

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**PETITION**

Against – On merit – praying to be heard by counsel, &c.

To the Honourable The Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament Assembled.

THE HUMBLE PETITION of

**MR SIMON ASHLEY KNOTT**

**MRS JULIE KNOTT**

**MISS JOANNA KNOTT**

**MISS SARAH JANE KNOTT**

ALL OF LOWER NEW HOUSE FARM (HEREINAFTER REFERRED TO AS “THE FARM”), IN THE PARISH OF WORMLEIGHTON, WARWICKSHIRE

SHEWETH as follows;

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and now is pending in your Honourable House entitled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main line at Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”
2. The Bill is presented 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 Patterson, Secretary Edward Davy, and Mr Robert Goodwin.
3. Clause 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They also include clauses which would disapply and modify various enactments relating to special categories of land

including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, Building Regulations and party walls, street works and the use of Lorries.

4. The Works proposed to be authorised by the Bill are specified in clauses 1 and 2 of and schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in schedule 1 to the Bill and other works, which are described in clause 2 of and schedules 2 and 3 to the Bill
5. Clauses 37 to 42 of the Bill deal with the regulatory regime of the railway.
6. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provisions 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, provisions about the compulsory acquisition of land for a regeneration, reinstatement of works and provisions about further high speed rail works. Provision is also made about the application of environmental impact assessment regulations.

#### **Your Petitioners' *locus standi***

7. Your Petitioners are:

Mr Simon Ashley Knott and Mrs Julie Knott as freehold owners of Lower New House Farm, in particular land parcels 55 and 56 in the Parish of Wormleighton in the County of Warwickshire ("the Owners").

Miss Joanne Knott and Miss Sarah Jane Knott as freehold owners of a field being land parcel 49 in the Parish of Wormleighton in the County of Warwickshire ("the Field Owners").

Mrs Simon Ashley Knott and Mrs Julie Knott as partners in the Knott Farm Partnership. ("The Partnership").

8. All of your Petitioners have *locus standi* owing to their land and property being directly affected by the provisions of the Bill.

#### **Overview**

9. Lower New House Farm comprises a traditional mixed agricultural holding which has been in the Knott's family ownership for the past 30 years. The farm predominantly grows combinable crops in rotation, along with a small livestock enterprise; the Farm is farmed by the Partnership.
10. The Farm comprises two separate legal ownerships:

- 1) The farmhouse, agricultural land (120 acres (48.56 hectares) and associated buildings owned by the Owners. In particular the field to the

East of the farmhouse, part of which is proposed to be used by the Promoter as a construction compound; and

- 2) The field to the South west of the farmhouse, within which a radio mast is situated, [20 acres (8.09 hectares)] is in the ownership of the Field Owners.

11. The Owners, the Field Owners and the Partnership (together "your Petitioners") are very concerned over the impact that the High Speed 2 ('HS2') works will have on their property and business interests, and the long-term impacts of the proposals on their property when the railway comes in to operation. Their concerns specifically relate to the provisions within the Bill for the upgrading of Wills Pastures Road to the west and east of Lower New House Farm (Work number 2/137) and the permanent rights proposed to enable the future use of Wills Pastures Road by HS2 for maintenance access, the proposed extent of the temporary works compound (described as the Oxford Canal North Compound within the Environmental Statement for Community Forum Area 16), and the temporary access provisions associated with Work number 2/137a within the Bill.
12. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner(s) object for reasons amongst others, hereinafter appearing.

### **Objections**

13. Your Petitioners have concerns relating to property, compensation and administrative matters and object to the draft Bill on those grounds as follows:

- a) Objection:

#### **The upgrading of Wills Pastures Road**

##### **Explanation:**

Work No. 2/137 is a work to upgrade and realign Wills Pastures Road, which is proposed to be used for access to the Oxford Canal North Compound and permanently for maintenance access. The existing road is of a suitable standard up to the point where the driveway serving Lower New House Farm meets it. Beyond this point the road quality deteriorates to an overgrown farm access track. The current physical limitations to the road ensure that it is very rarely used by anybody other than your Petitioners. Your Petitioners therefore enjoy a high degree of privacy and the physical nature of the road has ensured that it has not generally attracted persons engaging in anti-social behaviour.

