

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL SELECT COMMITTEE

PETITIONS AGAINST THE BILL

Tuesday, 12 September 2023 (Afternoon)

In Committee Room 8

A video of the proceedings can be found [here](#).

PRESENT:

Andrew Percy (Chair)
Grahame Morris
Martin Vickers

FOR THE PROMOTER:

Cain Ormondroyd, Counsel, Department for Transport

Exhibits referred to by the promoter during the hearing with Martin Finney and Jude Finney can be found [here](#).

FOR THE PETITIONER:

1. Martin Finney and Jude Finney
 - Martin Finney
-

IN PUBLIC SESSION

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(At 2.15 p.m.)

1. THE CHAIR: Good afternoon. Welcome to this afternoon's meeting of the High Speed Rail Hybrid Bill Select Committee. It's been a few months since we last met. So, Mr Ormondroyd, this is your first time.
2. MR ORMONDROYD (DfT): Indeed, sir. I was going to say, in fact, we have never formally met in this sense.
3. THE CHAIR: No, we haven't. And we've not met you either, Mr Finney.
4. MR FINNEY: Indeed.
5. THE CHAIR: But that's to be expected unless you were going to turn up and watch the preceding meeting.
6. MR FINNEY: No.
7. THE CHAIR: We try to keep things relatively informal so we can have a fairly open and free-flowing discussion. But what I'll do first of all is ask Mr Ormondroyd to set out the area of the petition and some of the basics. And then it'll be over to you, Mr Finney, and then Mr Ormondroyd will respond on behalf of the promoter. And members will jump in as and when if they have questions. So it's, as I say, fairly informal so we can have a proper discussion. Mr Ormondroyd.
8. MR ORMONDROYD (DfT): Yes, sir. Before turning to this petition, I have a formal statement from HS2 to read for the record, just about the register of undertakings and assurances.
9. THE CHAIR: Please do then, please.
10. MR ORMONDROYD (DfT): The fifth iteration of the draft register of undertakings and assurance was published on 4 September via the HS2 website. The register details the commitments given up until and inclusive of 24 August 2023, and including anything referenced in the promoter's response to the Select Committee's First Special Report of Session 2022 to 2023, which I understand will be published shortly.
11. 178 further commitments have been added to the register since it was last

published on 24 April 2023, and the register now contains 497 commitments in total. Commitments 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.

12. Commitments contained within the clauses of undertakings are not included in the public register and have not been included in the above figures. We've written to all beneficiaries who have been offered undertakings or assurances, and asked that they review the register, to ensure it matches their understanding of what they have been offered.

13. I'll turn now to this petition, and in the conventional way, we'll introduce the scheme in this area, the assurances offered and any outstanding issues. So if I could have P651 please, this locates us just north of Hoo Green, and Mere and High Legh are the adjacent parishes to the south, from whom you've heard a petition. P652 please.

14. You see here Millington Lane running north-west to south-east across the top right-hand corner of the plan. Millington Hall Lane joins it about halfway down and the petitioner's property is a parcel of land and buildings where they live and work. There's an access onto Millington Hall Lane, but there is also a lately constructed access on the finger of red line land pointing towards Millington Lane, and that, I understand, is the main business access.

15. P653 please. You see the petitioner's property in Millington Lane again. And the railway in this location will cross Agden Brook on a viaduct, and then it will head directly into a cutting. Millington Lane itself is to be raised slightly so that it can cross above the railway, and it will need to be closed in that location for some one year and nine months to facilitate that raising and sending the railway underneath. There's no similar period of closure planned for the lane in the other direction. Also, as you'll see from the big tranche of pink land to the west of the petitioner's property, there are utility works planned for that area.

16. Then P654 please. You'll see when the scheme is operational Millington Lane will be open and on essentially the same alignment as before. One permanent change that may be relevant in the context of this petition is, you see the little black pairs of lines along Millington Lane. They're almost like little equals signs. Those indicate the

location of passing bays. The intention would be to construct those to facilitate the passage of traffic for construction, but they will then remain in place permanently. And those are shown in indicative locations, obviously. So that's the scheme in this location.

17. As of assurances offered, you have one at P655(1), an assurance offered on 30 August, regarding the issue of access and essentially promising to keep that access open insofar as reasonably practicable. I understand that that assurance is acceptable to the petitioner and resolves his concerns in the respect.

