

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Thursday, 22 October 2015 (Morning)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Sir Peter Bottomley
Geoffrey Clifton-Brown
Mr David Crausby
Mr Mark Hendrick

IN ATTENDANCE

Mr Tim Mould QC, Lead Counsel, Department for Transport
Ms Jacqueline Lean, Counsel, Department for Transport

WITNESSES

Mrs Margaret Rand and Mr Kelvin Rand
Mr Alan Rand and Mr Nigel French
Mr Russell Wood
Ms Judith Foster
Mr Paul Firth

IN PUBLIC SESSION

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(At 09.30)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee, welcome. Could we just see where the petitioner is in relation to the line please, to start with?

2. MR MOULD QC (DfT): Yes, if we can put up P9257? The petitioner's home is as shown on the plan, but the petitioner is also the co-owner of some stables, which are located just, broadly, where the cursor is now, just to the west of the Princes Risborough to Aylesbury Railway Line, of which the Committee has already heard, which is this line that's running from the top to the bottom of the slide. I believe that her concerns principally focus upon that stables and the effect of the Bill scheme works on that stables.

3. CHAIR: Okay, carry on Mrs Rand.

Mrs Margaret Rand and Mr Kelvin Rand

4. MRS RAND: Good morning.

5. CHAIR: You can stay there and talk. Yes, please continue with your petition. You can sit down because you'll be on camera.

6. MRS RAND: Thank you for hearing my petition 00608. I am Margaret and this is my husband Kelvin. We made a managed decision to move to Stoke Mandeville because of its proximity to the horses work, etc. I have travelled to and from my home in Brudenell Drive to my stables in Marsh Lane multiple times a day and night over the last 30 years. I wish to retain my right of access over this ancient route, which travels down what is now Marsh Lane. Stopping up this ancient route will significantly increase my travel time and cost. It is such a little thing to give in such a big project; for me, it is just such a very big thing and I need to ask you what is the programme for construction?

7. There is no provision in place for the continued use of the bus service currently running from the bottom of our Brudenell Drive to Aylesbury and High Wycombe. It is not helpful to say I will have to walk further to the bus stop. Can we have a turning head for the bus in Stoke Mandeville please? We gave up a second car and use the bus instead; we can travel to the hospitals and the health centres, etc., on it. This will have a

financial impact if we need to travel by car.

8. Flooding in Marsh, North Lee Lane and the Marsh hamlet is a problem. The present plan will add to it. *Mix 96* recently mentioned the Bishops Stone, which is along the same road may have some help with the £340,000 of monies available for this purpose. I request written assurance to be given by you to us that our land and stables will not be adversely affected for use of horses, ponies and housing by the additional water. Should this reassurance be incorrect, then we will need to be rectified on the land we own and use, please; not just our land but the other land that we use. Piping water away from the affected area is necessary, not adding to it.

9. HS2 and East-West Rail are sharing the same things in Marsh Lane, Marsh crossing area for the overbridge satellite compound and water diversion etc. Already the new East-West Rail second round consultation is taking land on the stables side of Marsh Lane, metres from our stables. Alison Munro mentioned that the reason Marsh Lane was being stopped up so that we did not get an unsightly bridge in this area. It does not need to be unsightly. It can have screens; it could be beautiful. The Marsh Crossing overbridge would be a far greater impact in my opinion and I have requested screening for this – not its demolition or its not being put up.

10. On one of my pictures, which is the entrance to the shared site here, I wish to mention that ducks use it. I look at it, at present, the East-West Rail acts as a dyke to stop more water coming down. However, as this is being lifted up, would it increase the amount of water you would need to remove from the area marked, please?

11. Why is HS2 having a compound away from HS2 line? There are different planning issues here, regarding East-West Rail's upgrade; they must be identified. So that's my opening statement; I hope that's okay.

12. CHAIR: Okay.

13. MR KELVIN RAND: Can I ask a question from the Chair?

14. CHAIR: Who of...?

15. MR KELVIN RAND: There seems to be two members of the Committee missing?

16. CHAIR: Yes.

17. MR KELVIN RAND: It wasn't announced at the beginning; with any sort of Committee, there is more these two people – their apologies. So how can it be a fair hearing if two of the members aren't here.

18. CHAIR: There are six of us; there need to be three of us to be a quorate in order to listen to arguments. People on the Committee also have other commitments as well. So we do our best to turn up; we have been here for 14 or 15 months listening to petitions, so pray continue please?

19. MR KELVIN RAND: Okay.

20. CHAIR: Have you finished your presentation?

21. MRS RAND: That was just my opening statement; no, I haven't even started my presentation.

22. CHAIR: You should continue and conclude it please, then the promoter responds to that, and then you have a final opportunity to have a word.

23. MRS RAND: Okay.

24. CHAIR: Thank you.

25. MRS RAND: In that case, could I have A1480(1) please, put on the screen? This is my horse, 'Feisty'. I love her very much. It's 1.2 miles for me to travel to my stables at the moment; I can do that with the tractor, I can do it with my bike, which is electric. I can walk and I can do it by car.

26. CHAIR: Okay. Is it just the one horse you have or do you have other horses at the stables?

27. MRS RAND: She has a friend, thank you for mentioning it. Her friend's May. She looks after her.

28. CHAIR: Okay. You can sit down, there's a TV camera –

29. MRS RAND: I'm just so short!

30. CHAIR: If you pop up and down, the risk is they will cut your head off.
31. MRS RAND: So here we go: ‘Dear Parliamentary Management Team...’ – and then we’ve already gone through the bits and pieces, and thank you very much, sir, for pointing out the horses and stables and houses, I appreciate that.
32. If we could just look at the A1480(8)? This was Aylesbury Town Council’s chairman’s view, and in it he feels that nobody should build housing within a kilometre of the area. So that’s his opinion. He felt that the areas could be better used for other things. I just wish to mention that both my house and my stables are within the kilometre, as worked out by HS2 for me.
33. CHAIR: Okay.
34. MRS RAND: The next one I wish to bring to your attention is A1480(9)?
35. MR HENDRICK: Can we turn the map? Thanks.
36. MRS RAND: This is the ancient route and it is 1830 and it shows the journey from Stoke Mandeville, which is just about here where I live and then just straight the way down here, over the East-West Rail to my stables, just here. It’s a lovely route and it was a managed decision when we moved to Stoke Mandeville, because I was already working for a gentleman who had his horses here, and in actual fact, has let me have his pony, May, so that I can keep my pony company. So it is quite an ancient route.
37. The next page is A1480(10)? You can see on this one that in 1813, there was a need to put water tables in to help take the water away.
38. We will then come to A1480(11)? To me, this is a few miles away from my stables, and I think this is where people are referring to a water course, but my stables are a couple of miles away from here, and I really want to draw the problems of that area to the Committee.
39. A1480(12)? This one shows both where my home is, just underneath the Stoke Mandeville sign, just here, and then out of the here, and then straight down this road and then straight over here. I think is where the road was going to be, so there was no problem there. It took me straight through, across the level crossing at Marsh, to my

stables, just here. And my stables are rather 'L-shaped', just here, and then goes onto the land that's here and marked with a cross here, and here.

40. For some strange reason, HS2 and East-West Rail are showing this same area – if I can jump to the plan of that, and I'm sorry for taking your valuable time – it is A1480(14)? So the points that I've just pointed to, is just here – just this bit here. My stables are here. Now, East-West Rail – this was the first phase and East-West Rail have updated their plan, and so the exit is just off, just here from then. So they're coming over the bridge from this area and they're exiting just a few yards from my stables and taking a little bit of land on this side of the road. I'm not quite sure why –

41. MR KELVIN RAND: It's nothing to do with HS2.

42. MRS RAND: Yes, love, but it's on the plan, to show that they are here, in this area here, where the ducks land. And this is the entrance for HS2's satellite compound, and for the East-West overbridge, and for the water pumping, from here to over the road here, and then along to about here, where it's going to rest. But water doesn't sit still; if you have a swimming pool it's in concrete, but if it's just ground, it just soaks out. I think another pond had been put here, to help take water and I think the lady – you're putting pipework in here, but it needs to be piped all the way across to where there is no flood and I've tried to mention that on one of the things so I will jump back again to see if I can find that one.

43. So it's A1480(13)? This is the area we've just had on the picture. This is my house to my stables. This is the site compound area, and HS2 and East-West Rail and then this is where the water is being put into and then piped, but it floods here and it floods here. And it floods here, and you've seen that there's not that much water in the field but it is there as well. So it seems to me, not to be very clever to pump water into an area that floods. Surely, you would need to pump it away from the flooded area, I think there's a moat in this area here. But I do not know what its capacity is for holding water.

44. Also, I am very sorry, but I do not know how low this ground is to the rest of the area. But people are talking about an area way over here, for flood management. Not what happens here. It's a little bit of a giveaway when you hear the names of the properties in the area, really, because they say, 'Brook Farm', 'Marsh Mill Farm', this is

the route of the ancient road where people would take their horse and cart to get their milling done. So you've got Brook Farm, Marsh Mill Farm, you've got a moat quite close by and you've got a moat at Apsley Manor Farm; and at Dodd's Hill Farm, she's already got an extra pond to help with the water. It's just it's better to address these things in the first instance than to address them at a later date. My horse, Feisty, she had such awful mud fever. I just don't want her to get that again. It was so painful.

45. So if between HS2 and East-West Rail they can have a strategic planning in the field opposite me, and in both directions, that would be ever so helpful. It's, as I mentioned at the start of the process, it's a very slippery road in the winter, coming out onto a small road with a muddy track will make it worse and it's very icy. I would implore Bucks County Council to put sand and grit down.

46. So here is A1480(15)? This is the one that HS2 kindly provided for me, in August 2014 which shows that in the best of their knowledge, Brudenell Drive is 660 metres from the track. I should have another one, which is from the stables – let me see if I can find that one. Silver Nugget stables, again, HS2 were very good and they produced a map, 27 August 2014, it shows that the stables are 760 metres from the track. It seems very strange that you're wanting to share the same compound so close to my home; although I do understand that you are lifting the track very shortly afterwards, so it is a joint effort. But by lifting the track so shortly afterwards, that line that you're lifting would've acted as a dyke to stop the water coming even further down to Marsh, and so that needs to be put in place, when both teams are working. Although the distance is 760 yards away from the track in HS2's opinion, it's yards away from the build programme. They're even taking land on the homes next door to me, a few yards up, of East-West Rail. My concern is, with the Hybrid Bill and an East-West Rail, they're different sections: are you putting East-West Rail's bit in your bit? It just doesn't seem to be very well identified.

47. I need to know what the construction process is. Obviously, I need to get – my horses are stabled, and I need to get to my horses morning and night, and any other time in the day that I need to for their care. My husband drives the tractor and I gather the hay with a rake, and put it in the big builder's bags and then put it in the stables, so it's quite a lot of work down there. So I would like, if you're building the bypass, for that to be built first and for me to have access to my ponies. Stopping up Risborough Road and

the bus lane: that's also just over a five mile route to the horses if I go through Little Kimble – that's five miles there, five miles back; five miles there, five miles back; five miles there, five miles back. It does build up every day, for a whole year. So I just need to know what the programme is and I need to be able to get to my ponies; they are my life.

48. So that's that. If I've forgotten anything, because of my nerves, am I allowed to say it again?

49. CHAIR: Okay, so your concerns are the stopping up of the road, the water situation in terms of flooding in your area, the impact that construction may have on your going from your home to your stables –

50. MRS RAND: It's an increase of 3km as HS2 have suggested at the moment, when the new bypass is built, and I would prefer to have the route that I have always used.

51. And the other last thing is the bus that – we are pensioners so we can use the bus; this was the whole point of the government giving us a bus pass. My husband is not that well, but when I'm working he can get to the hospital at Stoke Mandeville; he can get to Wycombe Hospital, he can get to Walton Court, where his surgery is. He can even get to Bedgrove by changing buses.

52. CHAIR: Okay, there's nothing your wife has forgotten as far as you know, Mr Rand? You've heard the presentation before, I'm sure?

