MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 15 May 2018 (Morning)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

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WITNESSES:

Jeremy Lefroy MP
Frank Simmons and Angela Simmons

IN PUBLIC SESSION
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1. THE CHAIR: Thank you very much, Mr Lefroy, for petitioning and coming to the Committee this morning. We look forward to hearing your petition.

Jeremy Lefroy MP

Submissions by Mr Lefroy

2. MR LEFROY: Thanks very much. So, Mr Chairman, members of the Committee, I’m very grateful for the chance to appear before you this morning. In my petition there are 26 individual subjects which fall broadly into three categories: those which are on behalf of individual constituents or landowners, who have also petitioned in most cases, and I propose in those cases to simply mention them and not go into detail as the Committee will no doubt be dealing with them in detail, either already has done or in the future, and my petitioning on their behalf is to show the importance which I place on those particular matters; and, secondly, there are substantial matters of concern to many of my constituents which can, I think, be addressed relatively easily and speedily; and then, finally, there are two complex matters of very great long-term importance, and I stress long-term and I’ll come back to that later, which are tunnelling in my constituency and the proposed IMB-R at Yarnfield near Stone which obviously is in our colleague’s, Bill Cash’s constituency, but has a very substantial long term impact on my constituency and on Phase 2A as a whole.

3. So, I’d like with your permission, Mr Chairman, firstly to address matters concerning individual constituents and I appreciate that this is a moving target and therefore some progress may have been made on these cases since I was last updated so I apologise if progress has been made of which I’m not aware.

4. Section 7 in my petition which is Moreton House Farm. I’ve visited this site several times. I declare an interest in that the owners are good friends of mine but it’s quite clear to me that this farmhouse needs to be moved away from the line and that the construction of the replacement needs to be undertaken in good time. I know that HS2 have engaged with my constituents but I don’t think a resolution has been reached and I ask that this process be accelerated because clearly there’s the matter of planning permission for the new dwelling and so on.
5. If we move on to section 8 and if I may have slide A75(2) if that’s possible? Yes, this is the proposed compound at the junction of the A51 and Hoo Mill Lane. Again, this problem has taken far too long to resolve. The proposal is that, effectively, this house be entirely surrounded by hoardings and my constituents be required to continue to live there. That is just not acceptable. It needs to be sorted out and I would ask that the Committee instructs HS2 to reach a fair and reasonable solution with my constituents as soon as possible.

6. Could we move on to slide 5, A75(5) please? So, this is the Canalside Farm Shop, Café and Marina which is a thriving rural business employing over 40 people which I’ve seen grow very substantially since I was elected. The route runs through one end of the site on a viaduct. If you see the picture on the left of the canal, the viaduct will be coming over the canal in the background there.

7. THE CHAIR: We had lunch there when we visited.

8. MR LEFROY: You did? Okay. And, well, you’ll know better, I won’t expand on that. So, I’m asking that HS2 agree a reasonable access route which they’ve asked for which will not disrupt or damage that constituent’s business because they’re one of the major employers in that area, a very good family run business which must be allowed to continue. There’s also a question regarding the risk to the marina basin. In terms of the construction, there are some worries that the marina basin may be affected. The marina, you probably saw, is beyond the farm shop and the café here behind there. So, again, I would ask that that be looked into carefully by HS2 so that there was not that risk to the marina basin. This is a very, very popular area for canal holidays. That marina is an extremely important part of the canal infrastructure for the whole of the West Midlands.

9. I move on to section 10 which is Conifers in Tolldish Lane. There is an issue where I’m asking HS2 to address the reality of the situation for my constituents. They are considering that the property is, in effect, in two parts whereas it’s absolutely together and the whole unit should be purchased, not just part of it. I’ve had this circumstance before in another issue where I had to take it up on behalf of the constituent where they tried to say it was two different parts and that eventually went to court and my constituent won, at considerable cost to the taxpayer I’m sad to say.
10. At section 11, several of my constituents have pointed out, and this is a general matter, the inordinate amount of time which they've been required to devote to dealing with HS2’s impact on them and their businesses and I’m extremely concerned as to the viability of some of these businesses and it’s my contention, my request, that HS2 should be required to pay reasonable compensation for time taken and out of pocket expenses. We’re not saying that this should be very large amounts of money. However, we’re saying that there should be reasonable compensation for this.

11. MR WIGGIN: You’re not asking for profits forgone, just compensation for time taken?

12. MR LEFROY: For time taken.

13. MR WIGGIN: Yes.

14. MR LEFROY: And out-of-pocket costs. I then, Mr Chairman, cover sections 12, 13 and 14, Upper Hanyards Farm, Tithe Barn Farm and Park Farm. Now, these are gone into at great length in my petition and, indeed, the petitions of those individual constituents so I will not spend much time on it but I do want to bring out some of the core points here. There has been some contact between HS2 but I have to say, over the last year and a half or more, there’s been very little, if any, contact and that needs to be stepped up. I had an email yesterday from the agent involved in at least one of these cases and I quote, he said ‘There has been no meaningful engagement at this time’, and that means now, and these are landowners who have large amounts of land which is required by HS2. The main point I wish to highlight is the extent of the land being acquired by HS2 from my constituents. So, in several cases, my constituents understand that land is required for construction but will not be needed once the line is in use and they want the option to have it back. It’s their land that they’ve had for many years, sometimes generations. So, that’s one point.

15. The second point is they would like to have greater notice than 28 days when temporary possession of land is required, especially when in fact temporary means quite a considerable length of time. It just means not permanent. So, 28 days, for permanent possession I think three months is the time. I think 28 days is too short, particularly for people engaged in agricultural and rural businesses.
16. There have also, Mr Chairman, been a number of instances where constituents have encountered problems in obtaining planning permission for buildings replacing those which will be acquired or demolished and it should be common sense that, in cases like this, replacements should be granted planning permission without delay and I would ask that HS2 work together with my constituents and the local council in ensuring that this is the case.

17. They also point out that due to the route of HS2, as is indeed the case throughout the route, farms are being severed and my petition is that in all such cases, HS2 should work urgently with the farmers to ensure that there’s a proper plan for the future viability of the farm, including livestock and farm vehicle overbridges or underpasses and services and that this is agreed prior to any purchase of land. I point out, as some of my constituents do, that they are saying, really, to have a viable dairy farm, you need 400 acres and 400 head of cattle. In some cases, the line is splitting this right down the middle and making dairy farms pretty much unviable unless there is proper connection between the two. I draw attention to another constituent of mine who, when the A34 was being dualled way back in the 1960s, and I declare an interest because his son actually works for me, worked with the then MP, Sir Hugh Fraser, to ensure that there was a cattle underpass under the A34 so that the farm was still united and it’s very important, I believe, that these farms should be, where the owners want that to happen, which in most cases it is, they should remain united.

18. If I move on to section 15 and if I may have photo A75(9). This is the Staffordshire County Showground which I think, Mr Chairman and colleagues, you will already have seen. My constituents have submitted their own petition so I’m going to limit myself to the main point which is that it is a major local and regional business, an employer, and stages events of national and international importance. Just last weekend there was a dog show with several thousand dogs there from around the country and beyond. Its economic impact is considerable throughout Staffordshire and it’s essential that it continues to operate throughout and after the period of construction. There’s no way it can be put somewhere else. So, this would be best achieved, I would contend, if the line were in a tunnel as it passes through the showground but I will leave it to – that’s my personal opinion, obviously the showground will have their own views and I would respectfully defer to them in what they are going to ask for. The main point is
that the showground will lose a considerable area of land for car parking on. That needs to be replaced, adjacent to the showground because clearly you need the car parking for all these shows to happen and there needs to be agreement for compensation payable to the showground for any loss of business as a result of the construction. It’s a major employer of great importance in my constituency.

19. I would like to take four now together, which is section 16, 17, 18 and 19, four individuals and in all these cases, Mount Edge, Mr James in Hopton, The Old Vicarage in Yarlet, Mr and Mrs Stevenson in Hopton, I don’t consider that my constituents have been treated reasonably by HS2. In some cases, the purchase of their property has taken far too long and resulted in deterioration in the health of my constituents as well as other personal difficulties and I’ve seen that for myself as have my staff and, in other cases, the manner in which HS2 has handled the fair valuation of the property is unreasonable. Now, it’s not just these four cases, I’ve had many others but these are ongoing ones at the moment. My constituents have no choice but to sell. They don’t want to. They should not be doubly penalised by being forced to accept below fair market value and facing considerable delays when they have identified a new property to move on to.

20. Yarlet School, section 20, I know that they will be appearing before your Committee next month so I will just raise the one point, major point, in which I entirely support them, which is the matter of concern of access to the school. At the moment, the school is accessed from the A34 only and I agree with my constituents that additional access from Enson Lane is vital as access via the A34 is likely to be extremely difficult during construction. Indeed, my constituents wrote to me yesterday to say that, and I quote ‘Having read the transcripts of the Stone and Chebsey hearings, and their subsequent statement, I am more than ever persuaded that Yarlet has to insist on alternative access to protect itself from the aggregate impact of the disruption to the A34 caused by the various HS2 works’. I will leave it to my constituents to make that case further when they appear.

21. THE CHAIR: Thank you

22. MR LEFROY: But I’m extremely concerned about the future for this important school.

23. Moving on, Mr Chairman, to section 21, if we could have photograph A75(6) and
then A75(7), just to give you an idea of the surroundings. That is St Mary’s the Virgin Parish Church which was probably the most northerly church designed by Sir Christopher Wren. You’ll hear from my constituents from industry later today, I believe, so I won’t detain you except to stress the importance of the matter of the geology of this area and the consequences of construction of HS2 here, both on HS2 itself and on the surrounding area. So, the Committee will be aware the reason for the initial route for HS2 in this area which passed further north, near Weston and along the Trent valley was rejected was because it went close to the Pasturefields Inland Salt Marsh, a site of special scientific interest. Yet, the route under consideration here, also affects and is affected by an inland salt marsh, in this case at Ingestre. Now, my constituents, in particular the late Mr Michael Woodhouse, to whom I give huge credit and who did wonderful and expert work for his community, sadly passed away last year, consider that HS2 has not undertaken sufficient work on the geology of this area. We should not forget, as well, that Stafford was an area where very large quantities of brine were extracted over a long period. There were brine baths until 1977 and it’s not for nothing that a village in the area close to the HS2 route is called Salt. So, I would just draw the Committee’s attention to the importance of getting the geology right in this area and the fact that subsidence due to salt workings is a major issue and you’ll come across that later, or HS2 will come across it later, in the Cheshire area.

24. If I could move on to Ingestre Golf Club and photograph 8 if I may. Ingestre Park Golf Club employs about 30 staff directly and indirectly and is bisected by the route. My constituents are seeking equivalent reinstatement and I fully support this so I request that HS2 reach agreement on this at the earliest opportunity to enable the replacement course to be available when required. They are, no doubt, representing themselves as well so that’s all I’ll say.

25. If we may move on to photograph A75/11, St Leonard’s Church in Marston, a lovely old, very old church and I fully support the proposals set forward by the incumbent and church wardens of the church. They’ve made some very positive proposals to assist HS2 which I believe should be welcomed with open arms and I congratulate them on those proposals.

26. If we may move on to photographs 3 and 4, now I’m showing Great Haywood and then if I could show 4 as well, just to give an idea of the area but you will have already
seen this, the type of structures, the type of building, the estate, the buildings that surround the Shugborough Estate and, in respect of the design of Great Haywood Viaduct, given the size and impact of this viaduct on the beautiful Upper Trent Valley, it’s essential that it’s design is fully in keeping with the area which includes obviously the National Trust property of Shugborough, Ingestre Hall, the villages of Great Haywood, Little Haywood, Colwich and Ingestre. I heard last night of the agreement between HS2 and the National Trust which I welcome, that the Secretary of State will require the nominated undertaker to work on a collaborative basis in relation to the key principles for the design and appearance of HS2 works with several local councils and other bodies including the National Trust, Staffordshire Wildlife Trust and the Cannock Chase AONB unit and I welcome that and I think that’s a good solution. The one thing I would ask is that parish councils be included. They are not included in the body which is proposed to be established and I think they are absolutely essential to be in that.

27. If we move on to section 25, compensation, I have a number of cases where constituents were confused about the situation regarding purchase of their homes, perhaps because of their age or because they’d suffered a bereavement in one case. As a result, they found themselves substantially out of pocket and I talk of figures approaching £100,000 in some cases, and certainly tens of thousands in others, where they’ve sold their homes without going through an HS2 scheme because, frankly, they didn’t know about it or were not in a position to be properly advised. So, I request that HS2 have the cases of such constituents reviewed so that they may receive compensation for the loss they’ve incurred as a result of the blight caused by HS2. These are the people who’ve had to sell since the initial route was broadcast in 2013. It’s unreasonable that vulnerable people should be caused losses by this project when those who are perhaps better informed or aware of the situation were able to have their properties purchased at fair value.

28. So, if I may, Mr Chairman, move to the second part which is the matters of substantial concern to many constituents rather than just perhaps individual petitioners. Section 26 which is support for local health services, I’ve had many constituents raise issues that they have been quite badly affected by the whole of this project, particularly older people or people who are perhaps more vulnerable and this puts greater pressure on local GP practices, particularly I’ve noticed in the Great Haywood area, and I believe
that there should be some additional provision for that kind of pressure that is put on people to the local health service through perhaps the local CCG. So, I would ask for that to be raised.

29. Next, section 27, support for parish, town, borough and county councils, now in the response, parish and town councils are excluded. Now, I believe they’re the ones who are doing most of the work in this whole thing and it’s absolutely vital that parish and town councils should be –

30. THE CHAIR: I think you’re making a good point. Sheryll wants to come in.

31. MRS MURRAY: Could you just enlighten us on how many parish and town councils are involved here, please?

32. MR LEFROY: Right, in my constituency you’ve got the Colwich and Haywoods Council which covers those villages. You’ve then got Ingestre and Tixall and you’ve got Marston and then you’ve got, further over, what parish and town councils that go between my constituency and Bill Cash’s constituency. So, in total, there are probably four or five that are directly affected, directly or indirectly affected.

