MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 3 April 2019 (Morning)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

Jacqueline Lean, Counsel, Department for Transport

WITNESS:

Brenda Morris-Goostrey

IN PUBLIC SESSION
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(At 10.40 a.m.)

1. THE CHAIR: Welcome back, everyone. Good morning. Today we begin our first right-to-hear challenges. Under the private business standing orders, petitioners have the right to be heard by the Select Committee providing they can demonstrate that the Bill has direct or special effect on them. The Secretary of State for Transport can challenge a petitioner's right to be heard if they do not believe that a petitioner is directly or specifically affected by the Bill.

2. The Committee will reach judgment based on the arguments presented but will also be guided by precedence. For the second additional provision, the Department has challenged the right to be heard of four out of 82 petitioners. I believe two have already informed us that they've withdrawn their petition. Today we're going to hear one right-to-appear challenge. We plan to hold the second later on in the process.

3. Before I invite you to petition to us, if I can set out the order of proceedings given it's the first time we've done this since AP1. We start with a statement from the petitioner explaining why they believe their property or interests are directly and specifically affected and why they should be allowed a discretionary right to be heard. I will then invite counsel, on behalf of the promoter, that is to say HS2, to give a statement explaining why the promoter believes that the petitioner does not have the right to be heard.

4. I should emphasise today that we're considering whether the petition should be considered by the Committee, not considering the arguments actually contained in the petition. I'm informed that neither party today wish to call witnesses. The Committee will try to make a decision quite promptly after this meeting. We will email all parties involved and put the decision on the website, although the formal announcement will actually only occur when we meet. That just saves us all reforming as a Committee for a simple announcement. So if I can ask the petitioner to present their case? Thank you very much.

Newcastle Road Residents

Submissions by Ms Morris-Goostrey

5. MS MORRIS-GOOSTREY: Okay. First and foremost, thank you so much for
allowing me the opportunity to have the right to be heard against our petition that was rejected. I just want to say I’m standing on behalf of 19 properties, which are on the road that is proposing to be changed into a four-way carriageway directly outside our property. So the first knowledge of the road modification was correspondence received early in February 2019. All residents knew nothing before this was received. My husband and I attended a Swynnerton Parish Council meeting in February to see what assistance we could achieve. Although they said they would support our petition, a deadline date of 15 March, following this, little support has been forthcoming from Swynnerton Parish Council.

6. We have since been to a subsequent meeting at the end of March. They knew at that point that our petition was rejected. They have offered for us to piggyback onto their petition because they have other concerns within the parish council. We held a meeting with as many residents as we could over predominantly safety aspects on 3 March to see that we had collected support, which they all agreed. They nominated me as spokesperson because they thought I’ve got enough about me to do that. So here I am.

7. Sorry, 16 houses, not 19, are going to be directly affected with proposed four-lane carriageway outside our front doors on the 519 Newcastle Road, which is a short span of road, which is approximately less than 200 metres, I would say. We cannot see how that is going to directly affect any traffic. It’s currently completely congested at the moment. With the HS2 traffic that’s proposed to go up there, and the dual carriageway that’s got to actually take place, it’s just going to be absolute carnage. We’re all concerned for our safety. We won’t be able to exit our driveway to turn right to join the motorway to go northbound. You would have to go left and then join the traffic that is in that way.

8. We are completely isolated from all local amenities. Therefore, if you wanted to go up to the local shops and you wanted to walk, you’d have to negotiate, in essence, a six-lane carriageway because of the deflection that goes on to the roundabout at the Hanchurch interchange. We feel that we are directly and specially affected by the proposed changes. That’s the reason why we feel we have a right to be heard.

9. MR WHITFIELD: Sorry, Chair, I wonder whether we could see P1158, which is
a map that I’m looking at just to confirm where the houses are and the proposed changes.

10. MRS MURRAY: Yes,

11. THE CHAIR: That would be very helpful. It’s important that we get that up. It just may help in your explanation of how it’s affecting.

12. MS MORRIS-GOOSTREY: Yes, of course, because it’s familiar to me. I can rattle on about it all day long.

13. MR WHITFIELD: Yes.

14. MS MORRIS-GOOSTREY: So where the mouse is hovering now by that red dot is one of the deflection lanes that come up onto the 519. The houses below that red dot, we live in the middle of that row. Therefore, the Hanchurch interchange, we have been told by previous residents – we’ve only actually lived in this property for 12 months. But we have been told in the past that they had plans to make a flyover rather than a roundabout. It was the cheaper option to make the roundabout. That’s all hearsay. I don’t know. I haven’t got anything that I can say that’s sound evidence to actually prove that.

