

HS2

A SUMMARY OF THE ISSUES PUT FORWARD BY M.P. JEREMY LEFROY AS PERTAINING TO HOPTON AND THE RESPONSES FROM THE HS2 Q.C. DURING THE SELECT COMMITTEE HEARING 15.5.18

A Summary of the issues put forward

The way in which HS2 has treated people who wish to sell their houses:

(Referring to some Hopton residents)

“I don’t consider that my constituents have been treated reasonably by HS2. In some cases, the purchase of their property has taken far too long and resulted in deterioration in the health of my constituents as well as other personal difficulties and I’ve seen that for myself as have my staff and, in other cases, the manner in which HS2 has handled the fair valuation of the property is unreasonable. My constituents have no choice but to sell. They don’t want to. They should not be doubly penalised by being forced to accept below fair market value and facing considerable delays when they have identified a new property to move on to.”

Tunnelling through Hopton:

“Originally when the proposal came out in 2013 there was a cut and cover tunnel of about 400 metres protecting Hopton. That cut and cover tunnel was removed in the second iteration of the route, the reason being, streams from Hopton Pool. This was a surprise for my constituents who did not consider that that was at all a problem, and these were constituents who knew what they were talking about, a problem for the construction of that cut and cover tunnel.

“Now, given that HS2 clearly recognised the need for my constituents to have protection from the effect of the line through-running, and the proposal now is to have a kind of barrier to protect as far as possible Hopton village, my petition seeks to have this reinstated and of the three options, clearly, given the great benefit it would bring both to the county showground, to some constituents in Ingestre, to those in the Hanyards area and, of course, the impact on both the Weston Road and the Sandon Road, the long bore tunnel would be by far the best but I appreciate that this is extremely expensive and there are issues regarding long tunnels which I know you will be more aware of than I am. But I would say that the two shorter options, the short bore tunnel and the cut and cover tunnel would give considerable protection to my constituents in Hopton who at the moment are already facing the devastation of their village.

“It was originally in 2013, there was a proposal for a short cut and cover tunnel for about 400 metres.

“There is a longer proposal which has the benefit of going under the Sandon Road coming out the other side. The bore tunnel would, of course, have a greater mitigation, although it wouldn’t deal with the showground. My proposal was considered for technical reasons by HS2 not to be feasible, which I fully accept.....the reason is to do with the portals and the particular state of the ground at those points which is why they said, actually, it would have to be a longer tunnel for it to be feasible, which I accept”

Pasturefields and Ingestre Salt Marshes:

“I would just point out that it should be recalled that in order to protect Pasturefields Salt Marsh which was on the initial route that was being considered by HS2 before 2013, the route actually was changed dramatically to follow the more southerly and less direct route and it was calculated that in order to do that, the additional cost was, in those terms, something like £170 million just to avoid the Pasturefields Salt Marsh and to take the southern route. So, it’s quite clear to me that, I fully understand the reasons for avoiding Pasturefields Salt Marsh. However, I’d already mentioned the issue of the Ingestre Salt Marsh which this route will be going over. I think my constituents need to be considered in the same way as Pasturefields Salt Marsh in terms of protection from this line”.

Responses from the HS2 Q.C.

The Staffordshire County Showground:

“There is a very detailed petition from the Staffordshire County Showground. There is no issue as to the importance of this facility, both locally and regionally and, indeed, nationally as a showground and we are in negotiation with the operators of the showground with a view to seeking to accommodate the impact of the railway upon them. But, of course, insofar as that might involve them being accommodated through the provision of exchange land on which to relocate their car parking facilities, there is no publicly owned land in the vicinity that is available for that purpose so it would necessarily involve acquiring land from a third party private landowner or landowners. And so you will appreciate that that requires the most careful and sensitive handling and we are at the stage of pursuing that issue with a view to realising both the showground’s needs, so far as we consider them to be reasonable, but also to ensure that we minimise the consequential impact on other landowners and occupiers within the vicinity”.

