

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Wednesday 16 November 2015 (Afternoon)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Mr Henry Bellingham
Geoffrey Clifton-Brown
Mr Mark Hendrick
Sit Peter Bottomley

IN ATTENDANCE

Mr Timothy Mould QC, Lead Counsel, Department for Transport
Mr Gregory Jones QC, Counsel, Zoological Society of London

WITNESSES

Ms Katharine Bligh
Mr Tony Connor
Mr Nigel Walfisz
Mr Tony Connor
Cllr Thomas Gardiner
Cllr Maryam Eslamdoust
Mr Ralph Armond
Professor David Field
Professor John Gurnell
Ms Clare Bowen

IN PUBLIC SESSION

INDEX

Subject	Page
<u>Katharine Bligh</u>	
Submissions by Ms Bligh	3
Response from Mr Mould	9
Closing submissions by Ms Bligh	11
<u>Dinerman Court Limited</u>	
Introduction from Mr Mould	11
Submissions by Mr Connor	12
Submissions by Mr Walfisz	22
Response from Mr Mould	25
Closing submissions by Mr Connor	31
<u>Cllr Mariam Eslamdoust and Cllr Thomas Gardiner</u>	
Submissions by Mr Gardiner and Ms Eslamdoust	32
Response from Mr Mould	37
Closing submissions by Mr Gardiner	41
<u>Zoological Society of London</u>	
Introduction from Mr Mould	42
Submissions by Mr Jones	43
Mr Armond, examined by Mr Jones	45
Professor Field, examined by Mr Jones	52
Professor Gurnell and Ms Bowen examined by Mr Jones	57
Professor Gurnell and Ms Bowen, cross-examined by Mr Mould	68
Professor Gurnell and Ms Bowen, re-examined by Mr Jones	71
Submissions by Mr Mould	74
Closing submissions by Mr Mould	76

1. CHAIR: Order, order. Welcome back to the HS2 Select Committee. Is 466, Nicholas Hobson, here? Is 1785 Loudoun Road residents here? Yeah? No. Is 1744, Edward de Mesquita? Can I have the Camden councillors, 839? Not here. Can I have 942, Katharine Bligh? You said you'd be about 15 minutes. Is that...

Katharine Bligh

2. MS BLIGH: Yes.

3. CHAIR: I'm trying to get you in and out so we can then deal with a slightly longer one.

4. MS BLIGH: Have you heard from the councillors?

5. CHAIR: No, I called them a minute ago; they weren't here. It's the second time they've been called and they haven't been present.

6. MS BLIGH: I see. And the residents at Dinerman Court?

7. CHAIR: They're not here.

8. MS BLIGH: Not here, okay. Oh, you're from Dinerman Court. Alright, it's only that I don't want to repeat anything if they've said something beforehand, so I just wanted to establish that. Okay, thank you very much, Mr Chairman. I'm Katharine Bligh, and you'll see from the maps in front of you that I live a little way away from the line. 62B Priory Road is my address. The first map will show you a general location – you put another map up. I'd like you to turn to 13333, quadruple three. Next one along. Yeah, that's right. It shows you my property, and it shows the whole extent. And one of the issues that I'm raising is pollution, and concerns I have about pollution. I put that so I'll say that. On the estate – the Alexandra and Ainsworth estate there are pedestrianised ways, one of them called Rowley Way, which you see along there. My regular route, if I want to go to Swiss Cottage, which is at the right hand end – eastern end – of the map, just off the map there, right at the end of the Alexandra Place shaft, it enables me to walk up without any traffic – traffic free – up Rowley Way, as an alternative to walking up any of the roads. Of course, I can't avoid the traffic completely.

9. MR HENDRICK: Where are you going to?
10. MS BLIGH: I'm going to Swiss Cottage.
11. MR HENDRICK: The Tube station?
12. MS BLIGH: Not the Tube – well, the Swiss Cottage area. On the right hand side, behind that, where it says Adelaide Road, immediately there, on the right hand side, just off the map, is the area of Swiss Cottage. It's behind the Tube station. You have the library. I believe members of the Committee have been round the area.
13. CHAIR: Yeah.
14. MS BLIGH: Looked round, are familiar with it. You have the library; you have the sports centre, leisure facilities, swimming pool, children's play area, an open space, a water feature for younger children. Various things going on, and also Hampstead Theatre in that whole area there. So if I'm walking up there and taking my grandchildren up there – they love the water feature – they're quite young still – or taking them to the library. Very good children's library there. Or the swimming pool. There's a community centre.
15. MR HENDRICK: Yeah, we know everything you've said. Just talk about your route.
16. MS BLIGH: As I say, all these times when I'm going up there...
17. CHAIR: The railway's in a tunnel here, isn't it?
18. MS BLIGH: The railway's in a tunnel, yes.
19. CHAIR: Okay, so how are you affected?
20. MS BLIGH: But with the shaft being at the end there, at Alexandra Place, and you have all that extra construction, it's going to take 10 years we're being told.
21. CHAIR: This is only utility work. Just checking drains and things.
22. MS BLIGH: Yes, that's right. But the air quality in the area, as you probably realise, is pretty high already, and if you turn to my exhibit A1781, you'll see that it fits

in at the end of this map on P13333, and it's very high pollution. It shows you exactly how high, nitrogen dioxide. Well above the EU limits. And it's really neither national government nor regional government have done an awful lot about it yet, and I don't think that HS2 are really addressing this issue very seriously. Because I have a chesty cough; our children's health is at risk, and each time you go up into that area we are shortening our lives, probably. But I think more needs to be done, because it's not only us, because everybody's going to be affected by the extra pollution that is going to obviously going to be involved in this huge construction project.

23. At the end, really, one really has to consider do we actually really need this at all. Can we do it and look at it in another way? I'll come to that at the end.

24. CHAIR: You won't, because that's not relevant to this committee. We've been instructed by the House it's going to be built; we have to deal with the problems.

25. MS BLIGH: Sorry?

26. CHAIR: We have to deal with the problems. The issue of whether it's built or not is not for us. The House has decided the railway will be built. You cannot raise this issues; they're outside the scope of this committee.

27. MS BLIGH: What, Old Oak Common? You're saying I can't raise that issue?

28. CHAIR: Yeah. You can raise Old Oak Common, but you cannot raise the issue of whether the railway should be there or shouldn't be there. That's principle of the Bill; that's been dealt with.

29. MS BLIGH: It still remains the case that Old Oak Common would mean that we wouldn't have to go through all this because we wouldn't have these vent shafts. They're very frequent these vent shafts, and it's not only the pollution but the vent shafts themselves, well, I'd describe as pretty ugly. Certainly the one I've seen at Alexandra Place. And we are looking at a conservation area after – we're looking at lots of conservation areas, in fact. But the Alexandra and Ainsworth estate is a conservation area, and not only have you got all the disruption, and the noise and the pollution – extra pollution – but at the end of the day you're going to look at a rather ugly building – that's the only way I can describe it. The actual conservation area of

the estate, where it actually is, will therefore be compromised. No point in having conservation area if you're going to spoil it.

30. The other issue I want to raise, apart from the pollution, are the shops, the local shops in Langtry Walk.

31. MR CLIFTON-BROWN: Could you show us where you're talking about? You could point on the screen.

32. MS BLIGH: Again, I'm looking at 133; it's probably the best map. No, hang on, let me see –

33. MR MOULD QC (DfT): There's Langtry Road, there.

34. MS BLIGH: Langtry Road, right, okay.

35. MR MOULD QC (DfT): I think Langtry Walk is just off Langtry Road, isn't it?

36. MS BLIGH: No, not Langtry Road. Langtry Walk is at the top of Rowley Way, just near the shaft.

37. MR MOULD QC (DfT): Right, there's Rowley Way.

38. MS BLIGH: In fact the shaft is – well, in fact, that is Langtry Walk going out to Alexandra Place. And it's because of the building of it they're actually going to build this where the shops are going to be.

39. MR HENDRICK: It's the thin road that's the extension of Langtry Road, isn't it?

40. MS BLIGH: Yes, it's the extension of Rowley Way, Langtry Walk, basically.

41. MR HENDRICK: It's running up to the shaft. The thin one going up to the shaft.

42. MS BLIGH: Yes. And there's some independent shops there. Now, the response document says, 'Oh, but there are other shops in Fairhazel and Fairfax Road'. But the point about these shops is that you don't actually find them elsewhere. There's no fish and chip shop, for example, for something like one and half or two miles away, right up north in West Hampstead somewhere. So that is really no answer. There's not fish and chip shop in Fairhazel. It's actually now a restaurant plus fish and chips; you can take

away. One of the key things is the laundrette. There's a laundrette and dry cleaners. And the residents of the estate do not always have washing machines. In fact, I think at one stage none of them had washing machines.

43. MR HENDRICK: There's two laundrettes on Fairhazel.

44. MS BLIGH: This is one kilometre away. I have a friend who lives –

45. MR HENDRICK: It's not one kilometre away at all.

46. MS BLIGH: – just three minutes away from the laundrette. You can't be carrying loads of laundry one kilometre away. This particular friend who I was hoping to bring with me as a witness unfortunately wasn't able to come. She can't walk very well.

47. CHAIR: May I ask how this relates to HS2?

48. MS BLIGH: Sorry?

49. CHAIR: May I ask how the issue of shops relates to HS2?

50. MS BLIGH: How?

51. CHAIR: How the issue of shops, how does this relate to HS2.

52. MS BLIGH: How – sorry.

53. CHAIR: You're raising the issue of shops and laundrettes.

54. MS BLIGH: Yes, that's right.

55. MR HENDRICK: The laundrette is being pulled down. The laundrette is on the building where the vents will be.

56. MS BLIGH: The laundrette is in Langtry Walk.

57. MR HENDRICK: What I'm saying is there's two laundrettes just round the corner that I use.

58. CHAIR: Okay.

59. MS BLIGH: To say that you had to go that much further, that you have to walk

that much further when you're carrying laundry is not really very acceptable really. And especially if you can't walk very well.

60. MR HENDRICK: Can I just tell you that I walk further to the laundrette that I go to than the one that you're talking about would have to go in order to get to the same one.

61. MS BLIGH: Sorry?

62. MR HENDRICK: Doesn't matter. I'm saying the laundrette's quite near. It's not very far at all. It's not a kilometre; it's about 200 yards.

63. CHAIR: Anyway, please continue.

64. MS BLIGH: The response document does – where is it? Just says, 'Oh well, they can go round the corner'. It does say that a laundrette would be put in place after all the construction, but that's going to take years, and there's no proposal to provide a laundrette in the meantime. So I'm saying that that's not good enough.

65. CHAIR: Okay, is that your main point? After air quality.

66. MS BLIGH: And the other shops as well. There's hairdressers.

67. MR HENDRICK: Can I just ask how this personally affects you? Because you live further away from there than I do. How does this affect you? You don't live on top of the vent.

68. MS BLIGH: I personally don't use the laundrette; my friend does.

69. MR HENDRICK: Okay, you're speaking on their behalf then.

70. MS BLIGH: Yes. And again, there's a fish and chip shop sits – that is my nearest fish and chip shop. There's one way up in West Hampstead. That's much, much further away.

71. CHAIR: Okay, air quality, concern about shops. What else?

72. MS BLIGH: Hairdressers also –

73. CHAIR: No, we don't want to hear about any more shops. What other points do you want to make?

74. MS BLIGH: The shops. Okay, right. So then the other one was transport, and that is particularly the 31 bus route, which is being diverted. We're told that this diversion is only going to last four months. I'm very sceptical as to how that – that it is going to be four months. That might be a minimum and it might turn out to be nearly a year. But that's extremely disruptive again. This is the bus route that runs along Adelaide Road, and I catch it just round the corner from me in Belsize Road, and that takes me Camden Town. I usually go in that direction, because it goes in a westerly direction as well towards Notting Hill Gate. I don't have a car so, if I don't walk anywhere, I take a bus. So the 31 bus is one of my regular bus routes. So again, diversion, delays and all the rest of it, I do think that that is not very good at all. You're wasting your time with all these diversions. It's just an added aggravation. And I think that something needs to be done about that as well, because I don't think it's good enough just to say you're going to be four months, because I don't think that can be guaranteed, that it's four months.

75. CHAIR: Okay, is that your final point?

76. MS BLIGH: Yes, so that's the reason why I think that to go to Old Oak Common would mean that we wouldn't have any of this aggravation, the pollution, and the loss of amenities as well as transport.

