MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday 2 July 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Justine Thornton, QC, Counsel, Department for Transport

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WITNESSES:

Alan and Gillian Wilkinson
Ingestre Park Golf Club

Colin Smith, Property Consultant (HS2 Ltd)
Tim Smart, International Director for High Speed Rail, CH2M Hill

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IN PUBLIC SESSION
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(At 4.30 p.m.)

1. THE CHAIR: Welcome back. I understand HS2 would like to make a statement?

2. MS THORNTON QC (DfT): Yes, thank you, Sir.

3. THE CHAIR: Thank you.

**Statement from Ms Thornton QC**

4. MS THORNTON QC (DfT): Sir, members of the Committee, thank you for the opportunity to make a statement on behalf of HS2 about community engagement. We have reflected on the concerns expressed by the Committee last Thursday in relation to community engagement. Can I first put on the record that HS2 acknowledges that the railway will have a material and detrimental impact on the lives of some petitioners? HS2 also recognises that such disruption can be immensely stressful.

5. In these circumstances as promoter of the project, HS2 has a responsibility to alleviate the stress wherever possible. HS2 recognises that responsibility and also that whilst we work very hard and try to get it right, we don’t always do so, and when we don’t get it right, we can add to the stress experienced by petitioners.

6. We are continuing to try and improve our efforts on this and we have set out clearly how we intend to do that through the community engagement strategy and framework which we have previously shared with the committee.

7. We have noted the specific concerns expressed by the Committee last Wednesday regarding communications to individuals about the property schemes which might apply to their properties and the suggestion that information could have been better communicated in face to face meetings rather than letters which can, and has in some cases, caused confusion.

8. It has also become apparent that this may be a particular concern for areas such as Whitmore, which includes older members of the population who may not have as ready access to the internet and information available on line. Accordingly, we propose to introduce the following.

9. Firstly, we will make a specific named community engagement officer available
to Whitmore Heath residents. Secondly, we 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. We can offer transport for people to those surgeries if they need that.

10. These property advice surgeries have been provided elsewhere on the route where specifically needed, for example in Euston on Phase 1 and Hill Ridware on Phase 2A. Thirdly, we will roll out a newsletter to residents of this area to keep them informed of progress and what is happening. The newsletter should, we hope, be helpful in the context of elderly people who may not use the internet.

11. Four, we will continue to try and make sure we communicate in clear, simple terms about the property schemes. This is something we have worked with the independent residents’ commissioner on over the past couple of years and we will continue to do so.

12. In addition, we have reviewed the petitioners coming before you today in the context of the concerns you expressed last week. You will be hearing the petition of Mr and Mrs Wilkinson first this afternoon. They are unfortunately, an example of where we caused some confusion in our written communications with them, for which, on behalf of HS2, I apologise unreservedly. We have put forward a proposal for Mr and Mrs Wilkinson which I can elaborate on when we get to their petition, which is the first petition this afternoon.

13. Similarly, with Mr Smith, who is appearing later on, we hope the property advice surgery we propose to set up will be of assistance to him, if, as and when he has need.

14. Turning to the request by the Committee on 13 June that the promoter produce a report considering the mental health impacts of infrastructure projects. This is being taken forward by the Department for Transport, and whilst recognising the complexity of this, work is in progress and we’ll report back to the Committee before the Committee breaks for recess.

15. In summary, the report is looking at measures already in place to minimise stress, anxiety and depression. Secondly, reporting on discussions with other Government departments about this issue. Thirdly, a discussion of what issues could potentially be
causing stress, anxiety and depression, associated with HS2 and other major infrastructure schemes. And finally, possible actions we could take going forwards for future phases of HS2 or recommendations for future infrastructure projects.

16. Thank you for this opportunity to address you on this point.

17. THE CHAIR: Thank you for coming back to us on those issues. Moving now to today’s business. Before I come to you, Mr Wilkinson, I’m reminding all petitioners that the most effective petitioners tell us up front what they’d like, why, and if they can’t get it, how they can mitigate. On a more general note, to all petitioners today, we have already made an in principle decision not to tunnel. I will be lenient and allow some short representations on that issue, but I will close off any lengthy repetition of debates that we’ve already had throughout today, because we have already made an in principle decision. With that in mind, over to you, Mr Wilkinson.

**Alan and Gillian Wilkinson**

**Submissions by Mr Wilkinson**

18. MR WILKINSON: Thank you, Sir. I would say I represent a lot of those remarks you’ve just heard, so there we go. I shan’t be mentioning a tunnel in any way, shape or form.

19. My name is Alan Wilkinson, I live at Ravenswood, Snape Hall Road, Whitmore Heath, and I’m here to represent myself and my wife. I would like to thank you for allowing me to petition.

20. I’m here today to tell you about the dreadful experience my wife and I have had at the hands of HS2 and to ask you to instruct them to deal with me, and others, as the Secretary of Transport promised; with fairness, compassion and respect. I would also ask you to instruct HS2 to deal with me in a less cloak and dagger way, should I decide to submit a further blight application, as in hindsight, I feel HS2’s actions were setting me up to fail.

21. On Whitmore Heath, approximately 90% of the residents are elderly, and because of this, they have many health issues. My wife and I included. I was born in 1939, I’m 80 next year, and I am a youngster. My next door neighbour is 83, my neighbour on the
other side is 92. I have recovered from a stroke, the medics tell me was brought on by stress and the good things my friend to my left has just mentioned, many sleepless nights and it only now with the pills and potions that are keeping me going at times.

22. I can tell you also from recent experience, that HS2 have not lived up to the Secretary of State’s promise of how we should all be treated. However, in fairness, there has been one lady, the community engagement manager appointed to us, Becky Lewis is her name, who has always done her best to assist. In fact, she deserves a gong, but she was only able to pass on messages without any meaningful results, and since I petitioned, I am now not allowed to deal with her, only the petitioning team.

23. I can say as one of the group of residents, not an action group, that went out of their way to help HS2, who at that time, had no idea that to get under the A53 itself, under their current plan, would need to be raised to the height as they were talking about, or that Whitmore Heath was a disused sand and gravel pit. In fact, on the first occasion I met with Richard Johnston, the 2A manager, in March 2016, I can tell you, he was visibly shocked by what he was shown, and within a couple of weeks, engineers were brought round who were equally shocked.

24. It would not have been necessary to have made so many visits to our area had they promised in March 2016 that bore hole groundwork investigations would be carried out within a fortnight, but it was never kept.

25. Around that same time, I and other residents received personal letters via our MP, Sir Bill Cash from ministers and from Simon Kirby, the then HS2 Chief Executive Officer, promising imminent ground investigation and stated that Snape Hall Road would not be used by HGV, heavy goods vehicles.

26. The meeting that was held with us, was up for bore hole updates and the venue was paid for, not by HS2, but at the expense of the local people. We met in my house on two occasions, when we couldn’t get in the village hall. The fortnightly promises never materialised until two years later in March of this year. Mr Johnston certainly had us fooled.

27. I understand you will have a preliminary report on ground investigations this week, and I am looking forward to that, as my house had to be built on a 20 foot deep
raft before the sand and gravel, because it was full of instability.

28. I would like to turn to my personal situation with HS2. Because of health issues, and it was becoming obvious that the bore hole tests weren’t going to happen any time soon, and may come too late for me to make an informed decision, as it has for the 10people who have died since HS2 was announced. In March 2017, I decided to proceed with a need-to-sell application, it was obviously, the only show in town, and again, I would like to give praise where it is due. I can’t fault the help I received from Jennifer Cochrane, our case officer. I had informed my solicitor what was happening, and he was taking the necessary preparatory steps.

29. Then, on 17 July 2017, I was issued a notice stating that it was understood that I had an interest in the property described in the table in Schedule A of this notice, and that if the property is specified in Schedule A and not any of the other schedules, the Act will authorise the compulsory acquisition of the property, of the sub soil, or the under surface, or the airspace over that property, or the right to use or restrict the use of that property.

30. The notice then goes on to explain that if the property is specified in one or more schedules, B, C or D, the Act will only authorise one or more of the following categories – I don’t want to go through those categories particularly, but if the property is specified in D, they have to authorise only temporary possession to be take of the property.

31. Attached with the letter from Schedule A, was a description of my property as ‘woodland’, Ravenswood. I guess I’ve got about 3,000 trees. I’ve not been counting recently, but I live in the middle of a wood, so I guess – I wasn’t sure if they wanted the whole woodland or just some of it, but there you are.