33. MRS MURRAY: And just as a follow on, have they been consulted through perhaps the primary authorities? Has there been dialogue maybe with the primary authorities so that the primary authorities have, in fact, been keeping them in the loop and acting on their behalf with HS2?

34. MR LEFROY: There has been, obviously, quite a lot of dialogue between the county council, Stafford Borough Council, in my case but what happens is often – for instance, when HS2 goes to a community, they will work together with – they will have it in the parish, or an exhibition in the parish community hall. So, there is a lot of direct dialogue and it is my contention, for instance, that there have been, and I’m saying this frankly, the dialogue has been variable. There have been employees of HS2 who I’ve rated very highly in terms of their connections with local councils and others who I have not. What we need is consistency and we need support for those parish and town councils, particularly in this period leading up to construction and through construction because the impact on – I mean, we’re already seeing depopulation in the area. Hopton has probably lost 10% of its residents. This has a major impact on community activities.
People who were the heart and soul of the community, left. Marston, the rector of Marston worries the church may not be able to survive, a church that’s been here for 600-700 years. These are the areas where we’ve got to ensure that after this, particularly after the period of construction, these communities are still there and are thriving, rather than just dead. So, this is incredibly important and I would like to see support. For instance, we’d asked for, in one particular hall in Hopton which is bearing the brunt of this, we’d asked for some support to repair the roof of the hall in which many of the exhibitions take place. We’re talking about a few thousand pounds. It’s not happened as far as I’m aware. Things like this need to happen in the context of this project which is having such a devastating impact on these communities.

35. MRS MURRAY: Thank you.

36. MR LEFROY: Thank you.

37. THE CHAIR: It’s a very good point.

38. MR LEFROY: If I may move on to section 2, Mr Chairman, this is an extremely important issue. When the plans for Phase Two were originally published in 2013, and if I may – HS2 have very kindly produced this file, if you look at the Phase 2A Bill Scheme, this here, you’ll see that the original proposal was for a service from London Euston via Stafford to Liverpool Lime Street, via Runcorn to Liverpool Lime Street. That would have come off at Handsacre on to the line at Stafford. You’ll also note there’s no –

39. THE CHAIR: Sorry to interrupt you, normally these things pop up on our screen. Is there a reference?

40. MR LEFROY: P153(1) if we may.

41. THE CHAIR: Thank you very much, perfect

42. MR LEFROY: So, this was the original scheme which, when it came out in 2013 it pointed out that despite the impact on Stafford, we would get a service which would go on to Liverpool which is the same service as we have at the moment, via Runcorn. So, although there was the problem, the huge problems caused by the line and the construction, at least we felt we were going to maintain our service. Of course, Stoke on
Trent was not included and it’s been a very major contention of mine, and you’ll be hearing from our colleague from Stoke on Trent South, at a future date, that it is absolutely vital that one of the probably top 10 conurbations in the country, Stoke on Trent, is not excluded from this.

43. So, the Secretary of State listened very carefully and if you look at P153(2) you’ll see a scheme now which includes Stoke on Trent and Stafford. It has the unusual feature that it ends in Macclesfield and even our colleague, the MP for Macclesfield, can’t understand why that would be the case. It doesn’t go on to Manchester Piccadilly or either one of the two great cities of the northwest, Manchester or Liverpool. I understand that that is work in process and there may be a solution to that. So, that just gives the context. What I would like to say now is that it is essential for my constituents, and indeed all of those served by Stafford and Stoke stations, and let’s remember that this includes a lot of people in Shropshire and indeed in Cheshire who use, I know a lot of people from, say, Telford who use Stafford station or people who come in from Cheshire who use Stoke station, that the HS2 compatible services connect between those stations and at least one of the major cities of the northwest, Liverpool or Manchester, and these changes, together with the potential capacity problems which I’ll outline later when speaking about the impact of the Stone Yarnfield IMB-R on the Norton Bridge – Stone railway which it’s envisaged that the services serving both Stafford and Stoke will use, make me concerned that the HS2 classic compatible services to Stafford and Stoke will be dropped, not immediately, maybe not even in the medium term, but in the long term, for capacity and timetabling convenience for operators in the future. And that’s why I’m petitioning for a clause in the Bill stating that Stafford and Stoke on Trent must always be served hourly, at least hourly, by HS2 compatible trains using the Handsacre link to and from London and to the northwest. Now, the importance of such a statutory or binding undertaking is shown in an instance in my constituency. Penkridge station has always been served, even when there were at some times in the past, proposals to stop them. Indeed, in 1962 it was proposed to close Penkridge station. However, the landowner who had sold or given the land to build that line, the Birmingham to Stafford line and Penkridge station, Lord Hatherton, and his descendant in 1962 stopped it because there was a covenant saying that there must always be services stopping on a daily basis at Penkridge station. As a result, Penkridge has thrived as a community and the number using that has gone up tremendously, even
in the last few years, it’s now well over a quarter, it goes up to 250,000 a year, when I first became MP I think it was 190,000, shows how important that station is yet there was a proposal, without that covenant in 1962, the station would have been closed and maybe never to be reopened which is why I’m asking, if that can happen for Penkridge, for stations of considerably more importance, Stafford has, I think, the best part of 2 million people a year, Stoke well over that, that we ensure through a binding statutory undertaking in the Bill that no future operator is inclined to take the easy step which is to say, actually, because these two stations are not on the HS2, we will drop them because of pressure, say, to provide more services up to Scotland in the future.

44. MR MARTIN: Can I just ask, without in any way wishing to have a go at the Member of Parliament for Macclesfield or indeed anybody else who lives in Macclesfield, I’m sort of assuming that if people from Stafford or Stoke on Trent want to travel north, they don’t particularly want to go to Macclesfield. If you had a choice, would Crewe be a viable alternative as an end point? I mean, I’m not sure what the HS2 response to this is going to be. No doubt there will be operational reasons why they’re going to Macclesfield but would you prefer it to go to Crewe?

45. MR LEFROY: It’s a very good point, Mr Martin. I would point out that it is vital that both Stafford and Stoke are served.

46. MR MARTIN: Yes.

47. MR LEFROY: If it was Crewe, the line between Stoke and Crewe is a very difficult one, particularly because of the platform configuration at Crewe. I’m not sure, but I’m not an expert on this, that it would be possible and therefore the last thing I would want is to say that’s fine for Stafford and then to see Stoke miss out unless, and this is another possibility, they were to allocate two train paths: one serving Stafford and, say, Liverpool and the other serving, say, Stoke and then Manchester or Stoke or Crewe or something like that but, at the moment, the only option we have is this one terminating in Macclesfield, although I do understand from the Secretary of State in private conversations I’ve had with him, that they’re looking at the possibility of this going further to, say, Manchester Piccadilly. I’m not sure. I think there are some technical problems around the Manchester or Stockport area which mean that this is difficult at the moment but, apparently, they’re not insoluble. But the main thing is, the
two main things, one is that both Stafford and Stoke are served by HS2 compatible services and, secondly, that at the moment, as you rightly say, I love Macclesfield but even the MP for Macclesfield agreed that probably not too many people from Stoke and Stafford would have that as their main destination. So, at the moment, what it looks like is yet another just pointing south, i.e. the main thing is just that people from Stoke and Stafford can get to London because that’s all they’re really interested in. We’re talking about the northern powerhouse. That goes completely against the principles of the northern powerhouse.

48. MR MARTIN: Indeed, indeed. So, actually, if Crewe is not viable then Manchester would be a lot better?

49. MR LEFROY: I think for everybody, Manchester and Liverpool are the two which we would really like to see or, one of those two, one of the great north western cities.

50. MR MARTIN: Yes, okay.

51. THE CHAIR: I wanted to hear the arguments but I think the remit of the Committee doesn’t let us look at new stations specifically but I think perhaps Mr Mould can clarify when he summarises what the parameters of the Committee’s powers are but it’s good context but perhaps noted and we’ll move on to other issues.

52. MR LEFROY: Thank you. I raise in section 3 the viability of the West Coast Main Line and I know HS2 have responded to this and I’m no expert on it but I do have a long-term problem here. The West Coast Main Line is, in parts, 175 years old. It requires a lot of maintenance. At the moment, there is the premium traffic where people pay well over £200 for a first class ticket to Manchester from London. That kind of premium traffic will disappear. My real concern is for the long-term viability of the West Coast Main Line. The West Coast Main Line will always carry far more traffic than HS2 so it will be completely destructive to the national rail infrastructure if the West Coast Main Line deteriorated as a result of lack of investment because HS2 had taken away the premium traffic. That is the only point I wish to make Mr Chairman. I’m sure there are answers to that but I wanted to flag it because I have never yet seen a proper long-term feasibility study for the maintenance of the West Coast Main Line which obviously, being an older line, requires a lot of money put into it when those
premiums are going into HS2 and clearly HS2 will be given priority on that.

53. Section 4 concerns the traffic situation, the regional traffic situation. So, this section of HS2 crosses several major national routes including the M6 which is one of the busiest stretches of motorway in Europe and essential to the UK economy, in particular Scotland, the North West, Midlands, North Wales and Northern Ireland. Now, there are two major projects either underway or in process at the moment: there’s the M6 junction 13 to 15 smart motorway which is already causing considerable disruption to the area. For instance, at the moment at night time, the M6 is diverted in one direction entirely through my constituency, through the town of Stafford, including on some pretty narrow and old roads, as well as on the Stone bypass in my right honourable friend Sir Bill Cash’s constituency. These diversions will continue intermittently until possibly 2019/2020/2021. It depends on the progress of that. Obviously, the sooner they stop, the better and it’s essential that there’s no further work from HS2, or indeed other work impacting the M6 or the diversion with the A34 at this time. M6 junction 15 to 16 smart motorway, as I understand, that’s between Stoke South and Stoke North and goes through Keele Services, is proposed during possibly the next period. Now, this is a particularly difficult section as it will involve a substantial remodelling of junction 15 which is possibly one of the worst and most complex junctions on the motorway system. So, I’m just flagging that up because I think it’s extremely important that there is absolute joint working between Highways England and HS2 on this. Junctions 14 and 15 play a crucial role in the construction of HS2 Phase 2A as we’ll see later and therefore it’s essential that no HS2 related work takes place while, if it goes ahead, junction 15 and 16 smart motorway, and the related work on junction 15, is being undertaken.

54. Now, there’s also a possible major rail freight interchange near junction 12 at Gailey in the South of Stafford constituency which is opposed by the local council, by myself and by Gavin Williamson, the other MP concerned. It will be a decision for the Secretary of State. It’s not a local planning matter, it’s a matter of national importance but if it does go ahead, it will have a significant impact on traffic on the M6, particularly around junctions 11, 11A, 12, 13 and 14 and possibly 15 because we’re talking about thousands of vehicle movements additional every day. It will also have an impact on the A5, the A449 and the A34 which are the critical regional and national transport
routes in that area. So, work on any necessary transport infrastructure for this rail freight interchange if it goes ahead, which as I say, I hope it does not, should not be undertaken at the same time as any work on HS2 which affects any of those routes.

55. In order to mitigate the impact of the construction of HS2 on the regional and national infrastructure, transport infrastructure, I’m requesting that HS2 and Highways England undertake a detailed study with Staffordshire County Council into reviving the proposed link road between the A34 south of Stafford and junction 13 of the M6. I believe this would help both in the short and medium term during the construction of HS2 and, indeed, in the long term as part of the regional infrastructure. So those, Mr Chairman, are my points of relevance to many constituents which I believe can have fairly straightforward resolution.

56. If I may now turn to the two matters of long term impact and I would like to ask the Committee to consider that HS2 will be providing a service for 100 or more years, probably well in excess of that. Indeed, the West Coast Main Line has already been operating in parts for well over 150 years so it’s vital that we consider the long-term impact and not just short-term convenience and cost.

57. Now, to me, the decision which HS2 has taken in respect, with the National Trust, over the Great Haywood Viaduct is a very good and clear indication of long term thinking which I welcome and I would ask this to be extended into a couple of other areas. The first is on the Stone railhead/IMB-R. You’ve already heard in great detail on 25 April the technical arguments for and against the IMB-R at Stone and the alternative at Aldersey’s Rough which would obviously only be possible if the longer, deeper tunnel were not constructed. So, I’ll be brief and I declare an interest in that I actually live in Keele Village which is just over a mile from Aldersey’s Rough on the north side of the M6 and the road which you heard of, I think on 25 April, called Three Mile Lane, which is quite important for that proposal, is one I take on an almost daily basis travelling to my constituency. So, although this is not situated in my constituency, but that of Sir Bill Cash MP, the proposed siting of the IMB-R at Stone impacts my constituents in a number of ways. The first you will have heard is the line between Norton Bridge and Stone is key to the HS2 compatible service for Stafford and Stoke on Trent. Now, I understand the arguments about the number of trains required into it, both during construction and later, and that during the initial period of maintenance, perhaps
the number of trains will not be great but, as I say, I’m asking for the Committee to take a long-term view on this. Is this IMB-R suitable to service this railway for more than 100 years, 150 years, or is it too constrained by the site? I would say the latter. The construction of the IMB-R will involve the excavation and reinstatement for cuttings and embankments of 1.6 million cubic metres, 3.2 million approximately tonnes of earthworks.

58. Again, there is conflicting information about the quantities of useable material. I think this applies throughout the route, Mr Chairman, and I understand that some work is being done in Phase One about the percentage of reusable material that there is. I think that quite a lot of HS2’s proposals are based on the fact that 90% of excavated material will be reusable somewhere. I may have got that wrong but I have heard that figure. I think it would be of great interest to know what those results on Phase One are showing. Is it 90% or is it less than that because even a 1% or 2% difference in material that can be excavated, if it’s less than 90%, has a major impact on the transport infrastructure and if, as I’ve heard, figures are much, much lower than 90%, but obviously the experts would need to provide that evidence to you, then that would have a substantial impact, not just on Phase 2A but on Phase One as well. HGV movements required to bring or remove materials from the site will predominantly use junctions 14 and 15 of the M6, both of which are of major importance to my constituents.

