

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Wednesday, 11 February 2015 (Afternoon)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Ian Mearns
Yasmin Qureshi
Mr Michael Thornton

IN ATTENDANCE

Mr Timothy Mould, QC, Lead Counsel, Department for Transport

WITNESSES

Rt. Hon. Jeremy Wright QC, MP for Kenilworth and Southam

Professor Andrew McNaughton, Technical Director, HS2 Ltd
Mr Rupert Thornely-Taylor, acoustics and vibration expert

IN PUBLIC SESSION

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(At 14.00)

1. CHAIR: Order, order. Welcome everybody to the HS2 Select Committee. We have today the Right Honourable Jeremy Wright, Member of Parliament for Kenilworth and Southam here to speak to his petition and to many others within his area, but before I start with you, Jeremy, I'd like to commend your assistant, Caroline Pickering, who both in the Committee and indeed, in the corridors outside, many of your constituents have praised for the amount of work that she's done with constituency casework. Even better than that, she's sat quietly at the back taking notes, as we've gone through village after village, and through the farms, to no doubt keep you informed. I was also pleased to see that you have spent a considerable amount of time yourself. I hope the crime rate doesn't go up over the next quarter; if it does it's because we know you've been an assiduous constituency Member of Parliament.

2. You know what the form is; would you like to kick off and give us your views about your constituents and what's happening to your constituency?

Jeremy Wright MP

3. MR WRIGHT: Well, thank you Mr Chairman and can I endorse first of all your comments about Caroline; if you hadn't said them, I would have. But it's so much more effective coming from you than from me. I would conservatively estimate that, for Caroline and I, we probably spend about 50% of the time that I spend on constituency work on HS2 so it is a very big subject and I'm grateful for the opportunity to speak to the Committee this afternoon. I should make clear at the outset, as I know you appreciate, that I speak today as a constituency Member of Parliament and not as a minister or member of the government and that will apply to everything that I say this afternoon.

4. I want to thank the Committee too, if I may, for hearing the very many constituents of mine that you have in the course of the last few weeks, if not months. I can say that from the feedback that I've received, many if not all of those constituents have been hugely impressed and grateful for the time they've been given; the consideration that the Committee; and the way in which they have been treated. I am extremely grateful on their behalf for that. I hope it continues for the rest of the day!

5. Just to orientate ourselves, you will see on your screens the constituency that I represent, the Kenilworth and Southam constituency, marked of course with the red line. You can see in purple outline, the various parishes which are within it, and are affected by HS2. This covers, of course, CFA16, 17 and 18. What I intend to do, Mr Chairman, with your permission, is not to speak about every single community, much less every single individual, who is affected by the line within these borders; but instead, to focus on a number of them, specifically, working from north to south: Burton Green, Kenilworth, Stoneleigh and Ashow, Cubbington and Offchurch, Southam, Ladbroke and Wormleighton and Priors Hardwick. That will take us to the borders of my constituency in the southeast as you look at it. Then I will make, if I may, some points about compensation which will apply more broadly, so highlight some individual examples to illustrate the points I want to make.

6. Of course, I should make it clear that any petitioners within my constituency I don't mention, I still support, and of course, it is also true that any of the points made in the petitions I make reference to, that I'm not specifically referring to myself; I wouldn't want the Committee to take as any indication of my opinion as to the relative merits of those points. But I know the Committee will understand that.

7. I want to start if I may with some comments about communication which has taken place between the promoters and those I represent throughout the long gestation of this project. The Committee will appreciate that this has been an issue for me, since March 2010, when I represented the slightly different constituency up until this point, and ongoing.

8. The process of engagement and communication, of course, started in earnest with the community forums. I must be frank with the Committee and say that those forums in the area I represent have not been a success. You will have had that sense, I'm sure, from others who have spoken to you. I think it is worth repeating. I think it is arguably the case that those community forums covered too wide an area, each of them, and it is certainly the case, in my view – and I attended many of the early community forums within my constituency – that the information that was provided was fairly scarce, and fairly sparse, by the promoter. There was, if I can put it this way, a deal that was taken away from those meetings by HS2 and not an awful lot that was brought back. So that has not been a satisfactory process.

9. The next phase of it, if I can put it like that, were bilateral meetings, which happened, I have to say, partly at my request because it seemed to me that the community forums were not doing the job effectively. They were more effective, certainly at the outset, but nonetheless, there has been far too much difficulty, in my view, in extracting meaningful and detailed information from the promoters about how this project will be implemented, and that information has been far too long in coming. It seems to me that's important for a number of reasons, relevant to the work of the Committee.

10. First of all, the Committee will, I know, appreciate the huge psychological effect on those who I represent who live in the path of this project. They found out about it, in some cases, from television crews or reading the newspapers, and since that time, one of the most important things for them, has been understanding clearly what the project will mean for them. So, the flow of information is crucial in that respect.

11. There are also some other ways in which I would suggest it's very important in the context of what this Committee is doing. The first is, it seems to me, that the way in which information is communicated and the way in which communication is done more generally, is highly relevant to the handling of community engagement in the next phases of the project. So, in the period leading up to the construction phase, and then during the construction phase itself, it's going to be very important that communication is effective and that the channels of communication are trusted. There is a lot of work to be done, I think, to reinstate that trust. In particular – I know the promoter puts a good deal of emphasis on the Code of Construction Practice and on the local environmental management programme. The key to success with both of those, will be that process of engagement with the community more broadly.

12. Second reason I think it's important is that it seems to me that the better provision of information and better communication over the preceding period, may well have forestalled the need for some of the petitions you've heard. Some of those who've appeared before you, I'm sure, might not have needed to do so, if the process of engagement before this had been more effective. We can both think of examples, but take one: Stoneleigh Park, from whom you have heard, who then negotiated in the corridor outside, in order to ensure that their petition could be brought to a conclusion. Now, there will I am sure, be further conversations ongoing between Stoneleigh Park

and the promoter and they may well need to come back before you. But it seems to me that some of those processes of engagement which have only happened in relatively short time, as a result of appearances before you, could have happened in a longer time, in a more sensible way, well before that. I may come back, if I may, to the specific example of Stoneleigh Park because I think it has a knock-on effect on the impact on Stoneleigh village, what has taken place in the corridor outside and in other conversations, but I will come back to that.

13. Certainly what I might describe as ‘corridor deals’, have I think been unsatisfactory in terms of the way in which they put pressure on individual constituents of mine to reach a settlement. You may remember Mr McGregor, who farms near Weston under Wetherley. He was the one, if you recall, who was presented with a map with what he described as the scribblings of a three year old on it, to show new land take designations. That was presented in my view, far too late, made it much more difficult for him, to come to a sensible conclusion, as you would’ve wished him to do when he was before the Committee.

14. The third reason, it seems to me, this is important is that if you have a lack of clear and firm information from the promoter to the petitioners, it makes it much harder for individuals in particular, and community groups, to make a convincing case to you in the petitions that they bring before you. Many of those, as you will appreciate, have been about alternative methods for constructing the line, whether that be additional mitigation that they would like to see, or another way of doing something, in order for them to make a convincing case to you. They need to understand how much their alternative will cost, compared to what the promoter currently intends. It’s been extremely difficult for them to do that. Particularly you will have noted, in relation to proposals to tunnels or deeper cuttings, where information on estimate costings have not been available, and where the alternatives put forward by the community or by individuals, have been rejected, on the grounds of cost, it’s been extremely difficult for them, then to present to you a persuasive case as to why those mitigation alternatives should nonetheless be considered.

15. The other area, of course, where a lack of information I think has hampered petitioners before you has been on noise. I’m not going to go through the whole argument on noise: I know you’ve heard these points made before. But, it seems to me,

that on the major point that relates to the difference between average noise levels or peak noise levels, this does make it very difficult for the people I represent to understand how the line itself will impact them.

16. I want to come back to one specific example if I may, on supply of information. It relates to Offchurch and Cubbington. You will recall that there have been proposals by the action groups in Offchurch and Cubbington for, respectively, a cut and cover tunnel and a deep bore tunnel under Cubbington Wood, and I will come back to those in a little bit of time. But in relation to both of those, those proposals for a cut and cover tunnel and for a deep bore tunnel were made fairly early on in the process. They were made, initially in fact, at the first Offchurch and Cubbington community forum which took place on 29 December 2012. At that point, HS2 Ltd agreed to assess the feasibility of what was proposed and estimate the costs of what was proposed. The mitigation proposals including those two types of tunnel were formally submitted by the action groups on 1 May 2012.

17. In February 2013, so the following year, they were told – the action groups by HS2 Ltd – that information on the costs of their proposals and on how decisions about mitigation are made, would be available by 30 March of that year. You will not be surprised to learn that they weren't. On 23 April 2013, all the mitigation proposals made by those action groups were rejected on grounds of cost. Information on the costs in detailed had still not been provided. A small amount of further detail was provided on 11 September 2013, as a result of which I wrote to Alison Munro on 5 November 2013. I've got a letter back 10 days later, providing a promise that there would be a full response on costings on the matters raised by the action groups by 9 December 2013. In fact, I got that information on 29 January 2014. That is more than 18 months after those mitigation proposals were formally submitted – and I may say that further questions submitted on this subject by the action groups have still proved hard to get answers to. I have to say, Mr Chairman, that in my view, that is profoundly unacceptable. It makes it extremely difficult for those who are petitioning to do the job effectively; and it's an experience that has been repeated elsewhere.

18. But it is just as crucial, I would suggest to the Committee now, that this Committee has that kind of information in a clear, comprehensive and comparable form, to allow you to make a sensible determination of the mitigation proposals which have

been put forward as alternatives by many different petitioners.

19. I think it is also important, if I may finally say that part of that assessment includes the ability for you to offset the benefits in reduced compensation which would then be payable with the cost of mitigation which would avoid the need for that compensation. I don't feel confident and I don't know whether you feel confident in making those judgements at the moment.

20. Can I turn to the route itself and put what I want to say in some context. I've always taken the view that there is certainly a good argument for a high speed rail network in this country, but it would be better to follow existing transport corridors. That's always been my view; I think it would cause less blight to do so, but you're familiar with that argument, and I want to restrict what I say this afternoon beyond those comments, to the route as it's set out before you. I will, I hope, make a general point first before we come to the specifics of each area. The general point is this: the feeling that I think links together the petitions that you've heard from many of those I represent is the desire to see the height of the line lowered throughout this area. I think it applies from the north-eastern corner down to the south-western corner of my constituency, and it's an argument that I fully support. It seems to me that lowering the line throughout this area will reduce the blight that it causes, both visual intrusion and noise intrusion. It will have other benefits too; you've heard, as part of the argument being made in Stoneleigh and surrounding areas, that a relatively short deep bore tunnel under the A46 would bring considerable benefit, and if I can bring up the next slide, just to remind you. I won't dwell on it, because I think the point's been effectively made by others. But that sets out, I think very clearly and effectively, how busy the A46 is, in comparison with other comparable – or it might even be thought, busier roads than it. I think that makes the point very effectively, that any disruption of the A46 is best avoided; it has huge local and regional significance as you know, and anything that avoids that period of disruption would in my view be extraordinarily worthwhile.

21. I would also say that in relation to lowering the line, the solution to a higher line, has often been – as I understand it from the promoters – to build up false cuttings. In my view, that isn't adequate as an alternative, because of course, the nature of those false cuttings is that you have significant earth mounds which certainly close up, are a considerable feature in the landscape. So it, in my view, isn't a direct alternative and a

far less good alternative.

22. Can I turn then to the line in detail and start with Burton Green, if I may, and bring up the next slide, which you can see there depicts Burton Green in the top left centre of the map. You are all, I know, familiar with Burton Green; you have been there and you've heard the argument made many times that Burton Green is a special case; I endorse that argument wholeheartedly. Having been there, you all know why that is; frankly you can see why it is just by looking at the map. The line bisects the village in an extremely central and important part of the village. At the moment, in a cutting which will become a cut and cover tunnel, but the effect on Burton Green of the line is very substantial indeed. It is, as you know, a community of some 263 homes. 61 of those properties are within the voluntary purchase zone, so you can see what the effect is likely to be. There will, of course, be major disruption to Burton Green during a period of years, of construction. That will of course cause some people to decide the village altogether. When that happens, the village starts to lose the critical mass it needs to sustain some very important local services that make the village what it is. You will recall, I know the petition from the village school, which was put to you I think very clearly as to what the effect of the line is likely to be. In essence, the construction period means, of course, that not just those who choose Burton Green itself, who may otherwise have been providing children for the school, but parents outside the village too, who would otherwise bring their children to the village for their education, may be deterred in future years from doing so because of the disruption construction will cause. I know that the school is supplying some further data to you in order to reinforce the points they made about financial impacts, and I would of course urge you to consider favourably the petition that they have made.

23. MR MOULD QC (DfT): We have that data; they have forwarded it to –

24. MR WRIGHT: I'm very grateful, thank you very much. I hope that will be considered and they will receive a favourable response; in my view, they make a very good argument. Of course, as you've heard from them and from others, a deep bore tunnel under Burton Green would resolve many of the problems if not all of the problems that I have referred to, and I would urge you to give that very serious consideration. But if that is not to be adopted, as a mitigation proposals, then I would also urge this Committee – as I have urged others – to consider Burton Green as a

special case and to consider more imaginatively what might be done in this village, beyond simple mitigation. I think there is a real opportunity here to take a different approach in Burton Green to the approach that is traditionally taken, in simply attempting to put right those things that have been affected by the building of a major infrastructure project. As I have said, some help will be needed during the construction period and the school is a good example of that, but I think we should also think about the kind of village that Burton Green could be, when HS2 is complete and operational. For example, there will be a need to replace the housing that's been lost and indeed, the local authority as you will know, intends in any event, that Burton Green should grow as a community. So there will be a need to find space for additional housing. There will also be a need to replace the village hall. You've heard specifically from the village hall Committee, and you've been there; you know that it's a very well-used local facility; it's the heart of an extremely vibrant community. In relation to that village hall, clearly it will need to be replaced, but I think there's an argument for enhancing that facility too, for providing something in the wake of HS2 that is better than what was there before, and I hope the Committee will give that proposal serious consideration also.

25. Let me move on if I may to the next slide, and to Kenilworth itself. You can see Kenilworth there on the left of the map. There are two issues, I think, here, that I want to highlight. The first is the Crackley Gap, and again I know that the Committee is familiar with this, you've been to it. But you can see it between Kenilworth and the bottom edge of Coventry at the top of the map and you can see there that there is a very short gap in fact, between the urban area of Kenilworth and the urban area of Coventry. It's a very important piece of greenbelt in the area. Of course, that means two things: first of all, it means that given the route alignment as it stands, the promoters have had very little choice other than to thread their way through that gap. But it also throws up some very considerable engineering challenges, and you've heard about those in the course of other petitions. I'm not going to go through the issues raised in detail, but I have to say – and you will have got this sense, I'm sure, from others – that despite warning the promoters about those challenges for a considerable period of time, I am far from confident that those challenges have yet been grasped, and certainly, yet been resolved. They relate not just to the impossible re-routing of the Camley Brook but also to other engineering challenges in that area. I would invite the Committee to look very carefully at whether in fact the challenges that that area throws up have been resolved,

and if they haven't whether that is likely to cause some further disruption in what is a very sensitive area.

