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 (Morning)

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
Roger Bedson, Petitioner Representative

WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd
Philip Proudlove

IN PUBLIC SESSION
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1. THE CHAIR: Before we start today, can I thank you all for the work that you’ve done – the assurances that have been brought forward? I must, however, express the Committee’s disappointment that the two parties have not got to the point with some of these petitioners, that they have settled outside this place. And that’s not a criticism of you, Mr Bedson, and not a criticism of HS2. It’s a criticism of both. So, we will be looking for some quite focused petitioning and moving on. I think progress has been set but, if HS2 have moved a long way, then one should settle and if there’s only a short way to go, then HS2 should go just a teeny tiny bit further. But we’re looking to you, Mr Bedson, to settle some of these cases even during the day. I will be disappointed if we get to the end of the day having seen all these petitioners.

2. MR BEDSON: I promise you, sir, we are doing our utmost to do that. We have been for a very long time.

3. THE CHAIR: Okay, let’s start with the Dykes.

George, Helen and Sarah Dyke

Submissions by Mr Bedson

4. MR BEDSON: Okay, we are nearly there with the Dykes. Sir, the remaining point is the provision of an access. If we could bring up, please, plan number 247(5). So, the Dykes’ family land – they’re a tenant of Lord Stafford – their land is highlighted in purple. HS2 have offered assurances that they will give reasonable endeavours to deal with this area here, to try to redesign it. And they’ve given an undertaking as to the size of the underpass there which is helpful. But, again, it’s all subject to reasonable endeavours etc., so it doesn’t quite give us the assurance –

5. THE CHAIR: The Committee I think are happy the concept of ‘reasonable endeavours’. Is there anything else?

6. MR BEDSON: Well, later on in the day, some of the assurances refer to ‘reasonably practicable’. And you may think that’s splitting hairs but we do have some cynicism. If they mean the same thing – if ‘reasonably practicable’ and ‘reasonable
endeavours’ mean the same thing –

7. THE CHAIR: HS2 will clarify what they mean on that later.

8. MR BEDSON: Okay. The remaining point on this case then is an access track. Because, at the moment, the farm has field-to-field access across its axis. So, the remaining thing we need is an access track to this field here, to be able to get to it without having to drive across ploughed or tilled land. So, we’ve suggested yesterday an access track going along this particular route here which we would be happy with. The assurance that we got this morning was slightly different. It said from there to there. Well, that doesn’t actually work. And it doesn’t refer to a ‘track’. It just refers to ‘providing access’. All we need is an access track. We only got that this morning so it’s something we haven’t yet been able to discuss – to bottom out. We simply need an access track being built. And that is the petition, sir, now.

9. THE CHAIR: Any questions before I go to HS2? HS2, if you need to take a second –

10. MR WHITFIELD: I was just –

11. THE CHAIR: Sorry, Martin’s got a question.

12. MR WHITFIELD: Can I just ask Mr Bedson? Your proposed line of the track runs along the hedge presumably on the field edge there? That there.

13. MR BEDSON: Yes.

14. MR WHITFIELD: Yes. And their proposal is from the bottom running parallel with the track.

15. MR BEDSON: To that point there. The issue with that is, of course, we’re coming under an underbridge there. There’ll be a slight cut in there.

16. MR WHITFIELD: Yes.

17. MR BEDSON: So, we won’t be able to turn immediately left across here –

18. MR WHITFIELD: Right. So, it’s not actually the route, it’s the access onto the track, or whatever it’s being called for the purpose of the vehicles?
19. MR BEDSON: But it’s also all they refer to is to provide agricultural access. Well, we’ve got agricultural access if we then drive across the field. The problem is the field will be muddy. We just need a track.

20. MR WHITFIELD: Yes.

21. MR BEDSON: Or for them to fund a track as an accommodation work. It’s quite simple.

22. THE CHAIR: Sandy?

23. MR MARTIN: And presumably, Mr Bedson, that track – you’re not talking about motorway standard. We’re talking about concrete –

24. MR BEDSON: We’re talking about an agricultural track, concrete. Exactly.

25. MR MARTIN: Yes.


_**Response by Ms Lean**_

27. MS LEAN (DfT): I wonder if, sir, I bring up P1024(2). This is the assurance we were able to offer Mr Bedson’s clients following the discussions yesterday afternoon. And you’ll see that what we’ve agreed to provide, ‘access for agricultural vehicles’. And noting some conditions including either ‘the access being capable of being provided within the existing powers of the Bill’, or ‘a successful promotion of an additional provision’. I think that is linked around the need to make an appropriate access point off Common Lane there. So, we have given assurances around making an access available. There is some further work to be done there. But we do hope that that is sufficient to show the –

28. THE CHAIR: And the road?

29. MS LEAN (DfT): I understand it would have to be suitable for agricultural vehicles. So, again, that’ll be picked up in the design point about it being a track or what the specifications need to be.

30. THE CHAIR: Sandy?
31. MR MARTIN: First of all, Ms Lean, you are going to have to drop 1.2.2, won’t you, because the access is not going to be provided on land within the existing Bill limits and that’s not what they were asking for. They were asking for a mitigation track.

32. MR WHITFIELD: No, it’s not.

33. MR MARTIN: They want the –

34. MR WHITFIELD: They want the track there which is not on existing Bill limits.

35. THE CHAIR: Although to a degree, it doesn’t matter in the sense that if it’s not within the –

36. MR MARTIN: It does matter.

37. THE CHAIR: — sorry, it does matter, doesn’t it. You still can do an additional provision. Apologies.

38. MR MARTIN: All HS2 need to do is drop the 1.2.2 because the 1.2.2 hampers them from doing what they want to do in order to meet the needs of the petitioner.

39. MS LEAN (DfT): I think it’s not an — it’s an ‘either/or’ in 1.2.2. So, it’s either we can provide it within Bill limits or through the successful promotion of an additional provision. So, if we can’t — there is some land there within Bill limits for construction which is a slightly wider land area. If I pull up P954, for example.

40. MR MARTIN: I’ve got P954 in front of me.

41. MS LEAN (DfT): There is obviously a wider area of land there within the Bill limits that’s used during construction for other purposes.

42. MR MARTIN: Yes, Ms Lean, I’ve got P954 in front of me. And P954 makes it perfectly clear that the place where the petitioner wants the track to go is not within Bill limits.

43. MS LEAN (DfT): If I could pull up the plan on the assurance, sir. The plan on the assurance is P1024(3) which shows the points between which we’re offering the access point. As I’d understood it, the concern about where the track – I understood that these were the points that had been agreed yesterday. If that’s wrong, obviously, we can
take that offline. But that was where access needed to be from and to. And I understood the concern Mr Bedson was expressing in particular was around whether or not point A, you can get to the suitable access off Common Lane and that’s the provision that’s made in the assurance – about the additional provision. So, sir, there does need to be some further technical work around this but it’s about saying that we will make sure there is an access so you can get from the underbridge to the western side of the holding.

44. MR BEDSON: May I offer a suggestion, please?

45. THE CHAIR: Yes.

46. MR BEDSON: If A to B works, we’re happy with A to B. It would be a concrete track and that’s all it needs to say.

47. THE CHAIR: Go on, Sandy.

48. MR MARTIN: Well, I’m sorry, Mr Bedson, I don’t think A to B does work. I mean, you’re speaking on behalf of your petitioner but the petitioner has presumably spoken to you. And if I was a farmer, I wouldn’t understand where the problem lies. And I would want to have a track in the most sensible place which would be alongside the hedge on a diagonal path going down there which is where your client told you they wanted the path to be. I cannot for the life of me understand why either you or Ms Lean wants to go back to previous documents or previous negotiations and find paragraphs and bullet points in order to show that it is legally impossible to provide a concrete track alongside a hedgerow. As a non-lawyer, I find sometimes the insistence on going back to previous documents and previous negotiations deeply unhelpful when what a petitioner clearly wants is something very simple and practical.

49. MR BEDSON: This was only discussed yesterday and I haven’t had a chance to firm up these points with my clients yet. If A to B works physically on the ground then that’s fine but we don’t know that it will. If it doesn’t, it’ll go the other way. All we need is an assurance that we’ll get a track to point B from the most sensible point. Simple. Thank you.

50. THE CHAIR: Anything more from HS2?
51. MS LEAN (DfT): I think we were trying to be overly helpful in specifying how we might go about doing it. If what’s wanted is just a track to point B and an assurance is sought in those wider terms I’m sure we can do that.

52. THE CHAIR: You seem to be millimetres apart from agreeing on absolutely everything. And the point about ‘reasonable endeavours’ and ‘reasonably practicable’, is it possible to use the term ‘reasonable endeavours’ because we became very comfortable with that as a term and would urge petitioners to accept it for what it is rather than assuming it’s some way of HS2 wheedling out of things in the future. So, is there is a difference between the two terms?

