MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday 13 May 2019 (Afternoon)

In Committee Room 5

PRESENT:

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

_____________

IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

_____________

WITNESSES:

Barry Denyer-Green, Roger Bedson and David Walker
Alex Booth
Emyr Thomas

IN PUBLIC SESSION
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(At 4.00 p.m.)

1. THE CHAIR: We’ll now move straight away to our first petitioner, Mr Denyer-Green.

Graham Ward Trustees and Farming Company

Submissions by Mr Denyer-Green

2. MR DENYER-GREEN: I appear for the Graham Ward trustees and farming company. Sir, the principal point of our petition can be identified in slide A476(10), and so I do –

3. THE CHAIR: Thank you for dressing for the occasion, but do feel free to sit down. It’s very, very informal.

4. MR DENYER-GREEN: I’m obliged, sir. Can I ask for slide A476(10) to be placed? That’s very helpful. And sir, I do have two witnesses, Mr Bedson and Mr Walker. Will they need to be sworn in first, before I proceed?

5. THE CHAIR: I assume they already have been.

6. MR DENYER-GREEN: That’s very helpful. Sir, the very short point which is the principal subject of the petitioners’ petition is the taking of land for a borrow pit, borrow pit 5. It’s identified on the screen as the grey area. The petitioners are trustees and managers of a dairy farm. The dairy farm is outlined in red, and the borrow pit will take a very substantial area of land.

7. That has two consequences: first, a significant effect on the viability of the dairy herd and the dairy enterprise; and secondly, because of the way in which the borrow pit resources are going to be extracted, and then replaced with fill, it will sterilise for ever the mineral content underneath the land, and that will have an effect on the interest of the trustees in future generations.

8. Chairman, if wonder if slide A476(2) can now be put up, where we’ve summarised at the first paragraph, 1.1.1, the interest here, two farms, Netherset Hey Farm, which is the farm most affected, and the third bullet point, that HS2 are taking nearly 60 hectares of prime agricultural land for the purpose of the borrow pit.
9. We make some points at 1.2.1 below that, that the borrow pit is not considered to be a suitable or appropriate source to supply materials. The operations will decimate what is a thriving dairy farm. There are existing facilities in the local area, and, Chairman, that is one of the most important points we wish to advance today. In particular, there is an existing quarry with adequate resources, a very short distance from this particular location. If we can now turn to slide A476(3) where we summarise the effect on the farm at 2.1, the land take will have serious financial and economic impact and the enterprise will lose something like 200 dairy cows.

10. At 2.2.1, we summarise the impact on the families’ interest in the minerals. The point made by the promoter is that we may not have existing planning permission, the land may not be allocated for the mineral resource extraction in the local plan, but my clients are not interested in today, tomorrow, or even 10 years’ time. They are interested in future generations, and particularly here, there is high quality aggregate which is not necessary, we say, for the promoter’s purposes.

11. At 2.2.3, we identify an alternative quarry, Lordsley quarry, which has proven reserves, in excess of what’s required by the promoter. The quality is suitable and adequate. We know that Hanson own it and they’ve consented to the possibility of it being used for the purposes of supplying aggregate to the promoter’s undertaking. And there are planning restrictions, but planning restrictions, we say, can be addressed.

12. It’s quite significant that the main objection raised by the promoter here to the use of Lordsley quarry is the effect of additional traffic on local roads. But, sir, that will be for a spike of a short period of time, something like 18 months. So it’s not continuous long-term. In any event, the restrictions on the extraction rate from Lordsley quarry doesn’t have a restriction on a daily basis, or a monthly basis, and it would be possible for a large quantity of minerals to be extracted from Lordsley quarry, giving rise to high volumes of traffic anyway, without breach of the current planning restrictions.

13. Sir, that in summary are the main issues relating to the taking of land from my client’s property and the possibility of alternative resources and minerals being extracted from the quarry nearby. I now wish to call Mr Bedson to address the impact on the farm, and then after Mr Bedson, I will call Mr Walker to address the mineral resources.

15. MR WHITFIELD: Thank you, Chair. Can I just clarify, there’s absolutely no
intention from the current petitioner to extract the minerals themselves; they wish to
continue as a dairy farm? Is that right?

