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

Wednesday 4 July 2018 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE:

Jacqueline Lean, Counsel, Department for Transport
Clare Parry, Counsel, Department for Transport

WITNESS:

Peter Miller, Head of Environment and Planning, HS2 Ltd
Hazel Coen

IN PUBLIC SESSION
<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr J R Davies and Miss M J Davies</td>
<td>3</td>
</tr>
<tr>
<td>Submissions by Ms Coen</td>
<td>3</td>
</tr>
<tr>
<td>Evidence of Mr Miller</td>
<td>14</td>
</tr>
</tbody>
</table>
401. THE CHAIR: Welcome back, and welcome. Before I invite you to present your petition, I normally have a few things I say before which is that the most effective petitioners that we’ve heard so far are ones that tell us up front what they’d like, why, and if that isn’t possible, what is an acceptable solution by way of mitigation. So the process will be I will call for the petitioner to be heard, then HS2 and then come to you for any concluding comments.

402. MS COEN: Do you want me to start? I am deaf in my right ear. So, if you could speak up, if you have any questions, to make sure I can hear you, if that’s –

403. THE CHAIR: We’ll do that and if you don’t hear, shout at us and we will remedy that situation and speak even louder.

Mr J R Davies and Miss M J Davies

Submissions by Ms Coen

404. MS COEN: Thank you. I wear a hearing aid. I speak on behalf of the petitioners, Mr J R Davies, my father; Miss Millicent Jean Davies, my aunt; Mr David Hollinshead, my second cousin, having received a letter of assurances by email yesterday, at 3.01, from Oliver Bayne, director of hybrid Bill delivery of HS2, acting on behalf of the proposer of the High Speed Rail Bill currently before Parliament, having a number of concerns about the impact of Phase 2A of HS2, and have submitted a petition on that basis against the additional provision to the Bill, which is reference P2A AP100033.

405. This followed a meeting with representatives from HS2 on Friday 29 June which was last Friday, the letter being received yesterday and I understand that is included in the back of the bundle, which I requested this morning from HS2 as I would want to
refer to that letter. The meeting was also attended by Councillor Clowes from the combined Wyunbury parishes, Basford and Weston being included in those 10 parishes.

406. A number of assurances were made in the letter which we accept, and I’m grateful for, and these will be included in the register of undertakings and assurances which I understand is to be held by the Department for Transport, and we would ask the Select Committee to endorse the letter. I am not familiar with this process, so if I speak procedurally out of turn, please accept my apologies.

407. THE CHAIR: So the process is, if you’re happy, you’re happy. We don’t endorse, we listen and we go away and do a report. You don’t need to mention anything that you’re happy with. What you do need to do is tell us if you’re unhappy with anything, and focus entirely on that which might be very much at the margin, but get stuck in to that which you want to be changed, that you’re unhappy with.

408. MS COEN: Yes, yes.

409. THE CHAIR: Ignore everything that’s passed; that’s okay now.

410. MS COEN: Just looking at my notes, I’d like to refer to the points which were raised in the letter because some points, which I will just gloss over, and then other points which I feel have been slightly confusing and I need further clarification in the letter.

411. So, looking at the first point which the construction traffic and access, we note the letter of assurance now contains, ‘The Secretary of State shall require the nominated undertaker not to use Larch Avenue, Basford, for construction traffic during the construction of the proposed scheme’. We agree that recommendation. Previously, the
promoter’s response was, this is not a proposal, it was a not a guarantee, so we are happy with the revised assurance.

412. The second point was the issue of noise, vibration and visual effects, and the compensation code. The petitioners – and I will be referring to the original petitioners’ response, and also the revised letter, because I think there is some confusion in this regard. Having spoken to Brian previously, I think there was a map which is of great relevance, which is P1006, which is in the bundle provided by the promoter.