53. MR KELVIN RAND: No, she's covered –

54. CHAIR: Covered most area –

55. MR KELVIN RAND: It's elongated but she's basically covered the main points of concerns.

56. CHAIR: I note you had a conversation with Mr Lidington about your concerns as well.

57. MRS RAND: What a star he was, bless him.

58. CHAIR: So may we go to the promoters then, to answer some of the points that you've said, and then I will come back to you –

59. MRS RAND: That's very kind, it might take a bit of –

60. CHAIR: If there's any disagreement, then we will reflect on the points you make as a Committee. Mr Mould?

61. MR MOULD QC (DfT): Thank you, we will put up P9261? If we just orientate ourselves to the petitioner's property. Her home is as marked on this sheet; the stables are down in this area here, just to the west of the Princes Risborough Line. Now, this is showing the scheme, as completed and in operation. As the Committee knows, part of the Bill project for this area, in response to strong representations from the local community, is the provision of a bypass to serve Stoke Mandeville, and I'm pointing out the line of that bypass.

62. Now, that bypass will relieve the settlement of Stoke Mandeville. In order to make sure that relief is of practical effect, we stop up vehicular access along the Risborough Road, essentially at the point where the HS2 railway crosses over the Risborough Road. So there will be a footway provided through an underpass, beneath the railway line at this point. But vehicular access will effectively stop at a turning head, that you can just see marked here. The reason why it stops there is because there's some residential properties – there's a housing estate, I think, down here, which obviously needs to be continue to be accommodated through access onto the new bypass at this point here.

63. Now what that effectively means is that people who live within Stoke Mandeville will obviously continue to have the Lower Road and the Risborough Road as the principal route through the settlement itself, but in order to get out onto the wider road network, they'll have to route up through the roundabout at the northern end of the bypass. For this petitioner, this means that instead of her current route between her home and her stables, which is along Marsh Lane – which is broadly this – sorry, Marsh Lane is here, this alignment here. She will have to go via the Lower Road and then take the bypass and then turn right if she's going from home to stables – turn right down Marsh Lane and across the level crossing, over the Princes Risborough Line, and then into the stables that way.

64. So whereas most people in Stoke Mandeville are gainers as a result of having a bypass, to that I would suggest with respect to her limited degree, she might regard herself as a loser. That's what you find with these sorts of cases. She will continue to have what many might think is reasonably convenient vehicular access between home and stables, but it will be a slightly longer route.

65. CHAIR: Do we know, Mr Mould – I mean the petitioner did think it's quite important to get the bypass done before the railway. Is it likely to be scheduled before or is that in the hands of Buckinghamshire County Council?

66. MR MOULD QC (DfT): The bypass is scheduled to begin construction in the last quarter of 2017, so early in the project.

67. CHAIR: So that will be before the railway?

68. MR MOULD QC (DfT): Well I don't think it will be before in the sense that the bypass will be completed before the railway works start, because the bypass is going to take about two and a quarter years to complete. But it will be completed well before the end of the main construction works of the railway. Clearly, it will be necessary not simply for this petitioner but for those who live in Stoke Mandeville, it will be necessary to make sure that they continue to have road access from the village of Stoke Mandeville to the wider world, whilst the bypass work is going – you can imagine, we've all, I suspect, been inconvenienced by roadworks of that kind; arrangements are made, through traffic management, to make sure that people through diversions and so forth are able to get where they need to be.

69. So it's true to say in the final scheme, Marsh Lane at this junction will be stopped up in the sense that it will not be possible to drive from the north of the bypass to the south. So the stopping up will, if you will, take place on the northern side of the bypass here. But Marsh Lane to the south of the bypass will remain as is now, and that will provide access. I also should make clear that although we are doing works, as you've had pointed out to you, to the existing railway line, effectively we shift the existing Princes Risborough Line marginally to the east, and we do so, so that we can get that line over HS2 at this point, rising up to about 4-4.5 metres at the overbridge and then gradually descending either side. But the key point for this petitioner's point of view is that the descent on the southern side – that descent peters out, if you will; we return to

grade before we get to the existing level crossing over the Princes Risborough Line which accommodates Marsh Lane. That will not be physically affected by our works, and indeed that crossing is not within the limits of the Bill. So we can't do any works under our powers to that crossing in any event. So she will continue to have the use of that crossing both during construction and following completion of the works.

70. Now, whilst we have the cursor there, you will see that there is provision for a balancing pond and then an open cut drainage ditch, effectively, which will take water from that balancing pond and then discharge it into the existing drainage network which lies just to the south of the plan here. That's a conventional means of regulating the flow of water from the scheme into the existing drainage channels, and as the name, 'balancing pond' implies, it provides an opportunity to collect water to balance the flow so that one actually is able to avoid increasing the risk of flood through the presence of, the introduction of the railway works; but also in many cases somewhat at least to regulate and to ameliorate the risk of flood because the balancing pond is a regulatory – a device to regulate what would otherwise be uncontrolled discharge of water into the flood plain. So whilst it is not our job and we don't seek to address in any broader sense existing flood risks in this area – it's not the purpose of this Bill. To that degree, coincidence of protecting the surrounding area from an increased risk of flood from the railway may actually serve in some way to ameliorate any existing problems. So that is the position with the final scheme.

71. Whilst we have this slide up, it might be helpful also just to mention – although this is think has not been at the forefront of the petitioner's presentation today, it's something I think she raised in some of her written materials. We are able to maintain the footpath which runs along this line here, over an overbridge – footpath SMA9 – and although there's a minor diversion to take the footpath over the overbridge which is in place during construction, and then following completion of that work, the footpath alignment broadly speaking remains as is. So I don't know whether she does, on a sunny day – does sometimes walk to and from, but that –

72. CHAIR: Do you use the footpath Mrs Rand?

73. MRS RAND: I have used the footpath; it floods in the winter so you can't use it then. It is a field in the first part where the sheep graze so that's not too bad. I cannot

lift my electric bike over the pathways. The other side of it at the moment is plough, so I don't quite understand how high up it comes to miss the water course, where it starts to miss the water course and where it ends, to miss the plough. My suggestion was that the bridge was moved from here over to the Marsh Lane road here. This would give us better, firmer terracotta (*sic*) through the months.

74. SIR PETER BOTTOMLEY: Terra firma?

75. MR CLIFTON-BROWN: It probably is terracotta once it's dried out!

76. MRS RAND: Thank you. Thank you very much sir; you're quite right.

77. CHAIR: Okay.

78. MR MOULD QC (DfT): But the reason why – can I just explain, the reason why that isn't proposed is not so much to do with the challenge of getting the existing highway network over the railway; it's to do with the fact it would be a very bad design to build a bypass and then to have a crossing for a minor road at Marsh Lane. One of the principal purposes of the bypass is to enable the convenient flow of through-traffic around the settlement and to relieve the settlement in that way. So that's why we don't propose to have a crossing here. I appreciate that that is an unwelcome element of the design to you, but I've explained that whilst you are deprived of your absolutely direct route, the route that is available to you, via Lower Road, is one which is – although marginally less convenient in a vehicle, it's a matter of a very few seconds extra journey.

79. Now I should just deal with the bus services. It is true to say that bus services 300 and 321, which presently serve Stoke Mandeville, those bus services will clearly be affected by the stopping up at its southern end of the Risborough Road, because the buses – the bus services will have to review their service in the light of the fact that road is no longer a through-route and is effectively a road into – a road serving Stoke Mandeville as a whole. That is a matter which is identified in the Environmental Statement as an adverse effect and that tells us that in conjunction with the local authority, Aylesbury Vale District Council and the highway authority, and the bus operators, consideration needs to be given as to how that change in the physical highway network, how that affects the bus services and what can be done in order to

accommodate that within existing services. Ultimately, that's a matter for the bus service operators. It's a commercial judgement for them, but the local authorities, as the Committee knows, are very much onto that; they've raised it as a matter in their own petitions, and so that is a matter which will be taken forward through those public and private bodies that I have just mentioned.

80. CHAIR: So this area, anyway, is going to be quite hard hit, because it's going to have both a rail line and a bypass being built, so there's going to be quite a lot of disruption?

81. MR MOULD QC (DfT): It's quite a lot of works going on here, yes.

82. CHAIR: Okay.

83. MR MOULD QC (DfT): Now, if we turn back to the previous page, P9260, just turn on that construction phase because I think the petitioner's concerns were focused on this compound which is being pointed out to you now which does lie just next door to her stables. She asked about – for some information about the duration and the use of this. Now, this is a satellite compound as you see to serve rail installation on that section of the existing Aylesbury to Princes Risborough line that we are recreating in order to take it over the HS2 line. But when it says, 'rail installation', that tells you that this is a compound whose function is limited to the installation of track and other systems. The compound which serves the actual civil construction works is the compound which I'm pointing out now, which is much further up, just south of the HS2 trace.

84. We expect that the activities that are going on in the compound that is adjacent to the petitioner's stables, will be much less disruptive in terms of general noise and disturbance, because they are confined to rail systems installation. That compound is also proposed to be served by rail. I suspect setting it up will have to be served, to a degree, by road, but once it's there and operating, it will be served by rail, which will also reduce the degree of disruption on road access. It's expected to be there for about nine months –

85. CHAIR: So that's track, cabling, electric cables, any other equipment from there? And that will be once the alignment is built. That would be for a period of months

would it or year?

86. MR MOULD QC (DfT): It will be nine months.

87. CHAIR: Five months?

88. MR MOULD QC (DfT): Nine months.

89. CHAIR: Nine months, sorry. Okay.

90. MR MOULD QC (DfT): That's the duration, so from setup to its removal, about nine months.

91. CHAIR: Okay.

92. MR MOULD QC (DfT): And whilst it's there, it will be set up, operated and managed in accordance with the Code of Construction Practice. I can't tell you now what arrangements will be made, for example, for hoarding off that compound, but clearly one of the things that those who are charged with that task will be required to deal with is limiting the noise that emanates from that compound, particularly when they know there are, I think, people living in Marsh –

93. MRS RAND: Yes, there's so many people just living there, well, just next door to the horses.

94. MR MOULD QC (DfT): So there are people living nearby; their needs will have to be taken into account, and also, of course, it's stables: the need to take account of the horses and not unnecessarily disturbing them is also an important consideration. So there are measures for that within the Code of Construction Practice and they will need to be developed as the detailed design of the scheme; and the contractor will have to comply with them under the terms on which he or she undertakes this part of the railway scheme.

95. CHAIR: Yes. It looks like you're going to be disadvantaged by your travel to your stables, but the construction side of things, that doesn't sound as bad as –

96. MRS RAND: How will they get into the construction site? You've seen it's on a blind bend of a railway track, which is full of water?

97. MR MOULD QC (DfT): Well, as I said –
98. MRS RAND: Aware, indeed!
99. MR MOULD QC (DfT): As I have said, the compound itself will be served by rail. You're right, there may be some staff who work at the compound, may arrive by car. They will have to – they will be expected to drive safely, as other people using the compound do. But we're not talking about very large numbers of vehicles.
100. CHAIR: Although a temporary site, is this something that the local authority would have to approve?
101. MR MOULD QC (DfT): The details of the site?
102. CHAIR: Yes.
103. MR MOULD QC (DfT): They don't approve the details of the setup; that's dealt with under the terms of the Code.
104. CHAIR: But access into, presumably?
105. MR MOULD QC (DfT): Access into, yes.
106. CHAIR: Which is what the petitioner was concerned about.
107. MR MOULD QC (DfT): Yes.
108. CHAIR: Alright, you're allowed some brief final comments, Mrs Rand.
109. MRS RAND: Thank you very much for bringing up the noise and the care of the ponies and their care. There was a recent programme on the television where they were piling and everybody looked stressed in that; the ponies looked stressed, the horse riders looked stressed; the owners of the establishment looked stressed and the noise was horrendous.
110. CHAIR: How old is your horse?
111. MRS RAND: She's 19.
112. CHAIR: Very steady? Get frightened easily?

113. MRS RAND: To tell you the honest truth, she was an absolute angel when the Chinook came overhead; it must have been on some kind of mega day out. I did not dare turn her for home. I held her and looked at this great machine hovering above her, and she just turned like that, because I thought if I turned her for the stables, she would flee. Most of my stable fencing is post and rail, but the rest – and where the noise will be coming from is – what do you call it? What's the metal...?

