MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 18 April 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

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WITNESSES:

Amanda Jones and Alan Melvin
Michael Carter

IN PUBLIC SESSION
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1. THE CHAIR: Welcome to the Committee. Summer appears to have arrived, at least temporarily, but throughout the Committee, if you feel the need to take your jackets off and be more comfortable, that’s absolutely fine. We have two right to appear challenge hearings today, and we will start with Mr Alan Melvin and Ms Amanda Jones. Mr Melvin.

Amanda Jones and Alan Melvin

Submissions by Mr Melvin

2. MR MELVIN: Good afternoon. My name is Alan Melvin. My partner, Amanda Jones, and I would like to reply to the two objections that have been put in against our petition being heard. Amanda is going to reply to the second objection and I’ll reply now to the first. The first objection is whether we have a property interest affected or interfered with by the Bill. And this comes down, as far as I’m concerned, to whether the Bill is defined by the location of the work or it is defined by the scope of work. By this I mean it’s whether it’s defined by the construction corridor, where the railway will be built and where it will be operated, or it’s defined by the scope of work to create the railway and all the work that is along that construction corridor.

3. In area CA4, in other words Whitmore to Madeley, the HS2 design as it stands requires activities that would normally be undertaken within the construction corridor to be taken outside it, and that’s where we think that’s wrong. In our case, we’re affected by the movement of excavated materials. The movement is normally undertaken on site haul routes within the construction corridor, and if I go to A71 and down at the bottom, and also them onto A72, reference 1 identifies – probably the next page is the best, thank you – identifies where excavated material is moved from, and it shows the precedence for movement. Normally, it’s moved within the construction corridor. If not, then as appropriate the use of rail transport, and for a railway, obviously, most railways are actually built next to existing railways, so we can see that. And then, in the final analysis, if all else fails, it would then be run along the main routes, the main roads.

4. If I can refer to reference 3, A73, these give the definitions of site haul route. Again, this is defining it as ‘a temporary road provided with the area of land required for
construction to allow for the movement of construction material’. Then, below that, we have ‘how we move excavated materials’. You have the ‘site haul to compound’ and you have the ‘through site haul to compound’. Those are the only definitions which define how excavated materials are moved. And as you can see, they use the name ‘site haul’. And reference 3 also then defines that a site haul route is within a construction corridor.

5. If we move to reference 4, A74, unfortunately I haven’t – I must admit I assumed that the maps etc would be available at this meeting, but obviously, they’re not. I know –

6. THE CHAIR: All the maps are available, so if there’s a specific map, you can reference it and we’ll make every attempt to get it up.

7. MR MELVIN: The one I’m thinking of is TR08206L1.

8. THE CHAIR: Can we just pause a second? Is that possible to get up? Is that an easy thing to do?


10. MR MELVIN: Yes, it is.

11. THE CHAIR: Feel free to pause and then we’ll have it.

12. MR WIGGIN: I think it’s this one. Is it P29?


15. THE CHAIR: We’re learning as we go along. Perhaps we can encourage and announce to future petitioners, if there’s any maps or any reference material that they’re likely to be talking about, it will give us a chance to get in front.

16. MR MELVIN: I apologise. I assumed, as this was an HS2 Committee, that you’d have the HS2 documentation.

17. THE CHAIR: We do, but they’re all electronic, because that alongside the QC is
a copy of absolutely everything so we would be felling a significant amount of trees to have everything.

18. MR MELVIN: It’s TR08206L1, is the document.

19. THE CHAIR: Would it interrupt the flow too much if we heard from Ms Jones and then came back?

20. MS JONES: I think it might, actually.


22. THE CHAIR: Okay.

23. MR MELVIN: I mean, if you want, I can move on. If you take the statements that I have in –

24. THE CHAIR: If you’re happy to move on, let’s move on.

25. MR MELVIN: I’m happy to move on. If you were to look at that document, you would see that highlighted within the document is the route of excavated materials from the Madeley cutting there along the A525 and then down the A51 and then eventually up to junction 15 of the M6. And they obviously go past our house.

26. I’d like then to go to A72, if that’s possible, reference 2. This is to do with the avoidance and mitigation. This is how HS2 came to the decision to move the excavated materials. Instead of being moved along the construction corridor, they’re now being moved outside the construction corridor. Highlighted is point 6, which says that, ‘In so far as reasonably practicable, site haul routes will be created adjacent to the route proposed for the full scheme to transport construction materials and equipment.’ That’s to reduce HGV movements on public roads.