413. MR WIGGIN: There is a sound drawing at 1008.

414. MS COEN: Sorry?

415. MR WIGGIN: There is a sound map at 1008.

416. MS COEN: No, this is – so, it’s 1006.

417. The petitioners’ property and interests are specifically and directly affected by two amendments to the Bill, namely the permanent diversion of a Scottish Power energy network overhead line near the Basford cutting compound, which is additional provision 005119, and the construction of a new water main supply to the Basford cutting compound, and a temporary batching plant within that compound.

418. It may also be relevant – sorry, Brian, if you could flick us to map P10/10. And that actually shows – if you look along footpath number 11, there was additional land for the permanent diversion of – sorry, number A005121, you can see additional land for the new temporary united utilities water mains supply to Basford cutting main compound with a temporary batching plant located within the compound. And then also you can see at the top, there’s a reference to AP005119, additional land for the
permanent diversion of Scottish Power energy networks overhead, near the Basford cutting main compound which goes across up the top. So that’s the water main – can you see that?

419. MR WIGGIN: Yes.

420. MS COEN: And this is the new power line. If you flick back to P006, just so you can see the properties marked in red are my family’s property interests and also that the footpath is actually shown on the map.

421. The petition notes in your paragraph of your SES, AP volume II, community area south Cheshire – I don’t know if that needs to be referred to, community area 5, ‘As a result of these amendments, when in combination with works identified in the main ES, a new construction noise effect is identified at approximately 30 residential properties on Larch Avenue and Weston Lane, Basford. This is judged to be significant when assessed on a community basis, taking into account of the local context for the duration of up to two months’.

422. The petitioners – I refer to the properties which are affected – are number 1, 11, 18, 20, 24, 25 and 27 and their interest and property therefore injuriously affected by the Bill in the ability to sell or rent these properties at the previous market rent, before or after or during the period of the construction. This is due to the significant noise and visual affect, resulting in a new combination effect on the amenity of residents of these properties.

423. In particular, for 18, 20 and 24 Larch Avenue, which you can see here, which I’m just pointing to, the petitioners object that no additional mitigation has been identified. The petitioners are concerned that the visual affects would remain in the longer term,
given the longer timeframes which were set in the Bill, which was 18 months to lay down the water main, and also six months for the power line.

424. The Secretary of State, and I think there will be some confusion, has acknowledged in the letter of assurance in paras 2.1 and 2.2 – I don’t know if you need to refer to that, but I can read the relevant text. In the bundle. Yes, these are these paragraphs: ‘The Secretary of State will acquire the nominated undertaker to liaise with the relevant local authorities, including Cheshire East Council and Wybunbury Ward combined parishes with a view to determining appropriate hoarding and visually amenable acoustic and visual mitigation around the Basford cutting transfer node, Basford cutting batching plant and Basford cutting main compound.’ And it sort of specifies further clauses over the hoarding and acoustics. If we could move back to P1006, Brian.

425. So the petitioner is very reassured by the statement in this letter and this will introduced shielding around this area which is the Basford main cutting compound. This is basically a cement works, to actually build and provide materials for construction of the railway higher up. This is an area where material will be stockpiled and I think this is where concrete will be laid out.

426. So, under the guidance of Cheshire County Council the legislation of – you know, the planning regulations would be followed and there would be sound barriers and hoarding put in place and we have actually discussed this with HS2 at the meeting on Friday. We were looking at appropriate boarding rather than mesh – it’s a rural area but boarding is better, with concrete and sound, soil bunkers, because this will be very, very noisy and we look for the support of the council to work with the contractors to mitigate the effects of this noise.
427. THE CHAIR: Can I approach you to tell us what you’re unhappy with? You seem to be happy with everything.

428. MS COEN: Yes.

429. THE CHAIR: We can’t do anything for you if you’re happy with everything. Are people unhappy about something?

430. MS COEN: Yes, I’ll go to that. I do feel we’ve made progress, this has come very much at the 11th hour but – and what I’ve been trying to do is clarify this morning the petition notes, that, having sought confirmation from HS2 this morning, no assurance has actually been made over the additional provision of construction works for this water main, which is going across, taking approximately 18 months to complete, with a noted significant sound noise and vibration effect for two months, but it’s included in the Bill that it may take up to 18 months, and also put in electric supply line, which is AP005, taking six months.