53. MS LEAN (DfT): I think in substance no, sir. I think where the difference comes is sometimes you have an assurance that says ‘the Secretary of State will require the nominated undertaker to use reasonable endeavours to provide’ and sometimes it says ‘the nominated undertaker will provide, so far as reasonably practicable’. So, I’m sure I’ll be corrected from behind if I’m wrong; I think it’s sometimes a phrase that –

54. THE CHAIR: So we don’t have to go through a whole palaver again about different terminology, can we always use ‘reasonable endeavours’ going forward? Because we’re comfortable with that. I think that would help petitioners, it would help HS2. And then it means we don’t ever need to discuss this issue again.

55. MS LEAN (DfT): I’ll certainly take that back, sir.

56. THE CHAIR: Thank you very much. I think we’ve done what we need to do. Let’s move to the next petitioner.

Edward Nield

Submissions by Mr Bedson

57. MR BEDSON: The next one is Mr Ed Nield. Again, we made some progress on this yesterday. And it may be as well to bring up the slide, please, on the assurance that I received this morning. And, I’m sorry, I don’t know the number of that because I haven’t –

58. MS LEAN (DfT): P1023.
59. MR BEDSON: – only given to me this morning. Right, there’s a plan scrolling down to the bottom of that somewhere. Mr Nield owns – and I will indicate with the mouse – this parcel of land in here. Now the adjoining land – this land here – is subject to various option agreements and has been in the past for development. It is likely to happen at some point. The landowner is confident about that. This land here forms part of that parcel effectively if development would come, and also has part of the access in through it. The assurance that we asked for was that HS2 didn’t plant trees all over it. We suggested that the bund here be extended over here because it will provide a similar sort of screen against the bund over there. That seems sensible. But, essentially, we need to retain this land free of trees going up to the client’s boundary which is about this point here. What HS2 has offered is to, where reasonably practicable, take out the trees in the blue area but, essentially, all we need is for that area there to be freed from trees too so that we are unfettered up to the boundary of the client’s holding. It’s as simple as that.

60. THE CHAIR: Okay. Jacqueline Lean?

61. MS LEAN (DfT): I think it might be helpful if I ask Mr Miller to explain the purpose of the mitigation here.


**Evidence of Mr Miller**

63. MR MILLER: You’ll remember here that we are in a very deep cutting moving towards the south portal of the Madeley tunnel in this location. And what we’ve done is provided landscaping, planting screening, a variety of hedgerows, woodland block planting and that sort of thing to hide what is essentially a really large notch in the ground. It’s a big excavation there. A bit like a quarry in nature. And what we’re interested in is protecting views from this area here – along Bar Hill – wider views into Madeley and the amenity of the footpath network in the vicinity. We’ve looked at the petitioner’s request. And the blue line essentially draws back the woodland planting here. And the reason why we felt we could come off with a blocky woodland planting is because we think we could still maintain a screen wood planting but using filtered views. This track here has a number of trees along; it’s like a tree-lined avenue. Indeed, even on this part of the land and the petitioner’s land, there are trees planted in here as
well. So, the idea is to emulate that and to have a woodland screen on either edge there. I think Mr Bedson mentioned putting a bund over in this location. But I think actually if you put a bund there, raised earthworks, you’ll end up taking a lot more land. So, that’s just planting in there. It helps screen off this off or hides this approach to the tunnel portal where there’s an awful lot going on. It’s a very wide open cut.

64. **THE CHAIR:** Any questions? Sandy?

65. **MS LEAN (DfT):** Sir, I was just going to ask Mr Miller about the request for a gap in the planting going out towards Bar Hill Road, provide an access out there. Can you assist with the access arrangements for that parcel of land?

66. **MR MILLER:** Yes, the access arrangements have got to change because you’ll remember on the site visit we took the route up this road here and then we passed over the very high ground back down. We had a cup of tea on the other side of the hill there. The road has to meet the levels at that particular point and you can see that we can’t match the avenue that exists there already. Indeed, at the moment, there is a little bit of a turning back onto the existing road. We have to meet the highways standards for the splays that I’ve spoken to you about previously. So, the site line’s getting access onto that road. That dictates what we can do there by way of access. Getting access into this land, as I understand it, there is a field access roundabout that location where my cursor is.

67. **THE CHAIR:** Okay. Any questions? Let’s move to the next petitioner.

68. **MR BEDSON:** May I respond on that?

69. **THE CHAIR:** I think you’ve made your case clear. HS2 have made their case clear. Let’s move on. Next petitioner.

**Richard and Alison Williams and Jeffrey and Sheila Thornhill**

**Submissions by Mr Bedson**

70. **MR BEDSON:** Williams and Thornhill is the next one. This is a very highly productive dairy farm. Three times a day milking, producing 11,000 litres or thereabouts per cow. If we can pull up, please, A249(10). Now, we do have some
assurances here which we are happy with so long as ‘reasonable endeavours’ is the same as ‘reasonably practicable’. And if we can confirm that that is the case then that gives us a lot more comfort. There are two points here that we need to discuss, please. One is the longer notice period for entry. The clients will be losing about 80 acres of land here which is 80 cows which is 900,000 litres of milk. It’s a lot. And it’s a big deal to them. They need to try and acquire some more land in order to maintain the farm on its current level. They invested quite heavily in the business a few years ago so they’ve got some borrowings to pay down which they’re paying down very quickly and very well because they’re profitable and they’re strong. But taking that number of cows away hits turnover hard. So, to maintain the business, we’ve got to get some more land. What we would like is a longer notice period here. We have cases on Phase One at the minute where, for temporary works, they’re still only getting a 28-day notice. And it’s catastrophic on a dairy farm. You just can’t plan with a 28-day notice. We’ve asked for 12 months’ notice which HS2 probably might –

71. THE CHAIR: Can I just check with HS2. What’s the notice period at the moment? Because I thought there’d been some movement on this already.

72. MS LEAN (DfT): There’s been an assurance to the NFU. I think under the Bill it’s three months for permanent, 28 days for temporary. But we’ve given the assurance to the NFU about trying to give longer notice as long as we can.

73. THE CHAIR: Sandy?

74. MR MARTIN: Yes, Chairman, we did discuss this at very great length with the NFU, didn’t we? And my understanding was – and I’d like Ms Lean to comment on this – that the 28 days would be the minimum requirement for small scale temporary access such as in order to do an immediate visit for purposes of infrastructure study or survey or something like that, but that actually the planned works – the landowner would be given at least an indication of which quarter the planned works were likely to start in well in advance, like a year in advance. I mean I think that’s the most important thing that if you’ve got planned works – serious planned works – about to start, you would get at least a year’s notification of which quarter those planned works were likely to start in, not necessarily which day they’re likely to start on but which quarter they’re likely to start in. Can you make that assurance?
75. MS LEAN (DfT): Sir, it’s assurance 10, in part B of the NFU assurances. Can we bring up R1757? I think, sir, this is what you’re referring to. It’s 10.2 that, ‘Notwithstanding the requirement for 28 days’ notice, we will use reasonable endeavours in advance of any formal notification to notify the expected quarter of the calendar year in which the petitioner’s land is to be occupied temporarily under the Bill’. So, that’s the one I think you’re referring to.

76. MR MARTIN: Yes.

77. THE CHAIR: And so, Mr Bedson, the Committee are happy with that. We’ve heard evidence on that in principle and we are happy with that. So, have you got any other points in relation to this petitioner you want to move onto?

78. MR BEDSON: There are. It’s not working out like that on Phase One is what I can tell you. And we get –

79. THE CHAIR: We know that. And let’s move on though.

80. MR BEDSON: Okay. The next point was about conduits. We have a farm, obviously, that is severed and is down to two – an access point there and an access point there. Those are the only two access points on the farm. The farm does have a lot of water troughs and electric fences and such like. We’ve asked for conduits to be put in in this sort of area here really so that it gives us flexibility to put water pipes under where we need to. We might end up reorganising fields and putting in water troughs in, etc. The assurance offered says, ‘where existing conduits are severed’. Well, there may not be existing conduits at the minute because there’s no railway there. Therefore, we don’t need them. What we need is some 300 or 500 millimetre diameter pipe, two or three of them built into the embankment that we can put an alkathene water pipe up. It’s practical, simple stuff that a farm needs to do. And the assurance doesn’t actually cover it really from our point of view.

81. THE CHAIR: Okay. Any other points?

82. MR BEDSON: Those are the two main points, sir.

83. MR WHITFIELD: Can I just ask Mr Bedson? If HS2 were to come and look at the field in three weeks’ time and find a pipe mysteriously lying in the middle of the
field as a conduit, would that not be an existing conduit when they –

84. MR BEDSON: Well, it may but we are going to have to reorganise the farm through all this so –

85. MR WHITFIELD: I’m sure it would be necessary.

86. MR BEDSON: There are water pipes and such like around the farm but we don’t quite know how the farm is going to pan out. And to save us having to take great detours with alkathene pipes and all the rest of it.

87. MR WHITFIELD: Yes. I appreciate that.

88. MR BEDSON: Thank you.

89. THE CHAIR: Thank you. Any questions? We don’t need hear anything on the first issue. We’ve considered that already. But on the issue of conduits we’d appreciate your comments.

