

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2015–16

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL (Additional Provisions)

Against – on Merits – 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:

BALSALL 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.
- 3 An Additional Provision (hereinafter called "AP2") to the Bill has been introduced into and is now pending in your honourable House intituled "Additional Provision (July 2015)". A Supplementary Environmental Statement, hereinafter called "the SES", and an Environmental Statement on the environmental effects of AP2, hereinafter called "the AP2 ES", have been deposited in your honourable House at the same time as AP2.
- 4 AP2 amends clauses 57, 58, and 63 of and Schedules 1, 2, 3, 4, 5, 7, 8, 11, 12, and 15 to the Bill. The SES provides new or corrected information about the environmental impacts of the works proposed to be authorised by the Bill, and which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
- 5 Your Petitioner is Balsall Parish Council, the relevant council for the parish of Balsall ("the Parish") located within the Metropolitan Borough of Solihull ("the Borough"). Your Petitioner objected to parts of the proposed works and provisions of the Bill, as introduced into your honourable House, as detailed in the Petition with reference number 1780.

- 6 The Parish has been in existence since 1894, its population is 6,500. It is in the Meriden ward of the Metropolitan Borough of Solihull, adjacent to the parishes of Berkswell, Hampton-in-Arden and Burton Green. The Parish is situated in the landscape around 7 miles west of Coventry and 13 miles to the east of Birmingham. The main settlement of the parish is Balsall Common, which is a large established rural settlement in the heart of the Meriden Gap that has developed as a commuter base over recent years. Because of its size and elongated shape, it has an influence over a wide area of surrounding countryside. It is served by both Balsall and Berkswell Parish Councils and has an active Residents Association. The wider Arden landscape and distinctive fieldscapes is a popular area for recreational walking, being home to part of the Heart of England Way as well as a network of local footpaths. The Solihull Local Plan sustainability assessment recognised that Balsall Common needed "a large area of accessible natural green space, and improvements to the Greenway" and that Meriden ward in relation to "improvements to the cycle routes and other rights of way are a high priority, as are nature conservation opportunities and new native woodlands". The characteristics of the area are recognised as making "a significant contribution to the local character and distinctiveness of the Borough and where applicable, development proposals will be expected to demonstrate how these characteristics have been conserved."
- 7 Balsall Common village is bisected by the A452 Kenilworth Road. It is characterised by popular, low density residential areas with an open plan, cul-de-sac style layout and good schools. The village has a thriving local centre astride the A452 with a good range of shops, facilities and services. Balsall Common has one of the highest rates of journeys to work by car in the Borough. There are more congestion and link delays in Balsall Common than any other rural settlement in the Borough. One of the worst congested junctions is Kenilworth Road / Station Road which is amongst the top ten worst congested junctions in the whole Borough. Berkswell railway station to the north-east of the village provides access to Birmingham, Coventry and London and via the West Coast main line. Along the A452 Kenilworth Road within Balsall Common are 4 senior residential homes, 3 childrens nursery schools, a residential care home and the Heart of England Academy.
- 8 The Parish is located in the greenbelt and is situated in what is known as 'the Meriden Gap', which is an open green interval separating the Birmingham conurbation and Coventry. Local and regional planning policy has sought to preserve this gap over the past few decades to ensure that these major cities remain defined and separate. The Gap forms a corridor between Chelmsley Wood and Coleshill, between Bickenhill and Meriden, and (at its narrowest point) between Balsall Common and Tile Hill.
- 9 The proposed route of Phase One of High Speed 2 is directly adjacent to the Parish and is to be constructed overground, by way of a series of viaducts. The construction and operational traffic will go through the parish, in particular on the A452 Kenilworth Road and B4101 Kelsey Lane/Waste lane.

