

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday, 9 September 2020 (Morning)

In Committee Room 4
(Hybrid Proceeding)

PRESENT:

Lord Hope of Craighead (Chair)
Lord Brabazon of Tara
Lord Goddard of Stockport
Lord Haselhurst
Lord Horam
Lord Liddle
Lord Snape

IN ATTENDANCE:

Jacqueline Lean, Counsel, Department for Transport
Clare Parry, Counsel, Department for Transport

WITNESSES:

Roger Bedson (Parliamentary Agent)
Roger Deane (Petitioner)
Peter Miller (HS2 Ltd)

IN PUBLIC SESSION

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(At 12.00 p.m.)

1. THE CHAIR: Welcome to this hybrid meeting of the Select Committee on the High Speed Rail (West Midlands – Crewe) Bill. Now we are meeting in hybrid fashion, some of us are present in the committee room in the House of Lords, observing social distancing, while others will be dialling in. Today, besides myself, we have Lord Brabazon, Lord Horam, Lord Liddle, Jacqueline Lean counsel for HS2, and Clare Parry counsel for HS2, in the room.

2. It may be helpful if I were now to set out how this session will work. All of our remote participants are on the Zoom call and we can all see each other. You may need to switch to gallery view to do that. Remote participants will be muted at the start of the meeting. You may control your own muting but please remember to unmute before speaking. You may receive a prompt on your screen inviting you to do that.

3. As far as possible, we will follow a predetermined order of speaking, as set out in my brief, which has been shared with all participants. Unless anticipated in the brief, you should wait to be called before speaking. If you wish to intervene at any point, please physically raise your hand so that I can see it on screen. I will then call you to speak at an appropriate point.

4. In order to allow for interventions, I will invite speakers to pause frequently. I will then either call someone to speak, or invite the speaker to continue. We will finish this morning's session by 1.00 p.m. and first, we will hear a joint statement on behalf of the petitioners, Mark, James, Robert and Mary Madders, Anthony, Jane, Sam and Sarah Parrott, and Richard and Colin Smith, and the promoter, which will be read to us by Ms Jacqueline Lean. We will then hear the petition of Edward Nield.

5. Participants should have the exhibit bundles open and available. For the Edward Nield session, that is bundle A13, P34 and R26. We will navigate the documents using the numbers in the bottom left corner of each page.

6. We shall now begin and I am going to invite Ms Lean to make the joint statement on behalf of the petitioners in petitions 8 and 10, and the promoter. Ms Lean.

7. MS LEAN (DfT): Thank you, my Lord. This is a joint agreed statement made on behalf of the Secretary of State for Transport and on behalf of, firstly, James Madders,

Mark Madders, Robert Madders and Mary Madders, petition 10; secondly, Anthony George Parrott, Jane Rosemary Parrott, Samuel George Parrott and Sarah Jane Parrott, petition 4; and thirdly, Richard Smith and Collin Smith, petition 8, who are referred to as, collectively, ‘the petitioners’.

8. The Secretary of State and each of the petitioners above have, after a significant period of time, made significant progress on the issues identified with the petitions deposited by them. The petitioners’ farm land and operate agricultural businesses at, firstly, Upper and Lower Hanyards Farm and Deer Park Farm, Staffordshire; secondly, Tithebarn Farm, Great Haywood, Staffordshire; and thirdly, Hall Farm, Pipe Ridware, Rugeley.

9. Under the Phase 2A Bill, powers are proposed to be conferred to construct HS2’s railway works which will significantly impact on each of the farming undertakings. The parties have been engaged in detailed negotiations on compromise arrangements over the last three years. The terms of the compromise arrangements vary as between each of the petitioners but will broadly provide for the continuation of each of the petitioners’ businesses on site whilst enabling the acquisition of land by the Secretary of State for the purposes of the construction of the railway works.

10. The arrangements also include provision for making, in all cases, of advance payments to facilitate the carrying out of adaptations to buildings and facilities together with the construction of replacement facilities and other arrangements to mitigate the impact of HS2’s works on each of the agricultural undertakings.

11. The arrangements also make provision for compensation payments to be made to address crop losses and other compensatable losses, under the compensation code. The arrangements involve the execution of a set of detailed heads of terms which will lead to the sale and purchase of land and the grant of farm business tenancies to each of the petitioners to enable the continuation of farming businesses together with other related transactional documents.

12. Recognising the considerable progress that has been made, the Secretary of State has given assurances to each of the petitioners to use reasonable endeavours to concluding in good faith the heads of terms and related transactional documents as soon as is reasonably practicable.

13. The Secretary of State recognises that the petitioners are concerned that it has not yet been possible for the documents to be formerly executed, although the parties accept that these can be completed soon, once outstanding points have been resolved. The parties are now in agreement as to the substantive provisions of both the heads of terms and the related documentation in each case, and so the Secretary of State wishes to assure the petitioners that the requisite resources will be applied by HS2 Ltd in order for negotiations on the heads of terms and other documents to be progressed as quickly as practicable to conclusion, in accordance with the assurances that have now been offered to, and accepted by, the petitioners.

14. THE CHAIR: Can I ask you, Ms Lean, are you going to tell the Committee when the heads of terms have been agreed? We would like to be able to put in our report the fact that the process has been completed, if indeed it has been, by the time we present our report.

15. MS LEAN (DfT): My Lord, I see no reason why, if those documents are concluded before your Committee completes its business, we can't provide the Committee with an update saying that it has been completed.

16. THE CHAIR: Yes, somebody has his hand raised. Please, would you tell me who you are?

17. MR BEDSON: My Lord Chairman, yes, Roger Bedson.

18. THE CHAIR: Ah, thank you.

19. MR BEDSON: Agent for these particular petitioners. Only to add really that there is a real sense of urgency now to get the matter completed. We've been discussing this for three and a half years really. In two of these cases, these are dairy farms, and if we do not get replacement infrastructure put in place, by the time HS2 turn up, we're in real problems on those farms. We have to start work in the spring, we have to go through a planning process with the local planning authority first to get planning consent – that is taking an age at the moment – and if we're not on site with slurry stores built and silage pits built in the spring of next year, we're going to be in real trouble and it's as simple as that. We have to get these things moved along very quickly. Thank you.