26. The other point I want to make in relation to Kenilworth is one that applies, I think, to Southam which I will come to in a moment, and that is the need to make sure that the town – and particularly the businesses within it – are supplied continually with their customers and that disruption does not cause their businesses to be damaged. The Committee will well remember how many restaurants there are in Kenilworth; it's been set out for you in graphic form. But of course, it's not just restaurants that will be affected by restrictions of traffic in and out of the town. You will see from that map that a number of major access roads to the north of the town will be affected by HS2. I make the plea that others have made, that serious consideration is given to ensuring that some or all of those routes are available at all times, so that people are able to access the town, and to the degree to which there will be inevitable disruption to the businesses in the town, that thought is given to compensation and assistance to the businesses which will, I think, inevitably be affected. I realise that there is a fund available for the purpose, but it will be extremely helpful I know for the promoters to be able to engage with businesses and representation of the businesses in Kenilworth to make sure that that happens effectively.

27. Can I move onto the next slide please, which I hope will show you – forgive me, we are on the same slide – you can see on the same slide, Stoneleigh, which is in the centre right of the picture; and also Ashow which is directly opposite it, across the line. So those two communities, again, you have heard from. Stoneleigh Park itself, which I have made reference to, is where the arrow is pointing now. Again, I don't propose to speak in detail about the petition that they have made; I understand that they are having fruitful discussions with the promoters which is welcome – as I say, too late, but welcome nonetheless. But I do want to say something about what will result from any potential settlement there, and particularly – and this is an issue Mr Mearns that you have raised when you heard about this potential settlement – the raising of the retained wall on the south side as the line passes through Stoneleigh Park, and whether or not that has a knock-on effect in terms of noise reflected towards the community of Stoneleigh, which you can see is on the north side of the line. Now, one of the consequences I think of this settlement being reached by Stoneleigh Park only at the

very last minute has been a greater difficulty for Stoneleigh in terms of its village representation to be able to respond effectively to that. That has been a disadvantage to them, and I don't think we yet know, to be frank, what the likely effect in terms of noise is going to be. I know the Committee will want to keep a close eye on how those investigations proceed to ensure that noise implications are thought through properly for the village of Stoneleigh if that course of action is to be adopted. That isn't the only noise consequence, of course, of HS2 for Stoneleigh. You heard, I know, of particular concerns for the viaduct which will affect Stoneleigh and the noise that may be reflected towards the community at that particular sensitive point of the line. That I think is a very genuine concern which needs to be addressed. My more general comment about this area is that it's actually a very complex area. It has the coming together of a number of different things. What you have is a very unusual community in a sense; there are, as you may have heard, more listed buildings in Stoneleigh than in any other village in Warwickshire. You have a major employment site in Stoneleigh Park which has the potential for very significant – and I think very welcome development on it – you have the Stare Bridge about which you've heard, which is again a significant heritage site, and you have a number of very complicated traffic effects too. The interaction of any mitigation taken for any one of those problems on the other problems is potentially very considerable.

28. If I can just focus on traffic, there are two things I think in this area that are significant. One is to do with construction traffic, and its use in particular of the bridge in Stoneleigh. I know you've seen photographs of this and you've heard from other petitioners about it. It is a very narrow bridge; it's a very vulnerable bridge; it's often damaged by heavy vehicles which do use it, and I would reinforce the point that's been raised by the petitioners, it's extremely important that construction traffic doesn't use it. Of course, it's also right – and this is the second point – to reinforce what I've said about the A46 in connection with this particular area. The knock-on effects of disruption to the A46 will be felt particularly in this vicinity. It is important I think to keep that in mind when considering whether or not a tunnel under the A46 is a good idea as I strongly believe it to be. It links to the more general point that you're going to hear me make a number of times, around the lowering of the line: it would be of particular benefit I think to this area to lower the line; it would also bring back into contention if we were to do that, the feasibility of a cut and cover tunnel through

Stoneleigh Park itself. I know that if the negotiations between the promoter and Stoneleigh Park are fruitful, then it may be that Stoneleigh Park is prepared to settle for something other than a cut and cover tunnel but I simply repeat the point because of course it is true that a cut and cover tunnel will have knock-on benefits for those who live beyond the boundaries of the Park itself.

29. Can I now come onto the next picture if I may? That will show you Cubbington which is where the arrow is pointing; at the very bottom of that map, you can just see Offchurch and I'll ask for the next slide to be put up in a moment or two which will show you Offchurch in a little more detail. Before I do that, can I simply make three points in relation to both Cubbington and Offchurch. There are three key improvements which I think can be made here. The first is, without wishing to sound like a broken record, that we should lower the line. It seems to me that lowering the line here would be of particularly significant benefit – and it is in essence, asking only for what was originally proposed prior to the 2011 consultation. So I would find it difficult to accept, as I imagine you will, an argument that it is technically unfeasible. It clearly was feasible once and could in my view be again.

30. The increases since that 2011 level in this area, are very significant. Anywhere between 0.4 metres and 9.1 metres, in fact – or up to 7 metres or so in the Offchurch area, further down south, and up to 9 metres in the Cubbington area. So these are very significant differences. I think it is important to remember also that the Bill allows for a 3 metre additional amount within the tolerances of the Bill, in vertical height, to be built if it needs to be, so you could looking at greater heights, even, than that. You will see, of course, on this map, the embankment – it's marked by the orange line, as it moves from the south of Cubbington down towards Offchurch. So there is a very considerable period of the line during which it is on an embankment.

31. But in relation to Cubbington specifically, I do not need to dwell for long on the issue that's been raised about South Cubbington Wood. I know you are all familiar with it and indeed, I know the Committee has been out to look at Cubbington Wood and will well remember the pear tree that you all stood next to, to look at the view that can currently be seen across the valley. But there is, very evidently, considerable environmental benefit to be gained from a deep bore tunnel under that wood. It is a particularly sensitive piece of land – ancient woodland as you know – and I would

endorse wholly the submissions that have already been made to you about the advantages of putting that deep bore tunnel under that particular piece of land. It has benefits, of course, not just to the wood, but also to the community of Cubbington and indeed, to many of the local farmers from whom you have heard.

32. If I can move onto the next slide please, which will enable you to see Offchurch a little more clearly. So far as Offchurch is concerned, as you know, there is a proposal for a cut and cover tunnel between the Hunningham Road and the Welsh Road. Indeed, for as much of that line as it is possible to put into cut and cover tunnel. There are of course very obvious benefits to that, both wildlife benefits, benefits to the Greenway which you know from the people you've heard from, has considerable amenity to those who live in the area; and of course, much less noise, much less visual intrusion that the railway would cause. It would also allow Long Itchington Road to stay open. I know that you've heard some discussion of Long Itchington Road. I would simply say that although I'm not making specific reference to Long Itchington in terms of the petition that you've received from them, there is evident benefit to Long Itchington and the people who live there and having this as an additional method of access, to and from their village, as well as the amenity value to those who live and around Offchurch. So this seems to me to be a specific of doing what is proposed in those petitions. It would also, naturally, save the cost to a number of bridges over the line, and I would hope that too would be considered in offset to the cost of doing it. Again, considerable benefits to local farms, again, from whom you have heard.

33. Let me move on if I may to the next slide which shows Southam. Now, I have said already that some of the comments I've made to Kenilworth apply equally to Southam. This is the second largest town in my constituency, and again there is considerable – and I think justifiable concern on the part of the businesses in the town, as to what the effect of the line will be. This time, as you will clearly see, it is the roads to the west and to the south of Southam which are likely to be affected by the works. I think it is important that a proper assessment is made of what effects these works will have on the businesses and the population of Southam. Now, the promoter's response so far has been, as you've already heard, that the effect on Southam will be negligible. I don't accept that. I think that is highly optimistic, and certainly if people and businesses located in Southam are to accept that assessment, they will require, I think, a rather

fuller and more detailed assessment of the impact on traffic management and on other things on the building of the line. I would invite you to suggest to the promoters that some further work is done in providing that reassurance if that reassurance is indeed available. There hasn't, as far as I can see, been a proper and full assessment of traffic flows in and around Southam and then I would also expect, as I've said, in relation to Kenilworth, that there will be proper consultation with the business community about how businesses can be assisted to continue attracting customers and to make sure that any adverse financial effects are properly compensated.

34. Can I move onto the next slide, which I think will show you Ladbroke. Again, you've heard relatively recently from petitioners from Ladbroke who I think have very professionally provided for you the arguments they wish to make. I only want to highlight one or two of them. The proposal, as you know, that's been made here, is for the cutting that currently the line resides in, to be turned into a cut and cover tunnel. I don't want to add anything to that proposal; you are aware already of it and the advantages it would bring. But again, there is considerable merit here, following my theme, in the lowering of the line. One of the key benefits of lowering the line here is the effect it would have on the A423 which you can see is the pink line from north to south up on this map. Now as you've heard already from Ladbroke, the effect of what is currently proposed would be to put the A423 – at the top of the map there where the line crosses – or rather, the line will cross under the A423 – it will move the A423 roughly 10 metres into the air. Now, that is going to have a very significant effect in terms of noise, other types of pollution – light pollution even – by virtue of that road being much higher up and being able to be much more visible and audible from Ladbroke itself. Were the line to be lowered, with all the other benefits I believe it would bring, it would also avoid the need to raise that road by as much or at all, as is currently proposed. I do think, again, that that is an extremely important consideration.

35. While I am on the subject of traffic, the other point I want to make is in relation to the use of Ladbroke as a rat run. Again, I know you heard submissions about that. I won't repeat them all, but I do endorse what's been said. This is a problem that has not been taken sufficiently seriously by the promoters. There is no doubt in my mind that when you look at Ladbroke and where it is situated and the road network that surrounds it – and then at the effect on that road network that building will have – that people will

find ways of using Ladbroke as a rat run. We all have satellite navigation, if not in our cars then in our phones, and people are not going, I'm afraid, to sit patiently in traffic jams without exploring alternatives. Ladbroke provides a far too tempting alternative for that to happen. It seems to me that some of the potential solutions to that problem are in fact easily achieved. One of the solutions which appealed to me, and which you heard, was to ensure that the positioning of traffic lights is sensitively managed so that people are not in a position where they can, while waiting for the traffic light queue to move, take an alternative route instead. It is simple enough to do, if you think it through; you simply need to make sure that the position of traffic lights is before the rat run rather than after the rat run. I hope very much the Committee will keep its eye on that, so that that –

36. SIR PETER BOTTOMLEY: I qualify for a job as a roads minister, now.

37. MR WRIGHT: That, Sir Peter, from an experience you will share with me, not a job I probably want! But then it doesn't need a roads minister to work it out, is the point I'm making; it's simple common sense and I hope that common sense will be applied.

38. Can I move on then to Priors Hardwick and Wormleighton, finally, which are slides 9 and 10? You see there Priors Hardwick and then the next slide is Wormleighton. Again, the Committee will recall, I'm sure, their visit to this area. It had, I think, probably the unique combination at the time of sheep and a helicopter which you don't see very often. The sheep, despite your scepticism Sir Peter, were not part of the plan, but the helicopter most certainly was. The point being made by the helicopter which you will recall, was flying at the height that the embankment would have been at – or would be at – when you visited, was to demonstrate what effect that is likely to have. It will make a very significant impact on what is a very unusual piece of countryside. You have heard a little bit about that very recently; I don't need to repeat it, you understand the point. But there is a 2km embankment that you can see on those two slides, the one you are looking at, at the moment is at the top of the line, the orange line, is all embankment, 2km in total; and raising the line by up to 12 metres above ground level.

39. If the line, instead, were either on a lower embankment or in cutting, it would have huge benefits I would suggest, and of course, it would enable – well, it perhaps would

enforce the line going under the canal rather than over it. As you know, that is a proposal that's been made in mitigation by the local Council and indeed, the action groups. Now, that has been, again, rejected by the promoter, but it does appear that the costs which are listed by the promoter for what I might call the under-canal option rather than the over-canal option, do not in detail match the proposal that's in fact being made by the petitioners. So I would invite the Committee to urge the promoter to look again at what the community are recommending here. I understand that there will be complexities in this proposal, but it seems to me that there are such significant environmental advantages to lowering the line in this place as in others, that the proposal should be looked at again and considered very carefully – again, in offsetting both the cost of doing so, and the environmental costs of not doing so. So, again, I return to the theme that I've maintained throughout, that lowering the line is something that would be of considerable benefit to almost every area I've referred to.

40. So, Mr Chairman, that's what I wanted to say in relation to mitigation, may I move to compensation, and say a few words about that.

41. MR BELLINGHAM: I am listening very carefully to what you're saying because this is in line with what a lot of your constituents and Parishes have said. Before you move onto compensation, of course, lowering the line in one place will have a knock-on effect elsewhere, because it will bring it out of kilter. Have we got – it's been a recurring theme of yours, and I know I'm finding it very helpful having you pull all of this together, because we haven't had it hitherto, although one or two of the wildlife and other conservation bodies have tried to give an overview. But to have an overview of all the parishes and communities in your constituency, it is extremely useful. But have we got any costings on any of these plans? Maybe it would be helpful? Perhaps it could be you coming back after Mr Mould has said a few words, on what your list of priorities are, although that of course is a difficult one because you need to do the best for your constituents. But some of these will be more do-able than others.

42. MR WRIGHT: Yes, I do understand that. If I can take those two points in reverse order if I might. The costings point, I think I can only repeat what I said: I don't want to simply return to the criticisms that I've made, but there is considerable difficulty in being able to cost out accurately alternative proposals without getting at least estimated unit costs for doing what's being proposed. I don't myself accept that it would

necessarily impossibly expensive to do what's being suggested, at least in part because we are looking in many cases at considerable land take, and engineering expense in building up embankments which wouldn't need to be done, if you instead dug down to create cuttings. I'm not an engineer; it's very difficult for me to be precise about that. But it's even harder if you're not supplied by the promoter with costings they do have access to, as to how much it does cost to do the alternatives compared to what they were originally proposing. So I'm slightly hamstrung by that, I'm afraid, but in the possession of all that information, then I or community groups or anyone else can make that comparison. I would simply add though that it isn't straightforwardly a matter of working out which the cheaper option is; it's also, as I said, a matter of offsetting any additional cost with the benefit that there may be in reduced compensation which would then be payable and of course, with considerable environmental benefits which may accrue to what we're suggesting. That's the first point.

43. So far as coordination of different areas is concerned, as you will know, Mr Bellingham, I have tried to draw together the strands of what's been said by my petitioners but beyond that, and before that, there's been considerable effort made by all the action groups in my constituency to make sure that they are not presenting solutions to this Committee that conflict with each other, but rather, that cohere with each other. I think they've done that very well. It seems to me that lowering the line throughout all of the parishes that we've spoken about so far this afternoon, would be of benefit to all of them, to the extent that we're able to – although of course it's outside my boundaries, to look either side, both to the West Midlands and to Northamptonshire, which are either side of my boundaries, to make sure that what's being proposed wouldn't have an adverse affect on them either. So rather than suggest to you that we should lower the line here and raise it over here which would, I think, present problems of coordination, what we've tried to do is propose something which if implemented, would be a benefit to everyone, would be consistently applied across the area. If the line is brought down generally – and again, I'm not asking in many places for something that hasn't previously been planned out by HS2 Ltd itself, in previous situations of the scheme. So we have attempted to do that as best we can, but are very happy if the Committee is keen for us to do so, to look again at that, provided of course, we receive the necessary information from the promoter.

