MINUTES OF ORAL EVIDENCE
taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 17 July 2018 (Morning)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport
Ian McCulloch, Petitioner Representative

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WITNESSES:

Stephen Brandon
Jane Ridley and Sarah Tyson (North Staffordshire Bridleways Association)

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IN PUBLIC SESSION
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1. THE CHAIR: I understand, Mr Mould, you wish to make a statement?

2. MR MOULD QC (DfT): That’s very kind of you. Thank you. This relates to the draft register of undertakings and assurances for the Phase 2A Bill. The second iteration of the draft register of undertakings and assurances will be published on 27 July of this year via the HS2 website, www.gov.uk/hs2. The register details all undertakings and assurances offered up to 17 July, that is to say, today. Over 600 assurances have been added to the register since it was published in February of this year. The register now contains over 700 assurances in total. Assurances which will be discharged prior to Royal Assent, including those which require the promoter to promote a change via an additional provision, will not be published on the register of undertakings and assurances. We will be writing to all beneficiaries who have been offered undertakings or assurances and ask that they review the register to ensure that it matches their understanding of what they had been offered. Thank you.

3. THE CHAIR: Thank you, Mr Mould. Mr McCulloch?

Brandon, Williams and Muir Families/
Maximus Strategic Stafford LLP

Submissions by Mr McCulloch

4. MR MCCULLOCH: Good morning, sir. I appeared before you last week, sir but just for the record I am Ian McCulloch of Bircham Dyson Bell. This morning I appear on behalf of the Brandon, Muir and Williams families.

5. THE CHAIR: You’re going to take the two petitioners together?

6. MR MCCULLOCH: I am indeed, and I’ll explain exactly why.

7. THE CHAIR: Excellent.

8. MR MCCULLOCH: Thank you, sir. Sir, this case concerns an award winning dairy farm just north of Stafford of some 585 acres, which is bisected by the railway. I wonder if we could bring up the promoter’s plan as the best illustration of what I’m referring to here, which is P110(9)? The farm straddles two plans, the deposited plans.
But this plan shows with a redline boundary on a single plan the area we’re concerned about. The petitioners are in effect three families related to each other. They each own different areas but by a combination of interfamily ownership structures and occupational arrangements, which are set out in our petition. We’re treating it, for the purposes of the petition, as one farm – hence, only one petition on behalf of the family members. Could I ask for exhibit A351? That plan, sir, just shows you how the ownership is divided between the families, between the Brandon, Muir and Williams families.

9. Sir, there are two very different dimensions to this case. The first is the impact on the farming business. The second is the impact of HS2 on a development proposal for a large part of the farm, not all of it, but this is a big development for houses, schools and other community facilities. The next petitioner, who are due after us, sir, is Maximus Strategic Stafford LLP, the families’ development partner, who have also petitioned against this second impact on the development proposal. Their case is entirely aligned with ours and so our intention therefore is that I should deal with both impacts.

10. THE CHAIR: Can you move forward a little bit so the microphone is picking you up a bit better? I think we’re struggling. The acoustics are not great.

11. MR MCCULLOCH: We’re hoping therefore, sir, if I cover this well enough you won’t near to hear from Maximus separately after us.

12. THE CHAIR: Well, we won’t, because we’re hearing them together.

13. MR MCCULLOCH: That’s our intention.

14. THE CHAIR: Well, it’s not an intention; it’s what’s going to happen. You either hear them separately or you hear them together. You confirmed we’re going to hear them together so that’s the basis on which we’re taking it.

15. MR MCCULLOCH: I’m very happy with that, sir.

16. THE CHAIR: Thank you.

17. MR MCCULLOCH: For the farming business we have two substantive requests and we also seek confirmation on two or three matters where we hope we’re in
agreement but are not sure. On the impact on the development we have two requests. Those requests, as I say, are made for Maximus as well as for ourselves. The request for the farmer is as follows. The first request is that HS2 does not take an area of grassland habitat so that it can continue to be used for farming. The second request is to provide temporary rehousing for a critical occupant of a cottage on the farm during the construction period.

18. MRS MURRAY: Can we see –

19. THE CHAIR: I think you’re giving us an overview and then you’re going to go through these one by one.

20. MRS MURRAY: Oh, sorry.

21. THE CHAIR: That’s helpful.

22. MR MCCULLOCH: You like to know in advance, don’t you, sir?

23. THE CHAIR: Yes.

24. MR MCCULLOCH: What we’re going to be speaking to.

25. THE CHAIR: Great, so the temporary cottage is number 2. Number 3?

26. MR MCCULLOCH: Number 3 is in the nature of confirmation that a new vehicular access will be provided off the revised Sandon Road to replace a current access, which is to be stopped up. Number 4 is confirmation that an overbridge will be installed before the railway works begin so that severance is avoided. Lastly, we would like confirmation that a new vehicular access will be provided to some land belonging to the petitioners off Mount Edge Road, which is to be realigned and their existing access is to be stopped up. I hope that’s a matter of confirmation as well, sir. The reason why I seek confirmation of one or two things is that, whilst we believe it’s the promoter’s intention to do these things, they have studiously avoided including them in an assurance to us, which is really the comfort we were seeking on some of these points.

27. THE CHAIR: Well, where you’re requiring just confirmation I suggest you don’t address those points at all in your initial discussion. You address the other points. We’ll then go to HS2 and I’ll be lenient with you in summation to address those if not
already answered to your satisfaction.

28. MR MCCULLOCH: Thank you, sir. For the development our two requests are that the situation is here that the promoter has agreed to promote an additional provision for a further realignment of Sandon Road to avoid, if possible, a conflict with this large-scale development, which we have planned. We say that the promoter is being too narrow in its approach to this additional provision and we request a broader approach to address the problem, which I will explain to you. Secondly, we seek a commitment from the promoter to withdraw its objection to the planning application for this development as soon as this conflict is resolved to the extent that it can be; and, indeed, perhaps sooner than that if we can come up with an alternative solution.

29. THE CHAIR: Can I just confirm with you that the development is under additional provision 2 rather than additional provision 1 – the two concerns you have?

30. MR MCCULLOCH: A solution to the development is to be met by additional provision 2.

31. THE CHAIR: Right in which case we will not hear either of those cases now. We are only hearing the main case and AP1. Your petitioners will be able to petition against AP2 when we see it but we won’t hear those now.

32. MR MCCULLOCH: Well, that presents us with a difficulty, sir.

33. THE CHAIR: In what sense?

34. MR MCCULLOCH: The difficulty is this. If AP2 doesn’t go far enough and we persuade you that it doesn’t go far enough if and when we petition against AP2 then the promoter is in the position of whether it should be promoting a further additional provision. Now we would like to avoid that issue much later down the track by explaining to you now.

35. THE CHAIR: You can write to us; we won’t hear it today. We’re hearing AP1. We will not hear what may or may not be in AP2. So let’s concentrate on the first five and those that you don’t require confirmation. I understand fully the point you’re making. I don’t accept it.
36. MR MCCULLOCH: Sir, if I may reflect upon that?

37. THE CHAIR: Not so much – just start with the other petitioner and work your way down the five.

38. MR MCCULLOCH: Okay. Let’s go to the five.

39. THE CHAIR: It would be disorderly for me to do otherwise.

40. MR MCCULLOCH: The impact on the development is a central part of our concerns. We had hoped to explain the issue to you, sir, but we’ll begin on the farming issues.

41. THE CHAIR: Carry on.

42. MR MCCULLOCH: We’ll begin on the farm issues, sir. If I may, sir, I’d like to ask Mr Brandon to come to the witness table here.

   **Evidence of Mr Brandon**

43. MR BRANDON: Hi.

44. THE CHAIR: Good morning.

45. MR MCCULLOCH: Sir, Mr Brandon I hope doesn’t mind me describing as the head of the family in this situation. He is, I think, the third generation of Brandons farming on this land. I believe Mr Brandon you’ve farmed here all your life?

46. MR BRANDON: Yes I have, yes.

47. MR MCCULLOCH: Could we please bring up exhibit 359, which is CT-06-217. Now this is the point about grassland habitat, sir. Now Mr Brandon, using the pointer, perhaps I can use the pointer myself, the grassland habitat we’re referring to is this area here. Is that correct?

48. MR BRANDON: That’s correct, yes.

49. MR MCCULLOCH: And that’s measured at approximately 2.8 hectares or 6.9 acres. Is that correct?
50. MR BRANDON: Yes.

51. MR MCCULLOCH: And what’s it currently used for, Mr Brandon?

52. MR BRANDON: Currently is used for grazing for the dairy herd. We run a New Zealand grazing system and the cows have access to the whole of the redline area. It’s a system we’ve run for 20-plus years. Now we’re, dare I say it, one of the leading lights in grassland dairy farming in the UK. We were one of the first to adopt it, as I say, 20 years ago. We’ve been fortunate to win one or two national prizes with our dairy business and grassland performance.

