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:

BIRMINGHAM CITY COUNCIL

SHEWETH as follows:—

1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your Honourable House intitled “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.

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, 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 Birmingham City Council, the metropolitan district council for the City of Birmingham which has a population of over 1,000,000 people. Birmingham City Council has statutory responsibilities for, amongst other things, highways, traffic, planning and development control, built heritage, minerals and environmental health and biodiversity in Birmingham, all of which are affected by provisions of the Bill.

8 Your Petitioner is also the owner of the National Exhibition Centre Ltd ('NEC') and the owner of the freehold of the land on which the NEC is located and the owner of the freehold of the land to the east of the M42 and partly owns Birmingham Airport, all located in Solihull.

9 The proposed route of Phase One of High Speed 2 extends into Birmingham, passing through Washwood Heath, which is also the site of the proposed rolling stock depot, and incorporates a major terminus in the heart of Birmingham which will entail a new station at Curzon Street. It also passes by and includes land acquisition and works directly affecting the NEC and Birmingham Airport and your Petitioner's landholdings to the east of the M42.

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

Your Petitioner's concerns

11 Your Petitioner strongly supports the Bill in principle. It believes that High Speed 2, if properly designed and efficiently implemented, will help to address the challenges facing the UK, providing improved rail capacity and connectivity with Birmingham at its centre, offering a catalyst for economic growth and regeneration. Your Petitioner has been and will continue to work with the Government in supporting the delivery of
High Speed 2. However, your Petitioner is concerned that the Bill in its current form fails to provide for an appropriate standard of development within Birmingham, does not provide the best integrated transport solution possible and does not take advantage of the full potential of High Speed 2 to act as an ‘engine for growth’ and facilitate much needed regeneration within the city. Your Petitioner also has concerns about the impact of the Bill on businesses, residents, local transport and connectivity, and on the built heritage and landscape of the city.

12 Your Petitioner is therefore unable to fully support the Bill in its current form and objects to the Bill for the reasons, amongst others, stated in this petition.

13 Your Petitioner is concerned that the Bill:

(a) fails to recognise that the area around the new Curzon Street station, if designed properly, could become amongst the best connected and thus potentially one of the most productive economic and regeneration locations in the country. Facilitating this growth will bring significant benefits at both the local and national level;

(b) will fail to deliver a world class station with efficient, accessible and convenient passenger interchange facilities at Curzon Street and to fully and properly integrate this station with surrounding land uses, thereby harming or failing to fully facilitate and support the regeneration of the area, in particular in relation to Digbeth, Eastside and the City Centre. The consequence of this will be that the full potential for High Speed 2 to be an ‘engine for growth’ would not be realised, and regeneration will be prejudiced;

(c) will not maximise and will prejudice future development and employment opportunities in the Washwood Heath area;

(d) in the proposals for the Birmingham Interchange Station, fails to take into account the proposed UK Central project and thereby fails to maximise and will damage the opportunity for growth and development in that area;

(e) fails to maximise and will have a damaging effect on the connectivity opportunities for both international and local links to, from and within Birmingham;

(f) has a range of adverse impacts arising out of the construction and operation of the scheme for which adequate mitigation is not provided;

(g) adversely impacts on your Petitioner’s ability as local highway authority and local planning authority to undertake its statutory functions and give the approvals required under the Bill; and

(h) adversely impacts on public open space, historic buildings and ecological assets (specifically a net loss of biodiversity) and archaeological remains within the city, together with minerals rights within Solihull.
In advancing these concerns, your Petitioner invites the House and the Committee to which this petition is referred to consider in particular the basis for, and implications of, any argument by the Promoters that amendments, assurances or other improvements and safeguards must involve no or minimal extra cost to HS2. In your Petitioner’s view:

(a) cost to HS2 ought properly to be balanced against the cost to the community and regional and national economic interest and the public interest more generally;

(b) integral to any cost equation is the lost opportunity cost of not making provision now, particularly where this represents the one and only or best opportunity for doing something and failure to take that opportunity means accepting a sub-standard solution and losing the potential to generate very significant community and economic benefits – the latter including those captured through taxation of the subsequent development and business growth.

Also in your Petitioner’s view, when a change to the scheme in the Bill is justified on the 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 has chosen what to put in the Bill and, if they have got that wrong, they should now accept the change.

In addition your Petitioner supports the petitions of Solihull Metropolitan Borough Council (‘the Borough Council’), the NEC, Birmingham Airport and Centro as described below.

Your Petitioner remains hopeful that its concerns will be met by agreement with the Promoter, but is concerned that no binding commitments have yet been offered by the Promoter to address your Petitioner’s concerns and many of the details that are needed to inform such an agreement have not yet been supplied by the Promoter.

Each of your Petitioner’s concerns is explained more fully below and solutions to its concerns identified. Your Petitioner recognises, however, that other solutions to these concerns may be brought forward and, insofar as those are to be preferred, it would wish to associate itself with them.

Curzon Street Station

Scheduled work number 3/205 of the Bill provides for a new station for the high speed railway at Curzon Street in Birmingham (‘Curzon Station’). In order to realise the aim for redevelopment, your Petitioner contends that the station should be of the
highest quality to rival the best in the world in terms of architectural design, integration with its surroundings, passenger experience, permeability and connectivity. It should include high-quality access to and integration with wide ranging and high quality multi modal transport facilities that would be expected of a world class station and a national (and international) gateway to Birmingham and the West Midlands.

20 The current proposals set out in the Environmental Statement fail to achieve the above aim and risk causing severance and irreparable long-term damage to the regeneration of the area. They do not fully consider the impacts of High Speed 2 on landscape, place making, permeability and connectivity and thereby damage and fail to maximise the opportunities created by the new station to act as a catalyst for regeneration in the local area and support the delivery of the aspirations set out in the Birmingham Curzon High Speed 2 Master Plan (‘the Master Plan’) (considered below).

