

**TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED**

THE HUMBLE PETITION of:-

Peter James Norman and Michaela Marie Norman of Heath House Farm, Bodymoor Heath Lane, Bodymoor Heath, Sutton Coldfield, B76 0EA hereinafter referred to as "your Petitioners"

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your honourable House intituled "HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL."
2. The Bill is promoted by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. The Preamble to the Bill recites that the Bill is "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."
4. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of phase 1 of the high speed railway transport system mentioned in paragraph 3 above. They include provision for the compulsory acquisition of land; extinction and exclusion of rights over land; temporary possession and use of land; planning; deregulation of listed buildings, ancient monuments, burial grounds, consecrated land, commons and open spaces, trees, overhead lines, water, buildings, street works, lorries, noise and local Acts. Clauses 37 to 42 relate to railway matters. Clauses 43 to 46 relate to nominated undertakers,

statutory undertakers and other Phase One function-holders. Clauses 47 and 48 relate to regeneration and reinstatement of land and works; whilst clauses 49 to 52 provide for further high speed rail works. Clauses 53 to 65 relate to miscellaneous matters, relevant permission, the Crown, deposited plans, and interpretation of the Bill.

5. Your petitioners Peter James Norman and Michaela Marie Norman whose property "Heath House Farm" situated on Bodymoor Heath Lane which lies to the north of the proposed Kingsbury Rd Railhead and Seeny Lane compound, approximately 290m North of the proposed Kingsbury Rd developments.
6. Your petitioners are specially, directly and severely affected by the complexity, prolonged, cumulative and compounded nature of the construction works which are proposed for this area for the construction of Phase 1 of the Proposed Scheme. This affect is both upon their financial and their beneficial interest in the property which is their only private residence and forms their family home.
7. Your petitioners do not object in principal to the rail project as a whole but object to the works proposed to be carried out as referred to below as their respective legal rights, interests and properties are injuriously affected by the Bill, to which your petitioners object for reasons amongst others, appearing in paragraphs 9, 10 and 11 of this petition. Your petitioners aver that they are resident in a property on Bodymoor Heath Lane which is situated within unreasonably close proximity to the earthworks construction works and operational works proposed for Phase 1 of the Scheme, your Petitioners also aver that the magnitude, prolonged nature and scale of the temporary and permanent works proposed for the area is such that it is devastating for the area and their current peaceful enjoyment of a way of life within this property will be similarly devastatingly affected and rendered financially unsound for mortgage or advance from lenders should your petitioners require
8. Objection is taken to the construction and engineering works proposed to be undertaken in the North Warwickshire area of Marston, located along the A4097 from Dunton roundabout (Junction 9 M42), up to and including Bodymoor Heath Lane (also known as Bodymoor Heath Road) towards and including the A4091 (the Tamworth Road) and the A446 leading up to Dunton roundabout; encompassing an area of land around 4-5 square kilometres in size running adjacent to the M42 corridor immediately north of Junction 9, often described as lying situate at the "stub of the y-route" adjacent to the line for Phase 1. Those works are specified in the Environmental Statement, Volume 2, Community Forum Area Report 20 and consist mainly of:
 - Railhead proposed for Kingsbury Road (A4097);
 - A4097 Kingsbury Road Overbridge Main compound proposed for Kingsbury Road to be situate at Dunton roundabout/M42, Junction 9;
 - A4097 Kingsbury Road Overbridge
 - A4097 Kingsbury Road Overbridge Satellite Compound

- Kingsbury Road Main Compound (Rail Systems)
- Diversion of Kingsbury Road, A4097;
- Kingsbury Road Railhead Approach Tracks
- M42 Marston Box Structure
- Leeds Spur
- Leeds Spur Diveunder
- Curdworth Cutting
- Birmingham and Fazeley Canal Viaduct Central, North & South Satellite Compounds
- Cuttle Mill Mid Point Auto-transformer Station
- Seeney Lane Overbridge Satellite compound, Seeney Lane Overbridge, Seeney Lane (bridleway to be upgraded to byway open to all traffic)
- Coleshill Junction
- Curdworth Viaduct – Central, North & South Satellite Compounds
- Water Orton Viaducts & Satellite Compounds
- Farraday Avenue Link – East & West roadhead; underbridge; overbridge at Newlands Farm), Satellite Compound and Package Sub-station Satellite Compound (Rail Systems)
- Faraday Avenue island bridge and overtrack
- Junction for Phase 2 - Leeds Spur (to provide for six confirmed lines).

