

THE HUMBLE PETITION of: LEA MARSTON PARISH COUNCIL

of correspondence address of Parish Clerk Mr Howard Allen 21 Westwood View Erdington Birmingham B24 0JF

herein referred to as "your Respected 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 Ian 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 in 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 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker, ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works, and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
5. Your Petitioners are Lea Marston Parish Council (hereinafter referred to as "the Petitioners") and they represent the concerns and matters arising for residents and property owners of North Warwickshire residential villages and hamlets of Marston, Lea Marston, who are gravely affected by the complexity.
6. Your Petitioners object to the works proposed to be undertaken as referred to in the above as their respective legal rights, interests and properties are injuriously affected by the Bill.
7. Your Petitioners objections hereinafter set out refer to;
 - a) Failure on the part of the promoter (HS2Ltd) which have prejudiced the position of your Petitioners.
 - b) Objections to the proposed construction phased works directly affecting your Petitioners.
 - c) Objections to the proposed Permanent works affecting your Petitioners.
 - d) Objections to the Construction Code of Construction Practice.

8) Failure on the part of HS2 Ltd which has prejudiced the position of your Petitioners

The HS2 project specification allows for the following minimum requirement (minimum) as outlined, "The project shall seek to avoid direct or indirect harm to the landscape, water and

ecological resources to mitigate adverse impacts where necessary and to enhance such resources such as resources where practicable. Measure to achieve this will be commensurate with the sensitivity of the resource and will reflect the level of protection afforded to such resource through relevant laws and policies.”

Your Petitioners consider that HS2 have prejudiced your Petitioners in that they (HS2) have failed in their duty to assess the environmental impact to the levels of mitigation as required for such a major project. It is considered that HS2 have not clearly defined their Objectives which may be summarised as follows;

- a) To establish baseline objectives to identify the levels of potential environmental impact of the proposed construction phase and post construction allowing for the project characteristics, sensitivity of the environment and relevant concerns of interested parties, making provision via Consultation and Engagement.
- b) To predict the extent and significance of the potential impacts and identify measures that can be incorporated to mitigate adverse impacts.
- c) The Environmental Statement should have full regard to the requirements of the Environmental Assessment Regulations implementing the EC Directive, the Department of the Environment and the Department of Environment guide on Environmental Assessment. The Guide recommends discussion to the scope of the Environmental Assessment. Discussion and not the Data Analysis systems undertaken on two counts by HS2. Over 40,000 assessments responses produced in the space of 24 weeks.

Your Petitioners consider the following represent objections on Objective failure;

- 1) Failure to assess environmental impact on Petitioners properties.
- 2) Failure to engage with your Petitioners.
- 3) Failure to consult or enter into meaningful dialogue concerning mitigation/alternative proposals with Petitioners.
- 4) Failure to give due consultation to the case as put forward by your Petitioners.
- 5) Failure to follow due process and procedure in the late definition of Phase 1 and 2 interface.
- 6) Your Petitioners were unable to establish locus standi at relevant Community Forums, consultation and discussions with Borough and County Council.
- 7) Failure to incorporate correct statistical data regarding environmental objectives.

9) Objections to the proposed construction phased works directly affecting you Petitioners.

The proposed construction phase works of approximately nine years (Phase 1) and seven years (Phase 2) are located within the parish of your Petitioners, and such works virtually surround the hamlets of Lea Marston and Marston.

Your Petitioners reside within the above curtilage and will experience adverse affects to agriculture, forestry, soil disturbance, air quality, contamination, loss of community, loss of connectivity, ecology disturbance, landscape and visual disturbance, sound, noise pollution and utility disturbance and nuisance.

The proposed plans for construction site compounds brings with it health issues to an area which has very poor air quality. Also, issues of safety, diesel pollution and nuisance with a projected 1000 workers are also projected.

Yours Petitioners object to such a large scale infrastructure construction phase project with complex construction requirements in such close proximity to Petitioners

dwellings which is too great an interface with the individual's right to respect for family lives.

Your Petitioners object to the Kingsbury Road Rail Head due to the project objectives and regard it to be in a totally inappropriate location. The proposal has an ancillary new railway sidings feature with the removal of Sych Wood an Ancient woodland site with wetland and roosting facility. With the proposed announced in September 2013 there was no opportunity for public consultation on mitigation. It is considered cost is favoured over mitigation and your Petitioners request an evaluation of this facility whereby objectives should be clearly defined and the subject of public consultation. Clearly environmental impact objectives have not been addressed on the Railhead and the ancillary enabling railway line works. The removal of Sych Wood and Birch Wood for the purpose of temporary works is totally unacceptable to your Petitioners.

Yours Petitioners are concerned that once the use of the temporary railhead and ancillary works has ceased it may be used for a purpose not in keeping with the rural landscape. We therefore request the Bill is amended to include a requirement for a future requirement of enhancement to such areas which would include the Woodland Agricultural features.

10) Objections to the Proposed Permanent Works directly affecting our Parish.

