

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 the BIRMINGHAM MUSEUMS 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.

YOUR PETITIONER

7. Your Petitioner is the Birmingham Museums Trust, which is one of the largest independent museum trusts in the United Kingdom.
8. Your Petitioner manages the city of Birmingham's museum collection on behalf of Birmingham City Council, with responsibility for governing and managing properties including Aston Hall, Birmingham Museum and Art Gallery, Blakesley Hall, Museum Collections Centre, Museum of the Jewellery Quarter, Sarehole Mill, Soho House, Thinktank and Weoley Castle.
9. Your Petitioner was founded in April 2012 through the merger of the Birmingham City Council-owned Birmingham Museums and Art Gallery and the Thinktank charitable trust.
10. Birmingham has the largest and finest civic museum collection in England, with most areas of the collection designated as being of national importance and many being of international significance.
11. Your Petitioner and its rights, interests and property are injuriously affected by the Bill, particularly the clauses referred to above, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

YOUR PETITIONER'S CONCERNS

12. Scheduled works of the Bill involve the construction of the new high speed railway adjacent to two of the sites currently managed by your Petitioner:
 - 12.1 the Museum Collections Centre (MCC), 25 Dollman Street, Birmingham B7 4RQ; and
 - 12.2 Thinktank Science Museum, Millennium Point, Curzon Street, Birmingham B4 7XG.
13. The Bill gives rise to severe and adverse impacts on your Petitioners as it will:
 - 13.1 cause an unacceptable risk and significant impact to the preservation and use of the stored collection within the MCC during the construction and operational period of the new railway line; and
 - 13.2 cause a significant impact to those visiting and accessing the Thinktank Science Museum, including the Thinktank Science Garden, during the construction period of the new railway station at Curzon Street.
14. Your Petitioner therefore objects to the Bill in its current form.
15. Your Petitioner's primary concerns are:-
 - 15.1 impact and consequent damage to the stored collection housed at the MCC during the construction and operational period of the proposed railway;
 - 15.2 significant noise impacts to staff and visitors residing in the MCC during the construction and operational period of the proposed railway;
 - 15.3 the impact of the construction phase of the proposed railway on vehicular access and egress to the MCC;
 - 15.4 the increased risk to the security of the MCC and its stored collection due to the proximity of the construction works;
 - 15.5 the impact on Thinktank Science Museum's visitor numbers and income during the construction period of the proposed new railway station at Curzon Street;
 - 15.6 the impact of the construction and operational phase of the proposed new railway station at Curzon Street to vehicular access to the Thinktank Science Museum; and

- 15.7 the disruption and impact caused to the operation of the Thinktank's Science Garden during the construction period of the proposed new railway station at Curzon Street.
16. A number of meetings have taken place between your Petitioner and the Promoter. Your Petitioner hopes that its 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. Your Petitioner will continue to engage in correspondence with the Promoter in order to advance the resolution of such concerns.
17. An explanation of the purpose and cultural significance of both the MCC and Thinktank Science Museum is outlined below.

THE MUSEUM COLLECTIONS CENTRE (MCC)

18. The MCC houses over 80% of Birmingham Museums Trust's stored collection within one building (over 640,000 objects). The 1.5 hectare site holds collection areas of regional, national and international significance.
19. MCC is a publicly accessible collections centre store used for learning programmes and public events and by independent researchers. Importantly, it provides safe and secure storage of Birmingham City Council's museum collection. A diverse range of material is held at the MCC including highly vulnerable, historic collections such as glass, ceramic, lacquered Japanese armour and artefacts, vulnerable wooden artefacts with loosely bound pigments held in place with natural products (egg tempera), oil paintings, textiles (antiquity to contemporary), natural history and historical scientific instruments. An outstanding collection of firearms is held under licence at the centre, requiring the highest levels of security.
20. The MCC houses museum quality objects, many of which are of high value, either in terms of their monetary value on the open market or of their inherent artistic, historical and scientific importance (or both). Many are of a fragile nature while others include sensitive material. For example, the firearms collection at the MCC (which includes weapons requiring a licence under section 5 of the Firearms Act 1968) requires very high levels of security. Radioactive material and objects containing other hazardous substances such as arsenic, mercury and asbestos also reside within the MCC. The cumulative value of the collection housed at the MCC amounts to hundreds of millions of pounds and the majority of items are unique and therefore irreplaceable.
21. Your Petitioner is required to guarantee its duty of care for the collection and maintain the agreed professional museum accreditation standards, as required by the Service Level Agreement (SLA) with Birmingham City Council and as a condition of its Major

