MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 24 April 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport
Alexander Booth QC, Counsel, Staffordshire County Council

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WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd

IN PUBLIC SESSION
## INDEX

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffordshire, Newcastle-under-Lyme and Lichfield Councils</td>
<td>3</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>3</td>
</tr>
<tr>
<td>Submissions by Mr Booth</td>
<td>24</td>
</tr>
</tbody>
</table>
1. THE CHAIR: Order, order. We’ll now be moving to – Mr Mould, I understand, will be calling his witness Mr Miller and then I think Staffordshire Council want to come back and have the final word and then we’ll move into private deliberations. Does that all make sense, Mr Mould?

2. MR MOULD QC (DfT): It does, thank you, yes.

3. THE CHAIR: Over to you, sir.

Staffordshire, Newcastle-under-Lyme and Lichfield Councils

Evidence of Mr Miller

4. MR MOULD QC (DfT): Thank you very much. Yes, Mr Miller, just take a seat. Whilst Mr Miller’s doing that we had prepared some sheets, which just combine the noise profile across the area of the tunnels so that you can see that in a single go.

5. THE CHAIR: Okay.

6. MR MOULD QC (DfT): It means you don’t have to flick through four or five pages.

7. THE CHAIR: It seems a little ridiculous but it probably will make sense so thank you very much.

8. MR MOULD QC (DfT): Okay. Well, I’ll – Mr Miller will refer you to that in due course. We won’t start with that so if you want to –

9. THE CHAIR: Okay. Let’s have a bit of a pause. We’ve got the maps. We’re not going to start with the maps.

10. MR MOULD QC (DfT): We’re not going to start with the maps. We’ll just hand them out.

11. THE CHAIR: If we could all sit down, there’s a bit of –

13. THE CHAIR: Mr Mould, let’s start now.

14. MR MOULD QC (DfT): Right. So we’re going to put up P35(2), please, which is the sheet showing the twin tunnel, the Bill scheme, the twin-tunnel scheme, which you saw yesterday. And there we are. As the Committee are now very familiar, the plan of the proposed scheme on the top half of this sheet and then the single-tunnel option on the lower half of the sheet.

15. Mr Miller, do you want to start at the southern end and take it from there?

16. MR MILLER: Yes, I might just zoom in a little bit, please. And if you can just move it across a little bit, please. Great, thanks. Okay. That will do. That’s fine. Okay. What I’m going to do in the next few minutes is quickly take you through the route and just highlight a few of the features, which I think that haven’t come out from the evidence that’s been presented by others coming forward to this Committee. And we’ve got the noise map because I’m going to refer to that from time to time when I do this.

17. So, first of all, we understand that we’ve got a tunnel underneath Madeley. The scheme is passing underneath high ground, which I think you appreciated when we went out on the site visit, and between Madeley –

18. MR MOULD QC (DfT): I think you mean Whitmore, don’t you?

19. MR MILLER: Oh, sorry. Whitmore. Forgive me. It passes underneath high ground at Whitmore and I think this is a key thing to understand about this landscape here, we’ve got a long valley through which the West Coast Main Line passes and I think a number of people have said that that railway passes at the lowest point through that valley. But then either side we’ve got high ground and it tends to be the higher ground, perhaps with the exception of Baldwins Gate, that are places where people reside. The tunnel has the benefit of going underneath those people at Whitmore Heath. It avoids them receiving noise; not everyone but in large parts people are protected from the noise of the new railway as a consequence of that tunnel.

20. Now if you turn to the drawing that we’ve stitched together for you, which shows you the whole area with regards to noise, you can see the noise contour, which shows
what’s called the significant observed adverse effect level. That’s in red. No surprises. That’s really close to the line, where the line is on the surface. And then the lowest observed adverse effect level, which is the grey contour on that map, and you can see that the tunnel performs very well. Whilst it’s passing through high ground and beneath those people it performs very well in terms of where those people live at Baldwins Gate and at Whitmore Heath. So the railway for people in that location is very well mitigated.

21. If we can just move the drawing along a little bit, so if we’re going a bit further northwards and hold it there, we’ve got a tunnel portal and you heard about the access to a particular property this morning from Snape Hill Road and we did that sort of circuit on the route visit. What’s happening there is we’ve got a porous portal. You’ve heard about that from us before. And then the railway passes in a north-westwards direction and it goes into a deep retained cutting. That’s deliberately put in to take as little of the ancient woodland as practically possible. And it also avoids a very deep and wide cutting if you were to go to an ordinary angle of slop and cut out of the ground, which… would have otherwise taken an even greater area of land away from that hillside.

22. And you can see the contours. You can see that they’re still on the higher ground here. And when we stopped off on our visit, we were just along here, there was a gate where we stopped and we had a look into the woodland. And what you’d have seen is a lot of the larch and the western red cedar trees, the plantation type of woodland at that location, and then you would have seen that the ground was rising away from you. And that bit of woodland that we were standing next to isn’t going to be disturbed. And I think there was a photo montage, it was a red line on a petitioner’s plan earlier on today, and that showed that woodland and that woodland still exists. So the railway in that location is about 13 metres, it does go up to about 20 metres in certain locations, but about 13 metres deep in a slot in the ground. Yes. So the trees in the foreground there, those will largely be retained. And if you think where that red line is going, that red line is actually, in fact, deep into the ground; minimum 13 metres. So you won’t see the railway. You won’t see the overhead electrification in that deep cutting there.

