

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL SELECT COMMITTEE

PETITIONS AGAINST THE BILL

Monday, 18 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:

Jack Parker, Counsel, Department for Transport

Exhibits referred to by the promoter during the hearing with Hale Barns Action Group
can be found [here](#).

FOR THE PETITIONER:

1. Hale Barns Action Group
 - David Horstead
 - Colin Bamford

Exhibits referred to by the petitioner during the hearing can be found [here](#).

IN PUBLIC SESSION

INDEX

Subject	Page
Hale Barns Action Group	3
Submissions by Mr Horstead and Mr Bamford	3
Response by Mr Parker	8

(At 4.15 p.m.)

1. THE CHAIR: Good afternoon and welcome to this afternoon's meeting of the High Speed Rail Hybrid Bill Committee. We're just hearing one right to be heard petition today but before that, I think, Mr Parker, you wanted to read a brief statement into the record.
2. MR PARKER (DfT): Yes, please, sir. Thank you. Very briefly, I've been asked to make the Committee aware that last Thursday, 14 September, the Government published its response to the Select Committee's first special report. It can be found on the gov.uk website and I understand the Committee have been given copies.
3. THE CHAIR: Yes, thank you, thank you very much, Mr Parker. So, we move on the right to be heard petition, which this afternoon is from Hale Barns Action Group. So we've got Mr Bamford and Mr Horstead here this afternoon. So what we'll do is, we'll hear from you first and then we'll hear from the promoter and, if Members have any questions, they will chip and chirp in as and when they wish. So I don't know who's starting.
4. MR HORSTEAD: I guess I will be doing most of the talking.
5. THE CHAIR: Mr Horstead?

Hale Barns Action Group

Submissions by Mr Horstead and Mr Bamford

6. MR HORSTEAD: Yes, thank you, Chair. Right, the first picture here, this is the first of three Google Earth pictures of the area in question. On this one, the road at the bottom left is called Rivershill Gardens and, as you can see, it has open land behind it and then the M56 just at the edge of the picture below. In the centre of the picture is a road called Bankside, the one that curves slightly upwards, again, slightly further away from the M56, most of it. And until July, this was the ongoing plan, that while HS2 was being built, and afterwards, that's pretty well how it was going to be.
7. Next slide please. This, on the left-hand side, shows two roads, two parallel cul-de-sacs, called Warburton Drive and Warburton Close and, again, a long gap of open land between them and the motorway as it currently is. And, again, this, until July, this

was going to be the long-term effect on those houses of HS2. There was, behind these roads, going to be a compound during the construction phase but, as far as the completed works were concerned, it would revert it to this sort of landscape.

8. And the third slide, please. The road running up here, the one that goes along a triangular shape, is Marlfield Road and then it becomes Burnside and this was going to be more affected. At present, it has open land and quite a lot of distance before, but particularly to the right-hand side of this picture, they were prepared before, HS2, for a long time, as planned, to move closer to those houses at the end. But I just wanted to bring that to your attention. This is the landscape that we have at the movement.

9. If we can have the next slide, please. Until July – this is more or less the same area – until July, this had been the construction phase plans. So at the left-hand side, on either side of Chapel Lane, where I just pointed out Rivershill Gardens and Bankside, as you can see, there was no plans even during the construction phase to impinge on that area but behind the other areas I talked about are construction compounds.

10. And the next slide, please. And after works have been completed, this is what the long-term picture would have been. So as I said, the area to the far right would be much closer to HS2 but the other areas, largely, would maintain their current distance from any sort of development.

11. If I could have the next slide, please. This is what the new plan is. So land is required in the hatched area to the left. There's a diversion of Chapel Lane, which you can see is the dog-leg bridge over the construction site. In front of Bankside, pretty well in the middle of the picture, there's a new access road being built in there and a little bit of change to the right-hand side. With that, you can see a new motorway roundabout and slip roads being constructed behind Bankside, Warburton Close, Warburton Drive, and, indeed, affecting Rivershill Gardens as well, to the left, slip road coming up behind that diverted road bridge as well.

12. And the next slide, please. So at the end of construction, when the works are completed, this is how it will look. So Rivershill Gardens, going back to the roads at the left there again, has this new road pretty well at the bottom of their gardens and a diverted lane going over the motorway and a new slip road, much closer to the house than the current motorway is. You can see an ongoing drainage pool and access road in

front of Bankside, where currently there's just a wooded area, and then the rest of it, behind Warburton Close and Warburton Drive, slip roads more than halfway closer to the house than the motorway currently is. So that is the basis of the area I wanted the Committee to have a look at.

