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 (Morning)

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
Charles Meynell, Petitioner Representative

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WITNESSES:

James Daw and Mavis Daw
Sharon Jayne Mawbey
Tim Smart, Chief Engineer, HS2 Ltd

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IN PUBLIC SESSION
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1. THE CHAIR: Good morning. Welcome back, everyone. Before I invite you to present your petition I’m starting to say at the beginning of each session just a little spiel just to say that the most effective petitioners we’ve heard so far tell us up front what they’d like, why and list out any acceptable solutions should their primary requests not be possible. We’ve found that short, concise petitioning works better than the opposite. Over to you.

M J and Mrs M E Daw and W B Daw & Son

Submissions by Mr Meynell

2. MR MEYNELL: Thank you. Good morning ladies and gentlemen. My name is Charles Meynell. I’m here to represent Mr and Mrs Daw. James Daw and Mavis Daw are the owners of Woodhouse Farm at Blithbury and partners in W B Daw & Son. I sent through at the end of last week a short summary of our case where I set out the points that we would wish to discuss today, of which there are really four main points.

3. THE CHAIR: Could we put up the short summary? Have you got that as an exhibit?

4. MR MEYNELL: Yes, it is. That’s the one, thank you. As a matter of procedure on the four points, would you like us to run through all four and then for HS2 to respond or would you like to take them one at a time?

5. THE CHAIR: The former. Do your whole thing –

6. MR MEYNELL: Do our bit.

7. THE CHAIR: Mr Mould will respond. I’ll give you one or two minutes, if you need it, at the end.

8. MR MEYNELL: To respond.

9. THE CHAIR: Exceptionally, Mr Mould will indicate and will come in if there’s a point of clarity throughout and the Committee will be unrestrained in jumping in and asking questions to assist us as we go along.
10. MR MEYNELL: Thank you. Woodhouse Farm extends to 205 acres and the business, the ownership is split about 193 acres in the main title and then another 12 acres which is jointly owned by Mr and Mrs Daw and their two children, Ellie and Sam, who are partners in the business. The total business occupies about 4,155 acres. Just saying at the start and so we can clear it, the matters covered at 2.37 to 2.39 of our petition are issues that have been dealt with by the NFU and the CLA and we’re grateful for the undertakings that have been provided by this Committee working with them and we assume, therefore, those will apply to our holding and we will detail those as and when necessary at a later date but there is no need for us to debate those issues today.

11. THE CHAIR: Agreed.

12. MR MEYNELL: So, in short summary, the points we wish to cover are height and vision impact; noise and vibration; land take and severance; access and traffic; and to assist your Committee to better understand these matters, I’d like Mr Daw to just briefly explain the history and the operation of the farming business.

Evidence of Mr Daw

13. MR DAW: Hello, good morning, Mr Chairman, ladies and gentlemen of the Committee, and thank you for allowing us to present. Just a very short summary, I started farming in my teens, my father was a smallholder, and I took my first land on when I was 17 and married my wife, Mav, in 1971. We took the tenancy at Woodhouse Farm where we were tenants jointly with my parents in 1972 and it was, and still is, 205 acres. Woodhouse Farm was even then a show farm with some of the best quality land, new grain storage and livestock buildings, bigger than the size that the holding could justify at that time. We steadily built up the business to the present 4,155 acres, buying land and entering long-term tenancies.

14. Today, it’s still very much a mixed family farm and I would just like to put up A159(1) which sort of gives the Committee a bit of an overview from the air of just what a big hub to our bigger acreage it is. You can see there the grain storage for lorries which are just there waiting for loading potatoes and how busy it is. Today, it is still very much a mixed family farm and our daughters, Ellie and Sam, are now both partners in the business, Sam managing much of the arable potato business while Ellie has 400 breeding ewes and 200 head of beef supplying Waitrose. Today, Woodhouse Farm is
home to 7,500 tonnes of environmentally controlled potato storage, often storing right through the year to the following August. There is grain storage for 6,000 tonnes. We also have our own workshops on site where we do all our own machinery repairs for the business. During this time, we’ve been awarded the McDonald’s innovation award for development of new techniques in potato growing, the McCain grower of the year award and this year we won Warburton’s Golden Loaf for the best UK milling wheat. We have hosted many potato events and this year we are hosting farm days for underprivileged children. This all makes Woodhouse Farm very special.

15. So, can I have now exhibit 159(2) please? As our business grew, we realised that traffic needed special attention and from an early stage of growth, we developed a one-way system down our lane, during the harvest and when lorries collect produce. This prevents any conflict with neighbours, horse riders and our own vehicles. Indeed, we have one of the few Staffordshire designated safe horse routes down our lane.

16. THE CHAIR: Sheryl?

17. MRS MURRAY: Is that a private lane?

18. MR DAW: No, it’s not, it’s a public lane and we’ve done this with our neighbours and everything else. It’s so narrow and if you just see where the cursor is now, down below there it’s in a six-foot-high cutting, very, very narrow and we’ll show you some photographs in that of tractors coming down there in a bit.

19. MRS MURRAY: And the local highway authority has recognised this one-way system?

20. MR DAW: No, no.

21. MRS MURRAY: So, it’s something you do voluntarily, it’s not enforceable by law?

22. MR DAW: Absolutely not.

23. MRS MURRAY: Thank you.

24. MR DAW: I think a good point there is that between two entrances to another neighbouring farm, there’s no real purpose for anyone to go past us.
25. MRS MURRAY: Okay.

26. MR DAW: So, we’re not against any major infrastructure projects at all. However, they do need to work alongside existing businesses. What we are going to show you today are solutions which we’ve been working on since the railway was first mooted. These proposals will enable us to carry on our business and let HS2 get on and build their railway with the minimum disruption to both parties and the quicker this is achieved the better for all. We’re committed to our farm. Although Woodhouse Farm is only 205 acres, we are losing over 25% of this holding plus a further 180 acres of rented and contract farm land further down the road. HS2 should move early payment on quickly to allow farm businesses to keep going and keep our staff in employment. We need to discuss how our local environment will look in the future rather than imposing it upon us. We have already got 1,600 acres in HLS with Natural England. We’re already protecting wildflower meadows, a Saxon moat, Neolithic sites. Across the farm we have planted an additional 90 acres of wildflower meadows over the last eight years. Please allow us to meet with staff and experts who really understand farming and engineers and other experts who really understand the railway because that hasn’t happened. Thank you.

27. MR MEYNELL: Thank you. Just to briefly also describe the setting and the impacts on the farmhouse, Mrs Daw would like to address the Committee.

Evidence of Mrs Daw

28. MRS DAW: Good morning Mr Chairman, members of the Committee. Thank you for hearing us.

29. THE CHAIR: Morning.

30. MRS DAW: Could we have possibly number A159(3) please? Our lovely old house stands very proudly and gazes out across the Trent Valley towards Cannock Chase. What you can’t see from this photograph is actually a third storey. It’s the walk-in attics that always get covered with creeper every year. We keep our livestock over on the chase and we can, from the windows upstairs, we can pick out the places where we keep them. The house is grade 2 listed, thought to be 17th century but is only built on clay. A brick skin was put around it, possibly in the 18th century, which concealed the
original timber framing and another storey was then added. We had an archaeological survey done as a planning condition for the barn conversions and that found that the timbers used in the construction of the single-storey barns were very old indeed and were the same dimensions as the wall plates which were on the house and the surveyor thought it entirely possible that the timbers originated in the house and were re-used for the barns and that the origins of the house go back a lot further than we might think. It certainly has some ghosts.

31. James and I moved from the bungalow to the farmhouse in 1990 and have raised our family there, two of whom, as you’ve heard, are now the third generation of partners in the business and the Daws have been farmers for many generations. The farm office is in the house. The kitchen is a constant round of business meetings and meals are cooked for our staff during busy periods. The dining room has often seen us host parties of senior management from McCain and McDonald’s to John Deere so the proximity of the HS2 line is a matter of grievous concern, particularly as the line runs right in front of the house and will be impossible to ignore, morning, noon and night. We will be eternally grateful that we no longer have the maintenance loop to look forward to.

32. THE CHAIR: Can we have a look at a suitable map just as a backdrop to this discussion?

33. MRS DAW: Yes.

34. THE CHAIR: So, we understand a little about the orientation.

35. MRS DAW: A map of the position.

36. THE CHAIR: If you suggest to HS2 which one you want to use.

37. MRS DAW: 159(4) possibly, A159(4). No, that is the view from the upstairs windows across the valley but we need an actual map, don’t we?

38. MR MEYNELL: 508?

39. MRS DAW: Yes.

40. THE CHAIR: Can you just point out where the farmhouse and the whole thing?
41. MRS DAW: Where it sits.

42. MR DAW: The farmhouse is there, at the end of 5A.

43. MRS DAW: Just about. It’s underneath all those arrows actually, isn’t it? Okay? Are we happy for me to continue?

44. THE CHAIR: Absolutely. Sorry, I thought you were just getting yourself together.

45. MRS DAW: No, no, I was waiting to make sure.

46. THE CHAIR: We were both waiting for one another. Carry on.

47. MRS DAW: Everybody was looking at the same thing, yes.

48. THE CHAIR: No, no, press on and focus then as much as you can on what you’d like, what we can do for you and be as punchy as possible. Great.

49. MRS DAW: So, we have this awful thing 120 metres from the front of the house. So, we’re going to lose the view that way and we’re also going to lose the view from the side of the house as another huge bank of excavated soil is planned to be 30 to 40 metres away and only 10 metres from the edge of the garden. We see no need for this to be so close. HS2 are taking 50 acres from Woodhouse Farm. Right, so much for the views.

50. How are we to cope with the noise? Planning for the barn conversions required a noise survey because of the fans which operate in the potato storage sheds from time to time and the survey found noise levels which might cause complaint and recommended various works to reduce them. The noise from the operational railway is going to far exceed that.

51. THE CHAIR: Can we see the noise map as well?

52. MRS DAW: Okay, this is the noise map.

53. MR WIGGIN: Sorry, while we’ve got the experts on the noise map, I can’t see well enough as to whether you’re inside the pink bit or out.