23. So if we go back to the plan.

24. MR MOULD QC (DfT): Maybe if we just look again at the noise sheet. We were
told that there was concern not only about visual impact but also about the noise impact on Madeley Park Wood, as it was called. And if we can just see Madeley Park is that area of housing just about in the midpoint of this sheet that we’ve produced and we can see, can’t we, Mr Miller, that the lowest observed adverse effect level, the contour showing the limit of the spread of noise, is well to the east of that settlement.

25. MR MILLER: Yes, that’s right. So the nature of the railway here means that the noise is not propagating across the landscape in the way that others have considered it would do. And the reason for that is because the railway’s deep into the ground. It’s not in tunnel but it’s in the slot in the ground behind that woodland. So it’s very well mitigated. And, again, in that particular location you can see the contours there. The development here is on that higher ground, not into the floodplain of the overall valley that we walked alongside. But it’s on that higher ground. And I think someone described a very steep slope going down to those lower properties just before the West Coast Main Line. So it’s very well protected.

26. MR MARTIN: Can I –

27. THE CHAIR: Sandy?

28. MR MARTIN: – ask a question at this point? On our sound contour map we have the red area of greater than 65 decibels, which suddenly becomes very, very narrow over the viaduct, which is slightly counterintuitive because one would expect that the sound would actually travel further when it’s travelling over a viaduct. Can you explain that?

29. MR MILLER: Yes. I think there are noise barriers including on the viaduct and I think they go up to four metres in height. I will come on to that section in just a minute.

30. MR MARTIN: Sorry, I thought that’s where you were already.

31. MR MILLER: Yes, sorry. Forgive me. I’m just concentrating on the Whitmore Heath bit of the railway and what the effect is that arises from the railway and I’m looking at this in the permanent case.

32. What I’d like to is I’d like to go to a drawing which shows Whitmore Heath and the mitigation response for ancient woodland, please. I don’t have the P number for that one.

34. MR MILLER: Yes. You saw this diagram just before lunch and I’m hoping in the background there’s some costings on their way. And you can see that – we’ve been through this so you understand that the red sort of lozenge in the middle of the woodland, that’s what’s permanently taken but you can see to the south, where it says ‘Whitmore Wood Enhancement’ down by the West Coast Main Line, you can see that that is still retained. So that’s the planting that you saw on that photo with the red line. And then the plantation woodland and the remnants of the deciduous woodland where it says ‘Whitmore Wood’ just underneath the grey there, that is an area of enhancement and the idea of that is that some of that which is plantation can come back to deciduous woodland and so increase species’ diversity.

35. Just on this side here would be an area where there would be compensation planting, probably a good area for the soils translocation next door to the ancient woodland itself.

36. And the other thing that’s being taken into account, as we said, the bat flight paths and this complex of changes around this landscape is trying to improve the opportunities for species’ diversity, get it all linked up and follows the laws and principles of creating an ecological landscape which is bigger, better and more joined up. And that is as a consequence of this railway.

37. So, if I just move on a little bit further up the route, we start coming out of that deep cutting, I think someone described that as being about six metres long, and we start coming on to an embankment in this area here. And that’s quite complicated because what’s happening with the railway as we’re coming off those steep side slopes we’re going down towards the valley floor that you’ve seen and in this sort of area, this is roughly where we were walking across those muddy fields, do you remember that?

38. MRS MURRAY: Yes.

39. MR MILLER: And I think Mr Wiggin opened up the electric fence for us around about here. So, what’s happening here is the railway is partly on surface in this location, so it’s meeting the ground contour, and then it’s above the ground level. So it has to be built up onto an embankment. And then, in addition to that embankment, there will be
further embankments built up on either side to create a false cutting, so Mr Mould referred to that a little bit earlier on, of up to four metres in depth. And so that will provide a good noise attenuation through this location and it also provides a framework for further planting alongside the railway. And you can see here that the way that we’ve thought about the railway itself as a piece of infrastructure, that sort of linear nature of the railway, where we’re disturbing that land we’ve thought about compensating that with some further planting and get everything linked up.

40. Then we come onto the viaduct itself and I think this is – we showed, or someone showed a slide earlier on saying that we can take the viaduct down by a few metres, I think it was 3.4 metres. And in my opening presentation to you I talked about some of the controls that would come later on with the planning practice which is associated with the environmental minimum requirements on this project and this is under information paper D1, which is all to do with design. This is a key design feature in the scheme of things and so that’s subject to quite a bit of rigour where the design will be challenged independently by our own design panel, and I think I mentioned that to you in my opening as well, but here it talks about these blue stages, talks about all of the things which will come after this parliamentary process and what then needs to be settled with the local planning authorities through the schedule 17 grounds that I talked to you about. And then there are various statutory consultations which come along with all of that to get that structure right in the landscape.

