

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday, 15 September 2020 (Afternoon)

In Committee Room 4a
(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:

Tim Mould QC, Lead Counsel, Department for Transport
Jacqueline Lean, Counsel, Department for Transport

WITNESSES:

Trevor Parkin, Trevor Gould and Michael Byng (Yarnfield and Cold Meece
Parish Council, Stone Town Council and Chebsey Parish Council)
Brenda Morris-Goostrey (Newcastle Road Residents)
Tim Smart (HS2 Ltd)
Peter Miller (HS2 Ltd)

IN PUBLIC SESSION

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(At 2.00 p.m.)

337. THE CHAIR: Yes, Mr Parkin.

338. MR PARKIN: Good afternoon everyone. I don't want to waste any more time. I would like to call Mr Gould, who's going to give his evidence starting on slide A20(35).

Yarnfield and Cold Meece, Stone and Chebsey Councils

Evidence of Mr Gould

339. MR GOULD: Thank you. I ought to just mention briefly that I don't live in any of the parishes in which the Stone railhead and IMB-R is currently proposed to be located. I, in fact, live in the parish of Whitmore, which is the same parish into which we are proposing the Aldersey's Rough railhead and IMB-R should be located.

340. So, turning to A20(35), as Sir David Higgins says, HS2 is a catalyst, which is exactly how we want to use it in our proposals for Aldersey's Rough, but it is sometimes easy to forget that HS2 Ltd is the promoter of HS2; it is not the sponsor. The UK Government is the sponsor and the Government has three principal objectives in building HS2, enshrined in its oft-quoted mantra of: 'Increased capacity, improved connectivity and of rebalancing the economy'.

341. These three principal objectives are reflected in Sir David's statement as part of HS2 Ltd's corporate strategy. And he also states that HS2 must be, and I quote, 'A significant step towards a transport strategy that benefits the whole country', but the promoter has no authority to pick and choose where in the country to apply the Government objectives.

342. It cannot be right that the promoter's activities improve capacity, connectivity and the economy of some areas, whilst throttling capacity, reducing connectivity and threatening the economy of others, which will be the inevitable outcome for Staffordshire if the Stone Railhead IMB-R goes ahead. That is not the sponsor's objective.

343. This is especially so when we have put forward an undeniably superior alternative option to Stone at Aldersey's Rough. Our railway evidence will show that Stone is not fit for purpose and frustrates all three of the Government's objectives, and we would

have shown that Aldersey's Rough can fulfil those objectives to such an extent that it could become the single most contributory factor in achieving the Government's aims across the entire HS2 network.

344. Turning to slide A20(36). Here is a schematic diagram of the railway line serving Crewe and North Staffordshire. The solid lines denote passenger services and the dotted lines are freight-only. Crewe is already recognised as being the gateway to the north, with lines radiating to Shrewsbury, North Wales and Liverpool, Scotland, two separate routes to Manchester, one via Manchester Airport, a freight line to Northwich on the branch to Kidsgrove.

345. Cheshire East Council wants to enhance services in its area by introducing a Northwich to Crewe service, but the lack of platform capacity at Crewe precludes that service from operating. That lack of capacity is the reason none of these local services head south from Crewe. Apart from the West Coast Main Line to London, all that Staffordshire has is the branch line to Kidsgrove and on to Derby.

346. The current Manchester to Stoke-on-Trent local service, shown as a red line, formerly continued onwards to Stafford, calling at the villages of Wedgwood and Barlaston on the way. Local stopping services between Stafford and Stoke were suspended on 23 May 2004 in order to upgrade the West Coast Main Line and allow more express trains to run.

347. That upgrade created capacity issues, so there are no longer any train services to villages located between the county town of Stafford and Staffordshire's biggest centre of population in Stoke. Wedgwood and Barlaston stations are still open and appear in the railway timetable but are not served by any stopping trains. Instead, they receive a more inferior bus substitution service due to the capacity constraints on that section of line.

348. Along the freight line shown in the centre of the schematic drawing, which is the former Stoke and Newcastle to Market Drayton line, lies Aldersey's Rough in the borough of Newcastle-under-Lyme. Newcastle is the most populous town in the whole of the country that does not have its own railway station. In the past, the town was served by several routes on numerous mineral lines.

349. Nowhere in North Staffordshire, with its population of well over half a million people, has a direct train service to Manchester Airport, a vital transport artery and attracting business and investment into our region. The lack of that service seriously disadvantages local companies in Stoke-on-Trent and Staffordshire. Despite there being a long-held ambition to operate a through service to Liverpool from Stoke, that can't be achieved. This is because those trains would conflict with express trains on the West Coast Main Line and the Crewe station area. So Crewe becomes a dead end for trains from the Stoke direction via Kidsgrove and all passenger trains will terminate there.

350. North Staffordshire has a burgeoning logistics industry much of which is attracted by the region's demographic location in the UK. With the opening of the new deep water container terminals in Liverpool, it is vital that those logistics firms have direct rail access to the docks; otherwise they may relocate elsewhere.

351. However, there will be even less prospect of direct rail access to Liverpool from North Staffordshire once HS2 is open, due to the conflicting moves issues which we can see on slide A20(37). This slide shows the railway routes through Crewe and it demonstrates what's meant by conflicting moves.

352. The route that will be used by HS2 classic compatible trains is shown in blue. Passenger trains arriving from Stoke travel along the red route. In order to reach Liverpool, the north or Chester and North Wales, these Stoke trains would have to cross the path of HS2 classic compatible services. That is what's known as a conflicting move and will not be allowed due to it risking affecting the punctuality of HS2 trains. The consequence of that is the Stoke line via Kidsgrove becomes a dead end.

353. The introduction of HS2 services into the major HS2 hub at Crewe presents the ideal opportunity to address these failings of the current rail network. In order to take advantage of that opportunity, Crewe Town Council engaged JRC, a railway consultancy firm, to advise them on what needed to be done. One of JRC's principal recommendations was that platforms should be built on the Crewe independent lines, which are shown as the green line to the west of Crewe.

354. Those lines cross the West Coast Main Line at Crewe by means of a tunnel to the north of the station and which currently carries only freight traffic. That will enable passenger trains to cross from the west to the east at Crewe, stopping at those new

platforms without carrying out conflicting moves. This solution is an absolute necessity in order to allow the important interregional passenger service between Manchester, off to the top right, and Cardiff to the bottom left, to operate without undertaking any conflicting moves.

355. The promoter has adopted JRC's proposals and they will be implemented as part of the HS2 programme. The capacity and conflicting moves issues at Crewe will then be overcome, and this is critical to our own proposals at Aldersey's Rough.

356. Slide A20(38), on 20 May 2017, during the visit to North Staffordshire, the Secretary of State for Transport, Chris Grayling, publicly announced that Stoke-on-Trent will have a direct HS2 service to London and that a feasibility study could be undertaken into linking Newcastle-under-Lyme back into the West Coast Main Line.

357. To go on to A20(39), the outcome of that announcement is that we have a train service pattern on the western leg of HS2 that looks like this: on the left-hand side of the slide indicating trains running from London and Birmingham northward. On the right-hand side of the slide that shows the disparity between Crewe with seven HS2 trains per hour heading north, and Stafford and Stoke, which just have one shared train between them.

358. At the moment Stafford has an hourly express service from London to Liverpool and a less frequent express between London and Manchester. Stoke has a twice hourly express service between London and Manchester, but once HS2 arrives, Stafford and Stoke will have all three to four of those hourly express trains replaced by just one hourly HS2 train, and that only goes to Macclesfield, not to Liverpool or Manchester. HS2 leaves North Staffordshire with significantly less railway connectivity than it already has now. We need to take every opportunity to redress that balance.

359. If we look at a revised version of our schematic diagram, we can see how the network will look after the commissioning of HS2. The HS2 main line, the thick diagonal grey line in the centre of the picture, bypasses Staffordshire's towns and cities on its way to Crewe and the north. The dotted HS2 line is the route of the classic compatible HS2 service to Stafford, Stoke-on-Trent and Macclesfield running along Network Rail's classic lines.

360. Partway along the Phase 2A, HS2 crosses over the Network Rail route between Norton Bridge and Stone. It's at this point that the promoter proposes to locate the Stone railhead and IMB-R. Once HS2 is commissioned, capacity will be freed up on Network Rail's lines because most of the express trains on those lines will transfer to roughly equivalent HS2 services running along the HS2 route. That should enable passenger train operators to increase the frequency and stopping patterns of local and regional services on Network Rail lines and to open or reopen new and former stations and to introduce additional services.

361. Those new services were expected to include reinstatement of the Manchester to Stoke service into Stafford, running along the Norton Bridge to Stone line, allowing Wedgwood and Barlaston to regain their train services. Unfortunately, the only means by which Stoke-on-Trent and Stafford can gain their HS2 service to Macclesfield is for that service to run along the same line from Norton Bridge to Stone, increasing the frequency of passenger trains along that line from six per hour to eight per hour, which then reduces the capacity along the line.

362. The Stone to Norton Bridge line is unique as being the only railway in the entire country that will actually have its capacity reduced by HS2 instead of increased, because it will have more timetabled passenger trains running on it as a direct result of HS2 than it has now. That reduction in capacity caused by HS2's own trains means that Wedgwood and Barlaston will not regain their train services because the local service at Stafford cannot be reintroduced.

363. It also means that, as an unintended consequence of Mr Grayling's commitment to giving to Stoke-on-Trent an HS2 service, access for supply trains into the Stone IMB-R along the Norton Bridge to Stone line is severely restricted during the day because they will conflict with HS2's own trains. Supply trains to the IMB-R can only be run at night after HS2 passenger operations have ceased along the route.

364. Had Mr Grayling's intentions to run HS2 trains along the Norton Bridge to Stone line been known to the promoter at the time of it choosing to locate the IMB-R at Stone, then it is highly unlikely that the Stone site would even have figured in the promoter's options analysis.

365. However, I would like to draw the Committee's attention to the evidence of Mr

Smart on this point, when he misrepresented the Norton Bridge to Stone line as being a freight-only line to the House of Commons Select Committee on 25 April 2018. I will quote the relevant exchange recorded in Hansard document R58219, and at this point in Mr Smart's evidence, Select Committee member Mr Martin is questioning him about the Norton Bridge to Stone line.

366. In paragraphs 667, Mr Martin asks, 'Sorry, Chair, can I just ask Mr Smart to confirm the point for me? I understand what you are saying is that you are having seven trains a day using a line which is not currently used for passengers anyway in order to access the site'. Mr Smart replied, 'When it is used as the railhead for construction, sir, yes'. Mr Martin says, 'Yes, and so there would be no disruption to passengers on that line at all'. Mr Smart says, 'No'.

367. Now, this piece of false information had a material bearing on the Select Committee's decision in favour of Stone, as was reported in the first special report of session 2017 to 2019 dated 21 May 2018. In paragraph 63, page 18 of that report, it is clear the Select Committee had been misled by the evidence that was given by Mr Smart on this point, as can be seen by it stating, I quote, 'The HS2's chief engineer said that Stone had an easy connection to the freight-only railway adjacent to the site', and concludes in the last sentence of that paragraph, 'The Committee notes the advantage of the Stone route'.