53. MR MCCULLOCH: And Mr Brandon, where I’m pointing to now there’s a pond on the site, isn’t there?

54. MR BRANDON: There is a very small pond, yes.

55. MR MCCULLOCH: And as far as we can tell from the promoters’ exhibits, the promoters have found that there are great crested newts in that pond, as far as we can tell from their own evidence. Is that correct?

56. MR BRANDON: Well, that’s what we surmise, yes.

57. MR MCCULLOCH: That appears to be the case.

58. MR BRANDON: Yes, yes. I mean we’ve no evidence of them at all ourselves.

59. MR MCCULLOCH: But we’ve been asking consistently why they need to take this land for grassland habitat. What explanation have we been given?

60. MR BRANDON: Well, very little explanation to be honest. I mean, if there are great crested newts they survived within our current dairying system so we struggle to understand why additional grazing land has to be taken away. Particularly with it on the south side of the railway, well, anywhere within walking distance of the cows, is a detriment to our business.

61. MR MCCULLOCH: Is there any loss of grassland habitat anywhere else on the Brandon/Muir/Williams farm holding?

62. MR BRANDON: Well, no, it’s purely the whole farm is intensive grass farming
so purely the railway line just takes out so many hectares.

63. MR MCCULLOCH: So as far as we know from what we’ve been told this is to mitigate the loss of a pond somewhere else not on your own land and we don’t know where this pond is. Is that correct?

64. MR BRANDON: That’s correct, yes. I mean, the railway line itself goes across just grassland. It goes through one or two hedges. It doesn’t even take out any trees, I don’t think. There are no other ponds in that line at all on our property.

65. MR MCCULLOCH: Yet, we’re told under the ecological principles of mitigation, where there is a loss of habitat it should be replaced in close proximity if possible to where the impact occurs. But there is no impact or loss of habitat anywhere on your farm, is there?

66. MR BRANDON: No.

67. MR MCCULLOCH: We have asked what ecological gain there is from turning grazing grassland into grassland habitat, haven’t we? But have you been given any clear answer to that?

68. MR BRANDON: No, we haven’t, none whatsoever.

69. THE CHAIR: Just to be clear, are you wanting it to remain agricultural land full stop or remain agricultural land and move this mitigating area elsewhere?

70. MR MCCULLOCH: We want this area to be removed from the Bill.

71. THE CHAIR: And you’re not suggesting it goes anywhere else on the farmland. You simply want it removed.

72. MR MCCULLOCH: We have a suggestion where it can go if necessary.

73. THE CHAIR: Do you want to show us that?

74. MR MCCULLOCH: But we don’t think it’s necessary.

75. THE CHAIR: Understood. Explain where it would go if it has to go somewhere.
76. MR MCCULLOCH: Yes, Mr Brandon, correct me if I’m mistaken but north of the railway here I think is called Brook Farm.

77. MR BRANDON: Well, no, it’s not part of Brook Farm.

78. MR MCCULLOCH: Do please explain.

79. MR BRANDON: It’s a barn conversion that is on the extreme left of the plan, which I believe HS2 has already bought the barn conversion. But there’s a block of land north and south of the railway line on the extreme left-hand side. I believe part of it on the northern side is being used as a working compound during the construction. We were questioning, if it has to be anywhere, can it not be on that area?

80. THE CHAIR: That’s not your land is it? Is that your land?

81. MR BRANDON: It’s not our land. I appreciate that, sir.

82. THE CHAIR: Okay. I’m just checking. I didn’t know. I wasn’t making a point, just clarifying.

83. MR MCCULLOCH: Mr Brandon, the promoter in the last few days have produced an additional use for this land, which is to provide a noise bund to protect your land from the noise from the railway. Is that correct?

84. MR BRANDON: Yes, yes.

85. MR MCCULLOCH: What’s your reaction to that proposal? Can we please bring up P111(7), page 2? So the bund we’re talking about is here, which was a proposal put to us, well, we’ve seen this for the first time in the promoter’s exhibits I think.

86. MR BRANDON: That’s correct yes.

87. MR MCCULLOCH: And what’s your view of it?

88. MR BRANDON: I’m not sure what the bund achieves. I don’t know whether you can see where New Buildings Farm cottage is just south of the railway line, south of the bund that’s to the right-hand side. We’re not quite sure why there’s a bund being earmarked where the railway line is already in a cutting. But then there doesn’t seem to be a bund, which we now, having seen last night’s exhibits from HS2, there is some
noise attenuation along the south side of the railway line, which we’re more than happy with. If the bunds mean that we’re losing grazing land we’re not happy with the bunds. We prefer to maintain the maximum amount of grazing land.

89. THE CHAIR: Sandy?

90. MR MARTIN: Before we do, first of all, Mr Brandon, those aren’t cuttings; those are embankments.

91. MR BRANDON: Yes, but there’s a cutting to the right-hand side.

92. MR MARTIN: Not on this map there isn’t.

93. MR BRANDON: The bund that’s on the right-hand side is shown in pale green but the railway line to the north of it is in a cutting.

94. MR MARTIN: Oh I see. That’s a cutting. I’m sorry; it’s actually extremely confusing the way cuttings and embankments are marked. The convention is not at all clear is it?

95. MR BRANDON: Yes.

96. MR MARTIN: Okay, I beg your pardon for that. Secondly, the pond, was that one of your concerns about having the pond in the grassland?

97. MR BRANDON: Well, we’re not sort of concerned about the pond. The pond has always been there and it can continue to be there. But if there’s any wildlife that’s been found there it’s survived within the current farming system.

98. MR MARTIN: Yes.

99. MR BRANDON: So we question why there has to be grassland mitigation.

100. MR MARTIN: Okay, fine. But I mean there is a pond there?

101. MR BRANDON: Yes, the pond is there. Some years, like this year, it’s probably dry now. There’s probably no water in it at all. Other seasons it will be overflowing.

102. MR MARTIN: And sorry, going back slightly, if we can go back to P111(1). It’s
always a bit difficult if you identify the ideal site for mitigation as being on somebody else’s land.

103. MR BRANDON: Yes.

104. MR MARTIN: Because clearly, somebody else is not necessarily going to be that happy with that.

105. MR BRANDON: Yes.

106. MR MARTIN: There is the area of land north of the rail line and west of Sandon Road.

107. MR WIGGIN: It says ‘petitioner’s property’.

108. MR MARTIN: Which says ‘petitioner’s property’ but you’re not easily going to be able to get there and you’re certainly not going to be easily able to get your cows there. Would it be better, rather than having the mitigation in the place where HS2 has put it, to put it there instead?

109. MR BRANDON: Well if I could just explain, you’ll see New Buildings Farm in the centre of the redline area, which is to the left. New Buildings Farm and the land around it is in my ownership and my wife’s ownership. The land that is to the right-hand side, that belongs to my cousin and her family. So, again, it’s not for me to sort of offer that as an alternative. We have discussed it with them and they would prefer to keep it as open farmland.

110. MR MARTIN: But it’s currently used as pasture for cows, is that right?

111. MR BRANDON: It is, yes.

112. MR MARTIN: And where do the cows go to be milked?

113. MR BRANDON: Sorry?

114. MR MARTIN: Where do the cows go to be milked?

115. MR BRANDON: Back to New Buildings Farm.
116. MR MARTIN: So they’re not easily going to be able to get along a B road, under an underpass in order to be able to get there.

117. MR BRANDON: Yes, again, it’s going to be very difficult to run our current system. Potentially, during the construction phase we’re going to lose 40% of the cow grazing area.

118. MR MARTIN: Yes, but even after the rail line is built you’re not going to be able to easily get cows from that patch of land over to New Buildings Farm, are you?

119. MR BRANDON: No.

120. MR MARTIN: Okay, thank you very much. Point made.

121. THE CHAIR: Let’s move to the cottage.

122. MR MCCULLOCH: Sir, can I just finish on this point, sir?

123. THE CHAIR: No. I think we’ve spent plenty of time on it. If you’ve got important points and I’m cutting across you, you need to make your points earlier, more concisely and faster. We’ll move to the cottage now.

124. MR MCCULLOCH: The herdsman’s cottage, sir, is located here. Do you see where I’m pointing?

125. MRS MURRAY: Yes.

126. MR MCCULLOCH: Mr Brandon, perhaps on this subject we can have exhibit 355, the land plan, again. One sees the herdsman’s cottage there within the limits of deviation. We were concerned with the impact on the herdsman’s cottage both during construction and during operation. It looks as if the impact during operation is going to be resolved by noise attenuation though we disagree with the current method of attenuation proposed. So we’d like to concentrate on during construction.

127. MR MARTIN: Chair, sorry to interrupt.

128. THE CHAIR: Sandy?

129. MR MARTIN: Mr McCulloch, could you just describe the herdsman’s cottage for
us? The reason I ask is I’m looking at your aerial photograph, A352, and herdsman’s cottage is so tiny that you can’t actually make out that it is a building at all. You would only be able to know that it was a building by somebody telling you it was a building. It looks like a bush. What exactly is it? How many rooms has it got?

