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

Monday 9 July 2018 (Evening)
In Committee Room 5

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

IN ATTENDANCE:
Timothy Mould QC, Lead Counsel, Department for Transport

WITNESSES:
Philip Sharpe (Inland Waterways Association)
Peter Miller, Head of Environment and Planning, HS2 Ltd

IN PUBLIC SESSION
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296. THE CHAIR: Thank you for bearing with us; we will be here for at least another two to three hours. As Members of Parliament, apologies that our hours are slightly now more chaotic than the normal 9.00 a.m. to 5.00 p.m. It has always been thus. At the beginning of each session I’ve been saying to petitioners and encouraging them to tell us what they’d like, why, and if they can’t have what they want how we can make it better and mitigate. So over to you, Mr Sharpe.

**Inland Waterways Association**

**Submissions by Mr Sharpe**

297. MR SHARPE: My name is Philip Sharpe; I’m chairman of the Lichfield Branch of the Inland Waterways Association which covers some of Staffordshire, North Warwickshire and Western Leicestershire. The Inland Waterways Association was founded in 1946 and is a membership charity with over 15,000 members that works to protect and restore the country's canals and river navigations. IWA is a national organisation with a network of volunteers and branches who use our expertise and knowledge and work with navigation authorities, Government and other organisations for the benefit of the waterways and their users.

298. The association also provides practical and technical support to waterway restoration projects and acts as a national umbrella organisation for numerous local waterway societies and trusts that promote and protect waterways in their areas. And our petition is about the effect of operational and construction noise on canal users and the need for better noise mitigation.

299. If I could ask for the exhibit R349(2) which is the first page of our petition. Thank you. Paragraphs 1 to 5 here set out the background of IWA’s involvement with HS2. Paragraph 6 really is the crux of the argument and deals with the residential use of canal boats, and if you’ll indulge me I’d like to just read that section.

300. ‘The canal system managed by CRT,’ – that’s Canal and River Trust – ‘hosts about 30,000 licensed boats and most of these are used residentially for varying periods of time. Some boats are peoples’ permanent homes on recognised residential moorings in marinas or along the canal-side. Other residential boats are continuous cruisers,
moving frequently around the system, although sometimes static over the winter months. Land-based boat owners will use their craft residually on holidays for several weeks of the year or longer, and often over weekends as the equivalent of country cottages, staying on their permanent moorings or anywhere else on the network. Holiday-makers and hire boats or shared ownership crafts may be on a circular journey over one or two weeks or more, or perhaps a more relaxed out-and-back excursion for a long weekend.

301. There are also a number of commercial boats including traditional narrow boats carrying fuels or materials and a range of trading boats travelling between boat rallies and festivals. There is a great variety in the way people use the canals for boating, but in almost every case they have facilities and accommodation for residential use.’

302. Paragraph 7 which is on the next page explains that, ‘When moving around the canal system boaters are generally entitled to moor in any one place for up to 14 days, except where shorter time limits are signed in popular locations. Boaters may choose to stop in an urban area for a while to access services or visit a local attraction or to stop out in the countryside to enjoy scenery and tranquillity. It’s this variety in the way that boats are used residually that HS2 have either not understood or chosen to ignore.’

303. If we go to R350(10) in the promoter’s response document at 223, top of the page there, HS2 say that, ‘Temporary and static moorings have by their nature transitory use with users staying only for short periods of time, e.g. a few hours at a time.’

304. But as we have repeatedly told HS2 this is completely wrong. This misrepresentation of canal boat moorings as transitory allows for no intermediate activity between people being permanently resident at a site or just passing through within a few hours, but the majority of boat users fall between these two extremes. This false categorisation totally fails to recognise that at many canal interfaces including those on Phase 2A there are permanently moored boats which whilst not generally permanently occupied are nevertheless frequently occupied residually, such that where there are several permanent moorings there will be at most times a residential presence.

305. Following a meeting with HS2 on 3 July I received a letter on the 6th from Oliver Bayne, director of hybrid build delivery. I did ask for this to be made available to the
Committee along with my response, I’m not sure if this has been done or not. That letter does now recognise that temporary moorings can be used residentially for up to 14 days. However, this still fails to acknowledge that in the vicinity of any canal HS2 interface there can be several such boats temporarily moored, and that as these move on they will be replaced with others in the same or nearby positions so that the location overall is being used residentially for much longer periods, and often semi-permanently.

