MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 23 May 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

James Strachan QC, Counsel, Department for Transport

WITNESSES:

Joseph Allsop and Dianne Allsop
Rev’d Preb Richard Grigson and Gail Wray

IN PUBLIC SESSION
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(At 2.00 p.m.)

1. THE CHAIR: I’d like to start the proceedings just with a short statement outlining how the Committee is conducting itself during this afternoon’s proceedings. The Committee may at any point suspend and meet in private. If this happens we’ll ask everyone to leave the room and ask you to remain outside until that part of the meeting is concluded. We’ll then ask you to come back into the room and proceedings will resume. Likewise, should there be any divisions in which members have to vote, we will suspend the meeting, vote and resume the petition process on our return.

**Joseph Allsop and Dianne Allsop**

**Submissions by Mr Allsop**

2. THE CHAIR: Mr and Mrs Allsop, thank you for coming in today. I notice that in your petition you assert that Pool Farm is blighted. Pool Farm which you own and rent out to tenants. It may be helpful to say at the outset that, if petitioners are currently in the process of making an application to HS2 for compensation under the blight scheme, the Committee will not be expressing any opinion on this and it is a separate process. The blight scheme is a statutory scheme and we are not going to comment at this point on its operation. We may though wish to ask questions on other matters that you raise whilst petitioning. I’d then like you therefore to petition the Committee. Are you happy with what I’ve said? Do you understand what I’ve said? Forgive me, I read it because it is a little technical and it needed to be read into the record.

3. MR ALLSOP: Mr Chairman yes, yes, we do understand because it is the same as your first case this morning. When I heard that I went, ‘Oh, we’ve got a carbon copy’. So we have had a letter off HS2’s QC assuring us that we can petition in the Commons after we know result of our petition – in the Lords, sorry – after we’ve heard the outcome of our petition. We welcome that. While I’m talking I would just like to say for the record we have unusual circumstances in our blight notice, which is in the system, which we have already explained in our petition and our blight notice. I don’t think we can say anything further because you won’t be able to comment on it.

4. MR WIGGIN: Yes, don’t be restricted on what you can say. It’s that we mustn’t pre-empt the results of the negotiation.
5. THE CHAIR: If possible –

6. MR WIGGIN: We try and come in afterwards but tell us as much as you can.

7. THE CHAIR: If possible just spend up to five minutes telling us about your case.

8. MR ALLSOP: Okay.

9. THE CHAIR: But we won’t comment and question. I think that is a good use of five minutes, if that’s what you want to do.

10. MR ALLSOP: Okay, Mr Chairman. Good afternoon, Mr Chairman and the Select Committee. My petition was going to be a number of exhibits showing the house and our surroundings so you could see our situation. And then it was going to be followed by a statement to back everything up. If I just read the statement presumably?


12. MR ALLSOP: Mr Chairman and the Select Committee, my name is Guy Allsop and this is my wife Dianne. We’ve been married nearly 50 years. In 1987 some 31 years ago my wife and I bought Pool Farm to raise our family. At that time the property comprised of a four bedroomed farmhouse, a dilapidated cottage used as a garage and outbuildings. The buildings and farmhouse was set within the half an acre and adjoining paddock of around one and a half acres. This property was ideal for our two young daughters whose hobby was horse riding.

13. In 1990, my great aunt was in poor health and was unable to cope with life, living some 150 miles away in Devon. For this reason we decided to renovate Pool Cottage as an independent granny house so that we could look after her. Sadly, she died 12 months after moving in. And as a result we now rent out Pool Cottage. Some seven years ago I retired and activated my pension, not the biggest pension in the world but supported by the rental income derived from Pool Cottage. This gave us a basic standard of living that covers our outgoings and has allowed us to pursue a modest but happy lifestyle. With the mortgage paid off, girls have grown up and flown the nest, horses have gone, leaving Darby and Joan in a devaluing house with the threat of HS2. Can I flag up exhibit A80, please?
14. Today, according to local estate agents, are house is unsaleable. This is a letter or report from John German. And I’m not going to read the whole letter because the beginning just gives an outline of where the house is, what it is and relationship with HS2. But two thirds of the way down there’s a paragraph here which I’ll read, ‘I would like to assist in any way I am able to. However, with the best will in the world, I believe your property is totally unsaleable at anything like a realistic price in view of the circumstances in which you find yourselves. In this position therefore I must decline from marketing your property, but send you every good wish for the future.’ And he finishes off by giving an unblighted price value.

15. We believe that around 15% of our property has been safeguarded by HS2 by reference to the plans published on 27 September 2017. We passed all the statutory bright criteria with flying colours, with the exception of demonstrating six months’ clear occupation of the whole property. We currently let Pool Cottage on short hold tenancy agreement, which according to our land agents and the HS2 guide to ‘Statutory Blight and Express Purchase’ would prevent us from being able to serve a valid blight notice.

16. In order to meet the residency requirements, we must serve two months’ notice on our tenants to vacate Pool Cottage, leave the property vacant for six months and demonstrate that we are responsible for the utility bill, and then serve a blight notice which takes up to two months to reach a decision. This in all could take more than 10 months, all of which is at the risk of our notice being receiving a counter notice from the Secretary of State of Transport.

17. Meanwhile, we could lose £7,500 per annum of annual rental income which forms an important part of our pension. Not to mention the costs that we could take on – the property, council tax and utility bills.

