MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 27 June 2018 (Morning)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:
Jacqueline Lean, Counsel, Department for Transport
Charles Meynell, Petitioner Representative

IN PUBLIC SESSION

WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd
Simon Bailey
Keith Ralls
## INDEX

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Swynnerton Estate</td>
<td>3</td>
</tr>
<tr>
<td>Statement by Ms Lean</td>
<td>3</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>5</td>
</tr>
<tr>
<td>Peter and Lorraine Bailey</td>
<td>8</td>
</tr>
<tr>
<td>Submissions by Mr Simon Bailey</td>
<td>8</td>
</tr>
<tr>
<td>Response by Ms Lean</td>
<td>11</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>12</td>
</tr>
<tr>
<td>T P and Mrs E Tabernor and Messrs A C and J P Tabernor</td>
<td>17</td>
</tr>
<tr>
<td>Submissions by Mr Meynell</td>
<td>17</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>20</td>
</tr>
<tr>
<td>Keith and Gillian Ralls</td>
<td>21</td>
</tr>
<tr>
<td>Submissions by Mr Ralls</td>
<td>21</td>
</tr>
<tr>
<td>Response by Ms Lean</td>
<td>24</td>
</tr>
</tbody>
</table>
1. THE CHAIR: I understand HS2 have a statement.

The Swynnerton Estate

Statement by Ms Lean

2. MS LEAN (DfT): Yes, sir. There’s an agreed statement on the part of the promoter and the Swynnerton Estate. HS2 passes through approximately seven kilometres of the Swynnerton Estate, affects around 250 hectares of land during construction and presents a number of issues common to farmers and landowners which will be very familiar to the Committee. The promoter and Lord Stafford have been in productive discussions for some time with a view to addressing concerns and delivering improvements that would benefit a number of the tenants of the estate.

3. This constructive dialogue has allowed the promoter and Lord Stafford to work together on solutions to problems, both prior to petitioning and in the lead-up to the petitioner’s Select Committee appearance. This has culminated in a series of assurances offered to the estate covering, firstly, reconfiguration of planting and the relocation of some mitigation to land offered by Lord Stafford within the estate; secondly, commitments to look at the reconfiguration and design of balancing ponds within the estate with a view to reducing their effects; thirdly, the maintenance of access both between estate fields and to and from public highways; and, fourthly, a number of assurances on the reconfiguration and stopping up of roads and the realignment of a public right of way.

4. Given the steps taken by the promoter to address the estate’s concerns and the assurances that have been offered, the estate will be withdrawing its petition and will not be appearing before the Select Committee today.

5. THE CHAIR: Thank you very much. Question? Yes, thank you. Bill?

6. MR WIGGIN: Yes. We were concerned about Sandyford Farm and the moving of the bridleway because it wasn’t in the tenant’s interest. What’s the conclusion of those parts of the discussion, please?

7. MS LEAN (DfT): The assurance – perhaps if I can put up –
8. MR WIGGIN: A212(3) is the map and I think it’s in red, which is quite helpful.

9. THE CHAIR: Feel free to take a bit of time over this issue because it was a concern to a number of us.

10. MR WIGGIN: I think that’s roughly it. Thank you.

11. MS LEAN (DfT): The document I was just wondering if I could pull up is the assurance that we’ve given on this issue to Lord Stafford. P822, just if I may show the assurance. P822(2). So this is the assurance that it’s subject to the successful promotion of an additional provision and a number of conditions being met, to construct the bridleway and the revised alignment, and the plan that’s attached to that assurance, but I think it’s aligned with A212, but this is the one that goes with the assurance.

12. MR WIGGIN: 2.21 is what I’m led to read here. Of course, the highways authority wouldn’t have any objection to a bridleway going through somebody else’s land. Of course they wouldn’t. They don’t care. It’s not them that’s affected; it’s the tenant. So showing me that the local authority is delighted with it doesn’t mean anything at all.

13. MS LEAN (DfT): Sorry, sir, these are just the conditions that will have to be satisfied alongside the additional provision being met. There’s some additional conditions over the page.


15. MS LEAN (DfT): But it was just to make clear that there is an assurance about it and then to take you to the plan that’s referred to in there. The plan is P822(7). And that’s what’s been closed. If it’s helpful I’m happy to ask Mr Miller to come and talk through this, if that's going to be easier.

16. MR WIGGIN: I think that would be very sensible.

17. THE CHAIR: And Bill’s got some questions and Sheryll’s got some questions but it’s not Lord Stafford we’re concerned about. It’s about the remaining business from the previous petitioner, who presumably will be able to petition against AP2 as well.
18. MS LEAN (DfT): Well, indeed, sir, and I know that we have been in contact, I believe, with the agent for the petition you heard last week about the assurances that have been given to Lord Stafford, to see to what extent they have concerns about them or they meet their concerns and I know that Mr Bedson’s coming back before you again next week. So we are trying to engage to see whether this does satisfy the concerns that were expressed before you.