27. And then, the next one, point 7 is, ‘HGV will be routed in so far as reasonably practicable along the strategic and/or primary road network.’ What this shows is that HS2 have, in doing their design, undertaken a risk assessment; they have made a conscious decision as to how the movements of excavated materials will occur and why it will not be run along the construction corridor as would normally be expected.
28. THE CHAIR: We’re struggling to actually hear your view as to simply whether you have a right to petition, which is what this is about. Can I give you a minute if there are any concluding points, and then I will move to Mrs Amanda Jones, around your right to be heard rather than the substance of your case?

29. MR MELVIN: Right, because HS2 have made a conscious decision without any reference back to other parties, in that they did not discuss anything with Shropshire County Council and they certainly did not discuss anything with regard to Woore Parish Council in terms of movements of traffic. In fact, we only became involved in the HS2 back in July when there was a meeting with HS2. At that point, that was just before – in fact it was a week before the Bill was actually lodged – and at that meeting, HS2 could not give us any details of what the Bill was about because they said it was ready to be lodged and only after it had been lodged could they discuss it.

30. THE CHAIR: Can we come to Ms Jones, and the second point. Thank you.

Submissions by Ms Jones

31. MS JONES: Yes, my point, the second point: you may be aware that directly at the end of our driveway is a slip road. Can you have a look at A76, please? Thank you. It’s the top picture. We are on the right-hand side. You can see the slip road. The A51 is running directly diagonally through the photograph and the slip road is that curve underneath. Then that’s the beginning of our drive there and the house is to the right. Now, the slip road is about 210 metres long and it’s the access route to our property, to farms, to a coal merchant, to Station House and to a lane leading to several residential properties, many of which belong to elderly residents. The area directly across the A51, you can probably see there, is a developing residential area all requiring access to the A51.

32. If we can have a look at A76, 77, 78, slowly, obviously. Okay. If we can move on to the next photograph. Okay, this is looking at towards Woore village centre, towards the entrance to the slip road there. And the next one please. No, there’s A78. Is that it? Oh, right. Okay, thank you. That gives you an idea of the nature of the slip road. Besides residential access, vehicles park up when collecting coal and making deliveries. The occasional delivery van driver might stop for lunch as there’s a small snack bar across the road. And occasionally, when service vehicles park at the top of
the slip road, visibility onto the A51 when pulling out can be really hampered and it’s very dangerous.

33. THE CHAIR: I’m sorry to stop you, but is this really getting to the substance?

34. MS JONES: I am getting to the point.

35. THE CHAIR: Can we get straight to the point?

36. MS JONES: Okay.

37. THE CHAIR: I’ve been lenient.

38. MS JONES: Our concern is that HS2 will seize the opportunity of using this slip road as a place to marshal HS2 vehicles. It was suggested at a very recent parish meeting by the leader of Shropshire County Council that HGVs could be convoyed through Woore parish, beginning at the Staffordshire-Shropshire boundary, just a few metres away from this slip road.

39. THE CHAIR: Okay, thanks. Point well made. And we are straying and I’m reluctant to take real evidence and get back to HS2. However, I think you’ve made your points and they would have heard your point, and regardless of the right to petition or not, hopefully, they will hear that as an issue and take that up. Mr Mould.

Response by Mr Mould

40. MR MOULD QC (DfT): Yes, thank you. I’ll deal with the second point first, as we have the photograph on the screen. The petitioners’ concern, as I understand very clearly, is that the presence of this slip road is something that is not raised in the Woore Parish Council petition. Whilst they accept that, in relation to other matters that they raise, the Woore Parish Council also raises those issues and therefore is able to represent their interests, they’re concerned that this particular point will be considered so local to their little part of the world that it won’t be on the parish council’s radar. Our response to that is this: that the management of traffic on the highway, including HS2 construction traffic, is a matter for the county council as highway authority, and the parish council has a direct interest in raising local matters of that kind within their parish with the highway authority.
41. Both the highway authority, Staffordshire County Council, and Woore Parish Council have petitioned this Committee. In addition, if there is a concern about the use – the misuse – of this lay-by and it is a concern that the petitioners wish to raise with the county council, no doubt the county council, if they think that some sort of commitment should be made by HS2 that it will not – that it will instruct its contractors not to use this lay-by, that is something that the county council can raise with us on their behalf and we can consider whether a commitment should be given. But I hope that that would be sufficient for your purposes, as it were.