21 In particular, your Petitioner is concerned that:

(a) the designs provided within the Environmental Statement will damage your Petitioner’s and the region’s economic prospects and potential for regeneration and the ability to promote Birmingham as an international city in addition to the necessary functional requirements for Curzon Station; they also include no evidence that place-making and architecture have been fully considered;

(b) the proposals in the Environmental Statement sever current pedestrian links to Digbeth and fail to address the negative impact upon the economic growth and regeneration potential, environmental, heritage and community impacts of such severance and fail to provide the necessary replacement infrastructure as mitigation for the loss of these routes;

(c) the current proposals fail to enhance the quality and the provision of supporting transport modes including pedestrian, cycle, bus, kiss and ride, taxi, Metro-SPRINT (i.e. light rail), express coaches and heavy rail. In particular, the current proposals do not contain provision to allow for an integrated Midland Metro;

(d) Moor Street Queensway, which would be the main passenger arrival space for High Speed 2 and key pedestrian route into the city core, is not proposed to be enhanced in any respect, which is a key deficiency in the Bill, causing safety and capacity concerns as well as a lack of place-making;

(e) the proposals in the Environmental Statement, including diversion of Curzon Street and construction compounds, adversely affect the Eastside City Park, a vital area of recently constructed green space within the City Centre, the ThinkTank Science Garden and a main pedestrian route, and severely reduce the width and environmental quality of the main pedestrian route that
serves Millennium Point and Birmingham City University's main teaching campus; and

(f) the location of railway infrastructure, including an electricity substation, service roads and balancing ponds, proposed alongside the Digbeth Branch Canal off Curzon Street would have a significant adverse impact on the quality of the environment within the Warwick Bar conservation area and result in the permanent loss of prominent regeneration sites alongside Curzon Street and the canal corridor.

22 Overall, the High Speed 2 proposals as they currently stand fail to maximise and capture the social and economic benefits that could be generated both directly and indirectly by the new railway's arrival in Birmingham. Your Petitioner considers that the planning regime in the Bill will give insufficient control to your Petitioner to ensure a proper design is achieved and ensure that no harm is caused to the potential economic growth and regeneration of the city and that the full benefits of High Speed 2 are realised. Therefore, your Petitioner has produced the Master Plan which sets out a vision for how those benefits can be captured and should be considered as part of the design and delivery of High Speed 2 to ensure that it serves to maximise rather than limit economic growth and regeneration potential.

23 Your Petitioner believes that its experiences with the Birmingham New Street Gateway project are relevant in this context, specifically:

(a) in the 1960s the existing New Street station was designed without regeneration at its forefront. The negative impacts of this on your Petitioner's area (and the wider region) had to be endured for nearly half a century;

(b) in order to attempt to address those negative impacts, £600m of public money is now being spent on the Gateway project;

(c) your Petitioner, by virtue of its unique involvement as a promoter and funder of the redevelopment of New Street Station, has a clear understanding of the need to balance operational and regeneration aspects of station design and development. As such your Petitioner considers it is ideally placed to facilitate regeneration through Curzon Station and should therefore be fully involved in the development and approval of proposals for Curzon Station.

24 Your Petitioner therefore seeks the following commitments from the Promoter:

(a) there will be an agreed mechanism by which the Promoter and your Petitioner will work together to secure an appropriate design for Curzon Station. In general terms, this must include consultation with your Petitioner during the detailed design process and before the submission of requests for planning approvals, with the aim of securing a proposed design that
incorporates minimum requirements in accordance with the Master Plan, as set out below, or appropriate alternatives;

(b) an extension of the matters, set out in more detail below, in respect of which its approval as local planning authority is required, and of the grounds for imposing conditions or refusing approval in respect of such matters, to ensure minimum requirements are delivered;

(c) in respect of design work carried out by external consultants, that the brief for such work will be prepared in conjunction with and agreed by your Petitioner, and where it relates to the design of Curzon Station, should consider all architectural and urban design matters, potentially through a design competition to be judged by an independent advisory panel who will make recommendations to the Promoter and your Petitioner who should be party to the final decision on the design selected;

(d) in order to maximise the potential regeneration in the area, that Curzon Station will be constructed at the start of the construction period for Phase One of High Speed 2 and that an appropriate delivery mechanism for the regeneration of the wider Master Plan area will be put in place.

25 In relation to paragraph 24(a) your Petitioner seeks a commitment that the following elements of development or alternative proposals acceptable to your Petitioner are agreed as part of the detailed design process for Curzon Station and its surroundings (including Curzon Station itself, and the viaduct structures from Lawley Middleway over the Digbeth Branch Canal to New Canal Street, from the New Canal Street junction with Curzon Street through to its junction with Fazeley Street, Curzon Promenade, Paternoster Place, Moor Street and Curzon Street):

(a) the appearance and architectural design of Curzon Station;

(b) the implementation of a strategy to ensure that Curzon Station is fully integrated into the local transport network, developed with your Petitioner and Centro, which provides an overarching and deliverable connectivity plan for pedestrians, cyclists and public transport users allowing efficient, accessible, seamless and convenient passenger interchange between Curzon Street Station, New Street Station, Moor Street Station and passenger movements to the wider city centre;

(c) the relocation of the railway infrastructure (service roads and electricity substations) proposed alongside the Digbeth branch canal and Plot 444 at the Corner of New Canal Street and Fazeley Street and an alternative location between the proposed and existing railway viaducts to be agreed with your Petitioner;

(d) prevention of severance of Digbeth from the City Core and provision of a high quality pedestrian route into Digbeth (connecting Moor Street to Park Street), involving complete or partial slabbing-over of the existing railway cutting at Park Street/Paternoster Row to create a wide pedestrian plaza
connection, linking into Shaws Passage and Bordesley Street to mitigate for the permanent closure of Park Street and Fazeley Street and to enable enhanced connectivity that will facilitate economic growth;

(e) seamless connections through the provision of high quality public realm, consisting of Station Square, Moor Street Queensway, Curzon Promenade, New Curzon Square and New Canal Street, to provide a high quality and integrated arrival space. Moor Street Queensway should become a pedestrian, cycling and public transport (excluding taxis) only corridor which connects the station to the wider City Centre Core;

(f) full connectivity with the city with a guaranteed minimum number and location of station entrances/exits from the concourses at Moor Street, New Canal Street and facing Andover Street and Curzon Street;

(g) active frontages on key elevations of Curzon Station to be agreed with your Petitioner, with the northern façade to integrate fully with the Curzon Promenade and proposed Metro link;

(h) construction impacts on Eastside City Park to be minimised, with no construction compounds or storage areas located within the Park. In particular the impacts on Millennium Point and Think Tank should be minimised including the continued operation of the external Science Garden (which could be adversely affected if issues such as noise and dust are not adequately controlled by the Promoter). Access to the Birmingham Proof House and Woodman Public House should be maintained at all times, with opportunities for access and re-use of the original Curzon Street Station not prejudiced;

(i) the amendment of work number 3/227 to remove the proposed rerouting of New Canal/Curzon Street before the existing line is developed in accordance with the Master Plan to protect the amenity of Eastside City Park as a pedestrian plaza/public transport route;

(j) general road traffic to be removed from New Canal Street, and the route to be maintained as a rapid transit / Metro only corridor, with taxis moved to a new route to the east and south of the HS2 station. New Canal Street should run beneath Curzon Station, and should be designed as a high quality, wide and well lit space with activity and entrances into the station at the ground floor. The space should be designed to enable the integration of Metro and SPRINT stopping facilities, with the retention and incorporation of the Eagle & Tun Public House; and

(k) world class interchange facilities including bus and coach incorporating the provision of additional level of stops and infrastructure, and walking connectivity to buses and New Street/Moor Street rail stations.

