

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Monday, 2 March 2015 (Afternoon)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Sir Peter Bottomley
Mr Henry Bellingham
Ian Mearns
Mr Michael Thornton
Yasmin Qureshi

IN ATTENDANCE:

Mr James Strachan QC, Counsel, Department for Transport
Mr Mark Juniper, Strutt & Parker (for Mr and Mrs Frusher and the Edgecote Estate)
Sir William Cash MP (on behalf of Swynnerton, Whitmore and Madeley HS2 Action Group)
Mr Chris Dawes

Witnesses:

Mr Andrew Smith
Ms Elizabeth Hulme
Mr Keith Ralls
Mr Kenneth and Mrs Catherine Lea
Mr Darren Swinton and Mrs Swinton
Mr Richard Nicholls
Mr Kenneth Salmon, The Culcheth Community Group)
Dr Dan Mitchell
Mr John Lee
Mr Andrew Bodman

IN PUBLIC SESSION

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(At 14.07)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee. Sorry for the late start. There are still some members at all points north on their way in. I am glad to see that we have a good turn out today. This week and next week we hear from people who will be affected by Phase Two as HS2 proceeds. As I have said, we will hear petitioners on clauses 50 to 52 and 48 if relevant, and on compensation and blight. Please have that in mind. We may not always ask counsel for the promoters to respond to all petitioners if we already know their position, and we are getting to know their position fairly regularly.

Andrew and Susan Smith

2. CHAIR: Could we see where Mr Smith is in relation to Radstone?

3. MR STRACHAN (DfT): I understand that Mr Smith wants to explain his location.

4. MR SMITH: Is that okay?

5. CHAIR: That's fine.

6. MR SMITH: Good afternoon and many thanks to Mr Chairman and the Committee for this opportunity to present to you this afternoon. This is the petition of Andrew and Susan Smith of Radstone, Northamptonshire. My name is Andrew Smith and I am representing my wife, Susan, as well here who unfortunately cannot be with us this afternoon.

7. In our petition we have raised three concerns impacting upon our family home, these being noise impact on our home and quality of life; the visual impact of the project and impact upon property prices and property compensation. Regarding noise and visual impact, the Committee will be pleased to hear that we do not want to repeat many of the technical issues the Committee has already heard. I think that as far as the noise and visual impact on our home and village of Radstone, this was discussed in quite a bit of detail last Tuesday, 24 February in the Radstone Residents Group presentation. We are encouraged and grateful that the promoter has committed to consider alternative solutions that will mitigate some of the noise and visual impact. Therefore, I shall not

cover these points again today. However, we believe it is very important that the promoter and the Committee in their role understand the impact that the HS2 project is having and will have on the lives of individual families such as ours relating to property compensation.

8. Slide two, please. My wife Susan and I have lived in our family home in Radstone for 19 years with our two daughters. You can see those on the screen now. I was relocated there by a past employer and although we are very happy there we do not have any family connections with the area. We own our home, with the help of a mortgage. I am sure that the Committee will remember from last Tuesday and your visit last October that Radstone is a small village comprising 18 houses and is approximately two and a half miles from the town of Brackley. Radstone is a very quiet location in open countryside and has a long history mentioned back in the 1086 Domesday Book. For us its quiet tranquility and beautiful countryside are its key attraction and value as it has no other facilities apart from the 12th century church of St Lawrence.

9. Slide three, please. This is the map. I will just orientate you. Our property is in the centre of the map highlighted by the red dot and the line is highlighted by the blue arrow in the bottom left-hand corner. So, our home is approximately 350 metres from the centre of the line. At most points no other property or natural feature will lie between us and the railway. In other words, we are not blocked by any other properties. As you can see from there and will remember, Radstone is generally a linear settlement facing the direction of the railway. The village has a tranquil location and will be severely affected by noise and visual intrusion upon what is a very rural landscape, and I think that was generally accepted by the Committee last Tuesday.

10. Slide four, please. Just a couple of points from this map again. This is showing our home in relation to the railway line. There are just a couple of points I want to highlight for you, which are the raised Radstone road overbridge where the arrow is, and also an area where the line is basically at ground level closest to the village. Both of those features are obviously the closest point to the village and our home. I shall skim over slide five, if I may, because that relates to noise and shall quickly move on to slide six. Since Phase One route plans were announced in October 2010 we have been faced with a great deal of uncertainty in terms of what the future may hold. I just want to run through very briefly a few of these impacts. Basically, we have refrained from making

any sort of serious investment in the property as we have been uncertain as to whether we would recoup an investment, an example being that in October 2010 we aborted a kitchen extension due to the uncertainty of the impact of the railway line on the properties. This view was supported at the time by neighbours attempting to sell their home and finding that the property market had in effect frozen with no interested purchasers because of HS2. That came from estate agent feedback.

11. We have become increasingly concerned about future quality of life in the village and locality with noise and visual intrusion during construction and operation, congestion during the very long construction period and really a feeling of being cut off with a barrier that has been created between the village and our reliance upon the services in Brackley. Brackley is our nearest town and if we need a doctor, dentist or a shop, we have to go to Brackley.

12. The last area of uncertainty is really the eventual selling of our home over the coming years to respond to change in life circumstances. I guess like all families our personal circumstances are changing as we get older and since the announcement of Phase One in October 2010 we have really not been able to plan with any certainty our response to these advancing changes. We will in the very near future need to address issues such as our location becoming less suitable for our family life and the proximity for care of elderly parents living on the South Coast and in the South West. As I said earlier, we weren't originally located in the area and so we have no family connections there. The school location of our remaining school-aged child is now some distance away. We also have to think about financing children going to university, downsizing and eventual retirement and even supporting our children acquiring their first home. We will want to move in the near future and respond to changing circumstances.

13. SIR PETER BOTTOMLEY: We have the advantage of being able to see some of what you have in mind. The issue essentially is that if the Need to Sell scheme does not accept your application, you would like us to make sure that they did?

14. MR SMITH: We have some concerns, and I have some slides which relate to the concerns, so yes, per se.

15. SIR PETER BOTTOMLEY: You want to apply under the Need to Sell and you want that accepted?

16. MR SMITH: Basically, yes.

17. SIR PETER BOTTOMLEY: And if it is not accepted you would like us to consider intervening?

18. MR SMITH: I guess that would be right.

19. SIR PETER BOTTOMLEY: I do not know how much of last week you were able to pick up, but we recommended that the advice that some people should take is to apply. If the application is turned down on grounds that do not seem right or fair, let us know and then we can do things but we cannot do anything until an application has been submitted and considered. Most of what I think you are likely to be saying to us, quite sensibly, is what those considering the Need to Sell application would consider.

20. MR SMITH: They are issues in relation to the Need to Sell scheme, yes.

21. SIR PETER BOTTOMLEY: I think if you had had the opportunity of sitting with us last week, the point was made to the promoters that in a place like Radstone as, for that matter, Burton Green, but not many places, it is fairly obvious that a home is not going to sell in present circumstances, which meets one of the criteria for the Need to Sell. So, you could go through the whole of what you have to say but I think essentially we understand it. It applies to other people in the village and I think were you to make the application and were to be accepted, the problem is resolved. If you make the application and it is not accepted then I think we can be expected to, in fact, ask why. The three months marketing is an issue where we ask the promoters and the Government to pay attention rather than make another eight people go through what those who have already had their homes purchased have been through already.

22. MR SMITH: That is certainly one of the issues in terms of Radstone because, for example, one of the slides I will show –

23. SIR PETER BOTTOMLEY: I am not sure that you need to. You can show them but you do not need to go through them all because we are as familiar as you are with the issues and, through our questioning, the promoters are as well.

24. MR SMITH: Okay.

25. SIR PETER BOTTOMLEY: So, the essential point is that you will need to make an application.

26. MR SMITH: Yes, okay. Shall I just quickly run through the ones that would be useful to the Committee in terms of our circumstances?

27. SIR PETER BOTTOMLEY: Your particular circumstances we understand as well. Do it as fast as you reasonably can but do not expect much of it to be new to us.

28. MR SMITH: No, okay. So, I can actually move on quickly to slide seven. Again, nothing new, so I will quickly move through that slide and perhaps just emphasise on slide eight that it is just about the fact that selling our home in this area is going to be a problem for a number of reasons. If we move on to slide nine, that is our home. The two neighbours I have marked there as A and B are the neighbours who have been purchased by HS2. I think that emphasises the point you have just made.

29. SIR PETER BOTTOMLEY: It is an established point.

30. MR SMITH: Yes. The next three slides are really just extracts of the Environmental Statement. Basically these are the sort of things that anybody doing any due diligence on the village again would find, so again I will leave those.

31. Perhaps if we move on to slide 14, a key point here is that we have not had a response. I think the response from the promoter in terms of the petition is that they feel the compensation provisions are sufficient and appropriate. So, that is the purpose of us being here today.

32. SIR PETER BOTTOMLEY: That response came, I think, before the Need to Sell scheme was established.

33. MR SMITH: Okay. Shall I just then finally perhaps go to slide 15? There are a couple of points that perhaps might be useful in terms of our view. I think it is an important role for the Government to play in the circumstances of providing long-term stability. We have an infrastructure project such as this, which has some national benefit and it will have long-term impact on property prices while families have changing circumstances over much shorter timescales. I think that the Government has a role to bridge this sort of gap.

34. I think when it comes to the serious concerns regarding the only scheme that may assist us, and I accept, yes, that we need to apply, our view would be that it appears highly discretionary and we are concerned with terms such as 'compelling reason to sell' under criterion five. I am also concerned about, 'The scheme is expected to assist those who will be placed under an unreasonable burden if they were unable to sell their property except at a significant loss in the near future'. That is on page 12. These are all highly subjective and discretionary. Basically, I think the terms and the way the whole document is worded is not an easy process for a layperson and quite honestly, could be considered to be quite onerous and will be putting people off applying.

35. So, the scheme appears to us to be about personal circumstances and not blight. I think that perhaps goes against some of the points that you make in that it is more of a want to sell. It does not appear that way when you read the documentation.

36. Again, our view would be that if we want to sell, surely a want to sell does encompass personal compelling reasons to sell. Nobody really wants to sell a family home for the sheer fun of it. The other point is that a failed application will create uncertainty, confusion and then the need to reapply. That will all add time to the whole process, and there is no apparent right of appeal either. There is just a complaints procedure. So, we do not really think that the scheme will fully address the problem, as we see it.

37. Coming to the final slide, which is slide 16, so that we can get to the point, basically what we are asking the Committee to require the promoter to do is to accept that blight has been demonstrated to the Committee and proven as occurring in Radstone, and an assurance that Radstone is treated as an exception and as such how homes applying to the NTS scheme have automatically satisfied the three-month market testing requirement. Really, this is to remove any delay in the process. The other point as well is that estate agents appear increasingly reluctant to write letters, especially if they know that it will not generate any fees for them, and is really only going to support an NTS scheme, so that is another reason for really cutting to the chase. I think you summed it up perfectly, to ensure that the NTS purchases our property now and at full, unblighted market value really to remove the uncertainty.

38. There is just one other point I would make. I think that according to the scheme

once you are accepted you have three years to complete. It might be useful to have an option to maybe delay that a little further because of family circumstances, probably more towards the end of the project so that there is no need to reapply once you have been accepted. I think that that would help families plan a little more going forward. It provides the certainty, which is really one of the things that we are looking for. Thank you very much for your time.

39. CHAIR: Thank you very much. We have just read the slide sheets before we hear you present them so we are a little bit ahead of you, which gives us a bit of an advantage. Mr Strachan?

40. MR STRACHAN (DfT): I am not sure I need to say very much in this context because the Need to Sell scheme is there and I understand that Mr Smith may wish to make an application if they haven't as yet, and, of course, the outcome of that will depend upon the application they make. I would just reiterate that although the Committee has heard it certainly on a number of occasions, there is in the guidance documents a specific paragraph which deals with this issue about marketing in circumstances where one is in an area that has been shown to be affected in other applications. That is at 3.1.21 of the guidance document. I do not think that I need to put it on the screen but just reading that, as part of the application form one can provide evidence that local estate agents have refused to market the property due to HS2. That is one of the sorts of pieces of information that the panel takes into account from applicants. So, the circumstances that Mr Smith was describing that others in the same location have failed to be able to market their property at a proper price, that is plainly something the panel will take into account.

41. SIR PETER BOTTOMLEY: At the risk of plain English, I think that in Radstone the promoters ought to say to potential applicants or actual applicants that Radstone is one of those places, and it will be rare, where they have already purchased homes because they cannot be sold at market value and that will be accepted. If I am B and neighbour A and neighbour C have been accepted, I think that it should be possible to give a greater degree of certainty to an applicant. I do not want to see another eight applicants in Radstone, if there are that number, having to go to the estate agents saying, 'Can I have the standard letter, please?', not that it should be difficult to get a standard letter.

42. MR STRACHAN (DfT): The paragraph I read out indicates the sort of evidence. There is no reason why someone can't simply state that fact. My only hesitation is I cannot provide a cast iron guarantee as to how these things are approached because one what I would say are the virtues of the scheme is that the application is made to an independent panel for them to judge, but plainly if property is being purchased next door to an existing property and that is identified in the application, one would expect the panel to act on that basis.

43. MR SMITH: Thank you.

44. CHAIR: The acceptance level of the new scheme should be rather easier than the old scheme. A lot of it depends on whether or not the independent people on the panel that assess this deal with it in a sensible way or whether they are difficult. What we shall have to do in the summer when we have seen other people is to do an assessment on whether or not the scheme is doing what it needs to do or whether or not at that point we intervene, nudge, change or alter.

45. SIR PETER BOTTOMLEY: Can I suggest that we leave your point about the extended three years to another time? That is not the most important one. The most important one is that an applicant like you should apply and we will discover what happens. Then it will be a question of tidiness. If it turns out that a significant number of people have not been accepted and want to extend beyond the three years, the question of either reapplication or an extension is a matter which I think the Committee can take up towards the end of our time.

46. CHAIR: We are on the case.

47. MR SMITH: Thank you very much.

48. CHAIR: Okay. Thank you very much, Mr Smith. We now move on to Mr and Mrs David Frusher and I think the Edgecote Estate represented by Strutt & Parker.

Mr and Mrs David Frusher

49. CHAIR: The fly by?

50. MR STRACHAN (DfT): Yes, we can certainly provide that.

51. CHAIR: Thank you.

52. MR STRACHAN (DfT): This is flying from north to south as before so that we can just see, if I put the cursor on the left, that this is the property that belongs to Mr and Mrs Frusher. It includes the land where the tower is emerging. I should have given you the details of the property but, it is Manor Farm and we are just near Aston le Walls. It is the Chipping Warden cut and cover tunnel, which you can see where the arrow is and it emerges on land belonging to Mr and Mrs Frusher. There are some works either side of the cut and cover tunnel. Just below where the cursor is, there are two structures which are the auto-transformer station and a tunnel portal building. Those have been the subject of discussion and confirmation has been provided to Mr and Mrs Frusher that we can relocate those on to the other side of the line, the western side, along with the satellite compound that was shown in that location, which moves the effect of the scheme further to the west from their property, which is up in the corner here.

53. MR JUNIPER: Exactly, so that is Manor Farm House and surrounds where the cursor is now.

54. MR STRACHAN (DfT): Shall we continue the fly through, if that helps?

55. MR JUNIPER: That is the end of their property, which is the lane which we can see at the bottom of the page there. Can we deal with them one at a time as there are slightly different factors? So, we will start with Mr and Mrs David Frusher. The name is actually spelt wrongly here; there is no C, it is Frusher. I just wanted to start by really highlighting why we have decided to petition because I think there is an important record that needs to be maintained of this action. The reason is to further highlight my client's concerns with regards to the proposed scheme and the impact that it has upon their property because we had no response to the Environmental Statement representation that was submitted in February 2014 other than just the generic autoreceipt that came through by email. There was no engagement resulting from that investment in our time in putting together that representation. So, we felt that we had no option other than to petition against various aspects of the scheme and the way it impacted our client's property, again if only to record our concerns.

56. I have not gone to great lengths producing lots of slides and images and really drilling down in the fine detail of the scheme, much of which you will be aware of

already. The reason for that is I just really wanted to bring to the fore the fact that we have not had any response or very little engagement. More recently we have had engagement but it has only really been as a result of the petitioning process. The Select Committee hearing today has brought that forward and we have had useful sessions, so I thank the promoter for that so far and let's hope it continues.

57. SIR PETER BOTTOMLEY: May I just ask a question? Does that include the land that is only used temporarily and will only be taken temporarily rather than purchased?

58. MR JUNIPER: Yes, so we are engaging on all items. I have a list of specific points that I will run through, but I thought it right and proper to clear up why we petitioned in the first instance because we and all of our clients and other property owners will have different reasons and I thought it right just to record the reason for this property.

59. Moving on to a couple of principles, if I may, the first is to do with the petitioning costs. In discussion with the promoter we are advised that the costs relating to drawing up and depositing petitions and presenting these at this hearing will not be reimbursed to our client. That slightly goes against my understanding of the rules of compulsory purchase legislation fees as they stand in that compensation following compulsory acquisition of land is based upon the principle of equivalence whereby the claimant should be no worse off in financial terms after the acquisition than he was before. Given that in a no scheme world we wouldn't be petitioning, I cannot quite understand why the costs of petitioning and sitting here in front of the Committee today would not be met by the promoter as part of a claim in due course as the scheme progresses. Has the Committee any comment on that?

60. SIR PETER BOTTOMLEY: If we do comment it is likely to be in a report in a year or so and it is an issue that you have put on the record. I do not think if I was you I that I would trouble myself to go into much more detail. The person full of logic would say that the costs of compulsory purchase are actual costs. Petition ones are choice and if your petition brings results for you, that should be a benefit of its own and if it does not bring results, why should anyone else pay for it. Let's not go into that. You have put it on the record. Let's move on.

61. MR JUNIPER: Has it been raised by other property owners?

62. SIR PETER BOTTOMLEY: It has not been raised by others, possibly because their analysis might be the same as mine.

63. CHAIR: Well, one or two, but it would be very difficult to make a general ruling because there are some people we have seen who are absolutely bonkers.

64. SIR PETER BOTTOMLEY: Very few.

65. CHAIR: Very few, but there are also people who have real issues with villages being torn apart and everything else. To make a general ruling might mean that we end up with more people in the former as I have commented stopping people who have serious issues coming to the Committee so that we would have another 1000 petitioners because they just want to petition, but we couldn't deal with the issues of farmers and communities. That could have the wrong impact.

66. MR JUNIPER: Okay, well it is on record, so thank you for your suggestions on that. The second principle is in relation to local planning authority involvement. Many of the scheme details will be dictated and influenced by the local planning authority. In particular on this property where we have the tunnel portal exiting on to my client's land we have the spreading of a vast quantity of soil arising from the green tunnel excavations over my client's land. We have access required from the public highway over my client's land to reach the compound area and the ATS site and we also have many mitigation proposals with regard to funding, planting and fencing. The list is long so I will not go into all details today but all of that specific detail requires local planning authority involvement and approval. My worry is that with the local planning authority budgets and manpower already stretched, how are we actually going to have positive, joined-up engagement on these issues? The important issue is that the landowner has to carry on living there during both construction and following construction phase. I just want to understand from the Committee whether this been raised by other petitioners and whether you can give some confidence that there will be a joined-up thought process on this.

67. SIR PETER BOTTOMLEY: It is for the promoters to give that assurance. It is for us to take a view that they are going to. I think again at the risk of speaking for the

chairman and the Committee, most of the people getting involved with local authorities seem to find it a worthwhile experience and I think that most local authorities find talking with HS2 productive. Not everybody gets everything they want.

68. MR JUNIPER: We are being advised by the promoter to engage separately in discussions with the LPA. The danger is that it becomes a bit of a merry-go-round because things cannot be agreed unless one has meaningful engagement between all the parties on site at one time.

69. SIR PETER BOTTOMLEY: That, I think, is an obvious point which I would expect the local authority and the promoters to understand and to achieve.

70. MR JUNIPER: But that must be driven by the promoter, really, because the local authority are not going to engage on that basis.

71. MR STRACHAN (DfT): I will try and assist. Let's put some flesh on the bone of what we are talking about. It relates to potential planning applications, for example to move buildings on the property elsewhere. In those circumstances we have encouraged early engagement with the local planning authority. The local planning authority is still of course administering the planning system in that area and as I understand it we have indicated that we will support that approach to the local planning authority in the correspondence. It is in everyone's interests for those sorts of discussions to occur as quickly as possible. I do not understand the local planning authority to be resistant to having those sorts of discussions at an early stage.

72. MR JUNIPER: I think it is the language used that gives concern because you are using language such as 'support' and 'engagement with', rather than 'facilitate'.

73. SIR PETER BOTTOMLEY: We have been through this in a dissimilar case where a farmer's family lived too close to the line. They asked if they could get planning permission to have the home somewhere else and then what would happen to the old home. That can only be determined by an application, by the local authority. Whether once the application is made a supporting letter helps is a separate issue but you are asking questions which I think anyone would have to say are in effect hypothetical if an application has not been made. If at an earlier stage the potential applicant says to the local authority, 'Can we have an informal, on-the-record discussion

between you, the promoters and us as to what is most likely to meet our needs without going against local authority policy', that is one thing but the actual getting of planning permission is one given by the local authority. That requires an application and no one is going to be able to get you much further than that before the application is made.

74. MR THORNTON: I do think it is important to have that informal discussion with the local authority first. Obviously, if they say, 'Absolutely no way in a million years', that is something we would need to know about but it is worth having that informal discussion with the planning Committee of the local authority.

75. MR JUNIPER: I take that point. It is not just about moving buildings and putting up new buildings. It comes down to the look and style of a field gate that will be put in at the highway junction, for example. It has to be agreed by a planning authority. It is a very small point of detail, but has big impact long term to the landowner. So, it is really about getting three-way engagement going now so that we have confidence and comfort that these things are dealt with properly rather than a perception that the promoter is discharging their responsibility by saying that the property owner is to deal with the local planning authority themselves.

76. CHAIR: We have taken the issue up with communities and local Government.

77. MR JUNIPER: Okay.

78. CHAIR: I think there is a meeting which either has been held or will soon be held between the planning Minister and the Country Landowners Association, the NFU and others to see whether or not there needs to be some national guidance otherwise you may get councils interpreting in a very different way.

79. MR JUNIPER: Okay.

80. CHAIR: The other complication is that no longer are most of these holdings purely agricultural. Quite often they have businesses or cottages and trying to get that relocated on a piece of land is inevitably going to fall foul of some planning laws. So, I hope that another arm of Government will at some point intervene and give some kind of guidance so that local authorities will know what to deal with. But I think that Sir Peter is absolutely right; you need to test the waters with your particular local authority and see whether there is a problem. If there are problems, let us know and then we will

use that to reinforce the arguments with the communities and local Government.

81. MR JUNIPER: Okay.

82. CHAIR: So, we cannot tell communities and local Government what to do but it is a bit silly if things are so dogmatic that we can't have sensible decisions when the railway line goes through there.

83. SIR PETER BOTTOMLEY: At the risk of boring anyone who watches every day of our proceedings, we would not anticipate the promoters getting an award for every field gate being consistent up and down the line. We do expect viaducts and structures and ancillaries to match the local environment and the local custom.

84. MR STRACHAN (DfT): I think I should point out that I do not believe that things such as fencing and field gates are subject to approval by the local planning authority, which is why I made my comments regarding buildings, which are clearly something which is. So, if the expectation is that local planning authorities will be improving that sort of level of detail, that is not the case. However, the detailed design of those sorts of things, fencing and gates, are all part of the accommodation works that the promoter will have to do as part of the detailed design for the scheme and have proper regard to the local environment in the context of which you are putting in that fencing so it is suitable for purpose and for the context into which it is going.

85. MR JUNIPER: Can I move on to some specifics?

86. MR BELLINGHAM: I have a question which is relevant to this part of the discussion. In paragraph 23, Mr Juniper, you mention the point that there is concern that your clients have that the compensation won't adequately cover the land loss. We should be clear that the compensation will cover that, should we not? Obviously it may not cover what in their opinion would be a fair amount for damage to service and convenience that results but as to the actual land loss I would have thought that the compensation should be adequate or even more than adequate.

87. MR JUNIPER: I think that the concern there was to do mainly with the temporary land take because here at Manor Farm we are seeing a much larger area of land being temporarily required for spreading the spoil. I have seen the CLA and NFU reports on this, which is helpful, but there is talk of agricultural rent equivalent values being

applied for such land take on a temporary basis. My thoughts were that that does not go anywhere near compensating the landowner for the loss of enjoyment and amenity and the vast change that will result from the use of that land by a third party for many, many years. So, I think a subjective approach needs to be adopted rather than a prophylactic approach.