- 10 Your Petitioner's rights and interests are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

- 11 Whilst your Petitioner accepts that the construction and operation of the proposed High Speed 2 railway must necessarily interfere with and adversely affect the Parish, your Petitioner considers that the powers proposed and the extent of land acquisition go considerably further than is necessary and impose too great an impact on a small community that will inevitably be severely impacted as a result of the development. Your Petitioner considers that inadequate provision is proposed to avoid where practicable adverse impacts upon the Parish and to mitigate these where they are unavoidable. Your Petitioner supports the view that High Speed 2 should meet the definition that "sustainable development is that development meets the needs of the present without compromising the ability of future generations to meet their own needs". Your Petitioner considers that the proposed scheme, as currently designed, does not meet this definition. Your Petitioner welcomes the extension of the Kenilworth Greenway and not using the Berkswell station car park for access. But your Petitioner considers that the Additional Provisions do not address its original concerns and indeed aggravates them and will have severe negative impacts on the Parish as a whole as well as individual members of the community. As such, your Petitioner is unable to support most of the Additional Provisions to and objects to the them for the reasons, amongst others, stated in this petition.

Visual and Landscape Impacts

- 12 With AP2, the Promoter proposes to retain the roundabout between the A452 and Park Lane, which was to be provided temporarily during construction. The Promoter concedes that this will increase vehicle traffic on Park Lane, and have a new moderate adverse significant effect due to traffic-related severance for non-motorised users. Principally, this will affect walkers on the Heart of England Way, Public Footpath M214. However, there is a concern that the traffic impact is underestimated, in that the route will become attractive, in both directions, to longer-distance commuters heading towards Coventry. The Promoter does not identify any beneficial effects from the AP2 change. There will be a considerable loss of visual amenity due to the roundabout itself, a balancing pond and maintenance access, lighting columns and light pollution, and signage. The AP2 change will have an adverse effect on air pollution and road safety, since the great majority of vehicles will have to negotiate the roundabout with no benefit. Your Petitioner seeks an undertaking from the Promoter that the temporary roundabout will be removed after construction, and that the landscape will be fully reinstated.

- 13 Your Petitioner is concerned about the visual character and amenity of Balsall Common as a whole, and finds unconvincing the explanation given and the conclusion drawn in the AP2 ES about the omission of viewpoints 285.2.002 and 285.2.003 from the original Environmental Statement maps. The omission of these viewpoints from the maps is fundamentally misleading. Your Petitioner considers that the impact on the views from residences along Ridings Hill and from Public Footpath M196 adjacent to residences on Barrett's Lane will be more significant than the quoted moderate adverse effects, and are likely to be aggravated by the changed works envisaged in AP2. Your Petitioner disputes that the effects will be temporary, as the screening trees, which provide a degree of mitigation, are not within the control of the Promoter. Your Petitioner therefore requests that HS2 Ltd be instructed to issue revised proposals for earlier and upgraded screening proposals to mitigate the visual intrusion of the railway during construction and operation, and where there are serious residual unmitigated adverse effects, to agree meaningful offset and long-term compensatory measures with local communities.
- 14 Your Petitioner is concerned that Marlowes Wood and its incredible biodiversity of flora and fauna remains at considerable risk from HS2 during construction and in the future as does its ancient heronry. The current proposal seeks to remove the wood and therefore all species. Once they have gone they have gone forever. Herons are renowned for being easily disturbed and they, together with the bats, owls and other mammals will lose their habitats of mature ancient trees and hedgerows. Current mitigation is not satisfactory as this will destroy Marlowes Wood and seeks to introduce new planting in the form of broadleaf tree whips and hedgerow species. This will not ameliorate the disaster that is the loss of a substantial portion of Marlowes Wood and the mature trees within. It takes 200 years for an oak tree to fully mature. Everything from microbes in the soil, fungi, plants, including the bluebells, to the invertebrates, butterflies, moths, small mammals to the herons, bats, owls and all the other species will be lost for the foreseeable future and probably, because of the nature of High Speed Rail, for ever without the foresight to commission ground breaking mitigation.
- 15 Your Petitioner humbly requests that the Promoter revisit the mitigation and preserve Marlowes Wood and the wildlife. Alternatively, the proposal should revert back to the original one. Your Petitioner respectfully suggests that it is impossible to put a price on the rich and varied environment and bio diverse ecology of the area. Volume 5 Technical appendices - SES and AP2 ES Appendix-EC-004-004 provides overwhelming evidence in support of this request. Even this solution is not perfect but it is infinitely preferable to what the Promoter is proposing.
- 16 Your Petitioner therefore seeks:
- (a) seeks an undertaking from the Promoter that the temporary roundabout will be removed after construction, and that the landscape will be fully reinstated.
 - (b) A commitment to issue revised proposals for earlier and upgraded screening proposals to mitigate the visual intrusion of the railway during construction and operation, and where there are serious residual unmitigated adverse