Response by Ms Lean

90. MS LEAN (DfT): Indeed. Okay. Sir, in terms of the assurance we’ve given to this petitioner, if I could bring up P946(4). I’ve got obviously a slightly different number. 946(4)? Sorry, my apologies. Something’s gone slightly awry with the numbering. Essentially what we’ve said is that where existing conduits would be severed as a result of the construction –


92. MS LEAN (DfT): I am grateful. Thank you. Thank you, Mr Martin. That’s the assurance that we’ve given. It reflects the general commitment, I think you can take it, to within the farmers and growers guide, I think we can say, for existing conduits. In the farmers and growers guide it talks about services. I understand there are water pipes on the farm. So, essentially, this is if there need to be conduits provided to get services and water from one side to the other there is reassurance around that. I hope that provides comfort.

93. As regards the specific points, there will need to be consideration given to this
during the detailed design and discussions with the farmer as that progresses as to what exactly is required and where the best place for those sleeves or those conduits to be is. Obviously you can put sleeves and conduits through railway embankments but that can introduce, I’m told by Mr Smart, something called hard spots. So, again, where it may introduce some differential sort of settlement of groundwork in the embankments if you’ve got a conduit built into it, obviously that doesn’t mean you can’t do it but it’s something that needs to be taken into consideration and that’s why we don’t feel we can sit here today and say, ‘Yes, there can be three conduits of this size here, here and here’, because that is something that really does need to be worked up as the detailed design progresses, both to work out what is reasonably required for the farm and also how that interplays with the railway and its infrastructure. So there is a commitment to make sure that they can get services across; just not the detail that is being looked for at this stage.

94. THE CHAIR: Martin?

95. MR WHITFIELD: HS2, presumably, accept that that undertaking must be slightly broader than is worded in a sense because there are fields that exist at the moment that aren’t interrupted by your rail, which don’t require conduits because you just walk across the field. My reading of the assurance here talks about – and it’s interesting that it picks up replacement conduit, efficient management, but doesn’t seem to suggest that the provision of new conduit would be put there for the facilitation of the fields post HS2.

96. MS LEAN (DfT): May I just very briefly turn my back, sir, just to clarify something? The assurance is meant to reflect the more general commitment that you have in the farmers and growers guide around services for a holding or the need to provide supplies across the railway. If there’s a concern about the wording I’ll ask for that to be taken away and made clearer.

97. THE CHAIR: Yes.

98. MR WHITFIELD: The farmers guide is the priority one that the farm must be manageable post HS2. This was a more specific one about existing conduit.

99. MS LEAN (DfT): Yes.
100. MR WHITFIELD: So Mr Bedson would be right to say to his clients that, with the usual provisos, the farm will still be manageable from the point of view of conduits, given the arrival of a railway line straight through the middle of it.

101. MS LEAN (DfT): Yes, sir, that is the general commitment about where supplies need to cross the railway we can do it in sleeves when necessary. So if further clarification is needed around the wording I’ll ask if we can provide that comfort to this petitioner.

102. MR WHITFIELD: I think it may prove some comfort to Mr Bedson’s clients.

103. MS LEAN (DfT): Yes, indeed.

104. MR WHITFIELD: Thank you.

105. THE CHAIR: Thank you. Let’s move to our next petitioner.

106. MR BEDSON: Sampson?

107. THE CHAIR: As we move to the next petitioner, if it’s convenient, Mr Bedson, I’m more than happy to take the Proudloves after Sampson. We’re making good progress. But if it’s convenient to bring them forward –

108. MR BEDSON: To bring Proudloves in now?

109. THE CHAIR: After Sampson, if that’s okay.

110. MR BEDSON: Yes.

111. THE CHAIR: Thank you. If that’s convenient to your petitioner.

The Executors of J S Sampson Deceased

Submissions by Mr Bedson

112. MR BEDSON: So the Sampson’s case, if we can pull up, please – actually, we’ve got an assurance from HS2 with a newt pond location on it. I’m sorry, I can’t find the number. One moment, please.

113. THE CHAIR: Don’t worry. Take a second. Take a minute.
114. MR BEDSON: 253(4), please, is the plan that we need to refer to. Thank you very much. This is a parcel of land owned by the Sampson family. When they sold their farm in this area – it’s the area edged in purple here, the neighbouring landowner’s property is shown in orange and yellow, so this is a parcel of land that was retained by the family when they sold the farm – they moved up to Cheshire to farm up there, and they retained it for strategic purposes because it’s between this area of development land here that used to be part of RAF Stafford, all these are houses in private ownership now, and it’s between the village of Hopton. So they’ve kept it, obviously, for potential future development.

115. Now, we accept there’s a railway going through it. We’ve had an assurance in respect to this parcel of land that, where reasonably practicable and using reasonable endeavours, they’ll remove this newt habitat land here. It’s slightly odd that that’s given as newt habitat creation because the newt pond is here and the 250 metres that newts potentially graze is coming around here. So it seems a bit odd that they’ve put that down to newt habitat creation. Any newts coming from here, of course, have got to cross several fields, go through several hedges, another hedge here, launch themselves on to Hopton Lane, probably get run over, cross another hedge and eventually get here and when they go home at night they’ve got to go through the whole gauntlet again. So it just seems a little odd that that’s put down as newt habitat creation. Anyway, we have an assurance on that.

116. The land to the south, however, down here, there isn’t much movement on that and we can’t see why we’ve got newt habitat creation here or trees in this location. The land rises up, as you can see from the contours, from this point. It rises up quite steeply towards the railway, which is then in a deep cutting. So one would have thought that by putting the access track here and a hedge alongside the access track that would suffice. So we ask, really, that this area of habitat creation be removed and our clients’ land be left as it was.

117. We’ve also had an assurance re the access track this morning but it’s a bit woolly again. All we need to make absolutely sure is that we have a right of access for all purposes, even owning the track, to this field as we do now and that we’re not going to be ransomed in the future by HS2 for trying to get in if we get development on that land, etc.
118. THE CHAIR: Okay. Shall we hear from HS2 on those two points? I don’t think we need to hear on anything north of the railway on the basis there’s acceptance of the solution.

Response by Ms Parry

119. MS PARRY (DfT): I’m very grateful. So, in relation to the access track, can we put up P1022(1)? And this is the assurance offered following the exhibits produced by Mr Bedson and you’ll see 1.1 at the bottom of that page, ‘The Secretary of State, in exercising the powers of the Bill, require the petitioner right of way, with or without vehicles, post construction of the proposed scheme over the access road for the purposes of enabling the petitioner to access the petitioner’s land from Hopton Lane’.

120. And if we go over the page, the condition being, and I understand this is Mr Bedson’s concern, that the petitioner has to retain ownership of the land to which he is trying to access. And the simple reason for that is, if we could just go back to the previous plan – sorry, do you need a number? At the moment the area to the south of the railway is entirely taken up by mitigation. Of course, one possibility is that Mr Bedson’s clients may have access to that to look after the mitigation, obviously we’ve heard is a possibility, but if it is the case that Mr Bedson’s clients would prefer HS2 to purchase that land then there seems to us to be little point in there being an access over the track in those purposes. So that’s why that condition’s in place. Otherwise it is simply an offer an access over that track.

121. THE CHAIR: Okay. Let’s talk about newts and I will allow you to come back –

122. MR WHITFIELD: Sorry can I just ask …?

123. THE CHAIR: Go on.

124. MR WHITFIELD: If the petitioner’s right to access is governed only during their period of ownership, they couldn’t sell on that right of access to a subsequent purchaser, could they?

125. MS PARRY (DfT): I’m sorry; I didn’t completely understand that point.

126. MR WHITFIELD: At the minute the undertaking gives access as long as the
petitioner owns the land.

127. MS PARRY (DfT): Yes.

128. MR WHITFIELD: Would the petitioner be able to sell that right of access if they subsequently sold the land to a subsequent purchaser?

129. MS PARRY (DfT): Ah, I see your point. On the wording of that undertaking, no. That was simply because we were trying to address a different problem, which is that there is no point in him having access if HS2 ultimately own the land. I’m sure we can look at that wording again and see that there is a way between those two points.

130. MR WHITFIELD: So, in theory, there is no problem with the ability to sell that right should the petitioner wish to –

131. MS PARRY (DfT): No.

132. MR WHITFIELD: – look after the mitigation and sell it on to –

133. MS PARRY (DfT): No, I’m so sorry. That wasn’t what we were seeking to preclude. We were seeking to preclude the position where HS2 owned all of that land –

134. MR WHITFIELD: – owned the land –

135. MS PARRY (DfT): – and giving somebody else access over it.

136. MR WHITFIELD: Yes, I appreciate that. And you’d extinguish their right, then, wouldn’t you, as owners. Or you could.

137. MS PARRY (DfT): Well, not if we had a contrary assurance. That would potentially put us in a very difficult position. As I say, I’m happy to –

138. THE CHAIR: I think HS2’s intent is clear. The petitioner’s desire is clear. And it’s clear that you’re going to sort that problem out so let’s not worry about it in terms of evidence of this petitioner at this point.