41. MR MOULD QC (DfT): And there’s also the important point about prior community engagement, isn’t there, before the design is locked down.

42. MR MILLER: Yes, that’s right. So that means that local people will have a further say in all of this as those designs are closing down. And just recently on Phase One we’ve had a long viaduct structure in the Colne Valley area and that’s been subject to quite a lot of engagement before plans have been put forward to local planning authorities. So there’s a lot more to come after this scheme has been scrutinised here.

43. So if we can go back to the plan. Sorry, there’s a lot of information on these plans. That’s why it takes a long time to load up. So here we are on the viaduct, if we can just zoom on that, please, and then if we just go a little bit further north, keeping the viaduct on the right-hand side. And this is in the area of Manor Road and the Lee,
which the viaduct passes across as well as the West Coast Main Line. Then we’re on to embankments and similar sorts of things with bunds and earthworks as the railway comes off of the viaduct and meets the ground on the other side. And it’s starting to meet the rising ground on the other side of the valley now. That’s great. And I think we stood up here and, Mr Martin, you were talking about the hump-backed bridge, which is just down there. So we were looking at this point across the valley here and the 21 metre height of the viaduct I think is around about this area when we looked at the build scheme and I think that it’s 3.4 metres down from the location. So it’s coming down. We can’t get down to the full height that you were talking about because of the West Coast Main Line but, nevertheless, there are some changes that.

44. Then we’ve got the Manor Road and people were this morning talking about heritage and that sort of thing. So Hey House, by way of example, is just in here. So the outlook for them, I think someone mentioned that they’re close to the West Coast Main Line. There seemed to be a little bit of confusion this morning about freight. The West Coast Main Line here, as we saw, accounts for high-speed rail services, Pendolino type of services. It includes the local services, the smaller trains that you will have seen, and I think we did see a number of freight trains which passed through these lines, I think on the slow lines, I think it’s a four-track railway in this location, and the West Coast Main Line is the busiest artery in the country and there is a lot going on here by way of rail movements. So that happens and it must happen across the night-time period as well on the West Coast Main Line.

45. So this is Manor Road. There’s no doubt that that structure, the up-and-over structure, across the railway, you saw that in someone’s photograph this morning with the cemetery just in this location. Now the road and the railway are all subject to further consideration for noise, the noise effects, and it may well be that the noise effects at Hey House, which I think is a noise insulation qualifying property, so that property is receiving noise at the very highest of levels and that warrants a further consideration of mitigation and we have a noise insulation policy, I think in information paper E9, and I don’t know if we can just turn that up. I just want to show you some paragraphs in there that, despite the fact that we’ve carried out an assessment at this stage, we made some value judgements about the mitigation, which goes alongside the railway, the barriers and the bunds and that sort of thing, we’ve also included for noise insulation. But our
policy also drives up towards ensuring that the Government policies for noise insulation are adhered to and that’s where we have properties that are severely affected. So if we had any significantly affected properties, the SOAEL-type properties, we would always be mitigating those further and that we would always lower the noise received from those properties who are within the LOAEL kind of contour so that we attempt to minimise that effect wherever practicable. And that is subject to an economic test. That’s the modern way of doing things these days. And yes, here we go.

46. MR MOULD QC (DfT): I think it’s paragraph 3.1 and 3.2 you want to –

47. MR MILLER: Yes. I think it’s important to highlight those two paragraphs. I’m not going to read them out; you’ve got them there. But there’s more to come on this. So, despite the fact that we have properties like Hey House is a heritage property, it’s Grade II listed, we don’t stop there. We think about that and think about what further mitigation could be provided.

48. Now, I’m not saying this will be the case but part of that consideration may be, can you do something else with the road, for example. And there are further grounds that the local planning authority can draw upon under schedule 17. And the local planning authority can say, if they feel that there are other reasonable measures that could be employed to improve the amenity of that local area, then they would expect HS2 to think about those and come up with plans. So whilst I can’t say here precisely what that might be, that might lead to a conversation about, ‘Can we do something else for the cemetery in this particular location?’

49. So if we return to the plan again and then I think we were talking about footpaths. So, very similarly, if we go – I think here we are.

50. MR MOULD QC (DfT): That’s Red Lane.

51. MR MILLER: Yes. There was a nice photograph of that, I think, yesterday and I think we all got this is quite an attractive landscape with some pretty mature trees in it. But, anyway, here the footpath is not severed. It will probably be disrupted during the construction period but we have what’s called a green bridge in there and if we could just zoom into that location, please. I think we touched on this once before. The idea of the green bridge is to maintain that bridleway. We put the design up for these green
bridges for bridleways to take account of the British Horse Society standards. So there’s a certain parapet height which comes along with these structures to make sure people don’t fall off their horses and then into the railway. That’s kind of a safety consideration. But also we aim to keep that type of path maintained in an attractive way so we’ve opted for a green outcome here to try and maintain that access on that footpath. So this is one example, I’m not drawing on all of the footpath examples, but this is one example of where we’ve taken this into account to try and maintain that on its line. We haven’t been able to do that in all cases. I’ll touch on another one in just a minute but there are some footpaths where they will be stopped up but then they will be diverted. That means that the footpath is lengthened. They’re not, in effect, extinguished. They will exist as footpaths but they’ll go in slightly different locations. And I think that’s true for most of the others.