88. MR BELLINGHAM: Yes. You mentioned again the disposal of the soil on the land. What form will that take? Is it going to be in conjunction with the field operations? How in practice will that work?

89. MR JUNIPER: This is permanent pasture, the grassland here, so we are not allowed to plough it up or destroy it for any reason at all other than for tipping spoil on it, it seems. So, it is going to be destroyed and it will then presumably be reseeded thereafter once the spoil has been spread.

90. MR BELLINGHAM: And you will put in a compensation claim for loss of grazing and loss of profit?

91. MR JUNIPER: Again this property as a whole is used very much as a farming holding. That is the land use but there is also much amenity and sport that goes with it.

92. MR BELLINGHAM: Yes.

93. MR JUNIPER: There are a number of lakes and ponds which have been established on the holding. There is lots of woodland planting that has been undertaken. There was massive investment in hedgerow planting restoration.

94. MR BELLINGHAM: Yes.

95. MR JUNIPER: Footpaths, nice rides and grass margins have been created across the holding. All of that would be lost, and so actually the enjoyment aspect relating to the use of the land is going to disappear, full stop.

96. MR BELLINGHAM: I can quite understand that. Are any of the amenity activities which you have mentioned on a commercial basis?

97. MR JUNIPER: There is an arrangement with the neighbouring landowner for sporting.

98. MR BELLINGHAM: There is arrangement for sporting?

99. MR JUNIPER: Yes, but it tends to be rather a quid pro quo based on investment in the enjoyment of the sporting rather than formal letting of rights, shall we say.

100. MR BELLINGHAM: Just looking at the map, obviously as regards the cut and cover tunnel, eventually, having looked at the fly through, most of your client's land will revert, if not to its exact pre-existing shape and form. We went down to Kent and we saw the impact of cut and cover tunnels on HS. In fact we saw one example where, I think, field operations, cropping of wheat and things like that, had recommenced. So, ultimately it will only be a small part of your client's land which will be permanently taken and that is the bit to the north west.

101. MR JUNIPER: It is. It is a small but very significant part.

102. MR BELLINGHAM: Yes.

103. MR JUNIPER: The tunnel pops out directly adjacent to a large lake that was dug 80 years ago. The hydrology of the site is such that there is a number of lakes following the topography of the land going down the hill and they are flight ponds. They are used for conservation of the waterfowl. There are breeding birds in there year on year. So, trains that are popping out of that tunnel and whizzing past will impact upon that amenity.

104. MR BELLINGHAM: Sure, I can understand that.

105. MR JUNIPER: But it will be what it will be. I am just raising these points so that there is a clear understanding and a record of those issues. I will just run through the others. Many of these will, I am sure, have been raised already but it is right to just revisit. I think we need a very clear understanding of the land take. At the moment we still do not have that. I understand that it is based on the final design drawings which are being produced as we speak, hopefully, but at the moment we have this rather sort of arbitrary wiggly line that appears along the boundary of the track. In order that we can understand how the land is going to be used, how the remaining land can be farmed and how we can remap the land for support payment claim purposes, for statutory compliance purposes, all those things, the sooner we can actually get distinct straight lines across the holding showing exactly where that boundary will be, the better because

at the moment it is fairly arbitrary. So, it is really a point just for the promoter to understand that the sooner we can actually get that detail, it will help us all.

106. MR BELLINGHAM: So, looking at the lines either side of the petitioner's land, effectively, the green hatching, there is a line to the side of it?

107. MR JUNIPER: Perhaps we can zoom in a bit.

108. MR BELLINGHAM: So, you would like Mr Strachan to explain why those green lines are not a bit straighter?

109. MR JUNIPER: I do not think we need to go into detail explaining it. I am just saying that they are there for a reason. I understand that, but if one replicates this wiggly line across however many thousand holdings up the country, one is going to end up with a very expensive fencing job. So, if one could actually work to straight lines where possible and understand the clear division of land occupation then it would make a lot more sense for many, many parties.

110. CHAIR: Okay. Mr Strachan will come back on this point.

111. MR JUNIPER: We have already touched on the auto-transformer station which was previously to go on the north eastern side of the track. Following a very recent discussion I had confirmation yesterday that the auto-transformer station will be moved to the south western side of the track along with the temporary compound site, but we have not yet had final drawings of where this auto-transformer station compound site will be or, indeed, where the access will be to get to it for the duration of the construction work, but a very sensible change has resulted, and it is only resulted from petitioning, I think, that we have actually moved the compound, the site and the access from closer to my client's house, his home, to the other side to allow free land use of the remainder. So, can we please try and get some accurate drawings for the infrastructure locations?

112. MR STRACHAN (DfT): I will respond. I can do it as you go along but it may be better if I do it in one go.

113. MR JUNIPER: I am sorry, I am not familiar with the format. Moving on to the construction period, again we have very little in the way of accurate detail regarding the

construction period. We need to have an understanding at an early stage of whether this will be four years or 14 years of construction affecting our client's land. If the latter, then one can start planning ahead, the plan being to be away elsewhere for a period, or just simply sit tight and put up with it. So, again we need that information and it is a little light on that at the moment.

114. The last point I wanted to make was just to back up the point on the agricultural rent equivalent payments being made. We think again that a subjective approach needs to be taken to really reflect land use because the drivers for land use are different for every landowner. So, I would welcome further discussion on that. I had a very long list, as I am sure most do, but having looked at some of the comments in some of the transcriptions, most of those have been covered, so I am trying to keep it brief.

115. CHAIR: All right. Mr Strachan, do you want to answer the points?

116. MR STRACHAN (DfT): Yes. Can I just show P4937? I will just preface these points by saying that we are of course very happy to provide any further information that Mr and Mrs Frusher wish. There is in fact quite a lot of detail in the material we have provided. You will see from this drawing that the reason for the shape of those boundaries that you were looking at on the aerial photograph is because of land required for construction, for example for earthworks or landscape mitigation which goes in, so the boundaries that were referred to as arbitrary are actually reflecting what work needs to be done. If you put this construction proposal with the next slide, 4938, in the normal way you can see that it is required for either construction or landscape mitigation or other works and you end up with the sort of boundaries that were shown in the aerial photograph so they are not intended to be arbitrary. They are reflecting the land that is required in order to construct the scheme and to ensure that it is appropriately mitigated, and that is how these boundaries are worked out.

117. This side shows what has been the subject of discussion with the petitioners. We have identified, I will just point out, that the tunnel portal building and the auto-transformer station we can relocate to the other side of the railway. We need to do that by way of an additional provision because of the nature of the structures but we have agreed we will do that. If we go back to the construction plan I showed you a moment ago, 4937, we have confirmed that the orange structure there, the Chipping Warden

tunnel north portal satellite compound we can relocate to the other side of the railway. We will produce the drawings for that as part of the additional provision and we have indicated that to the petitioners.

118. So, there is quite a lot of information. Likewise, again, we are very happy to provide more detail but in the standard way the Environmental Statement sets out the construction periods for the different pieces of infrastructure here with its 5.5 years for the construction of the Chipping Warden green tunnel with its compound. There are some rail systems fit-out of the tunnel itself for one year and nine months, so for that satellite compound to use for a year and nine months. Again, if any of that detail is unclear we can provide it to the petitioners but it does exist in the Environmental Statement.

119. Can I just deal with questions of compensation? What we have confirmed to the petitioners in an email which has gone between the parties begins at 58642, if we can show that on the screen. I will not take the Committee through all of the detail but you can see, for example, that a number of topics have been discussed including, for example, temporary land occupation. We have proposed and indicated to the petitioners that where possible we will take land temporarily for the construction of the tunnel under Schedule 15 powers. That will result in compensation to the owners of the land for the temporary land take, and the compensation should be appropriate for whatever losses they are incurring subject to the normal compensation rules. So, that should not be a problem.

120. Going over to the next page, 50643, the Committee will be aware that in respect of the green tunnel, which is item three, the exception to that is the land above the green tunnel, the cut and cover tunnel. That will be land which will be taken permanently at the outset but then returned to the landowner if they so wish subject to appropriate terms just to ensure the integrity of the tunnel, as there are normally restrictions on what you can and cannot do on top of land which is subject to a tunnel, not surprising ones but necessary to ensure the integrity of the railway. But the land that we are using for earthworks around the area where possible we take on a temporary basis only.

121. SIR PETER BOTTOMLEY: Is the intention to return the land on top of the green tunnel as freehold land?

122. MR STRACHAN (DfT): No, we will retain the freehold land but return it subject either to a lease or licence which builds in sufficient –

123. SIR PETER BOTTOMLEY: Government protection?

124. MR STRACHAN (DfT): Indeed, and obviously the structural integrity of the tunnel is fairly self-evident, the importance of that. That has been explained in this email. I think that Mr Juniper was saying that we had some productive discussions where all these items had been discussed. I think there was a general suggestion about having more detailed design. That will, of course, come in due course as part of the detailed design of the project and we have made that clear in this document.

125. I answered a couple of questions along the way. I do not think there is anything else that I need to respond to specifically other than to say that there are a number of items where we have had these discussions and further detail has been provided to the petitioner.

126. SIR PETER BOTTOMLEY: We have the issues on the record and we have the response as far as they can go and we expect progress to be made.

127. MR JUNIPER: I think that is right and as you can see in this email, if you go back to the previous slide – I cannot remember the date but it is very recent – it was 13 February, so that was following a meeting on the ground with HS2 to actually talk through the detail at the time.

128. CHAIR: Okay. The Edgecote Estate?

The Edgecote Estate

129. MR JUNIPER: We can see here from the slide that the scheme clips the north eastern boundary of the estate. Here we have a mixed land use estate, over 2,000 acres with a large arable enterprise and a very significant equine interest as well. This is one of the main areas of concern that will come through as we discuss matters, the impact on the equine use. I would just like to have on record that the points I made in relation to Mr and Mrs David Frusher's land, the same issues are petitioning costs and local planning authority engagement, still stand with regard to this property, as I believe they stand with all property affected. But obviously one has to look at it in a subjective way.

So just to have that on record is useful. But I think, you know, again the same issues apply here as with Mr and Mrs Frusher's land. At the point at which the petition was submitted, we'd had zero engagement from the Promoter. That has now changed, and whether it's a function of petition submission or not, I don't know. One would hope so. But we are making positive strides to addressing some of the areas of impact and finding a proactive way forward.

130. I think what I'll do is just go straight into, if I may, the detail of the various impacts that we've identified, the first of which is that the Edgecote Estate, as a large estate with agricultural, forestry, equine, residential and commercial property interests, is owned by four different entities, and my client requires assurance, where possible, that the measure of impact will be for the property as a whole. The estate as a whole, rather than on the separate title, and that's a key point. Because various of the title do not have land taken as part of the scheme, which means that injurious affection compensation could be prejudiced going forwards. So we need a clear assurance that the different ownerships will not prejudice the claim going forwards, and we've been reluctant to start fiddling around transferring land between different entities, because that could be seen as being a contrived situation, which we wish to avoid.

131. MR BELLINGHAM: So what you're saying is that the different owners don't own different bits of the estate, but the entire estate is owned by different trusts and individuals?

132. MR JUNIPER: Yes, Edgecote House is owned by one trust. We have residential property and equine property owned by another trust. We have farmland owned by the owners personally and, again, all prudent tax planning measures have been exercised, which is their will, but it means that when schemes like this come through it needs to be looked at quite carefully and yes, we can get our own advice on this, but equally we need to make sure that your understanding is the same as our understanding, which is why I raise it.

133. CHAIR: The issue's been raised before.

134. MR JUNIPER: Okay.

135. MR MEARNS: So is the estate managed as one piece?

136. MR JUNIPER: The estate is managed as one, exactly. So there is one trading entity.

137. MR MEARNS: And therefore there's an interdependence between the different –

138. MR JUNIPER: Absolutely, yes. So moving on, it's been accepted by the Promoter that there will be major adverse impact on Edgecote House and grounds during the construction process, and then moderate adverse impact on the house and grounds for the following 15 years.

139. MR BELLINGHAM: I can't find – there are some pictures in the – in the small bundle, yes. Who's got control of the maps?

140. MR JUNIPER: What picture would you like? There's Edgecote House

141. MR BELLINGHAM: So how far is Edgecote House from the track?

142. MR JUNIPER: It's a few hundred metres away. The biggest issue is that, at the point at which it can be seen, this – the railway will sit in a 21 metre high viaduct.

143. SIR PETER BOTTOMLEY: 897(47) gives you quite a good idea. Where Edgecote House is by the water, and if you look slightly north of east you can see the yellow part of the line, which is on the embankment, which I think is what Mr Juniper's referring to.

144. MR JUNIPER: And the house is orientated such that it – or sorry, the lake is orientated such that the house looks out over it and, of course, it's gazing into the middle distance now where one will see lights whizzing by at night and, no doubt, horns sounding as the train whizzes past.

145. SIR PETER BOTTOMLEY: I don't think there are any level crossings on the high speed line, so I think the proportion of horns is going to be – if you wait for a horn, you'll stay awake a long time.

146. MR JUNIPER: So we don't, again, have sufficient detail, we feel, on the construction activity. We're aware that just off the Edgecote estate there's a large compound area for construction, staff and machinery, and that is located just off the Culworth Lane, which is across to the east. So down and right, beyond Trafford Bridge

from where the cursor is at the moment. But we don't know how long it's going to be occupied for. How long the land take is required for, how long the temporary land take is going to be, and again, having an understanding of that, in detail, through positive engagement will inform what measures can be implemented now, by the estate, to mitigate impact for both construction and use.

147. Moving on to my next point, Edgecote Estate has a significant equine interest. There's currently over 150 thoroughbred horses, most in training, kept on the holding. Many of those are in training, as I say, at one of two training facilities on the place: one at Trafford Bridge Farm, and you can see that, if the cursor is moved directly south, you can see Trafford Bridge Farm. Keep going. There, and there is a gallop which goes right handed, so eastwards, towards the route. So there's a large circular gallop, 1,400 metre wide – 1,400 metre long gallop, circular gallop, there. Looking at the response to the Environmental Statement, sorry, we didn't get a response to the Environmental Statement, which is why we petition. Looking at petition response document, it says that the International League for the Protection of Horses has been consulted about the impact of the scheme, and that, 'Horses usually become accustomed to the repeated noise.' Now the issue, my understanding, I know a fair bit about horses, but the issue is not so much the noise but the sight of trains whizzing by that can affect these highly strung racehorses, and we don't feel as though that has been properly understood by the Promoter at this stage.

148. SIR PETER BOTTOMLEY: The train is very different to the finishing post at Ascot.

149. MR JUNIPER: Very – yes.

150. SIR PETER BOTTOMLEY: Which is quiet.

151. MR JUNIPER: Which is very quiet. It's very gentlemanly. So we think that needs to be looked at, and we have had engagement on this. The biggest issue, we feel, is that the petition response does go on to reference the effect – this is quote again – 'The effects on outdoor riding, equestrian centres and horse racing courses will not be significant'. There's no mention of training facilities or training establishments, and we think that it is subjective, and this needs to be looked at in a bit more detail. So, again, if we can engage on using a third party expert to really assess the impact here, and it

may be it comes back that there is no impact, but we think that having a third party to look at this and give us all comfort would be a useful idea.

152. MR BELLINGHAM: I'd have thought there must be a number of examples from France where their high speed link goes through quite a few farms and training establishments between Paris and Calais I would have thought. So there may be some examples there.

153. MR JUNIPER: I would love to go there and have a drive round and understand that. Would that be a cost that we can claim back?

154. SIR PETER BOTTOMLEY: You might not claim back from your client, unless you want to claim back from Mr Strachan.

155. MR JUNIPER: We require some assurance about the use of Edgecote Lane. We can see there it runs through the middle, east west, through the middle of the map. The yellow lane pops out – it starts at Wardington and then goes eastwards, up past Edgecote House, and then pops out on what is currently the Culworth Lane. Now this is a very, very narrow single track lane, which is used only really by estate and farm traffic, and you can see here, running from east to west, there is a proposal for part of the lane to be taken, so that's – it's coloured green. We understand that this is for the installation of a temporary foul water drain from the compound site up beyond Culworth Mill. But our concern was the proposal is to dig up the road, to put this temporary sewer in. It has to somehow cross a Grade II* listed bridge as well, which is owned by the estate, at the end of the lake, and we haven't got any detail as to how it's going to happen. So again, if we can engage on this at an early stage, it may be there's a better route that could be agreed, i.e. through farmland, without digging up the road, which would save all parties cost and allow traffic to be properly managed. So again, it's really just flagging this up as an area of concern that we would welcome some discussion on.

156. MR BELLINGHAM: What's the engagement been like hitherto – you mentioned your previous clients had problems with engagement. But engagement between the estate or trustees and HS2, what's it been like until now?

157. MR JUNIPER: I think it's been, as with all things, and I'm sure many other

landowners and farmers will have been in the same situation. Until a scheme like this gathers pace, one doesn't want to spend too much time engaging with third parties on it, and we all have much else to do. There's a point at which it looks as though it's gathered sufficient momentum that there is a time to engage, and we have tried, and we have had now useful engagement, but it's been, certainly it appears to have been, reactive rather than proactive. It has been useful, and we have had some useful suggestions that have been made. One of which I will reference now, and that is moving the gallop at Trafford Bridge Farm, and this at a recent meeting on site to actually look at the impact of the line. We've got this 1,400 metre long gallop that runs from Trafford Bridge Farm up to the line of the railway, and that gallop simply cannot be used going forwards. It must be scrapped, because a horse is not going to run towards a train whizzing past, backwards and forwards, it just won't happen. So there has been a suggestion that we should look into – and this came from the Promoter – we should look into relocating that gallop elsewhere on the estate. But obviously one has to have that sort of proposal coming from the Promoter, because for us to come up with that suggestion, in the first instance, would probably be laughed at.

158. We also have significant impact on Blackgrounds Farm. So if you move your cursor up and left-handed, following the line of the route, yes, exactly. Just down and right slightly. This is Blackgrounds Farm here, which is the third party operated training establishment. That is – the tenant there is Doug Harkin, very successful trainer who's been operating from the site for a number of years, and the beauty of that site as a training facility is that it is absolutely silent. It is so quiet, and that is what makes him successful in what he does. He will tell you it's because a thoroughbred racehorse needs its sleep, and the route coming through will render that training facility inoperable. It will have to be moved.

159. MR BELLINGHAM: And he's a tenant on the estate?

160. MR JUNIPER: He's a tenant on the estate. But he, of course, uses the gallops on the estate in support of his business. So not only are there the round gallops that we've looked at, the oval by Trafford Bridge, there is a further eight furlong gallop running up the hill and he, as a tenant on the estate, has use of that facility. So on paper it looks as though yes, you lose a couple of fairly mucky agricultural buildings as a result of the Scheme coming through. In practice, we have a successful trainer who operates from

that facility, and we need to consider how we deal with that. Do we try and facilitate moving him elsewhere on the estate? In which case there are no facilities. Do we entertain building facilities, in which case we require the engagement of the local planning authority. And again, all of these things need to be done with the backing of the Promoter, so we can actually have some active engagement on this, and active discussion with the local planning authority.

161. We have, as a result of the Scheme, the closure of the Culworth Lane, so up to the north – so Chipping Warden, left-handed, we have Culworth Lane currently runs through where the cursor is moving at the moment. But that obviously gets stopped up with the line coming through, and so we end up with some land owned by the estate located to the north of the River Cherwell, which runs through, from the back of Chipping Warden, across past the lake, and we end up with this satellite area of land that we can no longer get access to, other than going all the way down the Edgecote Lane to Wardington. Very dangerous junction in Wardington, pulling out with tractors, combines, all sorts of machinery onto a fast moving road with poor sight lines. One then has to travel north up the A361, and then you have to go along part of the stopped up Culworth Lane to get access to that land to the north and, practically, looking at the implications of doing that, in terms of both timeliness and cost in perpetuity, we have asked whether the Promoter will consider helping us to establish a new access over the River Cherwell, located just to the north west of Edgecote House, which will then provide access in perpetuity to that otherwise landlocked area.

162. Again, as referenced in relation to Mr and Mrs Frusher's land, there's a lack of information as to the construction periods, and again the point here is that if we know how long these construction periods might be, and I know there are generic references in the Environmental Statement, but not specific references, well we've struggled to find them. It may just be by sheer volume of paperwork, but it's difficult to find. It may be that we can proactively engage in carrying out some planting, some mitigation measures now, which may result in lower claim for the acquiring authority going forwards. So again, because there's give and take on all these things, to have active engagement on these matters, with the Promoter, would be helpful, and again, the point made about Mr and Mrs Frusher's land, where we've got temporary land take, and there is much here again for access works, where we've got temporary land take we feel that

the agricultural rent equivalent payments will not be sufficient to reflect the loss of enjoyment and the loss of commercial value on that land, when it comes down to enjoyment, sporting and equine training facilities.

163. So those – there are many other points. They're all referenced in the response to Environmental Statement. They're all referenced in the petition document, and I've picked up on the main points there. But again, important to have them on record and I would say that the Promoter has been more proactive engaging. We've had some useful discussions, but it's been recent, and we welcome further engagement going forwards.

164. CHAIR: Okay. Mr Strachan.

165. MR STRACHAN QC (DfT): Can I just deal with a few points. I'm not going to say anything more about petitioning costs, although Sir Peter's observations as to a response echo, in fact, the Promoter's position about petition costs. It's not our practice to compensate for those petitioning costs as the Committee will be aware. I dealt with the issue about engagement with the local authority. This does arise in the context of potentially moving buildings on the estate. I'm going to show you the email where we've discussed this with the petitioner's agent in some detail. I just want to deal with this issue of engagement. I readily understand that some petitioners, in this case, were not enthusiastic about the prospect of the HS2 scheme. This is an example of where, for those reasons, there was an unwillingness to engage with HS2 in allowing, for example, access to the land for surveys. I'm not casting blame for it, that's simply the position. A number of requests were made for access to the Edgecote estate during the course of the EIA process, to look at things in more detail, and that – those requests were either unanswered or rejected. That's within the landowners rights. But it does mean it makes it difficult, in the EIA process, then to have a level of detailed knowledge about the land, which we would otherwise have had.

166. I'm pleased to say that, as indicated, subsequently here has been a more of a productive meetings between the two parties, where issues of detail have been discussed and the sort of issues that have been raised have now been looked at in further detail. I'll show you, if I may, just the way in which things stand currently, which will just explain how detailed those discussions have been. And that's P5069(3). There's a

similar process of email response recording the results of a meeting that took place at Edgescote House, and a number of issues to which Mr Juniper has referred are set out in this email response, and the respective positions of the parties. So, for example, Wardington Road, which was raised about the issue of the connection of a sewer, that's been the subject of discussions and you'll see we've provided details of what those works are, the timescales for them, and the potential mechanism by which we can minimise the impact on Culworth – sorry, Wardington Road for the compound sewer, and ways in which we could avoid digging up the road twice, for example. So those are all the subject of quite fruitful, I hope, discussions now.

167. Over the page, if you just look at some of the other issues. The question of ownership cropped up, the estate being in four separate entities. The text in black represents, as I understand it, Mr Juniper reporting back to petitioners, which he then provided to us, and the text in blue represents the HS2's response, and it's already anticipated that we don't potentially see a problem with different titles being an issue, but we have asked for further details, and we have asked that we take this forward as part of the investigation of any compensation claim.

168. Screen planting is dealt with at 3. Can I just give you a – one illustration of what we're talking about. Because there is a more detailed plan, which shows the effect on Edgescote House itself. That's obviously been a matter we've looked at carefully. If one turns to P4972, we were talking about distances between Edgescote House and the part of the line that's above ground. Edgescote House is at the bottom left hand part of the corner, it's looking out towards the viaduct over the Trafford Bridge marsh area, in that location where the line is elevated. It's in the region – it's over a kilometre away, and the different bands of distances are shown on this plan, and there are sections provided at P4973 which show the distance, I mean it's 1,155 metres towards that part of the viaduct, and the different planting in year 1, year 15, and year 60 and that we understand that the estate is anxious to start, or it may have already started putting in some screening planting and have asked us whether that is potentially something that forms part of a claim, and we've written back saying, 'Provided it's reasonable, that's precisely the sort of thing that can be included in a claim.' So again that's the subject of correspondence. And so far as the...

169. SIR PETER BOTTOMLEY: That's reasonable grounds. It mitigates the damage.

170. MR STRACHAN QC (DfT): Indeed. The point being they wanted to do it in anticipation, and we said that doesn't preclude it being a potential head of claim.