54. MRS DAW: We are just inside, on that red cross.
55. MR DAW: Inside.

56. MR WIGGIN: Just inside. It would be tricky to think otherwise. Thank you.

57. MRS DAW: Okay.

58. MR WIGGIN: So, have they tried to buy your house?

59. MRS DAW: I beg your pardon?

60. MR WIGGIN: Have they tried to buy your house?

61. MRS DAW: No. We haven’t offered it to them either. You can’t just pick a farm up and move it, you see, can you?

62. MR WIGGIN: You can if you’re building a £70 billion railway.

63. MRS DAW: Okay. During the construction phase, the earthworks will only be 65 metres from the house and 40 metres from the side of the house where the farm office is situated. The noise produced by a 13-tonne excavator, which is a comparatively small one, measured at a distance of 25 metres averages 76 decibels rising to 90 decibels. I think that we can safely assume that the machines used by HS2 contractors will be somewhat larger.

64. THE CHAIR: Sorry to press you. Can we move away from what the problem is and now start to talk about the solution? If you can lead your witness to talk about solutions.

65. MR MEYNELL: Firstly, then on height, at paragraph 2.1 on the summary which is on page 158(2), we indicate in that section that having removed the maintenance loop, the height of the railway fell but clearly there’s been an undertaking given to the county council with regard to King’s Bromley viaduct which affects the River Trent viaduct which is just to the south of Woodhouse Farm. Woodhouse Farm sits about where that viaduct touches back to earth. So, one of the questions we’ve asked all through is, could HS2 please explain why, if they were able to reduce the other viaduct, they have not been able to do so with regard to the area in front of the house, so that it would further reduce the visual impact. If we go please to the map that we had which is 508, P508, you can see roughly on the alignment of 2A/2B, the railway is about at grade there but
the area through 4A to 4B is where it is still on embankment so we’ve asked if the railway could be further reduced as a consequence of lowering the Trent River viaduct.

66. THE CHAIR: Okay, that’s clear. Let’s move on to the next point then.

67. MR MEYNELL: Okay, next point, visual impact follows from that and if it could be reduced, that would be helpful. If it can’t be reduced, we’re asking if we could please look at P506. Two things on here: firstly, the point about the soil. Could you zoom in on that if possible please? And again, if it will, thank you. The point that we were talking about there of the soil bund being only 40 metres from the garden is where the mouse is now so we’d like that taken away from being that close and where these bunds are through here, one of the suggestions is that, actually, they should remain in some form with a discussion with HS2 to use some of that soil to provide a landscaping feature between the house and the railway.

68. MR WIGGIN: What do you mean a landscaping feature?

69. MR MEYNELL: Well, a bank, perhaps that had a steeper side to the railway with a more gentle slope towards the house that could then be grassed down and grazed with some trees and possibly too, I’m going to cover it in a minute on noise, but an acoustic fence on the top.

70. THE CHAIR: All right, Sandy?

71. MR MARTIN: Yes, thank you, Chair. For the avoidance of doubt, I think I’m right in saying that the brown area north of that is the re-aligned Pipe Lane there, isn’t it, is a temporary stockpile?

72. MR MEYNELL: It is.

73. MR MARTIN: We’re not talking about a permanent viaduct?

74. MR MEYNELL: No, we’re not, but we’re talking about very large earthworks that are very close to a grade 2 listed house.

75. MR MARTIN: Yes, sorry Mr Meynell, a very large pile of earth. If you talk about earthworks or a bund then people think of it as being permanent. It’s a temporary stockpile, isn’t it?
76. MR MEYNELL: It is.

77. MR MARTIN: Yes, thank you.

78. MR MEYNELL: So, one of the things we’d like to explore, and indeed has been mooted but we have had no further discussion, is whether some of this feature could provide some landscape mitigation for us. That landscape mitigation we believe would also help noise. There appears to be a slight conflict in the petitioner’s response document. If we could go to paragraph 3 on page 19 of that document which is R183(19). The summary there is ‘Visual Mitigation’. It talks about the ability to mitigate and this is the discussion about leaving some of that soil to form a bund. If we could then to page 29, paragraph 3, so 183(2) paragraph 3, here under the ‘Additional Provisions’ response it talks about the difficulty of providing any adequate screening, albeit at (2) and at (1) it notes that following the recognition of the full planning consent on the barns, that the impact on the community at Woodhouse Farm has new significant effects. So, we believe that actually there’s a bit of a conflict there between saying to us ‘Yes, we can work with you’ and the comment here at the bottom of paragraph 3 where it says, basically, ‘the adverse visual significant effects on residents at Woodhouse Farm would remain’. Well, we want that addressing please by the provision of a bund and some landscaping.

79. If we could move to the subject of noise generally.

80. THE CHAIR: Sorry can we speed up, by a massive factor? Time is pressing.

81. MR MEYNELL: Okay, yes. On page 32 paragraph 2 of the petitioner’s response, we believe the comment there is misleading when it refers to the distance of 120 metres. So, we’ve already commented that we believe that those topsoil bunds will be created, albeit on a temporary basis, within 40 to 60 metres so we’d like those moving away please. As to the effect on vibration, also at paragraph 3.7 of my summary, 158(3), I pick up on the comments of Mr Mould when he was talking about the borrow pit and the amount of material that’s to be won from that borrow pit. We think 1,000,000 cubic metres is about 1.4 million tonnes, all of which is to go up the haul road opposite this farmhouse and yet we’ve seen no reference to that anywhere in the assessment and we’d like HS2 please to comment on that.
82. MR MOULD QC (DfT): As we will. Do you want to do that now?

83. THE CHAIR: No, no, carry on.

84. MR MEYNELL: Carry on, thank you. Land take and severance, opposite the farmhouse is the railway and south of the railway is an area you’re taking for a balancing pond and the creation of new habitat. If we could go to slide A159(21), one of the features that we’ve been talking about in our representations is the ability to have rainwater harvesting and a reed bed system associated with washing the potatoes on the farm. That is impacted. The position of that is in field 0265. So, we had plans to build it in here. The railway will basically go between the gap between the blue and the yellow; the blue remains on the farm side; the yellow is within the severed land.

85. THE CHAIR: Sorry, this is a facility you haven’t got but were going to build?

86. MR MEYNELL: We were going to build.

87. THE CHAIR: But now won’t be able to because of the trains?

88. MR MEYNELL: Yes, yes. It’s a facility where we provide fixed equipment with the buildings in order to build this but it’s being put on hold because of HS2. So, we would like a culvert under the railway and we would like the area within the severed – where the balancing pond – to be redesigned so we can still build our reed bed system in that area.

89. THE CHAIR: But how do you perform that function at the moment?

90. MR DAW: Right, can I?

91. THE CHAIR: Yes.

92. MR DAW: So, we have a large underground tank where all the dirty water goes into which is then spread on land. What we’ve done with the new buildings is done a full rain harvesting system, to catch all the rainwater from the roof which was going go to go to the pool, and then a reed bed system further down then which would feed back into the thing. We have to, with our contracts, wash the potatoes to factory grade before they leave our farm. Dirty water is an enormous issue. I feel it would be a great thing for HS2 to jointly do something with us in that area to create something. Let’s work
together and create something what they’re proud of and we’re proud of. There’s nothing better than saving water and cleaning it up.

93. THE CHAIR: Okay, moving on.

94. MR MEYNELL: So, access and traffic briefly then, this has been a major problem to us. It was first raised in July 2016 at the Reading Agricultural Consultants’ visit. They’re agricultural experts, they understand how it works. They were sufficiently concerned to ask Arup to come back a month later at our request, since when the information we provided just seems to have disappeared within HS2. There’s been no discussion as to the vehicle movements or, indeed, to our proposal for the new farm drive to the rear which is shown on slide 159(17) which was put to Arup in August 2016. The main concern is the volume of traffic which is detailed on table 159(16). So, that just shows the vehicle movements to this farm totalling about 21,000 and that’s an assessment of the way this operates.

95. THE CHAIR: Sheryl?

96. MRS MURRAY: Is that HS2’s?

97. MR MEYNELL: No, this is existing farm traffic.

98. THE CHAIR: Have we got an HS2 histogram that they provided you with?

99. MR DAW: Yes, they provided us with a traffic count which was out of season in November and March and that even came up with over 18,000 vehicle movements a year.

100. MRS MURRAY: Is it possible to see that please?

101. THE CHAIR: Can we have that? Is there a reference to that?

102. MR MOULD QC (DfT): We don’t have a histogram here; we have a couple of slides which just set out what the predicted HS2 traffic will be.

103. THE CHAIR: Okay, we’ll come to that later. It’s one that’s not as familiar to us. Thank you.

104. MR MEYNELL: Okay, thank you, so our concern is how we can continue as a
business with the section of Pipe Lane shown as a construction route and the effects also on the rebuilding of Dawson Lane and the redirection of Pipe Lane and probably the best slide to just pick that up on is, it isn’t in the bundle, P158. The proposed arrangements following AP1 is that this section of Common Lane is to be widened, a new section of haul route built here. At this point, it touches on to the existing Pipe Lane. That is in the position of a 42-inch gas main. There doesn’t appear to be any reference in the documents as to how that’s to be dealt with during the construction of that haul route. It will then turn and follow through here to go up to Dawson Lane. From the farm, all the traffic coming out of the farm moves down through at the minute, on the way I’m showing on the mouse, so we’ll have a conflict here whilst they’re doing all of that roadworks and then when the road is severed, we have a conflict until this section of Dawson Lane is built. So, we have asked to have a new access to the back of the farm or, alternatively, to look at a re-design of the Dawson Lane link which is shown on our plan 159(20). Now, we acknowledge in the response from HS2 that in fact this section here is through the area we’ve now talked about putting a bund for visual and noise mitigation but we still believe that this section of alteration to Dawson Lane and the building of that new section of Pipe Lane –

105. THE CHAIR: Sandy?

106. MR MARTIN: Sorry, Chair, but this confusion still remains Mr Meynell. If I look on 159(20), which is the one that we’ve got in front of us, there is no bund marked.

