



House of Commons
High Speed Rail
(Crewe - Manchester) Bill
Select Committee

**First Special Report of
Session 2022–23**

*Report, together with formal minutes relating
to the report*

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High Speed Rail (Crewe - Manchester) Bill Select Committee

The Select Committee on the High Speed Rail (Crewe - Manchester) Bill provides individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill's specific provisions and to seek its amendment, although not to object to the principle of the Bill.

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Introduction

The Bill, and the hybrid bill process

1. The High Speed Rail (Crewe - Manchester) Bill ('the Bill') was introduced in the House of Commons on 24 January 2022, and was reintroduced on 11 May 2022 for the new session of Parliament. The Bill is the third piece of legislation making provision for the new high-speed railway between London and Manchester, following the High Speed Rail (London - West Midlands) Act, which received Royal Assent in February 2017, and the High Speed Rail (West Midlands - Crewe) Act, which received Royal Assent in February 2021. This Bill provides for the leg of the railway between Crewe and Manchester.
2. The Bill had initially included plans for a rail link between the main HS2 line at Hoo Green in Cheshire and the West Coast Main Line at Bamfurlong, south of Wigan. However, on 6 June 2022 the Government announced its intention to remove this 'Golborne link' from the Bill,¹ and the motions agreed by the House of Commons after the Bill's Second Reading on 20 June 2022 included an instruction to this Committee to amend the Bill to remove the Golborne link, leaving only a spur from Hoo Green to High Legh.²
3. Two Additional Provisions to the Bill—a series of amendments which affect new or further individuals or groups—have been introduced by the Government. The first Additional Provision ('AP1') was introduced on 6 July 2022 and made a number of design changes to the scheme proposed by the Bill, including some consequential on the planned removal of the Golborne link.³ The second Additional Provision ('AP2') was introduced on 3 July 2023 and made a number of further changes, the most notable of which being works around junction 6 of the M56, the relocation of a vent shaft located on Withington Golf Course, and a realignment of the Manchester tunnel.⁴
4. The High Speed Rail (Crewe - Manchester) Bill is a hybrid bill, which means that while it follows the same general stages through the two Houses as other public bills, there is an additional petitioning period and select committee stage. During the petitioning period, any individuals, groups or organisations which are directly and specially affected by the bill in question can submit petitions against it. These petitions state how the petitioners are or would be adversely affected by the provisions in the bill, and outline what they feel should be done to reduce or mitigate these consequences. Petitions are subsequently considered by a specially appointed select committee.
5. The petitioning period for petitions against the Bill ran from 21 June to 4 August 2022, and that for petitions against the First Additional Provision ran from 7 July to 9 August 2022. 155 petitions were received in total—134 against the Bill and 21 against the First Additional Provision. As this report is published, the petitioning period for the Second Additional Provision is still open (4 July to 15 August 2023).

1 [HCWS77](#), 'Transport Update', 6 June 2022.

2 House of Commons Votes and Proceedings, [Monday 20 June 2022](#), item 86.

3 [High Speed Rail \(Crewe – Manchester\) Bill: Additional Provision 1](#).

4 [High Speed Rail \(Crewe – Manchester\) Bill: Additional Provision 2](#).

The role of the Committee, and work undertaken so far

6. Our role, as the Select Committee on the High Speed Rail (Crewe - Manchester) Bill, is to consider petitions submitted against the Bill and its Additional Provisions. In public hearings we hear representations from petitioners and responses from the promoter of the Bill (which is in this case the Secretary of State for Transport), before determining what action, if any, needs to be taken to address the concerns or issues raised by petitioners. While we cannot prevent the new train line from being built, change its broad route alignment or add any new stations or spurs—the principle of the Bill having been agreed by the House at Second Reading⁵—we can request assurances from the promoter on certain points, require that the promoter take certain action or commit to certain undertakings, or make amendments to the Bill itself.

7. Our first public meeting was on 31 January 2023, when we heard the promoter's opening statement and received an overview of the route. We then received a series of technical briefings from the promoter's expert witnesses, on compensation, traffic and transport, tunnelling, noise and vibration, and environmental issues.⁶

8. One of our first responsibilities was to adjudicate on a number of 'right to be heard' challenges. These are cases where the promoter has challenged a petitioner's right to be heard by the Committee on their petition, as only petitioners who are directly and specially affected by the Bill's provisions, or whose right of standing is otherwise provided for in the Private Business Standing Orders, are entitled to appear before the Committee. The promoter issued challenges against ten petitions,⁷ and three petitioners—Angela Rayner MP, Andrew Gwynne MP and Jonathan Reynolds MP (HS2–123), Graham Stringer MP (HS2–088), and Domestic Doggess (HS2–045)—appeared before us. We have outlined our decisions in these cases in Annex 2.

9. We have also undertaken the following visits:

- Tour of the proposed route between Crewe and Manchester Airport, to see the proposed sites of notable features of the railway and familiarise ourselves with some of the locations and issues raised by petitioners (6 February 2023);
- Tour of relevant sites of interest along the High Speed 1 route in Kent, to see examples of existing high-speed rail infrastructure (8 February 2023);
- Visit to the Arup Soundlab in Fitzrovia, to experience demonstrations and simulations of the noise and vibration expected along the route (28 February 2023);
- Visit to Manchester Piccadilly station, to explore the proposals for the station and the surrounding area and the alternative proposals proposed by petitioners (6 June 2023);
- Visit to the site of Old Oak Common station in west London, to see an example of the construction of an underground station (5 July 2023).

5 House of Commons Votes and Proceedings, [Monday 20 June 2022](#), item 81.

6 The transcripts of these sessions, and the presentations by the speakers, are available on the [Committee's website](#).

7 For a full list of petitions challenged, see the ['List of received petitions'](#) on the Committee's website.

10. Since we started hearing petitioners on 13 March 2023, we have heard from 32 petitioners against both the Bill and AP1, and a further 33 petitions have been withdrawn. A list of petitions heard and withdrawn to date is included at Annex 1.

This report

11. This report outlines our decisions on petitions heard so far, and on some of the major or common issues raised by petitioners. The petitioners heard to date are those from Community Areas MA01, MA02 and MA03, from the southern part of the route. We will hear petitioners from the Manchester area and the northern part of the route, along with petitioners against the Second Additional Provision, later in the year.

12. Chapter 1 focuses on the issue of ground conditions in Cheshire and the viability of constructing a railway in this area, which was raised by a number of petitioners. Several petitioners raised questions and made requests of the Committee or the promoter which related to traffic or design issues, so we have responded to these together in Chapter 2. Chapter 3 then contains our responses on specific issues raised by individual petitioners not otherwise covered in the preceding chapters.

13. We held a series of hearings in June 2023 on the issue of the location of the new high-speed station at Manchester Piccadilly, as several petitioners had presented an alternative underground option to the surface-level scheme proposed by the Bill. However, due to the significance and complexity of this issue, we had not completed our consideration of this issue before this report needed to be published. We will therefore report our views on this matter later in the year. Similarly, we had not yet finished hearing from the National Farmers Union by the time this report was written and considered, so we will not comment on issues relating to farmers at this point and will instead cover them as necessary in a future report.

Reflections on the process so far

14. As we have now been meeting as a Committee for six months, we are able to reflect on the process and our programme of work so far and offer some thoughts and advice.

15. We have encouraged the promoter on a number of occasions to seek to settle outstanding issues with petitioners without our involvement. It is of course beneficial to all parties if issues can be resolved through negotiation, and if the number of issues which have to be brought to the Committee for adjudication can be minimised. We note that the number of withdrawn petitions and the number of assurances offered suggest that the process of discussion and negotiation between petitioners and promoter is functioning well in many cases: we welcome and commend this. That being said, we would encourage both the promoter and petitioners to avoid last minute withdrawals if possible, as having to cancel a hearing as a result of a late settlement means a lost opportunity which could have been used by another petitioner. All parties should aim to begin negotiations at an early point and resolve issues as quickly, amicably and straightforwardly as possible.

16. At our meeting on 24 April 2023, the Chair read onto the record some advice to petitioners on how to make the best use of their time before us.⁸ This included: being clear and concise in presentations; not repeating issues or arguments already heard; being

8 [24 April 2023](#), paras 2–8.

clear as to the requests being made of the Committee or the promoter; not introducing new asks or requests of the promoter at the hearing (as it will often not be possible for the promoter to be able to respond fully without notice); and only bringing to the Committee issues which are within our remit, which have not been resolved through negotiation with the promoter, and which cannot or would not be addressed in other forums. We reiterate this advice here and encourage all future petitioners to take note of this guidance when preparing for their hearings.

17. There have been a few instances where petitioners have noted that they have only seen maps, plans or other relevant documents in the days leading up to a hearing before us. While we know that, on occasion, assurances are only offered on the day of or in the days leading up to a session, it is clearly not appropriate or acceptable for petitioners to be unaware of key information or documents relating to their petition or their property. Exhibit exchange may only take place a few days before a hearing, but there is no reason why such information or documents should not be provided to petitioners on request or when it becomes evident during discussions that they are relevant to their petitions.

18. Finally, we would like to place on record our thanks to many of the individuals and teams which support us in our work. These include: David Walker, the Committee's programme manager, who acts as a crucial point of liaison in arranging the appearance of petitioners before us; the Hansard and contractor transcribers who turn around our transcripts within 24 hours; and the broadcasting teams and Parliamentary Digital Service, who not only facilitate the running of regular hearings, including those involving participants appearing virtually, but who also worked so hard to establish the new digital evidence system through which we in the room, and people watching at home, are able to view evidence presented by petitioners in live time. We are immensely grateful to them all.

1 Ground conditions in Cheshire

19. The proposed HS2 scheme between Crewe and Manchester passes through an area of the Cheshire plain which is noted for challenging ground conditions relating to natural and anthropogenic salt dissolution and industrial salt mining. This is an issue of significant concern to many local residents, and it was raised by many petitioners who appeared before us.⁹

20. This chapter provides a summary of the concerns and issues highlighted by petitioners and the responses from the promoter, as well as our conclusions and recommendations. For more information on the scientific, geological and technical issues noted here, please refer to the transcripts and evidence exhibits for the hearings at which this issue was discussed, and the report published by HS2 Ltd in March 2023 titled ‘Understanding the Ground Risk across the Cheshire Plain’.¹⁰

Background

21. In this part of Cheshire, the ground comprises significant areas of salt. As a result, there is a long history of salt extraction, through both brine pumping and rock salt mining. While the majority of mines closed during the twentieth century, controlled rock salt mining is ongoing in Cheshire¹¹ (providing 75% of the UK’s rock salt market) and controlled brining also continues—Dr Ros Todhunter told us that there are around 200 brine wells in and around the parish of Lach Dennis and Lostock Green, which supply the brine feed stock for the north west’s chemical industry.¹² The significant underground cavities which result from salt extraction are also used for the storage of national gas reserves and of other waste and chemical products.

22. In this area there are also topographical features—such as flashes (water bodies formed as a result of ground settlement), meres and subsidence basins—which reflect the processes of salt dissolution. Salt dissolution occurs when active (i.e. flowing and refreshing) groundwater (water stored below ground in rocks or other geological layers) encounters and erodes halite (which forms part of the bedrock in this area and is extremely soluble). Salt dissolution undermines the above layers of bedrock, which then fractures and founders as it moves downward to fill the voids created. Natural dissolution has resulted in gradual subsidence over millions of years. Dissolution is more likely in areas of ‘wet rockhead’, where solid rock salt is near the ground surface without a protective layer of mudstone above it (as opposed to ‘dry rockhead’, where the salt is overlaid with mudstone).

23. As a result of both historic mining and natural salt dissolution processes, there is a history of ground settlement and more significant ground collapse in this area, and ground movement continues to this day. Due to the ways in which brine runs function,

9 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), Rudheath Parish Council ([20 March 2023](#)), Northwich Town Council ([27 March 2023](#)), Lach Dennis Parish Council ([17 April 2023](#)), Lostock Gralam Parish Council ([18 April 2023](#)), Davenham Parish Council ([24 April 2023](#)), Minshull Vernon and District Parish Council ([24 April 2023](#)), Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), HS2 Cheshire Residents Group ([5 June 2023](#)); Pickmere Parish Council ([26 June 2023](#)). See also correspondence from the Inland Waterways Association.