32. With the above notice was a letter which said, ‘What does this mean for me? Your land/property as shown on the enclosed notice is needed for the new railway’. It goes on to say, ‘Schedule A contains a description of the land/property to be acquired’. The land on the notice says, woodland, Ravenswood. It goes on to say, ‘If your land/property is only listed in Schedule A’, which it is, ‘And not in any schedule, i.e. B, C or D’, which it is not, ‘This means that it can be compulsorily purchased if the Bill passes through Parliament’.
33. It goes on further to say that, ‘Not all land/property will be needed to be compulsorily purchased outright. In some cases, we may only need land/property for limited purposes or for limited time. In this case, the land/property will be listed in Schedules B-D’, which it wasn’t.

34. Confused? I am. I certainly was. So I consulted my family solicitor, who agreed with my interpretation that woodland, Ravenswood, was in Schedule A and would be acquired, as it was not in any other schedule. So, he stopped the work on putting together the package I already have got, and returned all my paperwork, so I could pursue the blight issue.

35. On 1 August 2017, I wrote to the then minister, Paul Maynard, copied in my MP and the residents’ commission, who replied on 16 August. She said her focus is on how the communication with the residents of Whitmore Heath took place regarding the use of Snape Hall Road. She urged me to respond to the consultation, which I did. She also urged me to continue with the application for need-to-sell saying that any confirmation of safeguarding which may affect my land would be known towards the end of the year, and I would then be in a position to make a decision on whether to accept my need-to-sell scheme offer or I may be able to pursue a blight notice application. Good advice, I thought, especially as I now understand that the residents’ commission does not usually deal with residents.

36. I also called Jennifer Cochrane of the NTS team and informed her of this new situation. She confirmed it was no problem to them and if I applied for blight and was successful, just to call her and tell her.

37. On 27 September I received a letter from HS2 in relation to public road, Snape Hall Road and Ravenswood, Snape Hall Road. This letter confirmed that some of my property remains in the safeguarded area and that this means, should I wish, I can now request the Government purchase my property by submitting a blight notice. It goes on to tell me all the entitlements of blight and I’m not going to go over that.

38. Apparently, all the neighbours on Snape Hall Road received the same letter on 27 September 2017, as I have, stating safeguarding directions much the same as my own letter. But, this was only related to public road Snape Hall Road, not public road Snape Hall Road and their property.
39. They then received a further letter on 6 December rescinding this. I never received such a letter. I made three applications for blight, but it was not until 17 June 2018, after the day for appeal of the counter notice that it was pointed out that every application started from scratch.

40. On my first application, my solicitor forgot to cross out the we’s and the I’s, and I was instructed by the DfT as to what documents to submit in writing. No mention of it being a fresh application. With my second application, I supplied what was requested; my attempt to sell my house under need-to-sell, necessarily proofs etc, and these were sent back to me with a letter thanking me and saying that a decision would be made within two months.

41. I was then asked for additional information, utility bills, etc as proof that I still lived in the property. They had my deeds as well, but there you go.

42. During a telephone conversation with Mrs Flecknoe, I made a joke, not very often nowadays, but I did one. I can’t remember what it was, but a male voice laughed. I had no idea up until that point that Mr Conway Moore, who I believe is here today, I don’t know him, have never met him, but he was eavesdropping on my call, which I found most disturbing. However, he then chipped in on the conversation, and I accepted that, and suggested that I get a letter from an estate agent or likewise, or a valuer, quoting certain paragraphs from the ES report of HS2 regarding Snape Hall Road, which I did. I had no idea that this was going to be used as my proof of an attempt to sell my property as it most certainly wasn’t.

43. At no time was I told that any correspondence I had submitted had to be resubmitted for each application, nor that the additional information I was asked to supply as proof that I still lived in the house with my wife was inadequate. My wife’s proof that she still lived at the property was included and the proof of attempt to sell submitted with the second application was never questioned, just mine.

44. As I said earlier, in retrospect, I feel I was being set up to fail. On 9 May, Mrs Flecknoe rang me to tell me our blight notice had been turned down, for one reason or another, that land was only needed for nine months. I said I wanted confirmation by post before commenting…
45. THE CHAIR: Mr Wilkinson, can I just cut to the chase a little bit?

46. MR WILKINSON: Yes of course.

47. THE CHAIR: I’m going to ask you a question: what do you want? And then, with your permission, going to come to HS2 to hear from them, and then be lenient with you in summation, because I’m hoping things will – that will move things on a little bit faster. So what do you want?

48. MR WILKINSON: I want to be treated fairly, and honesty.

49. THE CHAIR: And what does that mean in terms of detail?

50. MR WILKINSON: It means – well, the point that I would like to make to you, Sir, is that they made it – the served me with a safeguarding notice which introduces blight. Now, they aren’t denying the fact that they served it, but they’re denying the fact that it isn’t in the schedule, the Schedule A. They say, ‘Oh, we only want it for –’, in fact, if I just went on a little further, I’d cover that point.

51. THE CHAIR: Can we just get straight to that point, because I’m –

52. MR WHITFIELD: I wonder Mr Wilkinson, whether or not – because I look in your petition and you very eloquently set out the problems of the way that you’ve been treated, and I wonder whether if we listen to Ms Thornton what she has to say, because I think you’ve indicated you had something in the statement you previously made about this very specific case.

53. MS THORNTON QC (DfT): Yes.

54. MR WHITFIELD: And maybe then be in our position to aid and assist you, Mr Wilkinson, about how we think they are proposing to treat you. This doesn’t put right anything that’s happened in the past, but what – between this day forward. I think it may be useful.

55. MR WILKINSON: I don’t want it to happen to anybody else.

56. MR WHITFIELD: No absolutely, I appreciate that.

Response by Ms Thornton

58. MS THORNTON QC (DfT): As I’ve said, members of the Committee, I accept that HS2 has caused Mr and Mrs Wilkinson unnecessary confusion in our written communications with them, for which, on behalf of HS2, I apologise. Mr and Mrs Wilkinson have an offer from HS2 to buy their house under the need-to-sell discretionary scheme. That offer remains live until 2020.

59. Having reviewed Mr and Mrs Wilkinson’s petition, we are of the view that their petition is, in essence, an application to have the offer, under the need-to-sell scheme upgraded to full compulsory purchase terms, namely moving costs and stamp duty, as well as the unblighted market value, which we have offered, and their reasons for this request are based on ill health.

60. In light of that petition, and recent changes in their circumstances, we intend to treat Mr and Mrs Wilkinson’s petition as an application for further assistance on the basis of their special circumstances. HS2’s head of property acquisitions, Mr Eckhart is sitting behind me. He has spoken with Mr Wilkinson in the corridor outside and explained the application for special circumstances and the evidence required that Mr and Mrs Wilkinson will need to put forward.

61. Mr Eckhart will be available for further discussions after this hearing to provide the advice and assistance we propose in the property surgeries I have referred you to earlier.

62. Members of the Committee, the Department for Transport will need to determine any application for special circumstances, and at this stage, without having seen the evidence, I simply can’t say whether or not Mr and Mrs Wilkinson will be successful; it will depend on what that evidence says, but nonetheless, HS2 will ensure that Mr and Mrs Wilkinson get the advice and the assistance they need to get the best application they can.

63. In terms of timing, if Mr and Mrs Wilkinson can, with our assistance, get any further information to us by the end of this week, the Department for Transport has confirmed it will be able to consider and determine their application by 16 July, in order to give them the opportunity to return before you before the summer recess, if
considered necessary.

64. THE CHAIR: Sheryll Murray.

65. MRS MURRAY: Just very quickly, and I’ve – we don’t want to prolong this too much, but I looked at the map and presumably, the original blight notice was issued because part of the road – it’s a very tiny strip along the road that Mr Wilkinson’s land falls in, am I correct?

66. MS THORNTON QC (DfT): Yes.

67. MRS MURRAY: And that was presumably for possibly widening the road?

68. MS THORNTON QC (DfT): Yes.

69. MRS MURRAY: And then it was decided that that wasn’t necessary?

70. MS THORNTON QC (DfT): It’s necessary but it will only take nine months.

71. MRS MURRAY: Right. And I presume it was an error in the letter written to Mr Wilkinson saying that his offer would only last for 12 months, is that correct?

72. MS THORNTON QC (DfT): That was an error.

73. MRS MURRAY: So it was an error on the part of HS2?

74. MS THORNTON QC (DfT): Yes. Yes, we subsequently clarified but it was –

75. MRS MURRAY: What you’re trying to do now is to rectify that?

76. MS THORNTON QC (DfT): Yes, yes.

77. MRS MURRAY: Thank you very much.

78. THE CHAIR: Any questions from the Committee before we go back to Mr Wilkinson?

79. MR WHITFIELD: Ms Thornton, Mr Wilkinson has pointed out that every time he resubmitted his blight application, he was being required to resubmit all of the additional evidence. I note in the offer that HS2 have made today, they’re talking about
additional evidence; I wonder whether or not HS2 are requiring all of Mr Wilkinson’s evidence again, or whether he’s actually managed to bring together the applications so that you’ll be able to indicate to Mr Wilkinson very specifically what evidence is missing?