19. THE CHAIR: Bill?

Evidence of Mr Miller

20. MR WIGGIN: I think the fundamental problem is where it says ‘point A’ on the map and slightly to the left of it, it says ‘Bridleway Number 24’. That’s where it begins and it crosses two apparently dangerous roads. It then tries to go round Sandyford Farm and then it pops out where the red line is saying ‘proposed scheme’, which is – a little bit lower. Yes, that’s it. That’s I think where it was originally. And then I guess that the blue line is what you’re suggesting is going to be. Is that correct?


22. MR WIGGIN: Where are you putting it?

23. MR MILLER: Can I just take a step back? Can I go to A212 (4), please, which is evidence that would have been shown from this petitioner and it’s actually a very useful map? Sorry, it’s got a slightly different orientation but you’ve got the A51 coming through here.

24. MR WIGGIN: So that’s north of the existing –

25. MR MILLER: Yes.

26. MR WIGGIN: So that’s the old stuff but actually we start at the bottom of the – where the purple goes yellow. I think it goes yellow.

27. MR MILLER: This is –

28. MR WIGGIN: That’s it, yes.

29. MR MILLER: That bit there is the bit which is the bridleway that seemingly goes

31. MR MILLER: And so for non-motorised users, so people that are on horseback, they could get up to there but then they’d just have to turn round or they may decide to go on the A51. The wider network consists of footpaths, which are conveniently shown in pink here and you can see the pink down in Swynnerton here, and bridleways, which are marked in yellow, the one we just talked about, and the other bridleway 54, I think, which cuts across the A51 here and then people use this road coming down here and this road coming down here.

32. MR WIGGIN: Excellent.

33. MR MILLER: And you’ll remember a couple of weeks ago we talked about these roads being stopped up and we’ve got one road going into Swynnerton. We talked about three – I’ll come back to that in just a second. And then we’ve got a T-junction just in this common location here. So if we flip back to the other map, the broad consideration of footpaths and bridleways is to maintain the connectivity through here. So it’s an important point to understand that we will not, as a consequence of our scheme, or we’ll try not to have a closing effect on the existing network.

34. So up here, as I understand it, the footpath 16 comes down to this point. Despite the fact that there is a busy road a busy road to cross, there is an ability to cross over here and get on to that bridleway and come down this road here, the existing Tittensor Road.

35. MR WIGGIN: Yes.

36. MR MILLER: Bridleway 54 similarly comes down in this direction. You can’t quite see it under here and there’s a sort of stepped junction in here but the bridleway, people on horseback and, indeed, on foot could cross here. And then you get back down here on to Stab Lane and you go down to Swynnerton and then they get connected up with the other pink network down here or they can go off and ride their horses or whatever in whatever direction.

37. MR WIGGIN: So far so good. Okay.
38. MR MILLER: So the original plan with HS2 is to bring the non-motorised users this ability to have a bridleway type of network down across the accommodation structure here and get back on to the Tittensor Road.

39. When we looked at this in the round we realised that we’ve got to think very carefully about bridleways overall so what we then did was looked at Bridleway 54, had to realign that anyway to get that back on to a sort of slightly safer route, then get back on to the Stab Lane – sorry, our revised Tittensor Road, I should say – and then you can see in here our considerations to sort of take that alongside partly the mitigation and then get back on to the road.

40. MR WIGGIN: No problem.

41. MR MILLER: And then what we’re doing here is we’re maintaining the bridleway provision, taking it back the other way around, keeping it tight into the railway alignment here, so far as we can, and then to take that through the mitigation that’s planned here up to that road. There will be a connection across the road. There’ll be a safe verge down here for bridleway users and non-motorised users and then they get back on to the path that they currently enjoy. So that’s the consideration and that’s –

42. MR WIGGIN: That’s super. What is the blue dotted line?

43. MR MILLER: Well, the blue dotted line on this slide is showing what we had before and that now takes that pathway away from the accommodation. So that means that Sandyford Farm, they don’t have that going through their farm and through their accommodation back round to there. So we’ve altered this entirely. So we’ve shifted it all to the north of the route alignment here.

44. MR WIGGIN: That’s what I wanted to hear. Thank you very much indeed. I’m very happy with that.

45. MRS MURRAY: I’ve got no more questions. That’s fine.

46. THE CHAIR: Sandy?

47. MR MARTIN: Yes. So speaking up on behalf of the footpath and bridleway users, can I be assured that there will be a safe footpath alongside the – or footway
alongside the road on your new bridge over the railway?

48. MR MILLER: In here? Indeed there is, and I asked this question of the engineers yesterday and there’s an additional width on that bridge of some 4.3 metres, which provides the separation between the carriageway and those using the footpath and bridleway.

49. MR WIGGIN: I’m very assured. Thank you, Mr Miller. Super. Thank you so much.

50. THE CHAIR: Could I just – before you go, where it says ‘point A’, above that there’s that ‘BW24’. Is that a bridleway?

51. MR MILLER: It is. That’s that odd bit of bridleway which seems to be left over. It exists in law as a bridleway so it can take a variety of users, not just pedestrians. But, as I understand it, the footpath here does connect on to the Bridleway 24, albeit you do have to cross the A51.