In respect of paragraph 24(b) your Petitioner seeks a commitment that it may as local planning authority impose conditions or refuse approval in respect of proposals
relating to Curzon Station and its surroundings, as referred to in paragraph 25, on the following grounds:

(a)  to ensure a high quality architectural design, appearance and internal layout of Curzon Station;

(b)  to ensure appropriate connectivity for pedestrians, cyclists and public transport users;

(c)  to ensure efficient, accessible and convenient interchange between Curzon Station, New Street Station and Moor Street Station and passenger movements to the wider city centre;

(d)  to ensure world class multi-modal interchange facilities;

(e)  to prevent or reduce severance of Digbeth from the City Core;

(f)  to ensure a high quality pedestrian link to Digbeth;

(g)  to ensure a high quality public realm consisting of Station Square, Moor Street Queensway, Curzon Promenade, New Curzon Square and New Canal Street and integrated arrival space;

(h)  to ensure full connectivity with the city through the provision of a sufficient number of appropriately located station entrances/exits from the concourses at Moor Street, New Canal Street and facing Andover Street and Curzon Street;

(i)  to ensure active frontages on key elevations of Curzon Station;

(j)  to ensure the north façade of Curzon Station integrates fully with the Curzon Promenade and proposed Metro link;

(k)  to minimise construction impacts on Eastside City Park, including the Science Garden of Think Tank and Millennium Point;

(l)  to maintain access to the Birmingham Proof House, Millennium Point and Woodman Public House;

(m)  to ensure opportunities for access and re-use of the original Curzon Street Station are not prejudiced;

(n)  to protect the amenity of Eastside City Park as a pedestrian plaza/public transport route;

(o)  to ensure a high quality design for New Canal street to enable the integration of Metro and SPRINT stopping facilities and the retention and incorporation of the Eagle & Tun Public House; and

(p)  to include provision for direct international rail services.
Interchange Station

27 There is tremendous opportunity at the location of the proposed Interchange Station (Scheduled Work No.3/1) for development on a significant scale which will provide growth and real value to the city and region's economy. The Interchange Station will be situated in a key location that is the gateway to the Airport, the NEC and the West Midlands and is an opportunity to showcase good design.

28 Your Petitioner is a significant owner of land to the east of the M42 (approximately 105 acres) and has considerable interests in both Birmingham Airport and the NEC. It is also a partner in the Greater Birmingham and Solihull Local Enterprise Partnership ("GBSLEP") which has, jointly with the Borough Council, proposed a vision for regeneration in this key location, the 'UK Central Master Plan'.

29 The four landowners to the east of the M42 (the Packington Estate, the Trustees of the Wingfield Digby Settled Estate, the Borough Council and your Petitioner) have signed a Memorandum of Understanding which recognises that the parties are committed to working together to progress their joint interests and the opportunities for development and growth around the Interchange Station and wish to co-operate, promote, facilitate and implement that growth. The Memorandum of Understanding sets out several areas of co-operation including to work with the GBSLEP to facilitate the opportunity for growth around the Interchange Station and maximise the benefits for the region.

30 Having reviewed the design proposals (as outlined in the Environmental Statement, Volume 2, CFA 24, Report, section 2) for the new station, your Petitioner is concerned that the proposed designs are deficient as presented in the Environmental Statement, lack a vision which would facilitate place-making and wider development in this key location and lack convergence with the vision as set out in the UK Central Master Plan produced by the Borough Council and GBSLEP. The proposals for the Interchange Station include the station itself, People Mover and associated depot, rail infrastructure and a number of surface car parks and balancing ponds.

31 Proposals as outlined in the Environmental Statement (Volume 2, CFA 24 Report, section 2) pay no attention to the potential for growth and development at this location, where in addition to the proposed high speed rail station, Birmingham Airport, the West Coast Mainline, the NEC and the M42 Corridor are all in close proximity. The design of the Interchange Station appears to be a standard "Parkway" design rather than a high quality station which takes account of the context of the area as an evolving new centre of economic activity. In particular, the location of two surface car parks on this land and the significant number of large balancing ponds is neither an efficient nor economic use of the land and your Petitioner is therefore concerned that the layout as currently shown in the
Environmental Statement (Volume 2, CFA 24 Report and Map Book) will adversely impact on potential growth and development in this area. Therefore the current proposals damage and do not serve to maximise the economic benefits afforded by the Interchange Station.

Your Petitioner therefore fully supports the Borough Council in its request that the Promoter work with the Borough Council to develop appropriate designs for the Interchange Station and its surroundings in order to maximise growth and development and ensure appropriate local, national and international connectivity.

_People Mover_

Works Numbers 3/20 and 3/20A provide for an elevated People Mover connecting the Interchange Station with Birmingham International Station and Birmingham Airport. An integrated transport system, including Birmingham Airport, Birmingham International Station, the NEC and the proposed Birmingham Interchange Station requires an efficient system to transfer passengers between these nodes in as short a journey time as possible.

Your Petitioner, whilst supportive of the need for a People Mover, and the route in general terms, is concerned that relevant parties including the NEC, Birmingham Airport, the Borough Council and your Petitioner, should be involved in the design and routing of the proposed People Mover and that a dialogue should be maintained during construction to ensure that site operations for the NEC and that the interests of other landowners are not disrupted during construction. Furthermore, your Petitioner considers that a significant improvement to the proposed designs must be made to reduce travel time and improve connectivity with other modes of public transport, more specifically:

(a) the proposed alignment of the People Mover (volume 2 of the Environmental Statement, CFA 24) locates the stop at Birmingham International away from the existing station’s concourse and therefore discourages people from using public transport due to poor links. A significant improvement to the proposed designs must be made to reduce travel time and improve connectivity with other modes of public transport;

(b) your Petitioner has assessed a number of alternative routes for the People Mover and has reached agreement with the other key stakeholders in the area, including the Borough Council, Birmingham Airport and the NEC, on a revised route which would avoid the hotel site (as raised by Birmingham Airport’s petition), follow the route of the existing air-rail link and allow the construction of the single stop described below;

(c) your Petitioner proposes that the NEC People Mover stop should be a combined relocated facility at Birmingham International Rail Station. This would allow both sites to be conveniently accessed by a slightly relocated
Birmingham International Station/NEC stop. Journey times would be significantly reduced without compromising access to any locations. Additionally this would be located as close as possible to the existing station concourse and station bus interchange facilities with direct access to all platforms, to ensure that it provides an effective, fast and attractive option for accessing HS2 by conventional rail from other parts of the West Midlands. Birmingham Airport and the NEC also support this proposal.

