MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 5 June 2018 (Morning)

In Committee Room 5

PRESENT:

James Duddridge (Chair)
Sandy Martin
Mrs Sheryll Murray
Martin Whitfield
Bill Wiggin

IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

WITNESSES:

Paul Carter and Elizabeth Carter
Malcolm Gale (on behalf of Andrew Rushton)

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(At 9.31 a.m.)

1. THE CHAIR: Thank you very much for coming and petitioning. Do go through as you intended but just as a top tip, we find it really helpful if you tell us up front what you want and then go back and go through the whole process, but we’re in your hands.

2. MR CARTER: Thank you.

3. MRS CARTER: Thank you.

4. MR CARTER: So, it’s over to us?

5. THE CHAIR: Absolutely.

Paul Carter and Elizabeth Carter

Submissions by Mr Carter

6. MR CARTER: Thank you very much, Mr Chairman. I don’t know whether it would be of any use but we did get one bit of information which said we should prepare a summary of what we were going to say and I turn my talk into a sort of bullet points and made a few copies of it, if that would be useful.

7. THE CHAIR: That’s acceptable. Mr Mould, is that acceptable to you?

8. MR MOULD QC (DfT): It sounds an excellent idea.


10. MR MOULD QC (DfT): Much to be encouraged.

11. MR CARTER: There are only ten copies I’m afraid.


13. MR CARTER: We are Paul and Liz Carter. My wife is a part-time primary teacher. I’m a retired paediatrician although my first degree was in engineering. We’ve a 23-year-old and a 21-year-old daughter and we’ve lived here in Nethertown – can I have A139(4) please? That’s a view from the end of our road – a small cul-de-sac
hamlet of 16 houses and part of the parish of Hamstall Ridware for the last 24 years.

14. We’ve five principal areas of concern about the construction of HS2 through our parish and near our hamlet about which we wish to petition. With your leave, we would like, first, briefly to introduce ourselves; then go on to outline our principal concerns; and, finally, to spend a little while talking about each one in more detail.

15. We’re passionate about our beautiful countryside and its tranquillity and make every endeavour to be part of our community. Our children attended the local primary school in Hill Ridware where my wife occasionally taught and was a governor for many years. She has also been a member of the Hamstall Ridware Parish Council and is involved in many local groups. I am a sidesman and member of the PCC at the local church and edit the Hamstall parish magazine and, in this role, I try to help keep the community informed of local news.

16. If we could have A142 please. That’s Nethertown and, for what it’s worth, there’s Pipe Ridware and our main route out of Nethertown is along this road and up here and Pipe Ridware is where a lot of construction traffic is going to be going and most of the routes north are affected by HS2 works except for the route to Derby and Burton which is not a common shopping destination for people. The borrow pits are largely in this area here and there obviously is the railway. We are approximately 800 metres from the centre of the line and approximately 400 metres from the boundary of this large borrow pit, 360 metres from its closest construction activity.

17. Could I have A139(2) please? This here is our house. We don’t live in a huge mansion. We just have half a cowshed and a bit of a barn. That’s the farmhouse, that’s our next-door neighbour. That just gives an idea of where we live except that, as you’ll see later, this is a River Trent overflow and when, as it’s done twice in the last 20 years, it floods, the floodwaters go down here.

18. Compared with many other petitioners, our property is spared the worst of the blight but we’re grateful indeed to the Committee for letting us put our case for as much mitigation as possible during the construction and operation of the railway. We moved here as we valued the extreme tranquillity and we, and all our neighbours, and those who visit us comment on the peacefulness of the surroundings. The loudest background noise is birdsong, tractors and the occasional dog. We are on the edge of a flood plain
for both the Rivers Trent and Blithe, the Blithe running down there and the Trent running up there, a bit further out from the picture. There are small hills to the northwest but otherwise the land is flat and sound carries very easily, especially from the direction of the prevailing wind which is the south-west where the railway is due to pass.

19. A railway on a viaduct would be very difficult to hide and would be an obvious feature across the whole area. The proposed track height between us and Pipe Ridware, if you can recall the earlier slide, is around 14 metres, approximately the height of the ridge tiles of a four-storey house. We contend that further modifications to the construction and design could greatly diminish the negative impact of the railway on ourselves, on our environment and our community and, as confirmed in the recent report to South Staffordshire by HS2 Ltd, could even reduce the cost of construction. So, our main requests, which all tend to interrelate, are firstly a reduction in height. I know this has been agreed in principle to South Staffordshire but I have further comments to make on that. Other measures to reduce operating noise of the train, including extending sound barriers which have stopped before they get to opposite our hamlet; sound deadening ballast which, if necessary, will mean a small reduction in operating speed in this environmentally sensitive area; a further re-routing of construction traffic away from Pipe and Common Lanes, where it would effectively cut off our villages, to along these side haul roads; number 4 is the abolition or a significant reduction in the size of the Blithbury borrow pit to reduce noise, traffic and dust during construction; and, finally, and this may be less central or it may be more to our wellbeing, improved management of the Rivers Trent and Blithe and construction techniques designed to help ensure reduced flooding.

20. Okay, I move on to height. They all do tend to interrelate. The proposed viaduct will have a very significant visual impact on this area of largely flat countryside. Could we have A139(6) please? That is where the viaduct was going to go, across here. You can’t pretend that that will blend into the countryside whatever you do to it, especially four storeys high. Part of the original rationale of the viaduct was the maintenance loops at Blithbury which are no longer envisaged. With trains running at up to 15.5 metres above ground level, the sound envelope will be greatly increased and the opportunities for effective sound shielding similarly diminished. It’s noticeable that
HS2 didn’t provide us with a photo montage of the finished railway from Netherton though they did describe that there would be a mid to long range views of the upper levels of the viaduct and overhead line and noise barriers. The operation of the proposed scheme will result in changes within the background of the view from the upper floors with open views to the viaduct. From other vantage points, it would be much more obvious, as shown in this picture. Even after six years, HS2 note the River Trent viaduct will remain visible, resulting in moderate adverse significant effect. We believe all this is not necessary and can be further improved. And so, we are aware of the undertaking that HS2 has made to South Staffordshire Council to try to lower the height by around three metres though I feel if an agricultural clearance of 4.2 metres or less were allowed at Pipe – can I have 139(7) please? You may remember this is our main route out and the HS2 is going to cross here before it goes up to Blithbury. This is the lowest road clearance of the viaducts. We could get, even with the existing engineering suggestion, nearer four metre lowering at this point and the Bourne embankment, further along the track, could be lowered further. I find it difficult to establish the deck height of the viaduct but I understand it’s around two metres. If that’s not right, then everything I’m saying is slightly wrong.