59. Junction 14 is in my constituency. It is already under considerable pressure because of the housing developments in that area north of Beaconside which are ongoing at the moment. In fact, Beaconside is being dualled at the moment and is closed for some of the time but clearly that should be finished by the time HS2 construction starts. Junction 15, we’ve heard in evidence that the projections, even the current projections for HGV movements, could very well result in daily peak time gridlock, including at those neighbouring junctions which you will have seen, the road towards Eccleshall and the junction where Eddie Stobart’s yard is. That’s an incredibly difficult junction, bad at the best of times in peak times and considerably worse with the construction. As far as the site of Aldersey’s Rough is concerned, I still remember this being used for coal trains from Silverdale Colliery over 20 years via Keele for the West Coast Main Line and, again, I would stress the long-term nature of this. If this line were restored via Keele to Silverdale and into Newcastle, it would provide a major increase in
connectivity for Newcastle, Kidsgrove, Stoke, with the opportunity of regional services to Crewe and Manchester Airport. If designed appropriately, not only does this site provide unconstrained and direct access from the West Coast Main Line, especially from the existing slow lines from the south on a 24/7 basis, but it has excellent connection to the M6 via Keele services and can provide direct access to the Whitmore and Madeley construction sites relieving pressures on junction 15, the A53 and the other connected proposed haul routes. So, the combination of the lower potential for major disruption from the second proposal and the potential long term economic benefits to the whole of the Newcastle, Stoke and North Staffordshire conurbation is, in my view, powerful and I think you’ll be hearing at a future date from our colleague, Jack Brereton, the MP for Stoke South, who will have more detailed evidence on the economic impact.

60. Now, it’s my understanding, Mr Duddridge, that HS2 has entered into an agreement with Staffordshire County Council in respect of their concerns over the construction of the Stone IMB-R. I would have expected widespread consultation on this agreement with all those affected: the borough council, the town and parish councils and, indeed, members of parliament but I certainly confirm that there’s been no consultation other than a report of the outcome to me, despite these matters being raised in the petitions of a number of people.

61. If I can return to my final point, Mr Chairman, which if we could have photograph A75(10) which is to do with tunnelling, and I’m particularly focusing on Hopton here. I’m most grateful to HS2 for their response to my proposals for alleviating the problems for constituents in the Hopton area by outlining the various tunnelling options. The railway line would go just to the right here of the photograph on the right and these houses on the left are, effectively, they have to be purchased by HS2 because they’re farm cottages right adjacent to the line. If we could have the – yes, that, exactly. You’ve read my mind. Thank you very much. This is what HS2 has proposed and, as I say, I’m most grateful to HS2 for taking this seriously. If I may point out that originally when the proposal came out in 2013 there was a cut and cover tunnel of about 400 metres protecting Hopton which would have been a part of what is now that lime green line which is that the proposal there is a considerably longer one than was originally put there, that cut and cover tunnel was removed in the second iteration of the route, the
reason being, streams from Hopton Pool which you can see just to the north of the line, just northwest of the end of the green line, sorry northeast of the end of the green line. This was a surprise to my constituents who did not consider that that was at all a problem, and these were constituents who knew what they were talking about, a problem for the construction of that cut and cover tunnel.

62. Now, given that HS2 clearly recognised the need for my constituents to have protection from the effect of the line through-running, and the proposal now is to have a kind of barrier to protect as far as possible Hopton village, my petition seeks to have this reinstated and of the three options, clearly, given the great benefit it would bring both to the county showground, to some constituents in Ingestre, to those in the Hanyards area and, of course, the impact on both the Weston Road and the Sandon Road, the long bore tunnel H3 would be by far the best but I appreciate that this is extremely expensive and there are issues regarding long tunnels which I know you will be more aware of than I am. But I would say that the two shorter options, the short bore tunnel and the cut and cover tunnel, H2 and H4, would give considerable protection to my constituents in Hopton who at the moment are already facing devastation of their village.

63. THE CHAIR: I’m a little confused. What’s the current proposal?

64. MR LEFROY: Nothing.


66. MR LEFROY: It was originally, in 2013, there was a proposal for a short cut and cover tunnel for about 400 metres, if my memory serves me right, which would have been part of this green line, yes.

67. THE CHAIR: Right

68. MR LEFROY: This is a longer proposal which has the benefit of going under the Sandon Road coming out the other side. The bore tunnel would, of course, have a greater mitigation, although it wouldn’t deal with the showground. As you can see, it starts after the showground but the black one, which is obviously by far the most expensive version, is the one that would have the greatest mitigation. My proposal was considered, the blue one at the bottom, was considered for technical reasons by HS2 not
to be feasible, which I fully accept. I’m not an engineer but we did take advice before proposing that.

69. THE CHAIR: Sheryll?

70. MRS MURRAY: Can you just tell us why HS2 said that wasn’t feasible, because why would that not be deemed feasible but the other options would still be in place?

71. MR LEFROY: I think the HS2 report goes into it in more detail but I think the reason is to do with the portals and the particular state of the ground at those particular points which is why they said, actually, it would have to be a longer tunnel for it to be feasible, which I accept.

72. MRS MURRAY: Right, that’s fine.

73. MR LEFROY: As I say, Mr Chairman, those are the options. I would just point out that it should be recalled that in order to protect Pasturefields Salt Marsh which was on the initial route that was being considered by HS2 before 2013, the route actually was changed dramatically to follow the more southerly and less direct route and it was calculated that in order to do that, the additional cost was, in those terms, something like £170 million just to avoid the Pasturefields Salt Marsh and to take the southern route. So, it’s quite clear to me that, I fully understand the reasons for avoiding Pasturefields Salt Marsh. However, I’d already mentioned the issue of the Ingestre Salt Marsh which this route will be going over. I think my constituents need to be considered in the same way as Pasturefields Salt Marsh in terms of protection from this line.

74. Mr Chairman, that’s all I have to say on the 26 points.

75. THE CHAIR: Thank you very much. You’ve covered an enormous amount of territory, an incredibly professional presentation, perhaps a masterclass for others that follow and thank you for giving us the heads up on ones that we’ll be seeing later on. Gentleman, I’ll take some questions if there are any and then we’ll come to Mr Mould. Martin?

76. MR WHITFIELD: Thank you. It’s just really to go back slightly in the evidence that you suggested. You raised the question of people who’d sold their houses already. These are people who’ve sold them not, obviously, to HS2 but post the announcement

20
but prior to the scheme. Is your suggestion, or is there any suggestion, that people were deliberately targeted by individuals in the purchases of those houses to seek to make money or is this a case of innocence in a sense of missing out on an opportunity and, if that’s the case, what is it that you would seek HS2 to do? Compensate for the shortfall, reimburse, what was it?

77. MR LEFROY: Yes, that’s a really good point. All I can say is, in the relatively small number of cases, I can think of two or three off hand, where this has happened, it was not a case of people being targeted. It was simply a case of people, in one case a bereavement, a gentleman had lost his wife, he just was not in a fit state to do anything. He just wanted to move because of the memories that were associated with the property so he sold it, probably a £40,000 loss. I don’t think there was any suggestion of somebody targeting him. It was just somebody going through an estate agent saying, ‘Well, because of this issue it’s worth £40,000 – ‘ and it probably was worth £40,000, I think in this case, less. So, I haven’t heard, there may have been cases of people being targeted. I’ve not heard of them, I’m glad to say, because I would hate to hear that. In another case, I think it was a matter of speed, just somebody needed to do something quickly. I have to say, and I’m going to be very fair about this, there have been cases where HS2 has been extremely good in dealing with constituents but there are cases where people have been, and I use the word that’s been quoted to me, they’ve been bullied in this. So, I’m not trying to paint a picture that somehow this is universal. What I’m saying is, each person is an individual and their case needs to be dealt with. To answer your second point, I would like to see, out of fairness, I would like to see compensation paid. It may not be to the full value of the difference, whatever. There can be arguments about that but I just do think it’s very important for these constituents, or in some cases former constituents, to feel that they got some justice from this process. This was not a case where they sold it. HS2 had been declared at that time but then I have to say that there was no major public information campaign. We tried obviously through my office to get to people and say ‘This is what is available’ but you don’t know everybody who’s about to sell their house or what situation they’re in. You tend to hear about that afterwards.

78. MR WHITFIELD: Thank you.

79. THE CHAIR: Mr Mould, I hesitate. I don’t know whether you intend tackling
the individual cases as well or whether you’re going to leave the substance of those individual cases until later on but I’ll be guided by you.

80. MR MOULD QC (DfT): I’m not going to deal with all of them in detail. I’ll just touch on one or two.

81. THE CHAIR: Excellent.

82. MR MOULD QC (DfT): Just to give you some factual information but, no, no, clearly where you’re going to hear again, I’ll defer to that.

83. THE CHAIR: Thank you.

**Response by Mr Mould**

84. MR MOULD QC (DfT): Let me just, first of all let’s put up A75(2). Farley Cottage, you were told that this property will, once works begin, be directly affected by the construction of the railway. The owners of this property have served a blight notice on the Secretary of State. That blight notice has been accepted and negotiations are proceeding with regard to concluding the sale of that property. So, that matter is proceeding towards a satisfactory conclusion.

85. A75(50) Canalside Shop. The construction of the railway will not require the closure of access to these premises. Access to these premises will remain open during the course of the works. The property will continue to be able to trade whilst the works are going on. The same applies to the marina. The marina will continue to be able to operate during the construction works and, indeed, following completion of construction the impact on both premises will significantly diminish. There will obviously continue to be some noise heard by boats using the marina because the railway will be passing on viaducts in relatively close proximity but, other than that, and the fact that there will be a viaduct in the view, they will return essentially to what they are today.

86. So far as costs are concerned, the suggestion that costs incurred by those affected by the railway should be reimbursed, where people have their land subject to compulsory acquisition, if land is compulsorily purchased for the railway, and you already know there’s a very substantial quantity of land that is necessarily subject to compulsory purchase for construction and operation of the railway, those whose lands
are affected, as part of their compensation they will receive reimbursement of the reasonable professional and legal costs that they incur in dealing with the sale of their land and the fact that those costs are incurred prior to the date on which their land is actually taken from them, does not provide any obstacle to them recovering costs. So if sensibly, in anticipation of compulsory purchase, they’ve gone to see a surveyor or have gone to see a lawyer to take advice, they will be able to recover the reasonable costs of so doing. For those persons who wish to get on with negotiating with HS2 in early course, so even in advance of the Bill receiving Royal Assent, in relation to the acquisition of their land for example where there are difficult problems of severance and so forth you heard mentioned, then they should approach HS2 because HS2 has a scheme for agreeing an initial budget for legal and professional costs which will enable people to incur those costs with the reassurance of knowing that when the time comes they will be able to recover them and there may even be an opportunity for some sort of interim payment of those costs as well. Those are matters for negotiation on an individual case but those arrangements were in place with Phase One and they continue to apply with regard to Phase Two.

87. The costs of appearing and protecting your proprietary interests before Parliament, those costs are not recoverable from the promoter. They never have been recoverable in relation to hybrid bill proceedings and, indeed, as things stand under the Parliamentary Costs Act, they are simply not recoverable as a matter of law. So, I’m afraid that is the current position in relation to those and we have no proposals to amend. I don’t believe there is any suggestion by the Government that they’re going to propose a change to the Parliamentary Costs Act in relation to this Bill.

88. So far as severance is concerned, Mr Lefroy said that he would wish to see arrangements being made to agree works to accommodate severance through under bridges and so on and so forth before the completion of purchase of the land in question. There is no reason at all why that shouldn’t be done. I’ve already shown you the Farmers and Growers Guide which sets out a proactive approach towards resolving the detail of accommodation works as they’re called with individual farmers as the scheme proceeds through detailed design. In many cases, it’s probably not a very profitable exercise to try and resolve those matters now because the detail of the scheme is, as you know, a long way from being settled and therefore decisions made now may turn out not
to be the right decisions once more detail is known but, in principle, there’s nothing between Mr Lefroy and the project on that point.

89. A75(9).

90. MR WHITFIELD: Actually, just before we move on to that, Mr Lefroy also mentioned the challenge there appears to be with communication from HS2 to landowners.

91. MR MOULD QC (DfT): I’m not aware of that. As always when those points are made, those behind me note them and they go away to see whether there are problems.

92. MR WHITFIELD: It seems to be a recurring theme.

93. MR MOULD QC (DfT): It’s been a recurring theme throughout the whole of the HS2 process and, if I may so, what it often belies is an understandable confusion between what is seen as a lack of communication and what is a communication which doesn’t deliver precisely what the person who’s making the communication wants. It’s not always that case. Obviously, there have been occasions where HS2’s communication has been less than ideal and, indeed, you will have heard, you may hear about one or two of those cases hereafter but very substantial resources are put into engagement with petitioners and with the wider community. That’s been in place since before this Bill was introduced into this House and it continues now.

94. THE CHAIR: Sheryll?

95. MRS MURRAY: Just moving on from that, Mr Mould, and it’s given me an opportunity to raise this, where you were speaking, and I go back to your communication with primary authorities like county and district councils, how do you ensure that the communication and the chain of communication goes down to those town and parish councils so communities are really being consulted with? How do you ensure that if you’re speaking to Staffordshire County Council or Newcastle-under-Lyme District Council you are absolutely certain that they have communicated with the local councils and what they are telling you is absolutely what the community feels?

96. MR MOULD QC (DfT): Well we take a more direct route. HS2 doesn’t rely on the district and the county to do our communication for us; we communicate directly
with the parish councils and the town councils.

97. MRS MURRAY: And you’ve done this on each and every occasion.

98. MR MOULD QC (DfT): We have. And we have been – HS2 Ltd has been in communication with parish councils, town councils, parish meetings up and down the Phase 2A route literally for years. Since before this Bill was introduced there had been statutory consultations in relation to draft environmental statements, in relation to refinements of the design before it was completed for the Bill, in relation to the environmental statement itself, which was consulted on under parliamentary standing orders and since the Bill was introduced there has been a continuing process of engagement with parish councils and town councils and parish meetings –

99. MRS MURRAY: And if you –

100. MR MOULD QC (DfT): – and where as they do invariably petition, then petition managers are assigned to each of them separately from petition managers who are assigned to parish to district and county councils and negotiations and discussions continue with them up to this day.

