

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

Summary of consultations undertaken
(required by Rule 10(2)(d))

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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 On the 23rd February 2017, the High Speed Rail (London – West Midlands) Act received Royal Assent ("the 2017 Act"). This Act authorises the construction and operation of a high speed railway line between London and the West Midlands which is approximately 143 miles in length. This stretch of railway comprises 'Phase One' of High Speed Rail, with latter phases proposed to extend further northwards.
- 1.4 Since Royal Assent, detailed design has been ongoing and a number of updates to the scheme have been made.
- 1.5 The purpose of the proposed Order is to update the description of one of the works (Work No. 3/157) in Schedule 1 of the 2017 Act. This would enable a small stretch of the proposed railway to be constructed within a tunnel under the powers conferred by the Act, rather than partly on viaduct as originally envisaged under the Act.
- 1.6 The Order does not seek to authorise the acquisition of any land or the construction of any works.

2 Background

- 1.7 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:

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

“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.”

- 1.8 In line with recommendations made by the Oakervee Review and to implement the policy of the Government, HS2 Ltd has been considering 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.
- 1.9 One such change is to extend the Bromford tunnel eastwards by approximately 3.1 km (producing an overall tunnel length of 5.8 km). This would enable a section of the surface railway (which was originally to be constructed in part on viaduct) to be placed underground within the extended tunnel.
- 2.1.1 Part of the Bromford Tunnel is authorised under Work No 3/157. However, as the Works description states that the railway is to be constructed *‘partly on viaduct’*, it is proposed update this work description to remove reference to the viaduct.
- 2.1.2 The only amendment sought within the TWAO is to update the description of Work No 3/157 to remove the words *‘partly on viaduct’*. This would enable the railway to be constructed within the tunnel being constructed under the works powers conferred by the 2017 Act, as an ancillary work under section 2 of the 2017 Act.

3 Extension of Bromford Tunnel

- 3.1.0 The 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.
- 3.1.1 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 will run from the shortened Water Orton cutting to Washwood Heath
- 3.1.2 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.

4 The Proposed Order

- 4.1.1 The purpose of the Order is to make a minor amendment to the description of one of the railway works (Work No. 3/157) included in Schedule 1 to the 2017 Act. Work No. 3/157 authorises the construction of a small section of HS2 being just over 1km long. The description of Work No. 3/157 would be subject to a drafting amendment to clarify that HS2 can construct the whole of the railway authorised by that Work within the tunnel being constructed under the powers conferred by the 2017 Act, and that no part of that railway is to be partly on the viaduct included in the description of Work No. 3/157 (being less than 30 metres in length) as originally envisaged under the Act.
- 4.1.2 Under Paragraph 1(2)(b) of Schedule 1 to the 2017 Act, power is conferred for all of the works described in that Schedule (including, in particular, Work No. 3/157) to deviate ‘vertically downwards to any extent’ from the levels shown on the deposited sections accompanying the Act. It is therefore possible to replace a railway on viaduct shown on the plans with a railway in tunnel.
- 4.1.3 This TWAO will simply amend the textual description of Work No. 3/157 in the Act to remove the words “partly on viaduct” and does not itself authorise any works. The amendment would simply facilitate the location of the relevant stretch of railway below ground rather than on a viaduct under the powers conferred by the 2017 Act.

5 Consultation

5.1 Scope

- 5.1.1 This report summarises the consultations that have been undertaken in relation to the proposed Order.

5.2 Objectives

- 5.2.1 HS2 Phase One Information Paper G1: Consultation and Engagement² sets out HS2 Ltd’s consultation and engagement objectives. These objectives have been applied to the consultation carried out in respect of the Order which relates to a part of the project forming Phase 1:
- to work with stakeholders and communities to foster understanding of the Proposed Scheme;

² [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672449/G1 - Consultation and Engagement v1.4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672449/G1_-_Consultation_and_Engagement_v1.4.pdf)

- to provide information on a wide range of subjects relating to the Proposed Scheme, including general information and defined proposals;
- to understand both general concerns and specific issues that interested parties may have;
- to consult and engage at stages in the project that enable feedback received to be used most effectively;
- to provide effective means for interested parties to submit views on proposals; and
- to develop an improved scheme and propose steps to avoid, reduce or, where reasonably practicable, off-set any significant adverse effects that have been identified.