16. MR DENYER-GREEN: Well, they would wish to continue the dairy enterprise
and they are well aware that the possibility of extracting minerals is way into the future;
we’re talking about a generation or more down the line, but meanwhile, there’s a very
enterprising dairy unit which they wish to protect.

17. MR WHITFIELD: That will be devastated by this borrow pit.


19. MR WHITFIELD: I’m grateful.

20. MR DENYER-GREEN: Can I now call Mr Bedson?


Evidence of Mr Bedson

22. MR BEDSON: Thank you, Chairman, lady, gentlemen. I’m going to talk about
the impact on the farm business as it stands at the moment and the effect of the borrow
pit. If we could bring back 476(10), please. And there are two forms here that the
family have, one at Netherset, which you can see at bottom, highlighted in orange, and
one at Hungerford at the top, and they form two dairy units, which is run as one efficient
farm but with two herds within it.

23. Now it is slightly ironic that the railway line itself, which you can see coloured
blue going diagonally through the plan, does not actually take an awful lot of land from
the farm. What does impact it is the borrow pit and the planting of trees. The borrow
pit and the planting of the trees takes about 185 acres from the Netherset herd.

24. Now we’re stocked at a little over a cow an acre on the best quality ground here,
which means that we are going to lose around 200 cows from the Netherset herd. That,
effectively, will close down the Netherset herd; at 150 cows, it does not warrant really
employing a stockman and a herds manager to do it. So that’s the impact that it has on
this particular farm.
25. Now, there are two issues; one is the borrow pit, and the other is the trees. If we can just address the trees, please, at P1500(7).

26. The yellow area and the little blue area around the top of it is quite a substantial area of land. Now HS2 have offered –

27. MR WIGGIN: Have you got a mouse, Mr Bedson?

28. MR BEDSON: I haven’t got a mouse. The yellow area and the blue area is where trees were destined to go. HS2 have offered to put it in the purple and the red, which, on the face of it is very helpful, because that is the worst quality land, or the worst quality on the farm, which is purple and red.

29. Now, the problem is, it’s still acres and we are still up against NVZ limits, so we need acres on which to spread slurry and to look after cows. So, no matter what they take, it is going to impact on the farm.

30. Now there are a couple of reasons why we were told that trees were required here. One is because apparently bats were found in Hey Sprink. Now, there’s bats in lots of woods all over the place and Hey Sprink isn’t affected by HS2. There is already the West Coast Main Line there; HS2 goes across the bottom of it there, but it doesn’t actually affect it. I asked the question very pointedly at one meeting, ‘If you do not plant more woods there, can you guarantee that the bat population will be affected and that they will die and there will be a lot less of them?’ They couldn’t guarantee that, so I asked again, ‘Well, can you guarantee that if you plant lots of trees there, there will be lots more bats and they will be a lot happier?’, and they couldn’t guarantee that either, so you’d wonder why those are required.

31. There is, of course, the ancient semi-natural woodland, which is affected there where eight acres are being taken, but there is already 60 acres being planned on the Slaters’ farm, together with 60 acres on this farm. That is a replacement rate at about 15:1, which frankly is unheard of. It affects this business quite badly, so we would like the trees to be reduced even more please.

32. THE CHAIR: Okay.

33. MR BEDSON: Moving to the overall impact on the dairy herd, we are losing
about 200 cows, so we are going from 350 down to about 150, which as I say becomes unviable. One of the methods that we have looked at to address that is to increase the dairy facilities at Hungerford, so essentially we move the remaining 150 cows from Netherset up to Hungerford, but that needs an increase in the size of the slurry lagoon up there, some additional cow accommodation, extending the parlour, and a few other facilities, and we think that is going to cost something in the region of £300,000 to do. But by doing it, we will save quite a lot of money. By closing Netherset completely, which will happen if we do nothing, the farm will lose around £210,000 per year profit.

34. By moving the cows to Hungerford, in the event that the borrow pit goes ahead, then we will recoup about £70,000 worth of that. So there is probably about a four-year payback in terms of the infrastructure costs to the money being recouped.

