MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 6 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
Roger Bedson, Petitioner Representative

_____________

WITNESSES:

Toby Williams
Tim Smart, Chief Engineer, HS2 Ltd

IN PUBLIC SESSION
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1. THE CHAIR: Thank you very much for coming to petition. Just to let people know that we’ll be issuing a little bit more guidance on how to petition following some good petitioning and some excellent best practice, and some petitions that haven’t been quite so good and effective. And before each petition I’m just going to remind petitioners of best practice.

2. So Mr Bedson, before I invite you to present your petition, I’d like to say that some of the most effective petitioners that we have heard so far have told us upfront what they would like, why and acceptable solutions should their primary requests not be possible. We’ve also found that short concise petitioning works well, and perhaps eight to ten minutes in each of those three categories would be helpful, particularly upfront saying what you want. And presenting information in this way enables the Committee to immediately grasp the issues of concern to petitioners and sets the concerns within the context. And we’re very keen that everyone gets the best out of this process so we’re setting this up to help everyone.

3. This is the first time I’ve said this in front of the first petitioner but I’m going to repeat that every time to really try to encourage people to be succinct and focused, and I’m conscious we’re going to see quite a bit of you over the coming months. Over to you, sir, thank you.

**Mycock Farming**

**Submissions by Mr Bedson**

4. MR BEDSON: Well, thank you, ladies and gentlemen, for your time on this Committee. The first petition that we have to present is on behalf of Trevor, Rebecca and Brian Mycock. They apologise for not being here today. Mrs Mycock has been taken uncustomarily a little ill so Mr Mycock is at home running the farm and doing everything that she would normally do so they’re a little bit flat-out really.

5. If we could go to 413(6), please. I’ll give a little background about the farm and how the farm works. The farm is 790 acres of land in this location with 540 acres owned and around 250 acres rented long-term. It focuses on milking 450 cows with that herd size increasing. There can be around a thousand-head of cattle on the farm at any
one time, including the replacement heifers and a number of beef cattle. So it’s a very intensive livestock farm. It also runs about 50 or so ewes, so a small flock of sheep as well.

6. Land is important to them. The farm employs Trevor and Rebecca, together with four full-time workers and two part-time workers and keen family members coming through behind. I am not sure if the Committee is aware of nitrate vulnerable zone limits. Essentially, if you’re stocked at a cow an acre, every acre you lose you lose a cow. Now with livestock farms, farmers tend to expand to their landholdings, and their infrastructure on the farm, the investment they make – sometimes many hundreds of thousands of pounds worth of investment – are geared up to cope with a set number of livestock on that farm. If land is taken away, and significant land, they have to lose cattle. If they lose cattle then the investment they have made can sometimes become a white elephant. Certainly, in terms of turnover, it can have a massive effect on the borrowings that they’ve got and the ability to pay debt in some circumstances.

7. As with most petitioners, the family aren’t here really complaining about the fact that the railway is being built. Their issue is the fluff, if I may, around the railway in terms of tree planting, ecological mitigation measures and certainly the layout of the site during the construction process. Now, the design that’s been put forward here is actually quite insensitive, we think. There has been no discussion really with the landowners in terms of the ecological planting and certainly no discussion or explanation given or justification for that.

8. Appendix A here shows the land during the construction process. There’s around 84.5 acres of land take, with a notable 13 acres severed during construction. We need an assurance here in the first instance that an access route is provided. You can probably see a little orange letter ‘A’ just there where the mouse is wiggling, and there’s an access track leading to it. And there’s 13 or so acres of land there, which we don’t quite know how we are going to get to. We don’t know if that’s a construction traffic route or an access route that is going to be available to the clients and the landowners or not, we don’t know, but either way, we need an assurance that we’re going to get down to the land.

9. If we can refer to 413(7) please. This shows the scheme post-construction and
shows various severance issues that we’ve got here. For example, there’s a parcel of land there where the mouse is going which, again, there are no means of getting to it, but certainly in respect to the land around point ‘E’, again how do we get access to that after the works? Is it via the route at ‘B’ or the route at ‘C’ or the route going along the bottom there towards ‘E’? We just don’t know. If we can refer please to 413(13). Now, here we can start to see the impact in a little more detail. Area 1 is an area of land that’s around 10 acres that is currently being devoured by woodland. We’ve asked on a lot of occasions for HS2 to try and tell us how this woodland had been calculated. Where is it coming from; where up and down the line is woodland being lost that means we’ve got to have 10 acres of trees there?

10. I look at my appendix F(1) which is 413(12). Can you rotate please? That is a route of approximately five miles with the clients’ landholding shown circled. The blue line is the route of HS2 roughly. And I can’t see anywhere on that where it goes to the woodland. It will go through hedges. It may go through the odd small stand of trees. But I can do this anywhere up and down the route of the railway line and I can go a mile either side, and very infrequently does it actually go through woodland and, contrary to what people may think, most landowners really enjoy their woodland on their farms. They manage it. They maintain it. They preserve it. It’s great. But when someone comes along and says, ‘Actually we’re just going to put 10 acres of trees there, we’re not going to justify it, we’re just going to do it’, it starts to rankle when that 10 acres means 10 cows, means 100,000 litres of milk per year, which means loss in turnover, etc.

11. We’re quite happy to talk about where trees may go and hedges may go. We’re very happy to discuss that, but those discussions simply haven’t been had yet, nor has any justification been provided. If we could go back please to 413(13), we can look at the dark green areas there around my area ‘4’. There’s quite a lot of tree planting there in the nature of landscape mitigation planting and I would have thought that that would be enough really in terms of tree planting in this location, given what is actually being removed in this location in respect of trees.

12. What we would like HS2 to do on behalf of a lot of clients is to have a second opinion on the ecology issues because we know that, if you put five lawyers in a room and ask them a question, you may get five answers. If you put five valuers in a room
and ask them a question, you may get five different values. I certainly know that if you put five highway consultants in a room and ask them to design a road, they’ll come up with five answers, some cheaper or some more expensive. There’s lots of different solutions. But whenever we have asked why is this being put here, we have never got a straight answer other than it is a route-wide replacement. So we really would like some more discussion on that. It is critical on some farms that the ecology tree planting be reduced, be relocated, be redesigned.

13. 7. MR WHITFIELD: When you get the answer, I’ve heard this before, from HS2 that it’s route-wide, do you accept that trees lost anywhere on the route should be replanted anywhere on the route, or is your argument that the replacement trees should come from a reasonably close source to where they’re being reinstated?

14. MR BEDSON: Yes, I think equitably from the landowner’s point of view they should be in the vicinity from where they’re being taken, because there’s this element of robbing Peter to pay Paul, that there may be some trees taken on a very extensive arable farm, very large arable farm, which may not miss a couple of acres, dare I say, but if they put a load of trees on a tightly stocked small dairy farm it’s going to have a massive impact on it. And none of this has been taken into account, I’m quite sure.

15. MR WIGGIN: There’s also another group of people whose farms are much smaller who will be put out of business. HS2 will acquire the whole farm and then the land belongs to HS2. That also would be a good use of planting land, particularly areas that have been borrow pits that may not have the same quality of soil afterwards. And that would allow your clients to retain as much of the grassland as they possibly can. It’s just not joined-up thinking.


17. MR MARTIN: You started, Mr Bedson, by talking about the requirement for the number of acres in order to enable your clients to maintain their herd. Would replacement acres from one of the pieces of land that Mr Wiggin is talking about be a way forward?

18. MR BEDSON: I’m very sure that most farmers and landowners would be happy to talk about land swaps. Contrary to what some acquiring authorities may think, most
people do not leap up and down and think, ‘Great, the railway’s coming; I can get compensation’. Most people want to be left alone. The clients that you’ll hear later on today have invested heavily in their farming for the last few years. They do not want a railway through it. If it’s coming, fine, but please talk to us; keep it minimal. All we want to do is focus on our business; we’re not interested in claiming compensation. Land swaps, fine, as long as long as they work, as long as they’re near, as long as they’re not ten miles away, yes, that would absolutely work so thank you for that.

19. THE CHAIR: Yesterday we had a petitioner who had a very specific suggestion around moving woodland area to another part of their farmland. That was very helpful and I think we secured an in principle agreement of that happening, so conscious that you’re coming forward rather than just pushing it out to there should be discussions later or someone else should review. If some of your clients have got suggestions, do bring them forward. So far we’ve found HS2 quite pragmatic and helpful.

20. MRS MURRAY: How long have you been trying to engage in dialogue with HS2 over this?

21. MR BEDSON: So a brief history: Peter Williams from Reading Agricultural Consultants was instructed in 2016 when the HS2 was a grey line on a plan, a safeguarded ribbon of a uniform width going up and down the country. He was a pragmatic and helpful sort of chap. Richard Johnston, the then engineer working on the scheme, was working with him, likewise sensible, pragmatic and we actually made quite a lot of progress with them. The draft EIA came out in September 2016 and we made representations to that in December 2016. Once that process had gone through, we asked for meetings and discussions to try and influence this final EIA. And that’s what we’re trying to do. And it’s all about mitigating losses; it’s all about mitigating the impact on the farmers.

