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 (Morning)
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
Rupert Thornely-Taylor, Acoustics and Vibration Expert (HS2 Ltd)
John Slater
Carol Carney (Upper Moreton Farm)

IN PUBLIC SESSION
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1. THE CHAIR: Welcome back, Mr Bedson.

2. MR BEDSON: Good morning.

3. THE CHAIR: Hopefully we’re going to make good progress today.


5. THE CHAIR: Over to you, sir.

T A Fenton and Partners

Submissions by Mr Bedson

6. MR BEDSON: Thank you. The first one is what I hope is a relatively simple case: that of the Fenton family, who own and occupy a parcel of land along with a bigger farming enterprise. This really is a case of ecological mitigation issues. If we can go please to A219(14)? Sorry, 219(4), I do apologise. Thank you. Excellent. So the parcel of land is shown here outlined. There are various ecological mitigation measures, which have been planned, again without any consultation, and we’ve been seeking some justification for those for quite some time. This belt of trees at the bottom here is planted right across the access. So it curtails the access. There’s a hedgerow planted across the top here with this L-shape, which we can see, which then renders all this land around here pretty useless.

7. Now I did receive yesterday some assurances from HS2 but they don’t really go any further than to say, ‘We’ll look at it and use reasonable endeavours.’ Now I would have hoped by this stage their ecologist could say, ‘Oh yes, of course, we can find an alternative solution for that.’ But it doesn’t go that far and it doesn’t really, with the greatest of respect, assure us of anything other than they will look at it. I really hoped that by now they’d be able to say, ‘Yes, of course we can do that.’

8. The road at the top you can see there is in fact the M6 motorway. So I’m wondering why a belt of landscape mitigation trees is needed here because any property that happens to be here looks up bank at the M6 anyway. So I’m wondering why HS2 is spending money on shielding trees from the M6, for example. It seems a little bit
unnecessary to us and it encroaches onto the land. So the requests are that the hedgerow here be removed. We’re happy to talk about an alternative location perhaps improving hedges up the side of the land. But that needs to be removed otherwise it gives us a useless L-shape there we can do nothing with and we’d like those removed too, these trees at points 2 and 1.

9. THE CHAIR: On the basis that less is more shall we hear from HS2?

10. MR BEDSON: Sorry?

11. THE CHAIR: Shall we hear from HS2?

12. MR BEDSON: Yes, absolutely.

13. THE CHAIR: Clare Parry.

Response by Ms Parry

14. MS PARRY (DfT): Yes, thank you very much. Can I have P855(1) please? This is the first assurance offered and this is in relation to the hedge that your attention was just drawn to. You will see in the first indented paragraph that the promoter has said they will use reasonable endeavours to relocate the hedgerow within the farmland. So we are satisfied that we are able to move that hedgerow within the farmland and we’ve given that assurance to that effect. That was the first point raised by Mr Bedson.

15. If I could then go to P866(1)? The second point raised by Mr Bedson was in relation to the band of tree planting, which he indicated within his landholding. At P866(1) you will see that from the first indented paragraph we have given an assurance to use reasonable endeavours to make that mitigation such that we can provide access through it. So that answers his first point: how does he get access through it? In relation to the second point, as to why does he need this band of trees, I was proposing to ask Mr Miller to deal with that very briefly.

16. THE CHAIR: Sounds great. Not being a lawyer, reasonable endeavours sounds pretty strong wording?

17. MS PARRY (DfT): Yes, in actual fact Mr Mould did assist the first Committee on Phase One with some idea of what ‘reasonable endeavours meant’. While Mr Miller
is setting up perhaps I could just quote what he said.

18. THE CHAIR: Yes.

19. MS PARRY (DfT): ‘The reasonable endeavour is a phrase that you will see time and time again and is the tried and trusted way of expressing the balance between cost and benefit. It’s for that reason that generally speaking, in the level of commitment that is given in major projects, “best endeavours” or “reasonable endeavours” tends to impose a much higher burden on the promoter or the developer because it’s generally interpreted as meaning “at almost any cost”. So it is generally very unusual to find that level of commitment being given to matters where there’s necessarily a balance to be struck between a whole series of competing interests, not unimportantly, an overarching consideration of the cost of what is being proposed on the public purse. But people should not misunderstand “reasonable endeavours” as being weak or without teeth. “Reasonable endeavours” does imply that all that reasonably can be done at a sensible cost will be done.’ That’s what Mr Mould said. So we say reasonable endeavours means anything we can sensibly do at a reasonable cost we will do. It’s not simply we will look at it; we’ll have a think about it.

20. THE CHAIR: I understand. That’s very helpful clarification because no doubt those wordings will come up again on other petitions.

21. MS PARRY (DfT): Indeed. What I will do is I will provide you with that extract from the transcript so you can see for yourself.

22. THE CHAIR: That would be good, particularly when we’ve got petitioners that haven’t heard what you’ve just said.

23. MS PARRY (DfT): Indeed.

24. THE CHAIR: Thank you.

Evidence of Mr Miller

25. MS PARRY (DfT): Thank you very much. If we could then, now Mr Miller is in position, have P794 up? Mr Miller, the concern is raised about the landscaping planting indicated at 2 on this plan. It was said, we can see the M6 is there; why are we simply
putting some landscape planting on to hide the M6? What’s the position?

26. MR MILLER: Yes, the landscape plan here is dealing with the IMB-R and also the High Speed Two railway tracks. If we can go back a slide to P793 and sort of zoom out to remind the Committee of what’s going on in this location. The HS2 railway tracks are highly elevated. You’ll see that on this plan there are number of contours, 120, 125 and 130. So the land is rising up on the other side of the motorway. Then we’ve got a railway, which is on top of that, round about 6-6.5 metres higher than the existing ground level. Then we have the IMB-R depot and we’ve heard the debate about Yarnfield Lane as well about how that is various elevated over the scheme design. So the stone rail here, the IMB-R, is raised by about two metres in there.

27. MR WIGGIN: Right.

28. MR MILLER: Then in between we’ve got a lot of infrastructure. So you’ve got raised railway infrastructure, raised depot infrastructure, then you get the motorway. Then further south you get to the village of Yarnfield, which is just off of this plan. You have heard from some people from Yarnfield and you can see that the land is starting to rise up once again. Those people are overlooking the depot. Our consideration of the mitigation, if we can perhaps go back onto the other plan, on this piece of land is to provide a midpoint screen so that you screen in the middle distance this big piece of infrastructure that we’re providing for the infrastructure maintenance depot. So we’re changing the land quite dramatically here, albeit that the motorway does pass through at the lowest point in this valley.

29. THE CHAIR: Okay I think that’s fine. Thank you.

30. MS PARRY (DfT): Okay, thank you very much, Mr Miller. Thank you very much, sir, I think those are the points raised.

31. THE CHAIR: Thank you. There doesn’t seem to be any need to have a summary, does it?

32. MR BEDSON: Other than the M6 is surrounded by trees anyway on both sides so, again, we just don’t see a need for that, sir.

33. THE CHAIR: Okay, any questions?
34. MR MARTIN: Sorry, yes, Mr Bedson, on that particular piece of landscape mitigation you mentioned that it was blocking an access. Can you point that out? I couldn’t quite see on the plan that you had. This one here ought to do, oughtn’t it?

35. MR BEDSON: The access is along this track here and it comes in here. HS2 have said in an assurance yesterday that they will provide access up through there. But you know, the assurance is a bit woolly. I’m very grateful to Clare Parry for explaining the reasonable endeavours a bit more but it still gives them a bit of a get out sometimes. We’re a little bit sceptical given the amount of engagement to date, shall I say.

36. THE CHAIR: I may have shared your scepticism before. I’m less sceptical now.

37. MR BEDSON: Okay, thank you.

38. MR MARTIN: And where were we with the hedgerow at number 1?

39. MR BEDSON: We’ve just heard that they will remove it to somewhere else within the land. But at this stage we don’t know where. Where it is at the moment is a pretty dreadful position. It just severs a chunk of land; it becomes a bit of a nightmare really. So as long as it can be moved around the edge that is helpful.

40. MR WIGGIN: In order to help Mr Bedson’s scepticism, the assurance that you quoted from Mr Mould applies very neatly to people who are losing their homes, who are in a financial negotiation. But people who are getting access aren’t arguing over cost. They’re arguing over access and therefore the assurance that you gave was generous but was it really applicable in this case? That’s really where I think it might help the petitioners. I think you mean well but I’m not quite sure that that’s been properly understood.

41. MS PARRY (DfT): Sir, the position is the only reason we have these caveats is because we cannot be in a position where we cannot provide this scheme. That is effectively what Mr Mould was saying. We have to have some ability. For example, it’s perhaps difficult to see in this one but, for example, if we couldn’t provide access to those trees without creating a new significant effect which is something we’ve assured elsewhere not to do. Then we cannot be in a position where we cannot provide the scheme because we’ve given contradictory assurances, just by way of an example. So
it’s not that we don’t want to do this. We think it’s a very good idea. But it is simply we have to have that caveat just to protect ourselves.

42. MR WIGGIN: I’m sure the Fenton family will be delighted they haven’t stopped a £70 billion project on the access to their field.

43. MS PARRY (DfT): Indeed, I mean, that is the ultimate position we cannot be in.

44. THE CHAIR: So looking at it in a different perspective, in percentage terms, if you had 100 reasonable endeavours, how many would one expect to not reasonably endeavour towards solving to the satisfaction of the petitioner?

45. MS PARRY (DfT): As we said, as Mr Mould explained to the Phase One Committee, it’s about a balance. It’s not a matter of if you have two things over here and three things over here. You would have to look at the various factors. For example, if you’re dealing with the access of a highway and the highway authority say ‘no’ then trying to design something and ask the highways authority about it would be likely to be a reasonable endeavour. The fact that you cannot do it because the highways authority have said ‘no’ is a pretty good reason not to. Equally, there may be a point where the cost simply becomes so great that it cannot be countenanced.

46. THE CHAIR: So we could, in our report, make some comments on what we think and expect of reasonable endeavours as well. We can consider that in private. Sandy?

47. MR MARTIN: I have to say, Chair, in the context of this particular petition we’re talking about virtually zero or negligible costs in every case. I fail to see how the cost of making any changes would enter into this. Can you just now tell us that you will move the hedge to the edge of Mr Fenton’s field and not down the middle of it? Because I can’t see there’s any additional cost involved in that at all.