effects, to agree meaningful offset and long-term compensatory measures with local communities.

- (c) a commitment that a full assessment of the ecological impact of the loss of Marlowes Wood is undertaken and mitigation measures introduced to retain and protect Marlowes Wood. Alternatively, the proposal should revert back to the original one. Additionally, options for a tunnel extending from north of Balsall Common to south of Burton Green be undertaken, including a full cost benefit analysis and consideration of the environmental impacts;
- (d) a commitment that the results of the full assessment shall be made available to your Petitioner and that the Promoter will work with your Petitioner in so far as is reasonably practicable to undertake the construction of a tunnel if the assessment concludes that it would be beneficial;
- (e) subject to the results of the assessment, a commitment that an appropriate tunnel option be implemented to reduce the environmental impacts of the scheme to an acceptable level;
- (f) if the assessment does not show that the construction of a tunnel should be implemented, a commitment that the Promoter will work with your Petitioner to consider alternative means of mitigating the impacts of High Speed 2 on the Parish; and
- (g) a commitment that appropriate powers will be sought to implement the chosen tunnel option.

Noise Impact

- 17 Your Petitioner is concerned about the potential noise impacts within the Parish and in the surrounding area visited by our residents, arising from the construction and operation of the works. Construction noise and railway noise are particularly noticeable in rural areas and the impact on those in the vicinity of the works should not be under-estimated. Whilst AP2 has altered the potential exposure of users of the various public rights of way, there has not been any corresponding change to the Bill to apply the most appropriate standards for mitigation and compensation. Your Petitioner urges that the Promoters be put to the strictest proof that their noise assessments are accurate, that they have adopted the best and most appropriate standards, that these have been applied correctly and that adequate provision has been made in all cases to avoid or, insofar as that is impracticable, to mitigate and compensate for the adverse effects.

Your Petitioner is concerned that the proposed scheme does not include noise barriers at all locations along the proposed railway. Even where the railway would be in a cutting, it is critical that there are effective noise barriers, due to proximity to residential and commercial properties, and to public rights of way. In AP2, the Promoter has altered the configuration of the cutting in which the railway would run immediately beside the Kenilworth Greenway near the electrical sub-station, has made the provision of noise barriers more difficult at Waste Lane by changing the layout of footpath M184, and has introduced an underpass on the Kenilworth Greenway without giving details of noise attenuation. Your Petitioner seeks a commitment from the Promoter that noise barriers will be provided along the whole length of the proposed railway to ensure that the maximum noise level from the passage of a train will not exceed 60 dBA at a distance of 200 metres from the line, and that the Promoter will certify that noise levels are safe for the riding and leading of horses where relevant.

18 Your Petitioner therefore seeks a commitment that the Promoter will:-

- (a) consider, during its assessment of a tunnel in this area (please see paragraph **Error! Reference source not found.** above) whether, the tunnel would provide a suitable form of mitigation in relation to the amended challenges of noise pollution and will consider the benefits of such mitigation when balancing the need for the tunnel against the cost;
- (b) consult with your Petitioner in relation to suitable and additional means of noise barriers to mitigate the noise impacts from the AP2 changes and reassessments of the combination impacts in the SES on the residents of the Parish and will seek to agree appropriate measures with your Petitioner;
- (c) further consider the noise impacts on local wildlife and how this can be mitigated and will seek to agree such mitigation measures with your Petitioner; and
- (d) amend the Bill accordingly.