52. And then we’re into Bar Hill and I’m not going to touch on the traffic here. Suffice to say that there are very limited options for using roads in this location. I think we all got that from the site visit. And, regardless of whether you are creating a surface route through here or whether you are building a tunnel, you’re going to have to use these roads in one way or another. And you can play tunes on the volumes and durations and that sort of thing but you’re only playing tunes on that sort of thing. It’s big construction. There’s no doubt about it.

53. So then you get into the tunnel here. Sorry, I should say there’s Bar Hill Farm, which came up this morning, which I think the farm shop is just down here.

54. MR MOULD QC (DfT): Yes.

55. MR MILLER: Anyone correct me if I’ve got that wrong.

56. MR MOULD QC (DfT): That’s right.

57. MR MILLER: And we did return to that over lunchtime and the environmental statement does say that that property is in jeopardy in terms of being – or the holding, the way that the railway affects it. We will need to come on to this when they come in so –

58. MR WIGGIN: What do you mean about jeopardy?
59. MR MILLER: – I don’t want to go too far with that at the moment but we are assessing that that particular holding is very badly affected. Now, as I understand it, the farm shop exists because of the way that the livestock works on that holding and that they have a butcher, butcher’s shop –

60. MR MOULD QC (DfT): No, I think –

61. MR MILLER: Oh, sorry.

62. MR WIGGIN: What do you mean by – you said it’s in jeopardy. What does that mean? Does that mean –?

63. MR MILLER: Well, being put out of business, basically.

64. MR WIGGIN: Yes. So does that mean it falls into the total purchase?

65. MR MILLER: It would do, yes.

66. MR WIGGIN: Yes.

67. MR MILLER: So they – I’m not sure exactly what the compensation arrangements are. We’d have to get one of our land property people in to have a look at that with you. But –

68. MR MOULD QC (DfT): Well, if that is the consequence of the railway that they effectively –

69. MR WIGGINS: They get bought out.

70. MR MOULD QC (DfT): – have to wind up they get the value of the business as a going concern.

71. MR WIGGIN: And the land?

72. MR MOULD QC (DfT): And the land, yes.

73. MR WIGGIN: Okay. All the land or the 40% that’s used?

74. MR MOULD QC (DfT): No, all of it. If the whole business has to be wound up as a result of our scheme they get full value for the land and for the business.
75. MR WIGGIN: And is it likely you will have thought about that before we see them?

76. MR MOULD QC (DfT): Yes. We have already met with them. They are a petitioner and there will be further discussions with them. Our ambition, obviously, is to seek to make arrangements so that they are able to continue because it’s in our interest, very much in our interest for the reasons I’ve just given to you, to build and to operate the scheme with the necessary mitigation to enable them to continue because it costs less to the public purse, generally speaking, to accommodate people than it does to compensate them in money.

77. THE CHAIR: It strikes me if the system’s working we hopefully won’t see them because –

78. MR MOULD QC (DfT): Well that’s –

79. THE CHAIR: – you will come to some agreement. Before I come back to Mr Miller, I’m a bit confused about this bit of the session because it appears to be getting into, ‘Let’s go through the whole line’, and we’ve got an overview. There seem to be some specifics – so specific, perhaps not needing that level of detail, or the generality and overview, which we’ve already got. So I’m struggling to see what we’re doing with the information you’re now giving to us because most of it we already have. Whether you’re formally reminding us of stuff you’ve already told us, and I’m not finding that desperately helpful, or whether there’s a broader issue that you’re trying to draw out of –

80. MR MILLER: Well, what I’ve attempted to do is to highlight to you that there are a number of things that have gone on within the design that other people have not highlighted or chosen not to bring forward, which has been part of a very careful consideration over the years and that haven’t been highlighted yet. And what I wanted to highlight through here is that, and I’ve not picked up on all of the footpaths, for example, we can end it here, that’s fine, but what I’m trying to do is say to you that the scheme that we’ve put in the Bill has been very well thought about. There’s been care taken through the design and that we’ve attempted to overcome what others call harm we’re saying that we’ve actually taken that into account in the right way and this is the business of preparing an effective and mitigated design for the railway.
81. THE CHAIR: Sure.

82. MRS MURRAY: Can I ask, Mr Miller, you’ve clearly taken a lot of care and put a lot of thought into this. Has that been communicated to the various communities along the route?

83. MR MILLER: Well, I believe so. There have been a large number of consultation events here. You heard from Sir William Cash yesterday that there were a variety of events and there was a bit of discussion about that. So that started off very early on in the process and I know that there were changes to the scheme design for a variety of reasons. So we took the auctioneering out at a very early stage and then, through the development of this scheme designed towards Parliament, there have been local events and that sort of thing.