Acts and omissions on the part of HS2 Ltd which have prejudiced the position of your Petitioners

9 Your Petitioners aver that HS2 Ltd have prejudiced the case for your petitioners in that they have:

9.1 Failed in their duty to engage with them or provide opportunity for discussion and mitigation specifically relating to the Kingsbury Rd location of the Railhead.

9.2 Failed to conduct fully and report on the required environmental assessments for the proposed railhead position.

9.3 Failed to provide sufficient plans, noise and vibration calculations and viewpoint information specifically relevant to the proposed Kingsbury Rd Railhead.

9.4 Failed to adequately recognise the special case brought about by the overlap of Phases 1 and 2 of the rail project in this particular area and therefore prevented them from having opportunity or locus standi to discuss any issues.

9.5 Failed to recognise that by setting the starting point for the proposed phase 2 line to Leeds within Phase 1 HS2 Ltd Created a zone of theoretical visibility for the Start of Phase 2 route to Leeds whilst continually denying Locus Standi for affected dwellings.

9.7 Failed to provide for consultation/mitigation discussions for the future Phase 2 route to Leeds as the first section of route and elevations will be set by the preceding Phase 1 Junction detail. IE. a situation of double bind where you cannot discuss the first section of Leeds route in Phase 1 as it is phase 2 works and then you cannot change what has previously been determined by Phase 1.

9.6 Failed to provide due care and attention during the release of plans in 2010 which clearly showed an option for the “Y” junction and route towards Leeds

directly adjacent to your petitioners' property. These maps later withdrawn from the public domain and discussion upon them prohibited by HS2 Ltd.

9.7 Failed to provide a clear and cohesive plan showing (all on one drawing) the total landtake and proposed use for the connected and adjacent compounds, sidings, yards, railheads and other associated areas.

9.8 Failed to identify the property of your petitioners as meriting any contact despite the obvious and recognised impact to the few local residences that will be directly affected by the Railhead.

Planning blight Specific to Principal and Private Residences.

10 Your Petitioners aver that HS2 LTD acting with the Department for Transport have subjected them to heavy planning blight as recognised under the **Town and Country Planning Act 1990** as a result of the Proposed Scheme since its announcement in March 2010 in that:

The property of your Petitioners is a residential dwelling which provides a family home for private individuals and their family together with three foster children

10.1 The property of your Petitioners is located in an area which has been most heavily earmarked for construction and overdevelopment in relation to Phase 1 of the proposed Scheme. The impact of this development being described by HS2 Ltd as giving rise to "a High Magnitude of Change, assessed alongside the high sensitivity of the receptors, will result in major adverse effect" and your petitioners' property is situated upon the northern extent of this development which will also determine by its precedent the start of the route to Leeds which could exacerbate the prolonged and complex nature of affect to your petitioners should Phase 2 achieve its desired legal standing.

10.2 The areas of land which concern your petitioners are the Kingsbury Road, Bodymoor Heath Lane, villages of Marston, Lea Marston, Bodymoor Heath and Kingsbury which lie adjacent to where Phase 1 meets Phase 2, otherwise known as the "Leeds Junction," "the y-route stub," and "the interface between Phases 1 and 2." Within this tight geographical area the extent of loss of current rural land use, local historical, recreational and equestrian spaces to industrialised area is so significant as to be viewed as changing the nature of the area permanently and detrimentally.

