House of Commons
High Speed Rail
(West Midlands - Crewe) Bill
Select Committee

Second Special Report
of Session 2017–19

Report, together with formal minutes relating to the report

Ordered by the House of Commons
to be printed 18 July 2018
**High Speed Rail (West Midlands – Crewe) Bill**

The Select Committee on the High Speed Rail (West Midlands – Crewe) Bill provides individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill’s specific provisions and to seek its amendment, although not to object to the principle of the Bill.

**Current membership**

- **James Duddridge MP** (Conservative, Rochford and Southend East) (Chair)
- **Sandy Martin MP** (Labour, Ipswich)
- **Mrs Sheryll Murray MP** (Conservative, South East Cornwall)
- **Martin Whitfield MP** (Labour, East Lothian)
- **Bill Wiggin MP** (Conservative, North Herefordshire)

**Publications**

Committee reports and evidence relating to this report are published on the Committee’s website and in print by Order of the House.

**Committee staff**

The current staff of the Committee are Lis Gerhold (Clerk) and Natalie Flanagan (Committee Assistant).

**Contacts**

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Introduction

The Bill and Additional Provision 1

1. On 17 July 2017 the High Speed Phase 2a (West Midlands - Crewe) Bill was deposited in Parliament. Members of the public were invited to comment on the Environmental Statement before the Bill had its Second Reading. The Environmental Statement is a key part of the overall package which accompanies the Bill and documents likely significant environmental impacts along the route and measures to avoid, manage and reduce these.

2. The Second Reading debate was held on 20 January 2018 and the Bill was read a second time. The Bill was referred to the Committee which was to hear petitions against the Bill and consider any Additional Provisions proposed. There has been one Additional proposed so far.

Timing of Additional Provision 2

3. It is anticipated that a second Additional Provision will be deposited “around the turn of the year”. We would prefer to see it deposited in early December at the latest.

4. Following deposit of the Additional Provision the Chairman of Ways and Means will set the date for anyone specially and directly affected by the Additional Provision to submit a petition. The petitioning period will then open.

5. In due course, the Committee will produce a final report to inform the remaining stages of the HS2 Phase 2a (West Midlands - Crewe) Bill.

The Committee’s First Special Report

6. On 24 May 2018 the Committee published its first special report. That report looked at the three matters: Whitmore to Madeley Heath tunnel options; the Stone Infrastructure Maintenance Base-Railhead/Aldersey’s rough alternative; and the lowering of the Kings Bromley viaduct.

HS2’s response to the Committee’s First Special Report

7. HS2 published a response to our report on 25 June 2018. Following our recommendation the following have been promised by HS2;

a) a £2m Phase 2A Woodland Fund to help local landowners create native, broadleaf woodlands and restore ancient woodland sites.

b) £6.5m Phase 2A Road Safety Fund to help to improve traffic and pedestrian, cycle and equestrian safety along the whole route.

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3 Ibid, para 26
4 Ibid, para 41
c) Alterations to roads along the route.\(^5\)

d) A Phase 2A Planning Forum in Summer 2018 comprising the two local highway authorities, Highways England and the Department for Transport.\(^6\)

We recommend an extension of this membership to include representatives from all Parish Councils affected so that local residents are represented.

8. We noted that the Promoter had not, in its response, suggested any improvements to engagement with those members of the community without access to information technology. This was partially remedied on 2 July in relation to residents of Whitmore Heath where HS2:

i) propose to introduce a specific named community engagement officer,

ii) will hold surgeries in Whitmore Heath to provide advice on the property schemes and to answer local householders’ particular questions and concerns about where they fit within the property schemes,

iii) have offered transport for people to those surgeries,

iv) will publish a newsletter to keep residents informed of progress,

v) will communicate in clear, simple terms about the property schemes.\(^7\)

We hope that the newsletter for residents will be published in an easy to understand, non-technical, paper format.

\(^5\) See Annex of Government Response for full list.

