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

Monday 4 June 2018 (Afternoon)

In Committee Room 5

PRESENT:
James Duddridge (Chair)
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:

Jack Brereton MP
Antoinette Sandbach MP

IN PUBLIC SESSION
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1. THE CHAIR: Welcome back, everyone. It’s good to have this many Members of Parliament giving evidence and in the public galleries as in the Committee. We’re looking forward with bated breath to hearing the petition from Stoke-on-Trent. Over to you.

**Jack Brereton MP**

**Submissions by Mr Brereton**

2. MR BRERETON: Thank you, Chair. I’ve got quite a few things to say first, but I’ll just say initially that, as I’ve been clear previously, I am not opposed to HS2 in principle and the need for this infrastructure investment. The reason I petition is due to my concerns about the impact on traffic and rail services in Stoke-on-Trent during construction as well as the importance of ensuring Stoke-on-Trent is served by comprehensive HS2 services in the future.

3. I respond firstly to the promoter’s response document to my petition. This raises a number of points, which I’ll address in turn. Secondly, I also have some comments relating to the Committee’s first special report. As suggested previously, I remain of the view that the Stoke connector option would offer the greatest national economic benefit in facilitating HS2 services to North Staffordshire. This would deliver economic benefit in facilitating HS2 services to North Staffordshire. This would also ensure, it should be noted, that the economic regeneration in Stoke-on-Trent would be on a scale of national significance. And also, the BCR analysis that did take place was only on a single service an hour terminating at Macclesfield rather than a more realistic comprehensive service that the construction of a connector would facilitate. This is the reason the business case looks so poor for the Stoke connector option. A like-for-like service is not what the Stoke connector is designed to achieve.

4. I am pleased, in the importance of connectivity of HS2, Stoke-on-Trent is now recognised. However, much more work must be undertaken in partnership with Network Rail to assess what measures will be necessary to ensure the conventional network is up to an acceptable standard to facilitate HS2-class compatible services.

5. It is not acceptable for services via Stoke-on-Trent and Stafford to terminate at
Macclesfield. Nothing in the response addresses this concern. Work must be undertaken to understand how additional capacity can be facilitated on the network north of Macclesfield to allow HS2 services from Stoke-on-Trent and Stafford to terminate at Manchester.

6. The need for a HS2 service between Birmingham Curzon Street and Stoke-on-Trent is not addressed by the response. Such a service would help relieve severe overcrowding on the network to the north of Birmingham. This could terminate at either Manchester Piccadilly or Liverpool Lime Street. Work needs to be done to understand fully the potential service patterns that could be facilitated on the network north of Curzon Street to destinations like Stoke-on-Trent. A greater frequency of service beyond the single service now proposed would better cater for the likely future demand and projected economic growth of North Staffordshire. Splitting more services, as suggested, could help facilitate a broader range of services. It would be extremely advantageous if a second London service were to serve London Euston, Stoke-on-Trent, Crewe and Liverpool Lime Street, enabling direct connectivity between Stoke-on-Trent and Liverpool, which is currently severely lacking.

7. The infrastructure must be designed to accommodate the range of potential services that will be determined through a future franchise fully integrating HS2 with the conventional network. There are clearly challenges with running HS2 services on the conventional network, yet very little appears to have been done to fully understand what works may be required to fully integrate HS2. Where there are improvements that could improve capacity on the conventional network for classic compatible services, HS2 often seems resistant to such improvements. Many of these improvements must be planned into the next five-year spending period for Network Rail, due to start in 2019. Work must be done urgently with Network Rail to understand where infrastructure improvements are necessary to address pinch points on the conventional network and create additional paths. Examples of this, but not exhaustive, include redoubling of the line between Alsager and Crewe; junction improvements at Colwich and Stone and removal of level crossings through Stone and Barlaston.

8. There are also wider challenges in creating paths for services from North Staffordshire through to Crewe. All services must currently terminate at Crewe and use bay platforms as there would otherwise be conflicting movements with other mainline
services. This has been particularly problematic in trying to create a direct service through to destinations such as Liverpool and Manchester Airport. Both are important links that would attract a high demand of usage, yet the layout of the network at Crewe currently creates significant operational challenges, which means there’s a need to cross other lines. Services to Manchester Airport were removed in 2005 due to these challenges, which caused significant punctuality problems.

9. Remodelling of Crewe station must take this into account and improve the ability for services from North Staffordshire to go beyond Crewe. Use of existing private lines to grade-separate some passenger services passing through Crewe on other lines could help to facilitate this, creating additional paths for services from North Staffordshire.

10. In terms of station improvements at Stoke, whilst I accept that it is not for HS2 alone through the Bill to address constraints at Stoke-on-Trent station, HS2 does have a role in wider benefit realisation as set out in the sponsor’s requirements. It is essential for HS2 to work with Network Rail, the city council and other partners, to ensure Stoke-on-Trent station is HS2 ready and capable of accommodating required services, just as it is important for HS2 to work more effectively with Network Rail to realise wider associated benefits on the conventional network to enhance capacity.

11. I’ll now move on to the traffic assessments, and firstly, on data modelling of the M6, particularly the M6 junction 15. I continue to raise concerns about the robustness of the model used to understand the likely impacts on traffic. Whilst recognising the SATURN modelling is well established, this is much more effective in conducting network assessments and has significant limitations in accurately establishing specific junction queue lengths. A more robust approach must be used to understand effectively the necessary mitigation measures required. The limitations of the model and the discrepancies in the data that I have identified have not been satisfactorily addressed by HS2. Traffic modelling is based around the stipulation that 90% of excavated material should be reused in construction. As an estimate, for every 1% out, this would likely equate to roughly an additional 250,000 vehicle movements.

12. Geotechnical ground investigations have yet to be undertaken on Phase 2A. However, it is understood that studies commenced on Phase One in autumn 2017. This data will include analysis of the quality of material excavated and help inform whether it
is viable to use 90% of the material excavated. It is essential that early lessons are learned from Phase One and this data is vital in informing the traffic modelling of future phases. I request that this data is published and is used to anticipate more accurately the proportion of reusable material and, consequently, the accuracy of traffic modelling, likely level of construction traffic and extent of necessary mitigation.

13. It is particularly essential that HS2 considers the interrelating nature of the three junctions that make up the network surrounding junction 15. There is currently nothing in the environmental statement that references the interaction between these junctions and the analyses are not considered together within the report. The response suggests that 2016 data is used to establish the base figures for junction 15, yet clearly it states in table 274 of the environmental assessment that this data is 2012. The data used to establish the baseline for junction 15 is different to that used elsewhere. If it were the same data, then the southbound and northbound off-slips in table 274 should equate to the figures in table 262 of M6 junction 15 to A500 Hanchurch roundabout west. It should be noted by the Committee that the table incorrectly references junction 16 as opposed to junction 15. As it is, the figures in table 262 are higher and so too should be the figures in table 274. In fact, the a.m. PCU hour is 12% higher in 2016 and 14% higher in 2023. For the p.m. PCU hour, the figure is 27% higher and 18% higher in 2023. This clearly demonstrates the variance in the data used in each table to identify the level of traffic at the same location. It also emphasises the fact that the interrelating junctions have not been considered together; otherwise such discrepancies would have been addressed.

14. A further example of the failings of the approach taken to fully anticipate likely increases in traffic at junction 15 are evident in table 300. In identifying the future 2023 baseline and the future baseline with the scheme included, the data actually suggests there would be a decrease in the p.m. PCU hour at the northbound on and off slips. How is this possible that the construction of the scheme would reduce traffic from the baseline in this way? Again, similar discrepancies exist between the comparative locations in table 300 to table 287. Comparing southbound off-slip in addition to northbound off-slip should equal M6 junction 15 to A500 Hanchurch roundabout west. Yet, it does not. These inconsistencies not only occur in the actual figures for 2023 baseline and figures with the proposed scheme, but also in suggested variance from the
Having seen the initial designs of some of the proposed mitigation measures for Hanchurch interchange, I remain concerned that these will do very little to improve the situation in this location. The proposals as they stand would see only an extremely limited improvement and not fully mitigate the expected traffic increases. Especially of concern is the only very slight addition of a left turn facility on the A500 approach to the roundabout. This would do little, if anything, to mitigate the 340 PCUs expected in this location. This turning lane should be extended to much greater lengths. There is sufficient verge width to allow this in this location. Furthermore, the A500 exit from the roundabout is proposed to see an additional lane. This would create some safety concerns. Currently, in this location, there are three lanes merging into two. The proposal of an additional lane would mean four lanes merging into two, which, of course, would create conflicting movements.

Additionally, there is very little done to address the backing up of traffic from the Hanchurch interchange onto the M6 where measures are proposed. This includes a left turn into Clayton Road. These are less likely to be effective due to the scale of backing up from the interchange. Currently, it is suggested by the environmental study to be 209 PCUs in this location, which of course would cause backing up onto the M6.