21. Now, this is a bit of a complex red herring but I’d like people to listen. In the response to Staffordshire County Council, HS2 said the railway could be lowered by up to 8.2 metres which is a very significant change from 15.5 metres with roads going over the railway, their option 2. Could I have P33, P35, 38 and 39. So, let’s just quickly go through those. That shows the option 1 and 2. The next slide, 35, the lowering. Now they just said that ‘the necessary diversion of highways over the railway would result in highway structures significantly higher than the proposed scheme itself, defeating the objective’ and not addressed further. I would ask HS2 to address this further. I think there’s a lot of leeway to be looked at here. They say that if you reduce it by 8.2 metres and then add 7.15 metres, it’s higher than it is now. Now, I’m sure the 8.2 and the roads crossing are not in the same places but I would contend that we have four kilometres of viaduct with a 400 kph train going right across the countryside as against two little roads popping on a bridge to much the same height and I don’t think those are comparable, or so comparable that you should discount the roads going over the viaduct, especially as you can make the whole thing half the height or less than it is currently. HS2’s own studies of the sound radiation differences when they originally proposed to take the
railway over the A38, and then when it was changed to take it underneath, showed huge differences in the projected sound radiation and we therefore feel very strongly that a lower track will be a great help. As I’ve said, we’ve asked that this option too should be considered further. I was privileged to have many discussions with engineers earlier on the project and they even agreed the feasibility of a lower option with the railway constructed on an approximately three-metre embankment. This would incorporate both drainage culverts and small tunnels for the movement of livestock and, if necessary, accommodation roads over the top of farms. All this could be explored, probably at a great saving in cost and a huge improvement of environmental impact of the railway.

22. I have some other thoughts about the noise. I’ve seen the noise figures. They don’t particularly impress me. They are projected. Even a low level of intermittent background noise will significantly change the ambience and tranquillity of where we and our neighbours live and we heard Hazel Cliffe yesterday talking about how at her farm, all the guests comment on its tranquillity. When a train is actually passing, noise will be significantly worse than the mean anticipated noise figures. Our neighbours’ houses are shown to expect greater noise levels than ourselves. Can I have 369, P369? P369 if it’s available. A rather complex noise map. The red blob at the top is where you have found our house to be but all our neighbours’ houses are in orange saying moderate adverse effect of sound. We just happen to be shielded by the house opposite from the worst effect of the sound but that community is going to have an adverse effect and that’s a statistical one as against an environmental one of what it’s done to our quality of life and the neighbourhood.

23. THE CHAIR: Other than the obvious sound difference, does the fact that you’re outside mean you are treated in any way differently to those that are just inside?

24. MR CARTER: There was one comment in the promoter’s response that said we were not going to be adversely affected and I wondered if that was because we happened not go quite gain orange status on the map.

25. THE CHAIR: Okay, we’ll cover that off later perhaps.

26. MR CARTER: It’s a small point. Further on, as you know, next to buildings reflected sound or increased intensity, and the prevailing wind will carry the noise from HS2 in the direction of 16 houses. The prevailing wind is from the railway, straight to
our houses and 50% of the wind is in that direction. So, we’ll be much more affected. Recently we attended an open-air play in Mavesyn, a neighbouring village, near the West Coast Main Line, some 450 metres away and when a train passed it was sufficient to make it impossible for the play to continue. This train was admittedly current technology and closer to HS2 than Nethertown will be but it was significantly slower than HS2 and was running at ground level and not on a viaduct. So, we have first-hand experience that this is going to be a very significant change not just to the 16 houses in Nethertown but the 300-400 people in the neighbouring village of Hamstall Ridware and obviously Pipe, which is devastated. So, I’m asking that the noise impact of the railway also be mitigated by sound deadening ballast rather than slab track as currently proposed. This might need restricting the maximum speed and I did a quick example. For four kilometres, running at 300 kph rather than 400 kph would take an extra nine seconds. Now, obviously there’s acceleration and deceleration but it won’t be as extreme as 100 kph so we’re not talking of a devastating life change to travellers if it’s slowed down ever so slightly. Also, a slower speed would allow slightly increased gradient from the lower crossing of the plain when it goes up to Blithbury where there’s cuttings which are doing a lot of devastation to farms. So, it could be a win, win, win in terms of earth movement and everything else.

27. We would like the sound barriers that you can see here protecting King’s Bromley, extended along the track to protect Nethertown. They’re the same distance away. There’s as many houses that distance from the railway here as there are that distance from the railway at King’s Bromley, it’s just they’ve got a parish council that’s argued their case better than ours and I’d like that to be done please. It would be good and I think you’re proposing planting trees along the route and if the engineers have got any other sound deadening tricks, please good them. So, that’s sound and height.

28. Can I go on to access?

29. MR WHITFIELD: Just before you do that, can I just ask you if you look back at A139(2) which was the photograph of your house, and you say as we look at the photograph your house is to the left-hand side.

30. MR CARTER: Yes.

31. MR WHITFIELD: It would seem that the property is blocked by a property in
front of it for the purposes of sound but that’s the property to the right of yours, your neighbour.

32. MR CARTER: The railway is towards you from the picture.

33. MR WHITFIELD: Yes, that’s right.

34. MR CARTER: So, this is the house that I think may have taken a decibel off our sound levels.

35. MR WHITFIELD: But is it not the case that actually it’s taking a decibel off your neighbour’s property, albeit it’s attached, whereas your property seems to face the road that runs straight towards the railway?

36. MR CARTER: It may. I mean these are just figures that came off a piece of paper.

37. MR WHITFIELD: I appreciate that and I understand that they’re in essence table top algorithmic calculations but I’m just wondering whether the calculation is made for that entire building rather than two separate premises?

38. MR CARTER: It could well be. I wasn’t the engineer doing it.

39. MR WHITFIELD: No, I appreciate that.

40. MR CARTER: It was just that I was a little miffed at the comment that we didn’t need to worry because we hadn’t hit the nuisance threshold on calculated dBs (a) and part of a community; and (b) etc, etc but thank you for bringing it up. Shall I move on to access?

41. THE CHAIR: Thank you.

42. MR CARTER: Could I have 139(4) please? This is to remind you that we’re in a small cul-de-sac hamlet of 16 houses. Our only exit road here leads this direction to Hamstall and that way to all the towns that most people visit: Birmingham, Lichfield, Rugeley and that goes through Pipe and is used heavily by construction traffic. It’s important that villages have 24-hour unrestricted access via Pipe Lane which is what this extends into and Common Lane, and I’ll show you on a map later, to the towns most
used by the community. Could I have 374(6) please? Right, not always the easiest map
to sort out. That is the main road from Hill Ridware crossing the Trent and going into
Lichfield and Rugeley. That goes off to King’s Bromley. This is the new road on the
additional provision which I think I’m allowed to talk about because I was sent it
evidence by your side.