48. MS PARRY (DfT): Well, indeed, and we’re satisfied that we can do it. That’s why we’ve given the assurance. We don’t give these assurances where we don’t think we can do it. The point is we are not at a stage of a fully designed railway. We still have a detailed design phase to go through. We still have a stage where there’s going to be further survey work, for example, in terms of ecology. It is possible things will change which is why we cannot say categorically that this will happen. But in giving
the reasonable endeavours assurance we suggest that that gives a lot of comfort to the petition and we hope to the Committee.

49. MR WIGGIN: I think we’ve done the best we can.

50. MS PARRY (DfT): If you want a note on reasonable endeavours we’re quite happy to provide one.

51. THE CHAIR: I think with what you’ve given us we have an adequate understanding, so we can reasonably understand. Shall we move to the next petitioner?

Christopher, Brenda and John Slater

52. MR BEDSON: So the next petition is on behalf of the Slater family from Snape Hall Farm. The Slater family are here and John would like to say a few words by way of introduction please, if he may.

53. THE CHAIR: Sorry Mr Bedson can I just check what happened to petitioner 13?

54. MR BEDSON: I did drop a note to say Mr Pearce isn’t appearing.

55. THE CHAIR: Apologies, I’m clearly looking at an old note.

56. MR WIGGIN: He’s settled has he?

57. THE CHAIR: Sorry, has he settled?

58. MR BEDSON: No.

59. MS PARRY (DfT): I think it’s a personal matter, perhaps if we could inform you.

60. THE CHAIR: I’ll speak to Mr Bedson later. Thank you. Let’s get on Mr Slater.

61. MR BEDSON: Please.

62. THE CHAIR: Thank you.

63. MR BEDSON: If we just pull up a plan that we can perhaps talk to. If we bring up A220(8) that may focus some minds.

Submissions by Mr Slater
MR SLATER: Yes, hello, I’m John Slater. I live and work on Snape Hill Farm with my family. I have done my entire life. We run a successful dairy farm of 266 acres of grassland and 120 milking cows with approximately 200 animals in total. We run a free-range system. The cows will be out grazing all summer, all the summer months, then in winter housing once the weather and the ground conditions worsen. Whilst many smaller farms folded during the recent milk crisis we survived. The main reason for this is because we run our farm with other two acres of land per dairy cow.

HS2 plan to temporarily take 109 acres of land, equating to 41% of our entire farm, and permanently take 80 acres, leaving us with just 150 acres of grassland for many years during construction, the vast majority of this being on the other side of the proposed route, which cuts straight through the middle of our farm, devastating everything we’ve ever worked for. If there’s no other viable option then fair enough, we have to face a lifetime of hardship. But fortunately there is. A single Whitmore to Madeley tunnel could completely eradicate the whole problem and our farm would remain how it is today. If this option isn’t adopted our life is in ruins. Our farm is everything our family has ever worked for with the belief it would be in the family for generations to come. We’ve already had five years of hardship with HS2 being the first thing we think about in the morning and the last thing at night. I can’t even remember what life was like before constantly having HS2 at the back of my mind. I watched previous arguments for and against the Whitmore to Madeley tunnel. The truth is there is no valid argument against it. The only reason this option hasn’t already been adopted is because of the extra costs.

The ES written by HS2 themselves already appears to confirm that the single longer Whitmore to Madeley tunnel is the best option for this part of the route. I don’t think anyone has a right to put a price on the human cost of not building it. In the grand scheme of things this extra cost is extremely minimal. I’ve seen HS2 representatives trying to justify cutting through the Whitmore Valley. No matter how hard they try no one can defend this current proposed scheme when there is this alternative option. We already have a tunnel under Whitmore Heath and in Madeley. It makes perfect sense that these two tunnels should be joined together to make one single tunnel, saving the devastation of farmland and ancient woodland, not to mention scarring the Whitmore Valley with a huge viaduct that is not ever needed, and what for? Just a short-term
economic gain.

67. THE CHAIR: Mr Bedson, if I can just stop you there. We have made an in principle decision not to tunnel. I’d like to use this time on the presumption that there is going to be no tunnel rather than making a case for something that we spent over a month looking at. I want to use this time particularly for this farm and mitigation if the tunnel doesn’t go ahead because I don’t think we’d be doing justice to your petitioner to spend time looking at something we’ve already looked at.

68. MR BEDSON: That’s understood.

69. THE CHAIR: It will be to your petitioner’s detriment.

70. MR BEDSON: Yes, understood.

71. THE CHAIR: So can we focus on that for now?

72. MR BEDSON: Yes.

73. THE CHAIR: Thank you. Mr Bedson?

74. MR BEDSON: Are you finished?

75. MR SLATER: No, but I was just –

**Submissions by Mr Bedson**

76. MR BEDSON: Right, thank you. The position that we’ve come to is we’d seen your in-principle decision on that committee. It is disappointing to us. If we just flip to 220(11) and then briefly back to this one. That’s what happens if the tunnel does go ahead. Flip back to the other one? No, sorry, 220(8). That’s what happens if the tunnel doesn’t go ahead. So that’s the scenario. This farm can either work or not work depending on how HS2 decides to treat it. With sensible discussion and engagement a lot of these problems can go away and the farm can continue to work. It’s the same old story. People aren’t arguing against the principle of the railway, just that stuff that happens around it that ruins farms. So just by way of reference, the last meeting we had with HS2 on this farm was 27 November 2017. That was seven months ago. We’ve heard nothing particularly substantive since apart from some assurances coming through
yesterday on the way down. At the meeting seven months ago the engineer would not give me his phone number.

77. THE CHAIR: Sheryll?

78. MRS MURRAY: So could we move on to the assurances that you were given yesterday?

79. MR BEDSON: Yes. They will come in as I work through.

80. MRS MURRAY: Because presumably a lot of this is about the replanting areas that we’re seeing in front of us here.

81. MR BEDSON: And other things, yes, exactly. So the impact on the farm, we’re on 220(8) at the moment. Now we accept the topography here is rather difficult because the land is quite steep. It slopes down from the north to the south, to the West Coast Main Line, which is currently running along the bottom here. The current design doesn’t have an awful lot of empathy for the farm. If we look at the various points, point 1 there’s a balancing pond here, which pokes out into the field in a difficult location. We would like it to be put up here. I did receive an assurance relating to balancing ponds but there was no plan attached to it. It referred to a plan but as I only got it yesterday I couldn’t get the plans. It was very difficult to know precisely what they were talking about.

82. Point 2 is a triangle of trees here. We don’t see why that is there. All it is doing is hemming in the farmyard where the dairy cows are and trees around farmyards aren’t a good idea because they create a lot of flies. That doesn’t affect the cows very well, disease, etc., etc. So nobody builds buildings next to woods and nobody plants woods next to buildings. It may be that — we’ll come on to 7B in a minute, that other balancing pond — but it may be that that could be located there out of the way.

83. MR WIGGIN: Mr Bedson, can I just dive in? I’m so sorry. You’ve got a whole series of things that could happen. But given the size of the farm and the amount of permanent land take, have HS2 approached the Slaters to make them a proper offer to help them? Because it’s devastating, isn’t it?

84. MR BEDSON: It’s utterly devastating. It’s ruining the farm.
85. MR WIGGIN: So this is one of these farms that is probably not going to be viable afterwards, isn’t it? Brutally, I’m sorry.

86. MR BEDSON: If we can reduce the land take and we can get connectivity, it will be. But all we have at the minute is one single point of access from this side to that side over third party land coming out onto a steep bank, which you won’t be able to get machinery up there easily. We’ve asked for a tunnel to be put under there, which I think is entirely reasonable. We’ve asked for a cow track to be built around there, which will be steep. It will be one in six, maybe one in seven, with some engineering works. That will help. I’m going a little bit off piste here but there’s 56 acres of trees. Everything coloured orange is tree planting that they want to plant on this farm. This is on adjoining land but on this farm alone there’s 56 acres of trees they want to plant because they’re talking about eight and a half acres through Whitmore Wood. On the neighbouring farm, the Wards, they want to put 60 acres of trees and yet between here and Crewe, it doesn’t go through any woodland and that’s about seven miles. Between here and Lord Stafford’s, several miles in the other direction, it doesn’t go through any woodlands. Why are we putting 120 acres of trees?

87. MRS MURRAY: There’s a difference with this woodland because it’s an ancient woodland.

88. MR BEDSON: I know.

89. MRS MURRAY: And, as I understand it, the soil, moving the soil is as important as anything else.

90. MR BEDSON: Yes.

91. MRS MURRAY: So that could be one of the reasons they are doing the planting on this farm because of the proximity with the ancient woodland at Whitmore Wood. Am I correct?

92. MR BEDSON: That is right. I know with ancient and ancient semi-natural woodlands it’s not necessarily about the trees; it’s about the soil which has grown trees for many years but we know soil can be moved and put into different locations but it doesn’t alter the fact that the replacement rate here is horrific. This reduces this farm to a series of fields within woodland, a series of clearings within woodland. There’s
already a big patch of woodland all the way down here, you see. So, by the time you’ve finished, it’s just a bunch of clearings in amongst woodland.

93. MRS MURRAY: So, just to be clear, could you answer Mr Wiggin’s question for us because I don’t think you did?

94. MR BEDSON: I’m sorry, which was?

95. THE CHAIR: Do you want to remind us, Bill?

96. MR WIGGIN: Well, I wanted to know if HS2 have made a reasonable offer to the Slaters to buy the whole farm because, even if we do all the things we’ve got to do, moving that woodland to somebody else’s farm just shifts the problem further up or down the line, doesn’t it, whereas this farm is so badly hit, I mean we’ve seen many petitioners, but I would say Mr Slater is one of the top of the list for deserving generous treatment from HS2.

97. MR BEDSON: I agree. No, they haven’t, but conversely we haven’t applied for it. Our aim was to try and reduce the impact to keep the farm going and I think with sensible re-design, that can be done. We haven’t really had any justification for why all these trees have got to be planted here. If it’s about soil then there’s severed areas of land elsewhere on the scheme that might be able to be used but I’ve been involved in enough development sites to know that, for example, a county arboriculturalist or archaeologist might ask for a one in five replacement rate, another archaeologist will settle at 1.8 to 1 replacement rate. Here, we’re talking about 120 acres of trees over two farms, for eight and a half acres of woodland.

