MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 26 June 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

Clare Parry, Counsel, Department for Transport
Roger Bedson, Petitioner Representative

WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd
Chris Barton

IN PUBLIC SESSION
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(At 2.00 pm)

434. THE CHAIR: Mr Bedson?

435. MR BEDSON: Good afternoon.

436. THE CHAIR: Good afternoon.

437. MR WIGGIN: You have to warn him about the vote.

438. THE CHAIR: Thank you very much. I’m supposed to warn you that there was going to be a vote. There will be a vote probably about 25 past. There should only be one vote so we’ll adjourn for 15 minutes when the vote comes.

439. MR BEDSON: Okay, thank you. We’ll press straight on. Perhaps at the end I can talk about those petitions that were deferred last week a little bit? You gave us two weeks to come back on a few points. I’m going to ask HS2 if we can potentially meet or at least have a conference call before next Monday. I have just spoken to Clare outside and I know they’re under pressure to get information to us and assurances to us. But next Monday I will be very busy, I have two back-to-back days Tuesday/Wednesday. The time pressure on me is quite significant so getting these things at the 11th hour is actually very difficult. I know they’re probably doing their best as well.

440. THE CHAIR: Do you want three weeks rather than two? Would that help you?

441. MR BEDSON: Yes.

442. MS PARRY (DfT): Sir, I’m sure we’d be grateful for that.

443. THE CHAIR: Done.

444. MS PARRY (DfT): We were obviously working towards next Wednesday but if you’d be prepared to offer that.

445. THE CHAIR: Well let’s give a bit more time because I don’t want – let’s just leave it at that. You’ve got three weeks. Mr Bedson back to you.
Christopher, Wendy and Geoffrey Barton

446. MR BEDSON: Thank you. The petition this afternoon is on behalf of the Barton family. Chris Barton would like to introduce the site and what they’re up to and what they do there. It’s a very busy site. Chris has been sworn in so if he may just introduce it please first?


448. THE CHAIR: Welcome.

449. MR BEDSON: If we could bring up 224(10) please that will help focus our minds I suspect. So that’s the site during construction, 224(8) if we can rotate that? Thank you. Perfect.

Submissions by Mr Barton

450. MR BARTON: Hello, I was just simply to describe the site. We’re a small farm; 27-acres in old money. The site breaks into two halves. The first half access from Mill Lane, shown here from the right-hand side of the screen comes down the main drive. In front of it, the blue building is a farm shop. This building was converted in 2011 to the existing farm shop. There’s been a farm shop on site for the 35 years that we’ve been there and it preceded the time we were there.

451. THE CHAIR: Can I just confirm in relation to is that where we stopped?

452. MR MILLER: Yes.

453. THE CHAIR: Right, so we visited that site and we walked all the way down towards the proposed marina.

454. MR BARTON: Right, I wasn’t aware of that.

455. THE CHAIR: We purposely did an unannounced visit right at the beginning to orientate ourselves.

456. MR BARTON: Right, right.

457. THE CHAIR: We wanted to take evidence properly here but we wanted to have
some context.

458. MR BARTON: So the building in front is the farm shop. It turns over – it turned over last year £1.2 million. To the left, the green building is a newly built café, built in 2014. The planning received for that at the same time as the farm shop in 2010. That café expected to turn over £650,000 this year and still growing at the rate of 25%. Last year the growth was 33%. As we go down the drive, the area coloured yellow is the proposed new car park, 100 spaces, for which we received planning this year. As we proceed further down we get to our tenant who occupies the back of the site. The site splits into roughly two 13-acre blocks. That tenant runs the business of an inland waterways marina, currently very successful and has been successful since its opening in 2006. There’s 200 boats in there.

459. We employ, in round figures, 40 people on the front of the site, 25 full-time equivalents, wage pool of about £650,000. We’re very much part of the fabric, the local economic fabric and the community fabric. The site has a lot of importance to the village, as you are probably aware, is the other side of the railway line. It doesn’t show the railway line well here but the east of the site is boundaried by the main West Coast London-Manchester line. That’s not the main line; it’s the off shoot from Colwich that goes up via the Potteries to Manchester. The west of the site is boundaried by the Trent and Mersey Canal and we have no objections to them being there. We enjoy that peace and tranquillity that the canal gives. The other side of the bridge from Mill Lane is the famous historic junction where the Staffordshire and Worcester joins the Trent and Mersey.