84. MRS MURRAY: And through you, Chair, clearly the message is that you’ve picked up during these consultations you have tried to address those concerns as you have progressed.

85. MR MILLER: Yes, that’s right.

86. MRS MURRAY: Okay. Yes.

87. MR MILLER: We get a good feeling for those sorts of things and through this design we’ve picked those up in so far as we’ve been able to.

88. MRS MURRAY: Thank you.

89. MR MOULD QC (DfT): Can I just come in just on your point from the perspective of, if you like, the legal issue, which is – or the judgement issue which we discussed yesterday evening? Our position is, and this is certainly the position which has been taken with previous committees who had to make similar decisions, our position is that the best and most informed decisions on the balance that you asked me about yesterday is informed by a clear understanding of the degree to which the railway that is included within the Bill is already mitigated to address the significant effects that flow in that section between Whitmore in the south and Madeley in the north. And what Mr Miller has been showing you is the scale of mitigation that is already built into this scheme and reflected in the costs –
90. THE CHAIR: I thought that was the point and my message to you is we’ve got that point.

91. MR MOULD QC (DfT): Good.

92. THE CHAIR: Don’t layer on another story about that. We’ve got the broad point and we’re never going to go through nor were you intending every single issue. I think we’ve got the point that you’ve consulted, you’ve mitigated as much as you think is proportionate to balance the scales.

93. MR MOULD QC (DfT): And then it’s for you, obviously, to decide whether you think going to the tunnel is in proportion to what remains or whether it’s disproportionate to what remains.

94. THE CHAIR: Indeed.

95. MR MOULD QC (DfT): Yes. Well I’m grateful for that and so Mr Miller’s presentation, I think, is largely concluded.

96. MR MILLER: Okay.

97. MR MOULD QC (DfT): Did you want to say something about the agricultural land because you had, I think, a figure for the – if we go to the slide that sets out the amount of agricultural land that is lost to the scheme and that is P34(7) and we know that 190 hectares of agricultural land is permanently lost to the twin-tunnel scheme and you were going to – I think you undertook an exercise in, Mr Miller, just working out in broad terms what the value of that land was.

98. MR MILLER: Yes. Well, I was hoping that we’d have a more detailed costing around this but we had previously talked about the agricultural land costs. It’s around about two and a half acres to a hectare so we’ve got 475 acres there and then around about 10,000 – I think we said before, in answer to you, Mr Wiggin, that would go for an acre of land. So that’s 4.75 million for the overall loss of the agricultural land on the proposed scheme. And, of course, there would be a fraction of that which is related to the ancient woodland compensation that others have outlined to you. Clearly, for the ancient woodland side of things there would be – and I also think that that figure is probably a little bit light because you would have to think about things like farm
infrastructure and that sort of thing so you might have to alter drainage on the land to get it back into use or to get it back and working for the ancient woodland in response. So there’s probably a little bit money in that. You might go to double that for the land costs and the purchasing and the disruption. So I would say that that was probably something like 9.5 to 10 million in that. Clearly, for the ancient woodland you would have the cost of planting that up but that would be pretty negligible in terms of cost. You’re not talking about tens of millions, I don’t think. There’s a bit of translocation of soils and that’s probably a little bit more expensive. And then you’ve got the maintenance of that. What’s built in, as already said, is a range of build-up costs for taking account of the up to 50 years’ monitoring and maintenance. So that’s included in our scheme but I don’t have that, unfortunately, split out.

99. MR MOULD QC (DfT): I can give you a figure for the capital cost of land acquisition and mitigation works for Whitmore Wood, the question that Mr Wiggin asked me, and the figure that I have is of the order of £1.4 million. That doesn’t include the costs of maintenance over the period that I showed you and, obviously, that would be another sum but it gives you a broad idea of the costs involved in acquiring the land that was shown on that plan and then undertaking the works to create those areas of woodland and so forth.

100. MR WIGGIN: Yes. It’s a surprisingly small amount.

101. MR MOULD QC (DfT): Well, that’s the number I have. £1.4 million.

102. MR WIGGIN: But that doesn’t include the maintenance.

103. MR MOULD QC (DfT): Doesn’t include maintenance. And, obviously, over 50 years maintenance cost would be another fairly significant sum of money.

104. MR WIGGIN: But you must have an idea what that maintenance figure –

105. MR MOULD QC (DfT): I don’t at the moment. We’re waiting for –

106. MR WIGGIN: But you’re on it.

107. MR MOULD QC (DfT): Yes.

108. MR WIGGIN: I think one of the things that will help you is that we’re trying to
balance the various valuations.

109. MR MOULD QC (DfT): Yes.

110. MR WIGGIN: And the Woodland Trust were quite convinced that the value of the ancient woodland was –

111. MR MOULD QC (DfT): Priceless.

112. MR WIGGIN: – hundreds of millions. No, not priceless. There’s a numerical figure that the tunnel costs so it’s not priceless but it’s extremely expensive.