101. THE CHAIR: Sheryll Murray?

102. MRS MURRAY: And if you come to an agreement with, say, Newcastle-under-Lyme District Council, you have always ensured that they have consulted with the local town and parish councils to make sure they’re happy with that agreement as well. Am I correct?

103. MR MOULD QC (DfT): We haven’t – it’s not our business to tell Newcastle Borough Council how they should engage with parish councils and town councils within their area. But we, therefore, I hope reasonably, take it that the elected members and the appointed officers of Newcastle Borough Council or Staffordshire County Council that they will be in touch with and taking the views of their constituents, whether they be individuals within the area, businesses within the area or local parish and community councils within the area. But when we reach agreement on assurances with Staffordshire County Council, as we have, as you know, in recent days or Lichfield District Council, with whom we have in recent days, we publicise those assurances and
through our petition management service we make sure that the substance of those assurances is made known to parish and community councils who are affected by them so that they can just whether, in the light of those assurances, they feel the need, for example, to appear before your Committee or whether they cover off the points that they have made. We are actually interested in trying to reassure people so that they don’t feel the need to spend money coming before your Committee to raise points that actually had been resolved to their advantage through assurances given to county councils, borough councils and so on.

104. MRS MURRAY: Thank you very much, Mr Mould. That’s very helpful.

105. MR MOULD QC (DfT): Thank you very much.

106. And then Staffordshire County Showground, I’ve just put this up, the project has a petition, a very detailed petition from the Staffordshire County Showground. There is no issue as to the importance of this facility, both locally and regionally and, indeed, nationally as a showground and we are in negotiation with the operators of the showground with a view to seeking to accommodate the impact of the railway upon them. But, of course, insofar as that might involve them being accommodated through the provision of exchange land on which to relocate their car parking facilities, there is no publicly owned land in the vicinity that is available for that purpose so it would necessarily involve acquiring land from a third party private landowner or landowners. And so you will appreciate that that requires the most careful and sensitive handling and that is the – we’re at the stage of pursuing that issue with a view to realising both the showground’s needs, so far as we consider them to be reasonable, but also to ensure that we minimise the consequential impact on other landowners and occupiers within the vicinity. I won’t say more than that now.

107. THE CHAIR: Thank you.

108. MR MOULD QC (DfT): Yarlet School. The position there is that the school has an existing access arrangement, which reflects the fact that it is located at a point on a busy trunk road. It’s located on the A34. And, as a result of that, access into the school is left in and it’s left out because it’s on a point where, effectively, it’s a dual carriageway. It’s got a barrier down the middle of the road.
109. THE CHAIR: We saw it.

110. MR MOULD QC (DfT): You saw it. HS2’s construction does not affect that operation. They will continue to enjoy left in, left out access and it will be maintained throughout the construction of HS2. And so any proposals to provide what is essentially a very extensive and expensive new access point for them need to be considered in that context. Now there’s negotiation going on about it but I’ve put down that marker. It’s not as straightforward, perhaps, as the school might wish some people to believe.

111. Ingestre. You are to hear about that later. I won’t take any time on that.

112. Insofar as the salt marshes are concerned, it is important just to make this clear to you. The Pasturefields Salt Marsh is an extraordinarily valuable ecological asset to the nation. It is the only example of an inland salt marsh in England and Wales and, for that reason, it enjoys the highest level of protection, both under national and international nature conservation designations. The reason why the route runs on an alignment to the southwest of that salt marsh is that if we were to seek to run it to the north of that salt marsh, as some have, over the course of development of the scheme, suggested, on the basis of the evidence that we have that would be unlawful. It would not be lawful for us to run the railway to the north of the salt marsh because we know that there is an alternative, namely the route alignment that we have, that avoids any risk of harmful effect on that salt marsh, whereas if we were to run to the north we know that that would be said because it would be running along the line of the flow of water from the River Trent basin, which flows in a southerly direction towards the salt marsh. If we run a railway between the two we immediately create the risk of creating disruption to the flow of water and the risk of causing damage to that salt marsh by draining it. We don’t want to turn the Pasturefields Salt Marsh into a salt pan is basically the point.

113. Now the Ingestre Salt Marsh is a much less significant facility and we’re satisfied that through proper mitigation we can avoid causing any significant harm to that facility. We’re well aware of it and we will steps during construction and operation to make sure that it is not damaged as a result of the construction and operation of this railway. I won’t say any more about Ingestre now.

114. You were told that there are a number of elderly residents of Mr Lefroy’s constituency who have, for whatever reason, sold their property on what they consider
to be a loss as a result of the blighting effect of HS2. Anybody who considers that they have sustained a loss through the sale of their property as a result of the blighting effect of HS2 and considers that they have a meritorious case for some sort of recovery on a special basis should apply to the Secretary of State and ask for him to consider their case on its merits. But before they do so, I should perhaps just avoid raising expectations too highly. This was an issue that arose from time to time during the course of the Phase One Committee proceedings. There will, no doubt, always be cases which do merit special consideration but, generally speaking, anybody who owned and occupied a property within the vicinity of the Phase 2A route has known about that route since well before the Secretary of State’s – sorry, I’ll rephrase that. There have been non-statutory property schemes which enabled people to apply to the Secretary of State to acquire their property at its full unblighted market value, which have been in existence since the time at which that route was first announced. So there has been a publicly consulted upon and a publicly known remedy available to such people throughout the shadow of the HS2 Phase 2A scheme.

115. THE CHAIR: Thank you. Sheryll?

116. MRS MURRAY: Can I just ask, Mr Mould, how that was communicated? For example, if it was just via the internet you might have elderly people who are unaware of that because they don’t use the internet. How was it communicated?

117. MR MOULD QC (DfT): These would have been communicated through local public facilities, so information leaflets would have been available throughout –

118. MRS MURRAY: And how were those information leaflets distributed? By the postman through their door? Or –

119. MR MOULD QC (DfT): No, no, they’re not distributed individually. The information is made available locally through community outlets and so forth. If you’d like a note on the detail of that I’m obviously very happy to provide it but that’s the gist of how it’s been made known.

120. MRS MURRAY: But you’re prepared to acknowledge that there may be some people who were unaware of that because they just didn’t see the communications.
121. MR MOULD QC (DfT): Well, of course, I can’t deny that there could ever have been such a case. One has to allow for the fact that that’s a possibility. It would be – but, equally, the fact of the existence of the scheme has been, as I understand it, well known in the areas through which the railway is proposed to pass. And certainly the degree of publicity that has been provided – I’m told, I’ll check this, but I’m told that letters were, in fact, sent to owner occupiers within 1 kilometre of the line of the route on the public consultation on the non-statutory property schemes. Public consultation took place as long ago as 2015, I think.

122. MRS MURRAY: And they were made aware during that consultation that if they had a property then HS2 would be happy to compulsorily purchase it, if necessary, at the market value.

123. MR MOULD QC (DfT): No, they wouldn’t have been told that, I’m afraid.

124. MRS MURRAY: Thank you.

125. MR MOULD QC (DfT): But what they would have been told is that the Secretary of State had established a series of schemes which enabled those who were affected by generalised blight to apply under the, particularly, the need-to-sell scheme, which is the one that’s most general application, to apply under that scheme for the Secretary of State to acquire their property. They would have to show that certain circumstances were met and, in particular, that they had a compelling reason to sell and then that would be considered by the Secretary of State through his independent panel. They would make a recommendation as to whether the property should be acquired and, if so, then negotiations would then take place for the determination of a price. You were told, I think, during the course of the presentation that there had been cases where it hasn’t been possible to reach agreement on the price and that issue was then dealt with through the arrangements which the scheme has for obtaining a third valuation. That is no more than a reflection of the inescapable truth that not everybody can agree on the value of a property when that value has to be resolved.

126. THE CHAIR: A quick question from me then Martin then Bill. Presumably, if we felt it was of value, it would be a relatively easy thing for HS2 Ltd to write to everyone affected, giving a summary of the remedies available to them if once you provided information we feel more should be done. Is that possible?
127. MR MOULD QC (DfT): Well, it would certainly be possible. You say, would it be a relatively easy thing? Clearly it depends what you mean by everyone affected. I mean if one were to write to everybody within 500 metres of the route, for example, it might be an easier thing to do than if it was the whole of the –

128. THE CHAIR: I think you already mentioned the one kilometre.

129. MR MOULD QC (DfT): Yes.

130. THE CHAIR: But I suppose that’s getting into some detail. The answer is yes but we’ll hold fire on deciding whether that’s a good idea.

131. MR MOULD QC (DfT): I think, if I may say so, I’m not for a minute suggesting that it’s a bad idea but before you decide whether it’s a good idea I would like just to give you full chapter and verse on what’s been done already, because you may feel, once you know what’s been done already, that there’s not actually a need to do it again.

132. THE CHAIR: Thanks very much. Martin?

133. MR WHITFIELD: Thank you. The evidence from Mr Lefroy is that there’s not a huge number of people that this involves and rather than trying to dash or raise hopes you’re not saying that these individuals would be stopped from applying to the Secretary of State because of the advertising that went on about the possible remedies, are you?

134. MR MOULD QC (DfT): No, I’m not. But what I’m saying is that obviously that’s a factor that is likely to be given some weight. The brutal truth is that if you assume, as I hope I’ve made clear, that, at least as a matter of generality, the existence of these schemes has been publicised in areas affected by the prospect of the route for as long as prospect has existed, then people who are proposing to sell their property some degree of personal responsibility can be expected from them to apprise themselves of what those schemes might offer and to decide whether or not to sell their property and take the risk that they get less than full market value as a result of the blighting effect or whether they should make an application to the Secretary of State to step in in accordance with one of the schemes. That doesn’t mean that there may not be cases where those considerations are outweighed by other considerations –

135. MR WHITFIELD: But it is also the case that the only reason valuation is lower is
because of the existence of HS2.

136. MR MOULD QC (DfT): Well, if one assumes that that is the position, yes.

137. MR WHITFIELD: Yes.

138. MR MOULD QC (DfT): One of the problems with doing this retrospectively is it’s very difficult for the Secretary of State to judge whether that is the reason because there are a whole host of reasons why property values might be – why one might get less money for your house than you perhaps thought you would. And HS2 is clearly one such potential reason in an area that is close to the prospect of the railway but there may be other reasons as well. It may be that you have downplayed the significance that the purchaser will place on the fact that your property is in need of significant modernisation or something like that.

139. MR WHITFIELD: My final question, really, is we are unlikely to deal with this anywhere else except in Mr Lefroy’s petition because these individuals won’t be petitioning as they no longer have an interest in the area. Do you envisage, Mr Mould, this coming up anywhere else within this petition period to deal with? That is those individuals who have felt they’ve had to sell their property before the notices, have less than full valuation and they see that responsibility as lying with HS2.

140. MR MOULD QC (DfT): I am not aware that there are any petitioners yet to be heard who are coming before you with that problem. There certainly were at least three who came forward in precisely those circumstances to the Phase One Committee, who heard them sympathetically. They didn’t intervene on their behalf. And my response to that Committee was the same as my response to you, which is that the right person to direct their problem to is the Secretary of State because the Secretary of State is the person who runs these non-statutory –

141. MR WHITFIELD: But it would be right to say that certainly in at least one case that’s why they then redirected their application?

142. MR MOULD QC (DfT): That’s what – if they have done that, they’ve done the right thing.

143. MR WHITFIELD: Yes.
144. MR MOULD QC (DfT): And if there are others who are waiting on today to see whether they should await the outcome of your proceedings or – I suggest that, given that your proceedings still have some time to run, at the very least it would be sensible for them to consider what approach to take, at least in the short term. As I say –

145. MR WHITFIELD: I’m grateful.

146. MR MOULD QC (DfT): I know that you expect me to say these things but it is vital because we are on the record. It is vital that people do not think that I am saying if they approach the Secretary of State he will reimburse them what they think is the loss that they have sustained. The Secretary of State may well say, ‘I’m sorry. You took your chance and that’s part of the risk of owning property’. But he may, if the circumstances are such that he thinks that it merits a special and sensitive response, he may be more willing to consider the situation. It all turns on the circumstances of each –

147. THE CHAIR: It’s very clear. Bill Wiggin?

148. MR WIGGIN: I distinctly heard my honourable friend say that he felt his constituents had been bullied. Now, you’ve always been very polite to us, Mr Mould. Who is it in HS2 who is bullying these people?

149. MR MOULD QC (DfT): He didn’t actually say bullied by who. I didn’t know whether he meant bullied by HS2 or bullied by the purchasers of the properties in question.

150. MR LEFROY: By HS2.

151. MR MOULD QC (DfT): Well, I am not aware of any instance of, from my knowledge, having been instructed throughout on behalf of HS2 for years now, I’m not aware of any instance which you would categorise as bullying.

152. MR WIGGIN: But you do appreciate how serious that is.


154. MR WIGGIN: And what are you going to do about it?
155. MR MOULD QC (DfT): Well, I shall ask for investigation. It would be helpful if Mr Lefroy would give us particulars of those people –

156. MR WIGGIN: I’m sure he will.

157. MR MOULD QC (DfT): – that he says claim to have been bullied –

158. THE CHAIR: He’s nodded assent. I’m sure he’ll write to you and if not satisfied he will write to us.

159. MR WIGGIN: But this is a theme that comes through time and time again and it is –

160. MR MOULD QC (DfT): What, bullying?

161. MR WIGGIN: Yes, and it’s really unwelcome and I’m sure you’ll do everything you can to make sure that that doesn’t happen. Thank you so much.

162. MR MOULD QC (DfT): I will and, as I say, until – at the moment you have to accept that my position is that –

163. MR WIGGIN: I know your position.

164. MR MOULD QC (DfT): – I haven’t seen any evidence of it. Thank you.

165. Now, there was a concern about the more general effects that the coming of the railway might have on local communities. I simply draw your attention to the existence of the Community & Environment Fund. You’ll recall that the Secretary of State has extended the Phase One fund to apply to Phase 2A and an uplift of £5 million has been added into those funds. Those funds will be available for local community bids for community initiatives and the funds will start to go live a little later in the process when we approach royal assent.