20. THE CHAIR: Thank you very much for that information. It's obviously very satisfactory if agreement can be reached and that's the best solution to all the problems which we know underlie your three petitions, but I'm concerned about us presenting our report, and as it were, completing our work without knowing for certain that the agreements have been signed out. That's really my point and I am very keen that, first of all, that you should make progress in completing the process and, secondly, that we are told when the process has been complete.

21. At the moment, we don't know when our report is going to be finished, but I would very much like to know before we could finish our report that the documents have been fully signed and the urgency which has been expressed to us has been fully recognised by HS2.

22. MR BEDSON: Thank you, my Lord. Do you have an idea of the timeframe for your report, perhaps?

23. THE CHAIR: Well, we're aiming to have the report in the hands of the House by the end of October. I don't know how that fits with your timing, but there's quite a lot of work we have to do to put the report together. We've got sittings next week and if we get the report in by the end of October, we will be fulfilling our duty to the House of Lords. So that's the kind of timescale, and perhaps you would bear that in mind, Ms Lean, and report back to HS2 that's the target date by which the document should have been signed up.

24. MS LEAN (DfT): My Lord, I shall certainly report that back and also make sure that the arrangements are put in place to make sure that we update your Lordship's Committee through your clerk as to where things have got to on each of these petitioners, even after sittings have concluded.

25. THE CHAIR: Do any members of the Committee want to add anything in that regard? Good. Well, shall we leave it there? But we wish to emphasise we are looking to you, HS2, to exercise some urgency and get this matter fully polished up and complete before we present our report. Thank you very much. Well we can pass now to the petition number 7, Edward Nield, and I think it's for you to open proceedings, and Mr Bedson, you're there to represent the Nield case when Ms Lean has finished with her presentation. Over to you.

Edward Nield

26. MS LEAN (DfT): My Lord, by way of introduction, I was proposing just to briefly set out what is happening in this area, just to provide some context for what your Lordships' Committee will hear today, and then just briefly give an update on the current situation.

27. My Lord, the petitioner is a freehold owner of a parcel of land south of Madeley. You have the location shown on the plan at P34, page 1, which gives an indication of where the parcel of land sits in relation to the HS2 scheme, and also to the area more widely on the Ordnance Survey inset on the top of that plan.

28. The petitioner's land is required during both construction, and to a lesser extent operation of the HS2 railway. You have the construction plan for this location at P34, page 2 in the exhibit packs. My Lord, this is an area in the vicinity of the Madeley tunnel. The petitioner's landholding which is shown with the red line around it is to the south east of what would be the Madeley tunnel south portal.

29. My Lord, just for further context, in boxes B2 and B3, there is a roadway and a turning head shown on the construction plan; that is Bower End Lane which was the area that Mr Miller was talking about in respect of the petition by the Staffordshire Wildlife Trust on Monday. We're in that location, so just further to the west. From that point, you get to the north portal of the Madeley tunnel.

30. My Lord, during construction you'll see that the petitioner's land is used for the construction of the railway. The railway is in cutting as it approaches the petitioner's landholding here before it goes into the tunnel. And it's also used for a transfer node. It's marked in brown on the plan as a temporary material stockpile. I'm told a transfer node is essentially an active material stockpile where material is being moved onto and off that point to be taken elsewhere.

31. During operation, you have an operation plan from the environmental statement shown at P34(3). My Lords will see that during the operational stage of the railway, part of the land is obviously in the cutting for the Madeley cutting; that's the small section of yellow shown in the bottom right-hand corner of the petitioner's landholding, and there's also a noise barrier there. That's the purple line that runs through on the

edge of the yellow cutting.

32. On this plan, you'll see that the whole of the remainder of the petitioner's land parcel is shown for planting. That was a particular concern raised by the petitioner, both in his petition before the other place and before your Lordships. As at June 2018, an assurance had been given to the petitioner to reduce that planting. And my Lords, that's shown on page 4, so P34(4). My Lords will see that, essentially, the orange box there was the planting that was to be removed so that there would be planting around the edges of the parcel, if I can put it in those terms, but it wasn't fully in-filled with planting.

33. The petitioner raised concerns in his petition before your Lordships about the strip of planting to be retained on that eastern boundary of the parcel of land, so towards the eastern boundary of the parcel of land, and there has been a further assurance now given to the petitioner in June this year to remove that strip of planting, certainly as it goes up to the access road at the top there. And you'll see what is now proposed on P34(5).

34. THE CHAIR: Is that the assurance letter, dated 30 June?

35. MS LEAN (DfT): That's the 30 June assurance, my Lord.

36. THE CHAIR: Right.

37. MS LEAN (DfT): And, my Lord, the other point I should just raise for context here is that, as part of the scheme, the A525 Bar Hill Road is to be realigned. I'm afraid, if I can jump back to P34(1), my Lords will see that Bar Hill Road currently runs from box D10 and then up around to the right and passes the petitioner's property with essentially a direct frontage. Because the railway is in cutting here, it's necessary to realign a section of Bar Hill Road to get it up and over the cutting, and that realignment is slightly to the south east of its current alignment, and this can be seen most clearly on the plan we were just looking at, which is P34(5).

38. You have the small-scale plan and also an inset which shows more specifically the relationship between the site, the old Bar Hill Road carriageway, and then the new Bar Hill Road carriageway and an access is to be provided from the newly realigned A525 to provide continued access to that access track to the north of the petitioner's site and also

to the residential properties to the north-east, which also previously enjoyed a direct frontage on to the A525 Bar Hill Road.