22. MRS MURRAY: And there’s been no movement at all?

23. MR BEDSON: Well, very little. From January 2017 onwards, we were saying to HS2, ‘Please come and meet us, we’ve seen the draft, before the final comes out to come and talk to us. There’s things we need to do’. There were various purdah periods: local elections, a snap general election and that was cited as a reason not to meet. I don’t agree with it because the point of purdah is about whether or not –
24. **THE CHAIR:** You’ve made your point; let’s focus on what we can do. Let’s press on and get to the specifics. Because we’re seeing a bit of you later on, and we’re answering Sheryll as well.

25. **MR BEDSON:** So no engagement up to July 2017 when this was put into Parliament. We asked and asked and asked again and it wasn’t really until October, November, December 2017, and they met on farm. We wrote after that to say, ‘This is what we need’ and we’ve heard very, very little until letters of assurance coming out sometime yesterday.

26. **MRS MURRAY:** Thank you.

27. **MR BEDSON:** If may just carry on here. Area 2A, as we can see on my appendix F, that shows the structural limit of the railway embankment. I think there are cases where HS2 could probably confine themselves to that structural embankment limit as far as land take is concerned. We’re not against trees being planted in some areas, certainly not against shelter belts and areas of trees to mitigate the landscape views, but we think genuinely these are rather over the top.

28. On area 3 here, there was a significant balancing pond there. Now if I can go to 413(8) please. That is the planning consent for an agricultural workers’ dwelling, which is in the red line there. The balancing pond is there, encroaching into it. That workers’ dwelling is built, is in place and is there because this block of land, and has been for some time, because this block of land is a livestock rearing unit for the farm. There are some buildings there and there’s a dwelling there, so we’re at something of a loss to know why that balancing pond is where it is.

29. If we could go back to 413(13), please, we’re suggesting that the balancing pond gets shoved up there to area 4. There’s another balancing pond there, which is so minute and you wonder why they can’t be incorporated together really there and a better design done. If it has to encroach into this area here a little bit, then so be it, but where it is, it’s surrounded by some wetland creation and part of it sits on top of where the workers’ dwelling is.

30. If we could go to 413(10), please. So again, this is the other parcel of land that we saw earlier on. There’s an area there, 9D, which is an area of severed land; there’s a
hedge around there existing. The question is: doesn’t it make sense to put some of these trees in here in this severed land rather than have them here because this whole block of land here – 9A, 9B, 9C – frankly, it’s a dog’s dinner; you can’t get to it. Where does it get access from and even when you’ve got to it, how do you get from 9A to 9B, how do you get from 9B to 9C? It’s small useless little paddocks that you can’t get to. So if we can have an access from point 10, if the trees from 8 can go to 9D, if this wetland here that we’ve seen no justification for can go somewhere else into another corner that’s severed somewhere, that leaves us a useful bit of land that we can actually carry on doing something with. So that’s the ask and also we’re just wondering if the auto-transformer station can nip over to the west of it and the track around it can be redesigned slightly as per the black line to try and not encroach onto the client’s land again.

31. So if we could go to 413(9) please. Now this is the during construction issues here. There’s some fairly significant electric lines coming up here, which we are told are three rows of ‘H’ poles running side by side. That would be very land hungry. Now I understand that there may be an alternative route to get power here other than from Rugeley; I don’t know, but if it is the case, that’s very useful because lines at that point there is – we don’t have the detail, we don’t have the design, but we are deeply concerned about it and we want to minimise the land take.

32. In terms of construction, can we not move the Newlands Lane auto-transformer feeder station, from point 9 over the point 14, which is a bit of land that’s already in the construction safeguarded zone anyway? Can we not merge soil dumps 15, 16 and 17 into one dump somewhere else, maybe on this side of the line if needs be, so it’s not so completely spread out? Can we not move the Blithbury north cutting service compound up a bit to point 13 so that it doesn’t encroach into that? What they’ve done here is they’ve effectively written off 57 acres of land through a design which I think could be better really. So if 84 acres are taken at a cow an acre, at 30 pence a litre, at 10,000 litres a cow, that’s about £250,000 a year drop in turnover if we can’t satisfy these NVZ rules and we have to lose cows. Pretty significant really.

33. MR WHITFIELD: Can I just ask, Mr Bedson, if it proceeds unamended is the farm still viable?
34. MR BEDSON: It isn’t something we’ve discussed in detail. They may find a way.

35. MR WHITFIELD: But they are confident, if there are amendments, that the farm will remain viable.

36. MR BEDSON: If there are amendments it will be a lot better and it will remain viable, yes, quite sure about that.

37. MR MARTIN: Following up my previous point, Mr Bedson, if for those 84 acres most of those 84 acres that were taken for specific purposes by HS2 continued to be taken but were replaced by up to 84 acres of similar quality land in an alternative location, that would be as good or almost as good.

38. MR BEDSON: Depending on the location. This land is used –

39. MR MARTIN: And depending on how far away obviously.

40. MR BEDSON: Tractor journeys and tractor times, yes.

41. We’ve attached the NFU assurances to our report at appendix G. Now I know they’re still being worked on. But I was a little concerned to see that they applied to the NFU but we’d like an assurance that the NFU assurances will apply to every land area. The NFU have done a very good job as did the CLA of getting assurances written, generic assurances for most people, and we’d like to make sure that they will apply as a blanket assurance to all clients.

42. The other issue of course is one of notice periods and I know that’s been discussed in the past, but with a farm, if you’re planning for winter forage, you go in there a year in advance, sometimes 18 months in advance. If you’ve got to plant and grow grass to be harvested this summer for next winter, you’re planting it the previous autumn, which is 18 months in advance.

43. I know it’s difficult with an engineering project. I have a civil engineering background. I did a diploma or certificate in it at Wolverhampton Poly back in the day, spent a number of years on construction sites so I know it’s difficult planning and programming but landowners, business owners have to have notice, have to have
adequate notice – three months just won’t work really. So I think that concludes the points.

44. THE CHAIR: Excellent. No one’s grabbing me for questions. Mr Mould?

Response by Mr Mould

45. MR MOULD QC (DfT): I’m going to try and maintain the pragmatic and constructive approach that you very kindly mentioned a moment ago. I think I can but the proof of the pudding is always in the eating. Let me press on. First of all, the NFU assurances, let’s start with that point as it’s fresh in your mind. If we can put up R175(7) please. This is the current version of the menu of assurances offered to the NFU under cover of a letter to their Parliamentary Agents of 31 May, so right up to date and you’ll see at the top of the page, part B of those assurances consist of a number of generic assurances to be offered to farmers or rural business owner petitioners on a case by case basis, so they are intended precisely to be a menu of assurances that are available to be offered directly to individual farmers if they wish them and as appropriate to the needs of their case. The only qualification to that is that they, because this has been agreed in the context of parliamentary proceedings, they are said to be generic assurances to be offered to farmers or rural business owner petitioners. If you remove the word petitioner, you will see the true nature of this which is that they are available to be offered to any farmer or rural business owner who is affected by HS2, whether or not they have petitioned, who wish to have the reassurance of commitments on soil reclamation, on participation through consultation on the detailed design of the railway, etc.

46. So, I hope that reassures Mr Bedson. He knows this actually because he had a meeting with HS2 on 2 May, I think, immediately after you heard from the NFU in which we explained to him and other agents instructed on behalf of farmers and landowners that that was the position and lest there be any doubt about it, if we put up P431(1), a letter written to his clients on 25 May, you will see in the middle of the page, although expressed to be for the benefit of NFU, these assurances will benefit farmers and rural business owners affected by Phase 2A works. So, I hope that makes that completely clearly on that particular point.

47. THE CHAIR: It’s a yes, isn’t it?
48. MR MOULD QC (DfT): It’s a yes.

49. THE CHAIR: Brilliant.

50. MR MOULD QC (DfT): And it’s a big yes. If we go back to R175, let me just show you again, forgive me, I’m taking you over old ground but it’s perhaps helpful just to remind ourselves of this. If we go to page 9 of this letter, so R175(9), you’ll see that one of the key – I’m so sorry, I’ve got the wrong reference, it’s 11. One of the key assurances within this menu is assurance 22, detailed design, the effect of which is that the promoter of this bill will consult with farmers and growers in relation to the detailed design of works to be constructed on their land before that design is concluded and that extends to the whole range of mitigation, ecological, landscape planting and so on and so forth with a view to ensuring that the actual impact on the operation of their holding is kept to the reasonable minimum. That’s the purpose of that.

51. THE CHAIR: Sandy then Sheryll.

52. MR MARTIN: Yes, Mr Mould, can I ask you, there is nothing under 22 which prevents a lot of that work being done before petitioners actually come here, is there? Because it occurs to me that although there is an assurance there that the detailed design will be worked in consultation with the owners, there is no guarantee that they will be happy with the result of that detailed consultation and their only guarantee is that they have the opportunity to petition both ourselves and the House of Lords. It occurs to me that although that’s a very useful assurance, a lot of people would actually not want to forgo their opportunity to come as a petitioner on the expectation that the consultation would necessarily give them the result that they want in the consultation on detailed design.