Design of viaducts and other major structures

19 Your Petitioner is concerned that the viaducts and other infrastructure associated with High Speed 2 do not properly respect the environmental character of the Parish and are designed to be purely functional rather than sympathetic to their surroundings. Neither is their design iconic, as their status as part of a route providing a gateway to the West Midlands warrants.

- 20 The Environmental Statement proposes that the most appropriate material from which viaducts and structures should be constructed is concrete. This is not an assessment with which your Petitioner agrees in all cases. The Environmental Statement notes that there is sensitivity in terms of visual impact and noise in the residential areas. However, it does not show a structure design that is iconic, complementary to local character or even attractive. With AP2, the Promoter has introduced a further bridge across the Kenilworth Greenway, as a replacement for 2 existing structures near Little Beanit Farm.
- 21 No detailed proposals are given for the design and finish of this bridge, Work No. 2/184. The existing Victorian structures are constructed of brick and cast iron, and are characteristic of the Kenilworth Greenway as a whole. For the overall amenity of the route, it is essential any replacement structure adheres to the common architectural theme. Your Petitioner seeks an undertaking from the Promoter that Work No. 2/184 will be designed to match the current structural style and will be constructed from, or clad with, original bricks salvaged from the demolition of the existing bridges.

Construction and Operational Traffic Impacts

- 22 Your Petitioner welcomes the decision in SES and AP2 ES 3.0/ SES AP2 ES 3.2.1.23 not to use Berkswell station car park for access and not to use Windmill Lane and Hob lane as a construction traffic route and notes the move of the Cromwell Lane satellite compound northwards. Your Petitioner is however, concerned at the proposed access from the B4101 along the Kenilworth Greenway and that use of the B41010 Waste Lane will continue to be necessary for construction traffic and access to the relocated Beechwood Farm roadhead will continue to be from the B4101 (AP2-018-004). There is no explanation of how the construction traffic will get access to the B4101 at Waste lane. There has been no re-assessment of the traffic on these routes unlike in other areas.
- 23 SES and AP2 ES Appendix CT 004-000 does not identify new planning approvals for 130 residential housing on 3 sites on the A452 Kenilworth Road east of the junction with the B4101 Kelsey Lane. Your Petitioner therefore seeks an undertaking that the A452 from Kenilworth to the junction of Kelsey lane in Balsall Common will not be used for construction traffic and that no additional construction traffic will use Kelsey Lane and Waste lane than was indicated in the original ES.
- 24 Your petitioner notes that it is now intended that the temporary roundabout at Park Lane is to be made permanent thus taking additional land from farming. The proposer recognises that the retention of the roundabout "will result in a new significant moderate adverse effect on pedestrians on park Lane as increased traffic flows will make it harder to cross the road."Your Petitioner is concerned that creating a permanent roundabout at this point which is within 600m of the roundabout into Balsall Common will have a deleterious effect on the surrounding roads and residents. The permanent roundabout will have uneven traffic flows and is likely to encourage HGV traffic to access the local unnumbered Lavender Hall Lane which it is not suitable for. Further that it is likely to create a rat run effect when the A452 is

being used as an emergency route for problems on the M42/M40. Your Petitioner thinks that this arrangement is more rather than less likely to cause accidents and congestion on small local lanes.