18. So then as to outstanding issues, I have been able to speak to the petitioner just before we came in, and from that conversation I understand that there are two points he wishes to raise: first, the impact of construction traffic on Millington Lane and secondly, a general concern about the impacts he believes the scheme is having on the local community. I'll respond to the first as necessary in due course, but I just flag now that it seems unlikely that it will be appropriate for me to respond to the second. But I'll wait to hear, obviously, what's said in full.

19. THE CHAIR: Thank you, Mr Ormondroyd. Mr Finney, over to you.

Martin Finney and Jude Finney

Submissions by Mr Finney

20. MR FINNEY: Thank you. Hello, my name's Martin Finney. My wife Jude and I are leaseholders, as stated, of Millington Hall Farm, which sits in the parish of Millington and Rostherne. Thank you for inviting me to talk today. I just want to first of all say that it's impressive to be here and also that I am a supporter of the HS2 scheme in many of its guises. I don't want to take up too much time so I'll just try to get to the main point of this.

21. As you can see in P653, there's a lot of red on that page, and you'll notice that our farm is, essentially, an island in the middle of all that. HS2 is going to have a quite devastating impact to the local area, both in the construction and also the further fall-out of not knowing detailed timelines yet to the community. The petition team, or response team, have done a great job of actually going through the concerns we have, and we have actually worked through quite a lot of the things to get to this point, but there is

one major point that has cropped up which I just can't really get past at the moment, which is if you actually look at P653, when we look at those two passing points.

22. These passing points for HGVs are on a road which Highways England have actually designated as unsuitable for long vehicles and HGV vehicles. The passing points alone I don't believe are going to be enough to accommodate the level of traffic that will be coming to both the satellite compound and further traffic that's going to be needed for the bridge. We've not been given exact figures of the increase in traffic but on Chapel Lane, which is on that same page, P653, we've been told there will be an increase at peak of 350 journeys alone on a single-track road. This, obviously coupled with the fact of the closure of Millington Hall Lane for one and a half – well, nearly two years, essentially – is going to add considerable time to the locals trying to get to their businesses, and also to emergency vehicles who are needing to get to the properties themselves.

23. The truth is that I've watched pretty much all the Select Committee hearings and I've read the transcripts.

24. THE CHAIR: I'm sorry about that; poor you.

25. MR FINNEY: I wanted to come prepared but I don't think I am.

26. THE CHAIR: Do you not have Netflix?

27. MR FINNEY: And I've seen the promoter skilfully knock down the petitioners one by one because no one coming here is probably legally trained. So I decided the best way that I could actually show you what the real world impact of this would be is to do a video, just to simply show you what a single journey meant down that road. Would you be able to play that?

28. THE CHAIR: Before you show that, can I just check, so you operate it as a farm?

29. MR FINNEY: No, we don't operate as a farm anymore. So we took on the premises to operate our business. So we do events.

30. THE CHAIR: You do events.

31. MR FINNEY: We do events and we do location bases for film and TV, which is

in partnership with Tatton.

32. THE CHAIR: Right. Just for some context then, how many people work on the site?

33. MR FINNEY: We have 13 full-time staff.

34. THE CHAIR: And they're coming there every day.

35. MR FINNEY: They're coming there every day.

36. THE CHAIR: And are you moving equipment from that for filming and all the rest of it and events?

37. MR FINNEY: Yes. There's also two other businesses that are down Millington Hall Lane that are also going to be affected, and I believe that the total residents on that one lane is about 40, give or take, but actually two of them have recently moved out.

38. THE CHAIR: This is your only access.

39. MR FINNEY: Yes. That red finger that's been highlighted before is the access we put in before, knowing that HS2 would be coming down. We didn't want to use our vehicles down Millington Hall Lane, which is to the south of that, because we didn't want to affect the local residents.

40. THE CHAIR: Can you access that from your property?

41. MR FINNEY: Yes, so that was the assurance we've been given, which is great, so we can now bypass having to go down that lane, Millington Hall Lane, that we previously were using. That's why we put that new track in.

42. THE CHAIR: So you would access from what I think is the south of the property, then onto Millington Hall Lane directly.