53. MR MOULD QC (DfT): I entirely agree with you and there is nothing to prevent petitioners coming forward and seeking to secure some reassurance on particular points now. I’m going to turn to the particular points that have been raised by this petitioner in a moment and I hope to be able to give you some reassurance on that. But I think it is important, if I may, just to remind you of this point: the reason why this assurance is vital is because the scheme before you is not a scheme that has been designed in detail. As you know, that process has to take place after Royal Assent and if we were to leave a gap, if we didn’t have assurance 22, that would leave the farmers and growers
vulnerable during that detailed design process. This assurance is designed to ensure that they are able to have a stake in the process of detailed design to protect them along the very lines that you have just described to me.

54. THE CHAIR: Sheryll?

55. MRS MURRAY: Yes, Mr Mould, I just pick out some words here. It says ‘works proposed to be constructed upon any part of that holding’.

56. MR MOULD QC (DfT): Yes.

57. MRS MURRAY: Does that mean their own land, because some of the points we’ve heard here suggested moving plantations to other areas which were not part of that holding?

58. MR MOULD QC (DfT): Yes.

59. MRS MURRAY: So, this assurance is just to move it around their holding?

60. MR MOULD QC (DfT): It is, but that doesn’t mean that there is not an opportunity to suggest that there might be other parts of the lands which are within the Bill limits, or by this stage the Act limits. Of course, it’s more difficult to justify.

61. MRS MURRAY: It would have been nice to have seen that in the assurance?

62. MR MOULD QC (DfT): No, we don’t say that in the assurance. We don’t seek to set out every single eventuality in every assurance. This assurance is focusing on the point that you made which is the specifics of the detailed design of works on the land of the individual farmer, but that doesn’t rule out the possibility to raise, during detailed design, that there may be another part of the Bill limits which is subject to construction and therefore subject to disturbance which might be a better place. It’s not dealt with in this assurance because it’s a different point.

63. MRS MURRAY: So, there is no assurance that actually you could expect sensible moving of plantations to another area? There’s no assurance there.

64. MR MOULD QC (DfT): There’s no assurance there. I’ve told you what the position is in relation to that but, picking up on Mr Martin’s point, if a farmer who looks
at essentially the outline plans that we have drawn for the purposes of this Bill, necessarily on a somewhat conservative basis because we need to ensure that we don’t have to bring land in later, that’s far more unattractive to farmers to know that they might even get another hit later on, we build in the land that we think we will need. We now see this assurance. That will be an opportunity to consider whether the entirety of that land is needed or whether during the detailed design, facilities that are shown at point A on a holding might be better located on point B. In relation to your point, if a farmer thinks that his neighbour’s land, because it’s currently unused, that might be a better place to locate some woodland planting, then that’s a case that is better brought forward during the parliamentary process and we have a number of cases where that has been done. So, people are aware of that and they’ve taken that opportunity. But, this leads me to Mr Wiggins’ point –

65. THE CHAIR: Can I just check, are you happy with that, Sheryll, or are you wanting there to be a more detailed assurance?

66. MRS MURRAY: I just feel that this is being used as an assurance that actually isn’t an assurance for the person.

67. MR MOULD QC (DfT): Well it is an assurance for the purpose –

68. MRS MURRAY: It’s not, Mr Mould.

69. THE CHAIR: I just want to bottom out the point. It’s useful to resolve it early in the process.

70. MRS MURRAY: I just feel that, yes, if it’s within the confines, yes, the assurance is there but in this case, a lot of the movements are outside of the confines of that holding.

71. MR MOULD QC (DfT): I don’t think that’s right if I may say so. I’ll come to the particular points in a moment but I don’t think it’s being suggested that there are lands elsewhere. I don’t think Mr Bedson has said ‘Here is another piece of land outside my client’s holding that is better placed to receive –’

72. MRS MURRAY: Yes, he did. Yes, he did, Mr Mould.
73. THE CHAIR: He’s saying, yes, he did.

74. MR MOULD QC (DfT): Well, I don’t recall that.

75. THE CHAIR: Well let’s park that point. We can reflect on it, if we would find as a Committee that it was useful for there to be more detail in this assurance, whether it’s more detail or a separate assurance.

76. MR MOULD QC (DfT): Would you at least take this from me?

77. THE CHAIR: Yes.

78. MR MOULD QC (DfT): Recognise that there is a difficulty if once the Bill has passed into law and the Bill limits are fixed on the plans, and that defines the area within which compulsory purchase is available to the Secretary of State, there is a difficulty if we then give a positive assurance that we will contemplate a landowner whose land is within Bill limits coming forward and saying ‘Here is some land owned by somebody else which is outside Bill limits that we think you should consider for planting’. You can see the difficulty with that.

79. THE CHAIR: Yes, 100%. Equally, you could have an assurance that says, before the Bill receives assents, those types of transactions can take place before additional provisions.

80. MR MOULD QC (DfT): Which is precisely why I tell you that there are a number of petitioners who have taken precisely that point and it is well known that the petitioning process is an opportunity for people to say, ‘Not on our land, on somebody’s else’s land’ and that is a matter that I will respond to when those points come up. But I can deal now, if I may –

81. THE CHAIR: I’m sorry, I’m slowing you down a little. I think Bill Wiggin has something. I think it’s worth getting this one sorted or getting discussed in principle because it will come up again.

82. MR WIGGIN: I’m sure it’s not your fault, Mr Mould, but some of these things could have happened before today. I’ve listened to lots of evidence, as you know. These requests are pretty reasonable. They’ve taken into consideration the fact that this
is still a moveable plan and I’m a bit surprised that we’re having this level of debate on assurances now. We agreed all this months ago and this should have been sorted out.

83. MR MOULD QC (DfT): You agreed what, sorry?

84. MR WIGGIN: Well that you need flexibility, that you have to overbook land because you don’t know what you’re going to finally… We’ve got all that. This sort of detail is way, way too late. We understand your argument but this is not about you and your argument, this is about HS2 managing, before this Committee, not wasting our time, not having broad assurances but dealing with petitioners’ specific requests. That’s why we’ve all come today, you included.

85. MR MOULD QC (DfT): Well, I’m going to deal with the specific matter.

86. MR WIGGIN: I know, I’m looking forward to it but we shouldn’t be having this sort of detail now. It should have been dealt with. Is that fair?

87. THE CHAIR: Yes.

88. MR WIGGIN: That’s what we’re all debating.

89. MR MOULD QC (DfT): I mean, obviously if that’s your view I have to accept it. I say I have to accept it, I have some points to make about it but I mean I don’t want it to waste your time. I’m not quite sure where it leads frankly. The thing now, as you say, is to be pragmatic and to seek to move this process forward but I say this to you, it would be unfair, I would suggest, to those who sit behind me and who are looking to try and negotiate solutions with petitioners, to suggest that the focus of their work which in recent times has been on reaching a point of agreement with the National Farmers’ Union as the representative body of farmers, that the focus of the work on that, which came to a successful point, not of conclusion but of a very advanced state of agreement, as Mr Findlay for the NFU told you when he appeared before you in late April, that then enables us to go forward and to say to the farmers, we now have a framework agreed on behalf of farmers with the NFU, let us now apply that to moving forward to your particular cases and that is how we have approached this. Now, maybe that is the wrong approach but it seemed to us to have a certain logic to it.

90. MR WIGGIN: It’s not so much the wrong approach as why are we seeing
Mr Bedson’s clients today when in a month’s time this will have been sorted out? So, now we’re left with assurances that aren’t that watertight instead of in four or five weeks’ time, you turning up, smiling sweetly and saying ‘Look, we’ve sorted it all out’ which is what we’re hoping you will do.

91. MR MOULD QC (DfT): Well, I’m afraid one thing I cannot control is the programme. No, it’s not for me. How people are listed is for others. I mean, I do my best to ensure that we have an answer to these points as best we can when they are brought forward and, as you know from yesterday, I’m also willing to give you fairly clear commitments about reporting back to you in a relatively quick timescale. So, that is what I understand you to mean by pragmatism.

92. THE CHAIR: Martin, and then I’m going to let you make some progress because we’re going around a little bit in circles.

93. MR WHITFIELD: I think part of the problem has been communication, but we’ve discussed that, but with regard to assurance 22(1) would you consider adding ‘after consult and seek agreement of’ or is that step too far?

94. MR MOULD QC (DfT): That’s a step too far because you have to bear in mind, if I may, that the responsibility for the design of this railway is with the promoter and we have important statutory functions which we have to fulfil with regard to local planning authorities.

95. MR WHITFIELD: Absolutely. And then just to go back to my first comment about communication, perhaps there lies the problem that we have that the confidence that petitioners seem to have in HS2 is not as high as I would perhaps expect HS2 to engender into petitioners about things like consulting on the fields, consulting on the access, issues like that. It’s not going to move us any further forward today but I do think therein lies one of the problems that we’ve faced on a number of occasions in this Committee.

96. MR MOULD QC (DfT): I am, as with so many things that members of the Committee say, you will find me very largely in agreement with you and on this point I can tell you that the fact that people feel a certain sense of frustration about the pace at which matters have moved is something that the promoters of this project need to reflect
on and they need to think about ways, for example in relation to future phases of this project, in which perhaps things could be done differently. I’ve explained to Mr Wiggin how we have done things here. That perhaps has given rise, in part, to the point that you make to me. So, can you leave it with me that we will reflect on that but I would like to give you, I hope, some reassurance that on the particular points that Mr Bedson is putting forward, both here and in relation to his later petitioners today, when we come to them, that I am going to try and show that there is room for fruitful and relatively quick discussion about some of the particular issues. So, let me turn to that.