460. On a busy day, if we took a week last Sunday, Father’s Day, there would be over 1,000 visitors to the site. We can calculate fairly accurately from the till transactions and the knowledge of the multiple that means in terms of people associated with that. During a busy weekday in the summer when the site is most relevant we would be looking at something in the order of 700 visitors. This is why we’ve had to remodel the site to achieve this additional car park of 100 spaces. The existing 75 formal spaces, 50 informal spaces is in adequate. As we look to the future we have this autumn a further planning permission that we’re taking forward and we’ve been taking forward for the last couple of years. The farm shop is to be expanded to fulfil the rest of that blue building. We’re to install a new department, a bakery and a full-time baker has already
been employed. We’re taking forward a number of other elements of the shop. This will be a further £500,000 that goes in. So in the last seven years that will be £1.5 million we have personally invested in the site.

461. Down the back, the tenant, Lakeland Leisure, is very aware that their business will likely be damaged by HS2. As, Chair, you’re aware the line will run and overshadow that marina just behind where those boats are shown, moving from east to west. We’re here today to see what can be done about the access that was proposed by HS2 in July last year, which is that they would like to take possession of the drive coloured pink that runs down and forms the main artery of the business. We are extremely concerned that the construction traffic proposed will damage that retain business, will damage some of the local economy. We think it will add to a very difficult situation for our tenant at the back who will already be having to find, accommodate and tolerate.

462. THE CHAIR: Well, have you got an alternative?

463. MR BARTON: We have an alternative.


465. MR BARTON: So as Roger is showing with the pointer, the other side of the canal is an equivalent road that HS2 are proposing to build, which crosses pastureland. We question the necessity to use and disrupt our site with that road in place and the ability to bridge across to the back of our site, which will be necessary anyway informing the haul road and the actual line.

466. MR BEDSON: P867(3) as well please. That shows it. P867(3). Yes, that’s it. That again shows it there leading up to the haul road to the temporary bridge there. Sorry, Chris.

467. MR BARTON: I think Mr Chairman that describes the site.

468. THE CHAIR: Mr Bedson, so the proposed – sorry, I’m going to let Sandy speak first. Sandy?

469. MR MARTIN: Well, I’m probably being a bit previous here, Chair, the area north of the Great Haywood Marina is clearly not going to be available to you for the period
of the construction of the railway. Is that of any consequence?

470. MR BARTON: It’s not particularly to us. That is effectively the spoil heap that came out of the basin. It’s now a landscaped facility for the tenant. The tenant may well describe a recreational use that is lost. But from our retail perspective at the front, since the announcement of the route in 2013, we’ve remained positive about being able to operate, deal with and go forward from where we were. In July ’17 when HS2 notified us by mail that they were interested in purchasing the drive we had felt threatened.

471. MR MARTIN: So you petition is entirely focused on the drive?

472. MR BARTON: Because we were informed that we really can’t object to anything else other than the way in which the construction is carried out and not in terms of the position of the line or anything else.

473. MR MARTIN: Right, thank you.

474. THE CHAIR: Have you had any discussions with the landowner on the proposed site?

475. MR BARTON: Sorry, is that the landowner across the canal?

476. THE CHAIR: Yes.

477. MR BARTON: I know him personally. I haven’t discussed whether he has objections to that road. I’ve only assumed that – we’re not proposing to move our problems.

478. THE CHAIR: Doesn’t it go through the back of another petitioner, the lady with the lambs and the café?

479. MR MARTIN: No, she’s further north than that.

480. THE CHAIR: That’s further north. Okay, apologies.

481. MR BARTON: So as far as I’m aware that landowner hasn’t objected. It is pastureland.
482. THE CHAIR: Sheryl?

483. MRS MURRAY: Yes, if the access route was relocated to where you’re proposing isn’t that on the other side of the canal?