139. MS PARRY (DfT): Indeed.

140. THE CHAIR: Although we note it for our report.
141. MS PARRY (DfT): Oh, and, in fact, a very good point. If I could just go to P –

142. THE CHAIR: Sorry, is this on access or newts?

143. MS PARRY (DfT): It is on access but I hope it’s an answer to this point. It’s on P1022(2) –

144. THE CHAIR: I think we’re happy on access. Unless it’s essential to look at it again let’s move on to newts.

**Evidence of Mr Miller**

145. MS PARRY (DfT): Okay. Fine. In which case, I’m very sorry. Can we have the plan up – in fact, we can – if we can have page P969. Sorry, Mr Miller. There’s two areas to the south of the trace here; an area of planting of trees and an area of grass and habitat around the pond. Could you explain to the Committee what the purposes of those two areas of planting are?

146. MR MILLER: Yes. The grassland habitat, that terrestrial habitat, is to support the newt habitat for the existing ponds.

147. MS PARRY (DfT): And is there any possibility of reducing that?

148. MR MILLER: No.

149. MS PARRY (DfT): No. And then the area to the north of that, the area shown in front of the trees, Mr Bedson described that as landscape screening. Is that its purpose?


151. MS PARRY (DfT): Does it have any other purpose?

152. MR MILLER: Sorry, yes, it’s woodland planting we are looking at on a route-wide basis.

153. MS PARRY (DfT): So what’s it seeking to do?

154. MR MILLER: Well, it’s seeking partly to screen this very deep cutting here from these properties here. It’s also true of that landscaping – sorry, that tree planting here as
well. You remember I spoke about this I think just last week. There’s a viaduct here, Hopton on high grounds, this area Mount Edge on high ground here and with the railway passing in a very deep cutting in this location. So there is screening and habitat creation on this side and tree screening on this side and that’s to integrate the railway and improve the amenity as a consequence of the railway.

155. MS PARRY (DfT): Thank you very much. Thank you, sir.

156. THE CHAIR: Thank you. Mr Bedson?

157. MR BEDSON: Yes. My point is that newts exist in these ponds here quite happily, not in spite of farming but because of farming. The place is full of newts, the farmers doing what they do. It does not need HS2 to interfere with it and to put covenants all over the land restricting what we can do on it. Those newts exist anyway quite happily. It just seems utterly pointless to interfere in areas that they needn’t interfere with.

158. THE CHAIR: Okay. Sandy?

159. MR MARTIN: Yes. Mr Bedson, you started off by saying that the Sampsons had retained this land for strategic purposes because it was between the housing on Mount Edge and the housing at Wilmore Hill Lane. So I am interpreting ‘for strategic purposes’ as to mean in the hope of selling it on to a housing developer for a lot more money than it would have been worth as agricultural land. If it was going to be developed for housing, how well do you think the newts would be able to cope with that?

160. MR BEDSON: Well, newts can cope with it. We’ve been involved in lots and lots of development sites where newts are fenced in and they are relocated and various other things happening so, you know, there are ways around it. But if it’s all covenanted, HS2 take it under temporary powers, put a covenant on it and then say, ‘Right, you can have it back now’, doesn’t leave us anywhere to go, does it? You know, we’ll deal with the newts in our own way in time as any other developer does, I’m sure.

161. MR MARTIN: You appear to me, Mr Bedson, to be arguing against the entire concept of wildlife sites that actually how some developments are better for wildlife
than wildlife sites are.

162. MR BEDSON: I’m not arguing against the concept of wildlife sites at all. I just wish HS2 would actually come and talk to us about it rather than dealing with it in an ivory tower and dictating what’s going to happen. I think in this case it doesn’t need to be done like this.

163. THE CHAIR: You’ve made your points. Let’s move to the next petitioner.

164. MR BEDSON: Thank you.

165. THE CHAIR: Mr Proudlove. Are you calling witnesses, Mr Bedson?

166. MR BEDSON: I’ve just heard that we’re getting a wording change on the Proudloves’ case so it might be better if we …

167. THE CHAIR: It would be convenient for the Committee to take a five-minute break and then we will resume.

*Sitting suspended.*

*On resuming –*

168. THE CHAIR: Mr Bedson?

Mr Philip Proudlove and Mrs Sue Proudlove

169. MR BEDSON: Thank you. Could you bring up A51(6), please? Over to you, Philip.

170. MR PROUDLOVE: Would you like me to introduce myself?

171. THE CHAIR: Yes. That would be helpful.

Submissions by Mr Proudlove

172. MR PROUDLOVE: My name is Philip Proudlove and we have farmed this farm, Sutch Farm, my family, for 100 years. The plans for HS2 are around 50 to 60 acres of good arable land and I mean good arable land because one particular field did win ‘the best wheat’ in 1986 of Cheshire. So it’s not just tree planting land. Each year, of
course, you know what an acre can produce of crisps and all the rest of it and milk and we are really very loath to see any useful farmland lost to tree planting, especially when farmers are being asked to produce more food.

173. The trees are supposed to shield the houses from the sights and sounds of HS2 construction. There are two properties, I’ve gone back on to the Lane End Farm now, we’re on Sutch Farm at the moment. There are only two properties connected with – this is still Sutch Farm but still… It’s all right. Right. Are the numbers on yours 7 and 10? No? There are only two properties which overlook most of this planting and I can’t see any reason why. We certainly have only left one field that can’t get at, at the moment, but I think that’s been seen to.

174. THE CHAIR: Mr Bedson, would you use the cursor to identify these two properties? I’m struggling to follow.

175. MR PROUDLOVE: Sorry.

176. THE CHAIR: No, don’t worry. It’s so that we want to make sure we understand –

177. MR PROUDLOVE: Have you got on it?

178. MR BEDSON: These here?


180. MR BEDSON: Yes.

181. MR PROUDLOVE: There are just the two properties overlooking the land to the right, 7 and 10 marked on that. And yes, put a small band on those but nothing else. They’re fields, just the green fields as far as you can see. So we can’t understand why that particular has taken up so much land. And we hope that you will really look at this more favourably than we’ve noticed so far. I think that’s all I have to say. Thank you.

182. THE CHAIR: Do you want to add – could you add a little bit more to that, Mr Bedson?

**Submissions by Mr Bedson**

22
183. MR BEDSON: We have received an assurance with, I believe, replacing so that we introduce the words ‘reasonable endeavours’ instead, which helps and it does reduce all of that issue.

184. But one point that Mr Proudlove has made to me, if I may have control of the cursor, please, is that this area here is, in fact, quite a substantial bund anyway that was built when those houses were built and there are semi-mature trees on top of it, which are actually rather high. Philip says when he’s farming this land here he can’t see any of those houses because there’s a large bund in the way. So it does seem that maybe that’s part of our discussion later that we can reduce the size of this bund because it actually probably isn’t necessary anyway. But we have got an assurance to that effect and if that assurance is saying to us that they will use reasonable endeavours to do that then that helps us greatly.

185. If I can just very quickly go to 251(5), this is Sutch Farm, where Mr and Mrs Proudlove live. We’ve got here an assurance that they’re going to and reduce the yellow planting there. We’ve just discussed with Mr Smith in the corridor that this area here, 14, can be included within that. So if we’ve got those assurances that reasonable endeavours will be used to reduce it there as much as possible that is very helpful.

186. The remaining point is back to 251(6), please, which is trying to get that balancing pond, because it’s slap in the middle of it, if that balancing pond can be put upper corner out of the way, it’s relatively flat land here, that would be a lot better. At the moment it straddles all of this land and all of that land. So if that could be relocated that would be splendid. Thank you.

187. THE CHAIR: Sandy?

188. MR MARTIN: Yes. Mr Bedson, if you go back to the other map for a moment, because that’s probably the easiest way of looking at it, clearly, as I’m sure you understand, there are going to be places where HS2 needs to put in mitigating sites, both grassland and wetland and woodland. And for the purposes of maintaining the best possible agricultural use of the land alongside the railway, it would make sense for as much of that mitigating land to be in places which are going to be pretty inaccessible for farming purposes anyway.
189. MR BEDSON: Absolutely.

190. MR MARTIN: How useful would area 14 be for agricultural purposes once the road has been realigned, because it looks like a very small area to me?

191. MR BEDSON: It’s 2.5 acres. It’s a useful hay paddock. It adjoins some of the houses, you know. We’d sort of like it free of covenant, really. You know, if it is for newts they exist there anyway because of farming and it seems, again, silly to put covenants on things where it doesn’t need to be.

192. MR MARTIN: But I mean you do understand the view that this Committee has taken in the past, which is that not always but very often it would be helpful if you feel that there are areas of excess mitigation that finding some other corner of the same petitioner’s property which is more suitable for mitigation would be helpful to your case.


194. MR MARTIN: Is there another area which is more suitable than area 14 for mitigation?

195. MR BEDSON: We’re happy to take that offline and discuss it with HS2 if possible, please. It isn’t something we’ve discussed with them yet but very happy to take that away and discuss with them, having their assurance to hand now that they’re going to use reasonable endeavours to do that.

196. MR MARTIN: But you can accept that if you have a very large number of petitioners for whom you are advocating, which you do, and they all want less mitigation on their land then it’s going to be extremely difficult for HS2 to find alternative mitigation areas for all of those petitioners for all of the areas, irrespective of how small they are.