113. MR MOULD QC (DfT): Yes.

114. MR WIGGIN: And, therefore, when we’re trying to balance that it would be helpful to have some idea of how you have valued the alternative because that’s what you’re proposing.

115. MR MOULD QC (DfT): Yes. Well, as you say, I entirely understand the point and so that gives you at least some idea of the capital cost element as far as we have estimated it. The –

116. MR WIGGIN: Thank you. Well, if you let us know when you’ve got the full picture that would be great.

117. MR MOULD QC (DfT): Yes. The other point that may help in drawing the overall balance that you’re touching on is if you notice there that we are predicting six dwellings in this area as being eligible for noise insulation under the twin tunnel scheme. We expect to be able to address the ground-borne noise effects through the detailed design of the tunnel, particularly now that we are luring the tunnel to – as part of the southern extension of the Whitmore Tunnel. If you assume that each of those dwellings is worth, say, £1 million – you were told this is quite a desirable area – and then you apply a factor of, say, 25 per cent to reflect the reduction in the value of those premises from noise effects, which is a recoverable sum under the Land Compensation Act (1973), it gives you some sort of idea, we suggest, of the – of the scale of cost that would come from providing financial as well as – financial compensation as well as sound insulation to those properties. And again, it’s in the order of, what, perhaps, £1.5,
£2 million on that basis.

118. All of this is very broad brush, but it gives you some sort – you’re searching, I think, for quantification where you can get it and so that’s designed just to give you a sense of where we think that might land on that point. I think, Mr Miller, that covers your –

119. MR MILLER: Yes.

120. MR MOULD QC (DfT): – what you wanted to say. I believe we have covered through that and through some of the other points of information I’ve dealt with. Sorry, I was going to say I think we’ve dealt with some of the particular points.

121. THE CHAIR: From your position, you think you’ve finished?

122. MR MOULD QC (DfT): Save I think – I’ve just remembered we need to deal with the football club.

123. THE CHAIR: Okay, do you want to deal with the – Sandy, football club first or you first? Your choice.

124. MR MARTIN: No, this – no, actually, this arises from something I asked earlier. Just a small point, but I’d quite like to clear it up. Going back to the viaduct and the noise mitigation over the viaduct, you say there’s going to be noise mitigation panels or something on the viaduct. Have these been used in the past on previous viaducts?

125. MR MILLER: Yes, they have. Yes. So, not necessarily the type that we’ve been showing here. I think we said it was a four-metre high barrier is a barrier. But if you go down to Maidstone, where we’ve got a viaduct alongside the A2/M2 roads, there is a 1.4-metre noise barrier and we’re looking at that at the moment. And that’s been built into the design. That particular design was taken on board because it helped the overall aesthetic of that structure. And on that particular project, that was further scrutinised by the Royal Fine Arts Commission. So, we’re not going down that route on this particular project, but you can see – that gives you a clue as to the level of input that we make on these structures when you come out of this parliamentary type process. And this structure is exactly in that category. It’s a key design feature under the information paper D1. So we’re committed to that level of scrutiny going forward – the design panel
and that sort of thing that we’ve talked about before, and then the barrier will be included in that design as a feature.

126. MR MARTIN: But the point of my question is that –

127. MR MILLER: And those barriers are effective.

128. MR MARTIN: Yes. The sound profile that you have on here is not purely theoretical; it is actually dependent on some empirical evidence from previous barriers.

129. MR MILLER: Yes. It is, yes. Yes. And I think you’ve been to the sound lab and you’ve got an idea of how barriers kind of work with railways. And yes, that’s exactly it.

130. MR MARTIN: Okay. Thank you.

131. MR WIGGIN: Just – I may have missed it and I apologise. Permanent loss of agricultural land: 180 hectares. How much of that is for mitigating planting new woodland and things and how much is actually railway usage?

132. MR MILLER: I think the – well the ancient woodland I know is 36 hectares on the remainder for the mitigation, but outside of that mitigation you can see that the type of planting that we’ve added in, that it’s pretty much in amongst the cuttings and the – sorry, the embankments of the scheme design itself. And so it’s – there’s a few bits of infill woodlands where we’ve got remnants of agricultural land.

133. MR WIGGIN: It’s just really a breakdown so that we know that the loss of woodland habitat is 33 hectares –

134. MR MILLER: Yes.

135. MR WIGGIN: – and ancient woodland is 6.7. And then we know that you will be taking large – 190 hectares of farmland –

136. MR MILLER: Yes.

137. MR WIGGIN: – and exactly how you breakdown what you’re doing with that would be very helpful.
138. MR MILLER: Yes.

139. MR WIGGIN: Because some of it will provide a different sort of habitat, but habitat nonetheless, and other bits will not because it’ll be covered in a track.

140. MR MILLER: Yes, the biggest response tends to be our response to the ancient woodland.

141. MR WIGGIN: Well ancient woodland we know is irreplaceable, so that you can’t do, but you can mitigate.

142. MR MILLER: Yes. Yes. We can come up with more.

143. MR MOULD QC (DfT): We’ll try and give you a table which has got the area that is lost between the fence line on the railway and the balance that is taken for the mitigation activity outside the fence line.