44. MR BELLINGHAM: Thank you.

45. CHAIR: Compensation?

46. MR WRIGHT: Compensation. So, let me make it clear again by way of introduction that I have responded to the consultations – many of them – on compensation, by making clear my view that the better route to take is a property bond. But again, I'm not proposing to dwell on that unless the Committee wishes me to, but rather to look in detail at some of the schemes which are currently on offer.

47. The central case that I want to make is for a flexible approach to the compensation schemes that have been set out. I hope that the Committee will support that. Can I start with what I might call the alternative cash offers, and payment schemes for those who are in the voluntary purchase area who want to stay, rather than who want to leave; and the payments that are available to those people who are beyond 120 metres from the centre of the line, up to 300 metres away.

48. Now, the Committee will recall hearing from Mr Doyle who lives in an alms-house on Cromwell Lane in Burton Green. If I can see the next slide, please, which I hope is number 11? You will see there Burton Green, and if you look below the line, which is the green and black dotted line, 410 – so somewhere just south of 408 – is where the alms-houses are. Again, the Committee will recall seeing those. They are not far from the bridge over the disused railway line at the moment. The reason I highlight them – and again, I don't want to repeat what Mr Doyle had to say to you, but the reason I highlight them, is that the point here is that the people who live there are occupiers but they are not owners. Therefore the compensation that they are entitled to is effectively non-existent. The properties themselves are owned by the Berkswell Trust, from whom I don't think you have heard, but who have certainly expressed their concern about what will happen to their residents. If you are an owner-occupier in that vicinity, and you can see how close to the line you would be, and you will already I'm sure be familiar with the colouring but effectively, the purple hatching is what might once have been the compulsory purchase area, but is no longer for construction reasons, but remains so for compensation regions; and the orange band is of course the voluntary purchase zone. The pink band beyond it, then green, then yellow, are in diminishing value, the home owner payments that attract to those who are between 120 metres and 300 metres away.

The point I'm making is that the people who live in those alms-houses at the moment, because they are not owners, don't have access to any compensation at all. You can see very clearly from that map and from your visit that the level of disruption to them and the annoyance and inconvenience will be very considerable, and because they are, by definition, elderly people who live in those properties, so much the greater. I would invite the Committee to consider whether in pursuit of the theme of flexibility, there is something that can be done to help those people, even when they do not qualify under the existing schemes. I would simply highlight – you can see it from the plan – but the distances that those people are from the line itself, let alone the surrounding construction, as sometimes as close as 33 metres from the line itself, albeit it will be in tunnel at that point; and 166 metres from the nearest point which will finally be in the open air.

49. But I would like to see some flexibility for owner-occupiers too. Again, the Committee may recall Mr Christopher Langton, who will be perhaps memorable to you because Mr Langton put up two photographs of what appeared to be almost identical houses, one of which was his and not in the voluntary purchase zone, one of which was in the voluntary purchase zone. He lives at 426, so again, you can see towards the bottom end of that road, 424 and 428. His is the house in the middle; and just the wrong side of that line between the pink band and the orange band. The point I really want to make here is that there is a very significant difference, as the Committee will be aware, in the compensation available to you if you're inside the orange zone and if you are not. Mr Langton, as he explained, is the difference between the possibility of having his house bought at the unblighted value and the sum being given to him of something like £22,500 – a very considerable difference indeed.

50. Really, what I want to argue for is a rather more flexible and sensible drawing of the lines. You can see from that map, very clearly, that there are a number of properties which are all drawn together, some in the pink zone, some in the orange zone; and there are some then in the green zone. There's then, as you can see at the bottom of that map, a very considerable gap before you get to anything else. I would simply suggest it perhaps is more sensible to think carefully about how we can offer some consideration to people who are just the wrong side of these lines, where there's a more logical boundary that could be drawn instead. If it can't be done by amendment of the

voluntary purchase zone, I would suggest it is a sensible thing to do to invite the Department for Transport and those who administer the need to sell Scheme to consider that as a relevant factor when they are looking at applications under that scheme. I do appreciate of course that any scheme which has lines drawn in it will involve people falling just the wrong side of them. But I would suggest it's sensible to try to draw the lines in logical and sensible places, rather than less logical and less sensible places.

51. If I can go onto the next slide, you will see another example of what I mean. Again, this will be familiar to you; this is Crackley Crescent. Again, you saw this, both up close and from the road over the A429, Kenilworth Road, that you can see running from the top to the bottom of the plan. Crackley Crescent, you've heard from at least two sets of petitioners, the Hillards and the Kites, who live on that road. Again, I would simply say it is evident, isn't it, that some people on that Crescent are on the right side of the line, and some people are the wrong side of the line. There is a more logical place, I would suggest, that that line can be drawn. If this can't be fixed by moving the lines themselves, then I would hope it can be fixed by a sensible and flexible and sensitive approach to the need to sell scheme.

52. It may of course be that there are places where, when it comes to the safeguarding zone where compulsory purchase applies, where of course, maximum compensation is then available, that flexibility has been applied but in a rather peculiar and I would say, unhelpful way. If we can look at the next slide please, what you are looking at here – and you will see there is in the centre-left of the picture, is Furzen Hill cottages. Now, again, you may recall Furzen Hill cottages, not just because you have been there but because one of them is lived in by Mr Edwards, who has a falconry business and who appeared before you, and has a number of very specific problems which are being worked through, I know, with the promoters at the moment, for which I am grateful. The point I want to make is a broader one and applies to all of the people who live in Furzen Hill cottages, and I perhaps don't need to dwell on it. You can see from that plan that they are entirely surrounded by safeguarded area in which construction will take place. In fact, what will happen to the people who live in those cottages, is that they will have the line, as you can see, to the south of them; they will also have an A-road being raised near to them too; they will have a drainage lake just to the north and an electrical substation to the northwest. As a result, they will be completely

surrounded by construction and I would simply say it is surely more sensible for those cottages to be included in the safeguarded area rather than carefully edged around to avoid the need for those properties to be bought. Again, I simply ask for a more sensible approach to the way in which these lines are drawn.

53. Next slide, if I can have that please, makes a slightly different point that I want to focus on for a moment and that is properties that are directly above or in the vicinity of tunnels. What you are looking at is Bascote Heath. Again, you may remember Bascote Heath, you drove through it. There is a deep bore tunnel under Bascote Heath, and you heard from, certainly, Dr and Mrs Hughes who live in The Dower House that you can see is in the group of houses towards the top of the map, and you can see there's a house directly above the tunnel itself called Welland House.

54. The point I want to make here is that I understand the position of the promoter which is that when the line is operational, people who live above tunnels or near to tunnels will not feel any adverse effects, and they may well be right about that. The difficulty is the property market doesn't believe them, and it's very evident – and you have heard it from some of those who are in this position – that they are finding it difficult if not impossible to sell their properties and at the moment they are not entitled to compensation unless they are successful under the need to sell scheme. I simply invite the Committee to consider how we manage a situation where the reassurances being offered by the promoter are simply not accepted by the property market, not just in this precise location but I'd suggest elsewhere as well, and the people who are therefore living here, are in an extremely difficult position. I would hope that in the relatively small number of cases where this is relevant, that some flexibility again can be applied and these people can be provided with some compensation. Again, it seems to me, if it cannot be done by re-drawing of lines, then it could perhaps be done by a rather more intelligent and sensitive application of the need to sell scheme, which I know some of the people affected in this situation are indeed applying to.

55. Finally on the subject of compensation, just a few other points. I support the submissions that others have made in favour of including the compensation available for those in the voluntary payment zone, the costs of moving – the fees and other costs, included in moving. I can see no reason why the situation for those who are affected by HS2 should be any worse than those who are affected by HS1, for whom as I

understand, this provision was made. I know the Committee want to look at that very carefully

56. In more general terms, I know the Committee is interested in looking at the way in which the need to sell scheme operates. It seems to me very important to keep a close eye on how that scheme operates. You will have heard from many – and I am afraid I must reinforce it – that the experience of the Exceptional Hardship Scheme was not encouraging in this respect. In my constituency, and these are the promoter's figures, for which I am grateful, two-thirds of the applications to the Exceptional Hardship Scheme which were made were rejected – so only one-third were allowed. There have been occasions with which I have been associated, where applications have been made, where queries have been raised on one ground and then answered on that ground, and then the application has been refused on a different ground, about which no query was originally raised. I'm afraid that the application of this scheme has left many of the people I represent with the thought that every effort was being made not to pay out, and an unduly restrictive approach was taken to the criteria of the scheme. I would certainly hope that the need to sell scheme, which has been advertised as more flexible than the Exceptional Hardship Scheme demonstrates that in its early months through its early applications. I know that's one of the things that the Committee will want to keep its eye very carefully on. I think if there is an unduly restrictive approach taken to the application of this scheme, then the simple truth is that people who, I am sure all of us in this room would agree, are deserving of compensation, will be excluded from it because this is their only recourse and they are not allowed compensation under that scheme. That, I think, would be profoundly undesirable.

57. Final thing I want to say on compensation is this: of course, the agreement by the promoter to buy a property is not necessarily the end of the story. I'm afraid that we have heard of cases where agreement has been reached in principle to buy a property, but then there have been protracted further negotiations over the price that will be paid for it. In this respect, I understand that there will be negotiations as to that, and views may differ as to what the appropriate price is. But it seems to me, that the rules are clear here: what should be paid is the unblighted value of that property. It is highly likely that local estate agents will have a better view of what that value was than someone who is out of the area, and I think it's most unfortunate if, as seems to have happened, the

views of not just one but perhaps more than one local estate agent are ignored in this calculation. It's very important I think that the promoters do not defeat from the jaws of victory in these cases by satisfying the petitioner in saying, 'We'll buy your house, you are in the scheme, well done', and then after that, deciding that they will not pay them anything like what an objective view would say the house is worth. I wanted to make that point.

58. The final thing I would say is in relation to properties which are bought by the promoter and then it is sought to be rented out. In relation to that, and this has been an issue in particular in Burton Green I would say, where a number of properties have been bought and then put on the rental market, it's very important that the process of getting those properties ready for rental and then rented out is happening as quickly and efficiently as it can. If it doesn't happen quickly, that has a significant knock-on effect to the community and the existence of empty properties that are then falling into less and less good repair, either externally or internally, doesn't have a good effect on the property market, such as it is in those areas anyway. Of course, it's important that people are brought into the community so they can continue to use those local services that we referred to earlier on.

59. So, Mr Chairman, if I had to sum up what I've said to you in six words, the next slide will do it. That's what I want to say to you in total. Three things: better communication I think is necessary, it hasn't happened as it should have, crucial that it does now, especially before and during the construction phase; the second point is as you will have picked up, I think the line should be lower and it seems to me there are considerable benefits to many in my constituency to do that, and it is technically feasible, it is almost certainly a cost issue, but I hope those costs will be assessed fairly and in proper comparison with the alternative; finally, that we should have flexible compensation so that the promoters of the scheme in the way in which this compensation scheme is operated do not exclude clearly deserving cases. I'm very grateful to the Committee for the opportunity to make those points.

60. CHAIR: Thank you very much, Jeremy. It's been a 40km canter through your constituency and it's almost like one of those maiden speeches where you try and mention everywhere, trying to get everywhere in, but I understand how difficult it is with a constituency Member of Parliament with all of these issues coming up.

Mr Mould, I know you've answered many of these points more specifically and in more detail as we've gone through the process.

61. MR BELLINGHAM: The Code of Construction Practice, you mentioned that in passing, do you want to say a tiny bit more about that?

62. MR WRIGHT: Yes, I think probably all that I would want to add to what I've said is that it seems to me highly desirable we have a Code of Construction Practice, but two things it seems to me to be important: first of all, everybody understands what it says and therefore the process of engagement that I have talked a bit about, is effective between those who are promoting the scheme and their contractors and the communities that will be affected and secondly that we understand clearly what the enforceability of that Code is, because I read the draft Code and it makes an awful lot of reference to 'Where reasonably practicable...' things will be done. Who decides what 'reasonably practicable is', and if it's not somebody we can easily identify, then is this really going to be of the use that we hope it will be.

63. So it seems to me, it's partly about that communication, it's partly about making sure that everybody understands what constructing companies should be doing, so that they can report instances they find where they're not. But secondly, this needs to have teeth: we need to be able to see a way in which if constructing companies don't do what they should, there are real consequences that follow and everybody doesn't simply say, in and around the promoter, 'Oh well, it was very difficult to do that', and therefore they weren't able reasonably practicably to do it. So, that seems to me to be the key consideration for the Code of Construction Practice and, of course, it applies to the broader environmental plans for the management of each area. As I say, I want to see the community fully engaged with that in the planning phase and then I want to make sure that, if things go wrong, there are clear ways for local people to know what they can do about it.

64. CHAIR: Perhaps that would be a good place to start, Mr Mould, on the construction practice and the environmental forums.

65. MR MOULD QC (DfT): The first thing to say is I'm pleased that we both agree that there should be a code of construction practice, because we regard that as the cornerstone of providing comprehensive environmental management and control over

the construction of the railway.

66. The second point to make is that this is not rocket science. As you have been told, the code of construction practice is modelled on codes that have been operated very successfully in relation to other major schemes, both promoted through public bodies and also those that have been promoted by commercial undertakings.

67. The third thing to say is that the code, when it is finalised and when its requirements begin to be put into effect, both through the work done by local authorities in relation to noise controls under the Control of Pollution Act, and through the operation of the development and construction agreements, which will be binding upon the nominated undertaker and his subcontractors; there will be relatively little reference to reasonable practicability. There will be defined things that have to be done and they will have to be done.

68. There is perhaps a way of illustrating how questions of practicability are not something that has been thought out by HS2, but something that has been found to be an effective means under the general law of drawing the balance between the nation's need to carry out major development and doing the best one can to ensure that, as it's being carried out, the impacts on those who are affected by it are kept to a reasonable minimum. That is the very well established regime under the Control of Pollution Act in relation to the control of construction noise.

69. The test, which the law has laid down for 40 years, on the development of appropriate controls for construction activities, so as to limit the noise that flows from them, is what's known as the best practicable means test. That is the approach that is laid down by the law and that is the approach that local authorities will use in this case, just as they do in any other major construction scheme. That is the approach they will take to regulate the way in which these works are carried out. It is in that key area of noise and construction noise that this regime makes no significant change to the general law that applies to any major development scheme that is carried out, in relation to the standard that has to be met.

70. I emphasise those points because I do see it as important to seek to disabuse some of the public, who are going to undoubtedly experience the effects of construction of this railway, that somehow we are departing from the established norm and the

established standards that are required of schemes of this kind. We are not. We are, in that respect and in other respects, not only seeking to comply with them, but also building in higher standards, in a number of respects, than those which would ordinarily apply.