5.3 Consultation Strategy

5.3.1 HS2 developed a Consultation Strategy to identify and consult with persons and organisations directly and specially affected by the proposal in accordance with the objectives listed above and statutory obligations under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. This included consultation with statutory consultees, persons with an interest in the land and other stakeholders/amenity groups with an interest in the scheme (who are neither a landowner nor statutory consultee) and residents.

5.4 Consultation Activity

5.4.1 HS2 Ltd. sought to engage and consult with parties by distributing letters and welcoming feedback via HS2 Ltd's community website. Public engagement events were also held in early 2020 to give early sight of the proposed Scheme but no such events were held after this due to COVID 19. The consultation activities which have been carried out with various parties are summarised below and the programme of activities undertaken is described in Appendix A.

Statutory Consultees

5.4.2 Rule 10 (2) (d) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 requires confirmation (in a consultation report) that the applicant for an Order has consulted with relevant bodies and persons specified in Schedules 5 and 6 of those Rules. Such bodies and persons are also entitled to

receive a copy of the application or notice of it. Appendix B lists the statutory bodies and persons and describes the consultations undertaken. As no works would be authorised by the Order and since it does not seek to confer any powers to acquire of use land one of the bodies or persons specified in Schedules 5 and 6 bodies are affected. Notwithstanding this, as a courtesy, a number of them were informed of the proposals and asked for their views.

Consultees were sent a letter describing the proposals to extend the Bromford Tunnel, with plans showing the location the scheme, the construction layout and the proposed operational layout, and explaining how to respond to the consultation. A copy of this letter is available in Appendix C.

- 5.4.3 HS2 Ltd's Community Engagement Team also held several briefings with affected local authorities.

Stakeholder, Landowner and Resident Consultation

- 5.4.4 Appendix D sets out details of other stakeholders who were consulted on the proposed order by mail. These include, Members of Parliament, Councillors, businesses local amenity groups and residents. Whilst the proposed Order does not seek any land powers, landowners who have an interest in the land that is within the limits of deviation of Work No. 3/157 were also consulted on the proposal.

- 5.4.5 HS2 Ltd's Community Engagement Team also held several briefings with a variety of local stakeholders including local MPs, Water Orton Parish Council and the North Warwickshire Special Management Zone (SMZ).

5.5 Consultation Feedback and Responses

- 5.5.1 The consultation programme is set out within Appendix A. Recipients were asked to provide responses within a four week period. A summary of consultation responses is set out below.

Birmingham City Council (BCC)

- 5.5.2 BCC stated that it is in principle supportive of the extended tunnel and that it saw clear benefits to business in the Thameside Drive area in addition to avoiding the impacts of a railway on viaduct through the Park Hall Site of Importance for Nature Conservation.

North Warwickshire Borough Council (NWBC)

- 5.5.3 NWBC stated that it is, in principle, minded to support the Order. NWBC raised a number of queries regarding impacts on the local area beyond the scope of the order including: noise and pollution; visual screening; construction traffic; construction timing; and design of the infrastructure. NWBC also mentioned concerns over a proposed substation that is also beyond the scope of the proposed Order and has subsequently been relocated into Birmingham.

Warwickshire County Council (WCC)

- 5.5.4 WCC stated that it has no in principle objection to the Order but highlighted several areas where it would like further reassurance or information. Queries were raised beyond the scope of the proposed Order and in respect of the wider HS2 Phase One scheme regarding design, ecology, construction methodology, noise and HS2 Ltd property schemes. WCC also sought reassurance that HS2 Ltd would continue and enhance engagement and communication with the community.

