MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Thursday 26 November 2015 (Morning)

In Committee Room 5

PRESENT:

Mr David Crausby (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Geoffrey Clifton-Brown
Mr Mark Hendrick

IN ATTENDANCE

Mr Timothy Mould, QC, Lead Counsel, Department for Transport
Mr Richard Turney, Counsel, Department for Transport
Mr David Elvin QC, for Friends Life and Axa Real Estate Investment Managers Ltd

WITNESSES

The Rt Hon Liam Byrne, MP
Mr Geoffrey Brunt
Ms Margaret Cotton
Mr Nicholas Bartman
Mr Jonathan Perks
Mr Andrew Douglas-Bate
Ms Agnes Fletcher
Mr Roger Geffen

IN PUBLIC SESSION
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1. CHAIR: Order, order. Welcome to the HS2 Select Committee. I am going to begin with petition 295 starting with the Right Honourable Liam Byrne MP, but I think we will start with Mr Mould for a short introduction.

   **Rt Hon Liam Byrne, MP**

2. MR MOULD QC (DfT): Thank you. Could we put up P1123(02). Members of the Committee will recall that last December the Chairman made a statement having heard the petition of these petitioners in September of that year in relation to the location of the rolling stock maintenance depot for the Phase One and Phase Two railway. Having indicated that they did not support removing that facility from the proposed location at Washwood Heath to other locations suggested by the petitioner, the Committee said that they wished HS2 to consider the adjustment of the scheme so that there was minimum land take and for the shortest time with the sensible placing of balancing ponds and handback configuration that after construction will attract business use of the residual site. They wished to hear from HS2 on those issues and whether HS2 can reach agreement taking account of the Axa proposals which were dated 12 December of that year, and that was then reflected in the March interim report, which emphasised the desire to continue to look at ways of speeding up construction and handback of land.

3. This document, which is in front of you, is a useful way of just introducing where we have got to. It sets out an update on the work that has been done in order to fulfil the direction of the Select Committee. As you can see, we have focused on seeking to achieve those objectives without compromising the timely and economic delivery of the railway. We focused on maximising the development potential of the Washwood Heath site in its totality rather than prioritising the release of land associated with any particular landowner and we have done that in conjunction with Birmingham City Council as the planning authority.

4. Just summarising where we are by reference to this document, we have given consideration to the alternative depot scheme dated last December which was put forward by Axa. If we just go through to the next page, there have been a series of
technical and other meetings to discuss those alternative arrangements. The conclusions following those meetings and further discussions with Birmingham and other stakeholders, including a meeting between the Chief Engineer and Mr Byrne, are that we have been able to identify in terms of permanent land take a reduction in the land permanently taken for the railway of 4.1 hectares, which is 7(a) on the screen in front of you, which in turn increases the number of potential jobs at the site to 2006, which is an increase of 279 compared to that that we were predicting last year in relation to the Hybrid Bill Scheme.

5. We have done that in part by providing a more efficient arrangement for the balancing ponds and there is still further work in progress in order to see whether we can improve on that further. What we have done is to identify that the cost of undergrounding the balancing ponds is likely to come to as much as £50 million. We do not at the moment think that that is justified in order to generate a possible further 3 hectares of land or, put another way, 200 additional jobs.

6. In terms of the construction position, we have been focusing on strengthening our arrangements with Birmingham City Council on that. We see that there is potential to reduce the land take during construction by six hectares, which is about a third of the total residual land, but that, I am afraid, at the moment is work in progress rather than something on which we can draw a clear conclusion. There are a number of reasons for that, but perhaps one to draw out particularly is that it requires us to consider the position of Cemex who occupy a site within the Washwood Heath area who manufacture railway sleepers for the permanent way. They, at the moment, need to remain on their site until 2019 otherwise the supply of railway sleepers for the permanent way is going to be drastically prejudiced.

7. The other point that I should make in relation to this issue is that we have considered whether it would be possible to deploy land at Saltley Business Park as an alternative location for some of the construction. The difficulty with that is that in order to do so we would have to displace a number of existing employment occupiers, which would result in the loss of possibly 600 or 700 jobs from that site, which seems a perverse way of trying to accelerate the supply of employment at this site.

8. If we go to the next slide, just to carry on, we have also looked at the opportunities
for relocating the network integrated control centre but for reasons of safety and security
we don’t think that it is sensible to have that facility located remote from the Washwood
Heath location. What we have been able to do is to co-locate it with a balancing pond
and thus to reduce the amount of permanent land take in relation to that part of the
overall facility. You can see the result of all that on the screen, which results in a
permanent residual amount of land handed back for employment development of 20
hectares as against the 16 hectares that were assumed under the Bill.

9. In terms of further ongoing work, if we just go to the next page, we have work
streams in progress to see whether we can improve the sequencing of construction so as
to release more land earlier. We are also looking at whether there are opportunities to
handle excavated materials off site. That is challenging because we expect that a good
deal of the excavated materials will be contaminated and there are clear inefficiencies in
taking untreated materials off site to go and be decontaminated elsewhere, but that is not
generally considered good practice.

10. Moving on to the next page, because we are keen to carry forward the
Committee’s desire to seek to reduce the land take both permanently and during
construction, we are in the final stages of agreeing a Memorandum of Understanding
with Birmingham City Council which is focused on that issue. We have invited Axa, if
they want, to join into that but they have said that they do not wish to do so. Then if we
turn to the next page, which is the final page on which I will comment by way of
bringing you up to date as to where we are, we have looked at the Axa proposal of
December of last year and we have concluded that that proposal is too suboptimal to be
acceptable as the rolling stock maintenance depot for the HS2 railway and the reasons
for that are set out in summary on this page.

11. Axa have, in response to our concerns, carried out some further refinements, as I
understand it, which I think may be touched upon in their evidence. Our thinking on
that at the moment is that there continue to be difficulties, certainly insofar as looking
forward to full operation of the HS2 Phase One and Phase Two railway is concerned and
if necessary Professor McNaughton, the Chief Engineer, will be able to help you with
that a little later on during this hearing. I have already dealt with the issue with regard
to Saltley Business Park that is set out over the page.
12. So, that is where we are. We have sought to do as we were directed to do by the Committee. There are further work streams in play, as I have indicated, but as things stand, the position of the promoter is that it is not able to accept the alternative depot proposal that Axa have put forward, even allowing for the refinements that have been made following our critique of the December 2014 proposal, and we are therefore where we are in terms of the overall result, which is that we are able to deliver, as the Committee asked us to, an additional 4.1 hectares of land in terms of the permanent position delivered back from the project and back to the local community for employment development.

13. CHAIR: Liam Byrne.

14. MR BYRNE: Thank you Mr Crausby, and thank to all for making time for me and for this side of the argument to be heard. It is probably just worth one word of background just by way of reprise. This is a third of the industrial land in the City of Birmingham. It is the size of 100 football pitches and lies at the junction of three of the most deprived constituencies in the country. My constituency is the most income deprived constituency in Britain. My neighbour, Shabana Mahmood, represents the constituency with the highest unemployment in Britain. Birdington, just to our north, has about the seventh or eighth highest unemployment in Britain. So, this is a gigantic site in the middle of one of the worst unemployment hot spots in the country and we have a railway line coming through the top which has the potential to transform the economic potential of East Birmingham but instead of developing for jobs, we are developing it for a rolling stock maintenance yard.

15. That is why my argument for some time has been that a better place for this would have been at the Birmingham International Airport because the jobs on this site are very similar to the jobs that are involved in servicing and cleaning aircraft. That argument was lost and so what we are now trying to do is to optimise this site.

16. The site is important because for about a century it has been split up into three: LDV was there. You also had Alstom and it is only with the bankruptcy and the independent businesses that it was possible to put this site back together for the first time in 100 years. If you developed it holistically, you could have 7,500 jobs on the site. So, at a stroke you could have taken a third off the City of Birmingham’s
unemployment bill, just by developing it for jobs, and jobs alone. Now, that argument has been lost but you can understand why I am here to say that we must do absolutely everything to maximise the number of jobs that do go on the site.

17. In a way I am grateful for the Committee’s time because frankly if I was the Committee I would be pretty annoyed that we are having to be back here to report what is still a fundamental disagreement between the two sides. I can’t imagine that the Committee will be pleased to see us here. The truth is that the past year has been a year of intense frustration. The idea that somehow there has been some collaborative process with Birmingham City Council is utterly misleading. Birmingham City Council are not packed full of technical railway engineers. They have been silent parties to the discussions that have been had so far and they are looking to the HS2 Committee to try and impose some order on this process.

18. Over the past year I have basically had a running commentary of failed meetings where Axa have brought what I think are quite bold and imaginative proposals to meetings, where they have been received in silence, where there has not been proper feedback and the frustration levels have just risen and risen. This is not just my view; this is why, together with Jack Dromey, Shabana Mahmood, Andrew Mitchell and Caroline Spelman we wrote to the Committee to raise the red flag a few weeks ago to say that this process has failed and that we now need the High Speed 2 Committee’s help in trying to get the two parties to see sense and come to a mutually satisfactory conclusion.

19. So, where have we got to? Where we have basically got to is that we have two fundamentally different design approaches for providing a marshalling yard and control centre. The problem that I think you have on the Committee is that you do not have any objective way of assessing which is best. I think what has been great about the Committee over the course of its work is that you are not simply prepared to just take High Speed 2’s word for everything. My issue now is that without any objective means of you assessing whether the Axa proposal is better or the High Speed 2 proposal is best, the position you are going to be trapped into is just taking High Speed 2’s word for it and that is not a position that I think you would want to be in.

20. What has happened over the past year is that High Speed 2 have made some
adjustments to their approach. That is good, but what they have not sought to do is think from first principles about, ‘Here’s a chunk of land; here are some design principles. What’s the best way of designing a yard?’ What they have basically done is just stuck to the Bill Scheme that they had all along and made some adjustments at the margin.

21. What they have done, as they have reported today, is over the past year basically worked out how to get the grand total of 200 more jobs on the site. So, well done, we’ve spent the past year producing three extra jobs per week. I just don’t think that is anywhere near good enough. The land that is being released back is land that is basically trapped in the middle of a residential estate with very limited access to it, so you can’t really get articulated lorries down to it. You can’t really develop it for the sort of jobs use that you might imagine.

22. There was this initially ludicrous proposal of building eight hectares of balancing ponds, so tying up great prime industrial estate by building reservoirs on it. They were going to adjust it and that is good, but they are still much, much too big. By contrast, what High Speed 2 have not done is to produce any fatal objections to the Axa scheme and that is what is so frustrating about the position we are in at the moment. Just by way of illustration, there has not been any real High Speed 2 assessment of why the ponds can’t be underground. We heard for the first time, I think, this morning, that there might be a bill of about £50 million but actually I think High Speed 2 has to answer why that isn’t reasonable given that the Axa scheme could generate £1.4 billion of additional economic value. In the scheme of things, I am afraid that that objection from High Speed 2 does not seem reasonable.

23. Secondly, there has been no substantial analysis of the alternative to using this site as a construction yard. So, basically what is going to happen is that a black line has been drawn around the site and before the maintenance yard comes online, this prime bit of land, 100 football pitches in the middle of Birmingham is going to be used a dump yard, basically, as a scrapyard. There are alternative places where you could conduct this activity, in particular Saltley Business Park.

24. We have heard this morning the argument that Saltley Business Park has some jobs on it. I am afraid those jobs are going. Because the High Speed 2 proposal
basically cuts Saltley Business Park off from the outside world and destroys half the estate, all those jobs are going so Saltley Business Park, for example, is an alternative place to put the dump yard that High Speed 2 are proposing to put on the Washwood Heath site.

25. So, no substantial analysis of alternatives to construction sites, and thirdly, there has been no challenge to the superiority about these proposals for better highway access into the site, which is critical to unlocking its economic value. I use that by way of illustrating that there are still some substantial differences of opinion about the whys and wherefores of the two different schemes. What has been most frustrating has been the failure to honour the Committee’s instruction last year. The Committee was pretty clear: ‘Go away, see if you can sort it out’, and what we have, 12 months later, is frankly very little progress.

26. The best illustration of this is that the Axa objections that we have heard *0:17:55 confirmed again this morning are based on a design submitted in December 2014 but since December 2014 there have been radical changes to the Axa proposal. There are not proper High Speed 2 objections to the design finalised in September this year. Now, that tells us that this process has not worked over the last year because High Speed 2 is actually commenting on the wrong set of plans – plans which have changed substantially over the subsequent nine months.

27. Just as some illustrations of where that leads us, High Speed 2 have said that there is a problem of a throat coming into the site where there might be lots and lots of conflicting movements. Actually, expert witnesses say that that has been designed out in the proposal submitted more recently. Another objection has been depot congestion and an increased number of shunt movements on the Axa proposal. Again, other expert witnesses have said that there are actually less shunt movements under the Axa proposal than there are under the High Speed 2 proposal. There is an argument about creating one critical point of failure of access on to the High Speed 2 line but the point here is that that can easily be designed out as a problem from the Axa proposals. Then there is the issue about drainage on which I have already touched. There, all I say is that High Speed 2 have not really considered the maintenance demands of their own proposals on their drainage solution.
28. So, where we have got to is that we have the parties still fundamentally at odds where the High Speed 2 Committee said last year, ‘Please go and use your best endeavours to sort it out’. The process has basically failed over the last year and I suppose what I would ask the Committee to consider is the economic prize which is at stake here. The Axa proposal produces not 200 jobs more but 1500 jobs more. In a community like ours, that is of fundamental significance, but crucially it produces thousands of those jobs up to 10 years earlier. That is very, very significant. £1.4 billion of extra economic cost, £2 million a year of extra business rates which under the new enterprise zone freedoms could be capitalised to create infrastructure funds which are critical to unlocking the High Speed 2 growth plan for the West Midlands Combined Authority, and the clinch for me is that it looks on first analysis that the Axa proposal is actually £23.5 million cheaper to build. So, when we are thinking about trying to minimise the cost of High Speed 2, it looks like the High Speed 2 proposal is actually cheaper.

29. So, I am afraid that the process has been flawed. There has been no real fundamental re-evaluation on first principles whereby you build the rolling stock maintenance yard on this great big chunk of land. There has not really been an attempt to reach agreement with Axa. The meetings have been pretty poor and uncollaborative. There has been no real consideration of socioeconomic factors and there are just some pretty big, chunky issues that have not been resolved, I am afraid, on the construction process, the drainage, the functional requirements of a depot and the land take.

30. So, where does that leave us? I think where that leaves us is I am afraid there is still an awful lot more work to do. Obviously, what I would love the Committee to do is to just impose the Axa design but I appreciate that that is probably an unreasonable thing for me to ask for. Trying to think about it from the Committee’s point of view, I just wonder whether actually the right approach may be to say to both parties, because there are no doubt rights and wrongs on both sides, ‘Look, please work through for us. Test to destruction the Axa proposals. Tell us what he fatal objections are. Tell us why those objections cannot be designed out but crucially can both parties report back to the Committee some kind of objective scorecard of technical requirements and socioeconomic factors so that you are actually able to weigh up in the round what is the best way forward, and obviously that needs to include consideration of how the depot
works, what the right drainage solution is, what the right approach to the construction phase looks like, what is the right approach to highways and at least then the Committee does not have to just take High Speed 2’s word for it. You can actually come to an objective assessment for yourself.

31. My final word, Mr Crausby, I suppose, is that we are building this railway in order to transform economic potential for communities like East Birmingham. Here is an extraordinary opportunity to transform our economy, not just for the next few years but for the next century. For the sake of another two or three months’ work under your instruction I think it would be a sensible investment of time. I don’t think it would delay the passage of the Bill Committee but what it would do is substantially ensure that we have the best possible solution, not just for Hodge Hill but actually for the West Midlands Combined Authority. I will stop there, Mr Chairman.

32. CHAIR: Shall we move on to Mr Elvin now or do you want to respond, Mr Mould, at that point?

33. MR MOULD QC (DfT): I think that Mr Byrne is appearing in his own light, isn’t he, so perhaps I should respond to him. I think in a sense that Mr Byrne is pushing at an open door in that I have no objection in principle to seeking to develop a scorecard, if you like, which sets out and scores the HS2 proposed depot with the Axa proposed depot. I want to make it clear to the Committee and indeed to Mr Byrne, who I know met with Professor McNaughton, our Chief Engineer, a few weeks ago and had a careful explanation of the concerns that we continue to have with the Axa proposal, even with the refinements that he has just mentioned.

34. The promoter has no vested interest in sticking doggedly to its design if there is an alternative design that will work for the HS2 railway, by which I mean the HS2 Phase One and Phase Two Railway, because we are futureproofing this, as we explained to you last September. We have no vested interest in seeking to resist a proposal for a design that will work in that respect and then delivers further land back to the local community and can be delivered at a cheaper cost, which I think is essentially the case that is being put forward. Why would we have a vested interest in that? It has everything to gain by that.

35. The reason why we haven’t accepted that proposal hitherto, even with the
refinements that have been proposed, is because our judgment is that it will not work. If we can be persuaded that we are wrong about that and that there are ways to make it work both for Phase One and Phase Two, then we may well be able to accept it.

36. I hope that indicates where we are. The principal purpose of the meetings was to see whether we can get to that position. We haven’t been able to get to it.

37. MR HENDRICK: What is it about it that doesn’t work?

38. MR MOULD QC (DfT): It doesn’t provide the operability that is required for the full operation of Phase Two. Professor McNaughton will say to you if he needs to be called that at a pinch it can be made to work for Phase One but it won’t work for Phase Two.

39. MR HENDRICK: What is the constraining factor on it?

40. MR MOULD QC (DfT): It does not have a sufficient quantity of sidings of sufficient length to be able to accommodate in a way that is operationally effective the volume of traffic and the throughput of traffic that is required and that it is designed for under Phase Two. That is the position. That is our position. It is all very well that Mr Elvin is going to say that I am wrong.

41. MR HENDRICK: You will be able to come back in a minute.

42. MR MOULD QC (DfT): Yes, but that is our position. If we are going to be persuaded about that as those who have the custodianship of promoting this railway we have to be persuaded in a way that we are confident with otherwise we are wasting millions of pounds of public money. That is the stark reality. It is all very well but Axa are not railway designers. They have a body of people who have expertise in this matter but they need to persuade us that we can confidently promote on behalf of the Secretary of State this depot so that it does what it needs to do. That is really the issue here. That is the principal issue. Everything else flows from that. If we can do that in a way that releases more land and in a way that enables different access arrangements to be introduced, all well and good but the starting point is can we provide a maintenance depot that works with a lesser land take than that which we have shown on the plans in front of you.
43. Everything else you hear today is, frankly, beside the point in that respect. If the view is that further discussions should take place, as Mr Byrne has suggested, in order to pursue that matter, as I say I am happy to do that and Professor McNaughton, as the Chief Engineer is happy personally to lead on those discussions.

44. CHAIR: Mr Byrne?

45. MR BYRNE: That is a very significant concession this morning. It is frustrating that we have had to come to Committee to extract that concession, very frustrating indeed. It has been a very expensive process getting everything prepared for today but progress is progress. All I guess I would ask the Committee to consider, given the waste of time that we have had over the last year, is a pretty stiff instruction to the parties to come to a mutually satisfactory conclusion because many of the High Speed 2 objections like fit for purpose for Phase Two are based on the design that was submitted in December last year, not the design that has evolved and was last tabled in September this year.

46. MR MOULD QC (DfT): That’s wrong.

47. MR BYRNE: I don’t think it is. I think the High Speed 2 objections – you have miscounted the number of sidings, for example. So, the Committee needs to be pretty stiff with the parties in coming to this scorecard and a process that works.

48. MR HENDRICK: How far apart are you now?

49. MR BYRNE: I will leave that to –

50. SIR PETER BOTTOMLEY: Miles.

51. MR BYRNE: Clear miles.

52. MR HENDRICK: You are miles apart.

53. MR BYRNE: Miles, yes.

54. MR HENDRICK: I don’t mean geographically.

55. SIR PETER BOTTOMLEY: I think it is best to get into the meat. If I can make a suggestion, we are not interested in what has happened between the last meeting and
now except for where you got to in the most recent proposals which Axa are putting forward and in the technical view that the promoters have. If you can start from there, we don’t need to know everything that built up to it, please.

56. MR ELVIN: Can I ask the question? I haven’t actually presented our position yet.

57. SIR PETER BOTTOMLEY: I know. I am trying to make sure that when you do present it, you start from the last time that you got together, when you said it was the petition team who met you rather than the technical people, because there has been a technical meeting, I understand. Building on from there, we want to know what issues are in front of us now, not how you got there.

58. MR ELVIN: There are a couple of things, Sir Peter, that I do need to draw your attention to because it indicates a closed mind on the part of HS2 which means that further process does have the potential, if sufficiently clear direction is given by the Committee, to actually get somewhere.

59. SIR PETER BOTTOMLEY: Please bear in mind what I have asked for.

60. MR ELVIN: I will, but it is also important that the Committee understands the reality of the way that HS2 conducted the negotiations because that then leads you to a view as to whether there is likely to be no progress if they are actually required to consider the detail.