431. We request the Select Committee apply the same principle that has been applied for these construction works, to determine appropriate hoarding, which may be moved, as the works continue, and visually amenable, acoustic and visual mitigation in line with the construction code of practice to be overseen by Cheshire East Council and the planning department.

432. We also request that any hoarding is actually placed in the field here, on the other side of the footpath, and the field boundary which is parallel to 18, 20 to 24, with solid boarding and acoustic cladding, and it’s visually mitigated with appropriate foliage paper, if that is going to be used on the main site, as this is a very rural area.

433. We are also concerned that HS2, when they came out, were made – only made
aware, there are sink holes, or depressions in this land, through which a 33 kilovolt electricity main will be running through. So, once the builders have actually looked at the detail of the site, it may that this power line is required moving. The power line may then go back behind the fence, at this point, we don’t know.

434. You can see the sink holes in the photographic evidence which I have provided and was shown to the engineers and the HS2 representatives when they came out. This is in my bundle, Brian – sorry, I’m jumping around. It’s A254 and it’s picture number six.

435. You can see there was a big depression in the middle of this field. And the power line is going through there. This is the A500 bypass and this is the HS2 main line, so if you’re digging a huge trench of unknown depth, at the moment, that could create a considerable sound or noise effect for a period of up to six months. And we would wish that the same consideration is given by Crewe – by Cheshire East Council and the planning officers, to ensure that noise is mitigated where possible, building that power line and also coming along this field boundary when water is being put in which will go along this field boundary and then round the back.

436. THE CHAIR: Great –

437. MS COEN: So that is one of our concerns, which we would like the – the Committee –

438. THE CHAIR: Shall we hear from HS2 or have you got any new points?

439. MS COEN: I have some other points – shall I take them all together?

440. THE CHAIR: Yes.
441. MS COEN: So, I think we need to actually look at, is the land fit for purpose, it may need to be moved in time, but I want to engage with open discussion with HS2. Also, as mentioned in my petition, this is very, very sandy land, and we’ve made HS2 aware when they were constructing the A500 bypass, various mitigation measures, and I think some of the bridge had to be floated and additional piles drilled so that the bridge was stable, so we’re concerned about further sinkage in the land, and that has also been raised in other petitioners’ – I think you may have heard another petition this morning.

442. THE CHAIR: Okay.

443. MS COEN: The next point, I’ve said about the water main supply to the Basford main cutting compound. We did actually initially raise our concerns over the location of the water main, which was going to be along an ancient footpath, and I’d like to just take members just a walk – if you can take me to A254(2), Brian. This is a walk down Larch Avenue, which is a very quiet residential area, you can see the top of the footpath here. If you could flick on the next page. That’s one of our neighbours who accesses his back garden through there. This is an historic footpath from 1745, I think. You’ve got native trees in the hedgerow, oak, willow, beech – if you take me through to the next area.

444. That’s an oak tree. This is walking down the footpath that opens out. Some of these trees, however, have already been grubbed out by the farmer on the other side. Can you flick to the next one, please?

445. You can see that this is our next door neighbour’s garage, which is built right on the footpath. This is our hawthorn hedge. Could you flick to the next one, please?
446. The footpath is adopted by Cheshire County Council. This is a back garden, which is quite close to this proposal, and that is a sink hole.

447. We are very, very pleased that the assurance was made that the petitioner would not dig up the footpath and put the water main down it, digging to a depth of two metres because we’re concerned that our back gardens may sink and may be subject to subsidence, and HS2, on seeing the site and surveying it, have agreed that the water main will be put straight through the field on the other side of the hedgerow.

448. So there will be some shielding from noise by the hedge when the water main goes in. However, there are certain areas as you can see here, which is showing number 18, where the trees have been removed, so these properties and lower down, will get the full effect of the construction work with no trees to mitigate.

449. THE CHAIR: Okay, we get the point that you need appropriate shielding. Are there any new points because –

450. MS COEN: Yes.

451. THE CHAIR: I fear we’re repeating ourselves a little in terms of issues, and I don’t want to miss important new points.