10.3 Your Petitioners' property is located in an area that will experience significant adverse effects from agriculture, forestry and soils disturbance; air quality disturbance; isolation; loss of community; loss of connectivity; cultural heritage and ecology disturbances; landscape and visual disturbances; socio-economic benefits being outweighed; sound, noise, light and vibration disturbances; traffic and transport disturbances; and waste, material resources, and utilities disturbances and nuisance; such that each of these factors add to the property blight for your petitioners.

10.4 Since the release of the maps in 2010 your petitioners have suffered Blight and uncertainty due to the imagery showing plans for the "Y" route to Leeds.

- 10.5 Your petitioners will show that the input of so many temporary and permanent workers will again change the nature of the local currently low populated rural community.
- 10.6 Your petitioners are further concerned that information regarding the Kingsbury Rd Railhead is not even now available regarding the proposals for lighting, high level craneage for unloading and further associated works despite this being of paramount importance to the sound and light assessments when located so prominently upon the visible horizons.
- 10.7 Your petitioners will show that the current references to the Kingsbury Rd Railhead as “temporary” further prejudice their case for mitigation or even consideration under the builders Draft Code of Construction which means that your petitioners face further uncertainty relating to living conditions during construction.
- 10.8 Your Petitioners will show that significant congestion along the main arterial routes of Bodymoor Heath Lane, the A4091 and A4097 together with requirements for route re alignments and possible road closures along their required road use patterns will significantly impede their ability to continue with normal lifestyle patterns which by nature of the position of their property and local schools, shops doctors etc require multiple daily road journeys.
- 10.9 Your petitioners will, in all, demonstrate that the massive scale of development within their local area coupled with especially significant and direct impact upon their dwelling make such huge and detrimental affect upon their peaceful enjoyment of family life as to cause them to suffer unacceptable blight for many years.

Further reasons for objections

- 11.1 Your petitioners aver that HS2 Ltd have failed in their duty to assess the environmental impact of works proposed for the area.

Agricultural, forestry, soils, and land disturbance

- 11.2.1 Due to the extent and prolonged nature of construction and completed use for works in this area, your petitioners aver they will suffer unacceptable adverse effects from the permanent and temporary displacement of agricultural, forestry, soils and land disturbance for the Phase 1 development.
- 11.2.2 Green belt corridor will be permanently removed and the current buffering provided by agricultural and wooded lands for the small communities within this area and your petitioners’ own property will lose permanently their approaches within rural surroundings. These will be replaced with wider tracts of transport network infrastructure leaving them with a total and extremely detrimental change to the surroundings and perceived positioning of their communities. They will no longer feel like rural communities nor will they be approached through green fields and countryside.
- 11.2.3 There will also be significant permanent and temporary change to the degree of available habitation for wildlife, indigenous and migratory birds causing local disruption to breeding and wildlife habitation patterns.

Air quality disturbance

- 11.3.1 Your petitioners aver they will suffer disturbance and pollution of current air quality to an unacceptable level. This will be mainly but not exclusively contributed to by:
- 11.3.2 Airborn dust dirt and debris from construction of the line, bridges, cuttings, sidings multiple compounds and facilities associated to and altered to accommodate the same.
- 11.3.3 Increased road traffic for construction, deliveries, site visitors, facilities and staffing.
- 11.3.4 The operation of heating and temporary power supplies for construction
- 11.3.5 Increased traffic for the operation of the aforementioned sites and facilities.
- 11.3.6 The operation of the completed railway such as bearing and break dusts, carbon emissions from remaining buildings, stations depots and other constructions
- 11.3.8 Diesel fumes and emissions from rail stock during construction.

Your petitioners aver that the density of development within the tight geographical limits from Coleshill to The Kingsbury Rd Railhead will exacerbate all airborne pollution effects which would in the specific case of the local area already be excessively high.

Loss of Community/Dislocation of Community and Isolation

- 11.4.1 Your petitioners aver that the significant purchase and demolition of multiple houses within the local area will lead to a detrimental change in the occupying demographic and such change will result in a loss of community feeling and interaction.
- 11.4.2 Temporary and permanent isolation will be suffered with a feeling of dislocation from road closures and both permanent and temporary changes to access routes.
- 11.4.3 Local business closure will further accentuate the loss of community within the area.