166. THE CHAIR: At some point can we have a little bit more detail and an understanding as well as why £5 million? Why not £2.5 million? Why not £10 million?

167. MR MOULD QC (DfT): I can do that but if it’s helpful to your clerk the position is set out in information paper C11.
168. THE CHAIR: Can we put that up?

169. MR MOULD QC (DfT): Yes. I don’t think it gives you a specific answer to the question you’ve just posed to me in the sense that the Government clearly doesn’t always set out its workings as to how it’s got to a particular number. But this is the introductory rubric. If you go on to – you can see there’s an overview. Can we just stop there, please? You see a total of £40 million was made available for Phase One, £5 million is made available in addition for Phase 2A and the administration of them is summarised; an independent grant management body. There’s a website which gives guidance on the administration of the funds, how to apply. And, as it says in 2.6, this money will become available for distribution in response to bids upon royal assent of the Phase 2A Bill.

170. I won’t take you through it. This gives then more details about a number of aspects of it but that’s the gist of it.

171. THE CHAIR: I think we are interested in more detail and we would be interested in the Secretary of State’s view of why £5 million but that can come later.

172. Sheryll?

173. MRS MURRAY: Yes. Just to ask how this is going to be communicated to the local communities.

174. MR MOULD QC (DfT): I think it has been communicated already but it, again, is information that is provided through our engagement work. Local parish councils, borough councils, district councils, local community groups are made aware of the existence of these funds and, indeed, on Phase One, where, obviously, things are a bit more advanced, bids have been coming in now for some time in order to seek to take advantage of the opportunity.

175. MRS MURRAY: I’m just a little bit concerned. Looking at what we’ve got in front of us, you said £5 million and yet it actually says, ‘The second is CEF Strategic, which will fund larger projects (from £75,000 up to £1 million)’. So if you had five large projects up to £1 million it’s only five projects that that £5 million is going to fund.
176. MR MOULD QC (DfT): Yes. Well, clearly –

177. MRS MURRAY: What about the smaller projects?

178. MR MOULD QC (DfT): Well, clearly –

179. MRS MURRAY: How is it going to be distributed?

180. MR MOULD QC (DfT): It’s going to be distributed on merit, following consideration of applications. That paragraph you’re reading from is telling you, giving you a basic understanding of how the fund will operate. The idea is that local community groups at whatever level, from councils down to individuals, can make bids for funds. They put forward a scheme which they think is deserving, they put forward a cost, in most cases it would be expected that there would be an element of match funding involved and the independent grant administration body will then consider each scheme on its merits. And, of course, they’ll have an eye, amongst other things, to the fact that the funds should not be depleted through applying a substantial amount of it to an expensive project of questionable merit when there might be ten or more smaller projects of much greater merit and much lesser cost that might be coming forward over the course of the coming years.

181. MRS MURRAY: So you can absolutely assure me, Mr Mould, that this just hasn’t been cut and pasted from Phase One where there was a £40 million pot of money into a £5 million pot of money without you actually looking at the details.

182. MR MOULD QC (DfT): It’s not been cut and pasted, no. This information paper in this scheme is a scheme that has been developed for the purposes of Phase 2A. It reflects very largely the approach to the administration of the fund that was developed for Phase One because the Phase One fund was, by the end of the parliamentary process, had been accepted. It was one that was accepted without significant criticism by your predecessors on the Phase One Committee and it is now, as I say, it’s now coming into operation. The only significant change here is the Phase One railway was a much larger and more extensive scheme than this and so the fact that £40 million was considered to be the appropriate figure reflected that. This is a relatively smaller scheme and £5 million is the sum of money that the Government has decided, in the allocation of public monies, is appropriate, on balance, to reflect the circumstances of this case. I would
expect that there will be a similar fund that will be made available at the appropriate
time in relation to future phases of HS2.

183. THE CHAIR: It will be interesting to see how Phase One money has been
allocated. That may give us a degree of reassurance and understanding on the
presumption that it will be allocated in a similar way to similar types of projects.

184. MR MOULD QC (DfT): I can certainly ask that a brief progress note is provided
to you in relation to what’s happened –

185. THE CHAIR: Thank you.

186. MR MOULD QC (DfT): – because it will give you some idea of the sort of bids
that have been received.


188. MR MOULD QC (DfT): Right. P153(1). Mr Lefroy asked for a clause to be
inserted in the Bill which guaranteed a through service to Stoke and Stafford. That’s not
something on which I am really instructed to respond today. That would be, obviously,
a matter for the Secretary of State to consider and if you would like a report back on that
I’m sure he can help you.

189. THE CHAIR: And is that beyond our powers?

190. MR MOULD QC (DfT): To insert a clause? I think the answer to that is, strictly
speaking, no, though I will have to consider that will parliamentary agents. But I can
certainly say that I can anticipate that the Secretary of State’s position would be to ask
you respectfully to be very circumspect about considering imposing that sort of rigid
requirement because the way in which valuable capacity on HS2 and, indeed, on the
West Coast Main Line, the way in which that is deployed through the use of train paths
and so forth once the railway comes into operation, in order to ensure that the nation
gets the absolute optimum value out of this enormously costly piece of infrastructure,
the way in which that is done is something that is much better left to being resolved by
the appropriate bodies, including the Office of Rail Regulation, who, as you know, is an
honest broker in this respect, rather than imposing some sort of rigid requirement
through this legislation.
191. THE CHAIR: I think let’s take you up on the suggestion of reviewing with the Secretary of State, who, I’m sure, will pay particular note to the fact that it is a Member of Parliament that is requesting it as well as an individual petitioner.

192. Sandy?

193. MR MARTIN: This is probably an irrelevant point but I get confused easily and I was under the impression that P153(2) had replaced P153(1) but –

194. MR MOULD QC (DfT): P153(1) is – the title tells you the answer to that question. P153(1) was the Bill’s scheme. P153(2) is assuming the Crewe Hub initiative has come through.

195. MR MARTIN: Right.

196. MR MOULD QC (DfT): And, as you will recall, Crewe Hub is a separate albeit related initiative which the Government is promoting to improve the performance of the existing rail network through Crewe. And that will enable further opportunities to be realised for HS2. Make no mistake. The proposal is that there should be services to serve Stoke and Stafford, essentially from 2027 onwards. The question is whether they should go further than Macclesfield, as I understand it. And, as I say, this timetable has been – this is an indicative timetable, no more than that, in relation to that issue.

197. THE CHAIR: Sheryll Murray?

198. MRS MURRAY: Just with interest, I know we’ve got a Crewe Hub, which is supposed to enable transition from the West Coast Main Line to HS2. So why serve Stoke-on-Trent and Stafford as far as Macclesfield? Why not take them all the way to Crewe so if there is a necessity to change from a West Coast Main Line train to HS2 it can be done at Stafford using the hub?

199. MR MOULD QC (DfT): Well, I’m sure the answer to that question is that this is the result of running the model, the economic model, which assigns services to the available train paths on the basis of seeking to achieve the outcome which provides the optimum service to serve the nation’s economic needs. And that model, approaching it on that basis, has shown that the optimum use of the HS2 services with Crewe Hub in operation includes, amongst other things, a dedicated service through Stafford, Stoke
and to Macclesfield. But, as I say, that is no more than an indication of how, on the basis of that current modelling, the service pattern plays out.

200. At a point where it becomes more important, because the railway is hoving into view, at that point there will need to be a further consideration, a fresh consideration, of how the services should be used and, at that point, the balance between services to Stafford and to Stoke and further to the north on HS2 and other demands on the capacity will need to be considered. This is not about singling out a particular settlement and saying that settlement should have a guaranteed service come what may. This is about saying, ‘What is the best way of making use of this new capacity in the national interest?’

201. I will ask that the Government provide you with just an update on this point.

202. THE CHAIR: Fantastic. Sheryll, I think, has another question.

203. MRS MURRAY: Yes. Just very quickly, that would be helpful, Chair, because I’m looking at this in front of me and there is no way of getting from Stafford or Stoke-on-Trent to Crewe or beyond because the service stops at Macclesfield. No other service stops at Macclesfield.

204. MR MOULD QC (DfT): No.

205. MRS MURRAY: So if you wanted to get and use HS2, as far as I can see, you would have to go all the way to Old Oak Common and then get on a train and go through to Liverpool Street or through to Preston.

206. MR MOULD QC (DfT): Yes. If you wanted to go on HS2 from Macclesfield to Manchester and you were not prepared to take any other form of transport than HS2 you’re plainly right. You might, if you were wishing to make that journey, on this service pattern you might decide that your interest might perhaps lie in not using HS2 and finding another means, taking the conventional service between Macclesfield or Stoke and Liverpool or Manchester because, of course, this is just showing you indicative service patterns on HS2. It doesn’t show you what would be available on the remainder of the national rail network.

207. And I can say, in relation to that point, Mr Lefroy says he’s worried that the West
Coast Main Line might be allowed to go to rack and ruin. I think I can say with confidence that the Government does not intend to allow investment in the West Coast Main Line to fall away once HS2 has come into operation. The intention is that HS2 and the West Coast Main Line should continue to be fully used so that the nation’s needs are properly realised through the investment in both services.

208. MRS MURRAY: Thank you.

209. THE CHAIR: Excellent. Let’s move on.

210. MR MOULD QC (DfT): Traffic. P152(3) very quickly. If you can just scroll up a bit, you can see the M6 – can we go, sorry. Thank you – the M6 running from south to north, the railway line going across here. We can see it crosses over the Measham Viaduct just north of Stone. The suggestion was that it might be possible to run a haul road from the M6 junction 13 off the bottom of the plan here up to the HS2 route and thus avoid having to provide slip roads at Stone.

211. There are two problems with that. Firstly, you have to build it, which would inevitably mean significant delay to actually getting started on construction of HS2. You’d have to build the haul road to do it. And the second is, as you can, insofar as the concentration of the HS2 works are concerned, having our site haul roads, which is the red notation on this plan, these are all site haul roads and not using the public roads, keeping as much of our construction traffic off the road, having those converging so that they can all get on and off the dedicated M6 slips at this point here is obviously the optimal approach to running that part of the construction of the railway.

212. We are not able to commit to delaying any HS2 work until either the M6 smart motorway scheme has been completed or other works that were mentioned. If we do that, HS2 Phase 2A will not open in 2027; it will open in 2028 or 2029 or 2030. But we have to – or, alternatively, we will run greatly increased numbers of lorries along the local roads in Stone, which you know are already the source of some concern from local communities. We can manage the passage of mass haul traffic and so forth along the route via those M6 slips in a way that avoids jeopardising the introduction of the smart motorway scheme and allows that motorway to continue to function whilst those works are going on.
213. I think finally, then, the tunnelling issue. R55. I’ll just draw your attention to this summary report. Members of the Committee have access to this should they wish to look at it but if you turn to –

214. THE CHAIR: Can I ask, Mr Mould, I’m keen to hear a little bit about Hopton but do we come back to it at a later stage as well? Or is this our one bite at this issue?

215. MR MOULD QC (DfT): I think this might be your one bite because I don’t believe that there are petitioners from Hopton –

216. THE CHAIR: Right. So we’ve got to do it to our satisfaction properly today.

217. MR MOULD QC (DfT): Yes, I think so.

218. THE CHAIR: Great. Thank you.

219. MR MOULD QC (DfT): I just wanted to show you R55(11), which sets out the conclusions in this report, and you’ll see the cut and cover option is referred to in 173. The summary of that is that it would result in greater adverse environmental effects during construction in comparison with the proposed scheme. It would result in a reduction in adverse environmental and community effects in comparison with the proposed scheme during operation. So the report provides some more detail on that but all of these options, including that one, would come with very significant additional construction cost, you’re told in 175.

220. If we go back to R55(10), the additional costs associated with the cut and cover tunnel are on the right-hand side: option H4. That’s the cut and cover tunnel option and you’ll see that once we’ve applied optimism bias to the cost differential the estimate is that it would add some £160 million on to the cost of construction of the proposed scheme. The reason for that is principally that constructing a cut and cover tunnel at this location would involve a very major increase in earthworks and in tunnelling activity. And you can see that the costs associated with those are £70 million on the top line and –

221. THE CHAIR: And how long is the tunnel? It seems quite expensive.

222. MR MOULD QC (DfT): 1.2 kilometres.
223. THE CHAIR: And it’s all earthworks.

224. MR MOULD QC (DfT): Earthworks and tunnelling costs, yes. £70 million tunnel costs, you see, as compared to the proposed scheme where, obviously, it’s nil. And additional earthworks, about eight lines in, earthworks increase against the proposed scheme £47 million. Mr Smart tells me that the principal reason for that figure is that the great majority of the excavated material would not be reusable on the scheme and that would add to the surplus and, therefore, would have to be disposed of and, as you know, the costs of disposal of large quantities of excavated material, in terms of transport and in –

225. THE CHAIR: How many lorry loads of spoil?

226. MR MOULD QC (DfT): I haven’t got that number, I’m afraid. I don’t think that’s in this report. If you want me to get –

227. THE CHAIR: That would be helpful just for a layman’s – because I think Mr Wiggin said, and I would agree, the costs seem out of kilter compared to the long tunnel option. You’ve explained why but actually getting a bit more of an understanding –

228. MR MOULD QC (DfT): Well, I’ll get that for you. I just make the observation. The reason why the costs appear relatively less on the long tunnel is, you will recall, that we were replacing some very challenging surface civil engineering activity in the area between the two tunnel portals and so what, at first blush, seems quite an odd comparison actually begins to become clear once you understand that. Yes.

229. THE CHAIR: That makes sense.

230. Sandy?

231. MR MARTIN: Sorry, Mr Mould, I hope I’m not interrupting you. Were you going to go on to describe the other aspects of the comparison between the proposal and the cut and cover tunnel because I wondered how serious the impact would be on Hopton of the proposed line? I mean certainly we have looked at areas where there is going to be virtual cuttings. Is there going to be a virtual cutting in this case?

