MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 24 April 2019 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

James Strachan, QC, Counsel, Department for Transport

WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd

David Jackson
Roger Bedson

IN PUBLIC SESSION
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(At 2.00 p.m.)

350. MR WIGGIN: Mr Duddridge sends his apologies. He’ll be back shortly but until then he’s asked that we continue and we will do that with the West Midland Bird Club. Mr Jackson, welcome.

West Midland Bird Club

Submissions by Mr Jackson

351. MR JACKSON: Thank you Mr Chairman and ladies and gentlemen, good afternoon. Thank you for allowing me to present a petition on behalf of the West Midland Bird Club. The petition we will be seeking will be in the way of a prevention rather than a cure, we hope. My name’s David Jackson, I’m the voluntary conservation officer for the West Midland Bird Club. We have 1800 members and Bill Oddie, the well-known TV personality is our president. At the moment, I’m a bit of a poacher come game-keeper because I used to work in the compulsory purchase field myself and assisted parliamentary agents, so I know my way a little bit around these areas.

352. MR WIGGIN: Excellent

353. MR JACKSON: If the Committee allows me, I can give a quick resumé of the site. If it’s possible, could we use plan P1242 of HS2’s –

354. MR WIGGIN: I think if you tell us what you want, that would be very helpful.

355. MR JACKSON: Okay, our petition is to seek the installation of bird diverters and I will illustrate those shortly. Along part of the route, not the whole of the seven kilometre route, we’re looking specifically at the area from Newlands Lane National Grid sub-station up until at least Bentilee Cottage, if possible. And we’d like to demonstrate why we also think these bird diverters are necessary in that, not only is there a wintering flock of swans directly in the path, a flock numbering about 60 individuals at times, directly in the path down to the Newlands Farm area. They would no doubt be affected by the final route and we would like to protect those, where possible.

356. The River Blithe Valley itself is quite picturesque in its ways and, although it’s not great deal of major habitat, as far as we’re aware, our observers have been seeing
rather complex comings and goings of birds along the Blithe into the reservoir. And, as you can appreciate, when we show you the images of the reservoir itself, if I could just demonstrate by using A422(5). This shows a view of birds, basically when they come off the top of the reservoir, they plane down to the right-hand side of the meadows there. There’s a mixed flock of mute swans and migratory whooper swans, families of whooper swans which have joined the mute swans to forage on the grassland meadows, basically this style of meadow is its signal for them to feed on.

357. MR WIGGIN: Can we see –

358. MR JACKSON: And, if we look at the left-hand side of that particular image, you’ll see a fish farm where the trout which stock the reservoir are bred. It’s obviously a take-away for birds, such as herons, egrets, ospreys, cormorants and all this at the reservoir, cormorants particularly in quite large numbers and I think they’re the bane of the fishing fraternity at the site. But, nevertheless, these birds do use these pathways, flight paths, and we feel that some measure of protection would be welcome when they fly down from and up from the meadows.

359. MR WIGGIN: Sheryll?

360. MRS MURRAY: Do you have an image of the bird diverter that you’re talking about?

361. MR JACKSON: Yes, styles of, on A427(27). Throughout Europe and the rest of the world where there are migratory birds, these styles of diverters are implemented. These images aren’t, as it says, comprehensive.

362. MRS MURRAY: And how are they fitted, are they fitted on the conductors themselves?

363. MR JACKSON: The cables, the actual wires, it’s the wrong terminology.

364. MRS MURRAY: Okay.

365. MR JACKSON: There’s an image actually on A427(26) below where, on the bottom picture, the arrows are pointing down to what look like fingers, in the top left of that image. They can look like that. I think ideally, they would be a style that the bird
club would recommend in as much as, having, apologies, I’ve lately unearthed a newspaper article where the National Grid were investigating the death of two swans which were suspected to have struck the power lines at the Richborough Connection. And these look to me, particularly, I’m no expert in diverters I must say, not to be totally visible. If I were a bird, I’d rather see something a little bit more visible, especially in fog or rain, when these birds are still moving around up and down the valley looking for feeding areas and coming into the reservoir.

366. MR MARTIN: Mr Jackson, could we go back to the photograph with the dam?

367. MR JACKSON: Yes.

368. MR MARTIN: In this photograph you can actually see quite well the overhead cables will go between the hill, behind the hill on the left and on the right, the left covered in trees, the right with farm buildings and some tree cover on it as well. So, it’s actually the valley in between those two where you’re going to get the most birds?