Partner Museum (MPM) Funding. As an accredited museum, maintenance of this status is also essential in accessing grant support in all its forms.

22. Your Petitioner is also required to comply with the Benchmarks in Collection Care 2.0 2011 (Museums, Libraries and Archives Council first published in 1999). This standard is linked to the Museums Accreditation Standard and your Petitioner has been utilising these Benchmarks for ten years. Your Petitioner also complies with relevant Publicly Available Specifications, namely:

22.1 PAS 197: 2009 - Code of practice for cultural collections management; and

22.2 PAS 198: 2012 - Specification for managing environmental conditions for cultural collections.

23. These specifications aim to codify a holistic approach to the management of cultural collections by setting out a series of recommendations relating to good practice in the field. Your Petitioner demonstrates compliance with the Benchmarks and Specifications, in order to demonstrate and maintain its accreditation status.

THINKTANK

24. Thinktank, the Birmingham Science Museum, is one of Birmingham's leading visitor attractions. Over 250,000 visitors each year visit the museum, which contains large displays of science and history collections of national and international importance, alongside educational interactive exhibits. Thinktank's ten exhibition areas include the Science Garden, an outdoor discovery space offering large scale interactive exhibits. Since opening in 2012 the Science Garden is one of the primary reasons that the public visit Thinktank.

25. The £2.8m Science Garden is an integral part of Thinktank. It is located to the south of Millennium Point and is part of the Eastside City Park. The interactives are composed of large scale moving machinery and water play exhibits. It was launched in June 2012, some ten years after the original opening of Thinktank, as a driver to increase first-time and repeat attendance. It has had a significant impact on the success of Thinktank as evidenced from performance reports and independent research undertaken. For example, in the first year of the Science Garden's operation, Thinktank's season ticket sales increased by 75% compared with the same period the previous year. Independent research cites the Science Garden as the main reason for this increase (BMT Visitor Research Findings 2013 (BDRC Continental)).

26. Each of your Petitioner's concerns is explained more fully below together, in the following order:

26.1 those unacceptable risks and significant impacts to the preservation and use of the stored collection within the MCC during the construction and operational

period of the new railway line, followed by a proposal as to how all those impacts can be addressed concurrently; and

26.2 those significant impacts to those visiting and accessing the Thinktank Science Museum, including the Thinktank Science Garden, during the construction period of the new railway station at Curzon Street, together with proposals for how each should be addressed.

IMPACT AND CONSEQUENT DAMAGE TO THE STORED COLLECTION HOUSED AT THE MCC DURING THE CONSTRUCTION AND OPERATIONAL PERIOD OF THE PROPOSED RAILWAY;

27. The Bill provides that the new railway line will be constructed and operated several metres to the rear of the MCC building. Your Petitioner understands that there will be a viaduct supporting pile situated only 15 metres from one corner of the MCC building. At least three other supporting piles are in close proximity to the building.
28. A number of balancing ponds are also proposed during the construction phase of the new railway, one of which will be situated approximately 15 metres adjacent to the MCC.
29. Your Petitioner submits that the construction and operation of the new railway line as currently designed puts the city's museum collection at the MCC at risk of damage, caused primarily by vibration, particulate and gaseous pollutants.
30. Your Petitioner considers that the increased levels of vibration that will occur, both during the construction and operational phase of the proposed railway line, puts the MCC's collection at serious risk of potential damage. The Promoter has not provided a full assessment of likely vibration levels and has stated that works will be undertaken in accordance with industry practice. These industry levels will be far higher than those required in order to ensure the protection of a museum collection.
31. Your Petitioner notes that the National Museums of Liverpool and British Museum have undertaken extensive research in vibration monitoring in relation to their own construction projects. Liverpool University carried out vibration monitoring for National Museum Liverpool (for the demolition of the adjacent library) and advised that if vibration levels of 1.5mm/s ppv were breached, the source of vibration should be identified and an alternative lower impact method provided. It also advised that at vibration levels of 3mm/s ppv, all construction works should cease and an appropriate mitigation proposal and agreement should be reached between all parties before any works proceed.
32. The British Museum Standards require that from 2011 onwards any building works at the museum site require vibration levels to be limited to 0.002-0.003mm/s ppv.