Your Petitioners are concerned regarding the visual impact of the HS2 high level elevated viaduct sections leading from Water Orton to Hams Hall which will be visible from the Village and Parish of Lea Marston. No mitigation impact measures have been referenced for this issue although HS2 has been advised of the problem.

Impact Mitigation needs to be reviewed for elevated structure and track section to be constructed adjacent Dunton Island and M42.

Your Petitioners object to the poor levels of Impact Landscaping mitigation to protect the Permanent Works from visual impact.

11) Objections to the Construction Code of Construction Practice.

Your Petitioners are concerned regarding the Construction site activity and reinstatement thereafter. Actual Construction periods are detailed but actual overall times for Construction completion may well run after these dates shown with maintenance and commissioning works.

The Code of Construction Practice is shown in a very generic format and as stated in the Draft is subject to design, assessment, consultation process development via engagement through Community Forums etc., to determine future progress.

The Draft also confirms that in the present form it should not be taken to represent the view of the Secretary of State for Transport. Yours Petitioners request the draft Code of Construction Practice be removed from the Bill as it has not been finalised or received mitigation levels of consultation.

12) Your Petitioners Proposal or Alterations.

Your Petitioners consider the Parish of Lea Marston incorporating Marston will be part of an area which suffers the biggest impact from HS2 on the entire route and due to this being the location where Phase 1 and Phase 2 cross over and the profound significance of the high level structures. Also, we consider the construction phase works of some 17 years is not acceptable in the 21st century.

13) Your Petitioners consider the following proposals should be implemented to satisfy the environmental impact objectives in achieving quality mitigation, design and enhancement measures all as HS2 endorsed within their generic project statements as above.

- 1) Your Petitioners request the Parish and surrounding area be granted a special management facility to ensure comprehensive co-ordination of the full project scope from pre-construction phase to completion of the works. The Parish must be safeguarded.
- 2) Review the compensation for Petitioners within the Parish directly affected by failure to recognise the effects of the Construction and Permanent Works.
- 3) Relocate the Kingsbury Railhead away from the proposed location. Your Petitioners request your Honourable House to require HS2 Ltd to undertake a proper evaluation of the alternative locations including the evaluation of the Environmental impact and provide details of the evaluation and provide an appropriate public consultation period before considering the proposal should remain in the Bill.
- 4) The works at this location both temporary and permanent could result in local residents being isolated and unable to sell properties due to the proximity of the construction and permanent HS2 railway.
- 5) Consideration to be put in place regarding the purchase of enhancement land for offsite landscape planting to improve landscape characteristics. Replace the proposed Sych Wood Ancient woodland with a new Woodland area adjacent with the purchase of additional land.
- 6) Provide a clear proposal of the Construction Site and expand the Code of Construction with Utility proposals.
- 7) Make provision to incorporate up to date statistics regarding environmental impact issues. Address the future traffic impacts.
- 8) Allow for updated statistics on Sound, Noise, and existing Lighting pollution. Objectives need to be satisfied with correct data.
- 9) Provide provision for offsite visual impact enhancement from min distance of 5 miles.
- 10) Provide for Community Benefit Fund and Environmental Landscape Trust for future enhancement.
- 11) Provide provision for the continuation and expansion of the Hams Hall Education Centre which promotes nature studies for inner city schools. The area covers Sych Wood which may be removed, so additional provision needs to be put in place for the educational requirements.
- 12) Interface requirement with Tame Valley Wetlands Partnership.
- 13) Additional landscaping required and the reinstatement thereof due to removals of Existing Hams Hall Landscape mitigation.
- 14) Make provision in adhering to the provision of European Convention on Human Rights Article 8. The right to respect private and family life and home are so injuriously affected by the Bill.
- 15) Review of all woodland removal and the reinstatement thereof.
- 16) Provision for the future expansion of Hams Hall Industrial Park with mitigation objectives.
- 17) Review existing Traffic data and traffic impact and provide for enhancement to the existing road network as may be required.
- 18) Provision to be made to maintain the long term viability of the two hamlets through permanent substantial compensatory works or otherwise HS2 Ltd should be required to extend its hardship scheme as to enable your Petitioners to relocate and allow HS2 to acquire their property for at least the pre blighted market value.

Your Petitioners request the Honourable House to review the project time scales of commencement and completion of the Phase 1 project.

It is now apparent that further work has to be undertaken on mitigation impact, design and many more issues and your Petitioners suggest the HS2 Phase 2- Commencement of the Construction Phase Works are delayed until 2020 with a reduced period on the site of approximately 6 years. This proposal would still allow for the original completion time.

There are claims and provisions contained within the Bill which if passed into law as it stands will prejudicially affect your Petitioners and their rights (including their human rights), interests and property and for which no provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 there 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 respective Petitioners will ever pray, &c.

[Faint, illegible text, possibly a signature or stamp]

20 May 14.
Date

PETITION AGAINST A BILL

LODGED IN RESPECT OF:
HIGH SPEED RAIL (LONDON-WEST MIDLANDS) BILL 2013-14
Introduced into this House on 25th 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:

LEA MARSTON PARISH COUNCIL

All correspondence via:



DATED THIS 20TH DAY OF MAY 2014