MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 28 March 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:

Paul Holdcroft

IN PUBLIC SESSION
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1. THE CHAIR: Good morning and welcome. Welcome, everyone. Today we begin our first of our right to hear challenges. Under Private Business Standing Orders petitioners have a right to be heard by the Select Committee provided they can demonstrate that the Bill has a direct or special effect on them. The Secretary of State for Transport can challenge a petitioner’s right to be heard if they do not believe the petitioner is directly or specifically affected by the Bill. The Committee will reach judgment based on the arguments presented and also be guided by precedent. For this Bill the Department has challenged the right to be heard of 25 petitioners out of a total of 187 that have petitioned. Of those 25, five have already informed us that they wish to withdraw their petitions. We’ll be starting today with the right to petitions and the remainder we will do in the week after the House returns after Easter on Monday 16 April.

2. Before I invite Mr Holdcroft to begin I want to quickly set out the order of the proceedings because this is the first time we have done this and the order will be similar throughout. We’ll start with the statement from the petitioner explaining why they believe their property or interests are directly and specifically affected and why they should be allowed a discretionary right to be heard. We’ll then have a statement from the promoter explaining why the promoter believes the petitioner does not have the right to be heard. The clerk has informed me earlier that neither of you want to call witnesses. We may at the end have questions from the Committee but not necessarily so. I should emphasise here and in all our hearings we’re considering whether the petition should be considered by the Committee, not the arguments specifically contained within the petition. We’ll then suspend the meeting so we can deliberate in private. We would hope to announce the decision today, so do feel free to wait outside but you don’t need to do that. The Committee staff will call you back in when we have adjudicated on the issue. So do be relaxed. Do feel free to take your jackets off. It’s an odd environment but hopefully if everybody’s relaxed we can get the best out of the whole process. Mr Holdcroft, would you like to start?
3. MR HOLDCROFT: Yes, certainly. My property is situated virtually half a mile from where the proposed HS2 development crosses the A53. The reason why I feel I should be able to petition is the personal detriment which I and my family will suffer for the construction which will go ahead on the A53 during the construction period. The A53 is the main thoroughfare from Whitmore and Baldwin’s Gate into Newcastle-under-Lyme, into Stoke on Trent, where all the amenities and all the facilities are. I personally actually use that road when I’m actually at home at least two or three times a day. So it’s to my personal detriment, particularly for going to work and coming back from work. When there’s been roadworks over that particular stretch of road over the last six, seven years or so it’s taken at least 15 minutes to go through. So I would envisage that my journey each day will be lengthened going to and from work by approximately 30 minutes. That will then be compounded if I go out in the evening or take my son to any sports club or shopping. All the amenities are accessed by the A53. That’s why I feel I should have the right to petition.

4. THE CHAIR: Thank you very much. Very clear, very succinct. I appreciate that. Mr Mould?

Response by Mr Mould

5. MR MOULD QC (DfT): Thank you very much. On the screen in front of you, you can see that in the inset map we’ve marked with a red dot the location of Mr Holdcroft’s property. You can see the green road running southwest/north-easterly to the north of his property. That is the A53. The line of the railway is the now I hope becoming familiar notation to the east of him. The dashed line just to the right of the words ‘Whitmore Heath’ on the plan, that denotes the Whitmore tunnel. The larger plan shows you his property, The Laurels in Coneygreave Road. You can see that the shaded area is the extent of the lands that are subject to acquisition under the Bill. The area that you can see lies just to the east of Coneygreave Road. That’s an area that is earmarked for habitat creation, grassland creation and also the provision of some new palms as well by way of ecological mitigation. You can see clearly from that that the petitioner doesn’t own property that is within Bill limits and therefore he’s not able to claim the
right to be heard as a right.

6. If I just go on then to P18, the next question is whether he should have a right to be heard as a matter of discretion. I make two points on that. Firstly, he doesn’t claim to represent any other inhabitants of the local community. The second point is that the issue he raises, which is the likelihood of traffic congestion on the A53 between Whitmore Heath and Stoke whilst the HS2 construction works are going on; that’s an issue that’s raised squarely in the petition of his parish council. If we turn to page 18, subpage 3, I’ll just show you how they put it. You just see paragraph 2 there on the screen in front of you. You can see that that is a key issue that that parish council will raise when they present their petition to you. So our position is that you should consider whether in this case that issue will be properly put, need not be repeated by Mr Holdcroft. Of course, it’s open to the parish council if they choose to do so to call on Mr Holdcroft to support them in making that case. Those are my points in response.