33. Prior to any construction works taking place, both the British Museum and National Museum Liverpool removed the most sensitive items from the site location, placed plastazote foam below all remaining items, provided additional securing methods and carried out regular checks on objects remaining in situ. Both museums also had constant vibration monitoring taking place in agreed positions across the site potentially affected by the construction works. Agreed threshold limits were outlined, above which work would cease. Reduced vibration levels were then established before work proceeded once again. The monitoring system sent mobile phone text alerts to both contractors working at the site and museum staff. Your Petitioner submits that such robust practices should be undertaken by the Promoter when undertaking such extensive construction works in a proximate location to MCC.
34. The Environmental Statement assesses that transient vibration levels up to ≥ 6 mm/s ppv and continuous vibration of ≥ 3 mm/s ppv cause little or no cosmetic damage to potentially vulnerable buildings. Such an assessment, your Petitioner submits, fails to consider highly vulnerable, historic collections such as glass, ceramic, lacquered Japanese armour and artefacts, vulnerable wooden artefacts with loosely bound pigments held in place with natural products (egg tempera) oil paintings and historical scientific instruments.
35. The Promoter has sought to provide reassurance to your Petitioner, by confirming in a meeting between the parties on 4 April 2014, that at its closest point to the MCC building the vibration level would be at a level of 1.32mm/s ppv, with potential vibration levels even being as low as 0.4mm/s ppv. No assessment has however demonstrated that such levels would be possible and neither has any formal undertaking been provided by the Promoter to confirm that such reduced vibration levels would be committed to and achieved.
36. Your Petitioner is concerned that the following unacceptable vibration levels and consequent adverse impacts on the museum collection will arise through:
- 36.1 construction works taking place at the rear corner of the MCC site (proximity 15 metres or less);
 - 36.2 construction works taking place on the balancing ponds (proximity of one of these ponds is 15 metres or less);
 - 36.3 construction works taking place in relation to the proposed railway line at a location immediately adjacent to MCC; and
 - 36.4 the long term vibration impact of the operational proposed railway line running adjacent to MCC.

37. The Promoter has not recommended any form of vibration monitoring for the duration of the construction works, or any agreed threshold above which work would cease owing to the risk to the museum collection. Neither has there been any sort of assessment of potential impacts to this type of sensitive location caused by vibration levels.
38. In order to ensure safe storage of Birmingham City Council's museum collection, your Petitioner must ensure that no unacceptable particulate ingress occurs at MCC. Your Petitioner is concerned that such particulates will increase substantially as a result of significant construction works near and in the vicinity of the MCC site. The majority of the objects within the store are on open display and storage to facilitate access by the museum teams, researches, education events and the visiting public. Any significant increase in such particulates may cause damage to objects contained within the collection.
39. Dirt and dust settling onto the museum objects would require regular and ongoing professional cleaning, which your Petitioner would not be able to resource with existing staff. The particulates, if not removed in a controlled manner, can lead to scratching and surface damage to objects. Furthermore, if not removed regularly, those particulates will form accretions which are difficult to remove and may then require interventive conservation.
40. Particulates of this nature are also hygroscopic and attract moisture. This can lead to electrolytic corrosion processes being instigated and accelerated on metal surfaces, leading to corrosion, which would require interventive conservation treatment. Dirt and dust from construction sites often contain brick dust and concrete, both of which are more abrasive and corrosive to object surfaces.
41. MCC also utilises an air-conditioning system which draws fresh air in. The air conditioning is used to maintain the correct environment for the objects in store and is critical to maintaining a stable environment for the stored collections. The increasing levels of particulates will have an adverse effect on the system, requiring it to be serviced more regularly and putting additional pressure on its use.
42. During the construction phase for the proposed railway balancing ponds will be produced for the River Rea. A balancing pond will be located within 15 metres of the MCC. Your Petitioner contends that such large pools of water like this put the museum store and its high value collection at significant risk of flooding. This further increases the risk of potential damage and irreversible loss to the museum collection.
43. The Promoter has suggested at a meeting on 30 April 2014 that objects contained at MCC could be packed up and even moved to areas of the same storage facility further