15. What we’re worried about and concerned about is these deflection lanes will in essence make it a six-lane carriageway rather than four. It’s going to encroach onto the front verge and the footpaths. As you look where the red dot is, if you were to go up to Clayton Road, that is where the shops are. That’s where the doctors are, further up there. We are in essence isolated from that part because if you come the other way, you just go into open countryside, if that makes sense. Directly opposite us we’ve got massive trees and then we’ve got the motorway.

16. We’ve got Eddie Stobart there as well. They also have their own set of traffic lights. There’s traffic lights at the top where 122 is on the crossroads; there’s a set of traffic lights that is four-way. There’s actually a fifth traffic light, which is Eddie Stobart only, which people come on and off as a big U-turn. They do a big massive hairpin turn to go down the 519 to join the M6.

17. THE CHAIR: Sandy has a question.


20. MRS MURRAY: Eddie Stobart.


22. MR WHITFIELD: I do remember being there. I didn’t remember this. The Eddie Stobart, the intention is to retain the Eddie Stobart there so that will still be a problem presumably?

23. MS MORRIS-GOOSTREY: Yes, because that will just add to the weight of the traffic that’s already going to be – I mean, this is very heavily subscribed on that road anyway. That is our concern. That is national speed limit. That little, short stretch of road is national speed limit. If you look where it says A500, that’s 50 miles an hour. If you go up to Clayton Road, going up into Newcastle, that’s 40 miles an hour. Right outside our houses it’s national speed limit. That is of a concern as well. We’ve been speaking to Swynnerton Parish Council to ask them to have that changed, along with Highways, to try and get that down to 30. Because it’s a short stretch of road, most of the time it’s bumper-to-bumper traffic anyway. On Saturdays and Sundays the people are whizzing down like it’s Brands Hatch.

24. THE CHAIR: Sandy Martin?

25. MR MARTIN: Well, can I ask a further question, Mrs Goostrey? You said you’ve spoken to Swynnerton Parish Council. In your opinion, has Swynnerton Parish Council been completely supportive of your views and your needs or not?

26. MS MORRIS-GOOSTREY: Yes, they have, but no, they haven’t. That sounds a contradiction in terms.

27. MR MARTIN: They said they’re going to do the right thing but they haven’t.

28. MS MORRIS-GOOSTREY: They said they would support us. They helped me put the petition forward. I work in lettings. I’m not used to this sort of wording, etc., so I would rather put myself into the hands of somebody as the chairperson of Swynnerton
Parish Council. She assisted me and we put the petition forward. There was something that she actually put in which I asked her to remove because she talked about putting our own private lane in front of the houses, which just wouldn’t work. We all knew that wouldn’t work because people would see that as a rat run.

29. That’s what we’re worried for. We then attended the next parish council meeting, which ended up being a bit of a chimp’s tea party, and that’s quite polite, where Yarnfield and Swynnerton Parish Council had a bit of a run-in together. We ended up walking out because we just thought we weren’t going to get anywhere with this. Here I am today.

30. MR MARTIN: Okay. Thank you very much.

31. THE CHAIR: Martin?

32. MR WHITFIELD: Assuming that the houses that are shown on this map below the red dot are the other petitioners that you’re representing today, for the whole of that.

33. MS MORRIS-GOOSTREY: They are, yes.

34. MR WHITFIELD: Not to put words in HS2’s mouth, I think the Secretary of State’s view is that you are outwith AP2, the new bit. The reality is that AP2 is literally the other side of the road from you, isn’t it?

35. MS MORRIS-GOOSTREY: It is.

36. MR WHITFIELD: It is that edge there.

37. MS MORRIS-GOOSTREY: Yes.

38. MR WHITFIELD: And indeed, the roundabout that sits just between the A500 and the A519 all will need amending under AP2 for the proposals that have been put forward.

39. MS MORRIS-GOOSTREY: Yes.

40. MR WHITFIELD: Okay. I’m grateful.

41. MS MORRIS-GOOSTREY: And there isn’t a safe way to cross. Where the A500
is to go up to Clayton Road, there isn’t a safe way to cross that at all. You take your life in your hands.

42. MR WHITFIELD: Is that for pedestrians?

43. MS MORRIS-GOOSTREY: For pedestrians, for cyclists, for dog walkers, joggers. It’s not going to be very long before there is a fatality.