39. My Lord, that existing section of the A525 Bar Hill Road will be stopped up from a point to the south of the railway to a point to the north of the railway. My Lord, in terms of access to this petitioner's property, it's currently taken from what is a private access track which is to the north-east of the parcel of land. So if we're on P34(5), it's taken from that road that's got the orange markings on it. My Lords will see from the inset plan on P34(5) that that access is essentially to be re-provided, so for access to this parcel of land from the new A525, it will come via the new junction that's taken off the A52 and then continue along the private access road and down into the field access as today.

40. I hope that provides some context. In terms of the petition, the specific concerns that were raised, and the requests that were made in the petition which you have at R26, were concerned with reducing the planting on the site, specifically on that eastern strip, limiting the extent of permanent land take and an issue of temporary versus permanent land take.

41. My Lord, some assurance has been given on that and I am sure we will deal with that when we respond to the petition in more detail, but I think it's probably just fair to note that the requests that are now made in the exhibits have moved on somewhat from that which was in the petition. My Lord, I hope that has provided some context and I wasn't proposing to say any more by way of introduction.

42. THE CHAIR: Thank you very much. Can you just be clear if we look again at P34(5), to see that I've understood this? We've got to the area outlined in red, and above it, there is a road, I take it, with dotted lines along it, and then to get to the realigned road you have to cross over what was the original road, is that right?

43. MS LEAN (DfT): Yes, my Lord.

44. THE CHAIR: It doesn't show any continuity there, but that will be kept open, will it, so that you can move from one to the other?

45. MS LEAN (DfT): Yes, my Lord. I mean, I'd have to check the exact status of

what the legal status of that bit of the road would be but, yes, access will be provided onto that private access road from the new A525 across that section of the old A525 carriageway; that would be the physical arrangement. I would have to confirm exactly what the status of that would be, whether that would carry the status of a private road or be highway up to that point.

46. THE CHAIR: Thank you very much. Mr Bedson, I think it's now open to you to present your case, and can I make it clear that Ms Lean will have a right of reply? But after she has replied you have a further right of reply so that you can clarify any points you would like to make arising out of what she has said.

Submissions by Mr Bedson

47. MR BEDSON: Thank you, Lord Chairman. And thank you to Jacqueline Lean for providing that additional description, which is helpful, so thank you for that. The petitioner here does indeed own this land. If you could move to my A13(5), I hope to put this in a little context in planning terms.

48. Now, yes, this petition owns the land that's in red, but there's an adjoining landowner who owns the land that's in blue which is also being promoted through local plan. Now, in recent years a lot of developers and promoters have expressed some serious interest in this land, which has involved detailed negotiations, and indeed, good offers being made, but the landowners have felt that they would keep it under their control, to hopefully benefit better when the time comes.

49. Indeed, here, the owner's agent has been approached by the local planning authority with a view to promoting the land in the strategic housing land allocation assessment, so the local authority themselves are very keen to see this land promoted for development, and Mr Dinsdale will comment on that in a little while.

50. What we need to do here really is to retain the highway frontage we have to the new Bar Hill Road; that is absolutely key. I know Ms Lean's commented on that a little bit, but at the moment, if we look at the inset on P35, we currently have at-grade road access leading directly on to Bar Hill; there is excellent visibility either way, which gives us absolutely unfettered access to the site.

51. So what's the impact now? Well, I'm grateful that the assurance has been made, as indeed is our petitioner, and that has reduced the tree planting in the area to that L-shape which we can see on the inset on a A13(5). Now, it is rather a shame that that only came after a very, very long time and the petitioner had engaged a very expensive report from a landscape consultant to prove that those trees weren't needed. But, nonetheless, we've got where we've got, for which we are indeed grateful.

52. LORD LIDDLE: Lord Chairman.

53. THE CHAIR: Yes. Lord Liddle.

54. LORD LIDDLE: I think I am not following which piece of land Mr Bedson is talking about.

55. THE CHAIR: Perhaps you could – do you have access, Lord Liddle, to A13(5)?

56. LORD LIDDLE: Yes, I'm looking at P34(5); is that not the right diagram to be looking at?

57. MR BEDSON: A13.

58. THE CHAIR: Sorry, it's A13(5).

59. LORD LIDDLE: Right, I see, sorry.

60. THE CHAIR: It's the same picture, I think.

61. LORD LIDDLE: Is it? Okay.

62. THE CHAIR: I think that should be fairly clear.

63. LORD LIDDLE: A13(5)?

64. THE CHAIR: Yes. A parcel of land outlined in blue, which I think is what Mr Bedson is referring to as the development land.

65. LORD LIDDLE: Yes. I didn't hear the switch from the P to the A is the truth of the matter.

66. LORD BRABAZON OF TARA: The A is Mr Bedson's.

67. LORD LIDDLE: Right. Right, okay. Fine. Sorry, I'm sorry for interrupting, but it's very difficult to understand something if you're – so this is page 5 of A13. Right, okay, fine.

68. MR BEDSON: Just to be clear there, the blue land is owned by a neighbour –

69. LORD BRABAZON OF TARA: I'm not finding it very easy to hear.

70. MR BEDSON: – and the red land is the land owned by this particular petitioner, which is also being promoted, and they are, to a degree, working together in that regard.

71. LORD HORAM: Can I just understand on the map which we are looking at, the relationship between the area in blue and the area in red?

72. MR BEDSON: Well, one, my Lord, is owned by one landowner, which is the blue land; the red land is the subject of this particular petition.

73. LORD HORAM: Not the blue land, that is separate.

74. LORD BRABAZON OF TARA: That is separate.

75. LORD HORAM: And not owned by the petitioner.

76. MR BEDSON: No, that's correct.

77. THE CHAIR: I think I'm right in saying that, originally, the entirety of the area outlined in red was to be planted with the trees, and you took exception to that, and the result is a very substantial area is left open with the tree planting, just as we see it, around the fringes of that parcel of land.

78. MR BEDSON: Quite so, my Lord, yes.

79. LORD LIDDLE: And where is the land that there is talk of development on?

80. MR BEDSON: Well, both parcels, my Lord, are presented in the strategic housing land allocation assessments within the local plan. The local planning authority has been very keen to see this land promoted, and it is both parcels.