away from the construction works, in order to reduce the impact from particulates and vibration. Your Petitioner submits that there are very few vacant areas at the current MCC site to which objects could be moved, as the site is at capacity. Your Petitioner also considers that this would be a costly and time-consuming exercise, which cannot guarantee to resolve any potential adverse impacts. In addition it would mean that your Petitioner would have some collections being less accessible, or even inaccessible, for a minimum period of four years during which staff will need maximum unhindered access to objects for a planned major gallery redevelopment at another museum in the city centre.

44. The uncertainty caused by the Bill is already affecting your Petitioner's plans for expansion. MCC has significant plans for growth over the short to medium term period to improve the standards of collection storage through the development of the MCC site. Proposals include expansion of the building to include Birmingham city's fine art collections, creating new conservation studios and staff accommodation. Your Petitioner would no longer be able to undertake such important development of MCC on the current site due to the construction and operation of the proposed railway. Particularly, the levels of vibration and particulates during that construction period would present a potentially adverse impact to the fine art collection.

SIGNIFICANT NOISE IMPACTS TO STAFF AND VISITORS RESIDING IN THE MCC DURING THE CONSTRUCTION AND OPERATIONAL PERIOD OF THE PROPOSED RAILWAY

45. The MCC is a publicly accessible museum store, used for public learning and engagement programmes and events, as well as by independent researchers and university courses. It also houses museum staff. The substantially increased levels of noise during both the construction and operational phases of the proposed new railway will have an adverse and significant impact on the amenity of those utilising and residing within the MCC building, including those members of the public accessing the building.
46. The Promoter has communicated to your Petitioner that as there are no windows at the rear of the building, there will be little impact from noise, albeit no detailed assessment of the noise impacts on the MCC building, or those individuals contained within it, has been undertaken. Your Petitioner notes that the Environmental Statement finds that noise levels of 45dB LpASmax and up to 90dB may occur during the construction and operational period of the new railway. Such effects are noted as significant.
47. Your Petitioner questions the assumption made by the Promoter that the absence of windows in a building will result in an acceptable reduction in noise. The rear of the building is a single skinned metal fabrication construction that readily transmits exterior noise. The significant increase in road traffic in and around the building will

also increase noise in the office areas, adversely impacting on the everyday amenity of staff and visitors.