368. The belief that this Norton Bridge to Stone line was a freight-only artery was clearly a factor in the select Committee's decision announced in this first special report. This error was corrected in a footnote within the second special report of session in 2017 to 2019 dated 18 July 2018, but by then it was far too late as the Select Committee had already made its decision. We can only speculate as to why the error wasn't brought to the attention of the Select Committee before the first special report was published and before it made its ruling.

369. We return to slide A20(41). Here we see the railway layout at the Stone IMB-R. The Norton Bridge to Stone railway is the magenta coloured line running top to bottom in the middle. Trains from Network Rail's Norton Bridge to Stone line access the sidings which are next to the two double yellow arrows pointing top to bottom. The sidings are the grey shaded area to the right-hand side of the magenta line. The Network

Rail's Norton Bridge to Stone line, they access the sidings at Yarnfield by means of a ladder crossing, which entails supply trains into the IMB-R switching from one line to the next line, to the next line, and to the next line, so performing a snaking action until reaching the desired track in the sidings.

370. This slide is from our appearance at the House of Commons Select Committee and was used to demonstrate the fact that the Stone IMB-R does not have the capacity to receive more than a maximum of three supply trains per night from Network Rail. We're not going to go into the convoluted technicalities of why the Stone IMB-R has a maximum capacity of only three trains per night, because the promoter did not challenge our evidence on that point at the House of Commons Select Committee.

371. Instead of challenging us, the promoter chose instead to maintain its position that, for the first few years, the line will be new and won't require more than one supply train per night. To back up this claim, Mr Smart in his evidence cited HS1 as an example, despite the fact that HS1 was only 15 years old at the time, almost brand new in railway terms, just out of the box.

372. Of course HS1 needs very little maintenance at only 15 years old. However, HS1 is also vastly different from HS2 in two critical respects. Firstly, HS1 does not have excessive mileage of two different track forms; slab track and ballast track, which HS2 Phases 2A and 2B do, and which the Stone IMB-R will be required to maintain, and each of which track form requires completely different maintenance regimes.

373. And secondly, in part, the design criteria for HS2 is 18 trains per hour travelling at 360 kilometres per hour. This corresponds to a loading factor of 60 million gross tonnes per annum on HS2 – 60 million gross tonnes per annum. By comparison, HS1 carries just 14 million gross tonnes per annum, less a quarter of the loading of HS2. These are not our calculations. They are the figures of Niall Fagan, head of track engineering for HS2, who presented that information to a conference organised by the Permanent Way Institution in 2016. So Mr Smart's equating of HS2's maintenance requirements to those of HS1 is way off the mark.

374. The fact is that no one knows the effects on a railway of the loading that HS2 is expected to bear, especially on a railway laid on ballast track, which requires significantly more maintenance than the slab track of most high speed lines because the

evidence of loading effects is empirical and no such heavily loaded lines yet exist.

375. All we can say for certain is, one, a line with the loading of over four times more than HS1 is going to need considerably more maintenance than HS1. Two, a line with two types of track formation needs more types and more instances of maintenance than a line with just one type of track. Three, as the line ages, it is inevitable that more maintenance will be required and the likely number of supply trains will need to increase.

376. Put all these three factors together; heavier loading, different track formations and increasing age, and it is easy to see why more than three supply trains per night will eventually be required. When that happens, the Stone IMB-R will not have the capacity to handle the supply trains needed. Even now, the sidings that the promoter intends to install at Yarnfield, those sidings that we have just spoken about, are not long enough and cannot be made long enough to handle the 800 metre long ballast supply trains that will be delivered to Stone, unless each ballast train is split into two parts.

377. So every ballast train into the Stone IMB-R will already use up two out of the three available nightly train paths. Three supply trains per night will certainly not be sufficient to maintain HS2 in the long term once the maintenance requirements increase and at some point, the Stone IMB-R will not be fit for purpose. Once that happens, the only options are to either build another IMB-R because the Stone site has no means of expanding, or to run supply trains into Stone during the day along the Norton Bridge to Stone line.

378. That second option reduces passenger train capacity even further along the Norton Bridge to Stone line, potentially putting the Stoke and Macclesfield HS2 service at risk, and further damaging rail connectivity within Staffordshire and beyond. Any permanent maintenance facility must be exactly that, permanent. It must be capable of servicing HS2 for the lifetime of the line, expected to be well over 100 years. Our proposed site at Aldersey's Rough meets that criterion. The Stone site does not.

379. We stand by our evidence at the House of Commons Select Committee and have since challenged the promoter further on the Stone IMB-R being unfit for purpose, as we can see from the next slide, A20(42). Excuse me a moment.

380. THE CHAIR: Can I just ask, Mr Parkin, we have only 10 minutes left before your time runs out, so where are we going to?

381. MR PARKIN: Just a couple of slides now, Mr Chairman.

382. THE CHAIR: Right, okay.

383. MR GOULD: As you can see in point 1.1, the purpose of the promoter's document is self-explanatory; the meeting of 16 January this year was held following our receipt of the promoter's response document. One of the questions asked was point 2.3.11, 'Has any assessment been made of how many trains will be required after 2050 or 100 years?' to which the promoter replied at 2.3.12, 'No, the number of trains required to support the detailed maintenance and renewals requirements of Phase 2A at 2050 or 100 years into its operation will be determined at those times'.

384. As Mr Mould said in his opening statement to these proceedings, this is the single most important operational element of the HS2 project except for the line itself. Those are Mr Mould's own words here today, so it's fanciful for the promoter to expect anyone to believe that the promoter has not established whether the Stone IMB-R will be fit for purpose or not in as little as 20 years from HS2's commission.

385. This is clearly nonsense, because if it were true, it would effectively be a dereliction of duty and may even constitute gross negligence and a misuse of public funds by the promoter. The promoter must know the answer to the question of whether its own IMB-R will be fit for purpose or not after just 20 years of operation. The only conclusion to be drawn from the promoter withholding the answer must therefore be that the promoter already knows that the Stone IMB-R will very quickly become unfit for purpose as we've said.

386. And to prove the point that the promoter already knows that Stone IMB-R does not have sufficient capacity and we will not be fit for the purpose of maintaining HS2 Phases 2A and the western leg 2B, the promoter announced in June 2019 that is now necessary to build on an additional IMB-R on Phase 2B at Ashley near Manchester Airport.

387. We should turn to slide A20(30), backwards. This information shows a new

IMB-R at Ashley near Manchester Airport at the top end of the western leg. This information was not in the public domain at the time of our appearance before the House of Commons Select Committee, so the Committee was unaware of the fact that the promoter would need to build an extra railhead and IMB-R. Therefore, the Select Committee was unable to take this evidence into account when considering our alternative at Aldersey's Rough, which does have the capacity to maintain the whole of HS2 Phase 2B and the western leg of Phase 2B.

388. Mr Mould has spoken of the importance of the Stone IMB-R to the entire project in his opening statement. We agree with Mr Mould that it is far too important an issue in relation to the future of the project to allow it to proceed without fully examining all the evidence, after which we hope that either the promoter will be minded to alter its plans in favour of Aldersey's Rough, or your Lordships will recognise our case in your report of these findings.

389. Without being allowed to consider Aldersey's Rough, I can't go any further with my evidence, I'm afraid, Lord Chairman.

390. THE CHAIR: Thank you very much, Mr Gould. Yes, Mr Parkin, any further points?

391. MR PARKIN: Well, no, we haven't got any further points to make unless we are able to respond to Mr Mould and his witnesses.

392. THE CHAIR: Yes, I'll certainly give you a chance to do that. Mr Mould, it's over to you, please, for your reply.

Response by Mr Mould

393. MR MOULD QC (DfT): Thank you very much. I'll deal firstly, if I may, with the three specific points raised this morning, and perhaps convenient to open up A20 page 56. I think the first point essentially was a request that the carriageway width for the realigned section of Yarnfield Lane that is authorised under the Bill should be provided at a width of 6.8 metres to accord with the standard that is set out on page A20(54).

394. Your Lordships will recall that when I introduced the petition of Cycling UK, I

drew attention to paragraph 13 of schedule 4 to this Bill which requires that, ‘In relation to the construction or realignment of a highway that comprises a carriageway, as is the case in relation to the realigned section of Yarnfield Lane, the realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker and such approval is not to be unreasonably withheld’.

395. In this case the highway authority is Staffordshire County Council. The short point is that the nominated undertaker, in order to secure the necessary powers and approvals for the detailed design and specification for the realigned Yarnfield Lane, will need to obtain the approval of Staffordshire County Council. It is certainly possible within the limits of deviation provided by this Bill, so within the Bill limits, it’s possible to provide a carriageway width along the realigned section of Yarnfield Lane which is at least 6.8 metres in width.

396. If you turn to page 56 in the petitioners’ exhibit, it’s A20(56), you will see the two cross-sections of the overbridge and the underbridge which you will remember from the Cycling UK petition, and you can see that by adjusting the verge widths in each case, it would be possible to achieve the required width of 6.8 metres. That could be achieved permanently, or if it were felt that it would be desirable once the Phase Three HS2 construction traffic had ceased to run, desirable to revert to a more rural character to that section of the road and to have more in the way of grass and less in the way of asphalt, it would be possible to carry out some works at that stage so as to reinstate a narrower carriageway width and a wider verge width. It would be a matter for the highway authority to consider, and HS2, as the nominated undertaker, would obviously need to engage with them in that respect.

397. Incorporating cycling facilities within the limits that are available was the focus of Cycling UK’s petition. And as you know, my response on that was that again, if it were felt that that should be prioritised so as to provide a greater relative area for cyclists, then that would be something that would be a matter for discussion with, and ultimately approval by the highway authority under the terms of paragraph 13 of Schedule 4.

398. Unless this Committee feels that it needs to say something so as to close off, to some degree, the flexibility that is available to the highway authority to decide these

matters in the exercise of its own local jurisdiction, and expertise and experience, then I would suggest that that is sufficient to comfort to the petitioners that their interests will be taken into account, along with the balance of other factors that would need to be considered in deciding what the appropriate detailed design solution should be.

399. This is perhaps a very good example, my Lord, of illustrating the difficulty that you mentioned to me earlier; there's a balance to be struck between the level of detail that's necessary in order to promote a hybrid Bill scheme and the level of detail that is best left over to be resolved, under the aegis of and within the framework of the powers that are conferred upon the appropriate local authority, by virtue of the relevant parts of the Bill.

400. Insofar as the more ambitious proposal to provide a Yarnfield and Stone greenway or cycleway on page A20(57), beyond the area of Yarnfield Lane for which powers exist for realignment under this Bill, I'm afraid that that is not something that can be achieved under the aegis of this railway Bill because the land that would be required for that purpose to the east of the HS2 line on Yarnfield lane simply isn't within the Bill limits. If that initiative is to be pursued, it's a matter which must be pursued, and perhaps much more appropriately pursued, at local level by the local community and by the local highway authority.