114. MR MOULD QC (DfT): Palisade? Barbed wire?

115. MRS RAND: Barbed wire, don't run into it.

116. CHAIR: Have you been riding since a girl or is it something that became a passion for you later in life?

117. MRS RAND: Very good question. When I was little, I got 2/6 a week pocket money, and it cost 5s an hour to ride at Weston Turville. There wasn't a problem: I could go once a fortnight and I could cycle from Aylesbury. This 3km for me to cycle, it's a little bit hard for me, and there's no need for it, because I've used that ancient route and a little bridge can be put up for me, or a little underpass can be put up for me.

118. CHAIR: Okay, well thank you for sharing your stories with the horses with us. Is there any final point we'd like to make before we finish?

119. MRS RAND: There may well be children's buses that go into the village; I don't know whether the children catch the regular – as the gentleman says – 321 or 300. But they may have that; please don't forget the children in the village. You've been good enough to let me mention about the footpath; it's wet. It's called Brook Farm and there's a moat there, 1813, to try and alleviate the problem. I could go under HS2; I could go over HS2. When I put in to have my footpath moved 100 yards approximately, to join in with my neighbour putting in to remove his footpath, that was a step too far, 100 yards or so. 3km is too much to do. With all the will in the world, to not want to stop things.

120. CHAIR: We understand –

121. MRS RAND: And could I say please, the gentleman was good enough to mention that he's putting water into an area that floods – adding water to an area that floods and

he's putting it into an area that floods past where he's adding it. So it needs to go past that area at Marsh, where I cannot even walk through the bridal path with my wellingtons, so there was no way an ambulance would get through, to a further point. So they just need to pipe it further, not think, 'We will stick it there and it will do its business'.

122. CHAIR: We will take that as your final plea to the Committee. Thank you very much for coming.

123. MR CLIFTON-BROWN: Could I just ask one question? It does seem to me the one piece of light that might help Mrs Rand is the footpath. I wonder in whose competence it is to see whether, during these works, the actual surface of the footpath could be improved?

124. MR MOULD QC (DfT): Well, it's in the highway authority's competence in the sense that we don't take powers over that footpath beyond the boundaries of the Bill scheme. Where the footpath lies within the boundaries of the Bill scheme and we are affecting the line of that path, clearly in reinstating it, we will reinstate it to an appropriate surface. But to the north and south, where we don't affect it directly, that remains a matter for the County Council.

125. MR CLIFTON-BROWN: So Mrs Rand should make representations to the highway authority, Buckinghamshire County Council?

126. MR MOULD QC (DfT): Yes.

127. MRS RAND: The footpath of Marsh Lane is a step too far; as you kindly mentioned, I did mention it to the right honourable Mr David Lidington.

128. CHAIR: We will pass your regards on to Mr Lidington, thank you both very much for coming today and sharing your thoughts with us and your concerns.

129. MR KELVIN RAND: May I say a couple of points?

130. CHAIR: Very briefly, yes.

131. MR KELVIN RAND: I know its difficult to move a footpath, but as you've got Marsh Lane, it's going to be stopped. You've got a good road surface one side, road

surface the other side. Can't you put the overbridge there?

132. CHAIR: These are matters that a discussion between the promoters and Buckinghamshire County Council –

133. MR KELVIN RAND: And as for the satellite compound, you do realise it's going to be heavy construction traffic, that's going to be using lanes, which you can't pass vehicles.

134. CHAIR: You make a very good point, Mr Rand. The County Council have to approve their plans for dealing with most of these compounds and the amount of traffic on it. Clearly, Buckinghamshire County Council are experts because they have a lot of rural roads in trying to mitigate that as far as possible. But thank you both of you for coming in. You'll be glad to get back to your horses won't you?

135. MRS RAND: I will; they were so good, I was up very early to look after them and they were very obliging.

136. CHAIR: Did you come in on the train or drive?

137. MRS RAND: We came on the train, yes, thank you.

138. CHAIR: Thank you very much to you both. We now move on to 384 which is Great Moor Sailing Club; 380 Nigel French; 379 Mr and Mrs Martin Whittam; and they're being represented by Mr Nigel French who I understand is sitting in the audience somewhere?

139. If three of you are sitting there you need to squash up together so you're on camera, otherwise you could fall off the end. They haven't given you a name, they've just called you a witness, so before you start to speak, say who you are and then the Hansard, the official report, picks up your name, otherwise you'll be mystery man.

Great Moor Sailing Club et al.

140. MR ALAN RAND: Thank you.

141. MR FRENCH: Will do.

142. CHAIR: We visited the sailing club and saw you that day. Would you like to

kick off?

143. MR FRENCH: My name is Nigel French, I'm one of three trustees for Great Moor Sailing Club. As you quite rightly say, you visited us in the summer of this year to see our club and to see our proposal to the impacts of HS2 on the sailing club. I'm joined today by Mr Alan Rand to my left, your right; and Mr Paul Firth to my right, your left. Paul is a fellow trustee and has been involved in the detail of the proposal of the rebuilding and re-siting of the club house. We also have with us today Mr Peter Spinks behind me as Club Secretary; and Mr Paul Newman, Vice Commodore of the sailing club, representing the two thousand or so users of the sailing club. The main presentation will be done by Alan now.

144. CHAIR: Okay.

145. MR ALAN RAND: Thank you, I was just about to call for that slide. Thank you very much. Good morning; thank you for allowing us to make our petition today on behalf of the members of Great Moor Sailing club. As has been announced, I am Alan Rand; I joined the club in 1973 and I'm still involved as a trustee.

146. CHAIR: How old were you in 1973? It's not a trick question!

147. MR ALAN RAND: Thirty-something!

148. CHAIR: Okay.

149. MR ALAN RAND: No, not thirty – twenty-whatever!

150. CHAIR: Younger!

151. MR ALAN RAND: Next please? Do I just call for the next slide, is that right? Thank you. We were founded in 1970, near Calvert in Buckinghamshire, using one of the disused clay pits from the London Brick Company. We own the freehold of the site, bordered by East-West Railway, Perry Hill, School Hill – and what I call, or we call, Twyford Road to the west. From initial beginnings, when a handful of members from the Garrison of Bicester used it for sail training, we have expanded to over 2,000 users of our facilities.

152. Next. Our aim is to provide a friendly, family club, where members of all ages

can learn about watersports. Next. And also learn about the environment. We cover all aspects, from sailing – next? – and dragon boats. Next. We cover fishing, powerboats, bird watching, ringing – we use the environment that we’ve got around to actually then help other people and bring them on. Next. Where we include the youngsters, not only in ringing but also in actually helping to actually track what’s there. Yes, those barn owls actually are in our bird boxes on our property.

153. It is vital to us that we include our young people into all our activities. They are, of course, our future. By giving them training and these experiences, we can use them to help others for the future. The look on a young person’s face as they manage to sail from a jetty and return, or just hold a bird being ringed is something we must never lose. We are affiliated to the Royal Yachting Association, and are also a RYA training establishment and offer courses to our members and non-members using their own boats. We have a dedicated camping area, so they can enjoy our tranquil environment. Schools, scouts, divers, triathlon, and many of the users coming from a very wide range catchment area.

154. Next. We provide a unique amenity in this part of Buckinghamshire, with no other sailing lake of this size within a 25-mile radius. Our service to this community should not be interfered with by the construction of HS2.

155. Next. In the main, we will be protected from HS2 when the line is in operation by the adjacent Jubilee Lake. Our prime concern, though, is the serious effect upon us during the construction phase. Secondly, the effect of the IMD when in operation – we’re fairly close to three major developments as you can see. The IMD would also effect the night time environment with its lighting and operational noise. We have asked for consideration to be given to manage the lighting so that it’s down lit and only used when necessary. This has been referred to in HS2’s response to our petition.

156. Before we go into detail, we must make an observation about HS2 and our journey with them so far, in the project. Despite covering a number of points in our compensation response in January 2013, we have only had one meeting with HS2 and that was 30 June last year – sorry, this year, I beg your pardon. Apart, that is, from numerous surveys. Subsequently, we have had the promoter’s response in August and an email referring us to changes in HS2 in October, but no other visits or

correspondence.

157. Some of you may remember coming, as Mr Chair, you actually then alluded to, our visit on a nice sunny day on your hot, whistle stop tour. We alluded then to a number of impacts HS2 will have upon us. We feel these will all have a significant impact on the livelihood and even existence of Great Moor Sailing Club. We have given great consideration to providing a solution which we are about to demonstrate in more detail.

158. Next. The entrance and exit to the club is onto Perry Hill. The club is used throughout the week, and our membership covers families of all ages, all of whom at times, will be towing in and out of the property. The HS2 proposal is to realign Perry Hill to bridge over the east-west and to use it as a prime route for construction traffic. Stated volume, now, is over 1,200 movements a day. This, over an eight-hour day, is one every 24 seconds.

159. Next. The Perry Hill traffic flow during construction and when operating is stated as having a significant residual effect of a moderate delay. This means, to us, on that road, there will be significant traffic forever. I stress there it's the moderate delay in operations, so it is quite specific to us that that means there will be delay on that road going south and north on Perry Hill and that will affect us forever. The road speed is delimited – next? - the approach from the north is around a bend whose aspect is worsened in the realignment. This, together with the increased volume of traffic is a significant safety risk to all people entering and leaving the club, particularly when towing.

160. Next. We understand from Bucks County Council highway engineers that the site lines for our existing entrance are not compliant with current standards; and the realignment will only exacerbate this problem; and that this will present a significant risk to HS2 as promoters of the project.

161. Next. We believe that the members will see this risk as unacceptable, and therefore leave, and that our intake of new members would decline for the same reason; as would the club's income. Next. As a means of illustration, on the left of this photograph is the club entrance. The van is approached from the IMD direction at 50mph. As it appears from around the corner – next? – it is only 3.5 seconds before it is

outside the gate. Probably less than that because the camera angle is on the other side of the road. Therefore, when you're coming out of the gateway, it'll be less than 3.5 seconds. With one vehicle every 24 seconds this is a very dangerous solution.

162. Next. The clubhouse itself, which you can see in the centre of that aerial photograph, is close to the road; and the increase in noise level and vibration will be considerable. The noise will have a significant effect upon the tranquillity of those using the club, its training facilities and those camping.

163. Next. Yes, we do have to stop talking outside the club when a tractor goes past; but these interrupts will become more frequent and this is nothing compared to the proposed traffic volume. The clubhouse is on a bank overlooking the lake and its foundations are on clay.

164. Next. The increased vibration poses a threat to the stability and safety of the structure.

165. Next. The club has incurred costs of over £100,000 on a building and refurbishment programme which they've done mainly themselves over the last six years. And we're concerned this significant investment, as well as effort put in by the membership, will be put at risk by HS2.

166. The club enjoys what could be described as healthy membership churn; in other words, a steady flow of new members to replace those who leave the club. We are concerned that the loss of tranquillity, an attractive and important attribute to the club, will result in the fall of new members as well as the ones who are leaving, resulting in a loss of income. A 20% fall in income would make the club financially untenable.

167. Next. As part of the realignment plan for Perry Hill, HS2 are taking some of our land.

168. Next. Part of this is a managed woodland which we carry out to an approved forestry management plan. This woodland has to be reinstated on completion of the works. This has been acknowledged by HS2. The remainder of the land-take is used for berthing members' boats and car parking. The area will be lost on the work on Perry Hill.

169. Next. We mentioned earlier that the area used to be a clay pit.

170. Next. When it was closed, part of it was used as a rubbish tip for Aylesbury District Council.

171. Next. The area of the land to be taken during this road realignment is immediately adjacent to the edge of the tip area which is not suitable for conversion to other use.

172. Next. So you can see the extent of the land-take and the line of the told tip are pretty much on top of the other. So as soon as the land is taken we just lose availability for anything else. So we therefore have no adjacent space for new berthing or car space. The land-take will result in a reduction of approximately 20% of total berthing facilities.

