MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 13 June 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

WITNESSES:

Michael Elsom and Sarah Elsom
Neville Baskeyfield

IN PUBLIC SESSION
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(At 2.00 p.m.)

160. THE CHAIR: Thank you very much for coming to petition. I'll hand over to you.

**Michael Elsom and Sarah Elsom**

**Submissions by Mr Elsom**

161. MR ELSOM: Thank you very much. Even more importantly, thank you very much for affording us the opportunity to petition because it is a very important feature, we feel, of this process that individuals are heard. And sometimes individuals find it very difficult to put their heads above the parapet and sometimes have second and third thoughts as to whether they’re doing the right thing.

162. But three things have happened today which confirmed in my mind that we were doing the right thing. The first was when I got up this morning and walked out of the house and looked over the view over the Trent Valley. It was beautiful. The mist was rising and I thought to myself this is a view which many over the centuries have enjoyed before us and we’ve always hoped that many after us will enjoy the same.

163. The second thing that made me absolutely certain that we were doing the right thing was hearing Mr Loescher, the petitioner who gave evidence, he and his wife, this morning. I cannot possibly improve on anything they said. Much of what they said about their experiences echoes and rings true with what people have said in our vicinity. And I shall refrain from saying some things which I otherwise would have said which they covered far more eloquently and from their own experience than we could ever hope to do.

164. The third thing which made me absolutely determined that we were doing the right thing by being here today was listening to what was said in response to Mr Loescher’s petition and his evidence, in particular, when Mr Mould accepted that there had been maladministration on the part of his clients. But not one of us heard a single word of regret or apology for the obviously bad way in which it is admitted they have been treated. That to me is, firstly, indicative of the way that HS2 deals with people that have anything to do with it and, secondly, highly regrettable.

165. I have not watched all of the proceedings on the Committee by way of television
but I’ve watched some, and I know, sir, you are very keen that people set out right at the start of their petitions exactly what it is they want to be done. At this stage what I will do is to hand both to you and your clerk copies of the basic summary of what we seek to achieve and two copies for Mr Mould as well. So if I could hand that. This will not take Mr Mould by surprise because it’s basically a summary of what we are seeking in the petition.

166. THE CHAIR: Very helpful, thank you.

167. MR ELSOM: What he will notice, and I shall explain why in a moment, that one item at least has no longer found its way onto that piece of paper. The first and primary target for this petition concerns the Trent Valley viaduct. And I set out there in that document, and I shall expand upon it in due course what we seek to achieve. The second item is noise and vibration during construction and operation, and again I shall deal with that in due course. And the third and final issue raised during that, on that document rather, access problems during construction which includes haul road issues.

168. Mr Mould will notice that the question of compensation has disappeared. It seemed to me, having read the respondent’s response, or rather the promoter’s response, to our petition that we would probably, despite what was said to you this morning by Mr Loescher, probably be better off finding some sort of redress if there was one to be found in avenues other than incorporating something into this Bill. And the sort of comments which Mr Loescher made this morning made me think even more that we had taken the right course in that direction.

169. But before I say anything about those issues, what I would like to consider and help you with is this. We live, as you will know, in the village of Hamstall Ridware. It hasn’t featured very much in these hearings so far, although two very good friends of ours, Dr Paul Carter and his wife Elizabeth, gave evidence, while Dr Carter conducted the case on their behalf last week. This village, although not in fact directly on the route, or in fact, most of it even looking towards the route will in fact be adversely affected by this scheme.

170. For reasons unknown, our parish council only belatedly even commented on the environmental impact assessment and have not petitioned. Staffordshire County Council and Litchfield District Council have made some proposals, some of which have
been the subject of assurances and undertakings, and I underline the word undertakings, from the promoter for which we are grateful. Our MP has been active and in part successful in objecting to aspects of the construction and operation of the scheme. But unlike some other Members of your House who have appeared before you and whose constituents are affected by the scheme, ours has not petitioned. That is why I intend to paint a very brief pen picture of the village and how it would be affected by the construction –

171. THE CHAIR: I’m sorry, Michael Fabricant?

172. MR ELSOM: Yes.

173. THE CHAIR: So he did come to us in private and gave us an outline of his concerns. So all Members of Parliament came to see us but in different ways.

174. MR ELSOM: I notice he hasn’t petitioned as such.

175. MR WIGGIN: He couldn’t because it’s not quite his patch.

176. MR ELSOM: I’m sorry?

177. THE CHAIR: Bill can explain.

178. MR WIGGIN: We didn’t feel he needed to petition because, although he has constituents affected, it’s not directly, he was more affected by Phase One.

179. MR ELSOM: No, Phase 2A I’m afraid. We live in his constituency. He’s my MP, our MP, as the whole of the village’s.

180. MR WIGGIN: He did come and see us and tell us all about it.

181. THE CHAIR: And he’s spoken in second reading –

182. MR ELSOM: I know he’s spoken in second reading. But, as far as this Committee is concerned, he hasn’t petitioned whereas I know that other MPs representing areas of Staffordshire have and have already –

183. THE CHAIR: About half of the MPs we’ve seen petitioned and about half we hadn’t.
184. MR ELSOM: I’m sorry?

185. THE CHAIR: Of the MPs we have seen, about half petitioned and half hadn’t.

186. MR ELSOM: Hamstall Ridware is a small village, about 300 people. They are spread over three separate settlement sites: the village itself, Nethertown to the south and Rough Park to the northwest. It is of historical interest for, among other reasons, the fact that a cousin of Jane Austen’s was a rector. The renowned novelist stayed at the rectory and you can still identify features which are replicated in the setting of the novel, Sense and Sensibility, in particular, Colonel Brandon’s estate. It is principally, and remains, a farming based community but, as with so many similar villages, the number of persons actually employed in agriculture has diminished over the years. The bulk of the remainder of the population of working age are employed elsewhere and travel to and from work by motor car. There is no regular public bus service.

187. It has a medieval grade I listed church and a public house. The church has no priests resident in the village and relies upon ministers who travel to principally from King’s Bromley and Litchfield. The public house has a wide catchment area for customers, both resident and non-resident. Access to and from the village is therefore of paramount consideration, particularly where that involves the traveller making a direct contribution to the economic or cultural wellbeing of the community. Amongst these are those concerned with the businesses that have established themselves as a result of determined efforts to diversify in the face of changes in the face of agriculture. You will hear from one farmer actively so engaged next week and, of course, he is not alone.