35. Now HS2, to be fair to them, have offered to make some advanced funding, predicated on a business case which has approval, but the problem with that is that there is a bit of a conflict, because the business case itself is predicated on the upfront early acquisition of all that borrow pit land, if we can bring back 476(10), please.

36. It is predicated on the acquisition of all of that grey land there. The thing is, the petitioners don’t want to sell that, because even when HS2 have taken what they’ve taken of the minerals, if that is what is decided, there will still be some minerals left under there, which they would like to get in future generations, or when they can, and so they don’t want to sell that. Also, if it is reinstated as well as HS2 say it is going to be reinstated, eventually, it’ll come back in the farm to be used.

37. THE CHAIR: Sheryll?

38. MRS MARTIN: Yes. So what you’re basically saying, Mr Bedson, is: you want compensation to move the whole operation to Hungerford, to extend the milking facilities and the accommodation on a permanent basis, but you don’t want to sell the land to HS2, you want to loan it to them for the period that they need a borrow pit and then for them to return that land restored as it was after, after their requirements are met.

39. MR BEDSON: So, it’s a generational issue. The moving the remaining 150 cows to Hungerford after all the land has been taken will essentially save the taxpayer some money, because it doesn’t wipe out £210,000 worth of profit. By moving the cows up
there, we can recoup £70,000 worth of profit, and that will have about a four-year payback.

40. The borrow pit itself, if it’s taken as it is taken here, it will be a long time before that land comes back into proper agricultural use. We have seen reinstated land after borrow pits, and it doesn’t come back for many, many years. It will be rather unproductive. You’ll get something out of it, it will turn green and you have put sheep on it, but it will not be as it is now. If we could go please to 476(11), that’s what it is now. That’s the farm, and it is proper, green-side-up cow land. It will grow grass every day of the week, and it supports a very profitable dairy herd.

41. So, essentially, we do not want the Secretary of State to acquire this land; we want it to come back for future generations, and for future use.

42. THE CHAIR: Shall we move on? I think we are starting to go over the same territory. If you want to call Mr Walker, or do you want to – what do you want to do?

43. MR DENYER-GREEN: Do you want to address the spoil tip point?

44. MR BEDSON: Yes, absolutely. There is some land a little further away – sorry, bring back P1501(9), if we could. Thank you. This is some land that is slightly off-lying, currently useful for the farm. But there’s an area in here, which has been promoted for development, which will release, when it comes through, some cash for the farm to reinvest into the farm and to buy some land hopefully nearer to the main farmstead.

45. What we are trying to do here is keep this land free of this spoil dump. Now HS2 have offered an assurance on access through here, but if and when planning consent happens, we would like that land to be free of encumbrances, and it may be some time before that happens if the soil dump is put here. So we would like to find an alternative location for that please.

46. MR DENYER-GREEN: And do you want to address the ecological mitigation areas, habitat?

47. MR BEDSON: Yes, we can look at that. If we could go back to 1476(10), please. Post scheme, there is an area in here which is noted as wetland habitat creation. Now
again, going forwards, requiring land for the cows in this location here, near to the farmsteads, we’d like that wetland habitat creation reduced or put elsewhere. There is an assurance on it but it is a little bit vague. We don’t see the need for wetland habitat creation there now; there isn’t any at the moment. HS2 does not affect any in this area, certainly on this one.

48. THE CHAIR: It’s not going over a distinct area. Are you trying to refer to an area?

49. MR BEDSON: Yes, it’s in here. There is a slide. I’m just slightly out of order.

50. MR WHITFIELD: If we look at P1495, that may assist.

51. MR BEDSON: Perfect. So it’s in here where it says River Lea. So there is a sizeable chunk of land there which is going to be a wetland habitat creation post scheme. There isn’t anything there at the moment that requires restriction in use, and as the photographs I showed a minute ago, that is all lush green land at the minute. That is what we want to try and create back eventually, post scheme.

52. MR MARTIN: Mr Bedson, this land here is between the railway and the river. Can you show us on this map where the cows currently cross over the river to get to that small sliver of land?