42. As to the first point, which is more of a conceptual argument, the petitioner’s argument essentially is that special and direct effect should extend not only to one’s land or proprietary rights being subject to acquisition or interference under the Bill, but should extend to your property being adjacent to a public highway that is going to be used by HS2 construction traffic, just as it’s used by all other traffic that uses it at the same time. The position on that under the conventional approach of the House is very clear. Those sort of issues fall classically within the remit of the representative local authorities. Here, Staffordshire County Council as highway authority have raised a number of concerns about the management of traffic, HS2 traffic, in their petition and Woore Parish Council, as you know, have focused on that question in their petition in relation to more local issues.

43. So, on that basis we say it’s wrong to seek to show that having a property adjacent to a public highway is sufficient to amount to a right to be heard as a right, and in so far as there is a plea for you to exercise your discretion in favour of these petitioners, with respect, those matters can properly be represented by the local authorities who are to appear before you during the course of your substantive hearings.

44. **THE CHAIR:** Sheryll.

45. **MRS MURRAY:** Could I ask, Mr Melvin and Ms Jones, have you had a dialogue with your local councils, with both the county council and the parish council about this?

46. **MS JONES:** Shropshire County Council has been conspicuous by its absence and hasn’t demonstrated any willingness to listen to the parish council.

47. **MRS MURRAY:** What about Staffordshire County Council?
48. MS JONES: Shropshire. We’re within Shropshire.

49. THE CHAIR: I made the same error as you, Mr Mould.

50. MR MOULD QC (DfT): Yes, I made it. I’m sorry. The issue here is the parish council, yes.

51. MRS MURRAY: Right, and have you had a dialogue with your parish council?

52. MS JONES: Not about this particular issue because they have so many other points that they will be bringing forward, that they have submitted in their petition. So we see this as –

53. MRS MURRAY: Did you not think about speaking to your parish council, because obviously there may be other people who made the same recommendations to them or made the same request to them?

54. MR MELVIN: We have been involved with parish council –

55. MRS MURRAY: You have been.

56. MR MELVIN: – on a number of matters, not specifically this. We are aware they are fully involved in a number of issues that they’ve raised and we are concerned that the issues that they have raised in their petition, this would become diluted and would not get the focus that we believe it needs to be.

57. MS JONES: We’re basically looking for support and a little empathy, I think, from HS2. We see this –

58. MRS MURRAY: Can I just ask: when you submitted your petition, did you read the ‘should I petition?’ notes that were on it, because one of those notes specifically says, ‘If your concerns are general, for example, they are to do with traffic, congestion or air pollution which may be better represented by a parish council or local authority’. And I’m just wondering why you’ve submitted a petition, because it says ‘your petition is not likely to be considered by the Committee if’, and it clearly says that there. So that was the reason for my question, because obviously if you had gone to your parish council and they had said, ‘No, we’re not going to include that,’ then very clearly you could have said, ‘Well, we realise that the notes say this, but we’ve been to the parish
council.’ But you haven’t been, so I’m just wondering why you’ve submitted a petition even though the advice is on there that your petition will not be heard.

59. MR MELVIN: We submitted a petition because we were recommended to submit a petition by our own MP, by Shropshire County Council, who basically gave the undertaking that all petitions were likely to be heard, irrespective of any statements that were made. And that is not just our MP, Owen Paterson, but I have been at meetings with other MPs from local areas who have also said the same thing.

60. THE CHAIR: Mr Mould and Martin want to come in. Are you happy for Martin to go first?

61. MR MOULD QC (DfT): Of course, yes.

62. MR WHITFIELD: Firstly, it’s just in relation to exhibit 4 that we have displayed here. With regard to exhibit 1, the overview, is that the entrance that’s to the right-hand side of the photograph?

63. MR MELVIN: No.

64. MR WHITFIELD: Sorry, no, the overview photograph at the top. I’m wondering if exhibit 4 is the entrance to slip road reference 3 or somewhere else

65. MR MELVIN: No, as you can see on the left-hand side of the screen, it is exhibit 4. The exhibit 4 reference is exhibit 4.

