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

Tuesday 12 June 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:

Joy Fielding and Barry Stoney
Tim Smart, Chief Engineer, HS2 Ltd
Peter Miller, Head of Environment and Planning, HS2 Ltd

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IN PUBLIC SESSION
## INDEX

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Joy Fielding</strong></td>
<td>3</td>
</tr>
<tr>
<td>Submissions by Ms Fielding</td>
<td>3</td>
</tr>
<tr>
<td>Response by Mr Mould</td>
<td>23</td>
</tr>
<tr>
<td>Evidence of Mr Smart</td>
<td>24</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>25</td>
</tr>
<tr>
<td>Evidence of Mr Smart</td>
<td>26</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>30</td>
</tr>
</tbody>
</table>
1. THE CHAIR: Welcome back and welcome to the Committee to petition. There may be votes later on. It’s quite a busy day with Brexit in the main Chamber, so we may have to suspend. I think I’ve already indicated through the clerk that we’ve set aside an hour to hear all your points, so please do try to focus on the important ones. Mr Mould, we’ll try to limit you to half an hour as well, to come back on that, so that hopefully will make the Committee as effective as possible. But you’re welcome. Hopefully we’re not too scary. Don’t worry too much. We’re here to help you as best we can. We’re all trying to get the best out of the process, but over to you.

Joy Fielding

Submissions by Ms Fielding

2. MS FIELDING: Good afternoon. I’d like to introduce us. I’m Joy Fielding, I’m the freehold owner-occupier of Woodend Farm and this is Barry Stoney. He’s my partner of many years, and we live at Woodend Farm. As well as J.A. Fielding Farms I also run my florist business Shaw Lane Flowers from the studio on the farm and holiday lets in the farm cottage. Barry runs R.P. Stoney and Sons Forestry Contractors. There are two properties at Woodend. If we could have look at 151(1), please.

3. Right. This is Woodend Farm where Barry and I live. We’ve only recently moved in to the barn having spent many years doing the conversion ourselves from the old cow sheds where my father used to keep his Hereford cattle. If we could look at 2, please. This is the cottage at Woodend. This is the farm cottage which is now rented out as a holiday let now that Barry and I have moved into the barn because we used to live in the cottage. The garage which you can see immediately adjacent to the house on the right; it’s now kitted out as a games room for our guests; it’s not used for a car.

4. I just like the farm and its environment. I’d just like to give you a very short history of the farm to illustrate why I feel so passionately about it and its future. It’s been in my family for many years. My grandfather moved to King’s Bromley in the early 1900s and my father was born at Manor Farm in the village in 1913, so over 100 years ago. If we could see exhibit 3, please.

5. I just thought in order to give you some idea of what this farm means to me I
thought it would be interesting just for a moment to look back at what it was like in my father and grandfather’s day. The photo on the left shows George Micklewright sitting on an Allis-Chalmers tractor with two prisoners of war. It’s hard for us to imagine the three-wheeled tractor in this day and age let alone prisoners of war.

6. Although I was only a small child at the time I remember the picture on the right which is in the 1950s and shows all the girls and their children who used to come to the farm every day to pick potatoes. George and Bill Micklewright, Doug Harris and Walter McGibbon are all in the picture who used to work for my dad with their baskets ready for the potatoes.

7. If we could see exhibit 4, please. This is a photo of how it is today. This is a photo of one of the combines working on the farm in the house field last summer. Today Woodend is a modern arable farm of just over 90 hectares or 225 acres, 9.6 hectares of which are jointly owned and farmed by me and my brother, Mr David Cliffe.

8. We grow winter wheat and oilseed rape, oats and potatoes. I also have areas of woodland, a lake, and two ponds. We run a small shoot just for friends which will be lost because this farm was also originally affected by Phase One of the high-speed train until its removal to the south of the Trent and Mersey Canal at Fradley. Barry and I have already been living with the stress, the anxiety and the uncertainty for over seven years.

9. If we could see exhibit 5, please. This is a photograph of some wildlife havens on the farm at home. During the 33 years that I’ve been farming Barry and I have been working to create wildlife havens like these by the planting of many trees and hedges, rejuvenating of old hedgerows, increasing areas of wildlife ponds, and introducing six-metre strips of fallow land around our field boundaries. As a result, we now have barn owls, buzzards, hawks, badgers, hares, wild partridge, skylarks, and a family of red deer. We love this place and we do not want to leave it.

10. To illustrate how badly the train is affecting Barry and me, I’d now like to read out to you the list of all the 17 various ways in which we at Woodend Farm are especially and directly affected by the hybrid build and the additional provision. Number 6, please.
11. Compulsory land take for the actual railway; temporary land take; borrow pits; environmental planting; the Pyford Viaduct satellite compound; access up private farm drive; general access common lane/haul road compensation; existing environmental schemes; additional provision which is the diversion of utilities gas/haul pipeline; the Pyford North Embankment satellite compound; the diversion of the A515; we’ve got a temporary roundabout; balancing ponds, embankments, and the King’s Bromley viaduct.

12. Barry and I acknowledge that some of these works are unavoidable and cannot be changed and you’d be glad to know we aren’t going through 17. However, we have five major concerns which we ask the Committee to consider today and these are: 1) excessive land take for ecological mitigation planting; 2) the borrow pits; 3) the Pyford Brook Viaduct satellite compound; 4) additional provision lay-down area for utility pipes; and 5) unsuitable private access. We believe these to be reasonable and possible and which we have presented to HS2 over many months and even years, the longest being as far back as 2013.

13. If I could see number 7, please. This is a map showing the area of the farm around the village because historically the farm is split into two areas, that surrounding the farmhouse and that which is nearer the village, and I’ll be referring to four maps, two during construction and two after instruction from the map book Fradley to Colton.

14. To help the Committee get their bearings this map shows two fields close to the village outlined in yellow on which you will see outlined in black the King’s Bromley Viaduct and the proposed temporary roundabout at the top, the existing A515 and its realignment, common lane, and the driveway to Woodend Farm are circled in red. The private farm drive is also in yellow. You will see from the map I’ve outlined in blue three separate areas of one field which HS2 do not require during construction. Two of these are extremely small and completely impossible to crop and I have no access to all three parcels.

15. If I could have a look at exhibit 8, please. This map shows the area around Woodend Farm where Barry and I live, again outlined in yellow with the farm drive in yellow as well. The two properties are circled in red, the borrow pits are shaded in grey. Also marked are the meadows field outlined in orange, the marl pit wood which is there,
and the Pyford Brook Viaduct satellite compound, all of which I’ll be referring to in our presentation.

16. The additional provision requiring land for a temporary lay-down area is marked with curving red lines. Down in the bottom right-hand corner is the HS2 Phase One Handsacre Link.

17. If we could see exhibit 9, please. Over the course of the last seven years plus we’ve attended numerous meetings with HS2, including community forums and bilateral meetings, there’ve been meetings with Staffordshire County Council, Lichfield District Council, King’s Bromley Parish Council, and our MP Michael Fabricant.

18. Barry and I would like the Committee to be aware that as well as responding on Phase One we’ve already responded formally on Phase 2A to HS2 by way of: 1) the working draft environment impact assessment they put which was published in 2016. At this date there was no mention of borrow pits or the taking of the whole of the meadows field for environmental planting; 2) the environmental statement volume 2 which was published in July 2017; 3) the hybrid Bill petition which was published in February 2018; and 4) the hybrid Bill petition additional provision which was published in March 2018. And all of which HS2 have taken absolutely no notice of us.

19. Barry and I request the select Committee to consider favourably our following proposals and requests. Could we go back to number 8, please? We’d like to begin with excessive land take for mitigation planting on which we have two issues.

20. 1) The meadows field which is outlined in orange on the plan. Under the Bill it’s proposed by HS2 that eventually the entire field of 5.7 hectares at present in productive cropping – winter wheat at the moment – will be in mitigation planting, trees, grass and/or other vegetation of one kind or another to provide ecological compensation and visual screening. However, approximately one third of this field – the dark pink area – is marked for land potentially required around the construction of the railway so it won’t be available for mitigation planting until much later.

21. Barry and I believe that it’s completely unacceptable and unreasonable to take one complete field over 14 acres; this accounts for over 6% of my total farm holding. To give an idea this equates to almost 8 Wembley Stadium football pitches. When the NFU
presented their petition on 20 April the question was asked by the Committee as to whether each individual landowner had been consulted about proposed mitigation planting and I believe the answer from HS2 was ‘yes’. Unfortunately, Barry and I and Woodend Farm were missed out of such a consultation. The first we knew as I said about this proposal was when it suddenly appeared in the environmental statement in July 2017 having been no mention previously.