61. SIR PETER BOTTOMLEY: Work on the presumption that some of us have read quite a lot of the stuff that is in front of us, so if you mention it rather than try to explain it in detail, that would be convenable.

62. MR ELVIN: Yes.

63. CHAIR: Okay. I mean your evidence was separate, Mr Byrne. Have you concluded your evidence?

64. MR BYRNE: I have, Mr Chairman.

Friends Life Ltd and Axa Real Estate Investment Managers

65. CHAIR: Thank you, Mr Elvin?
66. MR ELVIN: Sir, bearing in mind what Mr Mould has just said and what Sir Peter has just made clear, I will, of course respect that. I just want to make clear two or three things to start with. Firstly, a few months additional process here with a clear direction from the Committee is not a significant effort or expenditure bearing in mind the impact on this area and the massive benefits that would arise. Can I just put up our economic statement?

67. SIR PETER BOTTOMLEY: Just before you do that, would someone like to put up the best example of what Axa are asking for and how that compares.

68. MR ELVIN: Can I put up the two plans in that case?

69. SIR PETER BOTTOMLEY: That may be helpful.

70. MR ELVIN: I am happy to do that and I was going to do that at some point in any event, if you will just give me a moment, sir. Could I have put up A1667(81) followed by (87). This is the HS2 scheme. The residual land that is shown is residual land that only becomes residual after construction is complete, i.e. at least 10 years hence.

71. You can see there is a brown area that has a pointer over it. That is said to be residual land but it is residual land that is only residual at some distant future date and therefore any job creation is deferred until the late 2020s.

72. MR BYRNE: It is worth saying that this all round here is highly, highly dense.

73. MR ELVIN: Residual, yes.

74. MR BYRNE: It is terraced housing.

75. MR ELVIN: The additional area of land Mr Mould identified as six hectares – in fact is up to six hectares, it is not actually six – is the southern extremity of that immediately adjacent to the residential areas, hence the problem Mr Byrne adverted to with HGVs.

76. MR BYRNE: You can see that there is no real clear access to it.

77. MR ELVIN: And, indeed, my clients are quite clear on this. That is actually worthless in terms of getting proper employment development out of that land. You
need it to be associated with land to the north.

78. SIR PETER BOTTOMLEY: For the sake of our discussion, Friends Axa own a significant slab of land, not all of it but for the purposes of this most of the land involved is the Axa—

79. MR ELVIN: It is indeed and you will see that on the next plan, which I think is 87 or 88 please. One may be the cover page. Can that be swapped round and rotated counter-clockwise? This area here, which you can see outlined in blue, is largely the Axa land other than an area which has been highlighted just to the east. That allows the depot with all its facilities to be provided. The balancing ponds are undergrounded under the car park so that there are no operational conflicts with the tracks and sidings and the operational side themselves, and what you get is about 50 per cent of the land is not required. That then releases that employment land for development within the near future rather than in the low 2020s and that comes with the benefits which have been described, an extra 1500 jobs, £1.4 billion injection net present value to the economy, £2 million per annum extra rates and all that that carries with it.

80. These are all important gains, particularly to the people of this area and we say, of course, not only that, there is the saving to the scheme because you don’t actually have to buy the best employment land in Birmingham from Axa by compulsory purchase, so you are saving in public costs as well. So, we say it is a win-win both for the public purse and for the people of the area and indeed for my client in economic terms because it can get on with the development. We are not here because we don’t think this scheme can work. My clients have spent over a year in a series of frustrating negotiations with HS2 and come back to the Committee because they think this can be made to work. We are not here for fun, as I am sure the Committee appreciates.

81. What you have here, therefore, is the possibility – we say a viable possibility – of releasing a significant part of the depot site if HS2 will focus not on their preliminary scheme because the Bill Scheme is only a preliminary design; it has been designed to very wide and generous standards. It will be designed down, at some stage in the future. Our request to the Committee is to say to HS2, ‘Go away with Axa for another two or maybe three months and make a serious effort to reach agreement on this’ and I am grateful for Mr Mould’s concession on that issue. That work is work that is worth
putting in because of the huge benefits both to the people of the area and in economic terms to the area to make that additional effort.

82. MR HENDRICK: What percentage of the land does putting the ponds underground actually release?

83. MR ELVIN: It releases quite a lot of land. I couldn’t give you the precise figures. It is about 3 hectares.

84. MR HENDRICK: And what percentage is that of the total?

85. MR ELVIN: Not very much; about 33 hectares is the area that we can save on our scheme, roughly speaking, so it is about a tenth.

86. MR HENDRICK: So, just 10% of the land?

87. MR ELVIN: Yes.

88. MR HENDRICK: And you think that is quite critical to the success of what you want to do on that land?

89. MR ELVIN: The more land you have, the bigger the critical mass you’ve got in terms of development, the bigger the benefits are.

90. MR HENDRICK: Yes, I accept that. It’s just that a tenth doesn’t seem a great percentage.

91. MR ELVIN: Mr Hendrick, if the argument came down to, ‘We need to do the balancing ponds slightly differently’, that is something that there could be a genuine engagement over. We were told at the first construction meeting – I am sorry, Sir Peter, but can I just mention this particular fact? We were given the particular details of HS2’s concern with our initial plan on 17 April for the first time, so it took four months for them to provide it. We were told at the same meeting, ‘These problems can all be designed out’. Mr Dyer, who sits over there for Arups, said at the meeting that these are all problems that can be designed out. However, HS2 then said, ‘We’re not going to consider your response to our questions until after we’ve delivered our draft report’. So, they never actually engaged on the solutions to the proposals. They were working up their objections to the initial plan, which is again, Sir Peter, why I say there are issues.
92. Can I just touch on where we are today in terms of the reality of going to further negotiation? Firstly, the issue of contamination of the £50 million. Our view is that because of the scale of the balancing ponds, the balancing ponds are caught by the Reservoirs Act in any event – the contamination issue is going to arise whether it is the Axa proposals or the HS2 proposals. So, as to additional cost, in fact it is cost neutral because the same legal requirements will apply to both schemes.

93. MR HENDRICK: Are there technical difficulties in digging –

94. MR ELVIN: The actual cost comes, HS2 say, from the contamination.

95. MR HENDRICK: No, but we don’t know how the contaminated material, which I would have thought was much harder.

96. MR ELVIN: Dr Sweet says it takes extra effort but it does have huge benefits in terms of land release and in terms of land cost saving.

97. MR HENDRICK: Okay.

98. MR ELVIN: Let’s take the issue about capacity of the number of sidings. Firstly, the slides that you have been presented with by HS2 don’t actually have the correct number of sidings on them. Mr Garrick can speak to that if he needs to but they have the wrong number of sidings. Our calculation of capacity is that there is precisely the same ability to accommodate in track and sidings as with the HS2 scheme. That needs to be gone through in detail, clearly, with Professor McNaughton who was not present at any of the meetings. Unfortunately, he wasn’t there to discuss it with us. We are happy to have those discussions.

99. Secondly is the alleged congestion in the throat of the depot. That was because the HS2 analysis had our bypass track going through the washer as well as the two washer tracks and so they said there was going to be congestion. They only acknowledged that when we see that they have changed the plan subtly to show the bypass track now out of the washer in the plans and the slides, but they have not adjusted their assessment. The fact is that a significant number of movements can be taken out of the throat altogether. There is further scope for resilience in terms of point failure, which they say to be concerned about. They have the same problem with point
failure that half the sidings become cut off and you have to make arrangements with
trains within alternative sidings if you have a points failure. Well, that is the same
position as under Axa and frankly the issue of the single point dependency is not
unusual in this country. Over half of similar facilities have single point access. The
HS1 facility at Temple Mills has the same. So, we are not talking about issues which
should create a gulf between us.

100. Just focusing therefore, Sir Peter, on those issues, those are all issues which we
say should they had been properly considered – and HS2 did not start considering our
scheme which does accommodate Phase Two until after our report in September. The
dialogue that took place for six months didn’t engage on the solutions because HS2 said
that they weren’t prepared to consider them at that stage.

101. SIR PETER BOTTOMLEY: In effect I understood that because I have read the
pages you kindly put at the back of your black folders.

102. MR ELVIN: Yes, and for example the timetable conflict analysis that you have –
I don’t know what the exhibit number is but it is page 39 of the HS2 slides – is
calculated on the basis of the original December plan, not on the September revisions. It
is based on an incorrect number of crossovers, an incorrect number of sidings and
assumptions.

103. SIR PETER BOTTOMLEY: We understand that. We face a dilemma. One is
that you are saying that the right technical people haven’t had discussions together.

104. MR ELVIN: There have not been proper discussions, yes.

105. MR HENDRICK: These things are…

106. MR ELVIN: I will show you that.

107. SIR PETER BOTTOMLEY: We face the choice, I think, Chairman, either of
hearing it all rather extensively with us as the third parties or the link, or I am tempted to
suggest that you go outside in the corridor for half an hour and then come back and tell
us what actually are the issues that you aren’t agreeing on. If your people have spoken
with Professor McNaughton since then, it might be an idea to lay out briefly what you
are after and then perhaps the promoters, if they think it is right to do so, will explain
what they think the residual difficulties are and what they think might still be possible and then we can come to a view, but at the moment I fear that we are going to get into a rather indirect kind of discussion which isn’t going to be terribly satisfactory to you or the promoters or, for that matter, to us.

108. MR ELVIN: Sir, I entirely accept, and Mr Byrne has already said this, that the Committee can’t really simply choose between them on the basis of technical evidence.

109. SIR PETER BOTTOMLEY: For a start, we wouldn’t; we try to get people to agree on what is right and what works. That is what we try to do.

110. MR ELVIN: Sir, all I am seeking to do and Mr Mould, I think, referred to pushing at an open door – I am happy to go outside and talk to him and see if we can do something – is that we have a rather more focused and genuine engagement with the Professor who has not been offered to us as a party to discuss before.

111. SIR PETER BOTTOMLEY: If we have other petitioners here, can I suggest that we ask these petitioners and the promoters insofar as possible to go out and have a chat and see what are the issues they want actually to bring in front of us today and then they can come back.

112. MR CLIFTON-BROWN: I think – about how you suggest that it will be resolved.

113. MR MOULD QC (DfT): I anticipated this about 15 minutes ago.

114. MR CLIFTON-BROWN: I think you need to go outside. There has to be a process of some sort to resolve this. We are not sufficiently expert to be able to judge between the two sides. We want to hear from you what process you are going to put in place to resolve it.

115. MR MOULD QC (DfT): Yes, absolutely. We’ll do that.

116. CHAIR: Thank you. I am going to move to the next petition while they are out, number 1173, Geoffrey Brunt.

Geoffrey Brunt

117. CHAIR: Do you want to do a short introduction, Mr Turney?
118. MR TURNEY (DfT): I will do, sir. Mr Brunt is a landowner affected by land acquisition from the scheme. He owns and runs Nash Lee Farm, which we can see just about here. Can we go to P11219, please. We can see here the Nash Lee Farm holding. It is 45 acres and, as I understand it, something in the order of 15 acres is identified as being within the scheme land take for construction. Six acres are lost permanently either to the railway or to planting and the footpath, which I will show you shortly. The remaining eight and a half acres could be returned to grazing, although some of that land is identified as drainage area. Perhaps we could go to P11222.

119. SIR PETER BOTTOMLEY: This is the three –

120. MR TURNEY (DfT): It is, yes.

121. SIR PETER BOTTOMLEY: And we have a petitioner who is directly affected this time?

122. MR TURNEY (DfT): Absolutely, directly affected by land take. What I am going to show you here is the line of the route. This is in the operational phase. You see in the middle of the image that this is where the route widens for the maintenance loops, which you have already heard evidence on, and the petitioner’s landholding is still outlined in red. What we can see here are three pieces, or four including the track, of infrastructure concerned with the railway. The first is the track itself and then there is this footpath bridge and the ramp up to it, which is engineered to get over the railway. It has to get about nine metres clear of the track so there is a ramp up. There is planting on both sides of that ramp and along the line of the route and there is this area, which is a land drainage area.

123. As I understand it Mr Brunt’s concerns relate to the necessity to have a ramp as opposed to a stepped access, which could be more closely aligned to the railway, the extent of the land take for planting and the presence of the drainage area. I will just say on the drainage area that this is an area which can be returned to the landowner, but obviously it will, as a result of our works, be more prone to be wet, be more prone to flood than the land is perhaps at present. So, as a result it could be used for grazing or indeed for arable, if that was an appropriate use in these land drainage areas, but it would be more prone to flood.
124. Why do we need a ramped access? We have tried to provide ramps for footpath bridges because that is the national requirement in the design manual for roads and bridges, that you provide a ramped access unless there are exceptional circumstances that justify you not doing so to allow the users of the footpath to get up and over the bridge. That is why we provide a ramp. The mitigation planting in this area here is in part to provide mitigation planting for the ramp itself and in part to provide planting to mitigate the visual impacts of the railway, which is at this stage just about at grade coming out of the cutting and about to go on to the embankment but it is slightly wider because of the maintenance loops. I hope that helps by way of introduction.

125. SIR PETER BOTTOMLEY: This is prime land?

126. MR BRUNT: I think so, yes.

127. MR CLIFTON-BROWN: What grade?

128. MR BRUNT: On the land classification it will probably be 3, possibly A or B.

129. MR CLIFTON-BROWN: Just remind us, how many acres out of how many? What’s your total holding in hectares and how many are you having taken?

130. MR BRUNT: Hectares or acres?

131. MR CLIFTON-BROWN: Either, we understand both.

132. MR BRUNT: I speak English better than I speak French. This particular plot that you are looking at here is about 45 acres but I have about 220. I have another farm just up the road about half a mile away.

133. MR CLIFTON-BROWN: And how many are you having taken?

134. MR BRUNT: Just that little tiny bit, just the corner.

135. MR TURNEY (DfT): If it would assist we could give the figures again. I did them quite quickly but the area that is taken for construction represents the whole of this corner, so if we say the whole lot for construction, that represents 14.5 acres. I think I rounded it up to 15. Six are lost to the permanent infrastructure and a further 3.2 are the land drainage area. So the amount returned is 8.5 but 3.2 of that is land drainage area.
136. MR BRUNT: Yes, and the basic thesis of my suggestions today is that most of that is completely unnecessary. I don’t need to tell the Committee that the most important thing that they are here to do is to try and reduce the amount of farmland taken by the railway. After I sent my petition in I got, sometime later, the promoter’s response and I would just like to quote quickly: ‘However, in any individual case’, and this is in quotes, ‘the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than that which appears to him to be reasonably required following the detailed design of the scheme’. Clearly, I don’t need to tell you that, but the fact is that this is the prime example of where there is land being taken which doesn’t need to be taken. The map you have in front of you is quite a good example of this.

137. As it happens, if you look – you can’t see it but down to the south of the map, way off the map is where I live and where my main farm holding is. And so this is the furthest extent of my land holding.

138. SIR PETER BOTTOMLEY: Could we just turn quickly to 11218? Could you point to where it is when it comes up?

139. MR BRUNT: Yes, it is there, Grove Farm, and that area there.

140. SIR PETER BOTTOMLEY: Right, okay. We can come back if you want to.

141. MR BRUNT: The point is, all I was going to say was I am particularly lucky as farmers go because all you want to take from me is a couple of acres right off the furthest corner of my furthest landholding. I am not asking for access bridges or anything like that, and even then it is not like it is cutting off a piece of land on the other side of the line or anything like that, but the principle applies that whereas you actually need – you can see in the top corner of that field there, the line just literally clips the corner off the field; that’s easy, no problem at all – I would suggest probably about two acres, possibly three, you have just heard the gentleman say that you are intending to take something – I don’t know, six, 12, 14 acres or something like that – completely unnecessarily.

142. There are three aspects to this argument. First, we had better get started on this ramp business. If you go to the map which is back two or three, the one which will
show the field boundary, the drainage area is not in the same field as the ramp. In fact, there is a dead straight line which goes down there. The drainage area is in the bottom end of this rectangular field, which I can tell you is exactly 20 acres, and then the ramp bisects an eight acre grass field, which was eight acres. Take two acres off and it is probably about six acres left, and yet for some reason someone sees fit to bisect that and cut it right in half with this ramp. There is a public footpath that goes across that and the public footpath, of necessity, will have to go over the top of the railway line. Okay, that’s a bridge. That’s nothing to do with me. The question is how do you get up on top of the bridge?

143. My suggestion is that a staircase – an outdoor staircase, of course – would be the logical way of doing that and it would take up the least amount of space. I have been assured by the HS2 people that they can’t have a staircase; they have to have a ramp because they have to be all inclusive. They have to allow for wheelchair access. Where do I start? Three weeks ago four people came out from HS2. They came out on a wet day. It was November 5th. There is no way anybody on a wheelchair ever gets anywhere near this point. My cattle have seen to that already and even if they weren’t there, the place is just a filthy mess in winter. It is wet. It is wet ground. We are off the Chilterns. We are on overlying gault clay. This land does get saturated in the winter. There is no way anybody on wheels is ever going to get up there so my suggestion is that steps are necessary. If you have to have a ramp, have a ramp but you don’t put it across the field like that.

144. SIR PETER BOTTOMLEY: You put it on the field edge?

145. MR BRUNT: On the field edge running parallel with the railway line. Now, if you look just to the left going off my ground where the cursor is there, there is a strip of trees there and that presumably – this is not my ground, but that is presumably a tree shelter belt which strikes me as a pretty sensible idea. Apart from anything else, I won’t be able to see your unsightly railway line, but if you were to extend that narrow strip where the cursor is now and then take it to the right and then just take it along through my ground, it strikes me that that is a sensible place to have a shelter belt.

146. So, looking down just below it either side of the ramp you see to the right of the ramp an almost perfect isosceles triangle of trees and to the left you see, well, actually,
another one a little bit smaller. What is that all about? That’s taking out two or three acres of land which doesn’t need to be taken out. It’s perfectly good grazing land. In fact, it’s exceptionally good grazing land and the only reason it’s grazing land is because it has never been drained. I say it has never been drained but it is in ridge and furrow and anybody who has a passing interest in agriculture will realise the significance of ridge and furrow, especially these days when we are not allowed to destroy it.

147. The field to the right where the drainage area is, which I am going to come to in a minute, is arable land indicating that it is all good land which could be farmed in arable production. It can’t be farmed in any sort of production if you go and build this blinking great ramp over it and plant trees on the rest. I have to take my hat off to the people who are the draftsmen who drew this railway line in the first place. They are obviously very good at what they do. They are sat in an office probably somewhere in London. They have taken maps and they have drawn a railway line right across England and they’ve taken into consideration all the various topographical details on the way and they’ve done very, very well but they can’t be expected to know the lie of the land. My father took this ground over in 1959. I have known it for the last 56 years. I farmed it myself for the last 30 years. There isn’t anybody else. That’s why there is nobody sitting here because there is nobody else who knows this ground like I do and it. And it’s too good to waste and it’s not necessary to have those features.

148. The only reason those trees that have been put in, as far as I can see, and let’s face it, they stick out, they’re not like anything else that’s there, are they, a strip of trees along by the line makes sense. Those triangles don’t. Somebody has just put them in as a random woodland just simply because there was a gap. They had to fill it with something. I have strong views on filling in gaps. That’s another matter. Let’s go through into the other field which is the 20 acres. That is an arable field. Now, again, who has a passing knowledge of farming, and I believe at least one of you on the Committee does if not more, but, will realise that you can’t just go and cut up an arable field. So, you know, tracks run in straight lines and the 20 acres is not a big arable field at the best of times, to go and knock a piece out of it, is just not on. And especially when it’s not necessary. Now, the promoters are going to tell you that they need somewhere for the one in a 100 year event of excessive rainfall. First of all, that land’s been there for 10,000 years. It’s probably been farmed, certainly, several thousand
years. And I’ve never seen a flood there yet. I’ve known it, not for that long, of course, for quite a long while. The field boundary between the bottom of the arable field and the grass field.

149. SIR PETER BOTTOMLEY: Do you want to show us? Put your finger down, just so we can.

150. MR BRUNT: It goes down across there. There is a ditch there. I know. I’ve only just dug it out this summer and it runs down past that point there and it goes into this wiggly red line. Now that wiggly red line apart from being my boundary is also a brook.

151. SIR PETER BOTTOMLEY: Which is why it’s wiggly.

152. MR BRUNT: Quite. Now, it’s a permanent water course. It runs water all through the year. It never dries up this one. And it follows the line. It looks a little bit odd because it’s got a right angle bend in it. This farm was owned by the Rothschild family back at the end of the last century. And I suspect that they re-jigged it. But, that’s by the way. The watercourse follows that line, which is my boundary, and past the right angle and it goes up there and it goes right to the corner of the red line, up the top here. And it then it is joined by another brook coming off from the other side there. And it then comes back again, almost on itself and comes back through here. In other words, the main watercourse finds its way back down through there. My neighbour’s field, where the cursor is at the moment, I note that they’ve put in a wetland area, extra grassland, extra wetland. Sounds to me a bit like a soak-away. And the presence of that completely negates any requirement for a soak-away in my field, which, incidentally, is part way up a slope. In my experience water doesn’t normally run up hill. It normally runs downhill. And although they will say that the railway line itself will be a solid construction and therefore impervious to falling water, the water will run off it, and that, on my side, will have to go somewhere, there will of course be a stream, a ditch of some nature, going along beside the railway line. They’ve run it into this drainage area which I don’t want there. I’m suggesting that the ditch in question just continues to run along beside the railway line which it can perfectly easily do and finds its way into that drainage area which is already in existence.