66. MR WHITFIELD: I’m sorry.

67. MR MELVIN: On the very left.

68. MR WHITFIELD: Sorry, yes. Thank you.

69. MR MELVIN: Okay.

70. MR WHITFIELD: And the second one really is to Mr Mould. Obviously you’ve indicated that others are petitioning about the traffic. This slip road doesn’t appear in any of the construction traffic proposals as it stands.

71. MR MOULD QC (DfT): No.
72. MR WHITFIELD: Would there be a way for the current petitioners other than by a petition to extract a stronger undertaking that it wouldn’t be used for – because I appreciate what you’re concerned about is them stacking lorries in it –

73. MS JONES: Yes.

74. MR WHITFIELD: – at certain times. Would there be a vehicle for them to extract confidence that that wasn’t going to be used for that?

75. MR MOULD QC (DfT): Indeed, there may. You’ve anticipated what I was going to say, actually. In light of what you’ve been told about certain informal indications which have been given to petitioners by the county council and also what their Member of Parliament said – they’ve said they were told – I don’t want them to go away feeling that they have been in any way misled. So what I propose to do is to take instructions from the promoter as to whether we may be able to give an appropriate assurance to the Woore Parish Council as to our having no intention to use this slip road for construction purposes and, subject to confirmation of that, then that will be entered on the register. We will ask the Woore Parish Council to let the petitioners know on the progress of that initiative and I can report back to the Committee when I have some information about that.

76. THE CHAIR: Very helpful. Thank you very much. Thank you for coming today.

77. MR MELVIN: Thank you.

78. THE CHAIR: We’ll now hear the second petitioner, Michael, Karen and Thomas Carter. Mr Carter.

Michael, Karen and Thomas Carter

Submissions by Mr Carter

79. MR CARTER: Good afternoon. I’m Michael Carter. I’m here on behalf of myself, my wife Karen Carter, my son Thomas Carter. We’re raising four primary objections to the current Bill and proposal under the following headings, if you’ve got the petition. Thank you. So where we live – and I don’t know if you’ve seen some of the other supporting documents, which would be the exhibit list of 29 – where we live is
accessed by a small country lane called Manor Road, which is very narrow, very
treacherous for the current traffic. There are few if no refuges for cars to pass. Our first
objection is around access and the effect on life and livelihood of such a large-scale
operation for such a large amount of time taking place effectively on our doorstep. We
class that as a nuisance. It’s going to affect our lives immensely.

80. In terms of our commuting time, which is outlined in my points, if we look at a
half-hour delay each way – half an hour in the morning, half an hour in the evening – as
a result of the works, irrespective of which part of the proposal we look at, that equates
to around 230 extra hours a year per petitioner, which we feel is unacceptable. It’s a
cost that is unacceptable for an individual to bear. If I were to talk to my business and
ask them for an extra 230 hours a year because I need to commute, I know what the
answer would be, as I’m sure everybody in this room would understand.

81. There’s a large amount of civil engineering workers today projected and proposed
to be using Manor Road: up to 50 civil engineering workers per day, and up to 75
workers at peak times. This is across Manor Road. You can see it at the top. So if you
look at P29 and you look at the top left-hand corner, the small map, Manor Road is the
road that goes from the midsection of the map from the bottom to the top in a slight
diagonal line. This is the main thoroughfare for most of the works taking place at the
end of Manor Road towards the viaducts that are taking place in Madeley near the
cemetery. This effectively cuts us off, with any works and the road closure at the end.
This forces us down a rat-run and forces everybody else down a rat-run. That coupled
with the closure of the A53 forces residents and thoroughfare to be passed through this
area. For Madeley Park Wood, where I reside, our doctor’s surgery and most of our
facilities and supporting services are in Madeley. For us to get from Manor Park to
Madeley is then going to take at least another 25 minutes.

82. My major concern is the effect on the emergency services, their ability to react,
the amount of time it would take to get to anybody in Madeley Park Wood, not only in
Manor Park, but across the A53. We’ve classed this as a significant risk. The average
age of the residents – I don’t know if anybody has calculated that for Madeley Park
Wood – are not as young and sprightly as myself. Therefore, has a proper risk
assessment been done in terms of the quality, expedience and provision of services
should an emergency arise?
83. The second point we’d like to make is that, over the past 18 months, there has been a change to the proposal. The original proposal for the tunnel exiting north of the A53 through Whitmore Heath – and again, if you look at –

84. THE CHAIR: Can I ask you to perhaps speak up and concentrate on the right to petition rather than the substance of what you will want to say.

