

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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.

*Clauses of the Bill*

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, 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 works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
  
- 6 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

*Your Petitioner*

- 7 Your Petitioner is the Balsall Parish Council, the relevant council for the parish of Balsall Common (the Parish) located within the Metropolitan Borough of Solihull (the Borough).
  
- 8 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 Arden 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 and a network of 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."
  
- 9 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.

- 10 The Parish is located in the green belt and is situated in what is known as 'the Meriden Gap', which is an open green interval separating the Birmingham 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.
- 11 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.
- 12 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*

- 13 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.
- 14 Your Petitioner considers that the current alignment of the route of High Speed 2 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 the Bill in its current form and objects to the Bill for the reasons, amongst others, stated in this petition.

### *Visual and Landscape Impacts*

- 15 Your Petitioner is concerned that the current alignment of the route through the Parish is to take place overground and upon viaducts. In the majority of areas, the viaducts will pass through flat, open, green belt land which will necessarily have a seriously detrimental visual impact.
- 16 The alignment of the scheme adjacent to the Parish is to be constructed on viaducts that are to be 9.51 metres above the ground. However, on top of the viaduct will be overhead line cables as well as noise attenuating barriers. As such, the total height of the proposed scheme, along with its considerable length, will be considerable and the viaduct will be an imposing and fundamentally intrusive structure having a serious impact upon the rural landscape of the village and reducing its amenity value.
- 17 Your Petitioner considers that the majority of its concerns relating to visual, landscape, noise and ecology could be addressed by the construction of a tunnel. Your Petitioner considers that the significant detriment to the Parish and the residents of the Parish could be mitigated by way of undergrounding the proposed alignment comprising Work No. 2/146 and Work No. 3/1, from Burton Green, just south of the Berkswell Parish administrative area, to a point north of Balsall Common ('the Proposed Tunnel').
- 18 The Proposed Tunnel would substantially mitigate the impacts of High Speed 2 on the small rural community of the Parish, as well as the green belt land that falls within the alignment of High Speed 2. Whilst your Petitioner appreciates that the Proposed Tunnel may impose an additional cost on the Promoter, it is the view of your Petitioner that any cost to the Promoter ought properly to be balanced against the cost to individuals, to the community and to local, regional and national economic interest.
- 19 As part of this cost equation is the opportunity to make provision now for the best opportunity to maximise community and economic benefits. Protection of this community and the green belt, particularly in this sensitive area, would provide far greater community, ecological and landscape benefits in the long term than the additional costs of providing the Proposed Tunnel now. Furthermore, prevention of a substantial visually intrusive development in this sensitive landscape will prevent the 'slippery slope' of development and the urbanisation of the Meriden Gap, an important rural area that protects community individuality and prevents urban sprawl.
- 20 Your Petitioner also considers that when a change to the scheme in the Bill is justified on the merits, it is no answer for the Promoters to say that such a change

should be resisted because it goes beyond what is provided for in the Bill. It is the Promoters, not those affected, who have chosen what to put in the Bill and, if they have got that wrong, they should now accept the change. In addition, given that the Promoters have already indicated that changes to the scheme will be necessary, your Promoters consider that the Proposed Tunnel could also be put forward as a change, by means of an Additional Provision.

21 Your Petitioner therefore seeks:

- (a) a commitment that a full assessment of 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;
- (b) 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;
- (c) 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;
- (d) 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
- (e) a commitment that appropriate powers will be sought to implement the chosen tunnel option.

#### *Noise Impact*

22 Your Petitioner is concerned about the potential noise impacts within the Parish 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. 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.

23 Your Petitioner does not consider that the Promoter has undertaken a sufficient noise assessment in relation to the operational impact the scheme will have on the local community. A significant number of residential and commercial properties are

located within 200 metres of the proposed alignment and there are no natural barriers to such noise due to the flat, open nature of the surrounding rural area. The noise impacts are likely to have a severe impact on the health and wellbeing of such local residents affected.