43. THE CHAIR: Correct.

44. MR CARTER: Thank you for that and this other unremarkable line is the road
that we all use to get everywhere, down here, right down the edge of the borrow pit.
There is Nethertown. Our house is somewhere just about there and they’ve obviously
freed up Hill Ridware but we are going to have to share all this bit of road in order to get
out of our village with over 11,000 lorries during the construction and I don’t think that
by channelling it all into a smaller area has helped a lot. You do have, I’m very excited
and encouraged to see a yellow haul road going over the Trent. If you could use the
yellow roads and not this one, or use them an awful lot more, we could actually get in
and out. These are minute tiny roads. You saw a couple of pictures of the lanes. You
have to stop a saloon car and pull it on to the grass to let another saloon car pass.
Tractors take up the whole width and you have to reverse to find a place to let a tractor
pass. If you’ve got 11,000 construction lorries going down there, you can either give us
a decent road which would be a lovely payback. I think it would be lovely for HS2 to
do something for us. We have to give a lot for you. A decent road and a less flooding
environment are two things that are easily in your gift but we would ask and request that
construction traffic, especially from this huge borrow pit, does not come down here and
does not block up and clog up all our ability to exit the village and that applies also to
Hamstall Ridware up here for whom half the people come out this way. As I said, the
small country lanes are already not fit for purpose with the existing commuter and
agricultural traffic and in as much as you have committed not to using them, we’re very
pleased.

45. THE CHAIR: I think we’ve got the point on traffic. Can we move to the next
point beyond traffic? I think we get the point. I hear you making the same point in a
number of ways.

46. MR CARTER: I will then move on to the borrow pits.
47. THE CHAIR: Thank you very much, sir.

48. MR CARTER: Thank you. We would, like so many other petitioners, ask that if at all possible the Blithbury borrow pit should not be used, preferring readily available commercial sources of gravel just a very short distance away. In fact, it doesn’t show easily on this map but have we got 373(35)? Yes, that’s the borrow pit near to us. Just over here are huge gravel pits at King’s Bromley. It is a very short distance away and they’re a massive reserve and we would ask that they be used. If some of this borrow pit nevertheless is necessary to be used, we ask that it be reduced in size and only excavated, as far as possible, away from habitation rather than right close to the village and we also ask that the estimated, as I say, 2 x 55,000 lorry runs do not go down our lanes. So, it says they’ll use haul roads but I’m not sure whether the haul roads include the new lane and the lanes at Pipe or whether they’re just yellow roads along the railway. Can I have P125, 17-19 very briefly? 18 and 19. These are just statistics of the large amounts of stuff that you need to move and I want reassurance that they’re going to be moved, not on public roads as it says. It says haul roads but it doesn’t specify, specifically.

49. I was concerned about dust. I was grateful for reassurance from Mr Byrne that the dust reduction provisions will be adhered to though I would hope that there will be some comeback if this is unsuccessful. But I was also referred to volume 5, appendix AQ001001 which was 200 pages of the effects of road traffic around Euston so I’m not quite sure what documentation you have on dust control.

50. THE CHAIR: We have quite a lot but I’ll let Mr Mould. Sorry, I’m being drawn into answering your questions.

51. MR CARTER: It was an incorrect reference. I was able to gain no reassurance from that unfortunately.

52. THE CHAIR: We’ll look later to Mr Mould to remind us and yourselves –

53. MR CARTER: We also note the NFU’s many concerns amongst other things about the quality of the reinstated land and the reassurance made to them but we’re particularly concerned that there may be a significant impairment of the drainage of potential floods afforded by the current porous nature of the gravel-based land which
would be lost if reinstated largely with Mercian mudstone and it does appear that most of our flooding comes out of the ground and goes down into it. That’s certainly been our experience in our property. It’s not flowing. When we’ve watched the overflow going down our track, you could have walked very, very slowly down the water and that’s quite shallow.

54. THE CHAIR: Does your property flood or it just goes down the side?

55. MR CARTER: I’m sorry?

56. THE CHAIR: Does your property flood?

57. MR CARTER: It did once and then when we took remedial action it hasn’t done since and the 2007 floods are, according to everyone locally, the worst for over a century. So, by simple maintenance of a waterway, we have greatly improved the risk and that’s what I would like to be done with the rivers too.

58. MR CARTER: Yes, flooding, my final point.

59. MR WHITFIELD: That’s why we have P125(19) up. It seems from this that the borrow pit is suggesting that there would be no road haul movements but all site haul from this. You would accept that, if they used a commercial borrow pit, that would have to travel on roads to the site.

60. MR CARTER: But it would use the A513 and the major roads round our area, apart from nuisance camping, I mean there’s a couple of bits through Yoxall where they couldn’t cope but the A513 for the most part is a good, well-constructed road that easily can carry quite a lot of lorries. Our lanes could not and my worry is that there’s some ambiguity about the new roads in Pipe which would be shared and the genuine yellow haul roads down the side of the track.

61. MR WHITFIELD: Okay.

62. MR CARTER: So my last point, Mr Chairman, if I may, is on flooding. Minor flooding has, in the last few years, been greatly reduced following the recent re-excavation by local farmers of drainage channels, including around the proposed borrow pit. Could I have A139 and 11? So, that is at Pipe Ridware and then at 12, that is just at
the corner of the borrow pit and that’s been completely re-excavated by the farmers about four or five years ago and has transformed Pipe Ridware apart, as I say, from last year when a bit of the ditch fell in and there’s been a slight flood and then we’ve got to get them back here. And 13? That is just turning round from the last point and looking over the borrow pit, or the proposed borrow pit. Can I have 139(9)? That is the view outside our house in 2007 when the water did not get in. There’s a little dip in our village that meant that it got fairly cut off unless you had a tractor, a good four-wheel drive or waders but, for the most part, the water was only six inches deep over the flood plain. It just depends on little undulations and we happen to sit in one of them, on the edge of one of them. But we’re aware of improvements that can be made by, for instance, the maintenance of our own drive. Can I have 139(3)? And that’s the road that we lowered and we even put a little kerb here so that that drains the area much better. We feel that maintenance of the local rivers, the Trent and the Blithe, should be resumed. These rivers are blocked in many places by fallen trees and the banks have not been maintained in recent memory. I would contend that a mitigated flood risk would ease the engineering constraints on the proposed railway and give something back to the community.

63. So, in summary Mr Chairman, thank you very much for letting us present today. We appreciate that railway will be constructed. We’re very appreciative of the assurances given and of some of the changes made so far but we recognise it’s inevitable there’ll be significant and at times unpleasant impairment in the quality of life in our area during construction and to a lesser extent during the operation of the railway. We would ask that HS2 take these opportunities to make the project environmentally sympathetic by taking all the measures possible to minimise this destruction of the environment and the destruction of our quality of life and the quality of life that’s afforded us and the many others who visit and live nearby and I think most of the things that I’ve suggested today would be low cost or zero cost or negative cost. Thank you.

64. THE CHAIR: Thank you. Questions from the Committee. I think we’ve intervened so I think the Committee are happy. So, we’ll come straight to you Mr Mould if you’re happy to respond.