452. MS COEN: Yes.

453. THE CHAIR: Martin.

454. MR WHITFIELD: Sorry, the construction that you’re talking about here is laying the pipe, rather than the cement construction that’s going to go on for HS2, isn’t it?

455. MS COEN: Yes, it’s a contractor from United Utilities.
456. MR WHITFIELD: It’s the utilities going in.

457. MS COEN: And it’s Scottish Power with the electricity, so we’ve had the assurance from HS2 but to date –

458. MR WHITFIELD: Not from –

459. MS COEN: Nothing from the other suppliers and I’ve been told this morning you will not get that assurance, so this is why I wanted to raise this as a concern, because I feel that this will have a significant visual impact, and also noise impact on us and will be injurious to the properties.

460. Also, I’ve requested – and I have noticed this in your original promoter response that you will do site surveys, include bore hole surveys prior to construction to support the design of these two amendments, digging the pipeline for water and also the power lines, and also the construction works. However, that wasn’t referred to in the letter, so I would look to seek the assurance of the Select Committee it would not be overlooked as part of the Bill process, appropriate construction testing of the site, would be carried out, and it wouldn’t get just forgotten about.

461. HS2 have also taken back comments, looking at the geological structure of the area, given there are shifting sands, and it’s an area with glacial and sandy deposits; this was raised also in the Wybunbury parish petition. Wybunbury is five miles away where there is an area of moss. It’s a similar belt going across.

462. So, the two points are, there would be appropriate mitigation works, and also, should there be any problems, through the build, it has been quite difficult to actually seek an appropriate person to speak to from HS2. We submitted the petition response; it took a period of three weeks to try to determine was our area of land affected. I had
to go to the public library – information wasn’t going to be sent to me – to check ownership. I would like an appropriate person to be allocated so that we could actually – or the community team, or name given, so we could actually look at – and if we have any compensation issues, which arise.

463. THE CHAIR: Okay.

464. MS COEN: Because I understand that their fees are limited, my parents are elderly, they are 82, and I know that the Committee only pay up to £500, in looking at this. So this is why I have done the petition on behalf of my parents. I’m a qualified accountant, but –

465. THE CHAIR: I’m conscious of time, I’m going to be liberal and give you another two or three minutes and then close you off so if there’s any important new points, put them to us now, because I will close you off after two or three minutes.

466. MS COEN: I would also like HS2 to explain how they’ve undertaken the noise surveys, because they feel that there isn’t a significant noise effect. They’ve sampled properties lower down the avenue. I’ve requested outside the door of the Committee meeting, if you can provide information where were the noise levels taken. I don’t feel that the surveys they’ve undertaken are appropriate or relevant and I request that further noise samples be taken to look at these two specific amendments. And that is the end of my presentation, thank you.

467. THE CHAIR: Thank you very much. Before coming to HS2, I’m conscious that a number of these issues we’ve covered in great detail with previous petitioners. Do reference them, and in all due respect to this petitioner, do reply fully maybe in writing to some of these general issues. But I don’t want to spend what would be several hours
going through material that we’ve already gone through, so just focus on that which is peculiar to this petitioner and write to the petitioner, bringing them up to speed with things we’ve already covered.

Evidence of Mr Miller

468. MS PARRY (DfT): Absolutely. All I was simply going to do was just ask Mr Miller to explain what exactly it is we’re doing in this location, and as you’ve indicated, you’re very familiar with our code of construction practice, all of the controls that that entails, so I won’t ask Mr Miller to remind you of all of that, unless that would assist.

469. So, Mr Miller if I can ask that slide P1012 is put up. Now, on here, we just have some information about the temporary water main supply that we’ve heard about that will run along the back of the properties, but not along the footpath as we’ve heard. So, can you just explain to the Committee, what actually it is that the utilities company will be doing here?