44. THE CHAIR: Can I suggest at this juncture we hear from HS2 and then allow you to come back?

45. MS MORRIS-GOOSTREY: Yes, of course.

46. THE CHAIR: It might clear things up for everyone. Over to you.

**Response by Ms Lean**

47. MS LEAN (DfT): Sir, I’m grateful. The promoter’s position is that the petitioners’ properties are not within the Bill limits and the petitioners do not allege, nor does the promoter propose or anticipate, that there will be any other interference with the petitioners’ property rights. That is the basis on which the promoter considers that these petitioners do not have locus standi as a right.

48. Turning then to discretion, sir. The considerations that are raised in the petition relate essentially to management of traffic both during construction whilst the widening is taking place and thereafter during operation and a concern as to air quality. Swynnerton Parish Council echo the concerns raised by the petitioners in their petition. The Swynnerton Parish Council petition is petition 45. We have it at P1160 of your bundle. If I can just ask to bring up P1160 (2)? Highlighted, sir, at point A, a particular concern raised by Swynnerton Parish Council are the proposed road changes surrounding the Hanchurch interchange, who believe the residents are directly and specially affected. They echo the matters raised by the residents of Newcastle Road. Those are, collectively, the changes that have been referred to today.

49. On P1160(3), what you want to be done in response, the request is matters raised by residents of Newcastle Road in their petition to be taken into consideration with a redesign of the proposed layout of Hanchurch interchange to ensure vehicular and
pedestrian safety and access. So the promoter has brought this challenge on the basis that it's for the Committee to consider whether, in its discretion, it would be assisted by hearing these petitioners separately, further to the issues raised by the parish council, which are in substance raising the same concerns. Of course, it would of course be open to these petitioners to provide evidence in support of the parish council's petition on these matters.

50. THE CHAIR: Sheryl?

51. MRS MURRAY: Yes, I sort of fully appreciate that. I'm just a bit concerned when we looked at the map, why one side of the road is within the Bill limits and the other side isn't.

52. MS LEAN (DfT): Perhaps if I can ask to bring up the CT-05 plan that's been referred to in the petitioner's petition. It's CT-05 228a-R4. What is proposed here is a widening of the A519 Newcastle Road in addition to works to the junctions at either end of that section. As is set out in the environmental statement, for the majority of this section of the road, the widening will take place by moving the western kerb only. Where there might be some work on the eastern kerb is very much at either end in the proximity to the junctions. So that's the change that's proposed, widening by going west, but obviously the whole road has been placed within Bill limits.

53. MRS MURRAY: Okay. Thank you.

54. MR WHITFIELD: Can I ask something?

55. MRS MURRAY: Yes.

56. MR WHITFIELD: It is trying to say that within the Bill limits is literally the first metre outside of the petitioner's property. If we look at the properties the pathway is effectively within the AP2 provision, isn't it?

57. MS LEAN (DfT): That's my understanding, yes.

58. MR WHITFIELD: And the line has been drawn on the property boundary between the properties and the road.

59. MS LEAN (DfT): My understanding is it goes up to the highway limits. That's
my understanding.

60. MR WHITFIELD: The highway limits, yes, sorry.

61. MS LEAN (DfT): So going up to the property boundary, yes.

62. MR WHITFIELD: It is within the highway limits which is literally that indivisible line between that and the property.

63. MS LEAN (DfT): Yes.

64. MR WHITFIELD: I’m grateful.

65. THE CHAIR: The Bill limits goes down the middle of the road. There’s a thin bit of pink above the word –

66. MRS MURRAY: Yes.

67. MR WHITFIELD: It’s on the petitioner’s side of the road as well.

68. MR MARTIN: It only comes right up to the very edge of their land.

69. THE CHAIR: I understand. Would there have been any merit in drawing the boundaries slightly wider to be a bit more inclusive of the community but also to give you the functionality of, heaven forbid, you need to go onto the petitioners’ land?

70. MS LEAN (DfT): Sir, I’m instructed that the vast majority of the civil work should be on the western side. So the widening, the construction of the additional lanes, are on the other side of the road. It’s not anticipated that any more than ancillary matters might need to be taken on that eastern side, which might be things like traffic signing or something like that, apart from at those extreme ends where there need to be some works to the junction. Of course there would have been a considerable concern about bringing private residential properties within Bill limits for the widening works where those properties are not in fact needed.

