

To the House of Lords

Session 2015-2016

PETITION against the

High Speed Rail (London - West Midlands) Bill

THE PETITION of BALSALL PARISH COUNCIL

Declares that

1. The Petitioner is specially and directly adversely affected by the whole Bill, particularly Clauses 1 - 3 (Works), Clauses 20 - 24 (Planning), Clauses 25 - 36 (Deregulation), and Clauses 60 and 61 (Deposited plans and sections).

*Your Petitioner*

2. Your Petitioner is Balsall Parish Council, the council for the Parish of Balsall, situated within the Metropolitan Borough of Solihull.
3. 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. Balsall Common is served by both Balsall and Berkswell Parish Councils, and has an active Residents' Association.
4. The wider Arden landscape, with its 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 said of Meriden ward "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".

5. 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 via the West Coast Main Line. Along the A452 Kenilworth Road, within Balsall Common, are 4 senior residential homes, 3 children's nursery schools, a residential care home, and the Heart of England Academy.
6. The Parish is located in the green belt and in what is known as "the Meriden Gap", which is an open green interval separating 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.

*Your Petitioner's concerns*

7. Residents of Balsall Parish are deeply affected by any development that threatens the rural amenity of the Meriden Gap or is likely to increase or impede traffic. The proposed route of Phase One of High Speed 2 is directly adjacent to the Parish, and is to be constructed overground, largely 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. The Parish as a whole, and individual members of the community, will experience severe negative impacts.
8. While your Petitioner accepts that construction and operation of the proposed High Speed 2 railway will 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 be severely impacted as a result of the development.
9. Your Petitioner considers that inadequate provision is proposed to avoid adverse impacts upon the Parish, and to mitigate those that are unavoidable. Your Petitioner supports the view that High Speed 2 should be a sustainable development, which "meets the needs of the present without compromising the ability of future generations to meet

their own needs”. Your Petitioner considers the Scheme, as currently designed, does not meet this definition.

10. Your Petitioner is unable to support the Bill in its current form, and objects to the Bill for the reasons given below, including:
  - (a) Inadequate cost-benefit analysis of additional tunnelling
  - (b) Construction traffic and works
  - (c) The visual and landscape impacts of the HS2 Scheme
  - (d) Noise impacts
  - (e) Impaired public access to the countryside
  - (f) Ecological impacts
  - (g) Impacts on water resources and flooding
  - (h) Community compensation
  - (i) Radio frequency blockage

*Mitigation of impacts through additional tunnelling*

11. Your Petitioner is concerned that the current alignment of the route, adjacent the Parish, is to be overground and upon viaducts. In many areas, the viaducts will pass through flat, open, green belt land, which will necessarily have a seriously detrimental visual impact. The viaducts are about 10 metres high, above which will be overhead line cables as well as noise attenuating barriers. As such, the viaducts will be imposing and fundamentally intrusive structures having a serious impact upon the rural landscape and reducing its amenity.
12. 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 substantially mitigated by way of undergrounding the proposed alignment, comprising Work No. 2/146 and Work No. 3/1, from Burton Green to a point north of Balsall Common.
13. Whilst your Petitioner appreciates this 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.
14. 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. Furthermore, prevention of a substantial visually intrusive development in this sensitive landscape

will avert the "slippery slope" of development and urbanisation of the Meriden Gap.

15. Your Petitioner also considers that when a change to the Scheme in the Bill is justified on its merits, it is no answer for the Promoter to say that such a change should be resisted because it goes beyond what is provided for in the Bill. It is the Promoter, 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. The Promoter has already indicated that further changes to the Scheme will be necessary. 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, commitments that appropriate powers will be sought to implement the chosen tunnel option, and that an appropriate tunnel option will 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 the Scheme on the Parish.

*Construction traffic and works*

16. Your Petitioner submits that the Promoter should make every endeavour to use forms of transport other than the current road system during construction of the railway. The Promoter and 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.
17. 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, and is already heavily used by Heavy Goods Vehicles. It is also a designated alternative route for traffic when there are problems on the nearby M42.