98. THE CHAIR: Shall we allow you to get back on track in terms of your presentation and take us through? I think you feel that there’s some degree of scepticism from the Committee about the viability.

99. MR BEDSON: Yes.

100. THE CHAIR: But if that’s what your petitioner wants, that’s what we should work towards whilst leaving a very real option on the table at a later stage for full compensation if that doesn’t work out.
101. MR BEDSON: Yes, I think a sale of the farm probably isn’t something that had entered our psyche.

102. MR SLATER: No, it’s definitely not, no.

103. MR WIGGIN: But if you lose half your farm, you can’t work on a two cows per acre and have the same income, can you?

104. MR SLATER: No.

105. MR WIGGIN: But that’s what I was worried about for you.

106. MR SLATER: But that’s why we’ve come here to try and mitigate it a bit better than what it is at the moment, to make it a working farm, carry on as we are.

107. THE CHAIR: We would like to help you do that as well but we want to make sure you’ve got proper compensation if they can’t do that, or they won’t do that.

108. MR SLATER: Yes.

109. THE CHAIR: Or there’s good reason why they shouldn’t and don’t. Mr Bedson?

110. MR BEDSON: Okay. The location of these trees is pretty horrific. The cows live here at Snape Hall Farm and this is the nighttime grazing pasture. They walk straight up the back of the farm, out and they graze around here. We need that connectivity to allow the cows to continue to do that and we’re suggesting the red trackway at point 7 may achieve that. Alternatively, given that there’s going to be a large retaining wall running along the top side of the railway line here, and the land here, there’s a cutting this side, we suspect it might be possible to get a bridge over here. It would be an engineering feat, I’m quite sure, but a bridge at that point there, within the land ownership of the farm may well work.

111. The balancing pond here at point 7 is in a pretty terrible location.

112. MR MARTIN: Mr Bedson, before we move on to the balancing pond, if it was a choice between the bridge at 8 or the bridge at 7A, would you prefer the bridge at 7A rather than the bridge at 8?

113. MR BEDSON: 7A I would think with a tunnel built in at point 3.
114. THE CHAIR: Right, thank you. Okay. Sheryll, did you have a question?

115. MRS MURRAY: No, I'll save it for HS2.

116. THE CHAIR: Okay, Mr Bedson then.

117. MR BEDSON: If we look at 220(9) please, if that could be flipped around, thank you, that shows the area of that balancing pond that I was just talking about at point 7B. Now, that balancing pond is going to go here somewhere and the cows currently walk out of here, they go up the field and they graze this night pasture. All of this land around here is destined to be planted with trees and a balancing pond is destined to be put there. This building goes, the silage storage area goes, all of which has to be replaced and found elsewhere on the farm. If we go back to 220(8) please. So, we’re suggesting that the balancing pond be moved to point 2 and this area be retained as it was with a bridge over. If you look at the track, the access track that goes through the farm here, now again, that demolishes another building on this side of the farm which is where the cows live and where the dairy is, just for the sake of an insensitively designed track.

118. THE CHAIR: Sheryll?

119. MRS MURRAY: Could those buildings not be replaced elsewhere?

120. MR BEDSON: Well they could potentially but it seems if they could be saved in the first place that might be a better solution. All this land is sloping down towards the railway so if the balancing pond can be put at point 2, that is very helpful.

121. Turning to the trackway that’s going along here, we would like to see the railway limited to its structural embankment. Trees can be planted on that structural embankment, I’m quite sure, but there’s a long way from the hedgerow here to the edge of the structural embankment. There’s nothing really to stop that track hugging that structural embankment and there’s two choices for getting from A to B. That’s the preferable one. Alternatively, it’s a route around the toe of the embankment but that involves third-party land which we would obviously rather not do. It seems sensible to put a tunnel in, built it into the design of a sufficient size to get machinery and equipment through.
122. I’m beginning to think, we went a little bit off piste, but I’m thinking most of the points there are covered. The key is minimising the land take around here.

123. THE CHAIR: Well why don’t we hand over to HS2 and in summing I will give you a bit more flexibility because we did cut across your presentation?

124. MR BEDSON: Thank you.

125. THE CHAIR: For good reason but I think that would be a good way forward.

126. MR BEDSON: Yes, we did have, if I may, we did have an assurance yesterday from HS2 saying that an Additional Provision Bill is coming. We all know that which is AP2 and they’ve said they have identified a place for another bridge but I don’t know where that is.

127. THE CHAIR: We’re going to come to HS2 and we’re going to give you a bit more time on summary and give you a bit more leniency.

128. MR BEDSON: Thank you.

129. THE CHAIR: Clare Parry?

Response by Ms Parry

130. MS PARRY (DfT): Thank you very much. I see the Committee don’t want any assistance on the question of the longer, deeper tunnel.

131. THE CHAIR: Agreed.

132. MS PARRY (DfT): I’m grateful. Can I turn first of all to access then and sticking with this plan for the moment, at the moment, as Mr Bedson said, the sole access is as indicated at point 5 on that overbridge but there are some changes necessitated by the realignment in this area in any event at AP2 and what we have proposed, and what I will show you in a moment assurances in relation to, is first of all an underbridge at about point 4, and I can show you a slide showing exactly where that will be.

133. MR WIGGIN: Can we give you the mouse? And then you don’t have to jump about, you poor thing.
134. MS PARRY (DfT): You’re assuming that I can work this. This may be a brave assumption.

135. MR WIGGIN: I’m sure you’ll do it beautifully.

136. MS PARRY (DfT): So, first of all, an underbridge, at about this point, and I’ll show you in a moment the slide exactly where that is. Secondly, we have also additionally offered a track around the toe of the embankment as requested which we hope will improve the access position. The much more difficult one, and I’m going to have to ask Mr Miller to deal with this, is the request for an access around either the tunnel portal or a bridge at around this point. So, while Mr Miller’s just getting into place, if I can show you first of all slide P775(5) and what that shows is the location of the proposed Whitmore Wood accommodation underbridge and then if I can show P775(3) and that shows the proposed location of the track around the bottom. Both of those are the subject of assurances. I can take you to those assurances if you want but it might be more convenient to go on to the other access. Can I have slide P775(4) up?

137. THE CHAIR: Broadly, what’s the additional cost of providing all this access?

138. MS PARRY (DfT): Well, what I need to be clear about is it is proposed that the underbridge is a replacement for the proposed overbridge because, as I mentioned, there’s going to be a realignment.

139. THE CHAIR: But if the farm wasn’t there, there would presumably be no need for any of these crossings so I was wondering what the saving would be if the farm didn’t exist?

140. MS PARRY (DfT): Well if the farm wasn’t there we would still need to get access to – if I can just ask you, it’s a little bit of an unusual access arrangement, perhaps the best place we can see it is on P772. So, the land ownership here, we essentially have – and for want of a better analogy I’ve been calling it a doughnut with the jam in the middle – the doughnut is the current petitioner, the jam in the middle is land in a different ownership so we have to be able to get access to that land in any event. So, obviously we – we haven’t designed specifically assuming that the farm isn’t here. We’ve designed to try to assist the farmer as far as possible but it is unlikely on the face of it that we would be able to get rid of any accesses at all because we’ve still
got to be able to get to this centrally located area and different land ownership.

141. THE CHAIR: Very helpful. Sheryll?

142. MRS MURRAY: Can I just ask if you could point out where the present access is to Whitmore Wood across the petitioner’s farm?

143. MS PARRY (DfT): I wonder if Mr Bedson could perhaps assist with that.

144. MR BEDSON: It’s along the track through the back of the farm and into the wood.

145. MR SLATER: Yes.

146. MR BEDSON: Yes? Which is used infrequently and they get on well with the neighbour and everybody’s happy.

147. MRS MURRAY: Yes, so there’s no access to Whitmore Wood to the north?

148. MR BEDSON: No, it goes simply from this point here, Snape Hall Farm, and into the woodland and into the track that goes through the woodland.

149. MR MARTIN: It’s the track we walked along.

150. MRS MURRAY: Yes, I know. I just wondered whether there was another one at the other end.

151. MR BEDSON: There are tracks and rides through the woods.

152. MRS MURRAY: Yes, okay, thank you.

**Evidence of Mr Miller**

153. MS PARRY (DfT): Can I then ask to go back to P775(4)? And, Mr Miller, we’re now at the southern end of this holding by the tunnel portal and the question is, could we provide essentially, access as shown in either of the red lines on this slide?

154. MR MILLER: We are putting a public bridleway access in this location and that’s shown on the drawing on the left-hand side. As I understand it, cows need to have a certain gradient to get up and over and be comfortable with climbing up and I think it
was something like a maximum of 1 in 15 gradient, sorry, 15% gradient. And we’ve looked at it to see if we could put a staggered kind of arrangement to be able to get up and over the tunnel portal location on this plan but, to be honest, I’m not sure that’s actually suitable for the movement of cows.

155. MS PARRY (DfT): But do you know what the gradient to get up across this tunnel portal is?

156. MR MILLER: 1 in 16, I presume, 16%, sorry, 16%.

157. MS PARRY (DfT): The alternative which was suggested, which we can just about see on this, which was the bridge essentially at this location here, what’s the project’s view on that?

158. MR MILLER: Yes, just as the debate was taking place we looked at that and what’s happening here is we’ve got a cutting as you come out of the tunnel portal here and then we’re going into this retained structure which is then sort of creeping along in between the woodland, to minimise the woodland take and the retained cutting is quite low so you would have to put a structure up and over. It would be like a humped kind of structure over the railway itself to get the clearance over the tracks and the overhead electrification. It’s fairly complicated because you’ve got an auto-transformer station there as well that has to be accommodated and we think that in doing that, you’ll end up with approach embankments where the balancing pond is or in that vicinity which would end up taking quite a lot of land take so, you swap one issue with another issue with the land take.

159. MS PARRY (DfT): Thank you. Can I turn then on to a different matter and if I could have P772 up?

160. THE CHAIR: Yes, before you go on to a different matter, I have to say from this farm’s point of view, an access at that end of the severance I would have thought was absolutely crucial.