52. THE CHAIR: But that’s all existing. You’re not making any changes to that at all.

53. MR MILLER: No, no.


55. MR WIGGIN: Thanks, Mr Miller. Good.

Peter and Lorraine Bailey

56. THE CHAIR: Okay? Before we come to you Mr Bailey to hear your petition, just to remind you that most effective petitioners we’ve heard so far tell us early and up front what they’d like, why and if they can’t get it how we can mitigate for them. With that in mind, over to you.

Submissions by Mr Simon Bailey

57. MR SIMON BAILEY: Morning, Committee. My name’s Simon Bailey. I’m presenting the petition on behalf of my parents Peter and Lorraine Bailey. Lorraine is down with me today and my father Peter isn’t today; generally he can’t travel too far
due to his age and health.

58. Essentially, the aim of the petition and the fear the petitioners have revolves around the scale, scope, duration of the works, the proximity of their residence to the works and, primarily, existing health issues, which are mostly breathing difficulty, related asthma, COPD, which is chronic obstructive pulmonary disease, and essentially they’re looking for HS2 to compulsory purchase this property from themselves so they don’t have to live in that property whilst these works are going on.

59. THE CHAIR: Have you got a map of the property so that we can –?

60. MR SIMON BAILEY: Yes, I’ll bring those up. I’ll go into further details on these matters. They did notice that Highways England will look at cases and, obviously, HS2 will look at special circumstances where, let’s say, for Highways England they will look at purchasing properties if the works – if they’re not highly safeguarded and don’t fall under statutory blight or other discretionary schemes – if the medical conditions of the occupants or dependents living with them is really aggravated by the physical effects of the scheme. And the sense of that is what the petitioners today.

61. That is not one of mine. That’s one of – I want to bring up –

62. THE CHAIR: Feel free to use HS2’s. I just grabbed P839, and that gave some degree of orientation.

63. MR SIMON BAILEY: Yes. This safeguarding map of HS2 shows the property outlined in red. There’s some technical issues around what the property is regarding title deeds and stuff like that but that’s fine for the purposes. It’s probably not the best one to illustrate the scope of the works. There’s one –

64. THE CHAIR: Can I just check on that? So the main part of the property is outside the Bill limits but part of the access road is in the Bill limits.

65. MR SIMON BAILEY: Yes. That’s safeguarded for up to one year for temporary use as a haul route by HS2.

66. THE CHAIR: Okay.

67. MR SIMON BAILEY: So essentially you have the back of the property where the
thin line extends to the north of the property and that will be access to the satellite compound, which is south of the Whitmore Heath tunnel. So that will be vans, cars. There’ll be up to 100 per day and up to 140 per day during peak times of the Whitmore Heath satellite compound. The area to the bottom, which crosses over the driveway, is a proposed haul route, which HS2 is proposing to use up to one year and so, obviously, they can then access the A53 or the temporary diversion to the A53 further south of the A53. To the east of the driveway they propose to put a temporary roundabout in place there and you can see where the tunnel begins and the major works associated with that and there’s sometimes multiple material transport transferring those.

68. And the key to this petition is the scale of the works, scope of the works, the duration of the works and the residents’ particular sensitivity to air quality. The scale of the works – and even with the best will in the world, mitigation measures are unlikely to stop particularly dust, dust particles. The ground there, geological surveys and bore hole tests show it’s pretty much sand and gravel below the topsoil.

69. THE CHAIR: Okay. Could we just get up P840? And we’ve got a mouse if you want to point at anything as you’re going along. That might help us.

70. So can I just cut across a little bit? Is there an offer already?

71. MR SIMON BAILEY: No. We’ve put in a blight notice because of the land being safeguarded but because of the temporary use that was rejected. There’s been no other offers other than look at need-to-sell but the need-to-sell is because of the fear of health deterioration caused by these works, HS2’s works. I think it’s quite sort of uniquely positioned because there’s a south-westerly prevailing wind, which means essentially from the bottom of the map upwards is the prevailing wind direction. So any works and any dust created in those areas is going to be carried across the property. And it’s difficult to predict what levels those will be at but we know locally from Norton Bridge that there will be problems and particularly when the geology is saying that it is sand and gravel they’ll be working with.

72. THE CHAIR: Could I just pause you? HS2? What can we do for these people?
Response by Ms Lean

73. MS LEAN (DfT): Sir, we’ve written to Mr and Mrs Bailey I think last week, P847, which has outlined a couple of options that are open to them. We’ve set out there the impact on the property and the reference to the blight application. If you could go over to P872? And we have, obviously, identified that it would be open to them to make an application under the need-to-sell. I know you’ve heard about this and how health considerations can be a reason put forward as to why the need to sell is there but we’ve also identified in the last substantive paragraph before the heading ‘Additional Provision’ that if they don’t consider that need-to-sell’s applicable to their circumstances they could ask the Secretary of State to consider purchasing their property under the atypical or special circumstances provisions in the need-to-sell guidance.