77. CHAIR: Okay, thank you very much. Mr Mould.

78. MR MOULD QC (DfT): Air quality, the only area where there will be any appreciable impact on air quality in this location is in the immediate vicinity of the construction site for the Alexandra Place vent shaft. But even there, the changes will be very minor. The only reason why they might signify is because here, as elsewhere in inner London, existing levels of nitrogen dioxide are relatively high because we live in the middle of a large city where there is a great deal of traffic. And that is a challenge for the government to deal with as part of its overall policies; it is not something which it is for this Bill to address. We have measures already in place, which you know about, agreed with Camden and others in relation to the use of up to date clean vehicles and so forth, which are our bit in terms of trying to mitigate the effects of this project.

79. In terms of the impact on retail units in and around the vent shaft, there are a number of retail units at the vent shaft site, which will be lost when we carry out demolitions in order to create this vent shaft. We have agreed with London Borough of Camden that as part of the process of designing the vent shaft structure we will look to provide replacement retail units at ground floor within the structure itself, so that we can have replacement shops. And that's set out in part three of the 30 November main Camden assurance letter. For those who have the documents on the system, it's P11427(9). But it's section three of the Camden assurance letter.

80. Insofar as transport is concerned, I can confirm that we are confident that the diversion of the number 31 bus due to the closure of Adelaide Road will be for a period of four months, and not a longer period. Insofar as this lady is concerned, as you can see from the plan apart from the construction of the vent shaft itself the works here are protective works to utilities, in order to ensure that they are not affected by the construction of the railway in running tunnels beneath the ground as it passes along this way. And the levels of traffic that are likely to be generated by that for people who live in Priory Road and surrounding streets, they will be lost in the daily variation in traffic flows. Here, the impact on this petitioner is likely to be small and the key point that she makes about the shops at Alexandra Place, we have arrangements to restore, if we're able to do so, retail frontages within the vent shaft structure.

81. MR HENDRICK: Can I say – the lady was speaking on behalf of a friend of hers that lives more local to the shaft. Again, if I can declare an interest here, I live in the area as well, and one thing I would bring HS2's attention to is on the shops on Fairfax Road, just the other side of the bridge near South Hampstead Station, there's a cafe and a row of shops on Fairfax Road just near the roundabout that would be adversely affected by the work during construction. And in particular there's a cafe on the corner which allows for outdoor seating that, during construction, I'm sure will be adversely affected by not just the traffic in and out but the air quality and everything else that goes with the construction. So I'd just like you to take that into consideration in addition to the points that the petitioner's being made with regards to that. I know she doesn't live locally; I actually live closer than she does, but I think you should take these points on board.

82. MR MOULD QC (DfT): We will.

83. CHAIR: Okay. Brief final comments.

84. MS BLIGH: Yes, okay. Yes, thank you very much. Yes, nevertheless, you say that HS2 are saying that they will replace the shops, but nevertheless while construction is going on we've still lost it for that period of time. That just is a loss. It's quite a long time, and if you've got children who are growing up – in my case, grandchildren – it's all through their lifetime, as it were. So I don't think it's acceptable to lose those shops for that length of time, because they will be lost for a very, very long time. On the pollution aspect, well, okay, yes, we are in a polluted area. I doubt that it's going to be as minimal as he says, the extra pollution. Anything extra is bad, even if it's very slight.

85. MR HENDRICK: Can I just say, the pollution you mentioned that was worse was obviously that on Finchley Road itself, and that is a considerable distance away from where you live, and even less of a distance away from where I live. So I share your concerns, but it's not going to be as bad as you think.

86. MS BLIGH: Yes, I do appreciate that, but of course if I'm going up into that area...

87. MR HENDRICK: I go up there regularly as well.

88. CHAIR: Anyway, thank you very much for your contribution Mrs Bligh today. Right, Dinerman Court, 774. Mr Mould, could you just introduce this?

Dinerman Court Limited

89. MR MOULD QC (DfT): Yes, certainly. If you put up P13288. These petitioners' concern is with the Alexandra Place vent shaft. You heard a bit about that just now. The location of the vent shaft is shown on the plan in front of you. The particular concern is with access to that vent shaft. The scheme's proposal is that construction traffic should come from this direction, go into Alexandra Place itself, and then route through into a work site, and then egress onto Loudoun Road, which is this road that I'm pointing at now, running along north-south along the eastern side of the vent shaft site. We've also proposed to acquire an area of land shown in red, which is to enable manoeuvring for vehicles other than HS2 construction traffic whilst the vent

shaft works are being carried out. The works for the construction of the vent shaft are expected to take about two and a half years from 2019. Thereafter, there will be railway installation works and the head house construction, which will start in 2023, and that will take a year.

90. If we go to 13296. The petitioners, I think, have an alternative proposal for traffic serving the vent shaft. They're concerned about the impact on the local community of routing lorries, as we propose, through Alexandra Place as I've just shown you. They would prefer to see traffic getting into and leaving the vent shaft site via Loudoun Road itself, and they propose that a work site should extend out into the road and Loudoun Road be closed to through traffic to enable HS2 construction vehicles to avoid going into the local streets around Alexandra Place and the community to the south of the vent shaft site.

91. So that's really the issue here, as to which of those proposals is preferred. As you would imagine, each has its attractions and each has its disadvantages. The attraction of the Bill proposal is that it avoids a fairly lengthy closure of Loudoun Road and the dispersal of traffic that would flow from that; it's quite a busy through road. The attraction of the alternative is that it avoids HS2 construction traffic going through what are undoubtedly ordinarily residential streets and routing round with the disturbance and the dust and so forth that will come with that. We've made that choice, but they would like you to hear and consider whether we perhaps ought to review it.

92. MR CONNOR: Well, thank you for making our case, Mr Mould. I thought it was the other way round. I'm also grateful to his comment earlier where he did admit that this is the only area that is going to suffer environmental problems from the traffic from the HG movements from the lady that spoke before. It's sort of anticipated our introduction, but I appreciate the need for brevity, particularly as you're getting near the end of your situation as well. Can we go to our presentation, and just bring up slide three? Just to explain, add a little bit of context very briefly. Our petition is as Dinerman Court, but we represent a number of other blocks within the area of social housing behind us, which are mentioned in the petition. So as well as Alexandra Place and Dinerman Court, Robert Morton House, Boundary Road Estate, Rowley Way Estate, Ainsworth Way, Mary Green Abbey Road, Abbey Road Estate and Mortimer Crescent. All these blocks are going to be affected by the build of this site. We're the

spokespeople for all the block, although the focus today really is on our alternate plan, as Mr Mould has introduced.

93. As a bit of history, we've tried right from the beginning to engage with HS2 in a constructive way, which you'll see, if you remember, from your site visit and from our presentation here. It has been difficult. We've had – only contact we have had has been from the petitioning manager as you've heard earlier. Can we also put on record that, as we representing approximately 3,000 people in these blocks, and our estimate is over 1,300 flats on those estates, there's been absolutely not correspondence from either HS2 or Camden Council to those owners. It's been left to individual action groups; it's been left to local ward councillors. There's been no written information from either part to the residents of those estates. So a lot of those people don't have English as their first language; they don't know the detail of what's going to happen. Some of them don't have access to the Camden website where we are continually referred to or, even more interestingly, the HS2 website and even we have difficulty finding our way and navigating our way through that.

94. MR HENDRICK: Could I ask which ward that these properties are mainly in? Because you mentioned councillors. We had a couple of councillors due to be here –

95. MR CONNOR: They should've been speaking before us.

96. MR HENDRICK: Which ward is that? Is that Kilburn?

97. MR CONNOR: Kilburn ward, I think, yeah.

98. MR HENDRICK: Okay, so it's not Swiss Cottage; it's Kilburn.

99. MR CONNOR: No, I think it's Kilburn ward, yeah. Labour councillors, yeah. So, yes, just to be clear, there's a few other issues, and we are the only spokespeople –

100. CHAIR: Order, order. Division in the House. We adjourn for 15 minutes. Sorry.

Sitting suspended

On resuming –

101. CHAIR: Order, order. Welcome back to the committee. We have a number of

petitioners left. We're now dealing with Dinerman Court. After that, I will call the two Camden councillors from 839, as they were here this morning, providing they stick to 15 minutes, and then we will go on to the Zoology Society of London. Back to Dinerman Court.

102. MR CONNOR: Thank you. Just finishing that off, sir, there's been a lack of information, so we're speaking on behalf of everyone in the area. The main focus is on pollution, and the traffic plan – the existing traffic plan – as you have seen, and you saw on your site. So I think to save everybody's time, particularly noting Sir Peter yesterday, asking somebody to go to the most important thing first, can we just briefly go back to slide 1, please? I won't read it out, but we'll just note it. This is the existing plan and the points we've made, that I think you've all seen. You all saw it on the site visit. Slide 2, again, please? Yes, sorry. This is the effect we believe it will have. We should mention, we highlight the diesel exhaust pollution for all pedestrians and users around that area, which Ms Knowles has acknowledged already. Slightly secondary diesel exhaust pollution for Dinerman Court, and the whole situation of L02, nitrous oxide, is covered in the report to follow.

103. We're waiting on the truck numbers, restricted access for emergency services, being touched on by other petitioners, obviously. Particularly, though, for Robert Morton House, which is an assisted care home. When we look at the plan, which is in HS2's part of this presentation, it will become a bit clearer, so I'll bring that up if I may. We're highlighting the danger of accidents to those people, and also the social housing on Rowley Way. There's a refugee centre just to the left of Robert Morton House as well, which is right next door to the construction site, so as well as the normal problems, they're going to have – you've obviously got problems with languages and such there. Then we've got the blight problem – not going into that; everybody's been talking about it before today. We'll leave your deliberations on that.

104. Just to run through it briefly, can we have slide 3 to remind you what we're talking about? This is the central block around that plan that we look at on the top. You see the main block of accommodation is stepped up. There's three levels of accommodation there – sorry, I can use this can't I? So the actual trucks are going to come round this way, where these cars are parked. Incidentally, all these cars, all these residents will lose. There's about 26 spaces they're going to lose. There's nowhere else

around for those cars to go, so H is to allude to moving those spaces to somewhere local. We don't know where they're going to go, but that's a side issue for the moment. So this is the main central area.

105. The top left-hand corner is the existing building, to remind you, here –if the pointer goes there. That rather ugly building is coming down. It was originally planned to come down by Camden Council, and a new block of social housing should have been built there some years ago. Coinciding, around about 2009, 2010, when Camden first started hearing about the plans for HS2, when suddenly, that planning stopped for that new block of housing. Coincidentally or not, we don't know. The bottom photograph shows you the effects of what's going to happen in this road. It's a very narrow road. That's one – imagine two, another wagon that size, trying to go up the other way at the same time as an HGV is coming down. It's wide open for dangerous situations, as well as the pollution aspect.

106. Slide 4, please? Showing it from the other side, again, you can see how narrow it is. The bottom photograph shows part of the access to the Alexandra and Rowley Way estates, down into Alexandra Place North. On the right-hand side of the bottom photograph is Langtry Walk, which is to be closed for the construction, the construction site. If we go to the next photograph? Sorry, the next page. Yes, the bottom photograph is Rowley Way, and that shows you the 1,000 – I don't know how many there are on that section. It goes for about half a mile down. That's the main access for those flats, to the top photograph, into – along the left-hand side at the moment, in Langtry Walk. That's going to be closed, because that's for the construction site. More importantly, the top photograph, where the green bins are – to the right of that, which you may remember when you came on your site visit – on the right-hand side, you'll see some big intake vents. That is right alongside the main site where the trucks are unloading, and we see today, from the latest map that's been introduced by HS2, that's also going to be a material site, right outside MGRWK. So I'll let Mr Walfisz explain that a little bit more. But just to know, this is a crucial area of the situation. Can I have the next slide please?

107. MR HENDRICK: Is that for business purposes?

108. MR CONNOR: It is, it is, but I'll let Mr Walfisz speak on that. Our main area of

focus is the pollution we're going to be suffering from these HGVs from, by the way, two and a half years. Adelaide, we already heard this morning, is going to be totally closed for four months. We're going to be closed for two years, two and a half years, mainly to facilitate the construction of –we would say – mainly to facilitate the construction of the site by HS2, not for any other reason of minimising or mitigating damage or emissions. It's because it's easier for them to do at the moment. We then started to get some second opinions on this, because again, we've come further down in the report, but HS2 have not commissioned a second environment assessment for this road. It's a tiny little one-way street. They've used the – as we understand it; we're not technical – what they call the Defra's tool kit, which takes average figures for across London-wide, and is based on A-roads and higher vehicle speeds. So we wanted to take some advice on this. This is a report from – you've had it before, good.