130. MR MCCULLOCH: Well I think Mr Brandon should answer that.

131. MR MARTIN: Thank you.

132. MR BRANDON: It’s a three-bedroom cottage. It’s a kitchen and two reception rooms downstairs.

133. MR MARTIN: Can you just indicate it for us? I can do it on my screen but I can’t move the mouse. It’s to the right there, isn’t it?

134. MR BRANDON: It’s there.

135. MR MARTIN: It looks like a bush from the aerial photograph. Is it possible to zoom in on that or not – a bit more, a bit more, a bit more? It still doesn’t look much like a cottage.

136. THE CHAIR: Okay, it is as described by yourself.

137. MR BRANDON: Yes.

138. MR WIGGIN: It’s surrounded by trees; that’s all.

139. THE CHAIR: Let’s get to the point: what is it you want?

140. MR MCCULLOCH: I think Mr Brandon just needs to describe how important this cottage is to the operation of the farm.

141. MR BRANDON: With running such a large dairy herd, we need somebody on site 24/7. Obviously there’s ourselves and my daughter and son-in-law are involved in the business but there are times when we’re not all present. Through the spring, through February, March, April, we have in excess of 450 cows calving, so we’re doing sort of night checks at 9, 10 or 11 o’clock at night. We need to be able to share that between us and we need somebody in close proximity for the health, safety and welfare of the cows at all times.
142. MR WIGGIN: Where would you like it to be then? If it goes, where should it go to?

143. MR BRANDON: Well –

144. MR WIGGIN: To help you a bit, what do you want us to do?

145. MR BRANDON: Well, I mean, we would like to continue to use the cottage when the scheme is completed providing it’s liveable. We don’t altogether understand why it appears to be required during construction. It’s in an ideal position at the moment; yes, less than ideal when the railway is there but it’s still perfectly adequate providing there is noise attenuation, that sort of thing. It is already double-glazed.

146. MR WIGGIN: As I understand, HS2 are going to buy this and take it away from you or they’re just going to knock it down? What’s the problem?

147. MR BRANDON: We haven’t asked HS2 to take it away because –

148. MR WIGGIN: It’s just going to be covered in soil or something, during construction?

149. MR BRANDON: Well I think the shaded area around it is because there are two utilities that have to be moved. I think that’s the only thing that’s going to be in proximity to it.

150. MR WIGGIN: So when they move the utilities just treat your cottage with respect is what you’re asking?

151. MR BRANDON: Yes, well –

152. MR MCCULLOCH: Sir, we don’t even need to ask for that because we had had a useful dialogue with the promoter.

153. MR WIGGIN: Okay.

154. MR MCCULLOCH: The original potential impacts under the Bill are now much mitigated by dialogue between us and the issue between us is not the destruction of the cottage or anything like that. It’s the fact that we think it’s uninhabitable during construction.
155. MR WIGGIN: Okay.

156. MR MCCULLOCH: So I’d like you to go to P111(3), page 2, which is the promoter’s summary of noise impacts.

157. THE CHAIR: No.

158. MR WIGGIN: Just tell us where you want it to go. We believe you. We’ve been doing this for months. Just tell us where you want it to go.

159. THE CHAIR: You’ve got one more minute. Tell us what you want or we’ll move to the next point.

160. MR MCCULLOCH: The promoter is buying many properties in the vicinity for a variety of reasons.

161. MR WIGGIN: Yes.

162. MR MCCULLOCH: Some of which will remain habitable during construction. We would wish the promoter to provide one of those properties for the herdsmen during the construction period.

163. MR WIGGIN: And would they be expected to rent it to you or give it to you or lend it to you? I mean, the alternative is that the herdsmen could rent a cottage of his or her choice somewhere else and the bill could come to HS2 rather than then allocating a property which actually already belongs to somebody else.

164. MR MCCULLOCH: We’ve never reached that degree of detail in any discussion on this.

165. MR WIGGIN: I’m sure they will now help you with that.

166. THE CHAIR: Sheryll Murray?

167. MR MCCULLOCH: The reason, sir, is that until very recently we had hoped it would be possible to mitigate this property and allow the herdsmen to stay there.

168. MR WIGGIN: And just leave it alone.
169. MR MCCULLOCH: But we’ve come to the conclusion looking at the promoter’s own exhibits these last few days that’s no longer going to be possible and hence our new solution.

170. MR WIGGIN: Well, we’ll look forward to hearing from Mr Mould.

171. THE CHAIR: Sheryll Murray.

172. MRS MURRAY: Just for my own clarification, this cottage at the moment is shared by the various families whilst they’re looking after their herd. What you’re asking for is during construction an alternative property is provided for that purpose. Then once construction is complete you will be able to return to the herdsman’s cottage.

173. MR MCCULLOCH: That’s correct.

174. MRS MURRAY: Is that correct?

175. MR MCCULLOCH: That’s correct, Mrs Murray. Thank you.

176. THE CHAIR: Okay, I think the next point is on confirmation of access so we’ll hear from HS2 to confirm that. I’ll be lenient and you can come back so let’s move to the overbridge, your point 4.

177. MR MCCULLOCH: The promoters say they will provide an overbridge to avoid severance. And of course it’s important that the overbridge is installed before the railway works begin; otherwise it defeats the purpose of it. But they have not included that in the assurance. We believe this is their intention but we’re told, ‘Oh, don’t worry; the environmental statement says that that’s in the programme of works.’ We would like it to be assured. Just having it in the environmental statement is not sufficient for us. We would like an assurance that this is what will happen.

178. THE CHAIR: That’s very clear. And your point 5 was again confirmation on a new access. So shall we hear from HS2 and then I’ll be lenient with you in summation?

179. MR MCCULLOCH: Thank you.

180. THE CHAIR: Mr Mould?
Response by Mr Mould

181. MR MOULD QC (DfT): Can we just put up P112(1) please? I’m sure the Committee is clear on this but can I just briefly set the context. Can I just set the context? We have a large landholding, which is shown on the plan with the hatched area, which is subject to an application for planning permission for a very large housing development. Maximus are the developer. My understanding, from having read the exhibits of the petitioners and in particular a petition from the Stafford Borough Council Planning Officer, is that the borough council are very keen to see this development come forward as a matter of urgency because this is a strategic site delivering on their housing requirements. We have been in discussion with the petitioners, both sets of petitioners, over recent weeks with a view to reaching an arrangement whereby we can withdraw our holding objective to that scheme which relates to the points at which that development site crosses over onto the HS2 Bill limits, in particular the area where the cursor is now, which is where we need to realign the Sandon Road, which runs up here. We have reached a position where we’ve been able to offer assurances where there’s been good progress and where we expect to be able to reach a position to withdraw our holding objection within a very short time. It requires an agreement to be entered into between the parties which restricts development of those areas of land until a later stage in the development when we are clearer on HS2’s land needs and the solution.

182. Insofar as the realignment of the road is concerned, one of the assurances relates to promoting an alternative option for realigning the road, and the opportunity to finesse that alignment so as to minimise the permanent land take from the landowners and the developers forms part and parcel of that assurance. So that is something that is close to being resolved. Turning then to the points that have been taken today.

183. MR WIGGIN: Just before you escape from that, sorry, there’s a couple of little questions I’ve got. First of all, as I understand it the hatched area is the planning?

184. MR MOULD QC (DfT): That’s the planning.

185. MR WIGGIN: The HS2 land that you will require would be bought at planning approved prices rather than agricultural?

186. MR MOULD QC (DfT): Any land that is acquired which has the prospect, or at a
later stage if planning permission is granted, the actual actuality of a planning permission, the valuation of that land would clearly need to take account of either the hope value or the development value.

187. MR WIGGIN: That’s most helpful.

188. MR MOULD QC (DfT): Absolutely.

189. MR WIGGIN: Thank you very much. The rest of the land that is thus blighted by the railway line, which you will need to acquire permanently, will be done on the same basis, wouldn’t it?

190. MR MOULD QC (DfT): Well, any land that lies outside the development site but within the ownership of Mr Brandon, that land is more likely to be valued on the basis of agricultural values because that doesn’t have any real prospect of being developed for housing.

191. MR WIGGIN: Well, it certainly won’t be with the railway line on it.

192. MR MOULD QC (DfT): No, clearly, nor without it because you can see that the majority of the HS2 shaded area lies beyond the development site. Whether that land would have any future prospect of development at a later stage, which might inform its valuation over and above agricultural value, is a matter for valuers to consider and to discuss when the claim comes forward.