161. MR BEDSON: Yes.

162. THE CHAIR: So, it does come down to three choices really. First of all, he gives up his farm; secondly, he gets something over the top of the tunnel portal, which I must
admit looks impractical; or, thirdly, there is a bridge. If you go back to the previous large-scale area around the tunnel portal, the large-scale map around the tunnel portal – yes, that would do fine – what would be the possibility of going between the facility, the whatever facility, rescue and doo-dah facility, and the pump station, there is a gap between the two which I would have thought would be the most sensible location for a bridge. It’s before the rail line starts to rise. It comes out at the cutting. It’s a narrow point.

163. MR MILLER: At that particular location, you’re essentially at grade with the railway so you’re on a transition of the cutting going into – sorry, one cutting at grade and then in cutting again. You can see that by the contours.

164. THE CHAIR: Sorry, can you explain that? I didn’t understand a word of what you just said.

165. MR WIGGIN: Give him the mouse.

166. THE CHAIR: At grade?

167. MR WIGGIN: The mouse is the key to success.

168. MR MILLER: We’ve got a bit of high ground here at Whitmore Heath. The railway is coming in tunnel up to this point where there is a natural tunnel portal and then we’ve got what we call a porous portal in here to deal with noise issues. In here, this yellow land here is describing a cutting which is in the side of that hillside there. Now, the hillside goes down quite steeply here and then it rises up again here and so as the railway passes in this direction, you can see the cutting becomes shallower and at that point it’s at the natural ground level, and that’s what I mean by at grade, and then it changes again into a little bit of a natural cutting and then we go into a retained cutting. So, they’re concrete walls which will retain the cutting of the railway here. So, the railway in this location is in a square slot in the ground. So, putting a bridge in here, again, it’s the similar point to this one and possibly even more complicated because then you’ve really got to get a structure up and over a sort of hump back sort of structure. What might be possible, and because we have a porous portal here, this is a concrete structure which comes out from the natural tunnel portal here, is it may be possible for us to have a look at this location to see whether there is a margin of the 16%, or trying to
get it down below, I think it’s the 15%, which is needed to provide a more comfortable track for the cows to pass over. It may be possible for us to look at that in that location but it would be very tight against the tunnel portal there but it may be possible. We couldn’t tell you that now without having a detailed design of that structure.

169. MRS MURRAY: How long would it take you to come up with a conclusion on that, Mr Miller? Next week? Next month?

170. MR MILLER: I don’t know. I’ll have to have some advice from the back there.

171. MS PARRY (DfT): That we understand – the detailed design of this tunnel portal will be a matter of detailed design so that is not a process which is going on at the moment – that is later on in the process.

172. MRS MURRAY: The problem is, we need to know the answer to this specific issue now because it impacts on the petitioner.

173. MS PARRY (DfT): I understand that. The position that HS2 are presenting to you is that we do not think on the current design that we can provide an access and that is what is being explained.

174. MRS MURRAY: Mr Miller has just said it might be possible.

175. MR MILLER: Yes, I said it might be possible and I think we’re going to struggle getting that done without really careful surveying through this area and properly understanding the lie of the land.

176. THE CHAIR: Percentage chance of it being possible? You’re sounding like 40%; you’re not sounding too optimistic.

177. MR MILLER: Yes, I think it’s under 50%. I wouldn’t hedge my bets that it’s going to happen.

178. THE CHAIR: That’s a usual indication.

179. MRS MURRAY: Sorry, you said 50%?

180. MR MILLER: No, less than 50%. 

181. MRS MURRAY: Less than 50%.

182. MR MILLER: I mean, I think, looking at this as a holding, this is something that we would continue talking about with the landowner and I think what we’re trying to do here is we recognise that reducing the effect on the land take by employing a variety of measures may help this farmer sort of get over the line and still be a viable proposition, but it is true that we have a very big ecological and ancient woodland response in this location and, at the moment, even with the change of the alignment here, the lowering of the alignment where we think we may be able to make some gains, access tracks and that sort of thing, I think we can all probably see that those are marginal gains that we’re looking at.

183. MR WIGGIN: The planting plan you’ve got, 60 acres, I think we were told.

184. MR MILLER: Yes.

185. MR WIGGIN: You must have done that because you thought this was a good place to do it.

186. MR MILLER: Yes.

187. MR WIGGIN: Now, we’ve had problems with planting all the way along the line, haven’t we?

188. MR MILLER: Yes.

189. MR WIGGIN: And Mr Bedson’s point is right. If this farm did become available, would you increase the planting here to mitigate some of the planting in other places to focus around the wood that’s already there?

190. MR MILLER: Yes, that would be possible. In fact, this location and the other tunnel portal location that we were talking about yesterday, what you’ve got is some really quite good woodland and hence the sort of response that we’ve got because we’re taking the woodland down. It may be that we would adjust the way that we would look at things so if it came into our ownership then I think we would be looking at changing that. When we looked at this, and I remember looking at this with Reading Agricultural Consultants who were our adviser, we did look at trying to keep a field structure in place.
here.

191. MR WIGGIN: That’s what the petitioner wants.

192. MR MILLER: Yes, we knew it’s not high intensity dairy so what we were trying to do here with the woodland was to try and put the woodland along field boundaries as you can see here and you can see on our plans we have actually provided entrances on all of the fields to try and link them all up but, having heard from the petitioner, that’s clearly not getting them over the line; that’s not doing it for them. It may be that we can make some adjustments but at the moment I’m not quite sure whether that would help.

193. THE CHAIR: Presumably there’s an assurance for a working party.

194. MR MILLER: Yes, we will continue. We haven’t heard that there’s any desire to give up on the operation here although I would accept that the consultation point that we’ve rehearsed time and again is also true. So, we’re assuming that we’re trying to keep this petitioner in business and through the changes that we have following the lowering of the viaduct, we will aim to continue doing that.

195. MS PARRY (DfT): In terms of that point, if we could just have P875(3) up. There’s two assurances worth just drawing the Committee’s attention to at this moment in time; both assurance 4 and assurance 5 are essentially assurances that we will seek to look at doing what we can to move the trees around as Mr Miller has just indicated. So, it’s not an assurance that we will reduce the level of tree planting for the reasons Mr Miller has just set out but we’ve given an assurance we will attempt relocation.

196. If I can then move on to a different point and I can go to P772 and there was concern about the two balancing ponds and the access track which runs along the holding as indicated. If I can just, first of all, put up the assurance and then get Mr Miller to explain what we may or may not be able to do. So, if we can have 875(2). Sorry, it’s just at the bottom. It’s a slightly longer assurance but, essentially, if we go over the page you will see that the secretary of state has said they ‘will use reasonable endeavours to reconfigure’ so as far as possible the two balancing ponds and the access track. Mr Miller, what may we be able to achieve in line with that assurance?

197. MR MILLER: Yes, can we go back to the plan? I think the general idea here is to
try and push the balancing ponds as close in to the track as possible and in both instances, I think we can or I think we will be looking at that. It may be possible to reduce size as well, bearing in mind that we got some changes coming up because of the lowering of the alignment and then it may well be possible that we can reconfigure the track work here. Sorry, this is the track which we passed along on our site visit. It may well be that we can get that tightened up and into where the green railway mitigation is in this area along here. So, I think there’s a bit of work to come where we might be able to adjust this field edge which might get this field back to a bigger size.

198. MS PARRY (DfT): And in terms of the balancing pond closest to the farmhouse, what’s the position there?

199. MR MILLER: Well, I think we can reduce it. Sorry, I might have to go back to the assurance. Have we said anything else? Apologies, I’m trying to hold a lot in my mind.

200. MS PARRY (DfT): The assurance is at 875(2) and the assurance is to ‘use reasonable endeavours to reconfigure so far as reasonably practicable the balancing ponds by reducing their size and realigning the track’.

201. MR MILLER: Yes, and there may be some adjustments that we can make on the turning head and that sort of thing.

202. MS PARRY (DfT): But in terms of whether it’s possible to move that balancing pond away from its current location by the farmhouse, what’s the position?

203. MR MILLER: I don’t believe we can.

204. MS PARRY (DfT): And why is that?

205. MR MILLER: Well, partly because the railway drainage I should explain with the retained structure through here, in fact all of the railway through here up to the tunnel portal and including the tunnel portal and the drainage coming off there, we’re altering the way that the land drainage will operate. So, we’ve got a lot of land drainage coming down from the north that has to be accommodated. There’ll be culverts and that sort of thing coming through in this sort of location here. We will need to make sure that the water can be regulated in this location and then we’ve got a drainage channel in here, in
this location, which I think is another point that will help drain what we’re doing and how we alter the land drainage in this area back into the existing system.

206. MS PARRY (DfT): And we’ve put some more information about that on P775(8) if you want to look at that further. While we’re helpfully on this plan, if I can deal with one more point on which we have been able to offer an assurance. If you see the triangle of trees by Snape Hall Farm, the landscape trees, and then if we can look at the assurance on page 875(4), you will see at (6), ‘The Secretary of State will require the nominated undertaker to use reasonable endeavours to remove the width of the landscape mitigation planting proposed to be located within that area and to introduce an area of hedgerow instead’. So, we’re getting rid of the trees and we’re proposing to replace it with hedgerow so that’s one ask that we have been able to say that we can do.

207. I think, Mr Miller, the final point was if we can go back to P772. The final point was a concern about the extent of landscaping in the area towards the end of the south embankment there. What’s your view on the prospects of reducing that? They’re pretty limited. The reason for that is that we’ve got an embankment here which is around about 16 metres in height with the railway on top of it and, as we know, the railway is coming sort of obliquely across the valley here to the low point around where the River Lea is and where we cross the West Coast Main Line. So, that is a substantial structure and it will need to be blended in to reduce the wider landscaping visual effect so that is our consideration and in large part that will go to the engineering structure that will be provided anyway. There may be some adjustments that we can make in due course with the new design. The footprint will come down a little bit but it’s that sort of marginal change that we’re making along the line of the route.