74. So those are two options that are open there. But just, if I may, to add we’ve also set out in that letter that clearly some work’s going forward towards an additional provision in this area. I think you heard about this from Mr Mould when you were hearing the case about the tunnel, about moving the southern portal in a way to avoid the impact on the A53 realignment, which is the most immediate work affecting this petitioner’s property, and suggesting that, obviously, that is coming forward through the autumn and obviously it would be open to these petitioners they might want to consider what the position looks like once they’ve seen the detail of that to make an informed decision on that point.

75. MR WIGGIN: Is it better or worse?

76. MS LEAN (DfT): Well, I think we’ve set out in the letter that it should avoid the need to use that part of their property that is in the Bill scheme and obviously the construction activities will be different in the area. I can’t at the moment say because the work’s ongoing exactly what that will mean but that’s just one suggestion of perhaps you may want to wait and see what happens with AP2 and then there are the options to make those applications.

77. THE CHAIR: Sandy?

78. MR MARTIN: Yes. Thank you very much. With all due respect, Ms Lean,
you’re speaking very much as a lawyer would speak and making it quite difficult to understand what you’re talking about but the truth is that, so long as this alternative provision goes ahead, the A53 will not actually be realigned at all and the construction will move to the south-east so that it will be further away from the applicants’ property. Is that not true?

79. MS LEAN (DfT): There will certainly be changes to how the construction is dealt with because the portal will be moving to the south-east –

80. MR MARTIN: Yes, but –

81. MS LEAN (DfT): I just don’t want to sit here and say, ‘It will definitely all move away’ –

82. MR MARTIN: Well, okay. Perhaps Mr Miller would be willing to say that, then, because I can’t see the point in raising it as an issue at all if the A53 is still going to be realigned. It’s not going to be realigned, is it?

83. MR MILLER: Do you want me to…?

84. THE CHAIR: Yes, please come forward. Sorry, I’ve cut across, Mr Bailey, but I think probably it’s going to be to your benefit.

85. MR SIMON BAILEY: I think it’s worth pursuing the findings of this.

Evidence of Mr Miller

86. MR MILLER: I’ll try and give you, because we haven’t actually got plans together at the moment, but to give you an understanding of what’s likely to happen, the tunnel portal, as you know –

87. THE CHAIR: We’re not looking at the same thing as you at the moment.

88. MR MILLER: Oh, sorry. Can we get P840 up, because Mr Bailey did a very good description of what’s happening now, and you can see on here the effect on – sorry, if I could have the mouse. So this is the property here. This is the drive, as I understand it, and these are our haul routes that we’ve become familiar with just recently. And you can see this is the current plan where we’re shifting the A53 around
because we’ve got a tunnel portal location to the south of Whitmore, just to the north of the A53 here. Now the further work that’s being done at the moment is to bring the tunnel portal down to an area in this location and what that will do is it will shift the construction activities, which will get concentrated on this side of the A53. So we don’t have all of the details in place at the moment to say precisely how that is going to be constructed and exactly what the haul routes are but every indication is that these sorts of works here are going to be moving over in this direction here.

89. MR WIGGIN: What distance is that, because I can’t see the scale terribly well? It’s about 500 metres, isn’t it?

90. MR MILLER: Yes. It will be something of that sort of –

91. MR WIGGIN: Okay.

92. MR MILLER: Someone will shout in the background if we’ve got that wrong. But broadly it’s going to come out in this place here because we’re going to have to cut in to the ground at this point to get the tunnel portal in and we can’t go too far this way because I think Mr Smart gave some evidence about the Meece Brook and how to cross that.

93. So there’s a degree of comfort around that but until we actually get the detail of what the construction methods are in there we won’t know precisely what the effects are on that road or on this property. So I think what Ms Lean was talking about is there is a little bit more to come before we can sort of move with a better understanding of the effect on the petitioners’ property.

94. MR WIGGIN: May I ask a question?

95. THE CHAIR: Yes.

96. MR WIGGIN: On R286(19) that section 7 has the compulsory compensation available and it does seem to look almost exactly like the request that the petitioners have made. Is there any reason why it shouldn’t be purchased? And does it look the same? It does to me but –

97. MS LEAN (DfT): I think the nuance in this case, sir, is that, because we’re not
compulsory acquiring any of the land or the property, it’s only in the schedule of the Bill which provides for temporary use powers. That’s the basis on – I’m sorry, it’s a –

98. MR WIGGIN: No. That’s what I wanted to hear from you, why –

99. MS LEAN (DfT): But that’s the basis on which the notice was countered is because no part of the land is proposed to be acquired for the scheme. It’s only temporary use. So that’s why we wouldn’t be in this sort of context at the moment; you’d be into the compensation provisions for temporary use under the Bill.

100. THE CHAIR: Sheryl?

101. MRS MURRAY: Surely we’ve heard in the past that you can apply under if you’ve got exceptional reasons. Regardless as to whether you’re moving the tunnel portal or not, it’s still going to have an adverse effect on Mr Bailey’s health. And you’re not going to be able to stop the effect of haul roads. You’re not going to be able to stop the effect of compounds on the health of Mr Bailey. If we are absolutely realistic here, there’s a really good case to ask for this to be treated in exceptional circumstances, in my opinion.