193. MR WIGGIN: But you are happy to assure us that those discussions are going to be ongoing?

194. MR MOULD QC (DfT): Oh yes. They have to be.

195. MR WIGGIN: Not the usual sort of last minute stuff that we’re –

196. MR MOULD QC (DfT): Those discussions will take place in earnest, I’ve no doubt, when we get much closer to the point of notices of entry being served. Then the question of the price payable for the land will become much more pressing. Now, that’s the position insofar as the development side of the thing is concerned. As I say, the position is we’ve moved a long way towards reaching an acceptable solution there.
197. Turning then to the position with regard to the existing use, which is the focus of the petition that’s before you today. First of all, if we go back to Mr McCulloch’s plan, A351 I think it was. No, that’s not the right one. Can we go to P112(3)? There is a strip of land which is currently farmed, as you’ve heard from Mr Brandon, which is not, it falls outside the development site. It’s this strip of land along the line path showing you along here. It’s the land that will, once the railway has been constructed, lie to the west of the railway line. Now that land is land on which, as you’ve heard, discussions have focused on the need to provide noise attenuation on the assumption that the much-needed development I’ve just mentioned to you comes through. So the reason why the noise bund was being proposed – or one of the principal reasons why it was being proposed – was in anticipation of the need to collaborate with the developer and the landowner in providing an acceptable noise environment.

198. THE CHAIR: Yes, that seems incredibly sensible and in the interests of the petitioner and future residents.

199. MRS MURRAY: Yes.

200. MR MARTIN: Exactly what I was going to say, Chair, thank you.

201. MR MOULD QC (DfT): If that noise bund comes forward, and let us assume that Staffordshire Borough Council’s desire that this land should be developed for housing is realised because the land is in the local plan for that purpose, then plainly, that will mean that the area of grassland that was the source of concern will have to be reconsidered. What I will say to you today is let that be done. If there is an alternative that we can discuss with the farmer which would enable us to meet any need for that ecological provision elsewhere within the lands that remain, but perhaps more particularly, within that area of land that is, as it were, severed by the future development to the west and the railway to the east, then that can be dealt with under the aegis of those assurances we’ve given to the NFU. That’s how I would propose to leave that point with you today.

202. THE CHAIR: That seems very sensible.

203. MR MOULD QC (DfT): So far as the herdsman’s cottage is concerned, if I can show you P111(2). I’m going to try and deal with this as quickly as I can. This is the
familiar noise contour map. That property, that’s this property, which I’m pointing out to you now. That notation tells you that our prediction is that that cottage, if it remains in place when the railway starts operating in 2027, and obviously that depends on what happens with the development, but if it remains in place, because many a slip between cup and lip, then that property will be eligible for double-glazing for sound insulation. That’s what that means. I can tell you that, although we don’t predict that the construction of the railway is likely to render that property uninhabitable as Mr McCulloch puts it. In order to give reassurance on that I see no difficulty with installing that double-glazing at an earlier stage. That is to say before the main construction works begin. I just need to get confirmation from HS2 that that is acceptable but I will ask.

204. THE CHAIR: Can I just confirm I thought we’d been told it was already double-glazed?

205. MR BRANDON: It is already double-glazed, yes. It is.

206. MR MOULD QC (DfT): Well, in that case, that no doubt is one of the factors that reflects the assessment that it’s not going to suffer any severe noise disruption during construction. But in the event that our predictions are wrong and the actual construction works here do give rise to noise and disturbance that renders it, to use Mr McCulloch’s colourful language, uninhabitable during construction, then our rehousing policy is available under the code of construction practice in order to provide a remedy.

207. THE CHAIR: Thank you very much, Mr Mould. Anything in summation?

208. MR MCCULLOCH: Yes, please.

209. THE CHAIR: Sorry, Mr Mould, you had finished, hadn’t you?

210. MR MOULD QC (DfT): I was just going to confirm.

211. THE CHAIR: Sorry, I didn’t mean to cut you short. I thought you’d finished.

212. MR MOULD QC (DfT): Not at all.

213. THE CHAIR: Sorry, Mr McCulloch.
214. MR MOULD QC (DfT): I thought you’d find it helpful just for confirmation that vehicular access from the realigned Sandon Road to the severed land to the south of the road, that will be something that will need to be addressed during the detailed design of the realigned road.

215. The final point is the overbridge: we’ve given an assurance in relation to the provision of the overbridge and that overbridge will be constructed at an early stage in the construction so as to address the point Mr McCulloch raised for you in terms of the timing of that facility. Thank you.

216. MR WHITFIELD: Can I just ask a question, Mr Mould? What’s your view of HS2 if they offer an assurance on the basis that this is agricultural land and subsequently following planning application the assurance becomes, I won’t say worthless, but ineffective? What is the responsibility on HS2 with regards to that assurance? In other words they can’t complete it because it would be foolish to do so, it not now being agricultural land but the people it affects are not the vested interests who are before us today.

217. MR MOULD QC (DfT): Any assurance that is given, and a number have been given, we haven’t shown you the letters but any assurance that is given will obviously be qualified to indicate that its delivery will depend upon whether the land remains in its existing use.

218. MR WHITFIELD: Excellent.

219. MR MOULD QC (DfT): I haven’t troubled you with the detailed wording but obviously that kind of qualification will be included.

220. MR WHITFIELD: Thank you.

221. THE CHAIR: Thank you. Mr McCulloch?

222. MR MOULD QC (DfT): Staying with the farming issues then, sir, before we come to the development issues. There are points I wish to come back on.

223. THE CHAIR: Sorry, Sandy wants to come in.

224. MR MARTIN: Mr McCulloch, I am, I must admit, very, very confused here
because if your client is working already with Maximus Holdings and looking at developing, and Stafford is very keen on this coming forward as a development site, I find it hard to understand how anyone could think that this isn’t going to be a development site. In which case, why are we talking about farming? And why did you not actually raise that as the major issue right at the very start of your discussion with us? I hope you can understand that it doesn’t actually incline us to necessarily listen that carefully to what you’ve got to say when you start off putting forward a prospectus, which is almost certainly not going to be the case.

225. MR MCCULLOCH: Well, sir, first of all the family do intend to keep farming here for as long as possible, for several years notwithstanding the development. They own other land in the area, which they will continue to use and need access to.

226. MRS MURRAY: Chairman?

227. THE CHAIR: Yes.

228. MRS MURRAY: Other land in the area, which isn’t about this case, really isn’t in order I don’t think.

229. THE CHAIR: Correct. Let me give you a couple of minutes, a bit of a long, permissive two minutes. Stray out of order and I’ll close you down after two minutes.

230. MR MCCULLOCH: Okay.

231. THE CHAIR: Over to you.

232. MR MCCULLOCH: Okay, well I’ll deal with that question if I may then come back to responding.

233. THE CHAIR: You’ve got two minutes. Use it as you wish.

234. MR MCCULLOCH: If the development proceeds it will be phased over many years. The family have a plan to keep farming on their areas, for as long as possible, which are not taken up by the development. Then there is still a great deal of uncertainty about the development. It hasn’t yet got planning consent. It’s still subject to some viability testing on the extent of community benefits of affordable housing. It is still subject to the reserved matters. The development may have to be further curtailed
as a result of HS2 and, even when it’s approved, the financial climate has to be right for
the developer to proceed. It may be that the developer will not proceed with the whole
development. So we think it’s entirely reasonable to twin-track our approach here to
seek mitigation for the farming as well as mitigation for the development. The promoter
has never taken issue with us on that point.

235. Sir, on the grassland and the bund issue, may I say that, if Mr Mould is offering
collaboration on this issue to work up a suitable solution depending on the outcome, we
welcome the outbreak of collaboration. Thank you.

236. THE CHAIR: That’s somewhat disingenuous. He’s not offering you anything
special as a result of your pleading. That’s the standard.

237. MR MCCULLOCH: On the cottage, sir, I would like you to refer to the
promoter’s exhibit here which is at P111(3) page 2. Now this table shows under
construction noise levels here for New Buildings Farm, not the cottage but New
Buildings Farm, an increase in noise during construction from 48 decibels to
56-60 decibels. Now as far as we can tell that is a prediction for New Buildings Farm,
not the herdsman’s cottage. The herdsman’s cottage is obviously going to be materially
worse than that. So that is why we say it is reasonable to expect this property to be
uninhabitable and alternative accommodation should be provided for it. They should
just acknowledge it now, sir, rather than quote policies about us about the code of
construction practice.

238. MR WIGGIN: But they did say that they would come and look at it again if you
turn out to be right.

239. MR MCCULLOCH: Fine.

240. MR WIGGIN: Didn’t they? Or didn’t you understand that to be the case?

241. MR MCCULLOCH: But clearly double-glazing is not the answer. One does need
to be able to open a window and so on. It requires –

242. THE CHAIR: Okay, thank you very much.

243. MR MCCULLOCH: And then on the –
244. THE CHAIR: Sorry thank you very much. That’s your two minutes. We’ll hear the next petitioner. It will be convenient to take a ten-minute break.

Sitting suspended.

On resuming –

245. THE CHAIR: Thank you very much for petitioning. I tend to remind petitioners at the beginning that the best petitioners tell us what they want, why and if they can’t have it how we can help mitigate for them. Over to you.

North Staffordshire Bridleways Association

Submissions by Ms Ridley

246. MS RIDLEY: Good morning, Chairman and members of the Committee. In the interests of trying to make things as clear and proceed as quickly as possible I did take the liberty of producing a bulleted list of four items that really we would like to have. If we may pass them round? Thank you.