369. MR JACKSON: It is, going over towards Newlands Farm, I believe.

370. MR MARTIN: Yes, so if the birds fly over Newlands Farm, there won’t be a problem because the pylons will be lower than the top of the hill. And, similarly, on the other side underneath Bromley Hurst, but between the two, that’s the valley where that’s going to be the biggest problem?

371. MR JACKSON: We would perceive that to be.

372. MR MARTIN: So, that would be where the diverters would need to go, on the bit between the two hills?

373. MR JACKSON: In our recommendation.

374. MR WIGGIN: Is there anything else you’d like?

375. MR JACKSON: The other element is the methodology behind future surveys. We’d be quite willing to assist, if necessary or if needed. As I say, not all of the 1,800 members live in the area but Staffordshire’s got quite a good number of members that would, I’m sure be, if asked, myself included, and the wardens on the bird reserve that we manage on the reservoir, would be willing to come and assist, if necessary, and sit in
cars on the dam waiting for birds to come and fro, coming and going of birds. The other
month I was up there and about 2000 black headed gulls just came out on a very windy
day in March and landed, pitched on the reservoir, stayed out there. There’s that much
activity there, it’s quite interesting.

376. MR WIGGIN: Of course, if the wires were underground, it wouldn’t affect you at all, would it?

377. MR JACKSON: Indeed, I’ve heard the cost of an extra £65 million, I think, which we feel, obviously, it would be nice to have most, if not all, or part of the cabling underground. I’m not sure whether HS2 could consider that as a cost worth doing, so we’re not going to pursue that one from our point of view.

378. MR WIGGIN: Very well, Sheryll?

379. MRS MURRAY: Just one other thing, how popular is it, popular isn’t really the right word, for the National Grid to use these bird diverters on their network of pylons and conductors?

380. MR JACKSON: They’re obliged to follow a national policy document. National Policy Statement for Electricity Networks Infrastructure EN-5. I think that’s been quoted in one of the HS2 responses, assurances. This is a document which basically mentions the Holford Rules. I won’t go through them here and now but, basically, having careful siting of lines away from, or parallel to, but not across known flight paths. This can reduce the number of birds colliding with overhead lines considerably. I basically don’t know enough about the Richborough Connection but I imagine there would have been a study taken there and the need for bird diverters would have been introduced on the back of the study.

381. We maintain that, as I said, earlier, it’s a prevention for us, rather than a cure, and we’d like to see them anyway. One thing about the cost is that I was informed by HS2, the cost, I believe now for the whole length of the seven kilometres, is it, is half a million pounds, but I would think that would be greatly reduced if we only went from Newlands Lane to, say, Glass Lane. I’m not sure whether HS2 could at some future point price that and give me an idea or indication?
382. MR WIGGIN: We’ll find that in just a moment, Martin.

383. MR WHITFIELD: I think you may have just answered my last question because in the original petition you were talking the entire length of it?

384. MR JACKSON: That would be my wish.

385. MR WHITFIELD: But you are satisfied that the Blithe Valley part is the essential bit that needs to be protected, or the birds there that need to be protected?

386. MR JACKSON: I think, sensibly, yes.

387. MR WHITFIELD: And you’d be satisfied with that reduction?

388. MR JACKSON: Based on working with HS2 ecologists, we’d be happy to.

389. MR WHITFIELD: That’s good, I’m grateful.

390. MR WIGGIN: Right, I think we’d better hear from Mr Strachan as quickly as possible.

Response by Mr Strachan

391. MR STRACHAN QC (DfT): Can I just, first of all, I’ve got three to say. First of all, A427(26) was the image that was shown to you. Just to give you our understanding, that photograph shows, I don’t think it’s in the UK, but generally speaking, the bird diverters are fitted to the top line which is normally the earth line. It’s normally the least visible and you can see that’s occurred in this case, and that would normally be the practice for National Grid. You’d fit it along the very top of the cables line, rather than all the conductors, just for clarity.

392. The second point was just in terms of the costs. The costs of bird diverters are, as indicated, for the whole route would be approximately half a million pounds. For the length of route that’s just been referred to, I think it’s about five kilometres from Newlands Lane to Bentilee Cottage, which I think would work out about £300,000, that’s just a calculation.