22. We could see exhibit 10.

23. MR WHITFIELD: Sorry, can I just ask you, Ms Fielding? I mean, if you’re going to lose 6% of your farm do you possibly think it’s economically viable if the take is as HS2 are proposing? Would it remain viable?

24. MS FIELDING: Well, I’m going to propose that that area of the meadows is moved in its entirety off the farm.

25. MR WHITFIELD: So can I assume from that that it’s not economically viable with that take, but your solution would be not to take anywhere near 6%?

26. MS FIELDING: Well, I don’t know how we would get on because obviously at the moment we’re affected in other fields, so we don’t know the proportion of permanent and temporary at the moment unfortunately. But obviously it is a big chunk –

27. MR WHITFIELD: It’s a huge, huge chunk. It effectively divides your property as well, from looking at the –

28. MS FIELDING: Well, it’s on the edge – it goes along the Pyford Brook as you can see.

29. MR WHITFIELD: Sorry, yes, but the other part.

30. MS FIELDING: Yes, there.

31. MR WHITFIELD: Yes, it cuts it into four.

32. MS FIELDING: So to relieve this huge burden of mitigation planting we request that this area is moved in its entirety off Woodend Farm to the area north of the Pyford
Brook outlined in purple on the plan. The small area circled in orange – well, I don’t think I’ve circled it but it’s just there – adjoining the field to also be included with this request because there already exists a pool and environmental planting in that little area.

33. We appreciate that this request would move the planting onto a neighbouring estate, but we don’t believe that on a holding – this holding is 1620 hectares, it’s almost 4000 acres and –

34. THE CHAIR: Have your neighbours agreed to that?

35. MS FIELDING: Sorry?

36. THE CHAIR: Have your neighbours agreed or has there been any discussion with them?

37. MS FIELDING: No, HS2 have been to ask them if they would have that area and they said that they wanted to farm it. Well, obviously we want to farm our field and they’ve got almost 4000 acres.

38. MR STONEY: If I may say that the trees planted on the meadows or where they want to plant them on the meadows actually comes off the neighbour’s ground where they interface with Phase One. They would do to plant trees there and they weren’t planted, so they want to plant them on us. This is where we feel hard done by.

39. MS FIELDING: You can see that that area there is landlocked as well, and this movement – it would adjoin existing woodland and as Barry said, it would compensate for the lost landscape mitigation planting which as he said was originally proposed to be over there under Phase One, but isn’t going to be implemented due to the need to accommodate the Phase 2A connection.

40. And it was interesting to note as I said that when this proposal – HS2 to the landowner recently – they replied they’d have to ask the landowner. Well, we find this comment rather unusual because Barry and I have certainly never been asked if we want this mitigation planting. And the promoter states in his response to us, and I quote, ‘It’s also an important ecological principle that the new habitat should be as close as possible to the –’
41. THE CHAIR: Sorry, I’m going to stop you. Sheryll’s got a question.

42. MRS MURRAY: I notice actually from one of the other maps that it looks as though there’s already some area where that planting is on the adjacent neighbour’s farm and it falls within the limits of the Bill. And then it seems as though your area has sort of been identified almost as if it’s just not in line. So there’s no reason why they couldn’t have done that.

43. MS FIELDING: No. Well, we were staggered when it suddenly appeared in the environmental statement.

44. MRS MURRAY: Okay, thank you.

45. THE CHAIR: I’m happy with that point. Shall we move on to another point? I think we’ve got that. Shall we move on to the next thing? I just want to make sure you’ve got everything covered.

46. MS FIELDING: Well, the promoter states he’s sought to limit disturbance to agricultural holdings. Did you not want me to say any more about this planting? Is that...

47. THE CHAIR: I think we’ve got the point and we’ve taken evidence, so we understand the issues, we understand the point, we can go away and consider them, so I think you should move on. I’m keen for you to get all your points out and there’ll be some that we understand quite quickly and I’ll ask you to move on, and there’s some that might be peripheral to you but we need a bit more time on because we need to get to understand them. But we understand that one so let’s move on from there.

48. MS FIELDING: May I just say that there’s proposed permanent engineering works as you can see afterwards so it would help for it to be there from the canal.

49. THE CHAIR: Right.

50. MS FIELDING: Right. So there’s another area of mitigation planting, can I please bring that up?

51. THE CHAIR: Yes.
52. MS FIELDING: Right. So you’ll see there’s a small area of land edged pink on the plan which is proposed by HS2 to take – this is further land that they’re proposing to take to create some mitigation planting and grassland habitat.

53. So if we could go on to number 13, please. This shows what’s already in that pink area; there isn’t loss of grassland habitat on the farm as can be seen from the photographs because it already exists, and the mature hedges with the marl pit wood lie directly behind. With the existing ecology already in place we don’t see the need to take further land in the area, plant a new hedge and two ecological mitigation ponds when they’re there already, and we request that this area of grassland habitat creation and two ecological mitigation ponds be removed from the scheme.

54. The new plantation on the left that was planted with Forestry Commission under the benefit of the Farm Woodland Premium scheme to be kept to their stand for 30 years and it may well be that we are required to repay what they gave us back then and we request that HS2 will repay these grants when and if they’re demanded at the time.

55. Okay, if we could go on to number 14, please. This shows the area around the marl pit wood and surrounding lake which shows the entrance to the track around the north of the lake and the lake itself, and as you can see this is a very beautiful area of the farm surrounded by oak, ash and pine, and it’s taken Barry and I many years to see what you see today. We’re very concerned indeed regarding excessive land take in this area immediately joining the track around the lake.

56. THE CHAIR: Can you show that on a map for us so we can see exactly where it is?

57. MS FIELDING: Yes. It’s if we could look at number 15, please. Right. You can see it there, there’s the lake and up to the north of the lake that’s the area of woodland – the whole of that pink area going to the railway – the whole of that area is woodland. And we have the track around the lake. You can see this map, there’s excessive land take which completely demolishes the whole of that woodland that was illustrated in the slide that you’ve just seen.

58. And to protect the marl pit lake, Barry and I request that this area of woodland taken by HS2 be reduced within 20 metres of the line which as you can see in here is the
width they’re taking to the west in the 31-acre field, just along here to the left there where the railway is.

59. Okay. Shall we move on to borrow pits? And whilst we appreciate the Committee’s already heard about the borrow pits from other petitioners there are one or two points which are just pertinent to Barry and to me. So we’ve got number 15 up. This is a map showing the position of the King’s Bromley south borrow pit shaded in grey – that area there – taking a total of 35 hectares or 86 acres in total.

60. My farm’s outlined in yellow. Woodend Farm and Cottage are circled in red. The farm drive’s marked in yellow and the house field boundary is outlined in blue. Yes, there. My brother’s farm, Mr Cliffe, who’s already been to the Committee is outlined in orange – common farmhouse and buildings are circled in red, bottom left. We were given no indication whatsoever from HS2 about the inclusion of four borrow pits in our area and were only made aware of them with the publication of the environmental statement in July 2017.

61. As you can see from the map, the borrow pit nearest King’s Bromley south has catastrophic effects on Woodend Farm and severe effects on common farm. There was no mention in the draft ES to which we responded initially. I can’t begin to describe to the Committee what this bombshell did to us – the shock, the uncertainty, the stress. At its nearest point marked A on the map, the borrow pit is only approximately 200 metres from the area where we live.

62. The proposed position of this borrow pit so near to us will have a devastating effect on our quality of life and day-to-day living. There’ll be huge visual, noise, dust and light impacts over many years, day and night. The desperate need to find an alternative solution to this borrow pit can’t be overstated and I’m in the position to offer HS2 an alternative site which I have done.

63. THE CHAIR: Where is the alternative?

64. MS FIELDING: Well, if we go back to number seven, please. Yes. You can see the area up – that big area there, that area there where the little arrow is, that area there. In an independent report on borrow pits commissioned by the NFU it concludes the alternative –
65. THE CHAIR: Sorry, can you on the map identify where their borrow pit is and where your one is?

66. MR MARTIN: 491 is probably the best indication; that shows both plots, and the petition’s proposal is between BP192 and 191 as opposed to 19A.

67. THE CHAIR: Thank you.

68. MS FIELDING: On which we know there to be gravel because we’ve had it tested in the past.

69. MRS MURRAY: Could I just ask: do you own that field as well, do you?

70. MS FIELDING: I do, yes.

71. MRS MURRAY: Yes.

72. MS FIELDING: We don’t believe that the borrow pits has been adequately presented and the need for them in the King’s Bromley remains unproven and should be reconsidered. The report further states that sufficient high-quality aggregate as I’m sure you know could be met from three working commercial quarries near King’s Bromley, all of which have direct access onto the A38.