197. MR BEDSON: I do accept that but, you know, having been involved with linear transport schemes and development sites in a lot of places, I do say that the mitigation on this scheme is greater than I have ever seen anywhere else and I think some of it is over the top.
MR MARTIN: Okay. Thank you.

THE CHAIR: I think we can hear from HS2. Clare Parry?

Response by Ms Parry

MS PARRY (DfT): Thank you very much. Sir, I don’t want to go back over information you’ve already had but I understand this Committee’s already familiar with the rules around European protected species and newts in particular. Is that something that would assist me to briefly remind the Committee about?

THE CHAIR: No.

MS PARRY (DfT): No. I’m grateful. In which case, if I can look first at P1015(3) and this is the southern of the two holdings. In fact, it might be useful for me to just remind the Committee that the Committee’s already heard a number of these issues when the tenant Mr Sutton came in on 25 June. So the concerns that were raised in relation to this plan were the area of planting indicated at around 12 and the area of planting indicated at 25 to the south of Waybutt Lane. If I can show you first of all P1025(4), that is a plan attached to an assurance and you’ll see it relates to the first of the two pieces of land that I referred to. And if I can take you back to P1025(2), you will see that the undertaking – the assurance given is to reduce the extent of the landscape mitigation, and that’s 2.1, within the area shaded green, and, for the purposes of facilitating the agricultural holding, at 1.1 there’s an assurance to, where reasonably practicable, to modify the design of the proposed ecological mitigation on the area edge red, and number 3 is an assurance around reduction in land take for the balancing pond, which was also mentioned. So all of those points are subject to an assurance.

If I can then ask you to put up plan P1017(6), and this is the area to the south of Waybutt Lane, you’ll see that there’s an area indicated in red and an area indicated in green. And if I can ask you to go back to P1017(2), the assurance is, in essence, to reduce the depth of the mitigation planting on the green land, which was the area to the south of that bund that you may remember, and then to reduce the gradient on the red land in order that the petitioner’s land is more readily available. So we’re essentially
taking the planting off of the southern half of that bund and re-grading it so that it’s available for agricultural use. And I won’t spend too much time on this because I think it was discussed in relation to the Suttons.

204. If I can then just look at the northern holding and, just to re-orientate ourselves, can we look at P1015(2)? And there was concern raised here about the landscape planting, I understand, particularly at 24 and, I believe, at 22. If I can ask that the plan at P1017(8) is put up, and you will see – I can go to the wording of the assurance but there’s essentially an assurance to seek to reduce the land in yellow. The only bit that Mr Bedson referred to that we haven’t in the time available been able to progress an assurance on is the grassland habitat and I’m quite content to ask my clients to look at that. I don’t understand there’s any objection to that.

205. THE CHAIR: I think that’s all very clear. With your permission, Mr Bedson, I’ll move to the next petitioner. However, if you insist on summarising I will –

206. MR BEDSON: We’re done.

207. THE CHAIR: Thank you very much. Very wise. Let’s move to the next petitioner, the Wrights. Thank you very much Mr Proudlove.

David, Fiona, Monty and Gwen Wright

Submissions by Mr Bedson

208. MR BEDSON: The Wright family is the next petition. Sir, just give me one moment, please. And this is one where we have struggled to make a bit of progress and I understand that it is difficult in engineering terms. It’s –

209. THE CHAIR: Can I pause you, Mr Bedson? Can I just check which tab are we on, because we’ve moved around a little.

210. MS PARRY (DfT): If you have the same tabs as us it's 9 and 10.

211. THE CHAIR: Thank you very much. Thank you. Sorry, Mr Bedson, to interrupt.

212. MR BEDSON: Not at all. It’s the Wright family and if you could bring up, please, plan 252(4), please. Family of dairy farmers again and taking significant areas
of land from them. There’s around 60 acres here to be taken and that has a significant impact on the farm. We understand it’s an engineering project. We understand it needs a certain amount of land but we’re requesting that it be reduced as much as possible and we don’t really have any significant or specific assurance in relation to this. There’s big areas of land here that, you know, don’t seem to be used for an awful lot. We’re hoping that some of the temporary material stockpiles can be put into position 5 during construction and that this can be minimised as much as possible. It really is going to have an impact on this farm with NVZ and all the rest of it; all the matters that we’ve discussed before. It’s a significant problem here on this farm.

213. If we go, please, to the following plan, which is 252(5), what we’ve suggested to help change things on a permanent basis is to realign the new Den Lane, which is going to be built over here, and to try and shove it over to the west as much as possible. Now, one of the discussions yesterday was that that would be difficult because it has to be built offline from the existing Den Lane to allow it to be built first and then the old one to be closed but certainly at the bottom end there’s probably a way that it can be swung round and moved. There must be some way that that can be reduced.

214. Down at the bottom here we’ve –

215. THE CHAIR: Sorry. That helps you because it frees up more land.

216. MR BEDSON: It reduces land take –


218. MR BEDSON: – in this area here. You know, it would save quite a bit of land there, which would be very, very useful to us in the future.


220. MR BEDSON: There’s a bund planted here or constructed here and we’re suggesting that that bund be put at 2A, where there is already some landscape works. It may be sensible to try and increase the size of that to put the bund there. These properties here, which are the receptors to that, already look at the current Den Lane and the current Mill Lane so looking at Mill Lane and Den Lane isn’t really a problem to them; it’s the railway that we’re trying to shield and I suspect the railway could be better
shield by putting the bund there. That then frees up this bit of land.

221. The other point is that planting trees there right in front of people’s houses isn’t always the best thing. Not everybody likes to look at a wall of trees. They’d probably rather look out over a paddock and then trees beyond it. It can feel quite hemmed in and, of course, things tend to die in woodlands and there’s lots of flies and maggots about, which aren’t very nice in the house. So, you know, our sensible, we think, suggestion is to try and move that and put it up here. So that is essentially what we’re trying to do. It’s a family dairy farm. The grandsons are now coming through, working hard on the farm and it’s their future. So –

222. THE CHAIR: Okay. Any questions? No? Sandy, no questions? HS2, Clare Parry?

223. MS PARRY (DfT): I’m going to ask Mr Miller to come and –

224. THE CHAIR: Thank you.

Evidence of Mr Miller

225. MS PARRY (DfT): Mr Miller, if I could just start by asking you to remind the Committee, what is it that HS2 are doing in this area?

226. MR MILLER: This part of the route is one of the most complex engineering exercises we’ve got to carry out for HS2. In the middle we have the main line tracks and those are the ones which go up to the portal position at Crewe and that’s the finishing point of Phase 2A. And what we have on either side of HS2 are what we call spur tracks. They variously take HS2 trains off and on to the main railway line in the middle and at Crewe and just a little bit further up they will connect to the Network Rail lines and then provide an onward connection to the north. So there’s an awful lot going on here and you can see by all of the sort of yellow markings various embankments and cuttings. And Den Lane, which is on an alignment just along here, I’ll take you to another plan in a minute, we’ve got to find a safe realignment of that road and our consideration is this alignment here. The current road is running around about 60 kilometres an hour and we’re going to be providing a new route here, which will provide a road running at 40 kilometres an hour. It will pass in a very deep cutting
underneath these railways up to about 10 metres here in this location to give you an order of understanding of what that road will look like. So we’re passing underneath a very big railway infrastructure.

227. The other feature in here is that we have a high-pressure gas main, and we can see these utilities markings and they sort of cut across the land at the moment in that sort of direction. They get reconfigured to follow a line cutting across the railway here. It’s a main gas pipe, which has got to be sorted out. And the construction sites down here are servicing not only all of these works and the works on Den Lane but also a borrow pit location down here.

228. So it’s very complicated and the main point, I think, from a railway build perspective is that this is absolutely critical to the schedule to get this work done. So we’ve got to get this utility out of the way, we’ve got to get this road in and, essentially, what we’ve done our plan is to put this road in as an offline road diversion, maintain the existing Den Lane up to a point and then switch over and then extinguish the existing Den Lane and getting it back on this new route. So we haven’t been able to find a way of moving that route alignment in this location because that would be right over the top of the utility diversion we’ve got to make and we’ve got to find a separation between our infrastructure insofar as we are able between the road and that utility.

229. MS PARRY (DfT): Thank you very much, Mr Miller. And if the Committee want further details on that we’ve done a slide at P991(1). I think Mr Miller’s explained the essential points.

230. THE CHAIR: Yes. Let’s move on.

231. MS PARRY (DfT): If we can have P991(2) up, it’s just some information about the construction compounds there. You’ve talked, to some extent, about the difficulties here. Is it possible, essentially, just to move the construction compounds up to the other side of the trace and into that corner, as suggested by Mr Bedson?

232. MR MILLER: It certainly isn’t in this location. What might look like a free bit of land in here will be taken up by a wide range of construction activities. Whilst we show the haul routes in yellow in here, there’s an awful lot of embankment building, cutting building, structures work that’s got to go in around this location here. It is one of the
most massive pieces of construction we’ve got to do on this route.

233. MS PARRY (DfT): And then, finally, if I can have P990 up, Mr Bedson’s final point was in relation to the landscape mitigation we can see here. Essentially it was suggested that that should just be moved to the other side of the road. Do you think that that’s a sensible proposition?