Loss of Connectivity/Isolation

- 11.5.1 Your petitioners aver that the current peaceful rural community will be devastatingly affected by changes to routes into and around the area.
- 11.5.2 The re alignment of both the A4097 and the A4091 will cause disruption to and delays within the local community affecting deliveries, buses, refuse collection, postal services and general commuting.
- 11.5.3 Bodymoor Heath Lane connects these two roads and is already used as a "rat run" for traffic seeking access to Hams Hall, Coleshill and the eastern side of Birmingham. Further increase in traffic will bring Bodymoor Heath Lane traffic to an unacceptable level compared to its current status and create nuisance to your petitioners, increased road traffic collision dangers and further isolation from neighbouring property.
- 11.5.4 Closure and re alignment of public rights of way, footpaths and bridle paths will cause isolation and dislocation from neighbouring properties.

11.5.5 During construction and during operation there will be an increased proportion of large vehicles for deliveries and transportation of construction vehicles which given the nature of the extensive works within this area will have a prolonged impact upon traffic.

Cultural heritage & ecology disturbance

11.6.1 Your petitioners aver that the cultural and heritage loss will be both permanent and unacceptably detrimental. Particularly during an extended and widespread program for Phase 1 as proposed, specifically but not exclusively from the following:

11.6.2 The agricultural land being destroyed across the area is immense in proportion to the local community and far greater than most if not all other areas of the development and also creates islands or pockets of land surrounded in close quarter by industrialised compounds and satellite areas supporting the construction and operation of Phase 1. The intensity of works to the land lying along the proposed route and proposed for development will permanently destroy ancient woodlands, listed buildings and areas that were planted out to mitigate the development of Hams Hall. Numerous generations of rural community living will vanish from the area.

11.6.3 Your petitioners will suffer further loss of current local educational and special interest sites such as ladywalk reserve, Barn Covert Wood Borth Wood, Hams Lane, Sych Wood and The woods at Middleton House farm which will be permanently removed.

11.6.4 Given the current 15 year extent of the program there can be little or no hope that the pre-existing historical landscape would be suitably replaced, also the re-introduction of natural habitat would take many further years post construction. In any case the effects on your petitioners lives and lifestyles over such a prolonged period should be viewed as permanent by their very longevity.

Landscape and visual disturbance

11.7 During the construction and completion onto operation of Phase 1 your petitioners will suffer unacceptable adverse effects from landscape and visual disturbance and nuisance specifically but not exclusively from the following:

11.7.1 The Sites of the Kingsbury Rd Rail Head and the Seeny Lane Compound are in close proximity and direct line of sight to your petitioners property. They will cover the vast majority of open field currently making up the visible foreground and horizon of the properties main aspect. The "Pan Handle" will protrude further above the open fields which are the only separation between the compounds and your petitioners' property.

11.7.2 The magnitude of this Railhead alone is an unacceptable change to the local surroundings but cannot be taken in isolation from the mass of additional compounds and complex works required for the construction and operation of Phase 1. This development will by its size and nature dominate the landscape to the fore of your petitioners property and destroy its current rural positioning. Therefore, the magnitude of change for the area will be of the highest impact and your petitioners aver that there shall be the overdevelopment of the entire area.

- 11.7.3 The importance of the current “green” buffer between the property and existing road infrastructure is such that its eradication by the proposed railhead will render the buffer entirely removed. Therefore your petitioners’ property will feel dwarfed by gigantic transport infrastructure. There will be the increased traffic in the area caused by deliveries, workers to the sites, causing visual and landscape disturbance as well as nuisance for your petitioners.
- 11.7.4 The wider construction and operational activities within the Areas of Coleshill, Gilson, Curdworth, Water Orton and Middleton will serve to close any perceived gap in developed area and effectively create a landscape of industrial standing where the existing rural nature will be forever destroyed.