73. But one of the main objectives put forward by the HS2 is that of the HGV movement, but in the community area report it states material may also be transported to construct parts of the proposed scheme in the Colwich to Yarlet area and the Stone and Swynnerton area.

74. Swynnerton is a distance of over 24 miles and Yarlet 21 miles on the public highway. I ask the Committee why on earth should we have a borrow pit/quarry 200 metres from our home to build a railway 24 miles away?

75. The community area report further states the material to infill the borrow pits for restoration will be provided from more distant locations across the route. As such, it may be necessary to transport some material along public roads.

76. A short response from the petitioner refers to the assurance that we will be consulted and they gave assurance, but whatever the final outcome on the borrow pits in
general Barry and I would like to draw specific attention if we may. Can we go back to the map 15 and to the two areas of that that I’ve hatched in red on the plan marked 1 and 2? And the field boundary marked in blue from B to C. It’s a distance of some 360 metres or over a third of a kilometre, that boundary.

77. We do feel it’s unfortunate that when drawing up these proposals HS2 did not take in to account field boundaries, and I’d like to draw you a picture of the field boundary which is marked here from mark number 1 on the plan that goes from – so if we could have number 16, please. This is a photograph of the hedge that would be destroyed to make up this – you can see it’s a mature hedge giving all kinds of ecological benefits. It’s got seven oak and one ash tree all of which are over 150 years old. There are 25 lime and field maple trees planted by Barry and me in 2000 and they’re now 20 feet plus. We don’t believe that this hedge with over 30 trees should be destroyed to accommodate an area of approximately 1.2 hectares or 2.9 acres of borrow pit.

78. As you will appreciate, this hedge creates a great barrier from what is going in the 31 acre field immediately to the north. If this hedge was allowed to remain it would be ecologically fantastic and make the world of difference to us at Woodend Farm as it would greatly help protect us from the visual, noise, dust and light pollution effects, and we request that this area of borrow pit and destruction of the 31 acre hedge be removed.

79. THE CHAIR: Can I just ask because you’ve used very strong language in relation to that hedge. Is that really one of the biggest issues for you? Were you trying to highlight it particularly amongst all the others?

80. MS FIELDING: Well, it’s just that we don’t see the need to bring the borrow pit to the south of it because it’s a very small area of borrow pit that’s 1.2 hectares.

81. THE CHAIR: Okay, we’ve got that and that it’s really important to you; that’s really helpful. So can I just check with the Committee we’re okay, we don’t have any questions? We okay?

82. MR MARTIN: I was very clear where the hedge is.

83. THE CHAIR: You’re happy. Okay, we’ve got that point, let’s move on to another point.
84. MS FIELDING: Okay. Well, in the environmental statement it says there are no residential or ecological receptors within 250 metres of the borrow pit. Well, it fails to mention Woodend Farm altogether which is less than 250 metres away at its nearest point and whatever the final outcome of the borrow pits we request that this area of approximately 6.5 acres marked 2 and hatched red on our plan be removed – yes, those two areas. You can see where we live, we’re circled in red.

85. THE CHAIR: So where is the pond?

86. MR STONEY: The lake is on the right there.

87. THE CHAIR: So the one that you’ve labelled up ‘receptors’?

88. MS FIELDING: No, no, no.

89. MR WIGGIN: Above the X.

90. MS FIELDING: That’s in the garden. We’ve got 15 up, we should now go on to the Pyford Viaduct satellite compound if we may.

91. MR WIGGIN: Right next to that.

92. THE CHAIR: Okay.

93. MS FIELDING: So again we’ve got the farm in yellow – Woodend Farm – and you can see the Pyford Brook; the proposed viaduct compound is circled in red. The inappropriate positioning of this satellite compound first appeared in October 2016 and it’s been a subject of discussion with HS2 ever since in October 2016, July, August and October 2017.

94. At all of these meetings there was no suggestion that it wouldn’t be possible to move it. In fact, at the meeting in London in October 2016 the moving of this compound to the north of the line and access via the haul road that was proposed to be on the north side of the line was discussed at some length.

95. HS2 acknowledged that there would be room for agricultural traffic to pass under the viaduct and access a severed area of the 31 acre via the haul road which we’d always assumed to be on the north of the line. This is necessary because of the proposed
permanent closure of Crawley Lane which you can see just up there. It’s anticipated this compound will be operating for three and a half years supporting 10 civil engineering workers per day.

96. We proposed to HS2 that this compound be moved approximately 250 metres to the north of the line on the land which has already been identified by HS2 and which will allow access via the haul road only. The moving of this compound won’t impinge on any other properties but will distance the residents at Woodend Farm and removes the need for yet another of my fields to be implicated. Barry and I would like to emphasise that this move would make a massive difference to us as far as noise, light and dust pollution and safety are concerned, and would alleviate the huge anxiety we have for our security.

97. THE CHAIR: Sherrily’s got a question, sorry.

98. MRS MURRAY: Yes. From the map I’m looking at and I think it’s P491 the haul road is actually not on the northern side of the line.

99. MS FIELDING: Well, we’ve only just heard because it’s always been assumed that it was on the north of the line and we’ve only just heard that they’re proposing to put it on the south of the line.

100. MRS MURRAY: Did you have maps from HS2 showing that it was on the north side of the line?

101. MS FIELDING: Only very recently.

102. MR STONEY: It only came to our knowledge when you’ve had petitioners down here – Julia Allsopp and Wayne Bull.

103. MRS MURRAY: I think what I’m asking is did you see anything from HS2 to show that the haul road was originally going to be on the other side of the line or is it just something that people assumed?

104. MR STONEY: It wasn’t assumed because it was discussed with Richard Johnson and Neil Hodson over many times that that was where the haul road was going.

105. MRS MURRAY: But you weren’t given any maps or drawings to show.
106. MR STONEY: Other than what’s shown in that map there of the Crawley Lane.

107. MS FIELDING: No, there were no maps.

108. MR STONEY: There was no other maps.

109. MRS MURRAY: Okay, thank you.

110. MR STONEY: And at the last meeting with Neil Hodson only a fortnight ago we did ask about this and he said it’s up to whoever builds a railway where they put the haul roads. He said he doesn’t know where they’re going to go.

111. MRS MURRAY: Okay, thank you.

112. THE CHAIR: Okay, so I think we’ve got the point on the compound. Shall we move on to pipes?

113. MS FIELDING: You don’t want to hear any further about the compound?

114. THE CHAIR: Well, if there’s something very new, but I think we know what you want – you want it somewhere else. It seems to be quite a simple request, and a reasonable request. Whether it can be done we’ll hear from HS2 and what we’ll say about it that will be to come.

115. MS FIELDING: Okay. I mean, we have got valid reasons why it could be moved but you perhaps don’t want to hear.

116. MR WIGGIN: That’s fine. No, we just believe you.

117. THE CHAIR: Yes.

118. MR STONEY: Our proximity to a major road network – well, surely no major road network there. Proximity to rail or bus routes for green travel. Well, you’d probably catch a satellite to Mars quicker than what you’d catch a bus around our area.

119. MS FIELDING: One point I would put that they did say previous land use of the site which we’d never understood because the land’s always been in agriculture, it’s never been anything else.
120. Okay. So right, you don’t want to hear any more about the moving of the –

121. THE CHAIR: Let’s move to pipes. It’s more that I want to hear about everything and I want to do the best job for you, so I want to make sure we do pipes and access and have time for any other questions and have time to come back on what Mr Mould says.

122. MS FIELDING: Okay.

123. MR WIGGIN: I think it might help you to know that we’re all quite sympathetic and therefore if you haven’t told us every single detail don’t worry. I farm myself, I don’t really see how you could possibly go on with this going through the middle of your farm, but obviously we’ll hear from HS2 what they’re going to do and that may help you decide how you want to proceed. But until you get the replies from HS2 it’s incredibly difficult for you and we understand that and we’re with you on that, okay?

124. MS FIELDING: Okay. Right. If we could have number 17, please. Right, this is about the additional provision and the temporary access and these are our receptors. I just thought you might like to see them. They’re my three small – and in HS2’s words they’re receptors, and HS2 have been told all through Phase One that this is really derogatory. And just out of interest the *Oxford English Dictionary* – a receptor is an organ or cell able to respond to light, heat or other external stimulus and transmit a signal to a sensory nerve.