24 Your Petitioner is concerned that the proposed scheme does not include noise barriers at all locations along 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. Further, your Petitioner considers that the Promoter has not clearly stated the level of noise attenuation that will be achieved by the noise barriers on the Balsall Common Viaduct, Beechwood Embankment and Rail underbridge (work no. 3/1). Your Petitioner seeks a commitment from the Promoter that noise barriers will be provided along the whole length of the proposed railway that falls within the Parish 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, that properties exposed to a higher noise level will be provided with sound insulation and air-conditioning to reduce the interior maximum noise level from the passage of a train to no more than 45 dBA, and that the Promoter will certify that noise levels are safe for the riding and leading of horses.

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

- (a) undertake a full assessment, using noise levels reflective of the prevailing conditions in the Parish and consider the need for additional noise mitigation measures as a result of such assessment;
- (b) consider, during its assessment of a tunnel in this area (please see paragraph 21 above) whether, the tunnel would provide a suitable form of mitigation in relation to noise pollution and will consider the benefits of such mitigation when balancing the need for the tunnel against the cost;
- (c) consult with your Petitioner in relation to suitable and additional means of noise barriers to mitigate the noise impacts on the residents of the Parish and will seek to agree appropriate measures with your Petitioner;
- (d) 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
- (e) amend the Bill accordingly.

#### *Design of viaducts and other major structures*

26 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.

- 27 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. Your Petitioner considers that viaducts in particular have major adverse effects in landscape terms in its Parish and that measures should be taken to ensure an appropriate quality of design in each case in full consultation with the local planning authority.
- 28 Your Petitioner considers that the height of the proposed Balsall Common Viaduct will cause major visual intrusion in the area around Truggist Lane. The elevation of the rails above Truggist Lane would be 9.51 m, to which must be added the height of the noise barriers and overhead line equipment. Your Petitioner seeks a commitment from the Promoter that the visual impact of the viaduct and noise barriers will be reduced by using an alternative design, such as a through-truss structural design with integral side walls above the tracks rather than a box structure beneath them, and that the height of the rails will be significantly reduced. Furthermore, your Petitioner seeks a commitment from the Promoter that the design of the viaduct and associated noise barriers and overhead line equipment shall be of a high design standard and to be agreed with your Petitioner.
- 29 Your Petitioner supports the petition of the Borough Council and agree that the Promoter should provide an assurance that a Design Manual will be agreed with each local planning authority, to contain design principles aimed at ensuring that the designs of viaducts and other major structures are of high quality, iconic where appropriate and sympathetic to their surroundings, and that all proposals for viaducts and other major structures shall accord with the Design Manual for the local authority area in which they are situated.

#### *Construction impacts*

- 30 Your Petitioner 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 notes that the Promoter is seeking powers to create a route through Berkswell Station car park and onto the Kenilworth Greenway for construction traffic, and to retain this route, after construction, for the use of maintenance traffic. In the past, the owner of the Rugby and Birmingham Railway infrastructure has given permission for the creation of access on this route for pedestrians, cyclists and equestrians to the Kenilworth Greenway, but practical considerations have prevented implementation. Your Petitioner seeks a commitment from the Promoter that a Public Bridleway will be created on the maintenance access track for the proposed railway through Berkswell Station car park and the station yard.
- 32 Your Petitioner is concerned 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 due to the quantity of construction vehicles using the road. The A452 is the principal route to, through and from the village, it is already heavily used by Heavy Goods Vehicles and it is also a designated alternative route for traffic diverted to/from the M42. This road passes through the centre of the community close to local schools, nurseries, a care home and 3 senior living housing facilities, all of whom are residents who are particularly vulnerable to air, noise and vibration pollution. The Health Impact Assessment acknowledges that heavy construction trucks cause safety hazards, health risks, noise, and degrade air quality with particulates and dust. This disruption and environmental pollution will be very inconvenient for local residents who use this route daily for commuting, business and leisure. Your Petitioner therefore seeks a commitment that the roads listed above will not be used as construction routes and that the Promoter will seek to agree with your Petitioner alternative construction routes wherever possible. Further, the Promoter should agree that local roads will only be used as construction haul routes if and to the extent that use of the High Speed 2 track alignment for that purpose is not practicable and that temporary restrictions and closures will be phased with prior agreement of the local Highways Authority. Furthermore, if the A452 is used for construction traffic, 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.
- 33 Your Petitioner is concerned that a number of construction routes identified in the Environmental Statement include roads considered by your Petitioner as inappropriate for haulage use, including: Waste Lane, Hallmeadow Road, Park Lane, Lavender Hall Lane, Windmill Lane, Hob Lane, Station Road and the car park at Berkswell Station. The character and construction standard of these roads is in your Petitioner's view inappropriate or insufficient to accommodate the levels of construction traffic associated with High Speed 2. The use of these roads as construction routes would cause serious harm to the safety, health and convenience of the residents in the vicinity and all residents seeking to access the Balsall Common Medical Centre and use Berkswell Station, as well as the road users. Your Petitioner considers that the use of these roads for construction traffic would cause considerable inconvenience and economic loss for local residents and local businesses, who use these roads and car parks to travel to and from Birmingham, Coventry, Kenilworth and Warwick for work, to access local amenities and



