

High Speed Rail (London – West Midlands) Act 2017 (Amendment) (Bromford Tunnel) Order

Statement of Aims
(required by Rule 10(2)(c))

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1. Introduction

- 1.1 High Speed Two (HS2) Ltd ('HS2 Ltd'). is applying for the High Speed Rail (London – West Midlands) Act 2017 (Amendment) (Bromford Tunnel) Order ("the Order") under the Transport and Works Act 1992 ("the 1992 Act").
- 1.2 Under the High Speed Rail (London – West Midlands) (Nomination) Order 2017, HS2 Ltd was appointed as the nominated undertaker for all purposes of the scheduled works of the High Speed Rail (London – West Midlands) Act 2017 ("the 2017 Act") and for any other purposes under that Act in so far as those purposes are connected to those works or otherwise for Phase One purposes.
- 1.3 High Speed Two (HS2) is a new high-speed railway proposed by the Government to connect major cities in Britain. HS2 Ltd was formed in January 2009 to deliver the new high-speed rail network between London and the north of England. HS2 Ltd is an executive non-departmental public body sponsored by the Department for Transport (DfT).
- 1.4 On the 23rd February 2017, the High Speed Rail (London – West Midlands) Act received Royal Assent ("the 2017 Act"). The 2017 Act authorises the construction and operation of HS2 between London and the West Midlands which is approximately 143 miles in length. This stretch of railway comprises 'Phase One' of HS2, with latter phases proposed to extend HS2 further northwards.
- 1.5 Since Royal Assent, detailed design of Phase One of HS2 has been ongoing and a number of updates and refinements to its construction are being brought forward.
- 1.6 The purpose of the Order for which application has been made is a narrow one, namely, to facilitate the construction under the 2017 Act of a small section of the high speed railway authorised under the Act within tunnel. The Order would achieve this by making a very minor amendment to the description of Work No. 3/157 in Schedule 1 to the 2017 Act. The effect of the amendment would be to remove a legal impediment to the part of the High Speed railway authorised by that work being constructed within the tunnel under the powers conferred by the Act, rather than partly on the viaduct (being less than 30 metres in length) originally envisaged under the Act.
- 1.7 The proposal to construct this small part of the railway in tunnel forms part of a wider plan to extend in an easterly direction, the Bromford Tunnel authorised under the 2017 Act (located on the outskirts of Birmingham near the proposed HS2

Interchange Station). This results in there being no requirement to construct the viaduct originally proposed as part of Work No. 3/157.

- 1.8 The Order itself does not seek to authorise the construction of any works or acquisition of any land.

2. Background

- 2.1 The Government commissioned an independent review of the HS2 railway, known as the Oakervee Review, in August 2019. On the day of publication of the Government commissioned independent Oakervee review of the HS2 project on 11 February 2020 the Prime Minister made a statement to Parliament on transport infrastructure¹ In that statement, the Prime Minister said

“We will, in line with Oakervee’s recommendations, be interrogating the current costs to identify where savings can be made in phase 1 without the costs and delays that would be associated with a detailed redesign.”

- 2.2 In line with recommendations made by the Oakervee Review and to implement the policy of the Government, HS2 Ltd has been studying a number of design changes to elements of the scheme authorised by the 2017 Act in order to secure cost savings but without introducing delays to the construction of the project. One such change is a proposal to extend the Bromford tunnel eastwards by approximately 3.1 km (producing an overall tunnel length of 5.8 km). the proposals have been identified as having various environmental benefits. It is against this backdrop that HS2 Ltd wishes to proceed with the extended Bromford Tunnel proposal and in order to do so needs to secure the minor amendment to the 2017 Act by means of the proposed order.
- 2.3 Consideration has been given to possibly making the necessary changes to the Act by the inclusion of provision for this in the Bill for the authorisation of Phase 2B of the High Speed Railway between Crewe and Manchester. However, that Bill is proposed to be introduced in to Parliament shortly and will take a considerable amount of time to complete its parliamentary passage before enactment.
- 2.4 Given the programme for the construction of Phase 1 of the project, including that part of the high speed railway which would pass through the proposed extended

¹ <https://www.gov.uk/government/speeches/pm-statement-on-transport-infrastructure-11-february-2020>

Bromford Tunnel, it is not possible to wait for the enactment of the Phase 2B Bill without causing significant delay to the construction programme for Phase 1 of HS2.