71. In terms of enforcement, staying with noise, enforcement will be with the local authorities, as it is with other major schemes of this kind. Where this scheme differs is that the code will be comprehensively contractually binding on the nominated undertaker and he will be responsible not only for his own compliance with those requirements, but also personally responsible for all of his subcontractors. There will be a clear route for those who are concerned about whether the requirements of the code are being complied with. People can go to the nominated undertaker.

72. One practical and manageable way in which that will be reflected is in the complaints procedure. As you know, we're going to have a locally based scheme, again tried and trusted, being deployed on the Channel Tunnel Rail Link, being deployed on Crossrail, which will enable people to pick up the phone if they think something's not being done properly, speak to somebody within the project, and say, 'Can you please do something about it?' Experience suggests that that works very well. There is a complaints regime if it doesn't work in individual places and there is also a small claims scheme, in relation to any damage or loss that results, but it's designed to be locally based so that people can get quick redress. We've told you about this before; I reiterate it.

73. CHAIR: The priority then is to stop the nuisance and to sort out people who are getting annoyed. If a contractor persistently has problems, the redress is through –

74. MR MOULD QC (DfT): The Secretary of State. The Secretary of State has given that undertaking, through me, that he will take responsibility for enforcing compliance with the code of construction practice. It's one of the environmental minimum requirements that I've told you on day one; he will take responsibility. If Mr Wright receives a complaint from one of his constituents, in due course, that they're not getting redress through the complaints procedure or whatever, he can raise that matter with the Secretary of State in Parliament, a point you've made in previous debates.

75. You said the priority is to stop the nuisance. No, the priority is not to cause the

nuisance in the first place and that's what the code is designed to achieve. I can't say there won't be people who will suffer some degree of nuisance. You can't make an omelette of this size without breaking some eggs, frankly, but the code is designed to prevent, as far as possible, rather than to secure. It provides for the cure where the cure is needed.

76. CHAIR: Do you want to just come in on that point?

77. MR WRIGHT: Do you mind? I just thought I'd say a couple of things about that. I understand exactly what Mr Mould is saying and I'm not suggesting that this is, in any way, a new concept. I understand also his point that we are not here proposing to depart from established norms. The point though that I was making is that most members of the public don't know what the established norms are and, if any of these practices are to be properly enforced, then we do need the public to understand what the expectations are, so there is a job of communication to be done to make sure that everybody understands what the code of practice says.

78. In relation to traffic – and I accept noise will be a large part of it, but traffic movements will be another, dust will be another. It's quite apparent to me, and it probably is to the Committee, that one of the things that was got wrong in the construction of HS1 was nobody thought about water extraction rights to damp down the dust. All of these things have to be thought through carefully.

79. The last point I wanted to make was just in relation to enforcement. I assume, and Mr Mould will be able to confirm this, that in relation to contractual obligations on contractors to comply with the code of practice, presumably there are contractual penalties available too, if they don't.

80. MR MOULD QC (DfT): In the event of a breach by a contractor, then the arrangements, as I understand it, are that that element of cost will be disallowed from the contract. These things are being developed, but that's what I'm told.

81. Coming back to the point about communication, I accept that entirely. Whatever view you take of what had happened in the past, and I don't want to go into a debate about that, because I don't think the Committee will thank me for taking too much time on that, in terms of looking to the future, we're completely at one. It's absolutely vital

that the communication is as good as it reasonably can be in relation to the actual performance of these works. The regimes that we have in mind in relation to that, including the preparation of local environmental management plans, including the communications and the community relations strategy that we've set out in some of the submissions to the Committee, they're part of it.

82. One of the problems we have at the moment, which I have mentioned before, is that we are at a particular stage in the development of this project. We haven't got a detailed design setup as yet, and it causes people a deal of understandable concern, because they just don't know in detail what is going to happen. The policies and the proposals that we have to develop community relations strategies through the code and through the nominated undertakers' obligations, that is where that will be done and where it has been done in previous projects.

83. You make the point about HS1. One of the great advantages of coming after HS1 and after Crossrail is that we can learn from the experience of those projects. If things haven't gone right, we can learn from that, just as we can learn from the fact that, as you say, in your area, unfortunately, from my perspective, the community forum regime is not seen as having been a success.

84. I say 'unfortunately from my perspective', because one of the reasons for proposing, which was one of the things I suggested some years ago, that we should have a public consultation locally on a draft of the environmental statement, was precisely to enable there to be local public engagement on the draft proposals before they were actually submitted to Parliament in the form of a Bill. It was a well intentioned piece of work, but we learn from experience. It hasn't been universally successful and so we will take advantage of that information, as we go forward to develop community relations and local engagement initiatives for the detailed development of the project.

85. We are still at a learning stage. We understand that and all I can say is our commitment is to respond positively to those matters that you raise. I don't think I can say very much really in response to compensation. The proposal that the discretionary scheme should be applied flexibly, I think it's fair to say, I would expect that they would be applied in accordance with the principles that are set out in the schemes themselves. They allow a degree of flexibility, as you know; one only needs to read them to see that.

86. Ultimately, it's a matter for Government, I think, to decide whether or not it wishes on reflection, for example, to redraw some of the lines, whether it wants to change the arrangements for the application of those schemes as they apply to properties over tunnels and so forth. I say it's a matter for Government; Government has made a decision, in the light of the consultations that have been taking place, in its own judgment, as to where the balance lies between the desire to provide fair compensation and the cost of compensating to the public purse. I don't think I can say more than that really.

87. CHAIR: Can I raise an issue Mr Wright raised, which was about moving costs, legal costs, for people outside the safeguarding zone of HS1? Were they different arrangements?

88. MR MOULD QC (DfT): There was a different arrangement there, but that was a response to the economic circumstances and that was the judgment of the Government of the day. As you know, the Government of the day, in this case, has taken the view, following consultation on its proposals, that it should draw the line in that respect, as you have been told.

89. I think I ought just to say something about Mr Doyle, because that is a situation that the Committee has heard about. You'll recall Mr Doyle; he was the resident of one of the alms houses. The reason why Mr Doyle is not able to claim monetary compensation is because Mr Doyle doesn't have a proprietary interest which, under any statutory or discretionary scheme, is of substantial value. I think he has a tenancy, and we also know that Mr Doyle doesn't want to move. He told you that; he'd like to stay.

90. What that means in practice is that the emphasis with Mr Doyle is not about giving him financial compensation. It's about mitigating, as best as one reasonably can, the effects on him, in his home, of the construction of the railway through Burton Green. I think I mentioned to you, when we heard his petition, that there is a provision in the code of construction practice, in its current draft form, which allows for special arrangements to be made in special cases.

91. Now, I'm not saying whether he should or shouldn't be seen as a special case. He's made his submissions to you and that's a matter that is for you for consideration, so there is some flexibility there. I would expect that provision to be applied in a

sensible and a practical way and, dare one say it, a sympathetic way in cases such as Mr Doyle's, where we know that he's an elderly gentleman; we know he wants to stay, but we know that he's living pretty close to a major construction site. That's what that provision of the code is designed to provide for.

92. SIR PETER BOTTOMLEY: If someone, not Mr Doyle – I'm going to de-personalise it – if someone's a freeholder, they're entitled to get the compensation. If someone's a leaseholder, they're entitled to compensation. If they're an ordinary tenant or they occupy an alms house under licence, are they deliberately disqualified from getting any compensation for the period of construction work, which is what the compensation is for others?

93. MR MOULD QC (DfT): It's one of the fundamentals and longstanding provisions of the way compensation law and discretionary schemes that are modelled on it operate. Short tenancies, because they have relatively limited value, the compensation payable is very small. There is of course the home loss payment that applies under the statutory scheme so, if you are displaced from a flat that you hold on a short tenancy, you are entitled to receive a payment under the home loss system, but Mr Doyle isn't being displaced under this scheme.

94. SIR PETER BOTTOMLEY: It's compensation for going on living there in the middle of the construction of a major railway.

95. MR MOULD QC (DfT): That, as I say, is the effect of the very well established and longstanding arrangements.

96. SIR PETER BOTTOMLEY: That we understand, but one of the reasons we're here is because the historic negative isn't always good enough. It doesn't mean we can't do something in a new way because nobody's done that way before. It's been the challenge on a number of things that have happened on this point and others.

97. If you describe the situation accurately, whether or not the promoters deliberately said that someone who has, in effect, occupation for life of an alms house, which is what someone going to an alms house expects, they shouldn't be treated in the same way as if I was living next door to them. That compensation is for the period of construction; it's not the compensation for loss of the value of the home. It's for putting up with the

experience of having the infrastructure built around you.

98. MR MOULD QC (DfT): Sorry, my fault; maybe I didn't make it clear. I was focusing on compensation payable for having your property expropriated. You don't get compensation, as you know, for –

99. SIR PETER BOTTOMLEY: We're not concerned about that. We're concerned at the moment, I think, with someone who's going to go on living beside the building of this railway. For others, with different tenure or ownership, there is a payment to be made by the promoter or Secretary of State for putting up with the experience of having the railway built by you. Is that denied to the occupant of an alms house?

100. MR MOULD QC (DfT): Do you have in mind the home owner payment, because I want to make sure I'm shooting at the right target?

101. MR WRIGHT: I think what Sir Peter's referring to, which I was going to make reference to, is what has now been provided for, which is for those who are within the voluntary purchase zone. If they so choose, they can ask for a cash payment instead of the state buying their property. Now, the only logic can be that they are being compensated for the inconvenience of living there.

102. Now, the question is, if you've crossed that Rubicon with that particular provision, why is it that somebody in the position of Mr Doyle or anyone else who lives in an alms house isn't eligible for that. It isn't about their proprietary interest; it's about, as Sir Peter says, what they have to put up with in terms of construction.

103. Now, I accept, to take from the specific to the general, what you say that this Committee doesn't have direct control over whatever compensation proposals the Government chooses to make, but they are entitled, surely, to make comments about it, particularly given its interaction with mitigation, which is very much within their purview. It seems to me perfectly appropriate to ask a question at least: why, in the relatively unusual – indeed, it may be unique – situation of these particular alms houses – I'm not aware, you may be, of other alms houses along the line that are affected in the way these are. We're talking about six particular properties, where these people are not getting access to the sort of payment for inconvenience that other people are getting access to.

104. Final point: the reason this matters is you're absolutely right it's important that everything possible is done to mitigate the effect of construction on Mr Doyle and those who live near him, but he may choose, of course, to say, 'Look, I can't put up with this 12 months of the year; I'm going to go away and have a holiday or two and keep away from it. That's what I might use my compensation for if I got it.' He hasn't currently got that option.

105. MR MOULD QC (DfT): On that last point, that is precisely the kind of practical intervention that would fall within the scope of paragraph 13.2.15, in the code of construction practice. That would be the kind of thing that I would expect, in deserving cases, the nominated undertaker would look with a positive face on. That's not really the issue that we raise.

106. Two points: first of all, the alternative cash offer is precisely predicated on the fact that it is an alternative to acquisition of a proprietary interest by those who own such an interest.

107. SIR PETER BOTTOMLEY: Got that point.

108. MR MOULD QC (DfT): That is a judgment made by the Government, I should say, not by the promoter – this is the Secretary of State's policy – by the Government amongst other things on an economic judgment, if it makes sense to offer that opportunity, that choice, from the perspective of the public purse.

109. SIR PETER BOTTOMLEY: I've think we've probably gone as far on that one as we can, this afternoon. On a general basis, it may affect people in London as well.

110. MR MOULD QC (DfT): I should say that of course in no way do I question the role of this Committee in providing a remedy where it sees a remedy to be appropriate. I have never suggested that the Committee should not do that, far from it. What I do want to make clear, because I am just concerned that perhaps this point needs to be hammered home, as I have said before, there has never been a financial remedy given under the general law to those who complain that they have suffered disturbance from living closely to public works. That has never been a position. That may be thought to work partially in the case of major schemes, but that is the position. It is no different for Mr Doyle as it is for any other person, whether they be a freeholder, long leaseholder or

whatever it may be.

111. SIR PETER BOTTOMLEY: Can I then move on a fraction? If you said this, Mr Mould, or whether the Chairman did or whether neither of you have yet, when Jeremy Wright was talking about the rigidity of distances from the line – this is a new subject – the need to sell has no distance in it, so that sweeps up the point that would have been a problem, if the need to sell scheme hadn't come in.

112. CHAIR: Depending on how it works and monitoring.

113. MR MOULD QC (DfT): I don't want to go down the route. Can I just say one thing in response to two general points? The first is lowering the line. We have sought to lower the line, but it is important to understand that, if you lower the line, you don't reduce the engineering costs; you tend to increase them. If you lower the line, you don't reduce the land take; you tend to increase it, because cuttings tend to be more land-greedy than false cuttings. In particular, false cuttings tend to provide a greater opportunity in principle for returning the land on either side of the railway to productive agricultural use than do actual cuttings.

114. The environmental advantages that come from lowering the line in the way that was suggested tend to be marginal. You may get some gain in visual terms. You may get some small gain in aural terms, but you then have to think about some of the other environmental factors that come in, such as flooding, such as the impact on agricultural activity and so on, so it is by no means a binary trade-off, as it were. We have sought to expose those points to you as we have gone down the line.

115. What we have shown you is that, generally, on those key things that people are worried about, which are, number one, noise, and number two, visual, the proposals we have made have achieved their purpose, which is to limit the environmental impacts to acceptable levels.

116. MR MEARNES: I was just wondering. I listened very carefully to Mr Wright's submission, which was just about an hour, but it was a very considered submission on behalf of the communities that he represents. I'm just wondering, therefore, Mr Mould, is HS2 or the promoter intending to give a point-by-point response to Mr Wright's submission, as opposed to a general sum-up today. That's my first question.

117. My second question is, in particular, one of the things that we have discussed in the past is the issue of property acquisition and property management after acquisition. I do have a concern about that, because I know from experience that public bodies that are not housing managers are not massively good at managing domestic properties, from that perspective. I know that we're going to be looking at employing letting agents and all the rest of it, but I really do think that it's important from all of our perspectives, from the perspective of the public purse, that we have an estate of acquired properties that are an appreciating asset, as opposed to a depreciating asset. That's not just from the financial perspective, but also in terms of the communities where those properties are situated, because I do know the blight that badly managed property and badly tenanted property can have on individual communities.

118. One thing I would say to you, Jeremy, is if we do have a situation, in any of your communities, where properties are not well managed and are having a detrimental impact on the amenity of surrounding other properties, 1990 Town and Country Planning Act, sections 215 and 216, can be brought into force.

119. MR WRIGHT: Thank you.

120. MR MOULD QC (DfT): I wasn't planning to provide a blow-by-blow response, because I don't want to repeat things that I've said in response to the individual petitioners and community groups and my witnesses have. I don't know. Obviously if the Committee would like –

121. CHAIR: It is actually all on the record, but clearly no doubt the project will have corresponded with the Right Honourable Member and will correspond on a number of issues as this thing goes forward. If there's any particular you would need, let me know.