neighbouring communities and to access London Midland rail services. Your Petitioner therefore seeks a commitment that the roads listed above will not be used as construction routes and that the Promoter will seek to agree with your Petitioner alternative construction routes wherever possible. Further, the Promoter should agree that local roads will only be used as construction haul routes if and to the extent that use of the High Speed 2 track alignment for that purpose is not practicable. If the Promoter does allow use of these roads as construction routes, your Petitioner seeks a commitment that the Promoter will provide alternative free car parking, and access arrangements to Berkswell station for the duration of the works

- 34 Your Petitioner is further concerned regarding the acknowledgement that there will be a substantial increase in the generated traffic that will pass through Balsall Common to use the proposed new interchange station car park at Bickenhill which will have approximately 7,000 car parking spaces. The increased traffic will cause further air and noise pollution, wear on the road surfaces and will cause inconvenience to local residents. As such, your Petitioner seek a commitment that the Promoter will meet any costs to the local authority for the maintenance of the roads and will seek to monitor and mitigate the impacts of the noise and air pollution. Any costs relating to breaches in air quality standards should be met by the Promoter, not by the local authority.
- 35 Your Petitioner is concerned that the Bill does 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*

- 36 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 is concerned 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. 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 with your Petitioner and the Greenway Trust.

- 37 Your Petitioner is concerned that the temporary use of the Kenilworth Greenway by construction traffic during the construction phase could lead to the unnecessary felling of trees along the Greenway. Because of the length of time taken for trees to reach maturity, there would be significant loss of landscape amenity if trees are felled or damaged. Your Petitioner seeks a commitment from the Promoter that the felling of mature trees along the Kenilworth Greenway will only take place if essential for the passage of equipment, that the root systems of all the Greenway trees will be effectively protected throughout the construction operations, that damaged or felled trees will be replaced early in the construction phase following best practice guidance, and that the Promoter will make enduring agreements to provide on-going care and maintenance of replacement trees.
- 38 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.
- 39 The proposed scheme includes a signal controlled crossing of Cromwell Lane (Work No. 2/183). Your Petitioner believes this would cause nuisance and risk to residents, as the road is busy and it would cause traffic flow difficulties and potential grid-lock due to its proximity with the Hodgetts Lane junction. Your Petitioner seeks a commitment that an underpass beneath the road be provided, suitable in size and acoustics for horse-riders, cyclists, and pedestrians.
- 40 Your Petitioner is concerned that the Kenilworth Greenway and the re-routed substitute section (Work No. 2/182) are reinstated in a way that restores the original ambience. The essential character of the Greenway is the product of decades of naturalisation of the old man-made rail-bed. The Promoter has given no clear specification for the foliage to be planted along the whole length of the Greenway and its substitute. Your Petitioner seeks an undertaking from the Promoter that the original part of the Greenway and Work No. 2/182 will be planted on both sides with native tree species to reproduce the original ambience, that the trees and shrubs will be of sufficient height and density to screen the noise barriers, that additional land will be allocated for this purpose if required, that this planting will be done early in the

construction phase following best practice guidance and that the Promoter will make enduring agreements to provide on-going care and maintenance.