173. Next. The impact is that we will be unable to provide storage for our members' boats or for somewhere to leave their cars. If all members owning these boats left the club there would be an even greater loss of income.

174. Next. Our lake and jubilee lake are connected via a tunnel under Perry Hill. This was used to carry clay wagons and is now a means of keeping the two lakes balanced at the same level. Grebe Lake has no natural outflow.

175. Next. The outflow to the area's water systems is via a sluice conduit that is currently under the old railway line, adjacent to the east side of Jubilee Lake. This sluice will be rebuilt to go under HS2. There's probably about three of them actually in HS2's drawings relating to that.

176. Next. So the water flows from the tunnel and out through the sluice. There is a concern on two points. The Environment Statement did not mention the interlinking of the lakes. This poses doubts on the water value calculations and hence the suitability of the conduit from Jubilee Lake under HS2. This was despite our including the information about the interconnecting tunnel in our original compensation letter in January 2013. As the tunnel runs under Perry Hill, and there is a significant increase in traffic volumes, we are concerned on the effect there may be to the integrity of that tunnel. HS2 have said the road is the responsibility of Bucks County Council. This is as it may be but it's acknowledged by HS2 that the traffic volume is a significant increase particularly from the time when the road and tunnel were initially built. We

would therefore propose that any affect upon the tunnel's integrity will be a direct result of the HS2 construction activity.

177. Next. If the tunnel is affected there would be a significant rise in water level having an impact on slipway, boat parking and stability and safety of the banks.

178. The summary of the financial impact, as mentioned previously: a loss of 20% of our berthing would affect 20% of membership income. A further loss of 20% caused by the safety risk at the entrance could be even larger a drop in new members. That is our churn would be out of balance. In money terms, this would result in an annual drop in income of £20,000, aggregated up to 2026 of £200,000. This would make the club unviable.

179. In summary, the construction of HS2 has a number of impacts on the integrity, the continuing viability and the operation of Great Moor Sailing Club.

180. Next. Members who now experience a quiet and tranquil environment could leave. Members who find there is no space for their boat or car will leave and go somewhere else. Members see that the risk of entering and exiting the club is too high and hence leave. The clubhouse could be affected by traffic vibration and would become untenable. The increased traffic could affect the integrity of the water level, affecting bank safety.

181. Next. Practically, these impacts conspire to threaten the club's viability by reducing membership; hence the club's revenue and its overall existence.

182. The threat to Great Moor Sailing Club emanates from the changes to, and increased use of, Perry Hill, particularly for construction traffic. The main period is obviously prior to 2026 but will, as a result of the IMD, still have more traffic after that time than in current use.

183. Next. The impact of all these risks, with the exception of the tunnel, can be removed by changing the location of the clubhouse, slipways and boat parks to another part of the lake. We have given great consideration to providing a solution to these risks which will provide a benefit to all parties.

184. Next. HS2 will benefit because the issues as far as we're concerned on Perry Hill

are minimised; hence their job is easier. Bucks County Council benefit because they can continue to have the amenity that we provide in the area.

185. Next. And next again. And we benefit because we can continue to provide our training and development of young people. By moving the club to the north-west of the lake and taking in new entrants from Twyford Road, there would be no pressure on HS2 to find solutions to traffic volumes. So our proposal for mitigation is for HS2 to help Great Moor Sailing Club reposition the club and premises. The wide range of activities can continue to be enjoyed, thrive and grow at this essential and unique amenity in this part of Buckinghamshire; and in so doing provide a legacy for the future and in particular for young people.

186. We have already been working with Bucks County Council on the wider mitigation proposals you've already heard of from this part of Bucks. We believe our proposals are an excellent opportunity for HS2, perhaps in conjunction with the Department for Culture, Media and Sport, to not only mitigate the impacts but to also contribute to the positive legacy of the scheme. Repositioning the club premises will also help maintain the safe and tranquil environment which currently exists. We have already established an HS2 sub-committee specifically to work on the idea and plans for implementing the solution and have support from our local Member of Parliament, John Bercow, the Royal Yachting Association and Buckinghamshire County Council. We look forward to working with HS2 and Bucks County Council in achieving an acceptable outcome.

187. Next. We would like you to help be part of the legacy for this area, for sailors, for wildlife and for people of all ages; but in particular our young people. HS2 can give something back to the community. Our aim is to provide water activities to the area and to add to its amenity value for many years to come. Last week Martin Tett of Bucks County Council made reference to us within his projects for the area. He addressed this committee and said, 'You have a great opportunity to deliver a significant, tangible benefit to the local community.' We would endorse that statement. Thank you for listening.

188. CHAIR: Thank you. Is your witness coming on next?

189. MR FRENCH: No, that's it. It's just to conclude that ever since we were

confronted with the prospect of HS2 impacting the sailing club we've taken the view to approach it in a positive way rather than just be a barrier to the development and the progress; and we've got a very strong committee and three trustees who have been very much involved in trying to make the best of this lot that's been presented to us. And I think you probably saw that when you came to visit us back in the summer.

190. SIR PETER BOTTOMLEY: Could you just show us on one of your maps or HS2's where you think the clubhouse could be moved to and where you think the entrance could be?

191. MR ALAN RAND: Can I go back to slide 2 please? Can I point?

192. SIR PETER BOTTOMLEY: Yes, you can. There's a magic system.

193. MR ALAN RAND: In this area.

194. SIR PETER BOTTOMLEY: See, it works.

195. MR ALAN RAND: Yes, it does indeed. I'll leave the arrow there. The entrance would probably be where the arrow from Twyford Road comes.

196. MR FIRTH: Can I just say we have an existing gate on the Twyford Road which Bucks County Council have examined and have proved that it does meet all the criteria for a new entrance to the clubhouse.

197. CHAIR: And Twyford Road looks fairly straight and therefore visibility is quite good?

198. MR FIRTH: It is, yes. And we looked at potentially putting the clubhouse on the west side but that's on the lead from the prevailing winds and it's not a very good place to put the clubhouse. The ideal place is where it is at the moment, to be honest. The second best place is on the north side of the area that Alan's just indicated where, yes, it's pretty good.

199. SIR PETER BOTTOMLEY: And could you give us some indication of what the cost of having a clubhouse somewhere else and having accessible parking somewhere else might be?

200. MR FIRTH: We estimate that it's somewhere between £1.5 million and £2 million. There's about £750,000 of infrastructure works, roads, parking and berthing. We've developed a scheme for a zero carbon clubhouse probably using timber frame construction, two levels, about 300 to 350 square metres of space. And the price for that is in the region of £500,000 but we haven't actually got the details on that yet. And then another £250,000 to put some utilities in there as well. So we're definitely sub £2 million.

201. CHAIR: Given your activity, is that something that Lottery grant bid might also help you?

202. MR FIRTH: We are in touch with Sport England and certainly Lottery as well as potential funders for some of that in a match funding way. As a closed membership we're not entitled to the land fill tax grant but if we changed the structure of the membership of the club we could be. So, yes, we are active and thinking about grant solutions as well but if there was a significant contribution from HS2 we could make the project happen.

203. SIR PETER BOTTOMLEY: So, in essence, there are three issues which you're airing in front of this committee. One is a question of whether the water going in and out of Grebe Lake into Jubilee Lake and throughout on the culvert has been properly analysed and taken into account.

204. MR FIRTH: Yes.

205. SIR PETER BOTTOMLEY: That's an issue. The second issue is whether the effect of HS2, both construction and changed road arrangements afterwards, are such to make it unsafe and unsuitable to maintain the clubhouse where it is with the access how it is, both because you would have diminished area of land by water and with the safety issues. And I suppose there's a subsidiary one which is the promoter's answer which is it's not really their fault and they're not doing that much, which is what I half anticipate coming.

206. MR FIRTH: Thank you.

207. SIR PETER BOTTOMLEY: But let's wait and see what comes.

208. MR FIRTH: Can I just say that the existing alignment doesn't meet current standards and that it gets even worse; so I'm not sure that they're allowed to do a road realignment which then creates a dangerous entrance on the realigned road.

209. CHAIR: Okay.

210. MR CLIFTON-BROWN: And are there land ownership issues? Do you own all the land?

211. MR FIRTH: We own the whole land. The whole property is freehold of which we trustees are responsible.

212. CHAIR: Okay. Mr Mould?

213. MR MOULD QC (DfT): If it was going to be delivered under this Bill it would clearly need an additional provision because you would need planning permission to be able to do it and you'd also need powers to be able to create the new access onto Twyford Road. Each of those things requires separate consent. Alternatively, an application for planning permission would have to be made for re-siting the clubhouse and the facilities and an application would need to be made to the Highway Authority for approval of a new access.

214. MR FRENCH: Sorry, just on that point, we had a meeting with Bucks County Council and their indication was that this development could all be done within the scope of the Hybrid Bill so there wouldn't be any additional requirement legally.

215. MR MOULD QC (DfT): They're wrong about that.

216. SIR PETER BOTTOMLEY: Both of what we're hearing is true and Mr Mould is certainly right in saying that, were it to be subject to a planning application to the planning authority and require consent from the Highway Authority, that is a way of doing it and one would expect that neither would be reasonably withheld.

217. MR MOULD QC (DfT): No

218. SIR PETER BOTTOMLEY: And the county council and the planning council are perfectly right in saying it could be done within the Hybrid Bill but it would require an additional provision. So there's no disagreement on the alternative ways of doing it.

219. MR MOULD QC (DfT): But one of the things – and this isn't the key to this as I'll explain in a moment but as we're on this slide – that the planning authority properly advising itself in accordance with policy would have to consider is the impact of carrying out the relocation of the clubhouse and the club facilities to that area on wildlife considerations because, as I understand it, this is an area which does have ecological value. And although that's clearly a factor which has to be balanced against all other factors, it is not one that should be dismissed. These things are important as the Committee knows from representations made by Dr Thornhill and others who are concerned to ensure that those matters are properly aired.

220. CHAIR: Okay.

221. MR MOULD QC (DfT): But can I come back because in a sense this is the question one has to ask, which is the second of Sir Peter's points, which is the predicate for all this. The predicate for all this is the impact of the railway is such that it leads one to the view that these accommodations have merit. Now, the club's case is predicated on very substantial increases in traffic on Perry Hill past its existing access.

222. SIR PETER BOTTOMLEY: If I may so, can we start on realignment before we start coming on to increased traffic?

223. MR MOULD QC (DfT): Well, if I may, I'll deal with the traffic and then I'll come to the realignment. Because I think that the case for moving has two components: one is safety and the second is the sheer effect of very substantial amounts of heavy construction traffic along Perry Hill.

224. MR FIRTH: We recognise that you've changed that.

225. MR MOULD QC (DfT): Yes, but you haven't said it and it's important that the Committee understands what we're dealing with. If you'll indulge me to set out my position and then no doubt you can respond to it in due course. Right. I'll tell you what: in deference to Sir Peter I'll deal with the realignment point first and then we can...

226. SIR PETER BOTTOMLEY: I'm obliged.

227. MR MOULD QC (DfT): Not at all. It's always the mark of a good advocate to

try and be flexible. Right, so, if we may, we'll put up P9196. A good place to start is with the works that the Bill authorises. What the Bill authorises, as you'll recall, is works to Perry Hill to enable us to take Perry Hill over the HS2 railway, which is off to the left off the plan, and also to take it under the existing trace of the old Oxford to Cambridge line which is to be promoted for reopening as a passenger service under the banner of East West Rail.

228. Now, those works entail a relatively minor realignment of Perry Hill as it passes along the north-eastern boundary of the sailing club's land. Those works will result in some geometric realignment of the road to the north of the existing access. But the Bill limits and the works themselves do not extend as far as the access. The concern, which I very much understand, is that this is already a road that lacks... the access here lacks visibility to the left as you're waiting to turn out into the road and lacks visibility which complies with existing highway standards. I can say categorically that, in designing the realigned road and carrying out the road works that are authorised under the Bill, HS2 will have to produce an alignment and an arrangement which does comply with standards, so which cures that problem. The only basis on which they can do otherwise is if they can get an express derogation from the Highway Authority who are the decision making body here, the approving body. An express derogation to carry out these works other than in accordance with standards. That is the position that applies here as it does elsewhere when developers carry out works to the highway.