122. MR BELLINGHAM: I think it might be helpful actually, Chairman, if HS2 came back to the Right Honourable Member and copied us. Yes, you have responded, Mr Mould and Mr Strachan, on a number of the individual petitions, some parish councils, some parish meetings, some of the groups, but what we haven't had is a consolidated overview in the way that we've had from Mr Wright. A consolidated reply would be quite helpful actually.

123. MR WRIGHT: Chairman, if I may, I would certainly welcome that. There are of

course one or two things I'd specify where I think further engagement would be particularly useful. For example, notwithstanding the points Mr Mould just made around the difficulties of lowering the line, it does seem to me another look at precisely the proposal that's been made in Wormleighton and Priors Hardwick would be valuable because, I suspect, there may be a slight mismatch between what was actually being proposed and what's been assessed and costed, so there may be specifics also where it's worth having another look.

124. MR MOULD QC (DfT): I don't accept that, but that doesn't mean I won't –

125. CHAIR: There was also the point the Committee hasn't pronounced on most of these areas yet, as well. I say that without prejudice.

126. MR MOULD QC (DfT): I'm somewhat in your hands, because I can do it now but, on the other hand, as you know, I've got various things you want me to respond on as well.

127. MR MEARNES: I wasn't expecting that, Mr Mould, but I do think Mr Wright's considered solution to the Committee this afternoon does warrant a more full response.

128. CHAIR: Can you give a response about the issues that you would have to deal with for lowering the line as he has suggested, on that specific engineering issue, and then Mr Wright can take that up further, and copied into the Committee?

129. MR MOULD QC (DfT): We'll do that, yes. Fine, we'll do that. Can I just come back on Mr Mearns's point, because I know that this is a matter of concern? That's the point about maintenance. There's an obvious point from our own interest, which is that properties that we have acquired and which we hold for rent, the better maintained they are, the easier it will be to rent and to sell them. That's not in our interest; it's in the public interest.

130. I might just put up P4583(1), if I can. This is a classic example of you answer a general proposition by an example, but none the worse for that. This is just a report on a site visit that was carried out at Burton Green, in relation to the properties that had been acquired and are either let or under offer there. You'll see that our agents visited Burton Green in the middle of January and checked that they were being properly managed,

with clean and tidy gardens and driveways. The properties were inspected externally and found to be in good condition. There's a reference to the obligations on the occupants of these properties, under their tenancy agreements, as regards keeping the properties in good order, and then there's a reference to the work that's done to put properties that are vacant but are being made ready for letting, work that's done to put them into good order for that purpose.

131. Just by way of illustration, we've produced three photographs, which I think are on the following three pages of the exhibit. Perhaps it's the next one or indeed the one after that. There we go. Number 402 Cromwell Lane, there you are; there's one of them. If we go to the next one, I think we find one, and then the final one. Oh, we've only got two. There we are. There's a snapshot, but I'm not suggesting we should rest on our laurels. That's the position now. We need to make sure that we continue to operate in this way and that's what our instructions are to our agents in these local areas. On that basis, unless you want to say any more, I'll stop there.

132. CHAIR: We may come back to that.

133. SIR PETER BOTTOMLEY: Can I just pick up on some points that Jeremy Wright made? We've talked about compensation; we've talked about lowering the line. We're left with communication. One other thing, which is implicit in what he was saying, particularly about Burton Green, has two elements. One is if you have the heart of a community, specifically about Burton Green particularly; it illustrates the point. If you have a community where a significant number of people are going to move, there's a question of how you keep the community spirit going, how you keep the school going and the like. I don't think we've heard a great deal about that. We've heard about discussions between the promoters and the local authorities and the like. We would, at some stage, not necessarily today, need to be hear more about what can be done extra in terms of social help to make sure communities don't dip too much and can come up again.

134. The second one that we had talked about, including yesterday, is how the promoter could be realistic about people's attempts to sell and about valuations. If it becomes plain that, if somebody can establish that they are trying to sell, is there a way of getting local estate agents to agree that they can't actually sell at anything like the

market rate, rather than getting 140 people in one area having to go to the three or four good estate agents, trouble all those estate agents to give the same kind of letter? It seems to me, where you've got a collection of homes together, the promoters ought to be able to be active in trying to get over that hurdle and then making plain that, once an application to sell, especially under need to sell, is acceptable, the valuation comes after that and the person who's putting in the application doesn't have to provide a valuation of their own in their application for the need to sell.

135. MR MOULD QC (DfT): I should have thought that all of those ideas, all of those thoughts, are matters that present us with no difficulty in principle. The practical way of responding to them, I think, is probably best left for consideration by those who are running those aspects of the project, rather than by responding off the hoof. I'm certainly not going to suggest that there's any difficulty with them in principle.

136. SIR PETER BOTTOMLEY: On the issue of communication, if anyone can understand a long linear project like this, it's very difficult for people who actually make decisions in HS2 to be engaging, in every moment, with every community and individual along the line. The difficulties are large and I pay tribute to those behind you for the work that they do.

137. MR MOULD QC (DfT): That's very gratefully received.

138. SIR PETER BOTTOMLEY: It's clearly not been a satisfactory experience for many people, both for petitioners who get late offers and full engagement, and for those who want to discuss alternatives. There is a farmer who says, 'Instead of having a fairly even slope up on a false cutting, they might be better to leave the land undisturbed and have a sharp embankment, where it might be aesthetics against cost against whatever.' Some of those issues, and some of the mitigation issues that Jeremy Wright did bring up, are ones that in the past could have been done better and may still be improved, if there was the kind of direct discussion that we know now happens before people come through our doors. It seems to me that that is something that it would be good to hear the Committee say they understand and they will do what they can about it.

139. MR MOULD QC (DfT): We have been thinking very long and hard about how to improve our performance in that respect. I was wondering whether to say 'improve', but what I mean is improve in the sense that we succeed with an ever-reducing number

of people who come and complain that they feel they haven't been properly engaged with and communicated to.

140. As you know, we have been particularly concerned to respond to the Committee's guidance on engagement with farmers, for example, and other landowners who actually have land taken for the scheme. I have made a number of commitments in relation to that. We are looking to develop our engagement as we go forward, particularly with a view to trying to, where we can, speed up and bring forward the time at which we are able to send a letter saying what we can offer earlier than we have, in some cases.

141. It's not all been last minute, as you know. We have managed successfully to reach agreements with quite a number of petitioners over recent months, well before the date of their appearance. Others, we haven't. The challenge obviously is not to boast about those that we have, but to focus on reducing the number of those who we haven't.

142. I do say that I think it likely that there will still be what you call 'corridor deals'. My experience of this process is that that is unavoidable, because a lot of these issues are very difficult and it's a difficult balance to strike. Petitioners are understandably keen to do the best they can in the negotiation, so it does mean that one finds oneself going to the wire, but that again is not a reason not to try, so I do give you my assurance that we will continue to repeat that.

143. Burton Green, I should say, because I've been focusing on the landowner side, is the community side. Again, we were very impressed by the concerns of the residents of Burton Green. We've gone some significant way already towards trying to meet those concerns, by some of the proposals that, as you know, we're bringing forward by way of additional provision, for example to keep the traffic away from the local school, to keep traffic out of the village, to refine the engineering arrangements for the cut-and-cover tunnel, so as to increase the bunding and reduce the noise impacts, and so forth.

144. Again, we don't regard that as a done deal. We need to sort out the details over the Kenilworth Greenway. We need to sort out the arrangements for the relocation of the village hall. We plan a process of community engagement in Burton Green in the coming months, which is designed to enable, if you like, an integrated, holistic approach. Whilst that's not yet finalised, it is something that we are looking to develop. That's just a snapshot of some of the things we're doing.

145. MR WRIGHT: If I might just pick up on one or two of those things, as far as communication is concerned, I should be very clear. I don't want to be churlish about this, and Members of this Committee don't need telling that one of the problems with being a Member of Parliament is no one ever contacts you to say they're happy. I can't say what's happened in relation to those people who've been well treated by HS2 and I'm sure there have been some. Indeed, I wouldn't want to give the impression there haven't been good examples of contact and helpfulness of staff from HS2 Limited, some of whom are in this room. We appreciate that from our point of view.

146. I'm afraid, corporately, there has been a problem up to now. I'm very pleased to hear Mr Mould say that they are conscious of the need, going forward, to do this better. I think it's about making sure that what information they can give they give readily and they give rapidly. That seems to me to be the key to good communication going forward.

147. So far as Burton Green is concerned, I take Sir Peter's point absolutely around the need to assist communities that are substantially affected by this project. We've said many times that Burton Green is a special case and I think Mr Mould will probably accept that, in those terms, but saying that has to mean something. The process that he's outlined at the end of what he said, I think, is very welcome because we need more than just a solution for the Greenway and a solution for the village hall, all considered separately, but instead something much more holistic, which is about effectively, I have to say, redesigning this village. That's what will be required in order not just for it to survive this process, but potentially, going back to Sir Peter's point about how you deal with a village as badly affected as this one will be, it's always seemed to me quite important, if we want to keep people in the village and keep people interested in living in the village in the future, you have to give them something to look forward to.

148. What I would ask for is that there is a much more imaginative approach than previously has been used and that we try to all get together, by which I mean the community, the councils and the promoters of this Bill, to make sure that Burton Green is treated as the special case it undoubtedly is. We give it a design strategy that enables them not just to survive the experience, but to offer potential residents of Burton Green something attractive.

149. CHAIR: Okay, we'll take that as your final comments for now. Thank you very much for the time you've given us. I think it's been useful to canter through your constituency in the way we've done. You must go and do your good works elsewhere now.

150. MR WRIGHT: Thank you very much.

151. CHAIR: Mr Mould, you have some report-backs for us.

152. MR MOULD QC (DfT): Yes. The first one is in relation to released capacity on the existing railways. I'd like Professor McNaughton just to spend a few minutes speaking to you about that. It's an issue that a number of petitioners have raised and we thought it might be helpful if we said something about it to you today.

153. PROF. MCNAUGHTON: Chair, Committee Members, thank you for affording me a few moments to outline some aspects of the capacity that HS2 will release on the West Coast Main Line to the north. In those few minutes, I've no intention of getting deep into the black art of railway planning, which would take probably months, so this is, by definition, something of a canter, but I hope it will pick up some of the points that people have been interested in.

154. What I plan to do is explain a little bit about what is mainline railway capacity, and I have a few quite simple slides that I actually use in schools. Please don't take that the wrong way; it's the level that I work it at and I hope it's useful to you.

155. The second point is, having just explained a few principles, the 'so what?' question. What does HS2 release from the west coast? I'll then go on to explain what we've done so far in postulating how that capacity could be used, when it comes to be planned in due course, within the normal industry processes, which run under the Secretary of State for transport.

156. As I'm aware that people have several times talked about the normal industry processes of capacity allocation, the last point would be to seek to explain what that is. It was a process designed by very clever lawyers and I grossly simplified that as well to try to bring out the key points. If we go forward, the first bit is: what is capacity?

157. Here we are. There's a technical capacity for a railway, which is quite precise.

It's basically a function of the number of tracks, the station platforms, the signalling, the trains. That gives us a theoretical maximum, so it's a function of the infrastructure that exists and the technology we put on. The practical capacity is an operational capacity and this is not a fixed function for any particular railway; it is a function of how train services are planned on that infrastructure. The next few slides, I give some examples of how the way train services are planned affects the number of trains, the number of seats per hour, the number of stations, whatever, that can be served on a route.

158. For this, I do use a fairly simple example, which is a time and distance graph. Time, as always when you describe a graph, is on the bottom axis going from left to right; and distance is up the side, running from bottom to top. For the purposes of this little explanation, I have four stations, rather unoriginally labelled A, B, C and D. They could just as easily have been called Euston, Watford, Milton Keynes and Rugby, but A, B, C and D is what I've got.

159. If you go to the next slide, if all trains were the same and didn't stop, then they can follow each other very closely and we get a lot of trains on to the network. This is in fact the essence of what we'd be doing with High Speed 2. Those trains, for example, as I've got here, Train 1 and Train 2, can be as little on the West Coast Main Line as two minutes apart. You'd be therefore able to see that, if all trains did the same thing, there would be a great number of trains on the network. Life isn't quite that simple, because we actually have to serve places.

160. The next slide gives an example of what happens when you put a train in the middle of that that stops and serves the intermediate stations, B and C. It provides the function that the public needs, but it uses up capacity. One stopping train uses several technical paths.

161. SIR PETER BOTTOMLEY: Unless they were all stopping trains.

162. PROF. MCNAUGHTON: Unless they were all stopping trains. In fact, the ultimate expression of that, of course, is something like the London Underground, where all trains stop at every station. A mainline railway is inevitably a blend of the two.

163. Just to give another couple of examples of how the planning of the train service affects the ultimate paths, I put up quite deliberately a pretty poor plan with Trains 5 and

6. Train 5 stops at Station B and then carries on. It gets in the way of Train 6, which therefore uses up more capacity. That in turn then stops at C and gets in the way of Train 7. It's possible, if there is a commercial imperative about serving certain stations, to end up with an apparently high-capacity railway with not many trains on it. There are examples in this country that are not too dissimilar from that, unfortunately.

164. However, if we carry on at a canter, because this is very much the prologue, a better plan, which is much more like how the West Coast today is operated, seeks to optimise the stopping patterns to get as many trains as possible on to the network and get as many seats as possible. There is, however, another factor, because this is assumed as an all-passenger railway.

165. If we go to the next slide, in the middle of this apparently high-capacity railway, we then have other types of trains, like freight trains, which run more slowly. Running a freight train between two fast passenger trains consumes a lot of the capacity. There are techniques for dealing with that, which are crudely to run them on the slow lines with the stopping trains. For the sake of giving an illustration, my final graph of this introduction illustrates practically how we tend to run freight trains, which is to try to nest them between stopping trains, which means we can introduce slow-moving trains as well as stopping trains, without losing too much capacity.

166. Now all that was really as an introduction. Unless there's anything in there that you find either alarming or interesting, I should move on to the West Coast. When we translate that to the current West Coast Main Line, it's basically a four-track railway. One pair is called the fast lines and, to try to separate out those different speed trains and get a maximum number of trains on to the network, the fast lines have extra long-distance outer commuter trains out of London and the slow lines have the more local stopping commuter trains and the freight trains.

167. The West Coast Main Line today has been described by the people who are responsible for it as 'full', and it's full with the trains that you see at the bottom of this particular slide. In the peak, and I'm going to concentrate on the peak, just to keep today to a few minutes, in the peak today, the 2014 timetable, which is now in operation, in the peak hour there are 11 long-distance trains and four outer commuter trains on the fast lines.

168. SIR PETER BOTTOMLEY: Is this each hour in the peak or in the peak period?

169. PROF. MCNAUGHTON: This is an hour. This is in the peak hour. I'm sorry; I probably should have put that on the chart. This is one hour. If you recall, a few minutes ago, I said, in theory this is all non-stopping trains all going at the same speed, two minutes apart. You could end up with 30 trains an hour or, if they're all stopping like the Victoria Line in the London Underground, 30 trains an hour. The practical limit on the West Coast today is 11 long-distance trains and four outer commuter trains, and there are trains on the slow lines as well. I'm going to concentrate on the fast lines. 11 plus 4 is 15, if you just hold that in your mind slightly as we continue.