71. THE CHAIR: I have lots of questions but they’re questions of substance rather than questions of right to be heard.

72. MRS MURRAY: Yes.
73. THE CHAIR: Martin?

74. MR WHITFIELD: Because this is a petition to be heard, I recall reading but I can’t place where that the boundaries for all of this Bill were as much driven by the engineering requirements, and the legal requirements were driven by the engineering requirements. Is that why you say ‘because the majority of the work will take place on the opposite side of the road’? It was an engineering question about where the line was drawn on the petitioners’ side of the road, was that?

75. MS LEAN (DfT): I think that all I can say is that what will have been put in Bill limits is what’s considered reasonably necessary to carry out the works required here.

76. MR WHITFIELD: I’m grateful.

77. MS LEAN (DfT): But obviously a key consideration generally when looking at Bill limits is it’s a general aspiration to try and avoid impacting on residential private properties if we can avoid doing that.

78. MR WHITFIELD: Or impacting the cost of impacting on property? Sorry I’ll withdraw that question. That’s a bit messy.

79. THE CHAIR: Just a question of fact, on this map under the ‘OAD’ of road in ‘Newcastle Road’, there seems to be a wider point that is taken. Is that a pathway cutting across the corner or does that encroach? It looks slightly different to the rest of Newcastle Road where a bigger chunk has been taken. What’s in there? Perhaps it’s one for the petitioner who probably knows.

80. MS MORRIS-GOOSTREY: Currently, it’s grass and it’s got a park bench on there. So if you want to sit by the traffic lights and watch the traffic queue up, that’s where you sit.

81. THE CHAIR: Each to their own.

82. MS MORRIS-GOOSTREY: Absolutely.

83. THE CHAIR: How large is that area, just to get a perspective? Is it as big as this room, a quarter of this room?
84. MS MORRIS-GOOSTREY: No, it’s tiny. It’s nowhere near. Probably from that window to the maps, that corner.

85. THE CHAIR: Okay. Have you got anything finally to say? I think we have enough information.

86. MS MORRIS-GOOSTREY: Yes, of course.

87. THE CHAIR: I don’t want you to wander off thinking that you missed a crucial bit of information in terms of your right to be heard as opposed to the substance.

88. MS MORRIS-GOOSTREY: Okay, yes, I mean, the concern for us, again, I just want to reiterate the safety aspect of things. If that proposed – and I’m aware it is just proposed at this moment – if that does go ahead, we won’t be able to turn right. In essence, if I want to go to Crewe in the morning to go to work, I won’t be able to because I won’t be able to turn right out of my driveway.

89. THE CHAIR: That’s very clear. Sherryll, and then a final word from me.

90. MRS MURRAY: Just very quickly, you said you’d spoken to the parish council and they were sympathetic to your cause.

91. MS MORRIS-GOOSTREY: Yes.

92. MRS MURRAY: Did you ask them at any time if they would be prepared to call one of the residents to be a witness?

93. MS MORRIS-GOOSTREY: One of the residents?

94. MRS MURRAY: One of your group to be a witness if they came and spoke to us with regard to their petition?

95. MS MORRIS-GOOSTREY: No. I mean, they have invited me here. There is another meeting tomorrow night at Hanchurch Village Hall with HS2 and Swynnerton Parish Council. I’ve been invited to that tomorrow night.

96. MRS MURRAY: Thank you.

97. THE CHAIR: So just for the record, regardless of what we decide in terms of
your right to petition, you could be called by Swynnerton Parish Council to give witness.

98. MS MORRIS-GOOSTREY: Fantastic.

99. THE CHAIR: To give a similar amount of information either in parallel or in addition to the right to be heard. I think we do have enough information so I'm going to move to a private sitting to consider this matter. I see a nod of assent from HS2.

100. MS MORRIS-GOOSTREY: Can I just say one final thing?

101. THE CHAIR: Certainly.

102. MS MORRIS-GOOSTREY: Okay. Junction 15 of the M6 is one of the most dangerous entrance and exits of the whole of the M6, by all accounts. We've had sight of an email that has been sent to Highways England that mentioned that this junction would fail safety audit in its current format. Therefore adding lanes could be potentially disastrous. That's my final bit that I wanted to say. By adding lanes we're just going to be putting more and more traffic outside our front doors. We did mention about emissions, etc., and pollution. It's just going to be standing traffic, sitting waiting to go through traffic lights outside our front door.

103. THE CHAIR: Thank you very much.