18. The road passes through the centre of the community close to local schools, nurseries, a care home and 3 senior living housing facilities, all of whose residents 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.
19. 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, and Station Road. 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 evaluation by the Promoter that the effects are minor or moderate is not accepted by your Petitioner. 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 of those seeking to access the Balsall Common Medical Centre and Berkswell Station, as well as other road users. This would cause inconvenience and economic loss for residents and local businesses, for those travelling to and from Birmingham, Coventry, Kenilworth and Warwick, and for users of London Midland rail services.
20. The Promoter accepts that development of the Scheme has resulted in increased projected traffic flows, particularly on the A452 Kenilworth Road and B4101 Kelsey Lane/Waste Lane, but claims the level of significance has remained unchanged. The Petitioner is not reassured by the absence of quantified data, particularly as the report admits the increases in vehicles will make it more difficult for pedestrians to cross the road.
21. Your Petitioner does not understand how there can be a major adverse effect in one section but only a minor adverse effect adjacent to it, particularly with the number of vulnerable road users in the village. Your Petitioner seeks an undertaking that there will be a re-assessment of the construction and operation effects of the proposed works.
22. Your Petitioner is concerned that there has been no re-assessment of the traffic on B4101 Waste Lane following the relocation of the Cromwell Lane Satellite Compound and other route changes. The

Promoter has taken no account of new planning approvals for 130 dwellings on 3 sites on the A452 Kenilworth Road south-east of the junction with the B4101.

23. Your Petitioner therefore seeks a commitment that the Promoter will construct and use a dedicated haul route along, or parallel to, the line-of-route, and supports the amendment tabled in the House of Commons that would allow the exclusion of traffic from designated areas. The dedicated haul route would need to run from the depot in Park Lane down to Burton Green, crossing Truggist Lane and the Birmingham and Rugby railway near Truggist Hill. Further, your Petitioner seeks a commitment that the A452 and local roads will only be used as construction haul routes if and to the extent that use of the route along the High Speed 2 track alignment is not practicable in exceptional circumstances. 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, and that temporary restrictions and closures will be phased with prior agreement of the local Highways Authority
24. Your Petitioner is concerned that the Bill does not set out sufficient means for compensating those impacted by construction activities. These impacts include air pollution, noise, vibration, visual, congestion, dirt and negative amenity, and although temporary, will continue for a number of years. As such, they will have a significant effect on the well-being of many people living in the vicinity. Your Petitioner supports the petitions of those local individuals who have raised such impacts. 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.
25. Your Petitioner continues to be concerned that there will be a deterioration of air quality due to construction works and traffic. 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, and any costs relating to breaches in air quality standards should be met by the Promoter, not by the local authority. Your Petitioner also seeks an undertaking that the Promoter will consult with the local parish councils, as well as Solihull MBC, to agree mitigation for the effects of construction traffic and to agree the maximum number of construction vehicles allowed at any time.
26. Your Petitioner is concerned that the Code of Construction Practice is in draft form and will remain as such until after the Bill has been enacted, and that there are inadequate controls on its future

amendment. The term "reasonably practicable" is used frequently in the COCP without stating who will judge the practicality of a measure. Your Petitioner seeks a commitment that the more stringent standard of "best endeavours" will be used in the Code.

27. Your Petitioner is concerned that the Code of Construction Practice merely replicates standard industry practices and seeks a guarantee from the Promoter that any future strengthening of industry standards will be complied with.
28. Your Petitioner believes 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 seeks an amendment to the Code of Construction Practice to ensure your Petitioner is notified well in advance of any alterations in methods of construction and construction operations, particularly in relation to site servicing and set up arrangements.
29. Your Petitioner also alleges there is a lack of detail on noise mitigation in the Code of Construction Practice and that clear accountability and enforcement protocols are not defined. Your Petitioner would ask that the Promoter be required to address these issues.
30. Your Petitioner considers the measures set out within the Code of Construction Practice are inadequate to fully address the detriment that the proposed Scheme will have on local communities, and seeks an undertaking from the Promoter that funding will be provided for the employment of a local Environmental Health Officer, Ecology Officer, and Archaeological Officer, for the duration of the works, with the power to suspend works should agreed control measures be breached; that start-up and close-down periods of construction will be restricted to 30 minutes to prevent impacts on local residents occurring outside permitted hours of construction; that local approval by your Petitioner will 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 should be justified by the use of major plant or the need to avoid day-time disruption and applied for 14 days in advance; that 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; that 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 your Petitioner; that your Petitioner will be consulted and its views considered in relation to local control measures; that 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; and that 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.