Network Rail (NR)

- 5.5.5 NR offered no in principle position on the proposed Order but is keen to ensure that HS2 Ltd continues to engage with NR on technical, environmental and property matters.

National Highway (NH) (formerly Highways England)

- 5.5.6 NH responded advising that it had no in principle objection to the proposed Order. Their response included several points beyond the scope of this Order. This included a requested that HS2 Ltd assure NH that construction and operational impacts on the M6 motorway would be limited and concerns regarding construction access onto the strategic road network. Furthermore, NH sought assurance from HS2 Ltd on the operational noise impacts of the tunnel portal on the M6 Motorway.

Environment Agency (EA)

- 5.5.7 The EA offered no in principle position on the proposed Order. It identified the need for HS2 Ltd to engage with and / or seek approval from the EA with regards to treatment of excavated materials, groundwater and flood risk under the 2017 Act.

General public

- 5.5.8 HS2 Ltd received six responses from the general public including:

- ecological and landscape mitigation (beyond the scope of the Order);
- construction facilities and traffic (beyond the scope of the Order);
- HS2 Ltd property schemes (beyond the scope of the Order);
- visual impacts (beyond the scope of the Order);
- noise, vibration and dust impacts (beyond the scope of the Order);
- concern over the impact of a proposed substation (beyond the scope of the Order); and
- two supportive responses.

5.5.9 Whilst the queries raised by the members of the public are beyond the scope of the proposed Order, the concerns are being addressed as part of ongoing HS2 engagement with the local community.

5.6 Conclusions

5.6.1 A significant effort was made to contact parties with a potential interest in the proposed Order. The consultation that was carried out went beyond the statutory requirements as set out within the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. A total of 12 responses to the formal consultation were received, as detailed above. No objections were raised and the responses largely related to the wider HS2 Phase One scheme and matters beyond the scope of the Order.

5.6.2 HS2 Ltd will continue to engage with stakeholders and the local community on the matters raised and the HS2 project in general.

1 Appendices

1.1 Appendix A: Programme of Consultation Activity

Activity	Date
Consultation response webpage opened	7 th September 2020
Consultation response webpage closed	5 th October 2020
Statutory Consultee	
Briefings given to Birmingham City Council, North Warwickshire Borough Council, Warwickshire County Council	w/c 17 th August
Letter sent to local authorities and statutory bodies as a courtesy as outlined in Appendix B.	7 th September 2020
Councillor briefings arranged in partnership with Warwickshire County Council and North Warwickshire Borough Council	15 th September
Stakeholders / Amenity Groups / Residents	
Letter sent to stakeholders / amenity group and local residents as outlined in Appendix D	7 th September 2020
Briefing given to Craig Tracey MP's office	7 th September 2020
Briefing given to North Warwickshire Special Management Zone (SMZ) Group	7 th September 2020
Briefing given to Water Orton Parish Council	28 th September 2020

(required by Rule 10(2)(d))