97. THE CHAIR: Thank you

98. MR MOULD QC (DfT): Can we then please put up A413(10) I think it is. On this plan, you’ll remember that Mr Bedson expressed some thoughts about how the planting and mitigation in this area might be relocated within the holding so opportunities were taken to use areas that are obviously much more heavily severed. It’s just outside this holding actually but this area here.

99. MRS MURRAY: So, it is outside of the holding?

100. MR MOULD QC (DfT): It is outside the holding and that is certainly a suggestion that I’m told we consider has merit and, indeed, a letter was written I think to Mr Bedson’s clients in the last two or three days, offering an assurance in that respect. So, I’m not going to make anything of that because obviously that’s something that they need to be able to have an opportunity to reflect upon but that is, I hope, an indication that there is certainly an opportunity to seek to reduce the impact of proposed planting in 9A and 9B with a view to meeting that particular concern.

101. THE CHAIR: Great

102. MR MOULD QC (DfT): If you turn on to A413(13), Mr Bedson, I think his first concern was about this area of planting here. Now, the explanation for that area of planting is summarised on P429. It is item 20 and the explanation, if we can just blow this up so that you can actually read it, it was earmarked as planting to compensate for trees lost in order to create that autotransformer feeder station which, if we go back out, is this substantial facility here. Now that, I can say now, that proposal also merits review because the amount of replacement planting that is earmarked for area 20, on
plan is quite considerably greater than the amount of tree loss that there is in this area here and so I have asked HS2 to review that and, in discussion with Mr Bedson, to see whether either area 20 can be restored without any planting or whether the planting on that area can be very considerably reduced and we will obviously report back to you on that.

103. THE CHAIR: Sorry, Sandy’s got a question.

104. MR MARTIN: Yes, Mr Mould, it occurs to me, and this might very well be a quite proper way of doing it, that when the plans were drawn up, the indicative plans for HS2’s various mitigations, that they were drawn up without the benefit of the boundaries of the landholdings actually on the map at the time because there doesn’t seem to be any relationship between the boundaries of the landholdings and what is planned to be done. So, would you accept that actually it would be sensible to now look again at the mitigation measures where they are proposing to take place so that they bear some relation to the boundaries of the landholdings because, clearly, if you have a piece of land which is completely severed from everything, it’s not going to be much use to you as a landholder, is it?

105. MR MOULD QC (DfT): Well, first of all, it’s not right to say that the plans were drawn up without any reference to existing boundaries but it’s equally right to say that when the design which was submitted with the Bill was completed in advance of July of last year, a balance has to be struck between the impact on farm holdings and also ensuring that the mitigation areas that are shown on the plan are on a conservative basis sufficient to provide the mitigation that is required. But clearly, the whole point of the statutory approval process under schedule 17, which is the responsibility of the planning authority, and also the detailed design assurances that I have drawn to your attention, is to enable those matters to be refined so as to seek to reduce the impact on farmers and growers before anything actually happens on the ground. That’s the way in which this works. So, that’s on that point.

106. The next point that was raised was in relation to the balancing pond and I would ask the Committee just to reflect on this. It’s one thing to consider whether there are opportunities for either relocating or reducing areas of planting and other forms of ecological mitigation and Mr Wiggin’s point about where farmland is already acquired
or will be acquired by the Secretary of State, that also provides a useful resource and that’s a very important point and we have a number of instances on Phase One where exactly that arrangement has been followed through. Again, it’s a case of when you review this in the process of designing the scheme, I’m afraid.

107. MR WIGGIN: And when do you think you will review it?

108. MR MOULD QC (DfT): That’s something that will be done, it’s being done now. You may find that as we proceed through this house and the second house there will be cases where we’re able to say we now do own some farmland that we’ve bought under a blight notice for example and we’re able to relocate some planting which is a cause of concern to Farmer A on to that particular farm.

109. MR WIGGIN: Good.

110. MR MOULD QC (DfT): But that’s one thing, but when we’re dealing with balancing ponds or noise bunds or screening bunds, engineering features that are vital to the construction of the railway, we have to take a rather more careful approach. There is here, as you can see from the notation, there are some very significant engineering interventions going on here, false cuttings and so forth, and those interventions require effective drainage which is good for the one in a hundred year flood event and which is designed to accommodate climate change. Now, that said, again we’ve earmarked this balancing pond and the detailed design and location of that facility, we’ve earmarked that for review. We’ve written again very recently to these petitioners suggesting that there may be opportunities to reduce the extent of that balancing pond. I’m alive to the point that there’s planning permission for an agricultural worker’s dwelling. We need to take account of that to see whether we can accommodate that within the design. But, we can’t give up proper drainage of this railway. I think that’s important to bear in mind.

111. MR WIGGIN: I don’t think they asked you to, they just asked you to move it to where the existing pond is because gravity obviously is a key component of a balancing pond.

112. MR MOULD QC (DfT): Yes, but obviously, when you add in that very significant earthwork that we have along that route, one has to design the drainage arrangements so that they’re fit for that scheme.
113. MR WIGGIN: What’s the distance, Mr Bedson, between the two please?

114. MR BEDSON: I think, well, there’s a –

115. MR WIGGIN: We can come back to you. Mr Mould is in full cry, but I think we should know what the gap is.

116. MR BEDSON: It’s not huge. I mean there’s a tiny, tiny little balancing pond there.

117. MR WIGGIN: Which will become a large one.

118. MR BEDSON: And then there’s a large one. All they’re asking for, because the land there is on a contour so it’s relatively even the contour of the land there, if that balancing pond was just moved round a bit, it doesn’t have to sit on top of an agricultural worker’s dwelling.

119. THE CHAIR: In defence of Mr Mould, I think what Mr Mould is saying is HS2 will look at it, it’s just slightly more complex than some of the things he’s previously dealt with. You’re not saying you won’t look at it, it’s just you’re alerting us to it being quite a quantum more complex.

120. MR WIGGIN: Well, I think there’s nothing wrong with saying balancing ponds have to be where they have to be, but we’re not saying that they don’t. We’re just saying that it doesn’t have to be exactly where it has to be because there’s a pond there already.

121. MR MOULD QC (DfT): I entirely agree with you and, indeed, I’m loathe to prolong this by showing you a whole load of letters that have been written but if we look at P480(6), 480 brackets 6, this is the letter written, I think, at the beginning of this week. You’ll see that under the heading ‘Relocation of Balancing Ponds’, that’s exactly what we’ve said we’ll do. It’s subject, as always, to necessary qualifications but the burden of that is a willingness to consider relocating that pond. But that also embraces whether it can be reduced in size, for example. So, that’s that. Now, if we go back to A413.

122. MR WHITFIELD: Sorry, Mr Mould, can I ask for your interpretation of 3.12 in
that Relocation of Balancing Ponds, ‘that any alternative site will not create any new or different environmental effect’. It must create a new environmental effect?

123. MR MOULD QC (DfT): No, that is the language of the law, environmental impact assessment. It’s only if it creates an effect that would require to be reported, that is to say a change in the significant environmental effect.

124. MR WHITFIELD: Right, so that’s subject –

125. MR MOULD QC (DfT): That’s what that means. These assurances are written in language that is familiar to me.

126. MR WHITFIELD: I appreciate that.

127. MR MOULD QC (DfT): But, no, the fact of moving it doesn’t necessarily give rise to an environmental effect which would need to be reported in a supplementary environmental statement.

128. MR WHITFIELD: So, it’s actually reportable environmental effects?

129. MR MOULD QC (DfT): Yes, exactly. If I can just go back to 313(13). Mr Bedson also referred to this element of the railway here and asked about restoring ownership of this land beyond, I think, the fence line. Again, there’s no difficulty in principle with restoring land to the landowner. What is vital here is that this bund here, which is number 2, that has the function of a noise bund. It provides noise attenuation to the settlement of Colton, which is the settlement I’m pointing out to you now, and so any arrangements as to who owns any part of that bund after completion of construction, needs to ensure that there’s no risk of that noise attenuation feature being undermined but, equally, it’s quite a significant earthwork element and that area that lies to the land side of the railway if you like, as you know from earlier presentations, the design specification for HS2 includes design into a gradient and so forth that as far as possible enables bunds of that kind to be brought back into active agricultural use as well as fulfilling that important community environmental function.

130. I think the other point that was raised was, well, there was a reference to the pylon line which you know about from yesterday. That’s on page P427. It’s just one of my own plans. Do you remember that I told you that it may be that this pylon, that power
for the railway will be taken from an alternative route?