\(^7\) HC 927, 2 July 2018, paras 9–11
Committee Activity

9. The Committee met between April and July 2018. It received 187 petitions against the Bill and 33 petitions against Additional Provision 1.

10. During this period the Committee heard 118 petitions, and deferred 30 petitions. HS2 continues to develop the detailed plans for Phase 2a which may affect further residents, landowners, tenants and businesses. Some petitioners have requested deferrals as discussions with HS2 were ongoing. We saw no merit in petitioners attending committee whilst negotiations were taking place.

11. We hope that HS2 Ltd and the petitioners continue to work quickly and closely together to reach agreement, but if agreements are not reached we will see these petitioners early next year. We will report any outstanding petitions in a Third Special Report to be published next year.

12. The Committee will continue to press HS2 Ltd to reach agreements with petitioners wherever possible. So far, HS2 has responded to the Committee’s concerns and we appreciate their efforts.

13. Sometimes petitioners and HS2 have come to agreement outside the committee room. This has been either before the hearing of the petition, or after a short suspension of the Committee when the Chair saw that the parties were close to agreement and required more time in order to reach an acceptable agreement.

Language used in committee

14. We understand that the hybrid bill procedure is unfamiliar to most petitioners as is some of the language used in Committee and in correspondence.

15. The words “assurances”, “undertakings” and “reasonable endeavours” are frequently used by Counsel representing HS2 Ltd. Reasonable endeavours includes reference to striking a balance between cost and benefit and implies that all that reasonably can be done at a sensible cost will be done to provide that which is required.

16. HS2 will make offers to petitioners. If petitioners agree to these they will appear on the register of assurances and undertakings. Assurances and undertakings are promises made by HS2 which the Committee expect to be honoured.

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8 47 petitions were withdrawn; 25 did not have a right to challenge.
9 The most natural terminology is to undertake to do something or to refrain from doing something, and to provide an assurance that something is or is not the case. An undertaking or assurance is enforceable only as a contempt of Parliament unless it is embodied in a contract (including a side-agreement) between HS2 and a nominated undertaker.
10 HC 927, 4 July 2018, Q52, the “nominated undertaker” is the person or body who will carry out the work, i.e. HS2 Ltd, or one of its contractors, or sub-contractors.
Effective petitioning

17. On 4 June 2018 we published a short guide to help petitioners to make the best use of their appearance before the Committee. We recommend that anyone proposing to petition a Committee of the House on a hybrid bill reads this guidance before attending.

18. Transcripts of the Committee’s proceedings are published on our website. Anyone may view the proceedings through www.parliamentlive.tv archive.

Our approach

19. Many petitioners had similar concerns which applied along the length of the proposed route - for example, requests for screening to create a more visually acceptable solution, mitigation of the perceived impact of the noise of the high-speed line, the impact of construction vehicles on small country lanes, and higher levels of pollution from the increased traffic during the construction phase.

20. We decided to treat such subjects as generic to the entire route in Phase 2a. This enabled us to focus separately on any additional concerns specific to individual petitioners.

21. Petitions and their supporting evidence have been made available on the Committee’s website. We have also published the Minutes of Evidence of each hearing.

22. On some occasions petitioners’ concerns should be addressed through the draft Code of Construction Practice (see paragraph below) or the Farmers and Growers Guide. In other cases we thought it appropriate to make decisions ourselves.

Members of Parliament

23. Sir William Cash MP, Jack Brereton MP, Jeremy Lefroy MP and Antoinette Sandbach MP appeared formally before the Committee. We also held informal meetings briefings with Michael Fabricant MP, Rt Hon Owen Paterson MP and Laura Smith MP. We thank them for giving an overview of their constituencies, raising wider issues, and setting the context for constituents who petitioned the committee. They also represented the wider interests of those who did not have a right to petition but had general views of the scheme and the impact whether positive or negative that the scheme may have on their communities.

24. We were pleased to see some of our colleagues attending committee and sitting in the public area to support their constituents and listen to the proceedings.