1.2 Appendix B:

1.2.1 The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006: Schedules 5 and 6

Schedule 5: Those to be served with a copy of the relevant application documents

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
1. Works affecting the foreshore below mean high water spring tides, tidal waters, or the bed of, or the subsoil beneath tidal waters.	Not applicable	None. No authority sought for works	Not applicable
2. Works affecting the banks or the bed of, or the subsoil beneath a river.	Not applicable	None. No authority sought for works	Although not applicable as a courtesy a copy of the letter in Appendix D was sent to the Environment Agency on 7 th September 2020
3. Works affecting the banks or the bed of, or the subsoil beneath an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking.	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
4. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving such canal or inland navigation	Not applicable	None. No authority sought for works	Although not applicable as a courtesy a copy of the letter in Appendix D was sent to the Environment Agency on 7 th September 2020
5. Works causing or likely to cause an obstruction to the passage of fish in a river.	Not applicable	None. No authority sought for works	Not applicable
6. Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.	Not applicable	None. No authority sought for works	Although not applicable as a courtesy a copy of the letter in Appendix D was sent to the Environment Agency on 7 th September 2020
7. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964.	Not applicable	None. No authority sought for works	Not applicable
8. Works affecting a site protected under the Protection of Wrecks Act 1973.	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
9. Works affecting, or involving the stopping up or diversion of a street, or affecting a proposed highway.	Not applicable	None. No authority sought for works	Not applicable
10. The stopping-up or diversion of a footpath, a bridleway or a cycle track.	Not applicable	None. No stopping-up or diversion of a footpath, bridleway or cycle track is proposed	Not applicable
11. The construction of a transport system involving the placing of equipment in or over a street.	Not applicable	None. No placing of equipment in or over a street is proposed	Not applicable
12. Works affecting land in, on or over which is installed the apparatus, equipment or street furniture of a statutory undertaker.	Not applicable	None. No authority sought for works	Not applicable
13. Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority.	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
<p>14. Works affecting:</p> <ul style="list-style-type: none"> i. A building listed under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990; ii. An ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979; or iii. Any archaeological site 	Not applicable	None. No authority sought for works	Not applicable
<p>15. Works affecting:</p> <ul style="list-style-type: none"> i. A conservation area designated under Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990; or ii. An area of archaeological importance designated under section 33 of the Ancient 	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
Monuments and Archaeological Areas Act 1979;			
16. Works affecting a garden or other land of historic interest registered pursuant to section 8C of the Historic Buildings and Ancient Monuments Act 1953	Not applicable	None. No authority sought for works	Not applicable
17. Works affecting: <ul style="list-style-type: none"> i. A site of special scientific interest of which notification has been given or has effect as if given under section 28(1) of the Wildlife and Countryside Act 1981; ii. An area within 2 kilometres of such a site of special scientific interest and of which notification has been given to the local planning authority; or iii. Land declared to be a national nature reserve under section 35 of the Wildlife and Countryside Act 	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
1981; or a marine nature reserve designated under that Act.			
18. Works affecting a National Park or an Area of Outstanding Natural Beauty.	Not applicable	None. No authority sought for works	Not applicable
19. Works which are either: i. Within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or ii. within 800 metres of any royal park and which are likely to affect the amenity or security of that palace or park.	Not applicable	None. No authority sought for works	Not applicable
20. Works which are within 250 metres of land which: i. Is, or has been within 30 years immediately prior to the date of the application, used for the deposit of refuse or waste; or	Not applicable	None. No authority sought for works	Although not applicable, as a courtesy a copy of the letter in Appendix D was sent to the Environment Agency on 7 th September 2020

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
<p>ii. Has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area.</p>			
<p>21. The carrying out of an operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990.</p>	Not applicable	<p>None. No carrying out of an operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990 is proposed</p>	Not applicable
<p>22. Works not in accordance with a development plan and which either:</p> <p>i. Involves the loss of not less than 20 hectares of agricultural land of grades 1, 2 and 3a (in aggregate); or</p> <p>ii. Taken with the other associated works cumulatively involve the loss</p>	Not applicable	<p>None. No authority sought for works</p>	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
of not less than 20 hectares of such land.			
<p>23.</p> <p>i. Works which would affect the operation of any existing railway passenger or tramway services provided under statutory powers; or</p> <p>ii. The construction of a new railway for the provision of public transport, or of a new railway.</p>	Not applicable	None. No authority sought for works or the construction of a new railway	Although not applicable, as a courtesy a copy of the letter in Appendix D was sent to the to Transport Focus on 7 th September 2020
24. Works to construct, alter or demolish a transport system or to carry out works ancillary to its operation or works consequential upon its abandonment or demolition.	Not applicable	None. No authority sought for works	Not applicable
25. Works to construct new railways to which any regulatory provisions in the Railways Act 1993 would apply or provisions to amend	Not applicable	None. No authority sought for works	Although not applicable, as a courtesy a copy of the letter in Appendix D was sent to the Office of Rail Regulation on 7 th September 2020