10 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023.

11 The Winsford Rock Salt Mine.

12 Lach Dennis Parish Council ([17 April 2023](#)), para 36.

ground subsidence can occur some distance away from sites of brining or mining. HS2 Ltd’s March 2023 report noted that the local geology “will present certain geological risks within the Area of Interest,¹³ that can variously manifest as ground surface subsidence”.¹⁴

Petitioners’ concerns

Route

24. The proposed train line passes through these areas of former and ongoing salt mining, and areas of concern to local residents and petitioners. Many petitioners expressed surprise and alarm that “a route alignment has been chosen in an area which has poor ground conditions, salt geohazards, complex geological issues, extensive salt industry and underground gas storage”.¹⁵

if you go and talk to people in town, they say—people are speechless. ‘Don’t they know there’s 200 brine wells here?’, ‘Don’t they know it’s going through these things?’¹⁶

25. Lach Dennis Parish Council claimed that “the geology of our area is unsuitable for the construction of HS2” and that “there is an unacceptably high risk and probability [ground subsidence] will occur”.¹⁷ Petitioners noted that ongoing ground subsidence is still evident along the chosen route, and highlighted several examples.¹⁸ They voiced concern that, while the route has changed from initial plans, HS2 is still intended to be built on areas of known and active geological hazards, including wet rockhead, when the M6 motorway largely avoids this area.¹⁹ Some questioned the justification for going through this area given the costs of the necessary mitigations required.²⁰

Route selection history

26. Several petitioners believe that the alignment of HS2 through the challenging geology of the Cheshire plains is the result of failures or omissions in the original planning process. Based on the lack of detail or discussion in early planning documents, some of those who appeared before us claimed that the risks or hazards involved in building in this area were not known about or were not considered in appropriate detail: “It’s difficult not to draw the conclusion that the presence of salt extraction and the issues of brine subsidence were

13 An area extending 4km either side of the proposed Scheme alignment extending from north of Crewe through to Rostherne Mere.

14 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, para 3.1.2.

15 Lostock Gram Parish Council ([18 April 2023](#)), para 82.

16 Lach Dennis Parish Council ([17 April 2023](#)), para 180.

17 Lach Dennis Parish Council ([17 April 2023](#)), paras 24–5.

18 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 25; Lach Dennis Parish Council ([17 April 2023](#)), paras 53, 143, 199–200; Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 50, 149; HS2 Cheshire Residents Group ([5 June 2023](#)), paras 321, 327–9.

19 Lach Dennis Parish Council ([17 April 2023](#)), paras 48, 57, 71–4, 171; Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 28; Minshull Vernon and District Parish Council ([24 April 2023](#)), para 428.

20 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 25; HS2 Cheshire Residents Group ([5 June 2023](#)), para 332; Pickmere Parish Council ([26 June 2023](#)), paras 296, 302.

simply not considered as part of the production of the initial preferred route”.²¹ While there have been subsequent realignments away from areas of concern to reduce risks, we heard disappointment that “the opportunity to revisit the wisdom of taking the route through this part of mid-Cheshire was not availed”.²² Minshull Vernon and District Parish Council expressed its view that, due to the initial route choice, the Government is backed “into the position where they find impossible to change direction, in spite of the huge technical difficulties they face in passing over the salt area”.²³

March 2023 report

27. HS2 Ltd published the ‘Understanding the Ground Risk across the Cheshire Plain’ report in March 2023, and this was generally welcomed by petitioners. However, there was a view that its publication was too late for a report “which ought to have formed part of the evidence for the decision making in 2017”,²⁴ and disappointment that it “fails to fully recognise all the risks of construction across the area” and that it “needs more development and clarification and understanding of the challenges”.²⁵ Petitioners believed that the report showed that the promoter and HS2 Ltd are still at an early stage of developing robust ground models.²⁶

Investigations and understanding

28. Another concern with the March 2023 report was the extent and quality of the data and understanding on which it was based. Petitioners noted that, to date, HS2 Ltd had completed a desk study and two phases of ground investigations, but they believed that more thorough, in-depth technical investigations should have been undertaken already and should be undertaken before a design is finalised and before this Bill is allowed to proceed.²⁷

[HS2 Ltd and the Bill’s promoter] consider that the route alignment is appropriate for the intended purpose. The intended purpose is a 250 mile per hour train. The worrying phrase, of course, is ‘obtained to date’. Basically, it says things can change. Costs can rise. Impacts can be worse.²⁸

29. Lostock Gralam Parish Council told us that “We believe HS2 does not have all the facts, has not identified all potential risks, or a true figure for the cost of constructing HS2

21 Northwich Town Council ([27 March 2023](#)), paras 282–3; Lach Dennis Parish Council ([17 April 2023](#)), paras 95–102. See also [correspondence from the Inland Waterways Association](#): “The route through the Cheshire brine field, and in particular the section around Billinge Flash, was fixed prematurely without understanding the geological, geotechnical, and hydrological challenges it poses”.

22 Northwich Town Council ([27 March 2023](#)), para 285.

23 Minshull Vernon and District Parish Council ([24 April 2023](#)), para 429.

24 Northwich Town Council ([27 March 2023](#)), para 285; Lach Dennis Parish Council ([17 April 2023](#)), paras 127–8. See also [correspondence from the Inland Waterways Association](#): “The production of the Ground Risk paper at such a late stage, and the continued absence of sufficient detailed ground investigation work to validate its assumptions that this part of the route is constructable undermines confidence in the Bill”.

25 Lach Dennis Parish Council ([17 April 2023](#)), paras 24, 129.

26 Lach Dennis Parish Council ([17 April 2023](#)), paras 129–31; Lostock Gralam Parish Council ([18 April 2023](#)), paras 82–3.

27 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 29–32; Rudheath Parish Council ([20 March 2023](#)), paras 260–9; Lostock Gralam Parish Council ([18 April 2023](#)), paras 82–3; Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 429–30; Pickmere Parish Council ([26 June 2023](#)), para 304.

28 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 31.

over our complex landscape”.²⁹ Dr Ros Todhunter queried the promoter’s understanding of a number of issues of concern,³⁰ and the HS2 Cheshire Residents Group raised concern about the promoter’s utilisation of local knowledge and apparent ignorance of known issues.³¹ Several petitioners highlighted reports and studies which contain important information pertinent to the scheme or which appear to challenge or contradict the responses and views of HS2 Ltd, but which have not been referred or responded to in the promoter’s reports to date, which leads to concern for residents.³²

Specific issues

30. Appearing before us on behalf of Lach Dennis Parish Council, Dr Ros Todhunter outlined a number of specific issues and points of concern along the route:

- Also raised by other petitioners,³³ Billinge Flash is an extensive salt dissolution depression crossed by the proposed scheme, and one which is connected by active brine runs to areas of known and current subsidence.³⁴
- The Wade Brook viaduct is planned to be built on an area of ground comprising water saturated sand (‘running sand’), which can cause the ground to sag and slip when the protective layer of clay is cut through.³⁵
- The proposed Birches Lane compounds are in the same location as a known artesian aquifer, and compressing an area of saturated ground or disrupting the spring line may increase risk to areas and properties downslope. Dr Todhunter told us that there is already land instability and slippage in this area.³⁶

She noted that the promoter’s response documents to date have not addressed these issues or given specific solutions as to how the design can be reassessed to mitigate for specific problems raised by petitioners.³⁷

31. The HS2 Cheshire Residents Group also questioned the suitability of the ground in the area to support the size of the proposed Crewe North Rolling Stock Depot,³⁸ and Dr Derek Armstrong asked why it was deemed to be appropriate to dig borrow pits in an area to the west of Middlewich where the promoter has already made a decision to minimise the use of cuttings to avoid the risk of dissolution.³⁹ In correspondence sent to the Committee, the Inland Waterways Association raised a number of issues on which they had questions and concerns.⁴⁰

29 Lostock Gralam Parish Council ([18 April 2023](#)), para 82.

30 Lach Dennis Parish Council ([17 April 2023](#)), paras 166–8, 196, 223–34.

31 HS2 Cheshire Residents Group ([5 June 2023](#)), paras 327–9.

32 Lach Dennis Parish Council ([17 April 2023](#)), paras 203–7, 232–4; Davenham Parish Council ([24 April 2023](#)), paras 150–3; HS2 Cheshire Residents Group ([5 June 2023](#)), para 324.

33 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 27–28; [Correspondence from the Inland Waterways Association](#).

34 Lach Dennis Parish Council ([17 April 2023](#)), paras 171, 210–21, 230–2, 398–402.

35 Lach Dennis Parish Council ([17 April 2023](#)), paras 131–45, 157, 197–8.

36 Lach Dennis Parish Council ([17 April 2023](#)), paras 187–94.

37 Lach Dennis Parish Council ([17 April 2023](#)), paras 30–2.

38 HS2 Cheshire Residents Group ([5 June 2023](#)), para 309.

39 Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 35–9.

40 [Correspondence from the Inland Waterways Association](#).

Other concerns

32. Other concerns raised by petitioners included: the consequences of climate change driven changes in the groundwater regime for the proposed scheme;⁴¹ the effect of construction on underground pipework in the area, which is vulnerable to vibration and ground movement;⁴² and the use of concrete piles in salty ground.⁴³

33. Northwich Town Council concluded:

It's not enough for us that HS2 have satisfied themselves that they're able to design, construct, operate and maintain within an acceptable level of risk. The problem is if they're wrong, it's our residents who'll need to live with the consequences.⁴⁴

Pickmere Parish Council added:

The stakes are too high for anything less than total confidence in the route choice.⁴⁵

Petitioners' requests

34. The main requests of petitioners on this issue can be summarised as follows:⁴⁶

- That the planned technical ground investigations should be completed and assessed before the Bill receives Royal Assent;⁴⁷
- That the results of ground investigations both already undertaken and planned for the future are published in full, in a timely manner, and in a form which makes it possible for them to be peer reviewed by academic or other independent expertise;⁴⁸
- That further design detail and information on how the promoter intends to respond to the challenges and risks presented by ground conditions in this area is made available, including on planned monitoring and responses to climate-driven changes.⁴⁹

41 Lach Dennis Parish Council ([17 April 2023](#)), paras 203–9.

42 Lach Dennis Parish Council ([17 April 2023](#)), paras 243–59.

43 Minshull Vernon and District Parish Council ([24 April 2023](#)), para 421.

44 Northwich Town Council ([27 March 2023](#)), para 286.

45 Parish Council ([26 June 2023](#)), para 303.

46 Lach Dennis Parish Council asked for the route of HS2 between Crewe and Manchester to be “reassessed and rerouted” to avoid the salt district of Cheshire (Lach Dennis Parish Council ([17 April 2023](#)), para 103). However, in line with the instruction given to the Committee by the House, we are not able to alter the broad route alignment. Plumley with Toft and Bexton Parish Council proposed that the train line could be in tunnel in this area, to avoid putting pressure on the challenging ground surface (Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 40–2). However, we consider that this would be impractical.

47 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 32; Rudheath Parish Council ([20 March 2023](#)), paras 261–2; Pickmere Parish Council ([26 June 2023](#)), para 304.

48 Northwich Town Council ([27 March 2023](#)), para 288; Davenham Parish Council ([24 April 2023](#)), para 151; Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 435–7; HS2 Cheshire Residents Group ([5 June 2023](#)), paras 319, 328, 342; Pickmere Parish Council ([26 June 2023](#)), para 289.

49 Lach Dennis Parish Council ([17 April 2023](#)), paras 139, 202, 207; Lostock Gralam Parish Council ([18 April 2023](#)), para 83.