Your Petitioners are concerned that the proposed upgrade of Wills Pastures Road will result in it being used for anti-social purposes, and your Petitioners have not been provided with any information as to the long term treatment

of the road, its intended use and the frequency of this use once the railway is in operation. Your Petitions are concerned that any improvements to Wills Pasture Road longer term may attract additional road users other than HS2 maintenance vehicles which will potentially prejudice your Petitioners position at Lower New House Farm, unless measures can be implemented to ensure that this issue could be mitigated in the longer term.

We also note that Information Paper C8 "compensation code for compulsory purchase" commits HS2 Limited "to provide for the payment of fair compensation to an owner whose land is compulsory purchased for public works". In particular Section 5 Information Paper C8 refers to Section 10 of the Compulsory Purchase Act 1965 where no land is taken with particular reference to public works which interfere with the landowner's enjoyment or diminishes the value of his land either permanently or temporarily, in a manner which could suit the promoters, had they had not the immunity confirmed by their statutory authority to carry out the public works. That commitment is not sufficient in relation to the proposed upgrades to Wills Pastures Road and the impact this will have on Lower New House Farm.

b) **Objection:**

**Access provisions to Lower New House Farm during construction**

**Explanation:**

Your Petitioners utilise Lower New House Farm as their principal residence and place of business. The businesses that operate from Lower New House Farm by your petitioners comprise an agricultural business which manages the surrounding landholdings and a equestrian business which provides accommodation for horses for use by the general public and your petitioners land for the exercising of horses.

Your Petitioners have concerns relating to the access during construction and the impact this may have on their business. In particular Plan CT-05-081-L1 indicates a pinch point to the West of Lower New House Farm entrance where the temporary access road which will be constructed to facilitate the movement of vehicles and personnel to the Oxford Canal North Compound adjoins the existing Wills Pastures Road. This intersection provides the main access point to Lower New House Farm for your Petitioners and their clients.

We note that Information Paper D11 "retaining access to residential and commercial property during construction" commits HS2 Limited's Nominated Undertaker to maintain vehicle access to properties "where reasonably practical". That commitment is not sufficient in relation to Lower New House Farm, where any disruption to vehicular access will result in significant disruption to both the agricultural and equestrian businesses operating from these premises.

c) Objection:

**Access provisions to and protection of radiofrequency beacon mast**

Explanation:

Your Petitioners are concerned to the general provision of access and protection of the radiofrequency beacon mast which is positioned in Land Parcel 49, with further equipment situated at the junction of Lower New House Farm access road and Wills Pastures Road. This area as previously mentioned is a pinch point between the temporary construction access to the Oxford Canal North Compound and the existing Wills Pastures Road. The Environmental Statement for Community Forum Area 16 acknowledges the presence of the radiofrequency beacon, which is a significant piece of maritime infrastructure, however, no provision within this document is provided to ensure that the equipment is protected during construction and that the access to this equipment is also maintained during the construction period.

We note that Information Paper D11 "retaining access to residential and commercial property during construction" commits HS2 Limited's Nominated Undertaker to maintain vehicular access to properties, that commitment is not sufficient in relation to the access provisions which are required for the radio transmission equipment. Nor does the Draft Code of Construction Practice give sufficient clarity into the protection of the ground mounted equipment which is also associated with the radio transmission mast.

d) Objection:

**Occupation and operation of the Oxford Canal North Compound**

Explanation:

Section 2.3.21 of the Environmental Statement for Community Forum Area 16 clearly indicates that the Oxford Canal North Compound which forms part of your Petitioners' landholding will be a compound of significant strategic importance. The compound will operate for approximately 5 years and will accommodate a workforce of between 90 and 170 workers at peak times. It is noted that the Draft Code of Construction Practice provides details of the working hours, construction site layout and good housekeeping, site lighting, temporary living accommodation, general provisions for agricultural forestry and soil management, and general provisions for noise and vibration management. These are supported by the Information Papers C2 Rural Landowners and Occupiers Guide, D4 Working Hours, D11 Maintaining Access to Residential and Commercial Property during Construction, E13 Management of Traffic during Construction, and E23 Control of Construction Noise and Vibration. These documents provide a generalised and generic overview to the operational issues that may be encountered during the construction period and the baseline mitigation

matters that are proposed by HS2 Limited and their Nominated Undertakers to reduce the impact to your Petitioners' property.