234. MR MILLER: No. We can’t do that because we’re on an embankment here, which is the northbound spur indicated on here. You can see we’ve got a drainage channel in here. And although it looks as though we’ve got space, actually that is really quite a steep embankment in that location. So what we’ve elected to do is use some of the material that we’ve got to put it alongside Den Lane and it is helping to screen the railway, this massing of railway in this location, from these properties. So that’s partly planted and the earthworks are providing a sort of an interim, a foreground kind of screen for those properties that you can’t achieve in this location here.

235. MS PARRY (DfT): Thank you very much, Mr Miller. Thank you very much, sir.

236. THE CHAIR: No questions. Mr Bedson?

237. MR BEDSON: We would like an assurance that they will do all they can to reduce the land take during construction but I don’t take the point about this bund here. I think if that is going to be re-graded land anyway, surely it can be re-graded a bit shorter and a bit steeper and free that area of land up. I don’t see really the point in that.

238. THE CHAIR: Okay. Noted. Let’s move on to the next petitioner.

E W H Moore Partnership

Submissions by Mr Bedson

239. MR BEDSON: So this petition is on behalf of Mr Paul Moore and family and –

240. MR MARTIN: I’m sorry. Can you give me the number again, because we’ve been moved around all over the place?


242. MS PARRY (DfT): 15 and 16 in mine, if that’s any assistance.
243. THE CHAIR: Sorry. We were expecting to have Roy Garrett.

244. MR BEDSON: No, I did say earlier in the week Mr Garrett isn’t appearing so –

245. THE CHAIR: He isn’t?

246. MR BEDSON: No.

247. THE CHAIR: So he’s –

248. MS PARRY (DfT): Been deferred to 10 July, I understand.

249. MR MARTIN: Right.

250. THE CHAIR: Okay.

251. MR MARTIN: So we’ve got the Moores and what number are they at?

252. MS PARRY (DfT): They’re 15 and 16 in my bundle but the –

253. MR MARTIN: No, no. Mr Davies is 15 and 16 in our bundle.

254. THE CHAIR: 13. So if I can tell everyone what I think is now happening, someone correct me if I’m wrong, the Moores are the last petition this morning. We will come back at 2 o’clock, however, and hear the Davies and another party who are represented by a different party. Is that correct?

255. MS PARRY (DfT): Yes. They’re representing themselves.

256. THE CHAIR: Thank you. Let’s go ahead.

257. MR BEDSON: 250(7), please, if you can. The Moore family have around 1,100 acres of land on which they grow arable crops in this area. They also, importantly, have around 625,000 chickens on site. It’s a business with a turnover of £9 million to £11 million per annum. It employs 40 staff locally. It has invested around £12 million in the business in 2012, which is a 20-year investment programme. It’s big stuff. There’s a lot going on here. It produces around 15 million dozen eggs per year, which is something over 2% of the UK’s fresh egg market.

258. THE CHAIR: How many eggs did you say?
MR BEDSON: 15 million dozen eggs. So 15 million times 12, which I can’t do in my head –

THE CHAIR: Okay. That’s how it’s obviously referred to.

MR BEDSON: Yes, quite. The system revolves around a whole welfare regime for the birds with the modern colony cages and around 60-odd birds per pen. So the alternative to this is to house birds outside in free-range sheds, which is probably where the business will go at the next phase of its development in a few years’ time. And that would revolve 128,000 bird units with a central pack house, each one requiring around 64 hectares of land. So we’re looking to the future and saying we’re going to need as much land as we can have to make sure the business stays on track as the birds start to go outside in the future.

It was interesting, really, to look at the community area forum report that was produced. It described the disruptive effects of the scheme during construction as low. Under the heading ‘Impact on Holding’ it said that the severance effect was low. And it also said that the land required was negligible, which we found rather surprising.

So if we could move, please, to 250(8), which shows the farm during the construction period. 22 acres severed here and an area of land severed here at point number 1, which is important to us. This is obviously a borrow pit area and I know the borrow pits are going to be addressed at a later date so I won’t dwell on that but it is an important parcel of land which is of concern to us. But one –

THE CHAIR: Sorry. What is the big blue rectangular area?

MR BEDSON: I’m sorry?

THE CHAIR: It’s in a different colour than we’re used to.

MR BEDSON: I’m sorry. That’s our copier machine. I don’t know why that’s happened.

THE CHAIR: Oh, so we ignore it.

MR BEDSON: Yes. Ignore the different colour there, yes, sorry. But this area here is the borrow pit, which we know is going to be addressed later.
270. Coming over to here, there’s an area of land here which is severed during construction and it appears as though HS2 can’t give us an access to it during the construction period, which is slightly disappointing. We’ve suggested that we can either have a track going round the edge of it or it’s arable land so, you know, the visits to the land are planned throughout the year so we’ve even suggested that we be escorted through site with machinery, banks and all the rest of it, perfectly safe, these things happen all the time, I’m quite sure, but that seems to –

271. THE CHAIR: How long would it be inaccessible to?

272. MR BEDSON: Well, for the period of construction, however long that is.

273. THE CHAIR: That’s what I was asking, I suppose. I’ll ask the same question –

274. MS PARRY (DfT): Six years, sir. Six years.

275. THE CHAIR: Thank you very much.

276. MR BEDSON: Yes. So six years that land will become a mess. We’d like to carry on farming it, essentially.


278. MR BEDSON: So that’s during the construction plan. We would like to see, if possible, these areas here of soil bunds, etc, moved away from the chicken sheds. We have had an assurance on that, which we haven’t yet managed to properly consider, but it does seem to suggest that these can be moved away and put in a slightly different area. That’s very useful to us. Dust and chickens and chicken feed doesn’t really mix. So the point is that we’ve really got to try and minimise the impact of the construction on the issue – these are the chicken sheds here. In these sheds where the cursor is there’s 625,000 birds. So we’ve got to minimise the impact during construction.

279. If I can go then, please, to the previous plan which I had, thank you, which is post construction. Now there’s a number of issues here. Chickens, as you know, are susceptible to bird flu and they’re most commonly spread, really, by wetland birds and wetland fowl flying overhead and defecating on where chickens live. As the chickens are likely to start moving outside, in the units that I mentioned earlier, in the future this
is of concern to us. Now, for that reason, our clients are deeply worried about the creation of extra wetlands and ponds around the farm, naturally, you know. A business of this size and turnover, he just doesn’t want it. What’s interesting is that HS2 have got a number of existing ponds shown in various areas that are not actually all existing ponds. They’re areas which might lie wet in the winter in some cases. We have a client near to Eccleshall where three sets of people have turned up from HS2 to look at her pond and there isn’t a pond that at all; it’s just that the aerial photograph from Google Earth was taken at a particular time when it lay wet. So, you know, we would like HS2 to review this as to what actually is ponds and what isn’t. So, you know, there’s a lot of areas on his land here where ponds are being created down here, at sort of point 6 and 7. Area 2 is of massive concern; lots of ponds being created in there. And on the neighbour’s land, and the neighbour’s in agreement with us with this, he doesn’t really want ponds created there either.

280. THE CHAIR: Sheryll Murray?

281. MRS MURRAY: If you actually look at the map of the whole sort of footprint of land, south of this map there are already some existing ponds shown.

282. MR BEDSON: Yes.

283. MRS MURRAY: So there’s quite a big area of ponds –

284. THE CHAIR: Sorry, Sheryll, what map number are you looking at? What number are you looking at?

285. MRS MURRAY: I’m looking at P994.

286. THE CHAIR: Thank you.

287. MRS MURRAY: So there’s already quite a large area of wetland, which isn’t shown on your map but it is shown on this one.

288. MR BEDSON: That’s correct.

289. MRS MURRAY: So are you saying those don’t affect –

290. MR BEDSON: We’re saying that it’s managed …
291. MRS MURRAY: – or don’t contribute to perhaps bird flu being carried but ones that would be created would?

292. MR BEDSON: We’re saying that it’s managed, it’s a known quantity. There’s also a mere not far away, which is a sizeable lake. But, you know, what we have at the moment is a known quantity. The point that Mr Moore wants to make is, ‘Look, we’ve never had a problem in the past. We don’t want a problem in the future’. He’s dropped me a note the other day about ecology issues and, you know, if you go round his farm you’ll see they do an awful lot for ecology. Most farmers do. I think their bugbear is that nobody’s talked to them about any of this and it’s just appeared on a map.

293. MRS MURRAY: That’s fine. Thank you, Chair.

294. THE CHAIR: Bill Wiggin?

295. MR WIGGIN: Can I just check, I suppose, that none of the proposed route actually removes any ponds, does it?

296. MR BEDSON: I don’t think it does, no.

297. MR WIGGIN: No. Thank you.

298. THE CHAIR: Okay. Any other points other than – sorry, Sandy?

299. MR MARTIN: Yes. Looking at this map, Mr Bedson, there’s a proposed area of wetland on the extreme north-west corner, that area there, which is proposed to be created but is not currently in existence. There’s also an area north east of the proposed line, which is going to be quite inaccessible for your clients. Would it be helpful to your clients to have the proposed area of wetland created in a place which is probably going to be inaccessible to them rather than in a part of –

300. MR BEDSON: What, in here?

301. MR MARTIN: Yes.

302. MR BEDSON: That’s good quality arable land, really, and when this is gone it will return to agricultural use. What Paul has said is that the farm testifies to the fact that he is very keen on his wildlife. What he says, ‘Often, I would like to see small
areas with wildlife corridors between them as a great idea.’ The 5.3-hectare block they talk about, which is the one you mentioned there, looks a bit like a numbers game to me rather than wildlife considerate planning.