393. The third thing I wanted to say is that HS2, of course, is not resistant to bird diverters. Indeed, we have identified in our assurance, which is the last thing I want to
show you, P1245(1), we have provided an assurance that, in relation to the collision risk, we will carry out species specific assessments of the bird collision risk for birds. And, having carried out those surveys of where the flight paths are for the wild birds then, as necessary, fit bird diverters where they are required. The reason for that is to try and make sure, first of all, that they’re needed and, secondly, that they’re in the right place.

394. And, if I just go over the page, we are also grateful for the bird club’s willingness to be involved but we’ve also committed to engaging with them, both about the methodology of the surveys, that’s at 1.2, because they’ve obviously got useful information on that, and 1.3, we’re also grateful for the offer of their assistance and we’ve agreed to involve those willing members who are of suitable ability to help us with the surveys in those terms. So, it is, I’m pleased to say, not something where we’re at loggerheads about the principle of bird diverters, where the surveys require them. We have got to the stage where we are agreeing to do the surveys and then decide where and if they are required. I hope that helps. Those are the three things I wanted to say.

395. MR WHITFIELD: And just to clarify then about the survey. Presumably, your survey will be the entire length, even though we’ve heard today that it’s restricted to just part of the length? Would the survey be the whole length, just to ensure?

396. MR STRACHAN QC (DfT): I believe the intention was to focus on those areas that have been identified as the potential flight lines but, if there are concerns about any of the wider bits, they could no doubt expand it. But I think the focus would be on the areas that the bird club have identified as of concern.

397. MR WIGGIN: Mr Jackson, would you like to add anything?

398. MR JACKSON: I think we maintain that there is a need for the diverters, irrespective of any future surveys, numbers fluctuate in bird terms. If you see our reports, we’ve provided extracts from the 2016/2017 bird report that we published with particular reference to Blithe Reservoir, I’ve highlighted in yellow the species numbers coming and going. Some years there are smaller flocks, other years bigger flocks. It’s going to be a long survey, I think, and difficult to understand. And we’d also, if the diverters were in, we’d like to request HS2 to continue the survey for a given period of time to see if they are successful. Because after there’s things like scavengers removing
the bird carcasses. It’s difficult to survey, it’s on farmland which obviously the bird club would need permission to get in and out of. And I think, we’d rather, as I mentioned right at the outset again, seek a prevention at the outset, particularly with reference to this flock of swans that we are monitoring and other birds coming in and out, ospreys, egrets, cormorants, herons, the like.

399. MR WIGGIN: Okay, well thank you very much indeed.

400. MR JACKSON: Thank you.

401. MR WIGGIN: Right, thank you, order. Next.

_The Chair joined_

402. THE CHAIR: Okay. Mr Bedson, we’re in your hands again.

403. MR BEDSON: Okay, good afternoon. Two petitions this afternoon. I will keep them to the point.

404. THE CHAIR: Sorry, just to be clear, you’re just dealing with one petition?

405. MR BEDSON: Two petitions.

406. THE CHAIR: Yes, but you’re just speaking to one petition now?

407. MR BEDSON: Yes.

408. THE CHAIR: And then you’ll stop and then we’ll go on to the next thing, it is just one petition now?

_The Slater Family_

_Submissions by Mr Bedson_

409. MR BEDSON: Quite so. So, this is the Slater family, who you may remember. If you could bring up please, A414(5), so this is the farm where there are 60 or so acres of trees proposed to be planted. We have an assurance on the tree planting but, just as a point of note, we’re still awaiting some further engagement on that to see how we can reduce those and mitigate it better. And we’re desperate to get that so that we can make
sure that we can have a farm that can be farmed at the end of the day. So, we’re still waiting for some further engagement on that.

410. Onto the AP2 issues, particularly, now the railway has been redesigned in this area a little bit and the trace has been heightened a bit. What that’s meant is that there’s a couple of changes to the crossing points here but, in the first place, a footpath has appeared round here, which is known as the Whitmore New Footpath. Now that’s an AP2 issue and it’s slightly ironic because we’ve been asking right from the start for a cow lane to be built around that loop, because the farm buildings are here, this is where the cows graze predominantly, they walk out of the back of the buildings, up the track and round there. Because the overbridge has been removed and replaced with an underpass, it’s even further for the cows to walk now from the farm buildings, down the track, under the underpass and round to the other side. And it’s probably getting on towards 2 kilometres to get to this point here, so it’s a heck of a way for a cow that’s in milk to walk. It doesn’t do them any good to walk that distance.