484. MR BARTON: It is.

485. MRS MURRAY: So it would mean crossing the canal to make sure that they can access?

486. MR BARTON: It will, yes, which has to be done anyway.

487. MR BEDSON: They have a temporary bridge in that location there anyway for the haul route.

488. MRS MURRAY: Right so you’d cross over to the haul route then in that one.

489. THE CHAIR: Shall we hear from HS2 and then give you a bit more leniency on summation, with your permission?

490. MR BEDSON: There’s one or two other points about the site.

491. THE CHAIR: Shall we cover those first then?

Submissions by Mr Bedson

492. MR BEDSON: Yes, if we go to 224(10) please. The area here was destined to be an extension to the marina. There’s an oil pipe that runs across there. We sought an agreement with UK Oil Pipelines to lower that, which they’re doing. That then gives us the ability to build a channel through there and build another marina there. That’s thrown into doubt a little bit now. There’s also proposals perhaps to put some caravans in here, etc., etc. So all of this access track up through here is causing us some huge difficulties. When it was first mooted, and certainly prior to the additional provision Bill, it was only ever going to be a temporary route and Terry Stafford wrote to us to say that the maximum use would be April ’21 to July ’21, three months for site setup. January ’25 to February ’25, 15 months for site removal. That was the only thing this access route through the site was going to be used for. It wasn’t until the AP came out that it was suddenly, ‘Well actually we want to acquire it and use it during construction
and after construction for maintenance.’ It’s a little bit like the wedding venue that we discussed the other week. This goes right through the heart of the site. There’s some photographs here, if we go to 224(15).

493. THE CHAIR: No, we don’t – Sheryll?

494. MR BEDSON: Sorry.

495. MRS MURRAY: You said about there were plans. Have planning consents been secured?

496. MR BEDSON: For?

497. MRS MURRAY: For the extension of the marina?

498. MR BEDSON: No, not yet. That’s sort of all on hold because it’s with Lakeland Leisure and they’re obviously thinking, ‘What on earth is going to happen here?’ So it’s a bit of a tricky one to secure very costly planning permission.

499. MRS MURRAY: Okay. And we’ve heard about there were planning consents to extend your farm shop. Were there any constraints put on the access road with the planning application? Because planning presumably has been granted for that, has it?

500. MR BARTON: Yes, I think HS2 wrote and were consulted and asked that there wasn’t an encroachment on that road. It was never in our planning application for it to be in any other form so it wasn’t a problem.

501. MRS MURRAY: So when they issued the planning consent they didn’t express any concerns about heavier traffic load of anything like that along the road?

502. MR BARTON: I don’t think they have.

503. MRS MURRAY: Okay, thank you.

504. MR BEDSON: Just on the photographs, so you can perhaps have a better visual, 224(15) please? So this here is the side of the farm shop. The café is in here, there are a load of picnic benches, etc., here. This is the route HS2 wish to take going through here. If you go to 224(16) and rotate.
505. THE CHAIR: Why can’t they hug closer to the line?

506. MR BEDSON: Sorry?

507. THE CHAIR: Why can’t they hug closer to the line and have a separate entrance, so still share beyond where the secondary car park might be. I forget what was there.

508. MR BARTON: Yes, there’s a big glasshouse, half an acre. Also it’s right next to the bridge that comes out of Great Haywood.

509. THE CHAIR: Oh, so you couldn’t. It’s the bridge rather than the glasshouse, which is the deal breaker there.

510. MR BEDSON: Yes, so 224(18) please? That again is taken alongside the café/restaurant, which is getting really busy. This is a coach load of people turning up on a typical day. This again is the road that HS2 wish to take. If we go to P867(3). We’re proposing that this is used as the access. They’re going to put that in anyway. They’re going to put a temporary bridge over the canal anyway. So why on earth – I just don’t understand what the need is to come up there.

511. THE CHAIR: Right, let’s hear from HS2 now then.

Response by Ms Parry

512. MS PARRY (DfT): Thank you. Can I first of all put up what we have been able to offer? And I’m going to get Mr Miller to explain why we can’t go quite as far as the petitioner would like in this case.