53. MR BEDSON: I am afraid I cannot precisely but they do. There will be crossing points over the river. I do not know exactly which route they take, but it is all farmed within the farm boundary, and it is all silaged and grazed.

54. MR DENYER-GREEN: Thank you, Mr Bedson. Sir, can I call Mr Walker?

55. THE CHAIR: Absolutely.

**Evidence of Mr Walker**

56. MR DENYER-GREEN: Mr Walker, are you a chartered surveyor and fellow of the Institute of Quarrying?

57. MR WALKER: I am.

58. MR DENYER-GREEN: And do you have experience in these quarry matters?
59. MR WALKER: Yes, sir.

60. MR DENYER-GREEN: I wonder if we could have slide A476(13), please. Are you able to identify on there the alternative quarry, Lordsley quarry?

61. MR WALKER: Yes, I am. It’s there.

62. MR DENYER-GREEN: Can you identify roughly where the borrow pit 5 is?

63. MR WALKER: Yes, it’s there. Hatched green.

64. MR DENYER-GREEN: Can we now go to slide A476(5)? And in section 4.1, you summarise – executive summary of the points; can you, very briefly, summarise what is said there?

65. MR WALKER: Yes, sir. The borrow pits themselves are obviously temporary mineral workings adjacent to major construction projects. In this particular case, borrow pits must be justified in terms of being the most suitable source of material to meet demand; where there is no alternative material of the required specification available in sufficient qualities, that appropriate environmental safeguards covering both working and reclamation are included in any planning permission.

66. We don’t think borrow pit number 5 fits that description, because we have an alternative with suitable material. One of the issues at 4.1.3 is relation to possible backfilling of borrow pit 5. That is quite a large number of vehicle movements and we wondered whether or not any account had been taken of landfill sites within the vicinity of the arisings.

67. MR DENYER-GREEN: Can you now consider the points that you make that are made at 4.2 on that same slide, and in particular, can you summarise the amount of mineral resources that would be extracted from borrow pit 5, in comparison with the volume which is there, and how much would be sterilised?

68. MR WALKER: We’ve got a total in the Netherset Hey/Hungerford site of 10 million tonnes. The area of the borrow pit, we’ve calculated at about six point – I’ve lost my thread. We’ve got 10 million tonnes; the average is about 10 metres in depth. If you think that a hectare contains 150,000 tonnes, then for 1.5 million tonnes would be
10 hectares; 15 hectares would be 2 million, but we’re talking in terms of 28 hectares here, which indicates that not the full extent of the resources are going to be removed, and if there is backfilling taking place, then obviously that will sterilise the underlying mineral. This is good quality material, what we refer to as primary aggregate.

69. MR DENYER-GREEN: Can we have slide A476(6), please? And can you summarise the points that are made at section 4.3, the borrower pit requirements?

70. MR WALKER: Yes. Our review of the scheme indicates there’s only 19,000 cubic metres, around 30,000 tonnes is required for high quality granular fill. So we would expect bulk fill to be utilised for the balance of the scheme. If concrete is going to be produced on the site, then there will be a need to bring in a plant to wash the sand and gravel; they will need to bring in a plant to produce concrete, unless they bring it from outside sources. If they bring a concrete plant on site, then that will need importation of cement and filler.

71. MR DENYER-GREEN: Can you now refer to section 4.4?

72. MR WHITFIELD: Sorry, just before we progress; at 4.35, Mr Walker you say that if you had control of the extraction method, you could prevent the sterilisation of the rest; is that correct, given what you have said above, when you say it depends on what they’re actually going to use it for?

73. MR WALKER: I think that it would be a question of – I’ve not seen detailed – normally, if we putting a planning application in for a sand and gravel extraction, it’s basically, we’d want to know whether the soils were going to go, we would want to maximise the recovery of the reserve. Now the indications are, if you're going to have 28 hectares for mineral extraction, they're not going to extract the full depth; that’s the implication.

74. MR WHITFIELD: I’m grateful.

75. MR DENYER-GREEN: Can we turn to section 4.4 where we deal with the sterilisation of minerals at the borrow pit? Can you just summarise that briefly, please?