188. The village is dependent on routes in and out principally to the south. The usual route to Rugeley, nearly five miles, passes through the hamlet of Blithbury to the west northwest. The disruption caused by the scheme along that route, either has been or will be the subject of evidence from farmers and others there. The route to Litchfield, some nine miles away, passes either through Pipe Ridware, about which you will hear more this afternoon, and Handsacre or Sandborough and King’s Bromley. Again, you’ll either have heard or will hear from people living in King’s Bromley. Access to the county town of Stafford is via Rugeley. The only larger town nearby which is unaffected by the construction phase is Burton upon Trent, 12 miles to the east, reached through the
village of Yoxall.

189. Could I please ask that P529 is brought up onto the screen? Our house and its immediate grounds are those shown by the red area. As I shall explain in a moment, that no longer shows the entirety of the land which we now own. But, importantly, the plan in the top left-hand corner shows with a red dot where our house is. One can see areas affected by the construction and operational phase of the scheme shaded in grey also on that plan. Pipe Ridware is the village, or hamlet, part of which is bisected by the track, as you can see. And it is through that village that one of the principal routes to Lichfield passes. The route to Rugeley, which I was talking about which goes to Blithbury, passes up through the top of that plan; you can see a road going to the north west. That is the way, as I say, the other way to Rugeley by way of Blithbury. Sandborough, which I mentioned; you can just see the first letters of its name on the right-hand corner ‘Sand’, and Nethertown which I also mentioned is right down towards the bottom.

190. You can see our house marked as ‘Hunger Hill’. There is a ridge which ends in Cowley Hill just to the east/north-east of our house. Our house looks due south and from it, in the garden, the three spires of Lichfield Cathedral can be seen. Beyond that, beyond Litchfield that is and to the north, you can see Cannock Chase, an area of outstanding natural beauty, and that is clearly visible.

191. One of the features of where we live, and the features of this village, is a myriad of public footpaths. Could I please ask for P531? You can see there how a public footpath runs along just towards the northern end of our immediate property and then goes across the field downwards; that’s the highest point of Hunger Hill. And then that footpath 32 goes down towards the construction site at Pipe Ridware. There is also a public footpath, as I now demonstrate with the arrow, going along the edge of our property at that point, down the hill and then across and down to Pipe Lane. Though principally walkers tend to use a footpath which goes along the ridge as I’ve just described, in the way in which I am now pointing the arrow. And there are a number of cross footpaths as one goes along there, and you can see further footpaths further down the hill and those going away to the north where views and so on will not be affected. Others I know have already commented on the visual aspect in this part of the country and the impact of the construction of the railway will have upon it.
192. We do not, and I emphasise we do not, bring this petition and make these comments solely for our own benefit. That would be wrong and selfish. As I say, the myriad of public footpaths, which you can see described, are used by people, they’re used by walkers not just from the village; runners, people who exercise their dogs. And in recent months I have known several groups of walkers pass from Mavesyn Ridware which you have heard about, I think, in the course of these proceedings, to our church. And, at the moment, we are investigating the possibility of linking a walking route between our village and other villages in the Trent Valley for the purposes of enabling people to discover more about their own heritage.

193. Can I ask then next to that A160 be put up, please? It’s a photograph, it’s the first photograph listed there that I wanted, please. There should be a photograph which, yes, thank you very much indeed. It’s headed ‘SME1’ in the top left-hand corner. This is the view from the paddock adjacent to our house which you can see marked in red on the previous maps. If we enlarge that photograph, and this was taken by my wife last week with her telephone. You can see how the scenery in the distance – I’m trying to enlarge it but I can’t – doesn’t matter. You can see how you can see how the countryside below is farmland, woods and trees and, at the moment, by and large unspoiled.

194. Could we have the next photograph please? This shows a view from the public footpath number 14, Hamstall Ridware number 14, just below Hunger Hill Farm looking towards the south. And, again, if I try to enlarge that we can see again where, how the railway will pass over relatively unspoiled countryside. And then finally, by way of photographs, if we could have the next one please. You can see some farm buildings there. Those are the farm buildings of Mr Smith, who gave evidence last week, in Pipe Ridware. The line of the railway passes to, if we look at the photograph, to the left of those farm buildings, cuts across not quite the greenfield you can see between the two fields of plough, but going into the field of plough to the right. So that is something of the visual impact which this railway will have upon this scene.

195. THE CHAIR: Sandy?

196. MR MARTIN: Sorry, Mr Elsom, is that Woodhouse Farm or is that Goldhayfield Farm?
197. MR ELSOM: No, neither. Woodhouse Farm is to our right.

198. MR MARTIN: Right, so this is, I’m trying to work out which farm it is.

199. MR ELSOM: Now that is, it’s called Pipe Farm I think.

200. MRS ELSOM: Or Manor Farm.

201. MR ELSOM: Or Manor Farm Pipe Ridware. Yes, if we go back to the previous map, Woodhouse Farm you can see on the left. We are effectively due east as a map, don’t forget, is not in fact orientated north-south. Mr Smith’s farm, the one with the buildings that I was talking about, is where I – ah, no wonder you can’t see the arrow. I see Mr Mould’s computer screen doesn’t display the arrow I’m moving either.

202. MR WIGGIN: Bottom right.

203. MR ELSOM: So I hadn’t appreciated that – I want to go down to the bottom. Now, exactly, roughly where the mouse arrow is now and slightly off that map is Smith’s farm.

204. MR MARTIN: Okay, thank you very much.

205. MR ELSOM: The reason why I show those photographs is because, when the promoters prepared the environmental statement, they showed photographs from Gold Hayfield Farm, which you can see just onto the left on this map, and also taken from footpath number 3, which you can see in the grey area of the borrow pit, which show photo montage of how it looks now and how it may look because we don’t yet know what the viaduct looks like. So it seemed to me appropriate that everybody should understand precisely what the real impact of this railway is going to be on this countryside by means of showing photographs without it.