- 41 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 new route would run on higher ground above the cutting of the proposed railway. The new route would join the original cutting with ramps at Little Beanit Farm and at Burton Green, the height difference being some 5 metres and 10 metres respectively. The Promoter proposes that the ramps would have a gradient of 10%. This would be unsafe and unsuitable for the full range of users. There is a probability that cyclists would reach speeds that are unacceptable on a mixed-use recreational route, and in winter, there is the risk of ice formation on the slopes, which would cause accidents. The surface on the steep gradients will experience wear and erosion at a higher rate than the existing surface, and thereby require greater maintenance and repair. Your Petitioner seeks a commitment from the Promoter that the transition gradients will be reduced to no more than 5% and that future operators of the proposed railway will be obliged by contract to pay the owners of the Greenway any costs involved in keeping the ramps in good condition and ice-free.

#### *Ecological Impacts*

- 42 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.
- 43 Trees are critical features in the landscape and need long-term planning and care due to their slow growth rate. Your Petitioner seeks a commitment from the Promoter that where tree planting is to be used as an offset, a replacement ratio of 5-for-1 will be used in order to ensure satisfactory replacement, and that advice from the relevant parish and town councils and local interest groups on species and locations will be heeded.
- 44 Your Petitioner notes that the proposed scheme will entail damage or removal of hedgerows throughout the local area, with serious implications for the complete ecosystems to which they give shelter. 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.

### *Community Fund Projects*

- 45 Your Petitioner is concerned that, without further protection, the proposed works will leave a negative legacy on the landscape and communities in their area. Whilst the Environmental Statement contains mitigation for a number of identified adverse impacts, your Petitioner considers that the aggregation of a large number of adverse impacts not considered significant would result, when considered across the whole of your Petitioner's area, in significant adverse effects on the environment and local communities. Your Petitioner requests that the Promoters of the Bill should be required to establish a local Community Fund, the form of which should be discussed and agreed with local authorities, parish council and civic bodies and which should be made available for the use of your Petitioner, other public bodies, charities and other organisations as a means to offset the environmental and other damage that will be caused to the inhabitants of your Petitioner's area, in the absence of any gain. The Fund should enable your Petitioner and others to provide for replacement and additional facilities, infrastructure or other mitigation. There is relevant and recent precedent for the establishment of such funds in respect of other major infrastructure projects, for example on High Speed 1 and the Hinckley Point nuclear power station.
- 46 Further, your Petitioner seeks a commitment from the Promoter that future operators of the proposed railway will be required by contract to maintain a Community Fund to support community projects in the areas of Solihull Borough that would be adversely affected by the proposed railway, that the fund will be administered by a committee drawn from local parish and town councils and other relevant bodies, that the operator of the railway will be obliged by contract to contribute £100000 annually to the fund, and that the Fund will receive the proceeds from (inter alia) any penalty charges imposed for exceeding environmental limits.

### *Construction: mitigation generally and adequacy of Code of Construction Practice*

- 47 Your Petitioner does not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("COCP"). That is inadequate because the COCP is in draft form and will remain as such until after the Bill has been enacted and further, it can be amended by agreement between the Promoter and the nominated undertaker. The term, 'reasonably practicable' has been used frequently

throughout the COCP but it is not clear who will decide what is ‘reasonably practicable’. It is notable that in the environmental minimum requirements and supporting documents, the requirements on the Promoter are more stringent, being framed in terms of “best endeavours”, etc. This should be reflected in the COCP.