131. THE CHAIR: Again, so we’re looking forward to an early decision on that.

132. MR MOULD QC (DfT): Exactly. And then I think there was also a question about access and if I can put up A413(9), this access point here, the question Mr Bedson says ‘We would like to know whether that’s provided to avoid severance to part of our land’, that answer is, yes, and indeed that is made clear on page 99 of the relevant volume of the environmental statement but I’m very happy to confirm that. That is intended to be an access road to alleviate severance. And then in relation to access to these fields on this side, there are a number of points at which access might be obtained, as Mr Bedson pointed out, and that is something which will be addressed as the detail of design of the scheme proceeds and I see no reason why if the Mycocks would like to get an early assurance on that, why that can’t be done. So, we’ll put that on the list for discussion. What I would point out to you is that there was a suggestion that we might relocate some of these construction areas. Again, I don’t resist that in principle as a possibility but what I do invite the Committee to consider is this: again, these construction facilities are essential to building HS2 and there is a limit to which they can be shifted around on the basis of coincidence of existing field boundaries and so forth. But there is some protection there because the arrangements for construction sites are themselves subject to approval by the local planning authority under schedule 17 to the Bill and so there is obviously the opportunity for points to be made to them during the course of their discussions with us about that, an opportunity for points to be made about whether those can be fine-tuned. Sometimes I say these things and I say them in a way which makes it sound as though unless somebody says something to us, we’re going to ignore an issue. Please let that not be the position. HS2 and its contractors will look to arrange the construction sites within these pink areas in a way that is as efficient as possible and efficiency includes the least impact on existing landowners because the greater the impact on existing landowners, the greater the amount of disturbance and the greater the amount of compensation that will have to be paid. We don’t want to pay compensation any more than Mr Bedson wants to receive it.

133. THE CHAIR: Sheryll has a question.

134. MRS MURRAY: Just very quickly, Mr Mould, because I’m not sure about this,
but what happens if a planning authority refusing planning consent and any appeal gets turned down?

135. MR MOULD QC (DfT): Then the nominated undertaker has to go back to the drawing board and find another way.

136. MRS MURRAY: So, do you have contingencies already in place for such an event or would you have to start from scratch again?

137. MR MOULD QC (DfT): No, the contingency is that we will be looking to work very closely with local planning authorities through the nominated undertaker and the contractors to reduce the risk of that kind of situation arising because any delay in securing detailed consents under schedule 17, is an additional cost to the construction of HS2 and the nominated undertaker and the contractors will all be, for a variety of reasons, as keen to avoid delay as they possibly can. I happen to know, for example, on Crossrail that there was a dispute with one of the London councils about the design of the Custom House station in the southeast of London and that was a source of enormous concern to the promoter of Crossrail because of the implications. It was resolved but that’s in the public domain so I’m able to tell you about that. But it’s just an illustration of how it is not in the promoter of this scheme’s interest to get to a stage where it is in such disagreement with the planning authorities that it has to resort to an appeal.

138. MRS MURRAY: Thank you very much.

139. MR MOULD QC (DfT): I think I’ve covered all the particular points but Mr Bedson will tell you if I’ve missed something off his menu.

140. THE CHAIR: Thank you. You do have an opportunity to come back but you don’t have to use that opportunity. I’m conscious we’re going to see a lot of you.

141. MR BEDSON: I will be very brief.

142. THE CHAIR: And the more we refine this process and our working practices, the better for us all.

143. MR BEDSON: Yes, I’ll be very brief because it will apply to other cases so we can deal with that.
144. THE CHAIR: Certainly.

145. MR BEDSON: Tim referred to the meeting with HS2 to talk about the NFU assurances in early May. That’s correct, that meeting did happen. We were invited to go, a group of agents, to talk about the NFU assurances. We were given a draft set of assurances so we didn’t know if they were the final, well they weren’t the final version, but what Mr Mould has said is that they will be available to be offered if the petitioners wish them to be offered. Now, is that the same as saying, they will apply?

146. MR MOULD QC (DfT): Yes.

147. THE CHAIR: Yes, it’s a big yes from Mr Mould.

148. MR BEDSON: A big yes, thank you. If I may just refer to the assurance 22, now in this particular case on this particular farm we had this letter sent to us of assurances on 4 June, so a couple of days ago, and it refers to a plan attached. Well, there wasn’t a plan attached. I emailed back immediately to say I don’t know really know what this means because there’s no plan and I can’t really identify what you’re trying to get at but I don’t know if that plans come through since or not. But in terms of assurance 22, the detailed design, you start to read that and it actually starts very well. ‘The Secretary of State will require the nominated undertaker –’

149. THE CHAIR: Can we get that up?


151. MR BEDSON: Exactly. So, this is 22.1. So, ‘The Secretary of State will require the nominated undertaker to consult with an owner/tenant of an agricultural holding regarding the detailed design of the works proposed to be constructed on that holding’, so far so good. 22.2 ‘The nominated undertaker will have regard to the responses received’, even better, ‘in so far as reasonably practicable after taking into account all other relevant factors including relevant assurances associated with the design, the construction, the maintenance, the operation of those works and other ecological or mitigation issues’. So, basically, after we’ve talked to everybody else and decided what we’re going to do, we will then seek to minimise the loss of grade 1, 2, 3 land and will then seek to accommodate your reasonable proposals. So, what it’s basically saying is
the landowner, the farmer, is at the bottom of the list. They’re below the ecology, they’re below the design, they’re below everything. They’re lowlier than a newt.

152. THE CHAIR: I’m not here to defend HS2 but that doesn’t strike me as logical, fair or accurate. But anyway, you’re summarising. Carry on. You can make your points. We can agree or disagree with them.

153. MR BEDSON: That was my point and then it says they will seek to accommodate this. Now, I really do genuine hope that landowners will be listened to and their hopes and concerns will be put into practice but, reading that, it reads as though they are at the bottom of the list, below everybody else.

154. THE CHAIR: You’ve made your point. Okay. I think it would be convenient for the Committee to take a short five minute break. We’ll back at 41 minutes past the hour.

Sitting suspended.

On resuming –

155. THE CHAIR: Round 2, Mr Bedson, back in your court.

T & B Williams; A J & E B Gilmour

Submissions by Mr Bedson

156. MR BEDSON: So, the next petition is in respect to Toby and Bonnie Williams and the Gilmour family who are here with me today. They may wish to say a little bit in my ear as we’re going along. So, it refers to Alrewas Hayes which is quite a substantial property which is set up as a wedding venue but not only wedding venue, for corporate events and a whole raft of other events. It’s a very successful business, a very well-run business and they’re very passionate about what they do there. They’ve developed a highly successful events venue here and they can hold over 100 events a year at the moment they’re doing. That is growing with events through the week as well. They can hold up to 650 guests per event in one of their facilities. There’s another facility on site too so it’s a very substantial enterprise here. I’ve attended functions there and have been very impressed by it, I have to say. It employs 40-50 people on a regular basis,
some part time with 10 further full-time staff. A turnover in excess of £1.5 million which is growing steadily. Now a simple search on Google will reveal a lot of five-star ratings with comments such as ‘Staffordshire’s premier lakeside wedding venue’, ‘A service second to none’, ‘A splendid and elegant venue’, ‘intimately romantic and private’.

157. Now, there was no known impact on this property at the point of the draft environmental impact assessment in 2016 and in fact we didn’t know anything about it, nor indeed our clients know anything about it until after the bill had been put into Parliament in July 2017. They were in fact told by one of their neighbours who had happened to see the plans. So, they had no idea that there was going to be an impact here. Now, we’ve only ever had one meeting on site with HS2 and that took place on 13 December 2017 and despite comments since then, we haven’t really had anything back.

158. THE CHAIR: Sorry to interrupt, can we see it on the map?

159. MR BEDSON: Sorry, yes, so A145(5) please.

160. THE CHAIR: Sorry, what reference? Can you just check the reference?

161. MR BEDSON: A145(5). 144(5). So, the land edged purple is the extent of the boundary of the property. The buildings coloured yellow are the main events venues. I don’t know if it will zoom in a little bit there. Perfect, so we can see the lake there and we can see one of the main events venues there. That’s the lakeside marquee. The other venue is at the back, here. Now, so the main buildings, they’re coloured yellow. Now, what HS2 want to do is to construct an access track going round here to get access to a balancing pond and it goes right alongside one of the main venues and right by the lake. Now, it’s in the most insensitive location here. It’s been positioned really with no thought to what the owners do and no consideration of their business. Now, the tracks go immediately through the property between points 14(6) and (7) and if we look at the photographs, A114(7), (8) and (9), where I’ve written in pen there, where the bride and groom are at the bottom of the lake, that’s the access track and on the other side of the lake, are all their family and friends eating canapes and toasting them with champagne. If we can go to the next one please. There is the marquee with the access track at the bottom of it and the next one please, if we can have the next one up, yes, super, that’s
the inside of the venue so that the track, again, is just beyond the bottom of that.

162. THE CHAIR: Sandy?

163. MR MARTIN: Yes, Mr Bedson, you said ‘construct an access track’, I mean the access track is there already, isn’t it, the road is there already?

164. MR BEDSON: There is a track there but it goes from one party’s land on to this land and then on to another party’s land so it isn’t a through route.

165. MR MARTIN: Right and it’s not a public road?

166. MR BEDSON: No, that’s correct.

167. MR WILLIAMS: Part of it’s a private road.

168. MR BEDSON: Yes, but not for lorries. Now, the proposals are going to affect the business in another way. If we can go back to 144(5) please, the plan. When there are major events ongoing with 650 plus guests in one of the venues and another number of guests in the other venues, they operate a one-way system. That is shown by the purple dotted line going from there, through to point 12, 13, 6, 14, 10, 15, because there’s so many people being collected at 2.00 a.m. there’s a one-way system in and out. Similarly, at the weekends. If there are lunchtime events at the weekend, for certain weddings, for certain parts of the community, they have very, very big lunchtime weddings.