18. How can it be right? If HS2 did not exist we could put the whole of our property on the market with the benefit of a sitting tenant in Pool Cottage. How can it be right that if I needed to prove that I could not sell Pool Farm due to HS2, a letter from an estate agent would be accepted and there would not have to be an upfront fee? How can it be reasonable for HS2 to expect us to risk up to £10,000 of our income as a retired couple for a period of 10 months or more at the risk of our blight notice being rejected and no certainty of a positive outcome for us? Can I flag up A81 please?
19. This is the petition acceptance note which will come clear in a minute. Between September ‘17 and February ‘18 communication with HS2 has been negative and non-committal. However, since submitting our petition HS2 has agreed to accept a blight notice for consideration deposited 8 May, case number 3570. We have requested that HS2 give due consideration to the atypical properties or special circumstances provision contained within the HS2 guide to ‘HS2 property schemes Phase 2A’. Under this scheme, HS2 state the following, ‘The Government has recognised that in certain specific cases it may be desirable to supplement the discretionary scheme with further assistance for owner/occupiers living in atypical properties or special circumstances. The measures in these discretionary property schemes are designed to flexibility and inclusiveness in mind. However, there will inevitably be some instances where it is appropriate for the Government to go further. We intend to avoid disadvantaging certain individuals and to ensure that all those who take advantage of discretionary measures for HS2 are given the assistance or support needed.’

20. My wife and I request that HS2 carefully consider our special circumstances and they make a recommendation to the Department of Transport that our blight notice is accepted. Can I flag up A82 please?

21. Mr Chairman, in summary I am asking the Select Committee to request HS2 to recommend the acceptance of my blight notice in its entirety as we will soon be living in the middle of a quarry/building site. Thanks to the constant mental pressure of this HS2 scheme, I like many others have had to seek medical assistance to try and cope. I am now on medication and then that just confirms a letter from my doctor. Thank you, Mr Chairman.

22. THE CHAIR: Thank you. Do you feel the need to say anything on behalf of HS2? That’s not a leading question.

23. MR STRACHAN QC (DfT): No.

24. THE CHAIR: But I can see a case for you not saying anything and a case for you saying something.

Response by Mr Strachan
25. MR STRACHAN QC (DfT): I’ll be very brief. I think before the presentation you’ve just heard I have spoken to Mr and Mrs Allsop and Mr Allsop referred to an undertaking that we are prepared to give and indeed that had been offered in April and May, prior to coming here. The effect of the undertaking would be conditional upon withdrawing the petition to this Committee so that it’s unnecessary to give such an undertaking if the petition is heard by this Committee. That’s why it is expressed in the way it is. So, it depends on what the Committee wish to do. But the undertaking was in the same form as that which you heard earlier today. And it is effectively an undertaking that no point would be taken against Mr and Mrs Allsop in due course if after the blight process has been undergone they are still unsatisfied and wish to petition Parliament. In this case it would be at the time the Bill would be going through the House of Lords procedure. I’m perfectly prepared to give that undertaking. The way it’s worded of course is, ‘On withdrawal of the petition to this House’. But, it’s unnecessary me to give the undertaking if the Committee wants to deal with the petition here, if you see what I mean? It’s conditional upon the withdrawal.

26. Just by way of general comment on the points you’ve just heard in case that assists the Committee in what they want to do. You’ve seen the date that the blight notice was submitted on 4 May.

27. MR ALLSOP: 8 May.

28. MR STRACHAN QC (DfT): Sorry, I apologise, 8 May. That of course has now been considered. There is in Mr and Mrs Allsop’s case, as they’ve identified an issue that arises under the statutory process because they have what are known – well effectively two properties in separate occupation – their own and another property that they let separately. And they’ve referred to that. But they’ve asked so far as that’s concerned if it’s not accepted under the statutory scheme – which requires owner/occupation of individual properties – that they would be treated under the atypical circumstances approach of the Secretary of State. That is all in process. There’s first consideration of whether or not they’ll meet the statutory scheme. And if not, whether or not the Secretary of State should consider their circumstances as atypical or special circumstances. That has yet to run its course. And of course you know the statutory processes which are in play.
29. Can I just be clear? On the question of things like reasonable endeavours to sell – because things could be said about these which aren’t necessarily reflective of the scheme – if one turns to the property scheme guide to ‘Statutory blight and express purchases’ – I’ll just put it up on screen, R199(9) – reasonable endeavours to sell. You can see here there’s a summary of the issue. It’s a statutory requirement that a blight notice includes details of reasonable endeavours that have been made to sell the property in question. If the property is subject to express purchase there isn’t a need to comply with that. If it’s a statutory blight application, there is. See 3.62. And that’s the statutory requirement of conditions. But, if you look at 3.63, ‘How do you demonstrate reasonable endeavours to sell? Well, the property owner might describe approaching an estate agent to ask whether they would market their property. This approach can be in person, by telephone or email and they can provide the response.’ And on the face of it, that’s what Mr and Mrs Allsop have done and received a pretty unambiguous response to say we wouldn’t market your property because we don’t regard as saleable. So, it’s not necessary on the face of it to have then gone on to try and market the property, notwithstanding.

30. And the same about an upfront fee, 3.6.4, which isn’t applicable in this case. And I just wanted to correct any contrary impression that may have been created.