229. Now, the highway here is a relatively wide highway and you can see that from the petitioner's A1481(11). I think I've got a different numbering. Can you just go to the next slide?

230. MR ALAN RAND: I think it's 15.

231. MR MOULD QC (DfT): 15, I'm told. Thank you. The photograph. Yes, thank you. If I can point using the cursor. Here is the access to the sailing club and this is the sight line that is a source of concern. And you can see straight away why it is a source of concern; there's relatively little distance in that visibility splay. But what you can also see is there's a good deal of width in the highway here which is currently under verge. And you can also see that there is a good deal of vegetation along the boundary of the highway. Now, that vegetation is subject to management and it can be managed

under the powers in the Highway Act in order to produce a more extensive visibility splay. In other words, you can cut it back. And the Highway Authority, whose reasonable satisfaction we have to secure under paragraph 10 of Schedule 4 to this Bill when we alter a highway as we are here before we complete those works, one of the things that I would expect that Highway Authority to have very much at the forefront of its mind is requiring us to take such steps as they consider to be necessary in the geometric design of the road works here but also in the management of the vegetation so as to ensure that an adequate visibility splay is provided.

232. So the upshot of all that is that there are powers within the Bill, there are powers within the Highways Act, there is a significant physical area within the highway here and there is a Highway Authority whom we know from what they have told the Committee are very keen indeed to exercise the powers that are vouchsafed to them so as to secure a safe highway following the completion of the HS2 works. All of those matters come together to give confidence that what will result from the road works which are authorised by the Bill here is a safer highway arrangement than exists at the moment. And I make that point, as I say, in the knowledge that we do not actually physically affect the existing entrance to the clubhouse at all.

233. CHAIR: The Bill limits... We saw earlier in the presentation that some of the land that the club has got for parking and boat storage is also within the Bill limits.

234. MR MOULD QC (DfT): Yes.

235. CHAIR: Does that mean that that necessarily is going to be taken or is that a precautionary –

236. SIR PETER BOTTOMLEY: I mean, when you're designing –

237. MR MOULD QC (DfT): Let us assume that it is taken. The reason why it would be taken would no doubt be to enable a longer sight line to be achieved. And you can see from that plan – I'm grateful for that – how that opportunity is available through the land-take that is provided for under this Bill. The access here is about here, I think. The clubhouse is here. Actually, this is the access here. And so one can see, if one moves up, remember as we did that there is a good deal of vegetation on the southern side of the road here, one can see the opportunity is there to improve the alignment of the

highway and to improve the sight line around that bend. And that is, as I say, is under the –

238. SIR PETER BOTTOMLEY: I'm sure that makes sense but there's an alternative way of saying it. If the problem is vegetation, which you sensibly talked about, if you bring the bend nearer it doesn't obviously make the sight line longer.

239. MR MOULD QC (DfT): Well, I don't think we are.

240. SIR PETER BOTTOMLEY: He might have said that the further away the bend is, the greater the sight line. But maybe he was wrong.

241. MR MOULD QC (DfT): But it depends. The bend on the carriageway tends to slow traffic down because people tend to slow down as they approach a bend. The visibility splay is –

242. SIR PETER BOTTOMLEY: Okay, Mr Mould, we can accept the homeostasis theory that if you have a very dangerous area... If I ask you to drive my car and I say the brakes weren't working you'd drive very gingerly. If I told you I had the most modern car with the best brakes you might drive rather faster. That's homeostasis.

243. MR MOULD QC (DfT): Well, I take that point. But the point is –

244. SIR PETER BOTTOMLEY: You aren't going to convince us that having the bend closer to the clubhouse entrance makes the sight line –

245. MR MOULD QC (DfT): But the bend isn't coming closer to the clubhouse entrance. That assumption, if I might say so, is equally false. The key point here is about visibility. That was the point that was made. And, as you can see from that plan and as I showed you from the photograph, there is clearly an opportunity presented by this Bill –

246. SIR PETER BOTTOMLEY: We accept the vegetation issue.

247. MR MOULD QC (DfT): – which secures the problem.

248. SIR PETER BOTTOMLEY: We haven't accepted yet whether the road alignment is changing. And we haven't yet come to it whether any of the club land will be no

longer available to them for their present use.

249. MR MOULD QC (DfT): That's a different point, if I may say so. It may well be that the price that this club pays for improving the alignment of the road within the lands that are within the Bill limits here is that they lose not their club house, which is to the south of that entrance, but they lose some of their informal boat mooring area. Now, that is an effect that we will have to accommodate or we will have to compensate them for in accordance with conventional principles.

250. SIR PETER BOTTOMLEY: Mr Chairman, would it be more sensible if we actually heard from the promoters what they plan to do with the land and why they're taking these powers? We've forgotten the previous discussion: why is some of the club land is needed? What is it going to be used for?

251. MR MOULD QC (DfT): For road works.

252. SIR PETER BOTTOMLEY: And what is going to happen to the road?

253. MR MOULD QC (DfT): It's going to be realigned. We're taking the railway underneath the existing trace of the Oxford to Cambridge line which you see here and we're realigning the road within this corridor here.

254. MR FRENCH: It's coming to the west.

255. MR MOULD QC (DfT): To move it to the west, yes.

256. MR FRENCH: Into the club property.

257. MR MOULD QC (DfT): Yes. Look –

258. SIR PETER BOTTOMLEY: We can't you move the road to the east?

259. MR FRENCH: Because you end up in the transformer station.

260. MR MOULD QC (DfT): And also we're then in an area which I think is a local wildlife –

261. MR FIRTH: Yes. You need to get Perry Hill further over to the west in order to get all of the alignments and get it back over to HS2 later on. So this is the only point.

And this has to go under the East West Rail. This is going under here so you need a big cutting to get underneath the East West Rail. Then it comes up and then it goes over HS2.

262. SIR PETER BOTTOMLEY: So is the bend tightened?

263. MR MOULD QC (DfT): Yes.

264. MR FIRTH: Yes.

265. MR FRENCH: And it's also dipping down because the road is going to cut it now which it doesn't do at the moment.

266. CHAIR: Is there any point where you could have a different entrance? In other words, you move your entrance a little bit away from the clubhouse.

267. MR FRENCH: We can't move the entrance to the south; there isn't enough space.

268. CHAIR: No.

269. MR FRENCH: As Paul mentioned a little earlier, there is an existing entrance on the western side of the property which does comply with highways regulations –

270. MR HENDRICK: But, given the realignment of the road, is there not a possibility you can move the entrance further north and have a path leading into the clubhouse from there?

271. MR FRENCH: No, because of the landfill –

272. MR FIRTH: The landfill area there which is just horrible.

273. MR MOULD QC (DfT): I think what I'm going to do anyway is I'm going to ask that we work up a large scale detailed plan to show the proposed geometric arrangements here. Because the question is: what proposals would we put to the Highway Authority for approval? The body who will be required to say whether our proposals are acceptable and safe is the Highway Authority and they will do that by reference to prevailing standards. And our task will be, as far as it is reasonably possible to do so, to achieve those standards. Otherwise they will not give us approval under Schedule 4 to the Bill and we'll have to go away and do it again. And one of the

key techniques that we will use in relation to that is to manage the land within the highway, including the lands that are brought within the highway as a result of the acquisition of that strip of land to the west of the existing boundary to the clubhouse so as to achieve an arrangement that is safe in highway terms.

274. I mean, my submission is that it is sensible and in the public interest to explore that question and to see whether in simply applying the powers of the Bill and calling on the good offices of the Highway Authority to achieve a solution that is safe before we start to engage in ambitious proposals to shift the clubhouse to the other side of the lake to an area which I've said is by no means itself free from constraint. And given that the club's own entrance is not proposed, is not taken within the powers of the Bill and we propose no changes to that –

275. SIR PETER BOTTOMLEY: That's a choice.

276. MR MOULD QC (DfT): Well, it's not a choice in the sense that if we had consciously made that choice at the time when the Bill was being promoted we would have inevitably chosen not to include that because we didn't need to carry out any works at that point in order to deliver the railway.

277. MR HENDRICK: Can I ask what's the case for not redeveloping the clubhouse where the petitioners wanted to?

278. MR MOULD QC (DfT): The area here is, as I understand it, all land which is considered to be of ecological value.

279. MR FRENCH: If we can respond to that.

280. MR HENDRICK: Yes.

281. MR FRENCH: We've already discussed the outlying proposal of moving the clubhouse with Bucks County Council and, as the land that we own is former brownfield land, they've indicated that there are likely to be very few, if any, obstacles in our way to achieving planning permission within our property.

282. MR HENDRICK: Well, whether you can get planning permission, that's one issue. What I'm trying to ask is what the ecological merit is of not developing that land.

283. MR MOULD QC (DfT): As I understand it, this area is all within a local wildlife site.

284. MR HENDRICK: What sort of wildlife are we talking about?

285. MR MOULD QC (DfT): Does anybody know? We'll get an answer for that. But the fact that it's been designated as a local wildlife site by the responsible local authority does indicate that it's considered to have some –

286. MR HENDRICK: When designated it would have certain species in mind.

287. MR MOULD QC (DfT): Exactly. We're going to find out. But, just to row back, this is a standard example of a landowner and occupier who is, to some degree, affected by compulsory powers of acquisition under this Bill and it is the responsibility of the promoter to seek to accommodate or to compensate for the loss that they suffer. The direct loss that they suffer, which they've explained to you, is not to do with the clubhouse at all; it is to do with an area which is used for the storage of boats which we will clearly have to address. And I would have thought it was pretty obvious, given the amount of land that is available on the eastern side of that boundary, that we would be looking to accommodate that loss through repositioning, through providing them with a repositioned boat mooring area and other facilities along that, somewhat further into the land, and that they would receive whatever residual financial compensation comes from disturbance in land-take accordingly.

288. But their ask to you is something quite different. They want a much more ambitious scheme which is to relocate the entirety of their facilities, the majority of which are not directly affected by this Bill at all, and to relocate them to the other side of the lake. And, as I say, the case they make for that is, firstly, that the access is rendered more dangerous than it currently is and therefore their members won't come and they'll lose membership. I question whether that, in fact, is a judgement that one can make now particularly, as I say, as I'm offering to go away and have a detailed plan drawn up to see whether we can achieve within the land that would be available to us a realignment of the highway that meets prevailing standards.

289. The other point which I was going to make some minutes ago now, but I've changed tack, is that the volume of traffic that we are putting onto this road is now very

substantially lower with our revised AP4 arrangements than it was when they understandably were concerned and wrote their petition. We're now talking about in the order of tens of HG vehicles on an average weekday as opposed to the hundreds, I think, that were being put down this road when the Bill was first published.

290. CHAIR: At the moment we have some of the club in the Bill limits and the club is speculating about the impact that that will have on income. I think it is sensible if you go away and do a more detailed design so we can see what the impact is going to be. And I think it's also sensible if you have a discussion with the club as you do so because it does seem there might be an opportunity, if you're doing that, to have a discussion about the entrance and one or two other things and see whether or not it's possible to accommodate them on their existing site; and then we can take things on from there if it's not. But at the moment we're sort of arguing but we don't know what the impact is or it isn't until they get the detailed design.

291. MR MOULD QC (DfT): I'm very much, as I say, very happy to do that. The other point which I think I need to deal with is the water, the sluice.

292. CHAIR: Okay.

293. MR MOULD QC (DfT): Shall I just deal with that? It's right to say that, if we turn to... I think it's A1481(19).

294. MR ALAN RAND: You want number 30.

295. MR MOULD QC (DfT): 30? This is the one, yeah. Thank you. I'm sorry, I'm just grumbling internally as to why I seem to have a wholly different numbering arrangement from everybody else.