As regards to the A519 approach, the additional lane proposed would only be sufficient to meet just over the half the predicted queuing in this location. The existing A519, A5182 junction currently operates well above capacity and traffic through the junction is suggested to increase by nearly 50%. The lack of any mitigation on the approach to the junction from the Hanchurch interchange is of greatest concern. Increasing storage capacity in this location is essential to avoid backing up onto the roundabout, which would gridlock the interchange.

I’ll now move on to engagement and the local network, A34. It is also extremely worrying that HS2 have failed to engage effectively with Stoke-on-Trent City Council and other local key partners. It is believed to date there may have only been one formal engagement with the city council to discuss the impact of traffic from construction on the city.

THE CHAIR: Can I interrupt you? We’ve got a question.
20. MR BRERETON: Of course.

21. MRS MURRAY: Can I just ask you if there had been any direct engagement between Staffordshire County Council and your constituents?

22. MR BRERETON: I don’t believe so, because the statutory highways authority in the city is the city council because the city council is unitary. It is not part of the county council area.

23. MRS MURRAY: That’s very useful, thank you.

24. MR BRERETON: On a number of occasions, HS2 incorrectly state responsibilities with Staffordshire County Council. I am coming on to the point that you raised now. Whilst the county council is responsible for the majority of the network that is affected, the response in my petition suggests that HS2 have been working with them regarding parts of the network not within their remit; especially, the M6 junction 15 Hanchurch interchange and A500 are of course responsibility of Highways England infrastructure. And whilst it is positive to see various engagement with the county council on related impacts, the primary authority for engagement should rightly be Highways England in considering potential mitigation on the network. Moreover, just as HS2 have engaged with the county council, as Stoke-on-Trent is the statutory authority in the city, Stoke-on-Trent City Council should be engaged and this infrastructure primarily serves the city, so they should be fully engaged on these matters. It is totally unacceptable for the city council to be not engaged on this when junction 15 is of such critical economic and strategic importance to the city.

25. I am particularly worried that HS2 have failed to engage with Stoke-on-Trent City Council about mitigating measures on the local infrastructure most impacted within its remit. Particularly, it is concerning that it appears nothing has been done to consider measures to relieve congestion at the A34/A500 junction. As identified previously, this junction is likely to be severely impacted, particularly in the p.m. peak. It is suggested that signal timings can be refined, but no analysis has been undertaken on the optimisation of these calculations. It is also incredible that no consideration has been given to the interrelating nature of the nearby A34/Mayne Street junction and the impact this has on constraining flows on the more predominant A34. Without any analysis of this junction, it is not possible to understand the current baseline in this location and
further data modelling is required to establish the status quo of how the network operates in this location. I would suggest that the prediction of 391 p.m. PCU hour is at best optimistic and the impact is likely to be much worse, particularly considering these averaged figures. Although it is correct that HS2 traffic accounts for 7% in this location, the overall increase on the current base is 20%. This demonstrates a significant economic growth and development in this location with further plans currently being developed most recently for another 500 houses near this junction not included with the modelling. Traffic modelling done by developers suggests mitigation will also be required for the housing development alone, yet there appears no coordination or clear measures to address the cumulative impact in this location. Work must be undertaken urgently to effectively engage with Stoke-on-Trent City Council and Highways England to devise appropriate mitigation measures at this and other junctions within the city council area.

26. Greater engagement must also be sought with the city council to ensure effective notice and information is provided to the public where there is likely to be increased congestion or knock-on disruption from traffic management elsewhere on the highway network. Disruption on the M6 especially can have knock-on impacts on the highway network in the city from motorists using local roads as diversionary routes. There are proposals to signalise the A30 Yarnfield Lane junction and this commitment must be given that this will not be used as a general route for construction traffic over and above what is already anticipated by the traffic assessment, and so impact on routes through the city.

27. It is concerning that HS2’s responses to other petitioners now suggest construction of the M6 slip roads at Yarnfield will take 15 months as opposed to the original suggested nine months. Original completion of slip roads should have been in September 2021. This has now been extended to March 2022. This will clearly extend the period when additional construction traffic pressurises using local routes compounding the issues on the A34 and elsewhere. Such changes to construction programming must be quantified in the traffic modelling and further analysis must be undertaken considering the impact on proposed construction routes. Construction of the northbound slips also clearly presents greater challenges and it would also be useful to understand whether it is likely that the northbound slips would take much longer to
28. I will now move on to disruptions on the M6. Disruptions to traffic flows on the M6 must be kept to a minimum during construction of HS2. We are set to experience significant disruption already during smart motorway upgrade works between now and 2022. So, it is important that after this date, people do experience the benefits of these improvements and that HS2 do not just continue the scale of this disruption on the M6 for further years. Disruption would be dramatically reduced by implementing of a single span, rather than a dual-span structure for HS2 to cross motorway at Meaford. It is essential that the least disruptive option is preferred to limit wider economic consequences. Whilst a smart motorway upgrade will help improve capacity, it is important that traffic management for HS2 does not diminish the additional capacity already gained through smart motorway. As there will be some crossover, it is vital that the scale of disruption does not increase to an unmanageable level. More must be done by HS2 to ensure there is meaningful discussion with Highways England, especially the smart motorway project, to ensuring the programme of works can be carried out as efficiently and effectively, with as little disruption to the motorway as possible.

29. On traffic assessment, the suggestion that current traffic assessments are sufficient is not correct. As I have demonstrated, there are inaccuracies and a lack of clarity on a number of instances. The environmental statement has not produced an accurate impact assessment and merely identifies the capacity levels at individual junctions without indication of their impact on the wider highway network. This means it does not provide a robust evidence base; nor does it clearly identify all the necessary highway mitigation measures. Analyses of junctions and their impact on the network should be robust from the start and not after Royal Assent is granted. The inaccuracies demonstrated in establishing baseline data means there cannot be any confidence in the data predictions on likely impacts of traffic.

30. I’ll now move on to rail service disruptions and potential links to the Stone IMB-R. It is suggested there will be severe disruption caused to the Stone, Norton Bridge line. This will mean weekend passenger services will not run on six occasions for 54-hour periods. This will result in passenger rail services not running between Stoke-on-Trent, Stafford, and Stafford, throughout these periods. Services that run on this route are long distance and of a wider strategic purpose. It will mean significant
rerouting or rail replacement services in place during these periods. The construction of the IMB-R in this location is likely to cause greatest disruption to rail services in this location.

31. There are also concerns about potential disruption to passenger services once the IMB-R is operational. As the main role of the IMB-R will be in the maintenance of the entirety of Phase Two, in fact, the railhead will not be operational until January 2025, and will only play a very limited role in the actual construction of Phase 2A in installing the rail systems. Most important is the need to have flexibility and be future proofed to meet its primary role in maintaining the railway once operational and especially with the demands on maintaining, potentially, a ballast railway in Phase 2B. This should have the capacity to cater for the maintenance demands across the lifetime of the railway and the IMB-R should not be constricted by finite capacity of geographic constraints as is the case at Stone. Currently, three passenger services an hour operate in either direction on this line. This is set to increase with the introduction of HS2 classic compatible services, which are also set to use the line. With the potential for additional local services as well in line with local ambitions as set out by the consultation partnership and Midlands Connect, it is quite conceivable the number of passenger services on this line could double in the future. This will make it much more challenging to identify sufficient paths to operate the IMB-R without significantly disrupting these passenger services.

32. This is compounded by the constraints and the design of the IMB-R, which means only 400-metre ballast trains rather than the full 800-metre trains can access the IMB-R at any one time. These operational constraints would require the line to be closed to passenger services for more than double the time of other options due to the need to split ballast trains to access the IMB-R. The suggestion has been made in previous evidence to the Committee for HS2 that this could be seven trains a week, with each needing to be split. This could cause significant pressures on the network within this location.

33. The constraints on the IMB-R with only five-hour windows when passenger services do not run will mean that the very maximum number of services using the IMB-R would be three a night, as it has been recognised in other evidence given to this Committee. The fact that the IMB-R can only accommodate half-length ballast trains means that, in fact, the capacity of the IMB-R would be a maximum of 1.5 ballast trains
each night. This figure may be optimistic also due to other use of the line when
passenger services do not run, for example, potential freight, which is still likely to use
the line during this period. Further work must be undertaken to analyse the operational
constraints of the IMB-R and especially how this will fulfil maintenance demands
without undue disruption to existing and future services utilising the line. Full
comparative analysis must be undertaken of potential options for the IMB-R to give a
full comparison of operability and costs between Stone and Aldersley Rough.

34. Further work must be undertaken to develop a transport logistics study for each
potential option for the IMB-R, giving a more detailed understanding of the likely traffic
impacts from construction.