31. But subject to all that, the main point is that this is an application where land falls within a safeguarded zone for at least the principal part of the property. There’s going to be an issue which has to be resolved as to the question of the separate occupation of the other property. And depending on how that’s resolved under the statutory process, the Secretary of State will then have to consider the atypical circumstances, special circumstances. All of that’s yet to run its course. And that’s why we were prepared and indeed would suggest the best way forward is for that process to run its course. The second House undertaking I’ve given protects Mr and Mrs Allsop because they can come back before a committee of Parliament in due course if necessary.

32. THE CHAIR: Thank you. That’s very clear. The Committee will now sit in private. And then we’ll get you back in. It might be that there’s nothing that we can say to you when we come back in. It may be we have questions. It may be I make a statement. So please bear with us. Sorry, this is a procedural issue.
Sitting suspended

On resuming –

33. THE CHAIR: Thank you for coming back. The Committee have decided to defer a decision on this. We do not want to comment about an ongoing process of blight. That quite rightly goes through the process. But by deferring our decision, it means we can see you in the House of Commons as part of this Committee if that is what you want. My hope is that you will not have to go through the inconvenience of coming back to the House a second time and the proper due process that you’re going through is HS2 will result in a position that you are happy with. If you are not happy, you can come back to us and we’ll then hear you properly. We will question you. We will make a decision. I think that is the best thing for you. Apologies that it’s been slightly different to other petitioners but I think you’ve got a good result.

34. MR ALLSOP: Thank you, Mr Chairman, yes. Thank you very much.

35. THE CHAIR: Thank you.

36. MR ALLSOP: Are we done, Mr Chairman?

37. THE CHAIR: I’m so sorry, yes, we are done, the reason I didn’t –

38. MR ALLSOP: I was waiting for, ‘Order, order’ and I didn’t –

39. THE CHAIR: – because we’re seeing somebody else. Sorry. I am familiar with process and forget how ludicrous some of the processes are here.

40. MR ALLSOP: Thank you, Mr Chairman.

41. THE CHAIR: Thank you very much. Have a good afternoon.

42. THE CHAIR: If we could have the next petitioners, that would be lovely. Thank you.

The Incumbent and Churchwardens, Saint Leonard’s Church, Marston

Submissions by Reverend Prebendary Richard Grigson
43. THE CHAIR: Thank you for coming and petitioning. Over to you. I’m not sure who’s going to start but your choice.

44. PREBENDARY GRIGSON: It will I think be me.

45. THE CHAIR: Thank you very much.

46. PREBENDARY GRIGSON: Thank you very much indeed for seeing us and good afternoon to you. Our main concern is relatively simply stated. And it is that the construction phases of HS2 will so deplete the Marston community that the viability of the church is threatened. It simply becomes unviable. So that when in six years’ time the Marston south and north compounds are closed and the land is reinstated and no one will ever know that it’s been there and the train is whisking people through to London, we as a community church – and some will emphasise the church within that, some will want to emphasise the community within that – we would say ‘a community church in a rural area’ – we simply will not be able to respond as that church and community hub.

47. And it’s very important that I say at this point that in seeking to ameliorate that, we’re keen to work with HS2 if at all possible, not against them. And we were therefore very, very pleased when Jeremy Lefroy sat roughly here last week and recognised that we have come up with a very positive proposal to assist HS2 which he suggested should be welcomed with open arms. I was very pleased to hear Jeremy say that.

48. I’ve been told that the afternoon shift – this particular point in the afternoon shift – is not necessarily the liveliest. I’m therefore not going to give you a very large number of documents to look at it, read through. But if I may simply direct you to exhibit A120, page two?

49. At top left is Mary. The farm where Mary lives will be bisected by HS2. Compensation has been agreed. Mary will move. She will make a new home elsewhere. At the top right is Val. Val’s house is on the main access route to the Marston south compound. Had she stayed, life would have become impossible. Compensation has been agreed. She has moved already – hence there’s no picture. Graham lives well away from the construction site. He won’t be affected by the construction at all. He continues to live where he is. And there is William. William is six years old.
50. Going back to Mary, Mary lives two minutes’ walk from the church. She is the key holder. When Stafford Borough Council want to hold elections, Mary will be the person who opens up the use of the church building for elections. When the electricity meter is read, when wedding guests want to get in to get to the wedding or indeed preparation to do the flowers – well, that’s Mary. When she moves she won’t be able to do that. And our estimate – a very good estimate – to bring in someone to do what Mary does until 2024, which is the reinstatement date, that’s £20,000 pounds. And still wouldn’t actually provide what Mary does. And the parochial church council of a very small, very rural village is looking at that liability – which for a PCC like Marston is significant, direct special, as a result of the planned construction work. Mary is also the treasurer. If we have to bring in someone to do that work, we’re looking at £12,000 pounds over the six years.

51. On finances, you can see just to Mary’s left, there’s a window. We were very worried about that window come the advent of construction so we said this window needs to be re-laid, re-leaded. We needed £10,000 for that – which again is probably peanuts to the members of the Committee – but a very significant amount of money for a little rural church. That simply arrived. And it arrived because Marston church sits right in the middle of a community and has links right across that community.

52. Val – I’ll speak about more briefly – Val maintains the electoral roll. The electoral roll – legal provision under the church representation laws, synodical government measure, reference in the Marriage Acts – it’s a legal document. Val has moved. She has gone. She is no longer doing that. To bring in the most para of paralegals is going to be £5,000 over that six years.

53. THE CHAIR: Could I just check what your congregation size is? And what I’m trying to understand is whether this is the straw that breaks the camel’s back – whether this is a church in decline and this just takes it over or whether the trajectory is different.

