Old Oak Common station for a fully segregated, European gauge, twin track rail tunnel which would provide a connection with the High Speed 1 line represents the best long term option for providing a robust and future-proofed connection between the UK's first two high-speed rail lines. The rail link would ensure that the potential for direct rail services between the West Midlands and mainland Europe is maintained.
44. Your Petitioners contend that including passive provision at this stage at Old Oak Common station will:-
- 44.1 help to safeguard the construction of this nationally and internationally strategically important rail link in the future;
 - 44.2 significantly reduce the amount that such a link would cost in the future; and
 - 44.3 minimise the potential disruption to the new railway which would be caused by the construction of such a link in the future.

45. Your Petitioners seek an assurance from the Promoter that the design of the Old Oak Common, as well as Curzon Street and other relevant interchange stations where necessary, will include passive provision for the facilities necessary to accommodate international rail services in the future. In relation to Old Oak Common station, this includes passive provision for a direct rail link between the new railway and the High Speed 1 rail line.

CONCLUSION

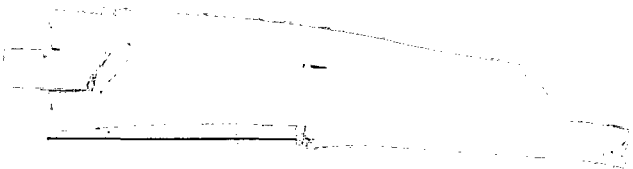
46. Your Petitioners submit that the Bill fails to safeguard and protect and so injuriously affects the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

47. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the undertakings, assurances and requirements mentioned above are given or met by the Promoter, the Bill should not be allowed to pass into law.

48. 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 HUMBL Y 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.



PINSENT MASONS LLP
Parliamentary Agents

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(Ref: RO04/BIDs)