35. I’ll now move on to the Committee’s first special report. I am very pleased that
the Committee has rightly recognised the need for greater detail around the costings
throughout the process from HS2, which is identified in paragraph 26. This is essential
for the Committee’s decision making and allowing members to form a comparative
assessment where alternate options are possible. As I have suggested, this is particularly
important in forming value-free analysis of the IMB-R. There must be a full
transparency around cost benefit analysis of the IMB-R options allowing effective
comparisons between Stone and Aldersley Rough.

36. It is also extremely encouraging that the Committee has found proposals put
forward by HS2 for traffic management and construction traffic to be inadequate, as has
been identified again in paragraph 26. This importantly recognises the need for further
analysis, especially the need for multi-junction analysis of the totality of traffic closed,
which is identified by the Committee. This is essential in locations like junction 15 of
the M6 where a number of junctions interact and are consequentially impacted on one
another, yet the HS2 traffic assessments analyse each independently.

37. The Committee identifies the importance of ensuring the distance earth is
transported is kept to a minimum in paragraph 39. This is extremely important to
eliminate unnecessary associated construction traffic. As I’ve already identified
previously, it is suggested by HS2 90% of the excavated material should be reused in
construction of the railway. However, greater work must be done to understand the
variance from this figure of the material that is viable to be reused within the project.
This can be achieved using geotechnical data already collected in Phase One to predict values more accurately and so inform the scale of mitigation required on the highway network. The Committee should insist that any geotechnical data is made public to more effectively inform traffic modelling calculations and assess accuracy of current predictions.

38. Is it important to also highlight inaccuracies regarding Stone Norton Bridge line in the Committee’s report. The report suggests this is a freight-only railway and that passenger services would not commence here until after HS2 is constructed. This is identified in paragraph 63. This is totally incorrect. As I have already referenced, there are currently six services an hour using the line, three in each direction, and it’s the main line from Stoke-on-Trent to Stafford. Having reviewed Hansard, it is worrying that evidence given by representatives of HS2 is confusing and misleading on this specific point. Passenger services currently running on the lines are Cross Country services, two trains per hour in either direction, and London Northwestern services, one train in either direction. The line is also used by freight. These are important strategic services serving destinations right across the country. One Phase One is constructed, this line will be the main route for classic compatible HS2 services. So, although the line currently experiences six trains an hour, this will increase further from the new HS2 services, as well as, as I’ve already said, the future potential for additional local services, which would increase on these figures further.

39. The introduction of HS2 services will also change the mix of services on the line, mixing existing slower services with fast HS2 services. There is no separation of fast and slow services in this location, with only two tracks, and achieving appropriate paths for passenger services is itself likely to cause challenges. As suggested previously, all services on this line, including the new HS2 services using the line, will be disrupted by construction of Phase 2A, predominantly the construction of the IMB-R. There will be significant challenges in avoiding conflict between operating the IMB-R and not disrupting these important passenger services.

40. Finally, on community engagement, I’m delighted to hear the Committee recognises that HS2 has not given adequate consideration to the local community in paragraph 66. I am especially pleased to hear the Committee’s desire that HS2 consults more widely with communities affected by construction to mitigate impacts. Much
more must be done by HS2 to engage with communities in Stoke-on-Trent, and especially Stoke-on-Trent City Council. This should focus on ensuring everything possible is done to deliver comprehensive HS2 services to Stoke-on-Trent as well as effectively mitigating the impacts from construction. Thank you.

41. THE CHAIR: Martin.

42. MR WHITFIELD: Thank you. That was an excellent submission. Can I just take you back to the first ask, which is about the Stoke connector? I am in no doubt HS2 are going to say it is beyond the scope of the Bill. How do you see us getting around your problem?

43. MR BRERETON: Well, you are quite right: they probably will say it is beyond the scope of the Bill, but the fact that this service and the proposals within Phase 2A are to extend to Crewe, I think we’ll have significant impact on the potential of a Stoke connector, or not, as the case may be. The Stoke connector would connect in through along this phase of the route. So, I think it is important that I do raise this specific issue at this stage because it will be particularly impacted by the proposals that are being brought forward for Phase 2A.

44. MR WHITFIELD: So, the opportunity that you had today to raise it and in essence put it on the public record may get over the legal problem of it being out of the Bill. It’s still registered as a concern. What would you expect the Committee to say about something that was beyond its Bill other than in passing in one of our reports?

45. MR BRERETON: I think the Committee should certainly acknowledge that I have made these points and recognise that I have put this forward as an option and the reasons I’ve done so, and particularly, you may want to recognise the fact that I do not feel satisfied that the cost benefit analysis is appropriate and effective because it was not taken on a comprehensive service, which constructing the Stoke connector would be designed to achieve. The suggestion that is has been analysed was based on one service an hour, which clearly is not what a modern connector would be designed to achieve.

46. MR WHITFIELD: Are you suggesting that within the Bill’s power is, if we look at the cost benefit analysis, we could direct that had a full wider cost benefit analysis taken place and a different result had come about –
MR BRERETON: That would be very helpful. That would be very helpful.

MR WHITFIELD: I am grateful.

THE CHAIR: A helpful discussion. Sheryl.

MRS MURRAY: With regards amount on roads, and the consultation or lack of consultation with Stone-on-Trent City Council, the Hanford roundabout isn’t actually within the limits of Stoke-on-Trent City Council.

MR BRERETON: The Hanford interchange?

MRS MURRAY: Off the M6.

MR BRERETON: Yes. It is in the county council’s area.

MRS MURRAY: Yes, but you would still expect, because it could impact on roads within the city council, you would expect them as a matter of courtesy to consult in some way.

MR BRERETON: Yes, that was the point I was making, that it is because the major volume of traffic coming down the A500 and joining on there is from the city, there should be some consultation because clearly the greatest impact of congestion at that junction is going to be felt by the city and economy of the city area.

MRS MURRAY: Thank you very much.

THE CHAIR: I think I am right in saying that Stoke-on-Trent City Council didn’t petition us. Have you got a feeling as to why that was? Did they feel that they would be rejected because they’re outside of the scope or they were late to the game in terms of understanding the impacts?

MR BRERETON: To be truthful, as I must be here, the main reason that they have not done it is because they’ve have engaged so significantly before with HS2 and they have not seen anything come from that. For example, with the Stoke connector, there’s been a huge level of historic engagement, which the public in the city obviously would not want the city council to be expending further cost if it isn’t proven to be of benefit. And that’s certainly the feeling that HS2 are unwilling to listen and that this
will not have an impact on improving the situation. Obviously, the main thing that I’m concerned about particularly is the huge traffic impacts and I can tell you that the city council are also concerned about the impact on traffic.

59. THE CHAIR: I am very conscious that you were a city councillor.

60. MR BRERETON: I still am a city councillor.

61. THE CHAIR: You still are. Apologies. Double hat. We should take your representations as a Member of Parliament and as a representative of the council as well.

62. MR BRERETON: Yes. I am not here as a representative of the city council, but I can say that I have had discussions with my predecessor, the Cabinet Member for transport, who I must say – his ward is on the A34, a ward that will be most impacted by traffic – and he is just as concerned as I am of those potential impacts of traffic. And of course, the city wants to have those robust services, as you will see from the significant campaign that went on historically to try and secure a direct connection and secure those critical services in the city. That huge campaign included people like Staffordshire Chamber of Commerce, many key businesses within Stoke-on-Trent and north Staffordshire and other important key partners, but several million pounds was put in to that campaign by the city council and obviously it didn’t result in the outcome that was beneficial for the city, so to put further cost into that would be of political consequence for the city council, and they would not want to spend more money after bad, as they’d say.

63. THE CHAIR: That’s great. I don’t see anyone else looking to question you further so we will hear from HS2 and give you a remaining, if you want it, two minutes at the end to wrap up and make any commentary. Mr Mould.

Response by Mr Mould

64. MR MOULD QC (DfT): The first thing I should say is the Secretary of State has asked me to express his thanks to the Select Committee for your special report. He notes your in-principle decisions and that you have raised other issues and comments, which will be considered in detail over the coming weeks. The Department will respond more fully to your report, in writing, in due course. Let me then turn to the many
detailed points that have been made to you by Mr Brereton.

65. First of all, on behalf of the promoter, I should say that if Stoke-on-Trent City Council as local highway authority consider that there has been a failure of assessment in relation alleged traffic impacts spreading beyond Staffordshire County Council and the M6 and into the area of Stoke-on-Trent City Council, HS2 Ltd, on behalf of the promoter, would be very keen to hear what those concerns are. Our own assessment of the traffic impacts of the construction of the HS2 railway – and we know it is the construction phase that give rise to any significant road traffic impacts, rather than the operation, given the operation will involve a railway – is that no significant effects were predicted in relation to any area extending into the administrative area of Stoke-on-Trent.

66. THE CHAIR: That is incredibly helpful. If there are any remaining issues, they can come back. I think Sheryl’s got a question. Sorry to stop you so early.