107. MR MEYNELL: Yes, indeed.

108. MR MARTIN: There is no bund marked. You keep talking about a bund. You then specifically talked about a bund for visual and noise mitigation. There is no bund marked on here.

109. MR MEYNELL: There isn’t, no.

110. THE CHAIR: That’s what you’re asking for?

111. MR MEYNELL: That’s what I’m asking for.

112. MR MARTIN: You’re asking for a bund?
113. MR MEYNELL: Indeed.

114. MR MARTIN: So, you’re asking for a bund in the place where HS2 are proposing material stockpiling?

115. MR MEYNELL: Correct.

116. MR MARTIN: So, clearly, you’re not averse to having something there, if it’s going to be a bund, if it’s going to be permanent, then you could have the stockpile and then have it turned into a bund.

117. MR WIGGIN: That’s right.

118. MR MEYNELL: That’s what we’re asking for.

119. MR MARTIN: Yes, okay.

120. MR WIGGIN: And then, if you do that, you’ve got to change the way the road goes?

121. MR MARTIN: Indeed.

122. MR MEYNELL: Yes, and there will be a slide, I think, produced by HS2 that shows the equivalent of our drawing going through those bunds and saying, ‘well, that’s a bit ridiculous’. Well, we accept that if those topsoil heaps are now to remain then we think that it’s unnecessary to do all of that work when one could just re-align Dawson Lane and Pipe Lane.

123. THE CHAIR: Is that land yours?

124. MR MEYNELL: The first part is Mr Smith’s and you heard from him last week and I think there was some confusion as to what he was saying. Both he and Mr and Mrs Daw are agreed that they would like that section designing in place of that.

125. THE CHAIR: Yes, it’s practical as well, isn’t it?

126. MR DAW: Can I just add a point to that?

127. THE CHAIR: Yes.
128. MR DAW: The key thing there in this is, (1) it leaves Mr Smith’s field pretty well intact; (2) it leaves the Dawson Lane as it is now which is an absolutely beautiful narrow lane with established hedgerows intact; and then we gain new hedgerows along the new road which is an additional environmental feature. So, it leaves traditional hedgerows intact, adds new.

129. MR MEYNELL: So, that’s the suggestion for that section.

130. MR WHITFIELD: Sorry, can I just ask you, Mr Meynell?

131. MR MEYNELL: Yes.

132. MR WHITFIELD: Obviously the new proposal runs through, effectively, that little circular pass of land by Dawson’s Lane which is outwith the Bill limits –

133. MR MEYNELL: Yes.

134. MR WHITFIELD: But you don’t envisage from the landowners there being a problem in facilitating that?

135. MR MEYNELL: Well, as I’ve said, we’ve spoken to the Smith family.

136. MR WHITFIELD: Yes.

137. MR MEYNELL: They are aligned with us as to this. This is obviously a very indicative route that needs working out and we supplied this in November 2016 and we’ve had no feedback on it.

138. MR WHITFIELD: You’ve had no feedback.

139. THE CHAIR: Has there not been a flurry of correspondence in the last 72 hours which some petitioners seem to have?

140. MR DAW: If only.


142. MR MOULD QC (DfT): There’s a series of slides.

143. MR MEYNELL: There’s a series of slides but nothing else.
MR MOULD QC (DfT): Which went out last week.

THE CHAIR: Okay, thank you.

MR MEYNELL: So, we would like still to reduce the conflict by looking at the rear driveway to the farm, servicing the farm differently, which would remove all of the farm traffic away from the conflict with the construction route shown on Pipe Lane. There is just something that we’d like clarifying because at the meeting at the farm in April we were told by the engineer who attended, whose name was Bob, we don’t know his second name, that in fact notwithstanding that this section of Pipe Lane was shown for construction, that it would not be used for construction. We’d like clarification of if it is to be used.

MR WIGGIN: Do you want it to be a one-way system as well?

MR DAW: What we do is a reverse one-way system so if we’re carting from the south, it’s a one-way system in that direction and if we’re carting from the north, it’s a one-way system in that direction.

MR WIGGIN: That makes sense at the moment but if you’re going to have huge amounts of HS2 lorries and they will need to follow a system as well, that’s something that you’ll need to negotiate.

MR DAW: It wouldn’t work. All our large farm machinery –

MR WIGGIN: We’ve seen the big John Deere.

MR DAW: We cannot get that up the lane.

MR WIGGIN: No.

MR DAW: It can only go out down the lane and while they’re doing the work at the bottom of Pipe Lane, before re-doing Dawson Lane, it’s just going to be impossible to get our kit in and out.

MR WIGGIN: And, of course, it’s not terribly helpful if you’re trying to build a railway to meet a large potato tractor going the other way either so it’s in everybody’s interests to get this right.
156. MR MEYNELL: It is, indeed it is, which is why in August 2016 we suggested a new access to the back of the farm.

157. MR WIGGIN: Okay, fine.

158. MR MEYNELL: What we would like is for HS2 to work with us on the design of that.

159. MR WIGGIN: It’s very much in their interests to do so.

160. MR MEYNELL: To support a planning application on it and to fund it.

161. THE CHAIR: I’m sensing you’re coming, have you come to the end?

162. MR MEYNELL: I think I’ve probably hit the buffers.

163. THE CHAIR: Any questions before we go to Mr Mould? Mr Mould, over to you.

Response by Mr Mould

164. MR MOULD QC (DfT): Thank you. I’ll deal with the points in order. First of all, the height of the railway. If you go back to P508, I’m told that the reason why there is limited room to reduce the height of the railway as it passes along to the west of the Woodhouse Farm buildings is due to the need to get the railway over Pipe Lane which is the road at this point here. The railway is going over the top of that road and, as you can appreciate, in order to get the railway to an appropriate height to get it over that with the necessary clearance, one has to allow the railway to be at a certain height from the south. There may be opportunities, as always through the detailed design, to try and reduce the height to some degree but that is the principal constraint.

165. Mr, it’s my turn now Mr Meynell. And, in terms of screening, if we turn to –

166. THE CHAIR: Can we just – I hate to interrupt. Can I just check if there’s a point of fact rather than opinion?

167. MR MEYNELL: Absolutely, sir. If you look at the square above, it says ‘Mavesyn Ridware footpath accommodation overbridge’ so the railway is in fact going under a bridge at that point.
THE CHAIR: Sorry, let’s just pause. Okay, so that’s a point of fact.

MR MOULD QC (DfT): It’s my fault. I’ve got the wrong reference.

THE CHAIR: Thank you very much.

MR MOULD QC (DfT): I’m grateful for that, yes.

THE CHAIR: Well, let’s rewind and take us over or under that one again.

MR MOULD QC (DfT): It’s Pipe Lane to the south. That’s the point I was supposed to be making. Pipe Lane to the south, we have to go over it. I don’t know if we can see if we can go to a previous plan. Yes, if we go back to P507. Pipe Lane is coming over here. Mr Meynell showed you this earlier. The railway’s got to get over Pipe Lane in this location here and in order to maintain an appropriate vertical gradient, we have to run the railway either side of that in order to maintain high speed railway standards and so the opportunities for lowering the railway on the embankment and that very small section, I think of viaduct, at this point here, if we go back to P508, those opportunities are very limited. So, it is much more sensible and realistic here to think in terms of whether there are opportunities to screen rather than to reduce the line. If we go to P509, you will recall that Mrs Daw told you that the cross-section that was right on the farmhouse was, I think it was number 5A, 5B. So, you can see, if the farmhouse is here, this is looking south, you can get a sense of the view.

Now, clearly the railway is going to be at a height where screening it completely is going to be impossible. One won’t be able to achieve that without planting or with a bund that would be acceptable in terms of its engineering and its visual impact but you can see that there is already some screen planting proposed, that’s the tree notation here, and during detailed design, there will be opportunities in consultation with the local planning authority who will have to approve mitigation arrangements under schedule 17. There will be opportunities to seek to increase the degree of screening that is shown there. This does tie in to the issue of noise attenuation.

THE CHAIR: Just before we go on, normally we talk about screening near the train, is it possible to screen near the property?

MR MOULD QC (DfT): Well, it is of course in theory but you’ve been told that
this is a listed building and there will be challenges in putting up unnatural screening structures, bunds and so forth, within the setting of a listed building. Well, Mr Wiggin nods his head but these –

177. MR WIGGIN: As long as you’re outside the curtilage, you’re okay.

178. MR MOULD QC (DfT): No, no, with respect, that’s not right. As a matter of law, anything that could affect the visual setting of the building would need to be considered as part of the assessment of whether a new, effectively alien structure within that setting would be acceptable.

179. MR WIGGIN: What, like a railway line?

180. MR MOULD QC (DfT): Sorry?

181. MR WIGGIN: Well, like a railway line? Well, I mean, you’re doing it already.

182. MR MOULD QC (DfT): Yes, but that’s the point, with respect. The fact that you’re putting a railway line in there is unavoidable because in order to create HS2 we have to put the structure that is shown. But that doesn’t justify creating a further alien intrusion in the form of a bund close to the setting of the property. It’s far better to try and square off –

183. MR WIGGIN: I’m sorry, I’m not sure that’s right.

184. MR MOULD QC (DfT): I’ve got to make my submission rather than – yes.

185. MR WIGGIN: I think it does justify an alien intervention.

186. MR MOULD QC (DfT): Sorry?

187. MR WIGGIN: I think it does justify it. I mean, by definition you’re –

188. MR MOULD QC (DfT): I’m not saying it’s not doable, what I’m saying is, there is a challenge with doing it because it would be necessary to persuade the powers that be that control the protection of our national heritage, English Heritage – Historic England and so forth.