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for:-	Those to be served:-	Proposed recipients:-	Consultation:-
existing powers in relation to railways subject to such regulation.			
26. The right for a person providing transport services to use a transport system belonging to another.	Not applicable	None. No authority sought for a right for a person providing transport services to use a transport system belonging to another.	Not applicable
27. Works affecting land in which there is a Crown interest.	Not applicable	None. No authority sought for works	Not applicable
28. Works to be carried out in Greater London	Not applicable	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

1.2.2 **Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006**

Schedule 6: Those to be served with notice of the application

Authority sought for :-	Those to be served:-	Consultation:-
1. Works affecting the foreshore below mean high water spring tides, tidal waters, or the bed of, or the subsoil beneath tidal waters (except where the land affected by the works falls within category 17 of Schedule 5 to these rules).	None. No authority sought for works	Not applicable
2. Works affecting the banks or the bed of, or the subsoil beneath a river.	None. No authority sought for works	Although not applicable, as a courtesy a copy of the letter in Appendix D was sent to the Environment Agency on 7 th September 2020
3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway, a canal or inland navigation, or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving that inland waterway, canal or inland navigation	None. No authority sought for works	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for :-	Those to be served:-	Consultation:-
4. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964	None. No authority sought for works	Not applicable
5. Works which would, or would apart from the making of an order, require a consent to the discharge of matter into waters or onto land under Chapter 2 of Part 3 of the Water Resources Act 1991	None. No authority sought for works	Not applicable
6. Works likely to affect the volume or character of traffic entering or leaving: i. a special road or trunk road; ii. any other classified road	None. No authority sought for works	Although not applicable, as a courtesy a copy of the letter in Appendix D was sent to the Highways England (now known as National Highways) on 7 th September 2020
7. The construction of a transport system involving the placing of equipment in or over a street (except a level crossing)	None. No authority sought for the construction of a transport system involving the placing of equipment in or over a street	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for :-	Those to be served:-	Consultation:-
8. Works affecting any land on which there is a theatre as defined in section 5 of the Theatres Trust Act 1976	None. No authority sought for works	Not applicable
9. The modification, exclusion, amendment, repeal or revocation of a provision of an Act of Parliament or statutory instrument conferring protection or benefit upon any person (whether in his capacity as the owner of designated land or otherwise) specifically named therein	None. No authority sought for the modification, exclusion, amendment, repeal or revocation of a provision of an Act of Parliament or statutory instrument conferring protection or benefit upon any person (whether in his capacity as the owner of designated land or otherwise) specifically named therein	Not applicable
10. The compulsory purchase of ecclesiastical property (as defined in section 12(3) of the Acquisition of Land Act 1981)	None. No authority sought for the compulsory purchase of ecclesiastical property (as defined in section 12(3) of the Acquisition of Land Act 1981)	Not applicable
11. Works within Greater London or a metropolitan county	None. No authority sought for works	Not applicable
12. The right to monitor, survey or investigate land (including any right to make trial holes in land)	None. No authority sought for the right to monitor, survey or investigate land (including any right to make trial holes in land)	Not applicable

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for :-	Those to be served:-	Consultation:-
13. Works or traffic management measures that would affect services provided by a universal service provider in connection with the provision of a universal postal service and relating to the delivery or collection of letters	None. No authority sought for works	Not applicable
14. Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority	None. No authority sought for works	Not applicable
15. Works for which an environmental impact assessment is required	None. No authority sought for works	Not applicable
16. The compulsory acquisition of land, or the right to use land, or the carrying out of protective works to buildings	None. No authority sought for the compulsory acquisition of land, or the right to use land, or the carrying out of protective works to buildings	<p>Although not applicable, as a courtesy the landowners and those with an interest in land within the limits of deviation of Work No. 3/157 were written to. These include:</p> <ul style="list-style-type: none">• The Environment Agency• National Highway (formerly Highways England)