170. Go to the next slide. What does HS2 release? We take off the main line most of the long-distance non-stop services, because the purpose of HS2 is to serve cities on the long-distance network. That means in the peak we see at least 10 totally new services are available in the capacity that we released on the West Coast Main Line. We basically introduce 10 long-distance services, which means all those services come off the main lines. I'm going to show you the graphs in a minute, but I just want to hold that.

171. SIR PETER BOTTOMLEY: Is that net 10 or is it 10 plus 11?

172. PROF. MCNAUGHTON: That is a net. We had our 11 plus 4 is 15 figure. We replaced most of those 11, which gives us a chance to re-plan the West Coast Main Line with new services around the needs of the communities served by the West Coast Main Line, no longer largely controlled by the need to run non-stop trains from the likes of Liverpool, Manchester and Glasgow. There's a similar effect off-peak, but I did say I was concentrating on peak.

173. The effect for stations on the existing line is that, instead of seeing long-distance trains pass them by, albeit quite regularly, there is the opportunity to introduce new trains that serve those stations. Just in terms of the current quantum of seats I've put on the bottom of that, typically a commuter train is around 700 seats. I've not included for anybody standing, because this is long-distance commuting, but 700 seats. If you introduced the new long-distance train to serve maybe a place that's not served today, then that tends to be 500 to 600 seats. In each hour in the peak, because of HS2, there is the opportunity for the stations served by the West Coast Main Line to have around

6,000 to 7,000 extra seats. That is what released capacity equates to.

174. Now I'm going to put up a couple of very involved diagrams and please don't dive straight in. These are lifted directly from the HS2 economic case and they are service assumptions. To be very clear, the one on the left, which I'm going to describe very shortly, is today's service.

175. MR MOULD QC (DfT): I'm just trying to blow up one side a little bit.

176. PROF. MCNAUGHTON: Okay, I don't want us to get into huge detail, because I'm going to go on to the next slide. On the left is today's railway. On the right, is an indicative specification of 2026. We have been clear and the Secretary of State has been clear, through all consultation, that the actual use of that released capacity would be planned in due course and that will be the last part of my explanation today. For the purposes of understanding the economic impact of HS2, an indicative service specification, which basically takes the current demand projected forward from all the different places on the route, matches at least a first shot of what an indicative service to it gives, as the sort of indication of how the West Coast could be used when High Speed 2 comes along.

177. On the left-hand side is today, as I said. The different colours of yellow, blue and red actually relate pretty much to the different franchises. It's easy enough to say, for the purposes of today, yellow is long-distance and blue is commuting. The point there is that, on the left of all, the largely blue is the slow lines. I'm not going to worry about those too much for today. In the middle is the fast lines. It perhaps makes the point that, on the fast lines, there are lots of trains but they don't stop. They're going to Liverpool, Manchester, Glasgow, Preston, whatever.

178. What happens when High Speed 2 Phase One comes in? Then I'd ask you to look towards the right. The colours aren't exactly the same, because we didn't want to suggest franchises at this stage. It would be premature. Red is the slow lines, which I'd like to discount, for the purposes of this discussion. The yellow – perhaps we shouldn't have used yellow, because it's the same yellow – starts to show what different services could be once we've taken the long-distance services on to High Speed 2. The long-distance services on to High Speed 2 are the blue ones on the right-hand side.

179. We've effectively stripped the long-distance non-stopping services off the West Coast Main Line fast lines and into that now virtually empty railway started to show the types of services that could operate, particularly to pick up the commuter growth areas, which are part of the Government's central strategy, out at Milton Keynes, Northampton, Rugby and so forth. Perhaps we could go to the last slide, slide 14. All I've done here is to blow up that area. On the left, I pick up perhaps Milton Keynes as an illustration.

180. SIR PETER BOTTOMLEY: Which is the best example.

181. PROF. MCNAUGHTON: Alright, I'll pick another.

182. SIR PETER BOTTOMLEY: No, I'm not criticising it. It is a very good example.

183. PROF. MCNAUGHTON: Milton Keynes certainly is a good example, partly because of the amount of suppressed capacity growth at Milton Keynes today. Milton Keynes today sees basically four, five, a number of trains stopping, but sees many more going straight through. When those long-distance trains are taken on to High Speed 2, then we predict that pretty much every train stops there. That is why part of the consultation we had included people affected on the West Coast Main Line. That's made the point that the number of seats on trains serving Milton Keynes, after HS2 comes into being, pretty much doubles.

184. There are examples, such as Northampton and Rugby, which are two other areas where people would like to run more trains, but the West Coast Main Line is today full of long-distance trains.

185. Now, what we haven't done – it would have been very easy, but it would have been very naughty, to show the best possible world with the new line or with the West Coast Main Line totally full of new services, which sounds like a promissory note to everybody. We've shown an indication and we've not tried to put in every possible train. That's why I said around 10 new services, but probably with careful timetabling could be more.

186. Now, the Secretary of State has set out some principles for how the West Coast Main Line ought to be reused and we worked within those, in doing this illustration.

They're things like, broadly, where people have a train service to London, after HS2 comes in, there ought to be broadly a comparable-type service but, balanced against that, the opportunity to improve commuting to the places that most need improved commuting. So, to focus particularly on new commuting capacity particularly from those areas where there is suppressed demand, like Rugby, Northampton and Kings. Also, to consider certain new places that don't get a train service today because the line is fuller. I won't to give a whole list of places that desire a train service. Recently, there's been applications for train services from Huddersfield, a train service from Blackpool, and so on. The line is totally full up, but in the future of that opportunity will be there.

187. SIR PETER BOTTOMLEY: West coast equivalence of the Hull trains being full?

188. PROF. MCNAUGHTON: Yes, absolutely. And then, finally, it is the country's biggest rail freight corridor, so we shouldn't make an assumption that every iota of release capacity should be reserved for passengers, because carrying more freight by rail is another government priority. Now, today we do that because otherwise we'd be showing a west coast main line with no trains on it and that would lead to a great deal of concern, 'what on earth was going on'. So, at least it is an indication. It's an indication put together on a reasonably sensible, logical basis, we think. Or we would purport. So, last couple of slides is: How does the government go about capacity allocation? Some key points that the Department of Transport will always make is that they would not, when the time comes, do anything that is different to normal process. Normal process is timetables change, patterns of travel change, demand grows in some places, lessens in others. So, the train service is never set in stone over many decades. It is a moving thing. How does it move? I'll come to my last slide.

189. There are four big processes that go on. One that is already starting for life after HS2 comes into being is the long-term planning process, which, for once, in the railway industry, pretty much says what it is. Long-term planning process. It is run by Network Rail under their licence and it basically, out of a consultative process that will include not just the railway industry, not just local authorities, LEPs and so forth, and indeed the travelling public. It ends up with an outcome that proposes to government what should be done on a particular route or routes. The government then opines on

that and the Secretary of State opines basically through something called the High Level Output Specification. We set out basically what the government wishes to buy on the route from the rail industry. And the regulator puts a price on that, as a regulated operation. And that is set out in five year control periods. And I suspect you'll be aware of that, so I won't detain you on that. The government at the same time aligns what the capability of the network will be and how we want it to be used with the franchising process for the train services themselves, which is box C.

190. Generally speaking, the Secretary of State sets out minimum requirements, particularly things like last trains, first trains, Sunday services, small stations, places which, if it was a purely commercial operation, might lose out. The operators themselves bid in the franchise process and part of their bidding is to develop the market, which means satisfying demand. The final stage, stage D, is when the people who earn their living doing the sort of graphs which I showed rather simplistic leave a few minutes ago, get down to, with those stations, with that service pattern, how do we run the best timetable? And it's at that point, about three years out, that people are making decisions about whether the 7.42 stops at Milton Keynes or whether it's 7.44 or whether it goes through. That is the detailed train service specification which is then subject to approval by the Office of Rail Regulation. I'm always reminded, no train runs in this country unless the ORR has approved it. Now, I don't know if that's been any way enlightening to you or at least vaguely useful. I hope it has been. And if you seek more detail, I have much more detail, certainly not today. But, the intention was just introduce that is kind of the quantum of release capacity that in reality the West Coast will be able to offer to stations along the line as a result of HS2 taking the long distance trains off that network.

191. CHAIR: Right. Thank you. Good. We've got quite a lot to get through. So, I think we'll crack on. I think that is useful.

192. MR BELLINGHAM: A very good question to you, Professor. What about cost? If HS2 is too expensive, people are not going to use it, are they? So, you have something about relative cost between, you know, if I'm a punter and I want to go to Birmingham, I'd obviously like to get there a bit quicker, but, if it's going to cost me a lot more, I'm going to go on the West Coast main line, aren't I, or even the Chelsea railway?

193. PROF. MCNAUGHTON: You introduce a very important point. All the work that HS2 has done for government has been on the basis of fares levels on the new line being broadly comparable. That means flexible fares, etc., etc. to the existing long distance train service network. That obviously will be a matter for the government at the time. But that's the basis on which the scheme has been developed and demand calculated. What I might reflect back to you, if I may, is that creating a system where people didn't want to use the new services but wanted to use the old services would rather defeat the object of giving better services to the stations which are passed by today. And part of the industry planning process and the train service franchising process, which the Secretary of State drives, is to get that right balance so that it is to the benefit of all the users, where they be long distance or short distance or commuter or freight or whatever. And clearly, fares policy is part of the drivers or the levers you can turn to do that. But, a high speed service that priced itself off the market would be a bit of a pointless exercise.

194. MR BELLINGHAM: I would agree with that.

195. CHAIR: Okay.

196. PROF. MCNAUGHTON: Thank you for your questions.

197. CHAIR: Thank you very much. Right, Mr Mould, next item.

198. MR MOULD QC (DfT): We're going to turn now briefly to porous portals and Mr Thornely-Taylor's just going to explain the outstanding questions in relation to that. So, if we can put up please P4560(1)? And then I shall hand over to Mr Thornely-Taylor. Right. Thank you.

199. MR THORNELY-TAYLOR: Thank you, sir. The issue of pressure waves in tunnels has been around for many years. For high speed trains, it's been around for about 40 years. And I worked on the subject when the Chunnel tunnel was being designed and when we did a combination of computational fluid dynamic studies and wave guide studies to understand what happens to pressure waves in tunnels. It's something that happens with all tunnels but is of interest with high speeds.

200. If I first of all explain what it is that is going on and then explain how it is

addressed and how it will be removed as a problem for HS2. When a train enters a tunnel, there is a sudden rise in air pressure. It's like an ill fitting piston in a cylinder. The behaviour of that the immediate rise in air pressure is quite interesting. For a number of reasons, it behaves in a non linear fashion, which means that the wave which is produced travels at different speeds according to the pressure. The front of the wave is quite quickly overtaken by the tail of the wave to create an almost vertical profile as it moves away from the train. It's the same sort of effect that you see on a beach when waves from the sea approach a shelving, shallow beach, they start to behave in a non linear fashion. The crest of the wave travels faster than the trough of the wave and that's why they in fact break and you get breaking waves on a beach. The actual breaking effect doesn't occur with air but the same phenomenon arises. It's been referred to colloquially as 'sonic boom' but, that is actually something different.

201. Trains don't travel anywhere near the speed of sound. They travel at the order of one third of the speed of sound. The wave that's produced moves rapidly ahead of the train at about three times the speed of the train. Inside the tunnel, it's quite a high pressure step, but when it reaches the exit portal of the tunnel most of it is reflected back towards the train. A very small amount comes out into the atmosphere and is radiated away as a sound pressure wave of much lower amplitude. But because of this very steep shape that it's acquired in the tunnel it comes out sounding like a boom. That's the only thing it has in common with sonic boom from a supersonic aircraft. Otherwise, you don't get a supersonic aircraft effects, which is an N-shaped wave and a double bang, if you did ever hear Concord passing over Saint David's Head or hear a military aircraft flying faster than sound, you hear a double bang. This is just a boom that comes out of the tunnel, but the curious thing about it is it arrives well, well ahead of the train, because it's travelling three times as fast as the train, so, it's completely unexpected.

202. Most acoustical phenomena associated with the trains travel with the trains so you're not surprised when you hear some noise when the train comes. This is first of all a boom, followed by smaller replicas of it because it is reflected back, as I said. And then it will meet the train and come back again and it will make at least two or three transits along the tunnel. When they began running Shinkansen trains are at high speeds in about 1974 it was a big problem. Caused serious complaints. And residents near tunnel portals in Japan were quite seriously disturbed and it has been the subject of a

significant amount of research over the years to find ways of eliminating it. It is a primarily a high speed phenomenon because the size of the pressure wave goes up quite steeply with increase in speed, but it does not occur to a perceptible extent on HS1. And that is important. As part of the studies that have been carried out by Arup, measurements have been made at portals of HS1 tunnels, the phenomenon is clearly identifiable by the instruments used for doing the measurements, but not audible or perceptible by people. And HS2's objective is to do as least as well as that with HS2 tunnels but as the speeds are higher some work is required.

203. The way that the phenomenon can be reduced to a level low enough to be imperceptible is to deal with the entry portal to the tunnel with what we have come to call a porous portal. And what that is is a tapered approach shroud constructed on the entrance to the tunnel eye, as the actual beginning of the tunnel proper is called. It does two things. It first of all reduces in diameter progressively from the entrance to the portal to the tunnel eye and the entrance to the portal is of much larger diameter than the tunnel eye, so when the train reaches it the blockage of ratio is much smaller. The effect of the train entering, of the piston entering the cylinder, is much smaller. So, a smaller pressure wave is generated. The porous part of it applies to that dotted line you can see in the slide, along, just below the roof. These are openings in the tunnel of a very carefully calculated dimension to give you the best balance between achieve a progressive increase in the velocity of the air, so that when the train actually gets into the eye of the tunnel, the step in pressure is much, much reduced. Then, as a consequence of that, there is a smaller wave travelling along the tunnel when it reaches the exit portal, comes out into the air, it is much smaller. In pressure terms, we are talking about single figure numbers in pascals. Pascal is a Newton described metre. And if it's below about 20 pascals it will be of no significance and if it's below 10, the order of six or seven, it will be imperceptible.

204. I've talked about this kind of thing in general terms in response to a petition which were raised infrasound and very low frequency sound issues. And a feature of the boom which would come out of the portal were it not for the mitigation measures is that it would be very low frequency. Hence, calling it a 'boom' rather than the word 'bang', which is be used for sonic boom, because it's not a nearly not so much concentrated at the low frequency end. And I explained on that previous occasion, that human

sensitivity to very low frequency sound is poor and it takes very high levels of sound at extremely low frequencies to be perceptible either by the organ of hearing or by the whole body effects. Now, the work that's been done –

205. SIR PETER BOTTOMLEY: Just, sorry, just before the amateur scientists misinterpret what you said. Could you say it again, not using the word 'poor', which can be taken in two ways?

206. MR THORNELY-TAYLOR: Yes. If a human being was regarded as a scientific instrument, you would consider it 'poor' in terms of its sensitivity in that it does not sense really high levels of pressure fluctuation at very low frequencies.