109. We also spoke to Dr Frank Kelly, who sent us this report – professor of environmental health. We asked him some questions we'd had from HS2 about these vehicle movements, and if you go to slide 10, this – slide 10 is – is that the first page? Sorry, can I have slide 11 first, please? The earliest contact with Professor Kelly – we basically asked him some simple questions. Basically, if the 100 vehicles by any chance have to wait while they go around the road, will that make a difference to the emission figures? His answer is in red. 'Yes, it is. Low speed driving, high activity, is responsible for more emissions per unit of fuel consumed than an A-road or motorway driving.' So any figures given by HS2 is basically – it doesn't relate to the situation we're going to have.

110. If we go to slide 10, this also gave a little bit of information – from the original information he gave back to me. He gave me all the stats that HS2 had given us. If you notice, there's two points there. Point one: suggestion there will be no queueing. That's what we've been told; there will be no queueing by HGVs required, even though there's going to be something like – anything between five, and a vehicle going – between five and 10 minutes every day during the construction. HS2 have said there's never going to be any queueing. He says, 'This is clearly a crucial issue, whether this happens or not.' He made the point, too: 'The emission facts are given below, and used in the model calculations are in units of grams for kilometre. The street is not that long. Your lorries are – so applying the days as suggested will not provide an accurate estimate of actual

emissions incurred.

111. So the whole basis of the defence of HS2, of using this road, was first of all, dismissed. Well, not dismissed – he gave an opinion on that. We also approached Simon Burkett of Clean Air in London. I think you may have seen this report as well, but it hasn't been included – we sent it as part of our evidence, but it hasn't been included in the bundle for some reason. We sent it as a PDF. This is the summary of the report. They commissioned Robert McCracken QC about the general situation – it was related to Heathrow, but it has implications for the whole of London. As I say, the report hasn't been included, but I've taken two extracts from it, which relates to our particular situation. They're basically saying that the local authority, or the planning authority, whichever are relevant in this respect, 'must seek in their decision, in so far as it can have a significant effect, to prevent or reduce the breaches of EU law, including the air quality directive.' Now, most of this goes over all our heads, but basically, that is one of the main points. 'Where a development will cause a breach in the locality of the development, they must refuse permission.' I'll just take you back to the point about HS2 using the Defra tool kit, which is basically a general average figure for quick vehicle movements across A-roads across London. This basically takes that away. If we go to – it dismisses that argument, I was going to say. Sorry.

112. Can we briefly go to Slide 13? As I say, we tried to be constructive at the beginning of this process. We knew we couldn't stop it – we couldn't stop the construction of the head house. We expected HS2 to come back with some mitigating situation, so we wanted to try and be positive, and at a very early stage – it was in the petition – we requested if spoil could be taken away by rail, which we appreciate is still being discussed. If it can't be taken away by rail, we came up with an alternative situation that has precedent. We've said keep Alexander Place open, basically, but close Lowry Road by the station. We'll come to the map in the next section. This has been done several times by Network Rail since 2010, so there is a precedent for this. HS2 have said it'll be too difficult. There will be problems on parking, which seems surprising when they're getting rid of parking for residents. There'll be problems for children, there'll be problems for traffic – it's been done before.

113. If we just briefly go to slide 18, if you would – this is from information received from Camden Council, which we asked for, for the closures of Lowry Road. The

relevant ones here are across three pages, three slides, actually. But the bottom two here are shown as 25 July to August 2012. 30 August to 13 January 2014. They're shown here as separate closures; there is actually one complete closure for about 18 months, 20 months. The road was not reopened in-between. I don't know whether anybody sitting to the left of me knows that. So there is precedent, and it goes back until 2010.

114. MR HENDRICK: Were they partial closures or temporary, because I use South Hempstead station to get to Euston regularly. I remember a lot of fuss around there, and a lot of work going on, and it taking a long time – but I don't think it was a total closure, was it?

115. MR CONNOR: It was. It was closed off to traffic. That period of those bottom two dates, it was closed. They used it for materials. They actually had a porta-cabin there for staff.

116. MR HENDRICK: How long was it closed for?

117. MR CONNOR: These two are looked on as separate dates – 25 July to August 12. They were actually – between those two dates, it was pretty well right the way through.

118. MR HENDRICK: Well the first one would have been a recess period, so I probably wouldn't have been there anyway. The second one, I don't remember. The second one was probably recess as well.

119. MR CONNOR: It ran over as well, by the way. So what it did – and we're quite used to these closures in the area – it didn't give any great additional problems as far as traffic, as far as resident access. The station was still open. In fact, this plan will probably have more problems for access to the station than that one did.

120. MR HENDRICK: What period of time are you suggesting that closure takes place for?

121. MR CONNOR: This particular one?

122. MR HENDRICK: The one you're requesting.

123. MR CONNOR: The one –

124. MR HENDRICK: You can't close it for that long, surely.

125. MR CONNOR: It was a closure, certainly, over 18 months, complete. If I can show you slide 16, this was very kindly done in a presentation by HS2 by the residents of Dinerman Court, actually, and it shows a photograph taken during this period.

126. MR HENDRICK: I remember a temporary closure. I don't remember it being for that period.

127. MR CONNOR: Yeah, for a time they had a section down there for bikes, if you remember, but it was closed off for a considerable period. The diversion was on Alexander Road. I'm sorry for the detail on this, but it's quite important in relation to this.

128. MR HENDRICK: I don't drive over it, so – I tend to walk to the station. I remember, obviously, working there – what I don't remember is it being closed for such a length of time.

129. MR CONNOR: We lived through it. But this shows the effects of what it looks like. It has been done before, it can be done again. That's our point.

130. CHAIR: Let's crack on.

131. MR CONNOR: If you go to slide 15, this is a map – sorry, it's our own map, but it describes the situation. It also details the amount of apartments, flats, that are going to be directly affected by the closure of Alexander Place. So in the central unit, you'll see there's 28 flats, there are a lot of families in there, a lot of children in there. Robert Morton House below that shows there are 46 flats in there, of elderly people, and it's assisted care. That's right outside Alexandra Place, and we find – well, we'll go to that in a moment, but they've got a nice surprise coming to them when construction starts. Then on the right-hand side, the top, it's marked Alexandra Place South. There's actually 12 flats along that side. So all of those units, plus the access, plus Dinerman Court, a little bit further away from the blue area – but we are all affected by the closure of Alexandra Place.

132. And on the bottom left-hand side, to the left of Robert Morton House, there's a blank area. We haven't marked it, but that's actually the refugee centre. We don't

know how many are in there, so they're going to be affected as well. So there's quite a lot of effects. We decided, going back again, to try and work with HS2, and suggest to them to use the previously operated closure of Loudoun Road as the model. They came forward, in their response document, with a straight forward 'no'. It can't be done, there's too many problems, as mentioned. Most of the problems they're mentioning are already within their existing plan, actually, so leaving that aside.

133. If you go down to the bottom of that page, the photograph – the reason why we're suggesting this, is – this isn't a very good photograph – but this area – this, where the photograph is taken, is where the construction site is. About 50 meters that way, the white building on the left – between here and there is open space above the railway. That's where we are proposing that the alternate traffic plan should be. Actually, it could come this way, it could come the other way, but there's an area down there with the closure as has been done before. A much wider road – most importantly, though, the emissions – most of them will go straight up in the air, and this is why we asked the advice of Professor Kelly, and the other people involved. Before I bring Mr Walfisz in, can we just refer to – we decided to commission our own – because HS2 hadn't done it; they were using this tool kit, they were using averages that didn't relate to our road – a little street, not a road. We decided, actually, MGRWK decided to commission our own emission assessment and that you see here.

134. There is a summary – sorry, let's go to the right page, I beg your pardon – that's slide 35, which we received recently. Slide 38, please. A lot of this page, you will already have discussed, probably. The sites – I just mention the middle paragraph, there. 'The main air quality pollute under concern: nitrogen dioxide, N₂O, in association with the construction development, results in heavy duty vehicles, traffic emissions, circulating in their own network, in the local area. Particularly concerned with the movements planned over Alexandra Place which, given its poor dispersion conditions' – the word dispersion is important, because as lay people, that's what we felt was wrong about the existing plan – due to a mild canyon street effect, that it sort of compressing the fumes in a narrow area, as we understand it – may have some significant and adverse effects on human health of local residents.' That's the key paragraph. Without going through all the wording, I just want to make the bullet points on this, if I may, as you'll want to hear everybody this afternoon.

135. Can we see slide 39, which is the second page of the summary? The recommendations, which – if we go back to – based on the results in this assessment, they recommended that alternative traffic routes are applied as mitigation methods, during the construction phase of the closed development, avoiding the use of Alexandra Place. Now, we gave her the vehicle movements at the peak time, which have been given to us as up to 100 vehicles a day, for a period, we have been told, of 6 months. We've asked for the non-peak figures from HS2, and we've had very vague responses. It could be this, it could be that. We hadn't decided on the final plan for construction, so that would affect how many lorries – but it was pretty much sure to be less than that, but they haven't given us a figure. So we had to give her the only figure we have, which is up to 100 vehicles a day. She's presented a report and done her analysis. 'In light of the results presented, it is therefore strongly recommended that Loudoun Road is used for HGV movement associated with the vent shaft building, demolition, and construction phases.' With the recommended mitigation measures in place, the proposed development would comply with national, region, and local air quality policy and legislation, the implication being it wouldn't if they didn't do this. So –

136. CHAIR: How are we doing? Are you nearly there?

137. MR CONNOR: Yes. I don't want to go through the rest of the report. Just briefly onto slide 61. This breaks down her figures – as I say, unfortunately, she can't describe them to us. The receptors from the tests that have been made, these are the results, and you'll notice on the basis of the figures that we've been given, the numbers 3 to 12 and 15 to 16 – the results are going to be moderate, averse, to substantial, averse – so quite a change, which is the whole argument of this, as we understand it, from this Defra tool kit. It's an average of additional vehicle movements, and the criteria, apparently, for that – for not doing an individual assessment for this road, for this street, was that it comes – the vehicle movements come under the minimum quantity change per day, which is 200, conveniently, per day. So that's why they were able to use the Defra averages, rather than commission an individual assessment for this little road. So the effect on the 145 apartments directly around it are going to be substantial.

138. Briefly, slide 62. The red – you've probably seen these types of things before – the red dashes show the concentration of emissions that are going to be affected, and the main areas that are going to be affected, as substantial averse, are the central block and

the two side blocks on Alexandra Place. Moderate averse, Langtry Walk, Robert Morton House, and the corner of Dinerman Court. So without going through all the figures which we don't understand, that's the summary for it. Can I just pass over to Mr Walfisz, because he represents – he's one of the partners for the accountancy company, and he can describe his concerns much better than I can? Can we just go back to slide – while he's talking about it – slide – I think it's slide – sorry, 5, please. I'll pass over.

139. MR WALFISZ: Our office covers the ground floor of the block that's surrounded by Alexandra Place, and we face on to Loudoun Road. We have approximately 100 people working in the building. Our building has almost no windows, so we rely on a mechanical fresh air and air conditioning plant, which we just replaced when we were notified by HS2 that they were going to do the work. We just finished that. Our air plants and our air vents face onto the shops at Langtry Walk, so we will be sucking in all the pollution straight from the parking lot with all the HGV vehicles. Alexandra Place is a narrow residential street. Having up to 100 lorry movements a day outside our air intake is going to seriously damage the quality of the air that we draw in. We believe this is actually a serious risk to our business. We may have to move, or it could actually close us. Ideally, we would like to have the spoil removed by rail because just because Langtry Walk is a railway track, so it makes sense to us to push the spoil onto the track. I know this has been discounted because it's expensive.

140. Alternatively, what we're asking for is for the site offices, the storage and the HGVs to be parked, as Tony said, on Loudoun Road, on the area over the railway tracks so that the fumes and everything can just, effectively, be washed away onto the tracks and into fresh air, rather than being funnelled straight into our air handling system.