As such, your Petitioner supports the requests of the NEC and Birmingham Airport in their petitions and accordingly seeks:

(a) a commitment from the Promoter that a People Mover from the Interchange Station to the airport will be implemented as part of High Speed 2;

(b) a commitment that the route of the People Mover will be agreed with your Petitioner, the Borough Council, the NEC and Birmingham Airport and will incorporate a single stop capable of effectively serving both the NEC and Birmingham International Station (unless, in the future, the NEC and/or your Petitioner demonstrate a business case supporting a second stop and provide funding for its construction), the stop to be located as close as possible to the existing Birmingham International station concourse and bus interchange facilities, with direct access to all platforms, the route to avoid the land adjacent to Diamond House (proposed site for a 180 bedroom hotel) and locations of supports to be agreed in advance with relevant landowners;

(c) a commitment that should, at a future date, a suitable business case be demonstrated by the NEC and/or your Petitioner a second stop may be built at their cost between the Interchange and the stop at Birmingham International Station; and

(d) a commitment that that relevant partners including your Petitioner, the NEC, Birmingham Airport and the Borough Council, should be involved in the design of the proposed People Mover and that a dialogue should be maintained during construction to ensure that site operations for the NEC and that the interests of other landowners are not disrupted during construction.

Your Petitioner supports the NEC’s concerns, which relate primarily to disruption of its operations and more specifically, that

(a) the construction programme and process should, in respect of land occupied by the NEC, be agreed with the NEC;

(b) the construction programme must require construction in phases so as to minimise disruption;

(c) High Speed 2 must not interfere with NEC’s access to the footpath around Pendigo Lake; and
(d) High Speed 2 must adopt working compound locations and utility diversion routes to be agreed with the NEC.

37 Your Petitioner also supports Birmingham Airport’s concerns which relate, in addition to the concerns referred to above, to the potential sterilisation of a valuable development site adjacent to Diamond House.

*Junction 6 of the M42 and road closures*

38 The UK Central Masterplan highlights that Junction 6 of the M42 is already operating at capacity, with Birmingham Airport operating significantly under capacity in terms of passenger movements. The potential growth in the capacity of the airport and the traffic likely to be generated by UK Central the High Speed 2 proposal, which effectively leaves the junction’s operational capacity unchanged, will result in negative effects due to congestion and is inadequate to support growth and development in this area. Additionally, in terms of car parking at the Interchange Station, there is also a discrepancy between the 7,500 spaces in the Hybrid Bill and what has been modelled in the Environmental Statement (6,400 spaces) which supports your Petitioner’s concern in terms of the need to have sufficient capacity in the highway network.

39 As such, your Petitioner supports the Borough Council’s request that a two-junction solution be developed by the Promoter in conjunction with the Borough Council and other relevant stakeholders, and that clarification is given as to the Promoter’s proposal regarding parking spaces at the Interchange station, and that this is reflected in its Transport Assessment.

40 In addition your Petitioner is concerned that road closures associated with the works to Junction 6 of the M42 would adversely affect your Petitioner’s interest in the NEC, the NEC itself and the Airport, and other parts of the highway network including within Birmingham.

41 Therefore, your Petitioner requests a commitment from the Promoter, with regard to any road closures proposed in relation to works at Junction 6 M42, Junction 4 M6, A45, A452, A466, East Way, Pendigo Way East Car Park Road and Perimeter Road, that there will be no daytime closures (8am-8pm) and that your Petitioner, the Borough Council, the NEC and Birmingham Airport will be consulted with regard to any road closures or traffic works proposed and that the requirements of each of those parties will be taken into account in implementing any such road closures or traffic works.
Washwood Heath

42 Work Number 3/210 provides for a realignment of Washwood Heath sidings which will incorporate the proposed Washwood Heath depot as a base from which to build and operate the High Speed 2 ‘Y’ network. Your Petitioner considers that the proposals set out in the Environmental Statement cause harm to and do not maximise the development and employment opportunities at this important site which is located in an area of high deprivation and unemployment. High Speed 2 must maximise employment both at the depot itself and in the development of any remaining land post construction and the site should become a hub for rail engineering.

43 In addition, the proposed layout of the depot, along with the proposed balancing ponds (approximately 8 hectares in area) takes an excessive amount of employment land, in respect of which your Petitioner has identified a significant shortfall in supply up to 2031. It is therefore vital to make more effective and efficient use of land both at the depot and more generally in terms of land remaining post construction. Your Petitioner has developed the draft Washwood Heath Development Framework which sets out a vision for achieving this goal.

44 Further, it is important that appropriate training and skills development is provided to allow the local community to secure the jobs created by High Speed 2 as the Washwood Heath site is in one of the most disadvantaged constituencies in the country. As such, your Petitioner seeks a commitment from the Promoter that:

(a) the nominated undertaker will, in accordance with the emerging Washwood Heath Development Framework and in conjunction with your Petitioner, seek to maximise activity and employment at both the depot site and as part of any development opportunity on land remaining post High Speed 2 construction;

(b) all development in the Washwood Heath area, including the hand back of land temporarily occupied for the purposes of construction and opportunities for early release of this land, will be in accordance with the emerging Washwood Heath Development Framework;

(c) measures will be used, including implementing alternative drainage solutions to the proposed balancing ponds, to minimise land take by the depot facility and during construction in the Washwood Heath area;

(d) the nominated undertaker will ensure that Washwood Heath becomes a centre for training and skills during construction and operation of the proposed depots including provision for the location of a rail engineering training centre on the site and location of the control centre for the High Speed 2 network;
(e) in order to maximise the potential regeneration in the area, the depot at Washwood Heath will be constructed at the start of the construction period for Phase One of High Speed 2.

Exercise of your Petitioner's statutory functions

45 Clauses 19 to 23 and Schedule 16 of the Bill put in place an alternative regime for planning permission, overriding many of the controls ordinarily operated by your Petitioner as local planning authority. Your Petitioner is concerned that this process, supplemented by the Environmental Minimum Requirements, does not give your Petitioner as a local planning authority sufficient time to make proper decisions on what may be very significant items of development, including stations and depots. As such your Petitioner seeks a commitment from the Promoter that in respect of specified significant development proposals (including all stations and depots, and any proposals that will be subject to public consultation and consideration by your Petitioner's planning committee), the relevant determination period shall be 13 weeks.