207. SIR PETER BOTTOMLEY: So, if I'm a human being, there's a very low frequency thing comes towards me, hardly that I could notice it. It's not going to do me any harm. I am insensitive to it?

208. MR THORNELY-TAYLOR: That's correct.

209. SIR PETER BOTTOMLEY: Thank you.

210. CHAIR: We might be looking for a volunteer, Peter.

211. MR THORNELY-TAYLOR: In the other context I was talking about a necessity to have underweighted sound levels of over 100dB in order for them to be perceptible by either the organ of hearing or other whole body affects. And the work which has been done to optimise the design of the porous portal, carrying on initial work done in Japan and in Germany, done by Arup, and their theoretical studies have been verified by scale model testing done at University of Birmingham. And the model tests in Birmingham have been carried out with the porous portal basically as illustrated in this slides and have confirmed that the theory is correct. And this method does result in greatly reduced amplitudes of the pressure wave that comes out the exit portal with the result of the objective to achieve similar conditions as we get on HS1, in other words imperceptible to the human being, is achievable. And it effectively can be scoped out of environmental assessment as being an effect which will not require any detailed consideration. That, I think, explains the position. I hope.

212. CHAIR: Thank you very much.

213. SIR PETER BOTTOMLEY: Can these slots be on the top or do they need to be on the side? Or does it not matter much?

214. MR THORNELY-TAYLOR: They can be on top. And in fact there are some designs where there are openings on the top.

215. MR MOULD QC (DfT): I think they would be on top at Burton Green, for example. On the north portal, if you remember. Remember that cross section we saw a few days ago.

216. CHAIR: Yes.

217. MR MOULD QC (DfT): Yes. Okay. The other matter which Mr Thornely-Taylor can help you with, if you would like him to, is the noise contour that we produced for fixed plant and machinery, which I put up briefly in the context of Ms Hills' petition the other day, if you remember? It's P4540. You may feel that you saw that and you heard enough on that. Do you remember seeing that document?

218. CHAIR: Yes.

219. MR MOULD QC (DfT): And that was in response to a request from the Committee, I think. But, if there are any questions you have for Mr Thornely-Taylor on that, then obviously he's here to help.

220. CHAIR: The significant thing is, you are considering it.

221. MR MOULD QC (DfT): Yes.

222. CHAIR: And have looked into it.

223. MR MOULD QC (DfT): Okay. Thank you.

224. CHAIR: Any further comments? Are you right? Are you happy?

225. SIR PETER BOTTOMLEY: There's one question I meant to put to the professor, if I could just have his attention for a second. One witness raised the question of station platforms at Euston being reduced in number and would that muck everything up. Sorry to interrupt.

226. CHAIR: Musical chairs.

227. PROF. MCNAUGHTON: This is after HS2 begins operation?

228. SIR PETER BOTTOMLEY: I forget precisely what the man said. I think it was a man. The person said. That the number of platforms at Euston is going to be reduced, I think, by the building of HS2. And would this cause chaos or significant reductions in existing services to Euston?

229. PROF. MCNAUGHTON: No. The plan we've always developed and continued to work hand in hand with the current rail industry with, maintains sufficient number of platforms at Euston that the full service can operate throughout the building of HS2. I probably shouldn't go into lots of detail. When we come forward with New Euston, that will be very, very apparent.

230. When HS2 is in operation, then the long distance services, the HS2 Services, run off their platforms, there will be less of the classic platforms left. But, they are now being used for these new services, which don't take so long to turn around. A train from Glasgow spends 40 minutes being cleaned, victualled, watered, before it disappears off north again. So, it uses a platform for a very long time. A commuter train from Milton Keynes comes in, decants everybody, puts more people on, disappears off in five or six minutes. So, the mix of train services does affect the number of platforms you need, as well.

231. SIR PETER BOTTOMLEY: Thank you very much.

232. PROF. MCNAUGHTON: There is absolutely no intention to restrict the current train services at Euston. In fact, it's, again, totally in the interest of developing HS2 that demand continues and the use of trains continues to grow, not choking off.

233. CHAIR: Right. Thank you.

234. PROF. MCNAUGHTON: Okay.

235. CHAIR: Okay. Thank you. We will be dividing in about nine minutes. And then after about 10 or 15, we will come back and knock some more of these off. So, what's your next item Mr Mould?

236. MR MOULD QC (DfT): Yes. Well, it's me from now on so I will try and go reasonably quickly. The next item is to deal with temporary use and occupation of land and Schedule 15. Now, I've said quite a bit about this in recent days and I don't want repeat things. But, in perhaps the best way of dealing with this quickly is to take you to the letter from the CLA, which you see on 3 February. That's P4562(1). That raised basically three matters. The continuing question as to whether the arrangements under which we took temporary occupation should be pursuant to a lease negotiated with the landowner. The second was the question of engagement with farmers on detailed arrangements for use of what was proposed on their land under the bill. And the third was on the development of a system of alternative dispute resolution in relation to land compensation disputes. We have sent you, copied to the CLA, an answer to that, which is that P4563(1) and (2).

237. We've responded to the first topic – that is to say 'lease or Schedule 15 statutory powers of use and occupation subject to payment of compensation and reinstatement to the land following cessation of use'. We've dealt with that on the first page of the letter, going to the second page about halfway down. And broadly speaking, what is said there reflects what I've been saying to you over recent days. So, unless you want me to, I'm not going to read it out. I'll simply draw attention to it. We've dealt with the question of engagement in the ante-penultimate and penultimate paragraph of the letter and we've drawn attention to, amongst other things, to a commitment that we made in exchange between myself and the Louise Staples when the NFU appeared. That has now been reduced to written form. In response to a draft commitment that we very gratefully received from the Parliamentary agent acting for the NFU. You will find that at page P4561. Headed: 'General Undertaking On Consultation With Farmers'. Again, unless you'd like me to read it on to the transcript, I won't do so. These slides will be available on the website.

238. CHAIR: Okay.

239. MR MOULD QC (DfT): That was sent to the, we copied to the Country Landowners Association and to the National Farmers Union under cover of a letter which was sent today and, also included in that letter, was an explanatory note for landowners and farmers on the temporary occupation powers under Schedule 15 and the use of them in relation to the occupation of agricultural land for the purposes of the

railway. Those are included behind tab 3 in the hard pack that you have in front of you. I'm afraid they're out of order. But, that tab contains all the relevant documents. And so the short point is we are committed to moving forward in close engagement with farmers and landowners in relation to land, the use of land, and those facilities which the scheme proposes to accommodate on their land. And also in relation to seeking to balance out, as far as we reasonably can, the needs of the railway and the needs of the farmer and of other landowners who use their land for commercial and productive purposes.

240. SIR PETER BOTTOMLEY: And also recognising the land valuers' role and expertise.

241. MR MOULD QC (DfT): Yes, indeed. The third point related to the development of a system of alternative dispute resolution in relation to unresolved compensation claims. And if I go back to page P4563(2), you'll see that that's a work in progress. The final paragraph, a scheme is under development and it will be shared with the Country Landowners Association, the National Farmers Union and the Agricultural Valuers Association later this year when we're at a stage where we've got something which we can usefully discuss with them. And we will keep the Committee informed of the progress of that initiative. Unless you want me to go back over the case for Schedule 15 as opposed to the case –

242. CHAIR: No, no.

243. MR MOULD QC (DfT): Then, I'll leave it there. Turning then to my next topic, that is behind tab 4. That's some outstanding questions relating to the petition of the residents in the community of Water Orton, the action group. I think there were three matters there. The first of them was a request by Mr Warren, who was one of the petitioners who appeared before you, for further information about the visual impacts of the proposed railway, the north chord of the Birmingham spur as it passes to the south and south-east of Water Orton. And those sections have been sent to Mr Warren. They're in that pack. The electronic number is P4566 and P4567.

244. CHAIR: Okay. Order, order. We'll be back in 15 minutes.

245. MR MOULD QC (DfT): Okay.

Sitting suspended for a Division in the House

On resuming—

246. CHAIR: We may as well kick off and keep going. Mr Mould.

247. MR MOULD QC (DfT): Thank you very much. I'd mentioned that we had sent a cross-section to Mr Warren. We also have at P4571 and P4571A, we do have further details that he requested relating firstly to a comparison of costs of the bill scheme for the north chord and the alternative that he spoke to in Committee. That's on P4571(1), and then those costs there. The Committee will recognise the numbers, I think, on the following page. And, in particular, the cost variance of £181 million towards the bottom right hand corner of the page. And then at P4571 we have a construction plan which just shows the other question that he asked which was about traffic routed through Water Orton itself. And you'll see that on that sort of greeny-blue line, which is the B4118 Birmingham Road, there is traffic routed through the village from the A446. It's simply to serve the B4118 Water Orton Road over bridge satellite compound, which is identified at the bottom of the page. And the predicted numbers of light and heavy goods traffic can be seen from tables E and F. With HGVs, we're talking of a situation where, without the scheme in 2021, the baseline will be below 10 HGVs a day, and with the addition of the HS2 traffic, it will increase by a very small number, of the order of two vehicles a day. And so that's, other than that, the scheme traffic will be –

248. CHAIR: Is that per day or per hour?

249. MR MOULD QC (DfT): I think that's, oh, I do apologise. Thank you for clarifying that. It's per hour. It's the peak hour.

250. CHAIR: Okay.

251. MR MOULD QC (DfT): Sorry, I was wrong about that. Those figures are peak hour. And the other key point to make is that the remainder of the construction traffic is travelling along the roads which are highlighted in the red notation, which are outside the main centre of the town of Water Orton. And we'll send, I think we may today have sent that information to Mr Warren. But, if I'm wrong about that, we'll be sending it over the next day or so.

252. The next tab, tab 5, concerns information in relation to Kingsbury and the

railhead. And at P4573, we have a table, the purpose of which is to show the traffic modelling that we have for Junction 9 on the M42 during the morning peak. And the main message that I draw to your attention here is that with the 2021 baseline plus HS2 traffic, on all arms, that junction is operating at or below a ratio of flow to capacity of 86%. And, another way of putting that, is to say that it is operating at an acceptable level of capacity. And if we were to alter the priorities on that important junction, the effect would be to produce an inferior operation of that junction. So, we at the moment are satisfied that the bill scheme and the arrangements that we have for the operation of that important element in the road network is the optimum one.

253. The other thing I've got to draw to your attention in relation to Kingsbury is at P4575(1). We have, since, you heard petitions from Kingsbury Parish Council, Lea Marston Parish Council and others, who were concerned about the railhead. We have met with the Kingsbury Parish Council and I've put up an information sheet that was produced as part of that process. Amongst other things, it touches on the use of the railhead in phase two. And we also have produced at P4577(1) and (2), a timetable of forthcoming meetings with councils in the locality in Staffordshire. And at P4578(1) and 2, meetings that have been held and are proposed to be held with parish council's in the immediate vicinity of the Kingsbury railhead. I know, for example, that there is a meeting scheduled to take place between the representatives of the project and the Lea Marston Parish Council next week. So, we are looking to take forward local community engagement, as the Committee asked us to, in relation to that part of the scheme.

254. CHAIR: Okay.

255. MR MOULD QC (DfT): The next topic, at tab 6, is a note that the Committee asked for in relation to Freedom of Information Act and Environmental Information Regulation Requests. And, in particular, the way in which the project has approached the release of cost information and the issue of commercial confidentiality in relation to cost. Now, the note is, I hope, self explanatory. I could read it out but it would take a little while because it's three pages long. But, the key point, I think, to note is firstly that at paragraph 5 of the note there is a, both these information disclosure regimes are founded on a public interest in members of the public being able to access information held by public local authorities, such as HS2, and provide a mechanism for that disclosure to take place. And for members of the public to seek disclosure of

information. But, on the other hand, there are countervailing interests that need to be balanced with that proposition, that predicate, and that is mentioned in summary in paragraph 6.

256. One of those, in relation to both Freedom of Information Act requests and requests under the Environmental Information regime is set out at paragraph 8, where we've quoted the relevant extract from the Environmental Information Regulations. And, in a nutshell: 'A public authority can refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.'. As paragraph 9 says: 'A balance has to be struck. A judgement has to be made as to where the public interest lies between disclosure and protection.'. And in relation to the disclosure of cost information, we've set out to the approach that we take on that issue and on that balance in paragraphs 15 and 16 on the third page of the note.

257. If members of the public are dissatisfied with where we have drawn that balance in any case, individual case, as I mentioned on Monday, and as the Committee well knows, they are able to seek an internal review within the project. If dissatisfied with that, they are able to go to the Information Commissioner and ultimately, if dissatisfied with the Information Commissioner, they have recourse to an appearance before the Information Tribunal.

258. SIR PETER BOTTOMLEY: Can I ask a question on this?

259. MR MOULD QC (DfT): Yes.

260. SIR PETER BOTTOMLEY: The first exemption is that information is already publicly available. If I'm someone or a group adversely affected by the proposed railway and I want to find alternatives which might be acceptable, more acceptable to me, and it should be acceptable to the promoters, to have virtually no guidance on what the costs are of some of the standard alternatives is a difficulty. I've read about the consultants having commercially confidential information. I'm not trying to unpick that. What I am saying is that if there is a guide to information that is available as to roughly what it costs to move a million cubic metres of material or if there's a rough yardstick or metre rule for a length of cut and cover tunnel or bored tunnel, or some of

the other issues which have come up, which you know about, and we've heard.

261. MR MOULD QC (DfT): Yes.

262. SIR PETER BOTTOMLEY: To have that available somewhere or to point people towards where this kind of information is available would be useful, and I'm sure it exists, and I've no doubt if I went through some of the railway magazines, or the construction magazines, or the others, there would be that kind of thing available. So as well as taking the responsibility of responding to freedom of information of environmental enquiries, I think additionally, it would be helpful for people to know where they can get – their way of doing a rough and ready estimate of what the alternatives might be.

263. CHAIR: I think illustrative costs, so that somebody can say that – sort of say, 'It approximately costs that, given a number of caveats', and things like sound barriers per 100 metres, or whatever, just something so somebody can – if there're looking at their own patch, they can have a look at, and get the back of a fag packet, if you like to do that these days, start to play with some figures and see whether or not they can come up with something.

264. MR MOULD QC (DfT): Yes. I agree and certainly referring to published unit costs is a very good way, in practice, of avoiding any commercial concerns.

265. SIR PETER BOTTOMLEY: I think the people you represent understand the point, and I'm sure something will come forward, and if you'll let us know what it is, and – or where it'll be found.

266. MR MOULD QC (DfT): I think to a very substantial degree that's the way they operate at the moment, but no, no, it's always a timely reminder that there are ways of getting round these problems. Thank you, so unless there's any more on that, the note's there, and if you have any questions, please let me know.