411. So, our request is quite a clear one, which is to please make that into a suitable cow track so that we can actually get the cows round easier. We appreciate it’s steep, but I’m sure it’s perfectly doable; cows will walk up steep banks.

412. MR WIGGIN: Of course, if it was disabled access for humans, it would be flat for a wheelchair, which would suit a cow as well, wouldn’t it?

413. MR BEDSON: It would.

414. MR WIGGIN: Yes, and disabled access is something we all want to see more of.

415. MR BEDSON: It is.

416. MR WIGGIN: So perhaps your pitch might alter slightly and you might be successful.

417. MR BEDSON: Well, I don’t see how it can be made flat because it is a steep bank.

418. THE CHAIR: If you have steps, it’s much harder than a smooth ramp, that’s what I meant.
419. MR BEDSON: Yes, I think HS2 have recently shown me a design which show a slalom going up which might not work for cows.

420. THE CHAIR: They’re pretty smart.

421. MR BEDSON: But maybe there’s something at the side that can be put, that that the cows can walk up somehow. It’s important to the farm, it’s really important to the farm. So, that is our request there.

422. In so far as the accommodation underbridge is concerned, as I say, the overbridge there has gone and we’ve now got an underbridge there which is further away. Now this has caused us some consternation because HS2’s evidence slide will say that they believe 4.14 metres is sufficient. I don’t know how they know that because we haven’t said that, and it isn’t sufficient. Only over lunchtime, I was talking to the agent for Edward Cavenagh-Mainwaring, who owns the woodland here, and he and his agent are absolutely on board that that is not sufficient for them either. They need access to this underpass to get timber lorries, etc., to the woodland, so it’s a right of way for them as well and 4.14 metres will not be enough. It’s as simple as that.

423. We’ve got various evidence here of vehicles that deliver to farms, typically, an articulated lorry 44 tonnes, possibly 16.5 to 18 metres in length, the lowest ones are about 4.2 metres and they go up to about 5 metres. On this particular farm, as well, if we’re bringing a tractor with a trailer on the back, bringing silage bales from those fields, that trailer is going to be 17 feet tall at least, which is north of 5 metres. So, the request that we have usually is that a 6 by 6 metres would be appropriate. HS2 have suggested to me latterly that they might be able to get 5.7, or they would get 5.7, but it would mean the approach leading out would be slightly steeper because the way they get the height is to lower the floor. If the approach coming out is a 1 in 8 slope, we’ll take that, so we’d like HS2 to commit to that. They have given an assurance that says, ‘We will talk to you at detail design stage’, but sometimes people just need certainty and they need to know that, yes, you’ve got 5.7 metres. Similarly, with the width, farm traffic travelling around a farm can be 4 to 4.5 metres wide.

424. THE CHAIR: I think you’ve made the point.

425. MR BEDSON: It needs to be a similar width.
426. THE CHAIR: He wants it bigger. Any other points?

427. MR BEDSON: Similar width. Yes, briefly, the access track here isn’t shown on this plan, but it’s supposed to continue around the toe of the embankment and we need to make sure that that is actually going to happen because that is a further access at the edge of the farm. At the moment, we’ve got access field to field to field to field, all the way through. As it will stand, we will only have two, hopefully three, access points, and we need to make sure that we maintain that access throughout construction because this is an AP2 change, we need to make sure that we’ve got down and through the underbridge, around the toe of the embankment to get to the land the other side, mainly because Snape Hall Road, which would be the only other way around has a very tight switch-back which is off the plan and is not suitable for large vehicles and trailers going round without taking somebody’s hedge out. So, we’ve got to maintain connectivity throughout the process, please. So, yes, that covers those three main points.

428. THE CHAIR: Excellent, shall we proceed to HS2? Mr Strachan?

Response by Mr Strachan

429. MR STRACHAN QC (DfT): First of all, can I show you P1189(5)? I said I’d indicate whenever something has been dealt with previously at the Hybrid Bill.

430. THE CHAIR: That’s very helpful

431. MR STRACHAN QC (DfT): This is, if you cast your minds back to 26 June 2018, when Mr Bedson appeared on the last occasion, he made this very request on that occasion. We indicated the problems with providing a cow track over the tunnel portal, it is very steep. What AP2 does is introduce stepped access for a footpath which is what can be achieved over the tunnel portal to deal with the severance of Snape Hall Road, I think it’s called, which is what we indicated we would do on the last occasion. The Committee didn’t, as far as I’m aware, direct a cow path and, for the reasons that we went through last time, it isn’t actually achievable although we said in the detailed design, we would continue to look at it, and we will continue to look at it. But that’s what AP2 is about is introducing that stepped footpath.