401. What the HS2 Bill does is to do two things to the east of the railway line on Yarnfield Lane. First of all, at the request of the highway authority, a change was made to the Bill as deposited so as to provide for junction improvement at the junction of the A34 and Yarnfield Lane which is known as The Fillybrooks. Essentially, powers have been taken under AP2 to signalise that junction for highway safety reasons, and that was something which the highway authority asked the promoter to do and the promoter agreed.

402. The other thing is that the Bill as deposited included powers to make some limited widening of Yarnfield Lane as it runs from the A34 towards the railway on a westerly alignment, in order to overcome some obvious pinch points due to the narrowness of the road. But those powers do not extend to enable a full widening of Yarnfield Lane so as to create the, the ambitious scheme that is shown on A20(57).

403. Turning to the question of the access to the maintenance depot facility which you

see on P38(35). If you can just find square D3 on that page, you will see the access to which the petitioners refer is the access that is shown coming off the realigned Yarnfield Lane and linking up to the southbound slip on the M6. Do you have that location?

404. THE CHAIR: Did you say 35?

405. MR MOULD QC (DfT): 35, yes page 35 of our exhibits. If you could find square D3 on that page.

406. LORD HORAM: And the boundary with 4, it goes over the boundary with 4, doesn't it?

407. MR MOULD QC (DfT): Yes, that's right. That is the access. Essentially it lies between the HS2 railway line and to the east of the M6 motorway itself.

408. LORD HORAM: Yes.

409. MR MOULD QC (DfT): Now, again, the solution to that lies within the powers of the Bill. Another paragraph of schedule 4, paragraph 1 of schedule 4 which deals with highway access and the effect of paragraph 1 is this: 'Where the nominated undertaker is empowered to form and layout and mean a means of access at any place within Bill limits', which is what we are concerned with here, 'They must deposit the plans with the local highway authority', and you'll see from sub paragraph 4 that among the limited grounds on which the highway authority may object to the proposed means of access is that the access should be provided in another place within the Act limits to prevent or reduce b) prejudicial effects on road safety or on the free flow of traffic in the local area and are reasonably capable of being carried out there.

410. So again, once enacted, the local highway authority, Staffordshire County Council, will have within its power the opportunity to scrutinise the proposed arrangements on the plan I have shown you and if their judgment is that those arrangements are, as Mr Parkin has asserted, sufficiently unsafe that consideration should be given to providing the access in another place within Bill limits as he proposed, then that is something that the highway authority is able to bring forward and to require under paragraph 1.

411. In fact, the position is, as things stand, that the highway authority have not

expressed significant concerns about the safety of that proposal. You see that from one of the many letters in the exchanges between the petitioner and the promoter that has covered this point. It's at P38(202). It's the letter of 14 August of this year, so quite a recent letter. If you can turn to page 203, you'll see there's a sub-heading at the bottom of the page, 'Traffic speeds and junction visibility', and reference is made to the powers that I mentioned at the bottom of page 203; they're not identified by name, but you can see that that's what the writer has in mind. And then reference is made, indeed, to schedule 4 at the top of the next page.

412. Can I just draw your attention to the second and third paragraph on page 204?

413. LORD LIDDLE: Could you repeat where we are?

414. MR MOULD QC (DfT): P38, page 204. And just to be fair, this is a letter from HS2 to the petitioners, dated 14 August.

415. LORD LIDDLE: Yes, got you.

416. MR MOULD QC (DfT): I'll just draw your attention if I may to the second and third paragraphs on page 204. We have regular discussions with Staffordshire County Council on highway matters. Neither the technical feasibility of providing safe highway access at this location, nor questions about the accuracy of traffic surveys have been raised in concerns by Staffordshire County Council. We're confident that we be able to deliver a safe, permanent Stone IMB-R access on to the realigned Yarnfield Lane. The parish council –

Brief technical interruption

417. MR MOULD QC (DfT): I was asked to what I was referring; I said I was referring to the letter of 14 August 2020 which begins at page 202 of P38. And I drew attention in particular to the second and third paragraphs on page 204. I read out the second of them which relates to discussions with Staffordshire County Council, and I was just reading the third, which was an expression of confidence by HS2 that they would be able to deliver a safe, permanent access to the maintenance base on to the realigned Yarnfield Lane.

418. If the parish council has concerns about this, or any other highway issue, may I

suggest that you approach the county council directly? That way, the local highway authority will be able to provide independent advice and can ensure that any issues that need further consideration are addressed in advance of them granting consent.

419. I should say you have had it asserted repeatedly during the course today that essentially, HS2 is completely incompetent in engineering and design terms. Of course, I do not accept that, but this is a good example of the point where, even if there were some doubt, as there shouldn't be, about that point, the powers of this Bill, once enacted, will provide a direct regulatory control over the activities of HS2.

420. HS2 do not have a free hand to promote an unfeasible engineering design, or to promote highway accesses that are unsafe and dangerous to the travelling public. They are subject to the regulation of the local highway authority under paragraph 1 of schedule 4 to the Bill. It is unfortunate that perhaps that point wasn't acknowledged by the petitioner when they presented their petition, but there it is.

421. The third and final point related to the junction of the A34 and the A51 just to the south of Stone. Do you remember the aerial photograph and the photograph you were shown at pages 64 and 65 of the petitioner's exhibits A20? This is familiar territory to the Committee because this junction was the subject of the petition of Cycling UK, and essentially Mr Parkin repeated the same points that were made by Mr Geffen in his presentation on 28 July.

422. You will recall that my response in relation to that was that there was a proposal within the draft scheme to provide a crossing point just to the east of the approach to the roundabout. That roundabout is itself a carriageway realignment scheme authorised under the Bill. That also will require to be submitted to the Staffordshire County Council for approval of plans and specifications under paragraph 13 of schedule 4 to the Bill, and if Staffordshire take the view that something more is required to meet the needs of cyclists, then that that is something that they will be able to pursue in the exercise of those regulatory powers.

423. Again, my understanding is that they don't consider that it would be appropriate to do more because, like it or not, they would prefer cyclists to use the national cycleway to the east, which is shown on page A20(66), rather than being encouraged to use what is a fast moving and dangerous junction at the point that we are discussing.

424. THE CHAIR: Yes, I remember that.

425. MR MOULD QC (DfT): You may feel that perhaps they are being a little overcautious in that respect. That is a matter of, if you feel that, no doubt you will say so, but ultimately it is a matter for them, largely for them to judge under the terms of the power.

426. Now, my Lord, I have covered the points there. I'm in your hands really. An awful lot of things were said about the engineering of the Stone railhead and the construction works. They have been the subject of very considerable information provided in the body of the correspondence. Mr Smart is on hand and I can ask him to deal with one or two points if you would find it helpful, but I am conscious of the fact that you have that information. I could identify for your note perhaps the more helpful reporting and so forth, if that would be a more convenient way of dealing with it.

427. THE CHAIR: I am looking around the Committee to see if any of them would like to have that information.

428. LORD HORAM: I would, yes.

429. THE CHAIR: Lord Horam would like it.

430. MR MOULD QC (DfT): In that case, what I will do, if I may, is I will call Mr Smart.

431. THE CHAIR: Sorry, Lord Brabazon?

432. LORD BRABAZON OF TARA: Are you going to call Mr Smart? Yes. Okay.

433. MR MOULD QC (DfT): Yes. I will call Mr Smart briefly, if I may, just to help you on that, then, and we'll try and deal with this very quickly indeed. I know you are keen to not go beyond perhaps another 10 minutes or so.

Evidence of Mr Smart

434. MR MOULD QC (DfT): Mr Smart, you're there, are you?

435. MR SMART: I am indeed.

436. MR MOULD QC (DfT): Could I ask you first of all please to turn to P38(56)? Mr Smart, just to identify this, this is a report that was produced for the benefit of the petitioners dealing with ground conditions and the analysis of estimated earthwork volumes in the AP2 design for the Stone railhead and maintenance space, yes?

437. MR SMART: That's correct.

438. MR MOULD QC (DfT): And it was produced and provided to the petitioners at the end of last year, in December of last year.

439. MR SMART: Indeed.

440. MR MOULD QC (DfT): Can we turn firstly please to page 63? Mr Smart, the petitioner asserted that Mercier mudstone had certain characteristics that rendered it less than suitable in its natural state to accommodate railway embankments and so forth. Was that something that was known to HS2 when it wrote this report?

441. MR SMART: Well, it is actually suitable for use in railway embankments. It depends where you use it. It can be used in a zone embankment. So, for example, we can use it in the bottom of earthworks that support the high speed railway. Of course, the Committee will probably note when we come into Stone IMB-R, infrastructure maintenance base rail, we are at a lower speed, 32 kilometres an hour, not at high speed. Therefore, the embankments do not need the level of granular fill, which is usually confined to the top level.

442. This is to do with ground dynamics and resisting ground dynamic effects and causing displacement, aka the Rayleigh wave. Certainly, the cohesive material we can use in a lot of places, and indeed the M6 embankments adjacent to this site were built on Mercia mudstone.

443. MR MOULD QC (DfT): Thank you. At 3.2.7 on this page, we see an explanation of the characteristics of Mercia mudstone. Are you content that that is an accurate description of its qualities?

444. MR SMART: Yes, I am.

445. MR MOULD QC (DfT): Thank you. Can we turn on to page 67 please? And

again I want to take this quite quickly. There's a section headed, 'Assumptions in the AP2 earthworks design for the Stone IMB-R'. What is the purpose of this section, which runs on to page 73? What was this part of the report analysing?

446. MR SMART: This was trying to explain to the petitioners the assumptions that we made in our earthworks at the time for the design of Stone IMB-R so they understood how we derived our earthworks.

447. MR MOULD QC (DfT): And at page 72 and 73, we see a series of sections, 4.3, 4.4 and 4.5, which address the main engineering components of the Stone site. Is that correct?

448. MR SMART: That's correct.

449. MR MOULD QC (DfT): And we see the earthworks volumes, requirements broken down into a series of numbers across those two pages.

450. MR SMART: That's correct.

451. MR MOULD QC (DfT): Yes. If we turn then please to page 165, we are on the fourth page of a letter written to the petitioners on 17 April of this year. That letter begins at 162, but I think you wanted to draw the Committee's attention to what is said on pages 164, 165, and in particular a table on the top of page 165 which has a series of numbers and then a total, 865,000 cubic metres. What's the significance of that table, Mr Smart?

452. MR SMART: Well, I think the significance of this table is that the petitioners have actually overestimated the amount of bulk embankment material we actually need to bring in through the gate and import. Because you can see there that that figure 348,000, which I think the petitioners have used their analysis, is actually not import because there needs to be a reduction for the amount of granular material that we are bringing in from the Swynnerton, which is set out on the pages 72 and 73 that we just referred to, which is some 13,000 from Stone head-shunt, 32,000 from Yarnfield south embankment and 175,000 from Yarnfield north embankment. So that figure that's shown on there reduces in terms of importation to 128,000 metres cubed.