208. THE CHAIR: Whilst we’re on this side, can you explain where the soil from the ancient woodland will go and to what degree the reception –

209. MR MILLER: Yes, the reception site is in this location here. Yes, it’s just in here.

210. THE CHAIR: And it has to be next to it? So, what Sheryll Murray was saying, the reason behind that being woodland, it’s not just compensatory; it’s the fact that it was contiguous as well?
211. MR MILLER: Yes, what you want to do is you want to move the biodiversity which we’re taking up here in the soils and get it in close proximity through here. Now, it may be that we can make some adjustments because it is a fairly big woodland that we’ve seen and it may well be that you can get a different field shape back. I think that’s broadly what we’re driving at with the assurance that we’ve given.

212. THE CHAIR: So how much of that field that you’re indicating towards would be taken up with ancient woodland soil and how much would be non-ancient woodland soil; it would just be compensatory?

213. MR MILLER: My guess is it’s probably pretty much all of it in that location because we will be taking out the width of that area all the way through there plus some for construction access in there; that’s getting the big machinery in. So, I’m pretty sure that all of that will be spread on there, or the majority of it I would say.

214. THE CHAIR: Thank you.

215. MS PARRY (DfT): Unless there are any other questions, I think those are Mr Bedson’s points.

216. THE CHAIR: Any questions at this stage?

217. MR WIGGIN: Can I just confirm that the whole farm is within the compensation criteria, should Mr Slater choose to take it up?

218. MS PARRY (DfT): Well, his position at the moment if he wished for us to purchase it, and as has been said this hasn’t been requested, would be to serve a blight notice.

219. MR WIGGIN: But you agree that it is all blighted, isn’t it?

220. MS PARRY (DfT): Well, that’s not something I can agree at this moment in time. Notice would have to be served and we would have to make a decision on that. There would be a process to be gone through there.

221. MR WIGGIN: But there’s no reason to assume it isn’t?

222. MS PARRY (DfT): I’m afraid I don’t have any instructions on that point. I can’t
give any –

223. MR WIGGIN: Please can you get them so that we can answer the question?

224. MS PARRY (DfT): I can certainly ask.

225. MR WIGGIN: Thanks very much.

226. THE CHAIR: That would be helpful to come back. It strikes me that it’s so obviously blighted. So, I’m going to come to Sandy, I’m going to take some questions, I’m then going to come to Mr Bedson. I may take an intervention from HS2 if that’s helpful. Sandy?

227. MR MARTIN: Yes, Mr Miller, we’ve heard about the difficulties of getting an access on the Snape Hall Farm end of the site and we’ve had an assurance about a possible access in the middle of the site to the north west of the main balancing pond, but would I be right in assuming – I’m looking at P771 rather than P772 – would I be right in assuming that for two to three years, neither of these accesses would be available anyway because you’d be busy working? So, even if it were the case that both of those accesses were available eventually, they wouldn’t be available for two or three years during the period of construction, would they?

228. MR MILLER: No, they wouldn’t. We have to look very carefully at the construction sequencing here to understand what the mass haul is doing because we’ve got a lot of material which will be coming out of this tunnel and it’s the material which is coming from the south which is then going into these brown areas here. It’ll be going into the construction of the embankment as well. I suspect that all of this is going to be working all at the same time for a good period of time and necessarily so because we’re going to have to get up and over to get an access down here to get this structure in and that’s not a straightforward structure to build. You’re going to have to launch it from one or either end.

229. THE CHAIR: Sheryll?

230. MRS MURRAY: Yes, just to ask Mr Bedson actually. Mr Bedson, looking at this map there is a tremendous amount of this farm that is going to be impacted as Mr Martin said for quite a long period of time and yet you haven’t mentioned anything
about that, about the temporary materials stockpiles, about the compound. Does your petioner not have a view on the disruption?

231. MR BEDSON: They absolutely do, it was one of the points that I was –

232. MRS MURRAY: Because you’ve not mentioned it.

233. MR BEDSON: No, it was one of the last points in my petition which I was going to come on to.

234. MR WIGGIN: You can’t stop cows for three years.

235. MR BEDSON: No.

236. MR WIGGIN: And he’s got a Hereford bull; he needs proper looking after.

237. MR BEDSON: Yes, exactly. So one of the points, and coming back to your point about blight notice, presently under the express purchase scheme, 25% or more ticks the box that’s safeguarded. And it’s not something that the family have asked me to look at because they take a long-term view of life. They don’t want to go from here. They want the farm to continue to work and, with sensible engineering solutions and a long-term view, it will continue to work.

238. MRS MURRAY: But are they able to continue to operate during the temporary disruption time? That’s basically what I’m asking.

239. MR BEDSON: Well, it depends what the temporary works are. If it is reduced as we’d asked and if a second opinion is had on the trees and a different solution found for the trees and the temporary earthworks are reduced, they can probably muddle through, but it would be muddling through. But they’re taking a longer-term view, when works have finished, if it comes back as we would like it back, the farm will work. If it carries on as HS2 want it to work, it won’t work.

240. THE CHAIR: Sandy?

241. MR MARTIN: Mr Bedson, am I right in thinking that there are no buildings to the north-east of the proposed line?

242. MR BEDSON: Sorry, when you say the north-east?
243. MR MARTIN: There are no buildings in the north-east section. All the buildings are in the south-west section and we’ve heard from Mr Miller that during the course of two to three years of construction there will be no access from the south-west section, which is the smaller area, to the north-east which is the larger grazing area. I mean how on earth is any farm going to operate under those proposals, basis? It won’t, will it?

244. MR BEDSON: Well, as with other farms, we would like access to be made available.

245. MR MARTIN: Yes, but – never mind, I’m sorry.

246. THE CHAIR: I think the Committee strongly have the feel that you should be looking at two options: one is the farm continuing which clearly you are doing and the other, which we’re not convinced we’re significantly engaging, is the possibility that the farm cannot continue and making sure through this Committee you are securing the petitioner’s position if that moves forward.

247. MR BEDSON: May I have five minutes with my clients?

248. THE CHAIR: We’ll take a 15-minute break.

Sitting suspended.

On resuming –

249. THE CHAIR: Mr Bedson? Thank you.

Submissions by Mr Bedson

250. MR BEDSON: Thank you for the recess. That’s been helpful, really. Our clients, the petitioners, don’t want to sell this farm. It’s as simple as that.

251. THE CHAIR: Okay.

252. MR BEDSON: But say that there’s some sensible arrangements they can work throughout the scheme by housing the cows inside most of the year and bringing the grass to them; it will be at a cost and it will be difficult but that’s what they wish to do and I think they have the right to do that.
253. We would like a working group set up with HS2 and a steering committee – that’s been offered elsewhere – to try and get to the bottom of some of these issues and make progress on them.

254. We would also like a second option on the ecology. I know we’ve asked for that again but, you know, I’ve been involved in so many schemes where people have different views and they settle at something very different than the first proposal.

255. THE CHAIR: Can I just check? The working group you mentioned I’m familiar with and there’s a structure around it. You said some steering group as well. Do you by that mean the same thing?

256. MR BEDSON: Yes. That’s something that Michael Eckett offered a little while ago in respect to cases such as this, where we know we’ve got a short period of time now with which to deal with these things so we need some structure to that so that things actually start to happen, really.

257. The balancing pond issue, if we just move back, please, to A228, we’d like that to be shoved up the corner if we can. We really want this building to be saved. We want the redesign of this area to happen as much as we can but the silage bails, my client just said, we can put at area 2 there, if we need to. If there’s going to be a hedge round there instead of a chunk of trees, we can put the silage bails in there and create some hard standing. But if we save this building and we save the other buildings there’s a chance that the farm can continue with a sensitive redesign of the track and the access and the balancing ponds, etc, there.

258. We’d like to know a little bit more about the tunnel that they’re offering through this point here. That is very useful to us but, obviously, again, it needs to be of a size that is useful to us. We’d like them to firm up on the offer of connectivity at this end. Our preference is for a bridge.

259. One point that was mentioned was conduits in our petition. Now, HS2 have referred to that in their assurances but they’ve rather missed the point. They refer to replacing the existing conduits. Well, of course, there aren’t existing conduits there now because there’s no railway there now. We want conduits. We need conduits to get services from A to B. It’s very simple. Depending on where the tunnel portal comes
out, where the underbridge comes out, we will need tracks either side. That goes back to the point the other day about putting a gate in the muddiest part of the field. We need tracks to spread things out either side and we don’t want to have to pay for the privilege of using those tracks by maintenance in the future.

260. So I think, with some sensible discussion here and debate, we can get some traction here. For example, little things. There’s a ditch being placed across the field there. Well, again, that causes a severance issue. Pipe it. Cover it up so that, if a ditch has got to be there, bury it underground so we can continue to use the field.

261. THE CHAIR: Sheryll?

262. MRS MURRAY: Yes. I understood from Mr Miller that the balancing pond at 7B was – they could look at perhaps changing it slightly. They weren’t able to relocate it. And yet you’ve come back and asked for it to be relocated again. Did I mishear Mr Miller because I might very well have done? But I understood that he said there wasn’t a lot of scope to change the location of that balancing pond.

263. MR BEDSON: Well, if we can tighten it up and save the building that is under the current hammerhead that’s the key point, really.

264. THE CHAIR: Anything else, Mr Bedson?

265. MR BEDSON: I think we’re there, sir.

266. MS PARRY (DfT): I just wanted to answer Mr Wiggin’s question. In relation to the grant procedure, it is available and I can say that there is no obvious reason in this case we wouldn’t progress it but I have to emphasise it is ultimately for the Secretary of State on an application. But it is also worth emphasising that is not a decision that this farm has to make today but it remains there for the farmer. He can see, for example, what we’re able to offer through detailed design, what we’re able to offer in terms of mitigation of construction impacts. And even up to the point where we serve notice to enter he can then serve a notice on us to take the entire farm rather than just the strip. So there is a lot of flexibility here.

267. THE CHAIR: That’s a useful clarification. Shall we move to the next petitioner? Thank you very much.
268. I take your guidance. We can either move directly to the next petitioner. If it’s useful for HS2 and Mr Bedson to have five or ten minutes before starting I’m more than happy to adjourn for five or ten minutes but I’ll take your advice.

269. MR BEDSON: I’m not sure there’s anything that we need to –

270. MS PARRY (DfT): I’m always happy to speak to Mr Bedson but our simple point in relation to the next petitioner Carney is going to be that we’ve given what’s been asked for so –


272. MR BEDSON: Thank you. Carol Carney would like to say a few words first, please, about their farm and their business and what they do.