43. MR FINNEY: The access from the south, so if you go to Millington Hall Farm and to the right of that, just where that little finger is there, that was the first access. When we came into the property, we put in the second access, which allowed us to completely miss out Millington Hall Lane. That way we wouldn't affect the local residents and that's exactly why we did it.

44. THE CHAIR: Right, okay.

45. MR FINNEY: So obviously the construction traffic's going to be coming from Chester Road, which is to the east of this, and they're going to go across a bridge, by Newhall Farm. Then it's going to go up towards the satellite compound. The road is a tricky road in the first place and the truth of the matter is one single farm tractor with a trailer stops all traffic down that road for about five minutes because people are having to reverse around, having to get round that vehicle. There are passing places but those passing places that are indicated on there are already there; they're unsuitable. HS2 have already said that they're going to improve that but, in reality, that won't work with that amount of vehicles passing every day.

46. THE CHAIR: Okay, thank you. Sorry, I interrupted your video.

47. MR FINNEY: No, it's fine. So this part of the road here is by the first house, which you can just see on the left-hand side. This road is 4.8 metres across. The local farms have cut the hedges back so there's more space. The first passing place is coming up here on the left-hand side, so you can't actually see the traffic coming around to you, before you've got to that corner. Sorry, it's a very boring video. And then this carries on to the corner of Millington Hall Lane and with one single vehicle coming down, it completely stops traffic.

48. So my point really is 300 journeys adding on to this single road on to a satellite compound, and I guess that's also been predicted – not actually known yet – is going to have a massive impact. So, working with HS2, I'm asking for that road to be widened to accommodate the construction traffic that's going to be coming down this part. If we are going to have to do the diversion, which we are, then adding this on to that diversion four or five times a day is just madness.

49. THE CHAIR: This is one of your vehicles, is it?

50. MR FINNEY: Yes.

51. THE CHAIR: The van. Thank you.

52. MR FINNEY: So the promoter's response was, 'The promoter considers that the roads are capable of accommodating the forecast traffic flows during construction traffic

of the AP2 revised scheme'. We don't believe this. And we haven't actually seen the detailed report of what that's come from as well. As I said, there has been assurance to increase the passing lanes, but given the total amount of vehicles, I don't think that's going to be enough. I think that needs to be increased.

53. THE CHAIR: Thank you. Just so I'm clear, because I thought I'd misunderstood this, during the construction period, you'll have to continue accessing the property via that finger, basically – the red finger.

54. MR FINNEY: Yes.

55. THE CHAIR: Accessing at any other point is not going to be possible because of the works.

56. MR FINNEY: Yes.

57. THE CHAIR: Right, so this is the only option.

58. MR FINNEY: Yes, so obviously, in the red area, there's a potential – the construction traffic at one point was going to be going down Millington Hall Lane as well, to get down to the valley, given the extensive works, the pipe works that are happening. I don't know if that's still the case or not and what the actual traffic flow is going to be.

59. THE CHAIR: Okay. So your ask is for additional works widening on the road to enable a freer flow of traffic in both directions.

60. MR FINNEY: Yes.

61. THE CHAIR: Excellent, thank you. Any questions?

62. MR VICKERS: No.

63. THE CHAIR: Any other points?

64. MR FINNEY: Yes.

65. THE CHAIR: Carry on. Sorry, I just don't want to –

66. MR FINNEY: Really, my main point is not one of anything to do with construction of the scheme or any point of mapping. HS2 will be the second major infrastructure project to come through the local community in less than a decade. The 556 that links the M6 to the M56 cut deep into the community already and it had a devastating impact on local farmers who had farmed for generations. And then when the project took the land they were unable to make the farm tenable anymore, so they had to leave.

67. There was, until we came, seven vacant farms in the local area, and over the past two years since I've been there, I have seen over four families leave the area in anticipation of HS2. Really, it's about the information and the detail – they don't know what's going on – and I understand that we have to wait for the detailed process, and that is the way it is. And, also, obviously coming to the Select Committee hearing is a very scary thing and not something that everyone does, but all we'd ask is that there is more detail forthcoming about how the area is going to be affected as fast as it can, because as you see that big red area is all that they can actually really go on as to how it's going to affect.