453. MR MOULD QC (DfT): Are the numbers shown on this page, are they the basis

upon which the predicted volumes of HGV vehicular traffic – sorry, the predicted numbers of HGV lorries going through the transfer node at the Stone construction site, is that the basis for that assessment?

454. MR SMART: Yes.

455. MR MOULD QC (DfT): Thank you. So that number, or the numbers we see on this page, they have been translated into vehicle numbers effectively; is that the point?

456. MR SMART: Yes.

457. MR MOULD QC (DfT): Thank you. Can we then just turn to the petitioner's exhibit 26, A20(26) because I think you wanted just to comment on the importation numbers set out on that table.

458. MR SMART: So the importation numbers that the petitioner has calculated here by abstraction from our figures is not actually right. I have just highlighted one of the issues in reference to exhibit 165. There's also some matters of detail in the overall numbers there which don't accord with our figures, but most importantly, you can see the heading, 'Remaining HS2 shortfall'. Well, certainly the Yarnfield Lane M6, some of that is actually building M6 slips, so that is in terms of coming in through the gate in the way that the petitioners have shown.

459. And also the other totals are already included in bulk figures. So that's actually a double count. So I think the point I'm saying is that overall we are about 900,000 cubic metres as we stood by on page 165, and the petitioner's figures of way above that are not right. And I should just say in reference to that, that that table, it shows two metres of granular fill brought in to the base, although we show that on some of our idealised cross-sections, that is not necessary for us to do that. We would only do that in certain areas, so that is not a two metre input across the whole of our embankments, and certainly not in the IMB-R, which is the infrastructure maintenance base rail.

460. MR MOULD QC (DfT): I think that's the point you are making by reference to the cross-section at A20(24), isn't it?

461. MR SMART: That's correct, yes.

462. MR MOULD QC (DfT): It's essentially where soft ground is predicted or encountered; is that the point?

463. MR SMART: It is and we would use a different methodology for our haul roads which would be some granular materials and sort of gravel, and a lot less than that, and it's already accounted for in our bulk earthworks figures as a separate line item.

464. MR MOULD QC (DfT): Now, Mr Parkin drew attention at A20(22) to some borehole results which he said suggested that at least some of the ground that had been investigated would require a considerable treatment in order to render it suitable to accommodate the HS2 works. Have we completed the ground investigation work at Stone in order to be able to develop the detailed design?

465. MR SMART: No, we haven't. In fact the slide that the petitioner referred to was around Pool House Farm, which we know was an old landfill site for about two years and we know there was bad ground there. The reason there's only five bore holes shown there is getting land access requirements, because we can't at the moment get in to get the access, but we have a lot more site investigation planned.

466. We know that there is bad ground on this site. We know that's around Pool House Farm; we also know the issues of the glaciation around Filly Brook. And I will just make the point that I think the petitioner seems to believe that ground treatment means dig out and replaced with granular. It does not. We would be looking to treat as much of this in situ, either by soil mixing or other ground methods, permeation grouting etc. So because there is bad ground, it does not mean that we have to actually export. So basically our export figure is really designed for only that contaminated ground, which is very limited, that we can't treat.

467. MR MOULD QC (DfT): Just for the note, at P38(185) there's a report produced for the petitioner's benefit in July 2020 which is a note to accompany the ground investigation results that have been secured thus far. And we see at 191 two sections which explain the further GI work that is required for the reasons that you have given, I think.

468. MR SMART: That's right. I mean, we start off with a desk study and as we go through investigations we have a risk register. We identify the risks we've got, we do

more investigation and we therefore approve the detail of the design as we move through the life cycle of the project, as one would expect.

469. MR MOULD QC (DfT): Now, can we then please just turn to A20(14). I think we have got two or three more short points just to deal with; A20(14). This is the illustrative layout of the transfer node, do you remember, which is going to have a fairly frequent throughput of lorries bringing in material, taking material out? Mr Parkin said that this was a carousel of chaos, Mr Smart. Is it going to work?

470. MR SMART: Yes, it will work. I mean, clearly, as I think my Lords are aware, we have done our best to maximise the amount of material we can handle off the roads and on the haul roads. So, yes, clearly, this is a very intensive level of activity in this node, but we've laid it out in a way that ADTs, articulated dump trucks, will come from the trace at one end and we will have the sort of eight-wheeler wagons coming in off the M6 slips.

471. We have room to hold lorries within that transfer node, and also, I don't know from what the petitioner has said about the issues with our haul road being able to cope; automatic dump trucks, 40 tonne capacity, do not operate on the haul road. They operate on the trace. The haul road is really for those vehicles that can't operate on the trace, which need to get access along the trace for bringing in supplies, for bringing in those things which we can't put on to some of the bigger plant, yellow plant that goes along the trace, operatives on change of shifts and the like.

472. So we do not have capacity there. I am not saying it's an easy site. It's certainly an intensive site but we firmly believe we can make it work. We have engaged with one of the leading, if not the leading, earthwork hauliers who are frequently doing these sites on major infrastructure projects and working with them, we are confident we can make this work. And as I say, if we have to hold lorries in that node for longer, that's something we can manage.

473. MR MOULD QC (DfT): My Lord, can I just ask you to note P38(13) which briefly summarises the reason why the traffic numbers through the gate at this site have increased significantly since deposit of the Bill with the publication of AP2. The point made, in a nutshell, is that HS2 has taken a deliberate decision to try to reduce further the amount of lorry traffic on local roads and increase the amount of lorry traffic that

comes straight in off the motorway through the slips and into this main construction site. So I am afraid the imputation of a sinister motive is, I am afraid, wide of the mark there.

474. Mr Smart, you were – I think you just wanted to make the point at P38(24) about the separation of HGV traffic from the Yarnfield Lane as a public highway during the most intensive phase of importation of material.

475. MR SMART: Yes. Since we looked at this in the other place, we have been working very hard to see how we can improve the situation on Yarnfield Lane for obviously the parish and the local residents. So what you see on P38(24) is that we will hold open the existing bridge and use that as our haul road. And those are the sort of numbers you can see in yellow on that exhibit.

476. So we will be on the existing bridge in the haul road, and the general public and, if you like, the people that are on the roads, will be on the realigned Yarnfield Lane M6 overbridge. So we actually segregate the sort of construction traffic from public traffic.

477. Now, clearly, because it is an intensive site and there's a lot going on, there is a time when we can't actually segregate the construction traffic from the public traffic and that is shown in blue and that's essentially the phase 3, when we will have to have some period of dual running on the public highway with both our construction traffic and, as I say, the public vehicles.

478. MR MOULD QC (DfT): Nine months, I believe, is that right?

479. MR SMART: Yes, nine months. But by that time, of course, we'll have in the new bridge, which is 11 metres wide and does have the verges at either side. So at that point, when we are doing dual running, we have got a much wider bridge able to better accommodate the fact that we've got mixed traffic over that bridge.

480. MR MOULD QC (DfT): That brings us back to the point that if 6.8 metres width of carriageway is needed, then the county council can require that, at least on a temporary basis.

481. MR SMART: They can. Clearly, this overbridge is going to fall under the maintenance of the highway authority, so they've got jurisdiction over what they want there. Should they say, actually they want that carriageway to be increased from 6 to

6.8, which I hasten to say they have not expressed that – we’ve discussed this with them – they have not expressed that they need that at the moment, but should they do so, we have the room within the site to be able to accommodate that.

482. MR MOULD QC (DfT): Final question, I’m sorry but we just need to cover this very quickly. Mr Gould’s evidence, operation of the passenger services on the Norton Bridge to Stone railway line, HS2 maintenance traffic.

483. MR SMART: Yes.

484. MR MOULD QC (DfT): Is there enough room for both of those to operate without putting pressure on the passenger services?

485. MR SMART: Yes, Mr Gould misunderstood my evidence. When I refer to a freight railway, I said that we would be bringing in trains at night when it is operating as a freight railway, because of course it has three trains up and down; it has six. But the point is this: the point he made about ballast versus slab and the evidence, or the conference with Mr Fagan, who in fact worked for me, is he’s right. Ballast at the challenges we’ve got is a challenge, which is why we are not using ballasted track form. We are on slab track.

486. Therefore, we do not need to bring the ballasted trains into Stone. We would use it for our railhead for fit out, for rail systems, when we’re bringing in long welded rail and maybe other componentry, to minimise traffic on the roads, but after that, we would use it maybe as a convenience to bring in long items such as long switches and crossings, which on a high-speed railway are quite long, but of course we do have the retained slip on the northbound section of the M6, so even if we couldn’t service those long items via a now constrained Norton to Stone Bridge railway, we could use the motorway.

487. MR MOULD QC (DfT): Thank you. My Lord, can I just ask you finally to note the following references on this in relation to railway operational issues? P38, page 48, which is a page of the promoter’s letter of 16 October 2019, which deals with potential impacts on passenger services – that’s P38(48); P38(93) to (98), which is a technical note produced in February of this year at the request of the petitioners dealing with questions arising in relation to the impacts on passenger services on the railway line;

and P38(212) to (213), the letter of 1 September of this year from the promoter, which reiterates the position in relation to that issue. Unless I can help you with anything further, that is our response to this petition.

488. THE CHAIR: Thank you. Do any members of the Committee have any questions to put or further points they would like to be led? Well, Mr Parkin, we've run over time because of extra points to Mr Mould. I think it's fair to give you 15 minutes to sum up because I have to finish at 3.15 p.m.

Closing submissions by Mr Parkin

489. MR PARKIN: Fine. That's perfectly fine. Thank you very much indeed. So I'm going to take the points that Mr Mould made about the three mitigation elements first because that's the order in which he addressed them.

490. If I can start with the carriageway width of 6.8 metres, I thought we were clear in our evidence that we were saying that was the position we had when we gave evidence on this subject at the House of Commons. That has now been updated by the situation with Cycling UK and I've said that we support the position of Cycling UK and the provision of a six-metre-wide carriageway as long as it comes with the pedestrian route and the cycleway alongside. So it's not correct to keep referring back to the 6.8 metres. In fact, we'd be more than happy to accept the situation of six metres with that caveat.

491. I'd also refer to the March 2020 documents which were produced by HS2. The problem with having their offer of having a six-metre-wide carriageway on the bridge and the underbridge is that that's just a tiny – a couple of isolated points along the realigned lane. There's no point having a wide section under a bridge or over a bridge if the rest of it is too narrow and unsafe. So the points we've made is that the whole – and that's a slide that was produced by Cycling UK – of the realigned lane needs to be a six-meter-wide carriageway and the verges need to be offset and the path needs to be offset on the northern side. That can be readily put in place within the Bill limits.

492. I'm afraid what we've heard from HS2 is what we heard yesterday from HS2 and we heard repeatedly from HS2 is, 'This will all be sorted out once Royal Assent has been achieved with the schedule 17 situation and with the local highways authority'. The local highways authority in Staffordshire – and you all heard it yesterday at

Shropshire – have a total lack of resources. They do not have the bodies on the ground and so much of the things that HS2 has put in front of them, they're just overwhelmed by the level of information and the level of detail that they have to address. It's also the situation where they have signed non-disclosure agreements with HS2 and so they won't discuss any of these issues, even with some of their councillors, including the councillor who represents us.