76. MR WALKER: This is following on from that point I have just made. We’re talking in terms in volume 5, borrow pit restoration strategy refers to mineral extraction,
an average of about 4.3 metres, which is obviously half of the average, less than half the average that we are talking about. So it’s not being taken to its full depth. Obviously, if you do not take it to its full length, then we’re going to lose that mineral.

77. MR DENYER-GREEN: Mr Walker, can you go to section 4.5? We need slide A476(7), please. And here we deal with alternative sources. Can you briefly summarise the points that are made there?

78. MR WALKER: There is a need for around 2 million tonnes at the HS2 requirements. On that basis, we’re saying that the Lordsley quarry, which is the closest site, which is closed, it’s got 6 million tonnes, it’s got more than enough reserves to satisfy HS2 requirements.

79. We have got a restriction on the planning, 270,000 tonnes a year, but there’s no reason why that could not be waived by temporary planning consent by the planning authority, for an 18-month period, whilst the bulk of the material is delivered to the project.

80. MR DENYER-GREEN: Mr Walker, can you just answer these following additional questions that arise out of the evidence put in by the promoter? The existing planning permission for the Lordsley has conditions; do you see any difficulty in having those amended?

81. MR WALKER: I would not imagine that the mineral planning authority will have a great difficulty providing a temporary relief, because 270,000 could be worked in three months.

82. MR DENYER-GREEN: For the next question, can we have slide P1496(15), please? This gives additional traffic – it’s not very clear whether this is additional traffic road movements in comparison with extraction rates at Lordsley, or in comparison with what would otherwise be the case; have you any comment to make about the alleged additional traffic movements?

83. MR WALKER: If we go back to our slide A476(13). Earlier I pointed out Lordsley quarry there, Netherset Hey borrow pit there. I identified a route which would avoid all those villages mentioned on that previous slide by restricting the traffic along
that route, so instead of having various routes down there, we could put everything down there onto the trace, and then get on to deliver the material to where it needs to go.

84. MR DENYER-GREEN: Finally, can I ask you to go to slide P1496(14)? Do you see any reason for the numerous transfer nodes identified there as would be necessary to extract the recovery of minerals from Lordsley quarry, in comparison with those from borrow pit 5?

85. MR WALKER: Obviously, if we had one route, as I have previously mentioned, we would avoid these other transfer nodes, but if, for example, Netherset Hey didn’t exist for a borrow pit, Lordsley could quite easily use the main road, the A51 or the A53, and could – forgetting HS2, if somebody wanted a delivery at Madeley or Checkley or Shavington, that’s the route that they would go.

86. MR DENYER-GREEN: And just finally, can you just say something about the quality of the minerals in borrow pit 5?

87. THE CHAIR: Thank you; you’ve already had two ‘finallys’. HS2?

88. MR DENYER-GREEN: I’m obliged.

Response by Mr Mould

89. MR MOULD QC (DFT): I’m going to see if I can deal with this myself, and I’ll start off, please, with our 447(78); this is the borrow pit review report that you’re familiar with. Just to remind you of the anticipated yield from this borrow pit following our preliminary ground investigations.

90. Our current estimate is that borrow pit 5 would yield, if we just scroll down, a total of 1.63 million – drag up again – cubic metres, of good quality construction material which is required for the construction of all of those civil engineering works, as you can see itemised on the left-hand side. Just a note, of those, the first three are to the south of borrow pit 5, on the trace; the remainder, from Lea north embankments northwards, those are all north of it.

91. You will see that – if we just scroll down – you can see the two columns – just back again – two columns, site haul, two-way movements, road haul, two-way
movements. There is a direct access from this borrow pit straight onto the trace. If you go down again, using that direct access, using site haul suitable Moxy haulage vehicles, we are estimating 63,700 two-way movements.

92. One of those movements translates into two road-going lorries. You can see that, whereas at the moment, by excavating that borrow pit where we are, we can provide 1.63 million cubic metres of material to all those engineering works without a single HGV having to go on to the public highway.