141. We did ask Anna to actually look at this to see. We were looking at it from a common sense point of view, but what did she think? And she modelled it, and she said that, based on up to 100 lorry movements a day, even using, I understand, the latest lorries and so on, it would have a substantial adverse effect on the air quality. But moving it to Loudoun Road will have a moderate effect, which will be less. So, we're asking that you literally take that lorry park and spoil site and move it around the corner onto a section of road that's been closed before. I've driven around it for many, many, many months, just taking a short detour, as it will make a major difference to our

business.

142. MR CONNOR: Can I just refer to the HS2 part of this presentation – P13293 slide 4, please? It just explains this may have been buried in the HS2 site as will maybe be told to us in a moment, but it's the first time we've seen it, certainly in this sort of detail. We now are quite concerned as well, as Mr Walfisz has just made that it now looks like the main reason for this traffic route is not so much to minimise traffic problems on Loudoun Road, but to enable a nice smooth production run for the HS2 vehicles, and also to provide a site for two storey porter cabin offices actually on Alexandra Place. We hadn't seen this before last Friday when the evidence was produced.

143. It also shows an area nominated as excavated material lorry route underlying hoppers, which we can only guess at, and also, non-excavated material loading/unloading area. So, all of that is within that brown area in the middle. Now exactly the same situation happened when Network Rail closed Loudoun Road by the station. All of those units, the porter cabins, the material that was being loaded onto wagons, and the material for the site and the work going on on the railway and the bridge was located in the area between Alexandra Road and Fairfax Road. So, it has been done before.

144. CHAIR: But not with other roads being closed in the area?

145. MR CONNOR: Pardon?

146. CHAIR: But not with other roads being closed in the area, presumably.

147. MR HENDRICK: No, they did, and that was my point. They did close Loudoun Road.

148. CHAIR: Yes, but there are other roads being closed in the borough when all the construction is happening.

149. MR WALFISZ: But not around that area.

150. MR CONNOR: Not in that area. I think that's – we have a couple of questions at the end.

151. MR HENDRICK: But can I ask you a question? Have you not been approached, or has HS2 not considered – because there's not much more buildings there – relocating, or buying the site out?

152. CHAIR: Well, we haven't heard anything from them.

153. MR CONNOR: Because the site itself, we did a visit, is very, very small and constrained, and to have 100 people walking in and offices there so close to such levels of gases and pollution, doesn't seem to me to be reasonable either.

154. CHAIR: Have you finished?

155. MR CONNOR: Yes, we'd just like to pose the questions to both of you at the end, and then...

156. CHAIR: Well, can you pose your questions now and we can get all the answers?

157. MR CONNOR: Two questions. As we are representing the other blocks as well, it has been mentioned this morning, we'd just like some clarification on the – there's mention that Camden have agreed with HS2 a sound insulation mitigation for a thousand properties. We'd like to know whether those include the 145 or so properties around Alexandra Place. We're not very clear. It's just a straightforward question that we need to know. It may be being discussed. We think it doesn't at the moment.

158. MR MOULD QC (DfT): The answer is no.

159. MR CONNOR: The answer is no? The other question, on behalf of the other blocks on the estate, which are the Alexandra Estate, behind us, Rowley Way, when we had the first meeting with HS2 and the first petition read – a guy called Peter – somebody else asked what about problems about the drilling, if it affects the listed buildings, by the way. These are listed buildings in the area to the left of that map. And the answer was that what we should do – we being all the residents – should take a survey before the work started, and then there would be a survey after the work's started, the implication being that if there's any damage that was done by the underground tunnelling, unless we have undertaken a survey ourselves, and paid for it ourselves, then HS2 will be quite able to discount the problems. Now, we've asked that a couple of times – will HS2 pay for a before and after survey for the listed buildings on

Alexandra & Ainsworth Estate and Rowley Way. So far, the answer has been no. It is quite important for them and for the listed buildings status, obviously.

160. CHAIR: That's everything?

161. MR CONNOR: One other point that hasn't been covered. Quite an important one for us here is has the question of vermin control been considered?

162. CHAIR: Yes, it's been considered endlessly.

163. MR CONNOR: It's been discussed? Alright. Okay, thank you.

164. MR MOULD QC (DfT): The answer to the question about the risk of settlement damage to listed buildings is that where listed buildings fall within the 10 millimetre contour, they are subject to detailed assessment under Phase 3 of the settlement policy, which is set out in Information Paper E3, and that includes, amongst other things, a defect survey in advance of the works to ensure that we have an understanding of the state of those buildings before the works come in.

165. We do that for our own benefit as much as for the benefit of the building owner because obviously we want to know that if damage does occur, which we think is very unlikely, that we're not being asked to deal with pre-existing problems, but we're only dealing with problems that arise from HS2. Let me come back to the issues – the sharp point which is between us on this. We will stay with that slide, if we may, please, because I can deal with it quickly now.

166. Under the access arrangements that are proposed under the bill, we have access via Alexandra Place into the work site with the facilities to unload and load, and the arrangements that you would expect for a constrained work site shown on this plan, and then the traffic comes out onto Loudoun Road at the point that I'm showing now. Now, that would involve up to 50 HGVs a day, during the peak period of activity, which is expected to last between four and six months. Outside that peak period, and for the remaining use of that work site for the construction works in relation to this vent shaft, the numbers will be significantly lower.

167. Space is provided, albeit the constrained nature of the work site, with the view to avoiding queuing of vehicles during the use of this site, even during peak periods, and

you can see that at those numbers and with the arrangements that have been made for manoeuvring both HS2 vehicles and for the non-HS2 vehicles, as I explained in opening this petition, that is a realistic proposition, that we should be able to keep...

168. MR HENDRICK: Where will the vehicles exit from?

169. MR MOULD QC (DfT): From out here...

170. MR HENDRICK: And which way would they go?

171. MR MOULD QC (DfT): In and they'd be turning either one way or the other. We haven't specific which route they would take. This would be a construction route – Loudoun Road. We believe that the air quality effects, even during that peak period, which are reported in the reports that you've seen are therefore somewhat exaggerated. We note, amongst other things, that the report doesn't appear to account for the use of Euro 6 vehicles, which, as you know, is a commitment we've made to Camden in relation to our traffic construction traffic in the inner London area, including this site.

172. So, that's the first choice. The next choice is, as you've heard, that you do away with all that, you keep the work site, but you have the closure of Loudoun Road at this location here for a period of up to two and a half years. Now, that would clearly avoid the use of these road for HGVs and it would clearly avoid any air quality effects and other disturbance that would flow from that use. But I can tell you that on the traffic impact assessments that we have done, the annual average daily flow of vehicles along this stretch of Loudoun Road two way, at the time when these works were going on, it's between 7,500 and 8,500 vehicles a day. If you assume the closure of Loudoun Road, two and a half years, that means that every day during that two-and-a-half-year period, those vehicles would have to find another route, and that...

173. MR HENDRICK: Where would they go, if they didn't go through Loudoun Road?

174. MR MOULD QC (DfT): Well, that's a good question. They would have to disperse around the other roads in the area, which are already busy, for example, Hilgrove Road, which is just to the north of this plan, is predicted to have annual average daily flows, two way, of about 12,000 vehicles during that period. So, you can

see...

175. MR HENDRICK: But it couldn't get to there if Loudoun Road...

176. MR MOULD QC (DfT): No, well, some vehicles would have – I take your point.

177. MR HENDRICK: What I'm saying is, if the petitioners get their way, and they close that, lorries coming into the site, would they have to do a full circle to come out?

178. MR MOULD QC (DfT): The lorries would presumably be – they would be routed along Loudoun Road, and they would go into the work site, and then go out the other side. I suspect that's what's been...

179. MR HENDRICK: Oh, I see, and then go the other way, and come out that way.

180. MR MOULD QC (DfT): Yes, but I'm talking about the non-HS2 traffic, the traffic with 7,500, 8,500 vehicles that are on that road, which would have to go somewhere else, because they can't go through that route. Clearly, if you disperse vehicles off to that level of numbers, on to other roads, which are already busy in this part of inner London, that will have its own air quality effects, because it will generate queuing and so forth and so on. So, there's no silver bullet here. There's a balance to be struck. Which of those two alternatives, on balance, is preferable. We've made our choice and the petitioners have put their point to you. It's important to bear in mind that although, as you've heard Loudoun Road was closed by Network Rail to allow work to be done, those were works through a bridge, over the railway line, where there was no alternative. That was obviously the way to do it. Here, there is an alternative. It's one that does create some impacts on the residents; we accept that, but we suggest that, on balance, that is the right choice to make.

181. The final point on this is the traffic authority for these roads is London Borough of Camden, and the London Borough of Camden will have powers under schedule 16 of this bill to decide what the route should be, and they will clearly want to think very carefully about whether they want to select a solution which involves the closure of Loudoun Road for up to two and a half years, and I would suggest, if there is going to be continuing work on this, that really, it should be left to them to decide rather than a matter that should be resolved by the committee. We don't think that it is the right

choice, but that's the statutory framework which exists for that.

182. Turning then from the general to the specific, the gentleman at the far end, the business occupier; in the event that those premises are – when we've done the detailed arrangements for construction in relation to this site and assuming we're following the proposals that we've put in place, in the event that his premises are predicted to experience significant impacts from noise, disturbance and fumes and so forth, then we will have to take appropriate steps to protect him, and that will be dealt with under the terms of our noise insulation policies, and that will be done under the terms of the...

183. MR HENDRICK: Well, I think the main concern is the air quality, because as you said, you can see from the photo, he's got these vents that is providing all the clean air from inside the building. It's obviously got windows and things – that's where he's getting it from. I think, with the traffic running down there, what he's saying is correct. He's going to get it.

184. MR MOULD QC (DfT): Well, if you assume that he's right about the queuing, I've explained, I think, that we don't expect...

185. MR HENDRICK: 100 vehicles a day was one every five minutes. Now...

186. MR MOULD QC (DfT): Ah, now I made it clear that we're predicting 60 vehicles a day – 60 HGVs a day during the peak period of 46 months. I'm not...

187. MR HENDRICK: And what's the difference? What's the gap between each lorry? Because each lorry's not going to arrive exactly on time, and go through – exactly on time – because of the traffic problems there anyway.

188. MR MOULD QC (DfT): I agree...

189. MR HENDRICK: So, what I'm saying is, isn't there a risk of two or three backing...

190. MR MOULD QC (DfT): I'm sorry, 50, I think, rather than 60. There's no difficulty with this. If, as we develop the detail, if we find that the impact on those premises because of the arrangements they have for ventilation so far is going to create significant problems for occupation of those premises, then we will have to address it.

We can't bring a problem like that to business premises and not do something about it. So, that's an engagement...

191. MR HENDRICK: But what – how are you going to address it?

192. MR MOULD QC (DfT): We will seek to mitigate it by trying to manage the traffic so that it doesn't...

193. MR HENDRICK: They've got to pump clean air in there, or something...

194. MR MOULD QC (DfT): No, I never said...

195. MR HENDRICK: What I'm saying is, have you considered, if it's that bad, are you going to consider moving him, because...

196. MR MOULD QC (DfT): If it's that bad, yes.

197. MR HENDRICK: You've got 100 people in there...

198. MR MOULD QC (DfT): If it's that bad, yes. If the only solution to enabling his business to continue to function is that we have to find him temporary alternative premises, then that's what we will have to do, but I don't for a minute accept that we're at that place. I think that there's an awful lot that we can consider doing. I'm not an expert, so I can't tell you in detail what it is, but I think there is an awful lot we can consider doing before we have to go to the extreme experience...

199. MR HENDRICK: We're not saying, 'Go to the extreme'. We're saying – and I'm sure if you were working in that building, you'd have concerns yourself.

200. MR MOULD QC (DfT): I'm with you.

201. MR HENDRICK: All I'm saying is, is the possibility there to look at it?

202. MR MOULD QC (DfT): I agree with you.

203. CHAIR: But there's also a possibility that Camden might insist on a closure of the road rather than the closure of this road, so in those circumstances, there isn't a problem, relatively speaking a problem. We don't know whether there's a problem yet, or not, but we think there may be, and if there is, we'll do something about it in line

with the various...

204. MR HENDRICK: I actually think dealing with that problem, rather than rocking Loudoun Road is a better solution, but we'll see what happens.

205. MR MOULD QC (DfT): I take your point. The final point, spoil by rail, there's a slide about that. It's P13293. I'll just flash it up. I'm afraid at the level of excavation and spoil that we're expecting to generate here, that is just not a realistic proposition. It doesn't make any economic sense. But that's all there.