190. MR MOULD QC (DfT): Well, these are the realities of life.

191. THE CHAIR: Sorry, just a second, is it something you’d like them to look at or not?

192. MR DAW: Absolutely.

193. THE CHAIR: All right, fine. That’s great. Sheryll?

194. MRS MURRAY: Yes, I just wondered whether there was any precedent for what Mr Mould has just said.

195. MR MOULD QC (DfT): Precedent for what, sorry?

196. MRS MURRAY: Have you spoken to the planners? Have you discussed with the planners to see what they would think?

197. MR MOULD QC (DfT): No, we haven’t as yet because we’re not at that stage but I am actually surprised that the Committee finds this difficult because it is absolutely – it’s one of the cardinal principles of protecting our national heritage that one needs to take the greatest care in putting new and alien structures within the setting of a listed building.

198. MR WIGGIN: But you’re doing it with a temporary pile. You’re already doing it on your –

199. THE CHAIR: Let’s put your surprise to one side. We’d like you to look at it. Please move on to the next issue.

200. MR WIGGIN: I’m not surprised. I’m astonished.

201. MR MOULD QC (DfT): Well, can I just deal with that point?


203. MR MOULD QC (DfT): Sorry?

204. THE CHAIR: No, can you move on now please.

205. MR MOULD QC (DfT): But you’re not going to be fully informed.
206. MR WIGGIN: I think you should let him answer.

207. THE CHAIR: You can write to me. You’ve tested me; probably you’re best not carrying on. Could you move on to the next point? If I’m going to miss a point of law, you can write to me explaining. The language you’re using with the Committee, I find a little disrespectful, so we’ll move on. Thank you.

208. MR MOULD QC (DfT): I’m sorry, what did you find disrespectful?

209. THE CHAIR: I said we’re moving on, Mr Mould.

210. MR MOULD QC (DfT): Very well. Let us go to the question of noise. P510, this plan shows that there is a clear recognition of the fact that this farmhouse will experience significant noise effects, hence the notation, as you pointed out, or as you have identified, the property lies just on the border of the significant observed adverse effect contour and that square and the star notation over the property shows that the property is expected to be eligible for noise insulation in the form of secondary glazing.

211. But since the publication of the main ES, the project has reviewed the planning position. There is, I think, a planning permission – it may or may not have been implemented – for a new residential development in the grounds of the farmhouse. It was understood that those were holiday lets but in fact we now understand that the planning permission authorises permanent dwellings and, as a result of that, there’s been a review of whether there is a case for noise insulation in the form of a barrier or some form of noise earthworks bunding on the eastern side of the railway here and my instructions are that that was acknowledged, the need for such a change to the scheme was acknowledged in the published environmental statement for the AP that was published in March of this year, so that’s already been accepted, and as I understand it when AP2 is published, it will make provision for a specific noise attenuation, either an earthwork or a fence line, it’s not been decided as yet what form that would take, along the eastern side of the railway. So, what the petitioners are asking for here is essentially going to be provided under the amendments to the scheme.

212. MR WHITFIELD: Can I just ask, Mr Mould, we discussed last week when we were looking at, I think, exactly the other side of this line and the fencing was uneconomic. Is there an economy of scale?
213. MR MOULD QC (DfT): No, no, not in this case. That was further north.

214. MR WHITFIELD: That was further north, thank you.

215. MR MOULD QC (DfT): This here, as I say, the thing that’s changed the proposals in the plan is the understanding about the nature of the permitted new dwellings on the Woodhouse Farm site and, as a result of that, the project now proposes to make provision for noise, an appropriate noise barrier, on the eastern side of the railway which will provide sound attenuation not only for those new dwellings but obviously, by definition, to the existing farms.

216. THE CHAIR: Can I just check, because this seems like good news, but just to reconcile that against the map that you showed us with 4A on the bottom, because I’m thinking that’s the same area we’re looking at, where you said we couldn’t do something, now you seem to be saying we can.

217. MR MOULD QC (DfT): No.

218. THE CHAIR: But I don’t know whether I’ve misunderstood or it’s a different place?

219. MR MOULD QC (DfT): P508 again, the point that was put to me by Mr Wiggin, and I was seeking to respond to, was a suggestion that there should be a bund in the area between the railway and the farmhouse. That was why I raised concerns about the potential impact of that on the setting of the listed building. But a noise barrier in the usual way, hard up against the eastern – that is something that, as I say, will be provided. So, that can be expected both to provide aural mitigation to those living in Woodhouse Farm and in the new dwellings but also to provide, if it’s well designed, to provide some degree of visual mitigation as well.

220. THE CHAIR: Sheryll?

221. MRS MURRAY: But we’re not talking about it being within the curtilage of the building, are we?

222. MR MOULD QC (DfT): No, here, this line here, on this plan, can I just take it in stages? This plan is taken from the environmental statement, yes? At the time when the
Bill was introduced last July, supported by this environmental statement, the noise assessment did not provide a justification for any noise barrier along this stretch of the railway here. These cuttings to the south and to the north would provide some degree of noise attenuation but this area here, directly to the west of the farmhouse, was not proposed to have any noise attenuation. As a result of the review of the planning position whereby there is a planning permission which permits the construction, I think, of eight new dwellings within Woodhouse Farm, there will be nine dwellings, including the existing farmhouse, assuming that permission is implemented, and our review of the environmental performance of the railway indicated that that changed the position and that there was now, on the cost benefit analysis, as I’ve explained to you, there was a justification for introducing a noise barrier or bund in this stretch along the eastern side of the railway that I’m pointing out to you with the cursor now.

223. The question I was seeking to answer which was raised by Mr Wiggin, as I understood him, I may have misunderstood him in which case I apologise, but I understood Mr Wiggin to be suggesting that there was a case for putting in a visual bund in the area of farmland between the railway line and the farmhouse. A bund situated within that area would, I suggested, at least run the risk of being within the curtilage and within the setting of the listed building and therefore give rise to potential difficulties of the kind I mentioned. I won’t go over that again, because the Chairman doesn’t wish me to, but suffice to say that the solution to the, at least a solution, a partial solution at least, to the concerns about both aural impact, noise impact, and to some degree visual impact, looks like it may be achievable in the light of the change to the scheme which we are now going to propose and which is to be brought forward under AP2, already acknowledged under AP1 to provide a suitable noise barrier or noise bund on the eastern flank of the railway line here. The detailed design of that structure, and what form it will take, is a matter that will need to be approved during our works with the local planning authority who have the responsibility for approving our mitigation arrangements before the railway is brought into use and that is dealt with under schedule 17 to the Bill. So, there is a statutory protection.

224. THE CHAIR: Sheryll?

225. MRS MURRAY: Can I just ask Mr Mould, Historic England I believe recommend that each farm is treated with regards to the curtilage etc on its own merits,
individually.

226. MR MOULD QC (DfT): Yes, I accept that. I’m loath to get into this again because you told me very clearly you wanted me to move on.

227. MRS MURRAY: Yes, so actually you can’t really say there’s a general rule preventing what they’re asking for because each one has to be dealt with individually, on its own merits.

228. MR MOULD QC (DfT): Mrs Murray, I did not say there was a general rule. I said that there was a potential difficulty. But I believe this may be something of a red herring.

229. THE CHAIR: I agree.

230. MR WIGGIN: I think all that we were debating was whether or not a visual barrier could be there, whether it was however many metres from the house and I think that’s what you understand as well, isn’t it?

231. THE CHAIR: I think you’re right. It is a red herring because of what you’ve now presented, there’s less of a need to even consider it so we don’t need to consider the point of law in relation to something that no one wants as a preferred solution.

232. MR MOULD QC (DfT): No, indeed.

233. MR WHITFIELD: Although, sorry, sir, it would be right that both Mr and Mrs Daw will be able to have some input into that decision because that seems to have been lacking considerably, a feeling of.

234. MR MOULD QC (DfT): Well I’m not going to go into that again.

235. MR WHITFIELD: No, but there will be that opportunity to.

236. MR MOULD QC (DfT): Yes, I’m very keen that moving forward pragmatically, as you know, is the watchword here that we can find a way of giving some reassurance there.

237. MR WIGGIN: I’m sorry, I’ve been looking at the map and I’m going to have to kick this one again. The distance between Woodhouse Farm and the middle of the
railway line is 100 metres, roughly, isn’t it?

238. MR MOULD QC (DfT): Yes.

239. MR WIGGIN: So, whether the temporary bund, permanent bund, visual bund, whatever you want to call it, the pile of earth next to the railway is going to be roughly 50 to 60, 70 metres from the house, isn’t it?

240. MR MOULD QC (DfT): Yes.

241. MR WIGGIN: Right, and that’s what you want, isn’t it?


243. MR WIGGIN: Fine, thank you very much.

244. THE CHAIR: Good, let’s crack on.

245. MR WIGGIN: It couldn’t have been anywhere else really. You couldn’t get it anywhere nearer or further away, which is why I wanted just to clarify.

246. MR MOULD QC (DfT): Thank you. Now the next point was relating to, there was a point about vibration. I’ve asked us to check the vibration assessment whilst we’ve been here and there is no predicted vibration effect on this property under our assessment. As you know, vibration is managed for construction purposes in accordance with the code of construction practice. It’s a very well understood and mature science and there is no reason to suppose that there would be any residual risk of any significance to this property as a result of the construction of the railway.

247. THE CHAIR: Carry on, Mr Mould. We’ve covered off vibration in generality in other sessions which is why we’re zooming through it quite swiftly, not out of disrespect to the issue but because we’ve covered the principles already. Carry on, Mr Mould.

248. MR MOULD QC (DfT): Now, can I turn to this question of traffic and can we put up please P513(3). The promoter’s response to the proposal, either of the two proposals for new road building or diverted road building is that the cost of doing so is disproportionate to the need. I’ll open the matter in that way. As I explained to you last week when we heard from the previous petitioner, the use of Dawson Lane along this
section here by HS2, is limited only to a period of three months in order to set up this satellite compound, Blithbury crossover rail system satellite compound, and the predicted traffic generation for that purpose is up to 10 HGVs a day. So, 10 HGVs a day for three months running along this road – and we know that there are 21,000 HGVs a year that operate on a voluntary one-way system using the same road; that’s the evidence from Mr Woodhouse – I suggest to you that this is a traffic management issue; that is to say to manage that limited number of HS2 vehicles to that limited duration in such a way as to seek to minimise the degree of conflict with the operation at Woodhouse Farm rather than to go to the extent of carrying out new road building. The cost of providing that road diversion that was proposed, which, just to remind you, we’ve shown that on P513(5), that blue line on the screen in front of you, the cost of providing that is £550,000. So do we spend £550,000 of public money in order to accommodate up to 10 vehicles a day while we set up that compound? That’s really the question for you.