144. MR WIGGIN: That would be very helpful.

145. THE CHAIR: Yes, Sheryll.

146. MRS MURRAY: That was my question about the fence line and the railway and whether that strip of land would provide habitat, so, yes.

147. THE CHAIR: Yes. Okay. Football club?

148. MR MOULD QC (DfT): Yes, the football club and then I’ve just been handed – told I can also show you the geological map, which another petitioner asked you to see yesterday. So the football club, we can put up P – we can put it A297. There’s the football club. Here is Manor Lane – or Manor Road, rather. And you recall there were concerns this morning about whether the football club would be able to continue to function. Just – our position is that we see no reason why not. Firstly, no land is taken from the football club for the railways. You can see the football club is an area of white land. That means it’s outside the acquisition limits. Secondly, we do not propose to restrict the access of the football club onto Manor Lane and I told you this morning that Manor Lane would remain open for traffic, say, for possibly a weekend when we need to just tie in the overbridge at each end.
149. Thirdly, the area of works that are proposed closest to the football club, that’s an area where we’re creating a grassland habitat for mitigation, so that will be relatively benign construction activity. And then fourthly, and perhaps most significantly, we were told that the football club, it’s main – the main day that it meets for football is on a Sunday and we will not be working on a Sunday. So that’s the – those are the points we draw to your attention in relation to the football club.

150. MR WIGGIN: The grassland mitigation, what sounds to me like a football pitch, or not?

151. MR MOULD QC (DfT): I don’t think it would be a football pitch, unless I’m told that it can perform its function as enhanced grassland whilst people play football on it. Generally speaking, it has to have – I suggest it probably can’t support people charging round in football boots for that purpose.

152. MR WIGGIN: Generally, people do play football on grass though.

153. MR MOULD QC (DfT): Yes, this is enhanced, this is enhanced grass.


155. MR MOULD QC (DfT): Well it’s got a nature conservation value. If you want a bit more on that, I’ll have to defer to the expert.

156. THE CHAIR: Sheryll.

157. MRS MURRAY: Just very quickly, you mentioned Sundays when matches take place.

158. MR MOULD QC (DfT): Yes.

159. MRS MURRAY: But there are – there’s a lot of training involved –

160. MR MOULD QC (DfT): Oh, yes.

161. MRS MURRAY: – with football clubs and they very often train in the evenings.

162. MR MOULD QC (DfT): Yes.
163. MRS MURRAY: Would it be your intention to or could you possibly make sure that access to the football club when it’s used most times could fit in with your operations or not?

164. MR MOULD QC (DfT): Well, as I say, unless things go wrong, we don’t expect that issue to arise because we don’t propose to interfere with access to the football club in any event. Manor Road will remain open and people – if people drive or walk or cycle, whatever it may be, they’ll be able to get to and from the football ground throughout the construction works. But in so far as evening training is concerned, as you know, core working hours for this project do not extend into the evening. They go up, I think, to 6 o’clock and to 1 o’clock in the afternoon on a Saturday and this is not an area of the railway in which I would expect there to be any significant requirement for out-of-hours working. This is an area where I would have thought that the core working hours would be the predominant pattern of working, yes. So, I hope that gives a little bit more –

165. MRS MURRAY: Yes, thank you.

166. MR MOULD QC (DfT): – reassurance on that point. So that’s the football club. Can I just then finally put up P48? And this is an extract from the geological map for the Whitmore-Madeley area and we can orientate ourselves – here is the West Coast Main Line running – here is the out of use railway line and the Madeley chord. The Madeley fault, as you can see, is the geological feature which is running across the plan here. And then there are – there’s another fault called the Honeywell fault that is running along this line here. And then finally, the Madeley – the glacial channel that was shown on Mr Hindle’s long section is shown here. And if you could imagine that HS2 is running broadly along this line here, you can see the point Mr Smart was making, that there is at least a risk here, given where the water table lies in relation to the assumed position of the single tunnel, there is clearly a risk of those faults providing a route for water to penetrate into the tunnel bore whilst the tunnel is being constructed with an open face machine. That I think was the nub of Mr Smart’s point. So we’ve done what we were asked to do; we’ve provided you with that mapping.

167. And unless I can help you further at this stage –

168. MR WIGGIN: What is a fault?
169. MR MOULD QC (DfT): A fault?

170. MR WIGGIN: I’m familiar with the San Andreas fault, but I’m not familiar with the Honeywell fault in quite the same way. So we’re not going to have an earthquake, but what is it?

171. MR MOULD QC (DfT): As I understand it, and again, you’ll forgive me, I’m stepping beyond –

172. MR WIGGIN: Sorry. Well, we share your pain on this one.

173. MR MOULD QC (DfT): Well if I go wrong on this, I’ll be corrected. Because I understand it, a geological fault is an area where there is, for example, a fissure in the rock which is a crack, effectively, within what is otherwise solid rock formation underground which allows groundwater, if it’s present in the area – it allows groundwater to pass through it. So, as I understand it, that is what –

174. THE CHAIR: We’re getting a few nods from people behind. Sorry. I think you’re okay. I don’t think we’ve got any more questions.