247. We are North Staffordshire Bridleways Association, which is familiarly known as NSBA, and I’ve been a committee member since the start of the bridleways group about 25 years ago and my witness, Ms Sarah Tyson, is also a member of the committee and she is currently the ride organiser for our events.

248. What we would like to make clear is we very much seek to have ongoing consultation and cooperation with HS2 and we’d like to stress the fact that what we are asking for is general public safety items, not just provision for a niche organisation. When bridleways are provided for the public it is, of course, a right of way for pedestrians and cyclists as well as horse riders. And it’s also very useful that, because there aren’t cycling barriers on a bridleway but bridle gates, people who ride, as I have done because I’m slightly disabled, a tricycle can get along. My tricycle would not go through most of the cycling barriers. The only way it would go through some of them was if I had somebody with me who was capable of upending it and getting it through. And there’s also I’ve seen family outings where there’s a little sort of baby carriage harnessed to the back of a bicycle, all these sorts of things, and then the ever-developing range of mobility scooters and even modification of quad bikes and things so that, again,
family groups and groups of friends can come out.

249. The other thing that we would like to highlight, which probably wouldn’t have occurred to people and, indeed, didn’t occur to us until we started looking at the HS2 plans, was the fact that our interests are not confined to where public bridleways cross the railway line. We have, in fact, very few public bridleways in our area, the group having been set up where three different county councils join together, which is, as I’ve said in my submission, an administrative no man’s land. Nobody really wanted to be interested in the legal problems where a right of way crossed from their county to next door and, again, maintenance was always an issue. But, apart from these very few bridleway crossings, our other major problem is the roads which are crossing the new railway line. Horse riders have an inverted sense of values of the roads. Our most valuable roads are the most minor roads; the ones most likely to be stopped up because it’s not of any particular inconvenience to anybody to stop them up, like for any financial reasons. So we’ve ended up doing most of our points – from the very first time that we responded to consultation – we’ve spent much more time on the roads.

250. So that brings me to point 2, the construction standards. We’ve kindly been provided with quite a lot of information about procedures for consultation and standards construction to be used, etc, the minimum standards of verge provided on new sections of road that will be built. And there’s quite a lot of short sections of road that will be new because the road’s being moved over to one side to allow a new bridge to be built or slightly moved for other reasons. We value the roadside verges greatly either to ride along if they’re wide enough or to allow us to make an emergency escape on to a verge if necessary or, at the very least, it allows a horse rider to get right to the side of the road to allow traffic to pass because the verge sets back the fence or usually overgrown hedge at the side and, of course, provides a place where all of the roadside signage is placed and, shall we say, signs of dubious legality about local businesses, etc. So providing a verge four or five feet wide does not give a route that a horse can ride along, quite apart from the fact it doesn’t give sufficient separation from the traffic.

251. MR WHITFIELD: Could I just say, sorry to interrupt you, but how wide would you consider a minimum verge to be safe for a rider?

252. MS RIDLEY: Yes. Unfortunately, a great deal wider than I suspect we could...
did point out to HS2 my – I haven’t got a photograph of it but in relation to other things the verge in the Hopton area, which – ifs we could have A262 that is a most magnificent verge. It’s about 10 to 12 feet wide. In places there is a narrow tarmac path for people to walk along next to the hedge and, in fact, to my great surprise, the entire width of the verge, not just the little strip by the road, the entire width of the verge on both sides of the road has been mown just very recently. Yes, here is the illustration. This is a typical problem we have. You can see in the top half of the map on the left-hand side there is a bridleway coming in sort of east-west. Yes? And then you have no option but to either turn left or right along the road. And that section of road all the way to the other side of where the railway line will be built has got the most beautiful verges, which allows you to ride down them to get to the nearby minor roads. I have just been told a few days ago by HS2 that there are now plans to try and upgrade the footpath bridge provision to bridleway and that would obviously be an excellent facility for the local communities for all concerned, not just horse riders. But if anybody wanted to ever see a very nice horse riding verge that would be it.

253. Obviously, as I say, the minimum requirement, while much appreciated, you know, we want as much as we can possibly get. You can’t sort of go along the verge and then come back out into the traffic to get around the traffic sign and then back in again; you’ve got to keep a straight line going forward and keep the horse moving and that sort of thing.

254. Point number 3 is that we are very anxious that we should be consulted at all stages, obviously not just in bridleways as HS2 would originally have probably thought but with all of this business of the moving and changing of roads. And we would be very, very keen that the details of horse riding provision should be actually written into the paperwork from now on at all stages. Then if communication glitches, which will happen, occur, at least we can look up the paperwork and if it doesn’t say something about horse riding then we will be able to think, ‘Ah, it hasn’t been addressed’, and then we can, you know, pursue the matter, whereas otherwise we might not know whether there was any thought being given to it or not.

255. The final thing that we are worried about is there are one or two specific sites to do with bridleways where we still have concerns and I will skip through those very quickly in a minute but, before that, my friend Ms Tyson is just going to explain to you
about slippery road surfaces because there is going to be an awful lot of new road surfacing in conjunction with the construction work as temporary roads are provided, roads will be repaired after construction traffic going along them and then there will be short sections of new road, as here at Hopton, where the road has been rebuilt or moved slightly along. So, Sarah, if you just explain.

Submissions by Ms Tyson

256. MS TYSON: Good morning. Basically, the new road surfaces that are put down now, when they’re first laid they’re very, very slippery for horses. It takes about six months before they get bedded in and the horse has a grip. Our concern is mainly where the road is crossing, if there’s a new road, if the horses have to come out of one path into another or one lane to another sometimes you have to get across the road very quickly with the amount of traffic that we have now. If there’s a panic, the horse slips, you’re on the floor. It’s over very quickly. It’s happened to me. And we’re just asking for maybe gravel sprayed on the top just on these crossings that may be only temporary just for a few months until the road surface is properly bedded in.

257. The other thing to address is grids. I drive, ride and drive, and work with shire horses and we have a particular issue with grids. They have to be completely level. If a bridleway’s been moved, which is what we’ve proposed, some of the gates will be coming out in different places, there could be an inspection grid, a manhole cover or something. If that’s there and it’s not level, it’s got no surface over the top, not a tar surface, it’s not safe at all. I mean I have fallen over, we’ve fallen over on a grid before now and I’ve ended up in the middle of the road minus the horse –

258. MR WIGGIN: You mean a manhole cover?

259. MS TYSON: Well, there are manhole covers, just normal road grids, all sorts of things. Some of the road grids have a hole at the side and if the horse – a pigeon can run at a horse. He can put his legs out, down the hole. It’s just things that most people don’t actually think about but as riders we’re going along trying constantly just to keep an eye on all the hazards and also the traffic as well. It’s just a safety point of view, really.

260. We do have nonslip nails to go in shoes but they’re only very, very tiny studs.
I’ve got some shoes here but obviously if time allows. And also the shire horses have very flat shoes. The normal riding horses have a groove in their shoes but they fill up with grit very quickly so then you are riding on a flat surface again. And also in the North Staffordshire area we’re just having an upsurge of driving ponies as well and they’re going a lot quicker. I know some of them are using the bridle routes because they’re old coach roads. So they have to use the roads to get to them. We all have to use the lanes to get to them. But mainly it’s just a safety concern with the road surfaces and also the access, the visibility. As we’re coming out of a field or a lane you need to be able to have a good visibility of the traffic as well because we obviously need a bit more time to cross the road than a normal car.

261. MS RIDLEY: Thank you, Sarah.

262. MS TYSON: Thank you.

263. MS RIDLEY: Thank you. As I say, it did occur to us that there is going to be an awful lot of fresh tarmac around and this business of top dressing with grit is a very cheap and easy way. I’m sure that the professionals in highway management can come up with other solutions.

264. If we could put –

265. THE CHAIR: Just before you go on, I think Sheryll’s got a question. I’ve got a question as well. Sheryll?

266. MRS MURRAY: Is that top dressing something that has been used in the past and has a proven track record that it does help? I was just struck by the fact that you said to us about the shire horses and then you said about normal riding ponies have the hoof which fills up with grit very quickly. So you’re asking us in one instance to put grit down for safety and then you sort of said, ‘Well, the grit gets in the shoes’. So I just need to know the difference, really.

267. MS TYSON: Yes. Currently when the grit gets in the shoes it just turns them into a flat surface but if there is a gritty surface, more like a sandpaper-type thing, you do get a slight amount of grit with the normal slippy shoes. It’s just the new tarmac now is just completely mirror-flat, but it’s for vehicles. It’s not designed for horses.
268. MRS MURRAY: Okay.

269. MS TYSON: And at the moment we’re seeing it – an example is we’ve had hot weather, the tar has all risen to the surface and the roads are like black shiny. Well, that’s what these new road surfaces are like, which gives a grip to the cars but doesn’t give –

270. MRS MURRAY: Okay. Thank you very much. Thanks for clarifying.

271. MS RIDLEY: We’re talking the standard top dressing that the councils are busy putting down at the moment on a lot of the older surface roads. They spray with tar, do the grit, and then come along afterwards and hoover up, brush up the loose grit, and that’s standard road surfacing.