54. PREBENDARY GRIGSON: Yes. Thank you. Yes, this does actually make a significant difference. In rough terms, the usual congregation is something like a dozen.

55. MRS WRAY: Upwards.

56. PREBENDARY GRIGSON: And upwards. Last Sunday though it was six.
57. THE CHAIR: How many did you say, sorry? I missed –

58. PREBENDARY GRIGSON: I’m terribly sorry, a dozen.

59. THE CHAIR: A dozen.

60. PREBENDARY GRIGSON: A dozen – which actually is 10% of the community. If most churches got 10% of their local community, we would need to look at building bigger churches.

61. THE CHAIR: Forgive me, have you got a number of churches you look out for?

62. PREBENDARY GRIGSON: I look after three.

63. THE CHAIR: Right.

64. PREBENDARY GRIGSON: Marston is one of the three. It is geographically the most sparse. I look after two in this town, centre of Stafford, and Marston, which is about two miles to the north.

65. MRS MURRAY: This is why you have to have other people like keyholders etc.?

66. PREBENDARY GRIGSON: Indeed. Oh yes, yes, yes. My point – and forgive me for not making it clearly, my point was that if Mary goes, we have to do this – we have to find somebody else otherwise we cannot continue.

67. THE CHAIR: Sorry to interrupt. I just needed that clarification.

68. PREBENDARY GRIGSON: No, not at all, not at all. Graham, who lives nowhere near, is entirely unaffected by the building work but he does cut the grass. He maintains the churchyard entirely voluntarily to a very high standard. When the construction work from Marston south compound begins, he will have to negotiate that construction route – in the summer seven several times a week. If he decides he does not want to do that, then we would perhaps be looking at something like £14,000 pounds over that same six year period. And Graham maintains the lawnmower as well for that.

69. Then there is William. William is actually the sixth generation of his family to come to Marston church. His great grandparents walked to church. I know that because I have sitting next to me someone who saw them do it. At the moment William still
could. When the construction work begins he will not be able to. His grandmother has moved with compensation as a result of the imminent construction work. His parents are very likely to move for the same reason. And even if his parents decide to commute back every Sunday William and his generation will not be on hand to welcome and grow the church for the next generation, when probably about 3,000 plus houses are being built very close once again to the access route of the Marston south compound.

70. We’re talking therefore about a process which we can already say has disrupted the structure of the parish. We can look at the way in which it definitely will disrupt the structure of the parish. And from that we can look forward to the ways in which it is going to disrupt the structure of the parish. We’ve been there for a long time.

71. We asked HS2 to make arrangements to ameliorate the effect of the construction phases. But, rather than simply trying to put our hands into the taxpayers’ pocket, we said, ‘Can we work with you?’ For instance, we offered use of the nave of the church as a meeting place. There would need to be some work done on that – toilets, kitchen facilities – to make that happen. But those people who worked there would then have a meeting place which I suspect will be the envy of anybody else working up and down the line, certainly from the view out of the door.

72. We were offered instead – at six o’clock yesterday evening – a toilet facility. Which we welcome but welcome guardedly partly because it came in so late that we weren’t able to be very clear about what was being offered. And we welcome it also guardedly because there were quite a number of ‘subjects to’ – which we could have dealt with had it been offered a week ago, say.

73. We’re looking at a period of six years where the church is going to be isolated north and south because of the building work. We’re looking at ways of working with HS2 to ensure that we get over that harm and that Saint Leonard’s Marston is therefore ready to be the community church in that part of the world way into the future.

74. THE CHAIR: In the section, ‘What do you want to be done in response’ there’s a very clear outline of the eight points. So, with your permission, I don’t think we need to move rehearse and go through those but we’ll ask some questions and then ask HS2 to respond to your call to action. Bill?
75. MR WIGGIN: What do you think the total value of your request please?

76. PREBENDARY GRIGSON: The total value – we had a total value of £14,400 for the churchyard work. We had –

77. MR WIGGIN: The total, total, total?

78. PREBENDARY GRIGSON: The total, total, total – my apologies, not a figure I have to hand. But we do know that the cost of the toilets has been estimated by our architect at £70,000, plus the other figures which I’ve –

79. MR WIGGIN: How many people are going to the loo in this particular block?

80. PREBENDARY GRIGSON: I’m sorry?

81. MR WIGGIN: What on earth are they building for that?

82. PREBENDARY GRIGSON: I would need to refer you back to our architect for that.

83. MR WIGGIN: I think you might. That’s okay. I just couldn’t help but –

84. PREBENDARY GRIGSON: Our architect has given us a range of options – one is a very expensive option, which involves additional buildings; another is a relatively inexpensive option, which involves staying within the existing fabric.

85. THE CHAIR: Have you finished, Bill?

86. MR WIGGIN: If you decide what the total, total, total is, do just sing out with it.

87. THE CHAIR: Yes.

88. MR WIGGIN: That’s was what I was asking.

89. THE CHAIR: So, if you come to find a total later on, shout and we’ll come back to it. Sheryll?

90. MRS MURRAY: Can I ask, do you have any toilet facilities in the church already or does that £70,000 include additional drainage and that sort of thing?
91. PREBENDARY GRIGSON: Yes. We do not have toilet facilities within the church already. There is a tree outside.

92. MRS MURRAY: So, basically it’s not just a case of –

93. PREBENDARY GRIGSON: The figure includes everything from the connection to the mains at the end of the churchyard gateway, all the way up through a churchyard that’s been buried in for several hundred years, and then the work in the church as well.