67. MRS MURRAY: It was just to ask Mr Mould to actually categorically clarify that you are open to receiving a submission from Stoke-on-Trent City Council with regard to traffic impact.

68. MR MOULD QC (DfT): That is what I have said and I will repeat it, yes. Stoke-on-Trent City Council have a responsibility for the highways within their administrative area. If they take the view that the development of the HS2 Phase 2A scheme is likely to have consequential impacts on their highway network that require consideration beyond the assessment that has been published in the form of the environmental statement, then obviously they have a responsibility as a statutory body to bring that forward and HS2 Ltd, on behalf of the Secretary of State, have a responsibility to consider it. As far as I am aware, they did not respond to the Phase 2A environmental statement when it was published with the Bill last summer, and it is reasonable to infer from that that, at that stage, having read the environmental statement and the traffic impact assessment, they didn’t consider that it contained any matters that they were sufficiently concerned about that they should put pen to paper. But I’m not going to hold that against them. If they have matters that they wish to raise, HS2 Ltd will, of course, consider them.

69. THE CHAIR: That is really excellent, and I would say to them they do not need
to lawyer up and do anything too expensive. Don’t spend too much taxpayers’ money, but have an open dialogue. Sheryl.

70. MRS MURRAY: Very quickly, Mr Mould, were Stoke-on-Trent City Council consulted officially by HS2?

71. MR MOULD QC (DfT): By HS2? Most certainly.

72. MRS MURRAY: And they just didn’t respond?

73. MR MOULD QC (DfT): They responded in considerable detail on their proposals for an alternative scheme for HS2, that is to say a scheme that would run the railway through Stoke, rather than on its current alignment.

74. MRS MURRAY: I am thinking about roads now and highways.

75. MR MOULD QC (DfT): No. They weren’t. Well, they were consulted through the environmental statement process, but not in any particular way, because as I said to you, the assessment work that HS2 carried out did not indicate that the impacts of the construction of the railway would extend in any significant detail into Stoke-on-Trent. That was clear from the traffic impact assessment that was published. The purpose of publishing that document and of consulting in accordance with the parliamentary rules is to enable those who consider that it is inaccurate in its predictions to come forward and say why and to say what should be done. Stoke-on-Trent are the statutory highway authority. One would have thought, had they had any concerns about that, they would have raised them. As I am saying, let us not dwell on the past. If they wish to raise matters with us in light of the MP’s assertions, then obviously, HS2, as a responsible body will take account of it.

76. As I dealt with that now, perhaps I should deal with some of the consequential matters in relation to traffic management and traffic modelling. First of all, HS2 Ltd and the Secretary of State are of course well aware that Highways England is the responsible highway authority for the M6, and there have been detailed discussions between those bodies in order to ensure that a proper understanding is had of the potential impacts of the HS2 construction traffic on the operation of junction 15. Junction 15 is known to be a challenging junction for some of the reasons that have been
put forward this afternoon, and therefore, it bears close scrutiny.

77. You will recall P341(7). Staffordshire County Council, who are responsible for the approach roads as was confirmed very helpfully to you by Mr Brereton. Staffordshire County Council have – I’m so sorry, I’ve got the wrong reference there. P342(8) – we’ll come back to this in a moment. Staffordshire County Council sought and received an assurance in the form of an undertaking from HS2 Ltd on behalf of the Secretary of State in relation to the analysis and consideration of promotion of further works at the vicinity of that junction, and in relation to those roads that operate with it – that is to say the approach roads listed on that page – with a view to bringing forward a scheme of improvements to enable that junction to accommodate appropriately and acceptably the additional traffic that will need to flow through it while HS2 is being constructed. You’ll see from 5.3 on the screen in front of you that the exact scope of those works is to be developed as part of a liaison between HS2 Ltd, Staffordshire County Council and also with the involvement of Highways England who would plainly need to be satisfied as to those works as the custodian of the M6 motorway.

78. There were a number of detailed points made to you about the adequacy of the traffic modelling. I have no doubt at all that, as part of the process of carrying out the work that is anticipated on the screen in front of you, with a view to bringing forward an amendment under Additional Provision 2, HS2 Ltd and its consultants will reflect upon the points made by the MP to you and ensure that in so far as those points are seen to carry weight, we’ll take those points into account in bringing forward that additional process, because they go, effectively, to the adequacy of the traffic modelling that is the basis for the assessment of the operation of this and other connected junctions in relation to junction 15. So, that, I can reassure you, is something that will be brought into account through that process.

79. THE CHAIR: Can I just check with you? At a number of points, there were allegations that the facts and details were wrong. At this stage, have you got an analysis that some of the numbers were wrong or is that something…?

80. MR MOULD QC (DfT): I do not accept that those points are correct. We’ve responded to them relatively briefly in our petition response document at page R1.

81. THE CHAIR: Can we get that up and go through them? It just left a feeling that
there were inaccuracies that led me to question the credibility of other data, so it’s well worth bottoming out that we’re satisfied that they are accurate or indeed disagreeing with HS2 and finding in favour that they are inaccurate or misleading in some way.

82. MR MOULD QC (DfT): R126(15), I will not read the paragraphs out, but you can see there’s a response to a number of those points there.

83. THE CHAIR: Can you give us a synopsis? That would be useful. That’s what I’m really asking for. I do not want to be left with the impression that your numbers are wrong if they’re not.

84. MR MOULD QC (DfT): Our numbers are not wrong. The modelling methodology that was deployed in the traffic impact assessment was an established and reliable model. The allegations that there was a failure to address the potential cumulative impact is misplaced because the junctions concerned are of sufficient distance from each other that they do not interact in the way that was being asserted. The model itself produced reliable and workable results, which fed into the assessment of the need for further works to be done to junctions and so forth.

85. THE CHAIR: Can I just pause you? I think we have already said in our report we are not happy with that as a defence in terms of the interaction. What I’m more concerned about is I felt that there was an accusation that the numbers were wrong, they’d been added on incorrectly. That’s just what I’m trying to bottom out. We went through quite quickly and talked about table reference, but it wasn’t quick enough to follow them through on our screens, and I just want to bottom out why there’s this polarity between them.

86. MR MOULD QC (DfT): I cannot help you with that, because I have not heard those points made until now, but I’m not aware that there is any inaccuracy in the modelling work.

87. MR WHITFIELD: One of the questions was about different baseline date being used…

88. MR MOULD QC (DfT): Well, that goes to the methodology, yes.

89. MR WHITFIELD: So you had one baseline and the second baseline was used for
the calculation and hence the apparent, or otherwise, discrepancy. Now given this is the first time that you’ve obviously heard that very specific allegation, I wonder whether it would be within those that sit behind you to try and identify whether, firstly, that statement is correct, whether a baseline of 2012 and a subsequent baseline was used, and indeed, if that was the case, then it may well be worth listening to some evidence about how the baseline calculations were used, because there does appear to be a discrepancy.

90. MR MOULD QC (DfT): I can do that. What I am concerned about is this: all of these reports and all this data has been in the public domain for many, many months. It was the subject of public consultation, as I indicated to you as long ago as last July when the Bill was published, and there was an opportunity for people to bring forward. Particularly highway authorities who you would have expected to be most concerned if they were able to detect methodological and evidence-based inaccuracies.

91. You have had a series of people come before you and assert that things are wrong, without producing any detailed analysis to demonstrate that, but simply assert it. Now, I’m not particularly critical of that, because people are entitled to come before you and say things, but what I am concerned about is the assumption that that is necessarily the case.

92. What I will do is, when we have the transcript of what Mr Brereton says, I will ask that the relevant paragraphs are considered and that a review is carried out to see if there is any accuracy that has been drawn up. If there is, I will ask that be identified, and I will also ask, and this is the key point, I will ask whether it has any material bearing on the assessment, because this work is done, as you know, in order to identify whether there is a need for physical changes to be built into the Bill so as to allow roads that would otherwise not be able to accommodate the HS2 construction traffic to do so, and also to plan, at this stage, relatively inchoate stage, of the detailed planning of the scheme, to identify those routes that are likely to be the proposed routes for lorry traffic and those routes that are not suitable for that purpose, but as you know, subject always to the approval of the local highway authority under Schedule 17.

93. It’s not intended to be an exercise in producing scrupulously accurate data in itself; it’s a means to an end. With that, I hope, helpful salutary message in mind, I will, if it’s convenient to you, I will ask that the exercise of checking the transcript is done
and we will report back to you if there is anything in what has been said.

94. MR WHITFIELD: Just to make initial conclusion, if there were areas that could be rectified and would be encompassed within the undertakings that have already been given to Staffordshire County Council about the amendments which are necessary, which are going to have to come back to us in any event –

95. MR MOULD QC (DfT): Absolutely. This is an iterative process in a broader sense that you have just put. The whole purpose of environmental assessment, and the role of public participation in that process, which Parliament has engendered into its standing orders, is to enable people to bring forward concerns about the accuracy of the information and then the decision maker, Parliament, to question whether there is further information that is required.