470. MR MILLER: Yes, they’re going to be putting in a water pipe which will service the batching plant area of the construction site which was shown on the plan that the petitioner took us through. So it’s a relatively small trench that’s got to be created, probably with a small bit of planting equipment and sort of thing you see from day to day and on the streets, that we’re all familiar with. It’s relatively simple works, and we’re putting it away, as the petitioner says, on the other side of the hedge.

471. MS PARRY (DfT): Thank you very much. And in relation to – we’ve obviously talked quite a lot about the code of construction practice, but this is works to be carried out by the utilities company, so can you just explain to the Committee whether that applies?
472. MR MILLER: It does apply. The utilities companies will be employed by us, we’re the nominated undertaker and we have to – and our suppliers have to abide by the environmental minimum requirements of – that come along with this Bill. And one of the things – one of the aspects of the environmental minimum requirements is that code of construction practice that you’ve heard from me before. And the provisions in that will apply to the utilities companies as they are subcontracted to us, so they’ll be contractually bound to meet those requirements.

473. And then in this instance, and the potential for noise from that plant digging the trench to the rim of that hedge, we call it best practical means. What that actually means is good planting equipment, modern planting equipment that we use on a day to day basis, and if necessary, and if there were gaps in the hedges, it may well be that we can put up a temporary absorptive noise barrier – you see that on all of the construction sites in and around London, it’s very familiar feature of our construction sites and that can be put up as well, just to shield the noise. But I don’t expect this to be very disruptive.

474. MS PARRY (DfT): Unless there’s anything else, sir, those were the –

475. THE CHAIR: Sandy?

476. MR MARTIN: Yes, Mr Miller, for the installation of this water main, in your experience, how long would it normally take to put in a water main along this sort of length?

477. MR MILLER: It won’t take 18 months, that is a very large period which has been put into the documentation. I would expect it to be no more than three months, and it’s probably about two months to put such a small trench in.
478. MR MARTIN: Right okay, so the 18 months is like a large envelope in order to make sure there is time to do the work in, but –

479. MR MILLER: Yes. We did talk about it back in the office a while ago and I think there were all sorts of provisions in there for getting connection licences and whatever, where we actually connect into the water mains on the highway and that sort of thing, all included in this. But this is a small trench, 390 metres in length, it’s not a big deal this and it is a real small trench. It’s going to be something about a foot, 18 inches wide, that’s it.

480. MR MARTIN: I did ask because it occurred to me that I have seen water mains put in, in 18 days rather than 18 months.

481. MR MILLER: Yes. So you’ve seen it?

482. MR MARTIN: Well in my experience, I have seen water mains put in, in parts of Ipswich, and it’s – in places it’s taken 18 days rather than 18 months.

483. MR MILLER: That’s right, and I think that’s what you’ll end up with here, it’ll be relatively minor works here and unfortunately, the way it was described in the Environmental Statement, it’s sort of overeggs it by 18 months – sorry, 15 months.

484. MR WIGGIN: Does it have to go along this route?

485. MR MILLER: Does it have to?

486. MR WIGGIN: Yes.

487. MR MILLER: Well, we always try and find a way of following a boundary, if at all possible, rather than cutting across a field, we’re taking up the local road. You’ve
seen on that plan that when you’ve got a batching plant which is almost at the end of the properties there, so it’s coming in at the closest point that we can take it. So, that’s our consideration of that. If the utilities companies came back and said, ‘Well, you can do it simpler – in a simpler way’, then we would probably take that opportunity. But we made that provision to make sure that we can get the water in.

488. THE CHAIR: Sheryll Murray.

489. MRS MURRAY: Just to ask Mr Miller to explain about the sinkhole in the field for the power line?

490. MR MILLER: Yes. The geology here seems to be quite unusual. As I understand it, it’s a glacial deposit and when the glaciers disappeared a long time ago, we believe that what was in the ground were ice pockets that through time have melted away, left a void in the ground and that those, from time to time, the ground around it collapses back into that void.

491. It seems to be something which happens in this area. The road, which was referred to, the A500, we have the data for that road and we understand that there were some local depressions caused by the embankments in that area, but there was quite a lot of what was softer ground that they – and there was a localised drop in the landform.