- 25 Your Petitioner does not believe that the reduction of broadleaved woodland between the A452 Kenilworth Road (AP2-023-003) and the HS2 at Marlowes Wood to a 20m strip will provide sufficient screening, particularly as the trees will take at least a generation to grow sufficiently to be effective. The effect of the proposed high frequency of HS2 trains so close to the road will be a major distraction and likely to result in accidents.
- 26 Your Petitioner seeks an undertaking that there will be a further study of the effects of retaining a permanent roundabout at Park lane with a full cost benefit assessment and that there will be a wider area of screening between the A452 and HS2 in the Marlowes Wood area.
- 27 Your Petitioner is concerned at the traffic and transport effects during the construction period. The proposer states that the “relevant amendments will increase traffic flows, particularly on the A452 Kenilworth Road and B4101 Kelsey Lane/Waste Lane” but fails to give the figures merely asserts that the “ level of significance will remain as reported in the main ES”. Not to provide the information in a clear and transparent way does not give assurance to this petitioner or our residents. Particularly as the report continues “a result of the proposed amendments will alter a number of effectscaused by increases in vehicles making it more difficult for pedestrians to cross the road” The effects are on the A452 between Park Lane and Hallmeadow Road (minor/moderate effects), A452 between Hallmeadow Road and Lavender Hall Lane (major adverse effect) , A452 Kenilworth Road between Lavender Hall Lane and B4101 (minor adverse effects) and B4101 Kelsey Lane (minor/moderate adverse effects), B4101 Waste lane between Windmill Lane. The report goes on to say that there will be “new significant effects ... as a result of increased vehicular activity between the A452 Hallmeadow Road and B4102 Meriden Road (minor adverse) .
- 28 Your Petitioner does not understand how a continuous section of the A452 can have a major adverse effect in one section but only a minor adverse effect over the rest of it particularly as the main section passes beside 4 senior living residential homes, 3 children’s nurseries (these need to cross the road to take children to Balsall Primary School) and the Heart of England School. Nor can a change in Kelsey Lane as the HS2 turn the corner from the A452 into the B4101. Your Petitioner therefore seeks an undertaking that there will be a re-assessment of the construction and operation effects of the proposed changes.
- 29 Your Petitioner has previously expressed concern that the proposed construction works on the A452 and the use of the A452 for construction traffic, will result in this already busy road becoming severely congested and polluted due to the size, quantity and frequency of construction vehicles using the road. The A452 is the principal route to, through and from the village; It is a designated alternative route for traffic diverted to/from the M42/M40 in emergencies. As the additional provision

changes will have significant traffic and pedestrian effects both during construction and operation your Petitioner seeks an undertaking that HS2 will maximise the use of haul roads along the line of the route and keep construction traffic off the A452 particularly through Balsall Common village. Your Petitioner seeks an undertaking that abnormal loads will not be allowed through Balsall Common village. Your Petitioner seeks an assurance that HS2 will consult with the local parish councils as well as Soilhull MBC to agree mitigation for their residents from the air pollution, noise, vibration, visual, congestion, dirt and negative amenity effect caused by construction traffic and to agree the maximum number of construction vehicles (HGV/LGV) allowed on the road at any time. Your Petitioner seeks a commitment from the Promoter that air quality will be monitored carefully, and any costs relating to breaches in air quality standards should be met by the Promoter, not by the local authority.

- 30 Your Petitioner further submits that, the Promoter should be required to use every endeavour to utilise rail, river and canal for transport purposes during construction of the railway. The Promoter and subsequent nominated undertaker should confirm the numbers and type of vehicles on specific routes and assess impacts accordingly, particularly cumulative impacts. The nominated undertaker should also be required to minimise the cumulative impact of lorry movements by properly managing lorry movements, keeping the number of movements to a minimum, using the strategic road network and confining movements to normal worksite hours.
- 31 Your Petitioner is concerned that the Additional Provisions do not set out sufficient means for compensating those impacted by construction activities. These impacts, although temporary, will continue for a number of years and as such, will have a significant effect on the wellbeing of many people living in the vicinity of such activity. Your Petitioner supports the petitions of those local individuals who have raised such impacts in their petitions. Your Petitioner seeks a commitment that there will be periods of respite from construction activities and noise, such periods to be agreed with your Petitioner.