81. LORD HORAM: It doesn't seem very suitable for development because it's next

to a railway line; it's got roads all round it.

82. MR BEDSON: Mr Dinsdale will be able to provide a history of the site, but it has been the subject of lots of interest from developers within the village of Madeley.

83. LORD LIDDLE: Just to be clear for very stupid people like me, the development proposal affects both the red area and the blue area; is that right?

84. MR BEDSON: Yes. So the housing development is promoted on both areas.

85. LORD LIDDLE: I see.

86. LORD HORAM: Who behind the area in blue; who owns that? That is not the present petitioner.

87. MR BEDSON: No, that is owned by the Ward family and we have assurances on that which I'll come onto in a moment, to allow access to continue to that land during and after construction, but what we're seeking here specifically is some clarification for the road frontage and access to this site, so that essentially, we're not ransomed in the future by getting into the red land. That is essentially what we're looking for here.

88. THE CHAIR: So the area of real concern to you is what is happening at the top right-hand corner of the parcel of land outlined in red, which is where the connection would be to Bar Hill Road.

89. MR BEDSON: That is correct. If we could move to A13(13).

90. LORD LIDDLE: Which one?

91. LORD HORAM: A13(13).

92. LORD BRABAZON OF TARA: A13(13).

93. MR BEDSON: That shows the existing Bar Hill Road shown coloured green, it shows your petitioner's land here, shown coloured yellow, and upon there is a blue access road which has been designed by highways consultants to facilitate housing development of circa 300 houses, and that is plug and play, if you like, into the existing Bar Hill Road. That is a road that has been designed to an acceptable highway standard to do that. That essentially is what we need to be able to do going forwards.

94. Now, if we could move to A13(14), and we will look at the inset there. The existing Bar Hill Road is shown coloured purple and there is an access to it at points – my apologies, the realigned Bar Hill Road, as it will be, is shown coloured purple, and the access to it as at AB.

95. THE CHAIR: Yes.

96. MR BEDSON: The other land, that which is coloured orange, is partly the existing Bar Hill Road, and partly what will be verge, embankment, etc. So what we need to achieve out of this really is to make sure that when the new Bar Hill Road is built, coloured purple, we can get an access suitable for 300 dwellings off that road onto the red land, and onto the blue land.

97. THE CHAIR: Can I ask you, when the road has been realigned, who is going to be the owner of the land at the letter A? Letter A is on the existing road but presumably it's owned by the local authority or the highways authority, is it?

98. MR BEDSON: I think that's the case, my Lord, yes, and that was my next point, actually, was to try and ensure that all of that land coloured orange there on the inset reverts back to the local authority, because they tend not to try and ransom people when getting from the highway onto their land.

99. THE CHAIR: It's rather important to know who's going to own that piece of land.

100. MR BEDSON: Precisely my point, yes. And we would like to know that when HS2 finishes with it, it goes back to the local highways authority, so that we can retain unfettered road frontage to our site. All we're seeking is to be put back where we are now. We have road frontage at grade, with good visibility, and we know we can build an access.

101. We need to ensure that we can do that after the scheme, and potentially during the scheme as well, which I know is probably quite a big ask, but if I could refer you to my A13(15), which is a plan that Ms Lean offered up a minute ago, HS2 are already building an access road at my points CD on there, because that is going to be their temporary access onto Bar Hill Road. This is an enormous civil engineering project.

It's the tunnel portal for the Madeley tunnel. I don't think we can underestimate how big this is going to be and what an awful lot of work is going to go on here; we know that. But if they're building that sort of access anyway for their own plant and machinery in construction, we'd like to ensure that they can liaise with us and make sure that something appropriate is left in place afterwards to make sure that we can do what we need to do.

102. I mentioned the adjoining petitioners on the land coloured blue there and there was an assurance issued to them on 8 May 2019 which ensures that they can maintain access to their land, along points C and D, and also through the little hatched area that I've got, E, through that material stockpile. So they've already issued an assurance to the adjoining landowners to that effect. So that really is our summary.

103. To summarise where we are, we need access during construction so as not to delay development, and also to give the local planning authority confidence that this site is deliverable, within the timeframe. We need to retain highway frontage, and we would indeed like Staffordshire County Council, or the local borough council, to be able to own that area coloured orange on the previous plan, and we need to recognise the serious development potential that exists now, and we should like HS2 to liaise with us to make sure that what is left afterwards gives us that ability to stay in the same position as we are now.

104. THE CHAIR: Does it come to this: that what you're seeking is an assurance covering both these points: first of all, during construction, that access will be maintained open to reassure the planning authority that works could proceed on the developed land, if that's what is to happen, and also, that once the work's all over, that a permanent access to Bar Hill Road will be maintained?

105. MR BEDSON: That, my Lord, is the nub of it.

106. THE CHAIR: Yes. Well, is there any evidence you want to lead, or can we pass back to Ms Lean to see what her response is to what you have been saying?

107. MR BEDSON: Mr Dinsdale can present on the planning side. Forgive me, my Lords. I can't remember who raised the point about whether it was suitable for development. Mr Dinsdale is here, who is the planning promoter and who will be able

to shed some light onto that and give you a little bit more flesh on the bones at that point, if that's acceptable to you now.

108. THE CHAIR: Well, Lord Liddle, you did raise a question, I think, about the develop-ability of this land because it's sandwiched between two railway lines.

109. LORD LIDDLE: Lord Horam, actually, raised it.

110. THE CHAIR: Perhaps you might like some reassurance.

111. LORD HORAM: It was me, actually.

112. THE CHAIR: Was it Lord Horam?

113. LORD HORAM: I do now understand that what we are talking about here is access and that the area in the red square is needed for access, not for housing as such, but access to the larger area in blue.