68. THE CHAIR: Good. Anything else?

69. MR FINNEY: No.

70. THE CHAIR: Great. Okay, thank you, Mr Finney. Mr Ormondroyd?

Response by Mr Ormondroyd

71. MR ORMONDROYD (DfT): Yes. Well on the first point, fundamentally, as with the other complaints about construction traffic, this is a matter for the local highway authority at the stage of agreeing traffic management plans. But in terms of a preliminary response, I can say this. Firstly, just to let you understand the existing position, slide P659(2).

72. THE CHAIR: While you're doing that, did Cheshire East comment on this particular part in their petition?

73. MR ORMONDROYD (DfT): No, and then they haven't in the extensive discussions we've had with them. And I think there is a reason for that. P659(2), so the

second bullet point gives you a sense of what we understand the baseline traffic to be for Millington Lane. So you're looking at 41 vehicles in the a.m. peak, 54 two-way vehicles in the p.m. peak, and a negligible number of HGVs. So it's not a heavily trafficked road. In terms of then what the planned construction traffic is, you were quoted some numbers. At this stage, we don't have, as it were, a definitive figure; we just have the reasonable worst case scenario from the assessment work that's been done.

74. But you've got an extract from that on P657(2). And you see, right over on the left-hand side, you see Millington Lane coming down over the trace, and you see the orange box – I think it's called the Agden Brook viaduct satellite compound – and then you see the petitioner's property. And on Millington Lane itself, there's a box which has the number 112 in it. And so that 112 is the peak figure for daily HGV movements. So the worst case scenario, at the very peak of the construction activity or construction traffic activity, you're looking at maybe 55 in one direction and 55 in the other direction for traffic movements. And the peak period is forecast to last no more than three months.

75. So that sets that it perhaps in context terms of the amount of traffic that's coming down here. And then, finally, as to why it is that the highways authority presumably haven't raised any concern about this, if we go to P653, and just back to the construction map, the pink land is the land that the scheme is taking for construction. And you see that the pink actually extends pretty much all the way down Millington Lane, and Millington Lane itself is coloured in pink all the way down to Newhall Farm, just by the A556.

76. So what that means is that the project is taking all of the highway land, so that if widening is required, that can be done. And that can be agreed as part of the traffic management plans with the highway authority, if it's thought to be required. The passing bays – I know Mr Finney's got some concerns about the locations they're shown – they are clearly indicative locations. And if the passing bays need to be put in other places, then they can, all within that pink area.

77. So that's the point at which to consider this, when we have a clearer idea of exactly how much traffic and exactly what sorts of traffic are going down there. At the moment, all we have is that worst case figure from the ES. So unless I can assist any

further, that's the traffic point.

78. As to the other more general matter, as I say, it's not really appropriate for me to comment on how people are feeling about the scheme locally but all I can say in terms of the land take is that, again, the design has to be done at this stage on a sort of reasonable worst case basis. It's at detailed design stage that the project may well be able to reduce the amount of land it looks to take but that, obviously, won't take place until after Royal Assent. And the detailed design stage is the point at which more clarity will be able to be given about exactly what the final land take will be.

79. THE CHAIR: I think Mr Finney's point was about detail and information, and I see both sides here, because if you're affected by this, clearly you want to know as soon as possible, but also the same with the project. That's running so long into the future, that information will come later, but presumably your commitment is the same as everywhere else we've heard in terms of ensuring proper stakeholder engagement as and when those details are produced.

80. MR ORMONDROYD (DfT): Absolutely, and I think Mr Finney very fairly said that the petition team have been – I think his word was 'great' – at resolving the concerns he has. Where we're able to do that, where we have the information, we give it and we make that available, but we simply haven't got the detailed design yet. So we can't, unfortunately, give that to petitioners, but when we can, we clearly will.

81. THE CHAIR: Thank you. Members, any questions?

82. MR ORMONDROYD (DfT): There was just one final thing which I was supposed to say and forgot, but on the construction traffic point, clearly these will be our lorries going down the lane. It's in our interests to make sure they're not sitting there in some sort of logjam. So we will have a strong incentive to make sure that the arrangements put do work.

83. THE CHAIR: Grahame? No.

84. MR MORRIS: I can follow that; I understand that. I was just wondering, is it okay to ask the petitioner?

85. THE CHAIR: Yes, of course.

86. MR MORRIS: Have you had any contact with the local highways authority? Have you made representations to them about the adequacy of the road in terms of what's being proposed?