169. MRS MURRAY: And they’re able to do that because the part on their property is a private road?

170. MR BEDSON: Yes, exactly.

171. MRS MURRAY: Is that correct?

172. MR BEDSON: Yes, exactly. So, that circular route there is very, very, very important to them. Now, we’ve suggested a number of alternative to this and please appreciate that –

173. THE CHAIR: Sheryll.
174. MRS MURRAY: Can I just ask, is that circular route part of any licence condition issued by the local authority?

175. MR WILLIAMS: Yes.

176. MRS MURRAY: So, actually, it’s essential as part of the licence that’s granted that you have that circular route in place?

177. MR WILLIAMS: Correct.

178. MRS MURRAY: Thank you.

179. MR BEDSON: Thank you for that point. That’s an important point. So, to make the venue function, that has to happen. We have suggested a number of alternatives and I can only imagine if I were holding my wedding there and there was dumper trucks and lorries going past, not great really but there are ways to mitigate this. There are simple ways to mitigate this we believe. Initially we’ve suggested that instead of going round the route 5 to 6 to 7 it goes straight between 5 and 7. Now, I appreciate that that encroaches on to third party land a little bit but the impact on the business of taking bookings and guests, how are we supposed to plan this? Do we know when it’s going to happen? This is a major issue when you’re running a business of this type and quality and size. We have to let people know and we have to know, we’ve got to manage this if there are dumper trucks, vehicles, concrete mixers, vans full of workers going past, right where they have the photographs taken, right at the bottom of the main wedding venue. Hugely insensitive really.

180. Now, HS2 already wish to build a track along the green route from Crawley Lane and that’s quite a long track. If we can turn please to – in fact, stick with that. From Crawley Lane, there’s a green track that’s going from 16 to 17 to point 18 and that track already exists as an existing track that HS2 are going to put in. Our suggestion here is that we either go from point 18 round to point 9 or we go from 18 to 19 which is a very, very short route. Now, it would mean that HS2 would actually save about 3.6 kilometres of track because they haven’t got to build all this. All they’ve got to do is go from 18 to 19. Now, I was interested to read in HS2’s documents themselves that they seemed to think we were asking for the balancing pond to be moved from there to there, we’re not. All we’re asking is for the track to go from 18 to 19. That’s it.
181. THE CHAIR: Okay, fine.

182. MR BEDSON: And when we met on site with HS2 we stood at point 19 and you look down the side of the wood, it’s headland to a field where the rabbits come out and graze the crops or the crops a little bit thin there so it’s headland field, putting a three or four metre wide track down there is neither here nor there. There is a brook that has to be crossed, we know that. My clients know the farm and the land locally for the last 50 or so years. They’ve never seen it flood. It might do but they’ve never seen it flood and putting a small bridge over that brook, up to there, will save 3.6 kilometres of track and it will save any impact, most impact on the wedding venue. So, if for some reason HS2 won’t move that, there will, I am sure, be some very, very substantial claims for compensation.

183. THE CHAIR: Okay, we hear your point.

184. MR BEDSON: It’s pretty simple.

185. THE CHAIR: Okay. I think a case well made. Let’s move on. Let’s hear what Mr Mould says later on and then we can come back. Okay?

186. MR BEDSON: Yes.

187. THE CHAIR: Sorry, is that you finished entirely?

188. MR BEDSON: That is the main point. We may come back in a minute.

189. THE CHAIR: Excellent, apologies, I thought you were only part way through. Great progress. Any questions?

190. MR WIGGIN: No.

191. THE CHAIR: Mr Mould?

**Response by Mr Mould**

192. MR MOULD QC (DfT): Mr Bedson’s teed me up well because he pointed out that nobody wants to spend more money on this than is absolutely necessary and that includes building unnecessary new pieces of track but it also includes having an eye to reducing the possible compensation claim that this successful business may have if it is
unnecessarily disrupted by HS2. Just very briefly on the factual position, it’s largely been explained to you, it is an existing track, it is an existing bridleway along a lot of its route, it is a farm access to farmland in this area here which is owned by a farmer called Mr Leavelsley, who I think is also a petitioner who will be coming before you later. It is important that this land here, and other lands owned by that farmer, that access is available to those lands once the railway has been constructed. As you know, we’re trying to avoid, to limit the amount of severance that results. We do need to get access to this balancing pond so the question really is this: is it necessary to upgrade this track, which is really the source of the traffic movements that the petitioners are concerned about, is it necessary to upgrade that track to the degree that is contemplated in order to allow the very residual access to the balancing pond that will be needed and also to enable the farmer to get access to his land around this area once the railway has been built. I have asked Mr Smart about that and Mr Smart thinks that it may very well not be and he would like to review this and to see whether we can give some sort of commitment to these petitioners about limiting or even avoiding any need to upgrade the track in order simply to provide access for what I gather is a quarterly visit by a van, I mean once a quarter, and then at most an annual visit by a lorry which has to pump out sediment and so forth from the balancing pond.

193. THE CHAIR: Sheryll?

194. MRS MURRAY: Mr Mould, what about the construction of the balancing pond and construction traffic?

195. MR MOULD QC (DfT): That traffic does not require the upgrading of the track. It is one of the curiosities of highway design standards that where one is providing a permanent track, a permanent carriageway, albeit here it’s devoted to HS2 use only, but it has to be designed to a certain level and standards but Mr Smart is not convinced that that is something that is necessary here.

196. MRS MURRAY: Can I just follow on from that because we heard about the impact of the construction traffic on the wedding venue which is why I believe I was correct in understanding which was why a separate little bit, the straight line was proposed and given that part of this track, it’s necessary for the venue owners to be able to initiate a single one-way road if you like as part of their licence, has consideration
been given to that, because it is a private road?

197. MR MOULD QC (DfT): Yes. Could I put up P411(4). First of all, my reading of this petition, and of Mr Bedson’s written notes, was that the key point of concern was very much the prospect of upgrading works to the track and the reason why that was a source of concern is clear from the slide in front of you.

198. THE CHAIR: Sheryll?

199. MRS MURRAY: Mr Mould, I understand it’s the impact on this very viable business and my local government experience is a long time ago now but I have to say if they are not able to meet the obligations for the traffic management as a condition of their licence, they will not get a licence. That’s really important.

200. MR MOULD QC (DfT): Mrs Murray, I’m with you completely. Don’t misunderstand me, please. I’m not doubting the risks that come from construction traffic on this route but I’m simply telling you that my own reading, possibly incorrect, as I say to you, I sometimes get these things wrong, but my reading of the position was that it was the upgrading works and the reason why I thought that was the concern was because –

201. THE CHAIR: Well, let’s not worry about why. It was incorrect. Do you want to confirm that?

202. MR MOULD QC (DfT): Fine. Well, as you can see, here we have the three sources of HGV movements that we anticipate along this existing track. The first is one HGV per day to set up the construction area around the balancing pond; the second movement is the works to upgrade, to improve as it’s put, to upgrade the track, that’s five HGVs per day; and then the third is demobilising the site that has been set up under the first bullet and, again, it’s one HGV per day to demobilise.

203. So if you work on the basis that, as I say, in discussion with Mr Smart, we will look to remove, if we can, the need for the second bullet at all, that is to say, no need to upgrade the track, and you’re left only with the site set up and the demobilisation, we’re talking about one HGV per day during those relatively short periods, and obviously, the opportunity to engage with the operators of this business to ensure that those movements
take place outside the period when the venue is being used for weddings.

204. So that brings me back to your point which is, surely HS2 should be working with these petitioners to ensure that as far as possible, their activities can take place without being disrupted by HS2 lorries going along the track. That is an objective that I am very, very willing to say we will work with them to achieve. And if you like, the point that has come through with discussions with the chief engineer is that actually, there is a real prospect of being able to avoid costly additional works but at the same time, realise the very limited permanent need that there is.

205. There will have to be some need, as I say, once a quarter, a light van, once a year at most a lorry, to go along that existing bridleway track and then to go out round the corner and down to the balancing pond in order to do some work to it, but I hope that those four visits a year by a van and that one visit a year by a lorry can also be worked, so that they do not disrupt the activities of the wedding venue.

206. MR MARTIN: Yes, can we have P409 up please. So, Mr Mould, I mean, clearly when the – actually, let’s have 410 first, before 409, sorry. So this is what it’ll look like, hopefully, or what you’re planning for it to look like when everything is finished and the line is in operation.

207. MR MOULD QC (DfT): Yes.

208. MR MARTIN: And as you can see, the only way to reach the balancing pond, once everything is in operation, will be via Alrewas Hayes.

209. MR MOULD QC (DfT): Via the track, yes.

210. MR MARTIN: Yes. And those are the – one movement a quarter, or what of it, four movements a quarter?

211. MR MOULD QC (DfT): Four vans a – one van each quarter.

212. MR MARTIN: On van each quarter and one lorry a year.

213. MR MOULD QC (DfT): And one lorry, at most a year.

214. MR MARTIN: Yes. However, during construction, there is going to be a very,
very significant amount of construction traffic accessing that area and if we go back to 409…?