125. So to put a human face on these receptors they’re my three grandchildren – Bruno, Daisy and Julia – playing in the garden at Woodend Farm. My third granddaughter, Alice, who’s only two years old is not in the picture. It would be an understatement to say that Barry and I are very, very angry that the additional land for temporary lay-down area required during the construction of the pipeline diversion should be the subject of an additional provision.

126. These utility pipes have been in the ground for over 50 years, enough time for even HS2 to realise their presence, and they were identified on the relevant maps in the environmental statement in July 2017. There’s no way we should’ve been put through the extra stress and anxiety that this additional provision has caused and the need for us yet again to have to respond to a consultation only two months after we did the last one.
127. We started receiving letters in December; we received another one in January and in March we received two letters in the post. The one is dated the 23rd and addressed to the owner or occupier and began, ‘Dear Sir or Madam.’ Really? After eight years? This letter gave us no information other than my property is near a proposed amendment – again, stress, anxiety and uncertainty. By the time they wrote the letter dated 26 March HS2 had realised that this owner/occupier receptor had a name and the letter began as in previous, ‘Dear Joanne Fielding.’ Who starts a letter in such a manner?

128. THE CHAIR: Can I just pause you? Because I live in an urban area so I don’t really understand about source heat pipes.

129. MS FIELDING: Sorry?

130. THE CHAIR: I don’t understand what a source heat pipe is.

131. MR WIGGIN: A ground source heat pipe is –

132. THE CHAIR: So what’s that doing for you? When did you put that in?

133. MR STONEY: We put that in – we’ve been in there 18 months, but they were put in over two years ago. They’re basically four trenches 100 metres long, we have a picture and a pipe up one side and down the other.

134. THE CHAIR: Yes. I can see that, I’ve got A151(19). So two years ago you put that in and that provides your heat.

135. MR STONEY: Yes.

136. THE CHAIR: And HS2 want to put a utility pipe in the middle of it.

137. MS FIELDING: You can see in the picture on the left where we live, the barn. And if we go to exhibit 18, please, this long blue line is over the top of those pipes and is right by the window of the house just a few yards away, over the top of these pipes.

138. So if we look at this blue and grey map you can see it’s not very easy to read, but it gives a lot of areas around the house – 15, 17, 29, 30 and 31. After much search I found reference to these numbers in schedule six acquisition of land for particular purposes and the only comment was utility works, nothing else. In December 2017 we
received a letter giving no information, just a number plonked in the middle of a house field.

139. We've been requesting a meeting with HS2 engineers from the date well before the publication of the additional provision. We started requested a meeting in December 2017 to try and explain about this additional provision. So we asked for the engineers to come and explain to us what was happening and finally on 23 May I had a phone call from Connolly saying we requested a meeting, and we finally met on 31 May. That was just under two weeks ago, four months after our initial request.

140. I don’t suppose – but out of interest during this time we’ve had two barn owl surveys, five great crested newt surveys, one abortive geophysical survey, and one vegetation survey. But there’s never been a survey on how we’re coping with everything. So if we could just go back to 15, please.

141. MR STONEY: We’re back to the lay-down area of the pipes.

142. MS FIELDING: Yes, we’re still talking about the lay-down area. You’ve perhaps got the message that that area marked X is not acceptable. As you can see it divides the area of land in the house field into two small areas and you saw the picture of the combines we used earlier. And it’s a known fact farming two small areas with a ratio of headland don’t yield the same as one large field.

143. THE CHAIR: Sorry to interrupt. I’m unclear whether you now know from HS2 what those utilities are or whether you still need to find that out.

144. MS FIELDING: Oh, they’re the gas and oil pipelines that come under the farm. They’ve got to be realigned under the railway at 90°.

145. THE CHAIR: So when you said you didn’t know what all the numbers are –

146. MS FIELDING: Well, no, the numbers around the farmhouse. You see the farmhouse circled in red at the bottom? There’s a whole load of numbers around there which we don’t know what they are.

147. THE CHAIR: Still don’t know, so we want an answer to that if possible. Excellent, we’ll ask Mr Mould to cover that if possible.
MR STONEY: That’s number 15, 17, 29, 30 and 31.

THE CHAIR: Excellent, thank you for clarity.

MS FIELDING: So if they do this they’re taking more land, they’re reducing my annual income and they’re giving me no access. That area is completely unacceptable and I don’t believe that these ground source heat pipes – okay, they’re under the ground, but going backwards and forwards across them I don’t think is acceptable. It really isn’t and it’s right up to the house.

MR WHITFIELD: Sorry, Ms Fielding. The pipeline is actually going to cut across where the heat pipes are, is it?

MR STONEY: No, it’s a lay-down area.

MS FIELDING: No. If you see on this plan, you see where the X is and the curly lines, that’s just appeared in the additional provision because –

MR WHITFIELD: Yes, and that’s where they want to lay down the –

MS FIELDING: They want to put the pipes there to lay them down.

MR WHITFIELD: And where are your pipes for your heat?

MS FIELDING: Underneath.

MR WHITFIELD: Yes. So they are going – sorry, I used the word ‘across’ and that’s probably the wrong fit. They’re literally sitting on top of your heat.

MS FIELDING: Yes, on top of them, that’s right.

MR STONEY: This was only the reason we requested an engineer to visit.

MS FIELDING: One of the things we don’t understand because we are obviously not engineers, but these pipes are going to be laid before the railway is built so there isn’t going to be any railway when they bring these pipes onto the farm. So there’s no reason as far as we can tell why they can’t built in situ or further down because there’s no railway at this point in time.
162. So we believe this area to be unnecessary and unreasonable and we request that it’s moved.

163. THE CHAIR: I’m going to come to Sheryll and then I’m going to prompt you to go on to access, your fifth issue, because I don’t want that to be talked out. Sheryll.

164. MRS MURRAY: Just very quickly, could you confirm that there are no other utilities where those heat pipes are at the moment? Water, gas which supply your farm. It’s not an existing route for any other utilities other than your heat pipes?

165. MR STONEY: There’s water, telephone come up adjacent to the drive.

166. MRS MURRAY: Right, so they don’t use that area.

167. MR STONEY: No, just the heat pipes.

168. MRS MURRAY: Okay, thank you.

169. THE CHAIR: Sorry, Sandy, and then we’ll come to access.

170. MR MARTIN: Yes. Can we actually ask – I know we don’t normally but can we ask Mr Mould and Mr Smart for a ruling here on whether this lay-down area is actually somewhere where the pipes are going to be buried or whether it’s just for storage?

171. MR MOULD QC (DfT): Can I deal with that when I respond?

172. THE CHAIR: Yes, you can.

173. MR MARTIN: So we’ll deal with it later. That was my inclination, Mr Mould’s requested, I think that’s sensible.

174. MS FIELDING: They’re going to lay them down and join them up basically.

175. MR MARTIN: We’ve got 10 minutes.

176. THE CHAIR: So let’s deal with access.

177. MS FIELDING: Okay. Alright, we’re still on 15. Okay, you can see here a map of the proposed temporary access from point D to point E. I just want to make one comment about those little receptors that you saw earlier, my four grandchildren. This
is right up against the house, this lot – this utilities, and as far as the access is concerned also it’s right up against the house. We’ve got children running around here. Because originally the farm was affected by Phase One as you know, so they’ve been aware of this private farm drive for many years; in fact as far back as 2013 they knew about this drive, and it’s been brought up time and time again with them.

178. And I would just like to point out that if we could just go to number 20, please. Right. Well, this shows where we’ve just seen the map with the points on where they want to bring this to attach to our telephone, for heaven’s sake. So that shows the access to the meadows field, as we’ve seen earlier, and then this shows in front of the house. As you can see, it’s not a farm drive, it’s access to the fields and it goes in front of the house.

179. There isn’t any access through the garden in front of the cottage and barn. And to be honest, I’m not prepared for HS2 to come so close to the cottage and barn with four small children running around and a holiday let with visitors. We do believe there’s absolutely no reason why HS2 cannot link in and connect the utilities at Fradley business park under Phase One, and it’s also a much shorter distance and Barry and I request that because we can’t have them coming down there.

180. THE CHAIR: That makes sense.

181. MR STONEY: The point on the plan, the blue line where they propose to access, they said it was a pole. Well, in actual fact it’s an electricity pole there, the telephone was put in by Joy and her brother and was put in underground.

182. MS FIELDING: I cannot believe in a footage of this scale, they want to come and join up to our telephone, it’s madness.

183. THE CHAIR: Okay, we’ll come to that with Mr Mould. Are there any remaining points or would you like to have a breather for 30 seconds and see if there’s anything else? Just in terms of process I’m going to ask Mr Mould to take up to half an hour and then there’ll be a few minutes at the end for you to wrap up as a result of Mr Mould’s input. Have a sip of water and think about if there’s anything else you need to mention; otherwise we’ll go over to Mr Mould.
184. Are you happy to go to Mr Mould? I think the petitioners have indicated they’re happy for us to come to you, Mr Mould. Over to you.