513. THE CHAIR: Do you want to swap around with Mr Barton whilst Clare Parry is taking us there?

514. MS PARRY (DfT): Can I have P867(2) first of all to show the assurance that we have offered? There’s a number of parts to this assurance. So the first part is essentially that prior to the use of the access track we will engage with the petitioner to develop appropriate site-specific management measures. So essentially that part is about engagement. Secondly, 1.2, we’ll seek to reduce the use of the access track at weekends and bank holidays so far as reasonably practicable, again, in order to try and minimise impact on the petitioner’s business. And 1.3, we will, in the construction case, limit
ourselves just to using the track for the site setup and site taking down. That’s in the construction case.

515. Why that is important, if I take you to slide P752(7). This is the proposed use of the site in the construction phase. You’ll see from the second bullet point that for site setup we are proposing an average of six HGV two-way movements per day for a duration of 2-3 months. And then site removal and reinstatement, an average of 13 HGV two-way movements per day and a duration of 1-1.5 months. So that is what is proposed. In terms of construction the assurance limits us just to those two phases. As Mr Miller will explain, we also need access in the operational phase to enable us to access this section of the viaduct.

**Evidence of Mr Miller**

516. MS PARRY (DfT): But in order to deal with all of these points with Mr Miller could I start at P750? Mr Miller, I know we’ve already heard something from Mr Smart about the construction sequencing in this area. But the question is: could we get access to this section here via this route as proposed by the petitioner for the purposes of constructing this scheme?

517. MR MILLER: No, and the reason for that is that we’ve got to put a foundation on the petitioner’s side of the Trent and Mersey Canal which is strong enough then to take a bridge, temporary bridge, which will then be crossed over there. So we will always need to get an access in there to put that bit of the construction in to get that bit of road in. The reason why we’re having this road here for construction is to put the other bridge abutment in and then we put the deck of the bridge across the two abutments.

518. MS PARRY (DfT): And in terms of this section here, in between the Trent and Mersey Canal and the Macclesfield to Colwich line, is there any other way of getting into that section without going across the petitioner’s land?

519. MR MILLER: The only other way you could do it would be to come up from, we heard from the petitioner Mrs Mawbey, I think it was, in this area here. But that is severely restricted and I think we showed a photograph of the Macclesfield to Colwich line, there’s a very severe restriction, a very tight underpass underneath the railway. So without disrupting the structure underneath that line and that petitioner’s land, we
couldn’t get in in that way.

520. MS PARRY (DfT): That’s the construction phase. The other proposition is in relation to the operational phase. So first of all, what is HS2 proposing to use the track within the petitioner’s land for in the operational phase?

521. MR MILLER: That’s an easement. It’s limited inspection of the piers that will be on that piece of land just to the north of the Great Haywood Marina. We do need to get in there and inspect the structure from time to time. We made plan for that being an annual kind of event. But it’s also true that we need to have an easement that enables an emergency vehicle to get in there if the need arises with the structure.

522. THE CHAIR: Thank you. We’ll now recess for 15 minutes.

_Sitting suspended._

_On resuming –_

523. THE CHAIR: Mr Bedson?

524. MS PARRY (DfT): Sir, we were just in the middle of presenting our case when you left. If we could just finish with that?

525. THE CHAIR: Thank you for correcting me.

526. MS PARRY (DfT): So we talked about the construction phase and why we need to get that limited amount of HGVs on the petitioner’s side of the railway and the canal at the beginning and end of works. Mr Miller was just going on to talk about the operational situation. Mr Miller, in the case of operation, could we use the track outside the petitioner’s property that the petitioner asked us to do for our maintenance work?

527. MR MILLER: No, because the bridges ultimately come down and we will take the foundations out alongside the canal and also this other bridge here. But the most involved one is alongside the canal, so we’re going to have to get an easement in there to have an inspection arrangement underneath the viaduct deck and the viaduct piers.

528. MS PARRY (DfT): Thank you very much. The only other point it falls to me to make, just to be absolutely clear, the rights that HS2 are taking over this land is rights
for provision of access for construction and maintenance. We’re not seeking to acquire this land and exclude this petitioner from it. It is simply to enable us to get in to it to the very limited extent that you’ve heard and for the reasons that you’ve heard we can’t avoid. Unless there’s any questions those are the points I wanted to make.