153. SIR PETER BOTTOMLEY: Can I ask a question?
154. MR BRUNT: Yes.

155. SIR PETER BOTTOMLEY: Your ditch, the further ditch, is northwards, essentially? The flow of the ditch is northwards.

156. MR BRUNT: Which ditch? The one?

157. SIR PETER BOTTOMLEY: The one on your field boundary, which you say comes up and in effect comes up to the corner of your field then back down. So, up and down, like that way. That’s the flow?

158. MR BRUNT: Yes.

159. SIR PETER BOTTOMLEY: It’s going towards your neighbour’s wetland?

160. MR BRUNT: It comes down. Is this due north this?

161. SIR PETER BOTTOMLEY: North is in the top corner.

162. MR BRUNT: No. I see north is pointed up there. The lowest point in the arable field is this bottom corner here. So, everything runs to there, that ditch. It then goes under, through a pipe, which is only about 30 yards or so, to that point where the cursor is now and joins the brook which is flowing in that direction which is almost due north. Yes.

163. SIR PETER BOTTOMLEY: Okay. And then the brook then comes up the field edge again.

164. MR BRUNT: At the right angle, yes.

165. SIR PETER BOTTOMLEY: And gets across where the line will be, and then does a little turn around and comes back down, and into the wetland.


167. SIR PETER BOTTOMLEY: Do we know from the promoters whether they’re proposing to divert that brook?

168. MR BRUNT: They’re going to have to.
169. MR TURNLEY (DfT): There’s a culvert to take it under the railway.

170. SIR PETER BOTTOMLEY: And it’s going to go under the railway and back again is it?

171. MR TURNLEY (DfT): There’s quite a complex arrangement here of brooks. Stoke Brook, I think we’ve already heard about. We’ve already heard about flooding issues in this area.

172. SIR PETER BOTTOMLEY: Yes.

173. MR TURNLEY (DfT): There’s quite a complex surface water drainage in this area and I should just say that it is that reason why we have included a land drainage area where we are putting in this new embankment because we are going to require extra capacity in the case of heavy rainfall, the one in 100 year design requirement. So, that is why we have a land drainage area. And the positioning of this ramp is to some extent constrained by the surrounding brooks because if you were to move it so it was conflicting directly with the brook you would require more culverting of that brook. So, we have to sort out the land drainage in this area. I think that’s absolutely clear. We’ve got a railway that’s coming from a cutting out to somewhere around here, around grade, and then on to an embankment. We need to drain that. We need to drain the other structures that we’re building. And it’s been designed with that in mind.

174. SIR PETER BOTTOMLEY: We understand that. We’re interested in what happens next, I think. Will water come back across the trace towards the wetlands and the neighbour’s field?

175. MR TURNLEY (DfT): Yes.

176. SIR PETER BOTTOMLEY: Okay. I think what we’re hearing from the petitioner is that having the ramp like that is unnecessary.

177. MR BRUNT: And can cause more problems than are already there.

178. SIR PETER BOTTOMLEY: And I think what we’d be quite interested in hearing, I’m not sure it’s what the petitioner would propose, is whether you can get the access to a footbridge, whether a ramp or steps, that’s the big issue at the moment, that
doesn’t stick straight into a good field, that either comes up the edge of the field or somehow comes up the embankment of the line.

179. MR CLIFTON-BROWN: Why can’t it be angled round a bit?

180. MR TURNNEY (DfT): There are two issues with moving this. One of them is the brook which we’ve already been pointed to. So, you can’t build the embankment for the ramp over the brook. The other one is the railway itself. Well, three issues in terms of its orientation. The other one is the railway itself because we are trying to avoid putting diverted footpaths running alongside the railway. We’ve already heard from other petitioners at length about the desire to cross the railway in as short a distance as possible. And the other one is maintaining footpaths so far as possible on their existing alignment. And that is, the footpath strategy has been explained for a number of petitioners. Many of them users of footpaths who complain about lengthy diversions, so we’re sticking as close as possible to the existing line, crossing the railway, and we need to get up and over it.

181. SIR PETER BOTTOMLEY: There’s a massive difference between having a footpath across a grass field and having a great big ramp stuck in, a ski slope, put into the middle.

182. MR TURNNEY (DfT): There is, but we have to get over the railway. And we, as I’ve already indicated, and I can show you the design manual for overbridge is necessary. But, the manual there makes clear that only in exceptional circumstances should you rely on stepped access as opposed to a ramp because you want to create footpath overbridges that can be accessed by everyone and not just by those who can manage to walk up a flight of steps.

183. MR HENDRICK: That scale, because it looks very.

184. MR TURNNEY (DfT): It does. That’s already, as I understand it, a relatively steep slope. So, to get it, because we have to get at least nine metres over the railway.

185. MR CLIFTON-BROWN: Surely a ramp by its nature is a ramp if necessary over the ditches? If you moved it slightly, instead of it being like that, it moves like that, it follows the field boundaries. It’s a ramp over ditches and then move it slightly. It’ll
make the footpath marginally longer, but not greatly, and then put the balancing pond, if you really need one, in that little corner, which isn’t going to be much use for farming anyway.

186. MR TURNNEY (DfT): Yes. Well on the footpath, as I’ve explained, we see this as being constrained to this location because of the need to introduce a ramp and because of the need to avoid conflict with the brook. Because we don’t have to increase the culverting length of the brook if we take it at this angle. In terms of the of the land drainage areas, the land drainage area can be returned to agriculture and it shouldn’t be wet for much of the time. We’ve looked at this. We’ve already explained to the petitioner that we are happy to discuss with him moving it. And we’ve looked at it and we think we can move it into this triangle. That pulls that away and constrains much more our land take here. We’ve said, and the petitioner helpfully started by saying, that following detailed design we won’t take more than we need, and that’s absolutely right. It’s not in our interests to take more land than we need.

187. MR HENDRICK: a bit more to the northwest but keep it within the boundary was the petitioner’s ask.

188. MR TURNNEY (DfT): If the petitioner would like us to, we’ve set this out in our Information Papers, that where possible, if land owners say this land drainage area should be somewhere else, as I understand it, they are sensitive to some degree as to the location of these land drainage areas but not perhaps as sensitive. We can look to move this from here, to this area here, if that would provide.

189. MR BRUNT: Yes, that’s what I mean, yes.

190. MR TURNNEY (DfT): But, I’m happy to take it away for it to be looked at in more detail. But, in terms of moving this footbridge, my instructions are that if it’s to be on an embankment, on a ramp, which it should be for the reasons I’ve said, and if it’s to cross the railway, it needs to be in this location. This is the best location we can find for it because otherwise we conflict with.

191. MR BRUNT: It doesn’t conflict at all. For one thing, it doesn’t have to be an earth ramp. If you must have a ramp then why not have a manufactured ramp? You can have manufactured steps. You can have a manufactured ramp. And it could be
within the confines of the strip of trees which is on the edge of the railway.

192. MR TURNERY (DfT): I’ve already explained why we don’t want to go up alongside the railway. Can I also say about farms?

193. MR BRUNT: Who says you can’t go alongside the railway? It’s only going for a few yards.

194. MR TURNERY (DfT): Multiple petitioners, and we’ve heard it from many people. Can I also just say about the area of planting, because I think this is quite important? The concern that will be known to the Committee is the view from Coombe Hill of our railway infrastructure. This is the widest bit of the railway in the area. It’s the maintenance loop. It’s been a particular concern, including a concern from the National Trust. And it’s for that reason that our mitigation planting here is relatively extensive compared to other areas. And one of the reasons why we are planting up this area. We do need to plant around it. But, again, if we can, during detailed design, change that in negotiation with the land owner, and the Committee have heard about our assurances to the NFU and the CLA, which grapple with these points and they’re practical implementation. We will seek to minimise land take. But, if it’s being said that there is some other technical solution to getting this footpath over the railway, then it needs to be spelt out in some detail.

195. MR CLIFTON-BROWN: You weren’t listening to what I said. If you angled it slightly differently, and we’re not saying you shouldn’t do it, angled it slightly differently, so it goes along the field boundary, rather than going, as the petitioner says, dissecting one of his valuable fields.

196. MR TURNERY (DfT): This is effectively to move it clockwise? Is that what?

197. MR HENDRICK: Well, yes.

198. MR TURNERY (DfT): To take it along that boundary?

199. MR HENDRICK: Yes.

200. MR TURNERY (DfT): That’s the, yes, that’s the conflict we’ve got. This is the conflict that we get with the ditch. The result of conflicting with the ditch is you have
to have a longer culvert for a ditch. It’s quite sensitive and it means you need more flood compensation storage. So, the more you’ll be culverting the ditch, the more we’re going to need by way of flood storage area.

201. MR CLIFTON-BROWN: We just said, as Sir Peter said, it doesn’t necessarily need to be a solid earth construction. It could be a bridge construction to form the ramp. So, that the culvert can flow underneath the bridge that the footpath’s on.

202. MR BRUNT: It doesn’t go anywhere near the culvert. The brook goes along effectively where the red line is and we don’t have to interfere with that. The red line is the brook. You have a green strip if you like, the same width as on the other side of the red line, which just goes along there. As far as the National Trust are concerned, they were in touch with me many months ago about this. And this whole idea of having to put in extra woodland to screen the line is completely bull-fish because there’s nothing else to screen there. The only thing you’re screening is your ramp. If you take the ramp away, you don’t need to screen it. The line will be screened by a strip of trees which is, as described, to the left of my ground. There’s nothing wrong with having a strip of trees. We all want that. And actually there’s no reason at all why the ramp shouldn’t be within the strip of trees. And screen it that way.

203. SIR PETER BOTTOMLEY: Trees help residents of North Lee. I think it’s fair to say that from Coombe Hill it’s actually looking straight across your land.

204. MR TURNERY (DfT): Can I just say on the trees? The trees are of course there in part, you can see from the shape of the planting, it is in part to screen the ramp.

205. SIR PETER BOTTOMLEY: Yes.


207. MR TURNERY (DfT): There are two drivers here. One of them is that we have come under pressure to introduce more mitigation planting in this area because of the sensitivity of the view from Coombe Hill, that’s one aspect. The other aspect is, yes, there is an element of screening for the ramp. If that ramp was to be replaced by another structure, a man made structure, the need for screening of that structure would remain.
There is a constraint there. Can we look to minimise the land take? Yes. Are we going to do that in respect of this land? Of course we are.

208. SIR PETER BOTTOMLEY: Can I, one of my helpful suggestions, Mr Chairman? We’ll presumably need to have a way across the railway here. We know that a footpath causes little disturbance to anybody because it’s that level and you’re going through grass land at the moment. And we know we’ve got a brook running around the edge of those two sides of the grassland field. It seems to me that it would be possible to have a ramp or a stepped access at least for a short space, actually alongside the railway line, given the circumstances. And that the ramblers ought to accept that to go right the way through a farmer’s field that causes immense damage to acres and acres of potentially valuable land is a poor trade-off for actually having to walk up a ramp besides a railway line. If you can’t actually have it beside the railway line, hidden where those trees are going to be, at least swing the structure around, so it goes almost at the field edge, much to the field as you can, and if possible, doing it without having ramps to it. So, you’re not taking extra land for the ramps. You may have to have a slope for the way up to the top of the railway.

209. MR HENDRICK: Steps rather than the ramp.

210. SIR PETER BOTTOMLEY: Whether ramp or steps, it doesn’t matter.

211. MR HENDRICK: The angle of the ramp takes more because of the angle.

212. MR BRUNT: The issue with the earth ramp is it gets wider and wider as it goes higher. And you don’t have to have that at all if you just have a manufactured ramp then it won’t take up.

213. SIR PETER BOTTOMLEY: Which could be hardwood, it could be all sorts of things. It could be laminated.

214. MR BRUNT: Incorporated within the tree line.

215. SIR PETER BOTTOMLEY: Hug the trees. And then the question is where does this potentially floodable land go? And the answer is not in the middle of a field. You stick it towards the edge.
216. MR BRUNT: My contention is that it’s not needed anyway, because you’ve got the extensive drainage area over to the left.

217. SIR PETER BOTTOMLEY: Yes.

218. MR BRUNT: Which will take, you see, any rain that falls on the whole area around here currently doesn’t flood.

219. MR HENDRICK: It’s a one in 100 years. With climate change and everything else. You can’t guarantee that situation.

220. MR BRUNT: We understand that and that is why there’s that large flood area. Incidentally, if that area, which the cursor is pointing at at the moment, that’s currently farmed. So, that’s been created, that’s a flood plain area which has been created. That’s going to take any amount of flood water which may come off my ground. You’ve got to remember that first of all the railway line is impervious to falling water, presumably, and that’s why you’re creating the whole drainage problem anyway. But, there’s no more rain that’s going to fall than would have fallen whether the line is there or not. And the other thing to remember is this. This is heavy ground. We don’t go on to the winter, if we can possibly avoid it. It becomes saturated at the best of times for so many months each winter. Any rain which falls on the general area, if it falls on the railway line it’s going to run off. If it falls on to saturated farm land, it’s going to run off. And this is already handled by the presence of the Stoke Brook which comes down through here. Now, the one in 100 problem is covered by the drainage area on the ground next door. I don’t see that any of this is needed.

221. MR CLIFTON-BROWN: Can I make a suggestion? It looks like a vast structure. I understand the height. It looks like a vast structure which is really not really necessary. This long sort of runway type ramp. I’m sure it could be made a little steeper, swung round so that it’s parallel with the railway line. I’m sure the ramblers would accept a little extra walking if it wasn’t taking up arable land. If we need a flood area, put it in that little triangular corner, which is a grass field? Is it a grass field?

222. MR BRUNT: It is a grass field. Yes.

223. MR CLIFTON-BROWN: Do nothing with the grass field, but, if it needs to flood,
it could become a flood.

224. MR BRUNT: It’s only a grass field at the moment. This is land which potentially can be ploughed.

225. MR CLIFTON-BROWN: Yes.

226. MR BRUNT: It hasn’t been ploughed but it can be. And the truth of the matter is we’re going to need it.

227. MR CLIFTON-BROWN: Right.

228. MR BRUNT: Seven billion people in the world of who one seventh go to bed hungry every night.

229. MR CLIFTON-BROWN: You say we don’t. The promoters say we do. I think you need to have a discussion between the two of you to see whether you do or whether you don’t. And I hear what you say. What I’m saying is that within the parameters we’ve got, it should be wholly possible to plan both the ramp and the drainage pond, if necessary, and take up much less land really.

230. SIR PETER BOTTOMLEY: If you’re flooded once in 100 years, that’s life.

231. MR TURNEY (DfT): I think the key point of land drainage is we’ve worked this out carefully. We’re not going to take more land than we need on the basis of what we know today. And we’ve done detailed flood modelling which has been shown for a number of petitioners in this area where there are issues with surface water drainage and that’s why we’ve taken the land.

232. MR CLIFTON-BROWN: But, it will be quite possible to come to an agreement with the petitioner that if in that 100 year event the grass field floods in the winter, that’s accepted and the relevant compensation is paid.

233. MR TURNEY (DfT): The area of it and the location of it is a matter that we would anticipate agreeing with the farmer. Indeed, that’s our published position. And we’ve told Mr Brunt that. He knows that’s our published position. We will agree. I think the message, well, I know the message I’m getting is that we have to go and look at whether we can reduce the land taken up by the ramp. I am told that that ramp
represents the steepest acceptable gradient in terms of the design of the footpath, so, I just raise that now.

234. MR CLIFTON-BROWN: Well, push it alongside the railway, then, parallel with the railway.

235. MR TURNERY (DfT): We’ll take it away but I just raise that now Mr Clifton-Brown because otherwise I’ll come back in several weeks’ time and tell you.

236. MR CLIFTON-BROWN: But, you can get the gist of what the Committee is asking you.

237. SIR PETER BOTTOMLEY: On land drainage, you don’t need to own that land do you?

238. MR TURNERY (DfT): No. The anticipation with land drainage areas is based on railway balancing ponds. Land drainage areas should be returned to the farmer, the land owner. So, we need to take it for purposes of creating the land drainage area, which generally involves removing some of the materials, scraping it out. So, you slightly change the contours so the water will gather there as opposed to flooding across a wider area in the instance of flood. So, we take the land, but then we return it. In fact, it might just help. Can I just put up P11225?

239. SIR PETER BOTTOMLEY: Is the cross field ridge and furrow? Is it? It is. So, they can’t put the land drainage there

240. MR TURNERY (DfT): That’s the land drainage area in dry conditions. And you can see it’s a depression.

241. SIR PETER BOTTOMLEY: I was wondering whether there’s a difficulty in moving this potential land drainage area off to the edge of the field, the grass field.

242. MR BRUNT: In the event this grass field is wanted for arable production in the future, that’s just not acceptable. You can’t have a depression like that because apart from anything else it’s a bog when it gets wet. A land drainage area isn’t necessary. It’s not necessary.

243. MR TURNERY (DfT): I’m not going to try and counter this gentleman, from the
farmer, that you wouldn’t be able to farm this for arable purposes. It may be we can or it may be you cannot, I’ll leave it at that. But, of course, when we take land and we return it in a different state, we return it as a land that’s more likely to be flooded, there will be compensation. And if this is good arable land and it’s being returned and it can only be used for pasture, and as a result it’s less valuable, there will be compensation for land owner. This is not a deprivation without compensation. We do need land drainage areas in this location. The precise location of them, the precise size of them, can be agreed in the detailed design stage.

244. SIR PETER BOTTOMLEY: I think the situation we’re up to is it’s very clear we’re not satisfied that taking the land on this, having a ramp, we accept. Having it built as an earth thing with wings, we’ve not accepted; where it is, we’ve not accepted; and it wasn’t even put to us, is if you’ve got to have a land drainage, is that the place you have to have it? Or is there somewhere you can have less damage to the farming area?

245. MR BRUNT: You’ve got one over the other side. It’ already there.

246. SIR PETER BOTTOMLEY: And it may be that the promoters have a responsibility to have a land drainage area. We can’t pretend to be more expert than they are. But I think that everything that could happen is in the area the promoters have got in the Bill anyway. So, and there’s flexibility, and I think we’d like to see that considered.

247. MR CLIFTON-BROWN: I’d like to suggest is that you have a discussion. It’s quite difficult for us looking at it on a plan. You know your farm as I know my farm, absolutely in detail. That you go away, have a discussion with the promoters.

248. SIR PETER BOTTOMLEY: They ought to come and see you on the site.

249. MR CLIFTON-BROWN: On the site.

250. MR BRUNT: They’ve already been.

251. SIR PETER BOTTOMLEY: Well, again. Again then.

252. MR CLIFTON-BROWN: Well, they need to come again because what I’m
saying is that we would like to know the outcome of that discussion. And we’d like to know that you were satisfied. And we will ask the promoters to report back to us.

253. CHAIR: We can’t redesign this in the Committee can we? It just seems to me to make sense. You’ve got the view of the Committee. You’ve got the impression that the Committee wants a better solution than this. So, can we agree that you go away and produce that and come back to us?

254. MR HENDRICK: I get the impression Mr Brunt doesn’t particularly want a solution, is that right? You think it doesn’t need this drainage?

255. MR BRUNT: It doesn’t need the ramp there. It doesn’t need the drainage area. There is a large, large drainage area just at the left, that you’re all looking at on the map.

256. MR HENDRICK: You don’t want the ramp and you don’t want the drainage?

257. MR BRUNT: No. And the compensation argument, I’m afraid, washes not at all. Because the fact is it’s not me, it’s the farmers of the future. I’m going to be retired in 10 years’ time. Whoever takes this land afterwards it’s up to us to make sure that they get a decent ground to farm.

258. MR HENDRICK: I think the Committee’s view is that you’ll need to make some compromise with the promoter.

259. MR CLIFTON-BROWN: What we’re trying to do is to say to the promoters: take as little land as possible.

260. MR BRUNT: Yes. So am I.

261. MR CLIFTON-BROWN: You’re not a railway designer. I’m not a railway designer. I don’t know whether they need that drainage facility or not. What we are saying is, let’s try and see if we can move it onto grass land, not in arable land.

262. MR BRUNT: Possibly. But, I still argue the case that you rightly point out that you don’t know whether the drainage area is needed or not. I do.

263. MR CLIFTON-BROWN: You don’t.
264. MR BRUNT: I do know that it’s not needed because that ground doesn’t flood and there’s plenty of room for flood water just over the brook the other side.

265. MR HENDRICK: They’ve done the calculations Mr Brunt. Can you have the discussion with them? Because we can’t get any further here.