232. MR MOULD QC (DfT): Yes. You get a sense of that from R55(13). I’m afraid
it’s a very – the plan is quite high level but the principal beneficiary of a cut and cover tunnel alongside Hopton, which is up here, would be Hopton village and also the former Ministry of Defence dwellings at, I think it’s called, Mount Edge; this point here. There will be very significant sound attenuation measures designed into the scheme there. The railway will be built in a retained cut and there will also be bunding on either side of the line. And there is also provision, I think, for physical noise barriers as well.

233. If you recall your visit to the sound lab at the very start of this, if you remember you were asked to listen to a representation of noise from the railway at a particular location. That location was Hopton. So that’s our consultant’s modelling of the output, if you like, of the works that I’m showing you at a very high level here. The question for you is whether you think that the sort of money that I mentioned to you just now, around £160 million, whether that is money well spent in order to convert that level of sound impact that you heard at the sound lab to get rid of it so that people don’t have to listen to that level of impact.

234. THE CHAIR: Would I be right in saying, though, it’s not just about the sound; it’s about disconnecting communities? And on this map it doesn’t highlight the properties quite as well as a previous map that Mr Lefroy showed us.

235. MR MOULD QC (DfT): I’m not sure which one that was. But you can see on this map, in terms of severance, I think the focus of concern was on the severance of the road that goes from the Sandon Road here, which takes you on to the Stafford bypass, there’s a road that goes off to the right and goes up through Hopton and that road is obviously severed because there’s a very extensive cutting there and instead it’s realigned so it comes along the eastern side of the railway here. And the effect of that is that people who live in the MOD housing on the west side here would obviously have to find another route. What’s been done is an overbridge has been provided in order to enable people to get across the railway on foot and either a proposal has been publicised or a proposal is in the offing to turn that footbridge into a bridal way so that people can both – they can go on foot, they can also use their bicycles and also ride their horses and so forth.

236. MR MARTIN: And that’s the small bridge –

237. MR MOULD QC (DfT): Yes, that’s right, yes.
238. THE CHAIR: But for the sake of brevity on this issue, because I for one have quite a few questions, could we perhaps make sure we’ve all got physical copies of that report that we could review and we can come back to you at a later stage today if necessary or, indeed, after private deliberations of these matters?

239. MR MOULD QC (DfT): Yes, of course.

240. THE CHAIR: Thank you.

241. MR MOULD QC (DfT): Unless I can help you with any other points I think I’ve covered the points –

242. THE CHAIR: My issues are quite wide ranging so I think I need to go back and look at this in a lot more detail.

243. Martin?

244. MR WHITFIELD: I just have one question. You haven’t addressed the question of the amount of material extracted and reused from HS1 to feed into the calculations for HS2.

245. MR MOULD QC (DfT): It’s too early to say how the Phase One project is performing against that objective of a minimum of 90% reusing for the simple reason that the main contracts have not begun and until they get underway it’s not possible to make any sort of reliable judgement as to how far that ambition will be realised. It is extraordinary how people, and Mr Lefroy may have heard somebody talking about this, I don’t know, but it’s extraordinary how people offer opinions on these things without any basis for doing so other than what they would like to see happen.

246. MR WHITFIELD: I just wonder whether, then, because a number of people have raised this issue and I wonder whether HS2 have gone back to relook at their algorithmic principles for coming up with the 90% and are they still as confident at the 90% reuse as they were when the initial calculations were made?

247. MR MOULD QC (DfT): As I understand it, the Phase One delivery are still as confident as they were that they will be able to achieve that but, as I say, the proof of the pudding will be in the eating and we haven’t started eating it yet so until we do – and, of
course, you know that policy also applies to Phase 2A, that ambition.

248. MR WHITFIELD: I may require a bit more confidence than ‘the proof is in eating the pudding’. It feeds into substantial economic changes to the modelling this, doesn’t it?

249. MR MOULD QC (DfT): The earthworks balance?

250. MR WHITFIELD: The 90% to, say, down to 75% and there have been questions about the geology. Other petitioners have raised the level of surveying that’s been done. I’m really just looking to you to restate the confidence that HS2 have in their calculations rather than wait and let’s see what happens when we eat the pudding.

251. MR MOULD QC (DfT): But no, I’ve told you. I said to you that the Phase One delivery hierarchy are confident in that.

252. MR WHITFIELD: Are confident. Thank you.

253. MR MOULD QC (DfT): So I only say that, ultimately, it will have to be – one will only be able to form an effective evidence-based evaluation of actually what is achieved once one actually begins building the railway. But we –

254. MR WHITFIELD: We have no way to judge the assumption.

255. MR MOULD QC (DfT): Yes. There’s no reason to suppose that the 90% objective is now unachievable. No.

256. THE CHAIR: Sandy?

257. MR MARTIN: Before we move on from this, Chair, my understanding of this, I think, is, if I’m understanding it right, I think it’s quite significant. The red line underneath shows the vertical profile of the line and the green dotted line shows the actual profile of the land, although, obviously, exaggerated, and the area – don’t home in because then you’ll lose the whole point. It’s the bit underneath, the red line, that’s right, but comparing it with the actual map. So on the comparison between the red line and the green dotted line there are only two points at either end of the village where the trains on the proposed alignment of line will actually be seen or heard at all at either end. I mean between the arrow on the left-hand side and just to the left of the arrow on
the right-hand side the trains will actually be in a cutting throughout that – either a virtual cutting or a real cutting.

258. MR MOULD QC (DfT): Yes. Well, they certainly will be in a virtual or real cutting. I would obviously like to say nothing about your proposition that when they’re in those cuttings they will neither be seen nor heard but I think it would be wrong of me to let that go. I think it’s undoubtedly the case that the trains would be heard. There would also be people living in Hopton who would have some glimpse of them, although certainly the idea of the earthworks design here is to limit the visual impact as far as we reasonably can. But people will hear them but our position is that the degree of noise impact is not such as to justify the extra expenditure that would be required in order to in tunnel this particular section.

259. THE CHAIR: As well as looking at the report it might assist the Committee to just have a still of the pictures that we saw when we were at the sound lab to remind us of the view and the noise, just bring it all together. I think Sandy’s point I hadn’t fully appreciated. I’m sure –

260. MR MOULD QC (DfT): In doing that we’ll also provide a copy of those to Mr Lefroy as well.

261. THE CHAIR: And we can come back to you to look at this issue more fully so we can come to some conclusions.

262. MR MOULD QC (DfT): Certainly.

263. THE CHAIR: That’s very helpful. Have you finished your remarks?

264. Mr Lefroy, if you want to take one or two minutes and then it will be convenient for the Committee to have a short five-minute break and we’ll move on to the next petitioner. I don’t want to constrain you but I just want to – I think this will be a great evidence session so don’t feel too constrained but do be influenced by my request for brevity.

265. MR LEFROY: Thanks very much. I have a Foreign Office question so I’d have to get off to that anyway but thank you very much indeed.
266. Just on the issue of constituents who have lost, I think there’s this gap between 2013 and 2015. 2013 was when the line was first clear. Before that people had been quite unaware that it was going to go anywhere near them. So most of the instances that I’m aware of, and there aren’t many but they’re significant, obviously, to those individuals, will have occurred during that period between then and the consultation in 2015. So even if the consultation was widely disseminated, which it wasn’t particularly but people were aware of it, it will have been in that gap between 2013 and 2015 that lack of knowledge, particularly for those who, for instance, have been recently bereaved, is the issue.

267. I would just slightly – Mr Mould referred to Stoke and Stafford being settlements. They are, indeed, settlements but Stoke is – and Newcastle is the tenth biggest conurbation in the country and I do think that that needs to be taken into account. Since we’re talking about connectivity it is a very, very considerable place and Stafford, indeed, is also considerable but Stoke is right up there so we need to bear that in mind.

268. I think on all the other issues I was delighted to hear the commitment that the West Coast Main Line will be fully properly maintained in perpetuity because it is absolutely vital.

269. I don’t think that there are any other particular comments. Clearly, this issue of the way in which constituents of mine have been treated we will write with details, as far as we’re able to, because in some cases there may be questions of constituent confidentiality but we can certainly give some indications there. And in some cases it may be perception by constituents but certainly constituents have ended up in tears in front of my staff on more than one occasion. Thank you.

270. THE CHAIR: Thank you very much, Mr Lefroy. The Committee will meet back in seven minutes at precisely 11.30.

Sitting suspended.

On resuming—

271. THE CHAIR: Before we come to the next petitioners, I think Martin had a remaining question of Mr Mould.
272. MR WHITFIELD: It’s just, Mr Mould, about Mr Lefroy’s submission about the parish councils sitting on the –

273. MR MOULD QC (DfT): Yes.

274. MR WHITFIELD: Whether that was going to be a massive challenge or –

275. MR MOULD QC (DfT): Well, the position – just as you recall, when I read out the joint statement yesterday, in which we’d agreed with the National Trust, the position was that parish councils and community organisations would be invited to attend meetings of the group where appropriate. There will be matters that will fall within the ambit of the wider group’s work that are unlikely to be of direct interest to parish councils. And so that is the approach that I think the National Trust and other members of the groups favour, including the promoter. And so that’s really what we would commend to you. So, there will be an opportunity, through invitation, to attend but perhaps not as full members of the group.

276. I also just remind you that won’t deny parish councils the opportunity to participate on behalf of the local community in the process of developing the detailed design for the railway as it passes through this sensitive area, particularly the viaduct, because you remember, I told you about the arrangements, and under information paper D1, for prior community engagement as part of the statutory detailed design approval process. In advance of the statutory regime operating, there will be that opportunity to comment on the emerging designs.

277. MR WHITFIELD: Thank you.

278. THE CHAIR: Thank you. I turn to the petitioners, Mr and Mrs Simmons.

Frank Simmons and Angela Simmons

Submissions by Mr and Mrs Simmons

279. MR SIMMONS: Good morning. I’m Frank Simmons.

280. MRS SIMMONS: And I’m Angela Simmons. My husband and I have lived at our home, the Gables, Yarlet Lane in Marston, for 21 years. Over that time, we have spent time and money modernising and constructing a comfortable dwelling. We have

47
turned overgrown ground, which was at the side of the house, into a garden with a large wildlife pond. We’ve added trees which are now mature, rose gardens and vegetable gardens.

281. We thought of our home as perfect for retirement until five years ago, when the announcement came of the planned HS2 Phase 2A railway.

282. MR SIMMONS: Thank you. The map – could I have CTO6218, please? That’s the one, thank you. I’d like to point out where our house is; it’s that one there. If you can see that, I’ve got my mouse wiggling about on it. We have the bund behind us, railway line, and then this land drops down to distant views.

283. A bund is planned to screen The Gables from some of the effects of HS2. The bund is shown as about 1.5 kilometres long but not the height, up to five metres high was the best I could find. The promoter’s response to my request to state a height has repeated that which I already said, up to five metres high. But as late as last Thursday evening, we finally received a reply to our repeated questions about the details of the bund between The Gables and the railway line. It was the height of the bund above rail level that I was repeatedly trying to establish. It’s not until we knew that, that we could work out the effectiveness of the bund as regards to The Gables.

284. I knew the height of the catenary above the track as to be 5.8 metres; that’s stated in the design competition for HS2, and supporting masts are between seven and nine metres high, depending on their function. Could I have the promoter’s drawing, P162, please? There we go, thank you.

285. Part of the evidence that was sent to me last Thursday by the promoter showed a cross-section drawing of my house in relation to the rail line, the overhead gantry and the train itself. This was new last Thursday. It would appear from the drawing that I have little to worry about. Much of the railway and its associated track will be screened from view, but, and it's a very big but, this drawing is labelled, ‘NTS’, not to scale. It’s also labelled ‘draft’. It’s not the final version. It’s diagrammatic and not a true representation of how it will turn out to be. It’s close to how I would like it, but it’s diagrammatic, not to scale.

286. One piece stated on this map is the bund is between five and seven metres high.
above rail level. That’s the new information I’ve spent years seeking. My petition is to screen all carriages, wiring and gantries from view of The Gables. It would appear, from that, that I am 175 metres away from the middle of the railway. But that’s measuring from my front door. I would take it, when we do measurements of distances, it’s the closest part of the building to the construction that should be…

287. THE CHAIR: Where does your garden – I agree, but you can take the end of the garden as the first point –

288. MR SIMMONS: Well, my garden’s about 30 metres long, so that will be my back garden fence, somewhere about there.

289. THE CHAIR: Right.

290. MR SIMMONS: I could point – I’ve got a pretty good representation of my house, I don’t know where that’s come from, possibly from planning applications, that’s what I’ve been thinking. Could I have map profile A71, please?

291. It’s the bottom half of that diagram, thank you. Our house is very conveniently on chainage 215 plus 000. Could we zoom in slightly? Thank you. You can see on this bottom map, Marston Lane under bridge, and the A34 overbridge, and if I was to put a piece of paper between those two points, it quite easily shows that the railway line isn’t on a steady gradient between those two points, but it goes up in a hump and them levels off.

292. Remove this hump to a steady gradient and it will lower the line. It’ll raise the bund, the extra spoil and contribute to the desired effect of screening all of HS2 from view of The Gables. My petition is for the bund opposite The Gables to screen all parts of HS2 from view, and by removing that slight hump in the rail as it goes past my house, will contribute to that.

293. Issue two is about security fencing. Could I have map A73 back, please? And CTO6218. And can we zoom into my house which is here? Lovely, thank you. Issue two is security fencing; we fear the view of metres of unsightly security fencing from The Gables. We’ve yet to see any attractive security fencing. We ask in this petition for the fencing to be on the far side, the north facing side of the slope, on that side. This
way, it’ll not be visible from The Gables. It’s a simple request.

294. The promoter in the response to me did not answer with a yes or a no. The promoter repeats that the design, the level of the design is at the required level for this stage of the parliamentary process. If this is so, we think we may have been here too early to discuss the point. When it is designed, do we get the chance to return here, in challenge, should it be unacceptable?

295. My petition is to place the security fencing out of sight of The Gables on the north facing slope of the bund.

296. Issue three is still on the same map and it’s drainage. Yarlet lane runs on a ridge. This ridge is a watershed. Rainfall to the north side flows down to the River Trent, and rainfall on the south side of Yarlet Lane – you can see the contours there, flows to the south via Marston Brook to the River Stour in Stafford. No property on Yarlet Lane has mains drains. All foul water goes to septic tanks, all rain water goes to soak-aways. The septic tanks usually have underground outflows and the underground soak-aways are absorbed by the surrounding land and are not considered as surface water, but subsurface water. All the drainage from The Gables and the other houses is subsurface water; it does not flow across the land.