306. IWA considers that in these circumstances the location should be eligible for better current practice noise mitigation measures to properly fulfil the Government’s noise policy aims which are to mitigate and minimise adverse impacts on health and quality of life of the boaters and all of the users of the waterway.

307. MR BILL WIGGIN: Sorry, Mr Sharpe, can I just ask: one of the advantages to mitigating people in a house is that they can’t move; if you’re on a boat you can, or have I misunderstood?

308. MR SHARPE: They can move, but as I say in many cases they are living in the same location on their boat for long periods of time.

309. MR WIGGIN: But that is a choice which a house owner doesn’t have: you can’t move your house if you want to, you have to move house, whereas with a boat you can go further up or down the canal. Is that not fair?

310. MR SHARPE: Yes, but if noise mitigation isn’t present then they will have no choice but to move their boats because the noisy environment could become intolerable.

311. MR WIGGIN: Thank you.

312. MR SHARPE: Government policy does not differentiate between residential and transitory receptors in the arbitrary way that HS2 seek to do. If we go back to R349(3), the petition, paragraphs 8 to 10. And we’re describing there the impact of the additional noise on canal users and the fact that without adequate noise mitigation it will effectively create no-go areas either side of the crossing point – no-go areas for mooring. These people will choose not to moor there.

313. THE CHAIR: Looking at the various presentations, A309 seems to be incredibly succinct and summarises what you want – the general point which you’re going through
at the moment – and then to specific areas. Are those the key points?

314. MR SHARPE: They are.

315. THE CHAIR: Because I think we get the first point. Can we then leave that in principle and talk about the two specific sites there? Because I think we understand your point around noise in general, I think we now need to delve into the next two issues.

316. MR SHARPE: With respect, the main force of the petition is about the general point, so if I might be allowed just to finish this particular –

317. THE CHAIR: No, I think we – I’m not going to allow you because you’ve made that point, we understand that point, you’re reading from material largely that we’ve already read and we have had some degree of interaction with other people. So the uniqueness is around the next two points which we’ve not taken evidence on from a petitioner that I would like you to move to, to do justice to your case, rather than repeat stuff that we’ve already read and engaged with already. I think you’ll get a better deal that way.

318. MR SHARPE: I’m pleased that you have read the petition and we’ll put that to one side. If we could move on to the petitioner exhibits – 8299. I’ll just go through these quite quickly then.

319. THE CHAIR: No, don’t, don’t go through them quickly, go straight to the point around Fradley Junction.

320. MR SHARPE: If I could go to A301 then, please. This is a picture looking from Shade House Lock up the canal towards Wood End and the HS2 crossing in the middle distance. There are permanently moored boats behind the photograph and the further ones up at Wood End Lock, and these are casually moored boats on the tow path.

321. If we could turn to the HS2 plans of this location at Fradley – S170P127. That’s the Phase One plan and there was no noise fencing on the Trent and Mersey Canal viaduct at that stage, presumably because there weren’t intended to be any trains coming over it at that stage.
322. So moving on to CT06201. And here on the right-hand side you can see the purple lines are the proposed scheme with a noise fence barrier now across the Trent and Mersey Canal viaduct. P1027 –

323. MR WHITFIELD: Just before we go to that plan, Mr Sharpe, could you point out on the canal part where that photograph was taken? Just so that we can orientate the photograph right where –

324. MR SHARPE: It was taken just above Shade House Lock, so about there looking southwards.

325. MR WHITFIELD: Yes.

326. THE CHAIR: Sandy.

327. MR MARTIN: So, Mr Sharpe, you haven’t said so, but I take it that the point you’re making here is that in the original plans in the first phase there were no sound fences proposed for the place where the line was due to cross the Trent and Mersey Canal and that you petitioned for sound fences and that sound fences have now been included, so that where we look at P1027, which is the sound map, we will see the effect of the sound fences and that you’re therefore calling for additional sound fences in other places. Am I sort of jumping the gun here or what?