7. MR WHITFIELD: One question, in the exhibit from the council there is emboldened type; was that emboldened by the council or has that been emboldened by yourselves?

8. MR MOULD QC (DfT): That has been emboldened by the council.

9. MR WHITFIELD: That’s by the council, so they’re drawing specific attention to it.

10. MR MOULD QC (DfT): Yes.

11. MR WHITFIELD: Could I ask a question? Mr Holdcroft, you raise in your petition the question of your son’s journey to school. Where on the map is your son’s school?


14. MR MOULD QC (DfT): Newcastle, as you well know, is to the east of the HS2 line.

15. THE CHAIR: Are we having general questions now?
16. MR MARTIN: Yes.

17. THE CHAIR: We’ve come to the end of the two processes. Normally we would go around with questions, anything that is needed. Exceptionally if a petitioner wants to say something at the end very briefly that’s allowable but we wouldn’t necessarily encourage it. So now is the opportunity.

18. MR MARTIN: Yes so, Mr Holdcroft, the Whitmore Parish Council submission seems to me to be quite comprehensive and a very strong statement of the serious effects that this process is going to have on all the parishioners of Whitmore Parish. Is there anything that you would want to add, anything you can think of which is not in the Whitmore Parish Council submission? And have you seen this before?

19. MR HOLDCROFT: I haven’t seen that, no. But from my point of view it’s my own personal detriment. It’s not the parish council. It’s me and my family.

20. MR MARTIN: Right, have you got that Whitmore Parish Council submission in front of you?

21. MR MOULD QC (DfT): I’ll put it up again.

22. THE CHAIR: Is there any reason why the parish council shouldn’t do a good job for you?

23. MR HOLDCROFT: No, none at all.

24. THE CHAIR: Thank you. I don’t think there are any more questions. Anything you want to say that’s been missed out, Mr Holdcroft?

25. MR HOLDCROFT: No.

26. THE CHAIR: Okay. So I’m now going to suspend the meeting so we can deliberate in private. I’ve already said we will be coming back and we’ll hope to do that quite quickly.

_Sitting suspended—_

_On resuming:_
27. THE CHAIR: Thank you for your patience. I’d like to draw everybody’s attention to the document which talks about ‘Should I petition?’ In that document it states, ‘Your petition is not likely to be considered by the Committee if,’ and under point 4 there’s, ‘your concerns are general, for example they are to do with traffic congestion,’ and it goes on to mention air pollution, ‘which may be better represented by a parish council or local authority.’ The Committee therefore have determined that Mr Holdcroft does not have the right to have his petition heard by the Committee.

28. Mr Holdcroft, I appreciate this decision may be a disappointment to you. However the petitioning process exists to protect the rights of individuals and organisations whose property and other interests are directly and, crucially this word, specially affected by the Bill. This Committee is sympathetic and very aware of construction traffic issues and look at the parish council, the county council and HS2 to ensure individuals are aware of this process. Specifically Whitmore Parish Council are petitioners. We would urge them to contact you if they haven’t already and represent other members of the parish generally around these issues so we consider them fully. It is open to them to call you, Mr Holdcroft, to the Committee as a witness so you could come again through that process if it is appropriate.

29. The Private Bill Office did also publish guidance in December on the types of hearing. At this state it quotes, ‘Your petition is not likely to be considered by the Committee if the concerns are general, for example,’ as I said before, ‘traffic congestion, air pollution, which may be better represented by a parish or a local authority.’ Which is why, I’m afraid, your petition falls into this category and the reason we’ve not allowed it. We do hope that this decision will provide guidance to other petitioners with similar petitions who may be considering whether to challenge the Secretary of State’s objection of their right to be heard. Thank you all for attending today. The Committee will now adjourn until its next meeting on Monday 16 April at 4 pm. I wish you all a very happy Easter.