297. The environmental study, CA2 section 731 identifies Marston and Yarlet with relatively heavy and poorly drained soils. Poorly drained, even though on top of a ridge. Marston comes from the Anglo-Saxon meaning farm on the marsh.

298. Between The Gables and the River Trent, which is our natural drainage, will be 1.5 kilometres of bund, which will act as a dam against good drainage. This dam will have a drainage ditch dug along its southern edge which will collect surface rain water, but not the subsurface water mentioned. I petition that further to identifying and monitoring the situation, the environment agency and the promoter are required to proactively incorporate field drains into the land to the south side of the bund at this design stage to mitigate any likely detrimental effect to the subsurface local drainage behind The Gables.

299. Issue four is tree planting, and we’re still on that A73. There’s only one large stand of trees between Stafford and Stone on the A34 and it’s Yarlet Grove, visible
from The Gables. Seventy six percent of Yarlet Grove is to be lost. Could you scroll the drawing across to the – that’s lovely, thank you.

300. Mitigation planting for the loss of Yarlet Grove is shown there. Opposite this dwelling known as Marston Mead. The mitigated planting will screen Marston Mead from the worst view of the railway but Yarlet Grove is clearly visible from The Gables. The new planting opposite Marston Mead will not be seen from The Gables because of the rising ground between us and the new planting. This is loss of amenity.

301. A further 1.9 hectare of trees is to be planted along the 1.5 kilometres of the embankment and bund. 1.5 hectares is 19,000 square metres. If I divide that 19,000 square meters by the 1,500 metres of bund, this will give a screening band of trees 12 metres deep. My petition is for extra trees to be visible behind The Gables. I suggest an extra 12 metres deep, giving a short band of 24 metres in total depth, along the width of The Gables plot. I’m not asking for the band of trees to extend beyond the width of The Gables.

302. There’s an existing hedge here, that is an existing hedge. These maps show what HS2 is up to, but it doesn’t show the existing hedgerows other than as black lines. I’m not asking for the band of trees to extend beyond the width of The Gables. That existing hedge to the east of The Gables which will form the eastern boundary of any extra tree planting and I petition that this mature hedge is protected and retained as it gives me much sideways screening from the railway.

303. THE CHAIR: Can we have a picture from the back of your house looking onto this area at all?

304. MR SIMMONS: Not with me, no. The house overlooks down into the valley. I have taken pictures; Mr Lefroy, when he came to visit my house, took similar pictures. They don’t really give it justice, you cannot see any depth to it. If you took the pictures, it would look like open fields with cows in. So no, I don’t have any pictures.

305. THE CHAIR: Okay.

306. MR SIMMONS: Issue five, traffic. Could I have map A72, please? Now, I should be able to drag this about, lost my mouse. You see the railway running behind
us, it is read at that point, which means it’s in a cutting. You can see the railway run behind that, that’s Yarlet Lane. At each end of Yarlet Lane, there’s going to be a compound, one up there and one down there, a construction compound. Yarlet Lane runs from its junction with the A34, which is there, which we’ll hear more about later, to its junction with Marston Lane, which you’ll also hear more about possibly later.

307. Yarlet Lane and Marston Lane make the hamlet of Marston, there’s no other roads in Marston. All HS2 traffic will need to use either Yarlet Lane or Marston Lane until any haul road is operational. Marston Lane – this one here, is to lose its narrow, twisty lined hedge character and it’s going to be widened, straightened and diverted to become a designated road for HS2 HGV traffic. At the moment, Marston Lane is signed as unsuitable for HGVs.

308. It is stated that the HGVs will use this widened route to access the Marston South embankment satellite compound, which is about there, but not any other HS2 generated traffic, just the HGVs. There will be a temptation to use Yarlet Lane for non HGV HS2 traffic to access Marston North embankment satellite compound. The traffic that is not HGV will be tempted to travel that short distance rather than down Marston Lane, along Beaconside and up the A34 or vice versa. HGV traffic will have to use that route.

309. My petition is to ban all HS2 generated traffic from Yarlet Lane, all HS2 generated traffic instead to use the widened Marston Lane, together with HS2’s HGVs.

310. Issue six; the A34 Yarlet Lane junction.

311. THE CHAIR: Two quick points, firstly, is this a prioritised list? i.e. is the first thing more important than the seventh or eighth, or is it just a list, and secondly, it’s just a request, just a bit faster, to get through all of this.

312. MR SIMMONS: Okay. Is it a prioritised list? Many are linked with each other, so if one happens, another one happens, if one doesn’t happen, the next one – if you work out the priority for the first nine? Issue six, the junction. Are we on map A73? We are. And CTO5219B please, O5219B. Yes, thank you. There is Yarlet Lane coming onto the A34 at that point. The junction is affected by the proposed A34 diversion. The existing junction of Yarlet Lane with the dual carriageway, A34, is a simple T junction with a gap in the middle, large enough to accommodate two vehicles.
Vehicles using this junction make any manoeuvre they wish, although U-turns are prohibited through the central reservation.

313. Currently, there is no deceleration lane for traffic coming from the A34 from Stone when travelling south, there’s no room to create a deceleration lane, it would mean taking frontage from the public house, the Greyhound at Yarlet. I’m not proposing that any ground is taken from the Greyhound at Yarlet.

314. For traffic flowing north, there’s no deceleration lane for traffic wishing to turn right into Yarlet Lane, vehicles need to indicate, pull to the right, into the outside fast lane, amongst the traffic flowing near 60 miles per hour, carefully slow down the traffic so that the right hand turn into the central reservation can be made. Large enough, as I’ve said, to take two vehicles, if they are correctly positioned. If there are two vehicles already there, of if one of the vehicles is badly positioned, then a dangerous and tricky situation results.

315. There is already space in the central reservation for a suitable deceleration lane to be made without taking extra land. This junction is to be modified when the A34 diversion is put in place. My petition is for the temporary modified junction to include slip roads and deceleration lanes as part of the design of this temporary junction. Could I have map P168, please? And scroll to page 7 of 7.

316. There, we can see the proposals for diverting the A34 over to the east while they build the railway under the existing A34 and you can see the point of divergence is right where Yarlet Lane comes out.

317. Last Thursday, at 5.00 p.m. the promoter’s response came to us with further details of this modified junction design. The promoter, instead of seeking a solution asked for in my petition, by gaining land from the western side of the A34, currently farmed and managed by Staffs County Council Farms and Estates, to create a safe and improved junction, has responded by stating that the central reservation will be closed. There’s to be no right hand turn from the A34 into Yarlet Lane and no right hand turn from Yarlet Lane towards Stone for a period of 12 months.

318. Any alternative solution, the promoters claim, will involve possessing land not currently required for the scheme. I’d like to respond by saying we already own this
land, it’s public land managed by Staffs Farms and Estates on our behalf. Any rent from the land going towards the services supplied by the local authority, in the same way our council taxes are used. The land needed requires no change of ownership, all it requires is a change of use, from farmland to highway.

319. Back to A73, please. And CTO5219B. Thank you. In this larger view, the promoter shows how much land he’s taking temporary possession of for the A34 diversion, that pink there. There’s enough there to sort out some sort of solution which does not require closing the central reservation for 12 months. All journeys to visit my family, my doctor, my church, shopping in Stone, need to make this right hand turn. Since the 24 A&E department at Stafford Hospital closed, attending A&E at Stoke on Trent after 10.00 pm would require us to make this right hand turn.

320. I petition that the Select Committee ask the promoters to look again at the proposal to block the central reservation and redesign the junction to allow right hand turns in either direction so we’re not left in a worse condition than already exists.

321. Far from using the opportunity of remodelling the road to include slip roads, the promoter is blocking the central reservation making access between Yarlet Lane and the northbound carriageway impossible. Blocking the central reservation at this point costs the promoter nothing, but puts the costs of a year’s time, extra travel and inconvenience onto the local residents. I petition the Select Committee urge the promoters to look at the problem from a local residents’ point of view and put more effort into providing a creative solution.

322. At very least, copy what’s already there. And move it slightly, and incorporate it into the diversion.

323. THE CHAIR: Can we just try to make a bit faster progress? I think some of the points could be looked –

324. MR SIMMONS: I do understand, but I’ve been waiting five years for this moment and it’s the last chance I get. I am more than half way through.

325. THE CHAIR: You are serving your case better if you’re pithier. We’re more likely – this is about how we can help you, and that’s my advice to you.
326. MRS SIMMONS: Do you want to miss one out?

327. MR SIMMONS: No, I don’t want to miss one out. When the junction’s finally restored to use and when the diversion’s removed, can the opportunity be taken and some way be found of keeping enough ground to the west of the A34 to realign the A34 very slightly to build in deceleration lanes and slip roads for the junction of the A34 and the Yarlet Lane in both directions.

328. On 28 January 2018, when Minister Nusrat Ghani visited Crewe, she made £5 million available to communities in Phase 2A as part of a Government initiative to provide a legacy of improvements for generations to come. If there is the money in a Community and Environment fund, is there the will to access it and use it for the junction at Yarlet Lane?

329. Right, issue 7, the bus stop known as the Greyhound at Yarlet. The current situation for these bus stops is the south bound bus stop to Stafford as a shelter, but no lay-by – remember this is a dual carriageway travelling at 60 miles per hour, the northbound bus stop does have a lay-by but no shelter, or even pavement. Northbound passengers wait in the open, standing in the lay-by or on the grass verge. When dismounting, the passenger has no option but to step into the grass, the bus occupying the lay-by.

330. We’ve both experienced the southbound bus not stopping to pick us up, there’s no lay-by.

331. THE CHAIR: Yes, I think you’ve made a point, this is clear from the paperwork I’ve got, let’s move onto the next point, please.

332. MR SIMMONS: The tunnel.

333. THE CHAIR: Let’s move on, point 8.

334. MR SIMMONS: Point 8, profile 8, Marston tunnel. Are we on map A71, please? And looking again at the profile. Thank you. My original petition document that I submitted to Parliament was entitled, ‘Marston Tunnel’. The promoter’s response document is issue 8, ‘Hopton Tunnel’. Marston is not Hopton; they are two different places, three kilometres apart, with no direct connection by road. Marston tunnel is not
Hopton Tunnel.

335. On the day that HS2 Phase Two was announced, the plans showed that Hopton was to benefit from a cut and cover tunnel, but as the month progressed, the plan was dropped. All the promoter’s response to my petition for a Marston tunnel are concerned with the reasons why Hopton tunnel was dropped, basically, expensive and difficult.

336. P169, please. We scroll down to the diagram, shows the four options of the tunnels. That’s it, thank you. Those are the four options of the Hopton tunnel which you are most probably familiar with. None of them get as far as Marston.

337. I expect the promoter to say that the Marston tunnel will be difficult and expensive too, but think of the benefits. No bund to build, no security fencing –

338. THE CHAIR: Sorry, Sheryll Murray has a question.

339. MRS MURRAY: Yes. Are you requesting a tunnel, or is it something that was proposed and then rejected, because I’m looking at this: I’m not absolutely clear as to whether a tunnel at Marston is what you’re asking for, or whether a tunnel at Marston that hasn’t been provided is being – to be reinstated.

340. MR SIMMONS: Thank you.

341. MRS MURRAY: Could you be absolutely clear?

342. MR SIMMONS: There has never been a proposal for any tunnel at Marston.

343. MRS MURRAY: Right, so you’re asking for a tunnel at Marston?

344. MR SIMMONS: Yes a new tunnel, yes.

345. MRS MURRAY: Thank you.

346. MR SIMMONS: I don’t need to list the advantages of not having a tunnel. Would you like to take issue 9?

347. MRS SIMMONS: Yes. Broadband access. Map A72. Superfast Staffordshire, all one word, is the group charged with bringing fibre broadband to Staffordshire. For several years, we were offered the carrot of fibre access by the end of 2017. It did not
happen. I enquired by email when Yarlet Lane is set to benefit. I was told that Yarlet Lane remains part of the 4% of Staffordshire for which there is no Government funding available.

348. BT guarantees us a line speed of one megabyte per second along existing copper wires. Asking a local engineer what the problem is he told me we were on the wrong side of the tracks. Anecdotal evidence, I know, but no solution will be found until a fibre cable from our nearest fibre enabled cabinet.

349. MR SIMMONS: Which is just there.

350. MRS SIMMONS: Sandon cabinet one, located at the end of Trent Field Lane, on the B5066, can be made. The Gables and the Sandon Lane cabinet one are on different sides of the proposed railway and as far as I can learn, no further work is planned until after the HS2 line is completed.

351. The promoter’s response is they are open minded to the possibility of considering how the HS2 construction may facilitate the delivery of new fibre networks. I do not consider it satisfactory that building HS2 in this part of Staffordshire is preventing the delivery of superfast broadband. I petition that HS2 Ltd and BT Openreach work together to find a prompt solution with some urgency.

352. THE CHAIR: Thank you.

353. MR SIMMONS: Okay. You did ask for priorities of the nine or 10 petitions, and all those petitions so far, have asked for the benefits for the residents of The Gables or Yarlet Lane, whoever they maybe, for the lifetime of this project.

354. So, finally, it’s time to think of ourselves, and this is my last point, if you’ll bear with me. Issue 10, compensation. Could I have map A70, please? And zoom into The Gables which is round about here somewhere, that’s the one, keep going, please.

355. THE CHAIR: Yes.

356. MR SIMMONS: Thank you, there. Compensation, we are constantly reminded, is to be more generous than is legally required but also be affordable to the taxpayer. It seems that being unfair, in some cases, is of little concern. In my case, less than 25% of
the property is in the area required to qualify for the voluntary purchase scheme.

357. MR WIGGIN: That’s the orange bit isn’t it?

358. MR SIMMONS: That is orange, yes.

359. MR WIGGIN: Thank you.

360. MR SIMMONS: The Gables qualifies for the home owner payment zone one, or put in terms of cash, £22,500. This might be reasonable depreciation for a house valued at £200,000, but the £22,500 does not reflect the devaluation by blight for The Gables.