266. CHAIR: We can’t resolve the detail of this in the Committee and I think it’s important that you go away and have further discussions, taking into consideration what you can detect as the view of the Committee. Can we agree that?

267. MR BRUNT: Well, I can continue to discuss. We’ve already had discussions.

268. CHAIR: I know. We’re going over it again. We’re just repeating ourselves. I don’t want us to repeat ourselves.

269. MR BRUNT: Yes, right.

270. CHAIR: And we are just going over the same business now. I think we’ve dealt with the issue, and we’ve got enough information. We need to go away and come back to us with a better solution.

271. MR BRUNT: Yes.

272. MR TURNEY (DfT): Thank you.

273. CHAIR: Okay? Thank you. I’m going to go to, I think we’ve still got time to do another petition. I’m going to do 1391, Margaret Cotton.

Margaret Cotton

274. CHAIR: Mr Turney?

275. MR TURNEY (DfT): Thank you, sir. Margaret Cotton lives on Nash Lee Road. You can see a dot there. If we just go on to the next exhibit, please? 75. You can see it’s this property here, red lined. You’ll remember this area because this is where we heard from the brewery, the other day, Tuesday, I think it was. And you’ve heard a lot about Nash Lee Road, so I’ll leave the introduction of that there then.

276. MS COTTON: Good morning everybody. Well, I’m one of the little people
appearing before you but my concerns are no less urgent to me. I’m speaking on behalf of my husband and myself. We have two concerns, one of which is very major. The other of which has become less critical as the process has continued although we still do have some concerns. The really critical issue as far as we’re concerned is traffic flow on the Nash Lee Road which is the B4009 which, and if I could have slide 2, please. As Mr Turney has indicated this is a slightly enlarged map. We live actually there. So, to the left of where the pointer is at the moment. That’s it. About there. And in fact we are directly opposite the Chiltern Brewery who presented their petition to you on Tuesday. Nash Lee Road has been designated as a major construction access route and I would like to take you through what the consequences for us, living there, are going to be over the period of construction but also critically, in my opinion, based on my local knowledge and residence in the area for many years and based also on discussion, the ongoing that I’m having with Bucks County Council about the long term effects on Nash Lee Road, resulting not so much form the railway itself but from some of the other measures that have been taken in terms of road diversions as a result of the construction of HS2.

277. MR HENDRICK: Can I ask you have you heard the discussion with the Chiltern Brewery people when they gave evidence?

278. MS COTTON: Yes, I watched some of it on live TV. And I don’t propose to rehearse in detail exactly how many lorries, exactly how many cars, blah, blah, blah. I have got a page which I will just show to you, which basically reiterates what the problems are going to be as far as we’re concerned.

279. MR HENDRICK: Okay.

280. MS COTTON: Could we move to the next slide please? This is my house, paddock barn. As you can see it’s a converted agricultural barn built probably in about 1860, when the Rothschilds owned the land. The barn in fact is divided into two, and the very, the far end bit, this lower bit here, is not actually my dwelling. That is my immediate neighbour’s house. But, I own everything on this side. I would point out that gap on the footpath. The footpath in fact is narrowed. They were unable to put a full width footpath in when it was constructed. That is thirty inches wide from the corner of my neighbour’s house to the edge of the road. And in fact, even here, at the
front of this photograph, where the asphalt comes in, that’s the former farm track entry point. Our garden boundary is about 15 feet from the road. The situation at the moment is that traffic is already very heavy on that road. And Bucks County Council who are our local highways authority have identified it as being overloaded. We’ve had 10 fatal accidents in about a 500 metre stretch of this road in 10 years. And the traffic is increasing constantly. As you may be aware, east west routes in the Chilterns area, and we are just on the edge of the Chilterns boundary, east west routes are few and far between. And in fact we lived previously on another of the east west routes, the Ellesborough Road, which lies, as the crow flies, about three quarters of a mile to the south of Nash Lee. And we managed to achieve an HGV ban on that road what happened was it all went on to Nash Lee. Because, like water, traffic finds the quickest exit point, and Nash Lee Road was the quickest exit point. So, we know what happens when you start fiddling around with road layouts in this area. Could I move on to the next slide, please?

281. Now, Nash Lee Road at its western end comes into a complex junction. There is a roundabout which joins the A4010, which I’ll come back to later, because that’s subject to proposed diversion. The A4010 is the main road linking High Wycombe and Aylesbury. But runs to a roundabout at the Terrick end. Terrick is a hamlet basically, of a scattering of houses. Most of which lie between this roundabout and our barn, which is about three, four hundred meters around the bend there. Now, this roundabout has also adjoining road, you can see this blue mini coming out from the right, that is the Chalkshire Road, which runs up to Butler’s Cross, where it joins the Ellesborough Road. So, there is kind of a ‘H’ formation of roads plus a roundabout plus this major road running down the side. As you can see, there is a row of tiny, old cottages on the left here, and these cottages, in common with most agricultural cottages built in the 19th Century, don’t have any parking space, other than their forecourt, and most people park their cars outside their cottages. Certainly anyone visiting or providing any services will have to park in the road. Now, I took these photographs myself at 2.30 p.m. on a Wednesday afternoon in half term week. And you can see, when traffic is actually relatively light, but, you can see what the problem is. And if you would move to the next slide, please? This is exactly the same junction viewed from the other end. So, looking westward. And you can see cars coming out of Chalkshire Road here. And you can see that there are vehicles parked here. It is not possible for two vehicles to
pass each other at this stretch of road if one of them is bigger than a small saloon car. And in fact, very regularly during rush hour times when during the week we are told we are going to have traffic flow, HGVs significantly increased traffic flow on this road, it is very common, I, who live three or four hundred metres further along the road, cannot turn right out of my drive, because the traffic is already backed up because of the congestion here. And Bucks County Council –

282. MR HENDRICK: On street parking, that car on the right there, which is pointed in the wrong direction, is parked on the wrong, is that because the cottages don’t have a parking bay, obviously?

283. MS COTTON: They have a very, as you can see, a very shallow road frontage. Now, some of the owners there have asphalted or paved it over, so they can pull in one car. But, they’re very narrow cottages. They’re 19th Century, they’re two up, two down.

284. MR HENDRICK: Yes.

285. MS COTTON: So, even if there is off street parking in front of a cottage, it’s only for one vehicle. That means that anybody coming to offer any kind of service or to visit will have to park. And as I said, this was half term. It was quiet. It was 2.30 p.m. in the afternoon. And as you can see, you can already see what the problem is. If had, it would’ve been unfair to do it, I felt, at rush hour on a Tuesday morning because it would just have been solid cars. So, yes, there is some very limited opportunity for off road parking there. But, it’s very limited. And on the left here, you can see, that’s the boundary of a house which, that’s a house boundary. There’s no footpath there. Such footpath as there is is on the right hand side. And frequently is impassable because people in order to try and avoid the traffic park up on the footpath. And HS2 themselves have told us that there will be significant increase in delay and congestion along this road. I mean nobody’s denying that.

286. The question is really, what the effect on us is going to be. Could I have the next slide, please? I don’t propose to go through all these because they’ve been well-rehearsed by previous petitioners, I know. But, basically, what we’re saying is that traffic is already near intolerable at certain times of day during the week. Weekdays between 5.30 p.m. and say 7.00 p.m. in the evening in the summer, I cannot sit in my
garden and have a conversation with anybody because the traffic noise is so great. And the specified additional traffic that we are going to face over a number of years, we’re talking seven years, at least, five and a half days a week, morning till evening, sometimes more than five and a half days, as and when we’re told that it’s going to be necessary. And we’re told we’ll be given adequate warning. But, ‘adequate warning’ is not going to solve the problem. It’s just going to mean we know when life is going to be even more intolerable than it will be anyway.

287. I might add that actually since the Environmental Statement was put out and you were given the figures, of course there have been some further changes to the tunnel. For example, the Chiltern Tunnel, which will mean more spoil. We know that there will therefore be additional HGV traffic. We don’t know how much and we don’t know when, but we know that there will be extra. And we also now know that the Ellesborough Road, on which I used to live, will have to be closed at some point, because it is going to be diverted. I lived on that road when it was closed for somewhat over a year in order that the Wendover Bypass should be built. And I know how peaceful and pleasant it was with no traffic, but I also know exactly where that traffic went. It went down Nash Lee Road.

288. Since I put together my small presentation I had a communication at the very end of last week from Bucks County Council saying that they have asked HS2 to carry out some more detailed modelling work on the traffic flows in the area following more up to date information. And also particularly looking at Nash Lee Road.

289. So, what we want is consideration of a relief road for Nash Lee Road. We can see no way in which the traffic flow we’re facing can make life tolerable for us. And we can see anyway, even if the road were susceptible to widening, and I would question that because there are so many, the area where the worst situation is, is where the cottages are. Even if the road were capable of being widened, it’s not going to reduce the traffic flow in any way. It’s just not tolerable living on a road like that. Could I move to slide 8, please?

290. Now I have concerns not only about the traffic flow during the construction phase but following. And this is where I think we are at issue with HS2 Limited who have told us that they do not believe that there will be any permanent effects post-
construction. Actually, this is not the best map and I wonder if we could move to 11184, which actually shows a bigger area? Just wait while it loads up. Right. Now, the map which I had actually covers the left hand, the northern part of this map. But, actually, this map in total gives a better view of what I’m talking about. As part of the traffic mitigation measures that are being proposed is a diversion of the A4010, which is this road here. So, this is the Nash Lee roundabout here. This is where the road goes at present. The proposal is to divert that round Stoke Mandeville and actually to stop it at the point where the railway crosses the road. And that will mean that the traffic flow coming from the Wycombe direction heading towards Aylesbury will go round Stoke Mandeville, up into the lower road, joining around somewhere near Stoke Mandeville Hospital, and heading off into Aylesbury. Well, so far so good. Except that a lot of the traffic that comes along this route isn’t heading for Aylesbury. It’s heading further over towards the A41, the Tring Road, it’s heading towards the A5, in Milton Keynes, it’s even heading towards the M1. And I know this because I regularly commute this route myself.

291. Now, my concern is that in routing this traffic away from Station Road and up here and out through Weston Turville over towards the M1 corridor, if you like, A5, M1, A41, what is going to happen is that this traffic, in theory, moves along here, the lower road, Stoke Mandeville Road is closed, so it goes on the diverted road and comes in here on the lower road up near Stoke Mandeville Hospital. Now, Bucks County Council themselves, whom I spoke to just two days ago, so since I prepared this presentation, told me in writing that they have been doing modelling work which shows that the traffic from the realigned 4010 will re-assign to the Aylesbury Gyratory System, now that is right on the very edge of Aylesbury. It’s where the Magistrate’s Court is. It’s a major pinch point in its own right for traffic in the morning. And they believe, they say, that it will not double back to join the A413 at Stoke Mandeville, which is what HS2 seem to be arguing. It won’t come back this way. If it wants to head over here. So, how is it going to do that? The point is that this is about a four kilometre detour, if they go into Aylesbury and come back out in order to get across. So, how will they get across? Well, my argument is that they will use the Nash Lee Road, the B4009, because that’s what people do already, because they will then feed into the end of the Wendover Bypass, which is a nice, fast road. They can then turn either left or right, go through Weston Turville and they come out on the A41 on the other side. I do not
believe that they will undertake this massive detour into Aylesbury and back out again, when going into Aylesbury already is a source of major congestion in the morning.

292. So, when HS2 Limited said in their response to my petition in a very brief statement that they foresaw no long-term traffic effects for Nash Lee Road, I would simply say, well, where is their evidence base? What modelling have they done? Because I have lived in this area for 30 years, 40 years. And I know how the traffic flows and I have lived on many of the affected roads. And I accept that if you live on a road that carries a lot, in a nice part of the countryside, which is nevertheless becoming increasingly urbanised, you will have traffic. We would not have bought the barn 10 years ago if didn’t understand that. And it was already a busy road. But we had no idea this was going to happen to us. And we think it is going to be devastating. We bought this as our retirement home. We have no intention to move. I don’t want to sell the house. I like living there. But, I wonder how much I’m going to like living there if we have to put up with this. And I don’t just think it’s going to be the eight years of the construction phase. I think it will go beyond. I believe it will go beyond.

293. SIR PETER BOTTOMLEY: And your suggestion is?

294. MS COTTON: A relief road. We want the relief road.

295. SIR PETER BOTTOMLEY: Do you want to draw a finger where it might go?

296. MS COTTON: Well, there are a number of options.

297. MR HENDRICK: Is it the same as the brewery put forward?

298. MS COTTON: Well, it could be. It could be. I mean, the situation is, that although HS2 say that Bucks County Council have not petitioned on this basis, in 2013, when the Stoke Mandeville Bypass, the re-routed 4010, was first mooted, Bucks County Council came to us because we said, well, hang on a minute, we’re going to get all the traffic that would normally go through Stoke Mandeville past the station. And they produced a set of, they were sketches, I confess, they weren’t detailed engineering plans, which had a number of options. But, basically, they all involved somehow or another smoothing out this roundabout here, where I showed you the pictures of the very bad junction, either by going around the back of a house which sits here, which is called
Terrick House, or by simply smoothing this curve here. And then either taking the road around, past those cottages that were on the photograph or else going, and I think this is the Chiltern Brewery’s favoured option, going further up and coming back along that line there, quite close to the line of the railway probably. I’m not a road engineer. And I haven’t done any scale drawings, but, I know that Bucks County Council themselves have been concerned about this. And they’ve been concerned about this road and this junction long before HS2 was a twinkle in anybody’s eye.

299. SIR PETER BOTTOMLEY: We’ve got the concern. We’re just trying to get what.

300. MR HENDRICK: What’s your preferred option?

301. MS COTTON: My preferred option is would probably be to take a relief road from further up towards Stoke Mandeville then back along closer to the line of the railway, because that minimises the disruption to houses on Nash Lee, which, instead of having a road in front of them will have a road behind them. So, it would come out somewhere nearer the overbridge, but, almost anywhere past the track, up to two cottages beyond us would be fine, just round the bend.

302. MR HENDRICK: So, you’re flexible on that?

303. MS COTTON: Very flexible. Very flexible. And I am well aware that this is going to be controversial because it will cost money and there are very few residents along this road. I accept that. But, such residents as there are, are all in a short bit of the road. And are very close to it.

304. SIR PETER BOTTOMLEY: I think we got that. And I suspect though you’ve heard from the promoters, it’s mainly an issue for Bucks and the promoters to discuss.

305. MS COTTON: Indeed.

306. SIR PETER BOTTOMLEY: Have you much more to say or can we?

307. MS COTTON: No, I’m quite happy to leave it there. All I would say is that Bucks, I know, have asked HS2 to look again at traffic modelling and at the models on traffic flows.
CHAIR: Okay.

MS COTTON: So, that is my main concern. Could I move then to slide 10? It’s the matter of the maintenance loop. Our property is the little red box there. And the maintenance loop is basically up here, it runs up here. I think it’s fair to say that everybody in the area is a bit shocked when the maintenance loops suddenly appeared on the plans a couple of years ago, because they hadn’t been there before. And initially our concerns were over the amount it would be used at night, the amount of traffic movements of these maintenance loops.

SIR PETER BOTTOMLEY: Your page 11 which gives you your two points, please.

MS COTTON: Yes. Exactly, yes. And also the effect of lighting.

SIR PETER BOTTOMLEY: Staff movements and lighting.

MS COTTON: Yes. And basically, this has become less of an issue, as I said in my opening remarks. It has become less of an issue than it was when we first put in our petition. Partly because the mitigation updates that were sent to us in October 2015 have gone quite a long way to allay our fears. The two issues that remain are we’d like a bit more specific information on what the traffic movements are likely to be because our house is very near the road. If we’ve got the road next to us, still, then we’re going to have traffic in the middle of the night, which at the moment we don’t have. We have no idea how many staff movements backwards and forwards there are likely to be. And we’ve not been given any estimate.

SIR PETER BOTTOMLEY: I think they’ve got the point. And they can probably be the best to answer briefly.

MS COTTON: Fine. The other issue is the lack of information on the lighting. And we have been to meetings with HS2 Limited in the Community Forum Meetings and nobody was able to give us any information about this. I really would have liked a photomontage of what it was going to look like in the middle of the night when the lights where on, from somewhere near where we live. And that’s the end of my petition.

CHAIR: Okay. Mr Turney respond then. Mr Turney?
317. MR TURNEY (DfT): Thank you, sir. Maintenance loop. Low and infrequent staff movements because the staff who get into the maintenance loop, will get in there merely to board the maintenance track, which will go out when the operational railway shuts at midnight, and then they’ll have to come back into the maintenance loop and get back into their vehicle and leave. So, this is very low numbers. When required. Just for those staff.

318. Lighting. It’s not permanently lit. there will be some low level lighting in the maintenance loop so that staff can get onto and off their trains and I know, for example, that there aren’t any permanent structures proposed at the moment in terms of welfare facilities or similar. It’s simply a place where you can get on and off a maintenance train. So, I’ll leave that one there if I may?

319. MS COTTON: May I just interrupt? Are you saying therefore that the only times the lighting will be in use is when staff are getting into their maintenance, their big yellow maintenance truck vehicle?

320. MR TURNEY (DfT): It’s when the maintenance loop is in use. Presumably there may be getting into the vehicle; getting out of the vehicle and so on. They have to come on and off. It’s not on permanently.

321. MS COTTON: It’s not going to be on permanently or not?

322. MR TURNEY (DfT): No. That’s the maintenance loop. Can I just say a couple of points on traffic, please? First one is during construction I think it’s important to note, and it may be easiest if we just go to the construction traffic slide P11184. In terms of the various road closures which were pointed to, both the B4009 and Ellesborough Road are diverted during the course of construction. Ellesborough Road is there. Nash Lee Road there.

323. MS COTTON: No, sorry. You’re wrong.

324. SIR PETER BOTTOMLEY: It’s to the right.

325. MR TURNEY (DfT): Ellesborough Road is there. Nash Lee Road is there.

326. SIR PETER BOTTOMLEY: Yes.
327. MR TURNERY (DfT): Sorry. I think maybe I didn’t quite have the responsiveness of the pointer.

328. SIR PETER BOTTOMLEY: We know where they are.

329. MR TURNERY (DfT): Both of them are off line diversions, so that means the replacement route is constructed and then the rail is diverted onto the replacement route. And the result is that any closures for those works are very short-term, over night-time works and so on, to get the traffic on to the new road. So, there’s no long-term closure of either of those routes.

330. The Committee’s heard a lot about Terrick Roundabout. It is obviously a cause for concern. And the cause for concern is shared with Bucks County Council, because they have raised it. They say that this is one of the areas they want us to look at. We are in discussions with them about whether mitigation could be provided at that junction to address those impacts. We are alive to it. It’s clearly a congested junction. I should say this junction is over-capacity without any HS2 vehicles, so, it’s a problem which needs to be addressed through the Highways Authority in the ways we’ve described before. We looked at a relief road somewhere in these vicinities to deal with this and the amount of traffic that our scheme adds during the construction phase does not justify that. The Stoke Mandeville bypass is introduced in response to a request from both the Parish Council and the Highway Authority. That’s why we’re producing the Stoke Mandeville Bypass as part of this scheme. In terms of its wider impacts, we note the concerns, but, really this is a road which is taking existing traffic through Stoke Mandeville in a slightly different route than it was previously. It’s designed to relieve the residents of Stoke Mandeville of some of the impacts of the existing traffic flows there. And I should add to this that what Bucks County Council are looking at, as I understand it, is extending that bypass in this route. So, that’s to take it from the B443 up to the A413, as part of wider works around Aylesbury. That is something which the County Council are looking at as their own scheme in cooperation with the District Council, Aylesbury Vale. And the promoter is cooperating with that and assurances have been given. We are funding some of the research work that’s going to be carried out to see if that additional bypass can be justified. And clearly, if the concern is traffic moving this way, then, some relief would be provided by the extension that way. But, a route across here, through Mr Brunt’s land, is not one which is favoured by the project.
for the purposes of addressing the effects of construction traffic or indeed in the longer term. I’m not going to dwell on construction traffic because we’ve heard a lot about it, unless I can assist further.

331. MS COTTON: I would simply ask that for those of us who live on this road, we could actually present you with more of an evidence base for the assertions that there will not be significant long-term effects on the road? Thank you very much indeed.

332. CHAIR: Thank you for your evidence. I’m going to take a short break now for five minutes. Order, order.

Sitting suspended
On resuming—

333. CHAIR: Order, order, I want to return to Petition number 295, I understand there a couple of statements to be made. Who is first?