493. There was also the situation back in 2018 just a few days before Staffordshire County Council was due to give evidence on the subject of transport, when it came to an arrangement with HS2 for funding of £10 million on the Friday before it was due to give evidence on the Tuesday. The only thing that Mr Mould said on this subject which I take any comfort from – but it was interesting that he made this point as if it was a positive for HS2 – the Hillingdon decision has been a bit of a game changer because instead of the local authorities feeling powerless at the hands of HS2 to actually stand up to any of the requirements, or insist on having proper provision put in place and proper applications, the Hillingdon decision has changed all of that – or we hope it's changed all of that. We are putting representations to Staffordshire County Council on the basis that it actually has more powers under what happened at Hillingdon than it thought it had.

494. Now if HS2 wants to do a proper job, why can't it do a proper job now? Why does it have to wait to be forced to do so by the highway authority? And the only conclusion that we can come to and it's the conclusion that came to by Woore is that it hoped that it won't be asked to do a proper job in respect of these matters, and that includes the provision of a proper cycleway on Yarnfield Lane. The same applies to the access on to Yarnfield Lane for the permanent IMB-R. That road is a 60 mile an hour road. Those surveys that it's carried out, the only one that is relevant, suggests that the design speed should be 60 mile an hour.

495. Those surveys are not fit for purpose. They're not done in accordance with proper standards. The fact that the county council hasn't spotted this is no defence and it should not be used as a defence. If HS2 wants to do a proper job – and you can see the level of disruption that we're getting at Yarnfield – it needs to actually put forward proper plans. The problem is it did a poor job back in 2017. It's tried to retrofit a very poor argument against a poor location for an access, and there's absolutely no reason

why it couldn't put an access in an appropriate location which is safe for future use. And as we've just discussed about cycleways, that route is our only means of getting, or our only substantive means of getting to Stone. All of the other routes are cut off by HS2 as well during the construction period, which is at least four and a half years and based on the evidence that we've put before you today likely to be a lot longer.

496. I come to the A34 and the A51 and exactly the same situation. Cyclists have a right to ride on the road. A cyclist who works at the business park is not going to cycle all the way up the A51 so that they can join on to the National Cycle Network route and it might not even go to the place he wants it to go to. That's not relevant. It's never been relevant. We support Cycling UK and we ask to be involved in the discussions with the highway authority on this issue because, as my colleague said, they will create a killing zone just to reduce the congestion which they themselves are creating.

497. I noticed at that point that Mr Mould mentioned the words 'incompetent,' that we might think that HS2 is incompetent. Well I'm reminded about the famous TV programme called *House of Cards* where the Prime Minister on that programme, Francis Urquhart said, 'You might be able to say that but I couldn't possibly comment'. If the hat fits, then so be it. But we are asking HS2 to do a professional job and that's what we expect. And given the upheaval that people of our community are going to face, that's the minimum that we should get.

498. I now would like to turn back to the situation that we had when Mr Byng was giving evidence and Mr Mould made three points to Mr Byng, and I addressed the second of those points and I would like to return to the third point. So if I can quickly call up Mr Byng, is that acceptable?

499. THE CHAIR: Yes.

Evidence of Mr Byng

500. MR PARKIN: You were asked by Mr Mould about your work for the Oakervee review where he referred to paragraph 713 of the Oakervee report. Can you provide a response to Mr Mould's reference to that paragraph for me?

501. MR BYNG: Well, I was disappointed in Mr Mould's comment because working

with DfT and KPMG I reconciled the HS2 estimates for the RMM suite, which were then used by the Oakervee panel. The DfT and KPMG reached between them a figure of £103 billion for the entire project. The reconciliation came about because HS2 admitted at 4 October 2019 they did not have a structured estimate and RMM format, so I did my best to help. That it was reported as £88 billion is between the DfT and the Oakervee panel. But basically we came up with a figure of £103 billion, so I did my best.

502. The other thing is about errors in estimates for engineering cost. During the reconciliation we found a significant error in HS2's estimates. There appeared to be no allowance for either operational telecom systems fixed telephone network, which is essential for signalling, and no allowance had been made by HS2 Ltd for the cost of generating electricity for train power, although this was alleged to be provided free of cost by another Department of Government.

503. Now two other points came up which are not engineering. They failed to include the emerging costs of developing London Euston and also the corrected property cost estimate which has made so much trouble in the press.

504. So I did my best to help HS2, help DfT, and with KPMG reached it, and that's what I did. Hence, I was thanked for my efforts by DfT, for which I'm very grateful, in the email dated 24 October.

505. Could I just address one other points about the sift evidence in 2018? Firstly, the 2018 evidence provided to you in the Commons has been superseded by the Chairman's stocktake report in 2019 and also by the outcome of the Oakervee review. But more importantly, Ms Marian Boater and Mr Smart, in giving evidence in another place about a petition from Staffordshire County Council, admitted they had a cost model from which they could not isolate individual costs. So for that reason there was no way that I could possibly challenge the sift report so I produced my own determination costs, which were in my report, from the first principles using the common cost language used in the railway industry of the rail method of measurement. So I do take some exception to Mr Mould's comments although I can understand why he put them to me.

506. MR PARKIN: Okay, thank you, Michael. If I can – because I know we only have five minutes left – if I can pick up on some of Mr Smart's evidence that he's just given,

when we gave evidence on 25 April 2018 to the House of Commons Select Committee we were not given the opportunity to cross-examine Mr Smart and had we done so we would have been able to ask him questions about his evidence, which is recorded in Hansard. My colleague Mr Gould has mentioned several points of false evidence or misleading evidence which was given by Mr Smart and I have to say I am dismayed to listen to what he's just said about a number of issues under examination from Mr Mould. I could spend a long time going through that and we don't have that amount of time, so if it's acceptable to you, your Lordships and Lord Chairman, I would like to read the Hansard transcript and listen to what was said and I'd like to provide a response because I think he's made several statements which simply cannot be supported by evidence. I'll give you an example of –

507. THE CHAIR: Well, before you do that, what kind of response are you suggesting?

508. MR PARKIN: A short, written response –

509. THE CHAIR: I see.

510. MR PARKIN: – on the points – because we haven't got time today clearly. But for instance, he's just said to you that the Mercia mudstone can be used in rail embankment. Well, if you look at any of the HS2's slides and a lot of the text in the report that was quoted from 17 December and subsequent information, they've made it absolutely crystal clear that they've no intention of using cohesive material in their railway embankments. Where they're using the cohesive material is to build the IMB-R embankment, which requires nearly 1.3 million cubic metres of the stuff, most of which is dug out where that trial pit picture was taken on the north side of Yarnfield Lane.

511. That is very close to the surface. It's highly weathered. And the idea that is going to be suitable to build that rail embankment, well, let's see what the geotechnical engineers say? So Mr Smart has record of making off-the-cuff comments which are not supported by the evidence and I've listed probably a half a dozen different points here where he's made comments which we want to challenge and because we weren't given the opportunity in 2018, I might share some of those comments we had then.

512. THE CHAIR: I think I should make it clear, we are not equipped to resolve technical issues of this kind; we simply don't have the resources, or the means, or the

time to resolve disputes of that kind. If you want to write a letter drawing attention to issues you may do so but I think you should be aware, all we can do is simply receive the letter and not do any more about it.

513. MR PARKIN: Okay, well, that's fair enough and I will do so. I want to pick up one more point which is about again the maintenance of HS2 Phase 2A and Phase 2B. The position back in 2018 was absolutely crystal clear and we gave evidence and in fact HS2 conceded the points on the subject. If I can go back to slide A20(30) to make the point, it was always the position –

514. THE CHAIR: One minute to go. It's got to be quick.

515. MR PARKIN: Yes, fine. It was always the position back at that time that the Stone Railhead IMB-R would maintain not only Phase 2A but the whole of Phase 2B. That was what Mr Gould was referring to. Phase 2B is going to be built from ballast track. That's from Crewe to Manchester – ballast track. The maintenance, the IMB-R is to maintain that. That's why we talked about the ballast trains and for Mr Smart to say what he just did is again a misleading statement on that crucial issue.

516. THE CHAIR: Well, we'll have to finish it there, I'm afraid because we've reached 3 o'clock and at 3.30 p.m. we've got another petition to deal with. So, Mr Mould, any point?

517. MR MOULD QC (DfT): I hope you will allow me to say that it is regrettable that Mr Smart's evidence is being characterised in the way that it is. I don't want to take it any further.

518. THE CHAIR: No, I think we just have to accept that that's material on the table. We are not going to resolve that kind of dispute.

519. MR MOULD QC (DfT): No, no.

520. THE CHAIR: It's not possible to do that. It's regrettable that both sides are so much at loggerheads on issues of that kind. It's a pity but there we are. Well, we'll close the proceedings now and we'll resume at 3.45 p.m. to give time for the broadcasters – oh, I'm sorry, I'm told we can manage it by 3.30 p.m. So we will resume at 3.30 p.m. to hear the next petition. Thank you all very much.

521. MR PARKIN: Can I just say thank you for giving us the opportunity to speak. Thank you very much.

522. THE CHAIR: Yes, you too.

Sitting suspended

On resuming –

523. THE CHAIR: Good afternoon. For the benefit of anyone who was not present at this morning's session it may be helpful if I were to say a few words. We're meeting today in hybrid fashion. That means that some of us are present in a Committee room in the House of Lords observing social distancing while others are dialling in. Besides myself in the Committee room, we have Lord Brabazon, Lord Horam and Lord Liddle. Tim Mould QC and Jacqueline Lean, counsel for HS2 are present as well, while our remote participants are on the Zoom call and we can see all each other. Now you may need to switch to the gallery view if you want to do that.

524. Remote participants will be muted at the start of the meeting. They can control their own muting but please remember to unmute before you speak. You may receive a prompt on the screen if you need to do that. Participants should have the exhibit bundles open and available. For this session, these are bundles A21, R56, R87 and P39. We will navigate the documents using the numbers at the bottom left corner of each page. We shall now begin with petition 22 in the name of Newcastle Road Residents. Mr Mould?

Newcastle Road Residents

525. MR MOULD QC (DfT): My Lord, thank you. I think all I need to do is draw your attention to P39(3). The petitioners are residents of properties on the east side of the A519 Newcastle Road just to the southwest of Newcastle-under-Lyme. The Bill before the House gives powers to carry out improvements to the roundabout junction that you see within the pink-shaded area on the sheet in front of you. Those are works that were introduced into the Bill at AP2 in order to provide relief for HS2 construction traffic that will pass through junction 15 of the M6, which is the junction which you see within box C3 on the plan in front of you.

526. The residents have raised certain concerns about the traffic impacts of those works on them as local residents and in particular frontages of the A519 Newcastle Road and I believe that the petitioner will outline to you what those concerns are in the course of her presentation.

527. THE CHAIR: There you are. Well it's over to you, Ms Morris-Goostrey, to present your application please, your petition, I should say.