80. MS THORNTON QC (DfT): Yes, I think that’s a very sensible suggestion. I don’t know the answer to that, but I think it’s eminently sensible that we should do that.

81. MR WHITFIELD: Rather than expect Mr Wilkinson to go all the way back to square one?

82. MS THORNTON QC (DfT): Exactly.

83. MR WILKINSON: I did incidentally supply all the information that I supplied to the NTS team which they returned to me.

84. MR WHITFIELD: Yes.

85. MR WILKINSON: It was acceptable for the NTS team but it didn’t seem to be acceptable for this team. Which is rather sad.

86. MS THORNTON QC (DfT): Yes. Mr Eckhart has confirmed that we will do exactly that.

87. THE CHAIR: Thank you. Mr Wilkinson?

88. MR WILKINSON: I didn’t…

89. THE CHAIR: I want to leave you the option to say – I mean, it sounds like progress has been made, but I’m very conscious that nobody should be treated in the way that you’ve been treated.

90. MR WILKINSON: Thank you.

91. THE CHAIR: I’m very conscious that we’re not just dealing with an individual case, we’re trying to learn lessons for this phase and for other Government activities, so if it was just about yourself, I’d perhaps encourage you to close there but I’m happy to hear if you’ve got some other words of wisdom that we can learn from to protect other people in the future. More comments, sorry.
92. MR WILKINSON: I wouldn’t like to say words of wisdom.

93. THE CHAIR: You’re more experienced in this sadly, that you needed to be.

94. MR WILKINSON: Well, I don’t know about that. Flattery will get you everywhere, Sir. What can I say? The other thing I do object to is eavesdropping on my telephone calls. They have now told me that they will eavesdrop on my telephone calls in fairness to them, but I still don’t like it. If I speak to anybody because I petition before you here, then I have to only have a listening in by another petitioning officer. I’ve got no problems with that, but it just doesn’t seem right, I’m sorry, if that’s the case to be honest with you, and I can imagine my neighbours, a couple of them – I told you one was 92, I can imagine what he’d say. He’d be frightened to death.

95. So, I can’t really go furthermore to you. I wasn’t happy with what came back from the Ministry when he turned me down, because the three reasons he turned me down were totally incorrect, and basically, I’d got it all here written down, but you’ve closed me off, actually, so it’s a bit hard to say. I’ll just have to see what HS2 come up with.

96. THE CHAIR: Do that, and if there was more material that you had prepared, perhaps if you can send that through the clerk and we can consider that again in two regards; firstly, if things don’t conclude to your satisfaction and our satisfaction, but also the broader principle which I think the Committee will want to learn from. Sheryll Murray?

97. MRS MURRAY: Chairman, I think we should have an explanation about the listening in on the telephone conversation. I know sometimes people start a conversation with a recorded message saying, ‘Your conversation could be recorded’, or something like that, so the person on the other end of the phone, who can’t see, fully appreciates the situation. Could you just clarify to me what happened here?

98. MS THORNTON QC (DfT): Yes, I have got a note – sorry, I’ve had a note passed to me, that I think there’s been some unfortunate confusion. Introductions were made on the call and it may be that it wasn’t heard, but it was made clear that…

99. MRS MURRAY: So it was a conference call?
100. MS THORNTON QC (DfT): Yes.

101. MRS MURRAY: As opposed to a one to one telephone conversation?

102. MRS THORNTON QC (DfT): Yes.

103. MR WILKINSON: May I just say that was only on one. Since then they have rang me to tell me that every call will be eavesdropped by –

104. MRS MURRAY: If it’s a conference call, I think they should have explained to you what a conference call was.

105. MR WILKINSON: Yes.

106. MRS MURRAY: And again, maybe – and you’ve acknowledge that communication could be better, so maybe in future, you could make it absolutely clear that the person on the – or, as part of the conference call, is fully aware of what that means?

107. MS THORNTON QC (DfT): Yes, we will do that.

108. THE CHAIR: I imagine whilst we’re aware of what a conference call is, most members of the public have never participated in one and have no idea what a conference call is.

109. MS THORNTON QC (DfT): Yes.

110. THE CHAIR: A lesson to learn. Thank you very much for petitioning. And we’ll now see the next petitioner, thank you.

111. MR WILKINSON: Thank you.

112. THE CHAIR: Thank you for coming, good afternoon, Mr Jones. Remind you, all petitioners, the most effective petitioners are the ones that tell us up front what they want, why and if they can’t get it, how we can mitigate for them. So, do give us the full detail, but if you can be clear what you want, that helps us give you what you want.

Ingestre Park Golf Club

112. THE CHAIR: Thank you for coming, good afternoon, Mr Jones. Remind you, all petitioners, the most effective petitioners are the ones that tell us up front what they want, why and if they can’t get it, how we can mitigate for them. So, do give us the full detail, but if you can be clear what you want, that helps us give you what you want.
Submissions by Mr Jones

113. MR JONES: Absolutely Mr Chairman, yes. I’m very confident that we’ve satisfied at least two of those three requests that you’ve just made, and we will endeavour to – the third one is how you can mitigate it, maybe a different question, but the first two, certainly.

114. THE CHAIR: Okay. Over to you.

115. MR JONES: First of all if myself or my colleagues stumble on our words, it is a nerve wracking experience and we are representing 690 members of Ingestre Park and also 32 members of staff whose jobs are at stake, so –

116. THE CHAIR: Don’t worry, if I was you, I’d be terrified. We’re not actually that scary. Most of us are normal people.

117. MR JONES: I’m quite pleased that we’re in slightly before that we had to come on stage, for want of a better description, so yes, I am little calmer than I might have been before.

118. THE CHAIR: Good.

119. MR JONES: If we could have a look at slide A244(1) please. This is Ingestre Park Golf Club. We’re here representing the 690 member of Ingestre. This picture shows you our beautiful 18 hole golf course set in the tranquil village of Ingestre Park.

120. We are here today in the hope that the Committee will agree that it is only fair that we are duly compensated for the impact of the HS2 line with Rule 5 of the compensation code equivalent reinstatement by way of complete relocation of our golf club. Could we look at A244(2) please?

121. This image shows the impact of HS2 as the line bisects the golf club. And moving onto 244(3) please. The line enters the eastern edge of the course marked as an 18 fairway on the Trent north embankment, which is up to 13 metres high and up to 200 metres wide, including mitigation works, and runs for 200 metres. It then enters the Brancote south cutting and runs through the course for a further 650 metres from the vicinity of the 11th green to the 5th hole. The cutting is up to 17.1 metres in depth, and
up to 250 metres wide, again including mitigation works. If we go to 244(4) please, and that’s not easy to say.

122. This is a 30 second fly over which we submitted in advance to you; whether you want to run the 30 second fly over, if technology allows?

123. THE CHAIR: Yes, definitely.

124. MR WHITFIELD: That’s the right sort of time zone.

Video played

125. MR JONES: You can see from that the beautiful grounds our club is set in. With a lot of historical relevance. Thank you. Can we go to 244(5) please?

126. These are statements from HS2’s environmental statement, acknowledging the effects on the club. Approximately 24.4, or 47% of Ingestre Park Golf Club will either be permanently lost or severed from the club house. This will result in the loss of seven holes, that’s negotiable, we feel it’s more like 12, of the golf course. This loss will mean that the club will be unable to function in its current arrangement.

127. They also add would require the permanent acquisition of land from Ingestre Park Golf Club for the alignment of the route, thereby impairing the operation of this facility. Can we go to 244(6) please? This is the part you wanted, Mr Chairman, what are we asking for?

128. Our petition is simple; we believe that we are a specialised property for which there is no general demand or market, and therefore compensation be assessed on the basis of Rule 5 equivalent reinstatement by way of complete relocation of the golf club.

129. We ask that the promoter acquires the entire golf course in return for, amongst other things, a new replacement 18 hole golf course and club house, green keepers sheds and practice facilities. Alternative sites within a five mile radius have been identified and we request that our preferred site is acquired by the promoter.

130. During the course of correspondence, be that at a minimum between ourselves and HS2, in support of this slide, on 3 March 2016, a meeting took place at HS2’s offices in Snow Hill, whereby Charlotte Bowen, a senior community and stakeholder
engagement advisor said in an email response to us after this meeting, ‘It is recommended moving forward that someone representing HS2 is at meetings with local authority planners in any discussions regarding the golf course application, alongside the planning consultant to be appointed by Ingestre Park Golf Club. HS2’s involvement in the planning issues associated with the golf course will also send out the message to the local authority planners that HS2 fully endorse the relocation of the facility to a new site. The new case for the golf course is likely to be critical in any planning decision’.