114. MR BEDSON: A little bit of both, my Lord. There will be some housing on it as well.

115. LORD HORAM: Sorry?

116. THE CHAIR: The area in red was originally tree planting; it's not to be developed for houses.

117. LORD HORAM: No, it was access to the road.

118. THE CHAIR: But the access is at the top of the plan above the area outlined in red. That's where the road runs. And if we're still looking at A13(15), you've got the two areas in brown which are identified as D and C, and above them is the access road which leads onto Bar Hill Road.

119. LORD HORAM: If we look at 13(13), there is a blue access road there. Right?

120. MR BEDSON: Yes.

121. LORD HORAM: That is the access road we're talking about, is it not?

122. MR BEDSON: That is the proposed design, the access road through the site,

which will also enable some housing development on this site.

123. LORD HORAM: This is your proposal.

124. MR BEDSON: Yes, the blue line on A13(13) is a road –

125. LORD LIDDLE: It's what you want, yes.

126. MR BEDSON: What the petitioner designed in the current scheme is an access to feed both his land, which is edged in yellow on A13(13), but also the neighbouring land.

127. LORD LIDDLE: Chairman, is that the access we are talking about?

128. THE CHAIR: I'm a bit confused because I didn't realise we were talking about that one. I thought we were looking at the existing road which is not coloured blue, going from left to right across the top of the area marked in red; that's the existing road, isn't it? And you wanted that to be kept open during construction, but it looks as though you want to be able to provide the developer with a realigned access road to make it easier to get into the developed site, which is what the blue thing is. Have I understood it correctly?

129. MR BEDSON: Essentially we need to maintain highway road frontage to enable unfettered access to our land, the petitioner's land here, for both an access road and housing development.

130. THE CHAIR: Both, yes. Thank you.

131. LORD LIDDLE: Could I just put it provocatively to you? I mean, if HS2 didn't exist and you were trying to develop this land for housing, it would be the developers' responsibility with the county council to pay for the road access to the site, wouldn't it? Isn't that the normal procedure?

132. MR BEDSON: That is correct, Lord Liddle. We're not asking HS2 to pay for an access road here, we're asking them to enable us to have sufficient road frontage afterwards, as we do now. We're not asking for anything more that we have now. We need road frontage and a situation where we are not ransomed to get into this site. I think, if the land reverts back to the county council as highways authority, that should be achievable. We're really not asking for HS2 to pay for anything but, if they're building

an enormous access road into their construction compound anyway, we would ask that when they build their final access point in, that it is done to a suitable size – it's as simple as that – and that we're not ransomed.

133. LORD HORAM: So you're saying that you have access now and you don't want that access to be denied by any plan by HS2.

134. MR BEDSON: Yes. That is correct.

135. THE CHAIR: My impression is, but perhaps Lord Horam will correct me if I'm wrong, I don't think we need to hear from Mr Dinsdale about the planning qualities for the land to be developed because we're really dealing with the access point.

136. LORD HORAM: No, I understand that.

137. THE CHAIR: So I don't think we don't need his evidence, with great respect to him. So what I suggest we do is we pass to Ms Lean for her reply to what you have been saying and see what HS2 are planning to do to give you the assurance you are looking for.

138. MR BEDSON: Thank you, my Lord.

139. THE CHAIR: Ms Lean.

Response by Ms Lean

140. MS LEAN (DfT): My Lord, I do have Mr Miller and Mr Smith available but I wonder if it might be helpful for me just try to and outline the position first and then call on Mr Miller or Mr Smith if it's helpful to do so after that.

141. My Lord, in terms of the position as I outlined in opening, the current situation which is shown on P34(1) is that, although this petitioner has a direct frontage with Bar Hill Road, the A525, there is currently no access from that parcel of land onto the A525. The land is accessed by driving up or down Bar Hill Road, turning onto that private road that you see to say to the right of the petitioner's landholding and then in through an existing field access into the parcel of land that way. That is the current way that this site is accessed from the A525 Bar Hill Road.

142. As Lord Liddle identified, if this petitioner, or a developer, wished create a new access from the A525 Bar Hill Road directly onto the site, then they would need to seek the planning permission for that, they would need to seek the highway consents for that and they would bear the costs of constructing and consenting that. So that is the current situation.

143. In the HS2 scheme world, to use that terminology, there is a change in that the carriageway, the public highway of the A525 Bar Hill Road, will no longer run directly past the petitioner's property. It will now be separated from the petitioner's property by the old stopped up carriageway of the A525 Bar Hill Road, and then areas of verge and embankment that are associated with the newly aligned carriageway.

144. LORD LIDDLE: And that's shown on 34(4).

145. MS LEAN (DfT): That's shown on 34(4) and you have it in a little more detail on 34(5). In terms of this petitioner's access in the HS2 scheme world, they will access their site in the same way they do today, essentially, because they will come up or down the newly aligned A525 Bar Hill Road and then they will, again, they will drive off that new junction off the A525 Bar Hill Road to get to the private access road, and then again take their access via that small field access that's marked on – it's on the corner between boxes 4F and G and 5F and G.

146. LORD LIDDLE: Which diagram is that?

147. LORD BRABAZON OF TARA: Which picture, which diagram are we looking at?

148. MS LEAN (DfT): Sorry, this is P34(5) and it's the inset diagram.

149. LORD LIDDLE: The inset diagram.

150. MS LEAN (DfT): So, on the right-hand side, it's a blown up version of what you had on P34(4), Lord Liddle.

151. LORD LIDDLE: And where's F and G? I can't see F and G.

152. MS LEAN (DfT): Apology. F for the letters at the top. And if you come down four boxes, it's where the four boxes meet.

153. LORD BRABAZON OF TARA: Like looking at an Ordnance Survey map.

154. LORD LIDDLE: Yes.

155. MS LEAN (DfT): It's not entirely straightforward, but that's how access will be provided. So, essentially, in the HS2 operational phase, access to the site is proposed essentially in the same way that access is taken now; it's just that rather than driving straight off the A525 onto the private access road, you have to drive off the junction from the newly aligned A525 and then on to the private access road. So we will be re-providing, essentially, the same means of accessing the site that it enjoys today.