206. If we say something about my wife and myself. We purchased this house, Hunger Hill Farm, in 1982. We’ve lived there ever since. There was a spell of two years when we did not do so because I was required to live and work in Germany at the time. Since purchase, we have built stables and other outbuildings and extended the house. Furthermore, we have expanded the landholding attached to the house from the 1.25 acres you can see surrounded by red to approximately 20. 12 of the most recently
acquired acres have been let principally to young people who otherwise would’ve had difficulty in establishing any sort of foothold in an agricultural enterprise.

207. Despite its remoteness at the end of half a mile of unmade-up track, it is our intention to remain there as long as our health allows us to do so. We are both now retired. Whereas others might’ve been tempted to claim a need to sell in reliance on a requirement to move to East Anglia for the better performance of my duties when I was working, we chose not to do so, as we are both committed to life there, making a contribution to life in the village and making a contribution to life in the vicinity as well. May I just cite one or two examples of that. My wife has served as high –

208. THE CHAIR: Can I just encourage you to – you outline the three points. Those are the important things for us to listen to and understand. And the background is starting to get to the detriment of the time that we’ve got to look at actually what you want us to do.

209. MR ELSOM: Very well. What I don’t want to do, sir, I don’t want to allow the promoters to start saying we are in this just for ourselves because that would not be right.

210. THE CHAIR: Well, I wouldn’t allow them to say that in any way. Can we just get to the three points? Can we get to the business end of the –

211. MR WHITFIELD: Can you show on that map where your additional property now is? The red outline is now too small; is that what you’re saying?

212. MR ELSOM: Yes, it doesn’t matter. The title to the various pieces of land is not –

213. MR WHITFIELD: Yes.

214. MR ELSOM: Now if I can ask whoever has control – I now have control of the mouse. If I am now drawing along that footpath there, up and off the top of the map and then – it’s quite difficult show on this map – and then back round. The piece that is L-shaped is not ours.

215. MR WHITFIELD: Right, no, that’s fine, thank you.
216. MR ELSOM: And one final thing before I move specifically on is that the promoters in the environmental statement acknowledge that our house, as a listed building, derives some of its value from the fact that it is where it is. They have set out at paragraphs 7.4.13 and 7.4.57 of the environmental statement their view of its significance. As to the way it will be affected by both construction and operation, they have omitted consideration of Trent Valley viaduct and that is what I will now turn to.

217. As you will be aware, the current proposal is for a viaduct some 1,900 metres long. That is approached from the embankment about which you heard, I think, last week called the Bourne embankment which is 550 metres long, and before that begins Bromley viaduct 950 metres long. Indeed, from the Trent and Mersey Canal just south of King’s Bromley to the cutting northwest of Pipe Ridware, HS2 track is elevated above the surface level for a very considerable distance, some six kilometres or 3.75 miles. The current proposed height of the King’s Bromley and Trent Valley viaducts and the Bourne embankment varies between six and 16 metres according to documentation provided by the promoter. On top of that must be added eight metres for the power supply equipment.

218. The height proposed actually at the Pipe Lane crossing, which is the one where the yellow goes across in blue in the map we currently have, which was the subject of discussion yesterday and can be seen on this map, as I say, is 9.5 metres, giving an overall height of 17.5 metres. At that point at the Pipe Lane crossing point in a document produced by the promoter quite recently, they have generously allowed the possibility of lowering the viaduct height by 0.1 metres. I readily understand that for any construction of this sort, there must be a gradient on the embankment but this is a very high construction.

219. Now giving an example of how one might approach it. The total height of the viaduct is the equivalent of stacking five Routemaster double-decker buses on top of one another at the maximum height, dropping to just under four at the Pipe Lane crossing. The structure will not only be high but will be wide. The track bed alone is scheduled to be 11.5 metres between the masts which support the power supply. Allowing a modest space each side of that equipment, our London buses are now not only stacked more or less than four high but three across. Whilst, of course, the structure will not be solid, the comparison in this overall section is worth making and the width, of course, is constant.
along the whole of the length of the viaduct. And each of the sessions held by the promoter to try and inform the public which I have attended, no one has been able to even produce a sketch of what this viaduct will look like.

220. I know that a reference in an earlier hearing was made to a document issued by the promoters discussing the lowering alternatives. We would urge consideration not merely of the adoption of the suggested lowering by a maximum of 3.5 metres but active consideration of an even greater reduction. Our requests are simply these. The promoter should be required to reconsider and reduce the height of this viaduct. It is not enough for them to say that it is or may be dictated by the disposition of other parts of the route.

221. This is one of the most potentially powerful railway systems in Europe and, whilst accepting that there will, of course, be constraints on curvature as a result of the high speeds to be obtained, a small increase in gradient here or more excavation of cutting there could bring about a drastically reduced height of the River Trent viaduct. The highway’s clearance of the vehicles travelling under it is only 5.7 metres. That’s a requirement set out by HS2 Ltd, approximately half of the currently proposed maximum height of track level.

222. What also concerns us, and no doubt concerned and will concern others, is the appearance of this viaduct. That is why we ask at (b) that it should blend in with the local setting to a design preferably subject to control by the local planning authority or at least after consultation with that body. It is deeply troubling for all the window dressing of qualifying local authorities, careful consideration of schedule 17 reveals that in the end decisions are in fact down to the promoter because the promoter and the Secretary of State are one and the same person.

223. A further benefit, of course, of reducing the height of the viaduct would be that any newly planted tree screenings would show a benefit much earlier and it would also mean that the embankment in the front of Woodhouse Farm, which was talked about yesterday, could in fact to be reduced as well. I move on now to noise and vibration during construction and operation.

224. Before I say any more on a subject of noise, I shall say emphatically that we found Mr Mould’s comments last week somewhat offensive and he said that really what
people like us, meaning Dr and Mrs Carter, have to do is to knuckle down and bear the fact that it’s going to be noisy because people get used to it. That is in fact a rather arrogant approach, if I may say so, from someone promoting this particular scheme. Of course, people do get used to noise. And of course, people do find unpleasant things finally ones with which they can bear but the fact of the matter remains that this is going to be a great considerable change, as I shall demonstrate in a moment.