432. THE CHAIR: Before we move on, can I check if there are any questions on the
cow patch issue?

433. MRS MURRAY: You’ve just said you would continue to look at it, does that mean you’ve actually looked at it with this?

434. MR STRACHAN QC (DfT): Yes, we have looked at it. I can show you the AP2, what’s happened under AP2 is to introduce stepped access, because that’s what we believe we can achieve now at this stage of the design. If the design were to change in any way, alter the gradients within the scope of the Bill, then there might be the scope to consider something.

435. MR WIGGIN: Is it wheelchair accessible?

436. MR STRACHAN QC (DfT): I don’t believe it is because of this gradient.

437. MR MARTIN: But that’s why you’re zig-zagging?

438. MR STRACHAN QC (DfT): It would be wheelchair accessible if there was –

439. MR MARTIN: A zig-zag, but it’s 300 metres of ramps.

440. THE CHAIR: Right, any other questions? Sorry, Sherryll, you had the floor.

441. MRS MURRAY: No, that’s fine.

442. THE CHAIR: Martin, did you?

443. MR WHITFIELD: No, no, you called in the specialist last time.

444. THE CHAIR: Shall we move onto the second issue, or did you want to speak?

445. MR STRACHAN QC (DfT): No, I’m happy to move on.

446. THE CHAIR: Let’s move on then.

447. MR STRACHAN QC (DfT): So, I think the second issue concerns the underbridge, P1189(4), this is the underbridge. The design is currently one which meets our accommodation underbridge general requirements. I think it’s 4.2, so it’s slightly under 4.14 metres, and we hadn’t heard any specific evidence of a requirement for a higher underbridge from this particular petitioner to access under the land. But we have
made it clear that we can, technically, give a higher access, 5.7 metres. What this diagram indicates is that if you do that, you end up with a steeper gradient on the other side. We’re told that that would be acceptable to Mr Bedson’s clients.

448. There is another landowner affected, the Whitmore Estate, as you’ve heard a moment ago, and therefore the assurance that we’ve offered to deal with this, is as indicated to work with both, well all, the affected landowners in the detailed design to ensure that the access is suitable for the intended usage. And that picks up on something that’s expressed in the information paper. The assurance itself is at P1252(1). If I go to the meat of it, that defines the accommodation underbridge over the page (2), you can see that reflected, 1.1, we need to consult with the petitioner during the detailed design as to their reasonable requirements, and 1.2, it will be sized, the reasonable requirements, it will be sized in accordance with the expected usage requirements of the petitioner and other authorised users.

449. So, if as a consequence, they do have indeed the need for vehicles higher than 4.12 and they’re content with the gradient, that is something we’ll feed into the detailed design process.

450. THE CHAIR: Bill?

451. MR WIGGIN: So, can Mr Bedson tell his client that providing the neighbour agrees, it’s going to be tall enough for his lorries?

452. MR STRACHAN QC (DfT): The only caveat I would put on that is, provided that there is a requirement, he demonstrates a requirement for use of that kind.

453. MR WIGGIN: So, what sort of demonstration would you like?

454. MR STRACHAN QC (DfT): Just an indication of the vehicle sizes. For example, if you have an existing vehicle serving the farm, and it’s traditionally over four –

455. THE CHAIR: I think we can take it that Mr Bedson’s words was, as far as the Committee’s concerned, that that’s their requirement. There would be no logic in asking for anything beyond the requirement and HS2 will validate that at some point in the process. I think you’ve given the effective assurance that we would want, so let’s not complicate things further, let’s move on.
456. MR STRACHAN QC (DfT): I think the third thing was the question of access around the toe of the embankment. The access around the toe of the embankment has not changed under AP2, that was subject of an assurance on the last occasion to provide access under the toe. It’s not during construction because we have to construct the viaducts, of course, but it is to provide access under the toe.

457. THE CHAIR: I think if it’s not part of AP2, we don’t need to consider it here any further.

458. MR STRACHAN QC (DfT): Then I think those are the three points.

459. THE CHAIR: I think that’s all self-explanatory. Shall we move on to the next petitioner?

460. MR BEDSON: Thank you, can I take it as read then, please, that it will be 5.7 high by 5.7 wide?

461. THE CHAIR: Let’s move on to the next petitioner. What has been said has been said, let’s move on. I don’t want to summarise things in a different way.