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Authority sought for :-	Those to be served:-	Consultation:-
		<ul style="list-style-type: none">• The owner of land to the east of the B4118 Water Orton Road (parcel 7 in Water Orton) as shown on the indicative plans)• The Birmingham and Black Country Wildlife Trust

(required by Rule 10(2)(d))

1.3 Appendix C: Letter to Statutory Consultees and Stakeholders that describes the Proposals

HS2

High Speed Two (HS2) Limited
Two Snowhill, Snow Hill Queensway
Birmingham B4 6GA

Telephone: 08081 434 434
Minicom: 08081 456 472
Email: hs2enquiries@hs2.org.uk
www.hs2.org.uk

Name,
Organisation

Sent by email

XX September 2020

Dear Name,

HS2 Ltd Consultation – Proposed Bromford Tunnel Transport and Works Act Order

We are writing to you to update you on our proposals to extend the Bromford tunnel from Birmingham into Warwickshire and to seek any views on the proposed promotion of an order under the Transport and Works Act (TWA) to facilitate the execution of the required works pursuant to the HS2 Phase One Act. The High Speed Rail (London – West Midlands) Act 2017 ("the HS2 Phase One Act") includes the flexibility to amend works as the design is refined to minimise the overall impact of HS2 on local communities and the environment.

However, in seeking to amend the tunnel design HS2 Ltd will need to obtain a minor amendment to the HS2 Phase One Act to allow a section of the railway to be constructed in tunnel rather than on viaduct. We are writing to you to inform you of HS2 Ltd's intention to submit an application for a TWA Order and to provide you with the opportunity to comment on the proposals.

Background

Under the original design in the HS2 Phase One Act, the HS2 scheme is to pass to the south and south east of Water Orton, running parallel to the M6 in cutting and on viaduct before entering the eastern portal of the 2.8 km long Bromford Tunnel at the Castle Bromwich Business Park.

In the period since the HS2 Phase One Act received Royal Assent, HS2 Ltd has continued to seek opportunities to reduce the impact of the scheme on local communities and the environment. One of the opportunities identified is to extend the tunnel by around 3km to the east. Much of this extension is authorised under the HS2 Phase One Act, however, the description of Work No 3/157 in Schedule 1 to the HS2 Phase One Act requires part of that work to be constructed on viaduct and in order to amend this description HS2 will promote a TWA Order.

The Proposal

The updated design (see plans at Appendix A) includes an extended tunnel to Water Orton

High Speed Two (HS2) Limited, registered in England and Wales.
Registered office: Two Snowhill, Snow Hill Queensway, Birmingham B4 6GA. Company registration number: 06791686. VAT registration number: 888 8512 56.

TWAO Bromford Tunnel Statutory (09/20)

with a vent shaft constructed in the Castle Bromwich Business Park. By extending the tunnel the impact on areas such as the Park Hall Nature Reserve is significantly reduced. A further advantage is that less land in Castle Bromwich Business Park is required, meaning fewer properties and businesses will be affected by the railway.

A significant part of the proposed extended tunnel is already authorised by the HS2 Phase One Act. However, A small section of the proposed extension covered by Work No. 3/157 (see Appendix B) will require additional consents and will be the subject of a TWA Order application. The proposed order will not seek any authorisation to construct any physical works itself but will facilitate their construction pursuant to the HS2 Phase One Act. The works so authorised under the HS2 Phase One Act will be subject to a requirement to secure planning approvals under the planning regime introduced under section 20 of, and schedule 17 to the HS2 Phase One Act.

Transport and Works Act Order Application

HS2 Ltd will be seeking to amend the HS2 Phase One Act through the Transport and Works Act 1992 to authorise the construction in tunnel of Work No. 3/157 A5, described in Schedule 1 to the HS2 Phase One Act. Extracts from Parliamentary Plan Sheets 3-27 and 3-28 to the HS2 Phase One Act are included at Appendix B showing the extent of Work 3/157. The amendment will not seek to authorise the acquisition of any additional land or the execution of any new works.