225. What is proposed in the scheme is the operation of a railway, where trains up to 400 metres long, carrying up to 1,100 people in each, will pass along the railway from 12 to 18 times an hour in each direction. That is a lot of trains. The shape of these trains, and the features of the track along which they will run, has not yet been determined. Accordingly, any figures as to likely noise and vibration levels once the railway is operational remain estimates, however well-founded they may be said to be in scientific expertise. On a more particular level, as the promoter has never installed any sound measuring equipment on our property, I’m mystified –

226. THE CHAIR: Sorry, can I pause you there. It is not permitted to take pictures. People in the back row are taking pictures. I think a gentleman at the back who took a picture probably knows. Could you delete that photo and just not use it. Sorry to interrupt; it’s distracting for you and not allowed. I apologise for interrupting you. I just didn’t want to let it go.

227. MR ELSOM: It’s much more important your concentration isn’t distracted, sir, so thank you for that.

228. THE CHAIR: Thank you.

229. MR ELSOM: On a more particular level, as the promoter has never installed any sound measuring equipment on our property, I am mystified as to how they claim to have base figures in P535. However, using those, there is in fact going to be a substantial increase in noise levels at Hunger Hill Farm.

230. Could we have P535 please? I’m afraid I found that page rather difficult to read but the really important thing is if we go onto the next page please. The ‘11084’ in the top left-hand corner is the site which, I think, is where they say they have measured from. But you will see they say, ‘Existing baseline sound level, daytime 45,
construction noise levels 53/57’. Interestingly, no evening or weekend figures or even night-time figures proposed during the construction period. For operational assessment, you can see, ‘daytime 50, change 7, night-time 28, change 11’.

231. The construction period is predicted to be four years. During the operational period, as I said, those are the increases which are thought about. It’s important to bear in mind the evidence which Mr Thornely-Taylor gave at one stage, I understand, in the proceedings that every 10 dB increase is about double the subjective loudness. It is difficult to see how the effect of both construction and operation could be anything other than significant.

232. There is only provision for noise barriers along part of the route we are immediately concerned with. Last week it was said that installing them as the railway passes in Nethertown was not cost effective. A cost of £580,000 was suggested. I would make two comments on that. Why is provision made on the King’s Bromley side of the King’s Bromley viaduct when there are no houses whatsoever even shown over a stretch of 550 metres of track, and then for a further not dissimilar distance along the top of the Bourne embankment if that is right? And, secondly, option one for lowering the combined Trent Valley and King’s Bromley viaducts and Bourne embankment, we are told, will save over £3,000,000. Surely, some of that could be devoted towards sound deadening measures.

233. As to considerations of vibration, these arise principally in construction and we accept a degree of discomfort is bound to result. However, both during that phase and the operational phase, enforceable constraints should be in place. What we would like to see are the following, and they are set out on the document I handed in earlier. During the construction phase, a code of practice, which is properly drawn up and properly enforceable. At the moment there is only one in draft. The code, as finally drawn, should not allow the promoter room to wriggle out of the high standards which they claim to have set themselves by excessive reliance on cost implications.

234. Secondly, sound barriers should be installed, not just on one side of the railway at Pipe Ridware, as currently proposed, but on both sides. And, finally, sound barriers should be installed along the whole of the Trent Valley viaduct on both sides rather than on only one or neither as is the current proposal. Third and final area is access problems
during construction which includes haul road issues. Whilst we are pleased at recent developments, which include the assurances given to the National Farmers’ Union about reconsidering the whole issue of borrow pits, and to the Mavesyn Ridware Parish Council about large goods vehicle construction traffic and the additional provision sought in relation to a haul road to avoid construction traffic passing through Pipe Ridware itself, issues do remain.

235. I appreciate some of what I am about to say will not find it easy upon the ears of some of those more closely affected by some of the things that are sought under, in particular, the additional provision. But, nonetheless, one has to have an eye to the wider interests of the public and including road safety. Could we look at P530 please? The additional roads I’ve been talking about do not actually appear on that map but if we look along the baseline of that map – and I am now in charge of the cursor I understand – you will see a road coming up from the left. The new site haul road route will come up and join that, thereby relieving the hamlet of Pipe Ridware, with traffic going along where I am now showing the cursor, which was the original proposal. So it seems to us, and I think there are others who agree that, whilst it is deeply unfortunate for those who will lose land if that new road is constructed, in the interests of road safety and so forth, it does seem to us to be a good idea.

236. The narrowness of the roads in this part of the world, as you will readily understand and expect, is a real feature. Perhaps how narrow they are is best realised by looking at the one road – the one I’ve just moved the cursor along to show you that has no markings on it at the moment. That is the sort of narrow road we’re talking about, and where I now have the cursor arrow, that is the original line of Dawson Lane going up through the yellow haul road and then along the line of Dawson Lane shown as part of the construction route. I should say that, where the new road joins the existing construction route marked by the green dotted line, it in fact gets no wider. As an illustration of how narrow the roads are in this part of the world, again, I can just cite personal experience yesterday. When driving along the road where I now have the arrow at Pipe Lane, there are a number of sort of ad hoc, if I might call them that, passing places. There was a bicycle and myself on the road –

237. THE CHAIR: Yes, can we focus on the points? We seem to be going off on tangents.
238. MR ELSOM: I’m afraid, sir, this is not a tangent. The narrowness of the roads in this part of Staffordshire –

239. THE CHAIR: Right, you’ve made your point on narrowness of roads; we’ve got that point. Can you move on from that please?

240. MR ELSOM: Well, the next point is, in fact, really made plain by the map in front of us. This shows a yellow haul road which crosses the Trent, where the arrow is now and crosses Pipe Lane and then goes into and serves a construction compound. Why is it not possible for the construction traffic, particularly if there is this new road, to go up where the cursor is now or alternatively along the original line of Dawson Lane, or indeed join the haul road where it is proposed to be built. That would mean no construction traffic needing to find its way around where the point I am now taking up Dawson Lane into the site compound entrance there.

241. So what our requests are simply these. The entrance to Pipe Ridware construction sites to be moved to align with the proposed haul route. The promoter must exercise the powers in schedule 1 to the Bill in relation to works 12 and 13, which are in fact the ones showing a bridge over the Trent. I only put it that way because at meetings it has not been always possible to establish whether or not in fact that was intended. At one point, it was thought that there would be no haul road at that point.