361. MR WIGGIN: This is important for you.

362. MR SIMMONS: It is important. I prefer if I can say what I’ve written.

363. THE CHAIR: Yes, take as much time as you need, don’t be pressured into missing stuff.

364. MR WIGGIN: Yes, this bit matters.

365. MR SIMMONS: It is quite possible to imagine a scenario where a claimant’s house, eligible for the voluntary purchase scheme is positioned further away than that of its adjacent house which is not eligible because it does not enjoy the shape or size of the plot of the eligible house. The eligible house will be able to take advantage of the voluntary purchase scheme, because over 25% of its large plot, its garden, is within the zone. Although the dwelling may be further away.

366. It appears from studying the map, the adjoining house to mine, this one here, would be able to take advantage of the voluntary purchase scheme because 25% or more of his garden is within the zone. Can I have map P163 please? Thank you. And we’re on the left, does that zoom in? Thank you.

367. My plot is shown in red. And the adjoining house has got a little red dot on it. The adjoining house to mine is shown to be subject to excessive noise pollution. The Gables has not been assessed, although I understand if properties around are assessed at one level, then an unassisted property in the middle is deemed to have the same level of noise pollution. Can we go back to A70, please? Thank you.
368. In my case, it’s not the position of the house that disqualifies me, nor the size of my garden, but it’s the orientation of the garden. Imagine leaving my house exactly where it is, imagine my plot exactly the same size, but rotate the plot 90 degrees anticlockwise and suddenly, 25% of my property falls within the voluntary purchase zone. I suddenly qualify for HS2 to buy me out at 100% of an agreed value.

369. THE CHAIR: Could I just clarify, if you were treated the same as your neighbour, what would the impact be for you, and what decision would you take?

370. MR SIMMONS: We are desperately hoping we would not need to sell to HS2, this is our forever home, as we’ve modernised it and modified it over the years. If we were to leave here today, knowing that we were deemed eligible for the voluntary purchase, it would be a great comfort, that, as we try and stick it out through thick and thin, knowing that if it all becomes too much for us, we have the safety net of the voluntary purchase scheme to rely on.

371. We petition that because we suffer the same noise pollution as our immediate neighbour, we are deemed eligible for the voluntary purchase, our eligibility becomes valid by rotating our plot, 90 degrees.

372. MR WHITFIELD: Imagine, Mr Simmons, if your property had been built in the same layout as The Hawthorns, your house would have been in the purchase area, because that sort of orangey-yellow triangle, that’s on your property, isn’t it? There.

373. MR SIMMONS: Yes, but it’s less than 25%

374. MR WHITFIELD: It’s less than 25% at the moment, but your property had been within that, if your house had been within that –

375. MR SIMMONS: Yes well if the house was right up on the boundary there.

376. MR WHITFIELD: As with your next door neighbour.

377. MR SIMMONS: No that’s his out buildings.

378. MR WHITFIELD: Oh, they’re outbuildings are they?

379. MR SIMMONS: His house is down there, level with mine. But equidistance
from the road.

380. MR WHITFIELD: So they advantage, as you say, is by the orientation of your property against Yarlet Lane, rather than the proposed line of the railway.

381. MR SIMMONS: Yes, it’s the shape of my plot. My back garden is at the side of my house. If the back garden was at the back of my house, I would qualify.

382. MRS MURRAY: Can I just be absolutely clear; are you saying that your neighbour is entitled?

383. MR SIMMONS: My neighbour –?

384. MRS MURRAY: Is entitled to the voluntary purchase scheme?

385. MR SIMMONS: Is. By looking at my neighbours – talking the house known as The Hawthorns.

386. MRS MURRAY: So, The Hawthorns.

387. MR SIMMONS: Looking at that map, you can see the orange part is more than 25% of his plot.

388. MRS MURRAY: Yes. So, he’s subject to the purchase and you’re not, am I correct?

389. MR SIMMONS: No, if he wants to, he can apply for the voluntary purchase scheme.

390. MRS MURRAY: Yes. So he could apply but you’re not entitled to apply?

391. MR SIMMONS: Correct. We’ve got the same noise pollution.

392. MRS MURRAY: And both houses – it’s the outbuildings, that is towards the yellow, not the main properties?

393. MR SIMMONS: Correct. Yes the outbuildings are on the back boundary. The two dwellings are towards the front.

394. MRS MURRAY: Thank you.
395. MR SIMMONS: Thank you. That is it.

396. THE CHAIR: Thank you very much. I’m conscious we were going to break at 12.25, would it be a good idea to break early, Mr Mould, to give you some space to have a think and see whether we can move things on over the period we’re not sitting on this specific issue, or do you want to deal with the issue within five minutes? My gut inclination is to break slightly earlier, but I will be guided by you.

397. MR MOULD QC (DfT): Well I was rather thinking I’m – I mean I’m happy to do that, but I was thinking I might deal with this issue that you’ve just been asked to think about now, because I think that – I can deal with that whilst it’s fresh in your mind.

398. THE CHAIR: Okay, yes.

399. MR MOULD QC (DfT): I’m also conscious there is still quite a lot of business still to come.

400. THE CHAIR: Okay, press ahead.

Response by Mr Mould

401. MR MOULD QC (DfT): What the petitioners have identified here is one of those things that follows inescapably from a non-statutory blight support package which is limited to a particular geographical area where that area is defined by a reference to a distance, either line of the railway.

402. So, the voluntary purchase zone runs from 60 metres either side of the railway line and so it therefore – as you can see, the effect of that is that it will include some properties that are quite close to other, but not include others. That is the consequence of drawing the rural support zone and the voluntary purchase scheme in that way.

403. Now, this was a point that was a source of complaint from a number of householders in relation to the Phase One railway, and our position in response to that was, the Secretary of State has taken the view that this particular component of his non-statutory compensation package should operate in that way, and that there will be apparent anomalies of the kind that you’ve just had presented to you, but that is,
essentially, the consequence of that kind of scheme. But it doesn’t mean that these petitioners are without a remedy, and there are two remedies that are available to them.

404. The first thing is, as you elicited from them a minute ago, they actually would like to stay, and what we do know is that their property, P1641, and I can show you this – their property is predicted to experience quite a significant degree of change in the noise environment, that’s reflected by the red at the bottom of the page here. This assessment, which applies to their property, as it does to their neighbours, tells you that we’re predicting that there will be an increase in noise measured on the LEQ or the ambient noise index, from the day on which this railway comes into operation of 15 dB during the day and 10 dB at night. That’s quite a significant change.

405. THE CHAIR: Can I ask what is happening with their next door neighbour and more generally, because I’m conscious whilst the petitioners have expressed a view that they want to stay, but have the safety net, as a Committee, we also have to have regard to the overall position of the taxpayer and a number of the requests that the petitioner made to mitigate are going to layer in quite substantial costs, I suspect, well in excess of the value of that property and maybe a few other properties, and I was just trying to get a view as to whether if, they did take the decision to have the purchase, whether some of these remedial actions wouldn’t be needed.

406. MR MOULD QC (DfT): None of the other nine requests that the petitioner has made will lead to any significant increase in the budget for HS2, because they are all matters that will be dealt with as part of the detailed design of this railway. So, if this petitioner were to receive a cast iron right to sell their property to the Secretary of State at its full unblighted market value, that would be a net increase to the cost to the scheme. But what I was coming to, I question whether, in fact, this is really the right remedy for them.

407. As I say, they’re predicted to experience a significant increase in noise and you’ll remember that a couple of days ago, I mentioned to you the statutory right, which any owner/occupier of a dwelling house affected by noise from a new railway line, the statutory right they enjoy under Part I of the Land Compensation Act 1973, to make a claim for compensation for the diminution in the value of their dwelling house that results from the coming into operation of the railway.
408. Now, whilst I can’t say that there will be a loss of value here, the fact that the noise environment is going to change in the way that is predicted here, if that is the result – if that is what happens, when this railway has been built and is up and running, you can see that on the face of it, they look like they may very well experience some diminution in the value of their property and therefore, they would be able to make a claim.

409. So the thing that is causing them particular concern, which is whether being relatively close to an operational railway line will cause their property to become less valuable. They don’t need to rely on a non-statutory scheme for that, they know that when the time comes they can make a claim under the statutory compensation code.

410. But they’re not without a remedy under the non-statutory arrangements that the Secretary of State has put in place because they are able, in principle, to make an application to the Secretary of State under the need to sell scheme. Anybody who lies outside, or just on the edge of, or beyond the rural support zone which is where the voluntary purchase scheme applies. Any owner/occupier of a dwelling that lies in that hinterland, if you like, who feels that their needs are such that they have a compelling reason to sell their property, they can apply to the Secretary of State under the need-to-sell scheme and to have their case considered in that way. I explained that to you, I think, when we had the petitioners from Common Lane in last week.

411. MRS MURRAY: Yes.

412. MR MOULD QC (DfT): So these petitioners are essentially in the same position. What they do have, by way of a modest advantage over those previous petitioners as I recall, is that as you’ve seen, they also fall within the inner band of the home owner protection zone, so they would be entitled to receive a sum of money from the Secretary of State following Royal Assent of the railway because they fall within that zone. I think it’s £25,000 if I remember rightly.

413. So there is a non-statutory regime, there is a statutory regime, and there are two aspects of the statutory regime which provide them with a least the opportunity to seek to recover compensation if they stay, and also to apply to the Secretary of State if they feel that they have a compelling reason to move.
414. THE CHAIR: Sheryll Murray?

415. MRS MURRAY: Mr Mould, I’m just conscious that this is the second petitioner we’ve had before us who have a similar case. Is this information being communicated to the various people, in your opinion, in a clear way so they understand what their entitled to do?

416. MR MOULD QC (DfT): Well, I believe that it is but if I may say so, it’s a fair question. Clearly, if you were to hear another four or five people in a sense, with the same situation, coming and me making the same response, it might then begin to raise the question, is this being disseminated. What I will do, because I don’t wish the Committee to be faced with unnecessary business whilst you hear me explain the basic scheme, I will ask that we just check that it is being communicated.

417. MRS MURRAY: It wasn’t a complaint about us hearing and doing our job, Mr Mould, but it’s just flagged up alarm bells with me that maybe it isn’t being communicated to people in a way that perhaps it should be.

418. MR MOULD QC (DfT): Believe me, I wasn’t for a minute inclined – I mean, the petitioners have made their case, but in order to give you reassurance that it is being, I will make it clear that we must make sure that we do give people a clear explanation of these compensation elements that are available to them.

419. THE CHAIR: Are you happy for me take an intervention from Mr Simmons?

420. MR MOULD QC (DfT): Yes, by all means.

421. THE CHAIR: Mr Simmons.

422. MR SIMMONS: I am perfectly clear of all the options available to me, and publicity is quite okay in my particular case because I’ve taken a very close interest, but that same publicity shows the difficulty that people have trying to use the need-to-sell scheme. It’s fraught with problems. I’ve read petitions on line that people’s petition is purely their tale of woe as they try and sell under the need-to-sell scheme. Personal details of their lives are put on line for the world to read.

423. THE CHAIR: Well, we’ll see more of that. Mr Mould?
424. MR MOULD QC (DfT): Yes. Shall I just quickly go back to the other points? Because I hope that’s dealt with that point. If we go back to P161. Here is the petitioner’s property and as you recall, we have the railway line, we have the proposed bunding along here and here is Yarlet Lane running along this point here.

425. If we go to the next slide, we have the cross-section that you were shown. I think I can deal with a number of the points straight away. The petitioner said that this arrangement was satisfactory but the aspect that he didn’t like was the fact that it was marked as not to scale. I can say that this is the arrangement, that the detailed design will produce and the intention will be to provide effective visual screening from the petitioner’s property by means of the bund and planting, and also to provide effective noise screening.

426. It won’t, as you know, prevent there being a significant change in the noise environment, but it will provide – this bund will be sized so that it provides what would in effect be, a five metre fence bund, in the event that this was shown in that way. In other words, it will provide as much noise attenuation as the highest available fence bund would provide had we used that instead.

427. The planting bund, my instructions are that that is sufficient, that width of 12 metres, he said, to provide effective tree planting and screening. And the project does not, as you know, look to acquire more land than it thinks is justified in order to provide line side planting, because that immediately eats into private land on either side of the railway.

428. You can see that there is provisioned in this schematic for land drainage on the western side of the railway. I can say that, as I think you heard yesterday, the project has an extensive design regime to address drainage issues and that design regime will be applied to this location as it will be elsewhere.

429. The line side fence will be provided on the rail side of the bund, so that will not be a visual impact.

430. Yarlet Lane is not proposed to be used as an HS2 construction route, and all HS2 vehicles will be directed away from Yarlet Lane, but we do not accept that it is realistic to impose an outright ban on cars and light goods vehicles using that road. It is not
propped as an HS2 construction route.

431. I am happy to take away the suggestions that were made about reviewing the detail of the temporary diversion of the A34 with the local highway authority to see whether it’s possible to design in during that 12 month period, a right turn into Yarlet Lane. I can make no promises about that, but I will take it away. Likewise with the bus stops, that is clearly a matter which is for the local highway authority to take the lead on and we’re willing to raise that with them when we reinstate the road.

432. Broadband access; if the coming of the railway affects the delivery of broadband from one side of the line to the other, then the railway will have to accommodate that in the detailed design, by example, by running the necessary cables along one of the overbridges or the under bridges in the way that is normally done.

433. As regards a tunnel, if we were going to put a tunnel through Marston, the simple topography would mean that it would have to be part of an extension of a tunnel further south, so it would mean that the cost to the railway would be £160 million plus $n$ because as you’ve seen, it would cost £160 million to provide a cut and cover tunnel to Hopton. If we were going to run it north by upwards of a kilometre so it extended as far north as Marston, you have to add on the cost of that as well, and we do not believe that that is a justified change to the scheme.

434. I believe I have covered the points that have been made. I apologise for doing it in very short order, but unless you feel that there’s something I’ve missed, then that’s all I wanted to say.

THE CHAIR: No one’s catching my eye. Thank you very much.