272. MRS MURRAY: Thank you.

273. THE CHAIR: And, just in terms of publicising that the road has changed, I’m not a horse rider myself so I’m unfamiliar as to whether you ride on the same roads on a regular basis so –

274. MS RIDLEY: Oh, yes.

275. THE CHAIR: – there’d be physical signage required or a possibility of saying, you know, ‘Note new road surface’, or whether it’s, you know, via your members’ network of notifying that the roads have changed and are slightly more slippery. Is there anything that can be done in that regard to warn people as well as mitigating against the danger itself?

276. MS RIDLEY: Well, obviously, signage is helpful. The problem is we often don’t have a choice about the roads that we use. A horse has to be kept going forward in a big circle to get back to where it started. You can’t ride out to point X along the one road that’s left that you feel safe on and turn round and come back. Any time where you ride a horse and turn round and come back again you’ve only got to do it a few times and the horse has learnt the vice of, ‘Oh, I’ll spin around and head back to the stable’. So you’ve always got to keep a horse moving forward and then you ride round in a big circle and come back to where you finish. So you have limited numbers of circular routes out from where you keep the horse that, you know, that you can use. Is that
satisfactory?


**Submissions by Ms Ridley**

278. MS RIDLEY: Yes, right. Very quickly, if we could put up A263. There’s just a quick point to make about we’re talking still minimum standards of things. There are a number of different standards for equestrian parapets and that word occurs throughout our written submission. Basically, we’re talking of trying to get filled-in sides to a higher level than the normal sort of one metre fill-in. Very unpopular, of course, with engineers because you need a stronger bridge because of the wind factor on the side and then the bridge is heavier so you need it stronger. It’s a vicious circle.

279. This is from the cover of the British Horse Society leaflet, as you can see, but it’s rather a good picture to illustrate the fact that that equestrian parapet may be very nice for filling in the bridge to make it look more inviting to cross but if anything happens to frighten the horse you can see that the entire weight of the body and head of the rider is actually above the height of that parapet. There is a design which has a filled-in bottom and then weld-mesh panels on the top – if you think of the weld-mesh panels with feet on them which are tied together around building sites, if you imagine putting those on top of a sort of low brick wall type thing, that is the design of what I call the maximum equestrian parapet. And then the weld mesh is to nine feet high, which is about the height of a rider’s head, so the rider in a really stressful situation knows that whatever the horse does at least you don’t end up on the railway track underneath. And there is a diagram of that in our submission.

280. THE CHAIR: Sandy?

281. MR MARTIN: Forgive me for interrupting, Chair, but I thought I would do it now because it would fit in well with what Mrs Ridley has just said, just to say to Mr Mould that actually this would also have the added advantage of making it virtually impossible for anyone to drop anything on to the track from a bridge, would it not?

282. MR MOULD QC (DfT): Indeed, and designing to the British Horse Society standards is what we do.
283. MR MARTIN: Brilliant. Thank you.

284. MS RIDLEY: Yes. Unfortunately, the British Horse Society is a little more flexible on the subject of parapets than I tend to be because it gets quite complicated but if the bridge is wider you don’t necessarily need to have the parapets quite as high. I just make the point that there are different versions of equestrian parapets which may be suitable in different situations. And it’s a bit of a pet thing of mine because I’ve been hung upside down over the M6 over a low parapet with the weight of my horse on top of me so it does tend to focus the mind.

285. THE CHAIR: All right. It’s particularly good to have you here today, then.

286. MS RIDLEY: Yes, indeed. I think the horse and I saved ourselves because the horse was crushing the bottom half of my body into the parapet and my shoulder was holding the horse from going over.

287. So just a couple of the specific places where we still have a problem. The A51 at Swynnerton. If we could put up the promoter’s document 1147(7). We have had some new information given to us by HS2 which only arrived in my post box when I got home from work late on Saturday night and it’s information that, unfortunately through a glitch in communications, wasn’t supplied to us at the time we did the petitioning. But this is the most recent update of what’s been going on.

288. Again, we have a bridleway that comes out to a main road, in this case the A51. You can see the bridleway coming in above the line of the railway line. Now there used to be a straight over crossing of the A51 into a minor road immediately on the opposite side. Well, that minor road will now be stopped up so our bridleways association pointed out the need for putting a path for non-motorised users down the side of the main road to get to the new road which will be built, which is there in the centre of the screen. HS2, in fact, designed that in and, additionally, said that the next road along, which was going to be severed as well, to the right that there would be public use of the farm accommodation bridge, which was being provided, the underbridge. Now, I understand that the landowner is unhappy about that. I can quite see why with farm machinery and things and public safety these days. So, in fact, some additional bridle path provision has been suggested, including, it appears from this, losing the roadside path and putting it back from the road through some land, which is actually preferable
because when you only have a roadside path on one side of the road, of course, at some stage you will be faced with riding a horse the wrong way head on at oncoming traffic, which I did point out to HS2 they would need to make extra provision of screening and barriers and things.

289. We’d just like to say that we’re quite happy to, you know, work with this in general principle, see how it evolves. And I think it is extremely generous of the landowner to allow these extra public paths on his land for something which wasn’t a fault which, you know, he committed. So if we don’t have the farm accommodation on the bridge this is, you know, extremely satisfactory as an alternative.

290. THE CHAIR: Sandy?

291. MR MARTIN: Yes. Sorry, but I’m still slightly confused. Mrs Ridley, are you telling us that HS2 has agreed that there will be an off-road bridleway provision alongside the A51 from the bridleway 54 across to the Tittensor Road junction?

292. MS RIDLEY: Yes. That was the original –

293. MR MARTIN: That was the original agreement.

294. MS RIDLEY: – agreement and is the drawings that I have got. This is the newest information that has –

295. MR MARTIN: Sorry, so what is – I’m sorry I’m confused but I was still confused. Presumably there will still be quite a lot of people coming down bridleway 54 who will want to get on to the Tittensor Road. What is the new provision going to give you?

296. MS RIDLEY: The red dotted line that you can see there, yes, that is the line of a new bridleway – we haven’t been consulted about any of this but this has been agreed when the landowner said that they didn’t wish use of the farm underbridge then they started thinking in terms of the network of bridleways and obviously, although we haven’t been told about this, it looks as though they’ve decided possibly to move the roadside path a bit further away, which would be much better because then it can be used in both directions without encountering the traffic.
MR MARTIN: Brilliant. Thank you very much.

MS RIDLEY: So we have no objection to any of this.

THE CHAIR: Excellent. Yes but, given all things are moving well on that example, shall we move to the next example?

MS RIDLEY: Yes, certainly. Shelton under Harley, there are various maps of this. A271, please. This is a point where about five different horse-riding routes converge and, unfortunately, the railway line and the existing roads also all converge there and everybody is fighting over a strip of firm ground which runs along a shallow valley, which is basically wetlands, almost. And we also have the existing railway line running along the valley.

The big problem for us is that there is a claimed public right of way, which is not shown on any maps at the moment, which comes from the Chorlton Mill Lane, which is the bottom left-hand corner of the thing, and you’ll see footpath numbers there going over the existing railway line, and then you get to a gate into a field and the footpath veers up diagonally that way. Yes. Now, that is not the line of the claimed right of way, which is the old Green Lane that was between Chorlton Mill and Shelton under Harley, it actually goes more straight up the field, and currently there is a field gate into the public road. We have said that hopefully this will be resolved legally by the time HS2 gets built and that it will be an acceptable compromise for HS2 to allow horse riders to use the farm accommodation underbridge and watercourse, which is there on the left-hand side of the thing.

Again, this is very recent information that’s come to hand. We understand that there is some thought of making the stopped-up end of this road, which is alongside the railway line and is stopped up further over there off the page, there is some thought that the landowner and farmer might like to make this road private in some method. Obviously, whenever you stop us a road there are concerns about rubbish dumping and all sorts of things but there is a need for access to be maintained for inspection of a pumping facility and that sort of thing further along. But it leads to a problem for us if we’re coming to a – presumably there will still be a field gate into the road. We are then landing on a private road and would have no access to the underbridge. So –
303. THE CHAIR: So you’d like us to guarantee you ongoing access.

304. MS RIDLEY: Exactly.

305. THE CHAIR: Okay.

306. MS RIDLEY: Because by the –

307. THE CHAIR: I think that’s clear. Shall we move on to the next example and perhaps as we go through these right at the beginning say what you want –

308. MS RIDLEY: Yes, certainly.

309. THE CHAIR: – because we may not need to know some of the detail. We may need to go into the detail but not necessarily if it’s a matter of principle.