131. Also at that meeting, we made it clear to HS2 that should they acquire our land, and relocate us to an alternative site, that our land, club house, would be available for use, our car park would be available for use. However, quite unbelievably, when we mention that again to HS2 in November 2017, they asked as if they could record that. Well we were somewhat taken aback, as the offer had been made more than 18 months before, and we’ve noted from your petitions, petition 124, there was a stockpiling issue there, that issue wouldn’t have applied if they’d have taken up the offer of relocating us and utilising our club house and car park.

132. We believe that Rule 5 of the compensation code is our only option to ensure the club’s survival. We would like to start preparatory works immediately to build the new course, before HS2 require our land. No work or construction activity takes place prior to the availability of the new course. You have to bear in mind that what we say here is what we’ve been saying for five years, I’m not just saying it today. Including any oil or gas pipe diversion, as any disruption to our business will have a detrimental effect, and ultimately cause members to leave and the club to close.

133. Access to the club must always be available, as we are open every day. We must maintain 18 holes of golf in play of championship standard to permit players to maintain active handicaps, but also, more importantly, for us to enable to retain members and possibly attract new.

134. We must have full access to the club house at all times in order to maintain revenue streams and be open to the community. We also ask that a nine hole course is not developed at Ingestre Park after the completion of the railway.

135. Our treasurer, a member of the board, Geoff Matthews, will now represent a short background into Ingestre Park for your understanding further.
136. **THE CHAIR:** Before we do that, Sheryll, have you got a question?

137. **MRS MURRAY:** Yes, Mr Jones, could you tell me, is the golf club used for other functions on a regular basis?

138. **MR JONES:** Yes, ma’am.

139. **MRS MURRAY:** And do you have a wedding licence where you can carry out weddings or not?

140. **MR JONES:** No, ma’am, no.

141. **MRS MURRAY:** You don’t. So it’s just the club house and it’s not got a hotel or anything attached to it?

142. **MR JONES:** No, no.

143. **MRS MURRAY:** Okay thank you very much.

144. **MR JONES:** It is the only local facility within the local catchment area.

145. **MRS MURRAY:** How many people can the function room house?

146. **MR JONES:** Two hundred.

147. **MRS MURRAY:** Okay, thank you very much.

148. **MR JONES:** You’re welcome.

149. **THE CHAIR:** Okay can we – Martin.

150. **MR WHITFIELD:** Sorry, Mr Jones, two questions really. The first is, can you explain to me, you say it’s not for profit, it is limited – I’m trying to work out how the golf course is owned; is it owned by its members or is it a limited company, or what’s the –?

151. **MR JONES:** With all due respect, Mr Whitfield, that would be a better…

152. **THE CHAIR:** Shall we hear from the Treasurer and then we’ll –

153. **MR JONES:** I’m not going to attempt to waffle and answer…?
154. MR MARTIN: Chair, can I before the treasurer comes on, can I just ask – I think I can probably guess, but could I ask you to give us a justification for your point about the nine hole course not being developed on the site?

155. MR JONES: Well, if we were granted what we’ve asked for, then surely that would be detrimental to the purse of the tax payer if an alternative golf course, at a cheaper rate on land already purchased would not be viable really – would not be beneficial to us as well.

156. MR MARTIN: Yes.

157. THE CHAIR: Let’s hear from your treasurer. Mr Jones, sorry, how are we doing this?

158. MR JONES: There we are.

159. THE CHAIR: That’s how we’re doing it. Thank you Natalie.

**Evidence of Mr Matthews**

160. MR MATTHEWS: Thank you, Mr Chair, thank you ladies and gentlemen. I just propose to give you a little bit of background about Ingestre Park Golf Club. We began in 1913 in Stafford. Subsequently moved to another location in Stafford called Kingston Hill in 1921 and that land was subsequently sold for housing in 1978, when we moved to Ingestre Park. So we’ve been around for a long time. Can I have slide 244(7) please.

161. The image on the right shows how 40 years of investment costing members circa £6 million, and that £6 million does not include improvements which we have made to our club house, to our car park, but it shows how the course has been developed from what really was open, bare agricultural land into something which is regarded now as one of the best courses in the county of Staffordshire.

162. We celebrated our centenary year in 2013 when the route was announced, and until then, we had expected to remain at Ingestre for the next 100 years. You can see that we’ve planted hundreds of tress and these are a much admired feature of the course, and HS2’s survey show that they also provide a thriving habitat for wildlife. We also
believe that HS2 could use the remnants of the golf course for wildlife and tree planting mitigation.

163. We have circa 690 members, of which 100 are social members, and offer various membership categories, including reduced rates for those aged 11-30 and those aged over 80. And free membership for juniors under the age of 10, to encourage the participation of golf as the sport has many recognised health benefits.

164. We have golf marked endorsement including club mark accreditation, which is Sport England’s national accreditation scheme for high quality community sports clubs. We have established links with local primary schools and we are an HSBC Golf Roots Centre. Buggy paths have been created for disabled golfers and we provide storage for members. Slide A244(8), please.

165. I don’t know if you’d like to read –

166. THE CHAIR: I think we’ve got that. I suspect some of this background is not needed. If you could focus on what you think might be pertinent; I’m quite keen to get to some more questions that we’ve got and then hear from HS2 and then allow you to speak again.

167. MR MATTHEWS: Yes.

168. MR WIGGIN: Can I just before you, just on your slide, where is the nearest next golf club?

169. MR MATTHEWS: It is approximately four and a half miles away. Ingestre Park Golf Club plays an important part in the community. The club house facilities are available for hire and we host events throughout the year. Each year, we raise considerable sums of money for various charities, chosen by the captains and presidents. The club is a perfect meeting place for members, particularly for those who live alone, and the importance of this cannot be underestimated.

170. The club has 15 members of staff and another 15 are employed by our franchise caterer. In addition, we have a golf professional and assistant, so 32 people’s jobs are at stake here.
171. We also support apprentices in green keeping, and wherever possible, we use local tradesmen and suppliers. We have the support of course case from our local MP, Jeremy Lefroy, also the support of Staffordshire County Council and Ingestre and Tixall Parish Council.

172. We propose calling our first witness; if you’d like to ask me some questions before I do that.

173. THE CHAIR: I think so, yes. Martin?

174. MR WHITFIELD: Can you explain the commercial structure of the golf club, who owns, it how it’s owned and things like that?

175. MR MATTHEWS: Yes. There are effectively two companies; one is Kingston Hill Golf Club Limited which is the trading company.

176. MR WHITFIELD: Yes.

177. MR MATTHEWS: We also set up a separate company called Ingestre Park Golf Club Limited which is a company limited by guarantee, where each member effectively has a share. The idea behind doing that was to save administratively, save having to report each time a member comes on to Companies House etc.

178. MR WHITFIELD: That makes sense. And I suppose, it would appear, and I think HS2 have indicated this, that the land purchase requirement will effectively stop your golf club being able to operate. But I imagine, and some of the evidence I’ve read suggests that actually, setting up a new golf course far exceeds the cost of the land value of your existing golf course, doesn’t it? To get a new golf course up and running to 18 holes.

179. MR MATTHEWS: We would say that you cannot value a private members’ golf club, because there is no market for private members’ golf clubs.

180. MR WHITFIELD: Yes, absolutely.

181. MR MATTHEWS: Which is why…

182. MR WHITFIELD: It’s a special case.
183. MR MATTHEWS: Our next witness is going to expand on that.

184. MR WHITFIELD: Fine. The only other question I had was timescale-wise, how long do you anticipate it would take to get an agricultural land up to a championship golf course?

185. MR MATTHEWS: Of the land we have identified, it depends when the acquisition takes place, because you have to look at it in terms of when your growing seasons for grass etc start to come in, but it could be from two and a half, to perhaps three and a half years.

186. MR WHITFIELD: So there is –

187. MR MATTHEWS: From the time of acquisition to the time you hit the first ball.

188. MR WHITFIELD: Yes. So there is a question of timing in respect of being able to use your existing golf course, so that the members can then transfer at some stage in the future to a new golf course, fitting in with the timetabling HS2 have for that?