267. Then we go onto, very swiftly, I think, to P4581, I think the Committee's very familiar with this, but I've just produced a plan which reminds you of the traffic routes to the north of Burton Green under the AP21 proposal, and as you'll recall, the vehicles from the north are now coming from the Kenilworth Road, though Balsall Common, up

Kelsey Road, Waste Lane, and then a fraction of them will pass beyond the trace, down Hodgetts Lane, as we remember from Monday, as far as the work site for the auto transformer feeder station. And vehicles from the south are coming via Bockendon Road, and the reason of course, why this is a change that we're putting forward – the principle reason is – that it takes traffic off Hobb Lane and away from the primary school.

268. SIR PETER BOTTOMLEY: What's the difference, as it moves to scale, between 4580 and 4581?

269. MR MOULD QC (DfT): I don't think – there is no material difference, 4580 has got the green dashed notation on it and 4581, I thought was rather clearer because it distinguished between the blue route going as far as Waste Lane, just immediately to the west of the trace, and then the reddish notation onto Hodgetts Lane, because you remember there's a distinction in terms of the volume of traffic that follows on, but no, there is no practical difference; there's a bit of duplication there.

270. The next slide, tab 8, is Crackley Gap; this is a detailed point that we've provided some clarification. Number of petitioners in Crackley Crescent on the A429, Coventry Road, were concerned that construction traffic was going to be coming westwards into Crackley, on the A429; just to confirm on plan, that is not proposed, traffic travelling from the A46 northwards, along the Stoneleigh Road, and then turning left, onto the Kenilworth Road, to the east side of the trace, that traffic will penetrate only as far as the point shown on the cursor now, and as you see from the notation of this plan, no construction traffic proposed to use the A429 south through Crackley.

271. Now the numbers are quite substantial as you see from the key, but those I think we went through during the course of the hearings on these petitions, so I won't repeat that material now, it's just a useful aide memoire to that – to close of that area of concern.

272. SIR PETER BOTTOMLEY: Can we have an FOI enquiry as to what we've lost in slot 9?

273. MR MOULD QC (DfT): I'll see if I can answer it straight away without the need to go to the Commissioner. Ah, yes. It's an important point; Mr Edwards, the falconer;

we are having meeting with Mr Edwards on 16 February, and we will report back, following that. Tab 10, I've dealt with an answer to Mr Mearn's question earlier, and you've heard from Mr Wright. Tab 11, relates to Mr Burrows. Remember, you asked that we should meet with Mr Burrows, from Berkswell, and we have suggested to Mr Borrows that we meet in the week of 23 February. I think we spoke to him on the phone and he was going to come back to us and say whether there was a date that we could meet, so again, we'll let you know when we have something to report on that.

274. Kenilworth Greenway was tab 12, and the position there is that we are working up refinement of proposals for Kenilworth Greenway, in light of the points made by petitioners during the hearings, and will be looking to set up a meeting with the interested stakeholders there, the users groups, the university and so forth. I think probably, realistically, it'll be during the course of March, is our ambition.

275. CHAIR: Okay.

276. MR MOULD QC (DfT): Tab 13 is Mr Higginbottom, and again, I drew the noise contour plan to your attention a few minutes ago when Mr Thornely-Taylor was sitting next to me. Fourteen was intentionally blank, as they say, so passing swiftly onto 15.

277. We've produced for you, an advanced copy of an information paper that will be published very shortly on local authority funding and the new burdens arising from HS2. Two points on this, if we turn to P4584(5), you will see that on a table that just spreads over the page is a list of the HS2 related activities, for which additional funding will be provided to local authorities under the new burden scheme; I won't read them all out – I think they are all relatively self explanatory. And then at paragraph 2.10 on the previous page, P4584(4), there's a paragraph which – that the essence of which is that the categories of HS2 related activities for which additional funding under this scheme are provided are not closed, but if local authorities bring forward evidence to show that they expect to, or are incurring a burden, the costs of which ought to be deferred under the new burdens policy, then that will be considered, in accordance of the arrangements under that policy by the Government.

278. Then tab 16...

279. SIR PETER BOTTOMLEY: That's mainly on staff, it's not on doing works, I

think.

280. MR MOULD QC (DfT): Yes. I think that's given by way of an example, I think it was expected from the evidence we heard from Warwickshire County Council that they certainly expected that if they were going to experience additional costs as a result of handling enquiries and so forth, that would tend to be reflected in staff time and so forth, so I think that's why this is being – the example –

281. SIR PETER BOTTOMLEY: If, for example, and it's not the only example, there are extra costs in supporting a school in a transitional period, or there are extra costs to do traffic management schemes outside the limits of the Bill, but as a consequence of the Bill, is that covered by this, or is that something else?

282. MR MOULD QC (DfT): I would have thought that...

283. SIR PETER BOTTOMLEY: If you could think about it.

284. MR MOULD QC (DfT): Yes. My immediate reaction is it would probably not be covered by this, but we will report back on that. Tab 16 is also blank, and then tab 17 is a note which explains the role and the terms of reference of the Complaints Commissioner. That's P4585(1) and it's drawn, to a large degree, on the information paper, but it seeks to pick up on some of the points that have been raised during the course of the hearings. Again, I don't propose to read it out unless you would find it helpful. It'll be exhibited on the website.

285. CHAIR: On the website, okay.

286. SIR PETER BOTTOMLEY: The key point is that it's the second stage, the first stage is to go to the undertaker?

287. MR MOULD QC (DfT): Yes, yes. The other thing I have is a summary from the website of the Residents' Charter which touches upon the role of the residents commissioner, which you asked me about the other day – I'm afraid I've forgotten – there we are, I don't even have to read out the number, it appears, R3471. And towards the bottom of that page, you'll see that there's a reference to the residents commissioner, and a website reference which enables people to contact the residents commissioner about any issues that are there set out.

288. Now, I should just say that the role of the residents commissioner, which is summarised on the next page, there it is, ‘The residents commissioner will –’, I think the key point is, ‘Oversee and monitor communication standards with regards to property measures, and provide a mechanism by which people’s concerns can be put directly to the HS2 Chairman, but the Commissioner will not act as an arbitrator for individual residents regarding the scope of property measures, eligibility or the amount of compensation to which they may be entitled. Advise on disputes about the validity of any blight notice, counter notice or matters that are dealt with by the upper tribunal, advise on petitioning matters or replace the formal complaints procedure’.

289. I think the key point is that the role of the residents commissioner is to audit the effectiveness of engagement, communication, action on the part of the project, in relation to its engagement with local communities, and people affected by the scheme. It’s the residents commissioner’s job to consider and report on whether those things are working properly or whether there is room for improvement and so on, but there are other, as I think I said on Monday, there are other avenues within the project, other contact points, people who have individual points that they want to raise about their particular case. There are telephone help lines and so on.

290. So, I think that’s – sheds a little light onto the particular role that the residents commissioner has within the overall setup.

291. CHAIR: Any Committee members any points on that?

292. SIR PETER BOTTOMLEY: If we go to the last substantive page, which has the note of comments by Damian Green, P4586, it’s not exactly clear to me – and one thing he says is that you should be able to go to the Complaints Commissioner rather than make a complaint to the undertaker, so I’m not sure if he’s right about that, I think the right approach is to go to the person who’s doing the work, always, but I’m not sure how far the residents commissioner, or the Complaints Commissioner, meet the intention of what he’s said in his very good presentation to us. Again, it may not be something which you want to answer off the cuff, but I think it’s something which we would want to be able to consider in an interim report.

293. MR MOULD QC (DfT): I think one of the reports I took from his note that you used is that he was concerned that about whether individuals who had a claim for land

compensation, whether they were, as it were, being treated in a rather too aggressively a commercial way, I think that was a particular point. And I think that that's something which the project will be looking at in developing this alternative dispute resolution. Because, experience in other fields of litigation, has suggested that there is a benefit in creating a degree of informality, if you like, into some of the more formal forensic processes that did apply under conventional tribunal litigation. So I think that's something –

294. THE CHAIR: How proactive would this person be? I mean, for example, let's say, need to sell, and let's say a number of people get very up with the information that they're asked about, which was an issue with the EHS scheme. Does the residents commissioner wait for people to write to them, or would they send a form out to 50 people that have gone through the scheme and say, 'Did you find it helpful, was it speedy, did you get a good response?', or does the person sit in a tall building somewhere waiting for people to ring up?

295. MR MOULD QC (DfT): I don't think it's entirely one or the other, I think that the residents commissioner will clearly be looking to gather evidence about the performance of the compensation regime and so forth, and then we'll – because in order to report to the Board and to the chairman of the company, it will be necessary to do so. Quite what form that will take, I have to say, I don't have any particular detail on, but I – I suspect there'll be an element of pro-action and reaction.

296. SIR PETER BOTTOMLEY: Have we already got a residents commissioner?

297. MR MOULD QC (DfT): We have, yes.

298. SIR PETER BOTTOMLEY: And do we know how many issues or cases the residents commissioner might have had to deal with so far?

299. MR MOULD QC (DfT): I don't have that, and she's been in post for a relatively short time and so I suspect it's probably too early to say, but...

300. SIR PETER BOTTOMLEY: And we don't have the Complaints Commissioner because that presumably follows on –?

301. MR MOULD QC (DfT): Yes, that's got to be...

302. SIR PETER BOTTOMLEY: When work's being done, presumably?
303. MR MOULD QC (DfT): Yes, in advance of works, yes. So...
304. SIR PETER BOTTOMLEY: I think we might have a legitimate interest in knowing a bit more about the residents commissioner's work and experience at some stage.
305. MR MOULD QC (DfT): Yes.
306. SIR PETER BOTTOMLEY: No-one's petitioned against her – I'm not suggesting they should.
307. MR MOULD QC (DfT): Well, yes – and I'm confident they won't feel they need to as well. I can – do you want to –?
308. CHAIR: Who would a Member of Parliament write to? The chairman, the chief executive, or this person?
309. MR THORNTON: Or themselves.
310. MR MOULD QC (DfT): Sorry?
311. MR THORNTON: No, doesn't matter.
312. MR MOULD QC (DfT): I think a Member of Parliament...
313. SIR PETER BOTTOMLEY: Would write to the chairman.
314. MR MOULD QC (DfT): Probably yes. And then that – the requests would be read and allocated within the organisation, I think.
315. CHAIR: Okay.
316. MR MOULD QC (DfT): I've got an answer on the question that you raised about schools funding and highways maintenance cost. They're being considered separately, and we will advise you of the outcome of those considerations in due course.
317. CHAIR: I mean clearly, a lot of it's environmental health officers, a lot of it's going to be transport officers working out plans and people doing dealing with

complaints with the public, but there are going to be a number of hard issues; I mean, some of it may be a lot of traffic a long a stretch of road, they may be road maintenance issues, potholes, you know, very basic things like that which irritate local residents, so –

318. MR MOULD QC (DfT): Yes, I mean –and of course much of what you mentioned just a moment ago is well within the scope of table 1. I’m just – I can – would it help if I read out the residents commissioner’s job description?

319. SIR PETER BOTTOMLEY: Not much.

320. MR MOULD QC (DfT): No. Well, there you are.

321. SIR PETER BOTTOMLEY: Sorry – thank you very much.

322. CHAIR: Would we be any wiser?

323. MR MOULD QC (DfT): I think it would be presumptuous for me to answer that question.

324. CHAIR: Okay. Have we finished your list, Mr Mould?

325. MR MOULD QC (DfT): I think so. I did mention that we are continuing to negotiate with a number of the commercial petitioners from the West Midlands, and I think it’s fair to say that those negotiations continue to be worthwhile, and that being so, I’m not sure, unless you think otherwise, that it would be helpful to say anything publically about that today.

326. SIR PETER BOTTOMLEY: The only other issue that’s outstanding in my mind, which I don’t expect you to have the answer to, but I would be interested – I think it was in South Warwickshire when there was a need for a farmer’s family to have a new home, away from the line, and whether they were going to be getting planning permission for doing what they wanted and whether their existing home would have to be knocked down, in some sense, unnecessarily, and I think that that’s the kind of issue which, if there’s a process by which we might be informed, it would be helpful.

327. MR MOULD QC (DfT): Is that Mr Sadler, in Staffordshire?

328. CHAIR: Yes.

329. MR MOULD QC (DfT): Yes.

330. SIR PETER BOTTOMLEY: Was it Staffordshire?

331. CHAIR: There are actually – I think there's more than one – possibly more than one issue but certainly there was the issue of Sadler – the situation as far as I'm concerned, is, I've written to the Secretary of State, there is a meeting, I understand, between the Planning Minister, and the Country Landowners' and Business Association, imminently, that we will get a response after that. Whether it's the response we want, I don't know, but clearly, it's something which community and local government are thinking about, and the Department of Transport are chasing them, I understand, to see if they can come to a view. And Mr Fabricant, a local Member of Parliament, has also written, on the same matter, to represent his constituent. So, there needs to be some form of guidance, how one deals with those issues without going bonkers and knocking down properties that don't need to be knocked down.

332. MR MOULD QC (DfT): Well I agree and there's a limit to which the Bill can help, as you know on that, because the timing just doesn't work. So it doesn't – if there's going to be a solution, it really needs to be one that is brokered outside the powers of that Bill.

333. CHAIR: There is also the other issue that farms aren't really farms anymore, they tend to be business centres with cottages and with small business units, and with engineering businesses and that slightly complicates planning law when you're talking like for like

334. MR MOULD QC (DfT): It does.

335. CHAIR: Or perhaps not like for like, and so that needs to be thought about a little as well, we're trying not to disadvantage people, so clearly, communities and local government are a piece of the jigsaw which will help the process if they're reasonable, and won't if they're not.

336. MR MOULD QC (DfT): Yes, I –

337. SIR PETER BOTTOMLEY: My last two reflections, one is we've got – not part of your list, but perhaps ours, the letter from the Minister on capital gains tax,

inheritance tax issues, is unresolved, and we can be expected to be going on taking an interest in that. The last thing, just bringing up one of Damian Green's points about initial financial offers. I recollect that when a new road was driven through my old constituency in Eltham, and when a new road was put through my wife's constituency in Surrey, I don't think either of us had any complaints from constituents about the way they were treated in negotiations over the value of land or houses which were taken. So the process can work well, and I think we should be confident that the same thing will apply with HS2.

338. MR MOULD QC (DfT): Indeed so, and I think you were given – I think one or two petitioners drew your attention to bad experiences that they'd heard about, with some schemes, but I think it would be wrong to assume that that was typical of, and as you say, your own experience is against that, and the project has already given, as you know, some assurances to the CLA and the NFU, which are intended to benefit landowners along the route.

339. SIR PETER BOTTOMLEY: And it's met a number of blight notice applications anyway, so we would've heard if things were really bad.

340. MR MOULD QC (DfT): Well, one of the Secretary of State's policies on extending the statutory compensation scheme is to take, what you might call a generous approach to blight notice, because he has a policy commitment not to serve county notices in relation to blight notices for land which is in the safeguarding zone. There may be issues about land that is largely outside of it, so that's an indication of the approach taken.

341. CHAIR: Okay we're finished?

342. MR MOULD QC (DfT): Yes.

343. CHAIR: For now?

344. MR MOULD QC (DfT): Sorry, yes.

345. CHAIR: Thank you very much, Mr Mould, for the update. I think that's useful and progress is being made. If you could withdraw from the room and we could have a quick private chat, before we depart, thank you. Order, order.