Response by Mr Mould
65. MR MOULD QC (DfT): Yes. Firstly, in relation to the height of the viaducts and the embankment, the Bourne embankment through this area, the Committee knows from the hearings during April that Staffordshire County Council and Lichfield District Council, the two responsible local authorities, have accepted an assurance from HS2 in relation to the lowering of the Trent Valley viaduct and the opportunities for consequential reduction in height of the Bourne embankment and of the viaduct to the north. Sorry, the King’s Bromley viaduct and then the consequential opportunities for reduction in the height of the Bourne embankment and the Trent Valley viaduct to the north. If we put up P30(5). You were shown this earlier. Just to emphasise, if we were to take the further step that was urged upon you earlier by the petitioner, it would mean that all of those highways, not only vehicular highways but footpaths, bridleways, farm access tracks and so forth would be severed by the viaduct or the embankment unless they were taken over the viaduct and the embankments and so forth over quite a considerable distance or they would simply have to be stopped up and the visual effects, the cost and the challenge of doing that is what lies behind what is set out on the screen in front of you under the second bullet. It is the need to maintain adequate clearance for highways, major highways, that determines the minimum height to which the viaduct can go with the roads going underneath but if the roads were taken over the top then the minimum height of the railway beneath the roads would be governed by the need to maintain adequate clearance over a very significant area of river flood plain.

66. We would not be able to reduce the height of the railway below that which was acceptable to the Environment Agency and that, I can tell you, would itself mean that the height of the viaduct would need to be maintained at a particular level which would mean that the overall height of the structures, including these roads, would be very considerable indeed. On analysis, it becomes a very challenging proposition and it is not one that we would suggest is a sensible option to pursue beyond that which we’ve already agreed with Staffordshire County Council and Lichfield District Council.

67. THE CHAIR: Very clear. Sheryll?

68. MRS MURRAY: Coming from the south-west, I’ve seen the impact of flooding on railways and the disruption. What you’re saying is you have to make sure that it’s high enough to avoid that?
69. MR MOULD QC (DfT): Absolutely.

70. MRS MURRAY: Because the Somerset Levels is a prime example.

71. MR MOULD QC (DfT): If I may say so, Mrs Murray, you make precisely the right point. Whether or not the roads go over, the structures which take the railway would have to be designed at a level that avoids that problem and you have had impressed upon you already this morning by the petitioner the existing problems that come with drainage and so forth in this area. It would not be sensible engineering design for HS2 to add to those problems and so that is why a position has been reached, following discussion with the county council and the Lichfield District Council. I say that is one of the reasons why we have alighted upon option 1 effectively rather than option 2.

72. THE CHAIR: That’s clear. Let’s move on.

73. MR MOULD QC (DfT): As regards noise, can we just put up P369. The petitioner referred to the nuisance threshold. I would invite the Committee to recall the very clear evidence that it’s had from Mr Thornely-Taylor who is the expert in this field. The lowest observed adverse effect level which is the level that is shown on the plan here extending within the grey area, the fact that one’s property lies within that area is not an indication that one is going to suffer prolonged or sustained nuisance from the railway. Very many people indeed in this country live in properties where the noise from railway trains, on the West Coast Main Line, the East Coast Main Line, the Great Western Railway and so on and so forth, many people in other country areas experience noise levels which are significantly above the lowest observed adverse effect level. The opportunity we have with HS2 in designing a new railway is to achieve levels of performance in terms of operational noise that are at the cutting edge of performance, both in national, European and international standards.

74. What the lowest observed adverse effect level does is what the name implies. It tells you that that is the level where, on the basis of the evidence that Mr Thornely-Taylor drew to your attention, we know that there is the possibility of observing some degree of adverse effects, some degree, depending on the sensitivity of the receptor. Some people are perfectly content to listen to railway noise, some people find it more annoying than others but that’s where you begin to see the graph beginning to rise and
so we have set our design standard at the point at which the onset of that level begins. As you know, not everybody, we’re not able to design the railway so that every property is outside that. That is the function, I’m afraid, of geography and the nature of development in this country but, as it happens, this particular petitioner’s property is outside that area, as you can see from the plan. Now, there are others within Nethertown who are on the threshold of it but none of them are predicted to experience noise which is significantly above the lowest observed adverse effect level.

75. The position is also that, as I have explained to you before, during the detailed design of this railway line, the promoter is obliged by virtue of a commitment given in information paper E9 to continue to review the performance of the railway on the basis of predictions and in discussion with the local authority environmental health officers in order to ensure that where it is reasonably practicable to improve the performance, so as to extend if you will, to reduce those properties that are currently predicted to be within the lowest observed adverse effect level, the promoter will take those steps and, in this case, we do not at the present time, in the light of our current predictions, consider that providing a noise barrier in order to address those relatively limited impacts that you see on the screen in front of you, is good value for money. But that is a factor that will continue to be kept under review as the design proceeds.

76. THE CHAIR: Can I ask, what would be the cost of extending that barrier? How far would one reasonably extend it to have a difference and what difference would that make?

77. MR MOULD QC (DfT): It would cost about £580,000.

78. THE CHAIR: How far would that extend the barrier?

79. MR MOULD QC (DfT): It would extend it between – well, I have the chainages, whether I can show you those. It’s between chainage 192+500 and 192+950 so it would be a 450 metre barrier on the eastern side of the railway, broadly speaking in this area here I think.

80. THE CHAIR: Okay.

81. MR MOULD QC (DfT): But the effect of that would be to draw in the low
contour, as I understand it, to a small degree and it would lead to some small further reduction. But that’s been assessed in accordance with the standard methodology, which is the WebTAG methodology, and the cost that I’ve mentioned to you, far outweighs the benefit that would come in terms of reduction in noise assessed on the basis of that standard transport planning methodology. But, as I say, that’s not the last word, that’s not the last word. That question will continue to be kept under review as the design of the railway proceeds.

82. THE CHAIR: Sandy?

83. MR MARTIN: Yes, can I ask you a little bit more about this barrier because, first of all, to a layman that sounds like a very expensive barrier; secondly, I’m not quite clear what sort of barrier you’re talking about, given that this is a viaduct. Would it be a barrier built in as part of the viaduct? Would it extend to the height of the top of the trains or would it just be half way up?

84. MR MOULD QC (DfT): It would be a 0.9 metre absorptive barrier which would be located on the edge of the viaduct.

85. MR MARTIN: On the edge of the viaduct.

86. MR MOULD QC (DfT): And you question as a layman, I understand, the cost and people often say well surely it’s effectively just an enhanced fence, but these structures are highly sophisticated structures and they are expensive. That is one of the reason why their provision, it’s not cost effective for example to provide them along the whole of the route where it runs at surface because that would add a very significant sum to the overall cost of the railway at relatively little, if any, benefit. They are targeted so that they address noise impacts for significant areas of settlement where otherwise substantial numbers of properties within those settlements would experience noise levels which are significantly above that which is considered to be acceptable. What this plan shows you on the screen is that this petitioner’s property itself, and those whom I think he comes before you as it were informally to represent within Nethertown, none of those properties is predicted to experience levels of noise that are, on the basis of the established evidence base, likely to represent significant impacts.