96. So, naturally, I’m not standing in the way of that; I’m just indicating that rather than attempt to give you an off the cuff response to a series of very detailed points, would it not be more sensible for me to take the course that I have suggested and then I can then ask that a report back is made. But, if I may say so, your response to me, in my submission, is the correct approach, which is to say, if it is material in the sense that it requires the need for some revision of the arrangements under the Bill, either for accommodating traffic or routing traffic, then that should be reported through a supplementary environmental statement for which there is plenty of opportunity before this Bill leaves this Committee.

97. THE CHAIR: I think we are in agreement with your way of working, but Sheryll first.

98. MRS MURRAY: Just very quickly, Chairman; I think this might fall within – the specific junction falls within the Stoke-on-Trent City Council’s limits and so if the city council were able to provide you with information, clearly that might assist you.

99. MR MOULD QC (DfT): Certainly, if the city council have information about –

100. MRS MURRAY: I’m just looking – I mean, I know we’ve not got a map here but I’ve actually got Google maps up and I’m just looking…

101. THE CHAIR: Can we have a map up, please?
102. MRS MURRAY: I can see that Stone Road and Queensway does fall within the limits of Stoke-on-Trent City Council.

103. THE CHAIR: Well, I think Mr Mould, you have given us a suggestion; I’m going to ask you to follow through on that. I think it’s a good idea. We’ll move on now, but we’ll reserve the right to let you call expert witnesses if we need to probe that review you are doing, having looked at the transcript.

104. So, a good suggestion, and the fact it is an iterative process, I think, will assure everyone, so although concerns have been raised late in the day, I would do two things. They at first sight may seem opposite: one, encourage people to get involved in the process as early as possible, but equally, if they haven’t done that, bring forward the issues as and when they come up, even if it is late in the stage, because it is a process, it’s not an individual point.

105. MR MOULD QC (DfT): I hope there is no misunderstanding. I am not in the least seeking to criticise Mr Brereton. Indeed, in his petition, he did make one or two particular points, and those were – the point on the screen in front of you is designed to provide an answer to that. So this is simply a means of trying to be constructive about how we go about it.

106. THE CHAIR: Brilliant. Let’s move onto the next point.

107. MR MOULD QC (DfT): A related point: he asked that further work to establish the earth works strategy for the project, and in particular, the review of that, of the traffic movements, what we’ve described to you as the mass haul in the light of, for example, ground investigation work, that that should be brought forward as part of a supplementary publication for the project, that is what will happen.

108. As part of the further environmental information that will be produced, alongside Additional Provision 2, there will be a significant amount of further information about earth works, about the cut and fill balance and about how that effects the predicted movement of lorries through the Staffordshire and Cheshire and south Cheshire region.

109. So, again, that will be subject to public consultation and it will be subject to, as appropriate to the right to petition before this Committee, before it completes its work.
110. Can I turn to the railway matters? You know about the proposals for HS2 services to Stoke, Stafford, and Macclesfield via the Handsacre junction; you know that the Phase One Act empowers the provision of the necessary infrastructure for that, through the creation of a junction onto the West Coast Main Line just at the south of Handsacre, in Staffordshire. You’ve heard about that. And you know that that will enable the current proposal to run a dedicated HS2 service serving Stafford, Stoke and Macclesfield from 2027 onwards on an hourly basis.

111. If we put up P343(2), you will see that the Secretary of State, in the context of his wider proposals for the development of rail services at Crewe, recognises that there may be a case to extend that service to Manchester Piccadilly and other matters on the screen in front of you, and he will ask the West Coast partnership, which is the rail franchise which is responsible for the delivery of HS2 services once they become operational, to review that as a possible extension of the HS2 service that I have just mentioned.

112. Insofar as the Stoke connector is concerned, there are a series of slides that just set out the position in relation to that P341(2). That was the proposal that was put forward by the city council and others. There are a number of points on this; Mr Whitfield has already picked up on one of them, but the more specific point than perhaps simply taking the constitutional point about Parliament and this Committee operating, within its terms of reference, is that, actually, the assessment shows that that would not be good value for money, and that is what is shown on page 341(6).

113. You can see that, when one compares the value for money that one gets from a Stoke connector, that you see as two trains per hour, rather than one, two trains per hour, one finds a very low benefit cost ratio. Where one takes the proposal that is enacted under the Phase One Act, or enabled under the Phase One Act, we find that the benefit cost ratio is very high.

114. The reasons for that are, in the second bullet on that page, the ability to speed up Liverpool Crewe services, which generates a significant benefit. So in the round, by providing that Handsacre link, the overall economic performance of the new railway is relatively far greater than through the dedicated connector that was the initiative of Stoke City Council and others.

115. Those matters were extensively consulted upon before HS2 Phase 2A was
finalised in the Bill which is before you and it is for that reason, perhaps, rather than simply taking the constitutional point in isolation, for that reason that we would suggest that this is a matter is for the Floor of the House rather than be a matter on which this Committee ought to see fit to raise any particular points.

116. If we just turn to P341(7), you can see that the analysis that has been carried out suggests that in fact the demand for an additional service between London and Stoke via Stafford is low, and that, therefore, to contemplate increasing the frequency of service, which I think lies at the heart of the case for the connector, would be costly, as you see from the numbers there, a reference to the additional cost of rolling stock, and there isn’t the demand predicted that would take up the service that would require that considerable extra expenditure.

117. As regards improvement to Stoke station, this Bill should not take on more heavy lifting than it is designed for and Network Rail are responsible, as the custodian of the existing railway network, Stoke station is a part of that, and any initiative to improve Stoke station should come through that route, we would suggest, rather than being bolted into a railway Bill that is not really intended for that purpose.

118. MR WHITFIELD: Before we move on from that point, I appreciate your arguments about the constitution or otherwise but we have been asked to consider whether or not the benefit cost analysis is correct on the assumption of the benefit that may well flow if viewed a different way. I presume HS2’s submission on that would be this is an agreed ratio calculation that’s used throughout and this is how it’s been arrived at?

119. MR MOULD QC (DfT): The analysis I have given you is an assessment of the costs and benefit of a Stoke connector proposition that was put forward. And the point that was made, that it’s too modest in its assumptions, because it achieves only a single service per hour, as I pointed out, no, it doesn’t; it assumes two trains per hour and on that basis, it’s considered to be relatively considerably less attractive as a means of spending public money than the Handsacre link approach that is enshrined in the Phase One Act.

120. MR WHITFIELD: I also think it would be fair to say that the assertion is that it’s modest on the benefits – the financial benefit that’s going to flow to Stoke in any event
for the entirety of HS2, if HS2 serviced it. So, what is HS2’s view on the fact that if it was – I mean, on their figures – more than two, but on a general figure, if the benefit were greater to the area, would that not improve the BCR for it?

121. MR MOULD QC (DfT): Well, the benefits come as a result of realising demand for the service, and as I have shown you, this isn’t so much HS2; this is the Government’s own assessment. The Government’s assessment through the work that DfT did before this Bill was completed, suggested that the demand for that service was limited and one can’t magic up benefits.

122. This is not, in any way, to be inferred as disregarding the need to support regeneration in the area at Stoke-on-Trent conurbation, but railway services, as well as the dedicated service that successive Secretaries of State have indicated they would wish to see and provision is made through Handsacre for that purpose, have also indicated that the opportunities that will be realised by freeing up capacity on the existing line, because one of the principal reasons of promoting this high speed railway line, as you know, is to free significant capacity on what I think is rightly said to be one of the busiest, if not the busiest, main line railway service in Europe, the West Coast Main Line, and to allow opportunities for improved services.

123. People should not feel that they’ve been left out because they don’t have a dedicated HS2 service. Stoke are not in that position, they will have one, but the opportunities are there for their services to their town or city to be improved through the capacity released on the existing network.

124. These are the kind of macroeconomic transport planning considerations that do lie outside the role of the Select Committee, in my respectful submission, and are much better debated on the Floor of the House at Second Reading, in relation to the principle of the Bill as a whole.

125. The IMB-R, I just simply make the point – I hope there was no misunderstanding, and particularly as you have made a report in relation to that with your in-principle decision – but the critical question was as to whether, following the coming into operation of the railway, whether the demands for maintenance-based deliveries to the depot from the existing rail network, whether they would be so frequent that they would jeopardise passenger and other services from 2027 onwards. Mr Smart gave you
evidence on that.

126. THE CHAIR: We’re happy with that.

127. MR MOULD QC (DfT): The railhead itself will be a most valuable construction facility, as you have also heard. But there was no serious suggestion, as I recall, that during the construction phase, the railhead could not be used sensibly, to relieve traffic on the roads, but at the same time, that that would materially affect the existing services that run on the Norton Bridge to Stone railway. That’s my response on that.