Your Petitioners have significant concerns relating to the occupation and operation of the Oxford Canal North Compound. A Key concern is noise emanating from the construction activities and the use of the compound by personnel as temporary residential accommodation. We note that information D4 "Working Hours" states that core working hours for construction of the proposed scheme will be from 0800hrs to 1800hrs on weekdays and from 0800hrs to 1300hrs on Saturdays. The weekday core working hours will directly clash with the equestrian hours of business. Both Information Paper D4 and the Code of Construction Practice indicate that where necessary additional working hours will be implemented to allow the facilitation of certain construction activities. Given the current indication from the Draft Bill (Schedule 15) in relation to the Oxford Canal North Compound and its significant strategic use for the construction of larger sections of the railway and the intention to enable other satellite compounds to operate within the area will give rise to the prolonged use of this compound. In real terms the operation of this compound is likely to fall outside the guidelines set in information paper D4 and the use of the additional working hour's option will become common practice. This will be to the detriment of your Petitioners' residential property and the businesses they run from the property.

Your Petitioners are also concerned in relation to the interaction between the site workers who will reside at the works compound, especially due to the Draft Code of Construction Practice not providing sufficient details as to how the site compound will be occupied by workers, and their likely interaction with the surrounding businesses and residential properties.

Your Petitioners are also concerned in relation to the artificial lighting which will be provided to enable the "safety and security of the construction site". The Draft Code of Construction Practice, Section 5.4 'Site Lighting', subsection 5.4.2, indicates that "lighting will also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance, interference with local residents". This provision does not adequately provide reassurances to your Petitioners based on the scale of the proposed compound and the potential for lighting glare to impact on the residential element of the property. There is particular concern when your Petitioners are lambing and harvesting crops and the impact on the sleep of the occupiers of the residential property during this stressful time period in the spring and summer.

Further to these points your Petitioners have also concerns over the construction noise and vibration impact levels which will be directly attributed to the operation of the Oxford Canal North Compound. We are aware of the noise and vibration measures put forward in Section 13 of the Draft Code of Construction Practice which is supported by the Information Paper E23 "The Control of Construction Noise and Vibration". In particular Section 13.2.4 refers to the control measures put forward by HS2 Limited

and its Nominated Undertaker by providing management and monitoring processes to ensure that Best Practice Means (BPM) are planned and employed to minimise noise and vibration during construction. This is further supported by Appendix A of Information Paper E23 which provides the background limits for the construction noise levels which may affect permanent residential buildings between 55 and 65 decibels depending on the hours of operation, this is based on a working week of Monday to Friday. Those limits also apply to Saturdays and the relevant hours of operation associated with Saturday. Again, your Petitioners have concerns that these commitments do not adequately define the impact this major compound will have on your Petitioners' property.

e) Objection:

**Adequate provision for the storage of Topsoil**

Explanation:

We note that subsection 6 entitled "Agriculture, Forestry and Soils", of the Draft Code of Construction Practice alludes to the requirements of HS2 Limited and their Nominated Undertaker to undertake surveys of topsoil and subsoil. The document continues to provide a simplified view as to the treatment and handling of topsoil under subsection 6.2.4 for the duration of the construction works. This is also supported by Information Paper C2 "Rural Landowners and Occupiers Guide", where point 4 of subsection 6.4 again provides a simplified overview of the intentions of HS2 and their Nominated Undertaker. These commitments do not sufficiently deal with the complexities of the Oxford Canal North Compound and its temporary access road. Your Petitioners are particularly concerned as to the positioning of the stripped topsoil and the potential their topsoil may be removed from their holding permanently. This concern is enhanced due to the length of time that the topsoil will be held in storage.

f) Objection:

**Field Drainage provisions to land parcels 49 and 55**

Explanation:

Your Petitioners have concerns that the provisions outlined in the 'Bill' (Schedule 31 – Part 5) and the Draft Code of Construction Practice along with Information C2 'Rural Landowners and Occupiers Guide' do not provide sufficient reassurances to the treatment of land drains, ditches and water course within private land. In particular Land Parcel 49 has an open ditch running through the corner of the field which will ultimately form part the new temporary access to the Oxford North Canal Compound. This ditch carries a substantial amount of water throughout the year and provides a point of drainage for the remaining field. This open ditch ensures that the access to the radio transmission equipment remains dry for the vast majority of the time. In relation to Land Parcel 55 there is an extensive

series of land drains throughout this field, there is also an open ditch to the boundary of Land Parcel 55 which runs parallel to Wills Pastures Road. Elements of land drainage also pass under Wills Pasture Road into a secondary open ditch which forms part of your Petitioner's neighbour's landholding. The provisions do not provide sufficient safeguards as to how the hydrology within the area surrounding a major site compound will be treated.

g) Objection:

**Temporary fencing of access road and works compound**

Explanation:

In relation to the Code of Construction Practice and the Information Paper C2 'Rural Landowners and Occupiers Guide' there is the mention of "appropriate stock proof fencing" for land adjacent to the construction site. It is felt by your Petitioners that these commitments do not adequately deal with the security of and delineation of the temporary access road or the Oxford North Canal Compound. In particular due to the potential longevity of use of the road and the Oxford North Canal Compound these provisions require refinement to ensure that a definitive requirement for stock proof fencing is provided. This Point also ensures that adequate provisions are guaranteed, so that the area between the Petitioners land and the temporary works is delineated accurately with an appropriate stock fence.

14. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectively submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and / or the Nominated Undertaker must review the construction strategy, mitigation proposals and compensation provisions for the project and its related works by considering their cumulative impact on the Petitioners' property and business.

Your Petitioners have made proposals for meeting their objections below and respectfully suggest that either these or other changes that would meet the objections (to be proposed to and agreed with your Petitioners) should be incorporated before works, design and construction strategies have been finalised or construction contractors employed.

Proposed solutions (each solution relates to the corresponding objection):

a) Proposed solution

Further information is required from HS2 Limited to confirm what the formal designation of the road will be longer term. I.e. will this be classified as a public highway? Alternatively will it just be for the private use of HS2 Limited and its Nominated Undertaker. Additional information will be required in relation to security provisions which could be implemented to limit the use to authorised users, past the entrance point to Lower New House Farm. Your Petitioners anticipate this to take the form of either

bollards or a gated entrance. Your Petitioners request that the Bill and associated documentation is amended to reflect and incorporate detailed provisions based on the concerns of your Petitioners as to the longer term treatment and use of Wills Pastures Road. Otherwise your Petitioners request an undertaking the HS2 Limited will liaise with and agree a suitable means of controlling and limiting access along Wills Pastures Road beyond its junction with Lower New House Farm access road so as to ensure that the road is not used for anti-social activities.

b) Proposed solution

We request that HS2 Limited use reasonable endeavours to retain unrestricted vehicular access to Lower New House Farm throughout the period of HS2 works (for example this may be achieved by installing temporary traffic lights or a separate drive way). In the event that access is required to be temporary Stopped up, HS2 Limited should use best endeavours to limit the disruption to access to weekend or between 1900hrs and 0700hrs the following day on weekdays and in any event should provide your Petitioners with not less than 14 days written notification of its intentions to stop up access to the property.

c) Proposed solution

Your Petitioners require unfettered access to the radio transmission equipment within land parcel 49. Your Petitioners also request that measures are taken to protect the ground mounted equipment located close to the temporary access road. These measures should include additional security fencing around the equipment and the installation of concrete bollards to protect the equipment from the construction traffic. Your Petitioners also require indemnity from HS2 Limited and their Nominated undertaker that should damage be caused to the ground mounted equipment as a result of HS2's occupation of the surrounding area, HS2 limited will be solely responsible.

d) Proposed solution

Further information is required to determine the extent of the operations and use of Oxford Canal North Compound. Your petitioners request that HS2 limited and their Nominated Undertaker inform in writing 14 days prior to any changes in the normal operating Hours. Your Petitioners also request that if it should be subsequently deemed necessary to operate the Oxford North Compound for 24 hours continually in any given time period, they are provided with 14 days prior written notification and adequate provisions are made to safeguard the interest of your Petitioners.