87. There will be a change and that is what is represented by the colouring, the
question that the Chairman said he would ask me to cover. There will be a change and
so the noise environment for those who are living in Nethertown the day before the
railway starts to run will change for the day after but the change will not be such as to
result in an unacceptable noise environment and, as you know, in so far as anybody
claims that as a result of the noise that they experience the day after, and indeed for the
following year or year and a half, the value of their property has been diminished as a
result of the change in the noise environment, then in principle they have a claim for

88. THE CHAIR: Sheryl?

89. MRS MURRAY: If they did find it was unacceptable, could they ask after the
railway starts for double glazing, triple glazing, that sort of thing to be installed in their
property to mitigate against any noise?

90. MR MOULD QC (DfT): They could ask for it but the question whether it would
be made available to them at the cost of the public purse would depend upon an
objective assessment as to whether the levels of noise that they were experiencing
within their property exceeded not the lowest observed adverse effect level but the
significant observed adverse effect level and the reason why that is the true measure of
disturbance here is because that’s the level on the basis of the evidence base that we
have that tells us where people begin to be significantly disturbed by noise and, as you
know, our design aim is that no residential occupier should be required to accept noise
levels that exceed that threshold. Everybody who is predicted to experience noise above
that threshold, mercifully relatively few, will be offered appropriate mitigation in the
form of secondary glazing and so forth.

91. MRS MURRAY: Thank you.

92. MR MOULD QC (DfT): But these properties are very, very far below that.
Unless something quite wholly extraordinary happens in terms of the actual output of
this process in terms of the design, there is no realistic risk that those who occupy these
properties will experience noise levels anything like approaching the significant
observed adverse effect level.

93. MRS MURRAY: Thank you.
94. MR MOULD QC (DfT): So, I’m not saying the matter is closed off but what I am saying is at the moment, our position is that there is no obvious justification for accepting now the significant additional cost of providing a noise barrier along the eastern side of the railway and I’ve given you the reasons why that is the judgement of the promoter of this Bill. But the matter will be kept under review in accordance with our commitment, which is on the Register of Undertakings; we can’t resile from it, our commitment to keep under review the case for further noise mitigation in relation to any properties where we are predicting noise above the lowest observed adverse effect level.

95. MR WHITFIELD: Just to clarify, so in fact Mr Carter is in a weaker position because his house hasn’t been identified as being in the moderate adverse area for the purposes of up to a year afterwards being able to claim to say that there’s been a devaluation in his property due to the reality of the noise with the arrival of the railway?

96. MR MOULD QC (DfT): Well you put it to me that he’s in a weaker position, another perspective on that is to say that he’s in a better position because he’s not predicted to experience any significant degree of disturbance.

97. MR WHITFIELD: He wouldn’t be stopped from bringing a claim?

98. MR MOULD QC (DfT): He wouldn’t be stopped.

99. MR WHITFIELD: Only if there were a claim.

100. MR MOULD QC (DfT): But it’s not a reasonable position, I would suggest, to say where the prediction is that a particular property is not expected to experience any significant degree of noise effect, that is a good thing rather than something that is to be a source of concern. It is those people who are predicted to experience significant observed adverse effects are the people where the money should be targeted in terms of trying to provide some mitigation to them. He is decidedly not in that situation. He will hear the railway, no doubt about that, but very, very many people in this country get very used to hearing railway trains in relatively tranquil country areas. The shock of the new may take a little while to get used to but once the railway has started to run, our prediction is that this particular property and this hamlet will get used to it very quickly indeed.
101. THE CHAIR: Thank you. Shall we move on from noise?

102. MR MOULD QC (DfT): The next issue was access P374(6). I can confirm to you, as you already know, that the promoter will make as much use of the yellow haul roads for the purposes of transportation during construction of the railway as it is reasonably able to do. That is an assurance that has been given to Staffordshire County Council and I’ve drawn that to your attention on a number of occasions hitherto. The proposal to create a new haul route so as to bypass Pipe Ridware is before you in the form of an additional provision. It was published in late March, I think, and the idea of that is that it will enable the HS2 lorries to avoid, as far as possible, going through the hamlet of Pipe Ridware. So, it will achieve, to the largest degree that we’re able to do so in reality, achieve the objective that the petitioner seeks which is that we should not run our lorries along those narrow rural lanes that provide the immediate access, not only to Pipe Ridware but also the hamlet of Nethertown itself.

103. If we go on to P373(35), the Blithbury borrow pit, I can confirm to you that access for construction vehicles, both taking materials from that borrow pit following excavation and bringing materials into that borrow pit for its infilling and restoration, those will access directly from the railway construction site itself. That all comes directly from the trace. There is no proposal to route those vehicles along the public highway. What I would also do, if we just put up P125(19), is to draw your attention not only to the column which confirms my, what I’ve just said which Mr Whitfield noted, but also to the very considerable quantity of material that this borrow pit will yield, just under 1,000,000 cubic metres of material. This borrow pit is, on any view, one of the most important sources of material with a view to reducing large volumes of traffic on the local roads and so whilst I accept, of course, that whilst it’s being excavated it will be an unwelcome feature for those living in the vicinity, as you already heard, the excavation of gravels and sands and so forth in this area, it being an area of flood plain where that kind of material is able to be won, is not an unprecedented feature of life in this part of the world, you heard the petitioner say.

104. THE CHAIR: Sandy’s got a question

105. MR MARTIN: Yes. One of the points that Mr Carter made was about dust. Is there going to be any mitigation around the borrow pit for dust or other adverse?
106. MR MOULD QC (DfT): Yes, if we can put up P468(1). First of all, I show you an assurance that has been offered to Dr and Mrs Carter in a letter of 4 June whereby the Secretary of State will require the nominated undertaker to take appropriate steps to control and limit dust during construction in accordance with the code of construction practice and if we then put up P125(26), you can see that there is statutory control over the arrangements for working the borrow pits which include in the third bullet, the methods by which they are work, arrangements as to noise, dust, vibration and screening during that operation, all of those matters are subject to approval in accordance with schedule 17. I'm sorry that the reference that was given to the petitioners to a document which appears to have been a Phase One document rather than a Phase 2A document. I'm sure we can direct them to the appropriate document but I think what they were referred to was the Phase One code of construction practice. The Phase 2A code of construction practice is essentially in exactly the same terms and it contains very extensive measures for the control of dust and suppression of dust and other impacts on air quality which, as you know, are also subject to control by the local authority under the aegis of the Control of Pollution Act licensing system.