189. MR MATTHEWS: Absolutely. Timing is crucial to us. We’ve gone five years now.

190. MR WHITFIELD: Excellent, thank you.

191. THE CHAIR: Let’s hear from the witness.

192. MR MATTHEWS: Okay. Can I perhaps just introduce him, or –

193. THE CHAIR: If they come and introduce them whilst they’re coming. Just briefly.

194. MR MATTHEWS: We now would like to call our witness Gareth Morgan who is an expert in planning, viability assessment, project management, compulsory purchase, valuation of golf courses, as well as being the RICS spokesperson on golf courses. Gareth can explain why Rule 5 of the compensation code is the only one appropriate to our case.

**Evidence of Mr Morgan**
195. MR MORGAN: Ladies and gentlemen, could I have the next slide, please? My role here today is to explain Rule 5 of the compensation code to you and how I believe that it applies to Ingestre Park Golf Club.

196. First of all, when you think of a golf club, most people don’t realise that there are different types of golf club, unless you’re actually a golfer yourself. The variations on these golf courses have an effect upon the value of those golf courses. The capital value and the red book. Not all of them are the same; you have nine hole courses, you have municipal courses, you have pitch and putt courses, you have proprietary owned courses and of course, you have private members not for profit courses.

197. Some of these types are frequently sold on the open market and I’m quite sure that HS2 will tell you that there is a ream of evidence on the value of…

198. THE CHAIR: Sorry to interrupt, but why – surely, what matters is how much the new golf course is going to cost, not what the current value of the existing golf course is. So what is the cost of the new course?

199. MR MORGAN: The cost of the new course; effectively we have undertaken – Ingestre Park have undertaken three professional surveys, by three separate professionals, expert in golf. Two golf course architects and myself.

200. We have found a site which is, I believe, the best site that I have seen for the development of a golf course, and the cheapest site for the development of a golf course that I’ve seen in 25 years. Just down the road from Ingestre, about two miles away.

201. THE CHAIR: Can you give us a figure, sorry. And then Sheryll Murray’s got a question. How much is the golf course going to cost?

202. MR MORGAN: It’s going to cost between £7.5 and £8.5 million.

203. THE CHAIR: Sheryll Murray?

204. MRS MURRAY: Have you also explored the cost of extending the existing golf club that isn’t affected by HS2?

205. MR MORGAN: Yes.
206. MRS MURRAY: That is buying another piece of land to add on to it, because I notice there was quite a few areas that might actually serve this purpose.

207. MR MORGAN: Yes, we have looked at that, and we have undertaken extensive studies, the same three professionals have looked at each one of those sites. We were presented, less than a week ago, with what HS2 currently are going to present to you today, the option of three areas of land, which we haven’t been able to take any legal advice on, and we haven’t been able to study properly.

208. We weren’t aware that that land was available because we’ve had to deal with people who wish to sell us land, rather than those that didn’t. We don’t have any compulsory powers, we can’t force people to talk to us. And the studies that you will see in the HS2 presentation, they show a study from a business case which we put together to support their application to the Minister of Transport for equivalent reinstatement. Bear in mind, we were four years talking to HS2 about equivalent reinstatement and new site, before in December last year, they turned round 180 degrees, volte-face and said you can’t have it any more.

209. MRS MURRAY: Would this be an option that the golf club would be prepared to consider?

210. MR MORGAN: We would consider – I can only speak as their expert, not what the golf club would do, but knowing them as I do, they would consider any proposal. The biggest thing about it is that you have to look at the costs of these works. HS2 have undertaken studies which they have presented in their evidence. Those figures are not worth the paper they’re written on. The reason why is very simple; not a single expert from HS2 has ever walked those sites.

211. The experts who have – or the expert, who I understand has given a verbal figure to HS2 saw the site, our golf course site, last Thursday. They’ve had four and a half years to prepare all of this information and due diligence which they have not undertaken, is frightening. We have three professional studies of the land that you are referring to, which, in part is flood plain, is part is a mature woodland, with EIA environmental impact assessment problems which are incredible.

212. The land floods, frequently in winter. It is flat and featureless and it won’t build a
decent golf course. You can build a golf course anywhere but the costs involved in it are exceptional.

213. MR WIGGIN: Is that the proposal on P922 (3)?

214. MR MORGAN: Yes. Effectively if you look at the – they have other golf courses that they refer to. They have other golf courses where they refer to the costs. The closest one is Whittington Golf Club. There they are rebuilding six holes and they are replacing the clubhouse. You may be aware of the fact that obviously pricing and the compensation is confidential in those areas so we do not have access to it but approximately two weeks ago the Sunday Times wrote an article where a former employee of HS2 came up with costs involved with extending their golf course as they proposed for ours. Bear in mind that that extension is only six holes plus the clubhouse, £40 million was the figure that was given in that newspaper article.

215. In our subsequent meeting a week last Tuesday with HS2 they were good enough to point out to us that approximately half of that was relating to the infrastructure works but that still leaves £20 million. Bear in mind what we propose is a quarter of the total cost of £40 million, under half of the cost that they actually have incurred at Whittington Park. This is the lowest cost option possible for replacing this golf club. If you try to extend it, it will be a nightmare.

216. THE CHAIR: Any questions? No? Can we move to the next witness? Thank you. Mr Matthews I think you need to just sit there and stay there. Then you’re accessible if you want to ask questions because strictly speaking you’re calling the witness and you question the witness.

217. MR MATTHEWS: Okay. We’d now like to call our next expert witness who’s Bob Hunt who is a qualified architect. Bob is Chairman of the International Design Group. Bob has been involved in the sport since 1975 and was responsible for replying to all technical queries received by the Professional Golf Association, or in short PGA, at its headquarter at the Belfry. He has lectured worldwide on golf course design and development and been responsible for the design of many award-winning courses. He’s the author of numerous technical papers published on behalf of the PGA including safety guidelines for new course development. He’s managed numerous clubs and has advised government departments of five nations on golf development. Bob, can you
please provide us with your analysis and conclusions on the various options that you have looked at including the one which has now been formally tabled to us, albeit officially only last Thursday.

Evidence of Mr Hunt

218. MR HUNT: Good afternoon ladies and gentlemen. I’d like to just take you back very quickly for a review of the market because the market in golf has changed dramatically. Since in the 1990s the Royal and Ancient published their ‘Future of Golf paper’ we’ve built hundreds of brand new golf courses in the UK. That’s changed the market from what was a sport of private members clubs to be a very varied market of pay and play, proprietary clubs, golf clubs, all different sorts of clubs. Obviously what’s happened is that the provision of golf has increased dramatically, therefore the number of members per golf club has decreased. Golf has suffered dramatically since 2008 with a huge loss of golf players until relatively recently when those numbers have started to recover. But most private members clubs now accept visitors and they really need to in order to be able to survive. Very, very many golf clubs today are teetering on the brink of liquidation and bankruptcy. They’re struggling to break even. This applies particularly to Ingestre Park, especially when you’ve got uncertainty.

219. Our experience in the past with golf clubs who’ve been suffering uncertainty of the future has been that members take their money and walk. They go to other golf clubs in the area. They look for memberships and they’re gone. Once they’re gone it’s extremely difficult to get them back. So this year, or last year this golf club will have a small trading profit due to a VAT refund. But it will change for a loss for this year and a future predicted loss with an increased attrition rate of members. That uncertainty is unacceptable for any golf club. It can’t continue in that way. The club’s worked hard to remain solvent. Its business functions and ordinary functions that are used within the clubhouse are an important part of its revenue. But whilst uncertainty affects viability, work on site would have a disastrous impact on the membership. It would have an impact on the membership numbers, the amount of money they were prepared to play golf, the number of functions, the visitor income in particular and the clubhouse income.

220. We were asked by the club to look at headline numbers on a number of different options. One of the options that we looked at was a similar sort of option to that which
is being proposed with the extra three pieces of land now. We did look at it in a fairly serious way but without the need to go and look over the site. It was just a question of looking at headline numbers. We’ve since been presented in the last couple of days with some numbers from an expert working for HS2. Those numbers of which we seriously consider are up to challenge. Mostly because building in flood plains and building in areas where you have a very large amount of woodland poses some significant threat to the possibility of gaining planning permission. With an environmental impact assessment being a requirement it would put the club at risk that if they were to go down this route and planning permission were not granted they would then be forced to close. There would be no other option.

221. There had been an opportunity for the club to look at reducing from 18 holes to 9 holes but that really isn’t sustainable. You could not run this business viably, in my opinion, by having 9 holes of golf. You couldn’t charge enough. You wouldn’t get enough rounds and you couldn’t sustain the costs of running the golf course. But one opportunity is this – retention of the golf clubhouse and then the rest of the 9 holes. But the problem is, yes, it’s technically feasible to do this. It’s not a problem to technically build a golf course. The problem is that the timescale to do the work together with the works that would have to be done on the existing golf course such as fixing the existing irrigation system, rebuilding greens as similar to the new greens would destroy the membership of this golf club. So whilst it may technically be possible to produce a new golf course, there would be no members left to play on it. That is not an option which I believe is fair or right.