171. MR JUNIPER: It's just – sorry to interrupt – it's more to do with the specification that would be agreeable to the Promoter. Because we have access to semi-mature trees, which we can transplant from elsewhere on the estate, and so it's creating immediate impact.

172. MR STRACHAN QC (DfT): The principle is what I was responding to. Certainly any discussion of detail, we would welcome those discussion take place, as this email makes clear, and as to the impacts on the two farms, sorry, Blackgrounds Farm, Trafford Bridge Farm, can I just go back to P5069(4). We've dealt with the discussion about Trafford Bridge farm at the bottom of the page, that again is Mr Juniper's comments, and over the page, P5069(5), you'll see that HS2 have already asked for its agent, Carter Jonas in this case, and Strutt & Parker to work together to agree points of principle regarding these sorts of proposals, either which are to take forward new proposals, to allow the facilities to continue, or to deal with the question of what needs to be done in order to allow the business to continue, with the gallops in potentially a new location. All of that needs to be looked at between the two parties, and that's what this process and discussion is encouraging both parties to do. I think I'm not going to read out the whole of the email, but you'll see all these points are points that are under discussion, and I'm pleased to say that the general feeling appears to be, both from Mr Juniper and I communicating, a positive one where these issues can be successfully ironed out.

173. MR JUNIPER: Can we do the fly through on this, fly-by?

174. MR STRACHAN QC (DfT): Yes.

175. MR BELLINGHAM: Sorry. We haven't seen that one.

176. MR JUNIPER: Where's the Blackgrounds Farm? Can we...

177. MR BELLINGHAM: Shout when we...

178. MR JUNIPER: So that's the threshing barn there, is it? On the left? So Blackgrounds is to the right, behind those...

179. MR STRACHAN QC (DfT): It's just behind these trees. Two trees to the right, where the arrow is.

180. MR JUNIPER: The gallop, I'm not sure, it's just on the right, yes. So it's heading off to the right hand side of the picture.

181. MR STRACHAN QC (DfT): So there's an oval gallop, yes.

182. MR JUNIPER: You can see, just behind the hedge line there, there's some hurdles on the grass, but there's also an all weather poly-track, which runs straight out, all the way from the line, the viaduct.

183. MR STRACHAN QC (DfT): Which prompts me just to say, of course, the Committee's already heard evidence from Mr Thornely-Taylor about effects of noise on horses. Mr Juniper may not have heard that evidence, but of course Mr Thornely-Taylor made the point it's less about the noise and more about visual effects, and that's well known to the Promoter on the way it approaches these things.

184. CHAIR: Okay. Thank you, Mr Strachan, any...

185. MR BELLINGHAM: Can you see on the fly through where Edgecote House is, I was wondering if...

186. MR STRACHAN QC (DfT): I'm not sure you're going to be able to see it, because it's a kilometre off to the right.

187. MR MEARNS: Yes, the peripheral vision of the fly-through's not very good is it.

188. MR BELLINGHAM: It'll be behind...in fact you can just see it, can you, nestling in those trees. That's the church there is it? That's Edgecote church.

189. MR JUNIPER: I think – is it about there? We think it probably is... So it's just left-handed from where you are now with the cursor, yes.

190. MR BELLINGHAM: If you move the cursor that looks like the church tower.

191. MR JUNIPER: So the church is next to the house.

192. MR BELLINGHAM: And the house is just to the left.

193. MR JUNIPER: I mean it's one of those things that when one stands in the house, looking out the window at the proposed route, it's difficult to see because there's nothing there to look at. When one puts the cherry picker up to 21 metres height, the height of the track, and stands in the cherry picker basket looking back at the house, it's rather worrying, and it's a very special house, very special location. Very quiet place. It's well recognised, the area, for its historic value, and there is significant impact there. And again, that's why we're looking at making sure that the impact is regarded on an estate wide basis rather than individual property ownership.

194. MR BELLINGHAM: Yes.

195. CHAIR: Okay. Any final comments before you finish? No? Okay. You've covered all the ground.

196. MR JUNIPER: Thank you.

197. CHAIR: Thank you very much indeed. We now move on to Chris Dawes, who's representing himself and 13 other petitioners. Good afternoon, Mr Dawes.

198. MR DAWES: Good afternoon.

199. CHAIR: Do all your petitioners come from a defined geographical area? Or are you all from Cheshire or...

200. MR DAWES: Yes, if you look at I think it is – I'm representing, basically, those four areas.

201. MR STRACHAN QC (DfT): Can I just say, at some point I was going to try and help the Committee by explaining what provisions are in issue and why they're there in the Bill. I know Mr Dawes wants to present his case, so I'm not going to trespass on that, but if it helps I can just run through the key provisions, clauses 50, 51 and 52.

202. CHAIR: No, we'll hear Mr Dawes, Mr Strachan. If we have any questions, we'll come back to you.

Mr Chris Dawes and Others

203. MR DAWES: I do appreciate very much I have had a response from the

Promoters, and I've taken on board.

204. CHAIR: Okay.

205. MR DAWES: I'm representing 12 petitioners. But also, just for the background understanding, I also am party of a group that has been working quite hard to try and gain assurance of the justification of the project, and also to see the most justified and fair compensation for those who suffer any consequences of the route, and also to try and see if we can't get the maximum of mitigations for any damage to communities or environment. So our group have been working quite hard on those three fronts, and, as part of that group, I think that's one of the reasons why I'm also here today representing the 12 petitioners.

206. Now, I wrote to you, Committee, on the 10 points there were issues. There were 10 issues on our petition. I've listed the 10. I've also commented briefly against each one. In some cases I've said that they've been more than well covered elsewhere, and in other cases I've mentioned that maybe there are other petitioners who will be more capable than we are at covering them, and in the sake of trying to save time there's no point repeating what other people have said, so we are – or I am – going to just concentrate which I think is particularly pertinent to our situation, and I hope you will take on board, and possibly bear it in mind when you come to writing your report. And the two areas that I like to sort of focus particular on is one, obviously, relating to compensation, and two, mitigation, but in relation to compensation, and I'll explain to you how I see that.

207. First of all, as far as compensation is concerned, I also need to inform you that I have been through, and I am just about to complete the process of seeking for compensation through the Exceptional Hardship Scheme and, before I say anything further, I've got to say, right up front, that the people who I've been dealing with in the Scheme, which has been going on since April last year, and I hope will come to conclusion very shortly, have been more than personally responsive and correct in their behaviour, and professional in their behaviour. So any point that I may make, the point really to see if we can't make this process a little bit more sensitive and also make the process a little bit more consistent.

208. So the first thing I will like to make, as far as compensation is, is the question of

blight. The four areas that are highlighted on that map there are areas – or the three areas, three communities – are areas affected by blight. Some more than others. The ones which are mostly affected are Whitmore Heath, because they have a tunnel going through them, but Madeley Park Wood to the left of – well, to the west of Whitmore Heath, is also affected. The reason being that that railway runs in a valley, well, a sort of valley, and the sound ricochets up both sides, and has a major effect on Madeley Park Wood, and also on Whitmore Heath, although Whitmore Heath is also affected by the tunnel. Baldwin's Gate I think suffers by association. The fact that it's got one railway running straight through it, the West Coast Main Line, and now it's got another one likely to run not far away from it.

209. So blight is a serious problem. On Whitmore Heath alone there are 55 properties. All of which are blighted, and I think that is a point that I think it's recognised by HS2 that we are blighted, and I would like to come to the next point concerning blight and concerning compensation, is a need to be a little bit consistent in the process. When you apply for compensation on Exceptional Hardship Scheme, for instance, they give you five criteria, to which you have to satisfy. And you've got to satisfy all five of them. The first one is ownership of the property. You've got to prove that you're the owner. The second one, you've got to establish where you are. The third one is you've got to demonstrate you've made every effort to sell. If you have made every effort to sell, and can't, HS2 accepts that you're blighted. However, they can reject you on the fact that you're on top of a tunnel. That was the case with myself.

210. My first application for exceptional hardship was rejected on two counts: One on reason for hardship, but the other count was, 'You're on top of a tunnel, therefore the guidelines don't allow you to qualify.' Now I will argue, I think it's relatively apparent, that there's an element of inconsistency. You either are blighted, or you're not. You either are affected, or you're not. Now you can't say you're not affected because you're on top of a tunnel. Yet you are affected because you can't sell your property. So what I would ask, one of the first points that I would like to make to the Committee, is couldn't that be resolved in some way? That you can't have a situation where your location on top of a tunnel makes you unaffected, yet you can be blighted. Something has to be clarified in that issue, on that one alone.

211. Second point I would make is – well, on that question, another point to reinforce

it is that I think in close proximity the Promoters and HS2 need to appreciate that certain notes get swapped between owners. So if someone has benefit from a compensation, he can rest assured that the details get passed around, and that's another element of showing how inconsistency appears. You can't have a situation where one property gets negated, in terms of being accepted, when a property 20 yards away gets accepted with no mention of that criteria. Now I know there's bound to be – things can't be perfectly black and white at all time...

212. SIR PETER BOTTOMLEY: There's likely to be a boundary...

213. MR DAWES: Sorry?

214. SIR PETER BOTTOMLEY: There's likely to be a boundary somewhere, sometime.

215. MR DAWES: What do you mean in that sense?

216. SIR PETER BOTTOMLEY: Well obviously...

217. MR DAWES: There is a boundary. 20 yards away.

218. SIR PETER BOTTOMLEY: No, no. If you're accepted here, and you won't be accepted two miles away, there's somewhere in between where...

219. MR DAWES: Yes, but I think 20 yards is quite close enough, frankly, and since both properties are exactly on top of the tunnel. So that's my point. Now again, it's not a criticism, it's more of a question of I think there's an element of caution needs to be put in there, to make sure that you don't have a situation, and assume that two properties aren't going to talk to each other. Well, even if they didn't talk to each other, I think there's got to be a little bit more care to make sure that there is a consistency of approach.

220. The other question that I like to raise as far as compensation is concerned, is the capability to claim. I think it's been mentioned already, more than once, I would imagine. I am a fairly assertive individual, and I don't give way easily, and I will keep on pushing until I feel I have totally and utterly exhausted the opportunity to succeed. Now there's an awful lot of people, quite often because of their age and frailty, who

aren't capable of doing that, and I think the system does not allow for that to be taken into consideration, and especially the old and frail who are in a need to downsize, and to move on, are not capable of doing so, and I think that is something, again, I would like the Committee to take into consideration if you would please.

221. This is a delicate one the next one, so I'll think a little bit about how I phrase it. Having gone through this process, and I'm not too sure what the answer is, but I'd like to say it anyway, because it's part of the sensitivity issue. It is really quite distressing, if you like, in a world where we should be free, we should be free to move as we see wish. Yet, in this case, and I can understand, you've got to argue your case for compensation, but to justify it you really have to expose your soul, and that's difficult. The details on your personal situation get exposed to the Nth degree. Anything and everything you say has to be evidenced. Whether it's your health, whether it's your financial situation, or whatever the justification for your hardship. Now I don't know what the answer is. Because when you're asking for something which, some could argue, is your right anyway to move, but someone's going to have to, somehow, make a judgment on you, whether you are justified or not. There's got to be some sensitivity towards how much you have to expose yourself to a third party, an unknown party, in the elements of your personal situation, and another little point concerning that is that I applied, two or three reasons, and I shan't go into them in great depth. But one of them was health. Both my wife and my own. I had a heart attack etc. Now the first time I was rejected I was – the answer given, basically, was you need to be acutely ill before we will consider it. My answer to that one was, 'Well, I wouldn't be able to move if I'm acutely ill.' The reason I needed to move was I wanted to move back to Scotland, I needed to be closer to my family, I needed to do it before I got too old or too incapable of doing so. So, again, little bit of insensitivity there. You can't wait until you're acutely ill to do something, because by then it could be a tad too late.

222. So as far as compensation is concerned there are certain points there, and I repeat again, and I say this on behalf of those representing HS2 here today, this is not a personal dig at the individuals who I've been dealing with. It's really a question of highlighting certain issues concerning the process, and possibly the policy, that needs to be tweaked and improved on.

223. And the last point I would make is related to this mitigation/compensation issue.

Could I turn to the next slide, please? This slide is a slide that shows the route, obviously, but it shows it in a slightly different colour. The white bit is the existing planned tunnel underneath the Heath. My property's bang on top of that tunnel. The green bits are what we would like to see in the future as being what we considered covered tunnel. Now we've had quite a lot of contact with HS2, and this is something we've raised with them right from the very, very beginning, and we continue to raise with them, and they listen with sympathy but they keep referring back to us that this will come as part of the design phase, and I must say that this question of design phase is a little bit of a cop out in my view. It's almost as if we can't answer anything until we've gone into more detail. Until we've looked at it in greater depth.

224. My argument to that would be, you have gone to an enormous length to design a very good route for HS2. An optimum route which is hard to criticise in terms of the specification that is down for HS2. The specification of 225 mile an hour train etc., etc., plus the fact that they have to take into consideration if you're going to dig up an awful lot of earth here, to make a cutting, you've got to displace that earth somewhere else, like an embankment. So you design the whole route to optimise not only the speed, not only the avoidance of built up areas, but also the material usage in the actual construction of the track. Therefore, if they went to so much length in defining that route, it could have gone a little bit further, at the time, and tried to mitigate some of the worst aspects of that route. And in our case, here, it could have been well within their capability, as we saw in some of the previous slides I believe, the fact that they could have avoided some of the stress and the hardship that has been created, in that particular community, by covering the tunnel at either end, and also protecting a very ancient woodland, which goes back to around 1540 in its ownership to one of the local landlords.

225. So I raise this as something that would have helped. Not only in the long term, make the whole area a little bit more liveable in, but also with a reduced stress today and, in so doing, made it less likely for people to search for compensation, because they would have been more willing to stay put, and more assured that the area they live in would have been less affected than it is today. So the plea I make to the Committee is that maybe they could raise this as an issue that, although this is very much a Hybrid Bill for Phase 2 type issue, it's something that could be taken into consideration, as part

of this whole question of minimising the stress on the communities in Phase 2.

226. CHAIR: Okay.

227. MR DAWES: So for me, those were the points I wanted to make. I don't think I should go on any further. I hope I haven't already exceeded my time limit, but I hope those points – they're strong to us, and I hope they're meaningful to you that you will actually be able to, in some way, incorporate them in your Bill. Thank you very much.

228. CHAIR: Thank you very much.

229. MR BELLINGHAM: I've got one quick question. Sorry, Chair, I've just got one.

230. CHAIR: No, no.

231. MR BELLINGHAM: I've just got a quick question, Mr Dawes. Just looking at the map of Whitmore Heath, basically this is – Baldwin's Gate is a village, is it, and Baldwin's Heath – were these houses built before planning permission came in on what is a nice sort of heath area? Because it looks as though it's outside the village. What, historically, was the background of those houses being built?

232. MR DAWES: Those houses go back 50 to 60 years.

233. MR BELLINGHAM: Yes, so before planning controls came in, basically. So it's a nice area to live, but outside the village, effectively, and there's a cluster of houses on what's the heath?

234. MR DAWES: It's a heath, and it's a very – it doesn't maybe show you quite so well there, but it's one of the – it's considered one of the prime areas in North Staffordshire.

235. MR BELLINGHAM: Yes.

236. MR DAWES: And it's one of the areas where, to give you an example, people tend to buy houses there to knock them down and build another one. They don't – they will spend half a million pounds on a property, simply to demolish it and rebuild it. So you don't do that unless it's got very special qualities; which is privacy, and beauty that

goes with it.

237. MR BELLINGHAM: And most of your petitioners are...

238. MR DAWES: They all, except for one...

239. MR BELLINGHAM: Either side of that white –.

240. MR DAWES: But the one who's not on the heath is almost worse off, because that person's got a beautiful house overlooking the entrance to the tunnel.

241. MR BELLINGHAM: And where is that?

242. MR DAWES: It's – don't know how to explain, it's sort of east. It's, where is it, it's about there. That house there. Can you see that actually? Yes.

243. MR MEARNS: Notice the gentleman who manages the cursor –

244. MR STRACHAN QC (DfT): It's where the cursor will move to.

245. MR DAWES: Very clever. I thought the person who was doing that – well yes, there it is. About there.

246. CHAIR: Okay. Mr Strachan, clearly, how definite is this route for phase 2? Because, as we know, until the Phase 2 has its second reading, which gives you a definitive line, this can be moved. So the first point I'd like to ask, and I don't know whether you're able to answer, given you're probably one of the world's experts on Phase 1 rather than Phase 2, is how definite is the route? Second issue is that at the moment we have a new scheme for people on phase 1 who are blighted. The Need to Sell Scheme, whereas the Phase 2 people will only have the Exceptional Hardship Scheme, which we're already aware is very limited, and we also have heard a number of occasions the difficulties, and yet you could argue that some of the Phase 2 petitioners are blighted for rather longer, and it affects them just as much. Subject to, you know, when we sort out what – or the government sorts out what the route is. Why don't Phase 2 have the benefit of Need to Sell, or will they, at some point soon, or will they not until they have second reading? Can you answer that, or?

247. MR STRACHAN QC (DfT): I'll do my best, and I think could I answer both

questions just by briefly just outlining where we've got to in relation to Phase 2? Because, in fact, it was on 28 January 2013 the Secretary of State announced a preferred route. An initial, I should say, an initial preferred route, and that led to a consultation process that began on 17 July 2013 for that route, and so it gave the line of route that was indicated, and sought consultation on it, and that consultation has closed. But there has not yet been a decision on it, as a result of that consultation process, and so, in answer to your first question, there isn't a decision that has been made as to the route of Phase 2, and so, of course, by the very nature of consultation and listening to the people who responded, no doubt that includes Mr Dawes, amongst others, it'd be wrong for me, and I simply am unable to do it, to say that this is the route. It plainly is something that is subject to a further decision and the consultation process and, in that respect of course, Phase 2 is very different from Phase 1. Because what the Committee has before it is not just the Phase 1 route, the detail of it, pursuant to a Bill which sets out, consequently, the requirements and at very different stage in terms of blight.

248. Now, in answer to your second question as to the length of time, I don't know the timescales for decision making on that, although I don't anticipate it's before we break, obviously. But a decision was made when there was consultation on phase 2 to introduce the Exceptional Hardship Scheme as a discretionary scheme for compensation to recognise that there was, of course by virtue of consultation on a route, likely to be the creation of some generalised blight for people in the area.

249. The Exceptional Hardship Scheme is not geographically confined, and you've heard that before. It's the case that it doesn't have outer limits, so people can apply under Exceptional Hardship. It, of course, has the criteria that you're familiar with, under the Exceptional Hardship Scheme, as it did for Phase 1. But your second question to me was well, bearing in mind the potential for a longer period, how's the decision made to stick with the HS rather than something akin to a Need to Sell Scheme? And that was something considered by the government when they introduced this discretionary scheme, and is explained – can I just show you the rationale for it. Why the government's decided to limit it to the Exceptional Hardship criteria. That's on R901 11. This is simply the decision document that came out in July 2013 announcing the Phase 2 Exceptional Hardship Scheme. R901, don't know if you can get it on the screen.

250. Whilst I wait for the technology to catch up with me, I'll just explain that the main principles are, first of all, Phase 2 being in an early stage of development, in contrast to the position for the Phase 1, and so it was considered not appropriate to introduce a broader, long term compensation scheme of the type that this Committee is now seeing for Phase 1, and the particular paragraph I was going to have put on the screen, but I'll just read it out, 'Introducing long term schemes now, when the route has yet to be consulted on, brings a risk of the taxpayer funding the purchase of large numbers of properties that might, in the event, not be needed for the line. If the government did buy large numbers of properties it might even become more difficult to justify modifying the route to take it away from a particular area, thereby compromising the consultation on the line of the route and, furthermore, it's difficult to envisage constructing a long term discretionary package that does not take account of safeguarding directions which could not be introduced until later in the project.' And so I'm just reading 3.3.3, and the next paragraph, 'The EH is designed as a temporary scheme and, at a later date, when details of a route for Phase 2 have been firmed up, we will consider options for further long term discretionary compensation, as we have done for Phase 1.' So I hope that gives some answer to your question. Yes, of course there's a balance to be struck between the creation of generalised blight, potentially for a longer period, but also the stage at which the Phase 2 project has reached, and that's why the government has decided to strike that balance in the way it has.

251. CHAIR: Sir David Higgins has suggested going and having a station at Crewe...

252. MR STRACHAN QC (DfT): Yes.

253. CHAIR: And, as I understand it, the situation is the government haven't yet adopted that as a proposal but perhaps, at some stage, they might. In which case, presumably, this section of the route, through Cheshire and Staffordshire, is likely to be known earlier than some of the other parts of Phase 2 anyway?

254. MR STRACHAN QC (DfT): Yes, well can I – you're absolutely right. Sir David Higgins obviously made that recommendation and the government did start a consultation process on a draft safeguarding direction, for a Fradley to Crewe line, and that has been the subject of consultation, a draft safeguarding direction. The safeguarding direction, as you know from – obviously introduces areas of land which

are thought, potentially, to be required for construction of a particular route, and the draft safeguarding direction therefore, if safeguarding is introduced, brings with it rights to require – to buy property. But that, again, is still only the subject of consultation, and no decision has yet been made on it. So I – you’re absolutely right, of course, but both Phase 2 and the draft safeguarding direction, no decision has yet been made on those, and that’s why we are in the state of having the discretionary scheme, which goes beyond the statutory position, but it’s limited to exceptional hardship.

255. CHAIR: Okay, alright. Mr Dawes.

256. MR DAWES: I think it’s a bit difficult this one, because when you look, as I said earlier on, if you look at the amount of work that’s gone into this route, and when you look at the safeguarding route, all the indications show there is now way is that going to be moved. They’ve already moved it twice, prior to the final proposal in January 2013, and they only moved it a matter of half a mile. So it looks as if they’re going to move it, either way they’re going to have problems, which they overcame by putting it where they’ve put it now. And where they’ve put it now, no matter how you look at it, it looks absolutely right for the conditions that need to be satisfied in the whole aspect of the specification of HS2. But this question of, ‘Oh it hasn’t been decided’, it really doesn’t take into consideration that while they’re doing that, there are people who are stuck. There are people who are worried, stressed by the fact that they don’t know what to do. And if that was the case, that we are limited to the conditions that exist today, there could be something like a letter of assurance that if, sometime in the future, you have to move, we will compensate you. In the meantime, stop worrying. Stay put. It would take, already, a lot of work.

257. Secondly, the government doesn’t want to spend money that maybe would be wasted. There’s no way the government waste the money. Property they buy today could be sold at a later stage. If they spent whatever it is, £82 million on Phase 1, on compensation, and spent I don’t know how many millions on Phase 2 so far, I think it’s eight, if that. Money they spend, on – take my property: They bought it, as in I hope they will, and they change their mind and they don’t put the route through my property, they will sell it in no time at all, at market price plus. So there isn’t a risk to the government of spending a lot of money unnecessarily. So we find it difficult to understand this, other than the fact it’s just leaving a lot of people in a very insecure,

uncertain circumstances, and out of the 55 properties on the heath, they're all blighted, and only one has been sold, recently, at a knock down price, and normally there's about four or five that get sold each year. So I've had my property in the market since January 2014, and I didn't have one single viewing. Not one. So I don't see why we can't find a way of easing the pressure on people who are blighted. A little bit more so than currently. I'm sorry, I'm going on a bit. I think I've made my point strong enough.

258. CHAIR: You have made your point. I suspect that you, being at the southern end of the Phase 2 route will probably have issues resolved, one way or the other, if you don't get bought out before then. Otherwise, of course, you'll have the opportunity to petition. If you're not in Scotland, that is, you'll be able to petition.

259. SIR PETER BOTTOMLEY: You may not be able to give me the definitive position, Mr Dawes raised a question about his application to have his home acquired under the Exceptional Hardship Scheme. One issue is whether it's blighted, and the second is whether being on top of a tunnel, which isn't there, is a disqualification from being accepted under Exceptional Hardship Scheme. If I were in his position, should I be encouraged to reapply? On the grounds that the blight is continued for...

260. MR DAWES: I have applied a second time.

261. SIR PETER BOTTOMLEY: You have.

262. MR DAWES: I have, and I hope to succeed. I'm at the final stages now, of my application. Like I said, I'm very grateful for the way that the people who are handling it are handling it. What I am a little bit concerned, and if you like I'm adding points to try and improve the sensitivity and the process of the system. Not of the individuals who are dealing with it. So I think there's something to be benefitted from the experience I've been through.