303. MR MARTIN: Indeed.

304. MR BEDSON: There’s 7.1 hectares on the farm as a whole. That’s 17.5 acres. In terms of housing you could build 280 houses on that so that might give some – that’s the sort of size of it. It’s a big parcel of land. Not that he’s going to build houses on it but that gives you an idea of the size. What it says is that, ‘If 7.1 hectares is my tariff for having HS2, then maybe it would be better to have a wildlife expert to come and meet with me to discuss the amazing things that could be done with the same money that appears to be thrown at it. Such a shame that such a potentially big opportunity could be squandered.’ He’s very happy to talk.

305. THE CHAIR: Okay.

306. MR BEDSON: But his business is key to him. There’s a lot of money invested here.

307. THE CHAIR: Any other points?

308. MR BEDSON: If we could go back to 250 (7) please? We’re talking here about the areas around 9A, 9B and this area here. Again, it’s very, very land hungry. We would like to see where possible these areas tightened up and to retain land where we can. In some of these areas here there are no receptors that actually particularly look at the railway. There are no particular houses. These properties here are shielded reasonably well but it just seems that we can stay within the structural limits of the railway at this point and keep some land back if possible.

309. The next point is noise mitigation techniques and noise mitigation issues. We understand that there isn’t any, on the plans at the moment, there’s no noise mitigation issues planned for this area here. Now chickens are strange creatures. They do get spooked easily and they do flock together. A very good friend of ours farmed a lot of chickens in south Wales, broiler chickens, and in one of the sheds there was an alarm system if it was getting too hot or too cold or whatever. They didn’t know but the alarm
panel had an LED light behind it that nobody knew was there. It was at the top of the shed and at night it would start to blink. The chickens would run towards it and they would smother each other and they would die. They would go in the shed in the morning and think, ‘Why are all these chickens dead?’ They were all in a heap in the corner. Birds do that. They will run towards a light or if there’s a sound they will run away from it if it’s something they’re not used to. They smother and they die. This is the point that we are greatly concerned about. These buildings have been designed very, very carefully and very, very sensibly for the use that they’re put to. We need some noise mitigation measures.

310. Now we’ve seen HS2 have been out there and put some survey data into their petition evidence but nobody’s actually discussed that with me or the client. They’ve put some microphones in the shed and they’ve done what they think are sensible things but nobody’s actually discussed it with us. We’re not entirely sure that they evidence they’re producing is entirely relevant to what’s going on. Now our concern is that a train goes past and the average noise figures that are produced on the 18- or 12-hour average are one thing but the train is going to make a very loud bang. It’s going to be a big boom when it goes past. It’s quiet for a minute and then there’s a ‘bfft’ as it goes past. That is something that we are concerned about that is going to spook the chickens and cause them harm. So the point that Paul has made when we met with HS2 is, ‘Look, chaps, do something about it or don’t. But if you don’t and there’s a problem there is going to be an enormous claim. So please come and talk to us. Look at what we do properly. When you’re doing your noise investigation surveys, talk to us so that we can tell you what happens.’

311. THE CHAIR: Okay. Any more points?

312. MR BEDSON: There is a swale to the rear of the chicken sheds in this area here. It is an area that is recognised by the environmental team as an area that collects the dust on the back of the shed. On the back of the shed there are some sizeable fans that run whenever they’re needed to run. And because there are a lot of chickens in there, a lot of birds in there a lot of dusts come out with them. The swale is an area of carefully managed grassland that soaks that up. The Environment Agency is very happy with it. It works; there’s no problem. That area is likely to be gobbled up by HS2. It may be that we have to put some filtration systems in as a result of that. We’ve mentioned this
to HS2 and the assurance that we’ve had back refers to as a result of permanent acquisition of land. Well some of the land they take will only be temporary acquisition. So we really need to firm up on that assurance.

313. If we go back to the construction drawing plan, which is 250 (8), there’s quite a bit more land that’s going to be taken temporarily so as soon as they turn up on site that swale is going to get diminished, probably removed. We need to make sure that we have some filtration systems in place and that will form part of a... The issue we have of course is that temporary occupation doesn’t trigger the compulsory purchase code. It’s a serious problem.

314. THE CHAIR: Okay, that’s clear. I’m moving you on because I’m conscious I want to hear from HS2 and I want the Committee to meet in private and we’re due to finish at 11.25.

Response by Ms Parry

315. MS PARRY (DfT): Thank you, sir. Let me just deal with that last point first. As you heard there is an assurance and if we look at P1003(1), this is an assurance in relation to the provision of additional farm infrastructure. I hadn’t understood until this moment that the sticking point about this was in relation to the phrase ‘permanent’ in there. I will certainly look at that with my clients. I can’t promise exactly what will happen but it may be that we can look around that wording.

316. THE CHAIR: Let’s assume that will change and let’s move on.

317. MS PARRY (DfT): Well it will depend obviously.

318. THE CHAIR: No, no, I’m assuming it will change. Let’s move on on that basis.

319. MS PARRY (DfT): I’m grateful. If I can then go to P994, dealing with the two severed areas of land. The first, as you’ve head, the left-hand side is covered by the borrow pit. So if we can defer discussion of that pending the borrow pit review. The area on the right-hand side an assurance has been provided in relation to the permanent case to ensure that there’s access to that land once we finish construction.
Evidence of Mr Miller

320. MS PARRY (DfT): In relation to the temporary case, can I just ask Mr Miller to deal with this point? If I can go and have a look at slide P1001(1)? Mr Miller, this slide shows a proposed access I think in roughly the position indicated by Mr Bedson in the construction case.

321. MR MILLER: Yes.

322. MS PARRY (DfT): There’s some information on the slide about the difficulties in doing that. Why is it so difficult?

323. MR MILLER: Essentially what’s happening here is that you’d have to get an access off of a sunken lane here. So you’ve got to get a major excavation done here to open that up in this direction.

324. MS PARRY (DfT): And do you know what the project’s estimate of the costs of that would be?

325. MR MILLER: I do.

326. MS PARRY (DfT): To save Mr Miller going through his papers can I suggest a figure and Mr Miller can either agree or disagree?

327. THE CHAIR: Yes, please.

328. MS PARRY (DfT): Mr Miller, does £400,000 sound like a figure you’ve heard before?


330. MR WIGGIN: What’s your solution to it then?

331. MS PARRY (DfT): Well can I just ask Mr Miller about the second point. Then I’ll explain the answer to that. Mr Miller, the second point was access can simply be provided escorted through the construction area. What’s the position in relation to that?

332. MR MILLER: No. That’s going to be needed for six years. It’s very heavy construction. It will be the big construction plant that’s on site, the big wheeled plant
that we’ve spoken to you about before. So it’s not really compatible with the sort of farming operation and it’s all worked out of this site compound here. So it’s a big deal with this viaduct across the brook in this location and the major construction works and the railway.

333. MS PARRY (DfT): Thank you very much. In answer to Mr Wiggin’s question, there is an obligation in the farmers and growers guide to provide access to severed land where necessary and reasonably practicable. So obviously the project is seeking to provide access to this severed land. One possibility, and it’s not one that we would look to, is that we simply won’t be able to provide the access, in which case there would be compensation.

334. MR WIGGIN: How much would that be?

335. MS PARRY (DfT): Well the project has estimated that as being considerably less than the cost of providing access to the severed land.

336. MR WIGGIN: How big is the field?

337. MR BEDSON: It’s 25 acres give or take I think.

338. MR WIGGIN: So £250,000 or more.

339. MS PARRY (DfT): Of course the assessment of that would ultimately be for the Lands Tribunal. That wasn’t the project’s assessment of the amount but it is in any event significantly less than the £400,000 to provide the access. That is one possibility. The other possibility –

340. THE CHAIR: Before we go on to another possibility, on previous cases where land has been temporarily acquired for six years and then handed back there’s been a commitment to make compensation equivalent to as if it was compulsory purchase. I think in that case the land was actually being turned over, it might have been a borrow pit. Will that happen in this case as well?

341. MS PARRY (DfT): I think the point specifically in relation to a borrow pit rather than in any event. Of course the project is always open to discuss the basis on which this land is acquired. No doubt we can have discussions if it would be preferred that this
land was acquired permanently.

342. THE CHAIR: I’m sensing the Committee are not happy at all with HS2’s position. To avoid us going away and arbitrarily recommending something is there more that you can give?