102. MS LEAN (DfT): If Mr and Mrs Bailey would like this to be looked at under the atypical special circumstances then obviously the promoter can and will do that.

103. MRS MURRAY: Have you had any dialogue with them to really explain this to them?

104. MS LEAN (DfT): I understand there was a meeting with Mr and Mrs Bailey about the time that the counter notice was served to the blight notice because they were pursuing the blight notice option previously but I know that was only relatively recently –

105. MRS MURRAY: Perhaps Mr Bailey could –

106. MR SIMON BAILEY: I wasn’t in attendance at that. My parents, Peter Bailey and Lorraine Bailey, attended at a meeting and the atypical special circumstances wasn’t brought up in that meeting. We were told, my parents were told, ‘Your options are need-to-sell’. And they don’t want to move. They don’t have a need to sell at the
moment right now but if the works continue they fear it will be caused by the works that need to sell, which wouldn’t be right and it would be proper they’re treated fairly.

107. MRS MURRAY: Mr Bailey, if that wasn’t pointed out I think that’s quite disappointing.

108. MR WIGGIN: The trouble with need-to-sell is you may need to sell before you’re actually ill and, therefore, waiting and seeing is slightly more risky, perhaps.

109. THE CHAIR: Sandy?

110. MR MARTIN: Yes. Sorry, Mr Miller, I’m not sure that I necessarily got the clearest possible picture from your evidence just now. Can we go back to 840? Sir, on this map, am I right in thinking that there will be no roundabout on the A53?

111. MR MILLER: I don’t believe there’ll be a need for a roundabout on the A53.

112. MR MARTIN: And there won’t be any haul roads going up to that roundabout because you won’t need them to go up to that roundabout.

113. MR MILLER: I’m not entirely sure about the haul roads at the moment but I don’t believe there’ll be a need for a roundabout there.

114. MR MARTIN: Okay. And there won’t be a need for realigning the A53 or the junction with the petitioners’ property or any need to use any part of the petitioners’ property for that realignment.

115. MR MILLER: I don’t believe so, no.

116. MR MARTIN: All right. Okay. Will the compound, the big orange compound, that will still be needed, presumably?

117. MR MILLER: There will be a need for a compound in this location but what I’m suggesting and I’m giving you this as sort of evidence in chief rather than showing you a plan, which is carefully worked out like this one, that will likely shift towards the new tunnel portal location because all of the works will be taking place in the vicinity of the tunnel portal itself.

118. MR MARTIN: So it’s quite likely that that big orange compound will actually be
on the other side of the A53.

119. MR MILLER: Yes. That’s what I explained is that everything will be shifting in this direction and will go into a sort of south-easterly direction in this area here.

120. MR MARTIN: Thank you very much.

121. THE CHAIR: What’s the market value of the property unblighted?

122. MR SIMON BAILEY: 1.25, in the region of.

123. Going on to the – we’re aware that looking at the option of extending the tunnel further south and that would make a difference to the petitioners. I think in today’s – they would like an assurance or an undertaking HS2 is saying, as it stands today in the proposed scheme, they would look at or will compulsory purchase the property. However, obviously, if the change is made then that will change the circumstances and that will need to be addressed at that point.

124. THE CHAIR: Are your parents happy to have options and then take them subsequently? They’re not wanting to make a decision as soon as possible.

125. MR SIMON BAILEY: Mum?

126. MRS BAILEY: We’d prefer to make a decision.

127. THE CHAIR: You’d prefer to make a decision as soon as possible.

128. MR SIMON BAILEY: Yes.

129. THE CHAIR: THE CHAIR: Okay. So, it would be helpful if we made a definitive decision either with regard to AP2 or without regard to AP2.

130. MS LEAN (DfT): Sir, I think in terms of assurances or undertakings that HS2 can give today, I think all I can do is say that we can take this certainly as a request for them to be considered to be purchased under atypical special circumstances on, I assume, terms other than just unblighted market value. I can ask for consideration to be given to that request, obviously as well in light of what we’ve heard today, but I’m afraid I don’t think I can give an assurance or a commitment that HS2 would purchase it on those terms on the Bill scheme because there is a process and a decision making process that
would need to be gone through in the organisation.

131. THE CHAIR: Okay, well we’ll consider that and see if we want to cut across that bureaucracy or leave the process to find its own feet. I think we’ve heard what we need to Mr Bailey. We’ve been relatively unstructured but I think I’m clear with what you and your parents want.

132. MR SIMON BAILEY: Yes.

133. THE CHAIR: Are you happy? Okay? I suggest we move to the next petitioner.

TP and Mrs E Tabernor and Messrs A C and J P Tabernor

Submissions by Mr Meynell

134. THE CHAIR: Over to you, sir.

135. MR MEYNELL: Thank you very much. Good morning, ladies and gentlemen. I sent through a short summary of our statement of case last week.