94. MRS MURRAY: Thank you.

95. PREBENDARY GRIGSON: Thank you for allowing me to clarify that.

96. MRS MURRAY: Thank you for clarifying that. Thank you.

97. THE CHAIR: Any other questions? With your permission then we’ll –

98. MR MARTIN: Yes, Chair. You also mentioned the car park and the additional distance that some people will have to travel to the church. Is the land used for the church car park at present sufficient for your needs?

99. PREBENDARY GRIGSON: Right. Yes. We received an assurance from HS2 about providing some temporary drop off spaces. There is a car park which is sufficient for our current needs. Whether it would be sufficient for our needs come the additional housing that’s going to be built fairly close to? Our main concern with that was not so much drop off but a safe walking route and drop off. We fully take the point that HS2 do not envisage that there will be any heavy traffic going past the church gate. We do wonder though whether someone with a more active TomTom than sense of common sense might try to get past in a wagon. But of course we can’t assume that, nor indeed deny it. So therefore the parking that we have at the moment is sufficient. Parking and safe walking routes are our concern rather than simply drop off.

100. MR MARTIN: Okay. Thank you.

101. PREBENDARY GRIGSON: Thank you.

102. THE CHAIR: Mr Strachan?

Response by Mr Strachan
103. MR STRACHAN QC (DfT): Thank you. Can I address the response in two parts just so you know where I’m going? The first is to tell you what the construction effects are and the second are the offers that HS2’s already made to mitigate those effects.

104. Dealing with the first – what we anticipate the construction effects are likely to be. If I could just show you P322(2) – which gives you the location of the church in conjunction with the works? It’s the normal red line around the church. You can see it’s situated on Yarlet Lane, which is this road. And you’ve heard some petitions about that already. Then Marston Lane is here. And it’s Marston Lane to which works are done and is used by HGV traffic. And I’ll show you that in a moment. As this slide indicates, past the church itself on Yarlet Lane it’s not proposed to take HS2 construction traffic, which I think was –

105. PREBENDARY GRIGSON: I’ve noted that.

106. MR STRACHAN QC (DfT): – and you were discussing a moment ago. Equally, there are no proposals to restrict access to the church itself. I know there were concerns expressed about those people who are staying in the area being able to get to the church. For example, the gentleman who mows the grass and maintains the churchyard. I don’t know exactly where he lives, but in some sense it may not matter because we are not closing off routes to get to the church. He will be able to get to the church throughout the construction period. The same applies for, as I understand it, William. Again, I don’t know where he lives. We haven’t been told. But I’m not sure I necessarily need to because there are proposals to maintain access to the church. If it’s from a footpath we’ll need to know which one it is. But generally speaking we try and retain diversionary routes to get to the church. I know that’s a concern. Sorry.

107. THE CHAIR: Sandy’s got a question.

108. MR MARTIN: Yes. It is on that specific point. Mr Strachan, currently Marston Lane runs almost directly towards the church. And that’s going to be diverted to go over the HS2 line.

109. MR STRACHAN QC (DfT): Yes.

110. MR MARTIN: And then footpath 9 comes from the point at which Marston Lane
is being diverted. Now, I’m sort of guessing here that currently Marston Lane doesn’t have any footpaths. But also, I should imagine that Marston Lane doesn’t have any significant amount of heavy gauge vehicles travelling along it either. I am basically I am asking you will there be pedestrian footways alongside the diverted section of Marston Lane when that diverted section is built?

111. MR STRACHAN QC (DfT): No. There won’t be. I believe there won’t be. But I’ll show you the amount of traffic that’s proposed along Marston Lane itself. I might as well do that now. If you look at P322(5)? Again the usual histograms just to give you an idea of activity. There are two spikes of HGV activity, which will almost certainly be relating to site set up. Then during the period in question – 2021 to 2024 effectively – there is HGV traffic on Marston Lane to carry out those work. But it is generally speaking at a relatively low volume – under 20 HGVs combined two-way traffic. So, that’s 10 each way throughout a 10 hour day. You’re talking about one an hour each way. It’s our anticipation on these figures that, yes, there will be some HGV traffic on Marston Lane. It is relatively light and will not impede access along Marston Lane. We don’t propose to close it up at all. We are realigning it, as you’ve heard. So, I hope that gives you at least an indication.

112. MR MARTIN: Well, yes, except that you’ve clearly made a decision that when you realign Marston Lane you’re not going to put any pedestrian footways in. And I’m just wondering on what basis you made that decision.

113. MR STRACHAN QC (DfT): Well, I could find out more about it, if you like and I can certainly find out more about it. I don’t know the exact answer. The general principles are though that for smaller roads – not generally – if they don’t have pedestrian routes, we don’t tend to include them unless there’s specific reason to include new pedestrian routes. There are a number of reasons for that, not least of course you require additional land beyond that which was originally the road, which involves taking more of someone’s land than before. They’re also not always wanted by the local community. And I’m not sure that there has been a request for pedestrian footway along Marston Lane. But I might be wrong about that.

114. MR MARTIN: Speaking as somebody who, maybe bizarrely, I don’t know, actually still walks quite a lot, in my experience if you’re walking along a country lane
and there is a heavy gauge vehicle coming towards you, it’s usually possible to step up onto the bank. However, you can’t do that over a bridge. Is there going to be a pedestrian walkway on the bridge?