87. MR FINNEY: The road is adequate in many terms for the traffic that's locally there but –

88. MR MORRIS: Currently, yes, but in terms of what's being proposed by HS2 for usage and peak usage.

89. MR FINNEY: I believe that the Millington and Rostherne Council has in part; I haven't directly as part of my petition, no.

90. Mr MORRIS: Okay, thanks.

91. THE CHAIR: So the question, I presume, is whether or not as part of that traffic management plan consultation, the authority takes a view, working with HS2, whether or not widening works or additional passing bays are required because that's the crux of the issue, isn't it? But that work won't commence until the traffic – do we have any idea on timing of when the traffic management plans for here will be? Some way off, I presume.

92. MR ORMONDROYD (DfT): Somewhere in the future.

93. THE CHAIR: How long is a piece of string?

94. MR ORMONDROYD (DfT): I think the point to make though is that, unlike in other locations, they have not petitioned you, or come to you, to say, 'Oh, the amount of pink land, the amount of construction land, is insufficient here. You need more'. So they're clearly satisfied that, within that pink area, we can deliver whatever may be required for the reasonable worst case.

95. THE CHAIR: I mean, 112 – so 56 vehicles in each direction – doesn't sound a great deal, but obviously if you're hitting 56 of those, it's significant if you're not near a passing point, but Martin?

96. MR VICKERS: I think the danger is, looking at it from Mr Finney's point of view, that the highway authority will just look at the overall numbers rather than the

other issues that it brings with it. So I think that's a point that perhaps we could point to the council.

97. THE CHAIR: Yes. I mean, the traffic management plan, Mr Finney, obviously is a matter for the local authority but we can look to offer some suggestions, if required, if we determine. Any other comments? Mr Finney, do you have any questions of the promoter or –

98. MR FINNEY: A hundred but probably not right now.

99. THE CHAIR: Any that relate to what we're discussing right now?

100. MR FINNEY: No. I mean the team have been good at delivering the information that they can deliver. Sometimes it's been hard to understand – just like your question just then – actually where you can talk to, who and where the crossovers are as a resident of the local area. I've had to educate myself on matters I never thought I would in my life so it is hard to actually know what you can and cannot do, given the timescales of HS2.

101. MR MORRIS: In terms of practical considerations, that video was quite instructive, because when you say at the peak it's around 50 vehicles, it doesn't sound many.

102. MR FINNEY: No.

103. MR MORRIS: But if there's one vehicle coming in the opposite direction, then I think you'd struggle to get 50 vehicles in an hour.

104. MR FINNEY: So this is why we wanted, at the very last minute, to do this video, and as I've previously said, I can hear a very good argument to say, 'It's not much', but 50 HGVs is a lot on a very small road. And so the issue is adding that on, then adding the diversion, which I think is about seven minutes. That's adding on 10 minutes each way to each journey for every single person in that local area. And I think really I'm here, knowing that it's more of a thing to say, these people have gone through a lot, and so these are add-on, compounded factors of small things which make amazing differences.

105. THE CHAIR: Thank you. Any further points from the promoter?

106. MR ORMONDROYD (DfT): Unless there's anything further I can assist with, no. We're clearly alive to the fact of how Millington Lane is at present, and that's precisely why it's been included in the construction boundary.

107. MR MORRIS: I can't see awfully well from P653, but did you say that the pink area extends all the way along?

108. THE CHAIR: Newhall Farm.

109. MR FINNEY: You can just see to that first passing point.

110. MR MORRIS: So that narrow strip all the way along past Millington Hall Farm, all the way to Newhall Farm. Oh yes, I can see it's pink now.

111. MR ORMONDROYD (DfT): Yes, it's difficult; the pink isn't quite as vivid.

112. THE CHAIR: And the black is the proposed passing points.

113. MR MORRIS: I understand, yes.

114. THE CHAIR: If there's no further commentary or questions, I'll draw proceedings to a close. Thank you, Mr Finney, for attending today; thank you for coming down. Please do keep watching the future committees. They are riveting. But, as I explained at the beginning, we obviously will make a comment on your petition in one of the reports – we've just issued one before the Summer Recess – and we'll be issuing another one at some point. So there won't be any immediate feedback but any comments we have on your petition will be contained within that report. And also, of course, you'll be informed when that comes.

115. So on that basis, I thank Mr Finney for attending, and the promoter, and I'll call today's proceedings to a close.