242. In addition, although I may have expressed as rather ineloquently, the promoter must obtain the additional provision in order to build the road I’ve just been talking about earlier. And then you will be referred, I have little doubt, by Mr Mould in due course to a letter P537, ‘The passage of construction traffic must be restricted to yellow haul road shown on P530 in the terms of the letter P537 and the parts of its access and borrow pit access and haul road issue’. Ideally, we would like to see the new site haul route that I’ve been talking about dedicated as a public highway. That is not at the moment, as I understand it, part of the plan at all.

243. THE CHAIR: Sandy?

244. MR MARTIN: Yes, Mr Elsom, could you explain to me how this affects Hunger Hill Farm especially and particularly because we have actually already discussed all of this in relation to people who are more closely affected than you are.
245. MR ELSOM: We are affected and this is the basis of our petition because this is the way in and out of the village.

246. MR MARTIN: Yes, but it doesn’t affect you especially and particularly.

247. MR ELSOM: Yes it does because we live in the village and have to go in and out of it.

248. THE CHAIR: Okay.

249. MR ELSOM: One of the things I was going to say before I stopped by the chairman from saying it is, that I act in consideration – I mentioned the church, I am actually church warden so I do in fact speak on behalf of some of the other villages as well.

250. THE CHAIR: Should we hear from Mr – sorry, Sheryll Murray?

251. MRS MURRAY: Can you just, with the mouse, show me the route that you would take from your farm down to the village?

252. MR ELSOM: I have the mouse at the top of the red bit?

253. MRS MURRAY: Yes.

254. MR ELSOM: And this goes along here then disappears off and the village lies to the west.

255. MR WHITFIELD: Can I just suggest we look at P529? It might be easier for you to explain; it’s a smaller map but it encompasses –

256. MR ELSOM: Sorry, I obviously didn’t explain that very well earlier on. You can see how there’s a dotted track, it’s the half a mile of track I referred to earlier, goes down to join the yellow road –

257. MRS MURRAY: Yes.

258. MR ELSOM: It then goes back through the village, past Cowley Hill down there, and then instead of going down to Nethertown, we then go along where the mouse is and then we’re in the Pipe Ridware bit, and that’s a big borrow pit on that side.
259. THE CHAIR: So at the moment how long would that route take you from your house down to where the line is now? Can you say whether it’s three minutes, six minutes?

260. MRS MURRAY: Yes.

261. MR ELSOM: It’s more of the six-minute variety.

262. THE CHAIR: Okay.

263. MR ELSOM: As I say, there are other routes out of the village but, of course, they are equally affected by the works involving HS2. There used to be, if I can help, there used to be a red track which led directly from our house to the dotted line in Dawson Lane but that disappeared before we bought it.

264. MRS MURRAY: Thank you very much.

265. THE CHAIR: We’re going to hear from Mr Mould now. Mr Mould?

Response by Mr Mould

266. MR MOULD QC (DfT): Thank you. I’ll work through the very helpful sheet of paper you have in front of you which summarises the petitioner’s requests. Firstly, in relation to the River Trent viaduct, you will recall where that is, P532, and the River Trent viaduct is this structure here; the northern end point of which is just the point at which this embankment begins. Now, the views therefore from Hunger Field Farm, which we’ve just been told is somewhat elevated in this location, will be views across the valley here and, as you can see –

267. MR ELSOM: No, sorry to interrupt but the mouse is not going the way Mr Mould is describing.

268. THE CHAIR: Are you happy to take that, Mr Mould?

269. MR ELSOM: I’m sorry, but the point would be lost, Mr Mould.

270. THE CHAIR: Sorry, I thought you were correcting Mr Mould rather than the orientation of the cursor. Mr Mould, can you rewind?
271. MR MOULD QC (DfT): I'll rewind.

272. THE CHAIR: Thank you. No more interruptions for Mr Mould.

273. MR MOULD QC (DfT): First of all, cursor on Hunger Hill Farm, the petitioner’s property, and River Trent viaduct running along to the south-west – cursor is on that now – that you can get the point of views across to that, increasingly, the distance between the viewer and the thing viewed increasing as the eye the turns to the south. We have provided some cross sections, 1(a) and 1(b), and 2(a) and 2(b) on the plan in front of you, if you go to the next page, P533, you get to just get a sense. Here is the petitioner’s property at 1(a) and 2(a), same, same location clearly, and you get a sense of the topography and you’ll see that the railway, of course, is on embankment as it passes directly to the west of the petitioner’s property. The scheme does propose quite significant planting which has the function of providing some screening and that is shown with the tree notation. The distance, and I say this is an approximate figure, the distance at the closest point, I am told, is about 700 to 750 metres between the house and railway line itself. So that’s the visual relationship. Mr Elsom raised the question as to whether there was a proper understanding of the potential for visual effects on the setting of the listed building in the environmental statement.

274. MR WIGGIN: Can you just show us, where it says 1(a) in the top left-hand corner?

275. MR MOULD QC (DfT): Yes?

276. MR WIGGIN: What’s the height, I just can’t see it? I’m too blind.

277. MR MOULD QC (DfT): It’s 19 metres, just over.

278. MR WIGGIN: So it's 19 metres?

279. MR MOULD QC (DfT): Yes.

280. MR WIGGIN: That’s all I wanted to know, thank you so much.

281. MR MOULD QC (DfT): There is in the environmental statement – I’ll give you the reference, I’m not sure we need to turn it up – it’s page 166, paragraph 7.4.57 – oh, there it is. Forgive me, it’s expressed in the somewhat technical language of
environmental impact assessment but you see the property is identified at 7.4.57. It’s value, in the language of heritage asset assessment, is given as moderate. There will be a permanent change in its setting. And it’s acknowledged that it derives some of its significance as a heritage asset from the views across the red Trent Valley landscape from its south facing elevation, and because that is so, because it is in higher ground within the local landscape. And then the conclusion is that the interrelationship and the coming of the railway into the view will actually give rise to some moderate adverse effect.