206. CHAIR: Brief final comments?

207. MR CONNOR: On that last point, apparently 70% we understand of the spoil with Crossrail One was taken away by rail and river, so again, there's a precedent for that. The argument has been on cost for not doing it here, and some vague mention that extra buildings would be needed to – for...

208. MR HENDRICK: It's all based - you're so close to the rail, do we have space there...

209. MR CONNOR: We'll have to take another independent assessment to argue it, wouldn't we? We're not specialists.

210. MR HENDRICK: Having walked up there 100 times, I can tell you now, there's not the space between where that building is with the chippy, the laundrette, and all the rest of it, down to the rails to get that extra space to get sidings.

211. MR CONNOR: Well, the sidings are there, and the building site goes right up to the first line of rail – about six pairs of rails across there, as you know. So, it's right – couldn't be in a better position for a pulley system.

212. MR MOULD QC (DfT): There would be signal implications as well.

213. MR CONNOR: It's been argued that it's too difficult. But can I just ask again, just to be clarified, you said up to 50 vehicles at peak.

214. MR MOULD QC (DfT): Yep.

215. MR CONNOR: Can I just refer briefly back to slide 23? We asked this question

several times. This is only one of the answers we've had. I read, at the top, in red, 'Compound is forecasted to generate a peak of around 90 to 100 HGV movements per day.

216. MR HENDRICK: With that, is one journey counted as two?

217. MR CONNOR: So you're counting further than that, are you?

218. MR MOULD QC (DfT): No, I'm talking about the vehicles.

219. MR HENDRICK: So, it's number of vehicles, not number of journeys.

220. MR WALFISZ: So, my understanding is that it's 100 lorry movements, 50 in, 50 out, and that's the basis that the report was done – 100 lorry movements, not 100 lorries.

221. MR MOULD QC (DfT): Yes, so it's 50...

222. MR WALFISZ: It still says substantial side effects.

223. MR HENDRICK: 50 lorries, with one movement in and one movement out.

224. MR WALFISZ: Yes

225. CHAIR: Okay, back to final comments.

226. MR CONNOR: Final thing; it does mention the report, without going into detail, she does mention and so does Professor Kelly in reference to the other report, it does mention the latest models. Basically, the summary is, it doesn't make much difference. Again, the report, it's asking a lot of you gentlemen, but it is in both of those reports. It is taken into account. Mr Mould dismissed it, but it is in there. We have spent a lot of money on this because it's so important, and it's so important for the residents. To dismiss it as, 'Oh, well, it's going to affect traffic', we already have Swiss Cottage, as you know, blocked up because the main road going up to Hampstead is closed for water pipe works – has been for a month, couple of months. It's going to be for months more. It's being done all the time. The lady this morning said dispersing – she made a valid point, although you were running out of time – whenever you have these situations, even if not taken into account other works, there is going to be traffic dispersed into other roads. So, do we have to pay for that? The 150 people around that? Is that the

price of this? This seems to be the whole of HS2's premise – to get rid of arguments, not negotiate, not to look at alternative plans. You have heard it many times before, but we hear it from our residents.

227. MR HENDRICK: We hear it from you, but we're also going to hear it from the local councils. See how they see it.

228. CHAIR: Essentially, there is an agreement with the local authority, and essentially, they are the ones with the final say on most of these matters.

229. MR WALFISZ: And we're encouraged by that recent...

230. MR HENDRICK: Well, that's – sorry, that's the authority as a whole. I'd like to get the views of the local council on this as well.

231. MR WALFISZ: I think we made our point. Thank you very much.

232. CHAIR: Thank you very much. Alright, we now go to 839, Councillor Eslamdoust and Councillor Gardiner. Who's going to go first?

Cllr Mariam Eslamdoust and Cllr Thomas Gardiner

233. MS ESLAMDOUST: Chair, first of all thank you very much for hearing our petition, and in particular, as there was a chance that it might not be heard this afternoon.

234. CHAIR: I was trying to help you by calling you early so you could go back – I was trying to get you in this morning, so you can have a more productive day than hanging around here, but there we are.

235. MR GARDINER: We're grateful, Chair, and I should say we also admire the Committee's fortitude in sitting through so much of this. We know from our own experience as local scrutineers how arduous good scrutiny can be. We had a good training. Chair, I'm Councillor Thomas Gardner, and this is my co-petitioner, Councillor Maryam Eslamdoust. We petition on our own behalf as residents of the London Borough of Camden, and more particularly, in our role as councillors for Kilburn Ward, on behalf of thousands of residents of Kilburn, who will be very directly affected by the passage of the line through the ward, and by the building of a vent shaft,

as you know, at the end of the Grade II listed Alexandra and Ainsworth estate.

236. We will try to be brief and to the point in this, as I know you are keen to get through as much as possible. We speak on behalf of all our ward residents, but particularly we would emphasise that we speak on behalf of the social housing who are most directly affected by this, and obviously you have heard very well from nearby residents both private, social and business residents – business occupiers just before us.

237. I will make the initial points, and then Councillor Eslamdoust will come in before I round off with any remaining points. First points we will make are on tunnelling. So, I know you have heard a great deal on tunnelling, Chair. The route tunnels directly beneath the whole of the southern end of our ward. It tunnels beneath, primarily, social housing estates. The promoters have stated that there will be no tunnelling effects due to the depth of the line, however, it is a matter of serious concern to residents along the route that particularly in the tall buildings under which the lines run directly, that there may be some effect. Mary Green Tower, which is on Abbey Road, is some 20 storeys tall, and other tall towers along this section of the route include Falcon House and of course, the main block of Rowley Way, which is the Alexandra & Ainsworth Estate. No detailed work has been done, that we have been informed of, on the effects of tunnelling for these particularly tall towers, or indeed on the specialist rubber light foundations at Rowley Way – the Alexandra & Ainsworth Estate is built on.

238. The most sensible solution, as we see it, is for the route to be moved very slightly, either underneath the west coast mainline, or to its original route, under the north parts of the City of Westminster. The promoter's objection to the west coast mainline solution is that it would be very slightly slower for the speeds of the trains on the route. However, I think our view would be that the trains at this point will already either – if on the way into Euston be breaking for their approach to the terminus, or they will be running slowly out of Euston, due to the loop, and the fact that they are travelling at this point between the two closest stations on the entire route.

239. The promoter's objection on routing under the City of Westminster is based on there being no suitable vent shaft sites. However, the original route under the City of Westminster was primarily under low rise housing, no tall towers and there were many potential vent shaft sites. I think it's a particular suspicion amongst some of our

residents that the line was moved underneath Kilburn in order that it run under the social housing, in the expectation that tenants might be less vocal than the residents of St John's Wood to the south, and certainly we've heard many people who really feel it sticks in the throat to be told there were no suitable vent shaft sites on the Westminster route when, actually, the Alexandra Place site seems so inappropriate given its location in the edge of a conservation area, the damage to important community assets, and the close proximity to housing and assets of vulnerable people. I will now hand over to Councillor Eslamdoust.

240. MS ESLAMDOUST: Thank you. Good afternoon, Chair. Maryam Eslamdoust, Kilburn Councillor. We share residents' concerns about the construction of a ventilation shaft in Alexandra Place. The proposed ventilation shaft will entail demolishing central amenities, including a well-serving laundrette, hairdressers, and a fish and chip shop. None of these small business owners will be able to survive the disruption to their livelihood the proposed construction will pose, nor will they be guaranteed to secure some of the proposed ground floor units HS2 has proposed to consider as part of the vent shaft design. The reality is that the disruption to their business will effectively end their livelihood and the service they provide locally.

241. We are equally concerned by the noise, dust and disruption to utility maintenance the ventilation shaft construction phase will pose in our Kilburn community, especially on the 500 plus flats on the Alexandra & Ainsworth Estate, but also on the two large sheltered blocks for the elderly, and the new disabled education college, which are all within meters of the proposed vent shaft.

242. For those familiar with Kilburn, you may know that it's an area in London, which is densely populated with the highest levels of health inequalities in the Borough of Camden. The construction of a vent shaft in Alexandra Place will involve demolishing and transporting construction material. All of this involves a massive increase in lorry movement, with a significant impact on air quality from vehicle emissions and construction dust. It saddens me that future generations will also be blighted by further health inequalities as the shaft site and its associated construction is actually enroute to three major schools, thereby exposing our children to noise, dust and pollution emanating from the construction of the proposed vent shaft.

243. None of the good practice measures proposed by HS2 adequately address, or mitigate the impact of this project in Kilburn. HS2 has merely responded to us on three points. First being the visual impact in the design of the shaft. Second being a good construction practice, and third being pointing out that the nearest laundrette to vulnerable residents is actually a kilometre away. So, our proposal is to remove, or relocate the ventilation shaft. This would benefit the community in Kilburn as it eliminates construction work's impact, including lorry journeys and saves on the demolition of shops and residential properties and wouldn't endanger foundations of the tall and listed buildings as highlighted by Thomas.

244. Removing the ventilation shaft from Alexandra Place would be very welcome, and I believe that with robust emergency procedures, a shaft could easily be removed from the plans altogether. Thank you.

245. MR GARDINER: Okay, I will address the main points that we have as quickly as possible, Chair. Shaft construction will have a significant impact on pedestrian routes in and out of the Alexandra & Ainsworth Estate. The promoter has suggested that rerouting will be minor for pedestrians. However, the route from the estate to the nearest significant public transport of South Hampstead Station, which right now is only a couple of minutes away, will increase to over 15 minutes, with residents having to walk around the outside of the very large estate, or with the construction traffic, on the small service road that you've heard so much about in the previous petition.

246. This estate is currently a thriving community and one of the only places I know in London where neighbours chat with each other, children play on the street, and it will effectively be turned into a closed prison for this time because there will be no access to their main commercial and transport outlets at the end of the estate. Moreover, rail services at South Hampstead Station, although we've heard from the petitioner that there's no intention to close the station, the services will be disrupted throughout the build period. That will cut off an important economic and employment link in this area, which does have very high deprivation, some of the highest in the country. We're very concerned by the provisions in Section 39 of the bill, which would allow for the rail services closure indefinitely, until such time that the Secretary of State makes an order that it's ready to be reopened, but with no definite end point. We would at least ask that an amendment be considered so that closures are only for a fixed period.

247. On compensation, we know that you've been addressed very significantly on the points, but we make the main point that since compensation is based primarily on purchase of properties, given that most of the nearby residents are in fact tenants, and some of them you'll have seen who live directly above the accountancy firm that we heard from. They will have this shaft little more than the length of this room away from their bedroom windows. The main basis of the compensation scheme is really very inadequate for them, and won't compensate the injuries to their wellbeing caused by the scheme. The promoter has cited in their response to us, the overriding public interest in the scheme has a justification for not expanding the compensation scheme to deal with these injuries. We obviously view the overall benefit of the scheme as contentious, but even if accepted, we can't see it being a reason not to compensate those we are injured by the scheme.

248. I'm moving to sum up, Chair, you'll be pleased to hear. The promoter's response on various issues to us has been that they've been discussing these issues directly with us, and it's resolutely not the case. It is correct that residents in our ward have had limited communication from HS2 and, in fact, until a couple of weeks before this hearing, we had not heard directly from HS2 for a considerable period of time.

249. To sum up, the tunnelling and vent shaft will have a devastating impact on Kilburn. Particularly badly affected is the Grade II star listed Alexandra & Ainsworth Estate, which is a conservation area. It's erroneously listed by HS2 as a single listed dwelling, but it is, in fact, several hundred listed dwellings. It's community facilities are located at the same end of the estate as the vent shaft, and will be directly hit by this, damaging what is right now a very healthy community life. We would ask that either the relocation of the route under either the City of Westminster, or the West Coast mainline – we would ask for the complete removal of this vent shaft, if possible, given its close proximity to those in Queen's Park and Adelaide Road. We would ask for the consideration of relocation of the vent shaft, which the petitioner has listed a couple of other potentials that they considered, but not significant other sites, such as railway land off the Hilgrove Road very close to the site, which they've never told us has been considered.

250. We know that there are agreements, or assurances to Camden Council about head house design. We welcome those, but we press the point that it does need to have shops

at ground floor level if this vent shaft goes ahead, and we would ask for the imposition of a compensation scheme, which adequately compensates the injuries of those directly neighbouring the site of this vent shaft for whom a property based purchase scheme offers little comfort.

251. If these requests are impossible to implement, then we would ask for a temporary terminus at Old Oak Common, or until a proper plan is in place, or failing that, the complete reconsideration of the entire HS2 project.