136. MR WIGGIN: Yes, very helpful.

137. MR MEYNELL: I’m pleased to say we have made some progress in the last few hours by an assurance that has been issued that goes some way towards meeting our objection by way of bringing forward an additional provision. However, the point that we are concerned to clarify is actually the definition of what will come forward by way of the additional provision. I don’t know whether you’ve got a copy of the additional provision that was offered yesterday afternoon.

138. MS LEAN (DfT): It’s P882.

139. THE CHAIR: You’re looking at AP2?

140. MS LEAN (DfT): Yes.

141. MR MEYNELL: It will be AP2, yes.

142. THE CHAIR: Right, I will be lenient but we are not considering AP2 now.

143. MR MEYNELL: I understand.
144. THE CHAIR: So, I’ll be a little lenient but not too much.

145. MR MEYNELL: No, I understand.

146. THE CHAIR: If this is AP2 evidence, it needs to come at a different juncture.

147. MR MEYNELL: No, I quite understand the process, sir. The point is that this was offered yesterday afternoon to overcome our petition today.

148. MRS MURRAY: So, HS2 have offered to include something in AP2?

149. THE CHAIR: Yes.

150. MRS MURRAY: Am I correct?

151. MS LEAN (DfT): Yes.

152. MR WIGGIN: Tell us the story.


154. MR MEYNELL: Right, well my concern is that we put forward a proposal in January 2017. This undertaking takes us some way towards our proposal, in fact a long way towards our proposal. The point that we just wish to clarify is actually on page 2 of this and that is the top paragraph there, option A40. At the present time, the proposed scheme includes A43B. There is now a proposal to bring forward a revision to A40 which describes the railway alignment described in paragraph 257 of the environmental statement. Is it possible to pull up please that page? So, at 257, this is from the environmental statement to the proposed scheme, option 4.0, so that’s the top of page 63, you can see in there, the wording here is our concern, ‘resulting in the demolition of one building associated with Moreton House Farm’, so one building. If we could then go over the page to the top, this is under paragraph 25.12, the first line on page 64 says it would require the ‘demolition of a residential property associated’. Our concern is to clarify precisely that point.

155. MR WIGGIN: So, which map have we got? P799 or 798?

156. MRS MURRAY: 798 which shows the Bill limits.
157. MR WIGGIN: And the route changes, the adjustment, does it?

158. MR MEYNELL: So, our simple question is, are we able to clarify in the wording of the environmental statement that the building now seeking to be demolished is the house?

159. THE CHAIR: Well, with your permission, I'll be a bit more lenient when we come back to summarise with time but I’m going to move to HS2 if that’s a simple clarification. Can I come to you now?

160. MS LEAN (DfT): Yes. I think the answer was, yes, the property that’s referred to is the residential property.

161. MR MARTIN: Chair, can we focus, because it’s just a mess at the moment, we can’t really see what’s going on. Can you show us which is the residential property that you’re proposing to demolish and why?

162. MR MEYNELL: It’s that point there; that’s the house.

163. MR MARTIN: Okay.

164. MR MEYNELL: Under this, this is predicated, this scheme, the proposed scheme is predicated on option 4.3B. The AP2 is likely to reverse the choice in the scheme from 4.3B to go back to 4.0 and 4.0 says that a building will be demolished. We’re merely seeking clarification that that will be the house.

165. MR MARTIN: Okay, well, so you’re happy? Or you’re not happy?

166. MR MEYNELL: Well, if we now hear that actually that is the case.

167. THE CHAIR: So, you’ve got clarification.

168. MR MARTIN: Can we hear why that house would be demolished because it’s not actually within the –

169. THE CHAIR: Okay, fair question.

170. MS LEAN (DfT): If it assists –
171. THE CHAIR: Do you want to get Mr Miller? I think it is helpful to use Mr Miller.

172. MS LEAN (DfT): Absolutely.

173. THE CHAIR: As we go through these, if you want to almost install yourself semi-permanently, that might be a better idea.

174. MR MILLER: Thank you very much.

175. THE CHAIR: Same question, Mr Miller.

**Evidence of Mr Miller**

176. MR MILLER: Okay. Just in this location you can see that the railway is in a cutting on this plan and what we are going to be doing is – sorry, it’s in a retained cutting in this location and the idea of that was to try and save the properties in this location. Through time, and from various discussions that we’ve had with people in this location, including this petitioner, we have modified our thinking around that cutting and what we’re going to do is we’re going to simplify the cutting here and take out the retaining wall here and bring it back to a more natural form of cutting. What that does, it will take into account that property there; I’ve got it right on the cursor and hopefully I’ve got it on that property. What that then does is remove the petitioner’s concerns about being in close proximity to the railway through this simplification and that’s agreeable through this assurance by all parties.

177. MR WIGGIN: So, they keep the farm but lose the house?

178. MR MILLER: Yes, I understand the rest of the buildings, and there are lots of other things, I’d have to go back to my notes.

179. THE CHAIR: So, it is the principal private residence of the farm or a –?

180. MR MEYNELL: No, it is the farmhouse.

181. THE CHAIR: It is the farmhouse.

182. MR WIGGIN: And they’ll build another somewhere else? And you’re happy with that, are you?
183. MR MEYNELL: We’re very happy with that.