128. THE CHAIR: Thank you very much.

129. MR MOULD QC (DfT): And can I just deal with smart motorways? There’s a short point which you know about which is this –

130. THE CHAIR: I am conscious we have covered the smart motorway a number of times. I think probably, we’ll wrap up smart motorway issues at another point, so any final comments?

131. MR BRERETON: Yes, I would like to make a few comments. Firstly, if the suggestion is made that the junction isn’t in the Stoke-on-Trent City Council area; yes, it is in the county area, but there is, as I have said, untold impacts from junction 15 into the city and actually, the traffic does back up into the city, as is identified in the environment assessment in the a.m. peak – this is on table 287 of the environmental assessment. There is, in the a.m. peak, 176 car queue length, in the morning, and in the p.m. peak, 337 car queue lengths, backing up from junction 15 into the city. So, there are clear issues there with capacity going out of the city to join onto the M6 at junction 15 and the city council should be consulted on that.

132. In terms of the city council and the suggestion was made, they feel they should go beyond the county area, well, the city council does feel this. I’ve spoken with colleagues at the city council, they do want to be engaged on these issues, and particularly as I’ve said, and correctly, Sheryll Murray identified that the A34/A500 junction is the city boundary. This junction is in my constituency and will be impacted, particularly during the evening peak, where there will be 391-car length queues proposed on page 460 of the environmental assessment.
133. Also, it was mentioned about junction 15, that there was sufficient distance between junctions to not consider their interaction. Well, between the analysis of the actual junction 15 junctions and Hanchurch interchange is actually only a few metres, so this possibly cannot store the amount of cars and lorries that are required to be stored in this location, which would cause backing up, as I’ve said, on to the M6. So that interaction is absolutely critical to any analysis.

134. In terms of the data and the question about whether it is old data or not, I do have the details here which is on page 142 of the environmental assessment.

135. THE CHAIR: Could I possibly ask you to pass those details to Mr Mould?

136. MR BRERETON: Absolutely. Table 75.

137. THE CHAIR: He will come back with a response. If also you encourage the city council to have that discussion early, and don’t copy us in on every piece of correspondence, but do give us an update well before the summer recess as to how things are going, to reassure us that the issue is being taken seriously, and if it’s not, we can then feed it into any report that we do before the summer recess.

138. MR BRERETON: Thank you for that, Chair. Table 75 does say 2012, the rest is 2016, as I have suggested.

139. Just to go onto the geotechnical data, I would like that commitment made that the geotechnical data will be released from Phase One so that that can be used to understand the accuracy of those predictions of the 90% figure. I think that would be extremely helpful for all concerned.

140. In terms of the Stoke connector, I would challenge the figures that are identified in P341(6), and I do have opposing figures which I am happy to send in writing to the committee if you’d like me to.

141. THE CHAIR: Normally, the process at the end is quite a short one. Perhaps if there are any additional points, because these are quite technical and specific, if you could write to the Committee in the next seven or so days, we can then consider all of those issues. I’m conscious we’ve got a few other -
142. MR BRERETON: I have just got two very minor points, if you’d allow me.

143. THE CHAIR: I will let you.

144. MR BRERETON: Okay, thank you. The first point is that those figures weren’t about the demand; the figures are the ones that I’ve suggested, and the work was done not just by DfT, it was done in consultation with HS2. Actually, I was at a meeting when I was Cabinet Member for transport, at Canary Wharf, where we discussed those figures, so I can be quite clear that those figures were done with HS2.

145. And the final point, I am not saying that this Bill should be dealing with the issues at Stoke station. What I requested is that HS2 work closely with the city council and other local partners, Network Rail, to ensure that we can see improvements at Stoke station, that’s all I’ve asked.

146. THE CHAIR: Thank you very much, I think you’ve got some good – I don’t want to call them concessions, but certainly, very helpful statements from HS2.

147. If we could have the next witness. Is there a statement that you wish to make on behalf of someone that we were expecting to see later on, is there a statement or is that…?

148. MR MOULD QC (DfT): I think that the Councillor Janet Clowes, from the parish councils, she wished to make a statement.

149. THE CHAIR: So we’re going to see it in order. So we’ll stick to the order. Sorry, I thought we were going to have a process whereby occasionally, you’ve read out a statement on behalf. If that’s not what all parties want, that’s absolutely fine, in which case we will do it at the end, but it would be a process I would generally encourage, and I say that not to you now, Mr Mould, or at least specific petitioners. Just it seems to have worked quite well in terms of brevity and focus.

150. MR MOULD QC (DfT): No, I am afraid on this occasion I do not actually know what the statement will say. So I am at a loss. I have just had a quick word with the petitioner, and I believe she is going to be very short, so I don’t know whether it would be possible, once you’ve heard from the MP, just to key that in, before you –
151. THE CHAIR: That would be very good, and I also understand you’ve got some words on the NFU; we’ll do those immediately after as well. If you so choose.

152. MR MOULD QC (DfT): Yes, absolutely.

Antoinette Sandbach MP

Submissions by Ms Sandbach

153. MS SANDBACH: Thank you very much, Mr Chair. I wonder if we could turn to P337(2). The petition that I bring before you today raises two issues affecting my constituency of Eddisbury. The first relates to construction traffic and the second relates to the issue of tenants’ compensation, an issue that has consistently failed to be addressed by HS2 and the Department for Transport.

154. Whilst the route of Phase 2A of HS2 does not directly fall into my constituency of Eddisbury, the construction of the line and major works at Crewe station will take place very close to Eddisbury and will have an impact on the local roads of Eddisbury, and if you look carefully at that map, you’ll see on the left hand side – 72, 11, 4 – those two roads that go past Crewe and the main route into Crewe.

155. Crewe is the main commercial road and rail transport hub with many residents of Eddisbury travelling to and from Crewe on a daily basis, or traveling through Crewe to access the wider north-west and the north midlands, and the A500 route that you can see on that map is that main arterial route, both to access the Crewe station for all commuters from my constituency that use Crewe, which is the main hub station, and indeed that main route to access the M6 junction 16, as you can see on the map.

156. Traffic congestion caused by construction traffic will undoubtedly have an impact on my constituents who would use these roads. There are three main A-roads routed from Crewe into my constituency of Eddisbury, the A51, the A530 and the A500. The promoter’s response document referred me at paragraph 2 on page 5 which can be seen in your documents I think on R – or is it P128, subsection 5? I’ll just have a look. No, R128 subsection 5. In the top paragraph there, you can see, at paragraph 2, it states that, ‘There will be no significant changes to traffic levels because of the construction traffic will represent the small percentage of overall traffic levels’.
157. However, in volume 2, which examined the community area effects of the proposed schemes, it said that several roads would be affected by the proposed scheme, including the A51, the A530 and the A500. And whilst the parts of these roads which are designated by HS2 as construction routes may not be located – they’re not located in my constituency of Eddisbury, because our roads are already busy and it’s clear that adding 72 HGV movements during construction will add to congestion, and therefore I do not agree that HS2 are correct in stating that there will be no significant changes to traffic levels.

158. During the construction phase, HS2 expects baseline traffic volumes to increase by 14% in 2023, compared to 2016 on these roads. And in HS2’s letter to me, dated 30 May, which I think is P339, 30 May, P339, it also mentions that for the Crewe south portal satellite compound accesses proposed via the Newcastle Road to the A500 Newcastle Road peak HGV traffic generation is 86 two way HGVs per day.

159. Now, in that letter, it also makes clear, if you turn over the page, and you’ll see movement of spoil, which is on page 339(3). Under, ‘Movement of soil’, you’ll see, in the very last sentence of the middle paragraph, it should be noted that the proposed scheme does not include construction of any rail tunnel under Crewe, but my understanding is a rail tunnel under Crewe is proposed. No?

160. MR MOULD QC (DfT): Not in this Bill. That’s for Phase 2B, and there’ll be an opportunity to petition on that Bill when it comes forward.

161. THE CHAIR: Let’s come back to that. It sounds like it is happening but not under the Bill. Whichever way, it sounds like it’s going to cause vehicles, but we’ll come – perhaps you could go into more detail about that, Mr Mould, I think I’ve said, later on.

162. MS SANDBACH: Perhaps it can be flagged up then, because if there are going to be these 86 HGV movements that I can tell will have an impact on the main arterial routes in relation to my constituency, if there is proposed tunnelling, early look at it now may mean a lot of time is not wasted later on in relation to Phase 2A.

163. THE CHAIR: That seems eminently sensible.
164. MR MOULD QC (DfT): If I can come in on that –

165. THE CHAIR: Sorry, no. No. I did not ask you to come in the first time. I’d ask you to speak through the Chair. A Member of Parliament is speaking. If you wish to speak, please indicate to me. I will let you in, if I chose to do so. I don’t chose to do so. The petitioner.