328. MR SHARPE: No, that’s fine. And that shows the barriers up to 2 metres just extending across the actual viaduct itself, that fairly simplified view to categorisation of noise areas. If we turn to P28 – 1028(2).

329. THE CHAIR: Don’t worry, take a minute, regroup and we’ll be here still.

330. MR SHARPE: While we’ve got it up we’ll look at the table 4 there right in the top section of the table; you will note highlighted in red conveniently by HS2 is the fact that the predicted change in noise environment is plus 10 decibels. I’m not sure you can actually see the numbers there under the red shading, but it is on the print-out. So the red obviously indicating the significance of that. This is a particularly tranquil location at the present time around Fradley Junction and a very popular location, one of the most popular visitor locations on the whole canal system. It will be very severely impacted by the construction, not only of the main line but also –
331. THE CHAIR: Sandy has a question.

332. MR MARTIN: Yes, Mr Sharpe, sorry. This is the effect with the sound barriers already put in place, is that correct?

333. MR SHARPE: Yes.

334. MR MARTIN: Right, okay. You’re not calling for anything on this junction though, are you, because this isn’t part of the section that we’re actually dealing with, this is the previous section that’s already been dealt with. Is it?

335. MR SHARPE: We’re asking for improvement to the sound barriers that are proposed.

336. MR MARTIN: This has already been decided –

337. THE CHAIR: Shall we pull up a map reference?

338. MR MARTIN: P10271 –

339. THE CHAIR: Sorry, Sandy. Mr Mould, thank you for indicating.

340. MR MOULD QC (DfT): Can I just help? Although, Mr Martin, you’re absolutely right, geographically this falls to the south of the line which divides Phase One from Phase 2A, it is a curiosity of the Phase 2A Bill that it actually is the Bill that takes the powers to put those noise fences on that barrier. So Mr Sharpe is in fact completely within his rights to raise the height of those barriers before you.


342. MR MOULD QC (DfT): You have that within your jurisdiction.

343. MR MARTIN: Thank you.

344. THE CHAIR: Mr Sharpe.

345. MR SHARPE: Yes. If we go to SV01101, sound contour map, which shows rather more than just those two categories of sound, it gives a better impression of the spread of the sound there through five different categories of colouring. You can see
that the effect of those fairly low barriers of up to two metres is minimal in terms of its reduction in the area affected by noise which extends from Shade House Lock near the northern part of that zone down to Wood End.

346. So we are saying really that these barriers need to be either higher or longer or some combination of the two so as to be more effective in reducing the noise environment in that location.

347. THE CHAIR: That’s very clear. Going back to A309, can you now take us through Great Haywood and your case for Great Haywood?

348. MR SHARPE: Yes, okay. So if I could go to A302 and I’ll run through these pretty quickly. That is the entrance to the marina at Great Haywood showing the boat passing on the Trent and Mersey Canal and other boats moored on the offside of the canal.

349. A303 is a view across the marina to a line of trees on the north side which the route of HS2 will take out and the viaduct will be immediately adjacent to the northern edge of the marina. I believe you may have visited the site, so maybe these just service as a reminder.

350. A304 is looking along that line that the viaduct will take on the north side of the marina will the environmental mound in the foreground, parking area, access road and so on.

351. A305 is the access path along the north side of the marina to the mooring pontoons with nicely maturing landscaping and trees all of which will be lost.

352. And finally A306 shows some of the 200 moored boats, and in the background the workshop building on the right and the main offices and facilities building on the left which incidentally includes a manager’s flat, so is a residential location although this does not appear to be recognised by HS2.

353. THE CHAIR: Is that permanently occupied, that manager’s flat?

354. MR SHARPE: Yes, it’s permanently occupied, and is not featured in the HS2’s –

355. THE CHAIR: And does the manager have any other residents?
356. MR SHARPE: No.

357. THE CHAIR: And does he or she pay rent?

358. MR SHARPE: I wouldn’t know the details but yes, presumably. He’s employed by the company that runs the marina.

359. THE CHAIR: Okay. If that’s significant we may come back to you, but thank you for that information.

360. MR SHARPE: And you might like to note that the marina mooring contract permits residential use of the boats for up to 120 consecutive days which is rather more than a few hours by which HS2 has defined transitory use. Over 200 boats present plus others moored on the line of the canal itself. There are any one time many people living residentially at this location.