Friends Life Ltd and Axa Real Estate Investment Managers (cont’d)

334. MR ELVIN: Can I thank the Committee for the time? Mr Mould and a number of members of our team have reached an agreement as to taking the matter further and a further process and can I just tell you what those terms are, I will read them into the record and we will produce a written version. HS2 and AXA are agreed that they should use best endeavours to reach an agreement on the design of the RS and Washwood Heath and to minimise permanent and temporary land-take and maximise employment and economic opportunities at Washwood Heath, whilst achieving an effective long-term depot for HS2. With that in mind, firstly AXA to confirm by the beginning of next week, it’s current plan and any additional matters to the matters raised in its evidence to the Select Committee today and HS2. If possible, to provide then a list of key issues remaining. Secondly, a meeting of the Engineering and Rail Experts on the 3rd or 4th of December, i.e. next week, to discuss the proposals with a view to considering whether they can be used or modified, to achieve an effective long-term depot for HS2; consideration will be given to finding solutions and or modifying, if necessary, the AXA or HS2 proposals with that objective in mind. Next, there will be a meeting to identify – sorry, that meeting will identify any areas of agreement or disagreement on the technical issues. Then, there is to be a further meeting to discuss
the technical rail issues within two weeks of that first meeting, provisionally on the 16th of December. The parties at that meeting will produce a joint statement of matters in agreement or disagreement, as the case may be, to present to the Select Committee and within a week of the first engineering meeting, before the second Rail Engineering meeting, there will also be meetings on drainage issues between drainage experts and to discuss construction issues and land used for construction. Finally, the parties to report back to this Committee provisionally on the 17th of December. I hope that is a process that is both fast, which is within the Committee’s timetable, and where there is agreed to be a high-degree of cooperation in an attempt to find a solution. We hope that meets with the Committee’s approval.

335. MR MOULD: Nothing to add to that, thank you.

336. SIR PETER BOTTOMLEY: Thank you for your cooperation.

Nicholas and Victoria Bartman

337. CHAIR: I am going to Petition Number 1607, Nicholas and Victoria Bartman.

338. MR TURNEY (DfT): Can we go to the next exhibit please, 10539. This is the Bartmans’ property; it is Thornbrook House, Risborough Road, Stoke Mandeville. I just need to explain the scheme’s interaction with the Bartmans’ land. There’s this area here, this land was not safeguarded but was shown on the deposited bill plans as being required for the scheme; the indication was that it was required as part of utilities works relating to a pumping station. It’s in just one corner, Bartmans’ land holding. The Bartmans’ served a blight notice which, on receipt of the blight notice, the promoter considered the necessity for acquiring this land at all and reached a conclusion that the land was not required at all for the scheme, so there would be no land take from the Bartmans’. As a result, the blight notice was countered on that basis, that is to say, we have declined to purchase their land. The additional point that is raised in the blight notice, is that the Bartmans’ are not owner occupiers because there is a property, a building on the land which is leased to another person so that is the additional ground on which is was countered but the short point here is that we don’t need the Bartmans’ land at all for the scheme and we’ve written to them to that effect.

339. SIR PETER BOTTOMLEY: But they live there.
340. MR TURNEY (DfT): That’s my understanding, yes.

341. CHAIR: Mr Bartman?

342. MR BARTMAN: Our argument is going to be mostly presented by my representative here because it’s one of procedure, it’s not as clear as it’s been set out. Part of my petition originally discussed things that I felt should be changed and so forth, today I shan’t discuss any of those, I accept those have been put forward before. Mine is now just a petition of being mistreated, ignored and I think, taken for a ride. It will become clear as I progress with this. If I could I put up the first of our exhibits, 16641, that’s the entirety of our holding. Is this touchscreen? Oh, I see, right.

343. SIR PETER BOTTOMLEY: It is semi-touch

344. MR BARTMAN: Oh, I see, it’s not behaving. The curtilage of our house is in this area here and this is where our centring our conversation on. The main house is occupied by my wife and myself, our two children have left home, my age is 61, my wife is 57. I would just like to explain a little bit of my background, I’ve worked for 20-years overseas, living at home only three, four months of the year. I work in counterfeit control, I work for international companies, I protect their brands, I work with Chinese police, China being my place of work, and I’ve spent very little time in the UK. My job was not to really be a nine-to-five job, a little bit unusual but predictably we got paid fairly well. I had a shelf-life, semi-retired and then retired completely, slightly younger than most but we did well, we had money and I bought houses as part of my pension. I managed to sell one last year, having taken £100,000 hit because of HS2, I’ve managed to sell another one in Stoke Mandeville a month ago, I took another £100,000 hit because of HS2. I do have a third house I’m trying to sell in Stoke Mandeville and I’m expecting to take a further hit. If I could just move to Thornbrook House itself and describe what it is. My wife and I rattle around in it as there’s only the two of us.

345. SIR PETER BOTTOMLEY: Shall we turn to page 2?

346. MR BARTMAN: Which one is that? Yes, okay, thank you. The house itself is 5,000 square foot, it has 6 bedrooms, it has 7.6 acres of which 2.5 acres is the gardens and grounds. It is now horribly expensive to run and I am tied and locked into this place
because of some sort of procedural thing that has been thrown towards me. The house has a detached 1,200 hundred square foot annex which is your number 1664 (3) which is said to be let out – it’s not, and it hasn’t been for a long time. It is separately rated but it’s not let out and anyway, it represents a very, very small part of our entire property.

347. SIR PETER BOTTOMLEY: Going back to 1664 (1), can you put your finger on where it is please?

348. MR BARTMAN: The annex is here, this little bit at the end here.

349. SIR PETER BOTTOMLEY: But it’s tied to the house is it?

350. MR BARTMAN: It isn’t actually.

351. SIR PETER BOTTOMLEY: It’s separated.

352. MR BARTMAN: This drawing’s slightly wrong; it’s not attached to the house, no.

353. SIR PETER BOTTOMLEY: It’s slightly separated?

354. MR BARTMAN: Yes. The situation we’re in is the house is unsalable anywhere near its market value, due to the proximity to HS2, the actual building itself if 185 m from the centre of the line and we’re stuck with this and the blight notice is being rejected. Sorry, the order here is a bit out. There is a separate barn which keeps my mother but I don’t think there’s any picture of it.

355. SIR PETER BOTTOMLEY: Well why don’t we go back to one again and you can put your finger on two.

356. MR BARTMAN: Okay, it’s this little area here; it’s shown -

357. SIR PETER BOTTOMLEY: In the inset?

358. MR BARTMAN: Yes, but it’s actually part of the entire property. Right, so we turn now to exhibit four, now, these are all out of sync – where’s my exhibit?

359. SIR PETER BOTTOMLEY: I think if you go past that, do you want to go on to four or do you want to – the overview?
360. MR PERKS: Yes, that’s the one.

361. MR BARTMAN: Yes okay, our numbering was one thing and your numbering became something else. Okay so the area 84 construction boundaries.

362. SIR PETER BOTTOMLEY: Do you want six?

363. MR PERKS: Sorry, our numbers got slightly confused by the HS2 number.

364. SIR PETER BOTTOMLEY: Don’t worry.

365. MR PERKS: If you go to exhibit eight, it’s probably the best.

366. SIR PETER BOTTOMLEY: Oh, the aerial?

367. MR PERKS: Apologies.

368. SIR PETER BOTTOMLEY: Had thought they might want to use, now decide – after you showed the blight notice, they said, ‘We don’t need it at all’.

369. MR BARTMAN: Yes, exactly. So you can see here the main – this is Thornbrook House, the railway line passes where my arrow is going here and this was the land that was due to be taken. Now, our contention is, if they had safeguarded the land, which they never did, we would have been able to serve the blight notice that much earlier and I believe the house would have been bought. But, there were many delays and we didn’t get that opportunity.

370. SIR PETER BOTTOMLEY: If I can interrupt your flow, 10:539 gives us a pretty good view of where the land construction works comes up, which may help you a bit. It shows both the green bit which is out now and also shows on the left-hand side, your boundary where they’re proposing to do works.

371. MR BARTMAN: Exactly.

372. MR HENDRICK: Did you have a prospective buyer?

373. MR BARTMAN: Do we have?

374. MR HENDRICK: Did you have? When you said that you may have sold the
ho use –

375. MR BARTMAN: Oh no, no, this was a house further up the village, another one of my investments.

376. MR HENDRICK: A different house?

377. MR BARTMAN: Yes.

378. MR HENDRICK: I thought you were talking about your house.

379. MR BARTMAN: No, I’m sorry, it’s further up the village which we-

380. SIR PETER BOTTOMLEY: But this will be the extent of the properties where your home is and they’re virtually all blighted in one way or another.

381. MR BARTMAN: Exactly so. What we’re looking at, if you could go to your 16649, I am now standing in the area that was to have been taken and if you look directly, you can see the house in the background there. That was the area that I perceived blighted the house. If we can go to your number 1664 (10), I’m now looking in exactly the opposite direction from the house and you can see a truck in the background there and this entire area from where this garage is, across these thin tress, was all to go. This is what I believe blighted our land. I think what I’m going to do is pass over to you Johnathon, let you continue.

382. MR PERKS: Could I please bring up exhibit seven.

383. SIR PETER BOTTOMLEY: Are you a family friend or agent?

384. MR PERKS: Sorry, I’m an agent; I’m land agent for the Bartman family. That just needs turning over.

385. SIR PETER BOTTOMLEY: We’ve got your name have we?

386. MR PERKS: Sorry, Jonathan Perks.

387. SIR PETER BOTTOMLEY: Jonathan Perks?

388. MR PERKS: Yes. The various plans published by HS2 for construction of the
railway have shown part of the garden of Thornbrook House being required for construction of the railway, this first being identified on the environmental statement plans, dated April 2013. An area of the garden is shown as being within the construction boundary but no works were specifically identified on the construction phase plan. Revisions to the environmental statement plans, as released on deposit of the bill and subsequent additional provisions, including one as recently as October 2015 which is that shown on the screen, show a substantially similar area of land, within the boundaries of Thornbrook House, as being required for construction but with no further details as to what these works entail.

389. If I could show you exhibit eight please. The red area is the area of Thornbrook House, as identified on the land registry plans and that is the area owner occupied by my clients. Now, there is another area of land to the north which is owned by them and there is a grazing licence over that of a third party. There is also the Bartmans’ mother’s house which is identified by a green pin on that map, which is not in Nick and Victoria’s ownership, it’s in his mother’s ownership. Mrs Bartman is entirely reliant on Mr and Mrs Bartman as her carers. The area required, that’s shown below, amounts to 0.23 acres of garden and a further 0.14 acres of habit land, so the front and side of the residential dwelling. This roughly works out as 9% of the garden, and 5% of Thornbrook House’s total grounds. You’ve seen the photographs put up my Nick of where the house is in relation to those works and where the works are in relation to the house so they are very close to the house. Those works, if they were taking place, would have had a substantial effect on the garden, and this is important.

390. The land identified as required by the construction plans has not been reflected in the safeguarding plans. None of this land has been safeguarded at any time, with the boundaries identified on the 2013 safeguarding plan running along but not crossing the boundaries of Thornbrook House. The June 2014 revision of safeguarding removed the area abutting Thornbrook House, leaving little safeguarded except the area immediately adjacent to the railway, that which had been safeguarded – again, outside of my client’s ownership – now being in the extended homeowner protection zone.

391. Therefore, despite a large part of the garden being shown as required for construction, no part of the property was safeguarded or within the extended homeowner protection zone.
392. SIR PETER BOTTOMLEY: That is what you argue was a mistake.

393. MR PERKS: Yes. I’m presuming that the Committee have some understanding of safeguarding and blight notices.

394. SIR PETER BOTTOMLEY: We do have some understanding.

395. MR PERKS: Excellent. Sorry, I have to ask that.

396. SIR PETER BOTTOMLEY: If it had been safeguarded, the blight notice, subject to the small property, which they thought was rented out, would have been accepted.

397. MR PERKS: Well, if I may, there is quite some history to our investigations with HS2. I’ll be as brief as I can. Safeguarding is important to property owners as, whilst its main function is to protect the acquiring authority’s scheme from new development, it potentially enables an owner-occupier to serve a blight notice to force purchase of the property by the acquiring authority. In order to serve such, one need show that all or a substantial property is required for the scheme.

398. As part of my instructions, I attempted to find out from HS2 what the required works were on my client’s land, why they had not been safeguarded and whether amendments would be made to safeguarding to bring this area in line with other areas of the scheme. Despite first contacting HS2 with these questions on 24 November 2014 by email to Ian Cunliffe and chasing this on a number of occasions, it took until 13 March 2015 to get any form of answer. The answer then received only partly answered the question, with one of the engineers questioned by Mr Cunliffe responding that the land identified was for a new pumping station and water-main diversion, which should have been within the limits of land to be acquired or used, but had strayed outside. It could apparently be pulled back in supplementary environmental statements.

399. I followed this up on 17 April 2015 with an email to Mr Cunliffe, stating that the land therefore should have been safeguarded and to not do so was detrimental to my client. After chasing emails again being sent, I got a reply on 3 June 2015 stating that the engineers were instructing the utilities team to look at this, the intention for the land use not being clear. A further phone call to Mr Cunliffe on 23 June 2015 did not move us any further forward.
400. I therefore rang Sebastian Jew of HS2 on 25 June 2015, noting that, as we were heading towards a petition date –

401. SIR PETER BOTTOMLEY: We might turn to page 11 –

402. MR PERKS: – to not have clarity on this matter was not helpful. Mr Jew expressed surprise that the land required was not safeguarded and promised to look into this. I followed this phone call with an email the same day to Ian Cunliffe, copying Sebastian Jew, repeating that my client wanted to serve a blight notice, but could not do so if the land was not safeguarded. The response I gained the same day is on the screen, but I’ll quote part of it in full. ‘We can give an assurance to your client that the water main will be laid in highway land. We need all the land identified for the pumping station. It is included in Bill limits and on the ES maps, so should be on the safeguarding plans, but it is omitted at present. We did not include all work for utilities, but the scale of the works here suggest we should have.’

403. In order words, the land should have been safeguarded and therefore opening the door to my clients serving a blight notice. I asked by following email when we could expect safeguarding to take place and received the response that Mr Cunliffe would inquire. On 20 July 2015, I chased again, to be told that HS2 were not planning to update safeguarding for such matters but would need to do so to reflect changes in the additional provisions and at the end of the Committee hearings. The land might be incorporated then. This, as you will appreciate, did not take us any further towards service of a blight notice.

404. Positive response was finally received by phone call from Sebastian Jew on 20 August 2014, when he said to me HS2 accepted a mistake had been made regarding not safeguarding the relevant area. No amendments were to be made to the safeguarding plans before the Committee had closed. HS2 recognised that to appear in front of the Committee with such a basic complaint would be unhelpful. He confirmed that, if we served a blight notice, it would be considered under special circumstances, as if the land was safeguarded. There was no guarantee the blight notice would be accepted, just that it would be treated as per any other blight notice where the land was safeguarded.

405. We therefore served a blight notice on 3 September 2015. You will note that we served this 10 months after we would have liked to have done, when we first asked HS2
why it wasn’t safeguarded. If we can go to 12, please –

406. SIR PETER BOTTOMLEY: And you’re serving it for the property outlined –

407. MR PERKS: The property outlined on the plan we showed you – just the house and the immediate grounds.

408. It was with some dismay that we received counter-notice from HS2 on 26 October 2015, on three counts – the first: no part of the property comprises blighted land; the second: the claimants do not own or occupy the whole or a substantial part of the property as a private dwelling; the third: the acquiring authority does not propose to acquire any part of the property. No further information was given, but I gather from subsequent conversations and email with Ian Cunliffe and Sebastian Jew that HS2 have identified that part of the annexe to Thornbrook House is separately banded for council tax and that, having undertaken further design work, they now no longer consider that they require any part of the property for construction of HS2. Having spoken to Sebastian Jew in the last week, it’s really that last one they’re hanging their hat onto. Despite this, they will not remove the limits of land take from the Bill, as presented to Parliament, and it will remain as shown within the Bill limits.

409. I believe that my client has been very harshly treated by HS2 and that, if HS2 had not made a mistake in not safeguarding the land, then we could have served blight notice some considerable time ago, with high chance of success. Unfortunately, our only statutory recourse at this point is to apply to the upper chamber of the lands tribunal, but, as the land is not safeguarded, any such application will fail on technical grounds. The deadline for such application is today, so we are going to miss that, because we’re not going to get point 1 resolved. We hope, however, that the Committee might see fit to instruct HS2 to look more favourably at my client’s claim, based on the points of the counter-notice.

410. Specifically, point 1: no part of the property comprises blighted land. That’s simply because the land isn’t safeguarded, something that HS2 admits was a mistake and they told us would be disregarded in considering a blight notice. They’ve not kept their word on this point.

411. If I can just bring up exhibit 3 again, this is the annexe they refer to in point 2 of
the counter-notice. Now, that’s 1,200 square foot building, but only the right-hand roof section is separately banded for council tax and has, in the past, been let out. That area has not got the conservatory part, the lower area that the left-hand roof has got. So it’s only 400 square foot out of 1,200 square foot. It’s separately council tax banded, having previously been let out to a disabled person who needed such banding in order to claim their benefits. It’s not currently let out and it only forms 6% of the entire residential floor area.

412. SIR PETER BOTTOMLEY: When was it last let out?

413. MR PERKS: Earlier in 2015, but it hasn’t been for some months now. I feel fairly confident that, put to the upper chamber of the lands tribunal, I could argue this in my client’s favour, but I’m prevented from doing so because of point 1 above, the fact that the land isn’t safeguarded.

414. Now, sorry, if I could go back to exhibit 7 –

415. MR HENDRICK: Can you tell us, in a nutshell, why you think that HS2 didn’t safeguard the land?

416. MR PERKS: Why they didn’t safeguard it?

417. MR HENDRICK: Yes.

418. MR PERKS: I think it was a mistake, and HS2 have admitted in their correspondence that it was a mistake. If you read that email that is at exhibit 11, ‘It should be on the safeguarding plans but is omitted. The scale of the works here suggest we should have.’

419. MR HENDRICK: When was that letter sent? That was sent some time ago.

420. MR PERKS: That was June 2015.

421. MR HENDRICK: So why, in the intervening period, didn’t they safeguard it?

422. MR PERKS: Sorry, why didn’t you safeguard it?

423. MR HENDRICK: No, why didn’t they safeguard it in the intervening period before now?
424. MR PERKS: What, between then and now? Well, they told us they weren’t going to make any amendments to safeguarding until after this Committee had closed, to reflect changes that the Committee required. That is what we were told by HS2. I have that in writing from HS2.

425. MR CLIFTON-BROWN: Sorry, I’m still not quite clear. Can we just go to slide 8? Are you saying that the blight notice applied to the whole of that area?

426. MR PERKS: The blight notice applied to everything that’s outlined in red.

427. MR CLIFTON-BROWN: It did, right.

428. MR PERKS: So that is the house, the annexe area and the gardens and grounds. You can’t serve a blight notice on only part of a title area. You have to serve it on the full title.

429. Sorry, I only have one more point, really, to make myself. If we can go back to… Sorry, we’ve got number 7. We first approached HS2 regarding safeguarding in November of 2014 and it’s taken until August 2015 to get agreement to the fair treatment of a blight notice; i.e. they’d consider it as if it was safeguarded. During this time, HS2 have published several amendments to the Bill as additional provisions, all of which, including that released in October 2015, as shown on the screen, still show the land as being required.

430. Mr Cunliffe’s email of June 2015, which appears to have been written after much consultation with the scheme’s engineers and designers, said that ‘we need all the land identified for the pumping station’. I can only therefore assume that, if the property had been safeguarded at the appropriate time and we’d been able to serve blight notice in November 2014 or any time up to at least the end of June 2015, the land would still have been required by HS2, and it is only the latest design amendments, later than the AP4 date, which have shown this land not to be required.

431. This mistake by HS2 has therefore cost my client the ability to serve an acceptable blight notice and the ability to challenge the counter-notice at the Upper Tribunal of the Lands Chamber. If purchase cannot be forced on HS2, then we can only apply to the need-to-sell scheme or take the potential £22,500 payment under the homeowner
protection zone scheme. The removing of the land take from my client means that he’s unable now to claim full value for this loss if he stays, something that previous plans would have allowed for.

432. Having spoken to Sebastian Jew in the last week, he puts great faith in the need-to-sell scheme, but I am less optimistic on this front, noting, for example, that it was no help to my client in the sale of 34 Risborough Road, which sold at £100,000 less than the estate agent’s view of the unaffected value, and, ignoring the fact that the payment package made to a property owner is considerably less than under blight, we would need to prove a need to sell, something which from experience I can tell you is not easy, and I have little confidence that HS2 would not refuse the application out of hand, on the same basis of owner-occupation that they refused the blight notice.

433. Ultimately, HS2 should have safeguarded this. They recognise this. If we’d been able to serve a blight notice back in November 2014, I think the blight notice would most likely have been accepted. It’s only the time that they’ve spent not responding to emails, giving half responses, which has given them the time to design away the land take on my client’s land, and it is therefore, in my view, extremely unfair that he has not been able to force HS2 to purchase his property.

434. MR BARTMAN: There is one other point just to add, if I just jump in there. At present, HS2 refuses to remove any of this land from the Bill, so not only have I failed in my blight notice, but the land they wish to take they are refusing to remove from the Bill. Any prospective purchaser who might have the inclination to live next door to HS2 will likely identify this land’s inclusion in the scheme and walk away. The semi-assurance buried deep within parliamentary papers of the use of this is useless, and, in any event, the document you’ve seen today states HS2 Limited do not propose to take my land. This is the counter-notice. They do not propose to take my land. I’m submitting that HS2 still have the opportunity to take my land.