115. MR STRACHAN QC (DfT): I’ll see if we can find the answer to that, as to the distances involved over the bridge itself as I don’t know that off the top of my head.

116. THE CHAIR: Well, hopefully your advice will come thick and fast on that –

117. MR STRACHAN QC (DfT): While we’re talking –

118. THE CHAIR: – issue while you’re talking. I’m trying to be helpful in talking at some length but I think we’ve missed the opportunity.

119. MR STRACHAN QC (DfT): No, that’s very helpful. Those behind me will see if they can get you that information while I carry on. So, that gives you an idea in relation to what’s going on during construction.

120. And certainly can I just turn to really the second topic? What are we doing to deal with the concerns that have been expressed by the church? There are two assurance letters. The latest one indeed was yesterday. And I’ll explain why that is in a moment. But the first letter – if I could just show you that is P330(1)? We have sought to respond to the various concerns that have been expressed. This assurance letter under the heading, ‘Additional drop off and parking facilities’, which I think was being referred to a short while ago, is to provide for up to three car parking spaces in the vicinity of the church because we’d understood and there has been some meetings and discussions with the church there was a concern about temporary parking during the construction period. And so there was an assurance of the type you can see here to seek to deliver that temporary parking to ensure that not only can you get there, but for those who need to drive they can park.

121. Over the page, at two, there is the effectively what I’ve said about construction traffic routes. I should just mention noise assessments. You haven’t heard much from the petitioner about noise, but there has been assessments of noise and Mr Thornley-Taylor’s here, if necessary. But, as I understand it, what you’ve heard today isn’t focusing on questions of noise.
122. But can I then show you the next letter which is dated 22 May – I’m not sure I’ve got the P reference? No – that’s the next one. Yes, exactly. Sorry, so up on screen now – in relation to a concern about noise and vibration – which I take it I’m not going to spend any time on because I think that’s been addressed – we’re proposing a risk assessment and vibration management plan, which involves monitoring and making sure that there wouldn’t be any damage to the church. But I will skip over that unless the Committee wants to spend time on it.

123. MR WHITFIELD: Actually can I?

124. MR STRACHAN QC (DfT): Yes.

125. MR WHITFIELD: I am right in thinking that this property was identified as one that is at risk both from vibration and noise, both during construction and during the operation of the rail, and hence the need for additional mitigation?

126. MR STRACHAN QC (DfT): Correct on noise. I believe it wasn’t on vibration.

127. MR WHITFIELD: It’s just the noise element.

128. MR STRACHAN QC (DfT): But in any event, if I’m wrong about the vibration, we’ve offered this assurance on both on noise and vibration. The risk assessment relates particularly to vibration, because the church were concerned about any damage from vibration. If I just show you the next page? You can see the continuation of the risk assessment in relation to vibration. You do a more detailed risk assessment. And if contrary to what we currently believe – there isn’t actually a risk – that more detailed risk assessment shows there’s more of a problem, you have vibration management plan, which is effectively a plan to ensure that you don’t cause unacceptable levels of vibration. Could I just focus on the toilets? Sorry.

129. THE CHAIR: Just before you talk about the toilets, Sheryll’s got a question.

130. MRS MURRAY: Could you go back to the first page? This was sent yesterday –

131. MR STRACHAN QC (DfT): Yes.

132. MRS MURRAY: Could Reverend Grigson confirm he’s received that?
133. PREBENDARY GRIGSON: I received it by email shortly before 6 o’clock yesterday evening.

134. MRS MURRAY: Thank you. And do you think you’ve had sufficient time to look at this before you came today?

135. PREBENDARY GRIGSON: With some of this, particularly to do with structural issues I think I would have wanted time to discuss it with our church architect. I am, after all, not an expert on those matters. So, I would have wanted some time to discuss it with our church architect to get his view on it.

136. MRS MURRAY: I think it’s another case of where we’ve had a very, very late response.

137. MR STRACHAN QC (DfT): Can I? I was just going to explain –

138. THE CHAIR: Sorry, Sheryll, are you happy for Mr Strachan –

139. MRS MURRAY: Yes, absolutely, and perhaps you can explain why you suddenly sent a letter by email at 6 o’clock last night when you clearly knew that the petitioner was coming to see us today?

140. MR STRACHAN QC (DfT): Yes. Can I show you the next page? I’ll certainly answer your question. And in so doing, I’ll answer another question which flows from it. The toilets and refreshment facilities which were offered by this letter yesterday are as a result of discussions with the church. And we’d understood from those discussions – and if we’re wrong, then we probably need to be corrected – but there was certainly a desire for this church to be provided with toilet and refreshment facilities because they don’t currently have them. And one of the virtues of providing that is that it will make the church more attractive, if that’s right word, but more capable of use for other events to sustain it through the construction period. Not for our workers – although we appreciate the offer – we of course make provision for our workers to ensure we’re not relying unnecessarily upon other facilities – but for the church and its circumstances.

141. And the reason why it’s taken time to put that together is connected to another point that you raised. It’s not a simple matter of installing a loo and water – because it’s not connected currently. What we have been doing in the meantime – and I’m sorry it’s
late as it is – but what we’ve been doing in the meantime is exploring the feasibility of installing – I think we have to put in a septic tank, if I’m correct, and install a connection to the water.