222. In my opinion the only option is to take the golf club, relocate it completely to an area where we believe from the planners that they’re prepared to accept a new golf club. We believe it’s technically possible to build it and we believe it can be built at a relatively cheap price. Mostly because the soil conditions on the new site are very good whereas the soil conditions on this proposed three extra pieces of land site, we are told, are soil class 3, together with the woodland and the flooding issues, would add, in my opinion millions to the cost of building this golf course on that site.

223. So we looked at the proposition not from whether it was technically possible because we’re happy that with HS2’s expert, that it is technically possible. It’s just that doing the work with what we’re asking the members to put up with would be
unacceptable and there is significant amount of available memberships in the area which people can take their membership, walk down the road and even join clubs without paying joining fees. If they’re given that opportunity why wouldn’t you walk as a member? You would say, ‘I don’t want the noise. I don’t want the vibration. I don’t want a 12 metre high, 13 metre high embankment. I don’t want HS2 trains whizzing by me while I’m trying to play golf. I’ll just go to another golf club.’ Once they start doing that you’ve already seen an attrition rate for the normal 30 a year increase already to 70 a year. This is unknown in the history of the club. This is a function of the uncertainty, which surrounds the current situation.

224. If you were to proceed with the proposal, which HS2 have before you, in my opinion, the course will be built and there will be nobody to play on it. The club has no reserves. No significant pile of cash that it can afford to survive, can afford to subsidise a future operation. It can’t do that. It’s just an impossible way of trying to run this. What we’re trying to do is give members certainty. We’re trying to reduce the loss of membership. We’re trying to keep 18 holes of golf in play at all times. I don’t believe HS2 can offer us that opportunity with this latest last week offer that they’ve made to us. In my opinion the only way to do it is to move to another site.

225. THE CHAIR: Okay, thank you. Sheryll Murray?

226. MRS MURRAY: Yeah, could just put up P922 (4) please? These are all the different – Ingestre Golf Club is in green.

227. MR HUNT: Yes.

228. MRS MURRAY: These are all the other golf clubs that are already in place surrounding Ingestre. I’m just wondering where you would relocate, given that there are all these others already in competition with you and to meet what you’re saying and to back up what you’re saying? Because very clearly you are in a unique position there.

229. MR MATTHEWS: Could I respond to that?

230. THE CHAIR: Yes.

231. MR MATTHEWS: Because I’m obviously from the area. If we look at the distance from Stafford to Birmingham, 34 miles, the majority of those courses are
concentrated in that area. What is acceptable in terms of a distance for a member to travel to a golf course? We do draw our membership from around the sort of Stone, Uttoxeter and Cannock areas and Stafford itself. Now if we take those as locations we’re then down to probably six golf courses, maybe seven golf courses which are in our vicinity rather than the 40 or 50 which are highlighted on that map.

232. THE CHAIR: Have you considered merging with another golf course and sharing resource given the declines in numbers that we’ve heard of and changing dynamics or even heaven forbid closure is an option? Sorry, it’s a question for Mr Matthews.

233. MR MATTHEWS: Sorry, have we considered it?

234. THE CHAIR: Yes.

235. MR MATTHEWS: We have looked at the possibility. We’ve considered the possibility of acquiring one other golf course but we want to retain a community facility. We’re in a village location in a rural hamlet. We are mindful that we have 32 people who we employ who are local to that area who would not necessarily move with us. In terms of myself, the course that we’ve looked at would put another 10 miles on my journey to the golf club. It would probably make it unacceptable to me and would make it unacceptable to a lot of other members who would be located further away.

236. THE CHAIR: Okay. Any questions from the Committee?

237. MR WHITFIELD: Can I just ask about the suggestion it would take about three years to get the new golf club up and running to the required standard, do you agree with that timescale?

238. MR HUNT: Yes and there are two things that need to be understood about the golf process. Firstly, depending upon the environmental impact requirements of the local authority, the EIA period and the survey for the ecological period can delay things up to a year. Depending on their requirements and their screening opinions that can be significantly shortened. But assuming a reasonable time period together with building the golf course, it depends when we start in the year. Then the preopening period when we’re getting the grass to grow, yes, I would definitely agree with that amount of time.

239. If, alternatively, you’re dealing with trying to get an environmental impact
assessment and you have a local authority who doesn’t like you building in the flood plain or knocking down twice as many trees as is currently proposed, that period of time could end up being nothing. You could never get permission for it all. That’s a possibility. So we have to balance up the attitude of the local planning authority on those things. But yes, three years would be certainly a very realistic timescale to be doing.

240. MR WHITFIELD: I’m grateful.

241. THE CHAIR: I noticed you were taking advice. Do you want to say anything, Mr Matthews, in relation to that?

242. MR MATTHEWS: No I’m fine at the moment, sir.

243. THE CHAIR: Okay. If you can return to your seat, Mr Hunt. Let’s hear from HS2 and then we’ll come back to you, Mr Matthews. So if you stay in your seat that would be great.

244. MR MATTHEWS: Okay.

245. MR JONES: We’re going to swap, Mr Chairman, if that’s okay?

246. THE CHAIR: Yes it is. Justine Thornton?

Response by Ms Thornton

247. MS THORNTON QC (DfT): Sir, what I propose to do is summarise HS2’s position and then call Mr Colin Smith to explain the position further. I don’t know if it would save time if Mr Colin Smith is moving towards the…

248. THE CHAIR: That would save time. That would be helpful. Thank you very much.

249. MS THORNTON QC (DfT): In the meantime could we put up P922 (1) please? In summary, sir, we accept that the golf course is significantly affected by HS2. Therefore we have to look for mitigation. The issues between us relate firstly to the practicalities of where the golf course, or how it can be reinstated. You’ve heard that the request from the golf club is for a golf course on a completely new site. Our current
estimates are that that would be £9.75 million net. Because of information that’s become recently available to us during this petitioning process, we think we can move sideways, move the golf course sideways, to retain an 18-hole golf course. We accept that 9 holes won’t be acceptable. But moving sideways because the key point is that the clubhouse would be retained in this sideways move. In other words we’d have planned adjacent. That would be at a cost we estimate at the moment at £3.4 million. So that’s £6 million difference between us.

250. The second point that’s at issue between us is a legal issue. You’ve heard reference to rule 5 and rule 2. In other words, are the golf course entitled to compensation on the legal basis known as equivalent reinstatement or are they entitled to compensation on a market basis? We don’t accept that they’re entitled to compensation on the basis of equivalent reinstatement. In short, it relates to differences between us as to whether there’s a market, an available market for this sort of golf course. Mr Colin Smith can explain that.

251. So what we have circulating around are quite complex issues of compensation law and valuation. The Upper Tribunal is the body which parliament has decided is the appropriate body to consider compensation issues like this. We accept that that’s going to take time and we totally understand the golf course’s need to have certainty and move quickly to have the golf course up and running before the project starts to affect it materially. So what we’ve suggested is what’s called early neutral evaluation, which is effectively a specialist tribunal composed of surveyors and barristers with the appropriate compensation expertise. We want to get that up and running to hear the case in early September, report back with a decision in late September so we have time to put land into an additional provision depending on the outcome.

252. So, put simply, we are prepared to comply with the outcome of that specialist tribunal. So if the specialist tribunal says to us, ‘Look, equivalent reinstatement is the basis on which you should proceed,’ we will work with the golf club to develop a business case for early assistance to replace the course in a totally new location before construction. But if early neutral evaluation finds against the petitioner and supports our case then the options include working with the golf course to move them sideways. As I say the promoter is working up an additional provision seeking the powers to acquire the necessary adjacent land. So in short that’s the summary. I’d now like to ask Mr
Colin Smith some questions just to take you through our sideways proposal and also explain some of the legal issue between us if that’s acceptable?

253. THE CHAIR: Yes let’s do that and I think there will be some questions on what you just said but let’s hear from Mr Colin Smith first.

254. MS THORNTON QC (DfT): Yes, so Mr Smith if we could put up P9223 first please? Members of the Committee have already referred to this slide. Could you explain what we’re terming ‘sideways proposal’ for the golf club?

255. MR JONES: The what, sorry?

256. MS THORNTON QC (DfT): The mouse?

Evidence of Mr Smith

257. MR SMITH: The proposal that we have in fact we are in the course of discussing land matters with the Bill. We are already in discussion with landowners of the land shown edged blue, green and pink or purple as you may call it. That land is land we would include in an additional provision. We believe there’s plenty of space on that land. In fact, we’ve been advised by Lambert Smith Hampton that there’s plenty of land on there in which we could in fact relocate 11 holes on the basis that 7 holes can be retained.