**Upper Moreton Farm Community Interest Company and Care Farm**

**Submissions by Ms Carney**

273. MS CARNEY: Yes. I’m Carol Carney. I’m here today to represent Upper Moreton Rural Activities, which is a not-for-profit community interest company based at Upper Moreton Farm. I am one of the directors and Upper Moreton Rural Activities is accessed on a daily basis by various client groups. People that attend the courses, the projects, the community interest company, are people that are suffering with mental health needs. They may be people that have had drug abuse, substance misuse, self-harm, depression, low self-esteem, anxiety. The project itself is about offering therapeutic activities for these people in a tranquil setting. So people coming to us through referrals. We work with Staffordshire County Council. We work with primary care trusts. We have contracts with councils. We have service level agreements. And the people that come to us do benefit by our projects. We offer a type of care farming. So it’s nurturing people with the environment, nature walks. We use the surrounding land at Upper Moreton. People learn transferable skills, work-related skills. People have progressed in their health and they have gone on to employment and volunteering. So that’s one client group.

274. Our other client groups are people that have learning disabilities difficulties. So
these people may be people that have autism, so they’re on the autistic spectrum. They may have Asperger’s. They may be people with Down’s syndrome. So people with a manner of learning disabilities. They’re used to continuity in their lives. They’re used to routine. And one of the fears that we have with the construction of HS2 it will be devastating for some of our people. They’re not used to lots of noise and disturbance, delays in their access. There’s only one access route into the farm and that’s via Bishton Lane, which I believe is going to have quite a bit of access –

275. MR WIGGIN: Carol, please can we have the map of the farm up while you’re talking? Is that all right?

276. MR BEDSON: 216.

277. MR WIGGIN: Because the noise is fundamental. It’s mentioned in every single one of your pieces of evidence.

278. MS CARNEY: Yes.

279. MR WIGGIN: Right. So that shows us where it is. Please carry on. Sorry to interrupt you.

280. MS CARNEY: So actually we have on the farm we have several outbuildings, a classroom area but, unfortunately for us, our classroom area is the view of where HS2 will be doing its major works. It’s approximately between – I haven’t measured it precisely but I get to about 480 metres. But if we’re in a different part of the farm we’re actually nearer. We do quite a lot of work from the therapeutic garden, which is in direct vision. It was proposed, 27 July last year, by Liz Davis, the stakeholder manager, that it would be a good reason to relocate the classroom because of the nature of our people. And that was something that I have got documented.

281. THE CHAIR: Sorry, Mr Bedson. Can I ask – when I was asking about the recess I think Clare Parry said you’re getting everything you want. What are you asking for? Are you getting it? And, if so, why are we still here? There’s clearly something you feel you’re not getting so could we leap in to the margin rather than the generality?

282. MR BEDSON: Well, unless I’ve missed something fundamental we have been rather bombarded with assurances. Unless I’ve missed something fundamental I’m not
entirely sure what we are getting.

283. THE CHAIR: So what do you want?

284. MR BEDSON: What do we want? We would like a classroom relocated here or put there, a temporary-type building, because we need to turn the back on the farm so that people work that way rather than that way. At the moment, the clients come to the farm, they’re in a classroom here and they go out and there’s a garden round here that’s not actually shown on this ordnance survey-based plan but there’s a lot going on that isn’t on here. And they tend to use the fields 2, 3, 5 and 6 as part of their daily activities. This is actually Leslie Bannister’s land, which we’ll come on to later, and this joins on to Parkinson, who we talked about last week. So we’ll need to turn the back on this and have a classroom here because, as –

285. THE CHAIR: Is that the sole ask, as it were?

286. MR BEDSON: No. We need this area redesigned. We’re deeply concerned about a balancing pond full of water with vulnerable people around. So that wants redesigning and fencing off properly with a proper risk assessment done of how that works. A reduction in the trees. Fundamentally, noise mitigation. This whole thing – at the back of my petition there’s a number of letters of support from people who attend here, all of whom are saying, ‘My son, daughter, nephew, whoever, enjoys the peace and tranquillity here. They can’t be upset by’ – you know, Asperger’s is –

287. THE CHAIR: Bill Wiggin?

288. MR WIGGIN: There’s two things I wanted to just mention. First of all, I have one of these in my constituency and the sound thing is absolutely fundamental. Now, I’ve spotted that the sound expert is sitting behind you but, looking at this map, I am concerned that, for those people, with those particular sensitivities, they’re still too close. Can we find evidence?

289. MS PARRY (DfT): Well, would it help if I outlined what we’re offering to start off with and then I’ll ask Mr Thornely-Taylor perhaps to deal with the consequences of that?

290. THE CHAIR: Yes.
Response by Ms Parry

291. MS PARRY (DfT): So if I can have 879(2) up. And it’s a little bit unusual and what we’ve essentially offered are two alternatives to deal with the noise point.

292. First alternative is at point 1, which is that we will effectively help move the classrooms, as requested. That’s one possible way of dealing with the noise.

293. The alternative, if you go over the page, is a noise barrier and this is a substantial and expensive piece of equipment but the point advantage of a noise barrier over the movement of the classroom is it will give some protection over the entire site rather than simply at the classroom. And that’s something that Mr Thornely-Taylor can speak to in some detail in a moment.

294. Just to explain what else it is that’s been proposed, at point 2.2 is that we’re proposing construction hoardings to attempt to reduce noise impacts during construction. At point 3 that’s an agreement to fence the balancing pond, which is something we would like to do anyway but just for clarity here. At point 4, what this proposal is essentially to set up a steering group to ensure that the school can be involved in what’s being proposed at the site as much as possible; in particular, an interest has been expressed in people participating in the ecological mitigation at this site and that is designed to enable that.

295. So that is what is proposed and we think that meets what’s being asked in this case.

296. THE CHAIR: That’s very helpful. Mr Bedson, could I just confirm? You haven’t seen this.

297. MR BEDSON: No.

298. MS PARRY (DfT): I’m afraid this was a last-minute –

299. THE CHAIR: Okay. But timing’s not ideal but we are where we are and this seems to be some quite good progress. With your permission, Mr Bedson, I’m going to keep with HS2, get some more evidence on sound and then be lenient with you in the summary to cover off anything else that you –
300. MR BEDSON: Thank you. I haven’t seen this.

301. THE CHAIR: No. It is what it is. Let’s –

302. MS CARNEY: Can I raise a point as well?

303. THE CHAIR: Yes.

304. MS CARNEY: Getting people to and from our community interest company, I’m not sure what is proposed with Bishton Lane. If people are sitting in a car waiting to get to somewhere and they’re getting anxious they’re going to vote with their feet and not want to come back. We need to be sustainable with our community interest company. What is proposed for access to us?

305. MS PARRY (DfT): Can I have slide 767 up? This slide deals with two matters. First of all, the use that’s proposed of Bishton Lane, which you can see in the second bullet point. So it is for a period of 13 months of up to ten HGVs per day and 41 LGVs per day during that period.

306. The other point that is made on this slide is that under the Bill there are proposals to do various works to Bishton Lane. However, Staffordshire County Council, you may recall, was given an assurance that we would seek to explore alternatives to the widening. So, insofar as there’s concern about the actual works being done to Bishton Lane, that’s already been covered by an assurance to Staffordshire County Council.

307. Unless there’s anything else in that I propose to call Mr Thornely-Taylor.

308. THE CHAIR: Do that. Thank you very much.

**Evidence of Mr Thornely-Taylor**

309. MS PARRY (DfT): Mr Thornely-Taylor, perhaps we can start off by going to the noise map, which we find at slide P763. And can you assist the Committee with what this tells us about the potential impact of the scheme on this site?

310. MR THORNELY-TAYLOR: Yes. And I think this is a particularly important case where we need to bear in mind that the noise map, as I’ve explained to the Committee when we were in the sound lab, the noise map assumes unfavourable
conditions and for a petitioner’s property, such as this, to the south-west of the trace these conditions will actually occur on the minority of occasions because most of the time when there is a wind it will be from somewhere in the south-west and these conditions are on the assumption that the meteorological conditions are much worse than that. We all know when we’re some distance from something like a road or a railway there are some days when it sounds louder, other days when it’s quieter. Most days a location such as this to the south-west of the trace will experience less noise than we see on this map.

311. We are, as we can see as far as the actual buildings are concerned, towards the edge of the grey-coloured contour. That’s, from the point of view of residential development, the lowest observed adverse effect level, rather similar to what the Committee heard in the sound lab for the Hopton demonstration. You may remember there were two, Great Haywood and Hopton, towards the end of the simulation. You heard what the sound is like. It is a tranquil area and, of course, will remain so in between the passage of trains. Quite clearly, when the trains pass they will be audible. And, as the petitioner has mentioned, there’s also a concern about the noise impact during the construction phase but one of the assurances which HS2 are offering relates to the provision of an additional construction noise barrier to address the impact of vehicles moving on the actual construction site itself.

312. MR WIGGIN: Do we have a picture with the sound profiles of the proposals, by any chance?

313. MS PARRY (DfT): Well, we have the map up in front of us and we have the more detailed noise information at P762 about the impact to the properties. Was that the question you asked?

314. MR WIGGIN: But you very generously said you were going to put some sound – presumably some sort of barriers in and I just wondered if we could see a picture of what the projections would be like once they are in place.

315. MS PARRY (DfT): I’m afraid we don’t have that. I can ask Mr Thornely-Taylor to explain what his judgement is the difference those two measures will take.

316. So, first of all, in terms of the construction impact, and we’ve talked about some
kind of hoardings there, it might be useful to look at P761 just to understand why the haul road actually lies in relation to this hoarding. Can you assist the Committee on the impact of the location of a haul road and the proposed hoardings?

317. MR THORNELEY-TAYLOR: Yes. Both with regard to the hoarding and the noise barrier against the operational railway, they will have the largest effect, actually, on the land towards the trace, rather than back at the farm itself. But, as the petitioner has made clear, those who use the facilities may be out on the land in any part of it and the part of the land closest to the trace will actually benefit the most from the noise barriers because the noise predictions back at the farm buildings are actually quite low. But the main reason why the environmental statement finds a significant effect at this location is not so much from the absolute levels but the fact that there is a noise change. When one looks at the index for measuring railway noise we’ve talked about on many occasions, the LAeq index, compare the operational prediction with the measured baseline for the present day conditions and there is a big change, not because there’s an increasing continuous noise but because of the effect of introducing noise while the trains are passing. And it’s the noise change that results in the significant effect inclusion, not the absolute assessment of noise levels in terms of effect on health and quality of life.