175. MR WIGGIN: My expert, Sandy – well I’ve picked up quite a lot of water in the middle of this, which is relevant.

176. MR MARTIN: I was just looking at where the contour lines are because obviously the river will be midway between the lowest contour lines, won’t it?

177. MR MOULD QC (DfT): I think the river is running in a broadly east-west direction, isn’t it, as I recall, Mr Miller?

178. MR MILLER: Yes. It’s just in that area.

179. MR MOULD QC (DfT): In here?

180. MR MILLER: It just comes round here.

181. MR MOULD QC (DfT): Yes. I mean, of course, it’s not just surface water, it’s whether there’s groundwater as well, which is – which may find that pathway through. Anyway, that was our point.
182. THE CHAIR: Thank you very much. So, I think that concludes your bit. I think Staffordshire Council want a few final words. Just so we’re prepared, I’ve got no idea whether your idea’s one minute or 10 minutes.

183. MR BOOTH: Ah, sir, I promised you two minutes yesterday and I heard what you said about a good submission being a short submission, so it is two minutes only.

184. THE CHAIR: That’s absolutely fine.

185. MR BOOTH: If that’s all right.

186. THE CHAIR: Yes, yes. I was just trying to work out what –

187. MR BOOTH: No, no, no, it’s not a question of settling in for the afternoon, sir. We’ll be over very quickly.

188. THE CHAIR: Yes.

189. MR BOOTH: Sorry.

Submissions by Mr Booth

190. MR BOOTH: And I’m grateful to the Committee for allowing me the opportunity to draw strands together. And, ladies and gentlemen, as I said, at the outset, the disagreement here, we say, is one of balance. There is no dispute that a single tunnel will have material environmental benefits as compared to the two-tunnel option, and indeed, to quote the language of the HS2 report, ‘The single tunnel is a major improvement over the proposed scheme.’ And what Mr Thompson for the Council sought to do was to identify some of these environmental impacts, as caused by the two-tunnel scheme, and very largely, those impacts are recognised by HS2. The important point though is this: save for the loss of the ancient woodland, we do not say that any one of these impacts is decisive. But, sir, there are very many of them. There are the noise impacts, there are the heritage impacts – small though they may – be, there are the landscape impacts.

191. But what we say is this: cumulatively, the position is a very significant one and the potential loss of the ancient woodland should, we say, of itself be determinative. That may not be a view that is shared by all, but we do say that when you take that loss
of ancient woodland and aggregate it together with these other impacts, we say that the case for the single tunnel is made, and it is on that basis that the county council, supported by parish councils and the woodland trust, appears today.

192. Sir, the point made, and it’s really the only point made by HS2, is that the additional cost, they say, that would be incurred is excessive. And of course, cost is a relevant consideration. There is, as I said at the very outset, clearly a balance to be undertaken. But we do say that HS2’s assessment of the comparative costs of a two-tunnel scheme and a one-tunnel scheme is not sound. It is not a differential of £170 million. It is a differential far closer to the figure identified by Mr Hindle of £60 million. And I don’t propose to take you through all of that evidence. You heard it yesterday, you’ll be very pleased to hear. But what I do say is this: Mr Martin, in my submission, rightly identified the key issue, which is the cost of the earthworks, which would be avoided in the event of a single tunnel scheme.

193. Now HS2 say that that cost is only £8.8 million. But, at the same time, they accept, both in their slides, and helpfully, aurally, Mr Smart yesterday confirmed that they cannot identify those earthwork costs for this section or indeed any section of the line. The best they can do is to pro rata a figure through a model which they run relating to the entirety of the line. Now Mr Hindle, with all his years of experience, has sought to cost these earthworks and he puts the figure at £60 million. That is, we say, a robust figure against which to assess the earthworks saving for the single tunnel. And again, we do say it is not just simply a question of costs. You heard from Mr Hindle also as to his view that actually a single tunnel derisks this project materially, because, whilst you are driving that tunnel, you are avoiding the multiple interfaces. You are avoiding running the viaduct over the West Coast Main Line, with fewer portals, fewer interfaces, no viaduct and so on. It is a better engineering solution as well as a better environmental solution.

194. And sir, it’s on that basis that we say the Committee should grasp the nettle and direct HS2 to revise the scheme. At the very least, we say, the Committee should require an independent peer review of both schemes and their relative costs and provide it to the Committee and that can be done on a confidential basis in so far as there are concerns as to commercially sensitive material, but we say, sir, that at the very least, that assessment should be done. But beyond that, sir, I can commend to you, as I say, on
behalf of Staffordshire County Council and also Newcastle-under-Lyme, the single tunnel scheme. I may have run slightly over my two minutes, but I can’t have done it by much.

195. THE CHAIR: You have a good ally in Mr Wiggin, who shut me up from shutting you up. Thank you very much. We’re now going to move into a private meeting so we can deliberate on what we’ve heard. Thank you very much.