282. So clear acknowledgement that this particular listed building and its setting will suffer some significant deterioration as a result of the presence of the railway and the operation of the railway in the landscape. Go away from that point – what could be done about it? The Committee is aware, acknowledged this in its special report, that the promoter of this Bill has given an assurance to Staffordshire County Council to take steps to design the King’s Bromley viaduct at a lower height than that is shown on the indicative plans and to take opportunities through that design change to lower the height of the Trent Valley viaduct to the north.

283. MRS MURRAY: Just very quickly, does this drawing take account of the lowering?

284. MR MOULD QC (DfT): No.

285. MRS MURRAY: Could you give us some idea as to how much it would be reduced?

286. MR MOULD QC (DfT): I think we’ve said that the ambition is to reduce the height of the King’s Bromley viaduct by up to three metres – it’s P537(1) where you have the now fairly familiar text of the assurance.

287. MRS MURRAY: Yes. I just wanted to try and get an idea from looking at the diagram.

288. MR MOULD QC (DfT): Indeed, so a very well made point. It may lower than is shown on that diagram.

289. MRS MURRAY: I was just wondering whether you could give us an idea as to
how much lower?

290. MR MOULD QC (DfT): That’s why I put up, you can see the assurance to Staffordshire is to seek to reduce the height of the King’s Bromley viaduct by up to three metres. Now this is further north –

291. MRS MURRAY: If we could go back to the drawing, could you give us some idea as to what the impact would be on this, what we’re seeing here? We’ve got HS2 mainline. Does that mean that the embankment may be lower?

292. MR MOULD QC (DfT): It may be lowered by a margin but I would be surprised if you’ll get as much as three metres because, by the time we’ve worked through the effect of lowering the King’s Bromley viaduct to the south, the gain here is likely to be less.

293. MRS MURRAY: That’s why I asked. I wasn’t sure whether we could take three metres off that embankment –

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

295. MRS MURRAY: Thank you.

296. MR MOULD QC (DfT): But the assurance – this is perhaps the key point. The assurance, albeit it relates to a structure to the south, the assurance acknowledges and anticipates that there may be opportunities for some, albeit rather less significant lowering, as the railway moves northwards. I doubt, frankly, whether that would lead to any change in the assessment of moderate adverse impact that I showed you earlier. So far as it does anything to diminish the visual effect then it’s a change to the good. That’s the point. Now, the short point is that, on the sheet in front of you, the subheading is ‘The River Trent viaduct’; the request is that, ‘The promoter should be required to reconsider and reduce the height of this viaduct’. The answer is that request is already given effect by the assurance that has been given to Staffordshire County Council.

297. THE CHAIR: We’ve discussed that before in a different meeting so let’s look at noise unless we’re going to miss anything.

298. MR MOULD QC (DfT): I was just going to, very much in passing, just to point
to the second part of the first request, which is about the appearance of the viaduct. You
know from previous hearings that there is a commitment in information paper D1,
which is on the register, to engage with the local community on the design of key design
elements and the River Trent viaduct is a key design element. And that’s in addition to
the statutory controls that give the function of approving design to the local authority
under schedule 17 to the Bill.

299. Noise. The first ask is that the code of construction practice must be properly
drawn up and properly enforceable. That code, as you know, upon enactment of the Bill
will form one of the environmental minimum requirements with which the contractors
will be obliged to comply under the terms of their construction contracts. And the
enforcement of any breach of that code will be through enforcing those contracts and the
Secretary of State will retain control over compliance with the with those requirements.

300. The second point, if we go to the noise map, it’s at P534. Just a couple of points
of fact, just to be clear on those which were raised. The noise predictions for Hunger
Hill Farm which are on the sheet that you were shown by Mr Elsom, those are indeed,
those are predictive, he’s right about that. The measurements that were used to derive
those predictions were taken from this property, which is being shown on the mouse
now, which is a property, ID 11093 Goldhayfield Farm. That was taken as being
sufficiently representative of the noise performance of the railway for Hunger Hill Farm
to be the basis for making those predictions. You can see that on the noise contour plan
Hunger Hill Farm is outside the extent of the lowest observed adverse effect level. So,
on current assessment, we’re not predicting that there will be any observable adverse
effect through the operation of the railway.

301. However, it does have a square around it, so there is some limited exceedance of
the, what Mr Thornely-Taylor described to you as the Lmax level. That’s the one which
governs night-time assessment. You can see that on sheet 535(1). The Lmax number is
third from the left here, 63 and 64, the design limit there is 60. So there is here, this is
one of those cases where, albeit for that single hour of operation between 11 and 12 in
the evening, there is the design commitment to seek to reduce noise levels as far as
reasonably practicable in information paper E9.

302. Going onto the next sheet, number two – going through this as fast as I can – the
degree of noise change, 7 dB change predicted in the daytime, 11 at night. You were
reminded accurately that a 10 decibel change is a doubling of sound, a doubling of
night-time sound; if that is what actually happens, as is predicted, then obviously that
will be noticeable. And, as you know, if someone’s property experiences a diminution
in value as a result of noise from a railway measured a year after the railway comes into
operation then they have the basis for a claim for compensation under part I of the Land

303. As regards the case for noise barriers, P534 – I’m sorry if what I said in response
to Mr Carter was taken as offensive. It wasn’t intended to be. I was simply making the
point that applying the established cost benefit analysis, the WebTAG methodology, the
case for more extensive noise barriers than those shown on the plan here is not one that
is considered to be to be made out. But, again, as you know, this is not a final stage in
the process because of the design commitment in information paper E9; there is a
continuing responsibility to keep under review the noise performance of the railway.

304. And we do need to secure the approval of the local authority to the mitigation that
we put forward including noise mitigation and the local authority, in accordance with
the assurances given both to the Phase One local authorities, which have been carried
forward to the Phase 2A local authorities, we will need to keep them informed of our
noise assessment as the detail of the design is produced. And they will no doubt be
scrutinising those numbers to ensure that effective mitigation and proportionate
mitigation is in the detailed design. So, again, we haven’t reached the end of the
process. That’s all I wanted to say about noise.