156. Now, my Lord, an issue has been raised that what the petitioner would like is essentially to be in the same situation that they are now, vis-à-vis a direct highway frontage with the A525 Bar Hill Road. But the short answer to that is that's just not going to be the situation because the A525 Bar Hill Road has moved away from their property.

157. They can still access the A525 Bar Hill Road. They can still, no doubt, or a developer can still, no doubt, make an application to create a new access somewhere in that location. But what there won't be is the A525 Bar Hill Road passing directly past their property in the way it does today because it has to be moved to get over the railway.

158. So, in terms of the future development aspirations, the situation is really the same as it is today, in that it will still be for the developer to establish from the local highway authority what the appropriate access arrangements would be to bring forward a housing development on the blue land, or the blue land with the red land, and they will have to seek planning permission for that and they will have to seek the highway consents for that and they will bear the responsibility and cost of constructing that. Yes, the situation is slightly different in that the property no longer directly goes onto the A525; there may have to be some alternative arrangements that are made or additional land that has to be used to do that, but the framework is the same.

159. My Lords, in that respect I should also highlight that, because there is land on this parcel that is needed for the permanent needs of railway, the cutting, the noise barrier, there is a claim for compensation here. My Lords, I have Mr Smith who can speak to

this if it would assist, but as my Lords will be aware, when you are bringing forward a claim for compensation for land compulsorily acquired, you can include not only a claim for the value of the land that actually is taken, but if the value of the remaining land that you hold in that parcel is reduced in value as a result of the scheme, you can seek losses for reduction in value. So, if the petitioner's landholding or that parcel of land has a lesser value or is impacted by the fact that it no longer enjoys a direct frontage with the A525 Bar Hill Road, and instead has to go via that new junction that we're constructing, that is something that could be brought into account as part of a claim for compensation.

160. So My Lord, that is the position in factual terms and in the compensation code terms about how, if the petitioner's land value is affected because it no longer enjoys a direct frontage with the A525, how that is brought into account is through the compensation provisions.

161. My Lord, in terms of the status of the existing carriageway, under the provisions of the Bill, and specifically it's schedule 4 with the tables in schedule 5, the existing carriageway of Bar Hill Road will be stopped up essentially for the section that is replaced, so it will no longer be a public road in that respect.

162. My Lord, there isn't yet a definitive or concrete position as to who was going to own what or how much of the land associated with the old Bar Hill Road and the new Bar Hill Road alignments will remain with Staffordshire once the works have taken place. There do need to be conversations with Staffordshire County Council about a) the detailed design of what we are proposing, which will partly inform what land is required, but also what extent of the land associated with a new highway they consider needs to go to their ownership as highway, and also whether and to what extent any of the stopped up carriageway remains in the ownership of Staffordshire County Council, because as my Lords will be aware, there are general principles around what happens to land that is used as a highway, depending on how that land is acquired. Often, it's only the top two strata that go to the highway authority and the subsoil remains with the existing owners, and if it stops being a highway, than ownership reverts. That's one of the positions that often arises.

163. So there are things that need to be worked through as to who ownership of the

stopped up bits of Bar Hill Road will end up with in the scheme world. And the book of reference does identify those landowners who are considered to have interest in the subsoil underneath that highway, for instance. My Lord, the short answer is that the project is not in a position at the moment to give any guarantees about what exactly parcels of land or which bits of the old Bar Hill Road, or which bits of the verge, which bits of land shown associated with the new Bar Hill Road alignment will be in the ownership of Staffs or anybody else. In terms of this petitioner, his current access is maintained and to the extent that there is an effect on the value of his property as a result of no longer having a direct frontage for A525, that can, if necessary, sound as part of the compensation claim.

164. LORD BRABAZON OF TARA: Can I ask a question, Lord Chairman? Looking at P34(5), which we were looking at, the bit of land, quite big bit of land in the middle there, above FP24, the big white bit, that also has been subject to petition and is going to be developed.

165. MS LEAN (DfT): My Lord, that's the blue land that Mr Bedson referred to.

166. LORD BRABAZON OF TARA: The blue land. Now, I think Mr Bedson said, or somebody said, that the owners of that land had already had an assurance that they would have access to the new A525. Well, if they've got access to it going along FP24, for want of a better word, I don't understand what the problem is with this other bit of land, because they're getting access to it to the north and these people just the other side of the road get access from the south. So what's the problem?

167. MS LEAN (DfT): There isn't – my Lord, I apologise. I understood that we had obviously been content to – perhaps I can find it in the PRD, if you will just forgive me a moment whilst I just find the reference. My Lord, in the promoter's petition response document at R26(11).

168. THE CHAIR: Give us a moment to find that, R26(11).

169. LORD BRABAZON OF TARA: Got it.

170. THE CHAIR: Yes, I've got it now.

171. MS LEAN (DfT): My Lord, the promoter's response to the access point is set out

at paragraphs 10 and 11. So setting out, as I've referred to, as there's no vehicular access directly onto the A525 Bar Hill Road from the petitioner's landholding – I'll add in there at the moment – the promoter wouldn't seek to explain that.

172. As previously explained to the petitioner, access to the residual land – that's essentially a reference to the red line land you've seen, but not the bits that are permanently needed for the railway, if I can put it – that's why the term 'residual land' is used – would be unchanged from the existing arrangement, which allows vehicular access via an access track to the A525 Bar Hill Road. And then it goes on to explain about a difficulty with essentially creating an access directly from the petitioner's landholding onto the newly realigned carriageway, which is what we'd understood the request to be at that point.

173. My Lord, essentially we have set out in the PRD that it's no change. If the petitioner requires an assurance that they will be able to take access via the access road as they do presently, I don't understand there should be any particular difficulties with giving that. I can't offer it today. Unfortunately, I'm not authorised to offer assurances in the committee room that haven't previously been approved, but it's in line with what's been said in the petition response document.