296. It's right to say this particular feature is not dealt with in the environmental statement. The simple reason for that is that it is substantially to the south of the area that is within the Bill limits. But we are aware of this arrangement. And if I can just draw your attention to the point at which the water flow passes to the east from the adjoining lake and passes through the area through which the HS2 railway is to be constructed. And if we can put up, from the Environmental Statement map book, CT10-029. What we're proposing here is to accommodate that flow through what's

known as an inverted siphon underneath the railway line. I don't know if we can blow this up a bit. Just a touch more. I don't know if this is very clear but this is the environmental baseline plan from the Environmental Statement. So this is telling you about the environmental features that exist at the moment. And, as you can see, a water course is shown passing beneath the trace of the railway and then away onto the lands of Shepherds Furze farm to the east. So that facility is known as an existing feature.

297. And then if we turn to CT06-055. You can see the line of the proposed inverted siphon under the completed railway and then passing into the lands at Shepherds Furze Farm. Now, given the changes which we've told you about in terms of the use of lands at Shepherd's Furze Farm and the fact that we're no longer proposing to use those lands for waste handling and for waste disposal, the need to carry out more extensive works here clearly falls away. But the need to provide the engineering works to accommodate this existing water passage beneath the railway remains as indeed does the need to accommodate it beneath the cord which will take the Aylesbury line out onto the East West Rail corridor. And, as I say, that's being dealt with through an inverted siphon. An inverted siphon is required because at this point the HS2 railway is in relatively deep cutting and therefore we've got to take the water beneath the cutting; and I'm told the inverted siphon is the way in which one does that. So that is how that's going to be dealt with under the Bill.

298. CHAIR: Okay.

299. MR FRENCH: We didn't hear anything there about the tunnel that we're actually questioning. It's the integrity of the tunnel that is the main issue.

300. MR MOULD QC (DfT): Can we go back to 20 then? The petitioner's 20. The reason I haven't said anything about that is because we do not predict that we will have any effect on that tunnel.

301. MR ALAN RAND: Does that mean you'll take an indemnity against us for ignoring it, effectively?

302. MR MOULD QC (DfT): No, we're not ignoring it. I won't take an indemnity against you for it. But if something wholly unexpected occurred, and that is to say that water drainage and the levels of water on your sailing club were diminished as a result

of the passage of HS2's lorries on the highway which currently exists over that point, if you could prove that you suffered a de-watering as a result of those lorries adding to the existing flow then you might be in the business of being able to show that we were responsible for doing something about it. But that is, I would suggest, a very, very unlikely state of affairs to arise given the numbers of lorries and the overall amount of traffic that we are proposing to put down this road under the Additional Provision 4 arrangements.

303. MR FIRTH: It's quite the opposite of de-watering; it's up-watering. It's more watering. If there's no other outflow from our lake.

304. MR MOULD QC (DfT): That doesn't alter my analysis.

305. CHAIR: Right.

306. SIR PETER BOTTOMLEY: Can I just rehearse in my mind? At present the Bill takes land and powers over land owned by and used by the sailing club. There would be discussions as to what that's going to be used for. What's going to happen in detail.

307. MR MOULD QC (DfT): Yes.

308. SIR PETER BOTTOMLEY: If the club could be satisfied that the entrance would be no less safe, and preferably could be safer, and if the club could be satisfied that the amount of space they've got available for car parking and for boat parking is not unduly hurt, and presumably if they're persuaded that HS2 increase in traffic doesn't make the place so noisy that they can't talk to each other, most of the problems have gone away? All you're left with is the compensation issue.

309. MR MOULD QC (DfT): Yes.

310. SIR PETER BOTTOMLEY: And we've heard from the promoters that the amount of extra traffic is not likely to affect this tunnel so the existing problem the club's got remains and it's their responsibility.

311. MR MOULD QC (DfT): Yes.

312. SIR PETER BOTTOMLEY: If the club isn't satisfied that the entrance is at least as safe, if not safer, and if they're not satisfied that there's sufficient boat parking space,

then I think we've still got an issue in front of us.

313. MR MOULD QC (DfT): Yes. And if we get to the stage where we believe that, acting reasonably, the club should be satisfied then we'll obviously let you know what our position is on that.

314. Can I just deal with the wildlife side of things which Mr Hendrick asked about? The Grebe Lake local wildlife site is designated on the basis of otters, kingfishers, barn owls, bittern and other waterfowl. Apparently, the bittern are more likely to be on the Jubilee Lake which is the lake just to the east of Perry Hill. But those are the species which are the basis for the designation.

315. MR HENDRICK: Is one of the underlying questions that you're appropriating for the realignment? Is none of that covered in the ecological –

316. MR MOULD QC (DfT): No, it is. It is. So that applies. But clearly the balance there, we say, is struck in favour of allowing us to carry out the road realignment works for the purposes of the HS2 scheme.

317. MR HENDRICK: So are you saying the land taken of that nature for realignment is okay but not for new cuttings?

318. MR MOULD QC (DfT): I'm saying... no, and I'm not saying that and nor is that kind of straight binary analysis nearly ever an appropriate way for good planning to be operated in. Basically you look at the problem that you face in each case. And here you balance off against the need, that is to say the need for the road works to serve the public interest in this scheme and the impacts it will have on the wildlife site. You make a judgement on that basis.

319. If you're dealing with a quite separate proposal, which is the provision of an alternative clubhouse, obviously the need needs to be assessed and a key component there is: is the existing clubhouse arrangement satisfactory? Because, if it is, then that's going to affect the degree of need there is to relocate it onto another part of the wildlife site. And then you assess the degree of impact that that proposal will have on the –

320. MR HENDRICK: I take your point but what do you think the monetary compensation will be like for that?

321. MR MOULD QC (DfT): For what? For the –

322. MR HENDRICK: For the amount of land compared to the amount that would be required to build a clubhouse.

323. MR MOULD QC (DfT): Well, it would be the market value of a strip of land that lies on the boundary of a recreational facility on a former brick pit, which I suspect is going to be relatively small. I wouldn't have thought that the existing use value of that strip of land is going to be very high. I can't give you a figure but –

324. CHAIR: But presumably there would also be a claim if it had an impact on membership, income and viability.

325. MR MOULD QC (DfT): Absolutely.

326. CHAIR: So that's a little bit less quantifiable because that's a slight unknown.

327. MR MOULD QC (DfT): Yeah. But what we do know, as you rightly say, is that that would form part of the legitimate claim. That would be the disturbance element, using the surveyors' language that Mr Clifton-Brown is very familiar with.

328. CHAIR: Okay. I think we have a way forward because otherwise I think we're just going to go round in circles. And let's look at what the detriment is and the alignment of the road and other things and see where we go from there. Any final comments from you as petitioners, Mr French?

329. MR FRENCH: No. Just to reiterate the point that I made at the beginning that we've tried to approach this as positively as we can.

330. CHAIR: Yeah. You went through the slides pretty rapidly and made your points. Well done.

331. MR FRENCH: Thank you.

332. CHAIR: Right, thank you. We now move on to 1541, the Governors of Twyford C of E School in Twyford which is in the county of Buckingham.

333. MR FRENCH: Sorry, Mr Syms, I've got my personal petition and I've got my neighbour's to run through next.

334. CHAIR: Okay. Sorry. You're 380, Nigel French.

335. MR FRENCH: That's right.

336. CHAIR: Alright. Sorry. So Twyford School can wait 15 minutes. I'm glad you jumped in quick; otherwise we'd have had you out the door quick.

Nigel John French

337. MR FRENCH: Thank you. Please could I have map P9128? I'm your petitioner, Nigel John French. I have lived at Woodlands, Grange Close, Twyford, Buckingham with my wife, Caroline, and our three children since we purchased our home in March 2000. Our home is shown on the map here bordered red.

338. We chose Twyford to bring up our young family; a village environment which was both safe and tranquil. Twyford village benefits from a primary school, a village shop and a village pub. It is a sociable village with a strong community spirit. It has many clubs and other social groups catering for all ages. You have heard, and will hear further, petitions about the village and its strong sense of community and I will not repeat those points today for the sake of brevity. However, we agree with and support whole-heartedly many of the issues you will hear from our community.

339. Caroline and I are the owners of two small businesses within our local community: a bookshop in the nearby market town and a music distribution company. We are hardworking and entrepreneurial. We understand and subscribe to the principle that work should pay. However, in our case what we've worked so hard for in our lives and what we dream of and aspire to for the future has been taken away from us by this scheme.

340. We are not against the principle of the railway itself. If there is a demonstrable need for such a thing and that thing is in the natural interest, then so be it. However, we are against the principle of unfair treatment with regard to our assets: assets which we have worked so hard for and we do not want to see them devalued at the expense of that national interest. George Osborne at the Conservative conference in 2012 said, 'We support those who aspire so we can help those most in need. We modern Conservatives represent all those who aspire, all who work, save and hope; all who feel a responsibility

to put in, not just take out. Whoever you are, wherever you come from, if you're working for a better future we are on your side.' In our case that clearly is not the case. HS2 is not our engine for growth.

341. As a direct result of the proposed scheme, we will be unable to exercise any form of choice should we wish to sell our property and enjoy the right to move at any time during the construction and operation of the railway. Our children have now all moved on from the village school and attend a secondary school and sixth form college north of Buckingham. If we wanted to move to be nearer those schools, we couldn't. That choice has been taken away from us. We have often discussed moving our small music distribution business to our home. It would cut down on the travel and save us rental costs of an office elsewhere. However, the slow broadband in Twyford puts us off doing so. If we therefore wanted to move to an area with faster broadband then we couldn't. That opportunity has been taken away from us by this scheme.

342. The house in which we live has given us great joy. We have worked hard at improving it, refurbishing it, extending it, making it a comfortable family home. Any dreams we may have of doing the same again elsewhere with another house have been quashed. That opportunity has been taken away from us by this scheme.

343. When David Cameron said at the Conservative party conference this year 'you make a country greater by making life better for its people', we cannot but question how he can square that comment with a set of circumstances born out of this government's policy which is having quite the opposite effect on our lives.

344. We have engaged professional opinion on the value of our home if it were unblighted. Our consultations with local estate agents have indicated that we will not be able to sell our property for anything approaching unblighted market value as it is so seriously blighted by the scheme. We also understand that it is unlikely that we would be able to employ the services of an estate agent without paying up front fees, assuming we could find one with an appetite for a challenge.

345. My petition includes a number of issues and observations with regard to inadequate compensation on the one hand and the increase in noise levels on the other. HS2 have responded to most of those points regarding noise but in a very technical manner, and as such their response is difficult to understand. I am not qualified to argue

further. The figures and counterclaims are meaningless really, perhaps even designed to confuse and intimidate. I am no civil engineer.

346. The one HS2 document which is very clear to me, however, is the one I show here indicating our home as being subject to 'moderate adverse effect' I understand the word 'adverse'. For the record, the OUP dictionary definition is: 'Preventing success or development; harmful; unfavourable'.

347. The HS2 response to inadequate compensation appears to be vague and lacking in real understanding of the realities faced by us, and no doubt other affected residents. There is a remedy in relation to inadequate compensation which HS2 could implement to alleviate the impacts of high levels of blight and subsequent disruption to lives. I have three requests/suggestions all with the same solution. They are as follows.

348. To offer a property bond which covers any shortfall between achieved sale price and unblighted market value, allowing our property to be sold not to HS2 through a purchase scheme but on the open market perhaps to another family looking to bring up their youngsters in a village which has so much to offer. The residents of Twyford attended a meeting in September 2010 with the then Secretary of State for Transport, Philip Hammond, who told us that affected residents would be fairly compensated. He further repeated that statement in Parliament. This property bond would restore our right to sell at a time of our choosing.

349. Number 2. For the purposes of any mortgage on the property, for HS2 to ensure that any shortfall between actual valuation and unblighted market value is covered by HS2 so that a mortgagee is not disadvantaged in any way with regard to mortgage offers and subsequent interest rates which are based on loan-to-value. We have experience already of a valuation being hindered by the HS2 scheme and a subsequent remortgage offer. The mortgage valuation was in excess of 40% below what we understand the unblighted value of our home to be. Losing almost half the value of your property is a huge price for us to pay. This mortgage valuation even referred to HS2 as a 'bad neighbour'. A property bond would ensure we are not disadvantaged with our mortgage offers if we chose to stay in our home.