Messrs Plant and Anderson

Submissions by Mr Bedson

462. MR BEDSON: So, the next petitioners are Messrs Plant and Anderson. Again, these are AP2 changes where footpaths, etc., have been realigned and we’re trying to suggest some better alternative, so it doesn’t impact on the farm quite so much. If you could bring up, please 416(5), thank you. Now, the route shown highlighted orange from A through to E, is HS2’s proposed re-route of the footpath, and it’s about 1550 metres, in length, or thereabouts. Originally, it was going to come down here, along the green bit. HS2 have routed it around there. It still comes up the farm drive and the farm drive runs from Walton House from here, down there, along and round. And that’s quite a narrow drive, a concrete surface with high hedges either side. Equestrian users ride up and down there. What we’re seeking to avoid at all costs is the good people of Stone, walking up there with their dogs and children and pushchairs, etc., etc., and meeting a tractor or a horse or something coming the other way.
463. There are two alternatives that we have. One is the one that we’ve previously suggested, which is this route here, which is about 200 to 300 metres longer. Now, HS2 comment that, ‘Well that spoils the rural nature of the footpath’. Well, there’s a high-speed railway line going through which rather ruins the rural nature of the footpath, and their proposed re-route is only about 200 metres away from that footpath and it sometimes goes directly over the top of it. So, I don’t see how that holds a lot of water, but one of their main issues is that the bridge over here, they say, isn’t capable of accommodating the footpath. Well, surely that bridge is going to have a footpath on it anyway. And, also, they say the barriers from this bridge here over the M6, and over HS2, they’re saying that the barriers have to overlap all the way through to prevent vehicle strikes, etc. Well footpaths go through barriers in a lot of places; there must be a solution that they can find to get a footpath through a barrier, and I cannot believe that the bridge is not going to be wide enough, that it will not have a footpath on it anyway. So, that is our preferred solution.

464. Failing that, and absolutely failing that, HS2 have suggested that the footpath may go along this little black dotted line which you can probably see here, and around the back of the buildings there. Now, I think they’re waiting for some ground investigation results to see if they can make the embankments a little tighter, to give them some more space at the top. So, that’s our sort of Plan B if you like, but please not up the farm drive and round the paddocks here and over the bridge. We’re desperately concerned about people having a right of way over a narrow accommodation bridge with equestrian users and all the rest of it, going through there.

465. THE CHAIR: Why is option 2 better than option 3? Option 3 looks shorter and more eloquent; I’m surprised that’s not your favourite option.

466. MR BEDSON: Which one, I’m sorry?

467. THE CHAIR: The black dotted line, why is that not your preferred option?

468. MR BEDSON: Our preferred route is pink; our second preferred route is the black dotted line.

469. THE CHAIR: Why?
470. MR BEDSON: Well it removes it; the house is here you see.

471. THE CHAIR: Oh right.

472. MR BEDSON: It removes it from the drive and removes it from these paddocks here where all the horses are. Now HS2 have offered to put security fencing or something to pen people in, but that’s really not –

473. MR WIGGIN: That spoils the rural nature of the walk.

474. MR BEDSON: Quite so.

475. THE CHAIR: Sandy?

476. MR MARTIN: I’m really confused here because I ought to have remembered from when we were looking at this last time, but I’m afraid I don’t, where is the footpath actually going? Rather than focusing just on the properties, I mean the footpath has an objective which is to enable people to walk from one place to another, where would people start from and where would they be walking?

477. MR BEDSON: Well at present the footpath follows the pink dotted line here, through route E, through point A, and then goes down here. This part of the footpath is stopped up. It goes to a point there which is an underpass.

478. MR MARTIN: Under?

479. MR BEDSON: Under the motorway, which is always overgrown.

480. MR MARTIN: I’ve got you.

481. MR BEDSON: People don’t use it a lot but it’s there.

482. MR MARTIN: So, your pink route would start at point F?

483. MR BEDSON: To G.

484. MR MARTIN: And then G and across that bridge there and over to there.

485. MR BEDSON: And down there.
486. MR MARTIN: And what is the route that is currently being proposed by HS2?

487. MR WIGGIN: Orange.

488. MR MARTIN: Orange, so that’s –

489. MR BEDSON: Which is miles away. Up the farm drive, past the bottom of the garden, round the paddock immediately in front of the house, past the equestrian stables and over the bridge.