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Committee decisions

Purpose of announcements

25. This chapter will give direction to HS2 in a small number of cases where we feel that it is right to do so at this stage. This will enable HS2 to begin work to give effect to the decisions in Additional Provision 2.

26. On 11 June we made an announcement regarding a proposed construction route which would affect an events business, and on 13 June, because of the clarity of the petitioner, we were able to immediately give a direction in committee for HS2 to reroute a pipe. Other matters required longer consideration and are dealt with in this report.

Borrow pits

27. HS2 define a borrow pit as “an excavation dug to provide fill to make up ground elsewhere”.18

28. Many petitioners raised concerns about borrow pits: their size, their location, mineral rights and the amount of material to be taken. HS2 is conducting a review of borrow pits and we do not plan to comment on ‘borrow pits’ until the review is published. We do however expect borrow pits to be screened sufficiently to help to alleviate some of the negative impact on the local environment. We expect to see any proposed changes in Additional Provision 2.

Tunnel options Whitmore Heath - Madeley

29. The Committee confirms the “in principle” decision made in its First Special Report regarding the lowering of the viaduct and an extension of the southern portal at an estimated total cost of £448.2m. The Long Single Tunnel was estimated to cost £608m. The Committee would prefer any additional money available to be spent on benefits for the wider community.

Stone Infrastructure Maintenance Base-Railhead/Aldersey’s Rough

30. The Committee confirms its “in principle” decision that the Infrastructure Maintenance Base-Railhead should be sited as is proposed in the Bill Scheme, at Stone.19

Lowering of the Kings Bromley Viaduct

31. The Committee welcomes the assurance given by HS2 to Staffordshire County Council and Lichfield District Council that the Kings Bromley Viaduct will be lowered, therefore blending better into the local environment.

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17 Texts of decisions may be seen on the Committee’s website under the date of the hearing.
19 The Committee’s First Special Report reported that Mr Smart said that the West Coast Main Line was a freight route. This is not correct. Mr Smart said, at Q662 on 25 April, that “the petitioner was right there were three passenger trains an hour” he went onto say “This is a freight route” regarding a different route.
Swynnerton Parish Council (No. 86)

32. HS2 Ltd should build a roundabout where the diverted Tittensor Road meets the A51.20

Colton Parish Council (No. 47)

33. Pedestrians should be segregated from the road traffic in the underbridge and overbridge sections of Newlands Lane.21

Frank and Angela Simmons (No.68)

34. Mr and Mrs Simmons’ house is in Yarlet Lane, Marston, and they are disadvantaged under the compensation scheme because of the orientation of their garden compared with their next door neighbour. Should Mr and Mrs Simmons decide that they need to sell, they should be given equal treatment with that of their neighbour.22

The Yarlet Trust (No. 174)

35. The Yarlet Trust is a small day and boarding school situated between Stone and Stafford. The school petitioned for safer access. The understands that dialogue between the Trust, the Highways Authority and HS2 is ongoing and that a redesign of the junction outside the school has been proposed, this may be for a small roundabout close to the entrance to the school or a better engineering solution. Furthermore, the Committee is not convinced that closing the central reservation for 12 months in relation to the A34 diversion is the correct and safe solution and we direct HS2 to look at this again and design and make the necessary adjustments with safety in mind.23

Woore Parish Council/ Woore Primary and Nursery School

(Nos. 134 and 190)

36. As regards Woore Primary and Nursery School, HS2 should engage with Shropshire County Council and introduce traffic calming measures outside the school and along the highway, conducting further work on the safety of pavements. HS2 should fund a school patrol crossing officer during term times during the construction period. HS2 should seek an area of similar size to that of the Swan car park for community parking on a temporary basis.24

20 This matter was also raised by Mr Ralls on 27 June 2018.
21 HC 927, 14 May 2018
22 HC 927, 14 May 2018
23 HC 927, 18 June 2018
24 HC 927, 21 May 2018
Elizabeth, Neville and Timothy Baskeyfield (No. 43)