Promoter's response

Route

35. On petitioners' concerns relating to the choice of route across this area of Cheshire, the promoter referred to HS2 Ltd's advice to Government in the July 2017 route refinement document, which took account of many of the points raised by local stakeholders. Following consultation and a strategic review of route options, this report concluded that the preferred route "carries the least risk regarding the construction, operation and long-term maintenance of the railway", avoiding direct interfaces with existing brining and gas storage infrastructure and minimising the risk of subsidence from ground movements. It noted the downsides to alternative proposals (such as routes following the M6 corridor, via Knutsford, or in tunnel), and said that remaining risks with the preferred route could be managed through future mitigation design and continued engagement with stakeholders. However, it concluded that the support for the preferred route was "based on the level of information that we currently have available at this design stage", and that "there is more work to be done before the hybrid Bill is deposited to further understand the geological risks and provide suitable mitigation solutions".⁵⁰

36. In hearings before us, and in the March 2023 report, the promoter said that during design development the proposed route has been revised to avoid the main areas of risk, locations of brining and gas storage infrastructure and known sites of subsidence (apart from Billinge Flash), with the greatest concentration of subsidence features in this area situated significantly away from the proposed scheme. The route does not traverse within 2km of historical mines, avoids areas where consultation with the Cheshire Brine Subsidence Compensation Board is required (noting that between 2006 and 2016 the Compensation Board received only one notice of damage within one kilometre of the HS2 route), and is offset to the east of Northwich where the halite is 200m lower than in other areas (so as to be situated on more stable ground without historical mining). It added that there is existing infrastructure, including parts of the M6, which passes through similar geological conditions.⁵¹

37. The March 2023 report stated that the route "is not considered from a planning perspective to be in an area at significant risk from ongoing ground subsidence arising out of brine mining activities", but noted that "This in itself does not mean that ground subsidence cannot occur along the alignment".⁵²

Understanding and investigations

38. The promoter refuted claims that it did not fully understand the challenges and risks presented by the area. It said that "a very large amount of knowledge has already been acquired", but that "This is necessarily an iterative process. One can't simply put one's hand on a book and say, 'Now I understand fully the nature of the geology through Cheshire'. One has to build up".⁵³ It said that the March 2023 report was intended to draw together

50 HS2 Ltd, [High Speed Two Phase 2b Crewe to Manchester, West Midlands to Leeds: Route refinements](#), July 2017, paras 9.3.1–9.3.15.

51 Lach Dennis Parish Council ([17 April 2023](#)), paras 317–8, 394–5, 419–28; Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 500–5.

52 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, para 3.3.9.

53 Lach Dennis Parish Council ([17 April 2023](#)), paras 301–3; Northwich Town Council ([27 March 2023](#)), para 369.

and bring up to date information from various reports and its current understanding of the challenges and the planned responses to them, and that “a greater body of work” lies behind it.⁵⁴

39. On the need for further investigations, Tim Smart, one of the promoter’s expert witnesses, said that the desktop survey included analysis of existing information held by the British Geological Society, but that HS2 Ltd had also done 487 interventions (in the form of either boreholes or cone penetrometer test) and had started physical geotechnical investigation as well as more remote sensing. Interventions so far have been targeted at the higher-risk areas.⁵⁵ The March 2023 report additionally stated that “HS2 Ltd now plans for a route wide ground investigation to further understand the nature of the ground conditions underlying the Proposed Scheme”.⁵⁶

40. Professor Lord Mair, an expert engineering witness called by the promoter, stated that “there’s already been a considerable amount of investigation, some of it quite advanced” and said that, in his opinion, “at this stage of a scheme it’s reasonable not to have undertaken a fully comprehensive ground investigation in the form of many, many more boreholes”. While he believed that “there is sufficient ground investigation already for HS2 to define the vertical alignment and the horizontal alignment”, he noted that “Further supplementary investigations will be essential for the detailed design”.⁵⁷

Mitigations

41. Appearing before us in April 2023, Professor Lord Mair, on behalf of the promoter, said that the mitigation and monitoring of risks in this area would be crucial:

the key to the whole approach outlined in the HS2 report is to mitigate the risk of ongoing settlement. That’s by means of the engineering solutions [...] but the important point to really emphasise is that dealing with any further settlement by means of comprehensive monitoring and appropriate interventions, depending on what the monitoring shows, is really the key to the success of this scheme.⁵⁸

42. Engineering mitigations, outlined by the promoter in hearings and in the March 2023 report, include supporting bridges and viaducts on piled foundations to distribute weight, for such structures to also have jacking facilities to enable adjustment for movement, for embankments to be reinforced with geogrids to mitigate the effects of subsidence and to be of sufficient height to protect salt deposits, for drainage systems to prevent water run-off concentrating in areas where it might give rise to salt dissolution, and for track forms to allow for corrections of rail geometry.⁵⁹

54 Rudheath Parish Council ([20 March 2023](#)), para 357; Northwich Town Council ([27 March 2023](#)), para 367; Lach Dennis Parish Council ([17 April 2023](#)), para 303; HS2 Cheshire Residents Group ([5 June 2023](#)), para 380.

55 Rudheath Parish Council ([20 March 2023](#)), paras 362–4, 388–90; Lach Dennis Parish Council ([17 April 2023](#)), para 310; HS2 Cheshire Residents Group ([5 June 2023](#)), para 392.

56 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, para 5.2.5.

57 Lach Dennis Parish Council ([17 April 2023](#)), paras 326, 440–1.

58 Lach Dennis Parish Council ([17 April 2023](#)), para 352. See also paras 339, 382, 443.

59 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, paras 4.4.1–4.4.20; Lach Dennis Parish Council ([17 April 2023](#)), paras 345–52; Rudheath Parish Council ([20 March 2023](#)), paras 337–347.

43. The promoter’s witnesses also emphasised that monitoring of the railway and of ground movement will continue throughout construction and operation.⁶⁰ Professor Lord Mair said that “improvements in monitoring and surveillance technologies have been really considerable in the last few years”, and outlined some of the technologies which could be used on this phase—including InSAR satellite technology, tiltmeters and fibreoptic sensing—some of which is already in use in parts of HS2 and other rail networks around the world.⁶¹ The March 2023 report said that a “proactive approach to asset management” will be taken during the operational stage and service life of the railway, with a ground movement monitoring scheme to be used, fibreoptic cable instrumentation being installed to monitor for ground movement, and remote sensing ground surface survey techniques including INSAR and LiDAR to be employed.⁶²

Specific issues

44. Professor Lord Mair also referred to the importance of measurement and monitoring when responding to some of the specific issues raised by petitioners, including Dr Todhunter. He said that her references to terms such as ‘ground collapse’ and ‘persistent instability’ were “potentially misleading”, as while “ground movement and ground subsidence is to be expected”, “providing it’s being measured and being measured very carefully then ground movement in itself is a very much more acceptable process than a collapse”.⁶³ Similarly, while he accepted that Dr Todhunter was right to raise the issue of climate change as it will increase rates of subsidence, he said that “The important point is that it will be very gradual [...] so the amount of extra ongoing settlement that might take place as a result of climate change is very, very manageable”.⁶⁴

45. Professor Lord Mair added that artesian groundwater and running sands are not rare phenomena or unique to this area, and are in fact well-known to all civil engineering projects.⁶⁵

46. Responding to Dr Derek Armstrong, the promoter said that it would be safe to dig a borrow pit in an area where the use of cuttings is avoided because the borrow pit would not be kept for as long (three years, as opposed to a permanent cutting), would be backfilled with properly compacted material, and would not be as deep (4–5m), meaning that it would not interfere with the halite which is at depth in this area.⁶⁶

Confidence in the proposals

47. The promoter emphasised to us that, while it has not been possible to select a route which avoids entirely all possible sources of risk posed by the ground conditions in the

60 Rudheath Parish Council ([20 March 2023](#)), paras 372–3; Lach Dennis Parish Council ([17 April 2023](#)), paras 339–41.

61 Lach Dennis Parish Council ([17 April 2023](#)), paras 353–80; Item [P160](#) in the promoter’s exhibits for the hearing with Lach Dennis Parish Council (17 April 2023).

62 HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, paras 4.6.1–4.6.5.

63 Lach Dennis Parish Council ([17 April 2023](#)), paras 330, 338.

64 Lach Dennis Parish Council ([17 April 2023](#)), paras 382, 444. The March 2023 report also said that a climate change resilience assessment had been undertaken in relation to the scheme, with related risks during construction and operation phases assessed to be ‘low’ or ‘medium’ risk; HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, paras 3.4.1–3.4.5.

65 Lach Dennis Parish Council ([17 April 2023](#)), paras 338–42.

66 Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 79–81, 89.

area, the challenges are commensurate with the purpose and nature of the scheme and can be managed and mitigated during detailed design and construction. It said that it was satisfied that:

in principle, it is able to design, to construct, to operate and to maintain the railway, applying known techniques and with an acceptable measure of assurance, or, if you will, an acceptable measure of manageable risk.⁶⁷

48. Professor Lord Mair concurred:

based on all the information that's available so far, I don't see any insurmountable obstacle to the successful construction and operation of the HS2 proposed scheme. It's simply a question of the detailed design will be very important.⁶⁸

49. However, after hearing from petitioners in sessions before us, the promoter recognised that “this project should think seriously [...] about the most effective way of conducting community relations on this issue” so as to improve public confidence in the proposals.⁶⁹ To that end, the promoter offered an assurance to Cheshire West and Chester Council regarding the establishment of a ‘Ground Conditions Engagement Forum’.⁷⁰ This would comprise local town and parish councils and salt and brine extraction businesses and provide a mechanism by which the nominated undertaker could share information on the findings of ground assessment investigations, how these inform continuing design development, and proposed mitigation measures arising. Members of the Forum would also have the opportunity to comment on these findings and the resultant design development information.

Independent review

50. The promoter was opposed to the petitioners’ main request for the results of technical investigations to be made public. It claimed that “it simply isn’t justified” and that “It would be a very unusual thing for the developer of a large project to agree to have the construction and operation of their project subject to some external validation”.⁷¹

51. The promoter outlined some of the independent checks and oversight measures which are already built into the process:

- The contractor responsible for detailed design appoints, subject to HS2 Ltd’s approval, an independent third-party consultant—who must have expertise in the relevant ground conditions and challenges—to check their work.
- HS2 Ltd has established an independent geotechnical expert panel, made up of industry experts chosen for the particular geology in question, to sit alongside its own experts to provide a peer review.

67 Rudheath Parish Council ([20 March 2023](#)), para 374; HS2 Ltd, [Crewe to Manchester: Understanding the Ground Risk across the Cheshire Plain](#), 3 March 2023, paras 1.1.3–1.1.5, 4.3.2.

68 Lach Dennis Parish Council ([17 April 2023](#)), para 445.

69 Northwich Town Council ([27 March 2023](#)), para 359; Davenham Parish Council ([24 April 2023](#)), paras 293, 321; Minshull Vernon and District Parish Council ([24 April 2023](#)), para 518.

70 At the time of writing, this assurance is still under discussion and has not yet been formally accepted by the Council.

71 Northwich Town Council ([27 March 2023](#)), para 353.

- Professor Lord Mair and Dr Chris Menkiti of the Geotechnical Consulting Group (GCG) were commissioned, as independent engineering experts, to produce a note commenting on the promoter’s March 2023 report and a July 2022 report by Dr Ros Todhunter.⁷²
- There are independent safety assessment bodies and processes under the auspices of the rail regulator to be conducted before a railway can open.⁷³

Considering this, the promoter felt that “it’s difficult to see what more an independent peer review could do” as “there’s a limit and a lack of utility in endless independent scrutiny of that kind”.⁷⁴

So the question in relation to saying, ‘Can we have peer review?’ is you’ve already got it under this arrangement, and there comes a point when one has to say, ‘How much peer review do you need before you have a properly and technically assured scheme?’ Far better, I would suggest, that through the community relations process, the local community is kept informed of key stages in the development of the design so that they can know how the design is progressing.⁷⁵

Our conclusions

52. We recognise that there are technical and practical challenges to the construction and operation of the new high-speed train line presented by the geology and ground conditions in Cheshire, and that these give rise to understandable concerns from local residents. As it is not within our remit to change the proposed route, we will not comment on the appropriateness of the route chosen, besides noting that the challenges involved in traversing this area have clearly been the subject of consideration by the Bill’s promoter and its engineering experts, and that a range of mitigation measures will be implemented. We proceed on the basis that the promoter of the Bill and the constructors of the new train line would not do anything that they believe would put local communities, infrastructure or train users at risk.