174. My Lords, our understanding had been that the petitioner's concern was not about, will they be able to continue to access their property via the access road that they currently use; it was about seeking a direct road frontage with the A525 Bar Hill Road, which is a position we're not able to give. So I think I understood that there had been some talk around an assurance about access in similar terms that have been given to the landowners to the north previously, but that wasn't the concern for the petitioners at that stage.

175. THE CHAIR: I thought Mr Bedson made two points. The first one was that he wanted access maintained during construction. Now, I may be wrong, but that was point one. Point two was as for the future, for future development, and that's, of course, the main concern which we've been discussing. But what about during construction? Is there any likelihood that the access road would be closed up during construction?

176. MS LEAN (DfT): My Lord, I think the issue about access during construction is that the whole of the petitioner's land parcel is needed by the project during

construction. So for the landowner to the north of the access road, there will be essentially a need to access it by the landowner during construction. I'm sure that Mr Miller may be able to assist more, but because we are using the whole of the petitioner's land during construction for the purposes of the HS2 works, it's not apparent on what basis the petitioner would need access to that landholding during construction because we will be using it.

177. So that's the difference between the landholding to the north and to the south, as I understand it. I am sure I can ask Mr Miller to confirm that if I have misunderstood the position. So that is why really we have been talking about access during the operational phase of the railway once we have stopped using it for the transfer node and the haul roads, and the residual land can go back to the petitioner. It's not a situation where it's an access for a wider parcel of land in their landowning that wouldn't be affected by construction.

178. And my Lord, in terms of the access and the operational stage, I hope I have covered that off by explaining about the fact that, although access will be essentially provided on a like-for-like basis to what's there at the moment, what we'd understood the concern to be was asking essentially for more direct access onto the newly realigned A525 Bar Hill Road, which for the reasons we have explained in the PRD isn't a road the promoter is going down at the moment.

179. I am conscious that there was reference during the course of the petition to HS2 having to create its own access for construction works here. I'm sure I can ask Mr Miller to address this if necessary, but the construction in this area is quite complicated in terms of construction access needs. It's not the case, as I understand it, that we will be creating that new access off the A525 Bar Hill Road for the use for our own construction purposes.

180. The construction diagram that you have at P34(2) shows, amongst other things, a series of haul roads and a temporary roundabout being put in there. So I think there was a suggestion that as we are putting in a road anyway, couldn't we just leave it, and I think all I just need to answer that is it's not quite that straightforward, that there are a lot of things that need to be worked out with the construction and the construction access in this location. But perhaps it might be helpful just to bring Mr Miller in on

that, and in terms of the spec of the access that we would be constructing off the newly realigned A525 in any event.

181. THE CHAIR: I'd like to be guided by the Committee. For myself, I don't really think that we need Mr Miller's evidence, given that we're concerned with the particular point of access that you've been describing and I'm not sure that we need to go into the details of all the other points of access and earth moving and so on, but do any members of the Committee want to hear Mr Miller?

182. LORD BRABAZON OF TARA: I'm all right.

183. THE CHAIR: I don't think we do, with great respect to Mr Miller, but I think really we've got enough information for the point we're really concerned with which you've been describing to us.

184. MS LEAN (DfT): I'm grateful. My Lord, just if it assists, I've been passed a note about the assurance that's been given to the landowners of the blue land. Essentially it says that, during construction, HS2 will give notice of interruption and seek to minimise it where it can, so it's in those sort of terms. I'm sure we can provide a copy of the assurance letter to your Lordships if that would be helpful.

185. THE CHAIR: That would be very helpful.

186. MS LEAN (DfT): My Lord, I suppose this is a final point of context note, because we have been talking about the blue land and the potential for development of the blue land and how the red land is maybe seen as a way of creating a new access road to get to the blue land. There's just two points to note. One is, as Mr Bedson identified, that that blue land, and I believe also the access road that we've been talking about, so the access road between the blue land and the red land, is owned by a group of petitioners who petitioned your Lordships' House.

187. They didn't raise concerns about potential sterilisation of their development land in their petition before your Lordships' House. The point of access was touched on in their petition to the other place, and there were the assurances given that you've already heard about today, but just to note, the landowner who owns the blue land has not raised concerns about the potential – making it more difficult – sorry, has not raised their

petition before your Lordships' House issues around, 'Will this prevent our land being brought forward for development'.

188. Also, just to note that the plan that you've been taken to at A13(13), I think my Lords have already identified this point, but this shows an access being taken off the A525 as it currently is; it's not a drawing that shows access being taken across the petitioner's land when the carriageway of the A525 Bar Hill Road has been realigned. So, just for a point of clarification, because I think there may have been a little confusion there.

189. THE CHAIR: Can I ask you when you're writing to us about the assurance that you're giving to the area of land to the north, that you will give us the petition number, please, because you've been explaining that they petitioned but the petition has been withdrawn from us so we've not seen it, but it would be helpful if you could tell us what it is and we can look at the detail later.

190. MS LEAN (DfT): Certainly, my Lord. I may be able to give that to you at the end. If I can just turn round behind me just to check that I haven't not covered something that was meant to be on my list. No, my Lord, I think that's all I had. I'm sure I can probably get the petition number for you. HOC40.

191. THE CHAIR: Do any members of the committee have any questions to put to Ms Lean before we go back to Mr Bedson?

192. LORD HORAM: On the bit of the promoter's access to land, the bit where we were talking about access to the land, paragraphs 10 and 11.

193. MS LEAN (DfT): My Lord, was this R26(11)?

194. LORD HORAM: Yes,

195. LORD LIDDLE: R?

196. MS LEAN (DfT): R26(11).

197. LORD HORAM: The point there is that you're saying that there cannot now be access along the original line – along the existing line from the Bar Hill Road to the petitioner's land, because the new Bar Hill Road will go over the railway line and

therefore be too high; is that right?