350. Number 3. As mentioned, we are owners and directors of two small businesses. We have in the past invested capital sums in our businesses for e-commerce

development, shop fittings, for things which keep our businesses moving forwards. If we borrow money from a bank for capital investment, the first question they ask is ‘do you own your house?’. The second is ‘how much equity do you have?’. They are looking for security to underwrite and guarantee their lending. Blight has removed our equity and therefore our likelihood of borrowing capital for investment. We do not have the ability to travel to far-flung countries seeking investment in our powerhouse. We would like HS2 Limited to underwrite any loss in our property’s value should blight impact our ability to borrow. The words ‘engine for growth’ will mean little if the scheme is hindering a director’s ability to borrow money for capital investment in his own business. A property bond can be used to overcome the shortfall in equity.

351. Related to all of these three points, Caroline and I, both robust characters and both happy to embrace a challenge, have found the stresses and strains of the last five years since HS2 was announced increasingly difficult. The amount of information we have had to make ourselves aware of, try to understand and then relate to our circumstances to try to ensure that we do not become unwittingly swamped has been a burden we could have done without. Time in the evenings which should have been spent helping our children with their homework has been cut short to respond to yet another consultation, trying to understand another baseline sound level chart, preparing for a day like this. All of these things could have been rendered unnecessary if a property bond had been introduced right at the very beginning of this scheme. Life for us and for so many other affected people would have continued with a lot less disruption and a lot less distress.

352. Our misfortune has been to find ourselves in the path of progress. We do not want to stifle progress itself but, in the case of HS2, HS2 is dashing our hopes and dreams and robbing us of our liberty.

353. As a bookseller, I would like to conclude with a quote from Charlotte Brontë from her novel, *Villette*: ‘Peril, loneliness, an uncertain future, are not oppressive evils, so long as the frame is healthy and the faculties are employed; so long, especially, as Liberty lends us her wings, and Hope guides us by her star.’ That is all. Thank you very much for listening.

354. CHAIR: Thank you very much. We will be touching again on compensation to

certainly have a look at how Need to Sell is working. Do you want to respond to any of those points, Mr Mould?

355. MR MOULD QC (DfT): Simply to put on record what is apparent from the screen, that this and neighbouring properties are outside the LOAEL contour. So the noise levels experienced here from the operational railway are predicted to be at a level that does not exceed that which the evidence suggests will give rise to observed adverse effects in terms of health and amenity. But the reason why there is predicted to be nevertheless a moderate adverse effect is because of the change in the noise environment from the world without the railway and the world with. The change in quantitative terms is predicted to be of the order of 6 dB. That means that this and neighbouring properties, albeit outside the LOAEL contour, nonetheless are properties which are subject to the design commitment that I've mentioned on a number of occasions and on Information Paper E20, whereby the Secretary of State commits to taking all reasonably practical steps to resolve residual noise effects. In this case that, again, the most obvious practical measure that might be available might be secondary glazing, double glazing, if the property doesn't already benefit from it. I'm not able to commit to that today, but what I can say is that this and other properties in a similar situation would be candidates for that kind of measure in accordance with the design commitment that I've mentioned.

356. MR HENDRICK: With respect, just looking at the diagram, the noise contour itself just seems to wrap around Grange Close itself. What is so peculiar about the way that the noise is generated that it should give such an unusual feature?

357. MR MOULD QC (DfT): I'm told it's because of the noise shadow created by the church. The arrangement of buildings in that area means that there is a degree of –

358. MR HENDRICK: Where is the church on the map?

359. MR MOULD QC (DfT): Can you just point out the church for me? Where the 'O' is apparently.

360. MR HENDRICK: So that church is shielding them?

361. MR MOULD QC (DfT): Yes, you can see how that might be the case as well

actually.

362. CHAIR: You need more churches.

363. MR MOULD QC (DfT): I'm not going to say any more about the discretionary compensation matters, save this: I know that the question of access of mortgages has been raised in the past. One would have thought that lenders would have very much in mind the fact that people such as Mr French, if you assume that Mr French remains the occupier of his property when this railway opens in 10 years' time, 2006, that persons in his position will then have access to a statutory claim for compensation under Part 1 of the *Land Compensation Act 1973*. If one is thinking about what a lender might take into account in, for example, considering whether a 15 or a 20-year term mortgage should be offered to an applicant and, if so, on what terms, the presence of that potential compensation in relation to the subject property is clearly a relevant consideration in deciding what degree of risk there is in that property from the shadow of the HS2 scheme.

364. SIR PETER BOTTOMLEY: That's a fair comment. Perhaps I could say now, I was going to say it later on, it would be interesting to know whether the promoters or the Secretary of State have talked with the Council of Mortgage Lenders and the banks about the actual experience people have got, because on other days we've had people being told that their home has been valued at nothing. You and I might say that a potential Part 1 claim would be 15%, or 30%, or 5%, or whatever, but many people are facing the prospect of having nothing. I think it's also worth remembering, and I remind myself, that the average person lives in their home for seven years, and seven years would mean on average the people affected by the railway who might have a Part 1 claim will have tried to move, will have tried to sell, and will have faced difficulties. So I think at some stage we're going to actually talk to the Government, and it will be interesting to hear from the promoters (not necessarily today) whether they have had practical discussions with lenders, bankers, and CML.

365. MR MOULD QC (DfT): I can certainly answer, but first of all, the answer to that question is yes and those discussions continue, and particularly because of the experience that you have reported here which is by no means the only evidence we have of that. The message generally from the mortgage lenders, as I understand it, is that

they take a sensible view of the shadow of HS2 and the degree to which that affects the security that they would be taking on in the form of properties that are affected. But we can certainly provide further information about our discussions with them at an appropriate moment in order to assist the Committee.

366. As regards the point about the average duration of people's occupation, I take that point very much, but of course I was focusing more on the situation where someone is trying to release capital through a mortgage. One would have thought then that at least one factor that the mortgagee would consider in deciding whether to make a loan and, if so, on what terms of security, is that if the mortgage term is 15 or 20 years that within that period, at least notionally, a statutory right of compensation to cover the blighting effect of the property would be available.

367. MR CLIFTON-BROWN: Mr Mould you're making eminently sensible assumptions as to how mortgagors would operate; that is not necessarily to say that they will operate in that way. I wonder whether, Chairman, it's possible to get to a situation whereby the Association of Mortgage Lenders [*sic*], as Sir Peter's referred to, issue a practice note as to how they would actually advise their members to operate in these circumstances relating to HS2.

368. SIR PETER BOTTOMLEY: It might actually be sensible, if we briefly revisit compensation, that the Council of Mortgage Lenders and the building societies organisation might be worth bringing in here for an hour just to get some reassurance and see how they are working. Mr French made a very important point that Need to Sell seems to be working okay for people who want to sell their properties, but if you're a business and you just want to top the mortgage up by £10,000 or £15,000 because you want to buy a new piece of machinery or a vehicle, or whatever it is, that suddenly becomes a much more difficult, problematic thing.

369. MR FRENCH: Absolutely.

370. SIR PETER BOTTOMLEY: And that will have an impact on some people's businesses and livelihoods for a number of years.

371. MR MOULD QC (DfT): There are people listening obviously who are particularly interested in these issues, and I know that suggestion, for example that there should be a

practice note issued, is one that those who are pursuing these discussions will want to take into account.

372. MR FRENCH: Just to finish off –

373. CHAIR: Yes, brief final comments, Mr French.

374. MR FRENCH: The note from our mortgage provider is very explicit in that ‘The property is situated on the edge of the village within 400 metres of the proposed HS2 line.’ It’s actually 300 metres. ‘Market conditions were weak on the days of valuation for properties such as this one which are similar and close to the proposed HS2 railway line. The estimated value is not...’ ‘The comparables used are the best available bearing in mind the location of the subject property in relation to bad neighbours.’ So as far as this mortgage provider is concerned, they’re seeing what they’re seeing and they’re making their judgment on that.

375. That’s all I had for myself. My next-door-neighbours have made a small statement that I’d like to read out, if that’s okay.

376. CHAIR: Is that Mr and Mrs Martin Whittam?

377. MR FRENCH: Mr and Mrs Martin Whittam. If I could have map P9239 please. It’s exactly the same except a different red line.

378. CHAIR: Same church?

Mr and Mrs Martin Whittam

379. MR FRENCH: Same church, same shadow.

380. [Reads statement of Mr and Mrs Martin Whittam] My name is Pam Whittam. My husband Martin and I have lived in Grange Close in the village of Twyford since 1977. We brought up our family in this village. Our children attended the local schools. We have very much enjoyed being part of the friendly community spirit which Twyford offers. Martin has been a particularly active member of TADS, the amateur dramatic society, appearing in every production until his illness made remembering his lines particularly difficult. Martin is 74 and I am 74. We live in a house which we love in a village which we adore, but at a time which we find frightening and intimidating

because of what the proposed railway is doing to our lives. Martin is suffering from memory loss. He is undergoing diagnosis at the moment and it appears he is suffering from the early stages of Alzheimer's disease. When the railway was announced five years ago we were both concerned, however Martin found the announcement particularly distressing. Now, five years later, his distress is exacerbated by his confusion.

381. I do not want to move. The familiarity of our world is such a comfort to Martin. I know that he will be safe when he walks our dog, Ruby, in the lanes around our village. I know that if he does have difficulty Ruby will get him home. We are a close-knit community, everyone knows everyone else, and I know that should Martin forget where he is someone will bring him back home to me.

382. However, it is likely that Martin's condition will get worse and when it does we may need to move so that Martin can be better cared for. We will find it difficult to sell our house because of HS2. I have watched and listened to my friends and next-door-neighbours, Martin and Alan Flint (they live in the house to the right of Pam and Martin's house) struggle with the complicated process of the Essential Hardship Scheme. They have had to jump through hoops to produce information which is required, laying their lives open to forensic investigation of health records and financial affairs. I just do not have the energy or the will to face that sort of struggle as it would be me on my own as Martin is now not able to apply himself to such an onerous task.

383. I feel that our lives are being caught up in a nightmare which shows no sign of ending. Please let us have our free choice so that we, or as will probably be the case, I, can choose to move without the fear of a lifetime's loss of equity and without having to endure the tyranny of the Essential Hardship Scheme. Pam Whittam, 20th of October.' Thank you.

384. CHAIR: Thank you very much Mr French for that. Thank you. We'll then move on to Petition 1541, Governors of Twyford C of E School.

385. SIR PETER BOTTOMLEY: Can I just say, I don't know if Mr French or Mrs Whittam know about it, but the Need to Sell Scheme is different from the Essential Hardship Scheme. If she applies to be accepted to be able to sell, because she quite clearly fits both into the age and stage and health reasons, which should be accepted, if

she has difficulty in doing that I suspect the Promoters, given her circumstances, would be able to find somebody independent who can advise her, or whether the Citizens Advice Bureau will. I'm sure in that sort of case there would be assistance and hand-holding for her. I think she would probably get assurance, and if she didn't we would be surprised and we would be upset to hear it.

386. MR FRENCH: Thank you.

387. SIR PETER BOTTOMLEY: I was just reading –

388. MR FRENCH: I think the point is that she just feels –

389. SIR PETER BOTTOMLEY: We understand.

390. MR FRENCH: Okay. Thank you very much.

Governors of Twyford Church of England School

391. CHAIR: Okay, thank you. 1541, Governors of Twyford C of E School. Mr Steve Elcock. Welcome. I know you've been sitting patiently at the back listening to some of your neighbours.

392. MR WOOD: Yes, indeed.

393. CHAIR: Who's going to kick off?

394. MS FOSTER: I've lost my voice.

395. MR WOOD: Judith has recently lost her voice so you're probably going to hear a little bit more from me. My name's Russell Wood.

396. MR CLIFTON-BROWN: How can you have a teacher without a voice?

397. MR WOOD: With difficulty.

398. MR CLIFTON-BROWN: A blight on our other teachers.

399. MS FOSTER: Absolutely.

400. MR WOOD: My name is Russell Wood. I've been Chair of Governors at the

school for 10 years now. Judith Foster is obviously the head teacher. She's been our head for nine years. I think it's fair to say we've only got one exhibit, which is A1476, which is a short presentation. I think you've probably had a lot of discussion with our Parish Council yesterday or the day before, so a lot of the issues you've probably already heard, but we thought it important that we should just focus on the school just to give that focus that we feel we should do within the village. I think you also understand the village is a very close-knit environment, and the school is no different whether the stakeholders are parents or teachers, the governors, or indeed being a Church of England school, the clergy.