Sound, noise, light & vibration nuisance and disturbances

- 11.8 Disturbances and nuisance to sound, noise and light levels will be prevalent within the construction and operation stages of Phase 1, specifically but not exclusively due to the following:
- 11.8.1 Extreme construction noise, light and vibration resulting from the construction sites proposed for the area. The “Pan Handle” of the Kingsbury Rd Railhead is situated such that trains using this to shunt or reverse will be directly aligned with your petitioners’ bedroom windows. During construction and operation this will create intolerable nuisance from light and noise from the Kingsbury Rd Railhead, most particularly at night.
- 11.9 The recent resurfacing of the M42 was carried out on a 24 hour basis with severe impact on the overnight light and noise levels for your petitioners and it can be assumed by comparison that the much larger and very much longer works for the railhead construction let alone the operation will cause far greater disturbance rendering your petitioners unable to peacefully enjoy their property.
- 11.10 The noise of train brakes and the loading/unloading of freight together with the associated noise from a large workforce will be similarly unacceptable and extremely adverse to the living conditions of your petitioners.
- 11.11 The lighting required to construct and operate the Railhead will be significant over the large area of the site, buildings compounds, and care parks will be in direct sight of your petitioners’ property spanning the vast majority of its main aspect and will undoubtedly be elevated to such a level as to be permanently visible with no reasonable means of mitigation for them. Such light will have severe detrimental impact upon the habitable status of the property and your petitioners’ peaceful enjoyment of it.

Traffic & transport disturbance

- 11.12 Disturbances and increases nuisance to traffic levels and transport will be prevalent within the construction and operation stages of Phase 1 specifically but not exclusively due to the following:
- 11.13 The use of local roads for huge scale construction traffic and the level of changes to the existing surrounding road infrastructures will cause widespread disruption to traffic already using the local area.

- 11.14 No proposals for dedicated feeder routes have been made for the Kingsbury Rd Rail head which means that both during construction and operation of the site the existing road networks will be overstretched and burdened with heavy traffic flows to and from the site including workers, deliveries, visitors, construction vehicles. This will cause serious further delay to your petitioners when using their local routes to access schools, shops, doctors and all other amenities.
- 11.15 Delays will be caused in general traffic, public transport, refuse routes, local delivery vehicles and users of the remaining local amenities such as Kingsbury Water Park. These will also have serious adverse effects upon your petitioners' current standards of living and increase road safety risks within their rural residential area.

Waste, Material Resources, utilities disturbance and nuisance

- 11.16 Disturbances and nuisance to essential and existing utilities, waste streaming and material resources will be prevalent within the construction and operation stages of Phase 1, specifically but not exclusively due to the following:
- 11.17 The construction and operation of the Railhead will require transport to offsite landfill for waste generated from both sets of temporary and permanent activities as well as the 510 employees.
- 11.18 Further waste from the supporting compounds, rolling stock maintenance and accommodation sites within the area will also overburden current landfill arrangements.
- 11.19 The proposed scheme intends to tap into existing utilities and resources, this will overburden existing and sometimes overstretched or unavailable resources such as power, water, gas, drainage, telecommunications and data communications networks. This will impact adversely upon your petitioners' way of life with periods of loss of service due to multiple required connections for the plethora of buildings and sites locally and a possible slowing of service or overuse of existing networks and resources.

Water resources and flood risk

- 11.20 Disturbances and increases nuisance to water levels and flood risk will be prevalent within the construction and operation stages of Phase 1, specifically but not exclusively due to the following:
- 11.21 Existing recently implemented flood defence works have already increased projected water levels at the location of Kingsbury Water Park. There has been no demonstration from HS2 Ltd that these recent works have been considered within the environmental impact works for the Kingsbury Rd Railhead.
- 11.22 With a predominant subsoil layer of gravel the balancing pond location proposed will adversely affect the lower lying ground and may well render the fields below un farmable with no prospect of successful ploughing. Also your petitioners property and gardens are directly in line and lower than these fields and the proposed balancing pond and would therefore suffer similarly adverse effect from increased water table levels.