185. MR MOULD QC (DfT): I’m going to ask Mr Smart to come in and help you on a couple of points and then I’m going to ask Mr Miller to come in after that and I’ll wrap up on any other points within my –

186. THE CHAIR: Would you like them to both sit up there now?

187. MR MOULD QC (DfT): Yes.

188. THE CHAIR: Because then there’s just one disturbance and we can box between the two.

Response by Mr Mould

189. MR MOULD QC (DfT): Thank you. And we’ll put up P491. I think Mrs Fielding did show you this briefly so we’ll start with this. I’ll start with first of all can I say on the last point the access track that Mrs fielding has mentioned is – the need to use that is already under review and I am expecting to be able to report back on that before the pending additional provision two is concluded.

190. So if you will bear with us until that point has been resolved I will obviously ensure that we communicate the outcome of that to Mr and Mrs Fielding. You have their point that they would like to see that access taken out of use anyway, but I hope we can resolve that.

191. THE CHAIR: I’m happy to accept that point. Just to ease the petitioners, that’s quite strong words. So it might sound in the English language something being under review is no big deal, but actually from Mr Mould and HS2 that’s the strongest indication that things are going in your direction without actually making a commitment so I think we’ll keep an eye on that one and look forward to progress.

192. MR MOULD QC (DfT): Thank you. And those behind me will obviously log that as one of the points that we need to report back on.

193. THE CHAIR: Thank you.
Evidence of Mr Smart

194. MR MOULD QC (DfT): Now, Mr Smart first then. We have the construction plans in front of us from the environmental statement, we have the petitioners’ lands outlined in red, two parcels breaking up the holding we can see. The first thing is in relation to the proposals for the borrow pits and the particular concern about the proposal to excavate materials from BP189A on the plan, do you see that?

195. MR SMART: Yes.

196. MR MOULD QC (DfT): And Ms Fielding said that there was land here which was within her ownership that she was willing in principle to make available for the winning of minerals. She had some evidence of the presence of minerals beneath that land. Are you willing to say that the HS2 Ltd will investigate that parcel as part of the borrow pit review that the Committee is aware is going to take place in the later art of this year?

197. MR SMART: Most certainly, yes.

198. MR MOULD QC (DfT): And in particular as a candidate to replace all or part of borrow pit 19A.

199. MR SMART: Absolutely because obviously this is the most sensitive one in terms of the petitioner so yes, most certainly we will look at that.

200. MR MOULD QC (DfT): Thank you. And can I just ask a particular point, perhaps you or Mr Miller, I don’t mind who. MRs Fielding was particularly concerned about the sanctity of the hedge row that show showed us on A151(16). That hedge row, do you remember that?

201. MR SMART: Yes.

202. MR MOULD QC (DfT): And the reasons why are perhaps apparent from the photograph, one needs to say no more. If we go back to P491 – you’ll correct me if I’ve got it wrong, but I believe that hedgerow is along this line here and she would like to see at the very least excavation confined to the north-eastern line of that hedgerow.

203. Without in any way detracting from the commitment you’ve just given to review
the need for BP189A wholly or in part, in the light of the borrow pit review, are we able to say we’ll take particular care to see whether it is necessary to excavate to the south-west of that hedgerow and whether that hedgerow can be retained?

204. MR SMART: Indeed, we’d look to retain that hedgerow.

205. MR MOULD QC (DfT): Thank you.

206. MR WHITFIELD: Can I just ask if we go to the proposed new site, which I understand is outwith the Bill limits. There is that strange little white triangle that is outwith the Bill limits but presumably would be as useful as a borrow pit until the rerouting. Would it not make sense to look at that given that it is, I don’t know land-locked as such. They seem to have no useful way of gaining access. I think that is within Mrs Fielding’s property as well.

207. MR SMART: There’s a constraint there in terms of diverting the rail and moving the rail but yes, we’d certainly look at that as well.

208. MR MOULD QC (DfT): I think I’m right in saying that borrow pit 190 is within the ownership of Mrs Fielding’s brother, Mr Cliffe.

209. MR STONEY: It is.

210. MR MOULD QC (DfT): It may be sensible to consider in consultation with Mrs Fielding and Mr Cliffe, assuming that borrow pit is excavated, whether there are opportunities for land restoration to take advantage of that triangle if that is something they would like us to consider.

**Evidence of Mr Miller**

211. MR MOULD QC (DfT): Mr Miller I don’t know whether you have thoughts on that?

212. MR MILLER: Yes, I think it’s a pretty good area. Well it’s definitely a good candidate for woodland planting, that sort of thing and it may actually help blend that new road alignment in on those two parcels of land. So those two parcels of land might benefit from a bit of screening in that area.
213. THE CHAIR: Sorry, Sheryll Murray has a question and then back to you Mr Mould.

214. MRS MURRAY: Could that be used as a substitute for planting in another area?

215. MR MILLER: Yes, when I come onto giving my response I’m going to talk a little bit about that. Because I think there’s an opportunity to, dare I say it, play some tunes on the mitigation. We’ve already offered up some ideas already so I’m going to take you through those.

216. MRS MURRAY: Okay. Thank you.

217. THE CHAIR: Excellent. Mr Mould?

**Evidence of Mr Smart**

218. MR MOULD QC (DfT): So Mr Smart, the next question I’d just like you to deal with please is the arrangements for the location of the site haul road and whether it’s possible, realistically, to shift that compound that was a source of concern to the eastern side of the construction area?

219. MR SMART: Yes, that’s slightly more problematic for us because on the eastern side is part of the diversion of the fuel pipeline but also it is in flood plain. So moving it over to the other side is difficult but what we can do is a matter of detailed design, is looking if we can shift it slightly to the east but it wouldn’t be as far as the other side of the new railway as the petitioners want. But we can look at in detail of moving it into a slightly less…

220. THE CHAIR: Is that where the cursor is?

221. MR SMART: Yes, into that sort of area, yeah. We’ve got to be able to get the haul road so that it crosses Pyford Brook in a way that’s satisfactory for the earth moving vehicles. So there is some limits on how we can curve that section of the haul road around but I’m sure as a matter of detailed design we can look to make sure that we move it as far to the east as we can.

222. THE CHAIR: That would particularly helpful.
223. MR MOULD QC (DfT): We did address this in the context of the petition of Ms Allsopp and Mr Bull, if you remember. There is a slide, P5732, I just mention that for the record just because it summarises the points Mr Smart has just made in relation to that. Mr Smart, can we then turn on please to the question of the laydown area.

224. MR SMART: Yes. Can we go to page 501(5) first? Because I’d like to explain the construction methodology. Then we can take that back to the actual location and hopefully you can understand what we’re doing. So what we have here is a 10-inch fuel pipeline, British Pipelines Agency fuel pipeline, which is about 1.5 metres below ground level. In order to protect it we need to both lower it and move it so it goes across our railway at 90 degrees. Now, of course, we cannot divert the existing pipeline until we’ve got the new one in place. In order to do that we have to put in a new pipeline beneath the existing pipeline. The way in which we do that is what is known as a horizontal directional drilling, HDD. What you can see here is just a schematic of what happens.

225. Now, where it says ‘pilot’s hole’ that is where the drilling is done from. That is on the other side of the railway to the petitioners so that is where most of the work happens. We’ve sited that as far as we can away from petitioners’ residence. What happens first is the directional drilling, which is about a four-inch drill pipe creates the hole into the other side of what would be the railway. Once the directional drill hole is in place there’s then called what is back-reaming. So you then enlarge the hole by pulling back through a reamer, which comes the other way. Once the hole is finally in place, you then pull through the pipeline, which is welded at the surface. So, we’ll go back to it, but the laydown area that you saw on the first plan, if you go to the bottom right-hand of the schematic you can see some pipeline that’s raised above. That’s the part that we need to be the laydown area. That is in the final construction sequence of this pipeline diversion. So that section is in place for – we think the whole sequence here is a three-month duration to put in the utility. The part where we would actually have the laydown area is in the order of a month.

226. It is above the surface and we can obviously take precautions to make sure that the buried heating pipes that are currently there would not be interfered with. So if we now go back, if you can see where I’m pointing?
227. MR MOULD QC (DfT): If we go to the area where the main –

228. MR SMART: That’s it, fire, that’s it. So that’s where the actual directional drilling rig would be. Then the directional hole is formed underneath. Our railway of course won’t be there at the time. We’ll surface somewhere in this location. Then for the last month there’ll be this laydown area where when we back pull the welded up, probably steel in this case because it’s fuel, pipeline. Once that is in place we can then cover over the existing pipeline and it’s then protected and in place.