401. I think our petition issues really hinged around the noise levels, and then linking into that the recreation ground usage. Why I link that and mention the recreation ground is that, as you will see, the school has expanded; we've been expanding and recently now we're right the way through to year 6. Our footprint is not large enough for outside sports activities and so we would be looking to use the recreation ground to fulfil that capability for certainly years five and six.

402. The other problem that we have is the ability of the children to reach the school from our main catchment area, which is Calvert Green, but, equally, because the school is expanding we're also drawing children from other schools in the area, whether that be the Grendon Underwood catchment area, whether that be East Claydon, or Marsh Gibbon.

403. MS FOSTER: East Claydon is an open school so they have to go to another school afterwards and Twyford is becoming their school of choice, but they have to travel down School Hill, which is destined to be closed for two years so they won't actually get to our school, they'd need to go round it. They wouldn't be able to get there.

404. MR WOOD: So it's the big issue of children, but equally the staff need to get to the school.

405. Perhaps we could go to the next slide. I just wanted to give you a bit of context because, as I said, I've been chair for 10 years, and Julia's been here for nine. As a team with the governing body and the staff we've really tried to develop the school. When I first joined as a parent governor there were about 30 pupils, and in fact there had been a fight to keep the school open. Over those two we've gone right the way, as I say, to

year six. The growth is now to over a 100 pupils, and our maximum we could get is 120. It's taken a considerable amount of effort and financial investment not only from Twyford itself and the local community but obviously discussions with the council, all the way across the board. There is a little bit of pride in this that we've actually got to this particular stage. As Judith is saying, it's now a level playing field with other schools and we are getting parents coming to our school as their first choice because that's what we wanted to give in the first instance, that it provoked parental choice. We are still working hard. Our Ofsted is good but with discussions we are being recommended to push for 'outstanding' when Ofsted next come along. We have a good set-up, I think. That's the context of the village school.

406. Next slide please. Our concern is obviously that issues if they arise, as outlined in the petition what we've achieved at the school potentially could be lost: parental choice would become adversely affected as children physically may not be able to get to the school. They may drive past other schools and therefore parents will be asking the question: 'What's the point of sending them to Twyford? We may as well send them somewhere else.' We're literally starting to get those questions now. Judith was approached by the parent of a new intake only last week to say, 'Well, what's happening with HS2? Would we be able to get here?'

407. Financially the school has pushed itself to get to where it is. We have a loan from the county council which we're re-paying, so financially we're a lot tighter. We're not in negative territory but we're tight. We're worried that a vicious circle will start to happen here with pupil numbers diminishing and therefore funding diminishing and it could potential spiral you of control. We've worked hard, again, to get some good staff on board, but due to possible school attractiveness they may not be able to get to the school and may not be interested in teaching at the school going forward.

408. CHAIR: How many teachers do you have and how many teaching assistants?

409. MS FOSTER: There are 17 staff altogether. There are four teachers.

410. CHAIR: Four teachers?

411. MS FOSTER: Four teachers.

412. CHAIR: And you teach as well?

413. MS FOSTER: I do.

414. MR WOOD: So qualities and standards will start to be lost if we start to lose these teachers and really the vicious circle kicks in: numbers diminish and we're in danger then of closing.

415. Next slide please. In summary, we fully appreciate that we're a small part within this HS2 project and the issues that are there. We're probably unlikely to achieve much impact but we wanted to be here to put our case across. We do have, we feel, a responsibility to the community and to all our stakeholders to put across our concerns, or at least to try if not to succeed. We obviously hope that HS2 does act responsibly rather than just respond to the petition with appropriate answers. I think Nigel summed it up a little bit in the fact that we see all this data on how much noise there's going to be, and quite honestly, who knows if that's correct or not? All I can say to you is that the most noise in the village during the day is when the children come out from school at playtime. The noise base is minimal. That's what worries me because with a minimal noise base in a rural area where the village is situated it's a concern. We see all that information and we see that we're not supposedly in that area of concern, but I don't know for sure.

416. MS FOSTER: It's when we use the recreation ground for new sports, will we be able to actually get the children here? It's things like that, and who knows until it's built.

417. MR WOOD: Whatever the outcome we think the build from the point of view of getting to the school will affect Twyford for the next 10 years. We just need to be assured that our concerns are listened to and disruption is kept to a minimum. I'm sure the Parish Council has gone through this in great detail. I don't know what responses were given to the Parish Council; I hadn't checked that before coming down. We want to try to achieve that parents still have a choice and they still want Twyford as their choice of school should they wish to make it.

418. That's really our petition, so we appreciate your time for allowing us to come down and for listening. Thank you.

419. CHAIR: We have heard from several schools up and down the line and there are common concerns and with rural schools it's 'Will pupil numbers falls and teachers be lost?', 'Will parents put up with disruption because of the construction and take their children to other schools?' It is an issue that we'll have to reflect on before we do our final report. Hopefully, you won't be affected, but there has to be some provision where schools are affected for short periods of time, but you don't want that to be a recurring thing. Certainly up in Warwickshire and Staffordshire there are other schools which are going to be affected. We welcome the fact that you've come and put on the record not only your record as a school but indeed your concerns. Is there anything you want to add, Mr Mould?

420. MR MOULD QC (DfT): Perhaps just two points of fact really. On the effect of the road works, if I could just put up P9244. Particularly this is in relation to the parents who are coming from the Claydon area. As the Committee knows and I think that petitioners know, we're proposing to close West Street here in the early part of the works for 18 months to reconstruct the bridge over our railway, but whilst we do that Perry Hill and School Hill will remain open. Perry Hill will always remain open throughout the works, but then we will need to close School Hill for two years. I think you mentioned that.

421. MS FOSTER: It's School Hill that they won't be able access then, so to come from –

422. MR MOULD QC (DfT): They'll have to come this route.

423. MS FOSTER: So I won't be able to get to school, and the East Claydon direction they can't actually come. So you're saying that –

424. MR MOULD QC (DfT): Shall I just complete what I was going to say?

425. MS FOSTER: Sorry, yes.

426. MR MOULD QC (DfT): There's Middle Claydon and there's Steeple Claydon, so if you're coming from this area whilst School Hill is closed the route will be via Steeple Claydon and then over West Street.

427. MS FOSTER: Which has a school in it, so they're not going to come all the way

past there.

428. MR WOOD: So we would lose. The parental choice for that's gone. To be honest, when I saw the –

429. MR MOULD QC (DfT): That will be for a period of two years.

430. MS FOSTER: Yes, for two years and the previous few years. The parents that came to see me came from there with their three-year old and they said, 'Can you guarantee that the roads will be open and we will get to school?' 'No, I can't.' And if they're driving past Steeple Claydon –

431. MR WOOD: They will go there.

432. MR HENDRICK: Can you tell us what the capacity is of the school on the way and how much of that capacity is taken?

433. MS FOSTER: Yes, I understand that, but I know that Steeple Claydon isn't usually full.

434. MR HENDRICK: Isn't?

435. MS FOSTER: It's not usually full.

436. MR HENDRICK: Well, is it 70%? Is it 90%?

437. MS FOSTER: It varies each year. I mean we're a little village school and can only take 15 children but we have to be up to capacity to make us viable really.

438. MR MOULD QC (DfT): If I may say so, what you will be able to say now to your parents is (and if you want a letter from us to back this up we can send you one) that Perry Hill will remain open to traffic throughout the HS2 construction works; one or other of West Street and School Hill will remain open throughout the construction works, but the sequence for closure is that West Street will be closed for 18 months in the early years, and we can try to give you a more specific period for that as best we can, and School Hill will remain open whilst the West Street works are being done. It is only once West Street has been completed and reopened to traffic that we will then close School Hill for a period of two years whilst we do the works to that road. You'll be able

to be more precise and more specific, and, as I say, if you'd like a letter from us we will do so.

439. CHAIR: I think a letter would be helpful.

440. MR WOOD: That would be great because we were looking at the details before coming in and we still weren't quite sure what the sequence of events was for that road. That would be most helpful.

441. MS FOSTER: It would be helpful but I think we'll probably lose those children.

442. CHAIR: Thank you very much.

443. MR CLIFTON-BROWN: Can you just tell us what's your nearest competing school?

444. MR WOOD: Steeple Claydon.

445. MS FOSTER: There's a couple. Steeple Claydon –

446. MR CLIFTON-BROWN: There's obviously one at Steeple Claydon. Is there one at Marsh Gibbon?

447. MS FOSTER: There's one in Marsh Gibbon as well, so if they went that way round they would... We're at the end of the line sort of thing

448. MR WOOD: I think the key maybe for us is that our main catchment area is Calvert Green. I couldn't quite understand from the response whether Calvert Green access to Twyford was going to be affected. Subsequently, looking at these maps, I've got a feeling that we're possibly okay with Calvert Green.

449. MR CLIFTON-BROWN: Can we get an answer on that?

450. MR WOOD: And I think, if that is the case, then it may be the best position.

451. SIR PETER BOTTOMLEY: And you'd live with the rest of it.

452. MR WOOD: We'd have to live with the rest of it.

453. MS FOSTER: We'd lose some of it.

454. MR MOULD QC (DfT): Can I come from the school? Let's pretend we're doing the afternoon pickup rather than the morning drop-off. If a parent is picking up a child from school and going back to Calvert Green then this is going to be their route, isn't it?

455. MR WOOD: If they go down Portway Road and they come to the -

456. MR MOULD QC (DfT): Then on Main Street here, and then they turn right along the south side of Grebe Lake up to the crossroads at Perry Hill and then up School Hill, that way.

457. MR WOOD: Correct.

458. MR MOULD QC (DfT): All the way from Twyford to the crossroads with Perry Hill is unaffected. At Perry Hill they may notice an HS2 lorry going up or down Perry Hill in the flow of traffic, because we're predicting a relatively small number of HS2 vehicles going up and down Perry Hill. Then as they come across on to School Hill, again School Hill up to the point at which we're building the bridge, during that two-year period, will remain open. There will be some HS2 traffic on it, not a great deal. Then at the point at which if you were turning into Brackley Lane (like Mr Gaskin who we had in the Committee a few days ago) during the early part of our construction (shall we say 2017/2018) there'll be some utilities works going on; the sort of things that people are used to like gas works and that kind of thing. That's simply to ensure that we can get utilities that currently go across the line of HS2 channelled over through the structure of the School Hill over-bridge. Essentially, your parents' route between your school and Calvert Green will remain physically open throughout the works but they're likely to encounter some HS2 traffic, and there'll be some fairly standard road works to shift utilities around with diversions and that kind of thing.

459. MR WOOD: But if I may add, if you come to this crossroads –

460. MR MOULD QC (DfT): You mean the Perry Hill crossroads?

461. MR WOOD: Yes. They can turn right and that road's not affected. They can go down and go into Calvert Green from the other exit point.

462. MR MOULD QC (DfT): They can do, yes.

463. MR WOOD: And that's not affected.

464. MR MOULD QC (DfT): Yes.

465. MR WOOD: Then I think by just clarifying it as we've just gone through it this morning there is a route that's going to stay open for the majority from Calvert Green to Twyford. So, yes, if you're able to confirm, that would be great.

466. MR MOULD QC (DfT): Those points. We shall do that.

467. MR WOOD: Then we can show that to the parents and say, 'This is what's happening.'

468. SIR PETER BOTTOMLEY: To say it makes us proud to be British is actually true, but to have the chairman and the head come along from a school which has been building up its numbers over the last 15 years or so, and to read the Ofsted reports, I think you're fulfilling what your school declared it's trying to do, which is 'To encourage excellence, develop confidence, and inspire all'. Well done.

469. MR WOOD: Thank you.

470. MS FOSTER: Thank you.

471. CHAIR: Thank you. Good day. That brings us to the end of this morning. Order, order. If you could withdraw from the room please so we can clear our thoughts.