184. MR WIGGIN: Well, that’s all right.

185. THE CHAIR: Right, is everyone happy and if you subsequently decide you’re unhappy you can petition against AP2.

186. MR MEYNELL: We would indeed, sir. It’s the clarification we require that the building referred to is indeed the house.

187. MR MARTIN: Can we ask –

188. THE CHAIR: We could, but I think the petitioner is happy and I’m reluctant to carry on, particularly seeing as you can petition against AP2.

189. MR MARTIN: Okay, okay, fine.

190. THE CHAIR: Everyone’s happy. Let’s move on to the next petition. Thank you very much.

191. MR MEYNELL: Thank you.

Keith and Gillian Ralls

Submissions by Mr Ralls

192. THE CHAIR: Mr Ralls, welcome. As ever, do tell us up front what you’d like, why and if you can’t get it, how we can mitigate for you. Take your time, sorry, if you want to get your papers together and there’s some water there if you need it.

193. MR RALLS: Well my name is Keith Ralls and I’m representing myself and my wife, Gillian. I’ve written a script; otherwise I shall ramble all over the place. So, if you would allow me to go through it please.

194. THE CHAIR: Stick to your script, yes. A couple of pages long?

195. MR RALLS: Yes.

196. THE CHAIR: Okay, go on.
197. MR RALLS: Maybe it’s two and a half.

198. THE CHAIR: Okay.

199. MR RALLS: We have two main issues. We consider that HS2 Ltd’s plan for a T-junction close to our property, namely Long Compton Farm near Swynnerton, is dangerous and that a roundabout is the only safe option and we are concerned that project HS2 will impact negatively on our property for reasons mentioned in our petition and which I will highlight.

200. MR WIGGIN: P848?

201. MR RALLS: Yes, P848 if you would please.

202. THE CHAIR: Can I just – Sandy, do you want to?

203. MR MARTIN: I can’t swear to this, Chair, because it gets a little bit confusing with the number of different roads and junctions that we’ve seen, but I’m fairly sure that this is one where we’ve actually already asked for a roundabout. Is that correct?

204. MR RALLS: Yes, if I can put it in perspective for you?

205. MR MARTIN: Yes, please.

206. MR RALLS: I took this issue, first of all, you can see where Long Compton Farm is there. In fact, the slide you had for Lord Stafford’s estate there, you were talking about bridle roads, is all leading to it. And having seen what’s said about bridle roads, I’m concerned at what you’ve done.

207. THE CHAIR: Right, so just to clarify where the confusion is, Mr Ralls, the Committee have actually decided to instruct HS2 to put a roundabout there. We haven’t yet formally told HS2 that in any way, shape or form.

208. MR MARTIN: Right.

209. THE CHAIR: But I think it’s helpful, so you can focus on any remaining points or – it may be that you’re happy and it’s timely. Do you want to just digest that?

210. MR RALLS: Well, let me just say a couple of things from that. Yes, that’s the
property and, yes, I would like to see a roundabout there and I have had a meeting with HS2 in the last week where they’ve said that they’re investigating it but they didn’t say to me it was definitely going to happen.

211. THE CHAIR: They didn’t know, in fairness. They only found out today.

212. MR RALLS: My main emphasis today was to try and put the case as to why it really needs to be there. Now, you’ve decided to do that and I’m delighted to hear that.

213. THE CHAIR: Good.

214. MR RALLS: As far as I’m concerned, let me just give this perspective, my wife and I are – well I’ll be 80 later this year and she’s in her mid-70s. She’s lived there for 50 odd years and I’ve only been there for about 17 years but it’s a wonderful place as far as we’re concerned, we have our own oasis as it were, except that we’re right next to this A51 road. So, two issues for me: one is to try and maintain the value of our property with the roundabout. I mean, it’s not my first choice to live next to a roundabout but, given that or a T-junction, it’s by far a better solution. So, I can see the value of the property continuing. But, secondly, we are the stage where we need to move on. We need to be nearer urban areas where we can walk around, do what we want to do. At the moment, we have to drive everywhere. That’s not a problem for us, albeit we’re on this very fast road. The A51 is used like a racetrack by the motorbikes etc so, from that point of view, we will be applying for a form, some appropriate arrangement that you have for people in our circumstances. So, almost certainly we will move on but at least hopefully Swynnerton will have a way out on to this tricky road.

215. So, I think you’ve – I think perhaps I should say something about our property which has been concerning me and if I could go to slide A225(4). We’ve just been looking at the diagram. There’s the A51. There is part of the property. It’s an acre of land and there’s another triangle on to the right of this picture but on the left-hand side, you can see a trench. That’s to protect from storm water coming down this very steep hill, all clay, very hard and 20 years ago there was real damage and this was put in and it was a condition of our insurance. So, this catches and then there is a pond and a bleed into the next field, all gravity affected, and that particular bit has been the interest of HS2 because this – and I’m trying to draw a line, it’s about 10 yards from this boundary – is supposed to be purchased from us. We have a statement telling us definitely it’s
going to be purchased but when the meeting took place six days ago, there was recognition that this really is an ideal solution for this particular area and what I would like to hear is that is not going to happen. Now, I have had letters, Monday night and goodness knows what else, from HS2. It is not clear what the situation is there. The indication is that they don’t want to see this lost but there’s been no withdrawal of the desire to purchase this part here.