*Impact on roads after construction*

31. Your Petitioner is concerned about the substantial increase in traffic that would pass through Balsall Common due to the proposed station 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 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.
32. Your Petitioner objects to the proposal to retain the temporary roundabout at Park Lane after construction. The Promoter concedes 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, just 600m from another roundabout on the edge of Balsall Common will have a deleterious effect on the surrounding roads and residents. The Park Lane roundabout will have uneven traffic flows, and is likely to encourage HGV traffic to access unsuitable local roads. There is concern that the traffic impact is under-estimated, in that the route will become attractive, in both directions, to longer-distance commuters heading towards Coventry. Further, it is likely to create a rat run effect for commuters and when the A452 is being used as an emergency route for problems on the M42. Walkers on the Heart of England Way, Public Footpath M214, will be exposed to additional risk. The Promoter does not identify any benefits from the change. Your Petitioner concludes the roundabout is likely to increase accidents and congestion and therefore seeks an undertaking from the Promoter that the temporary roundabout will be removed after construction, and that the landscape will be fully reinstated.
33. Your Petitioner objects to the Promoter's proposal for a second extra roundabout on the A452, at the junction with Marsh Lane and the Mercote Hall Lane trackway (Public Bridleway M218). These proposals will result in changes to Works No. 3/9, 3/9A, 3/9B, and 3/9C, which



are described in Schedule 1 to the Bill and the deposited Plans and Sections. However, no relevant revisions have been made to Schedule 1, Plan Sheet 3-004, or Section Sheets 6-007 and 6-008.

Consequently your Petitioner has no dimensional information upon which to make an informed assessment of the effects of constructing a roundabout which is portrayed in the Environmental Statement map books as some 80 metres in diameter and constructed on a dual-carriageway having a 4% gradient. Your Petitioner does not believe the revised Works can be constructed within the Limits of Deviation permitted in Schedule 1 sub-paragraphs (1) and (2), and seek an undertaking from the Promoter that revised Plans and Sections of the relevant Works will be published and that your Petitioner will be afforded the opportunity to make further requests for relief from any injurious affects.

34. The Promoter states that the reason for this change is “improving operational traffic movements northbound and southbound along the A452 Kenilworth Road and into and out of Marsh Lane in this area.” Your Petitioner does not agree that the introduction of a roundabout at this section will have any effect of improving traffic movements. This stretch of the A452 is free flowing and the addition of a roundabout will only serve to create delays and prevent the flow of traffic. Currently along this stretch of the A452, we have one roundabout at the junction of Bradnocks Marsh Lane. The two new proposed roundabouts mean this section of the A452 would have three roundabouts. The cumulative impact would be felt in Balsall Common as this prevents free movement of traffic in and out of the village. The impact on residents would be significant together with increased pollution, disruption, and standing traffic. This is acknowledged by the Promoter as “introducing a new delay to through traffic movements for users of the A452 Kenilworth Road itself.” Your Petitioner robustly asserts this delay will be significant. There is no evidence of a traffic assessment to support the introduction of a further roundabout.
35. Your Petitioner believes a roundabout near Marsh Lane is inappropriate, because of the topography, the configuration of the Work No. 3/9 bridge, the presence of horse and cycle traffic, the need to avoid interruption of the traffic flow on the dual carriageway, inconvenience to the great majority of highway users, noise, and pollution. Because of the small proportion of traffic entering or leaving the A452 at this point, your Petitioner believes there is no case for inconveniencing and endangering the great majority of road users. Your Petitioner would also point out that a single-carriageway underpass, with signal control, would probably be adequate, and the signals could be arranged to give priority to cyclists and equestrians. The Environmental Statement gives scant mention or assessment of any injurious affects, for instance dismissing the delay to traffic as "not

considered to be significant". Your Petitioner seeks an undertaking from the Promoter that a full evidence-based evaluation will be made of the junction options, and that in evaluating an underpass as discussed above, due weight will be given to the safety and convenience of non-vehicular users crossing the A452, to the flow of traffic on the main road, and to the other factors described above.