249. The alternative, which is shown on P513(6), which is to provide this farm with a new access, as I understand it, no doubt very attractive to the farm, I understand that, but, again, quite unnecessary in the light of the level of traffic that is proposed to be – that we need to run along this road and the cost of that, if it’s provided permanently, is £420,000. Again, I pose the question to you: is it worth spending £420,000 of public money in order to accommodate up to 10 vehicles a day for site set-up of that satellite compound?

250. We suggest that, just as Mr Woodhouse has been able to operate what seems to be a very effective one-way management system along what is undoubtedly a narrow lane for many years, as I understand it, so the Committee can safely assume that it would be possible to work in that relatively limited amount of HS2 traffic into the management of traffic on that road for the relatively short period that it’s required to use it. We’re not talking about very large numbers of HS2 vehicles.

251. So that’s our response on that. And the final point related to the balancing pond, I hope I can give you some positive news on that, P513(7). Mr Daw has plans to create a new draining system, which would involve some reed beds, I think, on this side of the railway line. He said, ‘Could I please have a culvert?’ The answer is a culvert would be entirely in keeping with our approach on accommodation works to serve farmers’ lands.
which are severed by the railway line. We propose a culvert at this location, as you can see on the plan. That’s an HS2 element so all we’re required to do is to make sure that that culvert can be built so that we can share a pipe carrying Mr Daw’s water as well as the culvert used for HS2 purposes. And I am perfectly content to say that the detailed design of the balancing pond and the reed beds within this location is something which could be discussed and arranged in collaboration with Mr Daw.

252. So that is a matter that can fall firmly within the aegis of the NFU assurances and our farmers’ and growers’ guide, which deals with accommodation work. So I hope that’s a positive note on which to end my response.

253. THE CHAIR: Thank you very much, Mr Mould. Sorry, just before – Bill first.

254. MR WIGGIN: I’m not sure that the reason you have a balancing pond there is to take all the potato-washing water.

255. MR MOULD QC (DfT): It’s not for that purpose at all.

256. MR WIGGIN: No, but that’s what it will be full of.

257. MR MOULD QC (DfT): No. As I understand it, Mr Daw –

258. MR WIGGIN: The clean water coming out of the reed bed, it will still end up in the balancing pond according to that pipe or won’t it?

259. MR DAW: It will end up in the existing ditch network, which is already there, which the culvert is carrying that ditch already.

260. MR WIGGIN: Okay.

261. THE CHAIR: If you can summarise the points yourself in one or two minutes without too much –

262. MR MEYNELL: I can. I have three points.

263. THE CHAIR: Brilliant.

264. MR MEYNELL: Thank you. Dealing with the last one first, the position of the culvert marked on the plan doesn’t work because you would be taking water uphill.
That culvert is below where we need to come across from the farm into the reed bed system, which would be in here. So it’s this area that needs some redefining and redesign in order to provide a reed bed –

265. THE CHAIR: I think we can assume HS2 are going to put it where you need it to go. They’ve nodded assent so let’s move on to the next thing.

266. MR MEYNELL: Thank you. Right. The second one is vibration. We are concerned about that. Can we ask that the house is monitored, please? Both physically and with acoustic equipment so we can have ties on the structure to make sure that it doesn’t move.

267. THE CHAIR: We’ve noted the request. We’re not going to agree to something. Noted. The third thing?

268. MR MEYNELL: Thank you. and the third thing, which is a complete surprise to us is this revelation of AP2. It hasn’t been suggested to us yet that, in fact, this soil mound and noise insulation is the subject of any other ongoing work. If it is to form part of AP2, can we please have an undertaking that it will form part of AP2, please?

269. MR MOULD QC (DfT): No. I’m not going to give undertakings off the hoof of that kind. I’ve indicated –

270. THE CHAIR: That’s reasonable.

271. MR WIGGIN: But it depends what we decide.

272. THE CHAIR: It’s all consequential so thank you very much. Mr Daw, you’ve got one point, exceptionally.

273. MR DAW: I have got one point and I think it needs saying to reduce conflict. The lane going past our farm is so narrow in the six-foot cutting if you’ve got three months of construction further up and you’re using that as a haulage road, gosh, there’s never been an accident down our lane, there’s never been a conflict and if you’re going to do that during the summer you’ve got problems.

274. MR WIGGIN: And it’s only going to be 10 trucks. That’s all it’s going to be.
275. MR DAW: A day.

276. MRS MURRAY: Can I just ask for clarification? Would HS2 be complying with the same voluntary one-way system with their trucks?

277. MR MOULD QC (DfT): That seems something that merits very serious consideration. The only question that I’d have to reserve on that is if that involves HS2 vehicles coming in from the north through areas where they’re not currently proposed then, obviously, we would have to clear that with the local highway authority.

278. MRS MURRAY: But it’s something that you would discuss.

279. MR MOULD QC (DfT): We’d need – but certainly. As you know, my position is that I only rule something out if it’s really obvious that it can’t be accepted at this stage. Otherwise, it’s a matter of detailed design and traffic management and I can rule it in.

280. MRS MURRAY: Thank you.

281. THE CHAIR: Thank you very much. Thank you for petitioning. It’s a bit scrappy in terms of bits and pieces but I think we’ve got there in the end. Thanks very much. Let’s bring on the next witness.

**Sharon Jayne Mawbey**

282. THE CHAIR: Thank you very much for coming along to petition. As you’re making yourself comfortable I just remind you, as I did the other petitioners, if you could tell us upfront what you’d like and why and if you can’t get that how we can mitigate on your behalf. If you can do that up front that really helps us get a better result for you.

**Submissions by Mrs Mawbey**

283. MRS MAWBEY: Right. My name’s Sharon Mawbey. I live with my husband at Hoo Mill Lock Cottage on the Trent and Mersey Canal. I did attempt to submit a video, which, unfortunately, we couldn’t do, to actually show what it is, where we live, and actually more the sound than the actual visual because literally all you hear is birds all the time.
284. MR WIGGIN: We did visit.

285. MRS MAWBEY: Oh, did you?

286. MR WIGGIN: Yes.

287. MRS MAWBEY: To our house?

288. MR WIGGIN: To the marina.

289. MRS MAWBEY: Are you talking Great Haywood Marina?

290. MR WIGGIN: Is that what you’re talking about?

291. MRS MAWBEY: No.

292. MR WIGGIN: Okay, so –

293. MRS MAWBEY: Hoo Mill Marina, which is at the back of Great Haywood Marina in between the other side of the railway line, the new railway line. I've forgotten where I am now. Yes. We started the business about 22 years ago, essentially started off building narrow boats and hiring narrow boats. Over the years we’ve extended our property, which is about 9 acres in total. We have built a cafe and a shop and as we’ve aged we’ve come to the decision that building boats is a bit more difficult as we’ve got older so we’ve diversified, if you like, into more catering. We’ve got the cafe. We’ve got the shop, where we do our own pottery. We roast our own coffee. We have a herd of alpacas, which we intended to use as an alpaca experience for walking and people coming to visit them for calming and therapies and things like that.

294. The impact on our business has been happening probably for the last two, three years in that where the moorings are it is directly where the compound is going to be on – if you go to – that’s the one. Thank you. Our moorings are – have you got a mouse there? The moorings went all the way down here. Our cafe is there and this is the compound. This red bit here is where 240 people are going to be living, accommodation. Got batching plants, asphalt and concrete batching plants, and vehicle manoeuvres –

295. THE CHAIR: Sorry, did you actually say living, as in sleeping overnight as a
principal residence?

296. MRS MAWBEY: Yes, as in accommodation.

297. THE CHAIR: I hadn’t appreciated that. Apologies.

298. MRS MAWBEY: Right. At the moment, as you can see, we have no near neighbours, it’s just us. Our nearest neighbour is Hoo Mill, way down the lane down here. The moorers that moor along here are literally just over the railway line from all the noise. Down here, this little pink bit at the bottom, is where we have our polytunnel and this field here is where we have our alpaca herd. This bit at the bottom here is the piece that HS2 proposes to take and that’s where the polytunnel is. What we have asked is that if they take that land they re-provide the land at the back in this field here that they could purchase – acquire some of that field there for us because with alpacas being herd animals, although it only takes a little amount of land you can’t just put one or two alpacas in a place on its own. They need to be together.

299. MR MARTIN: Sorry, Chair?

300. THE CHAIR: Yes, Sandy.

301. MR MARTIN: I’m slightly confused. Yes, Mrs Mawbey, the land that you indicated where you wanted HS2 to purchase land for you is indicated on this map as being already in your possession.

302. MRS MAWBEY: That’s incorrect.

303. MR MARTIN: That’s incorrect?

304. MRS MAWBEY: Which is something I was going come to.

305. MR MARTIN: I beg your pardon.

306. MRS MAWBEY: Yes. So that was in the first Bill that went forward.

307. In the AP1 – I mean notwithstanding the fact that we’d had a visit from HS2 in February this year, we spoke to them about the area and what would happen and they assured us that we wouldn’t be affected by it. And then, obviously, we learn about all the noise that’s going on here. And on AP1 this lane here that you can see has now been
as a compulsory purchase. That is our access to our house, our cafe, our marina and for every single one of our moorers that come down here. We probably have about nine people who live with us on their boats. They go to work daily, some of them; some of them work shifts. Here, at this junction here at the end of our lane, there’s going to be huge traffic where you’ve got Hoo Mill Lane here, the A51 and also Church Lane going up there during the construction phase.

308. So, as I say, a quick overview of what it is, where we are and, as I say, what we have asked is that HS2 provide us with access via this bottom lane of Hoo Mill Lane when they take that one off, they acquire a piece of this land here so that we can build a car park for our moorers because they won’t be able to drive over the canal bridge to get to their moorings and also space for the alpacas and a barn/shelter for them during the winter months.