305. As regards access, the P530, the haul road which has been pointed out, you are
familiar with, that will indeed take the great burden of the construction traffic once the
haul road has been established. We’ve given Staffordshire County Council a
commitment to get the haul roads in place as soon as we reasonably can but, as you
know, there is a period at the outset of setting up the construction arrangements, that we
do need to get lorries in and out of the construction site so they can be established and
I’m afraid that that is the position in relation to this site as it is with other construction
sites along the route. But, once that is done, then the great majority of traffic accessing
this construction site will be served by the haul route itself.
306. As regards the powers in the Bill to provide a temporary bridge, the construction arrangements, including temporary structures and restrictions on construction traffic and the use of haul roads and so forth, all of those matters are matters that either fall directly or indirectly within the scope of the local planning authorities’ controls of construction arrangements under schedule 17 to the Bill. And so it would not, in my submission, be appropriate to single out any particular elements at this stage. The Bill sets up the basis for the arrangements to be put in place. It then hands over responsibility for detailed approval of those arrangements under the powers that exist under schedule 17 under the detailed planning code. I think I’ve covered all of the points and, unless there’s anything else, I’ll stop talking.

307. THE CHAIR: No questions?

308. MR ELSOM: Can I just help Mrs Murray? It may be that – I’m fairly certain this document has been referred to in the Committee because I have a couple of – there’s a reference number. It’s an information document provided by the promoter very helpfully about the lowering alternatives for River Trent and King’s Bromley viaducts. I did mention this morning to one of the staff who very kindly said it might be possible. The document is headed ‘Option 1: Lowered Alignment’ and is document P30(8) and that shows the – it’s actually on your website I think so –

309. THE CHAIR: I’ve got it up.

310. MR ELSOM: You got it up. That answers some of your questions, madam, in showing the difference between the King’s Bromley and the River Trent viaducts which is something – which is easy to forget.

311. THE CHAIR: Very helpful. I think it would be convenient for the Committee to take a break. We’ll come back at five minutes past the hour. Order, order.

\textit{Sitting suspended}

\textit{On resuming –}

THE CHAIR: Welcome. Thank you for petitioning. Over to you.
EM. N. & TN. Baskeyfield

Submissions by Mr. Baskeyfield

312. MR BASKEYFIELD: Good afternoon. My name is Neville Baskeyfield and I farm Madeley Park Farm in partnership with my brother and sister. HS2 will pass over a corner of the farm, on the River Lea viaduct. We desire the logical outcome of an undertaking that a surface water sewer drain will be reconnected when work has been completed.

313. I can see it mentioned in the promoter’s response document, ‘Field Drainage’. Although this will be relevant to some parts of our field, we do not feel their response adequately covers our major concern; that is, the surface water sewer drain. Without this Committee’s involvement, we do not feel that HS2 will or would have appreciated our concerns about the impact on our business.

314. I have spoken to the former chief engineer, Richard Johnston, at a public meeting at the onset of HS2 about this pipe, given him plans of it and had a receipt for them. I also spent time on site with HS2 drainage people only to find they intend putting water from the sewer pipe into our drainage system, ignoring my concerns.

315. I also would like to bring to your attention an error in HS2 petitioners’ response document. We do not now nor ever have rented out Madeley Park Farm House or any part of the farm.

316. Now, I would like to explain what a devastating impact HS2’s proposal will have on our farming business. Where the River Lea viaduct passes over a corner of the farm, it appears the engineers have hit a problem and it is their solution that is going to have a major impact on our business. A154(1), please.

317. How do I do this? You’ll have to excuse me; I’m used to a tractor, not a mouse. Somewhere in that region they propose to put the – you can barely see it, but it is there running across and into our drain, across that like there.

318. THE CHAIR: Yes.

319. MRS MURRAY: Yes?
320. MR BASKEYFIELD: Over a third of the farm is in the bottom of a valley. Can I have A154, please too? The picture doesn’t show how steep the valley sides are, but it is. The ground is flat. Can I have slide 3, please? It has a depth of peat and high water table. The only way water can leave our farm is through a culvert under the now disused Market Drayton to Newcastle railway line. Can I have slide 4, please?

321. It then immediately enters the River Lea. You can see the farm ditch marked on the plan and then it comes through alongside the railway, through the culvert, under the disused railway line and enters the River Lea immediately the other side. In the past, we’ve suffered a lot of flooding and had discussions with the river board, the railway authorities. 5 and 6, please. I’ve put these in so that you can see I’m not telling you anything fictitious. The paperwork is there. With the aid of a government grant and adopting the Government’s idea, in 1979 a large drainage ditch was excavated in the middle of the field and a smaller one at the side of the fields. Slide 7, please.

322. The large ditch in the middle has the appearance of a canal. The Ministry’s idea was that the flooding water would be stored in the ditch because there’s only about a foot or 18 inches of water in the bottom, but at the times of flooding, instead of the fields flooding, the water would have made its way into the ditch and been stored there until it could join the River Lea.

323. Water is hampered from leaving the land by the height of the culvert base – slide 8, please – also at times of heavy rain. This was acknowledged by Mr Crowther of North West Water’s division. Slide 9. As the river flows down a gradient and has a greater volume of water in it, the water in our drainage system is forced to remain there until the river’s flow has subsided sufficiently to allow the water to enter the river’s flow. Until 1988, water from the east of the west coast railway line entered our drainage system. Slide 10, please.

324. It’s marked on water from the east of the West Coast Main Line entering and then it flowed along the disused and went to the culvert. Also in 1998, Parkwood Drive Housing Estate was further developed. Slide 11, please.

325. I’ve tried to give some idea of how many houses the water actually comes from and the routes. Developers along with Newcastle Borough Council saw a large drainage ditch and thought, ‘Just the place to put the surface water sewer’, just as HS2 now plan
to do. Slide 12.

326. You can see marked where they suggested it would be entering the river and their plan was to put it into our ditch, higher up, admittedly than HS2 plan to do, but the water was still going into the ditch and still going to flow through that culvert.

327. After numerous site visits, Newcastle Council decided against this and came up with a new plan. Slide 14, please. You will see a 600-millimetre pipe running from the housing estate to an inspection chamber marked S33 on the map. All the water, the road water, surface water from the roofs and everything flows down that pipe from there, then at 33, to help our flooding as they’d witnessed the problems we were having, they joined the water from the east of the West Coast Main Line at that point and put in a 900-millimetre pipe where you can see it joins the river, marked ‘headwall’. This stopped our land from flooding and since then, no sheep or lambs have drowned in the fields. That is for the last 30 years. As nothing has changed, I cannot understand by HS2 thinks our drainage system can now take the surface water and the sewer water. All I am asking is that the pipe be reinstated or even rerouted if necessary so that it discharges into the River Lea at its present location. I cannot see this being an impossibility or costing a great expense. If this is not done, our land will be in a worse condition than when we started draining 30 years ago. I hope I’ve explained why the reinstatement of this pipe is so crucial to our farming business.