36. The proposed Marsh Lane roundabout would take up to two years and six months to complete and extend the works of the A452 Kenilworth Road Overbridges satellite compound by six months. Your Petitioner considers this additional delay is unacceptable given the lack actual benefit but clear evidence of serious disruption. It is also admitted by the Promoter that the roundabout would have a major adverse amenity effect on residents, and increase noise and visual effects to residents by a further two months from 13 months to 15 months. However, this effect will become severe as the works to be undertaken at this section are far more intrusive than those proposed in the original Bill. The impact will also be long term and change the nature of the area forever. Your Petitioner seeks an undertaking that these works will not be undertaken without a full and detailed traffic assessment.

#### *Visual and landscape impacts*

37. 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 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 subsequent proposed changes. 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.
38. The Promoter proposes to retain the roundabout between the A452 and Park Lane, which was to have been provided temporarily during construction. Provision of a balancing pond will increase the loss of farmland. 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. 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.

39. The other proposed roundabout at Marsh Lane also include a proposal for street lighting along this whole section of the A452 dual carriageway, which it is admitted will increase urbanisation within the rural context. Your Petitioner finds no need for the intrusion and loss of amenity caused by street lighting within this rural area, and seeks an undertaking from the Promoter that the proposal for lighting will be withdrawn.
40. It is evident that the Promoter now proposes to make the balancing pond behind the cottages in Marsh Lane even wider than proposed initially in the Bill. Your Petitioner is disappointed that the Promoter has failed to respond to earlier representations that pointed out a water feature of this size would be incongruous with the area, would expose residents to nuisance from mosquitoes and other water-breeding insects, and present a hazard for young children. Your Petitioner seeks an undertaking from the Promoter that the balancing pond will be changed to move it away from dwellings, and that the necessary volume will be divided between smaller ponds distributed along the line.
41. The Promoter also proposes to thin the screening planting around the balancing pond, while no additional plantings have been proposed to screen the raised elevation of the roundabout and carriageways. Your Petitioner seeks an undertaking from the Promoter that additional screening plantings will be made, that these plantings 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.
42. Your Petitioner is concerned that the viaducts and other infrastructure associated with the Scheme do not properly respect the environmental character of the area and are designed to be purely functional rather than sympathetic to their surroundings. Neither is their design iconic, which would be expected of a route providing a gateway to the West Midlands. The Promoter favours concrete as the most appropriate material for the construction of the viaducts and structures. This is not an assessment accepted by your Petitioner, who considers that the viaducts, in particular, would have major adverse effects on the landscape. Your Petitioner seeks an undertaking from the Promoter that a Design Manual will be agreed with each local planning authority to ensure the design of major structures is of high quality, and supports the amendment to the Bill, tabled in the House of Commons, that would make the deemed planning permission for these structures dependent on approval by the relevant parish or town council.

43. 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.
44. The Promoter has introduced a further bridge, Work No. 2/184, across the Kenilworth Greenway, as a replacement for 2 existing structures near Little Beanit Farm. The existing Victorian structures are constructed of brick and cast iron, and are characteristic of the Kenilworth Greenway as a whole. To preserve the overall amenity, 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.

#### *Noise impacts*

45. Your Petitioner is concerned about the potential noise impacts arising from the construction and operation of the proposed 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.
46. Your Petitioner does not consider that the Promoter has undertaken a sufficient noise assessment in relation to the operational impact of the Scheme 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 well-being of such local residents.
47. Your Petitioner is concerned that the proposed Scheme does not include noise barriers at all locations along the proposed railway. Even where it 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 supports the amendment to the Bill, tabled in the House of Commons, that would set a statutory noise limit, and seeks a commitment from the Promoter that noise barriers will be provided where needed 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 on bridleways, the Kenilworth Greenway, and on roads are safe for the riding and leading of horses.