166. MS SANDBACH: The other point to mention is in that HS2 letter, it says, ‘We do not expect there to be any other construction vehicles, so that the total for peak HGV represents total predicted peaks’. Well, if that’s correct, I would ask that this Committee give the direction that no more than 86 HGV movements take place per day, on those roads. That would then hold HS2 to their words, because certainly, I am not aware of whether my local parish councils have been consulted in relation to these proposed movements, bearing in mind that HS2 said that there was no significant traffic impacts.

167. THE CHAIR: A question from Sheryll.

168. MRS MURRAY: Could I ask Ms Sandbach, who is the primary highway authority?

169. MS SANDBACH: Cheshire East will be the primary highway authority in relation to that. However, the main impacts are likely to be felt in Cheshire West and Chester, so I only have three Cheshire East wards in my constituency.

170. MRS MURRAY: Are you aware that there has been any consultation or will be…?

171. MS SANDBACH: I know that there’s liaison but I’m not aware as to whether or not there has been formal consultation with the parish councils. Given that the initial assessment from HS2 has been that there will be no significant, and I question what the word ‘significant’ means, in terms of impact, because there will be impact. I do not know whether, for example, Audley Parish Council and the other parish councils in my constituency, who all use the roads mentioned to get to Crewe, that is, in effect, the only route going in on the A500, the A530 and the A51, for the vast majority of my constituents, what level of consultation has been with those parish councillors and what opportunity they’ve had to respond.
172. MRS MURRAY: Thank you.

173. MS SANDBACH: I would also question that – sorry to go back to the point – was that, ‘We do not expect there to be any other construction vehicles so the total for peak HGVs represent the total predicted peaks’. I do question whether this statement is actually correct, as it seems very odd that there will be no night good vehicle movements connected with the construction of HS2.

174. In particular, the additional traffic anticipated in relation to construction worker vehicles, for example, coming to and from their place of work every day. So there is likely to be significant movements of people as well as movements of spoil, if I can put it that way. Whilst mitigation is promised in the promoter’s response, I am not clear what specific measures will be taken to reduce the impacts on local roads in my constituency.

175. I now wish to turn to tenants’ compensation and the lack of it. The problem is that current compensation provisions, both the statutory compensation code and the discretionary compensation schemes, only apply to certain types of tenancies. They do not apply to all types of tenancies. This is unfair and leaves some tenants with certain types of tenancies unable to access any kind of compensation in the event that their landlord sells his or her property to HS2.

176. Under the current statutory compensation code, only tenants with a statutory or regulated tenancy under Section 29 of the Land Compensation Act 1973, a residential tenancy granted under the Rent Act 1977 and some types of Agricultural Holdings Act tenancies are eligible for compensation, where their landlord’s property is compulsory purchased by HS2.

177. This means that tenants who have assured shorthold, periodic and some agricultural tenancies are not eligible for compensation. It also does not cover tenants where the landlord’s property is purchased under one of the discretionary compensation schemes.

178. Peter Spittall, head of property services at HS2, confirmed this gap in compensation provision in an email to my office, dated 24 February 2017 and I quote as follows: ‘As you rightly highlight, the discretionary compensation schemes are aimed at
owner occupiers, i.e. freeholders or leaseholders with more than three years unexpired on the lease. They are not directly aimed at residential tenants on assured shorthold tenancies. I’m sure that if this concern were raised as part of the current consultation exercise on the discretionary schemes, it would be considered alongside the other responses’.

179. I did raise my concerns about the lack of adequate tenants’ compensation in my response to the consultation on compensation and also to the recent review of non-statutory compensation schemes. On both occasions, the response to these consultations was to keep consultation provisions as they are.

180. This is very unfair on those people with the types of tenancies identified above, namely of the assured shorthold, periodic and some agricultural tenancies, who find themselves excluded from compensation, and I hope that the Select Committee will do something to remedy this unfairness.

181. THE CHAIR: Can I interrupt you briefly? When we formed as a Committee, we spent some time with the previous Committee from Phase One and they expressed some concerns to us around tenancies, mainly for residential rather than commercial, so we are quite attuned to the issue. But have you any idea or analysis as to how many people will be affected, even if anecdotally within a small geographic patch? How big an issue is it?

182. MS SANDBACH: I do not have that information immediately to hand, but I probably could get that information to you, an approximation, reasonably quickly.

183. THE CHAIR: That would be good, and perhaps later on when HS2 are coming back, if they could either provide some information or come back with a similar agreement, to have a dig around, that would be helpful.

184. MS SANDBACH: I highlight it because it is a particular issue in Eddisbury. Given the predominantly rural nature of the constituency, there are a number of tenants with a mixture of tenancies who, through no fault of their own, are not eligible for compensation. Many of them are elderly and have lived in their current properties for many years.
185. There is also a lack of available alternative properties which means that they are highly unlikely to be able to find a similar property at a similar rent within the area and without incurring significant financial costs, particularly moving costs, which can be quite high. As well as being financially punitive, it’s also very unsettling for people who have lived in their homes for many years and do not want to move out of the area.

186. And I’d like to refer to one case by example which is that of my constituent, Mr Ewen Simpson of Canal Cottage, Whatcroft Hall Lane, Whatcroft, Northwich, CW9 7SQ. Mr Simpson is 82 years old and his wife is currently suffering from cancer. They have been resident in their current property for 20 years.

187. Mr Simpson and his wife will be severely impacted by the route of HS2 because the property that they live in is 50 metres from the line. Their landlord’s property will be within the safeguarded area and so will likely be compulsorily purchased by HS2 at some point prior to construction.

188. Mr Simpson was, until recently, a periodic tenant, which has not been changed to an assured shorthold tenancy, subject to six months’ notice either way. I believe his property – I will have to check – is owned by a charity, and therefore they have had an interest in having a long term stable tenant in the property and he lives there at a very…

189. THE CHAIR: It might be helpful if we can follow this case through as an example and maybe we might find ourselves picking one or two others, as well as having a quantum of how many people might be affected in this way. Can I just pause you? I think Martin has got a question.

190. MR WHITFIELD: I was just going to ask you. It is right to say that those people who have any one of the whole variety of tenancies that exist don’t seem to fare as well as the freeholder. But that seemed to be the very specific intention of Parliament; I know that Parliament visited this a few years ago. But do you not agree with me that perhaps there is an opportunity within this Bill to look at the suffering, and I use that word carefully, that tenants have almost, although not unique, with any major construction, they do seem to be the one group that seem to be hardest put upon, to receive compensation, be it the maximum amount they can receive, the definition of moving costs and other things, and that the opportunity exists to look at that within this Bill.
191. MS SANDBACH: I would very much encourage you, and in fact, I am here petitioning you, asking you, to do that very thing and look at that compensation, because I say, that it was not fair in Phase One, that this is a group of people, who, through no fault of their own, are finding properties that they live in, and in some cases, for many, many years, are being compulsorily purchased, they’re being made homeless, they have to bear all the removal costs themselves, and it really, to my mind, seems very unfair, and that is why I am here: to speak up on their behalf.

192. MR WHITFIELD: Just to follow on, I’m quite sure we’re going to hear comments about the extent of the Bill and how the compensation with regard to this group of people is looked at, and this is certainly something that the next time it returns to the Floor of the House, perhaps, will be more enthusiastically advocated by Cross-Benchers on the problem that they face.

193. MS SANDBACH: I certainly would be happy to speak about it on the Floor of the House and I have, as I said, with my evidence, already submitted consultation responses to point out some of the impacts on my constituents and how unfair I feel that it is for them.

194. The promoter’s response document in the exhibits refer to various recent changes that were undertaken to the compulsory purchase legislation and the compensation law, but these do not assist or resolve the situation such as constituents like Mr Simpson are confronted with. The amendments focus on different points such as helping business tenants and unprotected tenancies.

195. The promoter’s response document also refers to the availability of compensation for atypical properties. However, this provision only applies to owner occupiers including qualified tenants. Qualifying tenants do not include the tenancies that are assured shorthold, periodic and sometimes of agricultural tenancies, and in the context of an atypical property provision, a qualifying tenant is a freehold interest or leasehold interest with at least three years left to run at the date of service of the blight notice. And the occupier must have lived in their property for at least six months preceding service of the blight notice, and one of the atypical properties that I can indicate is that HS2 will, in due course, impact on quite a lot of canal residents. I have a number of people living on canal boats in Eddisbury that have private moorings.
196. Now, they own their boat; they are an owner occupier of their boat, but they are not the owner of the mooring, and I think that’s an example of an atypical property.

197. THE CHAIR: Can I clarify that? Is their principal private residence – these aren’t holiday –

198. MS SANDBACH: For some of them – I’m not arguing for everybody, but for many of those people, it is their affordable home, it is their full time residence that they live in, and it is their way of – because the average cost of a home in my constituency is £275,000. It’s very difficult. And the average wage is £24,000, so it’s over 10 times average income.