229. THE CHAIR: Just out of curiosity, what compensation does the petitioner get for the use of land in this way?

230. MR SMART: I’m not an expert in compensation. I’ll have to refer that.

231. MR MOULD QC (DfT): This will obviously be temporary possession only. There will be no question of outright acquisition here. So the compensation would be payable under the relevant clause in schedule 15 to the Bill, or schedule 15 to the Act as it will be. They will receive a payment for the use of their land which generally speaking is referable to the rent that they might had been able to charge had they let it out. And they will also receive payment for any losses that they suffer as a result of the pipe being there and the use of the land. So, for example, they have to reseed the grass and that costs them money, they’ll receive reimbursement for that and so forth.

232. THE CHAIR: Right. Sheryll?

233. MRS MURRAY: Can I just ask Mr Mould, and clearly if their heat pipes were damaged in this process?

234. MR MOULD QC (DfT): They’d receive compensation for that.

235. MRS MURRAY: They would be compensated?

236. MR MOULD QC (DfT): Yes. Indeed so. They’d receive whatever it takes in money to put them back into the position that they would have been had they not suffered any losses as a result of the presence of the laydown area, albeit for a relatively short period.

237. MRS MURRAY: Thank you.
238. THE CHAIR: Thank you.

239. MR MOULD QC (DfT): Can I then just ask you to go to A151 (18)?

240. MR WHITFIELD: Sorry, I suppose the difference in this case, although it’s only a short period of time when they laydown is in operation, it will be every day the whole working day that work is being done on it to get this pipe into the ground. So although it’s a short period of inconvenience the level of inconvenience will be quite high given how close to the property it is.

241. MR SMART: That’s primarily on the other side though because that’s where the actual horizontal directional drilling rig is. That’s it, that way. So that is where the compound will be.

242. MR WHITFIELD: But the laydown will be having the welding, the testing.

243. MR SMART: That is about a month’s activity.

244. MR WHITFIELD: I’m saying that during that month it will be a substantial inconvenience.

245. MR SMART: During that month, yes, there will be pipes laid out along there, which are being welded and then fed through. Yes.

246. MR WHITFIELD: Yes, passed through.

247. MR SMART: That’s correct.

248. MR MOULD QC (DfT): Thank you.

249. MR WHITFIELD: Sorry.

250. MR MOULD QC (DfT): No, not at all. A151 (18), can I just deal with the technical question as to what the numbers are on the plan? This is an extract from the parliamentary plans and those numbers are the parcel numbers which relate to the many, many parcels of land that are identified in the book of reference which supports the Bill. So you’ll find that if you went through the laborious process of correlating those numbers to the book of reference, you’d find a reference to each of those parcels. It will tell you where it is and it will tell you who is the owner or reputed owner of that
particular parcel of land.

Evidence of Mr Miller

251. MR MOULD QC (DfT): Can I then turn, I think from Mr Smart to Mr Miller? Mr Miller, we’ll put up, if we may, first of all P4971. There are two particular areas that I would like you to focus on. One is the meadows field and the second is the pink land, as it was called, around the marl pit. Just to identify those, I hope you can blow this up a bit? This is taken from the environmental statement, which was published with the Bill. I think I’m right in saying that’s the meadows, this area here. We can see, can’t we Mr Miller, the two areas of environmental mitigation proposed. Firstly, a belt of woodland planting on the northern part and then an area of wetland habitat creation where the arrow is there. There’s also a proposal for an area of mitigation involving the creation of a pond, I think?

252. MR STONEY: That’s right.

253. MR MOULD QC (DfT): Then in relation to the pink land around the lake and the woodland that Mrs Fielding showed us, we can see that the proposal is for woodland planting and also pond creation in the areas which are being pointed out now.

254. MR STONEY: That’s correct. That’s the Bill scheme.

255. MR MOULD QC (DfT): So then if we go on to P499, I just want you to talk the Committee through the changes that we have recently offered to Mrs Fielding. We can just go to the letter to close this off. Shall we deal with the meadows first of all?

256. MR MILLER: Yes, if you see Pyford Brook, that’s the brook, which goes down to the canal there. That, essentially, is the boundary of the land, which was pointed out earlier. You can see we’re still retaining the wetland/grassland habitat in that location but we come back off of the woodland in that strip.

257. MR MOULD QC (DfT): Yes. Let’s deal with the justification for the wetland first of all.

258. MR MILLER: Yes, I don’t know if we could show the construction drawing?

259. MR MOULD QC (DfT): Yes, there we are. It’s P491.
260. MR MILLER: So the dark pink area in there, just where the cursor is, either side of the structure that we’re proposing causes great disruption to the flood plain and the habitats that are contained within the area of the brook. So the mitigation response is to extend the grassland, which has been disrupted. Not only underneath the viaduct but alongside the brook really to link up the bit of woodland and there’s a pond at the far end there.

261. MR MOULD QC (DfT): If we can go back to 499 we just see that point.

262. MR MILLER: So essentially what’s happening here is we are replacing the wetland habitat in the vicinity of the brook itself and in the flood plain of it. So it’s wetland habitat in the place where it should go. That’s our consideration of that and how that’s come about.

263. THE CHAIR: Sorry, Sheryll Murray?

264. MRS MURRAY: Can I just ask why you’re using that? Is it because of the lay of the land and the way the water runs?

265. MR MILLER: Yes.

266. MRS MURRAY: Rather than the other side of Pyford Brook?

267. MR MILLER: We don’t have it, unless there’s an aerial photograph it’s not obvious what’s happening on the other side from these plans because it’s sort of white space. But you can see that Pyford Brook is quite a straight alignment there.

268. MRS MURRAY: Yes.

269. MR MILLER: I suspect, and the petitioner might know this, that that might have been adjusted for the Trent and Mersey Canal a long time ago. But going further to the east you can see that Pyford Brook takes up a more natural kind of line.

270. MRS MURRAY: Yes.

271. MR MILLER: If you actually look at that on the aerial photographs you can see there’s a bit of a green patch near the top of the page there. There’s quite a lot of meadowland in and around the Pyford Brook area itself. So if we go that direction we
would actually be taking up what is quite good habitat anyway. And the habitat sort of creeps underneath the viaduct structure. You can see that just the Pyford Brook kinks and it goes down to the Trent and Mersey Canal. So that’s our ecologist’s consideration of the wetlands mitigation in here. So it’s grassed and it could be grazed. But you can see it follows a line, which I think broadly accords with the flood line for that particular brook.

272. MRS MURRAY: It just seems unfortunate that there’s a definitive boundary with the petitioner’s land to the Pyford Brook.

273. MR MILLER: You can see that we’ve even taken this up on the other piece of the land over on the other side as well. So it’s not the case that it’s all sort of landing on this petitioner’s land. It’s a wider consideration.

274. MRS MURRAY: Why I’m wondering is there’s a very clear line with the dotted line that looks as though it might be one piece of land, why you’ve actually taken up both sides when perhaps you could have continued down that way and taken up the whole of one area?

275. MR MILLER: I suspect what is being considered here is can we retain that field for that particular landowner so we don’t have so much effect on that landownership. I’m not sure who that landowner is?

276. MRS MURRAY: I think we’ve been told that’s a very big estate and this is a smaller.

277. MR MILLER: Yes, I don’t disagree with you. We are trying to get the right ecological response in here. That’s what we’re trying to do. In a way it’s sort of shared out in a way that the ecologists see fit. It’s not just a question of us looking, ‘Oh, well that area of landownership is bigger than another area of landownership and we should take more on that land.’

278. MRS MURRAY: I understand that. I’m just wondering why or whether that was considered as an option.

279. MR MILLER: I don’t think it is any further, no. No. That’s not to say that that landowner might be willing at a point to concede or consider a little bit further on that
land. I don’t think we’ve asked. We can see if we can find out. But this is one example, overall, of where we are. Because we’ve taken the woodland out here, we haven’t changed the wetland habitat creation but we have taken the woodland out here. But we have placed that in a different area of land, which is this area of land on the petitioner’s land holding.