93. If we were to lose that and to substitute a quarry which required public highway access to the trace, we would have to accommodate 63,700 times two, which is 127,400 lorry movements on the public highway to get that material from its source to where it is needed on the building site.

94. THE CHAIR: Sheryll.

95. MRS MURRAY: It’s unclear of the state of this road from Lordsley quarry. Is it a dual carriageway?

96. MR MOULD QC (DFT): Lordsley quarry has an access onto the A51, which, although it is an A road, as you will recall from your site visit in that area, it’s quite a rural A road, and certainly, once you get south of the A53, which is following the route that – let me go, as we’re on this point, let me go to A476(13), please. This is the petitioner’s suggested route to the trace.

97. If I can just show you, you come out of the access onto the A51, you come down to the junction with the A53, and then you go south east along the A51. From the point at the junction of the A53, all the way through to Dog Lane, where it is suggested we could get this material onto the trace, that is a road whose rural qualities, shall we say, are such that we have agreed with Staffordshire County Council that we will not route a single HGV down that road, because it is not judged to be suitable to accommodate.

98. At the moment, it has, we estimate, about 4,000 vehicles overall will use that road at the future baseline in 2023, of which about 130 are predicted to be heavy goods vehicles.

99. If you translate the number I gave you of having to accommodate 127,400 HGVs
travelling along that road where presently we proposed none, translate that into a four-year assumed building period, it translates, I am told, into about an HGV a minute going down that road in order to get from Lordsley quarry.

100. At the moment, Lordsley quarry couldn’t accommodate that level of production, because as you’ve been told, there is an annual restriction on the use of that quarry. The reason why that restriction is in place is because Staffordshire County Council’s highways engineer is not prepared to tolerate any further extraction going out from the access onto the A51 without significant improvement to that junction.

101. THE CHAIR: Can we move on to the non-Lordsley issues?

102. MR MOULD QC (DfT): Yes. So, turning then to the question of the offer, if I just put up P1502(1), Mr Bedson told you that HS2 has made an offer. This is the offer letter; it’s subject to contract obviously, but at the beginning of April, HS2 offered to buy the land at this farm which is affected by HS2 construction works, of whatever kind, in advance of Royal Assent to enable the maximum amount of time to be available to this farm holding to address the need to adjust itself, so as to accommodate the impact of HS2.

103. HS2 is obviously going to have a significant effect on this farm for the reasons you have been told. This offer was designed to enable the farmer to make the best attempt that he could to be able to meet that challenge. It is not, as Mr Bedson implied, subject to a business case; this is following a business case. So, this offer is there; it has not been accepted as yet, Mr Bedson told you that, but it is available to accept at any time that this petitioner chooses to accept it.

104. It is predicated on the Secretary of State acquiring the land in question, and paying compensation for the acquisition and for the disturbance to the farm holding that results from that.

105. THE CHAIR: Can I just check; if it is acquisition, does the existing landowner have first rights of purchase if it is sold subsequent?

106. MR MOULD QC (DfT): Absolutely. That was exactly the point; you are ahead of me on that. Once we have acquired, once we have worked the borrow pit, we have
restored it, then first right of first refusal to buy it back will rest with the petitioner, because they are the former freeholder and this is plainly a case where the Crichel Down rules would apply.

107. There will be a period during which the restoration of the borrow pit will take some time to bite, and there will be a hiatus, but progressively, on our assumptions, the land will restore. We have no reason to suppose it will not restore sufficiently to enable a hay crop to be taken from it, to enable it to be used for pasturing dairy cattle, which is the use for which it is put at the moment.

108. There were also some concerns raised by this witness about the project’s proposals to work the pit in such a way as to minimise the risk of sterilising the future reserve. Can I just show you P1501(3), please, just to see the assurances that have been given in relation to that?

109. As you can see under the heading of, ‘Borrow pit extraction methodology’, HS2 has given assurances prior to the detailed design for this part of the works being finalised to consult with these petitioners in relation to the preparation of the extraction methodology, to take account of those responses, and as far as possible, within the timely and economic delivery of the project, to reflect what is said.