- 2.5 HS2 Ltd therefore considers that proceeding by way of a Transport and Works Act Order (TWAO) is the most expedient way forward.

3. Extension of Bromford Tunnel

- 3.1 The original Bromford tunnel authorised under the 2017 Act is approximately 2.9km in length commencing at Castle Bromwich Business Park in the east and extending to the Washwood Heath to the west.
- 3.2 As part of the implementation of the Phase One scheme authorised under the 2017 Act the tunnel is to be extended to 5.8km in length so that it would run from the shortened Water Orton cutting to Washwood Heath.
- 3.3 The extended Bromford tunnel will remain as twin-bore and will pass beneath the B4118 Birmingham Road and the Park Hall nature reserve, and then join the Phase One scheme alignment of the Bromford tunnel. After joining the Phase One scheme alignment the tunnel will pass under the A452 Chester Road, the River Tame, the M6, and Bromford Drive. These works remain within the scope of existing powers under the 2017 Act, as ancillary works under section 2 of the 2017 Act.
- 3.4 An amendment is required to Work No. 3/157 in Schedule 1 to the 2017 Act, to be secured through this TWAO application. This would enable the section of railway authorised by Work No 3/157 to be constructed under the 2017 Act without a requirement to construct the short section of viaduct referred to in the description of that work thereby enabling Work No 3/157 to be constructed entirely within the extended Bromford Tunnel, the construction of the entirety of that tunnel and other associated works (including the railway) being authorised under the 2017 Act.
- 3.5 The TWAO will simply amend the textual description of Work No. 3/157 in the 2017 Act to remove the words “partly on viaduct” included in that description. This amendment to the description of Work No. 3/157 will not authorise any development itself since the construction of the railway in the location of the Bromford Tunnel (and the tunnel itself) is authorised by the Act. The amendment would simply facilitate the construction of the relevant section of the railway within tunnel under the powers of the 2017 Act by removing the requirement set out in the description of the Work No. 3/157 for it to be constructed partly on a section of viaduct.

4. Benefits of extended Bromford Tunnel

4.1 The extended Bromford Tunnel will provide environmental, social and cost benefits in comparison with the Phase One scheme. These include:

- a reduction in cost associated with construction of a viaduct;
- a reduction in ecological impact through avoidance of removal of 0.7ha of ancient woodland and 2.7ha of broadleaved semi-natural woodland, along with reduced impact to other habitats associated with Park Hall nature reserve, a Site of Importance for Nature Conservation (SINC) and the River Tame SLINC;
- avoiding the demolition requirement for the following commercial properties:
 - three-storey industrial recycling facility, Tameside Drive, Castle Bromwich Business Park;
 - two single-storey brick industrial premises, Units 7, 8, 9, 10, 11, 12, 13, 14, 14a Orton Way, Hayward Industrial Estate; and
 - a single-storey brick industrial premises, Units 15, 16, 17, 18, 19, 20 Orton Way, Hayward Industrial Estate.
- avoiding the realignment of approximately 600m of the River Tame and its tributaries the Plants Brook and the Dunlop Channel;
- a reduction in utility diversions;
- a reduction in visual impact from new transport infrastructure within the River Tame Flood Plain, including the removal of 780m long and 10m high River Tame viaduct within the Phase One scheme; and
- a reduction in the construction programme in the Washwood Heath to Curzon Street area.

5. Aims of the Order

- 5.1 To realise the benefits listed within section 4, it is proposed to amend the description of Work No. 3/157 in Schedule 1 to the 2017 Act to remove the need to construct a viaduct as part of that Work which would, in turn, enable the railway to be constructed within a tunnel instead.

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