48. Your Petitioner therefore seeks a commitment that the Promoter will:
- (a) undertake a full assessment, using noise levels reflective of the prevailing conditions and provide additional noise mitigation measures as a result of such assessment;
  - (b) consider, during its assessment of a tunnel in this area (see paragraph 15 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) 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.

*Impaired public access to the countryside*

49. 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 House of Commons Select 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 our residents using the Greenway. Your Petitioner considers that a temporary parallel haul route should 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.

50. Your Petitioner is concerned that if the Kenilworth Greenway were to be used by traffic during the construction phase, it would 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.
51. 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.
52. The Promoter has changed the route of the temporary cycle- and bridle-way, Work No. 2/183B, to run 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. 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.
53. The Greenway crossing of Cromwell Lane was very unsatisfactory in the original scheme, and your Petitioner is pleased that the Promoter has acceded to requests for an 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.
54. The Promoter proposes to replace more than 1.5 kilometres of the Kenilworth Greenway with a substitute route, which has ramps up and down where it runs above the Burton Green Tunnel. The Highway Design Manual gives a preferred maximum gradient for mixed use of

- 3%. This would mitigate safety issues, the 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%, 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.
55. Near the electrical sub-station at Burton Green, by a cutting with graded earthworks, the Promoter refers to "improved mitigation earthworks". Your Petitioner seeks an undertaking from the Promoter that there will be proper screening to ensure horses on the reinstated Kenilworth Greenway will not be startled by sudden-onset noise or the sight of fast-moving trains.
56. At Waste Lane, your Petitioner considers the Promoter's proposal for Public Footpath M184 are inadequate and there is insufficient room for noise barriers and the planting of trees and shrubs where the path runs parallel to the Greenway. 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, that the proposed access ramp between the Kenilworth Greenway and Footpath M184 at Waste Lane will be suitable for all footpath users, and 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.
57. The Promoter is offering to create access to the Kenilworth Greenway from Station Road at Berkswell Station, but 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.
58. 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 a clear specification for restoration works and replanting will be agreed with your Petitioner and the Greenway Trust, 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.

59. The residents of Balsall Parish make substantial use of the network of Public Rights of Way in the areas through which the proposed railway would run. Your Petitioner is concerned that many changes to the network have been proposed without the local consultation that ordinarily would be expected, and that these changes have a serious adverse impact on the amenity and convenience of these routes. Despite a number of representations, the Promoter seems unaware of the current alignments of some of these Rights of Way, and the Promoter has failed to publish Plans and Sections setting out clearly the proposed changes. Your Petitioner seeks an undertaking from the Promoter that no changes will be made to Public Rights of Way without proper consultation with interested parties, that priority will be given to preserving or enhancing the amenity and convenience of ways affected by the Scheme, that the Promoter will check the claimed alignments of all Public Rights of Way in our area against the relevant Definitive Map and will correct the Bill documents accordingly, that Plans and Sections will be published of ways that are to be modified substantially, and that your Petitioner will be afforded the opportunity to make further requests for relief from any injurious affects that become apparent.

#### *Ecological impacts*

60. 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 by placing as much as possible of the route in cutting or tunnel as proposed earlier in this Petition.
61. Your Petitioner is concerned that insufficient recognition and protection have been given to the major biodiversity of flora and fauna, including an ancient heronry, in Marlowes Wood. The current proposal threatens the whole wood and its ecosystem. Once they have gone they are 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 which will take decades to establish. It takes 200 years for an oak tree to fully mature. Everything from microbes in the soil, fungi, and plants, to the invertebrates, butterflies, moths, and small mammals, to the herons, bats, owls and all the other species, will be lost, probably for ever, unless there is a substantial improvement in the mitigation. Your Petitioner requests that the maximum protection be given to the Wood as it is now, that the proposed mitigation and offset plantings be fully reappraised, and that no construction sites should be located within the Wood.