258. THE CHAIR: Where’s the clubhouse?

259. MR SMITH: The clubhouse is down…

260. THE CHAIR: Sorry, it will remain north of the new HS2 line.

261. MR SMITH: Yes. So I’ll leave it there. We’re not thinking of necessarily destroying woodland or anything. There is plenty of land there, we are advised by Lambert Smith Hampton, to put those 11 holes.

262. MS THORNTON QC (DfT): Thank you. If we could go to P922 (5) please?

263. MR SMITH: Yes.

264. MS THORNTON QC (DfT): Then the promoter’s figure is to the right. Could
you just explain what HS2 is taking from this table please?

265. MR SMITH: The main thing we’re taking from this table is that there’s a large difference in the cost between putting a new course down and reconfiguring the course. Obviously a large part of that is a figure of £3 million, which includes the cost of providing a new clubhouse. Which obviously if the course is reconfigured that would be unnecessary. We could keep the existing clubhouse and the car park. But I would add that the purpose of this is to try and give an indication on a like for like basis what the difference in cost is. If we go forward to early neutral evaluation this is a process, which can look at this in much more detail. We believe there is over a £6 million difference in net terms, probably £7 million in gross terms between the two options.

266. MS THORNTON QC (DfT): And how long do you estimate the hearing for early neutral evaluation will take to consider these issues?

267. MR SMITH: Well without going into detail they would have to consider a fair bit of compensation law on the basis of assessment. Then they’ll have to look at the sort of issues that have been raised here. So I would think at least two days. It’s something that has to be looked at in quite a lot of detail. This is really our offer. Normally we would only go to the land once we’ve got Royal Assent and look to acquire land but we totally agree with the petitioners that that is useless for them. It’s too late. We have to bring that forward. Hence our proposal to have it now because certainty is needed for all parties, them and us. We need to know how we’re going to proceed.

268. THE CHAIR: Or this Committee could do early neutral evaluation and just make a decision or disagree with the formal early neutral evaluation of a more professional committee. Presumably those are options on the table as well.

269. MR SMITH: Yes.

270. MRS MURRAY: Chair, I understood that if early neutral evaluation didn’t find in favour of a complete removal and reinstatement of the golf club somewhere else it still left the golf club with the alternative of extending the golf club. Am I correct?

271. MR SMITH: Yes.

272. MS THORNTON QC (DfT): Yes. There is also a third option, which is on the
table here, which is extinguishment. Which perhaps if I could ask Mr Smith to explain that so you’ve got the complete picture?

273. MR SMITH: Well, yes, this would be the option that we don’t necessarily wish to see. We’re working to a way of keeping the club going. But obviously if there is no other option that we can agree with the petitioners and early neutral evaluation finds against them on the option they wish to go ahead with then that is the option we’re left with where we would buy the site and the club would close down. It’s not something we would rather like to proceed with.

274. THE CHAIR: Yes.

275. THE CHAIR: Bill Wiggin.

276. MR WIGGIN: I just wanted to check with Mr Jones if he agrees with these figures?

277. MR JONES: Oh no, oh no, sir.

278. MR WIGGIN: Thank you. That’s all I needed.

279. THE CHAIR: Sorry, we’ll come back to you.

280. MR WIGGIN: I just wanted to check.

281. THE CHAIR: Justine Thornton?

282. MR JONES: Thank you.

283. THE CHAIR: Thank you.

284. MS THORNTON QC (DfT): Mr Smith, you’ve heard that there’s clearly a material dispute between the parties over the costing figures.

285. MR SMITH: Yes.

286. MS THORNTON QC (DfT): Is that something that early neutral evaluation can and will settle?

287. MR SMITH: It is. The process is set up to decide that so I have said this is just to
give an indication as we see it from our advice. But I’m sure there is a lot to discuss between the parties on that.

288. THE CHAIR: I think we’re going to have quite a few questions, starting with Martin.

289. MR WHITFIELD: In HS2’s proposal is there any stage where the club don’t have 18 holes to play?

290. MR SMITH: Well what we would look to do is replace the 11 that need to be replaced first. So if we get an early decision, it’s the same process. We would look to get planning consent. If the petitioners wish to progress with that they would get planning consent. We would seek obviously a business case from government to make that money available in advance of Royal Assent because of their circumstances. Then we would look to replace those 11 holes early on so that at least their available and the 7 are available hopefully by the time we come to do the works which will be sometime in 2021 on this site.

291. MR WHITFIELD: So in all probability under HS2 proposals the members of the club would see and then there would be a great band of how inconvenient it is to them? But under HS2’s proposal there would be a period of inconvenience for the members whereas the club’s proposals would be in essence to have a club to move into and then handover to HS2 the property, the old club.

292. MR SMITH: The difference being, the club could carry on playing on the course as it stands until we come along to build there.

293. MR WHITFIELD: And then a new club and just literally move over?

294. MR SMITH: Then they would move over. The proposal we have is they would come along. They can operate the club up until we come along. There may be the need to do some minor modifications before then to make it into a 7-hole golf course. Those are things that need to be looked at in detail. But we would build the 11 holes separate from that and that wouldn’t inconvenience them while they’re playing on the existing 18-hole course. That’s the overall plan. I would add I don’t want to give any impression that I’m a golf expert like Mr Morgan or anything like this. I’m just putting
to you the broad plan and process within which we can operate.

295. MR WHITFIELD: Yes, I appreciate that. In the proposal that you showed with the three parcels of land, I understand that would need an amendment to the AP anyway because some of that land lies outside the current scope of the Bill.

296. MR SMITH: It would do, yes.

297. MR WHITFIELD: You made mention that you have no intention of taking away the forestry that’s there from the proposal. If that forestry was within an AP anyway would it not offset some of the loss of forestry elsewhere on the line? If you’re not intending to use it for the golf course.

298. MR SMITH: Well nor am I an environment expert.

299. MR WHITFIELD: Because it’s there already.

300. MR SMITH: I would just add two things on that. Firstly, as it’s existing woodland it still is existing woodland, I’m doubtful that will offer the benefit.

301. MR WHITFIELD: It’s there anyway.

302. MR SMITH: But as part of our proposal Mr Miller has indicated that HS2 would be willing to look at removing some of the environmental works that are proposed on the golf course on the side that is not severed and move that to the land that becomes severed from the railway, hence providing more land to the golf course for their future use if they want to take up that option.

303. MR WHITFIELD: Thank you. Chair, if I could just ask one question to Ms Thornton? The Chair asked about the powers of this Committee to in essence do away with the equivalence. That would be correct, wouldn’t it? If we gave an indication wouldn’t you need to either go to the lands tribunal in due course or the alternative arbitration system?

304. MS THORNTON QC (DfT): The Committee can certainly make a recommendation. One of the issues here is the precedent that would be set by the Committee ruling in advance of the Upper Tribunal or any decision by Upper Tribunal which is the body that has dealt with compensation. But certainly the Committee can
make a recommendation. It’s then for the promoter and the Department of Transport to consider that recommendation. But I do, just on that, I do have two further questions of Mr Smith. If we go to P922 (15)? The point here is made about precedents. Could you just, if you see what’s said on that slide, then while we’re on the point if we go to P922 (14).

305. MR SMITH: Yes.

306. MS THORNTON QC (DfT): This is other golf courses affected by HS2. Can you explain the key points that you would like the Committee to take from these two slides please?

307. MR SMITH: Yes, obviously none of these golf clubs welcomed HS2 and they put forward similar arguments that it would ruin their membership and everything else. But we have acquired outright Aylesbury Park Golf Course but the other four have been reconfigured. Indeed, Whittington Heath Golf Course, which has been referred to, the railway line went straight through the clubhouse. That has been reconfigured with a new clubhouse and with extra holes to provide. It’s similar but not the same as we are suggesting here. We don’t have to replace an actual clubhouse here. But we are proposing to provide, if you like, adjacent land for the club to move on to. That has been accepted by them and obviously it’s happened at Ruislip, Uxbridge and I understand at Buckingham as well.

308. MS THORNTON QC (DfT): And just in response to the point about precedent, what’s the project’s view on any ruling by the Committee?

309. MR SMITH: Well…

310. THE CHAIR: I could do that one for you.

311. MR SMITH: Let me put it this way, let me put it this way. There are various rules for which are enshrined in the compensation code to assess compulsory purchase where it comes under rule 5, where it’s devoted for a purpose for which there’s no general demand or market. Generally, we’re talking about churches, community halls, things of the like. But the members have put forward they believe golf courses should be in the same category. We don’t accept that but obviously that is a matter that can be
assessed under early neutral evaluation.