280. MRS MURRAY: Again, it’s taking up this petitioner’s land.

281. MR MILLER: It is. It is.

282. MRS MURRAY: And taking farmland away from them.

283. MR MILLER: It would do, but the consideration here is take that up as part of the restoration scheme of the borrow pits, which does extend on the other side here. So what we’re doing is thinking about how we can play into the disruption, which actually occurs as a result of digging out those minerals. What we’ve heard over the last week and a half is a point about whether that mitigation could then be taken up on that area of disturbed land. Bearing in mind, and I think this has been spoken about through the Committee members, that some of that land is going to take a period of time to go back into agricultural restoration. Now, it may well be, and I know the petitioner has only just seen the correspondence from us, it may well be that we’ve got to understand what their view is about that and whether there is any scope to look at that again. There may be some other scope to look at how this land comes about anyway in terms of mitigation.

284. We’ve heard already what valuable about the hedgerow and Mr Smart’s answer there is to try and retain that screening effect for the railway. It may be that you could reinforce that screening effect along the boundary of the railway. But we don’t know that. What we would ask is the petitioner gives us as much information about that as possible so we can have a think about that. You can see that we are pushing, hopefully, in the right direction. It may not be perfect but we are willing to make adjustments here to try and accommodate that mitigation which is necessary and as a consequence of the scheme. We’re not providing this mitigation just for any old purpose. We’re trying to provide it as compensation.

285. MRS MURRAY: Thank you.
286. MR MOULD QC (DfT): The Committee will probably know this but the person who owns the land, which you’ve just been talking about is presenting a petition to you tomorrow. So you’ll have an opportunity to hear perhaps another angle on this tomorrow.

287. THE CHAIR: Very helpful. Thank you for that information.

288. MR MOULD QC (DfT): Mr Miller, just to be clear, this area of planting here and the pond, I think under the letter that we’ll show the Committee very briefly in a moment, the proposal is that will also move isn’t it?

289. MR MILLER: Yes. We’re no longer pursuing mitigation on that patch there. That pond is there. So we’re coming off of that. What I should say is around the marl pit wood, and you’ve seen the photographs.

290. MR MOULD QC (DfT): Yes, this is the second area now we’re on to, isn’t it? The pink land.

291. MR MILLER: Yes. There’s no doubt about it from those pictures, it’s a rather attractive pond and landscape, which has grown up over the years. There’s clearly a lot of effort which has gone into that. Now, I don’t know if we can just bring up that field plan, which you referred to, the grey one.

292. MR MOULD QC (DfT): Yes. That was A151.

293. MR MILLER: I just want to show you something on the Bill plans and how the construction land kind of comes about. You see in the centre there there’s a long black line? That’s the centre line of the railway. I think you’ve heard from us in the past that there’s what we call a limit of deviation, a lateral limit of deviation on the line. That lateral deviation is marked out by that dotted line. You can see that dotted line really encroaches into that area of land, which is woodland behind the pond itself. Then there’s a funny little area of land just by the pond, which we have taken up with what’s called ‘limits of land to be acquired or used’. That’s the construction land. The reality is that the centre line of the railway can be adjusted within that lateral limit. So that’s the reason why we’ve taken that area up.

294. If we could go back to the other plan please? In all likelihood, it’s possible that
we won’t go all the way up to and take everything on that pond. Because when we get to the construction and the final design, the construction contractor will think that that screen, which is already existing, will prove beneficial. But when you’ve looked at the construction drawing you’ve seen that there is a construction haul road going through this location. There’s a lot of construction that goes on with the Pyford Brook satellite compound, albeit that we might be able to adjust it a little bit. There’s a lot of construction that goes on over those structures and the embankments there. So I’m not promising this at the moment but it may well be that – when you look at the code of construction practice, we will try and retain as many trees as possible. It may well be that we can draw a fence line which can try and retain the little bit of that existing planting which is already in there.

295. Now we have made an adjustment in the letters that have gone out just recently to revert. As our original Bill plan was to put tree planting in this location because we’ll be taking those trees down in large part. We have reverted to more of a grassland habitat in here and replaced the great crested newt ponds in this location. It may well be that eventually we can play tunes on where those ponds actually go to for the great crested newts. But they do have to go in early because those are new homes for those great crested newts, which are disturbed early on in the programme. But it may well be that we can adjust that mitigation to perhaps also include and put back some of the tree planting that’s lost.

296. So what I’m saying, although we’ve made an offer of changes to mitigation in here, that’s probably not the end of the story. You’ve heard about the NFU assurances. You’ve also heard from us about the farmers’ and growers’ guide. There’s a lot more to come in the detailed design. I’m conscious that might not give you the full comfort here today but hopefully that will show the direction of travel we’re going to. Sorry, the last point. Just going back to the other piece of land I commented on before, if some woodland planting could go there it may be that we can adjust the extent of woodland planting on that piece of land there. This is a little bit more how the woodland is disrupted along the line of the route in this location.

297. MR MOULD QC (DfT): Thank you. Then, finally, the letter which sets out some assurances on these points is the letter of 5 June. It’s at P504 in the bundle. Members of the Committee I think do have paper files. The letter itself is at the very back of your
files and it does have a series of plans, which fold out in A3. Mr Miller, if we just flick
to 504 (2), you can see first there are a series of assurances with subheadings. The first
relates to that little area of planting and the creation of a pond for newts.

298. MR MILLER: That’s right.

299. MR MOULD QC (DfT): That’s the yellow land. If we go to 504 (4), that’s that
area. The assurance effectively says that subject to being satisfied that that can be
removed without compromising the environmental performance of the scheme, an
assurance to remove that particular feature from the scheme.

300. MR MILLER: That’s right. It’s also important that we show it on these
parliamentary plans so we can see how the parliamentary plans will be adjusted in due
course if that was taken up and that offer comes good.

301. MR MOULD QC (DfT): Then back to 504 (2), the second assurance relates to the
relocation of woodland and other mitigation that you’ve described to the Committee.
That’s shown by the green and the blue notations on plans 504 (4), (5) and (6).
Essentially the green is the areas of woodland and other ecological mitigation that is
proposed to be removed from those locations and the blue are the areas to which it is
proposed to relocate.

302. MR MILLER: Yes, that’s the woodlands. Yes. There’s an adjustment on the bit
behind. I think we’re coming to it.

303. MR MOULD QC (DfT): Then the final plan at 504 (7) deals with the
reorganisation of the hedgerow arrangements in the event that the borrow pit is actually
worked. We’ve heard from Mr Smart that we’re going to review that and see whether
we can either avoid or reduce the scale of that excavation. We’ve made a particular
point about looking to retain that hedge. Those letters are necessarily couched in
somewhat legal language but that’s the gist of where things are going. Unless we can
help you any further I think we’ve covered the five points that the petitioner’s raised and
set out our response on those.

304. MR WHITFIELD: Can I just ask a very quick question?

305. THE CHAIR: Yes.
306. MR WHITFIELD: Of Mr Mould, really, Mrs Fielding mentioned about some of the environmental mitigation from HS1 appearing in HS2A, sort of shifting along the line because it wasn’t covered earlier.

307. MR MOULD QC (DfT): Yes.

308. MR WHITFIELD: Firstly, is that correct? Secondly, is it within the power of this Committee, do you think, that we could ask for the mitigation to revert to HS1 area? Because we’re right at the start of the HS2A Bill here.

309. MR MOULD QC (DfT): Would you mind if Mr Miller answers that?

310. MR MILLER: Do you want to put up 499? I think this is something which is right in part. We’re right on the boundary of the place. So we’ve had to sort of confirm what the mitigation is in this location. So there’s a triangle of land in here. I don’t know if you can see that? In fact, exactly where the cursor was there’s a triangle of land in there which is woodland. You can see what we’re trying to do is we’re trying to spread that woodland response. So where we’re taking down that woodland, there’s a woodland here which is being adjusted. Sorry, further down along the line here just above there you can see there are three ponds and bit of woodland. There’s woodland take there. Along the Pyford Brook itself, it’s wooded in part to the north then it becomes more of a hedgerow just where the viaduct is. Then you’ve heard about marl pit, the wood which has been planted up in this triangle of land on the petitioner’s land, which we take it all out.

311. What we’re trying to do here is we’re trying to marry up the Phase One plan with Phase 2A. There was always going to be a need to adjust the mitigation response here. It’s unfortunate but there’s always going to be a boundary issue. Wherever you draw a boundary there’s something that’s got to be adjusted. That has been adjusted through the mitigation in these circumstances. Then you’ve seen how we’ve gone about thinking about how we can adjust the mitigation in these circumstances.

312. MR WHITFIELD: So can I push that slightly further? If we look at P490, which shows the Bill boundaries, in the HS1 Bill boundaries below.

313. MR MOULD QC (DfT): Phase One.
314. MR WHITFIELD: We have quite a large grey triangle which seems to jut into forest almost straight due south that area there.