263. MR STRACHAN QC (DfT): Can I just help on that? First of all, I don't think anything I've said should be taken as contradicting what's in 3.4.1 of the same document. I understand that it creates significant difficulties, but – and that is something the government itself has recognised about the causing of uncertainty for individuals that this sort of project, that Phase 2 introduces, and over the page that

explains why a discretionary scheme is brought in at all. Because there isn't actually, in terms of the Compensation Code, it's not required, but because of it making announcements of this sort, do give rise to generalised blight; that is why the scheme was introduced. I accept Mr Dawes thinks it doesn't go far enough, and there's that balance to be struck.

264. So far as the specific concern he has about the location of the property, he's indicated he's applying again. There is some guidance about that in the exceptional hardship scheme at 3.6.15, which is on 15, I think. Yes. 3.6.16 makes the point there isn't an eligibility requirement in terms of geographical location, so that is not a reason why, in itself, one doesn't get accepted. In relation to...

265. MR DAWES: Looking at that point, what does that mean?

266. MR STRACHAN QC (DfT): It means that wherever you live, you can make an application, there's no geographical limit, you don't need to be within 200 metres or one kilometre of the line, anyone can apply. Of course, one of the criteria that one looks at is the effect, or the location of the property and at 3.6.17, it's explained how this is approached; 'If a property is closest to a point of the line that would be in a deep bore tunnel, that respected point would not be considered. Instead, the distance in respect of location of the property from the nearest tunnel portal or planned ventilation shaft should be considered the relevant factor. Hence all surface construction eventual infrastructure will be taken into consideration', and I think in relation to Whitmore Heath, the tunnel we're looking at, it's a relatively short section of bore tunnel with portals; I know they want them extended, by their portals indicated in the consultation draft, and therefore, if there is those sorts of either constructional or operational effects, those are taken into account, in the exceptional hardship scheme. I just want to explain how that works.

267. CHAIR: Okay.

268. MR STRACHAN QC (DfT): Could I – sorry, just to be clear, because I know Mr Dawes has raised this. I know the Committee's aware, other people may not. These are confidential schemes, where application – sorry, the scheme's not confidential, but the applications to the schemes are confidential, so that people – yes, they are required to give out personal details but those details are treated in confidence. I just want to make

that clear, because I know Mr Dawes raised that point; it's important people know that so they're not put off.

269. CHAIR: Although Mr Dawes did echo a lot of people by saying he is being asked for lots of bank statements and income and personal information and all the other rigmarole on top of everything else, with all the stress, is something that a lot of people find very difficult.

270. MR STRACHAN QC (DfT): I understand that. Unfortunately, again, it's a balance between protecting the public purse to make sure things are documented but that layer of confidentiality does give some – I hope some reassurance.

271. CHAIR: Can I thank you, Mr Dawes, for your contribution today, not only because you're representing 12 other petitioners, which makes life very much easier for, us, but in the measured and sensible way you've addressed the Committee.

272. MR DAWES: I appreciate it, thank you very much for the opportunity.

273. CHAIR: Thank you very much indeed. I going to take now, Sir Bill Cash and then I'm going to take Mrs Hulme afterwards, if that's alright. Welcome, second time you've attended.

Sir William Cash MP on Behalf of Swynnerton, Whitmore and Madeley HS2

Action Group

274. SIR WILLIAM CASH: Thank you.

275. CHAIR: Clearly this is a big issue for you; I mean, all the members of Parliament on the route are finding life difficult, and of course, being Phase 2 of the route is even more difficult.

276. SIR WILLIAM CASH: Yes. Well, first of all, can I say thank you for enabling myself and my constituents from being heard, despite the fact that we're not within the framework of Phase 1 as a Bill, but as you heard from the, if I may say, exceptionally good evidence that you've just heard from Mr Dawes, which is typical of my other constituent petitioners, that it is a very difficult situation for them, and as you quite rightly pointed out just now, they are effectively blighted on the face of it, longer than

other people, and the uncertainty and the stress that you referred to, is there on the record, and I thought that he – what he said couldn't be improved on, so I'm not going to attempt to replicate that, or indeed, any of the arguments he's put forward.

277. My concern, as you will appreciate, is to, as it were, act as a kind of guardian protection, if you like, by helping them to get in front of your Committee and I cannot exaggerate the gratitude that I have for your giving them a chance to be heard, for all the reasons that he's identified. And also, just simply to say that I do strongly believe, I've already put forward the arguments for a property bond; I won't go into those again today, because it will just be repetitious. I think that the Compensation Code is inadequate as it now stands, for those reasons, because the bond would be better, and I think that my taking up time this afternoon, if I can be quite candid, will be at the expense of their petitioners, rather than for me to continue to put forward points I've already put forward, they're in my petition, and I don't really feel that there is anything that I can add to what they're going to say, because this is their moment and I take this very, very seriously. For them to be able to petition Parliament personally, in terms that they choose to express, and to seek your protection, and your judgment about the merits of the arguments, insofar as they are, as they are indeed, severely affected.

278. So, my objective has now, as it were, been completed, I think, so that they can get on with what they have to say, but I just wanted to express my gratitude and also to say that I don't believe that anything is over until it's over, and that this argument is going to expand in the next Parliament, and those of us who've already voted against this proposal and this, what I regard as extravagant system of providing a rail arrangement which is not going to benefit my constituents, is not something which we will give up on. So, we will continue, and I am grateful to you for listening to these few words, and I will now leave you to ask questions and to listen to the others of my constituents who wish to petition.

279. CHAIR: Okay, thank you very much, Bill, for your contribution and I know you'll be as assiduous as ever in defence of your constituents.

280. SIR WILLIAM CASH: Thank you.

281. CHAIR: Right, we now have Mrs Hulme.

Elizabeth Hulme

282. CHAIR: Good afternoon.

283. MRS HULME: Good afternoon.

284. CHAIR: Do we have a map at all, about – are you from the same area or –?

285. MR STRACHAN QC (DfT): Yes, there's one at P4992. And just by way of introduction of all these maps, they simply show the consultation draft line of Phase 2, i.e. what was shown in the consultation for Phase 2, and then we attempted, although it's quite a difficult scale, we've attempted to give the broad location of the petitioner's property; if we've got it wrong, I'm sure –

286. CHAIR: Okay. Please carry on.

287. MRS HULME: Thank you very much. I'm here this afternoon as an individual, together with my husband, and I'm grateful for having the opportunity to express myself about the concerns regarding HS2. Both my husband and I are joint owners of a magnificent property and we consider that we are current custodians for future generations.

288. My appearance this afternoon is actually a very daunting prospect. This is because I feel that I'm against the machinery of State with an eminent legal team, and a plethora of experts who are all here to assist you, so my submission to you, if you like, is from the heart, and just as a individual.

289. I echo what Mr Dawes has told you, but this project actually takes up the whole of my husband's and my non working time, because of the impact it's had upon us. And, very recently, knowing I was coming here today, it's also actually interfered with my sleep, but that's my problem, I appreciate.

290. I thank Mr Strachan for the introduction, and I'd like to take this opportunity; I won't be very long, to just paint a picture for you. Firstly, the exhibit here, P4992, is a little incorrect, because this is showing a near neighbour's property, a property called Glebe House. I am actually further along the road where you can see the word 'reservoir', and the square block, that's my property, the Water Tower. I was going to

first of all show you a photograph of my property.

291. MR BELLINGHAM: It would be very helpful. That is amazing.

292. MRS HULME: It's a Victorian water tower?

293. MR BELLINGHAM: Water tower, yes.

294. MRS HULME: It's a grade II listed building, it's 125 years old, and hence my comment that we feel we're custodians for future generations.

295. MR BELLINGHAM: And you did all the landscaping when you bought it, you –?

296. MRS HULME: It was generally converted upon our purchase but we are continuing with the works, and we are almost nearing completion, but as you're aware, we have a statutory obligation to maintain this building in any event.

297. We are, according to the information provided by HS2, about 365 metres from the line, and that elevation there shows you looking towards where the train line will be. The interesting thing about this, although some petitioners who I'm extremely sympathetic with and much closer to the line, if I can show you Exhibit A863. Our property is marked with the red cross and for me to travel out of the village, to the A51, I have to go down those two roads that I have coloured yellow.

298. Now, across the A51, there's going to be a series of bridges and cuttings and obviously, extensive construction. So, in order for me to exit my property and the village, I have to go the other way, which takes me approximately 14 miles out of my way, on a daily trip to my elderly mother in law who's 90 this year, who we help with independent living.

299. So that was just to set the scene really of – although I'm 365 metres away, the impact of the project on my property in relation to the construction works is massive.

300. I'll just show you Exhibit A864 and that's just a more detailed map of the village of Swynnerton which is seen on your exhibits in any event.

301. In speaking to you this afternoon, I just wanted to concentrate on the issues of compensation and mitigation, and I know that you have heard a lot about this before me,

but currently, as it stands, I'm going to be outside the compensation zone. Neither myself nor my husband, at this particular time, qualify for the exceptional hardship scheme, yet our property has been, since the route has been announced, blighted severely.

302. I'll just take you through a few points about the blight as I see it, and that's the devaluation, gross devaluation of our property, the devastation during construction, including night security lighting, noise during construction, including me, who is a shift worker, who would be extremely disturbed and I appreciate I'm one individual in the scheme of things.

303. The dirt and dust, both roadside and airborne. The lane outside my driveway has a 7.5 tonne weight limit on it, and it's not capable of taking construction traffic. I also ask the Committee to consider that the debris and detritus from the workforce that will flow from this project will be severe; both my husband and I are extremely proud and voluntary litter pick in the village, outside our home on a weekly basis. And, as the previous speaker alluded to, the lack of detail in the fact that we know nothing about construction depots, sites for construction workers, and we have no information about this, which adds to the concern and the further depreciation of our property, which, in actual fact, is mine and my husband's pension fund. So, I wanted to impress upon you that our pension plans have been spoilt, our plans for retirement have been spoilt, and I now – I'm in the position where I'm going to have to work a lot longer than I expected I would have to do so.

304. The issue I would like to ask the Committee, in order that we can impress upon the promoters, that when you are considering compensation, and as I say, I am meet none of the criteria in any of the schemes at this present time, is that this serious blight needs to be addressed. It is absolutely debilitating. We took on this property believing that it was our future and we wanted to cherish it, but now all that has been soiled, and as I say, most of our non working life is spent trying to deal with the issues this project has brought to our table.

305. I have petitioned on various things, I accept that, and my petition has been answered. I would like to say that I think that the powers of entry onto our property being less than 500 metres from the line are in actual fact, more draconian than those

powers that can be found in any Town and Country Planning Act legislation, and the timescales regarding notice are a lot shorter.

306. Whilst neither my husband nor I would want to be confrontational, we think we are prejudiced because we can get nothing, but we have to give. And in correspondence that I've had with various departments, including HS2 Ltd, I have been promised that compensation would be fair and equitable, and even discretionary outside what is under statute at the moment. But, as the previous speaker has alluded to, we have no information about that.

307. Thankfully, I've been supported in this process not only by my husband, but friends in the local community, but my MP, Sir William Cash, has been very giving of his time, very helpful, and I am asking the Committee to, when they report back, to consider alternative methods of compensation, and I wholly support Sir William Cash's proposals for a property bond. That would certainly, in some ways, go to ease the burden I have because of the stress of this project, living in a county where I can't even get on the train. And, unless I can assist you further, that's my plea to you today about this matter.

308. CHAIR: Thank you very much. On the point of access to property, do you want to add anything to that?

309. MR STRACHAN QC (DfT): I know it's an issue that a lot of people have raised so, it may just help if I explain very briefly the position; Clause 51 is being proposed in the Bill, it's there to enable access to property in certain circumstances. There was a concern, I think, by some petitioners, that it's effectively a power which allows the promoter to go onto land without any dialogue. In fact, if one looks at Clause 51, and I hope it reassures the petitioner and others, it is actually quite carefully circumscribed. There is – I'll just outline it very briefly; it allows an authorised person to go on to land in connection with a Bill or proposed Bill, to do with high speed railway works. So, it's not limited to Phase 1 or Phase 2, it's to do with high speed railway works being promoted by a Bill or proposed Bill.

310. The person has to be authorised, and under the sub-section 2, there's a distinction between residential land, which clearly, this would apply to the petitioner, and non residential land. In the case of residential land, authorisation to go onto the land, absent

consent from the landowner, has to be provided by a Justice of the Peace, and in order to seek a warrant to go onto the land, the person can only get that authority from the Justice of the Peace if the entry to the land is genuinely needed for purposes relating to the construction of the high speed railway line, first of all, and secondly, and this is perhaps where there has been some misunderstanding, the second criteria is all reasonable attempts have been made to obtain consent to enter the land.

311. And so it is only the last resort where those discussions to enter onto land have not succeeded in agreement, that the resort can be had to the Justice of the Peace, who has to exercise his own judgment.

312. CHAIR: So at this stage, it will be if you would be doing a survey, or looking at – checking utility lines, you were perhaps wanting, if you were doing – at some point in the Environmental Statement, where you would put some sound machinery, that sort of technical thing, you ask the owners, come to an agreement with them, if they don't, then the Bill gives you reserve power to go to a magistrate, whatever –?

313. MR STRACHAN QC (DfT): Absolutely. In a nutshell, that's exactly right, and there are a number of circumstances where one might want to go onto land, environmental surveys, noise modelling, something which has been discussed previously, those sorts of things where it's clearly useful, or critical to have some access to land, but I do emphasise, it's not intended to displace the process of talking to a landowner to arrange that access and that is a given, because you can only go to the Justice of the Peace if that process has broken down.

314. And then, of course, there is, under Section 52, a period of 14 days' notice, even after this authorisation has been obtained, with still a requirement to give 14 days' notice of any intended entry under that. So, I appreciate the concerns been raised, but it is important to understand the way in which that power's expressed, and all entries will be preceded by, as they would have to be, by discussions with the landowner to try and agree a suitable time, and the reasons for it.

315. But there are equivalent powers, as the Committee may well be aware, for other processes such as, under the Planning Act of 2008, if you proceed by way of development consent order, those promoting development consent orders have a similar power to – power of entry, subject to control. But that's the purpose of the power, it's

plainly a useful power, provided, as the Act does, it's subject to appropriate safeguards and there are a number which I've just described.

316. CHAIR: If we do our job properly, then we will have improved the compensation schemes as we go through, so we'll be monitoring need to sell, at which point, that if – once they come up with the definite line which affects you, when the compensation arrangements kick in, hopefully, they will be much improved, or certainly, that the bars, which are very high at the moment, will be at a level which will make it a lot easier. But if not, you'll probably end up coming back for Phase 2, but if you do, if you speak from the heart as you've done today, I've no doubt the Committee will listen.

317. MRS HULME: Thank you. I'd just like to say that I appreciate that the Department of Transport, through the Minister of State, has given a compatibility statement in relation to this Bill regarding human rights. Having heard from me today, I'm sure you can appreciate that I feel that my right to family life has been grossly transgressed here, and it will continue to be so until I can put my property back in the state it was when I purchased it in 2011. My money, in actual fact, has been taken from me.

318. CHAIR: What do you do for a living? You said you were a shift worker or –?

319. MRS HULME: I'm a shift worker, yes.

320. CHAIR: Nurse or –?

321. MRS HULME: No, I'm a solicitor.

322. CHAIR: Solicitor, okay.

323. MR BELLINGHAM: A duty solicitor?

324. MRS HULME: Pardon?

325. MR BELLINGHAM: Are you a duty solicitor?

326. MRS HULME: No I'm a District Crown prosecutor.

327. CHAIR: Thank you very much, indeed. Thank you. We now move on to Keith Ralls. And I think – where are we? I've also got a Gillian Ralls.

Keith Ralls and Gillian Ralls

328. CHAIR: Are you speaking for your wife as well?

329. MR RALLS: Ah, yes, I apologise that she cannot be with us today, but she did check the submission that went in and corrected my English, spelling mistakes etc.

330. MR RALLS: And was quite happy to agree to it, but I'll speak to mine, if I may, which is 343 and her petition is 1475, and also, it's in the collective petition of the residents in Swynnerton, Whitmore, and Baldwin's Gate and Madeley with Sir William Cash, that's 1475 – 1478.

331. I have two pages of A4 that I want to take you through, and that's my presentation. But first of all, perhaps I can see a picture? Yes, you have the petitioner's property there.

332. MR STRACHAN QC (DfT): It's a photograph of your property.

333. MR RALLS: Pardon?

334. MR STRACHAN QC (DfT): Do you want this one?

335. MR RALLS: Yes, in a moment, but before we do, it is actually – you've just been looking at the Water Tower, which is on the – that's it, and it's on the other side from the Water Tower, this one's about 200 metres from the centre line. Now, if you've got the two pictures? Yes.

336. SIR PETER BOTTOMLEY: Is that a gesture to promoters, in the field? The crop circle?

337. MR RALLS: I chose these pictures because they were helicopter pictures and we get a lot of people around wanting to sell us helicopter pictures of our little spit. It is just an acre as you can see. It's not a working farm; it's a residence. And we have just an acre, and – but those up on the top there where the farmer is a tenant – yes, I think those are rogue shapes, not intention for the message today.

338. SIR PETER BOTTOMLEY: They look as though they should be in Dorset.

339. MR RALLS: That's right.

340. MR BELLINGHAM: A joy rider who went off road to cause trouble.

341. MR RALLS: You've got it. At least that's our belief, we don't have anything official. Now, HS2 goes through the top of that coppice to the left, can – who's directing this – yes, from there.

342. SIR PETER BOTTOMLEY: If you put your finger on the screen, it will magically turn up.

343. MR RALLS: It's miles away the screen, but it's there. And then goes virtually straight across, through the rings, virtually through the rings, and goes under this road, the A51, and also you can see a white house in there, it's that road coming down there too. So, it's – that's the shape of the situation. We are almost half way between Crewe and Handsacre, so HS2 will go through there, I reckon at 225 miles an hour, 360 kilometres an hour.

344. Right, okay; we are potentially blighted by the public knowledge of the planned HS2 project, and will continue to be by disruption, during the construction phase, which Mrs Hulme has just spoken about, just now, from about 2022 onwards, and then during the operational phase. And I reckon that will be noise, vibration, and security, and probably other factors.

345. Prior to the announcement in January 13, we think our property was worth about half a million and we now think it's reduced by about a quarter of a million. I don't have actual figures on this, because it's not our intention to move, but we are seeing that sort of impact around.

346. My wife and I are in our 70s, and we're retired. My wife has lived in that property since 1967. We have six children from our first marriages and 10 grandchildren. We thus have a deep, ongoing interest in the HS2 project. We expect to continue to live there, to support our children as they take over the property, or perhaps to downsize and move within 15 years. The loss of a quarter of a million pounds would have a huge impact on our financial capability.

347. Compensation; it's hardly applicable for us at our residence, as it's physically outside the voluntary purchase zone and the exceptional hardship scheme does not seem to be applicable. So, if HS2 is approved, we shall expect the Government to provide

compensation that would fully match the negative impact of the HS2 project would have on our lives. And in that context, I support Sir William's proposal for a property bond, as a vehicle towards an equitable solution, and in that context, I would reiterate the point that was just made by Chris Dawes; I see that if you buy a property, you have something which is worth money. It is not a waste to the Government, yes, it's been a cost incurred on HS2, but I suspect when it's all over and time's gone on, you may very well sell it, and redeem all of the money that you lost in the first place – so it's a distributed asset; it is not a loss. And I think that HS2 Ltd should be really looking at that with the Government as a point of how you handle it.

348. The disruption, and construction of HS2 Phase 2, would cause difficulty and time wasting for those living in the villages near the line, and I'm in contact with a lot of those people. I'm sure the villagers would complain vigorously if the HS2 decision had been made closer to the time of construction, so 2020 plus. It appears insignificant to today's life, because it's far hence, and nevertheless we shall suffer significantly and compensation levels should therefore reflect this aspect. We are currently, in our area, feeling the impact of a project going on on the West Coast mainline, it's a quarter of a million pound project, it's the upgrade at Norton Bridge. The impact that that has on the traffic around with us, as much as four miles away, is significant. Closer to it, much more significant. Now, HS2 will be right close to us and it will be highly significant. So, any compensation needs to be looking at that aspect.

349. The third point I want to raise is one which has been troubling me for some time. And that's the vulnerability of HS2 to terrorism. I've no doubt that the HS2 Ltd and its engineers are highly capable, and will deliver a bullet train, ultra high speed train system, which will achieve all that their contract requires them to do. However, bullet trains have more in common with aeroplanes flying over short distances than with trains in our UK railways. My concern is therefore that the method of security adopted at the few HS2 stations planned, to check that passengers do not bring a small bomb on board, because that's all it needs, to cause trouble.

350. Now, this may not be a matter for HS2 Ltd, but for the Department of Transport. Accordingly, and I've sent the following question to the Secretary of State for Transport, through my constituency MP, Sir William, and his letter of 21 January 14; the appropriate parts have been extracted, 'My question relates to the impact of

terrorism on HS2, its adverse affects and what measures will be taken to prevent such acts. Please envisage the following scenario: at peak times, a full train carrying 1100 passengers, and travelling at 250 miles an hour, on the go track, passes trains on the return track every two minutes. One of the trains will soon have a terrorist bomb on board. It explodes, causing a mammoth accident, and killing its passengers. A train on the opposite track is travelling at a similar speed, crashes into the debris, before it can take evasive action, or because it's sufficiently adjacent to the first train to suffer the effects of the bomb blast.' And I have an appendix 2 that you can go through for calculating the impact.

351. SIR PETER BOTTOMLEY: I think we've had the advantage of reading some submissions and some exchanges, and we've seen who had responsibility for security. And I think that although the issues that you raise matter, they matter to authorities other than us. There's a public interest, obviously, but the – in terms of the petition on the effect of the railway on you, you're getting pretty close to going beyond what we can properly hear.

352. MS RALLS: Well, I think it's very important point.

353. SIR PETER BOTTOMLEY: That's not denied.

354. MR THORNTON: It's not something we'd make a decision on though. Security of the line and how it works and who would ensure that it is safe is not something within the egis of the Committee, what we're appointed to be looking at.

355. CHAIR: You've made the point anyway so –

356. MR RALLS: Well, I've made my point in the note here, in the petition, but you see, because I didn't get a reply from the Department of Transport, as you know, I assumed, because of when – or was happening, it got overtaken by the second reading of the Bill, and the petitioning process, so therefore, I – because I'm not getting answers – now that's what really worries me. Because I'm not getting answers, then I ask you folks to petition – to take action on this. And there's no doubt about it, HS2 Ltd have responded to what I've said, and I'd like to comment back to them on their – what they've said.

357. CHAIR: Just keep going.

358. MR RALLS: Thank you. So a reply dated the 25th February was received by the Minister of Transport, and was not complete and I asked, through my MP, and also by email directly, for an explanation why it wasn't complete and I never received a reply, because, I thought, of the whole process overtaking it.

359. However, in the promoter's response, HS2 Ltd has implied that the answer to my questions would not be available during the detailed design stage, until it's complete, which would be after Parliament's approval of HS2 project. As referred to in your information papers, B1 and 6 – G6, and therefore Parliament approval would be based on the conceptual stage design. I note however, that the conceptual stage design would identify limits of land required. Now if an airport type security system were required at each station, a significant amount of land would be required, and would therefore need to be identified at the conceptual stage design. Hence, this issue needs resolution at this, the concept stage, and I refer the Select Committee to the request in clause 13 in petition 343, and 1475, and in clause 28 of petition 1478.

360. CHAIR: That's it?

361. MR RALLS: That's it.

362. CHAIR: Thank you very much. Do you want to add anything to that at all Mr Strachan, or –?

363. MR STRACHAN QC (DfT): No – could I – I was just a bit concerned about the way it was put there wasn't a reply; I think there was a reply from the Minister of State, Baroness Kramer, which I think Mr Ralls kindly put into his exhibits, A895.

364. CHAIR: He had a response, but maybe not a reply.

365. MR STRACHAN QC (DfT): Well – I think there was one document he couldn't access which we've got a copy of, 'Constructing and maintaining a safe and secure network'. The points have been responded to by the Department of Transport as to the way they approach maintaining the integrity and security of the system, bearing in mind of course, that it's some way yet from proposed construction. But those are – I'm not suggesting they're not important points, but they are important points which have been responded to by the Minister of State in that letter to –

366. CHAIR: Presumably, with any large project – Channel Tunnel, HS1, HS2 – there’s a risk assessment which will be done at some point; not just for issues of terrorism but people actually getting onto the line, or sheep getting onto the line or anything that could cause disruption to the efficient operation of the railway, so –

367. MR STRACHAN QC (DfT): That’s absolutely the case and that is a point which we made in the petition response document. It’s also part of that document Constructing and maintaining a safe and secure network; it’s not simply, although importantly, questions of terrorist attack, but they maintaining the security of the line in precisely the way you’ve identified which are all things that are looked at in detail as part of that risk assessment.