252. Thank you very much for hearing from us, Chair. We are available to answer any questions.

253. MR HENDRICK: What do you want the closure of Loudoun Road as?

254. MR GARDINER: I think this is something we spoken to the petitioners about before. I think we are in complete agreement that Alexandra Place is an inappropriate access route to the site. It's a very quiet and narrow service road. I think in terms of the closure of Loudoun Road, we would encourage its further exploration. We are worried, obviously, about residents on Loudoun Road, both in our own ward, and in the neighbouring wards of Swiss Cottage, who might be more greatly affected, and obviously worried about transport movements more generally in the area because of that. But if it would effectively reduce the air quality impacts and the transport impacts on all of the housing directly neighbouring the vent shaft, and once it's pulled, if that is the case, then obviously it would be a welcome improvement. But I think it is a question of it needing quite a lot of further exploration, but I think it is an example of residents really trying their best to engage with HS2 and find solutions that will mitigate the impact of something that they don't feel they can ask for an overall change to.

255. CHAIR: Thank you. I think you've put him on the spot there, Mark. The stuff in politics. Right, Mr Mould.

256. MR MOULD QC (DfT): Yeah, well I remember the phrase, 'Hard choice' being used by people, and of course, this is a very good example of one. One has to make a judgement and I've explained why we've made the judgement we have, and I've indicated that I accept that there's a process whereby that judgement can be reviewed.

257. First of all, selection of route. The route selection through here actually is, as you said, and in the environmental statement – was made on the basis that this route, amongst other things, reduced the number of residential dwellings under which the railway would go. So, far from being an option that was designed, as it were, to avoid the more vociferous, this was made on the basis that where it's possible to do so, whilst maintaining operation within acceptable limits, one should look to find a route which minimises the potential interaction with dwelling houses and others on the surface.

258. Turning to the question of settlement risk, the settlement assessment, as we've explained to you, and as Professor Mair explained to you, is one which is conservative and that is conservative to buildings, whether they be low rise, or high rise. The railway, as it passes beneath this area, will be at some 40 metres depth to the crown of the tunnel. So, we're talking about a relatively deep section.

259. I've explained that the estate as an important listed building to the degree that it falls within the 10 millimetre consul will be subject to the detailed assessment provided under stage three of our settlement procedures. Individual leaseholders within the estate, provided they meet the qualifying criteria, which are explained in Annex A2, Information Paper C3, can call for a settlement deed, which will give them a direct contractual relationship with the promoter, and the nominated undertaker, and thus provide them with that measure of protection, if they would wish it, and I've explained yesterday that pre-registration for such a deed opens on Friday 18 December. I dealt with that in a little more detail, and I also mentioned that there is the settlement guide, which was published over the summer by HS2, which is available on the website. No doubt the councillors, if they feel it would be useful, to draw that to the attention of their constituents, then that document is there.

260. We do not predict any significant damage through settlement to properties in the area of the vent shaft, but the settlement process that I've described – the assessment process is designed to maintain close review as details of the scheme are developed, and the scheme passes through to construction.

261. Dealing with the shops, of course, from the point of view of those who run these shops, the project is an unwelcome prospect and we recognise that. Those shopkeepers, whether they are leaseholders, or tenants, shorthold tenants, they will be entitled to

receive full compensation for the disturbance to their business that results. And if the result is that their business effectively is it has to close which, whilst that of course is unwelcome, they will get the value of their business as a going concern, by way of compensation. And I make it clear that whether or not they have a leasehold interest, because under Section 37 of the Land Compensation Act 1973, that entitlement extends both to leaseholders but also just to those who occupy premises for the purposes of a business. So they will be entitled to make that claim.

262. I have already made the point that under the assurances with Camden, we are looking to incorporate retail premises within the detailed design of the vent shaft itself. And so there will be new retail facilities, if that is – we manage to achieve that, there will be new retail facilities available following completion of construction for those who wish to establish retail facilities for the local community.

263. I won't go over the issues that have been dealt with in response to the previous petitioner, I think Clause 49 is not a clause that is likely to have any practical significance in this area, and the purpose of that has been explained to the Committee already. And insofar as compensation is concerned, I think I responded to Sir Keir Starmer QC, MP, on that yesterday, and I won't repeat what I said.

264. MR HENDRICK: What about the tenants on top of the commercial premises, who are overlooking the site? Because it is very, very close, they are cheek and jowl with this site.

265. MR MOULD QC (DfT): Yes, well they will be subject to the same protection or under the -

266. MR HENDRICK: I don't just mean in terms of air quality, I mean in terms of they're having to live with this. Alright, the property is blighted, it's not their property, but they are still living in terrible conditions next door.

267. MR MOULD QC (DfT): Well they will be subject – they can call upon the protection that's given by our noise insulation, insofar as the levels of noise here trigger that, and the other arrangements that we have discussed with Camden, which is set out in the assurances we have given to Camden about keeping impacts on residential premises under review. We don't predict there that the works will give rise to a need to

provide noise insulation is that right? So, we're expecting to be able to undertake these works without that level of noise being triggered. But if it is then they will be entitled to those protections.

268. MR HENDRICK: Just remembering – just remind me that the time of construction, what is that?

269. MR MOULD QC (DfT): It was two and a half years is the main construction, but the peak period of traffic activity, as I've said, was a period of four to six months. And then there's a further period of rail installation and construction of the actual head house itself.

270. MR HENDRICK: And where is it in the timetable, when does that start?

271. MR MOULD QC (DfT): It starts in 2019 I think, 2019, yes. I suppose the other point is this; mention has been made, on a couple of occasions, that some of these tenants are hard to reach. We have got policies for – but that's going to be part of the community engagement process that we are going to build into the contracts – through the nominated undertaking with the contractors. But clearly one can see that there is clearly a role, a valuable role that Ward councillors may be able to play in that respect, so I hope that we would be able to maintain dialogue with -

272. MR HENDRICK: How you could – meet in regular contact rather than intermittent.

273. MR MOULD QC (DfT): Yes and I know that the council has said that we haven't been in direct – he said – he read a passage where he said we had been in direct contact; I think in that passage we were talking about the council rather than a Ward councillor. But I take the point; Ward councillors have an important role to play, particularly with people, members of the community who might be harder to reach than some of the more vociferous members of the community that you've heard elsewhere during these hearings.

274. MR HENDRICK: Exactly.

275. CHAIR: Okay, brief final comments?

276. MR GARDINER: Thank you Chair. I think I suppose that we would re-emphasise that it's really short shrift to tenants that they will receive some consideration in terms of the impacts on them, but no compensation, given the close proximity to these works. Since we were asked on it, I will just say again, we really do think Alexandra Place is wholly inappropriate as the traffic route into this site. And given that no other viable option has been suggested than the Loudoun Road closure bears serious consideration. We don't feel our concerns have been adequately addressed by HS2 though we are obviously willing to assist in residents being better able to represent their views to HS2 if they say they will engage with us.

277. CHAIR: Okay, so you want to add anything, no? You are at one?

278. MS ESLAMDOUST: No.

279. CHAIR: Okay thank you very much for your contribution to the Committee. I have had receipt of a letter from the Right Honourable Liam Byrne that relates to AXA, who are due to appear tomorrow before Committee on Washwood Heath. 'I understand progress has been made, further plans have been swapped, further discussions are also planned' and he has asked for their appointment with the Committee tomorrow to be put off until January. The Committee is happy it should be put off until January, and we hope that progress will continue to be made on the scheme for Washwood Heath.

280. MR MOULD QC (DfT): That certainly accords with my understanding.

281. CHAIR: We now move to AP365, The Zoological Society of London represented by Bircham Dyson Bell

Zoological Society of London

282. MR MOULD QC (DfT): Just whilst Mr Jones is taking his seat, can I say that the fifth iteration of the draft register of undertakings and assurances has been made public today, 16 December, on the HS2 website. And it covers all undertakings and assurances offered to petitioners up to 25 September 2015.

283. CHAIR: Okay and were you going to introduce the Zoological Society?

284. MR MOULD QC (DfT): Yes, I will, thank you. If we can put up P133584

please. The focus of the issue before you today arises out of the proposal for a lorry holding area to regulate construction traffic, in relation to Euston Station. The proposal under AP3, which the project has put forward, is being shown to you now. As you know it takes part of the existing car park for the zoo, and there's a proposal to provide some replacement parking just to the west, which I will show you in a minute. The zoo have an alternative proposal, which would either be for the lorry holding area, or for a replacement car parking, in the event that the scheme's proposal were attained, and that is shown on the plan further to the north-west being shown to you now.

285. If we go to page 14 of this series, this is the proposal that has been put forward in AP3. As you can see it originates from a suggestion made by the Royal Parks consultants, working with the Zoological Society, and it includes 58 additional parking spaces, which are shown in the dark grey notation, and would like to the south of the existing car park, the western side of the existing car park for the zoo,

286. If we go to page 15, this is the alternative proposed by the Zoological Society, which I say, could be an alternative car park, or could be an alternative lorry holding area, which would involve creating a new area for parking out alongside the canal and would involve the works required to create that.

287. If we then turn to 17, this last slide I will show you in this brief opening, we see some costings. The cost, these are our costs; the costs of our proposed lorry holding area, including the replacement car parking immediately to the south of the existing western part of the zoo's car park, is about £4 million, including replacement car parking. Depending on whether you use the zoo's alternative for a lorry holding area or a car parking area, the additional cost over that assumed under the Bill, would either be £3 million or £5 million.

288. The reason why the zoo propose an alternative to the replacement car parking area we have is because our car parking area is an area which has been identified as having – as being inhabited by a community of hedgehogs which are part of what is said to be an important residual community of hedgehogs within the central inner London area. Their scheme would clearly keep those hedgehogs free from any intrusion as a result of replacement car parking, our proposal would require that the future of those hedgehogs be managed and that the arrangements be made to provide alternative habitat for them,

perhaps in the zoo or elsewhere, in an appropriate place, whilst that area is being used for car parking.

289. In terms of cost, we've earmarked a budget of up to about £25,000 for that purpose, although we don't think we would need to spend that sort of money, but we've allowed for that. And as you can see, the zoo's arrangements would involve an expenditure of an extra £3 million or £5 million in order to allow the hedgehogs to remain undisturbed by the HS2 works. I think that's really where the issue lies before you today.

290. CHAIR: Mr Jones?

291. MR JONES QC: Good afternoon sir. It's a very serious matter that we, as an international charity come before this Committee and there are two issues. It's the loss of our car park that goes to as we will explain, a significant amount of funding for the work of the conservation charity. And it's secondly the proposal AP3 would devastate – and we have expert evidence to call, a hedgehog, local population. And it's not just the hedgehogs, and I note, with some concern, my learned friend saying that the hedgehogs can go to somewhere else in the zoo. It's an important point, as you will hear, I hope, of our conservation principles and us taking the lead internationally as a country and also as the society; that the habitat, as well as the hedgehogs, is to be protected.

292. I will come onto the costings but – and you will hear how those appear, they appeared for first time on Friday, from HS2 and I'm afraid you will hear some degree of criticism of the lack of engagement that we've had.

293. CHAIR: May I ask Mr Jones, what witnesses you are going to call and on what topics please?

294. MR JONES QC: Yes, we've given a certificate of witnesses that we are going to call, and we are going to – I have spoken to Mr Mould before; it's first of all we're calling, I'm calling the Director General of the Society, Ralph Armond. And I am then calling Professor David Field, who is a qualified zoologist, but he is the director of the zoo, and particularly the educational functions that would be prejudiced by this proposal. And then, because of time constraints, we are calling, if we may and I have sounded out HS2, together as joint witness two of the authors of the independent survey

that is carried out, of the hedgehog population in Regents Park and the zoo, and that's Professor Gurnell and also Claire Bowen of the Royal Parks Foundation.

295. Could I just add that my learned friend indicated that the proposal from the Royal Parks, not the Royal Parks Foundation, had been working with the Zoological Society; that's not in fact the case? And it's important that that is not the case, so those are the witnesses I am proposing to call.

296. Could I just, because it's not a matter – because it is a matter of clarification of the proposal; as matters stand, unless something has been published in the undertakings that Mr Mould referred to at the moment, which we haven't seen. The proposal before the Committee is for a permanent CPO of the whole area, which is both the order area, and AP3 area, on a permanent basis. We say that's fundamentally wrong and flawed, but apart from the other issues, because even on the case of HS2, it's needed only temporarily, so it should be in Schedule 15 and not in Schedule 5. It's wholly disproportionate and there are no undertakings have been offered to us at all, as to how that land will be used.