- 48 Your Petitioner is also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust caused during the construction period and, in particular, that the CoCP merely replicates the standard industry Code of Construction Practice as a minimum and matches the best practice requirements imposed by your Petitioner on other major construction projects in the locality. There should also be a guarantee that any future changes to industry standards will be complied with.
- 49 Your Petitioner respectfully suggests that the Nominated Undertaker should provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operation in order to minimise their impact on residents and businesses. Your Petitioner should be notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.
- 50 Your Petitioner also alleges that there is a lack of detail on noise mitigation in the COCP, which in any event will remain in draft until after the select committee of your honourable House has considered this Petition. Your Petitioner is also concerned that clear accountability and enforcement protocols are not defined in the COCP. Your Petitioner would ask your honourable House to require the Promoters to address these issues.
- 51 Furthermore, your Petitioner considers that the measures set out within the COCP are inadequate to fully address the impacts and detriment that the proposed scheme will have on local communities and individuals. As such, your Petitioner seeks a commitment from the Promoter that:
- 51.1 an Environmental Health Officer and an Ecology Officer shall be employed, for the duration of the works, with the power to suspend works, should agreed control measures be breached, and until more rigorous measures have been put in place;
- 51.2 start-up and close-down periods of construction would be restricted to 30 minutes to prevent impacts on local residents occurring outside of permitted hours of construction;
- 51.3 local approval by your Petitioner shall be required for construction activities outside core hours likely to cause undue disturbance through noise, vibration, traffic, dust, fumes, or lighting and that such work would be justified by the use of major plant or

the need to avoid day-time disruption. Detailed applications for such works would be made 14 days in advance and Bank Holidays should be treated the same as Sundays;

- 51.4 work areas should be set up, maintained, operated, cleared, and reinstated to the satisfaction of your Petitioner with regard especially to the mitigation of visual intrusion, protection and insulation from noise and vibration, and the positioning of vehicle routes;
- 51.5 the nominated undertaker and its contractors will be responsible for providing security staff to maintain good order in and around worker camp sites and work sites to the satisfaction of the your Petitioner;
- 51.6 your Petitioner will be consulted when the detailed COCP is settled for the parish and its views considered and where appropriate incorporated in the COCP;
- 51.7 the need for a workers camp outside Balsall Common is reviewed, with consideration given to whether workers could be accommodated at the Bickenhill camp and be transported daily by bus;
- 51.8 an independent, objective and comprehensive assessment process is undertaken in which the proposed scheme is assessed for best practice in design, construction and operation stages and that for project management, the scheme should achieve CEEQUAL (the civil engineering environmental accrediting agency) excellent as a minimum.

*Other concerns*

- 52 Your Petitioner is 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. 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 Your Petitioner considers that the proposed Balsall Common Viaduct and adjacent embanked sections of Work No. 3/1 could block or distort electromagnetic signals, used for television, mobile telephones, and navigation. Residents, businesses, and service providers in Balsall Common would suffer inconvenience, hazard, and expense if signals were blocked or distorted. The Promoter has failed to assess whether the elevated railway would interfere with these signals, nor considered whether extra repeater stations would be needed or their location. Your Petitioner therefore seeks a commitment from the Promoter that a prompt and proper investigation of the potential blockage of UHF signals will be carried out, that all necessary powers and funding will be provided for installing additional antennae or

other means to ensure a full service, and that these devices will be attached to the elevated structures in order to reduce the impact on the landscape.

*Business Rate Relief*

- 54 It is very likely that businesses will suffer a downturn in trade as a result of the construction of the works, particularly during the construction phase. Your Petitioner considers that it would be fair for those businesses who are so affected to be provided with some relief from business rates, and your Petitioner respectfully requests your honourable House to require the Secretary of State to make such provision as is reasonably necessary in this regard to assist businesses who can demonstrate that they have been adversely affected by the construction of the works.
- 55 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 should not be allowed to pass into law.
- 56 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 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.

Bircham Dyson Bell LLP

Parliamentary Agents for Balsall Parish Council

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON –  
WEST MIDLANDS) BILL

PETITION OF  
Balsall Parish Council

AGAINST, By Counsel, &c.

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Solicitors and Parliamentary  
Agents

23 May 2014