361. I understand you’ve already had evidence that the marina along the adjacent fruit farm, shop and café is a major local business enterprise that would be very badly impacted by the construction and operation of HS2.

362. If we can move on to A307. This shows some of the permanent moorings on the offside of the canal at Hoo Mill which is just to the north of Great Haywood, and A308 is the north of the same location, just below Hoo Mill Lock, and the other moorings in the small basin there.

363. So if we look at the HS2 plans at Great Haywood, LV01636, please. This is the visualisation of what it will look like with the viaduct constructed along the edge of the marina. I think it’s quite unrealistic to have left all the trees on the picture here as they will clearly need to be removed in order to build the viaduct in the first place and I imagine from an operational point of view you wouldn’t want trees that close shedding leaves and branches onto the track. So in fact it’s going to be much more open and visible.

364. CT06212 which I’m sure you’re familiar with is the proposed scheme which is now shown with purple noise barriers along the viaduct by the marina and the canal. CT05212 is worth a quick glance because this is the construction phase and it shows how the marina’s going to be surrounded by construction works for many years, and
there’s also the main compound just the other side of the existing railway line for the moorings at Hoo Mill. So it’ll be an enormous impact while all this is being constructed quite apart from the ongoing noise impact in operation.

365. And P1027(2) in the promoter’s exhibits shows the noise impact map and all the locations where measurements have been taken. The ones to note on this are in the marina itself which is there which is 12.266, and on table 5 which we’ll come to in a minute that shows a change of noise level of plus 16 decibels daytime, which I’m sure you’ll appreciate is very considerable. I might have picked out the wrong one there, sorry. 266 is this one, it's on the canal by the marina.

366. 12.293 is the one in the marina which shows a change of plus 11 decibels, and the other one I picked out here is to the north, that’s 12.264, that’s halfway towards Hoo Mill moorings and that’s a change of plus 12 decibels daytime, all of which we regard as unacceptable and in need of improvement.

367. THE CHAIR: I think Sheryll has a question. Mrs Murray.

368. MRS SHERYLL MURRAY: Just a very quick one. You’ve given us these readings about the noise; has there been any indication as to how much the noise barriers are going to reduce that noise by?

369. MR SHARPE: It’s my understanding these are the levels with these noise barriers in place.

370. MRS MURRAY: Okay, thank you.

371. MR SHARPE: If we look at table 5 which is P1028(2) those three locations I’ve picked out are in the lower table there.

372. MR WHITFIELD: What you’re suggesting, Mr Sharpe, if the assessment were for a residential receptor then it would trigger the red marks as it has done for Fradley Junction, but because it’s not been deemed residential, it’s been deemed a community, the higher difference has not triggered a reaction from HS2.

373. MR SHARPE: Yes, effectively, yes. If we look at SV01106, the sound contour map for that location, which again shows a rather more sophisticated view of the spread
of the noise. This shows how the five-metre barriers on the embankment due north of the village significantly pull back these noise contours here, whereas past the marina and over the canal we have up to four metres which has lesser effect, and on the north side only three metres which has lesser effect again.

374. So we’re asking for the best possible mitigation to protect all these moored boats here and up here, and ideally up to five metres on both sides. I’ve been told today that there may be technical problems in going beyond four metres, but certainly the barriers on the north side could be increased to the same standard as on the south side.

375. THE CHAIR: Okay, that’s very clear. Let’s hear from Mr Mould.

376. MR SHARPE: Sorry, if I might just sort of conclude to –

377. THE CHAIR: Well, I think we’ve covered – A309 is superb, you’ve gone through those three points very –

378. MR SHARPE: I was just going to go back to this original –

379. THE CHAIR: I mean, we’ve got that, I think we’ve read that. You’ve gone through it, we’ve gone through the points, you get to sum up at the end if you need to after Mr Mould, so you get another opportunity. Mr Mould.