297. So, our position is, and I make it very clear, our position before this Committee is that our site should not be used as a large lorry holding area, and I would ask the Committee to note, without going to, the case that was put for it in the promoter's response document, it's paragraphs 11 and 12. It makes clear that the promoter's case is not that they need it; it's a 'nice to have'. It's a nice to have because they say the alternatives were to do what Crossrail did, was to have smaller lorry parks and they were balancing up the environmental effects. That's paragraphs 11 and 12.

298. That balance was carried out before the discovery and significance of the hedgehog local population was carried out. We have seen no evidence at all of a recurring out of the option survey; no evidence has been given to us. And so the Committee is faced with a situation, which, on the promoter's own evidence, is that this is more convenient for them to have a larger lorry area, but it's not a necessity. So our first point Mr Chairman is that there should be no lorry holding area.

299. The second point is if you are going to uphold this, it should be restrained.

300. CHAIR: Sorry, carry on.

301. MR JONES QC: I'm sorry, I'm just wondering if people are – I didn't want to interrupt. Sorry. Our point before the Committee is very clear, we are not here promoting alternatives, we will talk about the north bank proposal. We are not here; it's not our job to promote alternatives. The first point is the case isn't made out by the promoters that they need to have this larger lorry holding area. Secondly, the powers that are sort of disproportionate and unreasonable. If you're against us Committee, and you want to uphold it, then we would ask, and we will deal with it in our evidence, restraining provisions are put, so that we at least have some comfort as to the use and mitigation that will take place. So that's really our case.

302. CHAIR: Can I ask about the car park, presumably it's leased from the Royal Parks is it by the zoo?

303. MR JONES QC: It's on a licence from the Royal Parks, yes.

304. CHAIR: Okay.

305. MR JONES QC: And it has been, as far as we can make out since at least the 1960s, if not before, on a more informal arrangement. So, I propose, if I may, to call the Director General, Mr Ralph Armond to give evidence, and could I ask that we could go to our slide presentation first picture please?

306. CHAIR: You have to go in the middle I'm afraid; it's not the most convenient point. No, take a seat.

307. MR JONES QC: So if I may introduce the witness Mr Chairman; Mr Armond, you are the Director General of the Zoological Society or ZSL, and you've been the Director General for the last 10 years, is that right?

308. MR ARMOND: That's right.

309. MR JONES QC: Briefly, what is ZSL?

310. MR ARMOND: Okay, ZSL was founded by Royal Charter in 1826, and as you will see from slide number three, it's an international scientific conservation and education charity. It's mission is to promote and achieve the world-wide conservation of animals and their habitats and we run conservation programmes in about 50 countries

around the world, and we spend at least £10 million on conservation in the UK and internationally.

311. Unlike other, perhaps similar types of organisations, like Kew Gardens, the national museums in London, we don't actually receive any government funding for our organisation except a tiny bit for our science, so we very much are on our own in terms of how we have to organise our charity and raise our funds.

312. Now, we are here today to ask the Select Committee to determine that HS2 would not be allowed to use our car park for any purpose whatsoever because of the devastating impact on three different areas. The first one is that ZSL's charitable income, which we rely on to undertake our vitally important conservation activities, to protect endangered animals and habitats around the world, needs to come in through our organisation and our activities. I will be covering a bit more on that one.

313. Secondly, it affects our charitable education activities, which are incredibly important to us, they need funding. Professor David Field will cover that. And thirdly, the population of hedgehogs living in the zoo car park, which is of paramount importance to us as a charity dedicated to conservation.

314. The hedgehog population and hedgehog habitat would be seriously threatened by the proposed occupation by HS2 and its associated works in the car park for 16 years. And we have Professor John Gurnell and Claire Bowen, from the Royal Parks Foundation, who will be covering the hedgehogs.

315. MR JONES QC: I'm sure we can just make it – I'm sure for the Committee will appreciate, I know some have been on a site visit; was this work commissioned by the Society in response to HS2?

316. MR ARMOND: Yes, yes it was very much.

317. MR JONES QC: No, sorry the question was - sorry, the survey work that we will hear from the authors themselves, was this commissioned by the zoo in response to HS2?

318. MR ARMOND: No, the work has been ongoing for quite a time.

319. MR JONES QC: Yes, and they will explain how it came about, could we go please, to slide five please, and if you -

320. MR ARMOND: I would just cover a bit about – so this is talking about our car parking, this is the zoo car park that we've talked about. This is the current layout of the car park; it has 240 spaces in it, with designated coach parking to the right hand side at the moment. This also shows the large area of green around the edge, so actually the tarmac part, the car park part, is about one hectare, the green area you see in the slide is about two hectares so it just gives a feel.

321. CHAIR: If it helps.

322. MR JONES QC: Now, could you also – the Committee has very helpfully been there, could you help me please with some rough – you haven't come here on a whim. Can you tell me please what work you've done to estimate what the financial impact would be; just so the Committee know the consequences, so far as the zoo is concerned, if the proposal were to go ahead as sought by HS2.

323. MR ARMOND: Okay, I have two slides. I have slide number seven and slide number nine coming up. Slide number seven; where the arrow is, this shows the amount of car park that is included in the Bill, on the first part, which is about a third of the car park, that area there. And we've estimated through – I mean, it's a combination of obviously what people pay to park in there, which is relatively small, the most important part of this is the amount of money people then spend when they come into the zoo, which is a much larger proportion. And to answer the question there, the amount that we believe was certainly into several millions over 16 years, of lost income, partly from car parking, mainly more from the commercial activities in the zoo, people they pay to enter, we have gift aid, guide books, catering, functions. We estimate it's a few million that we would lose on that particular option.

324. MR JONES QC: Turn to the next option.

325. MR ARMOND: The next slide number – so this is the proposal under AP3, so in effect this is the whole of the car park, which at present we are being told may be acquired by HS2. And again, looking at similar calculations here, this is obviously the loss of all the cars that park in here, 20% of our visitors park in the car park, so come by

car, and we've a large number of coaches also that come, particularly for school children, some days might have 20 or 30 coaches. And it's essential for school children to actually come on coaches, they're often dropped off or coaches park there, but potential loss here goes into many tens of millions, £60 million or £70 million possibly, on our calculations, over 16 years so it's fairly significant.

326. CHAIR: When we've discussed this before HS2 have said they are not taking all the car park.

327. MR JONES QC: That's what I set out at the – the position in the Bill and what you're being – and unless there's been a new undertaking published that we don't know about, the lawful position that you're being asked to prove is to take all the car park on a permanent basis. We have no undertakings, we have nothing and that's partly the lack of contact HS2 have had with us, and so it is to mislead this – they may say they don't want to have it, but unless there's an undertaking we have nothing at all. And you will be allowing – this Committee will be allowing the whole thing, forever, permanently and that's why we are anxious to set that out.

328. CHAIR: The whole of the car park is in the Bill limits?

329. MR ARMOND: Correct, under AP3 the whole of the car park, which is a major concern to us.

330. CHAIR: But we have discussed this two or three times when it's come up and the discussion has been on the basis of a quarter or a third of the car park.

331. MR JONES QC: But that's' not the position –

332. CHAIR: Mr Mould, do you want to –

333. MR MOULD QC (DfT): Yes, I am anxious that we shouldn't spend time debating things that we don't need to. The discussions between ourselves and the zoo have been on the clear understanding that we will only need to take the area that I showed you on the plan. And that we would replace with car parking in the area I showed you, so I can say quite categorically now, we will not exercise the powers of compulsory acquisition other than to acquire the area that is shown on the plan that I showed you at P133584.

334. MR ARMOND: That's –

335. MR MOULD QC (DfT): And this is not Mr Jones is going to suggest that this is something which has come out of the blue, that is frankly I don't accept it. The discussions have been going on for a good deal of time on the understanding that that is the position. And you, as you say sir, the Committee has understood the position to be that that is the area that is required for the lorry holding area. So, the only change to AP3 is that we also include the area to the south of the existing western half of the car park, which is for replacement car parking. I showed you that and that's where the issue about the hedgehogs arises.

336. MR JONES QC: I'm very grateful, although that's the first time there's been an undertaking, although given personally by Mr Mould. I have not suggested that there has been no discussion, and I didn't suggest to you sir, when you put it to me, that there had been no discussion about HS2 saying they only needed a lesser area. The point I put to you sir, and we are in the position here where we've had to come to Committee and we've not been offered any undertakings. The position, as matters stand, and Mr Mould, I am afraid can't deny it; as matters stand and we've got a duty to represent our charitable interests, that the whole issue is before the Committee.

337. Now, I note as well, that although new undertakings have been published today, Mr Mould hasn't referred to them; they don't appear in even the ones published today. We would look for an undertaking, but until that undertaking is given, or a binding assurance, the legal position is, and Mr Mould can say what he likes, and he'll have his opportunity, but he'll know the legal position is that the whole thing is before the Committee. We would welcome obviously an undertaking, it doesn't overcome our objection; but it's obviously better. We'd also welcome as well, a shift from the permanent acquisition to a temporary acquisition and invite, in due course, HS2 to give a similar undertaking to this Committee to move the acquisition from Schedule 5 to 15. So I look forward to that, but you will understand sir, we have to meet the case, and advise our clients on the case that HS2 have presented.

338. So that's the position. Insofar as, if I can just deal, that in the absence of those undertakings for that site, and on the basis of that loss first of all Mr Director, would that have a significant adverse effect on the viability of London Zoo?

339. MR ARMOND: On this one, we're looking at here?

340. MR JONES QC: Yes.

341. MR ARMOND: On what, the whole of the car park?

342. MR JONES QC: Yes.

343. MR ARMOND: Well, absolutely, yes and as I said, that is multi-million pounds loss that would be. 20% of our visitors come here, large numbers, 120,000 school children come, they use that car park. We could not carry on as we are if we lost anything like that. Any car park loss causes us problems, financially and obviously for the hedgehogs.

344. MR JONES QC: Thank you. So far as – and it will be a matter for the Committee to see what the promoters have said at paragraphs 10 and 11 of their response. Can you just help me with this please, from the position of the zoo; have you seen any evidence of options, considerations carried out by HS2, either originally or secondly following the discovery to all parties of the significance of the hedgehog local population on the car park?

345. MR ARMOND: Options and considerations for other locations possibly?

346. MR JONES QC: Yes, smaller lorry parks scattered around London?

347. MR ARMOND: I've seen nothing at all.

348. MR JONES QC: Thank you. Now, could we go to please to – and this is the last matter I want to address with you, and we will hand over to Professor Field soon, but the North Bank suggestion, and could we go to slide 16 please. Now, can we just start first of all, is this being pursued, the position I have addressed the Committee is that the zoo's position is that the need hasn't been established with a long term lorry park as the only option on the zoo's licence site at all, is that right?

349. MR ARMOND: Yes.

350. MR JONES QC: So, that's the zoo's position. So far as the North Bank is concerned, does the zoo put this forward as seeking to engineer alternatives for HS2 or

what?

351. MR ARMOND: Well, in discussions with HS2 we did, between us, agree to the other options, that was – this one was looked at as one of them. We haven't done an awful lot of work, that's not really our job to do a lot of work, on this, but we have seen plans how something could be done here. Personally, we actually believe there are a number of issues with this space anyway, for lorries or for cars actually, so we haven't done very much. It's a piece of land that we saw but it's very thin, between the canal and the road, could be used but we don't particularly – we're not able to say yes or no.

352. MR JONES QC: Just to help, so far as the zoo's activities and the land that it has, is the zoo blessed with lots of land in Regent's Park to use for its plans and –

353. MR ARMOND: No, no. I mean, we are under pressure. We're in central London. We don't have a very big site, and any land on our site has to work very hard for the organisation and in terms of what we are doing with it. So we don't have much land at all, no.

354. MR JONES QC: So are you encouraging this Committee, if it rejects the HS2 case for need for a large lorry holding area on the Zoo's land for it to take it – to put it on the north bank?

355. MR ARMOND: Well, no, not particularly. We don't think that's particularly viable. We haven't seen any work that shows that's viable. If we lose land in our main carpark though we clearly need a solution to be found to replace that space for lorries and for cars.

356. MR JONES QC: Thank you. Now, Professor Field has – just so we can see how HS2 has approached your efforts to be reasonable and make suggestions, is that a matter we can deal with with Professor Field, who attended the meeting?