37. Mr Baskeyfield put his case exceptionally well on behalf of his family. He was concerned about the surface water sewer drain on his land. We direct HS2 Ltd to give to Mr Baskeyfield an undertaking that it will adopt the proposal in his petition regarding reinstating the drainage pipe on his land.25

The Incumbent and Churchwardens, Saint Leonards Church, Marston (No. 97)

38. Reverend Grigson said that Marston Community Church will be isolated for 6 years because of the building works. The works will have an impact on car parking, safe walking routes, as the construction traffic will use Marston Lane, although it will not affect access to the lane past the church. He said that the works will have an impact on the running of the church as it relies on volunteers.26 Assurances had been given to the Church by HS2 and the Committee thought that these were sensible and that Reverend Grigson should consider accessing the community fund available from HS2.27

Dr Paul and Elizabeth Carter (No. 32)

39. Dr Paul and Elizabeth Carter live in a small cul-de-sac in the hamlet of Nethertown. This hamlet has one exit road and the petitioners were concerned about access. They petitioned for “unfettered 24 hour access” via Pipe Lane which gives access to Common Lane. The Committee expects HS2 to ensure that access is kept so that emergency vehicles are able to reach the area if required. We also recommend that HS2 install flood mitigation for the residents of this area. We did not agree with Counsel’s suggestion that the petitioners apply to the community fund for this.28

Robert, Helen and Richard Parkinson (No. 18)

40. Robert, Helen and Richard Parkinson have a family farm with mainly arable and beef production. HS2 had proposed to compulsorily purchase part of Mr Parkinson’s farm, give him compensation and then charge him maintenance for accessing the land. Agreement was reached after Counsel suggested that HS2 did not purchase the land but instead Mr Parkinson gave rights to HS2 to use the right of way and pay him for it. We endorse this agreement.29

M J and Mrs M E Daw and W B Daw and Son (Nos. 178, AP 1–26 and AP 1–12)

41. Mr and Mrs Daw were concerned about the extent of land that HS2 proposed to take, the projected traffic movements on Pipe lane and noise and vibration caused by increased traffic and the impact that this might have on the day to day operation of their farming

25 HC 927, 13 June 2018
26 P113(6)
27 HC 927, 23 May 2018
28 HC 927, 5 June 2018
29 HC 927, 6 June 2018
business and on the community. HS2 accepted that the culvert area needed redefining.\textsuperscript{30}

The petitioner suggested a new access route to the rear of their farm. We direct HS2 to build a bund between the residence and the railway.\textsuperscript{31}

\textit{Sharon Mawbey (No. 192)}

42. Mrs Mawbey lives beside the Trent and Mersey Canal and has a boat building and narrow boat hiring business. She also has a shop and café, produces pottery and has alpacas. The scheme proposes a compound next to her property. We direct HS2 to ensure that contractor accommodation at that compound should be no higher than two site huts.\textsuperscript{32}

\textit{J A Fielding, J A Fielding Farms (Nos. 72 and AP 1–12)}

43. The Committee was sympathetic to Mrs Fielding as, because of the location of her farm and the phasing of the projects, she had been affected by HS2 Phase 1 and was now being affected by the plans for HS2 Phase 2a. Unfortunately, a considerable amount of disruption to her farm is inevitable for the project to proceed. The Committee directs HS2 to ensure that there are no isolated parcels of land remaining following compulsory purchase, and listens and incorporates Mrs Fielding’s suggestions for retaining established wildlife areas where possible. Whilst the nominated undertaker works on site Mrs Fielding should be able to have suitable access routes to her land. We direct HS2 to make provision that the area proposed for laying down pipes may only be used outside harvest time.\textsuperscript{33}

\textit{Andrew and William Dangerfield (No. 170)}

44. Andrew and William Dangerfield farm and reside at Bishton Lane, Wolseley Bridge. Their land will be used for the A515 road realignment, construction of the railway, diversion of their main farm access and diversion of overhead power lines and ecological mitigation. Bishton Lane is the only access to the farm. HS2 has given assurances to Staffordshire County Council about Bishton Lane which involves widening the road and providing passing bays. We expect access to the farm to be maintained.\textsuperscript{34}