107. THE CHAIR: Yes, well we’ve looked at this a number of times.

108. MR MOULD QC (DfT): You did.

109. MR MARTIN: I was really asking about any specific provisions around this particular borrow pit such as a belt of hedge or trees or any barrier of some sort.

110. MR MOULD QC (DfT): I don’t believe that that level of detail has yet been developed. That would be part of the detailed planning that would fall to be considered as part of this detailed planning regime but certainly those techniques for controlling dust with which I’m sure you’re all familiar are amongst the techniques that would be brought to bear in this case in order to ensure that dust was suppressed and contained at source, yes.

111. And then finally, flooding. Again, I’ve told you on a number of occasions about both the design commitments that the project has made about a design which does not increase the risk of flooding in the areas within which the railway is designed. I’ve told you about the statutory regime under schedule 31 I think it is to ensure that the statutory flood risk authorities retain their powers to control the risk of flood and so forth. If
there are opportunities locally to use the coming of HS2 to make small adjustments or improvements to an area which is prone to groundwater flooding and so forth, then the community and environment fund is available, as you know, will be available from royal assent and that is the sort of thing that one would expect, in principle, people might want to put forward a bid, a parish council for example or a local community group, to put forward a bid for funding from that fund for an appropriate technique of that kind. So, there is that opportunity that is available under that fund.

112. THE CHAIR: Thank you. I think Bill Wiggin has a question for the petitioner.

113. MR WIGGIN: Yes, in your very helpful summary you were very concerned about the number of lorry runs. Now that you know they’re not going to be on the road, are you feeling better about that or is that not really what you wanted to hear from Mr Mould?

114. MR CARTER: I am reassured largely about the lorry runs, yes. It was this ambiguity as to what was a haul route and that new road is what we would be using at Pipe is called a haul route; now I’ve got the reassurance it is actually the yellow haul route and that is very helpful.

115. MR WIGGIN: Thank you, good

116. MR MOULD QC (DfT): I think I’ve finished.

117. THE CHAIR: No questions, Mr Mould’s finished. You don’t? I think it’s been very clear. Are you happy for us to move to the next petitioner or do you want a minute?

118. MR CARTER: I’d beg two small points Mr Chairman.

119. THE CHAIR: Certainly.

120. MR CARTER: Firstly, if you’ve got a railway, half of say 15, if you’ve got 15 minus eight, is seven metres above the ground, you could put a small tunnel that would move cattle and pedestrians under it. You don’t have to take everyone over the top all the way along. So, I don’t think that’s a complete reason why option 2 could not be considered. And my second point is that I totally accept that if the sound levels are as
predicted, it will be liveable. What I don’t accept is that this is a complete change for the whole environment and the ambience of where we live and a very special nature and if this were the Lake District or somewhere, you might think very differently. It just happens to be South Staffordshire and I feel as passionately about South Staffordshire as I do about the Lakes. If King’s Bromley houses which are as close to the railway as Nethertown can have a barrier, I contend that we can as well, albeit for moving from acceptable to nearer the status quo.

121. THE CHAIR: Very clear on that point. Thank you very much for petitioning.

122. MR CARTER: Thank you very much.

123. THE CHAIR: It would be convenient for the Committee to take a short break. We will return at 10.35 a.m.

Sitting suspended.

On resuming—

124. THE CHAIR: Thank you very much, Mr Gale, petitioning, over to you.

Andrew Rushton

Submissions by Mr Gale

125. MR GALE: Thank you very much. I’m representing today Andrew Rushton of Black Flats Farm. As an overview, if you can go to A127(2), please. The farm itself is 85 hectares which is about 207 acres of arable and pasture land at Blithbury in Staffordshire. And if you’d just like to go onto A128, which just gives a plan of the farm, which you can see edged in red in two separate areas. Thank you very much.

126. The farm is principally run as a dairy farm with obviously some arable ground. The current stock numbers are about 150 cows with 130 followers. The Rushton family have farmed and owned the property since 1909 and Andrew Rushton, who is the petitioner, is fourth generation to farm there.

127. The dairying system is based upon good pasture land and the management of that pastureland and it’s managed in order to get the best productivity that they can do from
the herd.

128. If we run through the various points that have been raised within the petition, which I do believe, a number have already been sort of referred to in respect of the NFU assurances, or the assurances that are being considered at the moment. So, the first is notice period for temporary possession.

129. The nominated undertaker is required to only give 28 days to the land owner before entering the land and taking possession. That is obviously only temporary land take where land is going to be used for such as ecological mitigation.

130. From a farming point of view, we don’t feel that that is sufficient because 28 days is nowhere near long enough for a farmer to actually prepare and no doubt, you’ve heard before, a number of times, and so we’re asking for a longer period, especially when you’re trying to find land to replace that which is being taken, even if it is just temporarily.

131. And I think the other point is that within this area specifically, no doubt elsewhere within the line, there will be a lot of farmers, I would expect, who would be looking for land and therefore, it will be at a premium, therefore the longer lead in we can have, the better that would be. So we are asking for at least three months – the same line as it would be as if it was on a compulsory acquisition.

132. Compensation generally, we have asked for compensation to be paid promptly and as early as possible, because obviously, if there is any reduction in area, that will then reduce the productivity of the farm, which will reduce the income which is available. And therefore will have a knock on effect to my client.

133. It’s noted that the interest rate which is payable on any payments which are made – or late payments which are made, shall I say, is only at one half of a percent below the bank base rate, and we’re suggesting that that is inequitable and should be, in a similar line that we have with, for example, late rents for FBTs which are based at 4% above base rate.

134. THE CHAIR: We’ve looked at some of these issues in quite some detail. What I would encourage you to do is concentrate on things that are specific to this petitioner –
MR GALE: Certainly.

THE CHAIR: So we can really hone down on that. Don’t feel constrained to mention things –

MR GALE: No, no, that’s absolutely fine.

THE CHAIR: But focus on the specifics of how we can help your client.

MR GALE: I think the two main points in respect of the effect for the client is in respect of the overhead lines which run across his ground; if we can go to A131. You’ll see that the line, with the cursor, running down. This goes across Mr Rushton’s land which is located here. There is a plan for some overhead lines to be put in here.

Now, I understand that there are considerations being given to actually moving that, but the one thing that I would say is that the point that has been raised in respect of the spacing between the poles and also the height has been appreciated and acknowledged. So that’s one of the points.

The second point is in respect of the proposed planting on the farm which you will find at A130 please. The planting on Mr Rushton’s land is this area at the bottom which is proposed to have woodland planting and the other point that is noticeable here is that the access to that runs along the driveway into his farm.

This driveway from Stonyford Lane down is the only access into his farm holding. He is a dairy farmer, so obviously, he has regular trips up and down there by lorries. He also uses the track from here all the way down to access his grazing by the cows. If there is planting in that area, it will, in our opinion, impact upon his ability to utilise the grazing because of the uncertainty about when the track will be accessed.