490. MR MARTIN: And the red dotted line from H, is that an alternative?

491. MR BEDSON: This one here?

492. MR MARTIN: Yes.

493. MR BEDSON: That’s an alternative that HS2 were looking at. Then they got caught up on the barrier issue there.

494. MR MARTIN: On the barrier issue?

495. MR BEDSON: Because they say the barrier, to prevent bridge strikes, barriers have to be erected now, and they say that the barrier has to be continuous all the way through there and all the way past the motorway. My comment is there are footpaths that go through barriers with gaps, so why not here?

496. THE CHAIR: It’s not the biggest of problems.

497. MR MARTIN: So, you wouldn’t object to the red dotted line if the barrier’s situation would be rectified, presumably, for the pink line?

498. MR BEDSON: Our landowners here wouldn’t. No, that’s for sure.

499. MR MARTIN: They wouldn’t what?

500. MR BEDSON: They wouldn’t object.

501. MR MARTIN: No.

502. MR WHITFIELD: So, can I just clarify? The black dotted line proposed going
behind the buildings would still have to go over the farm bridge, that’s being put in, wouldn’t it?

503. MR BEDSON: No, yes, sorry, it would. Yes, it would.

504. MR WHITFIELD: But that doesn’t defeat it?

505. MR BEDSON: It moves it from here, this length of the drive.

506. MR WHITFIELD: It moves it from there but doesn’t defeat the problem of those that instruct you being concerned about other people on that bridge and rights of way.

507. MR BEDSON: Exactly, yes. There’s one final point. HS2 have proposed themselves a right of way up here to gain access to this ecological mitigation planting area there. They’ve offered an assurance to say they’ll get rid of that, as long as we sign up to an agreement that is in a form satisfactory to the Secretary of State for the maintenance and management of that. Now we’re quite happy to do that as long as we know what that says and we haven’t yet had one of those agreements back, even on Phase One where they’re on site. We still don’t know what we’re supposed to be signing up to. It’s a bit like me committing to buy somebody’s house and signing for it and them not telling me how much I’ve got to pay.

508. THE CHAIR: Let’s move on, are we happy? Any more questions?

509. MR MARTIN: I have one more.

510. THE CHAIR: You can have as many as you want.

511. MR MARTIN: Yes, I know, but presumably Mr Bedson your clients won’t be asked to sign it until they have seen what’s in it. And if they decide that they don’t like what’s in it, then the original situation will apply which is that it will remain a right of way of HS2?

512. MR BEDSON: No doubt.

513. MR MARTIN: So, you’ve got alternatives; your clients will have an alternative one way or the other?

514. MR BEDSON: There are, but we’re trying to avoid contractors’ vehicles, going
way into the future, getting access up their driveway. It is the drive to the farm.

515. MR MARTIN: But if you’re going to avoid having the right of way, then there has to be some other arrangement, and they will see what that other arrangement is, before deciding whether or not to sign up to it.

516. MR BEDSON: It would be nice to know what it says now though so they can make a decision.

517. THE CHAIR: Okay, I think we’re both clear on both points. HS2?

Response by Mr Strachan

518. MR STRACHAN QC (DfT): Thank you. Again, if you need assistance from my witnesses, but can I just try and deal with it?

519. THE CHAIR: That would be wonderful.

520. MR STRACHAN QC (DfT): First of all, can I just show you P1195(2)? The reason why this may ring some bells is that you dealt with this in Committee under the last appearance. And the original route is shown here, this is a slightly clearer plan, the Hybrid Bill option is the orange line, that was what was being promoted in the Hybrid Bill. Mr Bedson appeared to object to that proposal and he proposed the purple route that he’s proposing again today. And, on that occasion, the last occasion, we identified the basic problems with providing that route. There were some observations from the Committee itself about providing the route alongside the M6, which is where the purple line would take you, and then there is a fundamental problem in getting the footpath back up onto the road that is crossing over the railway with the barriers. And those were all points that were raised last time, and dealt with last time.

521. All that’s happened in AP2, as we indicated on that occasion, is what we could do, was move the footpath further away from the farm buildings that were shown here, away and off that access track in front of the farm buildings. And that’s all we’ve done with AP2 is to make the change we indicated we would in that Committee session. So, in effect, this is a re-run of the arguments you heard on the last occasion.