343. MS PARRY (DfT): Well, sir, could I just indicate one alternative that the project is simply happy to look at? I’m trying to explain now why we can’t give an assurance on this because we are not in a position to say that we will be able to do this. But one alternative if we can look at P994, you will see that under the viaduct there, unfortunately it’s slightly covered by the red line. There is a haul road going under the viaduct. One possibility is providing some form of access through that. That obviously wouldn’t be consistent throughout the years because we’ll have to actually build the viaduct and it’s unlikely that we would be able to provide access at that time. But there are some things that the project can continue to look at in this, what I can’t tell you today is that we’re in a position to say, ‘We will be able to do it.’

344. MR WHITFIELD: Does that not fall foul of the problem that Mr Miller pointed out that that’s got heavy construction traffic going on it? You need to do that every day.

345. MS PARRY (DfT): Well the problem with the access through the area to the left-hand side is that is actually access to – there’s a construction compound there. There is material stockpile. So that’s a heavily used area. Whereas down here we’re obviously doing work but it’s not quite the same thing. It’s essentially access over our haul road rather than through our construction area.

346. MR MILLER: Sorry, what we were thinking of and we were just thinking about this yesterday, I’m afraid, was that there might be a better opportunity here to work with the farmer and think about the timing of access to this land. Because the farmer might not need to have access each and every day on this land. They might do. I don’t know the answer to that. But it may be that this could be timed in a certain way where we can gain access. That’s why we’re being a little bit cautious in saying that this is a definite thing. This is something that would have to be worked out. But certainly, you can see the extent of the land of the holding here and they have an opportunity to get to that point alongside the brook. That’s the last opportunity that we could look at.
347. I do have to say and I’ve said it before down at Great Haywood with the viaduct access there, when we’re doing the heavy works of construction of the viaduct itself we’re going to have to keep that site clear. It’s a big deal. We have to keep everyone safe on that site and we just can’t have agricultural vehicles going across it. But over a six-year period you might get some time back and you might be able to free up that land. So that’s what we’re thinking about at the moment.

348. MR WHITFIELD: I think it’s fair to say that Mr Bedson did indicate that it could be reasonably diaried, the access. It’s not unrestricted in the proper sense of the word.

349. MR MILLER: Yes, these sorts of things do occur with big construction sites along the way. But we are being very cautious about this. It’s subject to – we need to have some further conversations.

350. THE CHAIR: Sandy?

351. MR MARTIN: If we look at P995 the area is actually quite an extensive field. Can you explain to me where the access is to that field now once everything has been done?

352. MS PARRY (DfT): I’m sorry, the post construction access, the one that we’ve done the assurance about is in that location there, which I hope is being indicated by the cursor. So essentially along that access track and it’s accessed from that.

353. MR MARTIN: Right and during construction that would be in the middle of the compound?

354. MS PARRY (DfT): Indeed, yes.

355. MR WIGGIN: Mr Bedson, 25 acres, four tonnes an acre, £140/tonne for six years is about £85,000. It’s not going to be the end of the world if they use that land for all the mitigation that they’ve got currently on the side that the Grange Farm would benefit from.

356. MR BEDSON: I would need to take instructions on that and advice.

357. MS PARRY (DfT): Thank you very much. If I can turn to other matters, if I can have P994 up? The soil stockpiles here were mentioned. As discussed there has been
an assurance to move them down into a triangle over here away from the chicken sheds, which I think answers Mr Bedson’s point on that. I don’t intend to take you to that assurance unless you particularly want to see it. Can I then turn to the question of the ponds? Can we have P996 up? Mr Miller, the particular area of concern was the area that I’m indicating down in the bottom left-hand side of the screen. What is that area for?

358. MR MILLER: It’s to mitigate for pond losses and provide a meadow type habitat.

359. MS PARRY (DfT): And do we see from the key as to whether it’s to mitigate for any particular ponds?

360. MR MILLER: Yes. They’re all numbered.

361. MS PARRY (DfT): And just to help the Committee understand the notation here, is there a difference between the light blue ponds and the dark blue ponds we see?

362. MR MILLER: I’m sorry; which ponds are you talking about?

363. MS PARRY (DfT): Within the area.

364. MR MILLER: Down here?

365. MS PARRY (DfT): There are light turquoise ones near the number 5 and then a number of darker turquoise ponds. Is there a difference between the two?

366. MR MILLER: I’m sorry; I’m looking at those ponds. These ponds here?

367. MS PARRY (DfT): Yes.

368. MR MILLER: No, those are existing.

369. MS PARRY (DfT): I see. So wherever we see that lighter colouring that means that’s an existing pond.

370. MR MILLER: Sorry, I was confused I thought you were talking about the balancing ponds. No, they’re existing ponds. We try to pick out the existing ponds to show how it’s working.
MR WIGGIN: Couldn’t they go the other side of the railway line? Just the other side of the trace?

MR MILLER: Yes, that might be possible. Sorry, not in that location.

MR WIGGIN: Why is that? Is it a bit hilly?

MR MILLER: This is the borrow pit location. If things changed on the borrow pit location we might be into a different conversation entirely. I’d have to check to see whether, if you’re driving at can you put it here?

MR WIGGIN: Yes.

MR MILLER: We haven’t considered that. We would have to have a think about that but it’s interesting to hear, and I hadn’t seen that note from the petitioner that Mr Bedson read out. But if the farmer is willing to look at this, and we’ve always said that we would look to see if we can work with the farmer on the land. Taking the point that he says that we haven’t spoken to him, there may be some room to manoeuvre through that conversation. So there may be a couple of things here that we could do.

MS PARRY (DfT): For now is it possible to move great crested newt mitigation simply anywhere or are there other considerations?

MR MILLER: No we have to meet some limits within which we’re trying to keep the habitat maintained and conserved. So it’s about 250 metres I believe. That comes along with terrestrial habitat, which tends to be sort of a meadow grassland which helps them thrive.

THE CHAIR: Bill Wiggin, and then I’ve got a suggestion.

MR WIGGIN: Mr Miller, isn’t Ms Parry trying to mislead us a little bit on that because those ponds that are already there are not being removed? The railway is not going through any existing newt ponds and therefore the location of the newt ponds is for the convenience of HS2 rather than the convenience of the newts.

MR MILLER: No, I don’t believe that’s the case.

MR WIGGIN: Well the ponds are already there aren’t moving. You’re putting in
new newt ponds because you love newts, which is a nice thing. But actually the newts that are already there have got a pond. So why do they need five more? And that’s because you’ve promised a two-for-one pond ratio for newts.

383. MR MILLER: Yes.

384. MR WIGGIN: And they don’t have to go there.

385. MR MILLER: Well that is our consideration in this location and indeed, that is our commitment to enable to the conservation of the newts, as you know.

386. MR WIGGIN: But could you fulfil that obligation with a newt pond or two or how may you’ve promised within – I mean, you’ve got a balancing pond the other side for the poor newt.

387. MR MILLER: Well the balancing ponds aren’t there for newts. They’re there to regulate the water. The newt ponds are there to enable them to thrive. I should say in this area Mr Bedson pointed out that just off of this site is Betley Mere which is a very important internationally recognised…

388. THE CHAIR: Mr Wiggin then me.

389. MR WIGGIN: Sorry, I didn’t hear you there, Mr Miller?

390. MR MILLER: What I’m trying to illustrate to you, Mr Wiggin, there is an internationally important site called Betley Mere in this location just off the map. There is a lot of interest through this area for nature conversation. That links up the whole area and we are having a significant affect, as you can see, through the construction. This is where the railway construction gets very complicated with not only the main railway lines but also the spur lines. So our consideration is to provide the conservation protection in the way that we can deal with the losses to get that working together across the whole of the landscape in this location.

391. MR WIGGIN: Right, well just to finish off then, I don’t want you to not put newt ponds in but I think there is a certain dogma going on which is probably not as helpful to the newts as it is to the promises that HS2 has been forced to make. Therefore, you’re usually very helpful at finding practical solutions that are both newt-friendly and
farmer-friendly. As Mr Bedson has already offered to produce his client I think if you could give us some confidence that you would be willing to be newt-friendly and yet not too dogmatic I think that would be very helpful to the Committee.

392. MR MILLER: Yes.

393. THE CHAIR: Okay, me next. Sorry, I’m just going to take your ‘yes’. We’ve made good progress today on a number of petitioners. HS2 have clearly been very reasonable in assurances made on a number of petitioners. I think this one stands out as being a petitioner where we’re very close, or HS2 are very close to the petitioner, but perhaps it would have benefited from a little more time. Rather than us going away and considering this in private I’m going to ask you both to go away and look at it again and come back to me at some juncture, no later than a week’s time.

394. MR BEDSON: How long?

395. MS PARRY (DfT): Sorry, sir, just before you make a final decision on that I do have Mr Thornely-Taylor here just to deal with the noise point.

396. THE CHAIR: Thank you for pointing that out. I’ve made my final decision. Come back in a week’s time. We’ve already heard evidence about animals and noises. I don’t want to hear purely on sound. I would be interested in hearing evidence specifically on chicken behaviour of which he is an expert in relation to sound but not overall. But I think I’m going to ask you to go away and come back to us in a week having settled the majority of these issues.

397. MR BEDSON: Sorry, are you saying ‘eight weeks’ or ‘a week’?

398. THE CHAIR: ‘A’ week, one week.

399. MR BEDSON: A week, right.

400. THE CHAIR: Thank you very much.