368. CHAIR: Okay.

369. MR RALLS: Yes, may I come back on that?

370. CHAIR: Yes.

371. MR RALLS: I seen that – I have been to your HS2 Ltd roadshows on two occasions, two different places, I’ve seen that. It says very little about the security on stations, and I – I am not attacking anything else on security other than on stations. I cannot understand why we might have a – if a businessman in 20 years’ time goes to Manchester, he could take a train to London City Airport – a plane to London City Airport, or he could take a train to Euston and get to Canary Wharf if that’s what he wishes to do. Why should there be a different form of security for those two vehicles? One has got perhaps 250 people on, and flies perhaps at 450 miles an hour, the other has 1100 people on it, and it goes along at 250 miles an hour. If it hits anything, it is in itself, a bomb. So it must not be deflected in anyway whatsoever, and therefore, I don’t understand why we should think of having a different system. In which case, you would need far more space at each of the stations, and of course, you’d need a much longer period of time to get on the train.

372. CHAIR: Okay.

373. MR MEARNES: Sorry, could I ask Mr Ralls, I’m looking at the aerial map of where your property is situated, and I’m just wondering, you know, directly across the A51 from your property, there’s a wooded area, and then the HS2 line would run south

of that, sort of – going across there. Roughly how far – the closest point would the line of HS2 be from your property?

374. MR RALLS: How far is the centre line?

375. MR MEARNS: Roughly how far, at its closest point, would the line, the proposed line of HS2 be from your property?

376. MR RALLS: My front door is just less than 200 metres from that line. There is then the road, the A51, it's reasonably busy but it's a country road. But, back down the road, less than a mile, the HS2 passes over the M6. That's where a huge amount of damage can be done

377. CHAIR: If it's any consolation, the directors of HS2 do read the minutes of the meeting and the ministers get reports on what goes on at the Committee on a weekly basis, so what you say will be noticed, and no doubt, factored in.

378. MR RALLS: Well, I would like to get some response from the Department of Transport, so I can just understand what they're doing.

379. CHAIR: Well, I'm not sure you're going to get a response on terrorism. You may get a – they wouldn't in public put what we were going to do, but there will no doubt be an assessment.

380. MR MEARNS: I think the Chairman's entirely right. People from the Department of Transport read the minutes, but lots of other people have access to the minutes as well, and the last thing anybody wants is to give anybody ideas.

381. CHAIR: Anyway, thank you very much.

382. MR RALLS: Thank you for your time.

383. CHAIR: And no doubt, depending on where the route is, you may have the opportunity in a few years' time to do the same thing in Phase 2, Phase 1A, or whatever.

384. MR RALLS: Yes.

385. CHAIR: Thank you very much. Okay, we're now going to move on to Kenneth Lea and Catherine Lea and then after that, we will move back to Darren Swinton.

Kenneth and Catherine Lea

386. CHAIR: Welcome, thank you very much indeed.

387. MRS LEA: Thank you.

388. CHAIR: Can we have a map up of where you hail from.

389. MR STRACHAN QC (DfT): Yes, sorry.

390. CHAIR: We had to re-orientate ourselves to the geography.

391. MR STRACHAN QC (DfT): P4999. And we're just – we're north of where we were looking at Whitmore Heath. And towards Madeley, I think, I'm not sure.

392. CHAIR: Right, okay.

393. MRS LEA: Yes, you've got the place right now.

394. CHAIR: Are you going to kick off?

395. MRS LEA: Yes I am, please. If I may something then my husband will.

396. MR LEA:

397. MRS LEA: He wants to say something too. Okay, right, well, could we see slide 8554 please, which shows the area of our home, Fairfield House. Right. The yellow part on the left of the line is our property, which takes in some ancient woodland. As you can see, it's Barhill Wood. Right, this is on the proposed route of HS2, Phase 2, between Fradley and Crewe. If we look at 8555, it shows the edge of the cutting as it passes through a proportion of our front garden. The houses next to it, which you'll see, are directly in the railway's path. So they're goners. 8557, shows the view of our house with the approximately line of the top of the cutting superimposed on it. That's taken from Barhill Cottage.

398. The route from Fradley to Crewe has recently been subject to a consultation on safeguarding. Safeguarding was said to be taking place in the spring 2015, but has now been postponed until after the election. Whilst the promoter states that this route is not fixed, the fact that the route is to be safeguarded, if we look at 855.16, please, which is

the map that was sent to us, by the promoter, it would seem to indicate that this is going to be the eventual route, although it has not been stated, and a lot of work has obviously been done on it. There is the contention that Stoke may want it transferred towards them, but obviously, if we're being safeguarded, it would seem that –

399. SIR PETER BOTTOMLEY: Crew is preferred.

400. MRS LEA: It's – Crew is preferred, yes, as David Higgins has said; he wants to get the line between Fradley and Crewe accelerated slightly.

401. CHAIR: We're getting to the point in Parliament where ministers – can't make decisions because civil servants say it's too near the election and you have to wait anyway, but I'm sure that whatever happens at the elections, there'll be a flurry of decisions in the summer.

402. MRS LEA: Absolutely. Anyway, if – our current situation is – slide 8558 please, it shows a letter to us, dated 17 July 2013, from the Department of Transport stating, the highlighted part, 'Your land and any building upon it, at the address stated above, are on the line of the revised proposed route and are therefore classified as at risk of being required for construction of the line in due course'.

403. Slide 855.11, 12 and 13, if we can just whiz through, because following this, three estate agents refused to market our property, as it was pointless, in light of the letter that we received on 17 July 2013.

404. Right, my husband will be 76 this year, and I will be 68, and our contention is that we should be allowed to move from our house, as we wish, without hindrance, as should anyone who is over 65 years old and cannot sell their property at an unlighted value. Who knows how long we may live? Why should we sacrifice our retirement because the Government wish to build HS2? If the project goes ahead, at anything like the proposed timescale, in our part of the route, I will be 80 and my husband will be 90, before a train passes our house.

405. I'd only retired six months, before Phase 2 proposed route was announced, having received the news on January 28, 2013, from a Times reporter, and not from the promoter. Over two years have passed and we are no nearer fulfilling our plan to move somewhere more suitable for our retirement and cannot see any prospect of doing so.

406. Slide 855.14, please. We have applied for, and been refused EHS, along with many other people. We succeeded on all criteria, except number five, in that HS2 Ltd considered that we had no exceptional need to move, and further, and I quote, our claim of, 'stress and worry created by HS2 was noted, but there was no evidence to support this, or any explanation as to why this made our current property unsuitable', was provided.

407. In my view, it's self evident that continuing to live at our property, with the threat of HS2, and the lack of any foreseeable compensation, will cause stress and worry, but presumably evidence of a nervous breakdown, or attempt at suicide is necessary to prove it.

408. I've complained about the tone of the refusal, but unsurprisingly, as it was refused by HS2 Ltd, it was judged to be perfectly reasonable. I'm told by HS2 Ltd, there is no appeal beyond this, except to resubmit EHS. Can we have slide 855.15 please?

409. The rules of EHS, for Phase 2, have recently, on 5 January 2015, been revised, so that the previous reference, that on safeguarding, they would also consider options for further long term discretionary compensation, as for Phase 1, have been removed. This effectively removes the limit with Phase 1 compensation, and it appears we may have to reinvent the wheel, as far as compensation is concerned, in Phase 2. As it has taken almost five years for alternative compensation schemes to be operational in Phase 1, it's worrying that there's no commitment to any timescale for such schemes on Phase 2. Slide 855.16 please.

410. If and when the route is safeguarded, a proportion of our garden will be within the safeguarded area. 855.17, please.

411. 'The area to be safeguarded', it states, will be 70 metres either side of the central line as it passes our property. Slide 855.10 shows a letter from HS2 Ltd, stating our house is approximately 85 metres from the line, so our house will be 15 metres outside the safeguarded area. It appears that in order to claim statutory blight, we need to have more than 25% of our land taken in the safeguarding. If we wish to contend that we are suffering statutory blight, which we are, effectively, taking into account the letter of 17 July 2013, we shall have to employ professionals to act on our behalf. If we do not succeed in our claim, we will then be liable for all their costs. I believe it's iniquitous

that costs are not being met for anyone, other than those being compulsory purchased or succeeding in statutory blight.

412. I see from the evidence given to the Committee by the Attorney General, Jeremy Wright MP, on February 11, that for those affected by HS1, expenses were paid. If it is reasonable, in my view, to borrow \$50 billion at 2011 prices, surely, it's reasonable to compensate and pay expenses to those who are adversely affected by HS2.

413. Also, it's disturbing to note that as the Attorney General further stated, even if one is lucky enough to have HS2 Ltd agree to purchase one's property, the experience on Phase 1, and no doubt eventually for Phase 2, is that there then follows protracted negotiations over price. Also, that local estate agents' views are being ignored, as against those who are out of area and have no local knowledge. This is what I'm told on Phase 1.

414. Could I also make a point at which my colleagues have also raised, that relates to Phase 1 and Phase 2, that I believe purchasing houses under compensation is not necessarily a negative concept, as seems to be inferred, in that the houses can be rented out, thereby generating an income, and in the end, if the property is not consumed by HS2, once the line is complete, they can be sold on. Many such houses were sold, at a profit, on HS1. Thus the housing portfolio purchased through compensation should be considered as an investment.

415. Finally, on a personal note, may I just say that we have worked hard all our lives, never been a burden on the State, and in our retirement, we cannot sell our main asset, our home, in order to pursue the retirement we would wish for however many years are left to us. As we wait for compensation, the years are ticking by. While time may be of no consequence to the promoter, or to the Government, it's vital to us. We need action now. We only have freehold of our property, but the Government has removed our freedom. And that's all I have to say, thank you.

416. CHAIR: Thank you. Mr Lea?

417. MR LEA: Mine is slightly a summary of my wife's erudite speech. But first of all, could I mention that when referring to the petitioners from Phase 2 of HS2 and the limits of their evidence before the Select Committee on 24 February 2015, in minutes of

oral evidence, Mr Mould, Mr Strachan's colleague, informed the Chairman in paragraph 33, line 14, 'And there is no announced published route for Phase 2 in any event'. Which has been reputed today.

418. I have to say that this statement, in my opinion, is misleading. Whilst it is true there is no safeguarded route, as it states prior to this, there is an announced and published route, in other words, the proposed route. The effect of the proposed route is the same as the safeguarded route and has had significant effect upon property values and the ability to sell for many people. It is my view that this statement and other communications we have had from HS2 Ltd demonstrate an in house culture of only dealing with matters when they think appropriate without due regard to the devastating effect that the announcement of the proposal has had on the affected people. Any existing compensation scheme for Phase 2 is so restrictive as to be ineffective at this time.

419. Furthermore, as HS2 is a government project, the government must accept total responsibility for all the attendant risk and the issues that arise and, importantly, not refer these on to people affected by what is at least a 20 year project by offering inadequate compensation schemes with unreasonable time delays. I accept that the promoter has a duty to safeguard the public purse but he has an equal responsibility to ensure that those directly affected do not suffer either capital loss or a revenue expense in the process, when in normal course this would not have occurred. The promoter's of Phase 2 significantly in advance of any construction, and this has previously been raised, are more onerous in these circumstances than a similar person affected under Phase 1 as the project's timescale for Phase 2 extends to 2033. And even for the section Fradley to Crewe, well into the late 2020s. Furthermore, the petitioner, that's me, personally, is extremely concerned that I am the more senior member of the partnership, by some eight years.

420. SIR PETER BOTTOMLEY: You're the older.

421. MRS LEA: Yes.

422. MR THORNTON: Not more senior.

423. MRS LEA: That's open to question.

424. MR THORNTON: Not if your marriage is like mine.

425. MR LEA: These words are all have different meaning. And it means different things to you than to me.

426. MR THORNTON: I know who the boss is in my marriage.

427. MR LEA: It is more likely that if the situation and a sale of the property is restricted and or protracted the petitioner will pre-decease his wife, thus leaving her with the burden of further and later submission to the promoter or his agent with all the increased associated stress. If I could refer now to slides 855(18) and 19? I'd like to mention in our situation. On the one hand the promoter states in his letter of 17 July 2013 that our land and property is at risk of being required for construction of HS2. What that exactly means is unclear. It doesn't mean, it has no sense, in terms of its scope. But when one inquires about the immense earth moving required for the cutting and the tunnel, which we believe will directly affect our land and property and the surrounding area, we are informed that they have no information as no work on this has been undertaken. These seem to be contrary statements, contradictory statements. Furthermore, as a chartered engineer myself, it would not be difficult for a ballpark figure to be produced on the proposed route to answer our queries about whether this property in total is subject to rules of statutory blight or only partially; and therefore determine the actual position and remove the unknown question in our minds.

428. My final point is I contend the promoter is acting unfairly in not offering early compensation at full value on the same terms as statutory blight to property owners who are directly affected by the proposed line and cannot sell their homes, as in our case, and who have limited life expectancy, say beyond the age of 65. This should be independent of health or financial consideration and should allow those affected the freedom to determine new arrangements for their limited future without restriction. Thank you.

429. CHAIR: Thank you very much. Mr Strachan, at the point the route is decided and, presumably, these petitioners would be within the rural support zone?

430. MR STRACHAN QC (DfT): Well, I think on one analysis, this is all subject to where it is.

431. CHAIR: Where the route is.

432. MR STRACHAN QC (DfT): What was being contemplated in the draft safeguarding directions was that some of their property might in fact be required for the construction of the scheme, in which case it becomes a safeguarded part and therefore potentially subject to the same principles of safeguarding where one can require –

433. SIR PETER BOTTOMLEY: They could serve a notice to require the property to be compulsorily purchased.

434. MR STRACHAN QC (DfT): Exactly. Require the property to be purchased. There are obviously certain principles about how much land is taken. But if that were to occur and if their land is within that safeguarded zone, then those procedures would apply. If not, then it's likely that if the model is followed in relation to Phase 1, the types of discretionary schemes that were introduced in Phase 1, assuming they are introduced for Phase 2, then they would likely to be within the rural support zone you were referring to. The caveat to that, of course, is the announcement, any announcement on Phase 2 has not yet been made, and the detailed design and route of it has not been decided. I understand the uncertainty that places the petitioners in. And I understand that they don't accept the exceptional hardship strikes the right balance. But, you're right, as things move on, things will become much clearer.

435. SIR PETER BOTTOMLEY: Can I rephrase that? The response to their first application didn't accept their application?

436. MR STRACHAN QC (DfT): That's correct. They put up the decision which explains the reasons why the panel gave for rejecting their application and it is open to reapply. There were two things identified in the letter where the panel felt that they hadn't met Criterion 5. And so if they consider they do have more information, further detail they want to give on that, they can reapply. The other aspect which you are alluding to is as things progress, any safeguarding announcement, even when it takes place potentially puts them into that category I've just mentioned.

437. CHAIR: So, in other words they either have to reapply to the EHS, or they need a Minister to get on with the job with deciding what the line is going to be, and then, in due course, we can argue about the generosity of the compensation regime, but, in due

course they start to come into the compensation regimen.

438. MR LEA: And in the meantime we will grow older.

439. CHAIR: We're all growing older on this Committee.

440. MRS LEA: But, the point is –

441. MR LEA: The point is it restricts our freedom, doesn't it?

442. CHAIR: Yes.

443. MRS LEA: And we are, as I say, time is meaningless as far as the promoter's concerned and the government's concerned, but it means everything to us. Because we are, our lives are blighted.

444. SIR PETER BOTTOMLEY: I think, the explicit, again, I'm going to take this further, pretend it's Bill Cash speaking. There was an exquisite paragraph in the letter of 11 April, which is 855-14, which talks, as the chairman said and Mr Strachan has and many petitioners, about the stress and worry issues. If you have a couple living that close to a best indication so far of the line, whose combined age is about 150?

445. MRS LEA: Thank you. Yes.

446. SIR PETER BOTTOMLEY: Is that right? And that was a year ago, beyond a year ago, and if we're not really expecting to have anything settled necessarily until the end of 2016, we may hear shortly after the election, but let's go to the end of 2016, that's an extra a year and half for each, so that's three years. You're getting on to a combined age of 160, I can see, well, most of us can see, certainly I advise your Member of Parliament can see, that the stress and the worry would be growing. I think the advice that you might be taking is re-apply, emphasise the points about age and stage. If you want to be accepted under exceptional hardship, I don't think I'd say you may want to stay on an extra three or four years, because that doesn't give you the urgent need to sell, which I think is part of exceptional hardship. If you wait until the need to sell scheme, probably will come to apply to you, compelling, you would almost certainly be accepted. But, at the moment you need that, in effect, the word urgent. So, I think an application that may properly bring out more of that than you had in your first

application would certainly make it more likely to be accepted. Won't guarantee it.

447. MRS LEA: Yes. Well, as I say, they've changed the EHS rules on 15 January this year. Whereas, before it said that on safeguarding they would look to new schemes presumably like the need to sell scheme and so on that you are getting in Phase 1, that has been removed on 15 January. And it merely gives a sort of vague, that they will look in the future to it but not on safeguarding. Now, if we're going to be safeguarded, after the election, as it looks as if we probably will be, there is no commitment by the promoter to then look at bringing in new schemes for us.

448. MR STRACHAN QC (DfT): Can I just help on that? If we look at 855(15)? I think this is the point the petitioner, Mrs Lea, is making. She's referred to the July 2013 version of the EHS guidance and the January 2015. There's been no change to the EHS rules that apply in terms of the eligibility criteria. There's no change. The only paragraph that's changed makes clear in the January 2015 version in the second paragraph up on the screen: 'As proposals for the line of route for Phase 2 of HS2 develop further, the government will also consider options for further long term discretionary compensation'. Which is making a general point, as the routes develops, those longer term discretionary measures will be put in. That's consistent with what I read out from the earlier decision document. It is not dependent upon safeguarding, although, there has been consultation on safeguarding. As it happened for Mr and Mrs Lea, safeguarding directions, if they are made, may have an effect on their property in this particular case. I can't say any more than that. But, there's no change in the EHS rules that continue to apply and the expectation is that as the route develops there will be consideration of what long-term discretion measures to introduce.

449. MRS LEA: So, are you saying in my submission at 855(15), that the original text from the July 2013 version is not correct?

450. MR STRACHAN QC (DfT): No, no. What you've said is correct.

451. MRS LEA: Yes.

452. MR STRACHAN QC (DfT): The message that it is being given is that it is not dependent upon safeguarding. Consideration of further long-term discretionary measures isn't dependent upon the timing of safeguarding versus announcement of a

route, for example. If, and I don't know, this is pure speculation on my part, but, if the route is announced before safeguarding, this is indicating consideration will be given to long-term discretionary measures. If safeguarding occurs before the route, that is part of the route consideration and there's no reason why discretionary measures can't be considered at that point. It's a matter for the government.

453. CHAIR: We'll be keeping the compensation arrangements for the Phase 1 under review.

454. MRS LEA: Thank you.

455. SIR PETER BOTTOMLEY: Is the criterion of 'urgent' still in the exceptional hardship scheme?

456. MR STRACHAN QC (DfT): I'm just checking. Criterion 5 is the need. The property is either currently all will soon be in a situation of exceptional hardship, which could only be alleviated by the sale of that property. And then there's illustrations, intended only as illustrations, of those circumstances where that might apply. It is fair to note, and is reflected in the decision, that a desire to sell or however it's expressed, wouldn't meet that.

457. SIR PETER BOTTOMLEY: Doesn't meet that. So, it's open to the senior and the junior petitioners, even ones with their names spelt wrong, I'm sorry to say.

458. MRS LEA: Yes, I thought that was very nice.

459. SIR PETER BOTTOMLEY: To make an application which spells out what their urgent reasons are and the other issues which both meet the terms which they met before, and the ones which they were not then on their first application judged to have met. They can do that now. And whatever the Minister and the promoter decide to do later may also give an opportunity of applying under a different scheme.

460. MR STRACHAN QC (DfT): That's precisely the case. Their letter did indicate that they can reapply. And that will be looked at by the panel if they choose to do that.

461. SIR PETER BOTTOMLEY: Is this senior civil servant here? And can we ask the senior civil servant, if the senior civil servant is here, how old they have to be for

urgency to come on grounds of age? Or stress. Or worry.

462. MR STRACHAN QC (DfT): I don't think any of the criteria set out question by reference to the age you are. Because the criteria is getting at: Being in a situation where only selling the property mitigates the hardship.

463. SIR PETER BOTTOMLEY: Resolves the problem.

464. MR STRACHAN QC (DfT): The fact of age in itself, whatever age, isn't a governing criterion for that issue. Some people, of whatever age, may choose to remain in their properties. Some people may wish to move but not need to move. Whatever age they are. There isn't a governing age which would define that. It is the need to move out of the property, the hardships created by a need to get out of the property, by a situation that can only be alleviated by that move. And that is a criteria of exceptional hardship in the scheme. It is, obviously, a more restrictive scheme than some. But, that is a consequence of balancing at this stage the difference between a Phase 2 route which has yet to be announced and the factors I indicated earlier.

465. SIR PETER BOTTOMLEY: And if, for example, I was in their position and my GP knew I was worried and stressed by this, a letter from the GP is the kind of thing which would help to evidence the stress and the worry?

466. MR STRACHAN QC (DfT): Medical evidence from professionals is taken into account as evidence. Obviously, I'm not saying that it is conclusive.

467. SIR PETER BOTTOMLEY: No, no. Indeed.

468. MR STRACHAN QC (DfT): It will have been looked at as part of the evidence.

469. MRS LEA: We did put in, in our EHS claim, we did put in evidence of my husband's arthritis and so on, and a letter from the GP. But, what they said was, that wasn't sufficient evidence. And also when we claimed, as they said, that we were stressed and worried by HS2, they said we have no evidence to prove. Well, as far as I'm concerned, it's self evident, that the stress and worry is there and is constant with us, but we have to have, well, as I said in my evidence, we have to have a nervous breakdown or some proof, some evidence, they're asking for evidence.

470. MR THORNTON: Do you feel the fact that you want to move is evidence enough because you otherwise wouldn't want to move?

471. MRS LEA: Well –

472. MR LEA: In fairness, because my wife had recently retired and this was our family home, we were contemplating. We were contemplating, we are going to downsize. And now we are totally blighted in that. And I would only make a comment on the examples that were given, which appear to be insanity or death.

473. SIR PETER BOTTOMLEY: Or divorce.

474. MRS LEA: Or divorce. Well, we have contemplated.

475. MR LEA: Or divorce. Well, we did contemplate that.

476. SIR PETER BOTTOMLEY: Yes, I know.

477. MR MEARNS: That's a bit expensive, isn't it?

478. MR STRACHAN QC (DfT): Let's be clear what, 3.6.45, of the guidance gives a number of examples of where situations might arise, not exhaustive, but including but not all limited to issues around finances, health and disability, employment, family circumstances, domestic or care needs, court settlement, winding up the estate. It has a number of examples. It's not limited in principle to any specific category. Clearly, it's more than wishing to move away from a generalised blight area. It's more than that. And I make that clear because I don't want people to be under any illusion. And the reasons for that I've explained. But, it's not limited to the examples that have just been given. It is a non exhaustive –

479. SIR PETER BOTTOMLEY: So, retirement and downsizing and need to turn some house into some money and all kinds of things

480. MR STRACHAN QC (DfT): Where those things are documented as to why it has to be. I don't want to repeat the exceptional hardship. They are there to read and the panel then takes a view on that.

481. MRS LEA: And this brings the point that I made about if they did purchase our

house, if they did let us go, and give us some freedom, it's not a loss. It's an investment.

482. SIR PETER BOTTOMLEY: It seems to me, that's not your problem. Your problem is making an application and sticking to the relevant points.

483. CHAIR: As I said, I think we're keeping the compensation arrangements for Phase 1 under review and I suspect that before we report, ministers, post election, will start to make decisions and that will to some extent sort your situation out. And your fate.

484. MRS LEA: I understand that.

485. CHAIR: But, if they don't, then when we report, I think we're all very aware that people in your situation, once you get up through Staffordshire, Cheshire, Yorkshire or elsewhere are hanging in the air somewhat.