435. CHAIR: Mr Turney.

436. MR TURNLEY (DfT): Thank you, sir. Could we just put up P11307(1)? This was the covering letter that was sent with the counter-notice to the blight notice and I’d just draw the Committee’s attention to the middle paragraph. ‘You will note that one of the
grounds on which the blight notice has been countered is ground B, namely that the
authority does not propose to acquire any part of the property. Although the land is
included in Bill limits, HS2 engineers have been able to confirm that current design
requirements show that no part of this property needs to be acquired for the scheme.’ If
that needs to be repeated in any other form, that can be repeated in any other form, but I
can say now we don’t need any of this land for the scheme. So that’s the starting point.

437. If we then look at – perhaps A1664(8) is the easiest one to show it on.

438. MR HENDRICK: That was 26 October this year.

439. MR TURNEY (DfT): It was, in response to the blight notice that was served.
What was initially shown in the Bill plans was only this limited area. If a blight notice
had been served and we did only require that limited area, we would most likely have
countered it on the basis that we only required that area of land, so we would not have
acceded to the proposition that it automatically follows that we would buy the entirety
of the land.

440. SIR PETER BOTTOMLEY: You would not necessarily have accepted the blight
notice.

441. MR TURNEY (DfT): We would not necessarily have accepted it, even if it had
been served. What we said we would do is we would take the blight notice; we would
consider the blight notice as if the land had been within safeguarding. We have done
that and we have countered it on the same basis.

442. SIR PETER BOTTOMLEY: Can I just refer you to 1664(12)?

443. MR TURNEY (DfT): Yes.

444. SIR PETER BOTTOMLEY: Read me out subsection 1, please.

445. MR TURNEY (DfT): Yes. ‘No part of the property is comprised of blighted
land.’ Is that the ground?

446. SIR PETER BOTTOMLEY: Yes. Well, in the Bill’s plans, it is.

447. MR TURNEY (DfT): Well, that is the point about safeguarding, because if it was
safeguarded –

448. SIR PETER BOTTOMLEY: The word ‘safeguard’ isn’t there, but, if it’s shown in the plans as being used, it’s blighted.

449. MR TURNNEY (DfT): Well, it’s not blighted under the terms of the Act, so it’s put in those terms. Under Section 1514(A) of the said Act, no part of the property is comprised of blighted land; that means safeguarded land.

450. SIR PETER BOTTOMLEY: But it doesn’t say ‘safeguarded’; it says ‘blighted’.

451. MR TURNNEY (DfT): No. The manner in which blighted land is defined in the Act –

452. SIR PETER BOTTOMLEY: When we’re told the Upper Tribunal is unlikely to accept an appeal on the ground of number 1 there, the letter you read out to us doesn’t seem to be relevant.

453. MR TURNNEY (DfT): Well, if an appeal was to be made to the Upper Tribunal –

454. SIR PETER BOTTOMLEY: If an application for an appeal was submitted. It wouldn’t have been made; it would be rejected.

455. MR TURNNEY (DfT): Well, that may be the case.

456. SIR PETER BOTTOMLEY: In that case, the letter’s useless.

457. MR TURNNEY (DfT): Well, sir, the short point here is that this appeal would fail anyway, because we don’t require the land for the scheme. This is ground 3. This is the knockout blow for this petitioner on the blight notice, because we don’t need the land.

458. SIR PETER BOTTOMLEY: I’m afraid that, if go back to the stage of accepting that you don’t put someone’s land to be taken or used without putting that in the safeguarded plans, it was marked as to be used; it wasn’t put in the safeguarded plans.

459. MR TURNNEY (DfT): That’s right.

460. SIR PETER BOTTOMLEY: So that was wrong, to use a neutral word. It should have been. The two go together.

64
461. MR TURNNEY (DfT): As a matter of course… Well, for most of the land we require, we safeguard. Not all of the utilities works are safeguarded, as I understand it.

462. MR CLIFTON-BROWN: Well, one of the emails that Jonathan read out was that you were going to safeguard it.

463. MR TURNNEY (DfT): In respect of this parcel of land, if we had required it in the manner which we originally anticipated requiring it –

464. MR CLIFTON-BROWN: The email was quite clear. It said that you would safeguard it.

465. MR TURNNEY (DfT): I was about to say, sir, that that was what we would have done. We would have safeguarded it.

466. MR PERKS: I was told very clearly by Mr Jew that it was a mistake that it wasn’t safeguarded.

467. MR TURNNEY (DfT): I can accept that, if we had proposed to use it in the way in which we originally anticipated, we would have safeguarded it, but we don’t propose to use it in that way.

468. SIR PETER BOTTOMLEY: You did.

469. MR HENDRICK: You changed your mind. You put it in on the plan as being safeguarded.

470. MR TURNNEY (DfT): The safeguarding process was separate from the Bill process. The safeguarding comes under the Town and Country Planning Act. It’s a separate, statutory process; it’s not the Bill process that leads to safeguarding.

471. MR HENDRICK: Yes, so you put the land in the Bill. You said that you will safeguard it. Then you changed your mind and you decided not to safeguard it. You said you anticipated using it, but in the end you didn’t. Now, in the meantime, the petitioner here, because of the blight, is in a difficult position.

472. MR TURNNEY (DfT): Well, there’s a distinction here between blight as defined in the Act – I think that may be where –
473. MR HENDRICK: It’s a semantic difference.

474. MR TURNY (DfT): It’s a legal difference, so the land is not technically blighted land, but I realise that’s no reassurance to people if they are told they are not technically blighted, because you’ve heard from many petitioners who say, ‘I am blighted.’ They use it in the ordinary sense of the word.

475. SIR PETER BOTTOMLEY: When the plans were published – and we’ve been only doing this for 16, 17 months now – this is the first example where land that was going to be used was not included in safeguarding. It’s the first one that’s been drawn to our attention. We, I think, can work on the assumption that was an error. We know that, if it had been involved in safeguarding, a blight notice would have been served a year ago.

476. MR TURNY (DfT): Yes.

477. SIR PETER BOTTOMLEY: There would then have been the question, first of all, of whether you... At that point, it doesn’t matter that the scheme would later decide they didn’t need to use the land. It would have, in statutory terms, been blighted. A blight notice would have been served. The second point... That means we can put brackets round point 1.

478. Point 2 is the question about this small separately-rated thing, which I suspect could have come out in the wash. I don’t think that would have been a reliable... I don’t think any court would have used that as a ground –

479. MR CLIFTON-BROWN: The section says ‘the whole or a substantial part’. I don’t think anybody could argue that this isn’t a substantial part.

480. MR HENDRICK: Just coming back to your first point, Sir Peter, I would say it’s not an error, because originally they anticipated using it and they took a deliberate decision not to use it. Mr Turney made the point also that not all of the land that they’ve taken was safeguarded, not just this case but other cases as well. Could you tell us what other cases you’ve got where the land hasn’t been safeguarded in addition to this one?

481. MR TURNY (DfT): The safeguarding plans cover a swathe of England, from Euston to –
482. MR HENDRICK: I accept that, but why would you choose to omit land – sorry, not safeguard land that you’ve already identified as being in the Bill and you said you needed?

483. MR TURNEY (DfT): So the initial safeguarding predates the submission of the Bill to this Parliament by three or four months. So there are occasional disparities between the safeguarded land and the land included in the Bill.

484. MR HENDRICK: That’s the other way around, isn’t it, where you’ve safeguarded the land first and then put it in the Bill?

485. MR TURNEY (DfT): There is that change that way. There are changes both ways. There are instances of it. Can I just go to…?

486. MR HENDRICK: Can you answer that point I’ve asked you, without changing the subject? Why have you not safeguarded land that is in the Bill?

487. MR TURNEY (DfT): We have not, since October 2013, revised our safeguarding plans. That’s right. There is a separate process for safeguarding.

488. MR PERKS: There are safeguarding plans dated June 2014. We made you aware of this issue before June 2014, but it was only after that date that you decided it was a mistake and it should have been put in.

489. MR TURNEY (DfT): I’ll check with Mr Mould, but it hasn’t been safeguarded. It’s never been safeguarded, and I think I’ve already indicated that we have accepted – and it’s clear to the Committee that we have accepted – that, at the time, it should’ve been safeguarded. It should’ve been safeguarded, so we can proceed on that basis.

490. MR HENDRICK: Well, why didn’t you safeguard it in order to honour what was an understanding with a petitioner, rather than just deciding you don’t want to use it so you don’t care anymore?

491. MR TURNEY (DfT): It’s not that we don’t care anymore. I think we need to be quite clear that safeguarding does not generate an automatic right to acquisition; nor does it generate an automatic right to the acquisition –

492. SIR PETER BOTTOMLEY: We accept that. I’m going to come on, if I may, to
point 3. Point 1 may or may not be formally correct. It doesn’t matter, because the promoters said they would accept it as though it were safeguarded. Point 2 is the little bit of let out, converted thing. I can’t see any tribunal accepting that as a reason to block. I then come to 3, which is, even if you did want to use the land, it wasn’t a sufficient part of the whole building to make it necessary for you to accept the blight notice. That’s what that’s saying, I think.

493. MR TURNEY (DfT): Well, no. Actually, this ground is that we don’t need any of it, as a matter of fact.

494. SIR PETER BOTTOMLEY: You aren’t using it, okay. But, if you did want to use it, you could still resist the blight notice on the ground it wasn’t a sufficient part of the garden or the house.

495. MR TURNEY (DfT): Yes.

496. SIR PETER BOTTOMLEY: We then come to the reality, which is: this property is blighted by the rail scheme in normal terms. It’s not formally blighted, but it’s blighted. It hasn’t got the same value now as it had before the rail scheme was promoted. So, under a need-to-sell scheme application, subject to meeting the terms, you would accept it. I anticipate that members of this Committee would say, ‘You’re right to say you’ll treat this as though it was safeguarded, so a blight notice could properly be served’, and I suspect that, if you start taking the limits of compensation under section 1 of the post-operative thing, land reduction and all the rest, the petitioners would be in a no worse position and the promoters would be in a no worse position if it were treated as a blight notice to be accepted, taking one thing with another.

497. This is not a personal attack on anybody here, but I think that for the promoters not to have accepted that safeguarding should have taken place before the last change to safeguarding was done, other than APs, leaves us in a situation, I think, of being able to properly consider saying – not now, but if we discuss it – that we believe this petitioner’s blight notice or the equivalent of it should be accepted, or as pretty close to it as the promoters can get.

498. MR TURNEY (DfT): Well, sir, I have to be very clear that, if the normal course of events had happened, which is that this land was safeguarded, this small parcel of
land in the corner of a relatively extensive landholding – I think it was said something like 5% of the land in the landholding – if a blight notice was served in respect of the whole of the entire holding, it is very likely that it would have been countered by the promoter, on the basis that we only required that part, and therefore, even if everything had happened in the way that it should have happened, in the ordinary course of events, we would not have acquired the house. I think that is a very –

499. MR HENDRICK: That’s part of the title, you said, didn’t you.

500. MR PERKS: Can I just answer that? Firstly, you haven’t countered on that basis, so you cannot stand on that particular leg. Sorry, if I can finish, HS2 in their express-purchase scheme have set out that 25% is the threshold. We didn’t apply under the express-purchase scheme; we went the extra mile to apply under a statutory blight notice, and I am aware, because I’ve served them and I have had them accepted, that the DfT will accept considerably less than 25% as land take where you can show that the effect is substantial, and my understanding, from case law, is effectively, once you creep into the front garden of a residential dwelling, the effect is considered substantial. This comes into my client’s front and side garden, so I’m afraid, again, if this had been a normal blight notice, if you had turned it down on that basis and we were able to take it to the lands tribunal, I would be pretty confident of winning the day in front of the lands tribunal.

501. MR CLIFTON-BROWN: There’s a further fundamental that, if it had gone to the land tribunal – and I accept there’s a cut-off of today – you did not counter on that basis in the notice.

502. MR TURNEY (DfT): That’s the key point. We couldn’t counter on that basis, because we cannot counter on the basis that we only require part, which is ground C, and that we don’t require any, which is ground B. As a matter of fact, we don’t require any. If the circumstances were we did require part, we would have countered on ground C, that we only required part and not the whole. Trying to shoehorn circumstances where we simply do not require this land – we don’t require it –

503. MR PERKS: In June, you were telling me you still needed it. In October, you submitted to this Parliament plans saying you still needed it.
504. CHAIR: Order. I don’t want this to turn into a back and forth argument. We’re just going over old ground, aren’t we? I think what we need to do is, as Sir Peter suggests, consider this as a Committee. So what I’m going to do – I’m just going to allow Mr Turney to finish his remarks and then allow you to come back with some concluding remarks. Mr Turney.

505. MR TURNNEY (DfT): Yes, so the short point is that, under our schemes, we have stated that, where 25% is within safeguarded and resident property, we will acquire the whole. This is far less than that 25%. The correct approach now – and I think Sir Peter Bottomley was pushing for this – would be a need-to-sell application, which is the mechanism by which we, in certain circumstances that the Committee are well aware of, acquire residential –

506. SIR PETER BOTTOMLEY: That’s an unfair way of putting it. What I believe is the promoter should think again, talk with the petitioners and treat it as though it’s a blight notice that should have been accepted and the equivalent, or pretty close to that, is what’s settled. That’s what I was trying to say.

507. CHAIR: Okay, Mr Turney.

508. MR TURNNEY (DfT): The difference is that the blight notice in respect of a small corner of the land would not have resulted in the acquisition of the residential property. A need-to-sell application in terms of the residential property would bring with it the entirety. So that’s the distinction I’m trying to draw: between the circumstances which would have pertained if we still required that land and the circumstances which pertain now, when we don’t require any of the land. In essence, we’re trying to shoehorn a case where we don’t need this land into a procedure where we do need parts of land.

509. I can see that the complaint really is that the sequence of events has led to circumstances where the petitioner isn’t considered under the scheme that they would expect to be considered under, and I see the thrust of that complaint, but the question is then where would they have got under that scheme? Until we have at least had in mind where they would have got to anyway, if everything had gone in the way they expected, it’s very hard to make a judgment as to what should now be done.

510. MR CLIFTON-BROWN: In my view, you’ve made two mistakes, or HS2 have
committed two mistakes. Firstly, you have admitted, on behalf of your client, that this should have been in the safeguarding scheme; you’ve admitted that.

511. MR PERKS: Yes. Well, that’s in the letter that you’ve seen.

512. MR CLIFTON-BROWN: Yes. So, when the property served a blight notice, you relied on the fact that you weren’t going to take the land, because you knew you hadn’t safeguarded. You knew you were going to be able to get out of this. Had it been in the safeguarding scheme, had they served a blight notice, you would have then refused on ground 1 that it was only a minority of the property, but you didn’t do that.

513. So I think these petitioners have been treated unfairly on two counts and I think, myself, Chairman, that these petitioners, because of those errors, deserve to be treated as if this were a properly served blight notice.

514. CHAIR: We don’t need to go over any more old ground, I think, now. Do the petitioners want to make some final remarks and then we’ll, in private, deliberate as a Committee?

515. MR PERKS: My only point I would like to make is that HS2, I think, would like to push us towards a need to sell. We would need to be able to prove a need to sell, which we might struggle, and the package that the need to sell provides to the applicant is less than would be provided to us under blight. I firmly believe that my client should have had a blight notice accepted. I think case law supports, even though it’s a relatively small percentage of the property, the garden being taken is a substantial effect, and, if HS2 had countered on that point, I could have argued quite carefully against that at the lands tribunal.

516. MR CLIFTON-BROWN: Had you had the opportunity to argue it in the lands tribunal, if necessary – but you weren’t able to argue it, because they didn’t put it in the refusal of the blight notice.

517. MR PERKS: Quite. I think case law would have been on our side, to be honest.

518. MR BARTMAN: Can I make just one final point?

519. CHAIR: Final point.
520. MR BARTMAN: I want an absolute undertaking that this property is now removed from the Bill. I don’t want words like ‘it is proposed to not take the land’. I want it out of the Bill. I would like the Committee to consider that, please.

521. MR TURNEY (DfT): Can I give the assurance now that we don’t require land?

522. MR BARTMAN: I want an undertaking, not as assurance. I know about assurances.

523. MR CLIFTON-BROWN: To be fair to the petitioner, it might be better put in writing.

524. MR TURNEY (DfT): I had hoped that the letter that I showed suffices, but, if it doesn’t, we will write another letter and make it clear, beyond doubt, that we do not need any part of the land that’s shown for the Bill. The amendment of Bill plans is tied up in many Standing Orders of the House in respect of the laying of hybrid Bills before Parliament and so on, so the normal process is that, where we realise that we don’t require land, we give that sort of agreement that we don’t need it. So I’m happy to put that in writing, have that put in writing, and then that will be put on the register of assurances and undertakings in the normal way.

525. CHAIR: But I think the petitioner’s concern is: would you then be able to reverse that by writing another further letter if it remained in the Bill?

526. MR TURNEY (DfT): No. The process of giving assurances and undertakings is they’re put onto a publicly available register and they are undertakings given by the promoter, which is the Secretary of State, through HS2, and it’s bound in that way. So it’s the comfort that we give to other people in these circumstances. As I understand it, the short point is that the Bill plans aren’t revised as we go along, but that is binding on us. I will ensure that that’s written in an appropriate way.

527. I also would suggest, given the Committee’s position, that we go away; we talk to the petitioner and his representative, Mr Perks, and we talk through the process that has happened, where we would have got to, where he thinks we would have got to if we’d followed the process that he thinks we should have, where we think we would have got to, and we see if there is any room for agreement and we report back to Committee on
that, because it’s clearly a point of concern.

528. SIR PETER BOTTOMLEY: Do we happen to know if there are any other petitioners in a similar kind of circumstance? If we do, can we be told later on, not necessarily now?

529. MR TURNLEY (DfT): Off the top of my head, I can’t remember the same complaint being made, but we will check.

530. CHAIR: Any final remarks?

531. MR PERKS: No, thank you.

532. CHAIR: I think the Committee’s view appears to be that we would expect the promoter to do the right thing, to go away and do what we consider the right thing. If they don’t agree with the petitioner an acceptable situation, then can I say from here that we would expect to order a proper settlement?

533. SIR PETER BOTTOMLEY: That may require some give, if they talk to you, by the way. It’s not necessarily getting absolutely everything.

534. CHAIR: But we would rather it was resolved.

535. MR TURNLEY (DfT): What I’ll ask is that someone goes out now with the petitioners, because there’s no point delaying on this. We’re on a tight programme and so on, and the Committee, I know, want to know as soon as possible.

536. SIR PETER BOTTOMLEY: We can wait, but you may want to have the talk. They will talk to you in the corridor, perhaps.

537. CHAIR: Alright, thanks for your evidence. We’ll move on to the next petitions: 1543 and 1544, Andrew Douglas-Bate and Mary Douglas-Bate.

Andrew Douglas-Bate and Mary Douglas-Bate

538. CHAIR: 1543 and 1544. Mr Turney, would you like to introduce it?

539. MR TURNLEY (DfT): Yes. These are the petitions of Mr and Mrs Douglas-Bate. They live, as I understand it, here, near Stone. If we just go to the next exhibit, please, this is their property. The line of the route is here and this is the A418 Oxford Road
going into Aylesbury, which the Committee’s heard about quite a bit over the past few weeks, so I’ll leave it there, if I may.

540. MR DOUGLAS-BATE: Thank you. Actually, in this map, you’ve got it wrong. My property goes up to the road there and there’s a rented bungalow, which we’re renting to somebody who has been thrown out of their farm, as it happens, by HS2.

541. I shall start this, if I may, on a high note. I’d like, first of all, to thank the members of the Select Committee for being here. You’ve been working for about 18 months. You’ve had 1,900 petitions and you’ve covered 60% of the problems. There’ve been 126 sessions, such as today, and mine is, I believe, 127.

542. SIR PETER BOTTOMLEY: You know that and we know that. What we don’t know yet is what your issue is.

543. MR DOUGLAS-BATE: Right. I live about three miles south of Aylesbury and about a mile south of the proposed HS2 line. Aylesbury is a town of some 80,000 inhabitants, lying at the north end of the Vale of Aylesbury. I’ve lived there since 1974, having come back from working in the middle East for many years.

544. Aylesbury is the largest conurbation by far, along the length of the proposed line. I was, up until a short while ago, an elected councillor for Aylesbury Vale District Council, AVDC, and the proposed route of HS2 runs for about two miles through the north side of the ward I represented. Having been an elected councillor with AVDC for eight years, and having reached the age of 79 at the last election in May of this year, I decided to retire. I felt that younger folk could do better than me. However, I’ve retained an interest in HS2, with a lot of local backing. Could I now please ask you to turn to page 4 of the response to my petition? And look at 9.1, the promoter’s response?