198. MS LEAN (DfT): Yes. It's twofold, my Lord. Paragraph 10 is essentially saying that obviously the Bar Hill Road is going moved further away so you don't currently have the highway frontage. Paragraph 11 is about why you can't just create a new direct access from the land across to the newly aligned A525 because of the constraints that there will be because obviously, at the point at which you drive across, as my Lord's identified.

199. LORD HORAM: So from the point of view of the petitioner, the ideal access road which he had in A, whatever the number is –

200. MS LEAN (DfT): 13(13).

201. LORD HORAM: The blue line we've been looking at, A13(13) is eliminated. He cannot do that. So the petitioner is being disadvantaged to that extent by the HS2 line. Is that correct?

202. MS LEAN (DfT): I mean, yes, my Lord. So the drawing at A13(13) is in the current alignment, that could take an access directly off the A525 across the land.

203. LORD HORAM: Yes.

204. MS LEAN (DfT): Yes, that is no longer going to be the public highway.

205. LORD HORAM: So he can't do that. But he can now. He could now, if he got planning permission, he could do it, correct?

206. MS LEAN (DfT): Yes.

207. LORD HORAM: But he can't do it once you have got the land, because you'll be building this elevated road to cross over the railway line.

208. MS LEAN (DfT): Well, my Lord, I think the situation is that if we look at P34(5) – and I'm sorry to jump around.

209. LORD HORAM: P34(5), yes.

210. MS LEAN (DfT): Yes, it's correct that you won't be able to put a road going

through the red land and connecting with the public highway directly from the boundary of the red line. So to that extent, that option is no longer available.

211. LORD HORAM: Right.

212. MS LEAN (DfT): But I think we haven't seen, or what hasn't been presented, is a suggestion that it's not possible to take access any other way, or a different solution.

213. LORD HORAM: But it is. Your point is it is possible to get access.

214. MS LEAN (DfT): Well it's certainly possible to get access. We haven't seen what a solution might be for an access for the housing development in connection with the A525 Bar Hill Road. So we don't know that you definitely can't do something. Yes, you can't do what's shown on the – yes, the option that's on the A13(13) is the old position, but we don't know – we haven't seen what the –

215. LORD HORAM: No but the implication of your paragraph 11 is that it is impractical to do what is actually suggested here.

216. MS LEAN (DfT): Yes, the drawing across from there.

217. LORD HORAM: So there is a difficulty.

218. MS LEAN (DfT): Yes.

219. LORD HORAM: There is clearly a difficulty for the petitioner.

220. MS LEAN (DfT): Well –

221. LORD HORAM: It becomes, in effect – I mean, it puts a question mark over the development of the land in the blue area.

222. MS LEAN (DfT): Well, my Lord I don't know that we can say that it puts a question mark over the development of the land in the blue area.

223. LORD HORAM: Because there's no access to it.

224. MS LEAN (DfT): Well, the blue land is currently accessed via the access road which is owned by the owners of the blue land. So, my Lord, on A34(5), the blue land

is the land to the north of what's called footpath 24.

225. LORD HORAM: Just a minute, hang on, A34(5).

226. LORD BRABAZON OF TARA: That's the bit I was pointing out just now.

227. LORD HORAM: Yes.

228. MS LEAN (DfT): My Lord, at the moment, the access for that parcel of land to the north of the route that's marked 'footpath 24' is via that route that's marked 'footpath 24'. It's a private road that's owned, I think, at least up to a certain point, by the people who own the land to the north. So today, they take land off the A525, along the private road and up, and in the scheme world, they will take access from the newly aligned A525, across that new junction onto the access road and up. So again, in terms of a like-for-like, access will be provided to the land to the north in the same way that it is today.

229. What we've seen from the petitioners is a suggestion that if HS2 wasn't here, that in order to bring forward development on the blue land, a solution for improving access would be to that new road through the red land directly onto the A525 Bar Hill Road.

230. LORD HORAM: Right.

231. MS LEAN (DfT): What isn't before you, and perhaps potentially – because it's not a matter that's been articulated before your Lordships' Committee by the owners of the blue land, is what options they might be look for to deal with access in the world with the newly realigned A525 Bar Hill Road. So we haven't seen something that says, 'Unless you can build that road that this petitioner shows you on A13(13), it is not going to be possible to put a housing development on the blue land'.

232. So we haven't seen that, so that's why I'm trying to differentiate between the blue land and the red land because there is the risk of not being able to unlock housing development on the blue land, but that is a different petitioner, a different landowner, and whether that needs to be done using the red land –

233. LORD HORAM: That is why your view is that the red strip is not a ransom strip.

234. LORD BRABAZON OF TARA: Which is the red strip – the footpath strip?

235. MS LEAN (DfT): I think, my Lord, I don't know that we have a concrete view on that but coming back to what I was saying earlier, which is that if the petitioner can demonstrate or substantiate, as part of a compensation claim, that in the no-HS2-scheme world, the value of the red land would have been x , because although it's an existing use for agricultural land, it had the potential to be the only means of unlocking, if that's the petitioner's position, the housing development to the blue land, and if they then say, 'Well that is lost, that extra value of my land is lost in the HS2 world', then that is something that could be brought into account in a compensation claim. So that's how it plays through in the mechanism, that yes, they may lose a benefit, or they may lose a value. I'm assuming that's evidenced and substantiated in the usual way, but the response to that is a compensation response. So it's reflected that way.

236. THE CHAIR: Ms Lean, we've run on quite a bit beyond one o'clock.

237. MS LEAN (DfT): I'm sorry, my Lord.

238. THE CHAIR: It's my fault. I was thinking perhaps we might be able to finish this petition, but obviously, that's not the case. What I'm going to suggest is that we break until two o'clock; I hope everybody can get back here by two o'clock, and we will resume. I'll give you the opportunity, if you have any further points to make, you can make them before I call upon Mr Bedson to reply. And I hope we'll be able to complete this petition in time for us to start the next one fairly promptly.

239. MS LEAN (DfT): My Lord.

240. THE CHAIR: Thank you very much. We'll adjourn just now.