THE CHAIR: Sandy?

MR MARTIN: Yes, Mr Gale, there is some existing planting presumably around the ponds there. Those trees there, so this will be an extension to the trees there. How frequently does anyone need to visit those trees at the moment?

MR GALE: Those trees are accessed from the road rather than through our property.
146. MR MARTIN: Yes, but how frequently do people need to visit the trees?

147. MR GALE: At the moment, I wouldn’t know, but obviously, what we’re talking about is a new plantation. That new plantation is obviously going to have to be put in there, it’s going to have to be beaten up on a regular basis, weeded. The actual situation is that we’re not against planting per se, what we’re against is the location that has been chosen by HS2 for that planting. What we have proposed in our response to the ES back in September was an alternative position, on our client’s land and in a greater area.

148. If I can go back to the plan which shows my client’s property, which is A128 please. The area that we’re talking about at the moment is down at Stonyford culvert which is obviously all within the ring fence of the main part of the holding. This area on this side is also in our client’s ownership. The area to the north of that brook course, that triangular area, has been suggested, back in September, as an alternative, and a better alternative in our opinion, to actually have that planting. It’s a larger area and it is about 5.2 acres compared to about 1.75 acres which is proposed as the planting under the HS2 plans at the moment.

149. The point on this is that the alternative is not as good a quality, it isn’t accessed to the same degree by the grazing herd because it’s all – it’s on the other side of the road. It lies slightly wetter and so we’re concerned that, at the moment, there will be too many impacts by utilising the proposed planting area, as opposed to what our alternative position is.

150. MR WHITFIELD: Could I just ask Mr Gale, if we look at P390, which has the overhead cabling as proposed at the moment on. It’s the smaller red square there. Would the cabling seem to defeat your forestry proposal?

151. MR GALE: The cabling, to our mind, would defeat it, directly underneath it, but the planting area on either side would be more than sufficient to make up for that which is being –

152. MR WHITFIELD: And that’s still greater than is being proposed?

153. MR GALE: Yes, yes.

154. MR WHITFIELD: Thank you, that’s really good.
155. MR GALE: The other point I think that I would make about the existing proposal from HS2, if I can turn to A132, please, excuse the quality of that, that was a drainage scheme which was put in in 1984. The area that we’re talking about proposed by HS2 at the moment is this northern area here. And if you notice the drainage all runs from the centre line here north to a header drain along the top. If that area is taken here, that will obviously ruin all these drains. There would then need to be additional drainage put in here and taken up to the top end, or, if possible, which I think is unlikely, to have to bring it all the way down.

156. So you’ve got a well-drained field, easily accessible by the dairy herd down existing farm tracks, but which would mean a longer entrance in for HS2 or their operatives, compared to the alternative which is being proposed, and has been proposed previously.

157. The access point I’ve already raised. We’re concerned about having the livestock mixing with other people who may or may not have to go down there.

158. THE CHAIR: Well let’s move on to another point then.

159. MR GALE: The final point really is on the petitioning costs and I appreciate the general standing here is that petitioning costs would not be paid for by HS2. The only reason that I am here today is the fact that this alternative hasn’t been considered in a timely fashion in order for me to say, ‘Thank you very much’, or the client to accept that, and to step away from it. To my mind, we’re not asking for something which is particularly unusual or difficult and we’ve had to come to here in order to have, what I consider to be, a reasonable hearing.

160. THE CHAIR: Any questions?

161. MR WIGGIN: In your petition, you mention he’s got a bull; what sort of bull is it?

162. MR GALE: Say again, sorry?

163. MR WIGGIN: He’s got a bull, you’ve got a health and safety issue with that.

164. MR GALE: Well there would be if the bull is running with the cows.
165. MR WIGGIN: What sort of bull?

166. MR GALE: I honestly don’t know.

167. MR WIGGIN: Well if it’s a dairy bull, there are legal –

168. MR GALE: It’s a dairy one, yes, because it’s a Holstein Friesian herd.

169. MR WIGGIN: That’s fine. Because that is a proper health and safety, legal requirement which people may not be aware of.

170. MR GALE: It is, yes.

171. MR WIGGIN: But I’m sure Mr Mould wouldn’t want HS2 staff to be exposed to extra risk.

172. MR GALE: None of us would.

173. MR WIGGIN: Exactly. You may not think it’s funny but you haven’t been chased by a bull.

174. THE CHAIR: Mr Mould, let’s hear from HS2.

Response by Mr Mould

175. MR MOULD QC (DfT): I was just remembering the time when I was chased by a bull and on that basis, I wholeheartedly agree with what Mr Wiggin has said to you.

176. The key to this is just resolving the position in relation to the power supply. Perhaps I can just put up P117(1). This is part of the letter that you’ve seen already to the Staffordshire County Council at 8 May, and at the bottom of the page, under the heading, Rugeley power station, you’ll see that a recognition by the promoter of this Bill of the importance to the county of the site of the former Rugeley power station for redevelopment, and a number of interested parties have asked the promoter to consider whether there’s an alternative option for the electricity supply to the railway which would mean that the promoter wouldn’t need to exercise the powers in the Bill in relation to Rugeley power station site. Work which is ongoing and which we should be in a position to report on progress within the next few months. In fact, that date I think is now much shortened and we expect to be able to report progress on that within I
think, a few weeks.

177. The reason I say that’s the key to this is the point that was raised by Mr Whitfield; although the view is taken that that alternative area of planting could be planted up without effecting that very significant – it’s a double line of high tension pylons there. Clearly, it’s preferable to be clear on what the final position is on where power is going to be taken, and if power is going to be taken via a route that comes elsewhere than from Rugeley then obviously, that will overcome that residual concern.

178. So, what we’re proposing is that we keep this petitioner closely informed of developments in relation to that issue, and subject to that, then I see no difficulty in principle with the proposal that he suggested for relocating the planting.

179. THE CHAIR: That is very helpful, and we’re very aware of the issues around Rugeley and very helpful that we’re going to hear more of that in a couple of weeks because it has consequential impacts for other petitioners, so that sounds like a good arrangement. Are there any further points, Mr Mould?

180. MR MOULD QC (DfT): Apparently, I’ve underdone the significance of that power line: it’s not a double line; it’s a triple line, I’m told. So –

181. THE CHAIR: We’ll forgive you. Any other points?

182. MR MOULD QC (DfT): No, no. I mean, I won’t deal with this – the question of cost at this stage, but I think you can see from what I’ve said…

183. THE CHAIR: We’ve dealt with it a number of times, so no further need.

184. MR WHITFIELD: Can I just explore this slightly more? Has Mr Rushton appeared before us too early?

185. MR MOULD QC (DfT): Too early? Well I think that ideally, he would have been heard once the decision on the power line was resolved, but he is here today in the programme.