318. THE CHAIR: Can I just check, is it an option to either go for relocation of classroom or to have the sound barrier? It’s not both?

319. MS PARRY (DfT): No. They’re put as alternatives and that’s essentially because they’re both trying to deal with the same issue, which is noise from the railway.

320. THE CHAIR: Okay. And, in your professional opinion as a witness on the stand, which is the better option in terms of sound mitigation for people with this set of needs?

321. MR THORNELEY-TAYLOR: I think the best option is the noise barrier option because that will benefit a large area of the land that is used for the educational purposes.

322. THE CHAIR: And from a sound perspective is there any significant merit in doing both? I appreciate that is not an option that’s been presented.
323. MR THORNELY-TAYLOR: They are not mutually exclusive so the effects that each has will be combined with the effect of the other. So the answer to your question would be if both options were applied you could combine their benefits.

324. THE CHAIR: Okay.

325. MR WIGGIN: And the hardest question and I’m not sure you – you did manage to tell us how animals react to sound but these people who are clients are much more sensitive than the rest of us and I don’t know – I wondered if you did – as to whether or not this would actually be enough. It may simply be quite impossible and I don’t know if we can measure that.

326. MR THORNELY-TAYLOR: I do sit in a chair like this surprisingly often to talk about facilities of this kind and I have listened to a large amount of evidence from objectors to schemes, unrelated to HS2. And also, with another hat on, I have experience of working with people with learning disabilities and things like that through learning for the disabled schemes and things like that. And I think the most important thing is that the people concerned understand what’s happened and there are no inexplicable sudden changes which change the environment in a way that is difficult to understand. And I think the operational noise impact will be low for that reason because –

327. MS CARNEY: Can I …?

328. THE CHAIR: No, you’ve had – sorry. We can call you later.

329. MS CARNEY: Sorry.

330. MR THORNELY-TAYLOR: I think the provision of the noise barriers which are offered will help to a considerable extent because, as the Committee know from the sound lab simulation, you don’t have to reduce the noise very much for it to come down to really quite a low level. Then the operational noise will not be something which happens in an unexpected way; it’s very repetitive; the noise is the same each time and the effect is not as great as I think a lot of petitioners fear when they see the highly complex information in the sound, noise and vibration section of the ES. There’s a large amount of information there and it makes it appear –
331. THE CHAIR: Thank you. Any questions? Any further points from HS2?

332. MS PARRY (DfT): Sir, the only issue is in relation to this question of the either/or. We have offered the either/or of moving the classrooms because they’re both addressing the same point. If you were to suggest both there would also be quite a significant cost to that, which is not the main consideration but it is a consideration. The cost for the barrier is in excess of £1 million and the cost of removing the classroom is in the region of £800,000.

333. THE CHAIR: Thank you.

334. MS PARRY (DfT): Thank you very much, sir.

335. MR BEDSON: I can’t comment on the cost of the barrier but I’d be staggered if –

336. THE CHAIR: Have we got a picture of the school so we could – I wasn’t expecting it to be –

337. MR BEDSON: Sorry, I haven’t, no.

338. MS PARRY (DfT): For clarity, it’s not the physical moving of the classrooms. That’s relatively straightforward. That’s just a crane. But you have to get the utilities in there. You have to put the new base for the classrooms and that’s why I’m instructed why it will come to that figure.

339. THE CHAIR: Okay. Sheryl?

340. MRS MURRAY: Will the classroom be subject to gaining planning consent?

341. MS PARRY (DfT): Yes. And the assurance, I’ll be corrected, the core of the assurance is we would work with the petitioner in that respect.

342. THE CHAIR: If you’re going to £1.8 million you might think that relocation more attractive.

343. MR BEDSON: Well, it won’t cost £800,000 to move a classroom. I’m quite sure of that.

344. THE CHAIR: Yes. Can you call your witness again? That might be more
helpful. Sorry, did you finish?

345. MS PARRY (DfT): Yes, sir.

346. THE CHAIR: Thank you.

347. MS CARNEY: Yes. What I wanted to say was that our people do not always understand. Trying to explain something to them can be very confusing and can cause them more harm than good. I’m sorry I stepped in then. You said, ‘People understand’. They don’t always do that. People with long-term mental ill health, when you try and explain something to them, it worries them profusely to the point where it can make them worse, fear of the unknown. So this is something that we need to – I don’t want it to get to a point where our people do not wish to carry on coming to us because that is not good for the whole of the community interest company.

348. MR WIGGIN: My concern is similar to yours that, actually, sometimes it’s just impossible because of the conditions that these people are facing. And, therefore, the options we’ve been given, are you satisfied that either will actually work?

349. MS CARNEY: I believe that they could do.

350. MR WIGGIN: One or both?

351. MS CARNEY: I would like both but there you go. We all would, but it’s what’s best for the people. That’s what we’ve got to look at.

352. MR BEDSON: Can you stop here? I mean this assurance, and I do take a little bit of an exception, I’m sorry, HS2, but I take a bit of an exception to saying we’ve been offered this. We haven’t been offered it. That’s dated the 26th, today. I hadn’t seen it.

353. THE CHAIR: However, it is a very good offer and it’s a strong offer and if that offer had only been made today that would be acceptable. I’d like to get over that point quickly because I think, actually, HS2 have done a good job on what they’ve provided.

354. MR BEDSON: Okay. The noise mitigation that is proposed, presumably that is post scheme and during the scheme. I don’t know about that. I’m always a little bit sceptical about noise figures because we all saw the Thomas case go through on Phase One, which was where a chap took a case for a Part One claim and the noise figures
apparently said it was like a lorry driving past and that was all on the simulation model and all the rest of it. But when the tribunal and everybody else trooped into Mr Thomas’s bedroom and opened the window they agreed with Mr Thomas that it was actually like an aeroplane taking off, not a lorry going past. So I do have some criticisms –

355. THE CHAIR: Anything specific to this case to add? Otherwise we’ll call the next petitioner.

356. MR BEDSON: That is – I think here, going forward, if we can set up a steering group we’d be happy with that. Both options would be good. I think we need to turn the farm round and put the classroom facing the other way. These people need certainty. If they’re told one thing and then something else happens that’s what they can’t handle. So if they’re told, ‘You’re going to a classroom where you’re going to look that way –’

357. THE CHAIR: Okay. HS2 any final points? We’ll just pause a second.

358. MS PARRY (DfT): Yes, sorry, it was just to let you know one of the offers was for a case management steering group. So there is essentially an offer for a working party as part of the assurances.

359. THE CHAIR: Excellent. Thank you. Thank you very much for giving evidence.

360. MS CARNEY: Thank you.

361. THE CHAIR: Thank you for your work. Let’s move on to Bannisters, unless you want to take five minutes?

362. MR BEDSON: Move on? We can move on. Just excuse me one moment.

Leslie Bannister and George Bannister

Submissions by Mr Bedson

363. MR BEDSON: So the next case is on behalf of Mr Leslie Bannister and his father George at Lount Farm. Now, if we could go, please, to A222(12). Thank you. Now this farm, Leslie’s land is shown to the L-shape there coloured edged red and his
father’s land there is shown coloured pink and they farm it together, really. And it
adjoins the Carneys, who we’ve just talked about here. This is the Carneys’ farm here, 
Upper Moreton. And it adjoins Mr Parkinson’s land here, which we talked about a 
couple of weeks ago now. So it’s sort of sandwiched there between the two.

364. Now, Leslie has managed his land very, very carefully over the years for 
ecological purposes. He’s very, very keen on protecting the environment and enhancing 
the environment. If we can go to 222(5), please? So this is Leslie’s land again here and 
this is reports that have been prepared by Staffordshire Wildlife Trust into the farm and 
what it does. And what is important is that this land – Leslie works with Carol within 
the community interest group and this land is used as part of that for the children and 
vulnerable adults to go and walk on and use as part of the scheme. So just looking at 
this report here from Staffordshire Wildlife Trust if we can flick through that there’s a 
whole raft of elements that have been reported on.

365. THE CHAIR: Just before we do, Sheryll Murray?

366. MRS MURRAY: It’s not clear from this, field 1, 2, 3 and 4 where it is in relation 
to the railway.

367. MR BEDSON: Right, sorry.

368. MRS MURRAY: Perhaps you could point it out to us.

369. MR BEDSON: Yes. If you back to 222(6) you can see the shape of the land 
there.

370. MRS MURRAY: Yes.

371. MR BEDSON: And go back to the other one again, 222(5). So the railway runs 
along here.

372. MRS MURRAY: Okay.

373. MR BEDSON: Yes? So this is Upper Moreton Farm, this is the Carneys, this 
next door is the Parkinsons. So if you go to 222(6), we can see that this land is a 
potential site of biological interest. If you go to 222(7), please, it starts to highlight the 
plant species that are here and significant strands of common wood sorrel, great burnet,
yellow-rattle, etc, etc, particularly uncommon in the districts of Staffordshire. If you go to the next page, please?

374. MR WIGGIN: What did it qualify for its HSS through?

375. MR BEDSON: Pardon?

376. MR WIGGIN: It’s in the Higher Stewardship scheme. How did it qualify for that, just briefly?

377. MR BEDSON: I think because it’s almost a site of biological interest. There’s a lot going –

378. MR WIGGIN: All HSSs are biological interest but they have to have specific features.

379. MR BEDSON: Yes. I don’t know the answer to that –

380. MR WIGGIN: Fair enough.

381. MR BEDSON: Okay but – so field 2, again, a vegetation assemblage now very uncommon in Staffordshire. Landowner’s reported presence of wild grass very rare in Staffordshire; species not discovered on previous surveys. Field supporting diverse rich vegetation assemblage. Adder’s tongue rare in Staffordshire and other sedges which were uncommon in the county.