53. We note that there appears to be a legacy of distrust amongst many petitioners and local residents resulting from the initial route selection and the perceived, if not actual, failure to acknowledge all of the risks posed by construction in this area. The promoter evidently still has a way to go in reassuring local people that they have considered and reasonably addressed outstanding concerns—petitioners themselves said that:

to reassure and satisfy the residents of Cheshire, their communities, on the existing and future structure, there is a need by the Government to demonstrate a comprehensive understanding of the future ground risk of HS2 and the Cheshire plain. We feel that hasn’t been done yet.⁷⁶

72 Item [P160](#) in the promoter’s exhibits for the hearing with Lach Dennis Parish Council (17 April 2023).

73 Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 490–99; Item [P164](#) in the promoter’s exhibits for the hearing with Lach Dennis Parish Council (17 April 2023).

74 Davenham Parish Council ([24 April 2023](#)), paras 306–8; Minshull Vernon and District Parish Council ([24 April 2023](#)), para 516.

75 Davenham Parish Council ([24 April 2023](#)), para 292.

76 Lach Dennis Parish Council ([17 April 2023](#)), para 235.

The promoter may well have satisfied itself that it has done (or will do) sufficient investigatory work to be able to design, construct and operate the proposed scheme safely, but it clearly not yet convinced local residents: it must do so.

54. We are reassured by Professor Lord Mair's statement that the amount of investigatory work conducted by the promoter to date is reasonable for this stage in such a project, by the mitigation measures which have been proposed, and by the independent checks which have been built into various stages of the design and construction process. However, it is ultimately more important that the promoter reassures local residents and communities, and it is this shortfall in trust and confidence which needs to be urgently addressed.

55. To that end, we do not agree with the promoter that there is no utility in further or additional independent scrutiny of the scheme's proposals or investigations. Such external oversight and commentary need not take the form of a formal check which holds up the progress of the scheme, but a visible spirit of openness and meaningful engagement would go some way to assuaging the concerns of local residents and communities.

56. We welcome the promoter's proposal to establish an engagement forum for the sharing of information on ground investigations. We acknowledge that, at the time of writing, the assurance is still under discussion and has not yet been formally accepted by the Council, and appreciate that arrangements are still at a relatively early stage, but we call on the promoter to clarify the following points, on which we make further recommendations:

- What information will be made available to the Forum and what will be withheld. We believe that in the spirit of openness and transparency the promoter should share the maximum amount of information possible, subject to relevant statutory, legal or commercial constraints.
- Whether information made available to the Forum will be subsequently made more widely available. We believe that information provided to the Forum should, unless there are compelling reasons to the contrary agreed to by the Forum, be made publicly available either proactively (e.g. online) or upon request.
- Who will attend meetings of the Forum on behalf of the promoter and/or the nominated undertaker. We believe that each meeting must be attended by representatives who are able to speak to the detail of the promoter's investigations and proposals and answer high-level technical questions.
- Whether meetings of the Forum will take place in private or in public (either physically or virtually), what public outputs from meetings of the Forum there will be (for example, minutes, transcripts or discussion summaries), and what opportunities there will be for public engagement with the proceedings or work of the Forum (such as facilities for asking questions, making representations or proposing items for discussion). We believe that the Forum should permit and encourage public engagement and interaction.
- How often the Forum will meet. We recognise that this should be based largely on the progress of investigations and the wishes of Forum members, but the key purpose of providing reassurance to local residents and communities must be borne in mind and we are keen that the Forum should not fall into desuetude.

57. Additionally, we believe that the promoter should commit to the following:

- Publish, by the end of this year, a report providing more information and detail than was given in the March 2023 publication on the ground investigations which have already been undertaken, and publish at regular intervals (we would propose annually or biennially) reports on the details and results of technical ground investigations undertaken in the future. These reports should be in a form which allows external experts or other interested parties to consider and analyse the information contained in a meaningful way, and include details of the type of investigations undertaken, their locations and relevance to the scheme, the results, a commentary on what the results mean in relation to other investigations and the scheme as a whole, and an indication of further action, investigations or mitigations planned or required.
- Provide further information willingly, and in a timely manner, following requests from petitioners or other stakeholders for further details or information relating to the investigations detailed in the publications outlined above, unless there is a compelling reason why such information cannot be provided.
- Designate a nominated point of contact for queries relating to ground conditions and the technical investigations being undertaken.

None of these options would be difficult for the promoter to achieve or detrimental to the progress of the project, and we therefore expect the promoter to take such action to reassure local communities that their concerns have been heard, are understood, and are being appropriately and demonstrably addressed.

58. We also require the promoter to provide us with responses to the questions asked by the Inland Waterways Association in their correspondence with us and also on the following specific points raised in public hearings:

- How it intends to mitigate for the potential risks—both local and consequential—of crossing Billinge Flash, beyond the one paragraph included in the March 2023 report;
- How it plans to respond to the challenges presented by building on areas known to contain ‘running sands’ and artesian aquifers;
- What mitigations or other preventative measures have been requested by the operators of underground pipework in the area, or are planned by the promoter, to reduce the risk of damage and leaks;
- Following Professor Lord Mair’s repeated emphasis on the importance of monitoring and measurement, what form monitoring of ground movement during construction and operation will take, and what the responses to different levels of ground movement would be;
- Which academics, and which publications, have been consulted during the development of plans for crossing this area.

2 Traffic and design issues

Traffic issues

59. As the construction of the Bill scheme necessitates the realignment of many roads and an increase in HGV and other construction-related traffic, many petitioners raised issues relating to traffic in their appearances before us. These included:

- The number and duration of road closures;⁷⁷
- The problems caused by simultaneous closures of multiple roads or transport routes;⁷⁸
- The amount of additional traffic, and resultant noise and risks to pedestrian safety;⁷⁹
- The consequential effects of road closures (such as ‘ratrunning’ through rural roads or villages);⁸⁰
- The capacity and/or suitability of roads to accommodate additional traffic and/or construction traffic;⁸¹
- The knock-on effects on local businesses of road closures or increased traffic;⁸²
- The opportunities for public engagement in the development of transport management plans;⁸³
- The basis for or accuracy of the promoter’s traffic modelling.⁸⁴

60. In response, the promoter stated that realignments and diversions, whether permanent or temporary, will be constructed offline so that traffic can continue to flow, with tie-in periods occurring over weekends or overnight with advance notice given.⁸⁵ The promoter could not promise that works would be completed during the intended periods, but emphasised that it was against the project’s interests to see roads closed for prolonged

77 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 58–60; Wincham Parish Council ([27 March 2023](#)), para 67; Lostock Gralam Parish Council ([18 April 2023](#)), paras 96, 103–5.

78 Wincham Parish Council ([27 March 2023](#)), paras 28, 33, 65–7; Northwich Town Council ([27 March 2023](#)), paras 269–275, 291–2.

79 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 46; Lach Dennis Parish Council ([17 April 2023](#)), para 265; Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 52–3; Gabriella Manning and Jon O’Reilly ([26 June 2023](#)), paras 108–110; Pickmere Parish Council ([26 June 2023](#)), para 344.

80 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 61; Wincham Parish Council ([27 March 2023](#)), paras 28–9; Minshull Vernon and District Parish Council ([24 April 2023](#)), para 412.

81 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), para 61; Davenham Parish Council ([24 April 2023](#)), para 209; Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 373–7; Winterbottom Lane Residents ([25 April 2023](#)), paras 161–85; Pickmere Parish Council ([26 June 2023](#)), paras 344–5, 351.

82 Lostock Gralam Parish Council ([18 April 2023](#)), paras 97, 152; Davenham Parish Council ([24 April 2023](#)), para 231.

83 Lach Dennis Parish Council ([17 April 2023](#)), paras 265, 289.

84 Wincham Parish Council ([27 March 2023](#)), paras 30–1; Lostock Gralam Parish Council ([18 April 2023](#)), paras 125–32; Minshull Vernon and District Parish Council ([24 April 2023](#)), para 370; Pickmere Parish Council ([26 June 2023](#)), paras 279, 343.

85 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 117–119; Northwich Town Council ([27 March 2023](#)), paras 259, 318; Lostock Gralam Parish Council ([18 April 2023](#)), paras 151–2; Mr John Wright ([25 April 2023](#)), para 79.

periods (or closed simultaneously) as many are construction routes.⁸⁶ The promoter added that it has already minimised the use of certain roads or routes by construction traffic, either through discussions with petitioners or the introduction of API,⁸⁷ and that it has made commitments to local councils and highway authorities to improve certain roads or junctions.⁸⁸

61. As is outlined in the promoter’s Information Paper E3—which outlines the framework for the management of matters affecting the road network—the Bill includes powers for the control of construction traffic by qualifying planning authorities, and the relevant highway authority must be consulted before works affecting highways or traffic can be undertaken. Under the Code of Construction Practice, the nominated undertaker will be required to prepare both route-wide and local traffic management plans in conjunction with highway and traffic authorities and the emergency services. These latter plans will address many of the issues raised by petitioners, such as traffic flow assumptions, routes to be used by construction vehicles, and works affecting roads and public rights of way.⁸⁹ The promoter told us that while it will be for local highway authorities to decide the extent to which they wish to involve local residents in the development of traffic management plans, there may be opportunities for community engagement, and that the nominated undertaker requires all contractors to communicate regularly with parties affected by the work—including local residents and businesses—so that they are kept updated.

62. Because traffic management plans will be drawn up in due course in collaboration with the relevant highway authorities, which will have a better knowledge and understanding of the needs and capabilities of local road networks, we will not presume to make specific recommendations or requirements of the promoter regarding traffic or road issues. However, as a general point, we believe that the following statement of Davenham Parish Council is sensible and self-evident:

we’re looking for an undertaking that any road closures, diversions, any slippage in timescales that will cause disruption, that these be well planned, well communicated, with reasonable notice, not be simultaneous, and to avoid peak times.⁹⁰

63. Further, we believe that, where possible, local residents and communities should be given opportunities to contribute meaningfully to the development of the traffic management plans which will cover their areas. The promoter must ensure that petitioners and others are informed of the opportunities they may have to contribute via the local authority, and that they are made aware of the avenues by which they can raise concerns relating to road or traffic issues during the construction or operational phases.

64. On modelling, it is evident that many petitioners and local communities are unclear as to the basis, robustness and legitimacy of the promoter’s traffic modelling. The promoter must ensure that all petitioners are informed on this point in advance of any appearance

86 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 121; Northwich Town Council ([27 March 2023](#)), paras 260, 306–10; Lostock Gralam Parish Council ([18 April 2023](#)), para 154.

87 Wincham Parish Council ([27 March 2023](#)), para 83; Davenham Parish Council ([24 April 2023](#)), para 127; Winterbottom Lane Residents ([25 April 2023](#)), para 239.

88 Wincham Parish Council ([27 March 2023](#)), para 118; Northwich Town Council ([27 March 2023](#)), paras 331–2; Davenham Parish Council ([24 April 2023](#)), paras 252–6; Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 360, 481.

89 HS2 Ltd, *Phase 2b Western Leg Information Paper E3: Management of traffic during construction*, 6 July 2022.

90 Davenham Parish Council ([24 April 2023](#)), para 211.

before us, so that they are able to understand and appropriately examine the proposals for their area. We believe that the production of a short summary note, provided to petitioners and this Committee, would support this.