\textit{Luke Mellor and Son (No. 155)}

45. Luke Mellor has an organic farm at Colton. The Committee recognises the necessity for land take to be kept to a minimum and that replacement land will take three years to get full organic status. HS2 has given an assurance that a “working group to collaborate to consider how organic farming activities at Manor Farm can reasonably be maintained during construction of the Proposed Scheme and any restoration period thereafter.”\textsuperscript{35} HS2 has said that it will report back to the committee before the next calendar year. The Committee would like a progress report in September 2018.\textsuperscript{36}

\textsuperscript{30} HC 927, 12 June 2018, Q265. A culvert is a drain or covered channel that allows water to flow under a road.
\textsuperscript{31} HC 927, 12 June 2018
\textsuperscript{32} HC 927, 12 June 2018
\textsuperscript{33} HC 927, 12 June 2018
\textsuperscript{34} HC 927, 19 June 2018
\textsuperscript{35} Letter of assurance from HS2 to Mr Gale (acting for Mr Mellor) dated 19 June 2018.
\textsuperscript{36} HC 927, 19 June 2018
**Richard, Ivor and Elizabeth Clarke (No. 62)**

46. Richard, Ivor and Elizabeth Clarke live between Hopton and the A518, adjacent to the Staffordshire County Showground and said they had received assurances from HS2. The Committee were not satisfied with HS2’s position regarding the temporary access gate and direct HS2 to create a permanent access point for the petitioners to use. The Committee would also direct HS2 to ensure that there is a track over or through the bund so that the farmer can access the land from south to the north rather than having to take a route of four miles.

**Andrew and Pauline Collier (No. 28)**

47. Mr and Mrs Collier farm 1,200 acres from Ingestre Manor Farm with land beside the river at Hoo Mill Lane and the Ingestre Park Road. This is an arable and equestrian business. HS2 propose building a balancing pond on their land and this may flood the Lionlodge wood. The petitioner was concerned about proposals for drainage and water courses as if this is not handled correctly Ingestre is likely to flood. We direct HS2 to consider this evidence as part of the borrow pit review.

**Christopher and Carol Carney (No. 41)**

48. Christopher and Carol Carney represented Upper Moreton Rural Activities. This is a not for profit community interest company which offers therapeutic courses and activities to people suffering with mental health needs. HS2 has made an offer to Carol and Christopher Carney to set up a steering group to look at this site. We direct HS2 to provide an update on how this case is progressing.

**Robert Birchill (No. 46)**

49. Mr Robert Birchill should be allowed to successfully apply for the full unblighted value of his property if he decides that he wishes to move.

**Mr Peter and Mrs Lorraine Bailey (No. 80)**

50. Mr Bailey has health issues and asked that HS2 compulsorily purchased his house. HS2 said that because of the extension of the Whitmore tunnel, the access route on his property would no longer fall within the bill limits. This would be demonstrated in Additional Provision 2. Mr Bailey can petition once again if this is not the case but HS2 should make an offer to the petitioners if the plans do not change and their health deteriorates.

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37 HC 927, 20 June 2018  
38 HC 927, 20 June 2018, Qq60–69  
39 HC 927, 20 June 2018  
40 HC 927, 20 June 2018  
41 HC 927, 20 June 2018, Q428  
42 HC 927, 26 June 2018  
43 HC 927, 27 June 2018  
44 HC 927, 27 June 2018
**George Helen and Sarah Dyke (No. 17)**

51. George, Helen and Sarah Dyke are tenant farmers of Lord Stafford. We direct HS2 to meet the cost of an access track for these farmers to their land as requested in their petition; this may mean going further than the existing Bill limits if a resolution cannot be found beforehand.\(^{45}\)

**Ingestre Park Golf Club (No. 148)**

52. We direct HS2 to come to a solution that allows the golf club to continue as a community asset. We thought that both HS2s figures and the golf club’s figures were too high.\(^{46}\)