309. Whilst this road is closed, obviously, nobody will able to come to the shop. The impact as well is from traffic coming down the canal that stop at the lock in front of our house and that’s, as construction is being carried out along the Trent and Mersey Canal, people will probably choose not to come along that point of the Trent and Mersey Canal and they’ll probably choose to go somewhere else so we won’t get passing canal traffic either to our shop or to our boat repair business, which is here, again which I don’t understand what the red line is about our property; we own all of that there.

310. So what we have suggested is, as I say, access from there, land here so that we can at least do some of our operations from here and people can park and walk across the bridge to the cafe and to their moorings. We had a letter back late Friday afternoon stating that we couldn’t have this land because it had already been acquired for HS2 purposes and this morning I see this picture and I don’t understand, actually. So I’d like clarification as to what it means.

311. THE CHAIR: We’ll have that later and then you’ll have a right to reply so we’ll get a bit more information as part of a package from Mr Mould and then you can come back.

312. Do you want to make some more points?

313. MRS MAWBHEY: Yes, yes.
314. THE CHAIR: Carry on.

315. MRS MAWBEY: Also, when this lane is closed we’ve been told that it’s for diversion of sewage works and, again, in the letter that we received on Friday was it will only be closed for three months, I believe, or it will only be required for three months and access will be allowed where practically reasonable. I’d like to understand whose practicable reasonableness it is. Is it us and our business or at the requirement of HS2 as and when they require it?

316. And I think, in summary, our major concern is all these people who are living here. I’m sure they’re going to have to go out somewhere at night, down to the pub, whatever, but they will be in and out 24/7. I’m guessing that some of them will decide, ‘Oh, we can walk down that lane there and we can go over that little bridge there and then we can walk down the canal to the Clifford Arms down in Great Haywood’. Is there a way that – well, you can’t police it because, obviously, it’s people. So that, again, it’s noise, it’s lack of access for our business and also the fact that we asked about claiming compensation for some of the people who moor along here have left already because they know that the noise is coming. And although the moorers have left and we’re not getting any income from the mooring fees, we still have to pay Canal and River Trust 40% of that value of that mooring. So, essentially, if it carries on like this we probably won’t have a business.

317. THE CHAIR: Can I ask to see our 186(5), which is what you want done in response? And, on close examination, 1, 3 and 4 seem to be about the same thing –

318. MRS MAWBEY: Yes.

319. THE CHAIR: – money. What’s your current profitability? What type of compensation do you think is proportionate? I know that there are certain variables you don’t know what’s going to happen but the historic figures.

320. MRS MAWBEY: Well, this is it. I mean we have over the past 22 years, as I say, we’ve grown the business, we’ve taken enough income to cover all of our costs. At the moment we are now getting to the point where we can’t meet our costs to the point that the bank have even said that we’re not allowed – they won’t give us an overdraft because we have no surety of our moorings. In the past, our mooring fees were a year in
advance or six months in advance. Now it’s a case of on a monthly basis, for which you can’t plan your future.

321. THE CHAIR: And can you give us some idea of numbers, whether – your average turnover, five years’ profit –?

322. MRS MAWBEY: Average turnover I would say about £36,000 a year.

323. THE CHAIR: For all the businesses combined?

324. MRS MAWBEY: Yes.

325. THE CHAIR: £36,000.

326. MRS MAWBEY: No, sorry, £48,000.

327. THE CHAIR: Okay. So what does a mooring cost? I’d assumed it was going to be a lot more.

328. MRS MAWBEY: People are very lucky where we are because we don’t charge a lot of money for our moorings because, essentially, we have a field, we have a little basin where we have staging. The majority of it is just up against the field so we don’t have the hard edge, we don’t have like a marina basis, we don’t have that maintenance so, to some extent, we can afford to charge not quite so much as everybody else does. And, obviously, it depends on the length of the boat and that, again, also depends on we have a certain amount of feet moorings and if you’ve got two 70-feet boats you’ve only got two 70-feet boats whereas if you’ve got 20-foot boats then you’ve got more.

329. THE CHAIR: The other thing we’ve discussed in the past is the rights of people that are renting and particularly for council house dwellings and it occurred to the Committee that the nine people that are moored here permanently are very similar.

330. MRS MAWBEY: Yes.

331. THE CHAIR: Could you just tell us a bit more about those nine people? How long have they lived there? Family units? Single people?

332. MRS MAWBEY: Okay. We have one gentleman that’s lived there for longer than us. We actually bought it with him in situ. We have one lady whose husband died
two years ago. She used to moor with us a while ago on what they call continuously cruising. She’s 77 years old. We have a couple who, again, are of a similar age. We have a gentleman who is a lorry driver, so he’s in and out all the time. We have another couple who do security. They have security dogs so they go and do security at major events so they come and go all the time. We have another couple who have a shop in Rugeley. Is that everybody?

333. MR WHITFIELD: So for these people this is their home.

334. MRS MAWBEY: This is their home. This is where they go to work –

335. MR WHITFIELD: They own the boat.

336. MRS MAWBEY: Yes.

337. MR WHITFIELD: And they rent, in essence, the mooring from you effectively permanently, although it’s not expressed that way.

338. MRS MAWBEY: Yes. They’re not classed as residential. They’re considered permanent moorers. Now, we did originally, I can’t remember how many years ago, there is a – I can’t remember even what the wording was, something about social and non-social, residential and non-residential, how you were affected or how HS2 looked at your property, depending on what category you fell in. But I don’t think that was ever – I don’t think we were ever looked at any differently.

339. MR WHITFIELD: For your income these permanent but not permanent moorings are an essential element of your income.

340. MRS MAWBEY: Yes.

341. MR WHITFIELD: Rather than the weekend people passing by or anything like that.

342. MRS MAWBEY: Even the people who don’t live on the boats, they come to the boat to be there, not like in the marina. They go to the marina and then pick up the boat –

343. MR WHITFIELD: Then they go somewhere else.
MR WHITFIELD: And can I just ask, just because of your experience, what similar moorings are available close by?

MRS MAWBAY: None.

MR WHITFIELD: So how far would a person have to go, do you think, to find a similar sort of mooring?

MRS MAWBAY: I say none. There is what is called the Farm Shop, which is the canal side of Great Haywood Marina, but –

MR WHITFIELD: Oh right. Yes.

MRS MAWBAY: There may be something there, I don’t know. But then the only close things that you’ve got are the Great Haywood Marina and Aston Marina, which, again, are basically car parks for narrow boats.

MR WHITFIELD: And how far away is Aston Marina?

MRS MAWBAY: It’s probably about seven miles, I think.

MR WHITFIELD: Seven miles.

MRS MAWBAY: Yes.

MR WHITFIELD: So if those two and a half other places are unavailable it’s a much, much longer journey to move the boat and find –

MRS MAWBAY: Anybody can move the boat and that’s one of the not issues, I suppose, is one of the things that because a person can just up and move their moorings they can go anywhere, which, essentially, leaves us with a space that we still have to pay for but we have no income from and we have no way of, you know –

MR WHITFIELD: Can I ask how much would it cost to moor a 70-foot canal boat?

MRS MAWBAY: 70-foot canal boat with us is round about £2,000 a year.
359. MR WHITFIELD: £2,000 a year.

360. THE CHAIR: I don’t think there are any more questions. Mr Mould?

Response by Mr Mould

361. MR MOULD QC (DfT): Thank you. If we put up P516, first of all, Mrs Mawbey, you’re quite right. This area of land here that Mr Martin pointed out that is incorrectly shown on the plan as being within her ownership and I apologise for that mistake.

362. It’s important to start with the sheer – an understanding of the context of the works that are going on here. The A51 is part of the principal road network. It’s one of the main routes in to the HS2 works from the wider highway network. As you know from past hearings, the scale of civil engineering and other works that is going on in the Great Haywood area is amongst the more significant along the route because we have to get this railway over the A51, the existing West Coast Main Line branch from Macclesfield to Colwich, the canal and the River Trent and then bring it down over Great Haywood Road and past northwards through the industry area that you’ve heard about from Mr Lefroy and others. That explains, in large part, the presence of a fairly extensive area of compounds, batching plant and temporary workers’ accommodation, which is the red notation on the plan there.

363. There’s also, as you can see, an extensive network of site haul routes and there’s a particular point here that, in order to ensure that we limit the amount of HS2 traffic on those much narrower rural roads in the Ingestre region that you’ve heard a lot of concern about, that we have the ability to get construction vehicles, which have come into the site via the A51, to get them across all those existing constraints through this haul road and then up to the north. If we didn’t do that, a lot of this traffic using this yellow haul road would be road-going vehicles, if those vehicles were not able to make that journey through here and then to sites to the north then they would inevitably add to the HS2 construction traffic on those narrow lanes through Ingestre, which you’ve heard about. So I’m afraid that, in a sense, Mrs Mawbey, to some degree, is having to accept that limited level of intrusion onto her land in order to overcome the issue.

364. There’s a further constraint. You can see here marked on the plan is a utility.
That actually extends across, if I just show the line, along this line here and then passes down alongside the railway line, that’s a high-pressure gas main and in order to carry out works in the vicinity of a high-pressure gas main we’re required to comply with the distance – provide a zone of influence, if you like, to avoid the risk of damage to that. So that dictates, at this stage in the planning, the presence of this key link over the Macclesfield line, over the canal, over the river and then providing site access to the north.

365. Now, from the point of view of the impact on Mrs Mawbey, there are two direct effects. The first is the need to carry out works to this section of Hoo Lane that she’s referred to you and the second is the provision of that haul road passing over the railway line and to the canal that I’ve just pointed out.