85. MR CARTER: Sure.

86. THE CHAIR: I don’t want to have to rush you at the end and you be missing the opportunity. Maybe just touch on some of the substance, but a bit faster and a bit more subtly, if that’s okay.

87. MR CARTER: Okay.

88. THE CHAIR: I’m trying to be helpful.

89. MR CARTER: No, thank you very much. As you’re aware, not many people do this on a regular basis, so any help would be most helpful. Okay. So back to point 1 and the effect on the –

90. THE CHAIR: Sorry, I’m looking to find out what the other two points – I think we got the first point.

91. MR CARTER: Okay.

92. THE CHAIR: It was the second point I just wanted to check that it’s not something –

93. MR CARTER: All right. The second point is that the proposal has changed. Originally, it was a cut and cover tunnel proposed, which you’ll see in the black hashed area again, in the top left-hand corner of P29. This has subsequently been changed and this is no longer a cut and cover tunnel, but this is now an exposed tunnel, almost an L shape, with a very large and long retaining wall. Our objection to this is that we do not feel that there has been adequate noise modelling, or the effects of the reflective qualities of that wall –

94. THE CHAIR: We’re definitely getting into the substance, so let’s go to the third
point and fourth point and then we’ll hear from Mr Mould, if that’s okay, Mr Carter. Thank you.

95. MR CARTER: Okay. Point 3 is the cumulative effects, which leads back to 2: has there been a proper cumulative effects assessment been made in regard of the new proposal for the retaining wall and the noise that that will create, in conjunction with the existing West Coast Main Line, the noise pollution that that provides? Fourth one is the proposed concrete works, which are referenced in many of the HS2 documents. They do not appear to be on the plans. Where are they, and what safeguards have been made to ensure the points that I’ve made such as airborne cement dust, the effect to health, the effect to the environment and the effect of cement dust on standard of water?

96. THE CHAIR: Thank you very much, Mr Carter. Mr Mould?

Response by Mr Mould

97. MR MOULD QC (DfT): Thank you. P29 is on the screen in front of you. You can see that the petitioner’s property is to the west of the West Coast Main Line, which is the existed transport feature which is being pointed out now. And you can see that the limits of the land which is subject to acquisition for HS2 Phase 2A lie to the east of that line. So, this is not a case where the petitioner is able to assert a right to be heard on the basis of special and direct effect in accordance with the usual convention.

98. He raises a number of environmental concerns. The use of Manor Road – it’s important to understand that the use of Manor Road is not proposed to any point to the south of the – if I can just ask that the arrow be pushed further to the north so it’s beyond the disused railway line – it’s at just about that point, HS2 traffic will be using Manor Road only to the north of that point there. So you can see that that is significantly to the north of the petitioner’s property.

99. As regards noise assessment, I can show you P16 and you can see that our noise assessment – which is based on an approach which encompasses noise from the operation of the West Coast Main Line – it’s a cumulative assessment in that sense, to use his terminology. You can see that we are predicting that the spread of airborne noise will not extend beyond the contour that is being pointed out to you now in any way that is likely to cause any real disturbance to the petitioner and those who live in the
vicinity of his property. The A53 will not be closed. Our proposal is to provide a temporary diversion to the A53, which will mean that that road will continue to operate throughout the construction of the HS2 Bill scheme.

100. Now, as regards the control of the construction activities and heavy civil engineering works, things like dust and so forth, those are all dealt with under the terms of the code of construction practice, which is an essential part of the Bill proposals. All of those matters are raised in the petition of the Whitmore Parish Council, which you have seen before, but which we’ve put in at P18. They raise the issue of the A53, P18(3). I think you’ve seen this before so I won’t trouble you, beyond just reminding you of it. You’ll see that they raise Manor Road, they raise the A53, they raise tunnelling activities, they raise the issue of the embankments, the viaducts and other civil structures in the area between the Whitmore Heath tunnel and the Madeley tunnel.

101. So, our response to this petitioner is to say that the environmental and construction concerns that he raises are raised by his parish council, and on that basis we invite you to consider whether as a matter of discretion you should admit him to be heard before the Committee.