Kenilworth Greenway

- 32 The Kenilworth Greenway is of great value to the Parish and its residents. It is a major recreational resource for walkers, cyclists, horse riders, joggers, naturalists and photographers. The Bill includes a provision to use the Greenway for heavy vehicles during construction of the proposed railway, and to reinstate it to its original condition following construction. Your Petitioner understands the Promoter has told the High Speed Rail Committee that any weak structures in the Greenway will be strengthened, but it seems that use of the Kenilworth Greenway during construction would cause irreparable damage to the structure, drainage system, culverts, embankments, flora, and fauna. This would result in a significant loss of amenity to the Parish. Your Petitioner considers that a temporary parallel haul route could be created and used instead, between the Park Lane compound and Burton Green, possibly crossing Truggist Lane near the Station and the Birmingham and Rugby railway near Truggist Hill Farm. Your Petitioner therefore seeks a commitment from the Promoter that the Kenilworth Greenway will not be used for construction traffic

other than in exceptional circumstances, and that a clear specification for restoration works and replanting will be agreed in advance with your Petitioner and the Greenway Trust and implemented satisfactorily.

- 33 The Bill includes a provision to provide a temporary cycle- and bridle-way, (Work No. 2/183B), as a substitute for the Kenilworth Greenway during construction of the scheme. Whilst this provision is welcomed, your Petitioner would draw attention to a loop in the proposed way that causes it to run alongside the Cromwell Lane Satellite Compound. Not only would this add further distance to the route, but it would also expose Greenway users to noise, poor visual amenity, and airborne pollutants. Your Petitioner therefore seeks an amendment to the route of the temporary cycle and bridleway so that it runs across the field south-west of the Cromwell Lane Satellite Compound in a continuous line, rather than making several changes of direction to follow the field boundary.
- 34 The crossing of Cromwell Lane was very unsatisfactory in the original scheme, and your Petitioner is pleased that the Promoter has acceded in AP2 to requests for an underpass. However, few details are given and the Promoter has said nothing about acoustic treatment to reduce resonance and noise transmission that might startle horses being ridden or led through the underpass. Your Petitioner seeks an undertaking from the Promoter that the underpass will be designed, built, and certified by the Promoter to be fully suitable and safe for horse-riders, cyclists, and pedestrians.
- 35 Near the electrical sub-station, the Promoter proposes in AP2 to replace a section of cutting for the proposed railway, retained by a wall, with graded earthworks. The replacement Greenway, Work No. 2/182 would be displaced sideways, but with the same distance from the edge of the cutting. The Environmental Statement refers to "improved mitigation earthworks", but there does not seem to be sufficient space. Your Petitioner seeks an undertaking from the Promoter that there will be proper screening to ensure horses will not be startled by sudden-onset noise or the sight of fast-moving trains.
- 36 Public Footpath M184 runs parallel to the Greenway at Little Beanit Farm, and with AP2, the Promoter proposes to provide a stepped ramp from it to the Greenway. Your Petitioner considers the Promoter has not left sufficient room for noise barriers and the planting of trees and shrubs between the footpath, ramp and reinstated Greenway, and the proposed railway, Work No. 2/146. No screening foliage is shown on the Promoter's drawings, and some of the Greenway surface is taken up with a drainage channel. At present, there is a line of trees on the crest of the old cutting and drainage is provided by underground pipework. Unless noise barriers are provided to make the Greenway safe for the riding and leading of horses, and unless the barriers are masked with screening foliage, users of the Greenway will experience a serious loss of amenity. Your Petitioner seeks an undertaking from the Promoter that adequate space will be provided for an effective noise barrier and the planting of foliage to conceal the barrier between the areas with public access and the proposed railway.