**The Inland Waterways Associations (No. 2)**

53. The Inland Waterways Associations petitioned on behalf of occupants of narrowboats and how HS2 classified their residences.\(^{47}\) The Great Haywood Marina will be significantly impacted by the scheme and HS2 should look at installing the 5m barrier as requested by the petitioner. Furthermore, HS2 should look at providing further noise mitigation at Fradley Wood.\(^{48}\)

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\(^{45}\) HC 927, 4th July 2017, Q48–49  
\(^{46}\) HC 927, 2nd July 2018  
\(^{47}\) HC 927, 9th July 2018  
\(^{48}\) HC 927, 9th July 2018
General recommendations

Access to land purchased under compulsory purchase orders

54. We heard of farmers being asked to pay for maintenance costs of access tracks across land that had been compulsorily purchased by HS2. Where the right to cross or otherwise someone else’s land for a specified purpose is granted over land subject to compulsory purchase, HS2 take the view that those benefitting from access rights make a “reasonable contribution” towards maintenance, as the petitioner would have received compensation. Tracks may pass over third party-owned land. It is not the fault of the petitioner or any third party that the Secretary of State proposes to build a railway. We direct HS2 to look at this matter urgently so that petitioners and others are not disadvantaged by this position.

Accessibility

55. We have repeatedly been told by petitioners that some of the language used in the assurance letters issued by HS2 to petitioners is vague. We understand that it is not until the detailed design stage that assurances given will be fully taken into account, and understand that this combination of legal language and vagueness is hard for anyone to understand.

56. The Plain English Society say “almost anything - from leaflets and letters to legal documents - can be written in plain English”. We recommend that HS2 work with the Plain English Society to ensure that more attention is paid to providing letters with the recipient in mind: using the word “receptors” to describe family farms and family members is not helpful. HS2 may wish to consider attaching a picture or flow diagram to the letter to make the process clearer to the reader.

57. There are general commitments that HS2 has made under the draft Code of Construction Practice which will apply to the entire route. For example,

a) construction traffic will be clearly labelled with HS2 branding so that communities can identify construction traffic in their areas,

b) there will be a dedicated telephone line for residents to report construction traffic breaches and problems,

c) road signage; roads will be clearly labelled so that construction traffic will only use pre-agreed routes.

We have been told that HS2 will engage at a local level, listening to local landowners and residents. We direct HS2 to fulfil these assurances.

49 The legal term is “easement”
50 HC 927, 20 June 2018, Q95
51 http://www.plainenglish.co.uk/files/howto.pdf
52 4 June 2018. In addition, the term “receptor” appears in HS2s documentation for example, the Addendum to the Environmental Statement, at paras 4.2 onwards, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260152/VoiS_Scope_and_methodology_report_addendum_CT-001-000.2.pdf
Approach

58. We were impressed by the pragmatic approach taken by farmers affected by the line, as was our predecessor committee. Farmers came to us with proposed solutions so that their businesses could continue. We heard some very sensible solutions proposed by farmers to accommodate the works and direct HS2 to adjust their plans accordingly. We are pleased that assurances have been given to the National Farmers Union and the Country Landowners and Businesses Association and that these assurances will be applied to all holdings along Phase 2a, and also that these will apply to all petitioners who will, in addition, receive assurances tailored to their particular circumstances.

59. The Committee heard many cases of land severance. Proposed plans would leave farmers, whose land is taken either temporarily or permanently with small unusable, and sometimes inaccessible, parcels of land, which would not be either economically viable or physically possible to work. We expect HS2 to consider such issues earlier, when planning their land take and to remedy this in Additional Provision 2. Better planning, including for that of ‘ecological mitigation planting’ should involve consultation with the farms affected.

60. We have heard that under the scheme, HS2 will be left with many small parcels of land. These should be used for ecological mitigation. This would reduce the necessity of land take for this purpose therefore allowing farmers to maximise retention of as much good grade 1, 2 and 3 agricultural land as possible by petitioners and other farmers affected by the works.