THE IMPACT OF THE CONSTRUCTION AND OPERATIONAL PHASE OF THE PROPOSED RAILWAY ON VEHICULAR ACCESS AND EGRESS TO THE MCC

48. The proposed railway construction area and the haul route will travel directly across part of the MCC's rear delivery yard, where museum collections are regularly collected and delivered. Your Petitioner will permanently lose an area of land from this yard (which is leased by Birmingham City Council) and will temporarily (during the development) lose access to a large section of its rear delivery yard. This will cause severe disruption to all vehicular access to the MCC, which will prevent your Petitioner from being able to receive and deliver objects within the collection. Furthermore, an access road will be required for approximately four years during the construction phase of the proposed railway; this road will be adjacent to the MCC and will furcate part of the rear goods yard.
49. Your Petitioner also notes that there will be a temporary loss of car parking for visitors to the MCC during the construction period of the proposed railway.
50. In order to mitigate the impacts identified, the Promoter has proposed to your Petitioner an alternative access via a temporary vehicular route to the rear of the MCC building, in order to allow for collections and deliveries of objects to take place. Furthermore, the Promoter has offered a new temporary parking area for visitors and staff along the new access route. Whilst your Petitioner welcomes the provision of a new temporary parking area, the current location proposed by the Promoter would not be suitable for visitors or staff with any difficulties in walking, due to its distance from the building and the unknown nature of the surfaces along the access road.
51. Your Petitioner submits that the mitigation introduced by the Promoter has not been guaranteed in anyway and, despite alleviating some of the adverse impacts caused, the scheme still furcates access between the side road leading to the MCC building and the rear yard.

THE INCREASED RISK TO THE SECURITY OF THE MCC AND ITS STORED COLLECTION DUE TO THE PROXIMITY OF THE CONSTRUCTION WORKS

52. As your Petitioner has already explained, the MCC houses museum quality objects, many of which are of high value, either in terms of their monetary value on the open market or of their inherent artistic, historical and scientific importance (or both). As noted, the firearms collection particularly requires very high levels of security. The cumulative value of the collection housed at the MCC amounts to hundreds of millions of pounds and your Petitioner therefore submits that security measures in and around

the MCC building must be kept to a robust and assured standard. Your Petitioner has serious concerns that the presence of contractors adjacent to the MCC site on the temporary access road being provided will compromise security measures currently in place, unless appropriate mitigation is provided.

53. The Promoter has stated to your Petitioner in meetings on 4 February 2014 and 30 April 2014 that the security to Birmingham's museum collection would not be compromised and secure fencing would be erected, which would not interfere with the cameras already in place. Furthermore, the Promoter has sought to provide reassurance by suggesting that there should not be a significant security risk due to the rules and regulations with which contractors have to comply. Your Petitioner submits that the mitigation introduced by the Promoter has not been guaranteed in anyway and in addition, given that some of the construction work for the proposed railway will be at height, there will need to be some level of protection to prevent entry to the MCC from above.

YOUR PETITIONER'S PROPOSAL AS TO HOW SUCH IMPACTS ON MCC AS A WHOLE SHOULD BE ADDRESSED

54. Those adverse impacts of the new proposed railway on MCC are summarised as follows:
- 54.1 putting the city's museum collection at the MCC at serious risk of damage, caused primarily by vibration, particulate and gaseous pollutants, combined with increase flood risk;
 - 54.2 substantially increasing levels of noise, having an adverse and significant impact on the amenity of those utilising and residing within the MCC building, including those members of the public accessing the building;
 - 54.3 permanently losing an area of land from the rear yard of the MCC building and temporary loss to a large section of its rear delivery yard;
 - 54.4 furcating of part of the rear goods yard from the adjacent side road to the MCC building during the construction phase;
 - 54.5 temporarily losing car parking for visitors to the MCC during the construction period of the proposed railway; and
 - 54.6 compromising of security measures via the presence of contractors adjacent to the MCC site on the temporary access road.