The salt marshes:

“Insofar as the salt marshes are concerned, it is important just to make this clear to you. The Pasturefields Salt Marsh is an extraordinarily valuable ecological asset to the nation. It is the only example of an inland salt marsh in England and Wales and, for that reason; it enjoys the highest level of protection, both under national and international nature conservation designations. The reason why the route runs on an alignment to the southwest of the salt marsh is that if we were to seek to run it to the north of that salt marsh, as some have, over the course of the development of the scheme, suggested, on the basis of the evidence that we have – that would be unlawful. It would not be lawful for us to run the railway to the north of the salt marsh because we know that there is an alternative, namely the route alignment that we have, that avoids the risk of a harmful effect on that salt marsh, whereas if we were to run to the north we know that that would be said because it would be running along the line of the flow of water from the River Trent basin, which flows in a southerly direction towards the salt marsh. If we run a railway between the two we immediately create the risk of creating disruption to the flow of water and the risk of causing damage to that salt marsh by draining it. We don’t want to turn the Pasturefields Salt Marsh into a salt pan.

“Now the Ingestre Salt Marsh is a much less significant facility and we’re satisfied that through proper mitigation we can avoid causing any significant harm to that facility. We’re well aware of it

and we will take steps during construction and operation to make sure that it is not damaged as a result of the construction and operation of this railway”.

Elderly residents and property schemes

“You were told that there are a number of elderly residents of Mr Lefroy’s constituency who have, for whatever reason, sold their property on what they consider to be a loss as a result of the blighting effect of HS2. Anybody who considers that they have sustained a loss through the sale of their property as a result of the blighting effect of HS2 and considers that they have a meritorious case for some sort of recovery on a special basis should apply to the Secretary of State and ask for him to consider their case on its merits. But before they do so, I should perhaps avoid raising expectations too highly. This was an issue that arose from time to time during the course of Phase One Committee proceedings. There will, no doubt, always be cases which do merit special consideration. There have been non-statutory property schemes which enabled people to apply to the Secretary of State to acquire their property at its full unblighted market value, which have been in existence since the time at which that route was first announced. So there has been a publicly consulted upon and a publicly known remedy available to such people throughout the shadow of the HS2 Phase2A scheme”.

At this point an M.P. asks the HS2 Q.C. how the above information was communicated. She says:

“for example, if it was just via the internet you might have elderly people who are unaware of that because they don’t use the internet. How was it communicated?”

The HS2 Q.C. replied:

“These would have been communicated through local public facilities, so information leaflets would have been available.”

The same M.P. asks:

“And how were those information leaflets distributed? By the postman through the door?”

To which the HS2 Q.C. replied:

“No, no, they’re not distributed individually. The information is made available locally through community outlets and so forth. “

To which the M.P. replied:

“But you’re prepared to acknowledge that there may be some people who were unaware of that because they just didn’t see the communications.”

To which the HS2 Q.C. replied:

“Well, of course, I can’t deny that there could ever have been such a case. One has to allow for the fact that that’s a possibility. The existence of the scheme, as I understand it, was well known in the areas through which the railway is proposed to pass. I am told that letters were, in fact, sent to owner occupiers within 1 kilometre of the line of the route on the public consultation on the non-statutory property schemes. Public consultation took place as long ago as 2015, I think. “

The M.P. then says:

“And they were made aware during that consultation that if they had a property then HS2 would be happy to compulsorily purchase it, if necessary, at the market value?”

To which the HS2 Q.C. replied:

“No, they wouldn’t have been told that, I’m afraid.”

Agreeing on the value of a property:

“The Secretary of State has established a series of schemes which enables those who are affected by generalised blight to apply under the need-to-sell scheme, which is the one that has the most general application. To apply under that scheme for the Secretary of State to acquire their property they would have to show that certain circumstances were met and, in particular, that they had a compelling reason to sell and then that would be considered by the Secretary of State through his independent panel. They would make a recommendation as to whether the property should be acquired and, if so, then negotiations would then take place for the determination of a price. There have been cases where it hasn’t been possible to reach agreement on the price and that issue was dealt with through the arrangements which the scheme has for obtaining a third valuation. That is a reflection of the inescapable truth that not everybody can agree on the value of a property”.