46 Your Petitioner has similar concerns that the technical approvals process for highway works as proposed in the Bill and its supporting documents, which allows for 28 days for approvals, does not give your Petitioner as a relevant local authority sufficient time to give appropriate consideration to what may be highly complex approvals. As such, your Petitioner seeks a commitment that complex items of work will be subject to longer approval periods than 28 days, such periods to be agreed with your Petitioner.

47 Your Petitioner notes that the planning regime set out in the Bill is very similar to that contained in both the Channel Tunnel Rail Link Act 1986 and the Crossrail Act 2007. However, there is one significant difference that causes your Petitioner considerable concern, namely sub-paragraph 2(7) of Schedule 16 to the Bill. That sub-paragraph says that the relevant planning authority may impose conditions on approval of detailed plans and specifications only with the agreement of the nominated undertaker. This tautological provision could render the planning authorities unable to impose conditions and should be struck from the Bill. Your Petitioner's concern applies to any other provision in the Bill in which authorities are given powers to impose conditions on other matters, only with the agreement of the nominated undertaker.

Connectivity

48 Your Petitioner emphasises that Birmingham must be at the heart of the new high speed rail network, including maintaining High Speed 2 service levels into Curzon Station once Phase 2 of High Speed 2 is operational. The proposed service levels in
the Environmental Statement are for three trains per hour in Phase 1 rising to nine trains per hour in Phase 2 and your Petitioner is concerned to see that these levels are maintained.

49 Your Petitioner is also concerned that the Bill proposals do little to enhance the quality and provision of transport networks supporting High Speed 2 and in particular that no credible connectivity strategy, which ensures that a realistic and deliverable plan is in place to meet High Speed 2 needs and support the wider city, is proposed. The High Speed 2 proposals should enable, and certainly not preclude, the provision and improvement of future transport infrastructure. Your Petitioner supports in this regard the petition of Centro, who have prepared the West Midlands Local Connectivity Package.

50 Your Petitioner seeks commitments from the Secretary of State on how the capacity released on the existing rail network by High Speed 2 will be used to benefit Birmingham and confirmation that as a result of High Speed 2 no community in Birmingham will receive a worse rail service in terms of connectivity and frequency before or after High Speed 2 commences operation.

51 Your Petitioner further seeks a commitment from the Promoter that:

(a) High Speed 2 is designed so as to facilitate the delivery of the West Midlands Local Connectivity Package which should include public transport and Rapid Transit Routes and the re-opening of local passenger services (e.g. Birmingham-Tamworth), and provision for a new Metro route along New Canal Street underneath Curzon Station, including associated stop, and that the Department for Transport (DfT) gives an assurance that the package be jointly agreed between DfT, your Petitioner, Centro and other local partners, to be in place for the opening of High Speed 2 Phase 1;

(b) High Speed 2 train service levels to both the West Midlands stations, as set out in the Environmental statement, are guaranteed;

(c) the capacity released by High Speed 2 on the existing network will be used to benefit the City, with no community in the City receiving a worse rail service before or after High Speed 2 commences operation;

52 Your Petitioner is concerned that the design of the Old Oak Common HS2 Station does not include passive provision for a future direct rail link between the new railway and the 'High Speed 1' line. The lack of such provision specially and directly affects your Petitioner's interests because it precludes the possibility of direct train services between Europe and the West Midlands in the future. This puts the region at an economic disadvantage compared to London and the south east and directly affects the region's prospects for growth.
Your Petitioner therefore joins with Centro in supporting the requests of Transport for London and the London Borough of Newham that the design of the Old Oak Common Station should include passive provision for a future direct rail link to the High Speed 1 line. Your Petitioner believes that maintaining passive provision at the new Old Oak Common Station for a connection with the High Speed 1 line represents the best long term option for providing a robust and future-proofed connection between the UK’s first two high-speed rail lines.

Your Petitioner contends that including such passive provision at Old Oak Common Station will:

(a) safeguard the construction of this strategically important rail link;
(b) significantly reduce the amount of money such a link might cost; and
(c) minimise the disruption to the new High Speed 2 rail line which would otherwise stem from the future construction of such a link.

To ensure the potential for direct services from the West Midlands to Europe is maintained, your Petitioner seeks a commitment from the Promoter that the design of the Curzon Street and Interchange Stations will include passive provision for the facilities necessary to accommodate international services in the future.

Construction and local connectivity

In addition your Petitioner is concerned that the construction of High Speed 2, taken together with the disapplication of certain highways and street works legislation which would ordinarily allow your Petitioner to control the timing of those works (which is considered further below) means that the potential impact on transport and connectivity across the city will be severe.

Further, your Petitioner considers that the assessment in the Environmental Statement understates the impact of construction activities. For example, the closure of Saltley Viaduct for 18 months is not considered by the Environmental Statement to be a significant impact not withstanding it is a key part of the transport network connecting East Birmingham to Birmingham City Centre for a sizeable population.

In addition, your Petitioner is concerned that the construction of Curzon Station will have significant adverse impacts on the Middle Ring Road and on pedestrian routes in that area and along the rest of the Birmingham Spur.
Therefore, your Petitioner seeks a commitment from the Promoter that:

(a) measures will be agreed with your Petitioner to be implemented in advance of High Speed 2 to address the adverse impact of High Speed 2 on the local road network, in particular around Curzon Station and on the Middle Ring Road. This is both to minimise construction impacts at local level and to minimise wider impacts on the highway network, including by phasing of works, for example to ensure that certain enabling infrastructure is in place before Park Street is closed;

(b) measures will be agreed with your Petitioner and Centro and be implemented by the Promoter to ensure connectivity for residents and businesses across the city centre and East Birmingham and in particular a commitment that Saltley Viaduct shall not be closed unless demonstrated to the reasonable satisfaction of your Petitioner and Centro that the closure is necessary, in which event measures are to be agreed with the your Petitioner and Centro to minimise the environmental, community, business and transport impacts of the closure of Saltley Viaduct.

(c) a mechanism will be established with your Petitioner and other key stakeholders in the area to agree alternative pedestrian routes which will be provided during the construction of Curzon Station and at other locations along the Birmingham Spur as specified by your Petitioner.

Additional construction impacts

Your Petitioner is concerned that the Environmental Statement does not fully consider the impact on existing jobs in Birmingham that the construction of High Speed 2 will have. In particular, your Petitioner is concerned that there is considerable blight and uncertainty without a scheme to allow early acquisitions and business relocation which would minimise the impact on existing jobs and businesses in Birmingham.