Design issues

Major and key design elements

65. During our hearings, several petitioners raised concerns relating to the design of certain features of railway infrastructure in their areas. These included:

- The Smoker Brook viaduct. The Parish Councils of Plumley with Toft and Bexton, Wincham, and Lostock Gralam all highlighted the visual impact of the structure on their communities.⁹¹

Lostock Gralam is the first Northwich parish to welcome commuters, visitors, and Northwich residents home, when travelling home along the A556 Chester Road westbound to Lostock Gralam and Northwich. The first thing which will be seen is the Smoker Brook viaduct. This will be like a gateway into our parish and town. It is, therefore, essential that the viaduct design is sympathetic to our landscape and existing bridges.⁹²

- The Middlewich Street vent shaft, which will be situated on a popular green space adjacent to several homes and residential care facilities;
- The A50 Warrington Road compound, the main compound for the administration of railway works between Crewe and Manchester;
- Borrow pits;
- The Crewe North Rolling Stock Depot. Stanthorne and Wimboldsley Parish Meeting said that many residents were concerned that they had not yet been able to view or consider detailed plans for the Rolling Stock Depot:

we have very little detail about the actual rolling stock depot, the types of buildings, the heights of buildings, the function of buildings, and anything that petitioners could actually talk more directly about.⁹³

However, for the reasons outlined below, these are issues on which it would not be appropriate for us to make specific decisions at this point.

66. As the promoter sets out in its Information Paper D1, the level of detailed design required for construction of the proposed scheme has yet to be carried out, and will not be completed until after the Bill receives Royal Assent.⁹⁴ Following this, the nominated undertaker will be required to apply for approval of the detailed design of a range of elements from planning authorities along the route.⁹⁵ Additionally, a Phase 2b (Crewe -

91 Plumley with Toft and Bexton Parish Council ([20 March 2023](#)), paras 33–9; Wincham Parish Council ([27 March 2023](#)), paras 40–55; Lostock Gralam Parish Council ([18 April 2023](#)), paras 45–62.

92 Lostock Gralam Parish Council ([18 April 2023](#)), para 95.

93 Stanthorne and Wimboldsley Parish Meeting ([5 June 2023](#)), para 232. See also paras 239, 281–2.

94 HS2 Ltd, [Phase 2b Western Leg Information Paper D1: Design](#), 10 February 2023, paras 5.1–5.2.

95 See HS2 Ltd, [Phase 2b Western Leg Information Paper D1: Design](#), 10 February 2023, para 5.3.

Manchester) Planning Forum will be established to consider common designs for certain structures, and key design elements of the scheme—which include the Crewe North Rolling Stock Depot and the Smoker Brook viaduct, amongst others—will be subject to public consultation during design development.⁹⁶ Schedule 17 of the Bill sets out how certain works “must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority” and outlines the authorities’ powers of and grounds for approval or refusal.⁹⁷

67. The promoter told us that the processes outlined in Schedule 17 and the information papers provide a “layer of control by the local authority”⁹⁸ and that there will be “a greater deal of scrutiny around the visual effect” of relevant structures:⁹⁹

we would very much hope that through careful design, iteration and discussion both with the local authority and through engagement with the local community, in accordance with D1, we can arrive at a design which firstly fulfils the operational requirements of the railway, which, as the Committee will appreciate, is critical, but also enables a design to be put forward which goes as far as we can toward satisfying local community concerns about local impact.¹⁰⁰

68. We welcome the promoter’s commitment to engage with local communities regarding the design of certain elements of the Bill scheme. It is natural that residents are concerned about the visual impact of infrastructure in their areas, and right that they are given opportunities to contribute to design development. We would encourage local planning authorities to maximise the opportunities for local residents to contribute to decision-making on these aspects, and call on the promoter to ensure that the petitioners who appeared before us and other members of relevant local communities are fully informed of the opportunities they may have to engage in these design consultations.

Drainage

69. Several petitioners also made representations relating to drainage. Mr John Wright raised concerns about construction phase drainage on and around his land, Derek Armstrong mentioned the specific arrangements for his property and the drainage of water away from the site of a nearby borrow pit, the HS2 Cheshire Residents Group highlighted the issue of cutting through existing drains and putting fresh land drains into re-filled land, and Mere Parish Council questioned the integrity of the whole scheme’s hydrology.¹⁰¹

70. Part 4 of Schedule 32 of the Bill requires plans for certain works to be submitted to the drainage authority and for such works to be constructed to their satisfaction,¹⁰² and the

96 HS2 Ltd, *Phase 2b Western Leg Information Paper D1: Design*, 10 February 2023, paras 5.6, 6.2. See also Wincham Parish Council ([27 March 2023](#)), para 200; Lostock Gralam Parish Council ([18 April 2023](#)), para 236; Councillor Hazel Faddes ([21 March 2023](#)), paras 175–82; Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 125–9.

97 High Speed Rail (Crewe - Manchester) Bill, [Schedule 17](#).

98 Stanthorne and Wimboldsley Parish Meeting ([5 June 2023](#)), para 260.

99 Wincham Parish Council ([27 March 2023](#)), para 200.

100 Lostock Gralam Parish Council ([18 April 2023](#)), para 238.

101 Mr John Wright ([25 April 2023](#)), paras 58–60; Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 37, 51; Mere Parish Council ([2 May 2023](#)), paras 98–101; HS2 Cheshire Residents Group ([5 June 2023](#)), paras 333–7.

102 High Speed Rail (Crewe - Manchester) Bill, [Schedule 32](#).

current statutory regime requires consents for works relating to the water environment and watercourses from the Environment Agency, Lead Local Flood Authorities and Internal Drainage Boards.

71. The promoter’s Information Paper E15 outlines the approach it has taken to mitigate the impact on water resources and flood risk,¹⁰³ and the promoter’s expert witness expanded on this in evidence before us.¹⁰⁴ However, the promoter emphasised that it is at a relatively early stage of detailed design, and that any proposals would be subject to a comprehensive assessment through the consent processes outlined above. For that reason, it was reluctant to issue any specific assurances to petitioners relating to drainage solutions at this point.¹⁰⁵

we might not be able to put back the same land drains or land drainage that we find, but we need to put back something which is appropriate and deals with water in a way that is efficient and gives the landowner and ourselves what we need.¹⁰⁶

72. As before, because drainage plans will be subject to consultation and agreement by the relevant expert authorities, we will not make any specific recommendations or requirements on this point. However, we would make the following general points: that petitioners who have raised drainage as a matter of concern should be kept updated by the promoter with the development of plans and proposals for their areas (and, as above, any opportunities to make representations or contribute to their development), and that it should be made clear to these petitioners—and this Committee—in plain terms what aspects of the scheme’s drainage proposals will be subject to external oversight or consent and which remain within the remit of the promoter or the nominated undertaker.

Crewe North Rolling Stock Depot

73. In addition to the issues about its design, noted above, several petitioners raised concerns about the location of the Crewe North Rolling Stock Depot.

74. The Crewe North Rolling Stock Depot is the main stabling and maintenance facility on the Phase 2b route and is a sizeable facility and a major construction compound, amounting to around 65 hectares and extending for around 5.6km. Petitioners opposed the use of a greenfield, rather than brownfield, site, and highlighted concerns relating to the proximity of the site to a local primary school.¹⁰⁷ They requested that an independent review be undertaken to identify a more suitable site for the Rolling Stock Depot, indicating a preference for the existing Basford Hall Freight Yard, south of Crewe.¹⁰⁸

75. In response, the promoter stated that the proposed site is “ideal” and that the Basford Hall site would be “completely suboptimal and unworkable”. It said that the site would not

103 HS2 Ltd, [Phase 2b Western Leg Information Paper E15: Water resources, flood risk and authorisation of related works](#), 6 July 2022.

104 HS2 Cheshire Residents Group ([5 June 2023](#)), para 385; Mere Parish Council ([2 May 2023](#)), paras 159–170.

105 Mr John Wright ([25 April 2023](#)) paras 127–8; Mere Parish Council ([2 May 2023](#)) paras 159–63; Dr Derek and Mrs Karina Armstrong ([5 June 2023](#)), paras 84–6.

106 HS2 Cheshire Residents Group ([5 June 2023](#)), para 386.

107 Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 439, 450; HS2 Cheshire Residents Group ([5 June 2023](#)), para 309; Stanthorne and Wimboldsley Parish Meeting ([5 June 2023](#)), para 196.

108 Minshull Vernon and District Parish Council ([24 April 2023](#)), para 451; HS2 Cheshire Residents Group ([5 June 2023](#)), paras 314–5.

be big enough, would not have direct access to the HS2 line, would require the creation of a turnback facility, and, as it is currently a major freight hub for Network Rail, would require the building of a replacement facility.¹⁰⁹ Network Rail said the Basford Hall facility is one of the busiest and most important yards on the network and that it will be needed to create future capacity and serve predicted growth in traffic.¹¹⁰

76. We recognise petitioners' concerns about the siting of the Crewe North Rolling Stock Depot. However, we agree with promoter that the alternative site proposed by the petitioners is not appropriate. We encourage petitioners and other local residents to take advantage of any opportunities for input and consultation during the design processes, and further recommend that if petitioners have views as to how the Rolling Stock Depot can be made to work for local residents and communities, they should communicate them to the promoter, who should listen sympathetically and consider whether there are any mitigations which could be put in place.

109 Minshull Vernon and District Parish Council ([24 April 2023](#)), paras 526–39.

110 Item [P384\(9–10\)](#) in the promoter's exhibits for the hearing with Stanthorne and Wimboldsley Parish Meeting (5 June 2023).

3 Responses to individual petitioners

77. This chapter lists our specific views on and responses to the petitions and asks of the petitioners who have appeared before us, which have not been addressed in previous chapters. We do not intend to comment or express a view on every issue raised by petitioners, and will instead focus on those points where we are required or choose to recommend or require further action, or where we wish to make further or more general points. Similarly, we do not comment here on issues which have been addressed by assurances offered by the promoter—our role is to adjudicate on issues which, at the time of the petitioner appearing before us, were yet to be resolved. As mentioned previously, we welcome all of the commitments which have been made by the promoter to address the concerns raised by petitioners, and are grateful for the work done by parties on all sides to reach mutually agreeable arrangements.

78. We recognise that the form, content and language of undertakings and assurances offered to petitioners by the promoter can be complex and confusing for many of those not familiar with the process. We have therefore attached to this report, as Annex 3, some summary guidance, which has been agreed with the promoter, which we hope is useful to petitioners and others involved in this process.

Plumley with Toft and Bexton Parish Council (HS2–096)

79. We welcome the clarity the promoter was able to provide on many of the points raised by the petitioner. In addition to these, we believe that every effort should be made to reinstitute or mitigate for the loss of as much woodland in and around Long Wood as is possible; that clarity (perhaps in the form of local notices or signage) should be given to local residents and users of the area regarding when and to what degree the footpaths highlighted by the petitioner will be accessible; and that sound insulation should be provided for the properties of Cranage Villas, Holford Farm and Holford Cottages during the enabling works, rather than at an early stage of the construction process.

Councillor Hazel Faddes (HS2–111)

80. We welcome the promoter's openness to adjusting the site and size of the vent shaft compound to minimise land take and retain more of the green space on Middlewich Street. Should engineering considerations allow, we expect this to be done. A reduction in the overall footprint will also allow some of Councillor Faddes' other asks to be accommodated; while we recognise that this will be subject to the final siting and design of the vent shaft site, we believe that the promoter should provide a hard-standing pathway across Yellow Park and commit to retaining and enhancing as much of the tree growth and hedging along the boundary of the Bentley Manor Care Home as possible. We welcome the promoter's assurances regarding the provision of 24-hour security facilities (CCTV and personnel) around the vent shaft site and the lighting of pathways around the area.

81. Regardless of whether the final footprint of the vent shaft site is amended, the residents of this area will be losing a significant amount of a much-used green space. We understand that an enhanced assurance has been given—following this Committee's encouragement—to Cheshire East Council after Councillor Faddes's appearance before us, regarding enhancements to the Yellow Park play area and the Sherbourne Estate.

Subject to terms being agreed between the Council and the promoter, we believe this is to be welcomed. We hope that the needs and preferences of local residents are taken into account when decisions are taken as to what form such enhancements may take, and believe that they should be given the opportunity to make suggestions.

82. We commend Councillor Faddes for her commitment to maintaining access to green spaces for her local community, and for the reasonable and constructive proposals she made. We advise Councillor Faddes—and representatives of other communities in similar situations—to look into the opportunities provided by HS2’s community environment fund, which is designed to support communities affected by the disruption of construction.