529. THE CHAIR: No. Oh sorry, Sheryll?

530. MRS MURRAY: Do you have rough ideas to how often you would need to use this?

531. MS PARRY (DfT): For the construction or for maintenance?

532. MRS MURRAY: For the construction I can understand you needing to go in to put the bridge over the canal.

533. MS PARRY (DfT): Yes.

534. MRS MURRAY: Could you give us an idea of the timescale on the use of that? Presumably all the rest of the bridge construction could be carried out from the other side.

535. MS PARRY (DfT): Yes.

536. MRS MURRAY: Then as far as the maintenance is concerned, is it going to be three times a week, five times a week or is it going to be once a year? It would be nice to have an idea.

537. MS PARRY (DfT): Absolutely. Could I have slide P752(7) up first of all? This is access for construction. You’ll see that in order to physically get that first bit within that site we need an average of six two-way HGV movements per day for 2-3 months. In order to physically get it out again, we need an average of 13 HGV two-way movements per day for 1-1.5 months. Of course that’s indicative at this stage but that gives you an idea of the order. In terms of operations I think, Mr Miller, did you give some evidence on this or do you want to now?

538. MR MILLER: It will be about, for inspections, it will be about once a year so we’re not considering this as requiring a great deal of use, mainly because we built a brand new structure and the design life of that is I think 120 years. So it’s something
that we don’t want to be going back looking at very often, frankly.

539. MRS MURRAY: And just for clarification, your assurance already said that you would work within the working times of the petitioner’s site. So you wouldn’t work at weekends, you wouldn’t use it at bank holidays, so as not to encroach too much on the operations of his business.

540. MS PARRY (DfT): Oh, sorry. What the assurance says is we will seek to reduce the use of the access track at weekends and bank holidays in order to reduce, as far as reasonably practicable, disruption to the petitioner’s operation. So it’s not an absolute bar on that but also as part of this assurance an obligation to engage with the petitioner to develop appropriate site-specific traffic management. So of course through that engagement process we seek to minimise the disruption on this petitioner’s business. I can’t say categorically it would never be at a weekend or bank holiday.

541. MRS MURRAY: No.

542. MS PARRY (DfT): But that’s certainly what we’re trying to limit the use through this assurance.

543. MRS MURRAY: Thank you.

544. MR MILLER: The sort of thing that happens when you get to the point of construction is sometimes people want to get the construction over and done with in the shortest time period possible because then that contains the disruption. It may well be that we can look at the way the business operates during the week, whether they’ve got a particular peak like the bank holidays and that sort of thing, weekends when you have got a lot of people there. But I don’t know whether it’s different on a Monday or different on a Tuesday. It may be that we can – the contractor can ultimately then adjust their plans with that local traffic management arrangement. It’s not a massive amount of construction traffic but I accept that – we’ve all been there and seen it – it is going to cross that access road.

545. THE CHAIR: Is there any compensation for the use of land or inconvenience from the outset? And is there any if it does have a material impact on the business?

546. MS PARRY (DfT): Any rights we take we have to compensate for. In terms of if
it had a material detriment on the business, my understanding that would, if provable, give rise to a compensation claim. But I just want to check that point and if I’m not correct about that I will send a note through to correct myself.

547. THE CHAIR: Seems logical. How much in terms of the payment for using the right of access? I’ve got no idea whether this is thousands of pounds or hundreds of thousands.

548. MS PARRY (DfT): It’s not something I could tell you at the moment. I’ll get a note to you on that.

549. THE CHAIR: Thank you very much. I think that could put things in context. It could easily go from being a disadvantage to an advantage in extreme. I can’t imagine it would be that much money but you never know.

550. MR MILLER: Could I make a comment about the access track itself? Because it’s likely that we could put a hoarding up. We will have hoardings around our construction activities as well. It may well be that alongside the marina there which was of concern, it may well be that you could get a hoarding up alongside the access track. So there are other things that are included within the code of construction practice which are not obvious on the plans at the moment. That sort of thing will be considered in due course.