328. Since the petition was sent to your office, HS2 requested a site meeting on Monday the 11th. HS2 representatives present are Mr Jeremy Croxall, Giles Ashford and Sean Jones. The representatives repeatedly referred to the land drainage information paper E16. I pointed out that we understood this and that our field drainage was not an issue because the field drainage they are going to cause problems to with a construction of a road etc to deal with it, was covered by this paper, and I’m sure it will be put right. We explained that because the drain concerned carries water from the highways and houses, the water is not generated from our agricultural land. We feel that E16 does not cover this drain. Eventually, they agreed that this drain would not be covered by this paper and indicated that we would need something of a more bespoke nature.

329. Following the site meeting, we have received an email from Mr Croxall stating
that a United Utilities pipe is covered by E16. So, I’m left not sure whether it is or it isn’t, but I still don’t think it is. This was followed by a telephone call in which informed us that the Committee had told HS2 to look at redesigning the River Lea viaduct. With this in mind, we feel, at this redesign stage, an undertaking from HS2 to ourselves, that the scheme incorporating the route of the United Utilities pipe to continue its flow to the existing headwall as it’s discharging into the ditch, should be given.

330. We see from Mr Croxall’s Tuesday evening email – you won’t have a copy, will you?

331. THE CHAIR: I’m not aware that we have.

332. MR BASKEYFIELD: Do you want one?

333. THE CHAIR: Yes, if you can let us have one, that would be good. We don’t need it immediately. Natalie will get it and we’ll bring it into evidence. It seems pretty clear cut what you want.

334. MR BASKEYFIELD: Yes, I was trying to give it…


336. MR BASKEYFIELD: Well, can I just go this point?

337. THE CHAIR: Yes, carry on.

338. MR BASKEYFIELD: We see from Mr Croxall’s Tuesday evening email, reference again made to our drainage system. I can only reiterate, it’s not our pipe. The water is not generated on our land. It is just flowing through and we don’t want it.

339. THE CHAIR: Very clear. Thank you for a clear petition. Mr Mould, make us happy.

Response by Mr Mould

340. MR MOULD QC (DfT): Yes, well, the short answer is – first of all, it is a great petition. There’s no doubt about that. It was a pleasure to read.
341. THE CHAIR: We would like more like you, sir.

342. MR MOULD QC (DfT): But secondly, the answer is that, as you know, there is work being done to review the design of the Lea Valley viaduct. The Committee, at an earlier stage in its proceedings, asked us to consider whether there were opportunities to lower that viaduct, and as part of that work, I’ve asked that the project should consider whether it would be possible to take the course of action that Mr Baskeyfield has urged upon you today.

343. The letter was intended, essentially, to convey that. In fact, I think what it ought to say is, ‘We note your proposal that the existing pipe is reinstated. We will examine if this is feasible, and if it is, that would be our preferred course of action and accept that this represents the most suitable solution’. So, if you read it in that way, which is what it was intended to convey, that is essentially saying, if we can, we will reinstate what is there now.

344. The reason why it was considered necessary in order to be precautionary, to allow for a different approach, was because the location of the existing storm water drain, which serves the housing estate, which is what Mr Baskeyfield is talking about, does clash with the assumed location of piers for the viaduct structure. So it is necessary to design that clash out, but that’s the challenge that has to be met, as I say.

345. MR MARTIN: I was just going to say Mr Mould, I can’t put words into Mr Baskeyfield’s mouth, but I would have thought it is in everyone’s interest including HS2’s, that whatever you propose to do is going to be at least as good, if possible better, than the existing situation and that you need to work with Mr Baskeyfield to make sure that is the case. And that if a separate pipe from Madeley Park taking the storm water from Madeley Park Wood cannot be reinstated in exactly the same position that it’s in at the moment, then reinstating it at least to the same level of standard that it is at the moment and in a slightly different position would be in everyone’s interest.

346. MR MOULD QC (DfT): Yes, I mean what I am not sure that we would be able to do is to correct the problem that he’s had to live with since an earlier railway undertaker provided him with a culvert that flows the wrong way. I’m not sure. What I can say is that we will not create a situation that exacerbates that existing problem, but what we will try to do is to avoid that particular existing feature so that unfortunately he’s left
with managing that as he has done for the last 40 years or so, but that we are able to
avoid creating a further problem.

347. THE CHAIR: You’re not going to spend double the money, but if you can come
there or thereabouts the same money, that would solve the problem, make it better and
keep the petitioner happy and keep us happy. That would be brilliant and I think you’ve
come close to a big yes.

348. MR BASKEYFIELD: I hope so, but what I can’t understand is, if the storm
supports, or whatever they’re called, are 20 or 30 metres apart, why it is not easier to
give an undertaking –

349. MR MARTIN: Just to go around it.

350. MR BASKEYFIELD: Go around it. I can’t grasp why, even if they’re 10 metres
apart. I only want a one metre pipe to go between them.

351. MR MOULD QC (DfT): As you know, I sometimes try and pretend I’m an
engineer but I’m not really one.

352. THE CHAIR: I think we’re going to get you what you want and we’re going to
instruct HS2 to find a way around it. I think Mr Smart is 98% to 99% to the way there.
If, Heaven forbid, he’s in the 1%, they’ll either get the best brains on it and sort it out or
come back to us to meddle further.

353. MR BASKEYFIELD: Thank you very much.

354. MR MOULD QC (DfT): And we will keep Mr Baskeyfield obviously involved as
this letter says.

355. THE CHAIR: Absolutely. We’re very clear you know a lot more about your land
and what goes on it than anybody else.

356. MR BASKEYFIELD: Yes, thank you.

357. THE CHAIR: Thank you for petitioning. You’ve been an absolute pleasure.
We’ll now meet in private.