Submissions by Ms Morris-Goostrey

528. MS MORRIS-GOOSTREY: Okay. Thank you. Good afternoon and welcome from Staffordshire. My name's Brenda Morris-Goostrey. Please refer to me as Brenda because it is a bit of a mouthful so I am quite happy to be called Brenda during the course of the proceedings. Thank you for allowing us the opportunity to voice our petition. I must make you aware that I'm not qualified with regards to highways and traffic situations. I have been assigned the honour of being nominated to speak on behalf of the owners and occupiers of the 16 dwellings that are affected to put across our views and feelings regarding the proposed road widening and unsafe roundabout proposals outside and adjacent to our homes. Therefore, if we could start by showing slide A21(1)?

529. So on this, we live in the middle of the row of properties, under the big blue circle. Directly opposite us is the Eddie Stobart yard, which is a big haulage firm. There are currently four dwellings that have children with their respective families. Other properties have disabled and elderly residents. A few of them have lived here in excess of 30 years. Increasingly, it's a very dangerous place for us all to navigate to leave our homes and to get across the roads leading up to the local amenities and to access the major roads to go further afield.

530. Unfortunately today our expert witness is not available. He would have been Mr Gordon Wilkinson, who was previously head of urban transport projects at Staffordshire County Council and is a qualified transportation planning and design engineer. I can however refer to documents and his expertise following various meetings during the petitioning times. Any technical references I make have been verified by him. His local expertise has been invaluable to us all, for which we all thank him.

531. THE CHAIR: Sorry, can I just interrupt you before we leave this particular slide? Can you tell us where the residents go for facilities such as shopping and so on? At the moment we can see the motorway and the access to and from it but presumably you have local shops to which you go without access to the motorway.

532. MS MORRIS-GOOSTREY: Okay, so as you walk north on the picture, it goes toward the roundabout, which is known as the Hanchurch interchange – and I will refer to it a few times as the Hanchurch interchange – and you go straight on above that road. So you would have to go right from our properties, across the traffic and up to across the roundabout and then up. The local shops are approximately just shy two miles away from here.

533. THE CHAIR: Thank you very much.

534. MS MORRIS-GOOSTREY: Okay. So if that gives some sort of idea. If I could refer to slide P39(5), which shows the context and background. I was going to provide our own slide but as the promoters showed it, it seemed daft duplicating it. So that was the reason for using that. Our concern is regarding the proposed widening of the A519 outside our homes, which we feel will be of little benefit to the current or future traffic situation, other than additional vehicles queueing in four lanes outside waiting for traffic lights to change one way and the roundabout to clear of traffic the other. We are currently suffering considerable community severance from local amenities and the HS2 proposals will only exacerbate the situation making us all virtual prisoners in our own homes, no access to doctors, shops etc and isolating us further from all the local amenities.

535. Following my visits to the Commons Select Committee in April and May 2019, and subsequent meetings in local village hall with the residents, our parish councillors, the promoters and finally in my own home with the promoters. The neighbours were not invited to that particular meeting. However, during this meeting we discussed at great length the severity of the impacts this road widening and modifications to the adjoining roundabout to facilitate capacity and how it would affect our everyday lives, including discussions regarding the crossing proposals. At the end of the meeting, some of the promoters were invited to walk down to the junction roundabout and discuss the dangerous nature of what is proposed as a slip lane on to the A519 and it was mutually

agreed it is a very busy and dangerous junction. When they were asked, 'What's the alternative?', the response was, 'We do nothing and the road stays as it currently is'.

536. So as you can see on the slides, you can see the bubbles around the areas that are going to be affected and as the roundabout, as I showed it from the air view before, at the bottom leg of it, that's where our properties are, and then we've got the junction going up the Queensway, which is known as the A500. To the left is the access and exit from junction 15 of the M6 and straight on is to Clayton Road. There is a little area there where it is going to be the compound, next to the hotel, where the HS2 people will be working from each day. Okay. If I could move on now and show slides A21(6) and A21(7)?

537. These are showing the extent of the traffic. This is queuing and this is a regular thing that we see every day, on a day to day basis. And A21(8) also. So you can see, that one is the Clayton Road to Hanchurch roundabout, which is the other side of the roundabout where you're coming back from the amenities – there's petrol station, doctors, shops etc.

538. Before we go on to our concerns, I need to share with you the concerns from Highways England that was issued in March 2019 regarding HS2's proposals. Unfortunately we didn't have sight of this correspondence until after our hearing in May 2019. So if you show slide A21(17) and (18)? I'll refer to point G, which is a part of that letter. It is quite an extensive document so I've picked out – you can see that I've highlighted some of it as I've scanned it in to highlight it. Point G is quite pertinent to our current conditions. 'Highway England is currently developing a traffic model for the M6 junction 15 and surrounding roads. At the time of writing, the traffic model is still being built and modelling outputs were not available. However, once available, HS2 Ltd should use this model to further assess the impact of construction traffic and to test proposed mitigations.' We, as residents on Newcastle Road, had reservations with regards to proposals, as do Highways England, as that's shown in that document, and we would like to be consulted and be involved with the proposed designs moving forward. If I could show A21(23)?

539. That shows the difference in HS2 HGV flows on the A500. The figures were based on a 2012 model which is grossly out of date and doesn't represent the status quo

and are technically flawed. To give an example, I previously mentioned I'm not an expert by any means, nor am I a mathematician, but this shows the original count of 1,254 vehicles and the AP2 revision of just two. So we've got disappearing vehicles.

540. Our petition also mentions our access and egress to our driveways. The promoters have conducted a survey of our front gardens to state that they could be amended to allow for turning the vehicles to face forwards for a safer exit. This, in our view, is clutching at straws as there's no physical capacity as most of the properties own two or more vehicles. Therefore, once one vehicle is parked, there is no way another vehicle could then turn within the area. These properties, which were originally constructed in the 1930s as two bedroom semi-detached properties, are by no means wide enough for this proposal on the frontage of each dwelling. There's no way that the proposed widenings, four lanes outside our driveways, will create a safe egress on to the A519 and this view is even supported by HS2 engineers.

541. I quote from their correspondence: 'The promoter accepts that although many residents turn right out of their properties, there are inherent safety risks in turning right on to a busy road such as this and the promoter's proposals to widen the A519 Newcastle Road may present an exacerbation of this risk for some residents. An alternative means of access to the primary road network, such as the M6 motorway, would need to follow a longer but potentially safer alternative route that utilises a series of left turns.' Obviously, we don't want to have to do a five-mile round trip to get to the M6, when we can go in less than 100 yards.

542. In addition, in relation to the first two properties, namely 1 and 3 Newcastle Road, as oncoming traffic leaves the A500 and enters the A519 any manoeuvre from their respective driveways will be almost suicidal.

543. Our petition also mentioned traffic calming from national speed limit to reduce it to 30 or 40 mile an hour. Currently the A500 or Queensway has speed cameras installed for 50 mile an hour road speed restrictions when there's no residential properties nearby; however the traffic can flow directly on to the A519 Newcastle Road, which is residential, and accelerate to speeds of 60 mile an hour plus during off-peak times. Following the hearing on 7 May 2019, we made contact with Councillor Jeremy Pert of Staffordshire County Council. He looked into the speed restrictions and subsequently

sent an email with a report that was conducted mid-week for two hours. If we can show A21(3), that shows the data collection file reference.

544. THE CHAIR: A21(3), is it?

545. MS MORRIS-GOOSTREY: Yes. So from the data collection we can see, it's very small, but the highest speed that they recorded at any time between 10.00 a.m. and 12.00 p.m. on a Wednesday was from 50 mile an hour, 44 mile an hour. They say that from this data collection, which is in the middle of the working day, it's not peak, it's not off-peak, they don't see any reason why that they should reduce the speed limit and they want to keep it as it is. However recently, only last week, I received correspondence from Councillor Pert advising that he's now proposed for the reduction in the current speed limit along A519 to 40 mile an hour. We as residents would welcome that sensible reduction along the road outside on this section of the A519 to 40 mile an hour. If I could show slide now A21(25)? If I could go to that?

546. It's a zoomed in picture of the proposed bubbles around the area where they're going to be doing some workings and it also shows the black lines of the finished works, or the proposed finished works. The area marked 1 is where the compound for the HS2 workers will just be above that area. That has got a very, very steep embankment. The area that's marked 2 has got septic tanks for the dwellings further up Clayton Road and also a balancing pond for the local nature reserve at Ferndown Nature Reserve. The area mark 3 is a drop, and it's a complete sheer drop, down to a stream, where the stream flows under the A519, which is also pertinent to flooding. You may recall as I mentioned in the earlier document that Highways England are not convinced that the widening of the M6 exit to the Hanchurch roundabout is feasible and even if it is, you cannot have a dedicated left slip lane onto a single lane carriageway. If I could show A21(19)?

547. This is document volume 6 section 3 of 'Segregated left turn lanes at roundabouts'. I refer to the bottom, chapter 2, 2.1.7, where it says, 'Uncontrolled crossing points shall not be provided across segregated turn left lanes'. I've been led to believe from our expert witness that it would indeed fail a stage 1 safety audit outline design, which we've repeatedly requested sight of the original safety audit that was done prior to the proposals of the detailed design. This must have been done. In addition, on

any proposed junction improvement on the Highways England network, a vulnerable road user safety audit would also be required at this stage of design in order that their needs are facilitated at the detailed design stage.

548. Our petition mentioned the provision of a safe crossing over the 500 from the A519 to Clayton Road and back. So if I could show slide P39(12)? This is an aerial view of the current crossing which shows – and I lovingly call it ‘Hanchurch roulette’ – when I walk my dog each day to cross over that road because you’re having to go across two lanes coming at you and three lanes coming back at you from the other direction when I walk across up to Ferndown to take the dog. So you can see that. Then also a clearer view of it on slide A21(2).

549. At the bottom of this photograph on A21(2), you can see 1 Newcastle Road clearly in the corner. In that house, there is a gentleman that is in a wheelchair. He had a very bad accident and he’s got no way of walking at all. He has to go in a wheelchair. So therefore, if we want a crossing, we would need it to be ramped access crossing, if they do this. But you can clearly see the width of the roads and the business of that roundabout. So therefore if I can now show A21(5)? This shows you the footpath directly to the crossing point, which is right at the part where all traffic has to stop to give way to the roundabout. You can see where the dropped barriers are. They’re only at shin height. So if there’s anything coming too fast, I think you’d be classed as ‘dead meat’.

550. Then if I could refer to A21(13), that’s a little bit closer to that dropped point. Then A21(14), which takes you to the other side, when you’re coming back to cross over to return back home again, which is the current pedestrian crossing facilities. That’s all we have. Then A21(14), which shows you from that crossing point to the central reservation where you stop and hope and pray that there’s a nice, kind lorry driver or somebody that’s going to let you go across. So from those images, there appears to be a misunderstanding from the petitioner response document dated September 2019. It mentions four lanes of the A519 proposal. However this is in actual fact going to be proposing a crossing over seven lanes of the A500 – three lanes on the westerly approach and four lanes on the easterly approach. This has still not been forthcoming and the proposed crossings is still unknown, where or what is going to be in place.