13. If I could have the next slide, please. So this is largely the area that is affected. Rivershill Gardens is at your bottom left. On the other side of Chapel Lane is Bankside. You can see the two cul-de-sacs and so on.

14. So if we could have the next slide, and I apologise for the poor quality of the scribbling on it. The purple line is where we are particularly concerned about and where our petition is largely concentrated. The yellow line is a further 100 metres, which we would posit would also be seriously affected in the short term and the long term by much increased noise. And the orange area is an area that will be somewhat impacted by noise coming along. I'd just like to ask Matt if he could just mark on there, if he can find them – oh, it's on the previous one. I actually live just outside this area, as HS2 pointed out in their response to me, and Colin lives just round the corner, close as well. So could you mark those two houses? So the arrow is pointing where my house is and that is where Colin's house is. So we would be – I posit we would be affected as well.

15. I'll just ask Colin to mention, in that first picture, we showed you the M56. There were roadworks going on and the roadworks that were going on were converting the M56 into a smart motorway. The work took about three years and, compared with HS2 and the rebuilding of the M56 that is now proposed, was quite minor works, but it did cause considerable noise. I'll ask Colin just to give a description of what that was like.

16. MR BAMFORD: Yes, it was a fairly unpleasant period. We were well informed by the contractors when different works were being done and a lot of that was done at night. We suffered a lot of lost sleep because of that noise and there were vibrations and dust. The sad thing is that the finished motorway now is going to be dug up to have a new roundabout plonked in the middle of it.

17. THE CHAIR: I'm just going to interrupt here because obviously there's no question about the facts as you're presenting them, in terms of the geography of the area and what the proposed works are. The question for this afternoon though isn't the substantive issues of the effect; it's whether or not you, as an organisation, as a group,

have a right to be heard. So we really need you to speak to that, rather than to the impacts, which are undeniable because no one's arguing around the geography of what's proposed.

18. MR BAMFORD: Okay.

19. MR HORSTEAD: Okay, so just to go back to the geography then and, again, apologies for the scribbled pink line or purple line of the petitioners, we identified these as people who are going to be very seriously affected. These are people who directly face, at the moment, on to open land but who will be facing either mostly roadworks, effectively re-jigging of the roads that I talked about earlier. So within that area, we identified something like 57 houses, of which 54 are currently occupied. And so we concentrated for our petition on those properties.

20. And the next slide. We can perhaps scroll up but I can describe it. It lists 31 properties who have signed our petition, who gave us their full support. The wording of what we asked them to sign to is at the top. And what I've shown is their current distance from any built-up area – it's distance from the M56, but at the moment, that is any interference of the facilities that those people enjoy. The second and the third column shows the distance they will be from the new works and you can see that these 31 houses are very considerably affected by the works.

21. THE CHAIR: And how many have petitioned individually?

22. MR HORSTEAD: All of them. We actually ended up speaking to most of these people. We spent two weekends knocking on doors and I can tell you the response. There were two people who didn't sign: one was obviously very poorly and didn't want to speak to anybody about anything; the other one was actually a Chinese gentleman whose English wasn't good enough to have a conversation with. Everybody we spoke to, I think we must have spoken to about 20 of these people.

23. THE CHAIR: Have they petitioned as individuals?

24. MR HORSTEAD: As far as we are aware, no. We are acting on their behalf and they were happy for us to act.

25. THE CHAIR: So the pitch when you knocked on their doors as the Hale Barns

Residents Group was you would petition on their behalf.

26. MR HORSTEAD: On their behalf, right. Yes, Chair. That is our argument. So we believe, because of that, our argument is that there are at least 50 houses that are very seriously affected by the proposed works, something like 200-250 who will also be reasonably seriously affected as well, who we haven't got names and addresses for but we will be representing their interests as well.

27. So we believe that in accordance with the guidance of the Committee that we're entitled to be heard because the petitioner's property and interests are directly and specifically affected by the Bill and that our group, Hale Barns Action Group, sufficiently represents the interests of those residents.