486. MRS LEA: Absolutely. Thank you.

487. CHAIR: And that isn't very satisfactory, given the length of time.

488. MRS LEA: Well, thank you very much for letting us put our point of view.

489. CHAIR: Okay? Alright.

490. MRS LEA: Thank you very much. Thank you.

491. SIR WILLIAM CASH: Could I just? One point which has occurred and came from Mr Strachan, I think. The reference to the proposed Bill, I can't remember exactly in what context, but, of course when the Bill was actually enacted, the preceding words will say: 'In this Act', and then it will continue to say: 'or in the proposed build', so, for practical purposes, I'd just like to draw the Committee's attention to the fact that whenever I hear this reference to a design project and we're not committed to this build. Actually, the section that you referred to clearly indicates that the proposals for the future are embedded in the build which is going between London and Birmingham. So, for practical purposes, I just wanted the Committee to bear in mind that, on the face of the Bill, there is already an anticipated proposal for the second phase.

492. CHAIR: That's why to some extent because of the clauses that we are aware of, the petitioners from Phase 2 are here. But, we'll add that to your evidence, Bill.

493. SIR WILLIAM CASH: Thank you.

494. MR STRACHAN QC (DfT): I don't want any misunderstanding to occur. That was in the context of Clause 51, which is about rights to entry. And it's setting out a general power, exercisable for any Bill, to build a high speed railway line. That's why talks about a build, a proposed build. It gives a power to enter on to land subject to the caveats I've identified if someone in the future is proposing a Bill for a new high speed railway line. It's not dealing with the issue of the principle that we are talking about in terms of compensation about Phase 1 or Phase 2. It's a generalised general power of the right of entry for a high speed railway line.

495. CHAIR: Thank you. Thank you very much Mr and Mrs Lea for your evidence.

496. MRS LEA: Thank you.

497. CHAIR: Nice to see you.

498. MRS LEA: And I'd like to thank Sir William Cash too for supporting us so admirably in all this. Thank you very much.

Darren Swinton

499. CHAIR: Darren Swinton who's next. Mr Swinton. Thank you very much, if you'd like to kick off please?

500. MR SWINTON: Yes. No problem. Good afternoon. Could we please show exhibit A902, please? This is a photograph of our home. My two elderly parents, brother and I live at Rose Cottage at Lane Warburton, which is in the Borough Trafford. Our property is 73 metres away from the centre of the proposed route of HS2 Phase 2 Manchester spur through Warburton up to Golborne and Wigan we them. I'm here to petition parliament in respect of this proposal. And I am aware that no decision on Phase 2 has been made public at this time. And that no announcement is due to be made until later this year or the beginning of 2016. Rose Cottage and Mosgrove Farm are most affected by these proposed routes. The line cuts through three fields that belong to

Mosgrove Farm and are in front of our cottage, in a cutting between five and nine metres in depth. The line then continues underneath the A6144, which passes directly in front of Rose Cottage. This road is extremely busy. It carries traffic to the M60 and the M6 and also serves as a major route into Altrincham and Warrington. Please show exhibit A903.

501. MR BELLINGHAM: Where's Rose Cottage?

502. MR SWINTON: Well, I'm going to refer to that little bit later on. I just need to show exactly where that is in relation to the proposed line.

503. MR BELLINGHAM: And is that the opposite we can see there?

504. MR SWINTON: No, that's actually Mosgrove farm.

505. MR BELLINGHAM: Say what?

506. MR SWINTON: That's Mosgrove Farm. You can see there. This photograph shows how the line will exit Mosgrove Farm and the distance from the boundaries of Rose Cottage, which has been taken from outside our gate. The gap in the hedge that can be indicated there, and there, is the planned exit route of the proposed line.

507. MR BELLINGHAM: That's where you were pointing to?

508. MR SWINTON: That's where I was pointing to, yes.

509. MR BELLINGHAM: Yes.

510. MR SWINTON: Please show exhibit A907? This is the view taken from the far side of the proposed track and indicates how close our home is to the line. That's obviously a side elevation of Rose Cottage. Please show exhibit A904.

511. This photograph is a closer view of the planned exit route and that is actually the land that is owned by Mosgrove Farm, although obviously I'm nothing to do with Mosgrove Farm. Please show exhibit A905? This photograph gives a view of the proposed route crossing the fields that belong to Mosgrove Farm and the planned route of the proposed line as it goes off into the distance. After the proposed line cuts underneath the road it then passes on left hand side of our cottage in a field which is

adjacent to us and then turns towards Culcheth, as it crosses the Manchester Ship Canal. Please show exhibit A908. This shot is taken from the edge of Rose Cottage, showing the route with the view from our gate post into the field which is next to our property. The line of trees that are in the centre of the photograph illustrate how close the line is to us. Those trees will obviously come down if the proposed route goes through. I've taken that photograph just to really visualise to you how close that is. And the impact it will have on us.

512. We are then subjected to the sight of a high level concrete viaduct creating a major eyesore to the rear of our property. This viaduct needs to be constructed so that the high speed train can then begin its elevation in order to cross the Manchester Ship Canal. On the right hand side of Rose Cottage, there's the Saracens Head public house. I would like to highlight to the Committee and to HS2 that in January 2013 the Saracens Head received a letter informing the landlords that any land or buildings that have been classified at risk of being required for construction. This is due to the fact that that proposed route requires a small part of land that the Saracens Head owns and is situated to the rear of our property. Please show exhibit A910. This photograph is taken from the centre of the proposed line, which is where those trees were on one of the previous slides, and shows how close Rose Cottage is to the planned route. The shuttle horse indicates the side elevation of the Saracens Head to indicate how close we are to it. Obviously, the white buildings are the public house which is the Saracens Head. Rose Cottage is closer to the planned route than the Saracens Head. The proposed line has a greater impact on us. We have lived at Rose Cottage for 27 years and in that time have spent many thousands of pounds on renovation, maintenance and major refurbishment. The facts of the matter are that Rose Cottage will be severely blighted in all four aspects. To the front, both side elevations, and to the rear.

513. I've spoken to HS2 helpdesk as recently as Friday the 25th of this month in order to be conversant with the latest information that can be obtained in respect of compulsory purchase and other schemes that are available as part of Phase 1. I'm aware that at present the only scheme which is available for Phase 2 is the exceptional hardship scheme. They will buy property at full market value as if HS2 were not being planned.

514. The criteria that have to be fulfilled in order to be successful with an application

for this particular scheme are very, very difficult to achieve. In order to apply for this scheme we would have to put the property on the market for a period of time and if anyone were to make an offer at a value of 15% below the asking price we would be expected to accept this. If we did not accept this offer, which could be as low as 15% below the asking price, we will then not be eligible for the scheme or be seen as unwilling to sell. Why should we be expected to accept 15% less for our home? It would be impossible for us to raise the funds to reinstate the position we were in before the proposed route had been announced. This scheme does not leave a home owner fully compensated. No provisions are made for the cost of the stamp duty when buying a new home, the cost of moving, legal fees, redecoration or refurbishment of a new property. We'll you are left in a very, very difficult position because of HS2 and the proposed route. Unable to sell our property for the correct market value due to the very, very severe blight that our property now suffers and will continue to do so for the foreseeable future.

515. I am aware that this Committee does not necessarily want to listen to a petitioner in respect of noise levels. But, as part of my petition, I need to highlight, very briefly, on the subject and our own position in respect of it. Please show exhibit A898? This map shows the position of our home and the proposed route. In particular, I would like to draw attention to the red line on the map which is next to our property. Maps produced by HS2 indicate high levels of noise and these areas are highlighted in red. One of these areas passes Rose Cottage. And can be seen very clearly from this literature, which is obviously here. And our property's next door to that.

516. We visited an event held by HS2 in 2013. There were sound booths installed for simulating the expected noise levels that the high speed train would make as it passed through certain areas along the route. The very best representation that could be found, and I hasten to add with the help of an HS2 employee, as the train passed our property, simulated the train passing through at 360 kilometres an hour with a two metre barrier at a distance of 100 metres away from the centre of the line. At present, with this proposed route, we are 73 metres away from it. So, we are considerably closer. We were shocked and very concerned at the level of noise the train would produce. As I've said, we are only 73 metres away from the proposed track. Looking at the literature that's been produced by HS2, titled 'Warburton to Bamfurlong', the maps indicate that

the route for this proposed line as it crosses Rose Cottage are coloured in red, which obviously indicates the higher levels of noise. This leaflet states that within the areas that are coloured red would be exposed to higher than average noise levels, would be greater or equal to 73 decibels. These trains are going to be running 18 hours a day. How are we expected to live with this level of noise? It is impossible to soundproof the property. It is a cottage which is over 200 years old. And it is also impossible to soundproof the gardens. We paid a premium to live in our rural location. And we now have a home which is worthless. Please show exhibit A899.

517. This drawing shows the position of the proposed route of the line and also indicates the possible road realignments of the A6144. Now, the A6144 passes the front of our property. Plans were in place for the A6144 to be realigned across fields that are in front of Rose Cottage. This would then make existing parts of the road outside our home a cul de sac to the left hand side, with a new part of the road realignment exiting the fields three metres above ground level to cross over the proposed high speed railway. Please show exhibit A906? This photograph is taken from the edge of the proposed railway line. These fields are the view that we have in front of our, the front aspect of Rose Cottage. The road and rail will converge at this point. At this point, I would like, once again, to reference to the Committee and HS2 how busy this road is and the noise and pollution that we would have to endure with the road now being reconstructed at a much higher level. Please show exhibit A901? This drawing will highlight from more of a bird's eye view the points that I am making. I don't know if we can enlarge on that, but our property is actually there. This is the public house. And this is the land at the back there.

518. SIR PETER BOTTOMLEY: Sorry, the public house is PH?

519. MR SWINTON: Yes.

520. SIR PETER BOTTOMLEY: Your cottage is?

521. MR SWINTON: This area there where, just a little bit further down.

522. SIR PETER BOTTOMLEY: By the pub.

523. MR SWINTON: Yes. We're on it there. That's our property there.

524. MRS SWINTON: Can I just say that at one point, many, many years ago, our property was actually part of the Saracens Head public house.

525. CHAIR: Do you want to sit next to? Are you Mrs?

526. MR SWINTON: This is my mother.

527. CHAIR: This is your mother?

528. MR SWINTON: Yes, this is my mother. Not my wife.

529. MRS SWINTON: I've got to get my –

530. CHAIR: Okay. Sit next to Mr Swinton. Okay. Carry on.

531. MRS SWINTON: I'm the elderly mother.

532. MR SWINTON: So, obviously, I'm just trying to show there how the road and the rail would obviously have a major impact on us. We were confronted with another concrete construction. This will be another eyesore for us to contend with and also result in our property being isolated as we'd have no neighbours to either side that could be accessed easily. If there were an emergency, access to our dwelling would be very difficult and also leave us in a very, very vulnerable position. My parents are elderly. And to be so isolated is a potential, unacceptable problem. Father is actually 80 this year and my mother's 76.

533. MRS SWINTON: 78.

534. MR SWINTON: 78! Oh right. You're doing well, then. Please show the video. So, obviously this video here indicates the side elevation of Rose Cottage and the Saracens Head.

535. In summary, I would like to ask the government, this select Committee and the HS2, how they will help families such as ourselves? The cottage which is suffering from severe blight in a rural location, 73 metres away from the centre of the proposed route. The realigned road that will be three metres above ground level outside our front gate. A potential derelict pub. The high level concrete viaduct to the rear. And a very, very high level of noise. Our property, which is also our home, will be totally

surrounded. Provisions need to be in place for individual cases that are affected by the proposed route. How the line affects one household may not necessarily affect another in the same way.

536. CHAIR: Okay. Thank you.

537. MR SWINTON: Thank you.

538. CHAIR: Do you want to add anything, Mrs Swinton?

539. MRS SWINTON: No.

540. CHAIR: No?

541. MRS SWINTON: That's fine.

542. MR SWINTON: That makes a change.

543. MRS SWINTON: I'm sorry about that. Just not myself.

544. CHAIR: I'm not sure there's very much for HS2 to add, except, essentially, you want to know your fate. You want to know where the line's decided and when the compensation arrangements kick in, I presume?

545. MR SWINTON: That's correct.

546. CHAIR: That's your essential message to us.

547. MR SWINTON: Yes.

548. MRS SWINTON: There just was one thing I would like to say. On Saturday evening, the landlord from the Saracens Head public house came to us and asked us have you heard anything more about it. And we said no, that we hadn't. He said, well, he got a two year lease to run on the pub, him and his partner, and they weren't sure what they should do because the brewery were not doing anything about it until they knew about HS2. Because virtually they'd been told it was going to be compulsory purchased. So, that is what is making us be more vulnerable because we're going to be stuck there, if we are still in that house and we're not compulsory purchased, they're compulsory purchased, we've got nobody around us.

549. MR SWINTON: We are surrounded, as I was saying in the presentation.
550. MRS SWINTON: A rail, a road and a derelict pub. So, that's the fear really.
551. CHAIR: We've heard this story before.
552. MRS SWINTON: We feel very, very vulnerable. Very vulnerable.
553. CHAIR: I didn't know HS2 was disrupting potential drinking time, as well.
554. MRS SWINTON: Well, no, we don't go in there, to be honest with you. But, it does make you very afraid, because if there was an emergency and we needed to get out for any reason, an ambulance needed to come. My husband's almost 80, it's very, very hard, very difficult to get to us because of the realignment of the road.
555. CHAIR: Yes. Okay.
556. MR BELLINGHAM: Have you been in touch with your local MP, by the way?
557. MRS SWINTON: Yes, we have.
558. MR SWINTON: We have.
559. MR BELLINGHAM: You have? And he's been supportive?
560. MR SWINTON: Very helpful. Yes, he has.
561. MRS SWINTON: Very helpful.
562. MR BELLINGHAM: Good.
563. CHAIR: Anything to add, Mr Strachan, at all?
564. MR STRACHAN QC (DfT): No, well, I'll just be repeating things, so, I won't add anything. Can I just, I don't know if it's a correction, but I know Mr Smith is speaking to Mr and Mrs Lea outside about the exceptional hardship scheme which exists for Mr Swinton's and Mrs Swinton, as well. Paragraph 3.6.46 was: 'Applicants should show they have an urgent need to sell, not simply to move from their property.'. Which I think Sir Peter was asking me a question about that criteria.

565. MR SWINTON: Well, yes, I'd just like to say that we have got an urgent need to sell because of HS2. That's the whole reason why I'm here.

566. SIR PETER BOTTOMLEY: Mr Swinton. Let us listen to Mr Strachan for a moment. Then perhaps I can put something. And then perhaps you don't.

567. MR SWINTON: Okay.

568. MR STRACHAN QC (DfT): So, I just wanted to make that clear because I was asked a question about the specific criteria and about urgent need to sell, which is still in the EHS document. That scheme applies now to Mr Swinton. Of course, if things, if and when things progress, in terms of Phase 2, and there are further announcements made, and if the discretionary compensation schemes track those which have been introduced for Phase 1, there is of course for properties within closer proximity to the line, the voluntary purchase scheme that was introduced for Phase 1 with a certain distance. I think it's 120 metres from the line. Applies for properties which aren't necessarily required for construction but are in close proximity. I, obviously, can't say what schemes will exist for Phase 2 but if they track Phase 1 that's no doubt something, if the Phase 2 route proceeds in the way that was subject to consultation, that would be of interest to Mr Swinton. Now, I appreciate that's not in existence now.

569. CHAIR: I think you'll be close enough to the line to qualify for most things. You just need to know where the lines going to be.

570. MRS SWINTON: Yes. We really love where we live at the moment.

571. CHAIR: Yes.

572. MRS SWINTON: So, we're having to leave then and because properties are at a premium where we live, the price that we'd get for our, what I'm saying to you is, basically, if the Saracens Head public house is being compulsory purchased and where in the position that we're in, why are we not compulsory purchased when it's only up the line?

573. SIR PETER BOTTOMLEY: First of all, from what we've heard so far, not that it is for us to decide, it doesn't sound as though it's being compulsory purchased now, because the brewery expect that it will, they will be able to either serve a blight notice

or that they'll get.

574. MRS SWINTON: Yes.

575. SIR PETER BOTTOMLEY: So, it is not being bought now, is what, I think, I would guess at. Secondly, to put in plain English, I suspect that when you leave this room, people from HS2 may be able to come and talk to you privately, which may be helpful. It won't necessarily solve the problem. But, they could know to talk with you. Next point. If the significant reason for trying to have them buy your home now, I doubt that your home is only devalued, blighted, by 15%. I suspect that given the present plans and uncertainty it's more than 15%.

576. MR SWINTON: Oh, yes.

577. SIR PETER BOTTOMLEY: So, you wouldn't be expecting to sell it at 15% below. If the only reason for getting them to buy it now is the prospect the railway may come in time, and other than that, your parents and you are happy to be living there, my advice to you, not that I'm your MP to give you advice, would be to go on living there for a year or two and see what actually comes forward in the real plans and then you'll know. And you will also be able to sell voluntarily and your problem will be solved. Or the line will have moved away, in which case, the problem is solved. If the stress of uncertainty is worrying you or your parents so much that it becomes a reason in itself. So, it's not just the fact that a railway may come, but the stress and strain of not knowing what's happening, given the maturity of your parents, then you have a ground for applying, you won't necessarily get it, under the exceptional hardship scheme. But, as I say, if you haven't got the urgency to go and the pub is still there for another couple of years, I think, during those two years, matters will settle down. There will be greatly reduced uncertainty. And either the exceptional hardship scheme will get you or the rural payment scheme or the need to sell scheme. So, I think you have got choices. But, best thing to do is to listen to the people outside. They can tell you more.

578. MR SWINTON: Well, my main point with the exceptional hardship scheme, I'd be willing, it's something we are expected to accept an offer. If, say we sold it for £500,000. If somebody was to offer us 15% less for that, we would be expected to accept that. Otherwise, we wouldn't be qualified for exceptional hardship scheme.

579. SIR PETER BOTTOMLEY: Do you think someone is going to offer you 15% less at the moment?

580. MR SWINTON: Well, I would think so, yes. You never know. If we were to put it up on market.

581. SIR PETER BOTTOMLEY: I would worry about that if it happens.

582. MR SWINTON: Yes, but, I do need to worry about it. Because if it were to happen, then that would exclude me from that particular scheme.

583. SIR PETER BOTTOMLEY: I think you're being cautious.

584. CHAIR: I think Sir Peter's view is sit tight for the time being and things will sort themselves out. But we understand your angst and your concern. Right? Okay?

585. MR SWINTON: Okay. Thank you very much.

586. CHAIR: Thank you very much, Mr Swinton.

587. CHAIR: We now have Richard Nicholls.

Richard Nicholls

588. MR NICHOLLS: Thank you. You can see where, it's the same. The dots have just moved a little bit further away. In fact, it's a bit too far away. I actually live on the corner here. That's it. The point that I'd like to make, because you've heard most of the arguments, is that we're not talking about the main line from Euston to Manchester. We're talking about the spur line, Golborne Spur, which is one of the most expensive sections of the lines, we believe. Going over the Manchester Ship Canal. Culminating in Golborne, which is a small satellite town of Crewe, with a population of about 25,000 people. Not a great metropolis.

589. The original reason for the building of this spur, we were given, was a connection to the West Coast Main Line. And because they had redundant railway sidings there, as a depot for cleaning carriages. We were also told that it was convenient because it's halfway between Birmingham and Glasgow. So, it was convenient to Phase 2. In the light of Sir David Higgins thoughts about now building a station, a hub station, a West

Coast Main Line connection to Crewe, this seems to negate half a point of Golborne. And if one takes into account, if it was for cleaning, if Crewe was operational by 2027, there'd be no facilities further on for the cleaning, so, presumably they'd be doing the cleaning of the carriages at Crewe. So, they'll set up a depot there for that. So, that takes out the second part of the logic for a Golborne spur. Now, it seems a very expensive price to pay, approximately about two billion pounds, as an estimate, to do this spur, with a huge bridge over a ship canal, as well as the local damage it's going to cause. And it's really on the need, with wisdom, of the Golborne spur in itself –

590. CHAIR: May I ask? Where is the spur is going to?

591. MR NICHOLLS: Golborne.

592. CHAIR: Yes.

593. MR NICHOLLS: It's coming from – I don't know if you've got –

594. CHAIR: Is it going to Liverpool?

595. MR NICHOLLS: No. At one point they were going to use an airport at Manchester Airport as a northwest hub to serve for connectivity to Liverpool and North Cheshire. If they now service, with Crewe in the equation that improves connectivity, much better connectivity, upgrading the existing West Coast Main Line for Liverpool, up to Preston, through Wigan, then perhaps up to Scotland, if there need be. I was passed on a cutting from *The Scotsman* at the end of last week in which Mr Higgins, Sir Higgins, cast doubt on whether HS2 would go to Scotland. This is an article from *The Scotsman*, so, how accurate it is I cannot vouch for. But it quotes David Higgins as saying: 'There will be a range of options for ambitious schemes of an entirely new high speed network or probably the more realistic ones is one of upgrades and the state of that.'. So, since these original plans were formulated, and has given us all this angst and worry and concern, we now have the thought put out, with a bit of weight, I would think, behind it, Sir David Higgins saying, we'll go to Crewe. And now he's saying, well, we don't think we're going to go high speed to Scotland, so, we don't need to take, it takes the need for Golborne away, unless I can be convinced otherwise. And I wasn't convinced of it originally.

596. Sometimes, you face decisions that go against you. And you don't like them. If

you can see good, reasoned arguments for them, you can live with them. We haven't been presented with a good, reasoned argument for the Golborne spur. I won't go into the rest of it, one assumes it's going to happen. But this, there is no reason for it. HS2 Ltd could save two billion pounds. It could straighten up the line from Crewe to Manchester without the ridiculous shepherd's crook route it goes on at the moment, which I believe is what you require for high speed service. That is really, you've heard, I'm going to be repeating other things about lights and everything else that you've already heard.

597. The only thing I would ask which came from one of the earlier things, was getting, it was suggested that people got letters from estate agents to say how much the value their houses had been diminished. That's alright now, but what in 15 years' time? You know when it's become, a norm has been accepted, how will one establish what it might have been without HS2 coming through? When 15%, or whatever figure diminution, has been accepted because it has been on the cards for so long. Estate agents have got used to all that level of prices, they wouldn't be able to tell you, with any degree of certainty, what it would be. Extrapolating that to now, or should I say two years ago. And that I think is something, having listened to everything that's been said this afternoon, that's one thing that I think has not been addressed and I think if I say anymore I will just be repeating what everyone else has been saying.

598. CHAIR: Okay. Thank you very much, Mr Nicholls. Is there anything you want to add to that Mr Strachan, please?

599. MR STRACHAN QC (DfT): Yes.

600. CHAIR: Presumably, we'll get decisions on what they're going to do with Crewe in due course. And that may or may not have an impact on railway points north.

601. MR STRACHAN QC (DfT): Certainly, and in some respects, the points that Mr Nicholls is making underline the points I made earlier. For example, Golborne spur, which he refers to, is the link which takes the line up to join the West Coast Main Line again as it heads to Scotland. And, clearly, those are matters upon which people have expressed views through the consultation process which the government has to consider as part of that consultation exercise and make a decision on. And the Committee may wish to note that in fact it's one of the recommendations that was made in *The*

Rebalancing Britain report by Sir David Higgins that that was an area where further work was the necessary, both on the route and location of the depot going to and exit from Manchester. But, he believed that the link to the West Coast Main Line will be necessary sooner rather than later as part of the wider consideration of how to improve services to Scotland. All I'm identifying is that is precisely why these things are still matters on which decisions have to be made.

602. And can I, just on the latter point about valuation? As the Committee appreciate, the valuations of un-blighted market value are based on a no scheme world and the valuers are very adept at working out what the value of property should be but for a scheme that's been produced. That's well established valuation practice.

603. MR NICHOLLS: Can I come back on that, please? We're not talking about the value of an individual property within an area which might be blighted. The whole of Warburton is blighted already, and has been for two years, just about. One person, he had one sale fall through 18 months ago, and hasn't had another viewing, purely because of HS2, and he's at the other end of the village. So, if you got a whole village, in a whole area, like you have down near Madeley way, you've got whole areas down where you've got devalued. Then what are you using as a yardstick to pick, yes, it should be this. Because the whole area is devalued. And I don't think, you can't compare it with, you know, some of these places, you go to one village and another village and they are totally different. They are not comparable. And I'd just like to know that there be some assurance that there'll be some fairness, and not just. The onus won't be on the property owners to prove it because I think that might be the case.

604. CHAIR: The land registry has prices of things for sale. So, all you do is take a number of comparable villages in that area, away from the line, and you'd see what happened to the properties there and what happened to the properties in the village and then you just make an adjustment. It is something they've done. They do it with road schemes, they do it with everything else. But, you raise a very good point and another big concern. And I know it's a worry to people, how they do it. But, at the end of the day, there's always going to be an argument about price because people have a view about what their home is worth and not worth.