545. I’ve raised the points in 9.1 on a number of occasions. I’m not, in principle, against high speed rail travel, I think it is excellent idea for our country. My interventions have basically been ignored, just not answered, or answered in a set or stereotype way that has given little confidence to me, and a lot of other people in the area. This includes even the short paper I wrote and personally handed to the Prime Minister.
546. I’m not, by the way, an expert, or an engineer, or what have you of any sort. I’m non-technical but I am practical. Turning to the petition proper, to parts 9.1 and 9.2 and what follows, I’m not going to repeat what others have said, but merely comment on the promoter’s comments in their response.

547. My concerns, and the similar concerns over the efficacy of HS2 is expressed by many others, this is why I’m raising the points I have in this more public way. All along, we have had, what one might call a boiler plate responses to our concerns. If, indeed, one carefully reads the promoter’s replies in their response document, this boiler plating can be seen throughout. Of course, this must be because there have been so many adverse and well far afield, in other – well backed up points of view from so many well informed people living nearby, or indeed, far afield. I can quite understand that it would take a whole army of staff and a whole army of computers to answer each question with precise, true and meaningful words, to the damming observations made.

548. SIR PETER BOTTOMLEY: Forgive me asking, how many more pages are there?

549. MR DOUGLAS-BATE: Not many.

550. SIR PETER BOTTOMLEY: How many?


552. SIR PETER BOTTOMLEY: Could I ask for a one minute break – could you suspend proceedings just for a minute, I’ll be back.

553. CHAIR: Suspended, order, order.

Sitting suspended

On resuming—

554. MR DOUGLAS-BATE: There is also a great deal of material in the promoter’s response paper which really is nigh impossible to understand when, say, trying to explain to an old lady, living perhaps 160 metres from the line of the proposed track, who will have had her declining years completely smashed up by the blight of this railway. Amongst others, in this sort of condition, who attended the forums held by the promoter, in various places, along the HS2 route. At these forums, most of us, indeed all the people I spoke to afterwards, each one, appeared none the wiser. Nearly
considering that the HS2 team was seeking only to tick the box to say that a forum had been held, whilst offering very little, if any, mitigation, help or advice.

555. By the way, under numbered paragraph 11, on page 8, the boiler plating has somewhat slipped up. My ward was nowhere near Quarrendon or Waddesdon, we are found south of Aylesbury. On page 9, paragraph 13, what this amounted to, and still amounts to, was, and is, in the public eye, obfuscation.

556. Briefly now, to pages 10 and 11, numbered paragraph 3, the promoter is correct in the belief that Park Cottage, in Hartwell is the house to which I refer. The facts here are that the place remained unoccupied and deteriorating for nine months after purchase, and at one point, the AVD historic buildings officer were called in, as the work, intermittent, at that time, was so badly handled. I knew well the previous owners, and when visiting them, saw no need, at all, for any repairs, especially those that cost £40,000. If time and money is wasted on this small scale, what can we expect for the future?

557. Now, to page 12. I refer to the diversion and bridging of the Aylesbury section of the A418. In a sense, my beef is over and this is an ask of the problem, the problem and the solution. So, turning to page 12, I refer to the diversion and bridging of the Aylesbury section of the A418. By the wall, to the northeast of Hartwell House. The Selection Committee very kindly visited this location. The problem was discussed. This possibly can be seen at 9.4. It seems to have escaped either my attention or that of the promoter, in any case, it has been discussed in depth by others. Just briefly, therefore, I would like to bring it to your attention. There is surely no need to diver the A418. I don’t know if the promoter has heard of the construction method of modularisation. This technique could surely be used with great effect here.

558. Modularisation means that bridges are made off site, transported to site and then bolted together where needed permanently. In any case, I must remind, if I may, the Select Committee that, in 1944, thousands of troops, including armies, crossed the Rhine on pontoon bridges whilst the existing bridges were being built or rebuilt. Surely, if they can do that, then a similar operation could be conducted so that the A418 isn’t diverted.

559. For the rest of 7.3 to 9.4, i.e. on pages 13 to 20, the boiler plated stuff requires
little further comment, except specifically on page 13, numbered paragraph 28. And page 18, numbered paragraph 29 and 31. And an expression of delight on page 20, numbered paragraph 41.

560. I speak from a practical point of view. Paragraphs 28 and 29, I understand from other papers, that noise protection measures were to be five metres here. Here you state three meters. That is to say about one and a half times taller than I am; not enough. I’ve taken the trouble to go over to France and Germany in order, from a practical point of view, to research their high speed railways, including problems of noise, light and vibration.

561. Where noise, etc. protection measures have been put in place, they are usually at least five metres high. I have also listened from a distance of what I’ve judged to be one kilometre, to the TGV to high speed trains going past at speed. To an ordinary person, such as me, the noise was unacceptable.

562. We had a meeting, which I attended at Wendover, and we were put in a cubicle and handed earphones, and looked at a television screen and on the television screen, an HS2 type train went by. The whole thing was quite charming, but it gave absolutely no impression of the real thing, and this is what worries so many of us down in my part of the world.

563. Now, the Paris Montparnasse to Bordeaux line runs some 16 trains per day, eight in each direction. But the guard, on one occasion, I regret to say, was not quite sure, but thought about 16 trains a day. HS2 London/Birmingham, 18 trains per hour during daylight hours in each direction, i.e. 36 trains per hour. If you make it 15 trains per hour, that’s two trains a minute in each direction.

564. Now, on page 20, numbered paragraph 41, that is splendid news, I am delighted to read that, should the project go ahead, work, where necessary, will be carried out at all times. This is modern Britain at its best, excellent stuff.

565. May I ask you please now to turn to page 21, numbered paragraph 1, option B. This is the real nub of what I want to say and this is why I’ve produced this contour map. It’s the burden of my song; a green tunnel round the south of Aylesbury. In the promoter’s response, they have simply not addressed my serious suggestion of
mitigation by building such a green tunnel. As I said at the start of this session, Aylesbury, with a population of some 80,000 is the largest conurbation along the whole length of the putative HS2 line, from London to Birmingham. Very special consideration must therefore be given to our town. This will, undoubtedly, mean spending of more money. I know I’m asking a lot, but HS2 is asking a great deal from our community.

566. The Select Committee, I would venture to ask, should be aware that if the HS2 line is constructed and that trains run on it, the consequent blight will extend, not just to 150 metres from the centre line of the track, but to one kilometre from it. I know you can produce all sorts of absolutely brilliant responses to this with sound engineers etc, but to the north live 6,500 people. The houses in this area, in the main, recently built, and the people who live there, again in the main, have strained every financial sinew to raise mortgages, then to maintain the payments on their mortgages in order to buy and live in these houses.

567. Their lives are going to be wrecked, and they are decent people who, at the moment, do not raise their heads above the parapet, and are perhaps frightened to do so, or simply to not know how to set this against the Government requirement that Aylesbury Vale District Council, who I no longer represent, by the way, have to provide houses.

568. What will happen is that the people in these houses will be, as I say, driven to distraction, and they will be in a negative equity situation. I believe this to be the most important aspect of the whole of this line. This is a blight problem arising out of the proposition of HS2. So, future proofing is a vital aspect, and I seriously suggest, and would ask this Committee to take this into account, to ameliorate the level of blight which will forever be suffered by people living in south Aylesbury, or to the south of line, who live in the scattered houses and hamlets at Meadow Way, Bugle Horn Estate, Stone, Bishopstone and the Hartwells.

569. The HS2 consultant report states that during daylight hours there will be some 18 trains travelling in each direction per hour. That is to say, 36 trains in both directions per hour. Trains are scheduled at the moment to move at 225 miles per hour, thus passing each other at combined speed of 450 miles an hour, and this has been upped
recently to 250, which means a combined speed of 500 miles an hour. The up and the down lines will therefore have to be far enough apart to allow for passenger comfort in terms of noise, turbulence, vibration, etc, to be diminished. The solution must be for two green tunnels, i.e. above ground tunnels to stretch from a point to the east of Sedbergh, probably pretty close to Stoke Mandeville, to a point to the west of Lower Hartwell. At the Lower Hartwell end, i.e. at the river floodplain level, the land is some 10 metres lower than it is at the point around say the middle of where it passes south of Aylesbury town.

570. There will be spoil from the Chilterns tunnelling etc, towards London; this spoil could be used to build banks along either side, where possible, of the green tunnels and for building up the green tunnels to the west Lower Hartwell. Here I would like to give my thinking the outside of the box; I suggest a southern bypass. This is not part of this Committee but it could happen. There is enough space in the area designated to the HS2 track passing south of Aylesbury, such that it could easily also contain a bypassed sized road which would be positioned between and below the tops of the two green tunnels, thus minimising noise and blight at night. The road would not be lit, so there should be no light pollution. The construction road has already been planned to go along south of Aylesbury and this could be strengthened and enlarged with the final bypass road in mind.

571. The green tunnel would have earth and vegetation beside it, and even on the tops, and people living near to the green tunnels would thus see, just say 15 or 13 degrees of bank, covered in various trees and bushes etc.

572. On now to the question of drainage. If a railway line is to be constructed of the size and cost of HS2, it would surely not be beyond the realms of possibility for a drainage system, perhaps using a pipe and gate value, also to be built beside or near to it, flowing down the slope, from the balancing ponds area, to the Thame flood plain to the west of Lower Hartwell. The response about balancing ponds, siphons and such mentioned in the promoter’s response, are, I believe, yet another obfuscation. We should not forget that in 1936, Mussolini drained the Pontine marshes, west of Rome. In Holland, they now have the capability to raise and lower the water table in adjacent fields, according to which crops they’re growing. It’s expensive but it can be done. A pipeline following the course of the putative HS2 line could be constructed, to outflow...
into the river Thame. Surely, this would be a simpler, perhaps cheaper way of dispersing possible flood water at Aylesbury, rather than relying on the existing and proposed balancing pond.

573. SIR PETER BOTTOMLEY: How many more pages are there?

574. MR DOUGLAS-BATE: Not many.

575. SIR PETER BOTTOMLEY: You said that before. But –?

576. CHAIR: You said you’d do about 20 minutes, Mr Douglas-Bate. I think you’re heading for about half an hour.

577. MR DOUGLAS-BATE: An hour?

578. CHAIR: You said you’d take about 20 minutes.

579. MR DOUGLAS-BATE: Yes.

580. CHAIR: But I think you’re pretty close to half an hour, now.

581. MR DOUGLAS-BATE: Right.

582. CHAIR: So can you move it along?

583. MR DOUGLAS-BATE: I will do it as quickly as I can, thank you. Well –

584. SIR PETER BOTTOMLEY: Why don’t you see what you can fit in in the next five minutes?

585. MR DOUGLAS-BATE: Sorry?

586. SIR PETER BOTTOMLEY: See what you can fit into the next five minutes, and stop.

587. MR DOUGLAS-BATE: Okay, yeah, I will. By building a green tunnel, the blight of noise, vibration and light would simply go away.

588. In closing, I would like to take the opportunity of this session to state what I and others, when not in the ring, feel about HS2 Limited, team, the team of HS2. To put it
bluntly, the HS2 team have been our foes in terms, both of stopping the whole thing, and also in terms of the maximum mitigation we are able to obtain, should the scheme go ahead.

589. I would like to state here that although we have fought, sometimes bitterly, and on numerous occasions, caught them out with what we have believed to be erroneous and misleading messages, and sometimes, those bordering on fraudulent, they have always, and on every occasion, been most courteous and well mannered, sometimes, I should say even, chivalrous.

590. They, as civil servants, have been drafted in to produce a result, HS2. From the flawed vision of an unnecessary and ridiculously expensive folly de grandeur. They have been given the outcome and have been instructed to fill in the gaps behind it. To build the project at as low a cost as possible, where it appears misfortune and the blight of the individual appears to be of little concern along its path.

591. So, thank you for what I’ve said HS2 Team Ltd, and thank you, Committee for hearing me out and as you tread these lofty corridors of power, I do hope you will bear in mind the idea of a green tunnel and that something can be done to bring that to pass. Thank you.

592. CHAIR: Thank you. Have you any comments, Mr Turney?

593. MR TURNERY (DfT): Well, I’m not going to deal with the un-particularised allegations at the end about the way in which we’ve gone about the project, but just to say, we’ve dealt with the A418 realignment and the need to build an offline diversion; you’ll recall when we had the parish council in, we dealt with that some detail. The petitioner’s property is some way away from the noise effects, and the Committee has been to sound lab and heard noise demonstrations in respect of the areas around Aylesbury.

594. In respect of green tunnel and other tunnelling options in Aylesbury; we’ve set out quite extensively, in fact, in the petition response document, our case on that, effectively, it’s the one Mr Douglas-Bate alludes to which is that we have a difficulty in green tunnels here, because you have to either go below the water courses or you have to go above them and start pumping underneath the green tunnel structure, and that’s why
we have difficulties with the green tunnel proposals south of Aylesbury and it’s for those reasons, and several other reasons set out, that we rejected those options and focused instead, on the way in which those impacts could be mitigated around Aylesbury, and you’ve heard a lot about that mitigation.

595. I think I’ll probably leave it there because we’ve touched on this quite extensively with other petitioners in this vicinity and indeed, closer to the line of route.

596. CHAIR: Thank you. Your brief response, Mr Douglas-Bate?

597. SIR PETER BOTTOMLEY: Thank you for your kind words, about them individually.

598. MR DOUGLAS-BATE: I had said some nice things about the Committee as well.

599. SIR PETER BOTTOMLEY: No, we don’t need that, but thank you for recognising the individual personality qualities of those who carry it all along.

600. MR DOUGLAS-BATE: Yes.

601. CHAIR: Thanks for your time. I’m going to move on to petition number 1835, Barn Management UK. Mr Turney?

Barn Management UK Ltd

602. MR TURNLEY (DfT): Thank you. These petitioners, this is a company which owns land at Cudsdens Court, which is on Chesham Road in South Heath; can we just go to the next one, 11027? This is an area, as the Committee knows, which benefits from the AP4 tunnel extension. Previously, this was an area which was affected quite extensively by construction activity for the South Heath green tunnel. The green tunnel obviously, is no longer being promoted, it’s the extension of the bored tunnel, which means that the tunnel boring machine goes past to the other end, of the north side of South Heath. Chesham Road, well known to the Committee. Construction traffic route still, but it’s a construction traffic route serving the compound for the construction of the vent shaft, and as a result, the duration of construction traffic is reduced and overall, there’s less construction traffic on the B485 Chesham Road.

603. It will be seen here that there was originally a parcel of land within the petitioners
holding, which was required under the original scheme, it’s no longer required. Cudsdens Court, it might just be worth saying; I’m sure the petitioners will be able to set this out, but there are six properties within a barn conversion development, is it?

604. MRS FLETCHER: Farmhouse and barn conversion.

605. MR TURNERY (DfT): Farmhouse and barn conversion. And the Committee may wish to note that two of those properties been acquired by the scheme, already. Thank you.

606. CHAIR: Okay. I assume you are not Edward Ward.

607. MRS FLETCHER: I’m not Edward Ward; Edward Ward was the owner of one of the properties that have already been bought by HS2 Limited, was the chairman of Barn Management UK. I’m one of the other householders in Cudsdens Court. That’s why it’s me today.

608. SIR PETER BOTTOMLEY: Your name?

609. MRS FLETCHER: My name is Agnes Fletcher. I’m very aware I’m sitting between you and your lunch and the session’s being going for a long time.

610. SIR PETER BOTTOMLEY: Don’t worry about that.

611. MRS FLETCHER: But I’ll just hold out my two….

612. MR BELLINGHAM: We’re not allowed lunch.

613. MR HENDRICK: We don’t have time.

614. MRS FLETCHER: I’m sorry about that. I suspect no longer than 10 minutes for me to run through this, if that’s okay?

615. CHAIR: Go ahead.

616. MRS FLETCHER: Thank you. I’m speaking on issues raised in a petition from Barn Management UK Ltd, which is the management company representing the six properties that make up Cudsdens Court. As we’ve heard, it’s on the outskirts of South Heath, near Great Missenden in Buckinghamshire, on the Chesham Road. Certainly
AP4 has eased some of the construction impacts, but we still have major concerns relating to our particular situation at Cudsdens Court, including the impact on property prices, blight in the general sense of the word, if not in the legal sense, on the immediate environment, the integrity of the local community, and the impact of the eight year construction period, including of the vent shaft, already mentioned.

617. You’ve heard from many people about the widely shared, and also the impacts of HS2 on their health, their work, their assets, and their quality of life. As our written petition makes clear, Cudsdens Court properties have been unsalable at anything approaching the market price since the announcement of HS2 in 2010, with most having been unsuccessfully marketed for long periods.

618. Two of the six properties at Cudsdens Court have already been bought by HS2 Limited, one under the exceptional hardship scheme, and one under the need to sell scheme. A third has just been accepted under the need to sell scheme, a fourth is in the middle of negotiations on a need to sell application, and the owners have delayed their petition, presenting their petition, until January, pending the result of that. The fifth household has not submitted an application as yet, but wishes to do so, and I’ll outline my own family’s circumstances in a moment.

619. As our petition details, as a result of the uncertainty caused by HS2, all six families have experienced significant health impacts, including anxiety over the past six years. By way of illustration, I can speak most effectively about my own family’s experiences. My husband, Adam Thomas, is paralysed from the chest down, with only one fully functioning lung. I also have conditions affecting my mobility and causing chronic pain. We’ve lived at Cudsdens Court for 15 years, in a property adapted by us to my husband’s needs. As he says, it’s the one place in the world where he can be fully himself, fully independent, where he can move easily in and out and from room to room, where he can cook, play with and care for our six year old daughter.

620. We spent the first three years after the media announcement about HS2, trying to bring our particular circumstances relating to the health impacts of the construction and the challenges of finding an alternative fully wheelchair accessible home, to the attention of the Department for Transport, directly by letter and less directly, through the media. Trying to find out whether they had taken any steps to consider the particular
impact on disabled people and other groups, and whether any thought had been given to circumstances like ours, where health created a need to move, but existing schemes were not suitable.

621. It has taken up countless hours, time away from focusing on our daughter in her precious, and now passed her first years, and time away from family, friends and work. For many years, it was the first thing we thought about when we woke up, and often kept us awake at night. We have argued like never before, in our 20 year marriage, shouted at each other and our daughter, for no reason, other than tiredness and worry.

622. While our disability related circumstances are not typical, all families face challenges. We know from discussion with our neighbours, and others further afield, that these levels of distress about HS2 are common. I have coped better recently, with the continuing uncertainty, and the seemingly endless negotiations with HS2 Limited, as a result of medication for depression and anxiety, which I began taking a year ago. My husband, as you might imagine of someone who’s been paralysed for 35 years, and who is a talented and hard-working kitchen designer, good husband and father, is made of strong stuff, but there has been an enormous toll on him. Shingles three years ago, is one example, his work has suffered, time available to spend with his father who has had cancer four times, has been sacrificed, to endless pouring over maps and documents, letter writing, meetings and negotiations.

623. Following a representation from our to the Department for Transport three years ago, saying that they might be in breach of the equality act, by not considering disability related reasonable adjustments to their policies, in our case, an expert report, including local opinion was commissioned by HS2 Limited. This made recommendations relating to the purchase of our home. It said that we should be dealt with as an atypical case, not subject to the statute of compensation arrangements, and that the recommendation should be implemented at least two to three years before the construction start date, because of the challenges of finding a suitable home which was capable of being made wheelchair accessible.

624. That report was completed almost two and a half years ago, in July 2013, and we were asked to sign a non-disclosure agreement at that point, about the details of negotiations. The full equality impact assessment on HS2 was finally completed in
November 2013. So far, formally, we have only a letter of intent to buy from HS2, a year ago, nothing more binding in writing. We accept that our case is complex, but negotiations have been difficult and protracted, with long silences from the other side.

625. At every stage, there have been delays. The latest letter to HS2 Limited from our agents, Bidwells, seemed, once again, to have disappeared into the administrative fog. We learnt informally, and only by chance, about the recent and sudden departure of our very professional and humane HS2 property acquisitions manager, Ian Cunliffe. We were once again, where we have frequently been, then in limbo.

626. Until five past four yesterday afternoon, when an email went from Carter Jonas to Bidwells, setting out proposed terms for a contract, and noting that this was timely, as I was coming to speak to you today. It seems to us as though it’s only coverage of our case, which was frequent until we agreed not to talk to the media two years ago, or the excellent interventions of support and from our wonderful local MP, Cheryl Gillan, or now my appearance before this Committee, really seems to create any movement.

627. Bidwells has also been instructed by Carter Jonas, now that Mr Cunliffe has left HS2 Limited, to raise any queries about our case with them, so the uncertainty in the seemingly endless negotiations with HS2 Limited and behind in Department for Transport drag on. All of us, of course live in an uncertain world and many people here, and abroad, are suffering right now, far more than we ever have. But other suffering is not a reason for us to suffer in silence or without protest. When the difficulties we face are not of our own making, could have been reasonably anticipated, and then mitigation planned at an early stage, probably at considerably less cost, both to us, but also in terms of legal and contractor fees, and HS2 staff time.