382. So there is an awful lot going on here and I think Mr Bannister is rightly cross that, if we can go back to 222(12), rightly cross that somebody comes along and decides they want to create a wetland down there. He’s managed this very carefully for a long time. Nobody has talked to him about this. We’ve only ever had one meeting on the farm with HS2. That has been it. So he’s a bit miffed, shall I say, that, despite requests, nobody’s talked to him about this.

383. There’s some practical issues as well and he wants to maintain that land in that condition. This is what he does, this is what he enjoys and the Staffordshire Wildlife Trust report speaks for itself and I commend you to read it if you have the opportunity to do so.
384. If we can remain with that, there’s a few practical points here. Now, Leslie derives access to his land from this point here, from his father’s land, coming through point 1A, driving up the land and round the top. He also has an access that comes up Bishton Lane and in through – I think it’s in through here at the moment but there is an access in from Bishton Lane. If this is created into wetland and his father’s land down here is created into wetland he’s not going to be able to get through. We’ve had no justification for that. And it comes on to what I was saying a couple of weeks about Mr Parkinson because it encroaches on to Mr Parkinson’s land. Parkinson has drainage running down here, which, if this wetland is created, presumably that will be done by blocking up drains, which means that his land up here will flood. Similarly, there’s a neighbour here where the land slopes down that way. Presumably this will start to flood. Similarly with George.

385. How are they going to create this wetland? The only way you can create wetland is to stop the drainage working and it will just be a disaster. He cannot get from A to B physically. Now, Leslie doesn’t particularly like to drive so he tends to access the farm up through here and he can’t. There’s woodland habitat creation across here. Again, we can see no trees for a very, very long way outside of this. And so we’re wondering why trees have to be put here. There’s an area there that’s going to be severed, which he won’t be able to get at, we don’t think. If it’s absolutely necessary maybe why not use that? But we can’t see why they’re necessary. This is an important field with a lot of ecological diversity in it.

386. We’d also like an assurance that this access will remain open. We don’t know that yet. This is a new access track that has been put in and we need an assurance that that will give us highway access to this field because otherwise, apart from going down through his father’s land, it is landlocked. And we’d like the use of that track without penalty, without maintenance because we don’t have that at the moment. We don’t have any tracks to maintain to get in now. We shouldn’t have to have them afterwards.

387. We’ve got the NFU assurances that are attached to my petition. They’re actually the old version. There is a new version and we would like all of those to apply to Leslie in this case. I did hear Justine Thornton quote me yesterday but I think they’ve got slightly the wrong end of the stick because the suggestion was that we were asking for the assurances to apply to petitioners and non-petitioners. That’s not what we were
saying. What we were saying was all of the assurances in A and B should apply to everybody. If there’s an A list and a B list in the assurance letter, it would be very wrong if one neighbour had some applying to them and another neighbour didn’t. They need to apply to everybody equally fairly. It shouldn’t be a pick and choose. The NFU negotiated those in good faith to apply to people and that is exactly what should happen because otherwise you’ll end up with one neighbour with one set and another neighbour with another set and somebody getting a better deal than somebody else. Now, compensation is supposed to be fair and reasonable and impartial. It isn’t supposed to be treating her better than him or vice versa. So they should all apply to everybody in every case, please.

388. So those are our requests. To move the tree planting from here, to remove the wetland so that we have access up here because otherwise we’re not going to have it –

389. THE CHAIR: You’ll get a chance to summarise at the end. You’ve made your points. Any questions? HS2?

Response by Ms Parry

390. MS PARRY (DfT): Thank you. I’m going to deal with what were described as the practical points and I’m going to ask Mr Miller to deal with the point about the habitat creation.

391. So can I – let’s just start here. The first question was in relation to access under the Moreton Brook viaduct in this location here. And if can go to P878(2), the assurance under the heading ‘access across wetland’ is the applicable one and, essentially, it requires the Secretary of State to provide culverts across the streams that we saw to ensure that you’d be able to get across and a hard-surface track to get around the viaduct. We suggest that addresses that point.

392. If we just go back to the previous plan – sorry, it was A222(12). The second request was access along – current access is apparently taken up here to a gate about there and the request was that access would instead be provided along that access track to a point at about point 5. If I can go back to P878(2), the first assurance there is that the Secretary of State should require a nominated undertaker to use reasonable endeavours to provide access from the Colwich bridleway accommodation green
overbridge, which is the bridge we’ve just seen, to the approximate position shown in D marked in the attached plan and D is in approximately the location indicated where the current gate is. So it’s along that access track we’ve just looked at. So we would suggest that answers the second practical point.

393. If I can just go back to A222(12), the third practical point was there was a request to move the tree planting from here in position 3 and move that into point 3A. If we go back to P878(2), the third proposal, the removal trees at the bottom of the page, essentially the Secretary of State undertakes not to exercise the power of compulsory purchase conferred in relation to the Bill in relation to the areas coloured yellow, which is the strip of trees we’ve just looked at, and that is subject to being able to put the trees in the area coloured orange, which is the severed bit we’ve just looked at. So we think that answers the third point.

Evidence of Mr Miller

394. MS PARRY (DfT): If I can then go to Mr Miller and could we have P787 up? Mr Miller, you heard that the concern’s been expressed about the proposal to create what is shown as wetland habitat creation. Can you help the Committee as to exactly what is proposed?

395. MR MILLER: Yes. I think possibly our terminology is a little bit – well, it needs a little bit of clarification. Essentially what we will be doing through here is providing a meadow type of habitat, much the same as that which is being lost in this location. So if I just outline, this is field 3 here and if I just go back to P785 you can see on this construction plan that there’s some considerable disruption in this location. I took the points last week with – sorry, it was Parkinson, wasn’t it, last week?

396. MR BEDSON: Yes. The week before.

397. MR MILLER: Yes, the week before, which was the same sort of mitigation point the other week. And you can see through here we’ve got substantial construction of the embankment and we’ve got the viaduct over the Moreton Brook here. So we are affecting this land all the way through here and, in large part, that is field 3, which will be essentially – the ecology will essentially be removed. It all shifts over because of the location of the viaduct. That’s why we have that petitioner got a little bit of the
mitigation in compensation response. But we are going to re-provide that further down in this location because it will be lost initially from construction but we will maintain the continuity of the habitats. We’ll be getting on with that early on and then we will be restoring that area of land which remains on this petitioner’s landholding. So the idea will be to reproduce what is a really good bit of ecology through here and, as Mr Bedson highlighted, from the Wildlife Trust that will be conserved with that plan.

398. MS PARRY (DfT): And then, just for completeness, if we look at P788, this is actually designated as a local wildlife site. Is that right?

399. MR MILLER: It is, yes.

400. MS PARRY (DfT): Yes. Thank you very much, sir, unless there’s any questions.

401. THE CHAIR: I’m a little confused. When Mr Bedson was talking he was talking about the area having to be flooded and it being a wetland and you’re – is there a point of confusion there?

402. MR MILLER: Well, I think it’s the terminology that we use on our plans because it’s a very graphic kind of representation. What we’re really doing is we’re looking at the ecology that we’re affecting and we’re trying to conserve and – well, replace and conserve that type of ecology.

403. THE CHAIR: So one ideal is that it would be put back to the state it’s in now?

404. MR MILLER: Yes, insofar as we’re able to, yes.

405. THE CHAIR: Okay.

406. MR MILLER: But part of that ecological response is because we remove that ecology, we extend that ecology in this area here and that links up all of the meadows to that sort of quality alongside the Moreton Brook.

407. THE CHAIR: Sheryll?

408. MRS MURRAY: Just for clarification for myself, we’re talking about meadows that currently exist and you’re not going to change it to a swamp.

409. MR MILLER: That’s right, yes. So taking up Mr Bedson’s access point, if you
can get the access over the meadow here – I mean there will be a point where we have to ensure that the ecology is monitored and maintained to a – bring it back to life but if you can get access over that type of meadow now, in the future you will be able to get that type of – the current access over that type of meadow extended over that bit of land. So I think that access arrangement will come good at a point in time.

410. MRS MURRAY: Thank you.

411. THE CHAIR: Any other questions? Mr Bedson?

412. MR BEDSON: Thank you. Can you go back to A222(12), please? Thank you. Yes, it strikes me immediately there’s a small area of Leslie’s habitat there and a small area through there but why are we having all of this down here? It’s a huge area. Is that strictly necessary? There’s 16 acres there. There’s 7 acres there. That’s 23 acres for a little bit there and a little bit there.

413. MR MILLER: Well, we’ve always said that we will deal with the ecological effect which comes from the construction. That’s why I took you to the construction plan. And there is a considerable area of land that you, in addition, point out not only for the final works but actually all the working space in the construction through there. To conserve that ecology we put early works in before we start any of the construction of the railway works and we’re doing that now in Phase One to bolster the ecology in this area here. That’s our plan. And then we will conserve, as far as we can, the land which will ultimately come back from construction.

414. MR BEDSON: It seems a little bit overkill to me and, again, we’d like a second opinion on that.

415. HS2’s mentioned some assurances were given. Again, I haven’t got those. I don’t know what date they were but I’ve not seen them yet.

416. MS PARRY (DfT): They were yesterday.

417. MR BEDSON: Can I have a copy?

418. MS PARRY (DfT): Yes.

419. MR BEDSON: Thank you. The Committee hasn’t had a chance to consider
these. They were apparently sent yesterday, I don’t know what time, but I haven’t had them yet so I haven’t seen them.

420. THE CHAIR: Okay.

421. MS PARRY (DfT): I’m afraid they were sent yesterday evening. As I think you know, those behind me are working very, very hard to try and get these assurances out and I’m afraid that was as soon as we could –

422. THE CHAIR: Noted both. Carry on.

423. MR BEDSON: Pardon?


425. MR BEDSON: Noted. Well, I need time to consider these. If the rough glossary that we’ve just had does what it says it does then that goes a long way to helping it but I do need time to read it and consider it and discuss it with my client.

426. THE CHAIR: Okay.

427. MR WIGGIN: Are the clients here?

428. MR BEDSON: No, they’re not here. No.

429. THE CHAIR: Unfortunately.

430. MR BEDSON: So I don’t know quite where that leaves the process.

431. THE CHAIR: Have you got anything else to say in summary?

432. MR BEDSON: No. My points have been made, thank you.

433. THE CHAIR: Okay. I think it would be convenient now to break and we’ll meet in private and we’re back at 2 o’clock.