55. Those risks, adverse and significant impacts are such that your Petitioner will be unable to guarantee its duty of care for the collection and maintain the agreed professional museum accreditation standards. This will have a severe impact on the business, since without meeting the museum accreditation standards, your Petitioner will fail to deliver the requirements under the terms both of the SLA and MPM, putting its funding of £4m per annum from the Council and £1.6m per annum (Arts Council England) at risk. Additionally, without accreditation, your Petitioner will not be eligible to apply for funding from many other sources including the Heritage Lottery Fund (HLF).
56. Your Petitioner assesses all potential impacts to its collections carefully. Your Petitioner submits that the proximity and extent of the construction works and operation of the proposed railway present an unacceptable level of risk and thus adverse impact to a historically unique and highly valuable asset in the form of the museum collection. The failure of the Promoter to understand fully the sensitivity and value of the collections stored at MCC and provide appropriate baseline data and management strategies for adverse impacts, such as vibration and pollutants, cause your Petitioner serious concern. All of these anticipated impacts would prevent your Petitioner from being able to guarantee meeting recognised standards and the requirements of funding bodies. Your Petitioner strongly submits that the only acceptable mitigation under these circumstances is the movement of the collection to a suitable alternative site.
57. In view of these severe potential impacts which the Bill creates, your Petitioner seeks an undertaking that the Promoter will provide advance funding to your Petitioner to enable it to meet all costs incurred in:
- 57.1 identifying a new site and building for the MCC within Birmingham city centre;
 - 57.2 purchasing, leasing or procuring (whichever is required) the site and building and, if necessary, constructing a new Museums Collections Centre on it;
 - 57.3 fitting out and refurbishing any existing building and its service areas (including parking) with fixtures and fittings to the equivalent standard as at the operational site currently; and
 - 57.4 relocating the MCC and its collection to the new site and building.
58. Alternatively, your Petitioner respectfully asks your Honourable House to require the Promoter to give such an undertaking.

59. It is your Petitioner's unequivocal submission that relocation of MCC is the only acceptable alternative, which is not likely to cause severe, adverse and irreversible damage to the largest civic museum collection in England.

IMPACT ON THINKTANK SCIENCE MUSEUM'S VISITOR NUMBERS AND INCOME DURING THE CONSTRUCTION PERIOD OF THE PROPOSED RAILWAY

60. The new railway station at Curzon Street will be situated opposite Thinktank's main façade, the Thinktank exterior Science Garden and the surrounding Eastside City Park.
61. Your Petitioner considers that during the construction period of the proposed railway station, associated noise, dust and vibration will adversely affect the Thinktank site directly and its objects on display at the venue. Such construction impacts, your Petitioner submits, would deter visitors.
62. Eastside City Park is one of the main pedestrian routes to Thinktank from the south and west of Birmingham city centre. Independent research undertaken by Morris Hargreaves McIntyre in November 2013 indicates that 47% of Thinktank's visitors, which amount to a total of approximately 90,000 a year, arrive at the museum from this direction. Of these, 52% purchase tickets from the kiosk located in Eastside City Park.
63. Your Petitioner contend that any restriction and disruption to this important access route will impact on the perception that the Thinktank Science Museum is fully open for business. As such, your Petitioner will consequently observe a decrease in visitors and subsequent income.
64. Impacts due to construction works extend not only to the main pedestrian routes at Eastside City Park but the substantial construction work being undertaken directly adjacent to the Thinktank museum, which will be required in order to ensure the delivery of the new railway station at Curzon Street. Your Petitioner submits that the extent and impact of the proposed construction works at Curzon Street present a significant adverse effect on Thinktank, which will further undermine its financial viability.
65. Your Petitioner has previously been affected by adjacent construction works and therefore has sound experience and evidence demonstrating a corresponding reduction in visitor numbers. By way of example, Thinktank visitor levels have dropped considerably whilst Millennium Point (the same building within which Thinktank is contained) has been subject to construction work. Such works have a detrimental effect on the access routes from the city centre to the museum.