186. MR WHITFIELD: I appreciate that.

187. MR MOULD QC (DfT): And as you can see, I think there is a practical solution
in prospect, which will mean that his petitioning concerns, I hope, will be resolved to his satisfaction. As I’ve already indicated to Mr Gale before we began, I will make sure that we keep Mr Gale informed over the coming weeks, and that we conclude our view on the relocation of the planting. As I say, in principle, it seems a sensible solution.

188. THE CHAIR: Bill, and then Sandy wants to –

189. MR WIGGIN: You said you’d keep Mr Gale informed, which is great, but there’s quite a lot of material in this petition that we’ve already covered that they should have known about, for example, the speed at which we give notice now to farmers is quarterly rather than 28 days and the various things you’ve agreed with the NFU, but that doesn’t seem to have disseminated to the petitioner.

190. MR MOULD QC (DfT): Well it’s – I would assume that – well, first of all, the petitioner response document deals with a number of those issues. Secondly, the NFU’s appearance before you in the end of April, as you recall, was made specifically on the basis that they were representing farming interests and that they were in consultation with their members in relation to the matters that they raised before this Committee.

191. We have written to farming petitioners since that time, drawing their attention to the assurances that have been provided to the NFU. Perhaps I ought to just mention this, as you raise it: the matter that you kindly offered me the opportunity to raise yesterday, and which I said I could hold off, perhaps I could just deal with that briefly now because it does bear on this. It’s this question of notice that was raised.

192. If I just ask you to look at R175(3). I mean, Mr Wiggin, the answer to your point is, I would be surprised if Mr Gale isn’t aware of the assurances that have been offered to the NFU and indeed, the work that they have done, because I believe that –

193. MR WIGGIN: But it’s all in his petition. Were you not aware of this?

194. MR GALE: The petition was submitted obviously before there were any letters of assurance which have come about from HS2 to the NFU. I did attend a meeting in Birmingham on 2 May when the draft assurances, or the document for discussion as it was put to us then was put forward to us, and, as I understand it, and please correct me if I’m wrong, the situation is, is that those assurances that have been drafted are still in
draft form and have not been signed off, is that correct or not?

195. MR MOULD QC (DfT): No, no. The letter that’s on the screen is a letter offering assurances to the NFU. As I understand it, the NFU have, in principle, accepted those that have been offered. There are one or two where they are looking for tweaks. And it obviously is to some degree, a continuing process, but I –

196. MR WIGGIN: So it’s an assurance rather than a binding contract?

197. MR MOULD QC (DfT): Yes.

198. MR GALE: What I was going to say is, the vast majority of the information which is within there, which I am considering is still in draft, until I actually have been told that is definitely now an assurance which relates to the NFU and also all farmers, we’re generally comfortable with. The matter of raising the 28 days is a specific one because of the likelihood of temporary notice being given on the woodland and we just wanted to make sure that we had as much notice as possible. And if assurance is given that it will be longer than 28 days, and I note that it says the quarter of the year, the longer it can be given, the better it will be for all parties, in my opinion.

199. MR MOULD QC (DfT): Assurance 2 is the assurance that’s been added into the menu of assurances offered to the National Farmers’ Union, in the light of the debate that we had before you on that question of notice. The effect of this assurance is that the Secretary of State is committed to exercising compulsory purchase powers which would then engage a three month notice period when he has reached the stage of detailed design that enables him to say that land will be required permanently for the railway.

200. And you’ll see that where that is the position at 2.2, save in certain specified circumstances, he will only exercise compulsory purchase powers and will not seek to exercise powers of temporary possession. So, the practical application of that is intended to be that the majority of the land that is going to be required for the permanent way will be entered under the full compulsory purchase regime, and three months’ notice will be given. The powers of temporary possession will be reserved to those unusual cases where something special means that – for example, the need to get on at an early stage to do some utilities works or something of that kind.
201. MR WHITFIELD: Can I…?

202. THE CHAIR: Sorry, no, let’s stick with Mr Mould and then Sandy. Can I just check; was this on a separate point?

203. MR MARTIN: I can’t remember what the point was now. It was a separate point, yes.

204. MR MOULD QC (DfT): That’s by way of my very brief introduction. Now that’s still with the NFU, that one. We’ve had a meeting with them to discuss it briefly earlier this week. They did raise a couple of points about it which we’re looking at as well, but that gives you an idea of the direction of travel in relation to that issue, in the light of your very helpful prompting.

205. THE CHAIR: Thank you. Martin?

206. MR WHITFIELD: So this will prevent that temporary occupation, temporary occupation then suddenly becoming permanent, which is what was raised –

207. MR MOULD QC (DfT): That’s the idea. This is designed –

208. MR WHITFIELD: That’s the problem it’s seeking to rectify.

209. MR MOULD QC (DfT): Yes. When the Secretary of State has reached the stage where he knows that he’s going to need a part of a holding for the railway, to build the actual track, he won’t go on under the 28 day rule…

210. MR WHITFIELD: Hide behind the temporary –?

211. MR MOULD QC (DfT): Exactly.

212. MR WHITFIELD: Excellent, thank you.

213. THE CHAIR: I think the Committee are universally happy with that. Mr Gale, you don’t need to say anything in summary.

214. MR MARTIN: I did have a second point, Chair. I was waiting until we dealt with that point. It’s just that I’m not clear where you are with the planting, Mr Mould, and am I right in assuming that you have agreed that the planting and mitigation should be
on the proposed site from Mr Gale, irrespective of whether the cables go in there or not?

215. MR MOULD QC (DfT): I am acknowledging the force of Mr Gale’s points, that that area that his client is making available appears to have no obvious deficiencies as an alternative place for planting. I acknowledge clearly the advantages to his client of having that planting moved away from the area that it is currently shown on the plan. I pointed out that, before a final decision can be made on that, it would be sensible to do it in the context of the forthcoming decision on whether the power line should be located elsewhere.

216. But in the meantime, as I hope I indicated to you, the internal process of just due diligence on that alternative planting area can be completed and we can then let Mr Gale, and through him, his client, know, I hope, within a very short time, the final view on that.

217. Let me say this: I will put down a marker to report back through your clerk to you on this by the end of June, if I may, and obviously, we’ll report to Mr Gale with in that time as well, so that hopefully, there is further progress and we can get to a sensible –

218. THE CHAIR: That’s very helpful. And on a broader point of timing, actually having a specific time, not just for Mr Gale, but for consequential petitioners, and having some degree of clarity which we think is in the pipeline, knowing when that clarity is going to come will help us in our planning.

219. So we’ve taken a couple of tangents, Mr Gale, that aren’t directly related to your petitioner, but support it. Is there anything you want to say before I bring the meeting to order and sit in private?

220. MR GALE: No, I think the only point I would make is repeat what I said is that it’s been frustrating the fact that this was raised in September, could have been dealt with, which is frustrating from the client’s point of view, and especially with farming having such a long lead-in time, that does affect everybody.

221. THE CHAIR: Thank you, points understood.