380. MR MOULD QC (DfT): Thank you. I’m going to ask Mr Miller to come and help you on this.

381. THE CHAIR: Carry on, Mr Mould. You’re being sledged, I think the term is.

Evidence of Mr Miller

382. MR MOULD QC (DfT): Not at all. We’ll put up R352. I just want to clarify through Mr Miller one point. You were shown this earlier by Mr Sharpe. You will have noted 2.5 in the response to this position – ‘Permanent moorings are treated as residential, but allowing for the lower sound insulation provided by the shell of a boat compared to a house.’

383. So in that sense, Mr Miller, for permanent moorings, for example, presumably the Great Haywood Marina, that would fall within that class?
384. MR MILLER: Yes, that’s right. It would be treated in the same way.

385. MR MOULD QC (DfT): The point about allowing for the lower sound insulation provided by the shell of the boat compared to a house, as I understand it that’s a recognition that a boat is more sensitive to noise than bricks and mortar would be. Is that right?

386. MR MILLER: Yes.

387. MR MOULD QC (DfT): So it’s a more generous assumption if you like that HS2 makes in relation to permanent boats than it does in relation to bricks and mortar? Is that fair?

388. MR MILLER: Yes, for the assessment, yes.

389. MR MOULD QC (DfT): Right. And then the second point on this page, Mr Sharpe emphasised 223 and he said on one end of the scale you have temporary and static moorings, people stay for a few hours. He said HS2 has ignored the spectrum and ignored the fact that in the middle there are people who are maybe not living in permanent marinas such as Great Haywood, but as part of, as he put it, their continuous cruise they may be staying for some time at a particular mooring point and therefore for that period of time they are for practical purposes dwelling there. Do you remember that point?

390. MR MILLER: Yes.

391. MR MOULD QC (DfT): Is that a point that 224 is seeking at least to allude to?

392. MR MILLER: Yes.

393. MR MOULD QC (DfT): So this is the in-between as it were – it’s not a permanent residence, but it is something which is used for more than just a transitory stay?

394. MR MILLER: Yes, I think these paragraphs are trying to give a fuller picture of the canal environment and those who are using it.

395. MR MOULD QC (DfT): Well, with that general approach in mind I think we’ll
turn to Great Haywood first if we may, I’ll just reverse the order. So let’s just look at
the noise map P10272. And we know where –

396. THE CHAIR: For curiosity, why are we reversing the order?

397. MR MOULD QC (DfT): I’d rather just deal with it this way and come to the
permanent mooring first and then come back to the more –

398. THE CHAIR: I’m happy with you doing it that way. I didn’t understand why.

399. MR MOULD QC (DfT): As I say really I want to start with the permanent
because that’s arguably potentially the most seriously affected, precisely for the reason
that that’s akin to someone’s permanent dwelling. So going in the order of potential
severity of impact and then down to the – yes.

400. So Mr Miller, we see the marina here, bearing in mind what you’ve told us; we
also see Great Haywood itself which of course is quite a sizeable community and a good
deal of dwelling houses there. We see that a barrier of up to four metres is proposed on
the western side of the viaduct. Is there a case in your view for including in the design a
higher barrier, and if so, is that a feasible proposition?

401. MR MILLER: It’s on the limit of the noise barriers that we’ve put on the side of a
structure because what will happen there is first of all you get depth of the concrete
structure alongside the viaduct for the full length, and I think you’ve heard from Mr
Smart talking about the depth of the structure itself, and what you end up with is
something like an eight, maybe even an eight-and-a-half-metre deep structure across the
full length of that viaduct. That would be a very substantial piece of civil engineering
which will pass across the Trent and the canal and the river valley that we’ve visited.
And you’ll remember that we had a cup of tea and a wander up the canal in this area
here, so we’re quite familiar with the sort of open terrain there.

402. THE CHAIR: Sorry, we’re only talking about an extra metre?

403. MR MILLER: Yes, four metres on the cusp of a structural element on the side of
a concrete viaduct.

404. MRS MURRAY: So it’s four metres because it’s on a concrete viaduct versus
five metres because it’s on an embankment?

405. MR MILLER: That’s right, yes.

406. THE CHAIR: Thank you for that.

407. MR MILLER: And the petitioner’s absolutely right: we’ve attempted to get as much mitigation in here as possible and to – and you can see the product of that, that the contour is drawn in from around Great Haywood, and that’s where most people permanently reside in that area.

