MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 15 May 2019 (Morning)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

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WITNESSES:

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1. THE CHAIR: Order, order. Mr Mould, I understand you have a statement?

2. MR MOULD QC (DfT): Yes. I have to announce to you that a consolidated paper on amendments has, I think, just been made available to the Committee. The purpose of which is to amalgamate into a single, consolidated document those changes to the Bill which have been submitted to the House and to the Committee during the course of its sittings. Just to remind you, that was: the first additional provision, which was submitted on 23 March of last year; the second additional provision, submitted on 8 February of this year, in relation to which you have been lately hearing petitions; then a proposed amendment to the Bill submitted on 8 February this year, alongside Additional Provision 2. Those have been consolidated into a single document for ease of reference for the further stages of the Bill.

3. There is also a second sheet of a very limited number of amendments which do not constitute additional provisions in the sense that they don’t give rise to any re-hybridising consequences which relate to certain changes to the powers in relation to compulsory purchase of rights in the general sense, and also some corrections and updating that was required to reflect changes to plans and so forth that have been amended during the course of the proceedings. Those are with you. I don’t propose to explain the contents of the second document that I have put forward unless you would like me to, but you have copies of it for your consideration. Thank you.

4. THE CHAIR: Thank you.

5. MR MOULD QC (DfT): I also, if I may, just would like to put on the record that following yesterday’s hearing of the petitions of the Rail Freight Group and Freightliner, you have received two documents. I hope you have, at least. Firstly, a briefing note which has been prepared by the Department overnight, which addresses the issue of maintaining at least the existing quantity of freight trains through the Handsacre junction during that period of about a year or so when Phase One is operating but Phase 2A is expected.

6. THE CHAIR: Thank you.

7. MR MOULD QC (DfT): Secondly, it just sets out some information about the
future objective underlying the HS2 railway scheme to take advantage of the opportunities presented in future years to increase the use of the release capacity on the conventional lines for the movement of freight by rail.

8. THE CHAIR: Sandy?

9. MR MARTIN: Thank you very much, Mr Mould. Why didn’t you say so before? It’s very clear. Thank you very much. It’s perfect.

10. MR MOULD QC (DfT): Well I’m pleased to have been able to, albeit belatedly. ‘Better late than never’ I think is the aphorism, isn’t it?

11. MR WHITFIELD: Sorry Mr Mould, can I just dig slightly into the briefing note. This is far more assertive that the freight capacity will not reduce.

12. MR MOULD QC (DfT): Yes.

13. MR WHITFIELD: Is that now the stance, that there is a certainty that the level of freight, for the one year that I’m talking about, won’t reduce, rather than the more couched terms that were being offered in the assurances?

14. MR MOULD QC (DfT): Speaking as at today’s date I think it is reasonable to couch it in those terms, yes. You will understand why I put it that way.

15. MR WHITFIELD: Yes, I appreciate that. Thank you.

16. MR MOULD QC (DfT): The other document you have is a document that has been submitted to you by the petitioners, which I believe will have reached you. I’m not going to say any more about that because it wouldn’t be right for me to comment in their absence. But I’m sure the Committee will read those two documents together and form a judgment about the degree to which it needs to intervene further in the light of the stated position of the Department. It may not have reached you just yet.

17. MR WIGGIN: No we’ve only received one.

18. MR MOULD QC (DfT): It’s a page and a half document dated 15 May so I’m sure it’s on its way.

19. THE CHAIR: Okay, we will look at it when it arrives. Should we move to Yarlet
Trust?

20. MR MOULD QC (DfT): Yes, thank you.

21. THE CHAIR: Thank you.

Yarlet Trust

Statement by Mr Mould

22. MR MOULD QC (DfT): On that petition, I’m very pleased to say that parties have reached a position of consensus. We’ll put the agreed statement up, if we may. ‘This is a statement that has been agreed between the petitioner, Yarlet Trust, and the promoter. The petitioner and the promoter have been in detailed discussions over a long period with a view to addressing the concerns in the Yarlet Trust petitions. There have been a number of assurances and an undertaking that have been offered to and accepted by the Trust, which have addressed the majority of their concerns.

23. The outstanding issue was in respect of the Trust’s AP2 petition and related to a desire to try to seek an alternative to the new access included in the additional provision that would be more cost effective and less disruptive. The promoter has offered a further set of assurances which has addressed those points to the Trust’s satisfaction. On this basis the Trust will not be presenting evidence on their petition today and will only be petitioning the House of Lords to ensure that progress on the delivery on these assurances is maintained.’

24. THE CHAIR: Thank you. Any questions? No. The Committee therefore will now meet in private.