66. By way of further example, the Masshouse Circus project involved radical alterations and building to the whole of the Masshouse Circus area. Your Petitioner found this impacted adversely on the level of public visitors to Thinktank, primarily due to a lack of public perception that the science museum was open. Physical wayfinding and access difficulties further compounded visitor attendance. Consequently, your Petitioner found there was a 29% reduction in visitor numbers during the full year of the Masshouse demolition and construction works, followed by a subsequent 28% increase the year following completion of those works. It is therefore quite clear that there is a direct correlation between lack of access and construction impediment and visitor levels to the Thinktank museum.
67. Your Petitioner's Business Plan is predicated on achieving specific levels of income of over two million pounds per annum from Thinktank admissions. Additionally, commercial income from retail and catering are directly linked to sustained visitor numbers. Your Petitioner provides a range of training, conference and banqueting facilities for hire at Thinktank.
68. If the impact of the new railway at Curzon Street was merely at a similar level to that of the Masshouse Circus development, a 29% reduction in visitors as compared to current levels would mean a loss of over 72,000 visitors per annum and associated loss of ticket sales income of over £430,000 per annum (based on 2013/14 figures). Such loss would be in addition to an associated loss of secondary spending income.
69. Your Petitioner is gravely concerned that the construction of the new railway at Curzon Street will cause a significant adverse impact on the enjoyment of visitors to Thinktank as a whole. This will inevitably result, your Petitioner submits, in a subsequent decline in visitor attendance. Such decline will serve to cause a consequent reduction in admission ticket sales and commercial income such as (by way of example) retail, refreshment and corporate hire.
70. Your Petitioner has clear and serious concerns that the construction of the new railway at Curzon Street will reduce visitor attendances to the Thinktank Science Museum, and as such your Petitioner therefore seeks an undertaking from the Promoter that during this construction period:
- 70.1 the Eastside City Park pedestrian route will be fully maintained and clearly signposted; and
- 70.2 there will be provided sufficient and clear signage around the Thinktank Science Museum, clearly explaining that Thinktank and the Science Garden are "open for business as usual".

71. Your Petitioner additionally seeks an undertaking from the Promoter that adequate financial compensation will be provided in respect of losses suffered as a result of the construction impacts, specifically based on the expected and actual reduction in visitors and consequent income lost through entry fees and other expenditure.

THE IMPACT OF THE CONSTRUCTION AND OPERATIONAL PHASE OF THE PROPOSED RAILWAY ON VEHICULAR ACCESS TO THE THINKTANK SCIENCE MUSEUM

72. Access for exhibition and event deliveries to the Thinktank science museum is via a slip road that faces The Woodman public house on Curzon Street, utilising the current pedestrianised hard-standing. This access is essential to the business operations of Thinktank and your Petitioner as a whole. There are no alternative routes to this location due to the topography of Millennium Point's immediate surroundings. The construction of the new railway station will significantly reduce and potentially block access to this area for unspecified periods due to the required rerouting of Curzon Street around the Woodman Public House. This consequently will impact on the delivery of goods and exhibitions to the rear of the museum building.
73. Current access for articulated Heavy Goods Vehicles is obtained to the Thinktank Museum by driving across the pedestrianised hard-standing on Curzon Street, travelling past the museum entrance gates and then reversing onto the slip road. This must be undertaken as there is not enough room for a vehicle of this type to turn around at the rear of Thinktank. Egress is utilised in the same manner. The proposed final design of the road layout surrounding the new Curzon Street railway station would require vehicles be manually guided into the museum entrance, causing a conflict between HGVs turning into the Thinktank Museum and the movement of traffic. The layout of this junction would consequently cause traffic delay and increase the risk of accidents on the public highway. Your Petitioner contends that this scenario has not been accounted for adequately when conducting traffic modelling for the purposes of the Environmental Statement.
74. Thinktank are currently planning to utilise Curzon Street as a coach drop off point for pre-booked groups, especially local and national schools. Such coaches currently arrive to the north of Thinktank on Jennens Road, however relocation to Curzon Street is proposed during and after the construction of Birmingham City University's new Conservatoire on Jennens Road. Construction is currently due to commence in the summer of 2015 and to be complete for the new academic year in September 2017. If such a development is undertaken, this is estimated to amount to approximately 49,000 visitors arriving by coach per annum on Curzon Street. Pre-booked coach numbers vary from around five to 20 coaches each day. The Environmental Statement has not included any such modelling, nor has the design for Curzon Street station included any provision for coach services.

75. Your Petitioner therefore seeks an undertaking from the Promoter to:
- 75.1 maintain full access and egress to the Thinktank Museum via the gate onto Curzon Street during the construction period of the new railway at Curzon Street; and
 - 75.2 undertake further traffic modelling using the most up to date data available (including a cumulative assessment of the impacts of coach drop off for the Thinktank Science Museum being on Curzon Street) to ensure the impacts of access for articulated Heavy Goods Vehicles accessing the Thinktank Museum and coach drop off requirements are properly assessed and suitable mitigation measures developed. The results of this modelling should be shared with your Petitioner and other key stakeholders.