- 37 The connection between Public Footpath M184 and the Kenilworth Greenway, proposed in AP2, is welcome. A stepped ramp is proposed to overcome the height difference of about 2 metres but no details are provided. Your Petitioner seeks an undertaking from the Promoter that the proposed access ramp between the Kenilworth Greenway and Footpath M184 at Waste Lane will be suitable for all footpath users.
- 38 Your petitioner is concerned by the Promoter's proposal to restore the linkage between footpath M184 and Waste Lane. All that is required is a ramp up from the existing path, curving around on the embankment to join the new bridge with a difference in level of about 2 metres, but the Promoter proposes a diversion of 50 metres with a descent to the Kenilworth Greenway and a re-ascent via the diverted Footpath M198, to the new Waste Lane bridge. The existing flight of steps does not provide satisfactory access for all path users, so your Petitioner seeks an undertaking from the Promoter that a ramp, with a gradient of no more than 5%, will be provided up the embankment of Work No. 2/186 to link Footpath M184 to the realigned Waste Lane.
- 39 With AP2, the Promoter is offering to create access to the Kenilworth Greenway from Station Road at Berkswell Station. A permissive bridleway some 500 metres long is proposed, which would meet a long-standing need for proper access to the Greenway from the Berkswell end. It is proposed to divert Public Footpath M196 laterally by a small distance onto this new route. However, no details have been made available of the proposed Work. Your Petitioner seeks an undertaking from the Promoter that the extension of the Kenilworth Greenway and the diversion of the footpath M196 will be designated as Works in the Bill with published plans and sections, that the Greenway extension will be designated as a Public Bridleway, and that the maximum gradients for the Greenway extension and M196 will not exceed best practice values to suit all potential users.
- 40 The Promoter proposes to replace more than 1.5 kilometres of the Kenilworth Greenway with a substitute route. Whereas the existing bridle- and cycle-way runs in a cutting, the Promoter's scheme envisages a section of the reinstated Greenway, Work No. 2/182, being on top of the Burton Green Tunnel, necessitating ramps up and down from the existing cutting, at the north and south ends. Originally, the Promoter proposed that these ramps would have a gradient, of 10%. This would have been unsuitable for its present mixed use. Possible increases in speeds of cyclists would be unacceptable for other users. The gradient would be problematic and unsafe in winter.
- 41 In AP2, the Promoter has reduced the gradients to 5%. However, the Highway Design Manual gives preferred maximum gradient for mixed use of 3%. Your Petitioner does not see a problem in making the route to this gradient, and that 5% is unnecessary, unsafe and unsuitable. There is also an icing risk, and the probability of extra wear to the surface. Your Petitioner asks that the maximum gradient of the reinstated Kenilworth Greenway be reduced to 3%, particularly in the southern section where the incline is of considerable length, and that future operators of the

proposed railway will pay the owners of the Greenway any costs involved in keeping the inclined sections in good condition and free of ice.

- 42 In AP2, the Promoter has changed the route of the temporary cycle- and bridle-way, Work No. 2/183B, so that it runs along Waste Lane for about 40 metres. No detail is given in the Environmental Statement, and your Petitioner is concerned about the safety of users, especially as the Lane is designated as a construction route and the location is right by the construction site for the new Waste Lane bridge. Your Petitioner seeks an undertaking from the Promoter that the temporary route of the temporary cycle- and bridle-way along Waste Lane will be segregated from vehicle traffic to ensure the safety of users.

Ecological Impacts

- 43 The quality of life enjoyed by residents of the Parish is affected to a large degree by the rural amenity of adjacent areas. Your Petitioner is greatly concerned by the impact of the proposed railway on the landscape, rural economy, public rights of way, ecology, and hydrology of the area to the east and north of Balsall Common. Your Petitioner seeks an assurance the Promoter will implement measures to reduce the detrimental effects that will be caused by the proposed railway scheme by placing as much as possible of the route in cutting or tunnel as proposed earlier in this Petition. The Natural England Bat Mitigation Guidelines 2004 run to 76 pages . Within are comments that mitigation plans should be opened up to public scrutiny and that the long term security of bat populations should be assured. Every bat species, and 9 have been identified in area CF23, have different life habits for mating, breeding, hibernating and feeding. The Guidelines report that compensation mitigation creation of new roosts is impossible. Isolation of colonies during all phases of their life cycle and, moreover, fragmentation of colonies are High Risk issues.
- 44 Your Petitioner humbly suggests that a deep bore tunnel between Balsall Common and Hampton-in-Arden is the only mitigation that will provide conservation and preservation of our endangered bat species.
- 45 Otters and their habitats are another deep concern with positive evidence identifying them as living successfully on the banks of the River Blythe, its tributaries and even under the Stonebridge A45 over-bridge. During the construction process disturbance of the river, brooks and other tributaries together with the diverting and damming of various water courses and, moreover, the pouring of hundreds of thousands of tonnes of toxic concrete into the deeper and wider environment means these wonderful, endangered creatures will die or be lost to our area for ever. Both ground borne and airborne pollution and water run-off pollution from the construction process and run-off during operation will also have a massively negative impact on their habitats and, therefore, their survival.
- 46 The absence, in various reports, of amphibians and other species being found is surprising; fish were named as possible predators which is true, however, the Great Crested Newt spends much of its life cycle out of water on pasture. There was no