Wincham Parish Council (HS2–014)

83. On the petitioner’s concerns relating to noise, we note the promoter’s assertion that neither adverse construction nor operational noise effects are anticipated for the community of Higher Wincham. We hope that the petitioners are also reassured by the fact that there will be ongoing monitoring of noise levels against initial predictions. The promoter must ensure that local residents are aware of the available avenues for raising concerns or complaints regarding noise levels.

Northwich Town Council (HS2–077)

84. We recognise the petitioner’s understandable concerns relating to the impact of construction on key road and rail routes, in particular the effect of simultaneous closures. These should be avoided unless absolutely impossible: the promoter should make every effort to ensure that works on road and rail routes in this petitioner’s area are not carried out at the same time to minimise the disruption to local residents, businesses and road users. If works do end up coinciding, this petitioner, as well as other relevant local authorities, should be included in discussions as to how the impact of this can be effectively communicated and mitigated.

Lach Dennis Parish Council (HS2–011 & AP1–015)

85. On the petitioner’s request for the pedestrian crossing of the A556 to remain in or closer to its current location, we recognise that it would not be possible to maintain the current crossing and that there are difficulties in locating a new crossing (either via overbridge or underpass) closer to the current crossing point. We acknowledge that, coupled with the closure of the footpath to the south of Lostock Green, considerable distance has been added to the journeys of pedestrians wishing to cross the A556 and the line of the new railway.

86. We agree with the promoter that it would not be proportionate to construct additional noise barriers which would only be to the benefit of a very small number of people. However, the residents of Springbank Farm should be provided with appropriate noise insulation for their property.

Lostock Gralam Parish Council (HS2–010 & AP1–007)

87. The promoter should commit to engage with the petitioner on proposals for the landscape and woodland mitigation planting on the slopes of the Lostock Gralam north and south embankments and on the land between the railway and the A556 to mitigate the visual impact and filter views of the embankments and the Smoker Brook viaduct.

88. While we stand by our position that it would not be appropriate for us to pre-judge or override the consideration of traffic and transport issues by local highways authorities during the development of traffic management plans, we do wish to note our view that several of the minor suggestions made by the petitioner—for the traffic lights at the Hall Lane crossroads to be rephased to allow for a right turn onto the A559, for a safer crossing near the Stubbs Lane junction, and for a ‘keep clear’ sign to be painted on the Stubbs Lane junction to Manchester Road—seem sensible and easily achievable. We hope that these issues are considered during the development of the traffic management plan for this area.

Brian and Michelle Lewis (HS2–072)

89. We are not required to take any action on this petition, as during his appearance before us Mr Lewis agreed to make an application to the Need to Sell scheme. However, the fact that Mr Lewis was unaware that he would qualify for this scheme raises an important issue. The promoter must ensure that petitioners and others who are eligible for the Need to Sell scheme, and other compensation and property schemes, are made aware of this and are supported in understanding the schemes and in making applications.

90. We recognise that the number and complexity of statutory and non-statutory compensation and property schemes available to people affected by the HS2 scheme can be daunting and confusing. We hope that the summary table produced for us by HS2 Ltd, and included in this report at Annex 4, is useful to petitioners.

Davenham Parish Council (HS2–012)

91. We sympathise with the petitioner’s understandable concerns regarding major construction sites in their parish running simultaneously. The promoter asserted that the busiest times for lorry traffic serving the two construction compounds will not coincide but will be consecutive, and that while this does mean there is expected to be overlap, the promoter’s modelling suggests that the road network can cope (although it has already been agreed with the local highways authority that improvements to some roundabouts and junctions will be required).

92. The promoter must endeavour to avoid the busiest times for each of the construction sites in this petitioner’s area coinciding. Should timescales slip or change the promoter must work with this petitioner and all relevant local authorities to establish a mutually acceptable way of proceeding. The petitioner should ensure that their concerns on this point are communicated to their local highway authority, so that they can be reflected in the development of the local traffic management plan.

John Wright (HS2–013)

93. We are sympathetic to Mr Wright’s petition and the way in which his property is to be affected by the construction and operation of the new train line. We acknowledge the disappointment which will accompany the loss of existing vegetation including the yew tree which gives its name to his farm (required to improve visibility along the realigned A50 outside his property), but we believe that the safety of residents and road users must be paramount.

94. We believe the petitioner’s request for longer notice periods in advance of disruptive works taking place on and around his property is reasonable, and therefore welcome the promoter’s commitment to explore extending the notice periods given to the petitioner. As a matter of principle, the promoter should endeavour to give all petitioners as much notice as possible before undertaking works which will affect their properties or immediate area, with the currently required three month notice period treated as a minimum to be exceeded rather than a target to be met.

95. On the concern around access around his property and the extent of land take, the promoter must clarify and communicate to Mr Wright the exact location of the consolidated construction boundary and its proximity to his property. In all cases along the route, petitioners must be in no doubt where works are to take place and where land is to be taken.

Winterbottom Lane Residents (HS2–086)

96. We note and welcome the commitments offered by the promoter, both before and during the hearing before us, to minimise the use of Winterbottom Lane by construction traffic, to prevent HGVs from passing through the residential area of Winterbottom Lane, and to put in passing bays along the area of the road which will be used by larger vehicles. From what we have seen, we do not believe that the road, particularly the residential areas, would be suitable for prolonged or extensive use by heavy construction traffic, so we believe that these measures are appropriate. The promoter should offer an assurance noting these commitments to the petitioners, and also take steps to ensure that all drivers of construction vehicles are aware of the limitations regarding their use of Winterbottom Lane. Local residents should be provided with a contact phone number or other avenue of communication by which they can report issues or raise concerns regarding the use of the road by construction vehicles.

97. Given the promoter’s assurance that only a small number of project-related vehicles will be required to use the roads outside residential properties, we believe that the petitioners’ ask for the promoter to undertake structural surveys would be disproportionate.

High Legh Parish Council (HS2–030 & AP1–008) and Mere Parish Council (HS2–008)

98. Councillor Nigel Hennerley, appearing before us on behalf of both of these petitioners, raised questions relating to the Hoo Green junction, a substantial construction planned to incorporate the main HS2 line and spurs for future links to the West Coast Main Line (WCML) and Northern Powerhouse Rail (NPR). The petitioners’ contention is that the inclusion of such passive provision and ‘touchpoints’ for future connectivity in the Bill

scheme predetermines the route of future rail infrastructure in this area. Councillor Hennerley suggested that provision for connection with other rail lines should only be built into the HS2 scheme when the plans for NPR and the link with the WCML have been fully and finally confirmed, and could potentially be built off each other.

99. We have not considered the connections with NPR in great detail, as they have not—to date—been raised by many petitioners.¹¹¹ We will, therefore reserve judgement on this issue until we are called upon to make a decision and have heard further evidence. However, we do note the Oakervee Review’s recommendation regarding the integrated development of rail plans,¹¹² and the promoter’s arguments against altering or separating out the components of the junction.¹¹³ Our initial position is that it does appear to make sense to include passive provision for future connectivity so as to avoid later interventions, additions or alterations which would be disruptive to construction or operation. When decisions are made about NPR and the connection between HS2 and the WCML, there will be future public consultations on the environmental statements accompanying those schemes, so interested and affected parties will be able to comment and raise concerns.¹¹⁴

Dr Derek and Mrs Karina Armstrong (HS2–125)

100. We hope that the petitioner is reassured by the promoter’s responses on the safety of constructing a borrow pit on the planned land, on the ability of residents to make a claim for compensation for any damage caused by the promoter, and on the expected reduced noise levels with the bund in place. We do not believe that it is necessary to make the screening bund permanent, but do call on the promoter to provide further information to the petitioner on how it intends to address his concerns relating to his existing sewage outfall, as this was not made clear to us during the hearing.

Stanthorne and Wimboldsley Parish Meeting (HS2–114)

101. We recognise the impact the Bill scheme will have on this community, with around 40% of the area of the parish given over to construction of the Crewe North Rolling Stock Depot. We have followed up the focus our predecessor Committee had on the mental health and wellbeing of individuals and communities impacted by the HS2 project through correspondence and in hearings, and propose that residents of this area may be suitable candidates for participation in the ongoing WISH2 study.

102. We await representations from the local Council on the matter, but our initial view is that the promoter should be very sympathetic to any requests for additional mitigations for the benefit of Wimboldsley Primary School. We welcome the promoter’s commitment to explore whether the mitigation measures for borrow pits B and C could be extended to borrow pit A, and believe that they should if possible and appropriate.

111 It is also, in line with the instruction given to the Committee by the House, beyond our remit to remove the spur between Hoo Green and High Legh for future connection with the West Coast Main Line; see House of Commons Votes and Proceedings, [Monday 20 June 2022](#), item 86(1)(a), which requires us to amend the Bill to leave out provision for a rail link between Hoo Green and the West Coast Main Line “except for a spur from Hoo Green to the Parish of High Legh in Cheshire”.

112 [Oakervee Review of HS2](#), 11 February 2020, para 6.29.

113 Mere Parish Council ([2 May 2023](#)), paras 130–153; Item [P271](#) in the promoter’s exhibits for the hearing with Mere Parish Council (2 May 2023).

114 High Legh Parish Council ([2 May 2023](#)), para 37.

103. Residents in this area are clearly keen to contribute to the design process for the Rolling Stock Depot. We reiterate our view that the promoter must ensure that the petitioners and the residents they represent are made aware of the opportunities they will have to participate in any public consultations or other design processes.

HS2 Cheshire Residents Group (HS2–117)

104. The promoter should provide the petitioners with a response addressing their concerns relating to the imposition of new land drains on refilled land, the use of balancing ponds, and the promoter's plans for the return of the topsoil layer in in-filled borrow pits to previous or agricultural usage.

Hoo Green Residents Group (HS2–022), Gabriella Manning and Jon O'Reilly (HS2–028), and Christopher and Elizabeth Hough (HS2–026)

105. We are sympathetic to the petitioners' concerns relating to the scale and intensity of the works at the A50 compound and the impact they will have on their community. However, as the promoter explained that relocating non-essential facilities would not make an appreciable difference to its impact and would lead to an increase in worker and construction vehicle traffic, we do not believe that it would be proportionate or worthwhile to reduce the scale of the site. The promoter has already offered an assurance to the petitioners regarding screening to mitigate the visual impact of the site, and we advise the petitioners to ensure that they make their views and preferences known to the local authority so that they can be considered in its discussions on this matter with the promoter.

106. We welcome the promoter's establishment of a Special Management Zone (SMZ) for this area, which will include a bigger community engagement team, single and named points of contact, a senior manager responsible for implementation of the Code of Construction Practice, and the provision of advice on appropriate support mechanisms to be provided by the nominated undertaker. We recognise that it is difficult for the promoter to define in advance what 'appropriate support mechanisms' could be in practice and that it is right that decisions are taken on a case-by-case basis, but this ambiguity means that petitioners and local residents have no way of knowing whether they would qualify for support or what such support could look like. We therefore believe that the promoter should compile and publish hypothetical examples or case studies of circumstances in which support would be provided.

107. We also require the promoter to explain clearly to local communities what the process for claiming or requesting support through the SMZ will be, to undertake to identify individuals—such as Mr O'Reilly—who may be specially affected and require additional support before the Bill receives Royal Assent, and to make all relevant preparations so that the SMZ is able to come into practical operation upon Royal Assent.

108. We are very conscious, as were our predecessors, of the impact of the HS2 scheme on the mental health and wellbeing of affected individuals and communities, and have been monitoring developments of the promoter's WISH2 scheme.¹¹⁵ We may return to and say more on this issue later, after we have heard from further petitioners.

115 See correspondence published on the [Committee's website](#).

Pickmere Parish Council (HS2–061)

109. We recognise the petitioner’s passion for its area and the concerns it has regarding the impact of HS2. Many of the issues raised by the petitioner will be considered and addressed during ongoing and future consultations between the promoter and the relevant local authority, Cheshire East Council. The petitioner should ensure that it makes its views on points such as traffic management, community wellbeing and the mitigation of visual and noise impacts known to the local authority, so that they can be factored into these discussions; we trust that the local authority will give them due consideration.