28. I'd just like to say before I finish, if that's okay, Chair, that we're aware of various other petitioners. I thinking you're hearing the right to be heard tomorrow of a group called Hale and Hale Barns against HGVs. The people we petition here will be supporting that petition as well. That's a slightly different argument. That's about the construction traffic while all this work goes on over a wider area of Hale Barns. We fully support their petition but we felt that it didn't include specifically enough what we've just been talking to you about, about the 50 or so houses that are particularly affected. We're also aware of petitions by Trafford Council and we agree with a lot of what's in their submission; Sir Graham Brady, and again, we agree with what he said in his petition; and Tatton Estates, we're aware of their petition and would like to talk to them, and we don't necessarily agree with their petition but we're aware of it and would like to talk to them.

29. So if the Committee does agree that we are valid petitioners and we can go to the next stage, we would talk to all of those people before coming back to the Committee to agree what we agree on and what we don't agree on, so we don't waste the Committee's time going over the same stuff three or four times. Any points will come back to the Committee singly from that group of petitioners.

30. THE CHAIR: Thank you. Just to be clear then, your pitch when you knocked on the doors of these households was to say, 'Sign up to our group and we will petition on your behalf against the additional provision'.

31. MR HORSTEAD: We did, yes, yes. If you just bear with me for a moment –

32. THE CHAIR: So, you doing that may have prevented – I’m not saying – prevented sounds in a bad way.

33. MR HORSTEAD: Yes.

34. THE CHAIR: What I mean is, so people chose not to put in a response themselves on the basis that you were doing it on their behalf as a group.

35. MR HORSTEAD: I think so. To be honest, the timescale of this has been so tight that a lot of people weren’t aware until very late in the day, probably too late to do their own petitions. But if you’ll just indulge me for a moment, Chair, one of the other petitions you’re hearing tomorrow, the Save Hale and Hale Barns from HGVs, actually held a public meeting. They did quite a lot of good publicity around the wider area and had a public meeting that had to move premises, actually, because so many people said they wanted to go. So 300 people went to the meeting and I spoke at the meeting to try and get what we wanted included in their petition but, with the timescale, we weren’t able to do that in the timescale. But at that meeting, I spoke, saying a lot of the things that obviously I said in the petition and many people came up to me afterwards and said, ‘Yes, I agree with you. Could you represent us and talk to the powers that be about what needs doing’.

36. So I think that’s 1,300 people, that petition. I’ll leave it and the Committee will have to make its own judgment about how many of those are valid but the feelings in Hale Barns wider area are very strong, partly because of the timescale, and I know it’s not the Committee’s remit but the timescale was. Most people didn’t know anything about this until the beginning of July. There was a public meeting at the beginning of August. Petitions had to be in by the middle of August and here we are in September coming back to the first stage of the hearing. So it’s been a very tight timescale.

37. THE CHAIR: I understood that. Okay. Any other questions? Grahame, no? Good. Thank you. Mr Parker?

Response by Mr Parker

38. MR PARKER (DfT): Thank you, sir. Can we turn to P665, please, which is the

location plan? We've had an introduction to the works and so on but this is just a location plan showing the broad location of the petitioner and the scheme. The promoter challenges the petitioner's right to be heard on the basis that, for the purpose of order 95, the petitioner is not a society, association or other body which sufficiently represents an amenity, educational, travel or recreational interests affected by the second additional provision.

39. If we can turn then to R8(5), please, which is the wording of order 95. It's order 95(2) that we are concerned with here and the question for you, as a committee, is whether the action group sufficiently represents an amenity, educational, travel or recreational interest, in which case you have a discretion to grant a right to be heard, as opposed to there being a right to be heard.

40. If I can then refer you to R8(2), which is the promoter's note on the right to be heard, and if we can scroll down, under the heading, 'Certain Representative Bodies', we can see some text in relation to Standing Order 95 and, in particular, paragraph 11, which sets out a citation from the House of Lords Committee on the Phase One Bill, appendix 2 to the special report, which is a report by Lord Walker, which sets out the general practice of the committee in relation to groups such as the Hale Barns Action Group, so ad hoc groups. The general practice has been for hybrid Bill committees not to hear petitions presented by an ad hoc group, mainly because the public interest in full examination of environmental and ecological issues, including traffic management, the control of pollution of all sorts, is better achieved by petitions presented by local authorities, large and small, and by established bodies with expertise in those areas. And so there is therefore a convention on the part of committees such as this and proceeding committees not to hear petitions from groups such as the petitioner in this case. And we say that, in the circumstance of this matter, you should follow that convention and you shouldn't exercise your discretion to hear this petition, particularly given the logic of the statement in the report, because the issues that are raised by this petition are either very largely covered in the petitions of other petitioners and, in particular, the relevant local authorities in this matter, and/or because some of the issues in this petition are outside the scope of the remit of this Committee.