HS2 Ltd will be seeking a screening opinion from the Secretary of State to confirm whether any further Environmental assessment is required to determine the environmental impacts of the proposed amendment over and above the assessment undertaken as part of the HS2 Phase One Act.

Programme

The TWA Order application is currently programmed for submission in late 2020. The application will be publicised and those directly affected will be notified. Following submission of the application, there will be a period of not less than 42 days during which representations or objections about the application may be submitted to the Secretary of State.

Responding to the consultation and further information on our proposals

You can respond to the consultation and comment on the proposed application by visiting:

<https://www.smartsurvey.co.uk/s/HS2-bromford-tunnel-twaol/>

Responses need to be received no later than 6pm on Monday 5 October.

You can also find out more on our HS2 community website:

<https://hs2inwarwicks.commonplace.is/schemes/proposals/bromford-tunnel/details>

If you have any further questions, please contact <Community Engagement Lead>.

Yours faithfully,



Jon Mason

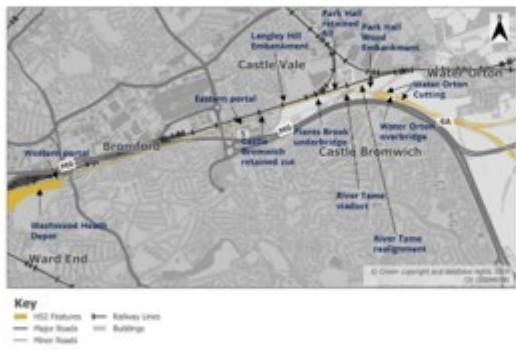
Client Project Director Civils North

High Speed Two (HS2) Limited

Appendix A

Bromford Tunnel scheme

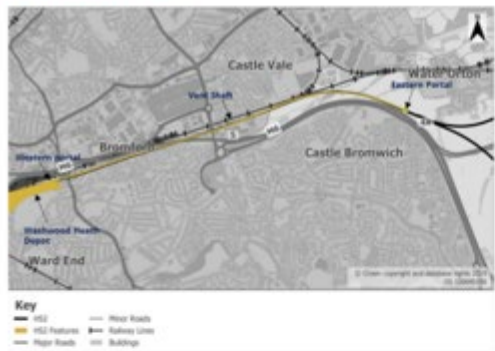
The original design for the scheme as contained in the High Speed Rail Act 2017



- 1. Eastern portal Castle Bromwich Business Park
- 2. Western Portal Washwood Heath site.
- 3. Series of cuttings and structures to be constructed in Water Orton.

Bromford Tunnel opportunity

The updated design



- 1. Eastern portal will be moved 3km to east – to Water Orton.
- 2. A vent shaft will be constructed in Castle Bromwich Business Park.
- 3. Western Portal moves 100m to West but remains within Washwood Heath site.
- 4. Overall length of tunnel increased from 2.8km to 5.7km.

1.4 Appendix D: List of Stakeholders, Amenity Groups and Properties Contacted

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
	1	1 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	3	3 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	7	7 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	9	9 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	11	11 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	13	13 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	15	15 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	17	17 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	19	19 Attleboro Lane	Water Orton	Birmingham	B46 1SB
Two Doves	9A	9A Attleboro Lane	Water Orton	Birmingham	B46 1SB
	55A	55A Attleboro Lane	Water Orton	Birmingham	B46 1SB

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
	47	47 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	49	49 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	51	51 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	53	53 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	55	55 Attleboro Lane	Water Orton	Birmingham	B46 1SB
	57	57 Attleboro Lane	Water Orton	Birmingham	B46 1SB
Willow Barn		Attleboro Lane	Water Orton	Birmingham	B46 1SD
Old Barn		Attleboro Lane	Water Orton	Birmingham	B46 1SD
Attleboro Farm		Attleboro Lane	Water Orton	Birmingham	B46 1SD
	80	80 Attleboro Lane	Water Orton	Birmingham	B46 1SD
Hill Crescent		Birmingham Road	Water Orton	Birmingham	B46 1TG
Orchard Nurseries	96	96 Birmingham Road	Water Orton	Birmingham	B46 1TG