312. The second point under rule 5 is that even if the various rules are all passed it still at the discretion of the tribunal whether or not to assess compensation on equivalent reinstatement. And we, HS2, believe it would not be reasonable. This is public money and if there is such a difference in cost, which has to be obviously worked through. But as we see it there is such a difference in cost. It’s public money and on a value for money basis we do not believe that the wholesale reinstatement on a brand new course, brand new clubhouse gives proper value for money. That would be our argument to the early neutral evaluation panel.

313. THE CHAIR: Thank you. Can we have some figures to show how much government money will go?

314. MR JONES: Mr Chairman can I…?

315. THE CHAIR: No, no, not at the moment. I will come back to you but there are some points of principle, not around your golf course but generally. How much public money has been spent on each of these five courses or would have been spent at the completion of HS2? Just to put things into a bit of context.

316. MR SMITH: Yes, well we can give that to you privately but I’m not sure I am aware of those figures now. I don’t have those figures to hand.

317. THE CHAIR: Well could you give it to us and give it to us, if it’s private let’s work out if we’re happy with it remaining private.

318. MS THORNTON QC (DfT): Yes.

319. THE CHAIR: We can take advice on that but at this stage it’s around influencing our decision.

320. MS THORNTON QC (DfT): Yes.

321. THE CHAIR: Sandy?

322. MR MARTIN: Chair, I’ve got a fairly minor practical question, which is about the temporary material stockpile. I don’t know if Mr Smart can answer that from a
sedentary position. There’s a large temporary material stockpile on a large portion of
the land that you’re proposing to build the replacement golf holes on before you start
work. So clearly you can’t build replacements before you start work and then start work
and shove a temporary stockpile on top of them. Is it possible to relocate that material
stockpile do you believe?

323. MS THORNTON QC (DfT): I think it would be better, sir. If you could just stay
there as well, Mr Smith, I’ve just got one more question.

324. THE CHAIR: Very practical. Thank you. Let’s not worry so much about that,
Mr Smart, we know who you are.

325. MR SMART: Yes. In short, yes, we would have to look at that as part of the
reconfiguration of the golf course. These dark brown areas that would show are actually
topsoil stripping because topsoil is a valuable resource so we want to sort of keep it
fairly local and not have to rework it. So in this case we are putting in areas of topsoil,
which will then put back shortly after. But yes, we’d have to look at how we handle
that and keep the golf course going in the way that Mr Smith has discussed with you.

326. THE CHAIR: Okay. Justine Thornton?

327. MS THORNTON QC (DfT): Mr Smith, just one final question. Could we turn up
P922 (9) please? This is just to assist the Committee’s understanding in relation to the
answer you previously gave about the legal issues, which the specialist tribunal be
grappling with. That’s basically set out in writing the answer you gave. Is there
anything further you’d like to draw the Committee’s attention to?

328. MR SMITH: Yes, well, I suppose just to confirm that it’s point 2 and 4 that we do
not consider are satisfied. But as stated, we’re happy to accept the position of the early
neutral evaluation. In other words, there’s a lot of legal precedence on this in land
compensation so we’re saying we believe there is a demand for golf courses and we do
believe that there is a reasonable alternative to the petitioner’s request.

329. MS THORNTON QC (DfT): Thank you. Finally, members of the Committee,
I’m instructed to say to you that HS2 does not recognise what has been reported in the
press and figures given in the press about our property acquisition or compensation
schemes.

330. THE CHAIR: Thank you. We’ll just take that as a statement. We’re not going to comment on that. Mr Jones, now it’s your turn to say anything you want, summarise and particularly helpful to find out about early neutral evaluation.

331. MR JONES: I’d like to come back, Mr Chairman, if I might on what you’ve just heard. My god, have you been misled. They’ve let you hear what they wanted you to hear. We’ve had no opportunity to challenge those costings. They’ve inflated the cost.

332. THE CHAIR: You have got a chance; it is now. So get stuck in.

333. MR JONES: Right. Well with all due respect, we had expert witnesses that are able to do that.

334. MR WIGGIN: They didn’t give us the figures. Shoot down the slide we just saw.

335. MR JONES: They didn’t have the opportunity, Mr Wiggin, to be fair. It was part of their presentation.

336. MR WIGGIN: If you want us to take your side, please, please give us the ammo to do it. You had a slide that had a load of figures on it and that you said to me were completely wrong. Help me out here. Tell me what’s wrong.

337. MR JONES: Yes. Not a problem at all. Can we call our expert back?

338. MR WIGGIN: Yes, that’s fine. Just do it.

339. THE CHAIR: That’s absolutely fine. It’s not the normal way of doing things but that’s the way we’re going to do it.

340. MR JONES: I’m sorry, Mr Chairman, we obviously came with a transcript of how we were going to go. It obviously has changed. We don’t feel that our expert witness has had the opportunity.


342. MR WIGGIN: Move on.
THE CHAIR: Mr Hunt, say what you want to say.

MRS MURRAY: About this slide, these figures.

MR HUNT: Okay. In terms of relocating the golf course the new proposed total relocation site is a good sandy soil, which requires relatively small amount of work in terms of preparing for a golf course.

MRS MURRAY: How much?

MR HUNT: In terms of the amount of work? It’s probably going to result in about 125,000 cubic metres of material being moved around.

MRS MURRAY: Right.

THE CHAIR: Money, I think, in pounds.

MR HUNT: Oh, about £1.5 million in total to be able to prepare the golf course. Now if you look at what’s got to happen to the existing golf course, the works that have to happen to that to make the course playable and consistently playable. You’ve got to install a new irrigation scheme. We have to rebuild the existing greens and we have earthworks to configure on the existing golf course. The amount of money which is in there, we believe, estimated by HS2 is about half of what we think it ought to be. But I would emphasise to you that we had this information after a walk last week. Last week I had one day to look at it.

THE CHAIR: Sorry I’m going to stop you. Sheryll Murray? Sorry, Sheryll.

MRS MURRAY: We need comparable figures to what we’ve got in front of us if we are to be able to make a decision. Now I’ve got here cost of new golf course, £1.5 million. I’m looking at figures that are £6 million and £9 million. So we need comparable figures so that we can make an informed decision.

THE CHAIR: Sorry if you can remain seated.

MR JONES: Just to put across before Bob speaks there, what you need to bear in mind is that the figures that they have costed for the cost of reconfiguration are not costed on the land that they’re now proposing. They’re based on figures that we
submitted last year. They may say they are but it’s impossible that they are in as much as the professional only left our club at one o’clock last Wednesday and the figures had to be submitted by five. There is no way that a considered estimate was done. However, we have looked at the figures and they’ve also deliberately inflated the cost of the new golf course in order to show those differentials. Bob can go through their figures that they’ve done to come up with that. He will show you that it’s totally wrong.

355. THE CHAIR: Well we’ll leap into the figures and we do want to get to that when we come to you, Mr Hunt, into the figures but, Bill, you’ve got a question?

356. MR WIGGIN: The problem I’ve had with the data you’ve given us so far is that we want to know how much money you need to go and set up your new golf course.

357. MR JONES: Well we have a hand out here, which breaks down the costs.

358. MR WIGGIN: Because you said these weren’t right. That’s what we need to know because it doesn’t seem like it’s the same that what HS2 think they’re going to have to pay you.

359. MR JONES: No. Whilst those hand outs are going out to you as well, the problem that we’ve encountered is the letter that we received on Thursday evening, which we met with HS2 today to discuss the details of that letter. We’re layman. We had to look at it very quickly. Even as laymen we saw some very ambiguous statements inside there. I mean one of them was that this matter needs to be resolved by 27 September. If not, it refers to 3.2. I’m not going to get over technical but when we asked the question, ‘What does that mean?’ if you look at the paperwork it means that we have to move to a reconfigured golf course. We’re not going to agree to that. That’s not fair and that’s not considered. What you’ve been given here is a pipe dream. It’s an absolute pipe dream. Those figures they have made to look good. They are not right and those figures there will show you why they’re not right. In my opinion, and the opinion of the club, it’s irresponsible to spend the nation’s money without proper professional research being done.

360. THE CHAIR: Okay.

361. MR JONES: You cannot estimate costs on land that you don’t even know. Their
final comment to us today was, we said, ‘Well, we say we don’t know what these four parcels of land account to in terms of planning.’ They said, ‘No, but if we get to the end of the planning process and they turn you down we’ll just wind the club up.’

362. THE CHAIR: Okay, you kindly provided some figures. I’m going to ask you to provide those electronically so everyone can have a look at those. I’ll get copies made so they can be circulated and we’ll meet again at seven o’clock and we’ll resume with Mr Hunt as a witness. Order, order.