indication of wider research projects being set up to determine the accuracy of the presumption of absence. This is yet another endangered species at considerable risk during the construction of HS2. It is almost inconceivable that GCNs are not using our ideal habitats. Your Petitioner humbly requests further intensive research is commissioned.

- 47 Your Petitioner humbly requests that a deep bore tunnel between Balsall Common and Hampton-in-Arden would be the only mitigation that will provide conservation and preservation of our otters and other water based wildlife and their habitats.. Your Petitioner notes the intention to plant substitute lengths of hedging, but seeks a commitment from the Promoter that the replacement hedges will be planted and nurtured to maturity in appropriate locations, using species that are similar to those displaced, and that the overall scheme of planting will provide a quantity and quality of habitats equivalent to those that have been lost.
- 48 Additional Provisions 2 WR-002-023 - WR-003-023 - Water Resources and Flood Risk cause your Petitioner concern. The area is subject to regular and significant flooding of the River Blythe Valley and its tributaries and other water courses is a regular feature of day to day life during bad weather conditions at all times of the year. Your Humble Petitioner is aware that alleged 'Global Warming' may make these occurrences increase in severity as may projected cyclical weather patterns.
- 49 Your Petitioner understands that certain safeguards are mentioned in the above AP2 such as setting the rail level above the Annual Exceedence Probability or by protecting the route using flood defence structures. In addition, a strategy for surface water management systems for collecting, attenuation and discharging at a controlled rate is also laid out . However, no strategies appear, as yet, to be definitive or have definitive solutions against possible flooding events on the line or for the controlled discharging of rainwater/storm events or those generated by rainwater falling on the Proposed Scheme.
- 50 Flooding is a regular major issue along the River Blythe and associated water courses and because of this Your Humble Petitioner respectfully suggests this issue requires an early definitive solution. Polluted run-off water will cause, yet another, significant negative impact on the ecology and wider environment of the area. Your Petitioner respectfully suggests these are further environmental issues that could be solved by commissioning the deep bore tunnel option for the area.
- 51 Your petitioner requests a commitment to undertake further research and review the mitigation measures to deal with these matters

Other concerns

- 52 Your Petitioner continues to be concerned that there will be a deterioration of air quality due to construction works, construction traffic and the operation of the proposed scheme once constructed as these have not been effectively addresses in the AP. Your Petitioner considers that this will have a detrimental impact on the

amenity of the Parish and the health of its residents, particularly on children and the elderly. Your Petitioner therefore seeks a commitment from the Promoter that there will be a robust system for monitoring the air quality so that control measures can be developed and mitigation put in place.

- 53 For the foregoing and connected reasons your Petitioner respectfully submits that, unless appropriate safeguards are provided to protect your Petitioner and the Bill is amended as proposed above, so far affecting your Petitioner, the Bill and these Additional Provisions should not be allowed to pass into law.
- 54 There are other clauses and provisions of the Bill and Additional Provisions 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 with these Additional Provisions 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Shafim Kauser
Clerk to Balsall Parish Council

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2015-16

HIGH SPEED RAIL (LONDON –
WEST MIDLANDS) BILL
(Additional Provisions)

PETITION OF
Balsall Parish Council

AGAINST, By Counsel, &c.

CONTACT DETAILS

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12 August 2015