492. What we will be doing here, and we’re some distance away, apart from the construction facilities, the new railway that we’re creating, is about 850 metres away, so it’s quite some distance away. We will be digging into the ground but prior to that, we will be doing ground investigations to make sure that we get the right construction technique in place, to make sure that these things don’t cause any problems. And we had no concept that this was going to be a problem in this location.
493. THE CHAIR: I would say to you however gently, that going from 18 months on a pre-prepared slide to three months is not a desperately acceptable margin of error and may have led to confusion from the petitioner, quite reasonably, and had it been accurate from the outset, we might not be here discussing it at all, which would have been preferable. So, I don’t look for HS2 to comment, but can I ask you to go away and look at similar issues, to make sure, if at all possible, they don’t crop up again? We don’t need to go into any more detail than that. I think you’ve indicated that you’d come to an end?

494. MR WHITFIELD: I was just going to ask about noise levels because in the noise sheet, you talk about the assessment of construction noise, which is red flagged up, but that again is – that’s the plant, that’s not the changing of the utilities, is it?

495. MR MILLER: No, that’s right, so again, as the petitioner pointed out, the planting equipment in that major construction site, and it is a big construction site, will be shielded.

496. MR WHITFIELD: And that will be shielded.

497. MR MILLER: It will and, for that site, we’ll end up getting what we call the section 61 consents from local planning authority. They will want to know how that site’s going to operate, over what duration, and what site attenuation measures are going to be put in.

498. MR WHITFIELD: So it’s not that the planning authorities will operate the site, it is that the planning authorities will see what you are going to do to mitigate the sound and they have to consent to that to say if it’s adequate and sufficient?

499. MR MILLER: Yes that’s right. And so the purpose of the environmental
statement, it flags where there is a particular issue, and that means that we can then start thinking about how we’re going to get on with that in the construction plan when we come to it.

500. MR WHITFIELD: So it’s not the case that on the sound map, that just because the actual specific properties that the subject of this petition were the points of the sound survey, it applies to those properties just as if they were the specific sites and the mitigation will happen?

501. MR MILLER: Yes. There’s little value in putting any more sound survey in.

502. MR WHITFIELD: Yes.

503. MR MILLER: There’s much more value in getting the sound attenuation right on the site; that’s really what you want to do, deal with the sound at source. That’s the issue.

504. MR WHITFIELD: I’m grateful, thank you.

505. MR WIGGIN: Can we not put the pipe in with a mole?

506. MR MILLER: You mean with a mole? What, tunnel it?

507. MR WIGGIN: Yes.

508. MR MILLER: It’s a relatively small pipe, it’s 100 ml pipe.

509. MR WIGGIN: It’s easier moling them in if it’s small.

510. MR MILLER: Okay. We’ll have a look at it.

511. MR WIGGIN: Well, digging the trench seems to be what’s causing the problem.
If it’s put in like a gas pipe, which is moled in, it doesn’t cause that much –

512. MR MILLER: I honestly don’t think it’s going to take very much time to do it.

513. THE CHAIR: Do you have any conclusion to say?

514. MS COEN: The petitioner was very concerned – we were originally told an area of three metres would be taken to a depth of two metres. This area is sand that – the houses along Weston Lane and down Larch Avenue were built by my grandfather in the 1930s. He didn’t go any further down the avenue because there was a farmer that then became a builder, because the land was so sandy, and he was putting further structures in place. So we do have real concerns that appropriate testing is undertaken, when you put the pipeline in.

515. We thank you for not putting it down the pathway, which is tarmacked by Cheshire County Council. I think there may be other options because there is a small passageway – if it is problematic, then from the local knowledge of the area, there is a gap in the hedge-way lower down Weston Lane, which I can explain to the site engineer later, which could be used for a water main.

516. THE CHAIR: That’s fine, we’ll ask you to do that if there is – with HS2’s agreement, if there is a more appropriate response, or more appropriate plan, whether that’s the Wiggin mole, or whether it’s a different route, let’s go for that. The Committee is now going to meet in private. Thank you very much for petitioning.