HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL (the Bill)

Promoter’s response to the submission of:

(A) Bircharm Dyson Bell LLP (BDB) on behalf of the Brandon Muir and Williams families (Petition P2A-168) and Maximus Strategic Stafford LLP (Petition P2A-169) dated 3 September 2018

The Promoter has been sent a copy of the submission to Select Committee from BDB. We have also been made aware that a further submission has also been provided by Shoosmiths on behalf of Maximus. We had hoped to provide a response to both, but having made a number of requests for the Shoosmiths’ submission, and having yet to have been provided with a copy, the Promoter wishes to respond to a number of the points made in the above submission.

In the interest of avoiding repetition the Promoter’s response does not take each of the points set out in the submission separately but sets out its position below by reference to the three main issues raised:

1. Alignment of Sandon Road;

2. High Speed Two (HS2) Limited’s objection to the Maximus Strategic Stafford LLP planning application for a housing development; and

3. Request for the Promoter to pay costs.

The Select Committee will be aware of the background to this case from the respective petitioners, but a short summary is set out here by way of reminder.

The Brandon, Muir and Williams families (the Families) between them own a substantial amount of agricultural land near Hopton through which the Proposed Scheme will run. Maximus has an option to acquire some of this land for a large housing development including up to 2000 dwellings and school provision. Maximus has submitted a planning application (which is an allocated housing site) for this development to Stafford Borough Council (the Planning Application).

The Planning Application has yet to be approved by the Planning authority, and there is still an opportunity to make modifications to the proposals.

1. **Alignment of Sandon Road**

1.1 In developing the proposals in the Bill, it was considered important to keep Sandon Road open during construction. This required the realignment of the road.

1.2 The Bill scheme provides for the realignment of Sandon Road to the west of its current alignment. An alternative, eastern alignment, would have brought the road closer to residents of Hopton and Mount Edge. It would also have disturbed a major utility and a potentially contaminated landfill site.

1.3 While the alignment in the Bill introduces some clashes with the Developer’s current proposals, it directly affects relatively few houses in the Developer’s preferred location. The main impact is to the provision of a sustainable drainage pond in the Planning Application which, if unresolved, could significantly reduce the amount of properties that the site could support.

1.4 The Planning Application is in outline with the vast majority of the details as to how the development will be laid out or come forward to be determined at a later stage. As such, the Promoter has been in discussions with Maximus and the Families with a view to resolving the issue.

1.5 Following dialogue with the petitioners in March and April 2018 the Promoter instructed our consultants to review the realignment of Sandon Road as provided in the Bill scheme with a view to reducing the clashes between that work and the proposed housing development. Our consultants produced a report which identified a number of variants on three broad alternative options: an online crossing and realignment to either the east side or west side
of the existing Sandon Road. The report concluded that realigning the road closer to its existing alignment on the west side (referred to as "Option 1"), as the highest rated option.

1.6 Realigning the road to the east (referred to as "Option 2") was not pursued, due to the impacts outlined in 1.2. The online option was ruled out as it would either require the closure of the road during construction, or the creation of a temporary road on one of the other alignments with additional costs incurred through its removal afterwards.

1.7 A summary of the work undertaken by our consultants was shared with the Petitioners in May 2018 and discussed at a meeting with the Families on 15 June. The three options were discussed with Maximus (as the party proposing to develop the land) at a meeting on 7 June 2018 and further discussions were also held with their technical team on 12 and 21 June 2018.

1.8 Maximus’ technical advisors requested consideration of a lower design speed and drainage refinements, which HS2 Ltd explored during a meeting with the Staffordshire County Council as the highway and flood authority. This lead to the identification of a solution to the issue, which was discussed at a meeting between the Promoter and Maximus’s technical teams on 10 September 2018.

1.9 The preferred alignment represents a change to the current Bill scheme and will be brought forward as an amendment to the Bill as part of Additional Provision 2 (AP2). AP2 will also include land for the relocation of the drainage pond to resolve that issue.

1.10 The submission of AP2 will allow the landowners and developer to provide the Select Committee with their views on the proposal as part of the petitioning phase.

2. High Speed Two (HS2) Limited’s (HS2 Ltd) objection to the Maximus Strategic Stafford LLP planning application for a housing development

2.1 HS2 has no objection in principle to this development and there is no reason why HS2 and the proposed development should not coexist. HS2 is committed to working with interested parties to resolve any conflicts; in doing so, we need to maintain a balance between the needs of the new development and those properties already in the area.

2.2 The development of the Bill scheme and the Planning Application scheme have been taking place in much the same timescales and as such the interaction between the two schemes at their boundaries has been subject to change. A successful outcome will require some minor compromises by both projects to accommodate the needs of the other.

2.3 We do not propose to comment in detail on this part of the submission nor on the timeline set out there, however we would like to make clear that we do not accept all of the assertions made (not least that in paragraph 5.2). In the interests of brevity we would simply like to make two points:

- While is it correct to say that Maximus made changes to their scheme to reflect the presence of the proposed railway, they did not take into account the need to realign Sandon Road; and,
- Their timeline shows that the Planning Application for the masterplan development was submitted after they were aware of the clashes with the realigned Sandon Road.

2.4 On the wider point, HS2 Ltd submitted a planning objection on 24 May 2018 in order to safeguard the delivery of the high speed railway.

2.5 The reasons for this were discussed during the Petitioners’ hearing before Select Committee. In summary, while we are confident that an agreement can be reached with the Petitioner’s that allows the proposed scheme and their development to coexist, it would be inappropriate to withdraw that objection until that agreement has been concluded.
2.6 We would be happy to provide further submissions should the Select Committee consider it to be helpful, either now or in response to any AP2 petition.

2.7 In the meantime the Promoter’s view is that sufficient progress has been made that would allow the landowners/developer to work with the Planning Authority to progress outstanding matters in such a way that would allow for a swift determination as soon as the objection was withdrawn.

2.8 Furthermore, our understanding is that we have an agreement in principle with Maximus to this approach. To this end we have provided Maximus with a draft agreement between the developer and the Promoter and we anticipate that discussions will now focus on agreeing the detailed drafting.

3. Request for the Promoter to pay costs

3.1 As far as costs relating to preparing for proceedings in Parliament are concerned, long standing practice is that both the Promoter of the Bill and petitioners against it bear their own costs of proceedings in Select Committee.

3.2 We do not accept that the parties have any “legitimate expectation” that would give rise to the need to reimburse costs. It is hoped that the sets of assurances provided to the Petitioners on 16 July 2018, the ongoing discussions between the Promoter’s and Maximus’s technical teams on the interfaces at Sandon Road, and the promotion of AP2 will address the majority of the Petitioners’ concerns.

3.3 The Promoter does not consider that the Petitioners have been put to unreasonable expense or that an exception to the general rule, that petitioning costs are not reimbursed by the promoter of a hybrid bill, should be made in this case.