Your Petitioner is concerned regarding the impact of the proposals on existing businesses and operations in its area, for example the Birmingham Museums Trust Collections Centre on Dollman Street (to include the building, its operation and the Collections themselves), and the West Midlands Fire Service Headquarters on Vauxhall Road. The Promoter must address the impacts on these businesses and organisations.

Your Petitioner is concerned that connectivity for both residents and businesses across the City Centre and East Birmingham may be adversely affected during High Speed 2 construction, for example the potential closure of Saltley Viaduct for 18 months; the impact on routes to schools; and the routing of construction traffic.
Your Petitioner is very concerned that the proposals result in the loss of the Petitioner’s waste facilities, comprising a Household Recycling Centre and Bottom Ash Plant, at Tameside Drive. These waste facilities are of key strategic importance to your Petitioner and their relocation and replacement will be a complex task. No replacement waste facility site has been identified in the Bill and no powers have been sought to acquire a replacement site or construct a replacement facility and, given the waste facility is of key strategic importance to your Petitioner’s waste strategy, there can be no interruption in the provision of waste services as a consequence of High Speed 2.

Your Petitioner has particular concerns that a number of roads identified within the Environmental Statement (Volume 2 and the Transport Assessment) as construction haul routes are not considered by your Petitioner to be suitable for HGV use as High Speed 2 envisages. These are primary roads with a high proportion of residential frontages and/or are Class C roads or lower.

Sites with sensitive/safety issues within scope of HS2 need to be identified and suitable risk assessments carried out, for example the Flo Gas UK site next to the eastern portal of the High Speed 2 Bromford Tunnel.

Therefore, your Petitioner seeks a commitment from the Promoter that:

(a) in advance of the commencement of construction, a business relocation strategy will be agreed with your Petitioner and implemented in order to facilitate early acquisitions and allow relocation of businesses and will include provision for the identification of alternative sites, assistance of moving and measures to minimise the impact on businesses and other operations generally;

(b) an alternative site or sites for the waste facility currently operated by Veolia on Tameside Drive will be identified by the Promoter and agreed with your Petitioner, with the latter having the final decision on such site or sites, as soon as possible, and requisite modifications to the Bill will be made to ensure that an alternative site can be delivered so that there is no interruption of waste services as a result of High Speed 2;

(c) furthermore the Secretary of State should meet all costs (including internal administrative costs) in identifying, acquiring and securing any necessary consents for the alternative site or sites for the waste facilities and relocating the waste facilities to it or them, including the costs of authorisation, design, fabrication and construction of that alternative waste facility or facilities, the provision of services to it and any land transaction costs;

(d) that the nominated undertaker will work with your Petitioner to maintain connectivity and minimise construction traffic impacts, including provision of
alternative pedestrian routes and temporary bridges, including in the City Centre and at Saltley Viaduct;

(e) that the nominated undertaker will agree with your Petitioner alternative construction routes where the currently proposed routes are on roads your Petitioner has specified as having a high proportion of residential frontages and/or are Class C roads or lower;

(f) that the nominated undertaker identifies sensitive sites and carries out suitable risk assessments, including addressing the specific issue at the Flo Gas site; and

(g) that the nominated undertaker works with your Petitioner to minimise ongoing highway maintenance and cost implications.

Loss of open space, heritage assets, ecology and other land

67 Your Petitioner is the freehold owner of land on the eastern side of the M42, east of the NEC included within the Bill plans adjacent to and affected by the Interchange (Work 3/1) and where it is understood a works compound and car parking for the Interchange will be sited. The site is included in the High Speed 2 Safeguarding Direction. It is also designated as a minerals area and is supported by policies for mineral extraction in the Borough Council's Local Plan. The minerals value of the land is sterilised by High Speed 2, accordingly your Petitioner requires an assurance that it will be fully compensated for the value of the land within its ownership including its minerals value.

68 Further your Petitioner is the owner of land at the NEC adjacent to the Northway (see Work 3/22) which would be available for development without High Speed 2 and accordingly your Petitioner requires an assurance that it will be fully compensated for the value of this land including its development value.

69 Your Petitioner is also the freehold owner of land at the junction of Curzon Street and Curzon Circle (see Works 3/225, 3/225A, 3/225B and 3/225C). The land is part of a site known as the Alumno Site which is part of a wider site known as Eastside Locks where your Petitioner is part of a joint venture which has been working up a mixed use development including student accommodation on the Alumno Site. Part of the Alumno Site is sterilised for development by High Speed 2 requirements for highways improvement sight lines for safe stopping distance. This sterilisation has resulted in the Alumno student accommodation scheme being re-designed and reduced in size which will result in the joint venture receiving less money for the site from Alumno on completion of the exchanged lease. Your Petitioner should be fully compensated for the loss of value of the Alumno Site which is a result of High Speed 2.
Your Petitioner is concerned that public open space within Birmingham is proposed to be lost both temporarily and permanently at Park Street Gardens and Eastside City Park, Garrison Park, Farnborough Road and Blenheim Way. The Environmental Statement fails to consider mitigation for this loss or provide for appropriate compensation or replacement of such land. Similarly no compensatory provision is made for the loss of historic buildings and their settings, ecology or other assets. This is particularly relevant in the vicinity of Eastside City Park where the listed Woodman public house, Fox and Grapes public house (which will be lost), original Curzon Street Station, Park Street Gardens and Birmingham Proof House are situated.

Also in the vicinity of Curzon Station, Digbeth is an area of important conservation value in relation to Black Hedstarts, a red data book species and a priority for conservation and as such had a specific requirement for mitigation in building design under SPPG9. There are also a number of other priority species within the vicinity including other European protected species.

Also particularly relevant is Park Hall Wood/Nature Reserve; this site will see a significant loss of a number of vulnerable habitats and will impact on numerous species (See Environmental Statement Vol.2_CFA 25 Castle Bromwich to Bromford- section 7 Ecology, and CFA 25 map CT-10-067). The biodiversity mitigation measures proposed in the Environmental Statement, in your Petitioner’s view, will not fully mitigate for the impacts and remaining habitats will be fragmented and be significantly restricted in their biodiversity value.