THE DISRUPTION AND IMPACT CAUSED TO THE OPERATION OF THE THINKTANK'S SCIENCE GARDEN DURING THE CONSTRUCTION PERIOD OF THE PROPOSED RAILWAY.

76. During the construction phase of the new station at Curzon Street, your Petitioner strongly submits that the greatest likely adverse impact will occur at the Thinktank outdoor Science Garden. Your Petitioner has conducted internal and external surveys (BMT Visitor Research Findings 2013 (BDRC Continental), Thinktank Offpeak Visitor Research January-February 2014 (BDRC Continental) and Science for All Seasons – Evaluation of visitor flow within Thinktank and visitor response to We Made It and the Science Garden (Morris Hargreaves MacIntyre)), which demonstrate that the Science Garden is currently one of the primary reasons that the public visit Thinktank. Your Petitioner considers that the Science Garden element of Thinktank is critical to the museum's success and this is fully supported by extensive visitor research conducted at times when the Science Garden has been both open and closed.
77. The proposed railway station at Curzon Street is located approximately 50 metres from the Thinktank Science Garden. A main construction compound is proposed opposite the Thinktank Science Garden. The compound for Large Goods Vehicles ("LGVs") and Heavy Goods Vehicles ("HGVs") will reside on nearby Albert Street. Your Petitioner notes that there will be between 40 to 200 LGVs and 10 to 25 HGVs, moving in and out of this entrance every single day and going to the construction site at Curzon Street.
78. Your Petitioner submits that the proposed location of the main construction compound in such a proximate location to the Science Garden, in combination with heavy construction traffic, will have a severe and adverse effect on the operation of the Science Garden for the following reasons:

78.1 the area, and visitors to it, will be receptors of exhaust fumes from the increase in large construction vehicles directly outside the fenced area of the Science Garden;

78.2 the area, and visitors to it, will be receptors of dust particles from wheels of vehicles accessing the site;

78.3 the area, and visitors to it, will be receptors of increased noise levels due to the HGV vehicle movement directly outside the fenced area; and

78.4 the area and the equipment installed may be susceptible to vibration from the increase in traffic and works.

79. Your Petitioner previously experienced dust ingress to the Science Garden exhibits during the relatively short term, low level construction of the Eastside City Park. Dust and sand were continually found in the water features and water play exhibits. The major works on Curzon Street Station will have a greater adverse effect on these exhibits.

80. Your Petitioner furthermore contends that the location of the main construction compound and associated access will create a negative perception to Thinktank visitors whilst vehicles pass the entrance. Such vehicles will be extremely close to the fenced boundary of the Science Garden.

81. The Promoter has proposed the relocation of the main site compound to the East of the Thinktank Science Museum, however no formal undertaking has been provided. Whilst the Promoter also considers that movement of the site compound would have the effect of reducing the volume of traffic passing the Science Garden, no modelling or assessment has been undertaken to support this position. On this basis, your Petitioner requests an undertaking from the Promoter that it will:

81.1 move the location of the main compound to the east of its existing proposed location; and

81.2 ensure that there will be no oversailing by cranes or other equipment of the Thinktank's Science Garden.

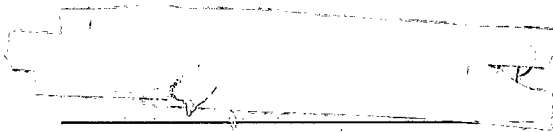
CONCLUSION

82. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, or the undertakings and assurances described above are given in favour of your Petitioner, the Bill should not be allowed to pass into law.

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

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &C.

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PINSENT MASONS LLP
Parliamentary Agents

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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

PETITION

of

BIRMINGHAM MUSEUMS TRUST

Against the Bill – On Merits - Praying to be
heard by Counsel, &c.

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Earl Street
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Parliamentary Agents for the Birmingham
Museums Trust

(Ref: RO04/BMT)