102. THE CHAIR: Thank you very much. One question.

103. MR WHITFIELD: Yes. Mr Carter raised the question of where the precast concrete works were in the Lea Valley. I wonder whether you could assist him with where that’s going to be.

104. MR MOULD QC (DfT): Yes. Can we put up CT05231? See if we can show you a sheet from the environmental statement map book.

105. MRS MURRAY: Would you like me to ask my short question?

106. THE CHAIR: I think that’s a very good idea, Sheryll, and then we’ll come back to Martin.

107. MRS MURRAY: It was just to ask Mr Carter, really, the same question as before: have you had any dialogue with your parish council?

108. MR CARTER: Yes, and I’ll give you the same answer as Mr Melvin gave you,
which was we’ve been encouraged to voice our concerns independently, and that’s by many members of the parish council and our local MPs.

109. MRS MURRAY: Thank you.

110. THE CHAIR: Thank you.

111. MR MOULD QC (DfT): I can perhaps show you this on P29. I think I can probably do it without the need to put up the more detailed plan. If you just look at the inset, the proposal is to operate a pre-casting yard from the north-eastern quadrant of the point where the railway lines intercept just here. Just push the cursor a touch further up to the plan. That’s it. And then to launch the viaduct structure from the south-eastern quadrant, so just to the south of the – just go half an inch to the right. It’s a bit like ‘The Golden Shot’, isn’t it?

112. MR WHITFIELD: It is.

113. MR MOULD QC (DfT): And just a bit further to the right – there we are – at that point to launch the viaduct structure. So, you can see that those activities will be some hundreds of metres distant from Mr Carter’s property. And they will either be served from the railway line itself or from traffic, which will be accessing via Manor Road, somewhat to the north of his premises, as I explained to you a few moments ago.

114. MR CARTER: May I ask for clarity, Mr Mould? You referred earlier on about the noise assessment and we talk about exhibit P16.

115. MR MOULD QC (DfT): Yes.

116. MR CARTER: As my property’s the closest to the line, is there any reason as I am also closest to the greyed out area – this is P16 – why there is not a box for the 50 decibel range around the property?

117. MR MOULD QC (DfT): The reason for that would be that the noise assessment which has been carried out is not recording any exceedance of the lowest observed adverse effect level in relation to your property. Why that is will be a function of topography, of levels, of the fact that, to some degree, there is some fairly extensive existing woodland planting immediately to the east of your property, the relationship of
Madeley Park with the West Coast Main Line. There are a whole series of factors, but the noise impact assessment is a process that has been prepared on the basis of current expert understanding of noise modelling. It has been peer-reviewed by the industry, and so that is the best explanation I can give to you.

118. THE CHAIR: Thank you very much, Mr Carter. Thank you, Mr Mould.

119. MR CARTER: Thank you.

120. THE CHAIR: I think that that concludes the part of the session in relation to the right to appear challenges. Mr Mould, I understand you want to briefly on the record say a few things separate to this, the right to hear challenge.

Statement by Mr Mould

121. MR MOULD QC (DfT): That is indeed the case. I’m very grateful for that opportunity. I have four points to make to you, if I may. The first was the Committee will, through your clerk, have received notice earlier on this afternoon that, following further inquiries, we have written to Mr Murray, from whom you heard on Monday, to tell him that we are withdrawing our right to be heard challenge against him. The reasons for that are set out in the letter and, unless you wish me to, I’m not going to mention those further now.

122. THE CHAIR: Thank you.

123. MR MOULD QC (DfT): The second point is anticipating two matters that are likely to be raised during the course of your meetings next week in relation to the issue of whether there should be a single tunnel between Whitmore Heath and Madeley. Two points. First of all, we have, at your request, undertaken some further work to explore the opportunities to lower the River Lea viaduct at the point at which it passes over the West Coast Main Line and the out of use railway line. And I shall say a bit more about this next week, but it’s enough to tell you that we are – our enquiries have told us that we are able to lower that viaduct by a small but, we think, significant distance, without impinging upon the operation of the West Coast Main Line. I say that because our enquiries also tell us that the key constraint is sufficient clearance over the West Coast Main Line. It is not clearance in order to secure the potential reinstatement of the out of
use railway line. I’ll say more about that next week.