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Jane's Café		Orton Way		Birmingham	B35 7AG
Dura Automotive Body and Glass Systems UK Limited	Unit A	Tameside Drive		Birmingham	B35 7AG
Veolia Environmental Services	Sent via email				
Canal & River Trust	Sent via email				
Jaguar Land Rover Ltd. (Minworth)	Sent via email				
BCH Developments Ltd.	Sent via email				
Flogas Britain Ltd.	Sent via email				
Andrew Mitchell MP (Member of Parliament for Sutton Coldfield)	Sent via email				
Jack Dromey MP (Member of Parliament for Birmingham Erdington)	Sent via email				

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Rt Hon. Liam Byrne MP (Member of Parliament for Birmingham Hodge Hill)	Sent via email				
Craig Tracey MP (Member of Parliament for North Warwickshire and Bedworth)	Sent via email				
Chris Naylor (Interim Chief Executive, Birmingham City Council)	Sent via email				
Cllr. Ian Ward (Leader, Birmingham City Council)	Sent via email				
Cllr. Waseem Zaffar (Cabinet Member for Transport and Environment, Birmingham City Council)	Sent via email				

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Cllr. Mike Sharp (Cabinet Adviser, Birmingham City Council)	Sent via email				
Cllr. Suzanne Webb (Castle Vale Ward, Birmingham City Council)	Sent via email				
Cllr. Diane Donaldson (Bromford and Hodge Hill Ward, Birmingham City Council)	Sent via email				
Cllr. Majid Mahmood (Bromford and Hodge Hill Ward, Birmingham City Council)	Sent via email				
Cllr. David Barrie (Sutton Walmley & Minworth Ward, Birmingham City Council)	Sent via email				

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Cllr. Ken Wood (Sutton Walmley & Minworth Ward, Birmingham City Council)	Sent via email				
Ian MacLeod (Interim Director Inclusive Growth, Birmingham City Council)	Sent via email				
James Betjemann (Head of Enterprise Zone and Curzon Delivery, Birmingham City Council)	Sent via email				
Mel Jones (Head of Transport Planning & Network Strategy, Birmingham City Council)	Sent via email				
Philip Edwards (Assistant Director Inclusive Growth,	Sent via email				

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Birmingham City Council)					
Cllr. Issy Seccombe (Leader, Warwickshire County Council)			Sent via email		
Monica Fogarty (Chief Executive, Warwickshire County Council)			Sent via email		
Cllr. Jeff Clarke (HS2 Lead Member, Warwickshire County Council)			Sent via email		
Steve Maxey (Chief Executive, North Warwickshire Borough Council)			Sent via email		
Cllr. David Humphreys (Deputy Leader, North Warwickshire Borough Council)			Sent via email		

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

Building/Organisation Name	Number	Road	Area	Postal Town	Postcode
Cllr. Michael Osborne (Shadow Councillor for HS2, North Warwickshire Borough Council)	Sent via email				
Cllr. David Reilly (Water Orton Ward, North Warwickshire District Council and Warwickshire County Council)	Sent via email				
Cllr. Judy Macdonald (Water Orton Ward, North Warwickshire County Council)	Sent via email				
Cllr. Phil Robinson (Water Orton Parish Council)	Sent via email				
Water Orton School	Sent via email				
Ian Thomas (Chair, North Warwickshire Special Management Zone)	Sent via email				

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

(required by Rule 10(2)(d))

High Speed Two (HS2) Limited

Two Snowhill
Snow Hill Queensway
Birmingham B4 6GA

Tel: 08081 434 434

Email: HS2Enquiries@hs2.org.uk

Website: hs2.org.uk