366. As regards Hoo Lane, that is a private road but it is necessary to carry out utility diversion works within that section between the existing railway line and the A51 and it’s to that that the letter that she mentioned that she received, which was sent to her at the end of last week, related. The expectation is that it will be possible to carry out those works without having to close off that road for anything other than a very short period and by that I mean a matter of possibly a day or a very few days. The reason why that is something that we cannot rule out at this stage is apparent when I show you one of her exhibits, A157(4) because this is looking, I think I’m right in saying, this is looking northwards along Hoo Lane but as it passes beneath the existing Colwich to Macclesfield railway line, which, as you can see, is on about a five-metre bridge and then embankment on either side. And so if it’s necessary to undertake utilities works passing beneath that bridge structure it may not be possible, whilst that is being done, to maintain vehicular access along that road at all times.

367. But that gives you the scale of the reason why we can’t give that unqualified commitment but also gives you an understanding of the limited degree to which that interference is likely to take place.

368. And so if we put up P565(3), and I’ll just show you, this is a letter of 8 June that Mrs Mawbey mentioned to you, you can see the assurance that the promoter has been able to give on this point in the middle of the page. ‘The promoter will require the nominated undertaker in constructing the utility diversion in the Hoo Lane area to use
reasonable endeavours to maintain access to the property at all times’. ‘Reasonable endeavours’ there just allows for the fact that, for the reasons I’ve given, it may not be possible in reality to do so without any interruption at all but it will be limited in the way that I’ve described.

369. Insofar as that causes Mrs Mawbey’s land to lose value, to suffer loss, then, as this is a private road, she would have a claim for compensation to recover that loss under Section 10 of the Compulsory Purchase Act 1965. It’s well known that claims for temporary diminution in value are recoverable if they can be shown to have resulted from the interruption in this kind of situation. The way in which that claim is valued is that typically it’s valued by valuing the rental value of the affected property without the interruption, then working out how much that property has diminished in value as a rental proposition with the interruption and then the measure of compensation is the difference between those two sums of money.

370. So that’s that point. If I then go back to P516, I showed you that bridge over the existing railway line, which is this point that’s on the screen in front of you, as you’ll be able to visualise, the railway line continues on an elevated embankment all the way down through here. So that elevated embankment, which I am told is around four to five metres as it passes along the section to the west of the bridge, that would provide an existing and effective visual and, to some degree, aural screen to the working areas that are going to be located to the south. Her property here, her paddock, her moorings, will have the benefit of that existing screen because the working sites will be to the other side of the existing railway line, which, of course, is a busy operational railway line in its own right.

371. THE CHAIR: You may want to bring Mr Smart to answer this question but could you tell us a little bit more about what’s going to happen in each of those blocks because it came as a surprise to me the number of people that would be sleeping there, and this may be very common on construction sites of this size but it came as a surprise to me, to get a bit of a better feel on what’s happening there, as a proxy for other sites as well.

372. MR MOULD QC (DfT): I think it’s sensible to ask Mr Smart, as you say, to deal with that so I’ll ask him just to explain that for you.

373. THE CHAIR: Thank you, Mr Mould.
374. MR WHITFIELD: Do HS2 own the red land to the left of the petitioner’s property?

375. MR MOULD QC (DfT): No. That is owned by another party. I won’t say his name but I know who it is.

376. MRS MAWBEY: Can I just say –

377. THE CHAIR: Yes, go on.

378. MRS MAWBEY: But you told us that you’d already acquired that.

379. MR MOULD QC (DfT): Well, if that is what you understood I’m afraid it’s not correct. Can I just deal with this because I think there was a confusion?

380. THE CHAIR: Yes. I think that’s helpful.

381. MR MOULD QC (DfT): We were certainly aware that there was a proposal that, as it were, land should be made available to Mrs Mawbey in compensation, essentially, for the loss of this land here. But the land that we understood her to be interested in was the land between that haul road and the railway line.

382. MRS MAWBEY: Oh, right.

383. MR MOULD QC (DfT): So there was perhaps a misunderstanding of what it was that she – that land, as you can see, is within Bill limits and, therefore, is subject to compulsory acquisition whereas the land that she drew your attention to today is not subject to compulsory acquisition.

384. MRS MAWBEY: At the rear of the house?

385. THE CHAIR: Sorry, can you say that again?

386. MRS MAWBEY: At the rear of the house.

387. MR MOULD QC (DfT): Well, as I say, however it’s occurred I’m afraid there’s been a misunderstanding.

388. THE CHAIR: Well, we’ve now got some clarity.
389. Sandy and then we’ll come to information –

390. MR MARTIN: Yes. Can I just ask, because it’s not at all obvious, where exactly on this map is your house?

391. MRS MAWBEY: My house is just there.

392. MR MARTIN: Ah right. There’s not actually a building marked, is there, on the red line?

393. MRS MAWBEY: There.

394. MR MARTIN: Ah. So it’s actually your house is marked by HS2 as not being within your property.

395. MRS MURRAY: Yes.

396. MR MARTIN: That’s outside of the red line.

397. MRS MURRAY: It is.

398. MRS MAWBEY: This is our house.

399. MR MARTIN: Yes.

400. MRS MAWBEY: This, all here, which we own, I don’t know what that little red triangle there, but all this here is our workshops.

401. MR MARTIN: Right.

402. MRS MAWBEY: That lane is our private lane; essentially is our drive. All this land down here is all ours. And that is where we spend the majority of our time round there and at the cafe and workshops and coffee roastery in that area there.

403. MR MARTIN: Okay. So the whole of that tiddly triangle is completely spurious, but the whole of that triangle of land there between Hoo Mill Lane and the canal that belongs to you.

404. MRS MAWBEY: Yes.
MR MARTIN: And the bit above that, that belongs to you.

MRS MAWBEY: That all belongs to us as well, yes.

MR MARTIN: Right. And all of that bit, the strange-shaped piece on the other side of the canal, that doesn’t belong to you.

MRS MAWBEY: Doesn’t belong to us.

MR MARTIN: But this big bit on the left doesn’t.

MRS MAWBEY: Doesn’t, no.

MR MARTIN: Right. Okay. So the lines are completely unhelpful.

And Hoo Mill Lane, does that actually belong to you? When you say it’s your private lane –

MRS MAWBEY: Yes.

MR MARTIN: – it actually belongs to you all the way up to the road.

MRS MAWBEY: Yes.

MR MARTIN: Right.

MRS MAWBEY: Essentially, it’s our drive.

MR MARTIN: When you say, ‘Essentially it’s our drive’, you use it but does it actually belong to you?

MRS MAWBEY: Yes, it does.

MR MARTIN: Right.

MRS MAWBEY: It’s to our property and it’s for our moorers to access their moorings and for customers that come to the boatyard and to the café.

MR MARTIN: Right. And are HS2 asking to acquire it from you?

MRS MAWBEY: They’ve put on the AP1 –
424. MR MARTIN: They’ve put a compulsory purchase order in to acquire it from you. Thank you.

425. THE CHAIR: Sheryll and then I’ll come to your examination of witness, Mr Mould.

426. MRS MURRAY: Mrs Mawbey, down at the bottom we’ve got the yellow haul road.

427. MRS MAWBEY: Yes.

428. MRS MURRAY: How much of the land where that yellow haul road below do you own at the moment?

429. MRS MAWBEY: Below it, none of it.

430. MRS MURRAY: So you go up to the haul road –

431. MRS MAWBEY: Yes, and it’s the pink bit the other side. That’s where the polytunnel and everything –

432. MRS MURRAY: Okay. So if the red border was correct then the red border would go along the top of that haul road. Yes?

433. MRS MAWBEY: Yes.

434. MRS MURRAY: Thank you.

435. THE CHAIR: Mr Mould?

436. Evidence of Mr Smart

436. MR MOULD QC (DfT): Mr Smart, can we just go out again? Thank you. Mr Smart, can you just explain first of all the – well, let’s deal with the workers’ accommodation. That’s the red area there. Just explain the need for that, will you?

437. MR SMART: Yes. Good morning.

438. THE CHAIR: Good morning.
MR SMART: I think, as you’ve already heard, this is quite an intensive piece of activity here because we’ve quite a long viaduct, over 800 metres, and quite tricky logistically because of the amount of existing infrastructure – canals, rivers and railways – we have to cross. Now the point, I think, was 240 workers being located here. That is by no means certain. Contractors work in different ways. Some contractors have sites where they would have a workforce overnight, some don’t. So this is very much a provision, because of the intensity of the work in this area, to allow for the fact that whoever wins the tender to build this may choose to have workers’ accommodation on site. But we won’t know that until we actually get a contractor appointed and we understand their methodology for construction.

Otherwise, this area is the key point for coming in to do the piers, which are the columns that hold up the viaduct, so we have to bring in pylonry to construct the foundations and then we have to build pile-capped beams, which then the columns are then formed on, typically 40, maybe less, it’s a matter of detailed design, metres apart. And then it is likely that the viaduct decks will be pre-cast in these areas and are lifted up onto the higher level starting at this embankment, which you can see in the greeny blue, and then launched out, pushed along at high level but we do need to get along at low level to put in the piles and the columns.

So that is what is the main activity here.

THE CHAIR: Very helpful. Back to you, Mr Mould. Everyone seems satisfied with that explanation.

MR MOULD QC (DfT): Just to add, I think what you know already but remind you of it if I may, onsite workers’ temporary living accommodation is one of those elements of construction that is subject to the express approval of the local planning authority. We have to obtain consent under schedule 17 and the practical advantage of that to the local community is that the local planning authority will wish to be satisfied that the detailed arrangements for the management of such a facility are acceptable to them in terms of the sort of potential nuisance that Mrs Mawbey referred to. There’s a paragraph which deals with this in the code of construction practice paragraph 5.

THE CHAIR: A question from Sandy whilst we’re getting this up.
MR MARTIN: Thank you, Chair. I was just going to ask Mr Smart how tall the accommodation block was going to be and how tall the batching plant equipment would be.

MR SMART: The accommodation area would probably be two, if you can imagine, portacabins stacked two high –

MR MARTIN: So it would be two storey.

MR SMART: Two storeys. The batching plant would be much higher than that but it’s really only the silos that contain cement and aggregates so that all the actual batching is done at the lower level because the hauling’s going to be about 2.4 metres high. So all the activities that have a potential for any noise disturbance or, indeed, movement in terms of visual disturbance will be at a low level within the hauling height. So, in fact, we have portacabins which would be there.