199. THE CHAIR: I think, to reassure you, we are receiving evidence from inland waterways later on in the process, so we will be able to pick up those concerns, but do send us a specific example, if that illustrates the problem nicely.

200. MS SANDBACH: I am very grateful, I’ll do that. What I am asking the Select Committee to do today is to recognise that the current compensation provisions, either through the compensation code or the discretionary schemes, as identified by Martin Whitfield, do not cover all types of tenancies, and to make provision to help people such as Mr Simpson, so that they are not left high and dry with nowhere to live, no compensation to help them move, and there are various ways in which I would argue that the Committee could do that.

201. Specify in the guidance on atypical properties that this could cover tenants who are not otherwise covered by the existing compensation schemes. This could be done by widening out the definition of qualifying tenants to include all types of tenancy, i.e. including assured shorthold, periodic and all types of agricultural tenancy.

202. To introduce a discretionary tenants’ compensation scheme whereby the £6,100 home loss payment is extended to all types of tenancy, whether landlords’ properties purchased by HS2, either through compulsory purchase or through one of the discretionary schemes. And I would also ask that the level of home loss payment now raised from £5,800 to £6,100 be regularly reviewed to take into consideration inflation or indeed to set it so that it annually increases by the rate of inflation, so that it’s a real – people don’t have a real terms loss, as it were.
203. MR WHITFIELD: Can I just ask, do you think the current level is sufficient today?

204. MS SANDBACH: It depends what it is supposed to cover. I know from my own personal experience, from having to move inside my constituency, that removal costs themselves are really quite expensive. And if it covers storage costs for a temporary period of time, it’s not clear to me immediately to what extent that is supposed to cover. That may be something the Committee may want to look at and consider evidence from other petitioners as to whether or not it’s adequate.

205. In addition, I would also ask that the HS2 compensation guidance makes clear that the home loss payment and reasonable moving costs are always paid to the tenant directly as opposed to the landlord. I have received assurances from HS2 that this is the case; the email from Peter Spittall referred to above states that it is, but it’s not explicitly clear in the guidance and constituents have wrongly been advised by HS2 representatives on this point. So I think it would be very helpful to have the guidance amended to say the compensation will be paid directly to those tenants.

206. I very much hope the Select Committee will take this opportunity to address the unfairness suffered by tenants with certain types of tenancy, and recognise that it is fair and equitable to compensate people who are forced to move because of HS2, whether or not they are home owners or tenants. Thank you very much.

207. THE CHAIR: Thank you. I do not think there are any questions from the Committee, so Mr Mould, I will be guided by you if you want to run slightly over 55 past, or whether you want to split and come back at seven.

Response by Mr Mould

208. MR MOULD QC (DfT): Well, I’ll kick off if I may and see if I get on. The point I was going to make to you whilst it was fresh in your mind was that the Phase 2B Bill will, of course, carry out a comprehensive assessment of the traffic effects of constructing that railway, including the current proposal to take the Phase 2B railway north of the current northern limit of this Bill in tunnel beneath Crewe.

209. And I suspect that there will be very little risk of any significant degree of
cumulative traffic effect, i.e. whilst the construction of Phase 2A railway programme to begin in 2021 in earnest is still in train, and the construction of the Phase 2B railway, which will not, by definition, not begin until quite considerable time thereafter because it has yet even to find its way into the House in the form of a Bill, but if there were to be a significant risk of cumulative effect because lorries running for Phase 2A might be running through this part of Cheshire when lorries running for Phase 2B are beginning to run, then that would be assessed as part of the environmental assessment and consultation would take place with the responsible highway authorities, and the parish councils and so forth, as part of that process.

210. That was all I wanted to say about that.

211. MR WHITFIELD: Sorry, Mr Mould. There would be a cumulative effect on the histograms that we see over the dates of peaks and troughs.

212. MR MOULD QC (DfT): If you had the great good fortune to be sitting on the Phase 2B Select Committee, and there were predicted to be cumulative impact of that kind, that would be reflected in the histograms.

213. MR WIGGIN: Struck by lightning twice.

214. THE CHAIR: Move on, Mr Mould. It’s Mr Wiggin’s birthday today, so he’s a bit over-exuberant.

215. MR MOULD QC (DfT): Happy birthday.

216. MR WIGGIN: I have been very calm, I think. Very old.

217. MR MOULD QC (DfT): Compensation for tenants. All I seek to do in relation to this is to seek to explain to you, as someone who has some knowledge of the legal basis upon which compensation is paid, what the current legal position is, because I’m not entirely clear what it is that is being sought.

218. The starting point is this: compensation is paid under the statutory compensation code for compulsory purchase of land. Now, land is owned either freehold or leasehold. Anybody who owns land freehold that is taken from them compulsorily receives land compensation, the principal component of which is the assessed open market value of
that asset. Their property is converted into money, effectively.

219. Whether that is a freehold owner or a leasehold owner, then that property will have an asset; if it’s a lease, it will have a diminishing value, the closer it is to the date on which the lease comes to an end.

220. When one is dealing with a short tenancy of the kind that we are concerned with, as I understand it, in relation to this petition, whether it be an assured shorthold tenancy, running for a year, or a periodic tenancy running from a year to a year or whatever it might be, the asset itself will have very little value if any. Its value lies in the ability to occupy the dwelling house in question. But the tenant would not be able to sell it on the open market, because a short tenancy on a property is not a marketable asset in that sense.

221. THE CHAIR: Carry on and then I’ve got a question, which I disagree. I will come back and probe with a question.

222. MR MOULD QC (DfT): The next component of compulsory purchase for land compensation – for compulsory purchase of land is to make up to the displaced person, occupier, whether it be the landowner, the leaseholder or a tenant, the costs that they have to incur as a result of being displaced by virtue of compulsory purchase of the land in question. And that right applies as much to a short tenant as it does to a leaseholder or a freeholder. Where a tenant of an assured shorthold property which is held under an assured shorthold tenancy is required to give up their tenancy and to move elsewhere and they incur moving costs, they incur the costs of paying an agent to find them another property; they are entitled to recover those costs as part of their compensation claim.

223. THE CHAIR: Perhaps my question will tease out some of those issues. If you’ve got someone on an assured shorthold tenancy just for a year, there is clearly little economic value or value in the broadest sense of the word, and the transaction costs of moving are dealt with, there’s debate as to whether there’s the precisely the right amount and that’s not for today.

224. The issue, I think, is where there’s kind of a revolving nature, so someone might be on an assured shorthold tenancy but might have been there for 30 years. That same
person has the same costs of moving, they have the same lack of economic value in terms of their remaining bit, but actually is much more disruptive and I feel there’s a greater value in the broadest sense of the term value rather than the pounds and pence value, to occupancy of that land.

225. MR MOULD QC (DfT): First of all, a tenancy which is protected, for example, under the Rent Act – there are very few left now, but there may be – the example given of the tenant, the elderly tenant, who I think is affected by the Phase 2B railway, rather than the Phase 2A railway, but that’s perhaps not so much of a distinction, you’re considering a point of principle, but a tenancy, that you have just put, has been held for many, many years, it may have a value as an asset, it may or may not. And if it does, then under the Compulsory Purchase Act, that value is payable in compensation to the tenant.

226. The land compensation code does not shut out those who hold land on a tenancy, of whatever duration; it does not shut them out from compensation. Indeed, if you want the provision, Section 20 of the Act positively says that tenants shall be compensated. But they have to show that they have suffered a loss, because public money is not paid out to people by way of land compensation in order to put them in a better position financially than they were in, had the compulsory purchase not happened.

227. The principle, as I have explained to you before, is one of equivalence; you get full and fair compensation which is translated to mean no less then, but no more than the loss that you’ve suffered.

228. What the law also does, though – and this was a very important change to the law that was made by Parliament in 1973 under the aegis of the Land Compensation Act of that year – a recognition, and this comes to your point, if I may say so, that one cannot always measure the loss that comes from being displaced from your home by reference to a) the value of the asset itself and b) the actual monies you have to lay out in order to find yourself somewhere else to live. There is, if you like, an emotional – there is a sense of loss that goes over and above the purely monetary asset.

229. That is why the home loss payment system was introduced into the law by that statute, and that system guarantees that however short, however vulnerable your position is, because your landlord maybe able to serve notice on your to leave within a month, or
whatever it might be, you will receive, if you are displaced by virtue of compulsory purchase, you will receive a minimum of what is currently £6,100 by way of a home loss payment.

230. To answer the MP’s concern, that has nothing to do with the cost of removal, or conveyancing, or whatever it might be; that is a sum that is paid purely and simply to account for the displacement against your will by a public body from your home.

231. THE CHAIR: Thank you very much for that; I think we’re getting much closer. I know Sheryll wants to come in with questions, but I think I’m going to call time and we’re back at seven o’clock with Sheryll.