41. THE CHAIR: What's outside the scope?

42. MR PARKER (DfT): Well, if I briefly turn to the petition itself, which is P667(2), those issues which the promoter suggests are outside the scope of the Committee's remit – item 4 deals with compensation, which as you know is covered by the compensation code, not a matter for this Committee. Item 5 deals with the fairness of the hybrid Bill petitioning process, which is a matter which is within the remit of the Chairman of Ways and Means and, again, not a matter for this Committee.

43. On the next page, 667(3), 'What do you want to be done in response?' First, an issue is raised with what's described in the petition as the deletion of the Golborne link and it's suggested that the route should be realigned. Again, the realignment of the route is something which is outside the scope of the Bill. That's items 1 and 2.

44. So far as item 3 is concerned, that is a suggestion that the location of the airport station could be improved. That is not a concern about any interests, whether property, amenity or otherwise, being affected. It's a suggestion for a way in which the scheme could be improved and, again, not a matter which the Committee would traditionally hear petitioners on. That's a matter for the promoter of the Bill.

45. And then items 4 and 5 raise the issue of tunnelling and, again, tunnelling, if it is within the scope of the Bill, is an issue which has been raised in other petitions. And then, finally, 6 is again storage and construction routes being moved to the east.

46. So all of those issues, we would say, are outside the scope of the Bill. Those issues which we say are covered in the petitions of other people, other authorities, are, in particular, the issues which you have been addressed on orally today by the petitioners. So that's the effects from construction of the M56 motorway and the associated roundabout, which is the AP2 change, which has led to what's being described to you. That's item 2(3) of the petition. Those issues are covered in depth in the petitions of, for example, Trafford Council, the Greater Manchester Combined Authority, Transport for Greater Manchester and so on, all of whom address, in considerable detail, those proposed works, the consequential effects and so on.

47. So in so far as there are matters which are within the scope of the Committee's remit, they are matters which are addressed by other local authorities, and so we say fall squarely within the logic of Lord Walker's statement, that you should not hear petitions from ad hoc groups such as this because those issues are better raised in front of you by

those local authorities.

48. THE CHAIR: Thank you. The addresses listed on the would-be petitioners' list are all people who would, however, be able to individually petition themselves and would be within scope of – well, would be petitioners because they would be within close enough distance.

49. MR PARKER (DfT): No, that's not the case. None of the addresses listed are in the book of reference.

50. THE CHAIR: Right.

51. MR PARKER (DfT): There is one caveat to that, which is it is the promoter's position that, where in the case of an individual property there is predicted to be a significant noise effect on that individual property at an individual level, if that individual property, or the occupants of it, owners of it, were to petition, the promoter would not challenge their right to be heard.

52. THE CHAIR: Even if it's outside of the limits.

53. MR PARKER (DfT): Even if there were no other property interests that were affected.

54. THE CHAIR: Right.

55. MR PARKER (DfT): And that has been the case for other petitions, even, for example, in the case of this additional provision 2. There is one property in that list, 5 Bankside, where it is predicted that there would be a significant noise effect, which would entitle the occupant of that dwelling to noise insulation. So if the occupant, whoever they are, of 5 Bankside had submitted a petition in their own name, the promoter would not have challenged their individual right to be heard on the basis that they were predicted to experience a significant noise effect. They haven't petitioned the Bill in their individual capacity. We don't put forward any evidence or information either way as to whether they would have or whether they wouldn't have, and we point that out as much in the interests of transparency as anything. But we say that doesn't affect the approach that you should take to this petitioner, that is to say the Hale Barns Action Group, because they are the ones bringing the petition and we say they don't

have a right to be heard, for all the reasons that I've given. But for any of the other properties, no, they wouldn't have the right to be heard and, all things being equal, the promoter would challenge their right to be heard for the same reasons.

56. THE CHAIR: Thank you, Mr Parker. Any questions? Okay. Well, I think I've no further questions. I think we'll leave it there then. We've heard both sides. We'll obviously make a determination and then inform the parties in due course but, on that basis, we've no further business today so I will close this afternoon's meeting and thank Mr Bamford and Mr Horstead for attending and we will inform you once we've made a determination. So thank you very much.

57. MR HORSTEAD: Thank you.