310. MS RIDLEY: Yes, indeed. Whitmore Heath there is a stopped-up road again and no non-motorised user access is provided. It’s right at a tunnel portal, which is very inconvenient and on a steep hill. There is now, I believe, some thought that the nearby farm requires access but, irrespective of what happens with that, we are saying that it needs to have a bridleway – yes, that’s the picture. It needs to have bridleway connection –

311. MR WIGGIN: Isn’t this a local authority failure not to have insisted on it?

312. MS RIDLEY: Quite possibly but we are left with highlighting that, you know, it should be done. Obviously it’s in the interests of all of the local people. It maintains a circular minor road route around the heath.

313. THE CHAIR: Sorry, Sheryll Murray?

314. MRS MURRAY: With regard to highways matters at a local council level, do they consult your organisation as a matter of course?

315. MS RIDLEY: No. No, which is why we were so concerned to appear here today to highlight the fact.

316. Skipping past –
317. THE CHAIR: Sorry to interrupt you again but Sandy?

318. MR MARTIN: Before we move on from that one, just a very quick question, Ms Ridley. HS2 have got two proposals for this. One of them is a staircase, basically, but with 5-metre long steps so the horses can actually manage it. And the other one is an extremely long continuous – that’s right. And would the staircase do you?

319. MS RIDLEY: Oh, yes, yes.

320. MR MARTIN: That will.

321. MS RIDLEY: Sorry, I was going to mention that but I left it out from the point of view of time.

322. MR MARTIN: But it wouldn’t do people on mobility scooters or you on your tricycle, would it?

323. MS RIDLEY: Ah, well in this case it wouldn’t but it is a very steep hill and I think unless we can get some more land around the tunnel portal to make it, you know, thing it’s going to be difficult. You can’t win everything on every occasion. But horses can go up –

324. MR WIGGIN: I’m more inclined to go with people with disabilities than people on horses.

325. MS RIDLEY: Horses can go up and down stairs. That’s – we’ve gone up and down some quite steep staircases in the Derbyshire Peak District and things where they are stone slabs and the horses manage.

326. THE CHAIR: Okay. Shall we move on to the next one?

327. MS RIDLEY: Yes, certainly. Gonsley Green Farm, which is A281. This is probably the most hazardous situation that our horses will be put in in relation to HS2. We have an existing railway line which is crossed by a bridleway and immediately next to it we’ve got HS2, which, at this point, as you can see, is split into three lines, which means we shall be going over one railway line and then over and under and over and under several more. I’d like to say that we are very grateful that HS2 has moved the bridleway on the bottom side of the page from running alongside the new railway line to
going as straight away from it as possible. That was the only thing that we could think of to sort of try and improve this dreadful –

328. MR WIGGIN: But how safe are you going to be on your horse when a train goes past at 200 miles an hour? I think I’m quite worried about this.

329. MS RIDLEY: Yes, we are too, which is – I would like to point out that this is definitely a site where we need these extra high barriers. At the moment I think it’s 1.8 that’s proposed but –

330. MR WIGGIN: But if you think you’re going to fall off you shouldn’t be there at all…

331. MS RIDLEY: No, no.

332. MR WIGGIN: – because you’ll end up badly hurt, even if you’ve got a 1.8 however many high metres you want. Is it really a good place for a bridleway at all?

333. MS RIDLEY: Well, it’s a well-used bridleway.

334. MR WIGGIN: Well, it is at the moment because there isn’t a 200-mile-an-hour train going past every few minutes. It’s slightly barmy, don’t you think? I mean we’ve got to keep you safe as a Committee.

335. MS RIDLEY: Well, you know, we resisted asking you to put it underground at that point so that we could continue. We have also been contacted by somebody who said that there is a problem with noise in tunnels. They require soundproofing more than what’s probably already been thought off. But we, as I say, we’ll have to see what this is like once it’s built and, as I’ve said in my written submission, there’s other things that can be done after –

336. MR WIGGIN: That won’t do you and your horse any good if you’re pushing up the daisies. This is seriously dangerous.

337. MS RIDLEY: It is very concerning. Horses do become used to things on their normal sort of route. It’s surviving –

338. MR WIGGIN: I’m sorry to laugh. We’ve been told that chickens won’t and that
fish won’t. Now the horses will.

339. MS RIDLEY: Exactly. The trick is surviving until the horse becomes used to the –

340. MR WIGGIN: Well, you keep that one in the front of your mind, please, Jane. We want you to survive. That’s very important.

341. THE CHAIR: Shall we move to the next example or next issue?

342. MS RIDLEY: Yes. Well, really that’s it. We have an issue at Weston Lane and Casey Lane but that’s merely again a stopped-up road, which happens, fortuitously, to be part of cycle route 70 and they have already prevailed upon HS2 to provide a path. We just need it to be a bridle path along there, not just a cycle route that we can’t use.

343. THE CHAIR: Well what I suggest now is we hear from HS2 and then you have a right of reply to wrap up any additional issues. Mr Mould?

344. MR MOULD QC (DfT): Thank you. What I’ll do is I’ll try and just work through the note that Ms Ridley very kindly provided.

345. So, firstly, ‘Specifics of HS2 provision for safe equestrian use for entire highway network as well as equestrian rights of way to be written into all plans and engineering drawings at every stage of the HS2 project’. If we put up A263, I told you when Mr Martin asked me a question that we design in accordance with the British Horse Society standards, there’s one such standard which we follow. And here is another one which I’m afraid I don’t have on a slide but I’ll hold up and iPad. ‘Services for Horses’. That’s another one that we follow which, obviously, was touched on when you heard the presentation just now.

346. THE CHAIR: Sheryll wants to come in then I’ll come to you.

347. MRS MURRAY: Chair, I understood from the petitioner that this sort of hoarding was not acceptable to them and it’s because of something like this that Ms Ridley nearly didn’t make it today because in the past she was hanging over the M6.

348. MR MOULD QC (DfT): Well, the standard –
349. MRS MURRAY: What she’s asking for is something more improved with mesh, which is higher.

350. MR MOULD QC (DfT): I was just going to come on to say that what the BHS does is it provides minimum. Yes? So, obviously, that requires the designer in any given case to consider whether the minimum is sufficient and, obviously, when one’s dealing with a – the answer to that question may depend upon the circumstances in any given case and that’s the approach that HS2 takes. We had a lot of debate about this in relation to a number of bridleways in Northamptonshire on the Phase One and the Committee were there very keen to emphasise that they would expect HS2 to take the phrase ‘minimum standards’ at its true mean and not –

351. MRS MURRAY: Absolutely.

352. MR MOULD QC (DfT): – simply to think that the minimum was always going to be the right answer in any case. That’s the approach that the project takes in this.

353. MRS MURRAY: Okay.

354. MR MOULD QC (DfT): And, just in relation to that, because it’s slightly out of order but just coming on to item 3, I’ll deal with the two or three specific ones in a minute, this association clearly has a lot of local knowledge and it’s a valuable source of information to tap and HS2 – the promoter is certainly happy to continue to engage with Ms Ridley’s group through the detailed design so that we have the benefit of their advice, if you like, when we are developing the detailed design for these crossings and so forth. And an assurance to that effect has, I think, gone out today. So –

355. MRS MURRAY: Just following on from that, Mr Mould, I mean clearly we’ve heard lots about there is a detailed design scheme when it comes to roads and things like that. Given the response to my last question about whether the local highway authority engage and consult with this association and it’s clear that they don’t, will HS2 engage with them –

356. MR MOULD QC (DfT): Yes, they will. As I’ve –

357. MRS MURRAY: – so that their information can be fed in to the detailed design in that way?
358. MR MOULD QC (DfT): Yes.

359. MRS MURRAY: Thank you.

360. MR MOULD QC (DfT): And, as you know, the structure is, if I can just reiterate, the structure is very simply this. Clearly it is for the promoter of the railway scheme to develop the detailed designs.

361. MRS MURRAY: Right.

362. MR MOULD QC (DfT): Depending on what it is they’re designing, whether it’s a bridge or a bridleway or whatever it might be, they will consult with, engage with, a number of different people. In the case of bridleways we will consult – as I say, we’ll engage with this organisation. It is then for the local highway authority under schedule 4 to the Bill to consider whether to grant approval to the plans and specifications that we put forward. So we will need to speak to them, obviously, before we put forward the plans for approval because we want to make sure that when they get them they’re not going to say no. And they are responsible not only for ensuring that the needs of motorists are properly attended to when we’re dealing with multi-purpose highways but also they are responsible for making sure that the appropriate level of safety is provided for those on horses, those on cycles and those on foot.

363. MRS MURRAY: Thank you.

364. THE CHAIR: Martin?

365. MR WHITFIELD: Just really to extend that, Ms Ridley asked for input not just with regards to bridleways, surrounding areas, that’s presumably within the assurance that is in the post to them, that it’s not just the obvious bridleways where I think horse is clearly paramount by its title but the fact that horse riders also use the surrounding roads and areas that their input at that stage would also probably be very useful to HS2 and may well facilitate consent from the roads authority sooner rather than later.