551. THE CHAIR: Okay.

552. MS PARRY (DfT): Thank you.

553. THE CHAIR: Mr Bedson?

554. MR BEDSON: The assurance given does not assure. It does not in any way reflect what is on the screen in front of you now. That is our worry. If we can go to 750 please? As I understand it, if I am correct, the only reason access is required up there is to build a foundation here to put a temporary bridge across there. Once that is in, we would like an assurance that everything uses that. I would suggest that for the maintenance period of the viaduct, thereafter, for a period of a few years that bridge is left in and that track is left in, because we’ve seen Network Rail recently doing works on site where they’ve got an easement up there supposedly for inspection/maintenance.
They turn up with all manner of vehicles and equipment and machinery.

555. You can bet your bottom dollar that the easement that HS2 will take will give them a right to do whatever they like up that road. That could have a devastating impact on this business at any time in the future. That’s the point. There’s a perfectly good access up there with a perfectly good bridge that they’re going to build there. Please just leave the bridge there. Get access up there and across there. It’s a bit like the wedding venue we saw the other day. There’s a lot of money invested in this site and sites get one chance to make a good impression. You get a coach load of people turn up and there’s a load of machinery and equipment and diggers driving around, they’re not going to come back. Simple as that. There’s a perfectly good alternative here. We’d like to see it used. It really is as simple as that.

556. THE CHAIR: Okay, no further questions? Let’s move on to the next petitioner. Mr Bedson are you ready to start with your next petitioner?

557. MR BEDSON: Yes, I’m just packing the last one away.

558. THE CHAIR: Okay let’s give you two minutes.

**Mr & Mrs John Tavernor**

**Submissions by Mr Bedson**

559. MR BEDSON: Two ticks. Two ticks. So the next one is for Mr and Mrs Tavernor of Farley Farm, Great Haywood. One or two assurances have come through in the last 48 hours, dare I say, but not entirely going as far as we would like them to go. If we could move please to 223(4)? The client’s landholding shown, edged brown. The parcel of land here and a parcel of land here underneath the embankment. It is next door, of course, to the Great Haywood Marina and the previous petitioners, the Barton family. That is where we are. Again, I think we only had one meeting on the farm with HS2 to date. So everything is a little last minute.

560. If we look at the points in order. There’s a small area of land there, which we would like to retain afterwards and we would like the landscape mitigation to be moved from that. There is nobody that particularly would benefit from that as far as we can see. So we would like that paddock to remain in our ownership and as little touched as
possible. Point number 2, we know the NFU got some assurances here about spring water and water supplies but there is a spring water, for the record, that supplies the farm. We’re concerned that the hydrology will be affected in the area. So we do want to have some discussions with HS2 about that, which we haven’t yet been able to have.

561. Point number 3, we need an access in here and we would like to retain this parcel of land as much as is practically possible for us to do so. This boundary here is shown probably slightly in the wrong place actually; it’s probably a little bit further up there. But we do wish to retain this parcel of land and the balancing pond, again, is rather land hungry. I’m assuming this balancing pond is going to take water from the entirety of this embankment but I don’t know because there’s obviously a road in the middle. So do we make the assumption that the water coming from this is somehow going to be piped around and into the balancing pond? I don’t know. It seems a very big balancing pond if it’s just for this small area of embankment here. But either way we would like to retain that land as much as possible.

562. There’s a small, severed area of land there at 11, which we’re suggesting any tree planting could go on. That might seem a simple option going forward into the future. One of the main points of concern that your petitioner has here, if we can go to 223(5) please, is that Tolldish Lane has a temporary diversion there coming to a roundabout. Now we’ve had an assurance to say that the roundabout had been moved afterwards but we really need an assurance, if we could go back to 223(4) please, that the road will go back there. We haven’t actually had that. Also that the road, there’s a large area between the edge of the structural embankment and the edge of the road. We would like it to hug that as much as possible please. If it needs to come out here then to get a better visibility splay to the highway, that’s fine. But we want to save as much land as possible. Those trees there aren’t going to really protect a visual impact of the railway from anybody because the only one that looks at it are our clients and we’re up here. The land rises in the middle so he’s not really going to see it. So we would like that to be kept back here as much as possible please.

563. I’ve also received an assurance just in the corridor regarding to a gate access to this land. At the moment we have gated access to this side of the farm from the existing Tolldish Lane, which runs down here. We need to keep that. The assurance is a little
unclear but I’m told that they will send a better plan showing where that is that we can identify but we need a gated access into here. Those are small but nonetheless very important points to this petitioner. Those are the main areas of impact that we need to achieve please. Those are the comments we have to make.