110. Over the page, what does that refer to? To seek to reduce or limit, if you like, the loss of high agricultural land as part of that extraction, to seek to accommodate – this goes directly to the point made by Mr Walker – to accommodate reasonable proposals from the petitioner to modify the methodology so as to facilitate the efficient management of the agricultural holding during the period of excavation, and then insofar as sterilisation is concerned, to accommodate their reasonable proposals in order, giving it a paraphrase, to minimise or to limit the risk of sterilisation.

111. That is a matter for detail but our position is –

112. THE CHAIR: I think we’ve got your point.

113. MR MOULD QC (DFT): Okay. Then the final points related to the environmental works. We have given assurances in relation to relocating the woodland planting, as you have seen, in relation to limiting relocating the other elements of
environmental planting on the site. We may be able to do better.

114. We have also given assurances in relation to seeking to minimise that spoil heap that you were told about, so as to not to interfere with more than we need to with the development opportunity. But if it comes to a set of priorities, my final point is, for the reasons I have given, this borrow pit performs really better than almost any other on the scheme. If we lose this, we really do start to jeopardise the impact of the construction of the railway.

115. If it is a choice between keeping that holy grail, if you like, and seeing if we can work more on limiting the environmental land take, then the priority is to keep the borrow pit and we can see if we can go further on the woodland and that kind of thing.

116. THE CHAIR: Very clear. Any remaining points, Mr Denyer-Green?

117. MR DENYER-GREEN: Yes, just briefly, Chairman. Of course, the petitioners would like borrow pit 5 removed from –

118. THE CHAIR: We understand that. I’m sorry; I’m not giving you the opportunity to reiterate your case.

119. MR DENYER-GREEN: I am not going to do that, I’m mainly replying to my learned friend’s points. As to the business plan, our understanding of the business plan is what Mr Bedson dealt with a little earlier. I do not have anything different from that.

120. As to the offer of arrangements for avoiding sterilisation of the mineral extraction area, at the moment, that’s far too vague to be enforceable as the basis of some form of agreement. It is rather wide in its assurances which are being put, and that is not satisfactory by the petitioners, sir.

121. MR WIGGIN: I’ve just got one question, if I may. The arrangement that HS2 has offered you is to buy the area and then do their work and then let you buy it back later. Is that your preferred way of this transaction taking place?

122. MR DENYER-GREEN: If it has to be taken, I would need to take instructions as to whether the petitioners would prefer that arrangement over an arrangement by which there is only temporary possession of the land. The difficulty with acquiring a land,
paying compensation and then reacquiring at a later stage is that they would then have to pay money for it again. I don’t have any instructions as to which they would prefer, unless Mr Benson has.

123. MR BEDSON: Possibly temporarily. There is all sorts of issues with capital gains tax and all the rest of it.

124. THE CHAIR: Anything else you want to say?

125. MR DENYER-GREEN: Thank you very much.

126. THE CHAIR: Thank you very much for petitioning. Mr Mould.

**RG Parrott, Executors of G Parrott (Deceased)**

**Statement by Mr Mould**

127. MR MOULD QC (DFT): Sir, I’ve been asked to read this statement; it’s a joint statement by the promoter and the petitioner, RG Parrott, Executors of G Parrott (Deceased), in relation to petition to P2(a)12.

128. The promoter acknowledges that the petitioner is significantly impacted by the proposal in the original Bill scheme for a grid supply point connection at the National Grid substation at Rugeley, to provide traction power supply for the proposed scheme. For reasons previously explained to the Select Committee, the promoter is no longer promoting the Rugeley connection proposed in the original Bill scheme, having submitted alternative proposals for a connection at Parkgate as part of the second additional provision to the Bill, AP2.

129. The petitioner welcomes the alternative connection that has been proposed as part of AP2 which would remove the impact on their land. Should the Parkgate proposal in AP2 not be incorporated into the Bill, the petitioner reserves the right to continue opposition to the Bill proposals by, amongst other things, a reference to the House of Lords Committee.

130. THE CHAIR: So it’s all very sensible. Thank you, Mr Bedson, for nodding assent. Shall we now move to the next petitioner, Cheshire East Council? I believe someone may have a statement to read.
131. MR BOOTH: Yes, Chair, thank you very much. I’m appearing on behalf of Cheshire East Council, and with the Committee’s permission, I am also going to read a short statement, the contents of which have been agreed with HS2.