315. MR MILLER: Yes. I think it was always the case that we were always going to have to adjust. Well, there was always a case where you would have to adjust the final alignment of that bit at the end of Phase One and how it actually connects up with Phase 2A. But you’re right, it’s just in that area there where we are taking that woodland down. So there is an adjustment and the petitioner is right to a degree.

316. MR WHITFIELD: It’s right? Are we able to call on that area of land Mr Mould, as a hybrid to 2A? Or is that beyond our remit?

317. MR MOULD QC (DfT): I don’t think you can call on it directly. I mean, plainly, it would be open to you I suppose to say that in the light of the fact that the HS2 Phase One Act makes provision for woodland, to ask whether any allowance should be made for that in terms of the adequacy of compensation planting in this area. But obviously that is quite a difficult proposition to take forward because the HS2 Act was passed by Parliament on the basis that it made appropriate mitigation arrangements for the impact that the railway it authorises will have. There was a lot of debate before the Committee in Phase One about whether the project subjective of no net loss was actually being realised through these arrangements. A small deficit was, I think, the response to that when Bill was before the House. In other words, we didn’t have a surplus, if you like, to play with.

318. MR WHITFIELD: Yes.

319. MR MOULD QC (DfT): One of the curiosities of the Phase One environmental statement, which Mr Miller has touched on, is that because it was necessary to assess the impact of the stubs, as they were, of Phase One including the mainline stub out here. It was necessary to assume there was quite a significant band of woodland around the edge of the stub.

320. MR WHITFIELD: Oh, yes.

321. MR MOULD QC (DfT): In order to maintain a proper assessment but obviously the reality is as we see. Once the Phase 2A scheme comes along, then that woodland is
redistributed, which is Mr Miller’s point.

322. MR WHITFIELD: I’m grateful.

323. THE CHAIR: I think, Mr Mould, you’re done? Any final words from the petitioners?

324. MR STONEY: May I make some comments please?

325. THE CHAIR: Yes.

326. MR STONEY: If we could go back to 499 please? I believe, Mr Miller you did say that area could be grazed?

327. MR MILLER: Yes.

328. MR STONEY: Well I’m afraid this is an arable farm. I do have cattle but they’re not here. Literally to fence an area like that would just be out of all proportion to the sense of it. We are dealing here, just off this map, we are dealing with borrow pits. Doesn’t that say something about the land here? It’s gravel. It’s sand. It’s not the ideal area to produce a wetland area. And to take that little piece of woodland out, as you have done in the meadows, to try and plant it in the 31 acre, when you talk about connectivity all down here, what is the point of that? What are we gaining by that little piece of woodland? We’re talking modern farming. You’ve seen the size of the combines. What on earth do you do with that piece? You go back to the little pond there. We created that pond. We’ve done the planting there. We created it. It wasn’t there. So you’re not actually doing us a favour.

329. THE CHAIR: That’s a rhetorical question. You’re not to answer it, Mr Miller.

330. MR WIGGIN: Can I ask a follow up question please?

331. THE CHAIR: Yes.

332. MR WIGGIN: Having heard the petitioners say they didn’t have a lot of communication, they’ve now had quite a lot of answers to their questions. However, when they’ve gone away if they still think that this, or if they ever think this isn’t viable, they are eligible to be bought out or aren’t they? What’s can they take away from that
because there are issues.

333. MR MOULD QC (DfT): There is absolutely no doubt that in the very undesirable and unfortunate state of affairs where they felt that they could no longer run this farm and they wanted to sell up, they would be able to serve a blight notice on the Secretary of State. They are agricultural owner/enterprise, they have a very substantial proportion of their holdings subject to compulsory purchase, they would be able to serve a blight notice. As it appears to me, you know why I put it that way, as it appears to me, they would have a prima facie case for that blight notice being accepted. I understand, of course, that is the last thing they would like to do.

334. MR WHITFIELD: At least it’s on the record though; thank you.

335. MR MOULD QC (DfT): It’s on the record.

336. THE CHAIR: That’s really, really clear. Thank you very much as well. Sandy?

337. MR MARTIN: I just had a question for Mr Stoney and Mrs Fielding because this map here, 499, is not the same as the map that you were producing your petition on the basis of. They’ve changed it. The proposed area of woodland northeast of the new line isn’t easily accessible for you from the rest of your farm, is it?

338. MRS FIELDING: We haven’t accepted any of this that’s on here.

339. MR MARTIN: Sorry?

340. MR STONEY: We haven’t accepted any of this.

341. MR MARTIN: No, no, I’m not suggesting you are.

342. MR STONEY: It’s a complete bombshell to us. I mean, personally, I planted all these trees around this woodland.

343. MR MARTIN: Sorry which woodland?

344. MR STONEY: Around the marl pit wood.

MR STONEY: And the only reason I know what date they’re planted is that at the time I had a camera that put the date up otherwise I couldn’t tell you what date it was at all. But to knock perfectly good trees down and to replace it with a wetland area for great crested newts when it’s right next to a lake that does have carp. And I’ve been informed by some of the environmentalists that the carp do like great crested newts. It just seems, you know, stupidity. And to try and create wetland area on ground like we’ve got, you know, we can have rain, it’s wet and 24 hours later we’re driving on it.

MR MARTIN: Sorry, Mr Stoney, I wasn’t asking you about the area just north of the lake. I was asking you about the larger area on the other side of the rail line.

MR STONEY: Where they want to move the trees to?

MR MARTIN: Yes, I mean, I’m getting a vibe from you that you would actually quite like not to have any woodland area planting on any of your land whatsoever. But if you were going to have woodland area planted on the other land, would that corner on that side of the line not be more convenient, or less inconvenient, for you then having it on the other side where it’s contiguous to the rest of your land holdings?

MRS FIELDING: But it’s a massive area, that area on the north of the line. This area in the meadows, we can do nothing with that. You can’t farm that.

MR MARTIN: Well then in that case that’s good because that’s answered my question. You started out by saying that that area between Pyford Brook and the existing hedgerow, that you really, really didn’t want that to be woodland. But now you’re saying actually you’d rather have that woodland rather than the bit on the other side of the line.

MRS FIELDING: Well we don’t get the piece on the other side of the line because at our meeting where we met HS2 in London, some considerable while ago, it was agreed between us that we can get underneath and get into that piece of severed land.

MR MARTIN: Sorry you can or you can’t?

MRS FIELDING: That we could.
355. MR MARTIN: You could?

356. MRS FIELDING: Yes.

357. MR MARTIN: Right so in fact you would rather the status quo ante rather than this revision?

358. MRS FIELDING: Well this is a very large area in the 31 acres.

359. MR MARTIN: Yes I can see that.

360. MRS FIELDING: And it doesn’t do any connectivity that HS2 are always on about.

361. MR MARTIN: I’m sorry, Mrs Fielding, I’m still confused. You originally said that you didn’t want the area between Pyford Brook and the hedgerow to be woodland. Are you how saying, actually you would prefer that to be woodland rather than the bit on the other side of the line?

362. MR STONEY: Well we’d prefer it to be.

363. MRS FIELDING: Well this isn’t acceptable.

364. MR MARTIN: You don’t want any planting.

365. MR STONEY: We feel that those trees are coming off someone else’s land onto us.

366. MRS FIELDING: It’s coming from what was not put under Phase One. It wasn’t put on Phase One in that area so it’s been dumped on us.

367. THE CHAIR: Okay, Sandy, I’m going to come to Sheryll. Sheryll’s got a question.

368. MRS MURRAY: Just for clarification, I thought I understood you saying that you would rather than have the area of woodland taken away from what you call meadow field, I think, onto the other side of Pyford Brook. Am I correct?

369. MRS FIELDING: Yes.
370. MR STONEY: That’s right. That’s where it came from.

371. THE CHAIR: Is there anything finally you want to say in the last 30 seconds? Otherwise I’m going to call the meeting to order and meet in private?

372. MRS FIELDING: Could you just bear with me a second?

373. MR STONEY: Just a minute please.

374. THE CHAIR: Yes.

375. MRS FIELDING: Well if we’ve only got 30 seconds we haven’t really got time.

376. MR STONEY: If you could draw up 22 please?

377. MRS FIELDING: We’ll finish with this because it is a beautiful photo and these are two of our stags. They’re part of a family of red deer that live on the farm. We’re just trying so hard to mitigate as far as possible the damage that we are being presented with. We love this place, Barry and I. We’ve worked long and hard to make it what it is today. I believe it’s a testament, some things in your life, however hard they might be, whatever the odds are but they’re worth fighting for because, you know, it can be made better for us than what’s proposed at the moment.

378. THE CHAIR: Thank you very much for coming and petitioning. Thank you to HS2.