MR MARTIN: I mean I have seen accommodation blocks for, for instance, Sizewell where they were four or five-storey tall accommodation blocks. So you’re not going for that sort of height.

MR SMART: I wouldn’t have – I mean I couldn’t rule out but I would have thought here if we went any more than that it would be three maximum.

MR MARTIN: Right, which would be three would be about 10 metres?

MR SMART: Yes, something of that order.

MR MARTIN: And the railway’s about eight metres, the existing railway?

MR SMART: Yes.

MR MARTIN: Yes. Okay. Thank you.

MR WHITFIELD: While Mr Smart’s answering those questions, the actual red site identified, that’s not geographic specific within this site, is it? It’s not like the haul roads that need to be next to a railway and stuff. It could –

MR SMART: There is scope to move – when we get, you know, the contractor on board there is scope to look at the detailed arrangement of what we do –
458. MR WHITFIELD: Because, obviously, Mrs Mawbey pointed out, you heard, her concern about the route into the village when they’re not – or the town when they’re not working. I suppose what I’m asking is could it swap with the brown land storage, temporary materials storage, next to the –

459. MR SMART: Well, the brown has to be topsoil storage so really we wouldn’t really – well, then we’ve got to get it across the A51 – because you’re coming in off the A51. The whole point here is to come in off the A51 and then use the green haul road, because this is actually less for mass haul and more for road-going vehicles, which is why it’s such a long haul road because you don’t want to be going at a gradient of more than one in 10 and you’ve got to get over the railway. So it is really to keep those cement wagons, piling rigs and the like off the road and in that way.

460. MR WHITFIELD: Okay.

461. MR MOULD QC (DfT): Can I just go back to – I just wanted to show you paragraph 5.91 because this may come up again and you can see the first sentence in that paragraph of the code just sets out in summary what I told you a few minutes ago about the arrangements. Can we go back to the plan again?

462. THE CHAIR: Just before, sorry, moving on, have we got any more temporary accommodation elsewhere along the line? Is this an issue we’re going to see again? Or how many of these things have we got along –?

463. MR SMART: The north, I think, around –

464. THE CHAIR: Potential for one but not five.

465. MR SMART: Yes.

466. MR MOULD QC (DfT): We can give you the details of that if you’d like us to.

467. MR SMART: And can I just make – obviously I didn’t completely answer Mr Martin’s question but whatever we do in terms of the height of the workers’ accommodation has to be approved by the local authority. So, to a certain extent, there’ll be limits on what we can do there anyway.

468. THE CHAIR: Okay. That’s fine. Thank you, Mr Smart. You might as well just
stay there just in case.

469. Mr Mould?

470. MR MOULD QC (DfT): Just to be clear on the extent to which the Bill authorises HS2 to do things on Hoo Mill Lane, Mrs Mawbey is quite right that the stretch between the railway line and the A51 is within Bill powers and, therefore, in principle the Secretary of State could buy that from her. I’ve explained the very limited use that is proposed to be made of it and so it may very well be that those works can be done without the need to interfere with her ownership but rather simply to use the temporary possession powers that we have. But, in any event, whichever of the route is taken, whether it be acquired or whether it would simply be used, she as the owner will have a right to claim compensation for any loss that she suffers as a result of that.

471. THE CHAIR: Is there any merit, given the disruption, in a petitioner applying to a scheme and what eligibility would she have if she were to remove herself from the business and the property in entirety? What would be the pathway through? Or is there any pathway? If it gets to that point, which scheme would she be eligible for, if any?

472. MR MOULD QC (DfT): Well, she does have land within the safeguarding area and, as I understand it, she is the owner-occupier so it is possible, and I say it no higher than that because her property arrangements would need to be considered in detail, it is possible that she could serve a blight notice. I think it’s more likely that she would need to consider applying either under the need-to-sell scheme or as a special case. She’s not a natural fit for need-to-sell, by which I mean she may be able to say that she’s got rather more of an impact because she does have some land acquired from her. So there are certainly options there that she could pursue.

473. THE CHAIR: Is that something, Mrs Mawbey, you’ve considered, you would consider, you’d like us to explore on your behalf?

474. MRS MAWBEY: We wouldn’t have considered it until the road was there and, obviously, the compound. I mean we will be affected by the railway itself, which, obviously, as time moves on you have to put up with these things. We’re willing to accept that. But because of the noise of the compound, and I know people say that, yes, it’s behind a railway existence but if you heard that video of where we live now there is
no noise at all and you can imagine, I can’t remember how many, there’s 400 vehicles or something beeping as they reverse and then you’ve got the lighting at night. It’s like

475. THE CHAIR: No, no, that’s clear. I’ve been naughty. Apologies, Mr Mould. It’s back in your – I just thought it was worth –

476. MRS MAWBNEY: So yes, we would.

477. MR MOULD QC (DfT): If that is something that Mrs Mawbey wishes to pursue then the sensible thing, I would suggest, is that we speak to her and see what the most sensible option might be. But I’m always anxious, as you know, again to say to you that where people have relatively unusual circumstances, and this is not your standard residential property, she has certain commercial assets within the holding, as you’ve seen, that it’s best reviewed, as Mrs Murray said to me earlier, on a case-by-case basis rather than trying to slot it in to any particular scheme.

478. But what we do know is that, because at the moment she has both her private land in the form of the road subject to compulsory purchase and she also has that small area of land at the western end of her alpaca field where the polytunnel is located also subject to compulsory purchase, that at the moment she can expect that if things remain as they are until those powers are exercised she would then be able to claim obviously the value of any land that is taken from her under those powers but also she’d be able to claim the value of any loss to her retained land that results not only from the operation of the railway but also from the construction of the railway.

479. And if, for example, she were able to show that, as a result of the works being carried out for a significant period of time in the vicinity of her land, as a result of that she sustained losses to her mooring business then, in principle, that is a matter that she could bring into her claim. She’d have to establish that it was the works that caused those losses and there are a number of evidential hurdles that would need to be overcome under the conventional code, but I say that simply to indicate to you that a theme I’ve made before actually the compensation code is quite broad in its reach and it is able to accommodate relatively unusual cases. The key to these things is if someone has land actually taken from them compulsorily then it opens up the breadth of the code that I have described to you on previous occasions.
480. What I’m sure in reality of the project and she would wish to do is to seek to limit the degree of disturbance and interference and you’ll see that actually no powers are taken directly to interfere with the operation of those moorings. They don’t fall within the limits of the Bill, the moorings themselves. And so, obviously –

481. MRS MAWBEY: But it’s the whole of that red piece, isn’t it?

482. THE CHAIR: Sorry. I’m going to allow Mr Mould – we’ll come back to you to finish unless there’s a factual error in what Mr Mould say –

483. MR MOULD QC (DfT): And, likewise, in the event that there were – if, for example, she wished to pursue the possibility of trying to obtain a grazing licence or something like that over some nearby land so as to accommodate her alpaca herd. If she could show that that was necessary in order to enable them – to, if you like, to absorb the impact of construction over a piece of the field that they’re currently grazed in then, again, the cost of that grazing licence is something that she would be able to, in those circumstances, to bring into account as part of her compensation claim.

484. So there are here a number of opportunities. They can’t be guaranteed today but it’s just an indication of the range of potential elements that she could claim. The key to it she either gets her own advice, and, as you know, the reasonable costs of obtaining advice is also compensable, and/or she liaises with HS2 property officials who can also give her some assistance on the opportunities that are available as this Bill and as the railway begins to make progress towards construction.

485. THE CHAIR: Sandy?

486. MR MARTIN: Yes. Thank you. I’m sorry, Mrs Mawbey, but I’m still a little confused about where everything is. You say you’ve also got a cafeteria on the site. Is that correct?

487. MRS MAWBEY: Yes, we do.

488. MR MARTIN: And where exactly is that?

489. MRS MAWBEY: If you look at Hoo Mill Lane, as you come down Hoo Mill Lane, you’ve got the railway bridge there and the cafe is just here.
MR MARTIN: Right. Fine.

MRS MAWBEY: And also the coffee roastery building, my sewing workshop, is all in this piece here.

MR MARTIN: Okay. And would you say that the majority of the customers for that cafe come from the left-hand side of this picture or from the right-hand side of this picture?

MRS MAWBEY: They come from both because on the left-hand side of the picture you’ve got the canal so they moor up and walk over the bridge and, obviously, people come down the lane that are driving and they also walk up from the village.

MR MARTIN: Right. Okay. And can I ask Mr Smart, do you have any indicative idea of how many days it is likely that Hoo Mill Lane might close?

MR SMART: The pinch point is the bridge that you saw –

MR MARTIN: The railway bridge.

MR SMART: Yes. And, as is always the case with utilities, you don’t often know what is there until you open it up. Now, one could work on the basis that you can always use road plates, which are pieces of metal which you can put down so even if you’ve got a trench open people can pass over it. But there are times, especially when you make the connection, where you might have to over pump but you can’t even do that because you can’t have a level surface. But I would imagine it would be in the order of a day or two. Certainly once we get through that area it is much more manageable through that –

MR MARTIN: So during the whole of construction period the likelihood is that it will only be closed for one or two days.

MR SMART: Yes.

MR MARTIN: Thank you.

THE CHAIR: Mr Mould?

MR MOULD QC (DfT): I’ve finished, thank you.
503. THE CHAIR: Thank you. No questions from the Committee? Any final comments, Mrs Mawbey?

504. MRS MAWBHEY: Well, I suppose just to reiterate what I’ve said before, really, you know. We’ve been there 22 years. Yes, I take on board that we possible could talk to you about selling. We’ve built this property up and where would you go? How would we buy anything that is where it is, the situation it is, with nine acres of land and potential for our income, which would be our retirement fund? Where will that come from?

505. THE CHAIR: Thank you very much. With the Committee’s permission I think it might be convenient to call an end to proceedings and, rather than coming back, we will meet in private to consider a few things and see the final petitioner at 2 p.m. this afternoon. Everyone’s in agreement so we’ll now end.