Therefore, your Petitioner seeks a commitment from the Promoter that:

(a) compensation will be provided for all its losses on the Alumno site; (your Petitioner has development value losses in relation to the wider site as a result of High Speed 2);

(b) it will be fully compensated for losses on the site on the eastern side of the M42/east of the NEC, including taking account of its minerals value, as well as fully compensated for the land adjacent to Northway at the NEC including loss of its development value;

(c) before any open space/land is occupied or acquired, either alternative open space be provided to the reasonable satisfaction of your Petitioner or, if this is not reasonably practicable, that compensation be provided to your Petitioner to enable it to address the loss of open space/land and other community and cultural assets;

(d) investigation and recording of archaeological remains in Birmingham will include full archaeological excavation of the Freeman Street area, Park Street Gardens Burial Ground, the Park Hall area and investigation of other areas of archaeological and palaeoenvironmental potential;
compensation for the loss of Park Street Gardens public open space will include full archaeological excavation of it (the Draft Heritage Memorandum does not give a commitment to the archaeological excavation of historic burial grounds);

that affected bird species as outlined at paragraph 71 above are accounted for and properly mitigated for within any High Speed 2 designs;

that mitigation/enhancement measures are to be implemented for all habitat and biodiversity losses that are located within the city boundary; and that such schemes are in place prior to development; furthermore all development and landscaping throughout the Curzon Street and surrounding areas should consider biodiversity and meet your Petitioner’s commitments to and justification for Birmingham being the UK’s first Biophilic City; and

a mechanism is put in place to ensure that the results of ongoing management and monitoring of mitigating measures are shared with relevant shareholders such as your Petitioner, Eco-record and the Wildlife Trust for Birmingham and the Black Country.

Training and employment

Birmingham suffers from higher than average levels of unemployment, particularly in wards such as Washwood Heath. Displaced workers might therefore experience great difficulty in finding new employment, especially those with low skills from less buoyant sectors. Your Petitioner considers that the Environmental Statement underestimates the impact of loss of employment with the city. For example, the possible loss of 220 jobs at Castle Bromwich Business Park is considered ‘relatively modest’, an assessment with which your Petitioner disagrees.

Your Petitioner therefore seeks a commitment that a training and employment programme (which must include apprenticeships for young people) will be agreed with your Petitioner and implemented prior to the commencement of construction of High Speed 2, to ensure that local people have the skills to enable them to secure employment in the construction and operation of High Speed 2.

Community Fund

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 individual adverse impacts, your Petitioner considers that the aggregation of a large number of these impacts (each of which are not considered significant in isolation) would result in a significant cumulative adverse impact on the environment and local communities when considered across the whole of your Petitioner’s area. Your Petitioner
requests that the Promoter of the Bill should be required to establish a community fund, the form of which should be discussed and agreed with local authorities, 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. 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. Your Petitioner considers the proposition now set out in the Promoter’s information paper that local authorities should not qualify for funds available as part of the community fund to be misconceived.

Compulsory acquisition powers

77 Your Petitioner has an outstanding and widely acknowledged record of successfully promoting regeneration schemes of all types and scales. Your Petitioner has specific concerns about clause 47 of the Bill. It provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. Your Petitioner is particularly concerned about this clause because land which is in its area lies in close proximity to the railway. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities. This new power is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last resort, and your Petitioner is concerned that the existence of this power significantly undermines its own role in promoting the regeneration of its own local authority area. This is particularly concerning given that your Petitioner has a long history of using the Town and Country Planning Act 1990 for regeneration purposes and has demonstrated it is able to bring forward regeneration in the appropriate circumstances. Your Petitioner does not understand why this clause is required at all and believes that it should be removed from the Bill or be disapproved from their area.

78 In addition, your Petitioner is concerned that the Bill would allow the Promoter to acquire permanently extensive areas of land including land that is only necessary for construction purposes. Your Petitioner considers that the Promoter should be put to strict proof of the need to acquire each plot of land and that land required for High Speed 2 for construction purposes, other than that to be occupied by the operational route of the railway or other essential permanent infrastructure, should only be occupied temporarily, for example under construction leases from your Petitioner, and not acquired permanently. Your Petitioner therefore seeks an amendment to the Bill to ensure that the powers of compulsory acquisition are limited in this way.
Design of viaducts and other major structures

79 The Bill proposals envisage a range of significant viaducts and other structures within the city of Birmingham associated with High Speed 2, including a proposed viaduct and high level access roads alongside the Grand Union Canal off Curzon Street (which is within the Warwick Bar Conservation Area and contains listed structures). The design of structures should seek to protect heritage assets and to be sympathetic to their surroundings in general rather than purely functional. Your Petitioner is concerned that the designs set out in the Environmental Statement are inadequate in this respect. For example, in relation to the viaduct at the Grand Union Canal the design appears bulky and would create a gloomy unattractive environment for walking and cycling along the canal.

80 Therefore your Petitioner seeks a commitment 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, 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.

Environmental impacts and minimum requirements

81 Your Petitioner is concerned that the environmental impacts as reported in the Environmental Statement are under-estimated or mis-represented in several respects as identified in its representations to the Secretary of State on the subject. It therefore seeks that these deficiencies be addressed and appropriate additional mitigation provided for.

82 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. The term, 'reasonably practicable' has been used frequently throughout the COCP but it is not clear who will decide what is 'reasonably practicable'.

83 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 replicates the standard industry Code of Construction Practice as a minimum and the further 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.
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.

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 Promoter to address these issues.

Your Petitioner considers that the Promoter should compensate local authorities for the cost of checking compliance with noise and vibration design standards.

Your Petitioner cautiously welcomes the proposals to provide local environmental management plans ("LEMPs") to supplement the more general COCP. However, your Petitioner has not seen even a draft of a LEMP and needs to be satisfied that they will be fit for purpose. Your Petitioner’s request your Honourable House to require the Promoter to provide an undertaking that the LEMPs will be thorough in their design and truly reflect local circumstances by agreeing the outline criteria prior to your Petitioner’s appearance before the select committee of your Honourable House. Your Petitioner also seeks a commitment that all of its reasonable expenses in monitoring construction sites will be met by the nominated undertaker, together with expenditure incurred by your Petitioner in planning and programming activities related to the construction codes and in enforcing them.

Your Petitioner is also concerned that the environmental minimum requirements ("EMRs") in their current form will not provide the guarantees and assurances that they are stated to provide and that are necessary for your Petitioner and other local authorities to be satisfied that the environmental effects of High Speed 2 will be acceptable. Therefore, your Petitioner seeks a commitment and an amendment to the EMRs to ensure that the EMRs guarantee that:

(a) appropriate compensation and mitigation will be provided for all environmental effects identified in the Environmental Statement, with enhancements where possible. This includes, for example, the storage of spoil material at Washwood Heath and the reclamation and restoration of sites post High Speed 2 construction;

(b) the environmental effects reported in the Environmental Statement are not exceeded; and
(c) the nominated undertaker will use reasonable endeavours to further reduce any adverse environmental impacts.