628. So what do those of us who still own properties at Cudsdens Court want? We would like negotiations concluded as soon as is reasonable, and for the three properties whose future is still undecided, to be bought by HS2 Limited. Because of the complexities of our particular case at number 4, my husband and I would like the opportunity to meet directly with decision makers at the Department for Transport, to discuss fair terms for our contract with them, rather than negotiating through a contractor, whose priority, understandably, will be limiting liabilities, for those that they are contracted by.
All of us at Cudsdens Court want the uncertainty of the past six years to end. Beryl Markham, one of the first pilots to fly solo across the Atlantic in 1936 wrote in her memoir, ‘I have learnt that if you must leave a place that you have lived in and loved, leave it any way, except a slow way, leave it the fastest way you can. Passed years seem safe ones, while the future lives in a cloud, formidable from a distance’. Every life has its cloudy times, we’ve had too many to detail here, but I would like to ask the help of the Committee, in any way you can, to help remove this particular formidable cloud which has hovered over Cudsdens Court for far too long.

CHAIR: Thank you. Mr Turney?

MR TURNEY (DfT): Well, I think in respect of Mrs Fletcher’s own position, in respect of the property that she owns in Cudsdens Court, she’s right to recall that there is now an offer which is to acquire the property, under special circumstances. I suspect that that offer needs to be digested by the family and advice needs to be sought on it, so there’s very little I can say about that now, because it is a recent offer.

There are, as I understand it, two properties which are then outstanding, in respect of need to sell concerns. Those petitioners, of course, or those people, if of course, they have complain, will raise it, but there is no reason to think that the need to sell scheme will not operate in the way that we expect it to, in respect of any outstanding applications. This is an area in which need to sell applications have succeeded. Indeed, in two properties, units three and six, they have succeeded, so, there is a – clearly a need to sell has worked her for some people. I can’t speak to the circumstances of the other occupiers, in response to the petition of the freeholder, but I know Mrs Fletcher wanted to deal with her own case and I can say that there is an offer there, which is different from a need to sell offer.

CHAIR: Now to respond?

MRS FLETCHER: Just two quick points: firstly in relation to our situation, we only got this email yesterday at five past four, as I say. Not happy about having to negotiate with the contractor Carter Jonas, in terms of their position in relation to our case. I’m not sure that we’ll get a fair deal, talking directly – or only going with that contractor, in terms of negotiations, we would like to speak to a decision maker, within the Department for Transport, if possible. But certainly somebody within HS2 Limited
rather than a contractor who, I – you know, I have no idea what their contractual arrangements are with HS2 Limited, but I’ve got no doubt that bearing down on cost would be a significant aspect of that.

635. SIR PETER BOTTOMLEY: The experience of many people, and I certainly once had it myself, personally, is that when people do start talking, professionals can get together and get to a value which is right, and there’s no one right value, but get one that’s essentially right, and I think that it wouldn’t be for Committee to say that you can get to a decision maker in the Department, partly because the way Government works. We have one of the cleanest government systems in the world, and that basically means keeping ministers and other officials away from money decisions, which are properly taken by professionals on a professional basis. So I think that – we will hope that you will find that the process of Carter Jonas and Bidwells talking to each other on your behalf, should come to the result that you want, anyway. It may not be exactly everything you – evaluations are always slightly imprecise and you have to settle on a figure. I think what’s been encouraging to us is that however late, the scheme has recognised special needs and is agreeing special consideration, which is not sort of favourable, it is just right and appropriate under the circumstances. It’s what the Act says, and it’s what we would want to have as well. Right, I think we also ought to say, we do understand the stress which happens to every household, whatever their circumstances.

636. MRS FLETCHER: Absolutely. Yes. And I’ve tried to make that clear –

637. SIR PETER BOTTOMLEY: You did.

638. MRS FLETCHER: – that we face particular challenges, but all families, all individuals do. And HS2, the stresses and strains will have added to a variety of pressures on people. I take your point about the Department for Transport. I still would like to have a named contact who’s responsible for decision making, within HS2 Limited, rather than only dealing with Carter Jonas, that would be my preference, but that –

639. MR TURNERY (DfT): Well, I’ll make sure that you have the contact details of the right person at HS2, because there’s no question that you should be able to contact HS2, as well as leaving the land agents to discuss the technical detail of the offer.
640. MRS FLETCHER: Thank you. And just the final point was, the two properties that have already been bought at Cudsdens Court, one on the exceptional hardship scheme basis, one on a need to sell basis were prior to AP4. Whether there is any kind of assurance, or comment that could be made to the householders who aren’t here today, in terms of the circumstances post AP4?

641. MR TURNLEY (DfT): Well, it’s necessary to show, as part of the precondition for meeting the need to sell requirement, that there is a blighting effect of the scheme, effectively, that the property hasn’t sold in the way that would be expected, and the scheme now is the AP4 scheme, so there will be properties; I’m not saying it’s properties at Cudsdens Court, it may be elsewhere that changes to scheme mean that they can be sold in the normal market, and there’s no need for need to sell scheme to kick into operation. But I can’t say in respect of these; it depends, in the first instance, as the Committee have heard on, on evidence, as to marketing, failed marketing, and so on, to establish that it is the scheme that is preventing the sale in the normal market, at the normal price. Or within a tolerable limit of the normal price. So, I can’t give any assurance that – as to how the scheme will operate in respect of particular properties, at a particular time in the process.

642. SIR PETER BOTTOMLEY: Which, being conservative, means if they have a need to sell and have applied, or are applying, that should be considered, and it may not – having a fully bored tunnel, if that had been proposed in the first place, might have made a difference, but I think the blighting effect of what was proposed before may still have a hangover, but that’s actually for the people to decide as they get the application.

643. MRS FLETCHER: And that would obviously need to be freshly evidenced, as opposed to the evidence –

644. SIR PETER BOTTOMLEY: The evidence is a difficult – the evidence would be the difficult – well, evidence of need to sell, and evidence of difficulty of marketing successfully, because of blight, I think is a fair summary?

645. MR TURNLEY (DfT): Yes. There is two separate points, there’s the position of the property market, and the position of the person trying to sell the property, and I can’t comment on those that are still there, nor on what the property market has done or will do. But the NTS scheme remains in place and will remain in place, so if there are
adverse effects on the property market from the scheme, the NTS scheme where people meet the requirements that is the proper port of call.

646. CHAIR: Thanks for your contribution. Petition number 1570, Cycling Touring Club, Roger Geffen.

**Cycling Touring Club**

647. CHAIR: Mr Turney?

648. MR TURNLEY (DfT): Thank you. Can I just introduce this petitioner? This is a route-wide petitioner and as I’m told, there has been engagement with the Cycle Touring Club throughout this year, 2015. We have provided two sets of assurances to them, which I think I’ve – I’ll just take a moment to go through, if I may. Can we put up P11217 first? This is assurance given last week and it concerns, effectively, engagement with the Cyclists Touring Club. I suspect that the detail of it might be a bit too much for the Committee at this stage in the day, but just to point out, it’s engagement at various stages on the impact of our scheme on cyclists. So, I’ll – it runs to the second page, if we can just go to the second page, just to show the kind of points, but I won’t go through them line by line, there’s in the exhibits.

649. So, that’s engagement with the petitioner, and the cycle rail working group, and so on. Could we then just put up P11305 please? This is a specific assurance given in the hope of closing off some remaining arguments, and this was given yesterday. A concern of the petitioner was compliance with what’s called the Construction Logistics for Cyclists’ Safety standards, CLOCS standards, and this is a standard which the promoter – or the Secretary of State has given assurance that the nominated undertaker will be required to comply, as far as reasonably practicable, with the CLOCS standards.

650. We have then just added a few points of clarity, for the avoidance of doubt, because there are some issues which we see immediately – that there may be issues with immediate compliance. The first one is driver training, because there is a limit to the training capacity in the UK for drivers, and it may not be possible to meet the full driver training requirement but that’s a potential limitation. The use of audible left turn alerts. We are concerned to ensure that a balance is struck between the need for those alerts, and those being used unnecessarily in rural areas, where they may cause disturbance, to
others, where they are simply not required, so that’s a clarification.

651. And then the use of side guards, and the proposed requirement is that we meet a level of compliance called N3, which is more stringent than CLOCS, but in certain circumstances, it may not be possible to have side guards under the vehicles concerned, because of their use, when they get to the site, so there may be elements of the fleet which cannot meet that requirement, in certain circumstances. Can we just go over the page? I think that’s all of the clarification there. Yes, sorry, that’s the extent of it. And could we just please look up P11304?

652. In the exhibits, we had a draft in this document but this is the final version, it’s the route-wide traffic management plan, first edition. Could we go to – just quickly touch on page 41? This is to be a requirement on all the contractors and there’s a definition there of vulnerable road users, ‘Scope and context’, referring there at the bottom of the page to, amongst others, pedal cyclists, and then if we could just jump to 44 please?

653. Now, I just want to touch on the elements relating to cycle safety. This is about engagement and at 5.4.2, you see engagement and communities, ‘Principle contractors will be required to identify and promote activities within local communities such as schools, workplaces, and community groups, with regard to road safety, appropriate for the audience, cycle safety checks, changing places, so understanding the relationship between HGV drivers and cyclists, and appropriate safety management’, so that’s part of community engagement.

654. Just touching very briefly on a few of the relevant aspects. We’ll go, please, to page 51, this refers, at the bottom of the page, to driver training and development, which says that training will be delivered – will be provided either by the principle contractors, or make use of courses provided by external contractors, and just over the page, ‘HS2 will endorse the proposed course content if they don’t provide the same content at the CLOCS standard, although additional training for rural areas may be considered necessary’, and then, ‘The principle contractor will need to set out with the ESSMP, how the standard and training will be delivered through supply chain. So that’s the training measures.

655. And then the last point, page 54, this is quite a weighty document and I think it might be helpful at some stage – I’m sure we’ll have to go back to it, because it’s got a
lot of information about traffic planning, but just on cycle safety again, ‘On construction vehicles’, we see there, ‘All construction vehicles’, and this is some of the requirements, and it includes, ‘Vehicles over 3.5 tonne shall have, as an addition, side under-run protection on both sides, except where site conditions negate this requirement and has been agreed on a site by site basis with the nominated undertaker. Audible left turns, blind spot elimination, side scan detection, viewable cameras’, and so these are the various visibility requirements.

656. And then just over the page, page 55, ‘Safer vehicle technology and design. The principle contractor shall demonstrate how the supply chain will adopt additional innovation or technology to remove blind spots to prevent under-running. This could include retro fitting HGVs with doors which provide for improved visibility’, and then other matters relating to driver visibility in the next bullet point. And then, just under the bullet point, it says, ‘Technology changes, principle contractors and their supply chain will be reasonably required to adopt improved standards during their fleet renewal programme, where technology standards and reliability permit’.

657. I think that’s really the focus of where the petitioner wants to come in, so I’ll leave it there, thank you.

658. CHAIR: Mr Geffen?

659. MR GEFFEN: Chairman, Committee, thank you – Mr Turney, I firstly want to acknowledge, as the previous petitioner did, that the dialogue we’ve had with HS2 Limited, and specifically with Alistair Davy, who sat behind me, has been very constructive and I want to acknowledge that. The reason I’m here today is really, I think, more of a sort of accident of timing, the fact that this document only came out yesterday and therefore, we’ve – and there have been various circumstances, and Mr Davy and myself taking some leave that just missed one another, there’s been various things that we haven’t quite managed to resolve things, we’re not a million miles apart, so I think we will be able to make good progress.

660. Our petition on behalf of our 68,000 members, I should say, CTC National Cycling Charity, 68,000 members…

661. SIR PETER BOTTOMLEY: Most of them have appeared in front of us during
the last few weeks.

662. MR GEFFEN: Indeed. We raised three broad areas of concern, I want to touch on them very briefly, because one of them intersects with the area which I mainly want to deal with. So, the points that I’m happy to accept the assurances, which are broadly drafted, but our petition was itself, broadly drafted, but we will get into more detailed discussion on the first area, is around cycle rail integration, so being able to take your bike to a station, or ride it from a station, park it easily, hire and storage facilities; all of that, we’ve now got an undertaking which – I’m sorry, an assurance, which I very much welcome, which allows us to resolve those issues, hopefully in a continued constructive manner.

663. The second area which does overlap with the third area, is on the issue of what is known as cycle proofing. This phrase is one that was used in the All Party Parliamentary Cycling Groups cycling report. It’s basically the idea that all highway traffic schemes, to new developments and so on, should have high standards of cycle friendly design built in from the outset of the planning process. All too often we see road schemes, traffic schemes where cycling is only an afterthought, and then it’s done badly, so the idea that it needs to be designed at the outset, is an important one, and again, we have an assurance in principle, that we will kind of make sure that that is done, in the context of everything, of roads, rights of way, other forms of cycle access, along and across the HS2 corridor.

664. I flag that one up, because it does intersect with the third area, which is around cycle lorry safety. And I do this particularly with concern around some of the routes in and around Euston Station. These will be flagged up in greater detail by the petitioners, by Camden Council, by Transport for London, by Camden Cycling Campaign. I will not go into detail of those issues, because they will, but they have flagged up details where some specific cycling in those areas does not, as currently planned, has not been cycled proofed, where cycles routes, cycle access, is being severed, either temporarily or permanently, which won’t just delay cycle journeys, as seems to be the promoter’s interpreter of the concerns, they will force cyclists onto the busy main roads, where there will be an awful lot of extra lorries.

665. One of the other things we learnt from the revised plans that came out, late
summer, which we didn’t object to, because we didn’t clock that they were there, but others have, which is why they will be picking up the greater detail, their concerns are that if those routes are severed, cyclists are forced out onto the roads, where, we understand from the promoter’s revised scheme, there will be at peak of construction, an extra 720 lorry movements in each direction, that’s 1,440 lorry movements per day, at the peak of construction work. If cyclists are forced into that situation, then quite frankly, it is likely, not just possible, that cyclists will be killed, unless the utmost is done to maximise cycle/lorry safety. So, cycle proofing is important. Do, please, as a Committee, and I would urge HS2, to listen to those concerns of those other petitioners, who have dealt with those issues in greater detail, and also from the Rail Freight Group, who have put forward proposals to reduce the number of lorries involved.

666. I want to focus specifically on that third area; of what else could be done over and above the very welcome commitments that the promoter has made to address cycle/lorry safety. As I said, we had some assurance that HS2 Limited would now sign up to CLOCS, only yesterday afternoon. And we also had this revised route-wide traffic management plan, also only yesterday afternoon, and it is a lengthy document, and I was having to absorb it at the same time as absorbing all the information from the Chancellor’s autumn statement, and what that implies for cycling. So, an awful lot to absorb yesterday and I doubt that I’ve got the whole of it.

667. One key issue that I have raised in the past with promoters, and which is still not taken into account, is what is known as the direct vision lorry. I can probably best explain – has this gone round?

668. SIR PETER BOTTOMLEY: It has.

669. MR GEFFEN: I know this was a late exhibit which I provided on paper, but it only four photos, which I hope makes it easy to absorb. These sort of lorry cabs were developed initially by lorry manufacturers to go on the fronts of refuse vehicles to make it easier for the lorry driver to get in and out, but when they did it, organisations like ourselves, and the London Cycling Campaign immediately says, ‘This is what we’ve been calling for, for years’. A vehicle that is basically got the driver relatively low down compared with a typical lorry and with much more window and far less metal around them, that allows them to see as easily as if they were a bus driver. Lorries have
a far greater involvement rate in killing cyclists than buses do, that is because the drivers are generally placed high up above the engine, and they’re surrounded by metal. That creates blind spots, that are absolutely avoidable by this kind of design.

670. This sort of vehicle is now becoming widely available, as I say, for dustcarts, it’s starting to become available for construction lorries. I understand that there will be a reservation that if HS2 were to require this of all construction lorries right from the outset of the contract, it might be difficult to provide them. However, as a public sector owned company, this is fantastic opportunity for HS2 to show leadership in effectively pushing the market into widespread take-up of these much safer lorry designs, and my suggestion would be to ask the promoter to give a further assurance that they will favour contractors who show a commitment to this type of vehicle, and as soon as it is practicable to make it as standard condition of the contract.

671. In due course, I have little doubt it will be added to the CLOC standard, it’s fairly clear that Transport for London, who’s brokered the CLOC standard, in partnership with pretty much every player you could wish for in the industry, including the Freight Transport Association, the Road Haulage Association, the Mineral Products Association, and many different players, this is a widely accepted standard, it will evolve over time, over the course of the HS2 contract and I’m very confident that the direction for the visual lorry will be incorporated into that contract in due course.

672. I think there is a fantastic opportunity for HS2 Limited to help lead the push towards these safer lorries, and, as I say, it could really help save lives in the course of the contract, that as currently defined, actually creates some very serious risks particularly in the area of Euston, and potentially in other areas of the route, so I hope I can encourage the promoter to consider this constructively.

673. CHAIR: Mr Turney?

674. MR TURNLEY (DfT): Thank you. I think we’re very close on this. We’re talking to the petitioner, we’ll continue to talk to the petitioner. On the screen, we have what we’ve already said, which is to look at improving technology. The basic point is that these high standard visibility lorries are not currently the most prevalent on the road, but this, we hope, is pushing towards our contractors getting that technology, as it becomes available. So that the supply chain will include, and hopefully, substantially include this
type of facility.

675. In respect of Euston, the Committee will hear a lot about it over the coming weeks, so I won’t deal with the specific cycle safety issue. There is no doubt that the issue of cyclists around Euston will be raised by others, so I will leave that until next week, I think.

676. SIR PETER BOTTOMLEY: It might be possible to add a word picture, saying that, in the image we’ve got, which I hope will go into our system, one shows, on the passenger side, the lorry, glass door that goes down almost to the wheel of the cycle – the cyclist you can see, who I see gladly is wearing a cycle helmet as well – and there are two other images of lorries with long glass doors and in contrast, the top right, with the cement mixer, it looks as though the door is half metal, where you would not be able to see, necessarily a cyclist alongside you.

677. MR TURNEY (DfT): Yes, the first point there, the retro fitting. Actually, it can lead to a quicker solution than providing a whole new fleet of vehicles.

678. SIR PETER BOTTOMLEY: One way or another, if the driver can see the cyclist, that reduces unnecessary crashes.

679. MR GEFFEN: Can I just come back in? Firstly, I mean, I think – the point about the door coming down pretty much to the ground, that is on the left hand side. The one which doesn’t have it coming down is on the right hand side; it is mostly the left turn lorry...

680. SIR PETER BOTTOMLEY: Which is the problem.

681. MR GEFFEN: That causes cyclists’ deaths, so that is the side where it’s most important to have the door coming down to the ground, as I say, a bit like the door of a bus. So, yes if there are opportunities to have both sides of a similar design, so much the better.

682. Just to come to the point about the way in which the – the traffic management document is written, that so far, that gives us an assurance that operators will be asked to demonstrate that vehicles, which are to be purchased or leased for use on the project, will require these latest designs. What that doesn’t do is to give any advantage to an
operator that already had – that has already invested in those vehicles, over one that is proposed to use an existing fleet of vehicles that doesn’t have those designs, so I would – this is why I would urge the – just go a little further to tip the balance in favour of operators that are using best practice.

683. Can I just briefly also touch on your – on your caveats around the wider issues on CLOCS? The training of drivers, there’s another two years before this is going to cut in, I would have thought that it is possible to set up sufficient training capacity in the meantime. I accept that I can’t be sure of that, and therefore you will wish me to retain that caveat but I would urge HS2 to be proactive in seeking to make sure that training is widely available. For goodness sakes, if you put it in your contract, it will be a business opportunity for someone, I’ve little doubt that the trains will pop up in the markets.

684. On the point about causing disturbance from the left turning audible signals, I hope that – as I understand it, this is a concern that it might spook horses; I can understand that that might be a concern; let’s make sure that that discussion is held in an evidence based way, weighing up the risks of spooking horses against the risks of killing cyclists through left turning, through the lack of left turning indicators. I’m sure we’ll just keep that dialogue going.

685. On the last one, as I understand it, the aim is to have set up to a higher standard, so that’s hardly a caveat that needs to be put in place, if you’re going for a higher standard. We will obviously welcome a commitment to go for higher standards where practicably possible. As I say, I hope that we can incorporate higher standards, where practicably possible. As I say, specifically in respect of direct vision cabs.

686. Procedurally, do we just keep our dialogue going and report back, is that what happens now?

687. CHAIR: Okay.

688. MR GEFFEN: Is that where we agree to terminate the discussion, that we will just…?

689. MR TURNLEY (DfT): We will keep talking to this petitioner over the coming months. For example, I think if it helps talk the petitioner through the procurement
process, to understand how contractors will be scored and so on, on these sort of issues.

690. MR GEFFEN: And you would report back if we reached an agreement? If that would just be reported back verbally – in writing, presumably?

691. CHAIR: Okay.

692. MR GEFFEN: I would need to come back to the Lords, if we don’t, but I’m assuming you probably will? Is that the procedure to what happens?

693. CHAIR: That’s fine.


695. CHAIR: Okay. Thanks for your evidence. That brings us to the end of today’s business for the high speed rail Select Committee. Order, order.