61. We are aware of the assurances given to the NFU and Country Landowners’ and Businesses Association and ask these organisations to ensure that the assurances received are conveyed to their members. We note that further work between the two parties is required about land drainage and that the We ask for an update on this in the autumn.

62. We also ask that HS2 communicate more widely so that farmers and landowners who are not members of these organisations understand the position. We recommend that HS2 ensure that farms and businesses are not disadvantaged by compensation process and dialogue on timing of any compensation payments is taken into account.

63. We hope that the assurances given and better planning will reduce the level of stress that the farming community may be feeling throughout the process of land take.

Right of entry

64. The Phase 1 Committee identified “the need for construction to work around the seasonal and long-term business nature of farming.” We heard the same request. Notwithstanding the 28 days’ formal notice which must be given of the actual date of any temporary possession being taken for anything, where that possession is for any period of longer than a week or for any purpose which will seriously alter the use of the land,
farmers should be given advance warning of the quarter of the year during which that possession is likely to be taken and notice should be not less than three months prior to that quarter.

Communication

65. We are concerned about communication and how HS2 has liaised with those affected by the scheme. Ms Allsopp told us that “we’ve found HS2 communications to be few and far between. We’ve actually chased them a lot and when we do receive communication it’s complicated, not easy to understand, either that or it’s just copy and paste from the main books that we’ve already read”. Mr Birchill had received letters from HS2 informing him that 25% of his property fell within the scheme and then that it did not. We are concerned that this severity of error could be replicated elsewhere.

66. We heard that people affected by the scheme did not have access to HS2 employed specialists who understood the land. There should be a process where community liaison officers identify where specialists are required and set up meetings between, for example the farmer and the farm drainage specialist. It should be recognised that there is a wealth of information held by those who manage the land and the value to HS2 of speaking to them. This should help to move things along quickly and help to avoid costly mistakes. If there is a reason why HS2 is not able to supply people with the specialist knowledge then it should be communicated to those along the route the reason why.

Highways and access routes

67. The Committee directs HS2 to widen the bridge at Yarnfield Lane to ensure better safety for all users. This is a benefit that the project can bring to that area.

68. The Committee also directs HS2 to hold discussions with Staffordshire County Council about improving access through Ingestre during the construction works.

69. We heard from the North Staffordshire Bridleways Association who highlighted the importance of horse and rider safety. HS2 said that their planning followed the guidelines issued by the British Horse Society to ensure safety of both horses and riders we understand that these are minimum standards and we expect HS2 to exceed these guidelines and promote a greater standard on its route.

70. We welcome the position taken by Counsel to liaise with the local authority with a view to help to reclassify the route from footpath 58 to the railway in order that access be made available for riders.

71. The Committee directs HS2 to look at the safety of Den Lane. We understand that there are proposals to place utilities in this area but we believe that an better engineering solution could be found which would address the safety concerns of petitioners.

57 9 May 2018, Q61
58 27 June 2018, Q250–273
59 HC 927, 17 July 2018, Q735
Mental health issues

72. We heard from several petitioners that their mental health has been affected by this project. We asked HS2 to provide information on the impacts on mental health of those affected by the scheme. This had also been a concern of the HS2 Phase 1 (London - West Midlands) Bill Committee. We were disappointed that we did not receive a more comprehensive, better executed response including data gathered from HS2 Phase 1 project. The report did not contain sufficient proposals or plans about this issue.

73. As the report did not contain this information, we direct HS2 to commission an ongoing epidemiological report to address community health and wellbeing. The report should establish a baseline from which quantitative analysis can be conducted. The baseline will be a useful tool from which to monitor the impact of large construction projects on community mental health and well-being, and the Committee appointed for Phase 2B will be able to have a clearer overview of impact. What is required is a quantitative analysis of the impact of the project on the community affected by the disruption to their usual environment.

74. Communities can build and rebuild links but they need help to do so and it is for this reason that we make this recommendation. HS2 should draw on international best practice in this area.