551. Having previously mentioned the dedicated slip lanes or known technically as ‘segregated left turn lanes at roundabouts’ I can refer to CD116, ‘The geometric design of roundabouts’ which supersedes TD51/17. This states that, ‘Uncontrolled crossing points shall not be provided across segregated left turn lanes’. The entry path curvature has to be 100 meters maximum, which is a measure of the deflection to the left imposed on vehicles entering a roundabout, which is the most important determinant of safety at roundabouts, because it governs the speed of vehicles through the junction, thus giving drivers the ability to give way to circulating vehicles. The proposed road widening has not taken this curvature into account and is a design flaw. If I can show P39(7)?

552. This takes me on to – our petition mentioned the air quality. The traffic count has been grossly underestimated and has been viewed individually in areas as opposed to collectively as a bigger picture. The emissions from the current traffic is high, with readings at 38, and anything over 40 is considered unacceptable. The trees and surrounding woodland absorbs a portion of these current emissions. Given the proposed increase in HGV vehicles moving ballast to and from the proposed HS2 sites into the four lines, the road widening is going to add to the emissions as the traffic will be stacked outside, queuing, as opposed to queuing on the motorway on the A500 slip roads. The proposal is to remove the trees, which will be replaced in the future with planting and sound barriers, which will subsequently take years to regenerate. This will make the emissions far higher than they currently are, especially during the proposed construction period.

553. So that is my presentation that I wanted to put across. What do we want? We would prefer the status quo with some amendments to prevent the daily traffic queues outside by way of traffic light hurry-call installation facility. Highways England know the technicalities of this proposal. It’s called a ‘Vehicle activated dynamic queue warning’. We would rather suffer congestion than compromise our safety. We’re already suffering from community severance and we would welcome a safe at-grade crossing facility across the A500, which may involve signalling the current roundabout, as suggested by Highways England and we would also wish to be party to any discussions regarding the future modifications to the Hanchurch interchange and we have dialogue with HS2 but also Staffordshire County Council, in particular Highways England. We do not want to be handed a fait accompli to ensure our concerns are heard.

Thank you for listening. If you have you got any questions?

554. THE CHAIR: Thank you very much indeed. Well Mr Mould, it's for you to reply please.

Response by Mr Mould

555. MR MOULD QC (DfT): Yes. Thank you very much. First of all, if I invite you to turn to P39(6). There's a brief summary on this page of the proposals which are in the Bill before you. They're called AP2 proposals but these were introduced into the Bill and you can see that what the Bill authorises is a series of physical changes to the Hanchurch interchange, and at 39(7), some further changes to the A519 Newcastle Road and the junction between that road and the A1582 and the B5038. These powers were introduced into the Bill at the request of Staffordshire County Council, as highway authority, in order to enable those works to be undertaken so as to provide additional capacity through these busy junctions to accommodate the extra HS2 traffic that would be passing through this location.

556. THE CHAIR: Is there some force in the point that putting in that left-hand extra lane to alleviate pressure on capacity on the A500 is not satisfactory because it's moving them to the A519, which is a single lane?

557. MR MOULD QC (DfT): That is why the A519 is – the powers under the Bill enable that road to be widened so as to increase the flow of traffic on that road. That is one of the principles sources of concern, I accept, from the perspective of these residents, because they live along the eastern frontage of that road. As I think Ms Morris-Goostrey has just explained, they actually prefer that road to be reasonably congested because traffic flows slowly on that road at present, which means they can get in and out of their properties relatively easily, even if they are turning right to go north to the Hanchurch interchange, instead of having to turn across relatively free-flowing and relatively fast traffic. I think the national speed limit applies at the moment to this road so it's in theory at least, traffic can travel at up to 60 miles an hour on this road.

558. So I can understand her concern from their perspective that if they are faced not with a relatively slow-moving body of traffic, which they can ease into with the usual goodwill that most drivers have when they allow people to get in and out of frontage

properties, but having to face the prospect of faster-flowing traffic and having to turn across it and find a gap, one can understand why from her perspective and that of her colleagues, this is not a particularly attractive proposition. I think she's used the phrase 'prisoners in their own homes' and one can understand that's the way in which she might characterise that.

559. The solution that HS2 have suggested and have canvassed with the local highway authority, which I think for this stretch of the road is Staffordshire County Council, is that at least one way of seeking to mitigate that issue, if the traffic begins to flow more freely, you reduce the speed limit. So essentially, you require the traffic to travel no faster than say 40 miles per hour, which I think her speed survey has indicated that the average speed at which traffic travels now, if you look at A21(3). It's a little lower than that. It's in the mid to high 30s. But anyway, that seemed the obvious suggestion to try to balance the objective of improving the capacity of this part of the road network to accommodate the additional traffic that would be generated by HS2 and at the same time address the concern that the frontages that this road have, which you've had very clearly articulated to you this afternoon, that faster traffic on the road would make it much more difficult for the residents to get in and out of their properties in their cars.

560. An assurance to that effect was given some time ago now to the Swynnerton Parish Council. You have that in your papers at P39(29). The particular assurance is at P39(30). This is a letter of 5 April 2019 from the promoter to the clerk of Swynnerton Parish Council. You'll see it at page 30 under the heading, 'Construction action access' – paragraph 1.4, a commitment to engage with the local highway authority and Highways England regarding the introduction of appropriate speed limit and enforcement measures for that purpose.

561. Now it's fair to say that HS2 Ltd have struggled to think of other measures that might be deployed in addition to lowering the speed limit on that road. But other measures that have been mentioned and possibly canvassed with the petitioners might be road markings in order to encourage people to slow down and so forth. The Committee will be familiar with some of the ways in which speed can be managed. One has to remember that it is a part of the main road network through this area. So for example, things like speed bumps and so forth might be less easy for the local highway authority to accommodate. But that is the principal remedial measure that the promoter

has committed to pursue. It is of course – forgive me, this is becoming a refrain of mine but I’m afraid I can’t avoid it – it is of course a matter ultimately for the decision of the local highway authority because traffic regulation on their roads is their responsibility. So it would be for them to decide whether or not they were willing to make a traffic regulation order which limited the speed on that road to 30 or 40 or whatever it might be. But HS2 has certainly indicated in that assurance, which is directed towards the parish council, but which obviously is intended to benefit these residents, they will seek to encourage the local authority highway authority to exercise their powers in that way so as to give some concomitant relief to these residents as if you like a balance to be struck with increasing the capacity of the road by the physical changes that I showed you on the earlier plans. I’m sorry, one of your – there’s a question, I think for me.

562. THE CHAIR: I’m sorry. Yes, thank you very much. I was writing something down. Yes, Lord Goddard?

563. LORD GODDARD OF STOCKPORT: Yes, this might be blindingly obvious but opposite the houses is a haulage yard. They look enormous lorries. Would it be possible not to make that stretch 20 miles per hour? I can’t imagine how you could get speed up from one junction to another. It’s not a long distance and 20 miles an hour is not going to put any time on to a journey on to the motorway, off the motorway, past the houses.

564. MR MOULD QC (DfT): Well, my understanding of the current legal provisions that relate to speed limits is that it would be possible in principle for a speed limit of 20 miles an hour to be imposed. That would obviously be a matter for the local highway authority because again it would fall within their regulatory jurisdiction. But as your Lordships will be aware from their general work, there is an increasing desire to limit speeds in urban areas and 20 miles an hour zones are of course increasingly a feature of our experience, particularly in larger towns and cities.

565. But I shouldn’t be taken to be encouraging that. I’m simply saying that in answer to the question, as far as I’m aware, yes, it would be open to the highway authority, if it were minded to do so and felt persuaded that was the right balance to strike, to limit speeds on this stretch of road in that way. Whether they would feel that was appropriate, of course, is another matter.

566. THE CHAIR: Lord Brabazon?

567. LORD BRABAZON: I was going to raise the issue of the speed limit, which I think the petitioner did say was going to be reduced to 40 miles an hour. But I was slightly confused in the involvement of Highways England in this.

568. MR MOULD QC (DfT): I'll to come to that, yes.

569. LORD BRABAZON: Are they the highway authority for this particular road or not?

570. MR MOULD QC (DfT): Yes.

571. LORD BRABAZON: But the point I was going to make is, can we be assured that the roadworks proposed and the crossing points proposed do follow the latest Highways England guidance and rules?

572. MR MOULD QC (DfT): Yes, indeed, and thank you for that. I was just about to come to that and I'll deal with it. First of all, there are two highway authorities involved here. Perhaps I can illustrate that by reference to the plan at P39(3). The roundabout, which is known as the Hanchurch interchange, which is in the top left-hand corner of D3 on that page, that's a Highways England road.

573. LORD BRABAZON: I haven't quite got there yet but I will in a moment, no doubt.

574. THE CHAIR: P39(3)?

575. MR MOULD QC (DfT): Yes. It's the map base which has the construction arrangements set out overlaid on to it.

576. LORD BRABAZON: The machine's being a bit slow.

577. MR MOULD QC (DfT): It looks like that.

578. LORD BRABAZON: Right, yes.

579. MR MOULD QC (DfT): If it's easier, I can do it by reference to P39(6), for example.

580. LORD BRABAZON: That one I have got, yes.

581. MR MOULD QC (DfT): Yes. So if you imagine, you can see junction 15 is in the bottom left-hand corner, junction 15 of the M6. Obviously, that's Highways England's responsibility. Highways England's responsibility extends eastwards to cover the Hanchurch interchange itself, which is the roundabout and the immediate approach and I think also extends eastwards on the A500. The county council is responsible for the A519 Newcastle Road but only to the point at which it approaches the roundabout. I can't tell you precisely where Highways England's responsibilities on the A519 end and Staffordshire County Council's begin. But the safety position for the Committee to take is that both Highways England and the county council have an interest in the approach to that roundabout. But insofar as speed limits on the A519 is concerned, that is a responsible of Staffordshire County Council because the majority of that link road lies within their jurisdiction rather than within that of the strategic highways company, Highways England.

582. There are differences in relation to the Bill powers because whereas Staffordshire County Council have the powers and regulatory responsibilities that arise under schedule 4 to the Bill, to which I referred earlier – that is to say schedule 4, parts 1 and part 3 in relation to accesses and road realignment – where the Bill authorises works to a highway for which Highways England is the responsible highway authority, the position is governed by clause 3, paragraph 1 of the Bill. That states that, 'The powers conferred on the nominated undertaker under this Act with respect to works may not be exercised to a highway for which a strategic highways company is the highway authority unless the company consents'.

583. So Highways England have complete control on whether the works at the Hanchurch interchange that are authorised by the Bill are actually carried out or not. It's their say so. It follows that they have control over the design of those works, the detailed design of those works. They have control over the arrangements for accommodating pedestrians, a facility to enable pedestrians safely to cross over that road on its eastern approach – so on the line, on P39(6), which crosses over the arm that comes in from Newcastle-under-Lyme to the east. Do you have that?