Traffic authorities and street works

Under clause 3 and Schedule 4 of the Bill the nominated undertaker may stop up and otherwise interfere with various highways in connection with the authorised works. Schedule 4 disappplies a range of highways and street works legislation. The proposed removal of these controls over such a major series of highway works has the potential to render your Petitioner powerless in its ability to manage its own highway network. For example, there would be no powers available to your Petitioner under section 74 of the New Roads and Street Works Act 1991 to charge for the occupation of the highway where works are unreasonably prolonged. The key principle of the street works legislation contained in the 1991 Act is to provide for coordination and parity across street works undertakers. The proposed disapplication of these provisions would remove this principle and the replacement arrangements proposed under the Code of Construction Practice between the relevant highway authority and the nominated undertaker will have no sound legal or contractual basis.

Therefore your Petitioner seeks an amendment to the Bill omitting or qualifying the disapplication of the New Roads and Street Works Act and other relevant highways and street works legislation.

Maintenance of highways

Your Petitioner is concerned that the Bill does not contain any provision to address the additional costs that will be incurred by local highway authorities in maintaining additional highway assets created by High Speed 2. Your Petitioner has a Best Value obligation to manage its assets and as part of this requires commuted sums calculated over a 30 year period rather than the 10 year maintenance undertaking proposed by High Speed 2 Limited, as part of its PFI contract for Amey to maintain the City's highways. There is no reason why the construction and operation of High Speed 2 should incur additional cost to your Petitioner or any other local highway authority in association with highway maintenance and repair activities.

Furthermore, the Code of Construction Practice makes no reference to any obligation on the part of the undertaker to repair public highways damaged during the construction phase or to reinstate them to the original standard and character following the completion of works. The Code of Construction Practice simply requires that highways are left 'in a clean and tidy condition in accordance with the reasonable requirements of the Highway Authority'. As local highway authority, your Petitioner considers it unreasonable that it should be responsible for funding and
carrying out works of repair and reinstatement during construction or following the completion of the works.

Your Petitioner submits that the nominated undertaker should be required to carry out and fund all necessary remedial and repair works to the highway and any necessary bridge replacement/strengthening to a standard specified by your Petitioner in respect of all highways and bridges for which they are the responsible authority. Your Petitioner submits that the Promoter of the Bill should be required to carry out detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, particularly on highways which are to be used as worksites or which will be heavily used by construction traffic. The Promoter should also have full responsibility for embankments and security fencing required for remedial works.

Therefore your Petitioner requests a commitment that, in respect of additional highway assets created by High Speed 2 which are required to be managed by a local authority, the undertaker/Secretary of State will pay to your Petitioner, as the local highway authority, commuted sums calculated on a 30 year basis to provide for maintenance of those assets.

Additionally your Petitioner seeks an undertaking that the nominated undertaker will repair any public highways damaged as a result of their use as construction haul routes or other construction activities and reinstate them to their original standard and character and to the satisfaction of the highway authority following the completion of the High Speed 2 works. Alternatively, it should fund the highway authority to do so.

Highways and traffic: construction routes

Each of the construction sites in your Petitioner's area will be centres to and from which large quantities of construction materials and equipment will be transported, together with staff. There will also be the problem of removal of spoil from the working sites. The matters which your Petitioner submits should be subject to their control in this respect are the routing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and miscellaneous related matters. This includes details of how the extra traffic and noise will impinge on trade in your Petitioner's area.

Your Petitioner submits that the nominated undertaker should be required to use every endeavour to utilise rail and canal for transport purposes. The Promoter of the Bill 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. Your Petitioner is concerned about the proposal to use the following roads:

(a) Cadbury Drive;
(b) Farnborough Road;
(c) Javelin Avenue;
(d) Lysander Way;
(e) Tangmere Drive;
(f) Wanderers Walk;
(g) Chillinghome Road; and
(h) Sandown Road.

In addition your Petitioner has concerns with regard to the routing of HGVs and increased vehicle traffic on Water Orton Lane as it crosses the River Tame due to the restricted width of the carriageway crossing and the construction of Water Orton Lane within the Birmingham Local Authority boundary.

Any other roads which are not listed above which have a high proportion of residential frontages and/or, in terms of road classification or hierarchy, are Class C roads or lower, are also considered by your Petitioner to be unsuitable for construction traffic.

The list in paragraphs 97 and 98 above has been sent to the Promoter and your Petitioner seeks undertakings and assurances that these roads will not be used. Moreover, your Petitioner considers that Promoter should improve junctions where necessary within its area where they are to be used by construction traffic. Your Petitioner will seek to secure those improvements by assurances and undertakings but reserve its right to present a case in respect of them before your Honourable House if it is not possible to obtain the necessary assurance from the Promoter.

*Local authority costs: Other authorisation costs*

As part of the alternative consent regimes mentioned above, your Petitioner must be able to recover from the promoter of the Bill or the nominated undertaker its full costs of processing applications. Your Petitioner notes that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local
planning authority in respect of requests for detailed planning consent. Your Petitioner is pleased to note this, but seeks assurance from the Promoter of the Bill about the level of those fees and the ability of the Promoter to cover their costs of dealing with all applications, not just those directly related to the planning provisions in the Bill, and taking enforcement action where necessary.

Minerals Rights

Your Petitioner is the owner of certain land falling within Mineral Safeguarding Areas and Preferred Areas for sand and gravel aggregate extraction in the Solihull Local Plan. The Environmental Statement notes (Volume 2, CFA23, 8.3.30) that in respect of such an area ‘the site will not have been worked by 2017’. Paragraph 8.4.34 continues to state that ‘it is possible that mineral extraction could be undertaken in advance of works’ and that ‘mitigation measures (if any) will be discussed in advance of the works with the Mineral Planning Authority’. Your Petitioner is concerned that no assessment has been carried out of the potential impact of sterilisation of minerals. Furthermore, no account has been taken of the impact of the severance of land rich in resources that will be generated by the scheme. Therefore, your Petitioner seeks:

(a) a commitment that the Secretary of State and the nominated undertaker use all reasonable endeavours to minimise any severance of land containing minerals and will promote the extraction of minerals in advance of the construction of High Speed 2 should severance or sterilisation of any such land be unavoidable;

(b) that the Secretary of State confirm that owners of mineral rights will be compensated under the Bill for any loss incurred from any delay or interference in their ability to extract the minerals as a result of High Speed 2.

Conclusion

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

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

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as
affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Bircham Dyson Bell LLP

Parliamentary Agents for Birmingham City Council
IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF
BIRMINGHAM CITY COUNCIL
AGAINST, By Counsel, &c.

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Solicitors and Parliamentary Agents

16 May 2014