132. THE CHAIR: Not that short, but carry on. Does it need to be read into the record?

133. MR BOOTH: Yes.

134. THE CHAIR: The clerk is saying yes, you’re saying yes. We look forward to hearing it. Let me shut up.

135. MR BOOTH: The sooner, we start the sooner we finish. The agreed position is as follows:

136. Cheshire East, HS2, the Department for Transport, Network Rail and other stakeholders have been working together to build upon the benefits that the Phase 2 schemes will bring to Crewe. The council’s vision for Crewe hub relies on a track layout solution that enables five to seven HS2 trains per hour to stop at Crewe and Macclesfield.

137. Network Rail are developing an alternative option to the Crewe station layout proposed in the Phase 2A Bill. The alternative option, known as G1.3C, would adjust the track layout and reinstate platform 13, rather than instating a platform on the independent lines.

138. G1.3C would also support the vision of a Crewe hub, which the Government, in HS2 Crewe Hub Consultation: Government Response, published in March 2018, has said it supports. Network Rail, HS2 Ltd, and DfT are confident that this alternative option would fully address the council’s concerns.

139. The Department for Transport confirm that it is allocating £9.5 million to the Network Rail to develop G1.3C over the next year. Authority to design, in terms of the rail network enhancement pipeline, is RNEP. Subject to the full business case and
confirmation of affordability within available budgets, the Department for Transport would expect to make a decision in favour of this option in summer 2020. That is authority to deliver in terms of RNEP.

140. The Department for Transport has also confirmed that the Government intends to reconfirm next steps on Crewe hub around the time of the spending review, and Government understands the need for clarity on the part of Cheshire East Council to allow the council to consider its potential share of the overall station scheme in February 2020.

141. It is expected that layout G1.3C would not require any additional hybrid Bill powers, other than those already within the Phase 2A hybrid Bill, or being sought as part of AP2. Network Rail would seek powers outside of the hybrid Bill using their routine consent methods, including permitted development rights, to deliver layout G1.3C. The Department will share the full consent strategy with Cheshire East Council, as again Government recognises the need for clarity on the part of Cheshire East Council to allow the council to commit to its share of the overall station scheme in February 2020, and the Department will continue to support and oversee this important work. Network Rail will work in partnership, and are willing to be a joint applicant for the Cheshire East Council station design.

142. HS2 Ltd have provided an assurance in parallel that, if the Crewe hub proposals are developed by Network Rail to include works to revise the existing railway layout at Crewe station, that is the revised works, then subject to, firstly, the revised works providing the same operational railway functionality required for the proposed scheme as would be delivered by the timely construction of the works authorised by the Bill, to revise the existing railway layout at Crewe station, and the revised works being consented and funded in those two scenarios, then the Secretary of State would require the nominated undertaker not to exercise the powers conferred by the Bill for the purposes of constructing a new platform on the independent lines.

143. The council sees this as an important step towards realising the vision of a Crewe hub, delivery of which would provide significant benefits to both the town and the surrounding regions. The council has also received a package of assurances from the promoter on matters covering traffic and transport, excavated material, local placement
and landscape and, on that basis, Chair, I can confirm the council withdraw its petition.

144. THE CHAIR: Thank you very much, Mr Booth. I don’t see Mr Mould clamouring to add anything to that, so we will now move to the next petitioner in the name of Alice Witter and a number of others. I think, Mr Mould, are you trying to catch my eye?

Alice Witter and Others

Statement by Mr Mould

145. MR MOULD QC (DFT): If I may, yes. Mr Thomas sits to my right and he, as you know, represents these petitioners. I am simply asked to say, I think with his agreement, that the petitioners and the promoter are very close to reaching agreement on the issues raised by the petition, and that being the case, the petitioner has been offered, and has accepted, a second House undertaking in relation to their petition, just to tide things over whilst we complete the formalities in relation to that agreement.

146. THE CHAIR: Thank you very much. In which case I think that’s the end of today’s sitting.