408. THE CHAIR: Sheryll.

409. MRS MURRAY: Mr Miller, could you tell me why it’s four metres on one side and three metres on the other; and five metres on one side and two metres on the other, please?

410. MR MILLER: Yes. What’s that trying to do is provide a reflection of the likely effect on the communities around, so you’ve got as I’ve just said the big community of Great Haywood here, so you can tell that there’s a lot that’s put in on that side. On this side – on the embankment side – there are properties affected, there’s no doubt about it, but there are fewer properties that it’s affected, and so our consideration there is a two-metre noise barrier largely does it.

411. MRS MURRAY: Okay, thank you.

412. MR MILLER: We’ve got three metres on it instead of four metres on that side. The four metre-barrier, even were we to put it up to a five-metre high barrier – you can see what a five-metre high barrier effect does to the contour in this location here, and you could perhaps draw a line just on this sort of side here. And you can see that it wouldn’t draw back the noise – the lowest observed effect level anyway across the marina itself. It would draw it back, but there are physical limitations and then there is a product – the outcome is not going to be that great.

413. MRS MURRAY: Thank you.

414. MR MOULD QC (DfT): Just to remind us – forgive me if this is stuff that people have very clearly in mind – but we’ve touched on the distinction between the significant
observed adverse effect level and the lowest observed adverse effect level before, respectively the pink and the grey on these plans. Where one has as in this case both bricks and mortar and permanent boat dwellings within the grey, should we take that from that that the living conditions within either of those premises are going to be unacceptable?

415. MR MILLER: They would only be unacceptable if you’re in the red contour because that’s a significant effect level contour of the noise levels; if it goes beyond that or at that level or beyond then we have to do something about it. It’s unacceptable for someone to be living in those circumstances.

416. MR MOULD QC (DfT): So the grey –

417. MR MILLER: The grey –

418. THE CHAIR: Sorry, I’m going to cut across, we’ve done this before, we don’t need to do it again. Sandy?

419. MR MARTIN: Mr Miller, along the length of the viaduct there are little red blobs. Is that sound transmitted through the uprights piers?

420. MR MILLER: To be frank with you I think that is a product of the calculation; the model produces some anomalies and I think that what’s happened is that there is a noise level in here which is just beyond the significant observable adverse effect level. It just happened to crop up in the modelling. I don’t think there will be a SOAEL contour anywhere along that viaduct and beneath that viaduct; it doesn’t actually make sense.

421. MR MARTIN: Right, so it’s not about the piers.

422. MR MILLER: No, it isn’t, no. And although it does look regular they won’t be – the piers will be closer spaced than that, I believe.

423. MR MARTIN: And also, Mr Miller, can you explain why the sound increase is greater at 12.266 than it is at 12.293? I mean significantly greater.

424. MR WIGGIN: Where it says ‘up to four metres’.
MR MARTIN: So next to where it says ‘up to four metres’, 12.293, in the middle of the marina the increase in the sound there is actually significantly less than the expected increase in sound at 12.266 which is further away from the railway line.

MR MILLER: I’m not sure I do know the answer to that. They are all high noise levels, so you do have high noise changes in each case. I take your point that that is a little bit further away.

MR MARTIN: Is there any chance that because the viaduct will be sufficiently high above the marina that being further away from the viaduct actually makes the noise worse? In other words, the very height of the viaduct is one of the things that protects the marina from greater levels of noise.

MR MILLER: There is a point where you get a bit of a shadowing kind of effect because of being quite close up to the viaduct; I’ve certainly experienced that on other railways and other road schemes where actually you get quite a high noise level here, then you get quite close to it and that in a way provides a bit more screening. It may be something like that which is providing that sort of quirkiness within the calculation.

MR MARTIN: In which case if you were to reduce the height of the viaduct it might actually make the situation worse rather than better.

MR MILLER: It might do.

MR WHITFIELD: Can I ask you –

MR MILLER: Sorry. The overall product of this, though, is that despite what you might see as a bit of an anomaly between those measurable points or those assessment points, you’re still within the LOAEL contour overall. So that protection which is provided essentially for a residential dwelling is enjoyed by everyone within that contour.