605. MR NICHOLLS: Well, that's why you have estate agents.

606. CHAIR: Yes.

607. MR NICHOLLS: And the only other thing, if I could? You've probably seen from my submission that in 1993 they wanted to put a connection through to link two motorways, more or less exactly the same route and that got turned down. For reasons of ecological damage, damage to the area, damage to the last bit of greenbelt between the Warrington and Manchester. All of these things are still valid today. And we've also got very strong support from all the MPs up and down the line of the Golborne spur to say that they're all against the spur. And Trafford and Warrington Councils, they're all with us.

608. CHAIR: You have quotes in your evidence.

609. MR NICHOLLS: You've seen those? We've tried to wrap up all we've said with some evidence.

610. CHAIR: Okay. Thank you very much for your views Mr Nicholls. I think it's been very useful. I'm going to adjourn the Committee for about 15 minutes. And then we will take the last two petitioners after that. Just give people a chance to have a quick cup of tea or go to the loo or whatever they do in their spare time. Order, order.

Sitting suspended

On resuming—

Culcheth Community Group

611. CHAIR: Order, order. We now have Mr Salmon for the Culcheth Community Group. Sorry to keep you.

612. MR SALMON: Thank you, Mr Chair.

613. CHAIR: Just had to have a Bounty, keep me going.

614. MR SALMON: It's Culcheth, by the way. Yes, Culcheth Community Group. Well, thank you first of all very much indeed to the Committee, and indeed to the Promoters, for allowing us to appear. Sir, as you hopefully have seen from our submission I represent 30 residents who occupy some 18 homes who are the most closely affected by the proposed route of HS2 as it bypasses the village of Culcheth.

And I'm wondering if we can have a look at the Promoter's exhibit P4998. It takes us a little bit further north than the one we've been looking at. Sir, you'll see the petitioners' property shown here. The petitioner being of course, as I say, a number of households. Some of which are actually on an estate and some of which are on a lane called Wigshaw Lane. Just to orientate the Committee further if I could ask—

615. CHAIR: May I ask which borough you are in, or which council area.

616. MR SALMON: Culcheth is actually part of – it's Warrington. We're covered in Warrington, but Warrington is now a unitary authority so I'm not...

617. MR BELLINGHAM: And who's your MP?

618. MR SALMON: It's Helen Jones.

619. MR BELLINGHAM: Helen Jones, thank you.

620. CHAIR: Warrington North.

621. MR SALMON: Yes, Warrington North. So we're marching on towards Scotland as it were now, or at least towards Golborne. I wonder if just for the purpose of orientation we could have a look at another exhibit. Could I ask we could see exhibit A583, page five. A photograph I hope. The map we were just looking at, if you were to look just slightly to the south of the proposed line this is what it looks like. In fact this is the land across which the line would travel east to west. So east is in the distance, west is where I'm standing on the Wigshaw Lane bridge. And just beyond the tree line, to the left here, if we could have walked across another 20 or so metres you would be in Pendle Gardens. Thank you for that, I don't require to look at – perhaps we can put the map back up, can we? What we had up before.

622. Sir, I was very impressed by what Mr Dawes told you and wish to associate myself entirely I think with his remarks in relation to compensation blight sensitivity. We have residents who are in very similar positions to those who've appeared before you this very afternoon, Mr and Mrs Lea for example. I had two exhibits in my bundle which were statements from two of the petitioners. Sir, I don't require them to be read out aloud. I take it the Committee will have seen them.

623. CHAIR: Yeah, we have copies so we—

624. MR SALMON: And you will have seen the circumstances in which they find themselves. One of them feeling that they're never going to be able to sell when they want to retire as it were and downsize. Typical situation for quite a few people in this locale. And the others are in a slightly different situation of having had a business in the Lake District and really wanting to consolidate their assets. But having made an application were turned down. It leads to the point that's been I think probably very adequately made which is that as it is at the moment we are subject to the exceptional hardship scheme, and the criteria for that are quite demanding. And the fifth criteria, the need as it were to sell is quite limiting in certain circumstances. But I think you've already heard quite a lot of evidence today about that, so I won't say more about it.

625. But there is another point that hasn't been made to you, and I would like to make this if I might. And it's if this route is not ultimately safeguarded the blight which exists at present is going to remain for a period of time. I think one can probably accept that. The question is what happens if it remains for more than a matter of months, which is what I think the hope would be. The hope would be after three months people would forget. It seems rather optimistic to us and we're concerned that if the blight remains for a significant period there needs to still be some scheme in place. In other words something like the exceptional hardship scheme to remain in place for a reasonable period of time until the blight truly has gone away. The worry I think for a number of the petitioners, and other constituents as it were, is that a decision about it is politically tough at the moment, gets kicked into the long grass because of the cost, but doesn't really go away and people worry that it might come back again. And that could be the worst of all worlds. But it's very difficult to see what one could do about that other than to have a reasonable scheme in place for a reasonable period of time.

626. MR MEARNNS: Yeah, if a scheme is mothballed with no definitive alternative scheme being put forward there's always the risk, in peoples' minds, that it would return at some stage in the future.

627. MR SALMON: Yes, I suppose it depends on how it's done. If there's a clear announcement that it isn't going to go ahead and the scheme remains in place as a support system for a period of time then possibly that's the best that can be done. But

we certainly would like the Committee to think about that.

628. CHAIR: I think if you were going to cancel HS2 in its entirety you'd probably have to do so before Phase 1 started.

629. MR SALMON: Yes.

630. CHAIR: Because I think the moment you actually start breaking and building the railway it will go to Edinburgh or Glasgow or whatever. It's just a question of when. And I suspect that soon after this bill you'll get, probably, the route to Crewe, if that's what's picked. And then you'll have Phase 2 after that. The key thing is to impress on the Government that they don't need to keep people hanging up in the air higher up the country, and they need to decide a route, if that's what the Government want to do, whoever is the Government. So that things like – one can arrange one's life rather than be uncertain about what's going to happen.

631. MR SALMON: Absolutely, because the uncertainty is one thing, the blight is something else. And even if in this very short term people are reassured as it were there's always the concern that ultimately something will have to be done. Of course we're being encouraged to look at connectivity east to west as well as north to south. And that may change the game slightly, I don't know.

632. Could I raise another issue, which is mentioned in my submission as well, which is the 60m limit for compensation for what would be, if it were applied to Phase 2, the express purchase scheme. Of course it doesn't apply at the moment at all. But in relation to the properties with which we're concerned, I don't know, is it possible to enlarge this?

633. MR STRACHAN QC (DfT): Yes, we can zoom in a bit.

634. MR SALMON: Zoom in a bit, please, thank you. A little bit more if we could. That's great, thank you very much indeed. So if we look at this now, and you see the petitioners' property, you can see that Culcheth which is to the north of the line is actually quite a large conurbation, and it consists of about 3,500 households in all. You can see them all in that, but they're there. 8,600 souls. It's about 6.5 miles east of Warrington, just to reference it. There are, it may interest you to know, some 947 houses within 500m of the proposed line. It doesn't look as if that would be the case

does it, looking at the map? But that's actually the figure.

635. MR MEARNNS: Sorry, how many properties are within how far?

636. MR SALMON: 947.

637. MR MEARNNS: Within?

638. MR SALMON: 500m. Yes, it catches most of the village, 500m. One of the concerns would be in Pendle Gardens, and perhaps I can call up a photograph to illustrate this, and this would be exhibit A853, page six. So this is Pendle Gardens, so this is just to the other side of the tree line we were looking at in the photograph previously. And this is part of Pendle Gardens. Pendle Gardens goes back a long way, and this small close is repeated, the develop repeats itself.

639. MR MEARNNS: It's like a street with a series of cul-de-sacs off it.

640. MR SALMON: Exactly so, yes. And you can see that the houses on the right there, as best we can work out, and I think I'm right, are within some part of the curtilage would be within 60m of the centre line. And it follows that those on the left, and indeed the one at the very end, is outside the 60m zone. So it would be within the 120m zone, but would be treated differently. And yet the effect of some chopping that in half you could see would be quite drastic, and quite unsettling for those who remain to be virtually on the edge of the construction site. And it might affect services and access and so forth.

641. MR MEARNNS: Can I ask, the disused railway line which runs along the bottom of the estate—

642. MR SALMON: Yes, the disused railway line.

643. MR MEARNNS: Is that in some sort of cutting or is it—

644. MR SALMON: It is in the cutting. And it's actually a linear park. And Warrington Borough Council originally spent quite a lot of money doing that. They put a ranger, a station there, and they had a full time ranger. The full time ranger is now only part time and volunteers keep it maintained. But it's there. It's a one and – I think it's one and three quarter miles long altogether. So that gives you an idea of the locale

at any rate. You can see it's a nice countryside area to the south of the village. So I've made my points on blight, I've made the point about the 60m and the chop off and how that rather leaves the remainder exposed.

645. If we were to look at exhibit A583, page seven. This is actually just to the rear of the ranger station, so it's the access to the linear park. And although you can see very clearly, and I'm sorry about that, my photography's not brilliant, there are actually five dwellings there. In effectively in a terrace, although they're not ancient. They're called cottages, but—

646. MR MEARNES: That's just the other side of Wigshaw Lane?

647. MR SALMON: Yes, it is. It's just off Wigshaw Lane. Some part of that terrace would be within 60m of the line. It's debatable whether the end property would be. And that just illustrates the difficulty of course of having a 60m cut off. For some practical purposes it's rather difficult, but there we are.

648. I've just got two other points if I may raise them. Thank you. And these just generally relate to the compensation proposals at large. And I'm sorry I can't give you exact references for these because there are so many references throughout the documents. But there are two things that concern us. One is rural versus urban. We think Culcheth is – certainly this part of Culcheth would be classified as rural and, therefore, for the purposes of compensation provisions generally. And HS2 have told us they agree with us. We just hope that that would be the position adopted formally in due course. But there isn't any definition of 'rural' or 'urban' that we can find within the documents. So that's something that's slightly of concern to us, because there are different compensation provisions relating to areas which are urban or rural. Depending on where the line is, whether it's above ground or below ground. And that leads on really to my last point which is also again clarification, which is whether the line is above ground or below ground. Or indeed in the new decision documents I think it's referred to as – there are definitions for surface safeguarding and sub-surface safeguarding. But so far as I'm concerned it's really whether the line is above or below. Our understanding as we read it, but we're not absolutely sure that we're right, is that if the line is in tunnel then various compensation provisions would not apply. As long as the line is not in tunnel, i.e. if it were in cut or possibly in a green tunnel or at ground

level, then the compensation provisions would apply. But those are really matters of clarification. We draw them to the attention of HS2, to the promoters, and hopefully it's something they can take on board. I hope that's been useful, sir, and I hope I've not taken up too much of your valuable time and I do thank you for hearing me.

649. CHAIR: Is there anything you want to pick up the petitioner said, Mr Strachan?

650. MR STRACHAN QC (DfT): I think I've probably made the points I need to at an earlier stage. I know what's been said on behalf of the group, but in relation to for example safeguarding zone the property consultation documents make it clear that the safeguarding zones depend on particular areas where safeguarding's being considered. That type of issue is clearly the sort of issue that is covered in the consultation process that takes place upon a draft safeguarding direction. And as I told the Committee, earlier there was a consultation on the Fradley to Crewe safeguarding direction, where those sorts of point can be made. And if there were safeguarding proposed for this location that's precisely the forum in which points of that kind can be made, with reference to a specific community or its location. So I take on board the points, have listened to them carefully, but that really is a matter for the future in relation to consultation on safeguarding.

651. MR SALMON: If I just might respond very briefly to that. I thank Mr Strachan for his comment. We've done our best – there's so much information available to read when one is faced reading Phase 1 and the latest decision documents do use lots of different expressions almost interchangeably. And the concern is that there isn't any one uniform definition as to what's urban or not urban, or rural, I'm sorry. And as to which compensation provisions apply if, for example, the cutting were to be covered so that there would be a top across it. I think 'green tunnel' is an often used expression although it isn't a formal, defined term. And one wonders if that would still mean that houses within a certain distance would be compensated in accordance with the provisions as they stand at the moment, were they to apply to Phase 2. It's something that perhaps we just could draw to your attention. And there are various references throughout the documents.

652. MR STRACHAN QC (DfT): Yes. Well, I've had it drawn to my attention, so I'm grateful. If it's of help, one can look at the decision document for Phase 1 for

indications as to the scheme that's been adopted for Phase 1. That doesn't mean it will necessarily be the same in Phase 2. But there are explanations of the approach that has been adopted. And the definition of 60m is not a fixed line, it depends upon the location, whether it's in an urban or rural location, and judgments obviously have to be made as to what constitutes an urban or rural location depending upon specific circumstances. I would strongly suggest that is a matter which can be pursued in light of any draft safeguarding that comes forward in the future.

653. MR SALMON: I'd hope, sir, that the Committee would take that on board and possibly give some consideration to that point at any rate.

654. CHAIR: Okay, thank you very much indeed. Thank you for your contribution. Right, we now move on to the last group. Dr Dan Mitchell, John Lee.

Dr Dan Mitchell and John Lee

655. DR MITCHELL: Thank you very much, Chairman, for the chance to bring this petition in front of you. My specialist expert on my left is Andrew Bodman. We've both appeared before you before with the South Northamptonshire petition and also the Southam petition, and we've both been guides on coaches as you've passed through the different areas. Could I have the first slide, please, it's A874. Right, Chairman, we're all interested in money. I don't think anybody would put their hand up to not being. But the question we're asking is what is the total cost of HS2. Now, my name's on this, and Andrew Bodman's supporting me. But there are a lot of people up and down the line, and well away from the line, who've also inputted. So I'd like to recognise their support.

656. Before we start, we'd like to state very clearly we believe Parliament is being seriously misled about the total cost of HS2. As I say, I'm representing a lot of the groups along the line, and this is a group petition, and Andrew Bodman's here as the expert witness.

657. Now, there have been several organisations and individuals, if we go to the next slide please, several organisations have looked in detail at the costs. I'd like just to go through one or two as samples. First of all the Public Accounts Committee. They've looked at High Speed Rail three times in the last four years. And Margaret Hodge,

Chair of the Committee, was interviewed in January 2015 following the publication of the 'Lessons from major rail infrastructure programmes' report. She said in the context of HS2: 'And we are worried that that demonstrates that their costings are very poor, not accurate, and I have to say that I am sceptical that they will ever remain within the £50 billion limit.' In addition the National Audit Office raised concerns about the HS2 project. The NAO identified a £3.3 billion funding problem, highlighted that there had been errors in the forecasting of passenger demand, and considered that the management and oversight of the project needed improvement. In one of the major project authority's reports it said not enough work had been done to bottom out the project's true costs and affordability. This authority has given the HS2 project a red-amber rating on three occasions. Next slide, please.

658. Moving to the Treasury, they reported in the Financial Times in August 2013: 'Treasury officials are privately warning that the cash cost of the controversial High Speed 2 rail line will hit £73 billion, in a sign of the entrenched and escalating concern within the department over the budget.' According to the Daily Mail in 2013: 'The High Speed Rail project could still be scrapped if costs continued to soar, the Treasury's top civil servant has warned. Nick Macpherson, the Permanent Secretary to the Treasury told MPs that the Government has not signed a blank cheque for the railway line linking the capital to the midlands and the north.' Next slide, please.

659. MR MEARNS: You have to be aware, Mr Mitchell, if the Daily Mail tells me it's Wednesday I will look at a calendar and check.

660. DR MITCHELL: I take your advice, thank you. Next the Institute of Economic Affairs. In their report, 'The High Speed Gravy Train,' published in August 2013, the Institute of Economic Affairs suggested the cost of HS2 could reach £80 billion. Part of the additional cost relates to integrating HS2 with existing infrastructure. Next slide, please.

661. MR THORNTON: I would just like to also mention that the Institute of Economic Affairs told me that trains were a waste of time.

662. DR MITCHELL: Right. Well thanks for that support. I won't disagree with you on the point.

663. MR THORNTON: That's what the Institute of Economic Affairs told me. That they thought we shouldn't have any trains. At all.

664. CHAIR: Carry on, Mr Mitchell.

665. DR MITCHELL: Others with HS2 budget concerns are listed here. Sir David Higgins: 'The costs could be higher than £50 billion.' Boris Johnson: 'The costs could spiral to £70 billion or more.' Alistair Darling has said he has changed his mind about the rail line now that it is expected to cost more than £70 billion. And Lord Mandelson is another with cost concerns, but a different nature: 'I think the sheer cost of it will suck the very lifeblood out of the rest of the country's rail system.' Next slide, please.

666. We'll now come closer to the peasants who are paying their taxes. At one of our bilateral meetings we proposed to the HS2 engineers that the cost would be above £100 billion. This was agreed. That's recorded in the minutes, but obviously the agreement is not, because it was seen as being off the record. And then just as a general interest, Mike Nattrass, who was an MEP at the time, used this cost figure of over £100 billion in national advertising, and there was not apparently a single complaint, even from HS2 Ltd. There are a number of costs which have been omitted or understated. I'll now hand over, on the next slide, to Andrew Bodman. Next slide, please.

667. MR BODMAN: Thank you. We've grouped the omitted and understated costs under three headings. And the first of these is omitted capital costs. Next slide, please. Phase one and Phase 2 have significantly different levels of contingency in their construction costs, in percentage terms. So to perform any comprising the contingency needs to be removed. This then provides in each case the cost at which HS2 plans to build that phase. So construction costs per mile of Phase 1 appears to be £59 million per mile. And that's approximately half that for Phase 1, at £108 million per mile. To put that into context, HS1 cost £89 million per mile, and was built 20 years before Phase 2 is likely to be built. Working on the basis of £110 million per mile for Phase 2, and adding contingency of 70%, which is what's being used at the moment, then the construction cost of Phase 2 has been understood by £18.2 billion. In other words it goes up from £21.2 billion to £39.4 billion at what's called P95. Next slide, please.

668. Looking at power generation, to support the running of 54 high speed trains at any

one time an additional 1,000 MW will be needed. To supply this demand an additional power station the size of Hinkley Point C will be needed. The cost of such a power station is about £16 billion, and has a long lead time regarding approval and construction. Next slide, please.

669. This table, created by the Mayor of London, shows the expected onward movement of rail passengers who've arrived at Euston by classic rail or by HS2. As you can see, in 2033, passengers wanting to join any of the three southbound Underground lines at Euston would have more than doubled in number. Approximately half of the total passengers would have arrived from HS2 trains. As has been previously pointed out, Michele Dix, when speaking to the House of Lords Economic Affairs Committee last December, said Crossrail 2 is needed to be open before phase 2 of HS2 goes live. However, Crossrail 2 will only be built if Transport for London decides to proceed and also if it can raise the £27.5 billion budget. We believe it would be appropriate that one quarter of the cost of Crossrail 2 should be funded by HS2 to ensure that work proceeds in a timely fashion, and that amount would be £7 billion.

670. Moving on to Euston station itself, the HS2 budget of March 2012 had £1.675 billion set aside to cover the four phase 1 stations, which includes Euston. The latest version of Euston for HS2, announced to a very restricted audience last week, has a cost of £2.5 billion, so our allowance of £2 billion as an additional cost, as you will see later, is not too wide of the mark. Next slide, please.

671. We now want to look at running costs. Can I have the next slide as well, please? Only two high-speed rail routes in the world, the Tokyo-Osaka line and the Paris-Lyon line, earn enough revenues to cover capital and operating costs. These two lines were built between 34 and 51 years ago, when costs were very much lower than they are today. Measured by distance, that means that less than 3% of the world's high-speed rail is profitable. About four years ago, the states of Florida, Ohio and Wisconsin in the United States turned down government incentives, measured in billions of dollars, to build their high-speed lines. These states were very concerned about the ongoing subsidies they would need to fund if any high-speed lines were built in their states, and so they declined these incentives. Next slide, please.

672. You can see here that, both in Spain and Germany, their rails are subsidised to the

tune of \$1 billion or more per year, and the Cour des comptes – in other words, the equivalent of the National Audit Office in France – has recently said that the TGV system is a model that's run out of steam, with an unsustainable cost. High-speed rail in Taiwan is close to bankruptcy for the second time in eight years. The first time was two years after the line opened, when it was run by a private company. It's now run by a government company and has just reached a similar position of being almost bankrupt again.

673. It's been reported that Japan subsidises its high-speed trains by more than £2 billion per year. Early reports from China indicate that the high-speed rail ticket revenue was insufficient to start paying off the considerable debt incurred during construction. Next slide, please.

674. Passenger forecasts for major infrastructure rail projects are typically 100% greater than the eventual reality. That's one of the conclusions of the Survival of the Unfittest Report, produced by the Saïd Business School of Oxford University.

675. MR MEARNS: Can I ask you? On the previous slide, you talked about the French system. There's a political decision been taken in many countries in Europe in particular – because it's quite well known that we have amongst the highest costing railway, from a fare's perspective, in the European context – so, by comparison to that, because they make a political decision to subsidise and keep the fares down, is it a fair comparison, is what I'm saying?

676. MR BODMAN: What we are trying to illustrate is a point... A couple of slides ago, when you had a map of Japan up, we were saying there there are only two high-speed rail lines in the world that are profitable, as far as we're aware. What we've done since then is to illustrate the various different countries where we know what the kind of level of subsidy is. We've tried to point out that these are examples of substantial amounts of money needing to take place in terms of subsidy each year in many of the countries, or most of the countries, which actually have high-speed rail systems at the moment, so we're illustrating what we were saying when you saw that picture of Japan. We're giving you examples of that.

677. If I can continue, it's therefore likely that ongoing subsidy of at least £500 million per year will be required to support HS2, and that would be an unwelcome millstone for

taxpayers for the next 60 years or so in this country.

678. MR MEARNNS: Can I ask roughly what the subsidy for the rail system is without high-speed rail at the moment? Isn't it something like £3 billion per annum?

679. MR BODMAN: It's probably of that order, but this is simply going to add to it for a very long period of time, because of the amount of, amongst other things, capital needed to build the system in the first place.

680. Can we have the next slide, please? In July 2010, a World Bank report cautioned that governments planning high-speed rail systems should also contemplate the near certainty of copious and continuing budget support for the debt. Debt can obviously only be paid down if revenue exceeds operating costs. Bearing in mind the probability of overstated passenger forecasts, this appears to be unlikely. Next slide, please.

681. Interest rates are currently at an all-time low, and virtually the only direction they can move from here is upwards. At a conservative estimate, interest payments may cost £5 million per year, or £30 billion over six years. That's been calculated on the basis of an interest rate of 1%, with a construction cost of £50 billion. Both of those figures are likely to be higher. By way of comparison, on interest rates, Network Rail's debt is £34 billion, on which it was recently paying £1.4 billion per year, and their interest rate was 3% they were paying. If we can have the next slide, please.

682. This appeared on John Redwood's blog almost a year ago, and I'm not going to read all the way through it, but, based on his calculations, HS2 fares need to bring in almost one third of all the existing UK rail fare revenue just to cover interest payments, which is an awful lot of money. Nonetheless, we have chosen to exclude interest payments, as the latter are likely to form a portion of the subsidy and we would not wish to be accused of possible double counting. Next slide, please.

683. The last main heading that we wish to cover here are cost overruns. Can we have the next slide, please? During the second half of 2014, the cost of the Great Western electrification programme increased from £1 billion to £1.5 billion and then £1.7 billion, a 70% increase in the course of about six months, or, if you want to go back to the very original figure when it first estimated for this scheme, it's a 183% increase. You may be aware that this work is being done using some of the most automated equipment

available for such a task. However, the scope of the budget now no longer includes the Cardiff-Swansea section nor the Welsh valley section.

684. It's worth noting, at the same time, in connection with this project, that each connection to the National Grid has increased in cost from £20 million to £50 million, a 150% increase. The latter increase has probably not been factored into the HS2 budget, which was last revised in 2013. For both HS2 phases, the increase could amount to an extra £240 million, assuming eight connections. Next slide, please.

668. There are other UK rail electrification programmes ongoing at the moment or about to start. The expected cost of electrifying the Midland Main Line has increased from £800 million to £1.3 billion, a 62.5% increase, before any work has even started. The completion date of electrifying the existing Transpennine route has slipped from December 2018 to sometime in 2021. So 18 months into a 5.5 year programme we have a slippage of two/three years. When the duration of work increases there's usually a corresponding increase in costs. Unfortunately, electrification programmes are not the only area where significant overruns have been incurred in the rail industry. Various signalling upgrade schemes are taking longer than expected, some by as much as two years. Next slide, please.