62. Your Petitioner does not believe that the reduction of the planned broadleaved planting by the A452 Kenilworth Road at Marlowes Wood to a 20m strip is acceptable. These trees will provide insufficient habitat and screening, particularly as the trees will take at least a generation to grow sufficiently to be effective.
63. 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.
64. 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.
65. The Natural England Bat Mitigation Guidelines 2004 run to 76 pages. It states 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 CFA23, have different life habits for mating, breeding, hibernating and feeding. The Guidelines report that mitigation by compensatory creation of new roosts is impossible. Isolation and fragmentation of colonies are High Risk issues. Your Petitioner urges that the Promoter be required to comply with specialist advice and ensure adequate green corridors are provided along and across the proposed railway.
66. Otters and their habitats are of deep concern. There is evidence they inhabit the banks of the River Blythe, its tributaries, and even under the A45 overbridge at Stonebridge. During the construction process,

there will be disturbance and damming of water-courses, together with the toxic affects of huge amounts of concrete. Multiple types of pollution from construction and operation will have a severe negative impact on their habitats and, therefore, their survival. Your Petitioner requests that protective measures are adopted in full.

67. The absence, in various reports, of amphibians and other species 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 the proposed Scheme. Your Petitioner requests further intensive research is commissioned and the acted upon.

*Impacts on water resources and flooding*

68. The reports in the Environmental Statement on Water Resources and Flood Risk are of concern to your Petitioner. The area is subject to regular and significant flooding of the River Blythe Valley and its tributaries. Your Petitioner is aware that Global Warming may make these occurrences more frequent and severe, and believes there is an increased risk of polluted run-off from the proposed railway. Your petitioner requests a commitment to undertake further research and review the mitigation measures to deal with these matters.
69. Associated with the roundabout proposed at Marsh Lane on the A452 is an increase in the culverted length of Bayleys Brook by 45 metres. The additional constructional works would be close to the Brook, which is designated a habitat of principal importance. Your Petitioner is concerned that the safeguards in the Code of Construction Practice will provide inadequate protection, and that, after construction, the predicted increase in flood levels will be exceeded because of obstruction of the culverts. It appears that the proposed roundabout and connecting roads have been superimposed on the previous scheme without a full evaluation of the hydrological impacts. Your Petitioner seeks an undertaking from the Promoter that the diversion of Bayleys Brook near Marsh Lane will be re-evaluated, that a route will be chosen to minimise the culverted length, and that the Promoter will make enduring agreements to ensure the Brook and its culverts are kept clear of obstructions so that wildlife is able to move freely along its course.

*Community compensation*

70. 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 Promoter be required to establish a local Community Fund, as a means to offset the on-going generalised harm inflicted on the wider area, including that of your Petitioner. The Fund would be used for replacement and additional facilities, infrastructure, and other mitigation. Such funds were established in respect of Birmingham Airport and other major infrastructure projects, for example, High Speed 1 and the Hinckley Point nuclear power station.

71. Further, your Petitioner seeks a commitment from the Promoter that future operators of the proposed railway will be required by contract to maintain the Community Fund to support community projects in the areas of Solihull Borough adversely affected by the Scheme, 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.
72. Businesses are likely to suffer impairment as a result of disruption during the construction phase. Your Petitioner considers it would be fair for businesses so affected to be provided with some relief from business rates, and seeks an undertaking from the Promoter that provision will be made to assist businesses who can demonstrate impairment due to construction of the Works.

#### *Radio frequency blockage*

73. Your Petitioner considers that the proposed Balsall Common Viaduct, other high structures, and embanked sections of railway could block or distort electromagnetic signals used for television, mobile telephones, emergency services, and navigation. Residents, businesses, and service providers would suffer inconvenience, hazard, and expense if signals were blocked or distorted. The Promoter has failed to carry out an assessment and has failed to distinguish the issue from that of interference, which is regulated by Ofcom. Your Petitioner seeks a commitment from the Promoter that a prompt and proper investigation of the potential blockage of radio signals will be carried out, that all necessary powers and funding will be provided for installing repeater stations to ensure a full service, and that these devices will be positioned to minimise the impact on the landscape.

74. 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.

75. 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.

*The Prayer*

The Petitioner therefore asks the House of Lords that he, or someone representing him in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition to the Select Committee which considers this Bill.

AND the petitioner remains, etc.

Shafim Kauser, Clerk to Balsall Parish Council

14 April 2016