564. THE CHAIR: Any questions form the Committee? HS2?

Response by Ms Parry

565. MS PARRY (DfT): Thank you very much. As you’ve heard we have offered an assurance in relation to a gate at or around point 6. I think on our plan we actually show it a little bit further down the Tolldish Lane. But in any event, there is an assurance and we can obviously look at that with Mr Bedson if we need to slightly amend the location. That’s a matter that we can look at.

566. THE CHAIR: Thank you.

567. MS PARRY (DfT): The other thing that we have been able to offer an assurance on is we were asked about the Tolldish Lane here hugging the embankment. If we can have a look at P877(2)? Here we have 1.1; this is the Secretary of State, ‘Requiring the nominated undertaker to use reasonable endeavours to realign at detailed design stage that part of Tolldish Lane diversion as close to the Trent south embankment as is reasonably practicable subject to a number of conditions.’ So we will do our best to move that as close as we can to the embankment.

568. If I could go back to the previous page? Thank you. The third concern was in relation to this area of land here. In actual fact our red line boundary shows the red line being a little bit further north. I’ll get Mr Miller to explain why we can’t respond directly to what we’ve been asked to do in relation to this area but what we have proposed, if I can go back to P877(2)? Under the heading ‘compulsory acquisition of land’ we’ve effectively agreed to buy the bit that we haven’t already marked out to be taken within that little severed unit of land. I know the landowner doesn’t want to buy it but given we’re unable to respond to his other concerns we’ve essentially said, ‘If we take the bits of land we’ve shown from that small unit, we’ll take the little slither that we haven’t shown as well.’ So we’ll buy the unit as a whole.
569. THE CHAIR: Okay.

570. MS PARRY (DfT): And there’s also, as you’ve heard, I don’t think we need to look at it in detail, an assurance in relation to water supply. Also an assurance in relation to the removal of the temporary roundabout. I obviously can’t give an assurance now but I will ask those instructing me to look at extending that assurance to refer to the entirety of Tolldish Lane. I can’t say whether we will be able to do that but we will certainly look into that if that would give some more comfort.

571. THE CHAIR: It would. Thank you.

Evidence of Mr Miller

572. MS PARRY (DfT): If I could then turn to the points on which I’m afraid we can’t accede to the petitioner’s requests. If we perhaps go back to A223(4) as a useful place? Mr Miller, let’s start with the landscaping, which we see all around the Trent south embankment here. What’s the purpose of that landscaping?

573. MR MILLER: The purpose of the landscaping and the planting where it says 4A and just below here, all of that is to do with integrated a 15-metre-high, or up to 15-metre-high embankment in this particular location. What it’s trying to do is address a new piece of infrastructure, which is cutting across the river valley that we’ve seen. It’s also taking into account the setting of that, or the historic setting of that river valley. I should remind people that, just to the west here, we’ve got Shugborough, which is a National Trust property. We’ve entered into some arrangements with them. And even further back on higher ground we have the Cannock Chase Area of Outstanding Natural Beauty. And a lot of people are concerned about the outlook of the new high speed railway on its viaduct, on its embankments in this particular location as it cuts across the valley at 90 degrees.

574. THE CHAIR: Sheryll?

575. MRS MURRAY: So actually that land, if it were such a gradient on the embankment, it would be rendered useless anyway. Am I right?

576. MR MILLER: We have said elsewhere that you could slacken the slopes off. Here, I don’t think it is the case. This is a very high embankment. It’s probably at its
limit of being an embankment before you actually have to go to a viaduct according to
the structure. So it’s quite a massive earthwork over all. So there will be tree planting
to the sort of bottom edge of it there, and then we’re reinforcing that planting around
here to soften the edge of the very steep embankment as it sits. And it’s true of either
side of the valley, as it sits in that sort of flat valley floor. It will be quite a prominent
feature and there’s no doubt that the viaduct, depending on where you are in the valley,
will be quite prominent.