142. And that explains first of all why the costs estimates are big. We understand it’s about £72,000 pounds to provide these facilities. And secondly, why it’s taken a little time. As a result of the discussions we’ve had – where we don’t want to make an offer where it’s simply not feasible. And that has taken a little time technically to be satisfied in principle we can deliver these facilities.

143. The only caveats that are in here are ones you’ve seen elsewhere – such as timely and economic delivery. And also importantly for a church, the need to secure ‘a faculty’ – as they’re known, i.e., the church planning permission. That’s granted by the church bodies themselves. We don’t control that process. And so you’ll see that 3.2, one of the conditions of us providing these facilities are that we can get the requisite permission from the higher church authorities. They need to grant a faculty to be satisfied that it can be done. So, that’s the caveats – or at least one of the caveats – which we can’t override.

144. I hope that at least explains – of course I totally understand, it would be far more preferable if we were able to know in advance and tell them in advance. As it happens, it took some time to establish the relative complexity, which I hope explains for Mr Wiggin at least some of the price issues, as well.

145. MRS MURRAY: Mr Strachan, you skipped over a letter dated 18 May.

146. MR STRACHAN QC (DfT): Yes.

147. MRS MURRAY: Did that have any significance?

148. MR STRACHAN QC (DfT): No, that again was earlier –

149. MRS MURRAY: That again was only written last week.

150. MR STRACHAN QC (DfT): That was an earlier offer which made the temporary parking bay space offer. What we’ve done is take that and consolidate it into the latest letter because we wanted our letters to at least be up to date. I don’t think the position
changed in that respect, although the parking bay was offered earlier. It’s still on offer.

151. MRS MURRAY: And just finally, could I have confirmation from Reverend Grigson that three parking spaces is sufficient?

152. PREBENDARY GRIGSON: My reading of the letter is that they are three temporary parking spaces during the construction phases. So, it doesn’t give any additionality to the church.

153. MRS MURRAY: And I think on one of the maps I’ve seen that you have got land used for church car park.

154. PREBENDARY GRIGSON: Yes.

155. MRS MURRAY: So how many cars does that accommodate? And are these temporary parking bays an alternative to that land whilst the construction is taking place?

156. PREBENDARY GRIGSON: I will? First of all, how many cars can we get in the car park?

157. MS WRAY: It holds at a squeeze 20 cars. But the other – the three bays are – we wanted them as dropping off points so that people – because you have to walk from the car park to the church gate. And that’s what we wanted to avoid because it isn’t – it’s on a very nasty bend and it is quite dangerous.

158. MRS MURRAY: Thank you very much for that clarification.

159. PREBENDARY GRIGSON: Hence, if I may, why we talked in our petition about safe walking routes as well as drop off points.

160. MRS MURRAY: Thank you. Thank you very much.

161. THE CHAIR: Sandy first and then –

162. MR MARTIN: Looking at the map – I’ve got the AP1 but any of the maps will do – you’ve got the carpark and then you’ve got the church and then there is a property between the two. It’s not at all clear, if there were to be a pedestrian walkway from the car park to the church, where it would go and whether the people in the property in
between would be happy with that.

163. PREBENDARY GRIGSON: I’m sorry, could you repeat that?

164. MR MARTIN: If we could bring up P316? Which is the one I’m on but I mean any of them will do. Right. You can see the petitioner’s property and the land used in church carpark. And in between the two there is a property. I’m wondering how feasible it would be to have a pedestrian walkway between the two that would be acceptable to the people in the property in the middle. I don’t know what property it is or who it belongs to or anything.

165. PREBENDARY GRIGSON: The property in the middle is owned by a third party so obviously I can’t speak for him, whether he’d be happy or not. Whether that property is for instance going to at any point be purchased by HS2 is not something I know. Obviously, if it were then the land to the south of the property would make a very safe route, well away from the road. So, if that became a possibility fine –

166. THE CHAIR: Yes, I think that’s dependent on whether that is being purchased.

167. PREBENDARY GRIGSON: Indeed.

168. THE CHAIR: Mr Strachan?

169. MR STRACHAN QC (DfT): I’m not aware that one is being purchased –

170. THE CHAIR: We’ll assume it’s not.

171. MR STRACHAN QC (DfT): Or at least that someone could make an application obviously. But at the moment it’s not. Can I just? On that particular connection between the car park and the church, that of course is on Yarlet Lane. That’s not intended to be a construction traffic route. That is a, I would say, relatively lightly trafficked road. We wouldn’t see that as creating any problem for people getting from the car park.

172. In answer to a question that was outstanding in relation to the underbridge that happens at Marston Lane we provide a verge width underneath the underbridge which would be capable of taking pedestrians, rather than a paved. So, there is room –
173. MR MARTIN: So it is actually going to go under the railway line and not over the top of it.

174. MR STRACHAN QC (DfT): Yes.

175. MR MARTIN: I understand. Thank you.

176. MR STRACHAN QC (DfT): Can I? I have a very brief – sorry, I’m going to try and be as quick as I can. There are some passing bays provided for on Marston Lane for HGVs for that volume of traffic you’ve identified.

177. And there are two other points I just wanted to raise. The first is about the community changing as a result of acquisitions. And that clearly is the case. However, you’ve heard about HS2 general policy – is not in our interest to leave properties empty. And whilst we readily accept that that means there will be a change to the community and that people will go in who weren’t there before and that will affect – our efforts will be to let them.

178. And in so far as the final point is about the community and environment fund you’ve heard about. That is an additional available fund for community projects or community organisations to apply for. I won’t repeat any of that.