110. Due to time constraints, the promoter was unable to respond to all of the issues raised by the petitioner in its appearance before us. We therefore ask the promoter to provide the petitioner with written responses on outstanding points, particularly: plans for, or the consideration given to, the provision of transport services for compound staff; measures proposed to mitigate, offset or prevent community severance and isolation (including the maintenance or replacement of transport links); clarity regarding the scheme’s impact on previously proposed extensions to the Holford Brinefield; and advice on accessing funding opportunities such as the Community and Environment Fund.

111. We note the petitioner’s concerns relating to the promoter’s wildlife mitigation measures, but we will wait until we have heard further petitioners on natural and environmental issues before responding on this point.

Mr David Robert Germain (HS2–005)

112. We are highly sympathetic to the impact of the proposed scheme on the petitioner’s business and property, and therefore welcome the promoter’s assurances regarding the relocation of the auto-transformer station and its commitment to provide that assurance in the form of an undertaking in response to the request of the petitioner.

113. The petitioner’s main concern related to options for the reinstatement or relocation of his nursery business. As discussed in his hearing before us, Mr Germain has two main options: to serve a blight notice requiring the Secretary of State to acquire his agricultural holding, or to seek to make use of the powers of reinstatement outlined in Clause 47 of the Bill. This is a decision for Mr Germain to make, and we will not presume to tell him which course of action to take. However, we do note that while powers under Clause 47 will not become available to the nominated undertaker until after Royal Assent and would leave Mr Germain with a maximum of twelve months to find and relocate to a new property, service of a blight notice would provide him with more time to identify and purchase a suitable new site, see him obtain full unblighted market value for the property, and enable him to benefit from assistance from the promoter in facilitating a transfer to a new site. We agree that it would not be possible for the promoter to offer an undertaking that an appropriate new site will be found, but note its offer of support in identifying potential sites, navigating the planning process, and instructing a land agent; we trust that this support, and any other assistance required by Mr Germain, will be forthcoming in a timely and collaborative manner.

Harbour Healthcare (HS2–119) & Sherborne Court Neurological Centre (HS2–015)

114. Ground-borne noise and vibration levels are currently predicted to cause an adverse effect on these petitioners' properties; this is obviously a serious concern for providers of healthcare services. We therefore welcome the assurance offered by the promoter to seek to reduce and remove such adverse effects, and the commitment to provide these petitioners with an update in reasonable time before the commencement of operation of the railway so that they can decide how they wish to proceed. We call upon the promoter to give the petitioners an assurance that it will—at a 'trigger point' date to be mutually agreed by the parties—provide them with an update as to the latest anticipated noise and vibration levels for their properties, so that the petitioners are able to consider their options. The promoter must remain in contact with the petitioners in the years before this date, and provide them with relevant updates or developments in the interim when available.

115. In preparation for an eventuality where predicted levels remain at such a level of adverse effect that the petitioners do not consider it viable for them to remain in their current location, we require the promoter to provide them with information on the assistance which will be provided in this scenario. In addition to financial compensation, we believe that this should include support in identifying and purchasing appropriate new locations for the establishments and navigating planning, construction and fitout processes.

Patricia Mather and John Keleher (HS2–002)

116. Because of the significant adverse effects the construction and operation of the Bill scheme will have on the petitioners' property and business, we are glad that the promoter has been able to propose arrangements by which Budworth Road can remain open and access to the petitioners' property from School Lane can be maintained (except in unforeseen or emergency circumstances). Should the petitioners require any further detail or clarification from the promoter regarding access, we expect this to be forthcoming—they may also be able to petition against any future Additional Provision proposing the change regarding Budworth Road should there still be issues of concern. We welcome the promoter's commitment to work with the petitioners to facilitate the needs of the business and the property in light of the circumstances created by the Bill works (for example, making changes on the premises consequential on the provision of the new access point from Pickmere Lane), and encourage the petitioners to avail themselves of these opportunities.

117. We recognise that Ms Mather and Mr Keleher are in an invidious position; however, whether they choose to remain at their current property or serve a blight notice and seek to leave, they should receive appropriate compensation. The promoter outlined the available arrangements for compensation in the hearing before us; should the petitioners require any further guidance, this should be provided (in clear terms) by the promoter.

Annex 1: List of petitions heard and withdrawn

Petitions heard

13 March 2023	HS2–106 Cheshire East Council
20 March 2023	HS2–096 Plumley with Toft and Bexton Parish Council HS2–032 Rudheath Parish Council
21 March 2023	HS2–111 Councillor Hazel Faddes
27 March 2023	HS2–014 Wincham Parish Council HS2–077 Northwich Town Council
17 April 2023	HS2–011 & AP1–015 Lach Dennis Parish Council
18 April 2023	HS2–010 & AP1–007 Lostock Gralam Parish Council
24 April 2023	HS2–072 Brian and Michelle Lewis HS2–012 Davenham Parish Council HS2–025 Minshull Vernon and District Parish Council
25 April 2023	HS2–013 Mr John Wright HS2–086 Winterbottom Lane Residents
2 May 2023	HS2–030 & AP1–008 High Legh Parish Council HS2–008 Mere Parish Council
9 May 2023	HS2–085 National Farmers Union
22 May 2023	HS2–035 Jeremy and Elizabeth Platt
5 June 2023	HS2–125 Dr Derek and Mrs Karina Armstrong HS2–114 Stanthorne and Wimboldsley Parish Meeting HS2–117 HS2 Cheshire Residents Group
12, 13, 19 and 20 June 2023	HS2–121 Manchester City Council HS2–118 Transport for Greater Manchester HS2–128 Greater Manchester Combined Authority
20 June 2023	HS2–126 Lucy Powell MP
26 June 2023	HS2–022 Hoo Green Residents Group HS2–028 Gabriella Manning and Jon O'Reilly HS2–026 Christopher and Elizabeth Hough HS2–061 Pickmere Parish Council
27 June 2023	HS2–005 Mr David Robert Germain HS2–119 Harbour Healthcare HS2–015 Sherborne Court Neurological Centre
4 July 2023	HS2–002 Patricia Mather and John Keleher
10 July 2023	HS2–085 National Farmers Union

Petitions withdrawn

Against the Bill
HS2–003 Michael J Slater and Ruby J Slater
HS2–006 Mr Jeffrey Wong
HS2–007 School Lane Residents Group
HS2–017 Lancashire County Council
HS2–024 The Guinness Partnership Ltd
HS2–043 David, Kathleen and Robert Norcott
HS2–046 D M France-Hayhurst Foundation
HS2–048 David Luke Ltd
HS2–055 Mrs Frances Phillips
HS2–059 St Modwen Developments Ltd
HS2–066 THG and DHL
HS2–069 Gallaher Limited
HS2–074 Mr Mohammed Javed and Mr Tarique Javed
HS2–079 Transport for Wales
HS2–080 T S and A E Hartley and Sons
HS2–089 Mark and Kate Caldwell
HS2–098 Wigan Council
HS2–099 Philip Bates
HS2–103 Mark Stott
HS2–104 Co-operative Group Limited
HS2–106 Cheshire East Council
HS2–116 Cumbria County Council
HS2–129 A. R. Stockton and Co. Limited
HS2–136 Mere Estate
HS2–137 Hilda and David Pimlott, Gerald Fitzgerald and Craig Stokes
Against the First Additional Provision
AP1–002 Mr Jeffrey Wong
AP1–010 Holmes Chapel Parish Council
AP1–011 Tritax Crewe Limited
AP1–012 Cheshire East Council
AP1–013 Hilda Pimlott, David Pimlott, Gerald Fitzgerald, Craig Stokes
AP1–017 Rochpion Properties (4) LLP
AP1–020 The Tatton Estate
AP1–021 Mere Estate

Petitioners who noted their support for other petitions

The petitioners listed here did not appear before the Committee on the issues listed below, but instead noted their support for the submissions on these points of the petitioners in bold.

Manchester City Council, Transport for Greater Manchester, and the Greater Manchester Combined Authority
On the following issue: the proposal to locate the new high-speed station at Manchester Piccadilly underground instead of at surface-level.
HS2–063 Jeff Smith MP
HS2–117 HS2 Cheshire Residents Group
HS2–124 Mike Kane MP
National Farmers Union
On the following issues: [1] extent of land take, [2] inappropriate use of temporary possession powers, [3] inappropriate use of compulsory purchase powers, [4] notice periods relating to temporary possession, [5] compensation, [6] quality of accommodation works, [7] inappropriate mitigation measures on farmland, [8] maintenance of made up ground, [9] dispute mechanism in the event that an assurance is disputed between the parties, [10] access.
HS2–034 Tracy Silcock [2, 3, 5, 6, 9]
HS2–038 Peter and Nicola Darlington [1, 2, 3, 4, 5, 6, 7, 8]
HS2–040 HAE Bloor [1, 2, 3, 4, 5, 6]
HS2–041 James David Sinclair [2, 3, 4, 5, 6, 9]
HS2–042 Stan Jennings and Sons [1, 2, 3, 5, 6, 7, 10]
HS2–050 J R Edge [1, 2, 3, 4, 5, 6, 7, 8]
HS2–051 A J and G M Stubbs [1, 2, 3, 4, 5, 6, 7]
HS2–052 C and S Fitton and Son [1, 2, 3, 4, 5, 6, 7, 9]
HS2–064 T L Sherwin Ltd [1, 2, 3, 4, 5, 6, 7, 8]
HS2–083 N Fryer and Son [1, 2, 3, 4, 5, 6, 7]
HS2–090 Marjorie May Mason Will Trust [1, 2, 3, 4, 5, 6, 7, 8]
HS2–134 Hague Partners [1, 2]

Annex 2: Decisions on right to be heard challenges

Extract from transcript of hearing held [13 March 2023](#):

THE CHAIR: Good afternoon, everybody. Welcome to this afternoon's meeting of the HS2 hybrid Bill Select Committee. Before we start today's session I am just going to place on record the Committee's decision on the right to be heard hearings which we held last Tuesday. Before I do that, I'll just say the Committee, on 91B, tried to take a permissive approach in that we believe it's important that the rights of Members of Parliament to represent their constituents are upheld by this Committee and in parliamentary proceedings. But we were very clear also that the standing orders requires a direct impact on those constituencies.

So last week we heard the three right to be heard challenges against a joint petition from Angela Rayner MP, Andrew Gwynne MP and Jonathan Reynolds MP, and the petitions of Graham Stringer MP and a local business, Domestic Doggess. I'm not going to rehearse the arguments or the cases put forward by the petitioners or the promoter here, as the full exchanges can be read in the transcript of the session, which has been published on our website. So I'll just make a short statement on the Committee's decision on each case.

On the petition of Angela Rayner, Andrew Gwynne and Jonathan Reynolds MPs, the Committee found that Ms Rayner and Mr Gwynne do have the right to be heard on their petition, as both of these MPs will have within their constituencies physical infrastructure in the form of the Metrolink stations, which will be directly and demonstrably affected through being closed for a period of two years by works which are—and those works are proposed and included in the Bill. By virtue of this fact, it is our opinion that Ms Rayner MP and Mr Gwynne MP fall within the remit of Standing Order 91B and accordingly have the right to be heard on their petition.

For the same reasons, we have decided that Jonathan Reynolds MP, a cosignatory of the same petition, does not have the right to be heard. While his constituency will be undoubtedly affected by the works proposed by the Bill, in this case the temporary closure of the Metrolink stations, because there are no stations in his constituency that will be directly closed by these works or otherwise impacted, we consider this to be an indirect rather than direct effect on Mr Reynolds's constituency. He can, of course, be called as a witness by Ms Rayner or Mr Gwynne should they want to do so and will be able to participate in the future scrutiny and consideration of this Bill in the usual ways, as the legislation progresses through the House.

On the petition of Graham Stringer MP, we found that Mr Stringer does not have the right to be heard by the Committee. Mr Stringer did not demonstrate any direct effect on his constituency arising from works proposed by the Bill that would bring him within the scope of Standing Order 91B. He, of course, we accept, is indirect—his constituents will be indirectly affected in the same way as Mr Reynolds.