669. Only 60% of the Phase 1 route has been surveyed by April 2014. And in those areas which have not yet been surveyed there could be issues regarding tunnelling, soil issues and such like. Phase two could have major issues with subsistence, where route crosses salt mines in Cheshire and coal fields in Leicestershire, Derbyshire, Nottinghamshire and Yorkshire, as users of the A42 and M1 will know from the rippled surfaces. There's also potential for cost escalation of installing overhead line equipment. The contingency included for Phase 1 construction cost is 36% at P95, which is less the increase of experience during the recent application programme as you'll have just have seen. Can I have the next slide, please?

670. Thank you. It might be said that cost overruns will not affect HS2. But unfortunately they already have. After the first published overspends, they vowed to make a crackdown on the cost of HS2. But the overspend rose from £11 million to £87 million. And in May 2014 each of the 16 professional service contracts was over budget. Next slide, please. There are other additional costs which have been identified.

These include items such as research and development, and track maintenance. An additional cost also is overhead line equipment on existing West Coast Main Line and East Coast Main Line routes. Approximately 500 miles of existing overhead line equipment need to be upgraded to provide greater current, allow possibly higher speeds and provide improved reliability, which is one of the weak spots of overhead line equipment on these lines.

671. There are also items we've not been able to quantify. And for instance it's likely that largest of these will be the HS2 growth task force scheme for getting cities HS2 ready. Another loss which we've not quantified is the loss of value of business to properties. Next slide, please.

672. CHAIR: Two down.

673. DR MITCHELL: Thank you, Chairman. We're now pulling these costs together in the following five slides. Can we have the next slide, please? Total costs, omitted capital costs in billions are listed there. I don't think I need to read through them, but they're obvious to everybody receiving this petition. So at the bottom of that line we're carrying forward £51.96 billion. Next slide, please. Brought forward £51.96 billion, omitted running costs in billions, ongoing subsidy, security, maintenance of the track and maintenance of bridges, we're now carrying forward £88.77 billion. Next slide, please. So the grand total from the figures we've looked at, and we must emphasise we have not looked at every single figure because there are areas we can't really cost, the grand total - the official HS2 construction cost plus trains is £50 billion. The omitted capital costs £51.96 billion. The omitted running costs £36.81 billion. Giving a grand total of £138.77 billion. As I emphasised, the total excludes inflation, cost overruns which exceed contingency amounts and unquantified elements which have been listed in a separate document. Next slide, please.

674. From the foregoing, you'll observe that we anticipate the total costs for this project are likely to exceed £138 billion, and we don't think the country can afford this when it has a debt of £1.5 trillion. It's also a disproportionate and extreme amount of money to spend on a single transport scheme, for which the need is questionable. Next slide, please. So what is the true cost of HS2? We feel that Parliament has a need to know the true cost of HS2. Certainly the voters we speak to have the right to know the

true cost to HS2, and the tax payers have the right to know the true cost of HS2. Next slide, please.

675. Here we've listed our requests. We're asking the Committee Chairman and members to examine all the costs for HS2 and to publish an overall and accurate budget figure which is credible for this massive project. We would ask that you work in conjunction with a knowledgeable and truly independent person. And being very generous, we're quite prepared to work with such a person who is prepared to deliver on these key questions. Thank you, Chair.

676. CHAIR: Thank you very much. Do you have any comments to make, Mr Strachan?

677. MR STRACHAN QC (DfT): Well, I know there are those behind me who will be itching to correct the portrayal of events that's just been given to you. I don't think it's necessary for me to do that, and the reason for that is principally that the issue of the costs of the proposal are not within the matters - the remit for this Select Committee which has plenty of other things within its remit to deal with. That said, there is publicly available information about the Promoter's and the Government's position on the cost which, if I can put in this way, are rather different from the portrayal that the petitioners have put forward. And rather than me spend time refuting each and everyone one of the points I can just point you to one of the documents. There is of course the 'Outline business case' for HS2 which deals with both the construction costs and the operating costs, and the way in which the surpluses intended to be generated and the various benefits.

678. There is the strategic case for HS2 and the result of the identification that it will generate two pounds for every one point invested. You've seen reference to these things before. And of course there was published in 2013 some more detail in relation to the cost estimates and cost risks. Those published in October 2013. Just to give you a flavour. And of course there are others who have commented upon the costs, and there are other committees which investigate those issues of cost. And the Promoter, and no doubt the Government, welcomes that level of scrutiny. But certainly there is no requirement for the Committee to undertake those exercises or those requests being sought as they're outside the scope. But I hope, in saying that, I'm taking a shortcut of

not responding to each and every point, but I would like to make it clear that in those documents you will see why we do not accept the assumptions or the modification of the cost that have been put forward by the petitioners. I do have people behind me if there's anything of particular interest, but that's my general response.

679. CHAIR: Dr Mitchell.

680. DR MITCHELL: Can I just say, one cost we have not included is compensation. And another one is environmental mitigation. And I know the Woodlands Trust are dealing with that aspect. But one thing that really worried me as an engineer thanks to an FoI there was no engineering research budget. At all. And yet we're intending to run trains at high speeds across the whole country. And most of the engineers that I know, on the mechanical electrical engineering side, have highlighted problems. And problems which are very, very serious. The worst thing would be if this became a Nimrod project where the planes were rolled out of the hangars and smashed up. Talking to railway engineers, civil engineers, mechanical engineers, the list of engineering problems is endless.

681. MR BODMAN: Can I just make one further comment?

682. CHAIR: Yes, please.

683. MR BODMAN: We have seen the official documents which HS2 have created and are very familiar with them. And we're petitioning because we have differing views, and this is the forum in which to do so. Many politicians have so far given their support to this project on the basis it will not cost more than £50 billion. And if it's not questioned in the very near future then it will go ahead and it's only later that people then discover that if we're right it's costing more than £50 billion. And that's an extreme concern for a lot of people.

684. CHAIR: Okay, I thought people had supported it because we were whipped. Right, Mr Strachan, do you want to make any further comments?

685. MR STRACHAN QC (DfT): Well, as I said there are plenty of people behind me who would like to respond in detail. I don't think it's necessary for the reasons I've identified. If anything occurs to the Committee that you wish to have more detail on we're very happy to provide that.

686. CHAIR: I'll just finish by saying that politicians are sceptical of any figures given by governments or people acting on behalf of governments, and we're also sceptical of figures given by petitioners. We'll consider your requests, of course.

687. DR MITCHELL: We accept that Chairman, but we felt it was very, very important to bring the research which had been gathered by a lot of people in front of you. Thank you.

688. CHAIR: Okay, thank you very much. You went through a lot of slides very quickly, thank you. Order, order. We have John Lee.

John Lee

689. MR LEE: Thank you. I was originally down by myself, petition, but Andrew's done a great job of the research that I felt that it would be incumbent upon me to allow him to present his own figures. I've got two petitions I'm going to present tougher, if I may. 956 and 1103. There's considerable overlap in some of the Promoter's responses to both of the petitions, so to save time and repetition if I deal with quite a bit of it together. Can I have slide one, please? That's my name, John Lee. That's my background, relevant background, and Dr Dan Mitchell is called as a witness. But the concerns - the response of the Promoter concerns blight nuisance caused by dust, noise, vibration, visual impacts, both during construction and operational phases of the project. And we have slide two up already.

690. This is a geographical overview of my home in relation to the proposed HS2 line. I think you can just about see where I am on there. Just down on the right hand side from the apex of the triangle, about an inch down. You'll see from this that HS2 will be built in a south to west quadrant relative to my home and farm. In other words I live downwind of the prevailing wind that predominates in the UK. You'll also see that almost all of the land - well, you'll have seen on your visit, almost all the land in the locality is mostly agricultural, arable land, with some grassland. The area is a CPRE designated area of tranquility and the adjacent land contours acoustically magnify and add to the reverberations of any sound, noise, ground or air vibrations.

691. From the point where the line would emerge from the tunnel, approximately changes 128 plus 800, until it enters the cutting at approximately changes 130 plus 500,

the line would be on embankment and viaduct. Both of what amounts to an as yet unspecified height. So those changes vary as the vertical alignment of the line rises and falls. In my necessarily brief overview of their response, the Promoter generally asserts that there'll be negligible noise or vibration impact on my property from the construction process. And there'll be moderate but progressively mitigated operational noise. But that for all practical purposes this will have no adverse effect. They state visual and noise impact will be mitigated by roadside vegetation. Although they've not considered, or allowed, that for six months of the year those will be without leaves, thus diminishing the limited visual and noise mitigation that it may provide. It's interesting looking at their diagrams provided in their exhibits that the noise that they have modelled surrounds my property on three out of four sides, and my neighbour's on four out of four sides, but it doesn't impact on the dwellings therein. How it manages to miss that I don't know.

693. I cannot comment on the technical figures and justifications offered by the Promoter in support of their contentions as I have not the resources to mount such a response, other than to say that peak noise contour maps, which would have helped enormously, are not available despite being requested for many years. I don't know how the promoter can model noise if these maps do not exist, or if they do exist why they have not been made available to petitioners. If I may allude to a comment made by Constituency MP Mr Jeremy Wright, in his petition submission on 11 February, that it's been made extraordinarily difficult, and sometimes impossible, for petitioners to make or present their case in the absence of relevant design information, which the Promoters are either unable or unwilling to provide. He referred to these omissions on a number of occasions. One has to question the motives of the Promoters. The Muhammad Ali method of engagement perhaps, float like a butterfly, sting like a bee, you can't hit what you can't see.

694. It's difficult to argue with a negative proof, X is true, where he has to accept that X is true because there's no proof that X is false. The facts in reality are that when I, or my neighbouring farmer, are working the land, from time to time noise, vibration and dust are a problem for me, geographically, almost anywhere from the Fosse Way to Long Itchington Wood. The problem is always exacerbated when the wind blows from the source of the sound or the dust, in the direction of the prevailing wind, i.e. most of

the time. Bearing in mind with farming we're talking of comparatively small machinery, and for fairly short seasonal periods of time. It comes with the territory, in other words. By comparison, the construction of HS2 would mean years of disruption and would involve digging, moving, re-compacting millions of tons of earth with scrapers, graders, loaders, shovels, dump trucks, vibrating rollers and other, massive, muck shifting equipment to form the embankment. The piling foundations for the viaduct and bridge. Construction of the bridge and viaduct at, as I've said, as yet unknown heights, and the deep boring of tunnels with the consequent carting of spoil removed there from. Further noise will result from the installation of the superstructure, and thereafter from operational impacts.

695. It's also a fact I'm able to hear the existing Chiltern Railway line when certain meteorological conditions exist, and that is about 4 kilometres away from me, along the other side of Ufton Hill, and the trains are travelling at less than 100 miles an hour. Common sense would thus suggest the Promoter is being disingenuous in suggesting there will be minimal or no impact, whether it be visually, from noise, or dust, or vibration from a new line being constructed, or operated, a few hundred metres from my home.

696. Slide 3 please. Could I please ask the Committee to request the Promoters to engage in mitigation discussions with myself and others? Specifically, in my case, to explore the possibility of constructing a bund, as I indicated in my petition. If we look at slides 4 and 5 as I go through the next couple of sentences please, I've suggested some figures here on these two slides. But clearly the options are infinite. I've attempted to engage with Promoters on the issue to discuss it, and there's been an exchange of correspondence on 16 July 2014 and again on 9 and 17 September 2014, but nothing has come of this. Perhaps we should also consider a false cutting, which would have a greater benefit to more people. Or perhaps the most favoured option, the lowering of the line, as other groups, and Jeremy Wright MP, have advocated.

697. Slide 6 please. I don't know whether you can actually see there, it does come out quite well, the line of – the vertical alignment of the line as it comes out of the Long Itchington Wood. The drawing on the slide, it shows how very little change to the vertical alignment would be required, to continue the proposed tunnel under Long Itchington Wood to take the line under the canal and Welsh Road at this point. It would

save a very beautiful, open, wooded valley from irreparable damage. If we could have slide 7 there please. That's looking with the cutting going through from the Fosse Way to this point, as it goes along towards Long Itchington Wood. Yes, that's the point there. That's where the tunnel – where the embankment will turn into a short cutting and tunnel.

698. So to summarise, if I could have slide 8 please, can we please ask for either the construction of a bund to the north east boundary of the line, or construction of a false cutting both sides of the line, or lowering the line and construction of deep bore tunnel. I say Jeremy Wright MP went to some lengths, in his petition. I don't need to expand on it I don't think. It's been covered by many of the other groups as well.

699. If I may now move on to compensation please. Slide 9. You've heard an awful lot, from an awful lot of people even this afternoon about the blight that's been inflicted upon people. It's a sorry and sad litany. Lives are being ruined. HS2 is causing ruin in its wake. It was disappointing and distressing to many to see the new Need to Sell compensation package unveiled by HS2 limited and the government on 16 January this year. It really is no more than a reworked version of the existing, deeply flawed, and manifestly unjust Exceptional Hardship Scheme. Far too much still rests on the discretion of the NTS panel who, like the EHS panel before them, would wield authoritarian power without visible accountability. I know the Committee was made aware of several cases of highly inconsistent and grossly arbitrary adjudications that had been made by the EHS panel - you heard some more today – during their visit to our part of Warwickshire, and have subsequently heard some of these here.

700. I know the Committee are allowing some time to see how the NTS will work, but the flaws endemic in it are so similar to the EHS that what may work when you are watching could well cease to do so when you are not. There should be a necessary prerequisite impartiality and accountability of the NTS panel to somebody. What is happening is that the owners of nearly half a million homes, and tens of thousands of businesses are being forced, most with no prospect of fair compensation, to forfeit a proportion of their life savings and hard work to subsidise a project of very dubious economic merit, predicated on the business case, based on figures and assumptions that might well be described as somewhat economical with the old actuality, to borrow a phrase from the Committee.

701. Meanwhile the vested interests who are driving this project stand to make a bonanza windfall from the woe, misfortune and loss of those people. This inequality has been described by the Secretary of State for Transport as, ‘balancing our responsibilities to the taxpayer.’ So the million or more souls whose lives are being rent asunder by possibly the biggest peacetime and confiscation of private wealth in our history, are not taxpayers. If stealing part of our homes and businesses without fair compensation is not against the law, then it should be. I ask where is the government’s moral compass in all this? Where is the Promoter’s moral compass in all this?

702. I’m 65 this year, and I should like to be able to sell my farm at some point soon, and retire on the proceeds of my life’s work. Professional advice has confirmed my farm is blighted. What is not known is by how much. Like others, I ask, ‘Will I qualify under the Need to Sell Scheme if I’m unable to sell at unblighted market value?’ Successive Secretaries of State for Transport have admitted that the timeframe and geographical extent of the HS2 project would require a bespoke compensation solution. Indeed, the first statement on this came from Philip Hammond, the then Secretary of State, when the project was first floated by the coalition. ‘We are not going to dispossess people’ he assured me at a meeting of Action Group representatives at Warwick University in September 2010. Jeremy Wright, at that time, was in attendance. The government then went on to do so, and in ever increasing measure. We were deceived, and we’re still being deceived.

703. One of the assertions made by the proponents of HS2 is that in the grand scheme of things the few billions a year it will cost to build HS2, spread over the lifetime of the project, is pretty insignificant when taken alongside the overall annual government public spending budget of around £750 billion. It’s not an argument I would like to make to my bank manager, if my business was currently losing money at the rate of over £100 billion a year and my overdraft had doubled in size over the last five years to almost two thirds of my corporate GDP. I doubt he would think the idea of me buying a vainglorious status symbol, which add to my balance sheet liabilities, was either a prudent or shrewd investment. But if the argument holds good for the project construction costs, then same is true for fair compensation, surely? It’s only a few millions a year. Actually, it isn’t. The property bond has been costed at a fraction of that. The bond would be no more than the promissory note similar to that that used to

appear on every bank note, 'I promise to pay the bearer upon demand the sum of...' and signed by the Chief Cashier of the Bank of England. If the government guarantees the bond, the housing market, so disjoined by HS2, will stabilise and operate properly again. Few people will need to call in on the promise, any more than they do on the Bank of England. The government have misunderstood the proposition. They have, by rejecting the property bond and imposing the NTS scheme, stealth taxed by blight those affected by HS2 and created a moribund and dysfunctional property market in its wake.

704. It has been a principle point of agreement in the debate between me and my MP, my constituency MP, Jeremy Wright, that if the government cannot afford to pay fair compensation, then it cannot afford HS2. He made that point again in his November submission to the Select Committee, where he strongly advocated the adoption of a property bond. Slide 10 please. I would likewise request to the Committee to consider the introduction of property bond, which has received very positive responses from a variety of financial institutions: the Council of Mortgage Lenders, the British Bankers Association, the National Association of Estate Agents, and the list goes on. Also the property bond should not be restricted to some arbitrary distance from the proposed line. Blight is blight. This will increase the property market close to the proposed route of HS2 and allow people to sell their houses where, in many cases, they are unable to do so at present. For those people that can find buyers, it would allow sales to take place at pre-HS2 values. The property bond is a fair and equitable solution, and very straightforward to administer. Unlike the present, and deeply flawed, Need to Sell, Exceptional Hardship Schemes. I commend the property bond to you. Committee, thank you. I have scored out about a third of what I was going to say. It's already been said and commented on this afternoon. I'm sure you've heard it a hundred times before, over the last 64 days. So I spared you going through it again. Thank you for your time.

705. CHAIR: Thank you very much, Mr Lee. Mr Strachan.

706. MR STRACHAN QC (DfT): Yes, can I just respond? I think there are two main things: one is the effect on Mr Lee's property in noise and visual terms, and the second was in relation to compensation. Just dealing with the effects on his property, those effects have been looked at carefully and considered, both in terms of construction and noise. If I could just show you what is going on in the area. P5010 shows, in terms of

construction – some of this will be very familiar to the Committee anyway, because we were looking before at the Long Itchington Wood Tunnel, but you can see Lower Print Farm is shown above Welsh Road on this plan, and there is construction works going on, in respect of the railway along the line below Lower Print Farm, and...

707. MR LEE: It's not below Lower Print Farm, actually, it's about 9 metres above; it's on an embankment.

708. MR STRACHAN QC (DfT): I meant below on this diagram.

709. MR LEE: Geographically, you mean.

710. MR STRACHAN QC (DfT): Geographically, and if you turn to the operational map, P5011, the reason for those construction works are to provide the mitigation for the railway. In this location, if I could just start from the right, there, where the railway's coming out of the Long Itchington Wood Tunnel, and then it's running along, as we saw in the vertical profile before, and it has to cross the Grand Union Canal, which it's doing so on a viaduct, Longhole Viaduct, and then it goes, carries along, and the Welsh Road, then crosses the Welsh Road, and what we have – important to note, because I know Mr Lee is seeking a 1.7 kilometre bund, it's important to note that there are already provisions in this to mitigate the effects, both visually and in noise terms.

711. Can I just show you the sections? If you could just note there 1, 2 and 3 you'll see the sections that are being taken for what's going on in this location, and if we go to the next slide, P5012, remembering where the sections were, section 1 is looking, effectively, towards the east. Sorry, I should say south east. But you can see there that the petitioner's property is about 723 metres away from the line. If we go further, close, right into the line, what actually has happened is that the line is on embankment, but the proposal is for a false cutting, which is a bund, in effect, but there's a significant bund, as part of the false cutting, with landscaping on it, which acts as a visual screen.

712. If we move to the next section, that is, of course, where it's crossing the Grand Union Canal, and of course there isn't the ability to put a bund in on the – where the viaduct is as it crosses. So there is a section where there isn't that false cutting, but it is limited, in the way I've just shown you, as to where that occurs?

713. CHAIR: Are there sound barriers on the...

714. MR STRACHAN QC (DfT): There is a 1.4 metre barrier on the viaduct, which has been assumed to be there. It's not assumed to be an absorptive barrier, i.e. a specially designed noise attenuation barrier, but because, as I was going to come to show you, the properties that are affected are above the LOAEL level, in the detailed design the details of what goes on the viaduct in terms of the absorbance of the material, will be looked at as part of that process. Because there's a requirement to look at anything in the LOAEL reference...

715. CHAIR: Did you want to make a point, Mr Mitchell?

716. MR MITCHELL: Yes, one thing that concerns us in the Southam area is the transport of waste material away, and what we've asked for is a meeting with HS2 engineers, just to discuss the detail. Because, in fact, a lot of the material coming out of Long Itchington Tunnel could be used for mitigation and could considerably reduce the number of lorry movements in our area. We've requested a meeting and, Chairman, that would be separate to this meeting.

717. CHAIR: Well, Mr Strachan.

718. MR STRACHAN QC (DfT): Very happy for that meeting to take place. As I said, inevitably the detailed design looks at these things in more detail, but all I'm outlining at the moment for the Committee is what there is there. Which is designed to mitigate the railway, but there's room for further discussion, plainly, and I've...

719. CHAIR: The petitioners basically want a bund, but they also don't want the material going round the roads as well. So there seem to be two arguments.

720. MR STRACHAN QC (DfT): I understand that. There is – I think it's important to note, and that meeting should take place, but there is, in fact, a bund there already, and I was just going to make the point about Section 3. After it crosses the canal there is the embankment. But again, in a false cutting. So that – I'm not, by any means, precluding those discussions –

721. CHAIR: Do you want to make a very quick point, Mr Mitchell?

722. MR MITCHELL: Yes, very quick one. There's a win-win situation for the Promoter, which I would hope it would seize on.

723. CHAIR: Okay, well, certainly I think they're happy to have a meeting. Right, Mr Strachan?

724. MR STRACHAN QC (DfT): So that deals, I hope, with what's going on visually, in terms of visual impact. The noise assessments have been done. P5013 shows the location of the petitioner's property at 233039. In the normal way noise assessments have been done. If we look at P5014, I have explained this point before, but the – you can see the petitioner's property is in white, where the yellow contour goes around. That is, in part, the shielding effect of existing buildings. The model builds in to that, the shielding effects of existing buildings, that's why you see that. But in terms of actual results, if we could turn to P5016...

725. MR LEE: Excuse me. There are no existing buildings in front of my house there.

726. MR STRACHAN QC (DfT): Your house is – let me show you...

727. MR LEE: I'm shielding my house from the noise, is it?

728. MR STRACHAN QC (DfT): The white extends behind, but if we look at P5015 you can see 233039, because I'm not sure this has been registered in the way Mr Lee presented his petition. We are identifying an effect on his property in the noise readings, and they're shown here.

729. MR LEE: Where are these figures coming from?

730. MR STRACHAN QC (DfT): These are in the Environmental Statement.

731. MR LEE: Yes, but these are averages. Not peak. My ears don't hear an average. They hear ambient sound. They hear ascending sound and descending sound, and the peak sound. But not an average.

732. MR STRACHAN QC (DfT): Let me finish, and then...

733. MR LEE: Sorry.

734. MR STRACHAN QC (DfT): As the Committee's heard, on a number of occasions, there are averages, there are also maximum sound noise levels, both of which are shown in this table, and you can see that at the bottom, 52, with the proposed

scheme, 43 at night. Maximum 68/71. So those are given, and those compare with the existing situation at the top of the page, 23309, the highest night time LAMax is 64.2 and then there averages for LAqs, and the change levels, which are shaded orange in the Environmental Statement, recognise there is an adverse effect. That's precisely what I indicated, in the detailed design we will look at the details of noise barriers – sorry, barriers on the viaduct – to see what can be done with detailed design.

735. MR LEE: Thank you, we'll take that away and discuss that with the engineers on site. That would be useful, thank you.

736. CHAIR: Alright.

737. MR STRACHAN QC (DfT): On compensation, I wasn't proposing saying more. You've heard the arguments about property bonds.

738. CHAIR: And we're going to hear them again, probably.

739. MR STRACHAN QC (DfT): I'm sure you are.

740. CHAIR: We haven't ruled it out. I think we want to see how Need to Sell works and if we can tweak that, and then, if it doesn't work, then we'll have to consider property bonds.

741. MR LEE: My offering is that it will probably work while you're watching, and probably cease to do so when you stop.

742. CHAIR: We could still be going for a while yet.

743. MR LEE: It looks like it, yes. Hope so.

744. CHAIR: It does.

745. MR THORNTON: The Lords Committee will come after us.

746. CHAIR: Anyway, thank you very much, Mr Lee. Sorry you're last on the list. You've had a long day like the rest of us, but...

747. MR LEE: You've had more of them than I have.

748. CHAIR: Okay, thank you very much.

749. MR LEE: Thank you.

750. CHAIR: Order, order.