577. MS PARRY (DfT): Then we were asked about providing an access to the severed
piece of land at about 3. Is the promoter able to do that?

578. MR MILLER: No, and the reason for that is because the road, when it passes
through the embankment that we’re creating, is going to be held up by a retaining wall
on either side, and to do that, I think we were going to show it a little bit further up than
the 3 that’s shown here. We can’t get the site lines in on that road alignment to make
that a reasonable and safe turning off.

579. MS PARRY (DfT): Then the next question was in relation to the balancing pond
and its location, and if we could have slide P757(4)? Can you explain by reference to
this slide what that balancing pond is draining?

580. MR MILLER: There’s a lot going on with the drainage in this area because we’re
introducing a new embankment structure, but we’ve also got the viaduct which will
have a natural fall, a natural gradient on it so that the water will flow downhill, get to a
point, and that point is roughly there, and you can only just see it on this plant, but there
is a little blue line on there, and there will be an outfall into the balancing pond there for
the viaduct structure itself. So this all goes to the regulation of the water in this area
and, of course, water is a major feature in this valley and that we have to take into
account.

581. Just to take up the other point about what else is happening on the land, you can
just see – it’s like a turquoise line on either side. There will be a drainage ditch all the
way around this earthwork, and that will take up the water which will run off and then
there are culverts under the road on either side and I’m not exactly sure how it connects
in here. It may connect into the balancing pond, or it may just go off onto the ordinary
mains drainage.
582. MS PARRY (DfT): So is there anywhere else that this balancing pond could be located?

583. MR MILLER: No.

584. MS PARRY (DfT): Thank you very much, sir, those are the matters I wanted to deal with.

585. THE CHAIR: Thank you.

586. MR BEDSON: P756 please. This shows the client’s boundary a little better than my plan. There’s a long way from there to there, there is enough place to get a gate in and I’m sure it would comply with highway standards, just as lots of other field gates do, particularly if this embankment here is reduced, and the wing wall is built in such a way that it allows visibility. I’m sure that could be achieved. We would still like to see that moved up here, out of the way, the balancing pond, if at all possible. The answer often comes back no, but I’m sure with a lot of these things, with some working, they can be achieved, if there is a willingness to work with us.

587. THE CHAIR: Sorry, if you don’t get that access, because of traffic, where would you get access? If you don’t get that gate, how do you get into that field?

588. MR BEDSON: You wouldn’t, because this is third-party land and this is third-party land, unless it came up an access track here.

589. THE CHAIR: Okay, so you need some access. Sandy?

590. MR MARTIN: Yes. Mr Bedson, taking into account how much of that field is taken up with an embankment, and how much of the rest of it is taken up with mitigation planting and a balancing pond, what would you use, or what would anyone use the very small amount of land that’s left for?

591. MR BEDSON: My client raises cattle and sheep and makes hay etc, so land is precious to him; his desire is to try and keep as much of it as possible. It’s as simple as that.

592. THE CHAIR: Clare Parry.
593. MS PARRY (DfT): I’m so sorry, can I be clear, that area we’re now talking about the area that HS2 have offered to buy, and that is because we do not think we can get an access in there within that…

594. THE CHAIR: Thank you for reminding me of that. Mr Bedson.

595. MR BEDSON: There was mention of an assurance about Tolldish Lane. I don’t seem to have that. I don’t know if I’ve missed something that – there was an assurance written, somewhere about Tolldish Lane? Which I couldn’t just see. Apologies if I missed it.

596. MS PARRY (DfT): Do you want me to –?

597. THE CHAIR: Yes, if you can help us, that would be great.

598. MS PARRY (DfT): Yes, it’s P877(2). This is the assurance about keeping Tolldish Lane as close in, and as I said, I’d ask the promoter to look at a further assurance about removing the temporary diversion as soon as possible.

599. MR BEDSON: Right, okay, so apologies, this is one from yesterday, which I don’t think I’ve got yet, but that is at least helpful, but I would like a hard copy and some time to consider it.

600. THE CHAIR: Well, you’ve got a hard copy now. Any other issues?

601. MR BEDSON: I think that about covers it, sir.

602. THE CHAIR: Thank you very much. There’s no questions from the Committee, so I’m going to call order and we will meet in private.