179. THE CHAIR: Thank you very much. I think we’ve one more question – we’ve got another question from a Committee member.

180. MR WHITFIELD: Sorry. The petition talks about – and it’s interesting because this is the first petition that’s arrived at this – rather than a financial answer to this. It’s actually the removal of individuals who are key parts of the community. Clearly, that in any alteration in that sense, the key or the core of the community will change. But then that happens over time anyway with things. I see in your response to the promoter’s response on R113(6) and (7), you address this question of the volunteer help and the committed congregation in an interesting way. You make reference to a professionally managed company that had been appointed to undertake specialist work on a route wide basis. That won’t extend to fulfilling roles like the treasurer’s role and things like that, will it?

181. MR STRACHAN QC (DfT): No. That, I’m pretty sure, is a reference to a
concern – a slightly different concern – which was that properties were left bought, unoccupied and then fall into dilapidated condition. And the concern – that’s been expressed as concern by people. And that response is making it clear that in fact when we buy properties, even when they’re not let, they’re managed and kept in a good condition. So, it’s not addressing the point you are raising. The point you’re raising is addressed by getting people back into the properties, letting them, so that, yes, there’s a change in community, but there are still people occupying these properties who we can’t guarantee are necessarily going to be churchgoers, but they should be of the same percentage of churchgoers as under an ordinary –

182. MR WHITFIELD: I did raise that because that was your response to that question about committed volunteers and experienced members of the congregation. And I wonder whether, other than the fund which you have made reference for, what HS2’s mitigation is – or if there is any mitigation – towards that loss of key members of a peopled community?

183. MR STRACHAN QC (DfT): The principal way to address that is to make sure the properties are let by people who come back into the community. And I readily accept that what you’re reading there is actually directed at the principle of keeping the properties in good order.

184. MR WHITFIELD: Yes, the actual property that they’re in rather than a contribution to a community.

185. MR STRACHAN QC (DfT): Yes. You’re absolutely right. Those paragraphs actually go to the point I had made –

186. MR WHITFIELD: To a different – yes –

187. MR STRACHAN QC (DfT): And you’re right –

188. MR WHITFIELD: Which I accept on that point. And the other part in your response which I would like your opinion on is one of the things that you talked about is the contribution that your contractors and subcontractors will make in relation to voluntary service into the community – the steps above and beyond. I wonder whether you have any views of how that might help the current petitioners, rather than just
saying there is an expectation that these contractors will – I don’t know – in Scotland I’ve known them help out and build a playground and things like that. I just wonder whether or not you can articulate what the current petitioner might expect by way of that.

189. MR STRACHAN QC (DfT): Yes. I suspect I’ll be, from my area of expertise, probably straying outside it. Mr Miller or Mr Smart would have experience of those sorts of things happening on a – not on a commitment basis – but on, as you indicate, a more of a helping out type basis. I don’t know if you want to do anything about that?

190. MR WHITFIELD: Because this is an unusual petition because it’s talking about the contribution individuals make to a community rather than a simple financial thing, I would be interested to see whether or not and indeed how much thought has gone into what can be offered in that same esoteric way that they’ve ceased. Sorry, Chair.

191. MR STRACHAN QC (DfT): That’s fine. I could ask Mr Miller to deal with that now or we can come back to it at some other point.

192. MR WHITFIELD: I’m happy at some point whenever is convenient.

193. THE CHAIR: Let’s come back to it at another point.

194. MR WHITFIELD: Yes. That’s fine.

195. THE CHAIR: And we can pick it up.

196. MR STRACHAN QC (DfT): I suspect it may be something for Mr Smart, who’s got the experience from the engineering side of what contractors do.

197. MR WHITFIELD: Yes, can offer.

198. MR STRACHAN QC (DfT): Mr Miller’s very experienced as well. But we’ll come back to it at a suitable juncture.

199. MRS MURRAY: Chairman, just very, very quickly, very, very quickly following on from Mr Whitfield’s original point. You’ve said the houses won’t be left empty. But you cannot guarantee that the new tenants of that property will take on the responsibilities that those tenants or those owners have taken with regard to the church.
You can’t say that the new tenant of Margaret’s property is going to take on the keyholder responsibilities. And I’d like to hear something from you about what the church can do to perhaps – I mean we’ve already had the financial cost to them set out. What can they do? Is there a fund that they can apply to to be able to get that financial assistance?

200. MR STRACHAN QC (DfT): Yes. The proper answer to your question is, yes, I can’t guarantee that people come in and take on the same role. Clearly we can’t. That is true of course of turnover in a community generally. Some people either move out of community who were very active in a church and the new people who come in anyway aren’t as interested. That is a feature of people, communities changing over time. We’re obviously causing a change but it could occur in any event. But I can’t guarantee the new incomers are. But indeed some of them may be more active than ones who are leaving so it can balance out. But I can’t offer a guarantee.

201. But in terms of what we are doing, as I indicated, the investment we are proposing, through making this facility more attractive for all sorts of other facilities, potentially to generate funds for the church if they can offer more, should have a knock-on beneficial effect for the church. There are, in addition, the community option to apply for the community funds if there are specific projects where they can seek money. So, I hope that gives you a range of what options there are.

202. MRS MURRAY: Thank you.

203. THE CHAIR: Thank you very much. I think we’ve heard all of the arguments, certainly to my satisfaction. I’m getting noddings of assent from the Committee. Thank you very much for petitioning. We will now be sitting in private.