584. Now that's where the existing uncontrolled crossing point is that Ms Morris-

Goostrey showed you on her photograph, so the photograph at A21(4) and 21(5). That, if the works are carried out, Highways England's consent will be required amongst other things to the arrangements to accommodate a pedestrian crossing facility.

585. I have asked Highways England for their current position in relation to that aspect of those authorised junction improvement works and their position is that any modifications to this roundabout would need to comply with a design standard known as CD116, which is to do with the geometric design of roundabouts. That standard outlines the requirements for the design of a roundabout itself and the pedestrian crossing facilities, where those are needed. That applies to the modification of a roundabout, whether that involves a segregated lane or an unsegregated arrangement. Modifications to a pedestrian crossing facility would also need to comply with another standard known as CD143, which is concerned with designing in arrangements for pedestrians, cyclists and horse riders. And any scheme involve the strategic road network will need to be supported by a safety risk assessment and a walking, cycling and horse riding assessment, which is often referred to by the acronym, WCHAR.

586. So what one can see from that, taking that is, firstly the consent of Highways England will be required in order to implement these authorised junction improvement works at the Hanchurch interchange. They are clear that in order to secure their consent, those standards that I have just mentioned to you, those standards will need to be reflected in the design. Sorry my Lord?

587. THE CHAIR: I was going to ask, how does one get Highways England to apply their mind to the problem? You're saying effectively the provision of a safe pedestrian crossing is their responsibility but are they facing up to that and are they going to do anything?

588. MR MOULD QC (DfT): They are. I can deal with that next because if you turn to P39(27), you will see the most recent letter I think that HS2 Ltd has written to the petitioner, to Ms Morris-Goostrey, and you'll see if you have that, halfway down the page there's a subheading, 'Access to A519 Newcastle Road properties – the speed limit, pedestrian access across the A500 Queensway – A519 Newcastle Road-A500 Queensway footway'. So it's the second part of that subheading that we'll deal with. You can see that the position now is that HS2 Ltd has commissioned a design contractor

for the purpose of developing the detailed design work in relation to the authority given by the Bill. The work is expected to start this autumn and as part of that work the design contractor will be engaging with the relevant local authorities and the Highways England and the scope will include amongst other things, speed limits, maintaining access to properties on the A519 and for the purposes of this part of the discussion, consideration of appropriate options for potential locations for pedestrian crossing facilities, provision of footways and pedestrian routes and the safety of the proposed highway works for all road users.

589. And you can see that the petitioner will continue to be updated on that work as the design progresses through HS2's stakeholder and engagement team. So a design exercise is due to begin in the coming weeks in order to produce a detailed design which stands the best chance of being accepted by Highways England. They will give their consent under what will become section 3, subsection 1 of the Act, once this Bill is enacted, and the petitioner has been told that there will be engagement with them to keep them updated on the progress of that work.

590. THE CHAIR: There would be an opportunity for a discussion with the petitioners. That's your point, is it?

591. MR MOULD QC (DfT): That is right. I mean plainly the petitioner will have to accept that ultimately the decision has to be made by the relevant authorities.

592. THE CHAIR: Of course.

593. MR MOULD QC (DfT): But 'engagement' means that people are told what is being proposed and they have an opportunity to express a view about it. Otherwise it's not effective engagement. So that, I hope, will give some reassurance to the petitioner. The detailed arrangements for that are obviously for HS2's engagement team and Ms Morris-Goostrey to discuss. That is what the letter is indicating.

594. So there's a standard, a series of standards. The responsible highway authority, the strategic highways company, Highways England, has indicated that they expect those standards to be reflected in the design. It is for HS2 and its designers to produce a design which satisfies Highways England in that respect because they have to secure their consent under what will become section 3.1 of the Act. Otherwise, the works

cannot be carried out. That's the simple proposition.

595. Insofar as the speed limit issue is concerned, it's not quite so clear cut because the local authority is being asked to consider the exercise of existing, separate powers, that is to say their powers under the Road Traffic Regulation Act, which relate to the imposition of speed limits on roads within their jurisdiction. But as I've said, there's a commitment to the parish council to seek to persuade them that it would be appropriate here to impose an appropriate lower speed limit than the national speed limit in order to address the consequential concerns from improving capacity on the A519; that is the source of the petitioners' understandable concern. The petitioners are aware that that commitment has been given and indeed I think you were told during the course of the presentation that they themselves had been in contact with a county councillor with regard to that issue. Lord Haselhurst, I think wants to –

596. THE CHAIR: Yes, Lord Haselhurst?

597. LORD HASELHURST: Thank you very much. Could I clarify a point? The intention of course will be to leave a permanent road improvement in place once the construction period is over. A slightly different speed limit regime might then be indicated. The other point is, is there any consideration of a roundabout being placed at the end of the row of houses? The point was made by the petitioner, if you wanted to turn right, that was going to be quite hazardous or difficult to arrange, depending on the courtesy of drivers. But if you could simply turn left and go a short way down the road and go around a roundabout and then approach the motorway junction, is that a feasible possibility?

598. MR MOULD QC (DfT): This is the junction at which is shown on P39, page 5? The southern end of the A519?

599. LORD HASELHURST: Yes.

600. MR MOULD QC (DfT): My recollection is that there was some discussion about whether how that junction should be improved and the view was taken that it would be appropriate to signalise it rather than to create a roundabout, and I'm afraid at this stage, under this Bill, it would not be possible without taking additional land to revisit that point. As you will see – I'm not sure if it's so clear – but if you turn to page 39(7), in

geometric terms, it's quite an awkward layout and there's a property quite close by on the north-eastern quadrant there. There's also the access to the Eddie Stobart depot you see, quite close to that junction. So it would be – and I'm also reminded – it might well involve intruding into a grade 2 listed park and garden, which is in the south-eastern quadrant, which might present difficulties.

601. LORD HASELHURST: Could I just ask therefore – thank you – whether signalling it would in fact overcome the point that's been made about people who want to go out of their homes and up to the motorway roundabout by the short distance? Would that do the trick?

602. MR MOULD QC (DfT): Well, it may and it is, as you can see from 39(7), the proposal is to signalise that junction. So that is the intended improvement there and the powers under the Bill will authorise that. I think the point that Ms Morris-Goostrey was making was that a suggestion had been made to her that people might turn left out of their properties, take another left into the B5308 and then there's a fairly lengthy loop road around. But it does involve a distance of some miles, I think. So one can see from her perspective it's not a particularly attractive alternative.

603. LORD HASELHURST: Thank you,

604. THE CHAIR: Can I just pause for a moment? Ms Morris-Goostrey, you'll have a chance to respond in a moment.

605. MS MORRIS-GOOSTREY: Okay.

606. THE CHAIR: Do you want to put a question straight away or would you rather wait until you've got your right of reply?

607. MS MORRIS-GOOSTREY: It's just to make aware that it is actually signalised up there already and there is an extra dedicated slip up there for the Eddie Stobart access and egress for their depot. So there's a five-way set of traffic lights up there and it embarks also on one corner where you can't take it for a roundabout. It's on Trentham Park Estate, which is grade 2 listed, by the golf courses and apparently you can't get on to that corner and that's the reason why. So I wanted to get that little bit in before it got lost in translation somewhere else.

608. THE CHAIR: Yes, thank you very much indeed. That's helpful.

609. MS MORRIS-GOOSTREY: Thank you.

610. MR MOULD QC (DfT): My Lord, I think I've covered – I just need to deal briefly deal with the air quality issue. Can I invite you briefly to look at A21(17) and (18)? You'll remember that Ms Morris-Goostrey drew attention to Point G on page 21(18) relating to Highways England's development of a traffic model. This is in a document which comes from 29 March last year. I understand that traffic model is now in existence and it will be used in order to develop the detailed design for the Hanchurch interchange works, which I mentioned are in the process of being carried out this autumn. And again, as you would expect, given that is a traffic model developed by Highways England, as you would expect, they will expect that modelling technique to be deployed as part of the preparation of the detailed design.

611. Air quality, very quickly if I may, in the R-series, you'll find at R87 a document entitled, 'Hanchurch air quality report'. This was an air quality assessment that was carried out as part of the engagement with these petitioners. You'll see that from page R87(4) paragraph 1.1.4 and 1.1.5. This supplements the air quality assessment in the environmental statement. You'll see that if you turn to section 3 of the document, you'll find the assessment itself. That begins at page 10 of R87. It follows the conventional approach. There is an assessment of existing conditions of 3.2. The impact of road traffic emissions is addressed at 3.3.

612. Then at 3.4, the predicted air quality impacts are set out. You can see on page 16 that there were assessment points at the northern and southern end of the Newcastle Road series of frontage properties and you can see the results are shown on the tables on page R87(17). The assessment predicts essentially no significant change in terms of air quality for these properties with the addition of the HS2 traffic. The baseline position on page 11 shows that there is considerable headroom in relation to the established air quality standard. So the assessment is that there's no need for any specific measures here. What I can say is that – I think you're familiar with HS2's commitment to use of Euro 6 engine vehicles.

613. THE CHAIR: Yes.

614. MR MOULD QC (DfT): A commitment to that effect has been given to the Swynnerton Parish Council in the assurance letter of 5 April 2019. You'll see that at P39(31) at paragraph 5.

615. So that's our response. In summary, our position is that we recognise the concerns that these petitioners have about the consequences of the junction improvement work that is authorised at Hanchurch interchange. We believe that the arrangements I've set out to you and the assurances offered to the parish council provide appropriate reassurance to them in relation to the concerns that they have, but obviously I leave that your Lordships' consideration.

616. THE CHAIR: Yes, thank you very much indeed. Any further questions from the Committee? Well Ms Morris-Goostrey, right of reply for you, if you have any final words you'd like to say in the light of what you've heard from Mr Mould?

Closing submissions by Ms Morris-Goostrey

617. MS MORRIS-GOOSTREY: No, but I just want to say thank you for letting me appear today to put forward across how we all feel. We would be happier if it wasn't four lanes outside. There are considerable highs and lows of the roads outside that won't allow for some of the proposals to go on, like the footpath widening to allow for the pedestrian crossings etc. So then where the compound is going to go, that is also very high. So there's lots of deciding factors. However, when the ground investigating works do start and I have had a quick, one line email from the promoter advising me that it will be happening sometime in the autumn. That we will wait and see what happens. But we would like to be actively involved with Highways England and Staffordshire County Council with regard to the detailed design because obviously it's of concern to us. For 200 metres of road, it seems a very lot of fuss, for just a little short space of road. Yes, I can see Lord Goddard nodding with me. Okay. Well thank you very much for your time and thank you for listening to me because it is very appreciated to take time out to listen to me. Thank you.

618. THE CHAIR: Thank you very much for your presentation and in particular for the slides you have put together, which have made it much easier to understand the points you've been making. So we're extremely grateful. Well with that I'll terminate this afternoon's public proceedings. The Committee's next public meeting will be tomorrow

at 10.30 a.m. so I adjourn this meeting until tomorrow at that time.