124. The second point is in relation to the Whitmore Heath tunnel which is currently in the Bill. We have been considering whether, quite separately from the case for a single tunnel, whether there are advantages in extending the Whitmore Heath tunnel southwards, beyond the A53. And our further work on that has revealed to us that there are some construction and environmental advantages to doing that, and indeed there is likely to be quite a significant cost saving if we do that. The key advantage that would flow from that is that it will no longer be necessary to have a cut and cover section to the Whitmore Heath tunnel, and it will no longer be necessary to carry out what I think you’ve had described to you already, the rather complex engineering challenge of running the A53 over the top of the box structure that would otherwise constitute the cut and cover tunnel. That, again, is a free-standing design change to the published Bill scheme that we have been pursuing and that we will say more to you – about that to you next week.

125. CHAIR: Just to clarify, that’s the south end – the end of the tunnel where it comes out, as opposed to the bit in the middle?

126. MR MOULD QC (DfT): That’s right. It’s the southern end of the – if you like, it’s pushing the southern portal of the Whitmore Heath tunnel southwards.

127. MR MARTIN: Chair, given that Mr Carter is in the room while you make this announcement, Mr Mould, presumably that means that if you do find that is possible then you won’t need to close or divert the A53 at all.

128. MR MOULD QC (DfT): We won’t. We wouldn’t need to produce the temporary diversion to the A53, yes. That’s absolutely right. The fourth and final point I wanted to raise with you was this, which, again, is germane to next week’s hearings, both in relation to tunnel but also, I think, in relation to the issue of the location of the maintenance base. I think you recall that, when Mr Smart was giving one of his presentations to you, the question of the justification for the contingency allowance that was applied to the extra cost for the single tunnel was raised. We thought it would be helpful just to produce a short note that explains the justification for that, in line with Treasury guidance.
129. We’ll provide that note to your clerk before the end of this week, but we will also make sure that we publish it and draw attention to the existence of that note to petitioners who are appearing next week, because they may be interested in reading that, because costs, of course, will be a matter that people will want to raise with you when we have the meetings next week on those issues. That was all I wished to say to you.

130. CHAIR: Thank you.

131. MR WHITFIELD: Just one comment relating to the amendment that may or may not be proposed to the existing tunnel to lengthen it. That will presumably have cost implications to a single tunnel, which would now be longer.

132. MR MOULD QC (DfT): It would mean – indeed. If one assumed that that southwards extension of the Whitmore Heath tunnel were incorporated into the scheme, as I say, it would come with a significant cost saving, and so the effect of that would be to push out the difference in cost between the Bill, so amended, and the single tunnel alternative that you’re going to be asked to consider by petitioners in the sessions on –

133. MR WHITFIELD: Are you confident that that information will be available next week?

134. MR MOULD QC (DfT): The fruits of our labours thus far will be available. There are exhibits which are being exchanged with petitioners later on today, which include a couple of slides which address that point. I shall ask Mr Smart, who is our – as you know, is our chief engineer. I shall ask him to come to Committee next week primed to give more detail on that, in order to assist the Committee and also to inform petitioners as the evidence proceeds.

135. MR MARTIN: I wouldn’t want to pre-judge what Mr Smart is going to tell us, but he did tell us, when he was giving his initial presentation, that the reason that the tunnels – the original plans for the tunnels were so short was because you needed to be able to climb in order to reach the height that the viaduct needed to be able to clear the West Coast Main Line. Now that you’re telling us that it doesn’t have to go quite so high, does that also mean that that would be – it would be necessary to reduce – to be able to reduce the height of the viaduct in order to be able to make the tunnel under Madeley Heath longer?
136. MR MOULD QC (DfT): It would – I think that is one thing that probably wouldn’t result, and the reason for that is that we would still have to clear the West Coast Main Line. But there are some resulting benefits in – for example, it would result in a – we think in a reduction of the visual impact of the Meece Brook viaduct, which is immediately to the south of Whitmore Heath, and it would also lead to some reduction in the impacts on Whitmore Wood, which is the ancient woodland which, as you know, lies immediately to the north of the northern portal of the Whitmore Heath tunnel. So it does have some consequential benefits, but the one that you raised with me I fear is not one of them.

137. MR MARTIN: Is not one of them.

138. MR MOULD QC (DfT): For the reason I gave, yes.

139. THE CHAIR: On no further questions, thank you very much, meeting closed.