75. Some people told us that they had experienced mental health problems as a result of the project. At the moment, the only access to help is through local services. We direct HS2 to provide, fund and integrate an additional service.

Other matters

76. Hearing petitioners throughout this process has been informative and thought provoking. We are particularly concerned about one matter and this requires comment.

77. We heard that compensation is paid under the statutory compensation code for the compulsory purchase of land. That land is owned either freehold or leasehold. If land is compulsorily purchased the owner of that land receives land compensation - which is assessed on the open market value of that asset - and receives payment in money. Leasehold property diminishes the nearer to the end of the lease the compulsory purchase.

78. We are concerned about people who occupy property as their main residence for example, but not restricted to, an assured shorthold tenancy running for a year, or a periodic tenancy running from year to year, whether it be rented residential housing, or rented residential boat moorings, or farm business tenancies. The linking characteristic is that the occupants have no or only a tenuous legal right to occupy the land and therefore there is no recognised value in the occupancy. It seems that there is little protection or compensation in law for these people.

79. Compensation calculations are based upon the value of the ability to occupy a dwelling. The identified occupants cannot offer that; the right to occupy does not have a marketable asset. The affected person will be entitled to a “home loss payment” to cover moving costs, and paying an agent to find another property.
80. Antoinette Sandbach MP told us of an individual residing in a property that is owned by a charity and that as trustees of the charity they have a responsibility to protect the assets of the charity. Under the existing compensation rules the charity would need to serve the tenant with a notice to quit before the charity can serve a blight notice to the scheme.

81. Mrs Mawbey told us of one narrowboat permanent dweller who was in-situ when she and her husband bought their property over 10 years ago, one lady of 77 years old, a gentleman who is a lorry driver. Narrow boats were their main residence. There was an assumption that they could just sail upstream and find another mooring, this too would be a problem in the same area, as it is with residential dwellings.

82. Farm business tenancies are also a concern for similar reasons. It is difficult for all these tenants to find similar accommodation or business premises in the same area. They have been displaced by a government scheme and the government should consider reforming existing legislation to capture these vulnerable people.

83. We direct HS2 to look at the individuals who have been highlighted in this section of the report. The Committee remains aware of its power to award payment where the current minimum regime fails to give due regard to the disruption experienced.

The Residents’ Commissioner and the Construction Commissioner

84. During committee we heard about the Residents’ Commissioner. The Residents’ Commissioner oversees and monitors HS2’s commitments to residents. It is an independent role which holds HS2 to account to the commitments made in the Residents’ Charter. These include 10 commitments to those affected by HS2 from keeping people informed to promoting awareness in the community.

85. There is also the Construction Commissioner who mediates and monitors the way in which HS2 Ltd manages and responds to construction complaints.

86. The Residents’ Commissioner “does not investigate individual cases, act as an arbitrator for individual resident concerns or deal with complaints”. We find this title misleading.

87. The Committee directs that individuals affected by the scheme need a dedicated single point of contact or case officer within HS2 to ensure that any messages between the organisation and the individual or family or business remain clear and constant and personal. Relationships are built on trust, and trust cannot be built in a legal environment.

88. We also note that to make a complaint the details of the complaints procedure are on-line, which will not be suitable for those residents who do not use or have access to information technology.

89. We also heard from petitioners who wanted an HS2 specific ombudsman. We do not support this as it would add another layer to a bureaucratic process which many already find stressful. Instead, we believe that current processes be made to work better.

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60 HC 927, 12 June 2018, Q80
61 HC 927, 12 June 2018, Qq328–360
Formal minutes

Wednesday 18 July 2018

Members present:

James Duddridge, in the Chair

Sandy Martin       Martin Whitfield
Mrs Sheryll Murray  Bill Wiggin

Draft Report (High Speed Rail (West Midlands - Crewe) Bill Select Committee: Second Special Report), proposed by the Chair, brought up and read.

Ordered, that the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 89 read and agreed to.

Resolved, That the Report be the Second Special Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[The Committee adjourned.]