216. THE CHAIR: Just for clarity’s sake, from this it looks like the gradient is down towards the road but what you’re saying seems to imply it goes away?

217. MR RALLS: Yes, the helicopter. Can I just take you to a different picture and you’ll suddenly see the difference? Can we have 3, A225(3)?

218. THE CHAIR: Yes, that makes more sense of what you’re saying.

219. MR RALLS: All right, so this is the other way round, coming from the motorway which is behind us, about half a mile, and you can see definitely how the hill goes up. HS2, the route is just above the coppice on the left there and a straight line across, yes, I’ll take it across, that’s where the route goes, straight across there. So, it is uphill and this hill here is the problem for us.

220. THE CHAIR: Okay.

221. MR RALLS: So, I think that probably is the main issue. I would like to hear that you’re not going to purchase, if we can go back to the other one, it’s 4, I think. I’d like to hear that this strip here is not going to be purchased by HS2 which would be about 10% of our property. It’s an acre of land.

222. THE CHAIR: Okay, that’s very clear. Once we’ve heard from HS2 I will come back to you if there’s anything remaining. Do you want to take a short break? Comfort break, or do you want to get stuck straight in?

Response by Ms Lean

223. MS LEAN (DfT): I’m happy to go straight in, sir, if that’s helpful. In terms of why that parcel of land is in the Bill at the moment, it’s for creation of hedgerow habitat. We wrote to these petitioners on 25 June. It’s P876(2). This followed a meeting the
previous week.

224. THE CHAIR: That’s two days ago, not last year, isn’t it? 25 June?

225. MR RALLS: Yes, it is two days ago. It came in about 10.00 p.m.

226. THE CHAIR: Have you even got that, Mr Ralls?

227. MR RALLS: Sorry?

228. THE CHAIR: Has it arrived?

229. MR RALLS: Yes.

230. THE CHAIR: Okay, you’d be forgiven if that hadn’t –

231. MR RALLS: And it did come in – I’ve no argument with what HS2 is doing. It’s just the timing of this versus what’s been sent through.

232. THE CHAIR: Okay, let’s come back. So, Jacqueline Lean, I’ll let you finish and then go back to Mr Ralls, my fault.

233. MS LEAN (DfT): My apologies if I jumped years. So, there’s the letter which followed a meeting the previous week, as I understand it, P876(2) confirming there that we’re not intending to dig up an existing hedge and replace it with a hedge. What we need to do is essentially go and look at it and if it needs enhancing, to enhance. I’ll double check the position on that.

234. THE CHAIR: And you’ll make sure the drainage remains?

235. MS LEAN (DfT): And we’ve given an assurance on the previous page, 876(1) about not interfering with the drainage. I’ve heard the query asked specifically about do we need to purchase the land? I will take that away and check it. If it’s just for hedgerow creation, it would seem that would be one of those situations where we could do it under the temporary powers subject to the sort of restrictive provisions you’ve heard about on not doing anything to the hedge.

236. THE CHAIR: Everyone seems to be nodding.
MR WIGGIN: But Mr Ralls wanted to sell the house, didn’t he?

MR RALLS: I shall want to sell the house, yes.

MS LEAN (DfT): I understand from the conversations and engagement we’ve previously had from Mr and Mrs Ralls they may want to move at some point in the future as opposed to having an immediate proposal or a decision to move within the next couple of years, and they’re aware of the schemes that are available and that they are available until one year after the railway becomes open to the public so that there is time to take advantage of those.

THE CHAIR: Excellent. It sounds like, Mr Ralls, you’re getting everything that you want.

MR RALLS: If I can just explain, when HS2 was announced five and a half years ago, yes, we saw where the pathway went. We had no idea quite what impact it was going to have on us and, of course, everybody was talking about noise and things like this which is really relevant during the operational phase rather than the construction phase and really, as an engineer, I recognise the construction phase was going to be the worst thing for us relative to our ages. So, we had to wait to find out exactly what was being proposed and it’s only with this last, with the Bill going in and what went with the Bill that we saw that there was this road coming across, straight at us and hence the idea of the roundabout came about.

THE CHAIR: Okay, thank you.

MS LEAN (DfT): Sir, if I may just have one?

THE CHAIR: Yes.

MS LEAN (DfT): Obviously, the information I’ve given today is based on the scheme as is. One thing obviously we would just need to check in light of the Committee’s direction that a roundabout here is – I don’t know and I can’t speculate as to whether there might be any impact on this petitioner’s property as a result of that but clearly if there is, he would be able to petition AP2 against that so, just to be clear, all the information I’ve given today is based on the Bill scheme.
246. THE CHAIR: Yes, that’s fine. Thank you very much. I think we’ve got one more petitioner today but that has to be taken at 2.00 p.m., is that correct? So, we will now meet in private.