366. MR MOULD QC (DfT): The assurance is not confined in terms only to bridleways.

368. MR MOULD QC (DfT): It might also be worth just reminding you briefly of this fact; it’s set out in our information papers. The design objective with rural roads is that those stretches of road that HS2 requires to divert or to reinstate that the design yardstick is to reinstate the existing characteristics of the road affected and, obviously, where those roads already have characteristics that support horse riding then, obviously, that will form part of that objective. Yes.

369. THE CHAIR: Bill?

370. MR WIGGIN: Yes. I’m, as you may have noticed, concerned about the safety element of people on horses. Nobody, apart from HS1, will know what the impact on a horse of the high-speed train going past at that sort of speed will have. And the only people that would have that expertise would be your organisation rather than Staffordshire County Council. What evidence is there that horses do get used to this sort of crossing and that the riders will be safe? Because this isn’t normal and that’s possibly why you’ve made the decisions you have.

371. MR MOULD QC (DfT): Could you just allow me – I’ll just see whether there is anybody who can answer that question.

372. MR WIGGIN: Because if it turns out that actually they do react very badly then there will be a very different approach to some of the requests we’ve had to if actually that’s, as Ms Ridley says, they do just get used to it.

373. MR MOULD QC (DfT): Yes.

374. THE CHAIR: Take a minute. Take advice and then we’ll come back.

375. THE CHAIR: Mr Mould?

**Response by Mr Mould**

376. MR MOULD QC (DfT): I have heard from a colleague behind me, who has experience in particular of the impacts of noise and so forth on horse riders and so forth. He tells me that, firstly, the experience with HS1 is that there has not been a problem with horse riders and horses habituating to the operation of the railway. And the second is that the British Horse Society guidance, he tells me, has, over the course of the last 20
years whilst the HS1 railway has been running, has taken account of the experience with HS1 in developing its standards. That’s the situation now but, obviously, as the detailed design both of the Phase One HS2 railway and future phases, including this phase, as they proceed through the detail obviously there is plenty of opportunity to continue to liaise with the BHS as the national body and also where we have proactive local organisations like this current one to continue to engage with them. So, because as you said, Mr Wiggin, nobody wants to produce a situation in which there is a real risk of the kind of problems that you mentioned.

377. So that’s the position. I think that’s probably covered 2 as well. I’ve dealt with 3 in terms of the principle. Can I just quickly take you to two of the three examples that were given?

378. I think we heard that the petitioners were content with the arrangements for the A51 at Swynnerton.

379. So far as the – can we just put up P1146(11) and shelter number 5? The Bill proposes that equestrians should follow the line that I’m showing here. You can see it’s marked. The suggestion that there should be a further provision using Bent Lane, or Bent Lane South, as it’s called, there are two uncertainties in relation to that.

380. The first is, has you’ve heard, the route in question depends upon the resolution of an issue that is before the local authority under the Wildlife and Countryside Act as to whether the status of an existing footpath ought to be upgraded to bridleway based on long use. That’s not something we can resolve.

381. The second is that Bent Lane South is proposed to be stopped up under the Bill and Lord Stafford, who is the freehold owner of the land on either side, has asked for and received an assurance from HS2, I think broadly for security reasons, that that existing highway should be restored to him as part of his private land.

382. So it presents problems, given that state of affairs, presents problems with the solution that the petitioner puts forward. But it doesn’t mean that nothing can be done. It just means that I am inviting you on that point to leave it to be taken forward through, firstly, through the resolution of the uncertainty as to whether the correct status of that route is, in fact, a bridleway or a footpath and, secondly, we need to make sure that we
don’t breach the assurance that we have given to Lord Stafford in relation to the stopped-up section of Bent Lane.

383. As I’ve said, there is provision for horse riders under the scheme, which is shown on the plan in front of you. That’s that one.

384. Then P1146(16), Whitmore Heath, just tells you the position in relation to that.

385. THE CHAIR: Sorry, just to pause there. What happens if HS2 have given an assurance but we find that there should be a right of access on what you have given assurance would be returned to a private road? What position does that leave HS2 in?

386. MR MOULD QC (DfT): We’d either have to seek to reach – well, first of all, you’d obviously need to direct us to that effect. Secondly, we would then need to relay that to Lord Stafford and to see whether he would be willing to give up or to modify the assurance and if he is, then that can be addressed in that way under the Environmental Minimum Requirements – General Principles document. If he’s not, then the Secretary of State would have to consider bringing forward an additional provision to override the assurance given to Lord Stafford.

387. THE CHAIR: Okay.

388. MR MOULD QC (DfT): So there is a route but it’s by no means easy. And, as I say, this is not a case where I’m saying there’s nothing that can be done but it is a case where I’m saying there are reasons why there are a number of uncertainties –

389. THE CHAIR: Okay.

390. MR MOULD QC (DfT): – which are best left to being resolved by continuing discussion, I would suggest. There it is.

391. Whitmore Heath. I just show you this slide. This sets out our current position in relation to that particular point. I think you had these points when you were hearing the petitioner speak about this so I won’t read this out unless you’d like me to.

392. MR WIGGIN: Could I ask what the price difference is, please?

393. MR MOULD QC (DfT): I’ll see if I can find that out for you.
394. MR WIGGIN: In due course.

395. MR MOULD QC (DfT): Yes, we’ll get it for you in a moment or two.

396. MR WIGGIN: And then, because I think you have also a duty to maintain your – to have a mind towards people with disabilities as well.

397. MR MOULD QC (DfT): We do, indeed. There are accessibility requirements. They can’t always be met, obviously, but –

398. MR WIGGIN: But would this route be suitable for people with disabilities? Or is it exclusively for horses?

399. MR MOULD QC (DfT): I don’t think it would be suitable for people with disabilities. I think that the geography here –

400. MR WIGGIN: Well, it won’t be if it has a ramp –

401. MR MOULD QC (DfT): Yes. And then, finally, P1146(28).

402. MR WIGGIN: They’ll come back to me with a price when they know what it is.

403. MR MOULD QC (DfT): I’m told that the estimate is £50,000 for steps, £200,000 for ramps. So the difference between the two is £150,000.

404. The Committee’s already expressed some views about this but I just thought I ought to show you what the Bill currently proposes in relation to this route and you can see it’s a mixture of underbridges, overbridges and screening with a view to making that, which Mr Wiggin certainly has expressed concerns about, making that a safer passage.

405. THE CHAIR: Okay.

406. MR MOULD QC (DfT): It’s essentially a positive message. Yes.

407. MR WIGGIN: So you’re under and then over and then over if you’re going downwards.

408. MR MOULD QC (DfT): Yes.
MR WIGGIN: You’ve got an underbridge –

MR MOULD QC (DfT): I’m not going to attempt –

THE CHAIR: Have you concluded your comments, have you, Mr Mould?

MR MOULD QC (DfT): I have, yes.

THE CHAIR: Excellent. Any comments by way of summary?

MS RIDLEY: With respect, Mr Chairman, HS2 have made a slight error at Shelton under Harley. The line of the footpath up to the farm, which they’re talking about upgrading the footpath to a bridleway, that is not correct. The footpath crosses over the existing railway bridge and then at the gate into the field actually the footpath goes up on a diagonal towards where the new underpass farm accommodation, underpass watercourse, will be. But the line of the old Green Lane, which is based on historical claim, as I say, the route of the old Green Lane, actually goes up the hedge line of the field alongside. So it comes out on to the stopped-up –

MR WIGGIN: Could we pass the mouse to Ms Ridley and then you can just show us?

MS RIDLEY: Right. I’ll see if I can. I’m not a –

MR WIGGIN: Because you were describing it beautifully but we weren’t with you on the minute.

MS RIDLEY: Yes, I know what you mean. Wait a minute. Yes. At this point here there is a gate into a field and the hedge line of that field goes up like that to the road, which, obviously, will now be underneath HS2. But at this gate into the field then there is a style in the wire fence there and that footpath goes up across an entirely different field. It’s not about upgrading a footpath. It just so happens that the accommodation bridge, which is provided because of the line of the old Green Lane, I suspect, over the existing railway line, just happens to be footpath. So, it is a claim for an ancient green lane which goes like that from Chorlton Mill which is there. And we were told that the stopping up of Bent Lane which is this road here, that the stopping up is somewhere over here, because the access is required to a pumping – something to do
with British Waterways, so the idea of the fact that we wouldn’t be able to get from where hopefully it comes out into the stopped up lane, to get along it to there, to get into the farm underpass, which I don’t think particularly HS2 has any problems with horses using as well as pedestrians. Obviously, as it’s already public access provision, potentially, it’s not an exclusive farm accommodation thing, as up at Swynnerton — there, the landowner rejected.

419. The simple solution to the problem would be to give bridleway access along the stopped up road, but as I say, this information is all very new, that there was a potential to stop access along this road, even though the stopping up is further along. Thank you very much.

420. THE CHAIR: Thank you very much. I think what we’ll do is we’ll adjourn this meeting, the Committee will sit in private and we will return at two o’clock to hear the next two petitioners.