The cut and cover option and alternatives:

“The cut and cover option would result in greater adverse environmental and community effects in comparison with the proposed scheme during operation. This option would also come with very significant additional construction cost - £160 million. The reason for that is principally that constructing a cut and cover tunnel at this location would involve a very major increase in earthworks and in tunnelling activity. The tunnel would be 1.2 kilometres. There would be £70 million tunnel costs whereas under the proposed scheme there would be no costs in this respect because there would be no tunnel. And additional earth works, about eight lines in, earthworks increase against the proposed scheme £47 million. Mr Smart tells me that the principal reason for that figure is that the great majority of the excavated material would not be reusable on the scheme and that would add to the surplus and therefore, would have to be disposed of and, as you know, the costs of disposal of large quantities of excavated material, in terms of transport.....”

An M.P. then asks the HS2 Q.C. if he was going on to describe the other aspects of the comparison between the proposal and the cut and cover tunnel because she wondered how serious the impact would be on Hopton of the proposed line? We have certainly looked at areas where there is going to be virtual cuttings. Is there going to be a virtual cutting at this stage?”

The which the HS2 Q.C. replied:

“Yes. The principal beneficiary of a cut and cover tunnel alongside Hopton would be Hopton village and the former Ministry of Defence dwellings at Mount Edge. There will be very significant sound attenuation measures designed into the scheme there. The railway will be built in a retained cut and there will also be bunding on either side of the line. And there is also provision, I think, for physical noise barriers as well.”

The severance of Mount Edge etc.:

The M.P. said:

“If you recall your visit to the sound lab at the very start of this, if you remember you were asked to listen to a representation of noise from the railway at a particular location. That location was Hopton. The question for you is whether you think that the sort of money that I mentioned to you just now, around £160 million, whether that is money well spent in order to convert that level of sound impact that you heard at the sound lab to get rid of it so that people don't have to listen to that level of impact?”

The Chair then said: “It's not just about the sound; it's about disconnecting communities isn't it?”

The HS2 Q.C. said:

“In terms of severance, I think the focus of concern was on the severance of the road that goes from the Sandon Road which takes you on to the Stafford bypass. There's a road that goes off to the right and goes through Hopton and that road is obviously severed because there's a very extensive cutting there and instead, it's realigned so it comes along the eastern side of the railway. The effect of that is that people who live in the MOD housing on the west side would obviously have to find another route. What has been done is an overbridge which has been provided in order to enable people to get across the railway on foot and either a proposal has been publicised or a proposal is in the offing to turn that footbridge into a bridle way so that people can both – they can go on foot, they can also use their bicycles and also ride their horses and so forth”.

Can the expense of a tunnel through Hopton be justified, if it reduces the need for sound and visual mitigation?

The HS2 Q.C. said:

“There will be a virtual or real cutting. I think that it is undoubtedly the case that the trains would be heard. There would also be people living in Hopton who would have some glimpse of them, although certainly the idea of the earthworks design here is to limit the visual impact as far as we reasonably can. But people will hear them but our position is that the degree of noise impact is not such as to justify the extra expenditure that would be required in order to tunnel in this particular section.”

Until 2015 Hopton residents had no idea that HS2 was going to go anywhere near their properties. Therefore they have missed out on two years of opportunities and consultation provided by HS2 between 2013 (which was when the original announcement was) and 2015:

Jeremy Lefroy said:

“Even if the HS2 plans were widely disseminated, which they were not particularly, but people were aware of it, it will have been in that gap between 2013 and 2015 that there was a lack of knowledge, particularly for those who, for instance, have been recently bereaved (concerning their property). That is the issue.