Regarding the traffic and congestion issues that Mr Stringer raised, these have not historically been interpreted as grounds to grant a petitioner the right to be heard. Mr Stringer should be reassured that most of the issues raised in his petition will, we expect,

be covered by petitioners whose right to be heard has not been challenged, and he will, of course, be able to participate in future consideration of the Bill in the House of Commons in the usual way.

On the petition of Domestic Doggess, we also found that this Petitioner does not have the right to be heard by the Committee. The business in question is not within the Bill limits, and Mr Hayes, the owner of the business who appeared before us, did not demonstrate any direct or special effect on his private rights. We understand that Mr Hayes's primary proposal for a slip road into Millington Lane is also made in the petition of his local parish council, Millington Parish Council, which will, of course, be appearing for us in due course.

Annex 3: Guidance on undertakings and assurances

Undertakings are formal commitments made by the promoter either to Parliament or to an individual petitioner. They are usually promises to do, or to not do, something.

Undertakings given to petitioners should take the form of a legally binding contract. This means that the commitments they contain are formally enforceable by the courts. They often take the form of saying “In consideration of [the petitioner] withdrawing their Petition, the Promoter will ...”.

Undertakings given to Parliament take the form of formal promises given to Parliament by the Secretary of State. These are not enforceable by the courts, with Parliament itself responsible for dealing with a breach of an undertaking given by the Secretary of State. Failure to comply with an undertaking given to Parliament could constitute a contempt of Parliament, but Parliament does not have any formal mechanism for enforcing compliance with such an undertaking.

Assurances are commitments given by the promoter which are not embodied in a formal legal contract. This means that they are not legally binding and not directly enforceable by the courts.

However, all assurances given to petitioners or to Parliament will be logged on an official register of undertakings and assurances.¹¹⁶ This register is a record of all the commitments given to third parties that are to be honoured as the HS2 project is built and brought into operation. The wording of the assurances included on the register should be agreed with the petitioner.

Following the Bill receiving Royal Assent (i.e., passing all its stages in Parliament and becoming law), a ‘nominated undertaker’ will be appointed by the Secretary of State to construct and maintain the scheme outlined in the Bill. Any nominated undertaker will be contractually obliged (through a contract with the Secretary of State) to comply with all relevant undertakings and assurances made by the promoter.

The Secretary of State is expected to give an undertaking to Parliament (usually a statement read into the record by the promoter’s Counsel during the opening statement at the start of Committee proceedings) stating that they will ensure that all undertakings and

116 Gov.uk, [‘HS2 Phase 2b \(Crewe - Manchester\) Register of undertakings and assurances’](#).

assurances on the register are complied with by the nominated undertaker.¹¹⁷ However, should the nominated undertaker be in breach of an assurance on the register, and the Secretary of State fail to enforce compliance (in breach of the undertaking they gave to Parliament), Parliament is not able to enforce compliance.

The promoter may offer assurances to petitioners during negotiations prior to their appearance before the Committee, including on the day of the hearing. Any assurances given verbally or informally should be followed up either with the sending of a formal assurance letter or by the reading out of the assurance during a Committee hearing (meaning that the assurance is recorded on the formal transcript). However they are given, all assurances will be recorded on the register.

You may wish to embody any assurances given to you in a formal legal contract or check the form or content of a legal document containing an undertaking. Neither the Committee nor Committee staff can advise or assist in this regard. You may wish to seek legal advice.

The Bill's promoter has also published its own guidance on compliance with undertakings and assurances¹¹⁸ and how to report a non-compliance¹¹⁹ with an undertaking or assurance. These documents provide further information than is given here, particularly on the register and processes for reporting potential non-compliance, so you are advised to read them. Any questions relating to undertakings or assurances agreed with the promoter should be directed to HS2enquiries@hs2.org.uk or 08081 434 434.

117 In his opening statement to the Committee, Counsel for the promoter said, "Now I now give an undertaking in the same terms that I have given on behalf of the Secretary to State to previous committees on HS2 legislation. I undertake on behalf of the Secretary of State to this House in the following terms. Insofar as the environmental minimum requirements are not directly enforceable against any person appointed as the nominated undertaker, the Secretary of State will take such steps as he considers reasonable and necessary to secure compliance with those requirements. This undertaking will be entered on to the register. The undertaking applies also in any case where a statutory undertaker is carrying out development for or in connection with the Phase 2B project in reliance on the planning permission enjoyed in consequence of the provision of the Bill, of which the marginal note is extension of permitted development rights. The Secretary of State undertakes to take such steps as he considers are reasonable and necessary to secure compliance with such of the environmental minimum requirements as he considers relate to that development and are not directly enforceable against that undertaking"; 31 January 2023, para 163. 'Environmental Minimum Requirements' include all undertakings and assurances listed in the register of undertakings and assurances; HS2 Ltd, [High Speed Rail \(Crewe - Manchester\) Environmental Minimum Requirements: General principles](#), January 2022.

118 HS2 Ltd, [Phase 2b Western Leg Information paper B5: Compliance with undertakings and assurances](#), 10 February 2023.

119 HS2 Ltd, [How to report a possible non-compliance with an Undertaking or Assurance](#), January 2022.

Annex 4: Summary of compensation schemes

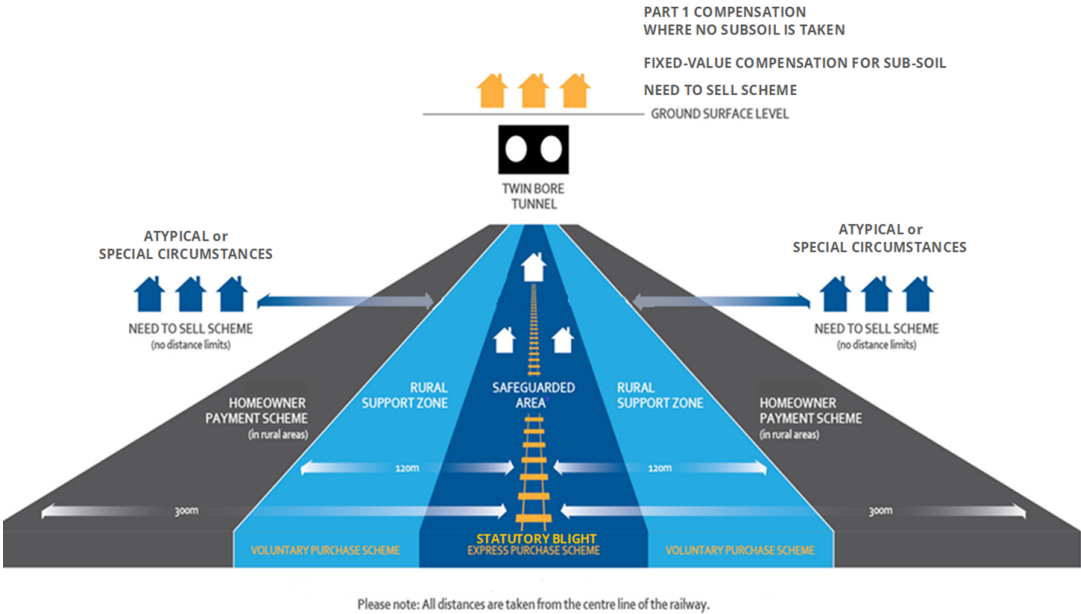
Who	Location	Property scheme	Compensation	Compulsory Purchase
Residential owner / occupier or Owner / occupier of a small business with a rateable value less than £36,000 England / £30,000 Scotland	Wholly located or partly located (more than 25% or any part of the dwelling / business premises) in surface safeguarding or extended homeowner protection zone.	Statutory Blight (applicants must include details of reasonable efforts to sell the property). Express Purchase	Includes the Compensation Heads of Claim: - Value of the land acquired (Rule 2 LCA '61) - Severance / Injurious Affection (S.7 CPA '65) - Disturbance (Rule 6 LCA '61) - Loss payments (S.29–33, LCA '73) - Reasonable fees (Rule 6 LCA '61) Payable to successful applicants on sale of the property to the SoS. Rent back option available.	Compulsory Purchase Notice served post Royal Assent. The notice would be served over land required for the scheme. The claimant could serve a counter notice requiring acquisition of the whole of their property. This triggers statutory entitlement to compensation in line with the Compensation Heads of Claim (see left). 90% of estimate payable following an Advanced Payment Request or in full following completion of negotiations.
	Partly located (less than 25%) in surface safeguarding.	Statutory Blight (applicants must include details of reasonable efforts to sell the property).		
or Owner / occupier of an agricultural unit. (for agricultural units to qualify for RSZ or a HOP scheme payment or Need to Sell, they must include a property that acts as a main home)	Wholly or partly located (more than 25% or any part of the dwelling / business premises) in the rural support zone (generally, 60m to 120m from the centreline of the railway in rural areas).	Voluntary purchase.	Unblighted value of the property on sale to the SoS. Rent back option available.	Where land is not required for the scheme, compensation is available if the land reduces in value as a result of: - an interference with a right (S.10 CPA '65) (available during construction phase) - the operation of the scheme (Part 1 LCA '73) (available 1 year after the scheme comes into operation).
		Cash offer.	Cash offer equating to 10% of the value of the property subject to a minimum of £30,000 and a maximum of £100,000.	
	Wholly or partly located (more than 25% or any part of the dwelling / business premises) in the homeowner payment zone (120m – 300m from the centreline of the railway in rural areas).	Homeowner Payment (must have 'no prior knowledge' of the scheme).	Zone 1: 120m to 180m – £24,000 Zone 2: 180m to 240m – £16,000 Zone 3: 240m to 300m – £8,000 Scheme open for applications following Royal Assent.	
	No geographical boundary but the property needs to be in such close proximity to the route that it would be likely to be substantially adversely affected either by the construction or the operation of the new line.	Need to Sell (must have 'no prior knowledge' of the scheme, show a compelling reason to sell and meet the five qualifying criteria).	Unblighted market value of the property on sale of the property to the SoS Rent back option available.	

Who	Location	Property scheme	Compensation	Compulsory Purchase
Residential owner / occupier located above a tunnel	In sub-surface safeguarding.	Need to Sell (tunnels) (as above, but must be assessed to be impacted by significant effects from operational ground-borne noise or vibration).	Unblighted market value of the property on sale of the property to the SoS. Rent back option available.	Fixed-value compensation for subsoil acquired: - £50 per parcel, plus £250 for fees. - Injurious Affection (S.7 CPA '65) where reduction in value of the retained property. Part 1 LCA 1973 where no subsoil is acquired.
Residents or business near the HS2 route who need assistance despite not meeting the strict eligibility requirements of HS2's property schemes	Cases which involve 'atypical' or special circumstances will be assessed on their individual merits.	Atypical or special circumstances.	Could include the Government buying the property, making a payment, or providing some other form of support that they would not normally offer.	If required, see above for statutory entitlement to compensation in line with the Compensation Heads of Claim.

The table above is a summary of the statutory and HS2 non-statutory property schemes, and the compensation code in the case of the use of permanent acquisition powers. The details of the schemes, applicability and statutory entitlement can be found in HS2 Ltd's published guidance notes.

The 'Property scheme' column outlines options for individuals to take proactive steps for early acquisition or compensation. The 'Compulsory Purchase' column outlines an individual's statutory entitlements if the claimant does not take proactive steps.

References to "LCA '61" or "LCA '73" are to the Land Compensation Acts 1961 and 1973. References to "CPA '65" are to the Compulsory Purchase Act 1965.



Formal Minutes

Tuesday 11 July 2023

Members present:

Andrew Percy, in the Chair

Grahame Morris

Martin Vickers

Draft Report (High Speed Rail (Crewe - Manchester) Bill Select Committee: First Special Report), proposed by the Chair, brought up and read.

Ordered, that the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 117 read and agreed to.

Annexes 1 to 4 agreed to.

Resolved, that the Report be the First Special Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Adjournment

Adjourned until Monday 4 September at 4.00pm.