522. There is a further slide, P1195(3), there is a further obstacle to that which you
didn’t consider last time. As indicated, that overbridge, the Eccleshaw Road overbridge, would actually have to be widened because it is not there currently to accommodate a footpath, and that means you would have a larger bridge structure needed. This would, of course, require an additional provision for the additional land take, for the requirement of the footpath, on land which doesn’t belong to the petitioner. The black route –

523. THE CHAIR: Just to check, it would be the route, surely, you’ve got within the Bill limits –

524. MR STRACHAN QC (DfT): The bridge –

525. THE CHAIR: The bridge, sorry I thought you were suggesting that a change to the bridge would involve. Okay, I now understand.

526. MR STRACHAN QC (DfT): We are building the bridge, it’s the additional rights to go over someone else’s land effectively. But that’s just an additional hurdle to that, those which you considered on the last occasion. And, as to the black, if we go back to the plan here, the suggestion of a second option, of a dotted black line that would come, I think, down here and then pass beside, that we’ve looked at but we can’t squeeze the footpath in between the buildings which we were originally considering for demolition, but we’ve managed to retain them, but it’s very tight. We can’t fit the footpath in that alternative arrangement. We’ve simply done under AP2 what we said we’d do on the last occasion; we have given further assurances to deal with security issues. When we talk about fencing, the concern was that these are paddocks that we were going through, the idea is to have fencing of a livestock kind, not security fencing, but livestock fencing, segregating the footpath from the horse paddocks and, obviously appropriate stiles and gates to ensure that livestock can’t escape. And, in addition, we’ve offered some security fencing, I think, for the wind turbine, which is down in the south area, of appropriate kind although that probably goes beyond what we’re currently proposing in AP2. But we’re doing our best to try and ameliorate the position for the petitioner.

527. THE CHAIR: Very clear. Any questions? All very clear? You’re not looking to catch my eye?

528. MR BEDSON: It slightly concerns me that there’s a comment made that an AP
would be needed to build a slightly wider bridge.

529. MR STRACHAN QC (DfT): We’ve clarified that.

530. THE CHAIR: That’s not the case, that has been clarified.

531. MR BEDSON: So surely the bridge can be replaced within the limits and –

532. THE CHAIR: Absolutely.

533. MR BEDSON: Okay, fine, and it must ensure the bridge –

534. THE CHAIR: If you want to clarify, Mr Strachan, I’m clear.

535. MR STRACHAN QC (DfT): No, no, I was just going to add about the access to the mitigation area. I just wanted to inform the Committee; we have agreed to relinquish that if an appropriate agreement is signed. Mr Bedson had asked for a sample agreement; I believe one has recently been sent to him. He may not have had a chance to look at it; it’s a sample of the type of agreement. In essence, it’s a commitment on the part of the landowner to do the maintenance for the mitigation that we would otherwise be required to do, but I appreciate that they would want to see the details of that. I think it may have even only gone to him yesterday but he will indeed have the option, or his clients will have the option, of either signing up to such an agreement in due course, or us retaining a right of access, which would be rarely used, but to make sure the maintenance of the mitigation is kept alive. So that’s the current situation; I should have said that when I responded, I apologise.

536. THE CHAIR: Okay.

537. MR WHITFIELD: You answer a question; another one flows from it. You would relinquish the need for a right of way for HS2 to do that land. Would the right of way that exists there at the moment also be relinquished and replaced with the orange route so that members of the public, in other words, can’t go down that lane as well? That’s the intention, isn’t it?

538. MR STRACHAN QC (DfT): That’s right, the intention is to avoid public access down that, I’m just showing you down that –
539. MR WHITFIELD: Down that orange part there.

540. MR STRACHAN QC (DfT): That's one of the sensitive areas that's been identified, so that would remove. There is a right of access for Walton Heath Farm down that track, to get to their land which is otherwise severed, but we've offered an assurance that even that would only be personal to the Walton Heath Farm owners. It's not something that Mr Bedson's raised in fairness, so I'm just filling him in.

541. MR WHITFIELD: It won't be a general right of way? That would be removed and replaced with a footpath right of way, which is the new route?

542. MR STRACHAN QC (DfT): AP2.

543. MR WHITFIELD: I'm grateful.

544. THE CHAIR: Thank you. I think that concludes the formal part of the meeting. The Committee will now sit in private.