215. MR MOULD QC (DfT): Can I just ask you which area you mean, so I’m clear?

216. MR MARTIN: The area around the embankment, the viaduct, the pond. If we go back to 409. And all of those heavy lorries that you’re talking about, tens of lorries, maybe a very large number of lorries every day, all of those will be using the haul route from the A515, is that right?

217. MR MOULD QC (DfT): That’s right. The only reason we have to bring that very small quantify of lorries in along the existing track is because we have to provide a temporary bridge over the Pyford Brook here and so the current prediction is that it will be necessary to do some works in this area in – that’s what meant by ‘set up’ on that slide I mentioned to you earlier. But, as you say, Mr Martin, the great majority of the construction traffic will be coming off that direct access from the A515 that you know about, and will be coming down this route here and will not need to use the track.

218. MR MARTIN: Okay. So, for construction purposes, the vast majority of the construction traffic will be using the haul route from the A515 and will not be going via the petitioner’s property. If a construction route were built from Crawley Lane across on the other side, would there need to be access from the petitioner’s property in order to set that up?

219. MR MOULD QC (DfT): The answer to that question is, I don’t know.

220. MR MARTIN: Would it be possible to ask Mr Smart?

221. MR MOULD QC (DfT): Can I put it to you that if you were to do that, you would be adding quite a considerable amount of money on. I think we’ve got a slide at P411(10), because this was one of the options, I think, that was suggested, and there has been some consideration of alternative options, and you can see that the costs of alternatives involving laying down new lengths of track over what is, as you’ve seen, flood plain, those are quite expensive.

222. And I’m suggesting that there’s also another option addressed on the next slide. We’ve considered a range of options prompted in part by the petitioner’s own
suggestions. But the solution I’m suggesting to you is it’s in both parties interests to try and avoid spending any more money than is really necessary and given the scale of activity that is proposed, P411(10) that I showed you, if you take the point that Mr Smart is asking his colleagues to look really critically – if we can just go back to the previous slide please. Sorry, P411(4).

223. If, as I’ve said, Mr Smart has asked his colleagues to look really critically about whether the second bullet on that slide is actually necessary, and so one’s left simply with those two six month periods at the start and the end of the works where it’s one lorry a day, which can be managed around the venue’s activities, I suggest to you that that provides a working basis to go forward and avoids the need to spend any significant additional capital sum. And also to take other people’s land and so on and so forth.

224. MR WHITFIELD: Can I ask you Mr Mould, you’d agree that the first bullet point there talking about Q2, Q3 must be the busiest time for this venue anyway? Albeit that there are only two vehicles a day, that is their busy six months, spring, summer. Well, summer into autumn, and the last six months would be in Q1. Would HS2 also agree that the business that we’re looking at here is particularly sensitive to the opinions or prior users –

225. MR MOULD QC (DfT): Of course.

226. MR WHITFIELD: – to people around, and I’m not going to say, but I would imagine a bride being concerned about an HGV in the backdrop her wedding photo is not going to play well at the best of times.

227. MR MOULD QC (DfT): The reason I don’t say that, is because I take it that it’s not something that needs to be said. It’s perfectly clear, obviously, as you say, that this is a sensitive receptor, to use the jargon, that they are a business that is liable to experience the risk of some drop off in bookings and so forth, if it’s feared that during even a six month period, there’s a risk. That’s why it’s essential here that there is close collaboration moving forward, between HS2 and –

228. MR WHITFIELD: Would that extend to an undertaking beyond that which I’m aware HS2 have been unwilling to give about very specific times of road use and not road use?
229. MR MOULD QC (DfT): That kind of commitment, that kind of close management is by no means to be ruled out. The code of construction practice recognises that there will be sensitive commercial operations that need careful and close traffic management commitments in order to ensure not only that actually their activities can be undertaken without unnecessary disruption for HS2, but that the fear of such disruption can be managed, so that they can say confidentially to their future client’s, ‘Don’t worry, we are, for the next six months, going to have a lorry a day coming down the track behind the venue, but we have arrangements with HS2, and I can tell you that if you book your wedding on this particular day at this particular time, you won’t be disrupted by that’.

230. The reason why one is understandably sceptical about this at this stage of the process is that we are at an early stage, but contractors who build these railways and do these works, they do not want to be the author of a compensation claim because that doesn’t bode well for their performance of their contract. This is why this kind of arrangement that we’ve just been discussing is something that needs to be considered and discussed hereafter.

231. THE CHAIR: Okay. Martin?

232. MR WHITFIELD: No.

233. THE CHAIR: Okay. Shall we come to Mr Bedson for final minute or two?

234. MR BEDSON: Please call me cynical if you wish. I’ve seen this before, but I think the main point of this – could you bring up 1446, please?

235. THE CHAIR: Did you say cynical or saintly?

236. MR BEDSON: Cynical.

237. THE CHAIR: I heard saintly and it didn’t make much sense.

238. MR BEDSON: Well I don’t profess to be that. The point here is that once that access track is built, it will be available, as a right of way, to HS2. We’ve gone through some fairly major programmes of works with landowners who are affected by, for example, Network Rail lately, where they’ve been doing some fairly major maintenance
projects. It’s involved cranes, it’s involved diggers, it’s involved all sorts of equipment. That will be an access route. It will be the only access route to that structural embankment in that location. We don’t want it. It’s unnecessary risk for this business. It isn’t needed.

239. THE CHAIR: Very clear. Sheryll?

240. MRS MURRAY: I thought the undertaking that I just heard Mr Mould clarify was that the road would not be upgraded and the amount of vehicles would be reduced and the small amount of vehicles that it would be necessary to use that track, there would be very close collaboration with the owners of the venue to make sure that it didn’t impact on their business. Now, that’s what you were asking for; am I clear that that is acceptable?

241. MR BEDSON: What is acceptable is to build a length of track, please –

242. MRS MURRAY: But HS2 seem to be giving you what you’ve been asking for.

243. MR BEDSON: Well, not entirely. What we’re asking for is –

244. MR WILLIAMS: If I could just add in a point, it’s all about traffic movements, etc, etc. Currently we’re doing 100 events a year, by 2022, we hope that we’re going to be busy every single day, so how those traffic movements are going to be managed, I just don’t know. We’ve just received a grant off the Staffordshire LEADER programme which is a quarter of a million pound spend to enhance facilitates so we can generate more corporate business, more mid-week dining, etc, etc. I know none of this has been factored in.

245. I’m very willing to work with HS2 but I think there’s an awful lot of risk involving trying to manage the traffic movements. Obviously, the most important thing is to keep costs down to a minimum. However, one thing that hasn’t been factored in is what financial impact that will have on the business.

246. Now on option 1, they’ve got a cost of half a million pounds, let me just go to it please?

247. THE CHAIR: Would it be convenient to just – if you come over here then you’re
a witness, then – strictly speaking you’re not allowed to speak from where you are

248. MR WILLIAMS: Sorry.

249. THE CHAIR: If you could just up here and it makes very little difference, but that way – I think we might have a few questions. We are being a bit disorderly in that we're now calling witnesses part way through a summation, but I think it’s helpful to the committee, so.

Evidence of Mr Williams

250. MR WILLIAMS: P411. Cost of option 1, half a million. They say they’re going to have to take 8.6 hectares for our option 1. I’d just like to quantify why they need so much land. I’ve calculated they’ve assessed that it’s a flood plain. I’ve lived there for 50 years, I’ve never known the area to flood. The current access bridge which is where they want the access hasn’t got an embankment to it, so why would they need an embankment for the new access bridge there. That’s point 1.

     Eight point six hectares to create that embankment; those fields there are around about 20 hectares so they’re taking a massive amount of land. I’ve calculated it’s roughly 500 metres of track, three metres wide, which is 0.2 of a hectare, so eight hectares to 0.2 of a hectare, so surely they’ve got their costings wrong.

     If you’re looking to cost there, as we’ve said of roughly half a million, the other cost is roughly £3.2 million. My preferred option is obviously, access completely away from the site, but really, it has to be between –

     The one that’s already be identified, we know. Sorry, we don’t know the one – Sandy’s got a question.

254. MR MARTIN: Yes, well I’ll wait until Mr Williams has finished but I’ve a question about –

255. THE CHAIR: Okay.

256. MR WILLIAMS: I think my question is costings. You know, I naturally want to keep costs down to a minimum but I do feel that shortening that route by taking a straight line through is obviously the most cost effective route.
257. I’ve seen another venue, Packington Moor Farm that HS2 has gone through there; they’ve finished, they had their last event this December. They had to generate as much profit as they possibly could to get the right compensation but we were picking up bookings there six, seven years ago, because clients were turning round saying, ‘We’re not going to Packington because obviously, there’s some HS2 going through’. So it impacts the business immediately. How do you quantify that figure?

258. You’ve got a figure here of £3.2 million for option 2. I put option 3 which is loss of business at Alrewas Hayes; I can’t give you a figure. It’s certainly going to be much, much higher than any of those figures.

259. THE CHAIR: What’s your turnover?

260. MR WILLIAMS: One and a half. But our projected plans – you can see our projected plans to increase that – double that turnover in three years.