MR WHITFIELD: If we just look at P10282, Mr Sharpe pointed out the change which is quite considerable in the three areas that he pointed at and I asked him about whether or not the fact that if this was a residential receptor it would’ve been highlighted the way it has been for Fradley Junction. It is not for Great Haywood Marina or Mill Lane, Great Haywood, yet those changes are greater.
MR MILLER: Yes. I don’t know why that’s the case on this –

MR WHITFIELD: I thought 10 is the trigger. They say ‘10’ in them but isn’t that because that’s the trigger figure for residential receptors?

MR MILLER: There are these noise changes, that’s right, but they’re all within the LOAEL contour, so the petitioner is right that these are quiet areas and we’ve experienced that when we’ve been out in this location. So there is a high degree of noise change, but that noise change is within the boundaries of the LOAEL contour, so despite you get that noise change you’re still in that band which is acceptable from a residential –

MR WHITFIELD: But as you are with Fradley with P10271 it seems to be exactly the same lower bound, but because they’re in a different table – one’s in table 4, they get highlighted red, and one’s in table 5 and they don’t. And I’m wondering if that is because table 4 is dealing with somewhere that’s deemed residential and table 5 is dealing with cross-discipline, in this case saying that the collection of boats are a community.

MR MILLER: That still doesn’t alter the fact that when we’ve looked at the way we come about mitigation we are still providing the same level of mitigation that we would do for residential. So those boats, whether they are transient, whether they are more permanent in residential nature – I accept your point that that seems to be a little bit odd, but actually when you look at the plan itself, the mitigation and the outcome of the effect is the same. And I go back to that point I made which is they still enjoy being within the LOAEL contour, that living sort of band that we described in the assessment.

MR WHITFIELD: So if that was an estate of houses are you suggesting that HS2 would treat them exactly the same way?

MR MILLER: Yes, I think so, yes.

MR WHITFIELD: Even that close to the railway?

MR MILLER: Well, it would depend on whether – I don’t think any of those noise changes get you in to a situation where there is a significant observed adverse effect level – that pink band where you would have to take quite drastic action to put
either noise mitigation along the line of the route or you might then have to go to noise insulation. I don’t think we’re in that situation.

443. THE CHAIR: Can I be pedantic? I’m slightly concerned by ‘I don’t think’. Can we just firm up on – if we take that as an assumption or check, it’s just it’s a little vague.

444. MR MILLER: Well, we wouldn’t be doing any more noise insulation here than what we’ve provided.

445. THE CHAIR: That is clear, thank you.

446. MR MOULD QC (DfT): If go back to P10272 and you’ve seen the spread of numbers that are set out in that table 5 for the canal-side moorings which were – we’re going to go back to the same slide, but we’re talking 50, 40, 66, 67, and remind ourselves that the LOAEL thresholds are 50, 40 and 60, 50 daytime ambient, 40 nighttime ambient, 60 nighttime L-max.

447. So we’re classically there within that area between the lowest observed and the significant observed, so if you do the hypothetical exercise that Mr Whitfield put to you and you apply those numbers not to a series of a community of residential canal boats, but rather to a community of dwelling houses, on those numbers would the output be for example sound insulation for those properties? Or would it be any different from what we see on the slide in front of us?

448. MR MILLER: Well, I think it’s the mitigation which is on the slide in front of us, there isn’t anything else that we would be doing in those circumstances.

449. MR MOULD QC (DfT): Alright, well, that’s the position on that one. Then let’s turn from that one finally to the southern section and to P10271. Now, here we know that a two-metre barrier on either side of the viaduct over the canal is proposed under the Phase 2A Bill. What is driving the inclusion of that noise mitigation into the scheme, please?

450. MR MILLER: Essentially what that’s doing is trying to provide some noise protection in this area here where you can see that there is a residential dwelling alongside the canal. There are various properties dotted around and that in large part is going to provide protection along the canal side itself. This is Fradley Junction, this is
where all of the canal boats congregate, it’s quite a big facility there which I think you saw a first draft of, and then there are a number of locks and moorings along in this location as I understand it. So that gets the canal within the lowest observable adverse effect level contour. Same again.