11.23 Your petitioners will suffer unacceptable adverse effects from the potential displacement of many acres of surface water drainage, currently being offered mitigation by the above mentioned balancing ponds. No evidence of further plans to remove high levels of surface water drainage have been offered.

11.24 The required multiple connections to existing drinking water supplies will cause interruption of and possible contamination to your petitioners' existing supply.

Breach of Human Rights

12.1 Your petitioners also SPECIFICALLY PLEAD that their respective human rights under Article 8 of the European Convention on Human Rights: The right to respect for private and family life and home; are so injuriously affected by the Bill AND are so grossly and unjustly affected and compromised by the Bill and its processes to date, to which your Petitioners object for reasons amongst others, as they appear also in paragraphs 9 to 11 of this Petition. In particular, your Petitioners aver that the scale and extent of development within the immediate area together with the 24 hour nature of operations will by so severe as to be too great an interference with their basic human rights.

12.2 It would be unreasonable to expect your petitioners to remain within their property given the combination of disruption and negative effects of the aforementioned objections.

12.3 It would be unreasonable to expect your petitioners to suffer the specific loss of quality of life and peaceful enjoyment due to the visual, sound and light disruption also abovementioned but due to their extreme effect being separately of higher consideration as well as consideration within the whole.

Alternative Proposals

12 Your petitioners confirm their alternative or mitigated proposals to be:

12.1 Revert to the proposed siting of the Railhead back to the originally documented Hams Hall location or remove the proposed Railhead from the area completely and instead us a suitable alternative site such as that proposed by the Kingsbury and District Action Group at Toton.

AND/OR

12.2 Safeguard or otherwise compulsorily purchase the property of your petitioners so as to remove them completely from the distress, hardship and unreasonably and potentially unlawful effects of the aforementioned property blight, nuisance and health and safety risks associated with the proposed scheme, prolonged and unacceptable breach of their human rights and the immense and unacceptable change to their local environment.

12 In light of the above, your Petitioners reserve the right to raise the abovementioned matters and any further matters of concern relating to the substance of the Bill and this petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to your petitioners that may occur in due course and prior to their representation before the Select Committee.

- 13 For the foregoing and the connected reasons as set out in this petition and your petitioners respectfully submit that the Bill should not be allowed to pass into law in its present form.
- 14 There are clauses and provisions arising out of the Bill which, if passed into law as the Bill now stands, will prejudicially affect your petitioners and their rights (including their human rights), interests and property and for which no adequate provision is made to protect your petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.
- 15 The Preamble to the Bill, in so far as it relates to the matters aforesaid, is untrue and incapable of proof.

PRAYER:

YOUR RESPECTFUL PETITIONERS therefore humbly pray your Honourable House:

- (1) that the Bill may not be allowed to pass into law as it now stands and
- (2) that they may be heard ACTING IN PERSON, or through their COUNSEL, AGENTS, REPRESENTATIVES and/or WITNESSES in support of the allegations of this Petition herein stated together with its Schedules 1, 2 and 3, against the principle of the Bill and against so much of the clauses and provisions of the Bill as effect the property, rights, and interests of your Respectful Petitioners and in support of such other clauses, amendments or provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Respective Petitioners as your Honourable House shall deem meet.

AND your Respectful Petitioners will ever pray, &c.

SIGNED:

MR Peter James Norman

Mrs Michaela Marie Norman

Date

Date

17/5/14
17/5/14

PETITION AGAINST A BILL

**LODGED IN RESPECT OF:-
HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL 2013-2014
Introduced into this House on 25 November 2013**

AGAINST ON MERITS PRAYING TO BE HEARD IN PERSON

**TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED**

FILED ON BEHALF OF THE FOLLOWING PETITIONERS:-

**Peter James Norman, Michaela Marie Norman
Both of:**

DATED THIS 17th DAY OF May 2014