261. THE CHAIR: Sandy, your question.

262. MR MARTIN: Actually, I have got a question for Mr Williams which is clearly if option 1 were to be built, half of that land, approximately half of that land is your land?

263. MR WILLIAMS: Yes.

264. MR MARTIN: So would I be right in supposing that you would not be seeking any financial compensation for the building of option 1 across your land?

265. MR WILLIAMS: That option hasn’t been looked at, we haven’t looked at that option. Obviously compensation –

266. MR MARTIN: No, that’s why I’m asking you, if you had –

267. MR WILLIAMS: It would be – I would imagine it would be less because obviously, you’re purchasing –

268. MR MARTIN: I’m asking you whether, if you were in negotiation with HS2, about building option 1 rather than going with what they wanted to do, whether you would be seeking compensation for the land that you’ve asked them to build the line across.
269. MR WILLIAMS: We haven’t even got to that stage.

270. MR MARTIN: No I know you haven’t, but I’m asking whether you would.

271. MR WILLIAMS: I would be happy to discuss that, yes, absolutely.

272. MRS MURRAY: Would it be a consideration that you might think about is to allow HS2 to construct that route across your land?

273. MR WILLIAMS: Absolutely, absolutely –

274. MRS MURRAY: Without receiving any financial compensation.

275. MR WILLIAMS: Yes.

276. MR MARTIN: The point is an important one –

277. THE CHAIR: Sorry, can we just confirm – so the answer is, is yes? If there’s a solution to take the traffic away, and HS2 are going through all of that cost, you won’t nickel and dime them and ask for compensation for that area of land?

278. MRS MURRAY: That would reduce the cost of the project.

279. THE CHAIR: That is helpful, thank you Mr Williams.

280. MR MARTIN: My suspicion, it would reduce the level of cost quite considerably on option 1? And then moving on from Mr Williams – do you want me to move on from Mr Williams, or does anyone else –

281. MR WHITFIELD: Sorry, can I just – I’m not entirely comfortable about asking Mr Williams across a petition to discuss something that lies outside of the Bill which would require another AP that requires some of his land to make a decision that he may feel bound to.

282. THE CHAIR: He’s not signed a legal document, you’re not bound by your decision then, Mr Williams. You were asked the question three times – until you were bullied into saying yes. But I asked the question a third time, but it may turn out to be the right answer and helpful, but you’re not bound. Another question.
283. MR MARTIN: I was going to ask about option 2, because I can’t understand, and I’m really sorry if I’m being so dense here, but Mr Mould appeared to assume that we all understood why the option 2, not option 2 costing £3.29 million but the option 2 proposed by the petitioner which is a completely different option 2, to go from point 18 to point 19 on their hand drawn map, why that is not feasible, because it just says – all it says is ‘(to avoid ecological constraints)’, but there’s no – I’m sorry, I’ve missed these, I can’t see where the good reasons why you say it can’t be built from point 18 to point 19, where are those reasons?

284. MR BEDSON: It’s my 1445.

285. THE CHAIR: Sorry can we get that up?

286. MR MARTIN: No, no – that’s the map, yes, no I’m trying to hear Mr Mould’s good reasons why 18 to 19 can’t be built. I haven’t seen them.

287. MR BEDSON: We don’t want the balancing pond relocated.

288. MR MARTIN: No, I want to know what Mr Mould’s reasons are for not building it.

289. THE CHAIR: Sorry, just to pull things together, would it be helpful to the committee to get Mr Mould to bring up Mr Smart as a witness so he can actually give some facts around this?

290. MR MARTIN: Yes.

291. THE CHAIR: No-one’s disagreeing. Mr Williams, if you could return. Mr Mould are you happy for us to get Mr Smart?

292. MR MOULD QC (DfT): Of course.

293. THE CHAIR: Fantastic, Mr Smart, do you want to take this.

294. MR MOULD QC (DfT): I might put up P411(11). I hope that –

295. THE CHAIR: Can you build us a road, Mr Smart, between 18 and 19? That is your challenge.
Evidence of Mr Smart

296. MR MOULD QC (DfT): The first point to be made and this may, in part answer, is that the cost that’s shown on this sheet obviously includes a more ambitious scheme than the petitioner had thought because it involves the relocation of the balancing pond and they made clear they didn’t, so it would be £188 million minus. But Mr Smart, I don’t know if we’re able to give an idea of as to an order of costs for that stretch of –?

297. MR SMART: No, we’d have to look at that indeed, that’s correct. Perhaps I could try and add a little bit of clarity to what we are trying to do. If we go back to – it doesn’t really matter – either the construction or the – yes, this will do – we’ve also got to get, as Mr Mould said, access for the other farm as well, and we might be able to move the balancing pond but there are various streams etc in this area and Mr Mould’s already said, I’ve had a look at the main rump of the HGV traffic which would be going down here, which would be to actually upgrade this track which is already a farm access, so I really don’t think we do need to do that.

298. Once we have got that site set up, which we do need to create the haul road to take lorries away from other tracks, all we need to do, as Mr Mould has said, is occasionally go down there to inspect the abutments of the bridge and make sure that the outfall of the balancing pond is not clogged up, if I can use that term. I maintained HS1 for five years and there are some balancing ponds that we didn’t even have to go to once a year, so it might not even be that much.

299. THE CHAIR: Sandy.

300. MR MARTIN: Yes, Mr Smart, the question is, looking at this map, we don’t need to move from this map, where the arrow is pointing now, and then move along to the top edge of that little green spot, the top of the – thank you very much – that’s there, there is a short stretch of land between those two places.

301. MR SMART: Yes.

302. MR MARTIN: Please don’t move, because we need to have this map in front of us, but on page 411(8) option 2, amended route (to avoid ecological constraints on petitioner route option). The route option that I have asked you to indicate with a white
arrow is, I take it, the petitioner route option, from point 18 to point 19. Can you explain to me, because I haven’t seen anywhere, what the ecological constraints on that route option are? Why it would cost £3.85 million to build a little stretch of road from there to there.

303. MR MOULD QC (DfT): I don’t think anyone said it cost that, Mr Martin.

304. MR MARTIN: Well no, you didn’t, you said to avoid ecological constraints on petitioner route option, you had to do something massive involving redesigning the viaduct and all sorts of things.

305. MR MOULD QC (DfT): I don’t think I said that either.

306. MR MARTIN: No, that’s what it says.

307. [Crosstalk]

308. MR SMART: I would have to go back and revisit what those ecological constraints are, and if you would allow me to, I could come back to you after that, because that’s something I’d have to go into on the environmental side.

309. MR MARTIN: Well not particularly, because why mention them, why say, ‘To avoid ecological constraints’, when you haven’t mentioned what they are here, and why describe an option which has not been described by the petitioner, and then call it option 2, which is a completely different option from the option put forward by the petitioner. I mean, you haven’t addressed the basic point made by the petitioner.

310. MR SMART: Yes, I understand, Mr Martin, what I’m trying to do is match what the petitioner is asking to the optioneering that we have done here, and rather than try and, if you will excuse the phrase, shoot from the hip on this, I would rather just check our options compared to what he’s now saying, if you would allow me that.

311. THE CHAIR: I think we should allow you to come back. I think the mood of the committee is that they want to see this as an option and understand it before coming to a decision.

312. MR MOULD QC (DfT): Would you allow me to just draw your attention to slide 7, because in a sense, this is Mr Millers’ area of expertise rather than Mr Smart because
we’re dealing with environmental constraints. But I don’t think I need to trouble you with a further piece of evidence.

313. The principle area of environmental constraint is that which is shown on this slide. That is to say, it is the challenge of building a new stretch of track across a flood plain and across the area of the brook. People can draw in breath and pooh-pooh it, and Mr Bedson says anybody can build a track across a – but as you know, actually, these things matter, and we have to be responsible and we have to make sure that these things are done so that flood issues and the environmental significance of the Pyford Brook is not compromised.

314. THE CHAIR: We understand that. Sherrill.

315. MRS MURRAY: Mr Mould, from what I can understand, if you were putting in a major road, of course you would have to take account of a flood plain. But as I understood it, from this morning’s evidence, this little stretch of road is not going to be used regularly, it’s going to be used by one HGV eventually to go and check the embankment structures and the balancing pond, so surely you don’t have to view this as if you’re building a major motorway –

316. MR MOULD QC (DfT): I agree with you.

317. MRS MURRAY: – between points 18 and 19.

318. MR MOULD QC (DfT): We will look at it.

319. THE CHAIR: Thank you very much. I think we’ve heard enough evidence, we welcome your offer to come back with some more information so we can make a better decision. Thank you very much. If we could move on. Thank you for giving evidence.

320. MR BEDSON: Please –

321. THE CHAIR: No, we’ll move.

322. MR BEDSON: It’s important, it’s about access for the neighbouring farmer, he does not have access across that.

323. THE CHAIR: You can write to me. We’ve had –
324. MR BEDSON: Nobody has access.

325. THE CHAIR: I said no. If it was important you should have mentioned it earlier.

326. MR BEDSON: Right.

327. THE CHAIR: We need to move on. Right, thank you very much for petitioning. Apologies, I was not keeping my eye on the time. We are actually now finishing. And we will meet back at two o’clock.