451. MR MOULD QC (DfT): Now, as I understand it there are no permanent moorings here of the kind that there are as we’ve seen at the marina at Great Haywood. If you assume that we have those continuous cruises, yes? And that people may who are in that mode of canal boat occupation then they pull up and moor along the stretch of water that we saw in the photograph that Mr Sharpe showed us.

452. MR MILLER: That’s right.

453. MR MOULD QC (DfT): If you were to assume a higher barrier on the eastern side, so instead of a two-metre barrier we, say, had a three-metre barrier on that side, what would be the effect – can you give a sense of the change in the noise environment that that would create for someone who say for a month is moored during a continuous cruise, 100m to the east of the railway at that point? So the point around where Fradley Wood is shown there. How would that affect the noise map as we see it on the screen in front of us?

454. MR MILLER: It wouldn’t make a great deal of difference to a mooring there, but it would bring the contour back in this area here marginally. So that mooring would still be within the lowest observable adverse effect level, so acceptable from a residential living point of view, but it would always be the case. So you could do quite a lot in terms of additional noise barriers and not make any difference in that location.

455. MR MOULD QC (DfT): And have we got an idea on a very spot basis, have we got an idea for example of increasing the height of that barrier by a metre, what that would be in terms of cost?

456. MR MILLER: Yes, I think it’s over £100,000.

457. MR MOULD QC (DfT): Right. What we can see from that screen – this is my final question to you – is if you chose while you were on your continuous cruise to moor up at a point which once the railway has come into operation would be in the very close
vicinity of the railway itself, so in that part of the canal where we can see the pink contour, either is very close to you at that stretch of the canal, that presumably means that at that point the noise environment whilst you’re lying in your bunkbed would be potentially quite noticeable. Is that right?

458. MR MILLER: Until we go beyond midnight and then the service draws to a close for maintenance. So yes, there will be changes through the daytime and then you would experience that through the evening time.

459. MR MOULD QC (DfT): So the effect here is that in that very narrow stretch of the canal where as I understand it there are no designated moorings, people would probably – most people one might imagine would choose to pull up somewhere a little further distant from the railway than the point at which the railway actually crosses over the canal in 2027 onwards?

460. MR MILLER: Yes. I mean, there’s no doubt that on that stretch you would be quite close to the significant noise level contour on this plan. So we’ve made that quite plain.

461. MR MOULD QC (DfT): Well, that sets it up as far as I’m concerned unless there’s anything else.

462. MR WIGGIN: Sorry, have I just understood it right, that the total bill for this sound is £100,000?

463. MR MOULD QC (DfT): If you were to increase the barrier there without extending the width of it.

464. MR WIGGIN: And the argument is that actually nobody moors on that particular stretch.

465. MR MOULD QC (DfT): The question for you is whether you think that there’s a sufficient importance in enabling people to continue to moor on that stretch to justify spending that sort of money, given that as Mr Miller says the gain that you would get generally from increasing the height of that barrier would be relatively limited. But that’s a matter for you to judge.
THE CHAIR: Thank you, Mr Mould. Mr Sharpe, you don’t have to say anything, but if you want 60 seconds to address any additional points.

MR SHARPE: Yes, thank you, sir. Mr Mould has concentrated on the implementation of their policy at these two locations, but we feel there’s a more fundamental issue here and that’s the policy itself which does not recognise canal boats as being primarily residential. And the fact that a degree of noise mitigation happens to be provided at these two locations due to the fortuitous presence of nearby properties does not in our opinion sufficiently justify continuation of their current policy. And in this we’re obviously thinking ahead also to Phase 2B to come where there will be many more canal interfaces and these issues will undoubtedly arise again.

So our primary purpose in petitioning is to ask you, the Committee, to re-examine the adequacy of HS2’s interpretation of their own policy and its application to canals and to canal boats, and to consider that their primary focus on brick and mortar residences is not sufficient when it comes to taking account of other people’s lifestyles.

So we hope that you’ll see through the misrepresentations that they’ve previously put about concerning canal users and boat moorings and hope that you will recommend a fundamental change to the implementation of their noise policy to recognise the reality that canal boats, wherever they are present, are residential units and that full noise mitigation should be provided at all the canal HS2 interfaces. Thank you.

THE CHAIR: Thank you very much, and again apologies for the slightly odd timings of today’s session. The Committee will now meet in private.