Your Petitioners request that the Draft Code of Contraction Practice section 5.9 (Temporary Living Accommodation) is expanded upon to incorporate the key Points of this Petition and to explain the rationale behind the need to provide temporary living accommodation at this location. Your Petitions also request that they are treated as a principle consultee, in any matters

relating to the granting use for and operation of, the Oxford Canal North Compound during the local planning process.

Your Petitioners request that any artificial lighting required for the compound which is not required during construction activities is installed at low level and is positioned to illuminate only the absolute necessary features within the compound. Your petitioners also request that during the lambing period no night time operations occur and level of illumination is reduced.

Your petitioners request that 12 months prior to HS2 limited and their nominated undertake taking possession of land parcel 55 for the establishment of the Oxford Canal North Compound, this intervening time period is used to install, record and establish the background noise levels at Lower New House Farm. This monitoring will continue during the construction period and the data used to establish the specific parameters of noise thresholds for the area. This data can then be used in support of the information contained with Information Paper E23 to establish if a breach of guidelines has occurred. Your Petitioners also request that they are automatically treated for the provisions and mitigation matters proposed within Appendix B of Information Paper E23, without the necessity to meet the qualifying criteria.

e) Proposed solution

Your Petitioners request that an area of land is designated to store all topsoils removed from their holding to facilitate the access and construction of the Oxford North Canal Compound. All subsoils and topsoils associated with the holding will remain on the holding for the duration of the works and the provisions provided within the Draft Code of Construction Practice are adhered to at all times during the construction phase. Your Petitioners request that the Draft Code of Construction Practice and the associated Information Papers are amended to reflect the need to retain subsoils and topsoils associated with Petitioners holdings are stored and treated on those individual holdings. Your Petitioner's request that all documentation produced in relation to the 'Bill' ensures that any soil stripping, storage and placing shall comply with the guidelines set out in British Standard (BSI) Code of Practice for Earthworks (BS6031). Your Petitioners also request that any method statements produced by HS2 or their Nominated Contractors in relation to the stripping, handling, storage and placement of agricultural soils is approved and agreed between all parties prior to the commencement of any works.

f) Proposed solution

Your Petitioners request that in Land Parcel 49 adequate provision is put in place to culvert the existing ditch network and suitable land drainage is also installed and connected to this newly created culvert system over which the new temporary access road will lie. In relation to Land Parcel 55 your Petitioners request that along the field boundary to Wills Pasture Road, a new header drain is installed and at a suitable location it is connected to the

existing open ditch network. Where land drains run beneath Wills Pastures Road these drains must be protected to ensure their collapse does not occur during the construction period. If necessary, steps should be taken to enhance these features to ensure there is a free passage of water from your Petitioners' landholding. The open ditches that run parallel to Wills Pastures Road must be cleaned and maintained at all times during the construction period. HS2 Limited and their Nominated undertakers will identify any land drains within the vicinity of Oxford North Canal Compound and will take necessary steps to either, protect these land drains or intercept them at the boundary point by installing a header drain and connecting this to the existing field drainage network.

g) Proposed solution

Your Petitioners request that the stock proof fencing provided in relation to the HS2's access road and site compound is the following specification; post and four rails, a strand of high tense wire on top of the posts and sheep netting. This specification is based on the current agricultural activities which take place on the holding these being sheep farming and equestrian.

15. For the foregoing and connected reasons your Petitioners respectfully submit that, and unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.
16. There are other clauses and provisions of the Bill which, if passed into law as they now stand with prejudicially affect your Petitioners and their rights, interest and property for which no adequate provision is made to protect your Petitioners.

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

AND your petitioners will ever pray, &c.

Signed **CHRISTIAN GREEN MRICS FAAV**

On behalf of:

**MR SIMON ASHLEY KNOTT, MRS JULIE KNOTT, MISS JOANNA KNOTT and MISS SARAH JANE KNOTT.**

**INPARLIAMENT**

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MISS SARAH JANE KNOTT**

Against the bill –on Merits- By Counsel &c

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