357. MR ARMOND: Yeah, that's – I'm sure that's fine.

358. MR JONES QC: Is there anything you'd like to add at this stage before I call Professor Field?

359. MR ARMOND: No, other than I'm just very concerned if we lose this carpark, or even parts of it, it will cause us major problems, and we would really ask that the Select

Committee doesn't allow the carpark to be used as a lorry holding area.

360. MR JONES QC: And can we just – even if one looks at the smaller scheme which you've looked at, I think it was a few million you indicated, again, would the Zoo retain concerns or –

361. MR ARMOND: Absolutely. No, I mean, even that small part is about £4.5 million we would lose on income over 16 years if we even lost that small part, if replacement car parking and coach parking can't be found elsewhere. So to us that is a serious amount of money that we would lose.

362. CHAIR: Okay. Can I ask, when we were there it was nearly empty, so clearly there's a profile of when the car park is being used, summer, school holidays.

363. MR ARMOND: Our business is very seasonal. I think you came on one of our quietest days of the year. We know every day how many cars, where the cars get to. Some days that carpark is completely full up, some days it's half full, so we've worked out our calculations on every day how many cars and coaches we had this year as a base year, and those numbers are worked out that way. So yours was a quiet day in the summer, weekends is packed. There are queues in the Outer Circle.

364. CHAIR: Okay. Thank you.

365. MR JONES QC: Thank you very much, director. Could I also call Professor Field please, sir? Professor Field, could you just give the Committee, for the record, your full name, just briefly your position at the Society and also your – just very shortly your qualifications and profession.

366. PROFESSOR FIELD: Good afternoon, Committee, Chair. Professor David Field. I'm the zoological director for the Zoological Society of London. I'm also a professor with the Royal Veterinary College, London. I am a professional zoologist and my responsibilities at the zoo are for the operations of the zoo, for the educational activities, and indeed for the animals in our care.

367. MR JONES QC: Can I just take you please – we were taken by Mr Mould at the outset of the figures that were produced, I think, on Friday, and the Committee will be seeing HS2's evidence in connection with the north bank site. Can you just please help

me with first of all whether any of those details were disclosed with the Zoological Society before five o'clock last Friday?

368. PROFESSOR FIELD: Certainly not. I mean, in terms of the actual details at a meeting some – a week last Friday we were told for the first time that the north bank was not appropriate for alternative lorry holding, but no further details were given at that point, and it was actually suggested then that no further details or reports were going to be produced.

369. MR JONES QC: So to be clear, as of a week ago HS2 were telling the zoo that they were not going to produce any technical evidence on the suitability of the north bank carpark?

370. PROFESSOR FIELD: Yes.

371. CHAIR: You have to speak up. You can't nod.

372. PROFESSOR FIELD: Oh yes, indeed. Correct.

373. MR JONES QC: Thank you. So just help me then, when at five o'clock the material was produced, did this come as a surprise or something you had been tipped off in the interim to expect?

374. PROFESSOR FIELD: We'd been tipped off to suggest that HS2 did not see it as appropriate, and we did not know the details. We had been trying to do this as collaborative, as a suggestion, and would have been working closely with them to try and look into that, but in terms of the details or the costs, no, we didn't have that detail.

375. MR JONES QC: So given that, has the Zoo had any fair opportunity to examine or test with any expertise the figures that have just been plonked on the table by HS2 for the first time at the end of last Friday?

376. PROFESSOR FIELD: We haven't had any opportunity to test the figures or indeed the assumptions about the engineering and the layouts.

377. MR JONES QC: Yes. Thank you. Could I then ask you please to – I think if we could go – we've got slide 17 –

378. PROFESSOR FIELD: Slide 10, I think.

379. MR JONES QC: Can you just explain the position of the Society in respect of the amendment and its impact on the local population of hedgehogs, and why the Society has the position that it has?

380. PROFESSOR FIELD: I think, just to clarify very succinctly, why this carpark is so important to us is firstly and primarily it is the hedgehogs. Our mission is to promote the habitat, promote the care of animals and the conservation of habitat and animals. This is fundamental to our mission, so that population is very, very significant. And my colleagues, Professor Gurnell and Clare Bowen, will give you the science behind that later on, and also the reasons why we should care for these hedgehogs.

381. MR JONES QC: Just in respect of the international relations, I mean, people's views of hedgehogs differ. Some people think it's a bit of a joke, a bit of a laugh. Are they a protected species?

382. PROFESSOR FIELD: There is a level of protection, but even as stated in Parliament, I think, yesterday during a communities debate, the decline of hedgehogs in this country is dramatic, and we have a responsibility to care for populations, whether they're in this country or abroad.

383. MR JONES QC: How does it affect the UK and the Society's standing with conservation projects of other species and habitats elsewhere, particularly in the developing world, if – in relation to how the UK and the Society treats the habitats of endangered species in its own country?

384. PROFESSOR FIELD: Fundamentally, if we can't demonstrate that we are caring for our own wildlife and doing the best by our own wildlife we have very little mandate to care or conserve species in other areas, in other lands.

385. MR JONES QC: Can we just turn then, dealing with your role in education, and education may have changed certainly since I went around the Zoo on a school trip. Is it just that you go around the Zoo? What are the educational activities and how are they impacted please? We might go to slide 11.

386. PROFESSOR FIELD: So I think coming to the Zoo – we have over 120,000

specific educational visits to the Zoo by children every year. That's a huge amount and that is growing. The carpark is so fundamental to actually us being able to deliver that, because that's how the school children get here, via coach park. Our activities around education are broad. Not only are we delivering national curriculum subjects, we're fostering other Government initiatives such as learning outside the classroom, but we can demonstrate the impact of education and a visit to the Zoo by children, which promotes value, promotes a belief in nature.

387. MR HENDRICK: Can I just say, we all appreciate the work that you do, and we were all kids once, and we all went to the Zoo ourselves. Could I just ask though why are the hedgehogs located in and around the carpark? Why aren't they on an area of land more central to the Zoo that is protected?

388. PROFESSOR FIELD: We manage our land. We have a responsibility to manage our land for the best way for habitats and for animals. We've been managing the carpark, which is our responsibility, for that habitat for the last five, 10 years specifically to improve that habitat for hedgehogs. So the hedgehogs have chosen to live there naturally.

389. MR HENDRICK: Maybe, but isn't there a danger with it being a carpark that a car's going to drive over them?

390. PROFESSOR FIELD: They're all across the roads, and certainly road deaths do occur, but within the carpark they tend – and they keep to the areas around the actual carpark, into the scrub habitats which we have created and developed and managed for them. This is why it's so important that we do not lose further green space in the carpark. The alternative car parking site which has been suggested by HS2, that will dramatically take away quality habitat for the hedgehogs.

391. MR HENDRICK: So you're saying they choose to live there and that's why you're letting them live there rather than trying to relocate them somewhere safer?

392. PROFESSOR FIELD: They were there before us.

393. CHAIR: Mr Jones?

394. MR JONES QC: Yes. They're not part of the zoo, in terms of the zoo – and in

fact, I think, Professor Field, I mean, although you can speak about it, we've got the independent authors of the survey that can assist with explaining what is, on the face of it, counter intuitive.

395. MR HENDRICK: I understand that. They're like bats or other species that choose to live where they live, but in that case I just wondered why you have to have that as the carpark where they're, in my view, probably in more danger than if they were elsewhere.

396. MR JONES QC: Yes. It's a view that one would have, looking at it, but we get – the reason why we're calling the two experts on the report is because one of the things is it's counter intuitive. You look at the carpark and you think 'Why is this an important habitat for hedgehogs?' Absolutely, it's the obvious question, and that's why we're calling the experts. I mean, Professor Field is an expert, but we'll call the horse's mouth, not to mix animals.

397. MR HENDRICK: In terms of all these educational activities, we understand all that.

398. CHAIR: I don't think we need to labour the point.

399. MR JONES QC: No, that's a different aspect. I think if I just make –

400. MR HENDRICK: I think if we get to the key issues in terms of the species and preserving them rather than talking about everything else the Zoo does, because we all appreciate that.

401. PROFESSOR FIELD: Okay. Could I make one further point on that, if I may, on the next slide?

402. CHAIR: Yes.

403. PROFESSOR FIELD: It's just very simple in order to deliver these educational activities children have to get to the Zoo. The carpark in the Zoo is fundamental. It's a safe place. It's an accessible place for children to get to, to be dropped off, to get to the carpark. The current proposals already take a third of that carpark away. If we don't get alternative sites then we reduce our capacity and our facility to have a safe place for

children to get to the Zoo, but the alternative site that HS2 has proposed will decimate the population of hedgehogs, and this is where my colleagues can probably explain better than –

404. MR JONES QC: That's a conflict we have. I mean, they're two separate things.

405. CHAIR: Okay, fine. Ask for your other witnesses, providing you go through them as quickly as you are.

406. MR JONES QC: We are. I think so. We're doing well. Mr Mould, kindly, we've agreed – and also to aid the Committee, I know you've had a long period, we'll get the two together.

407. CHAIR: No, this is a short day. This is a short day for us.

408. MR JONES QC: Yes, well, we appreciate this. Obviously I know the Committee appreciates – this is why we're here. This is not a light decision to instruct me and the experts to come along on this. It's critically important and we're trying to get it over as quickly as we can. Could I please ask the two witnesses please to introduce themselves? The Committee will see that in addition to the slide, we're not going to take the Committee, through it, we have exhibited the executive summary report of which the two witnesses are co-authors. The third, I'm afraid, is ill, but that... Could you, Professor, first introduce yourself and then –

409. PROFESSOR GURNELL: John Gurnell, emeritus professor of ecology from Queen Mary University of London. My research interests during my career have been the ecology, management, conservation of mammals, particularly British small mammals. My relevance to this particular project we're talking about is I was invited in 2013 to join a team of Nigel Reeve, who is an international expert on hedgehogs, and Claire and her people from the Royal Parks Foundation to design and implement surveys of the hedgehogs in the Regent's Park, which we carried out in 2014 and 2015. And we're currently writing up the final report and so on, which should be available hopefully in January.

410. MR JONES QC: And we produced for the Committee the – and we'll just go to a couple of photographs – the current summary draft that you have, which has been

served.

411. PROFESSOR GURNELL: Yes, the draft we've appended is of the information relevant to this particular Committee, concerning the population ecology of the hedgehogs.

412. CHAIR: Okay. Co-author?

413. MS BOWEN: I'm Claire Bowen. I'm head of programmes at the Royal Parks Foundation, which is the charity for London's eight amazing Royal Parks. I'm the lead on the hedgehog research study in partnership with ZSL, the Royal Parks and two hedgehog experts or small mammal experts, as well as over 100 volunteers that got stuck in and helped us carry out this research.

414. MR JONES QC: Can you just quickly then please explain what is the position of the hedgehog population, and in particular by reference please could we go to pages first of all 37, the position in central London as well as the UK?

415. MS BOWEN: Well, first of all I was just going to outline the status of the hedgehogs in Britain. So, as we've mentioned before, hedgehogs are a UK priority species, and they're partially protected under the Wildlife and Countryside Act. They're also a hugely high profile and much loved British mammal. Members may have seen in *The Times* only this weekend Ben Fogle, patron of the British Hedgehog Preservation Society, supporting *The Sunday Times* Christmas Appeal, which focuses on hedgehogs. He quotes in that article that in the 1950s there was an estimated 37 million hedgehogs in Britain, and in 1995 a further survey suggested that the population may have plunged to 1.5 million animals. Some now believe that the figure could be even lower, even below 1 million animals in the country. This rapid decline can only be attributed to man and habitat loss.

416. Could we have slide 37 please?

417. MR JONES QC: Slide 37 is that? Yes, it should be in front of you, just use the monitor.

418. MS BOWEN: So here you can see Regent's Park at the northern side of the map in central London. Regent's Park is now home to the last remaining breeding

population of hedgehogs in central London. In the 1970s hedgehogs were present in all five central Royal Parks, but these local populations are now extinct except for the Regent's Park one. Slide 38, please.

419. Okay, this is a map of the Regent's Park. We carried out, as John said, two surveys. The first one started in May 2014. Our 2014 survey estimates that there were an estimated total population of 50 hedgehogs within Regent's Park in 2014, and a quarter of those animals were found living in the zoo carpark. In 2015 our survey estimated a population of 25 animals, and again with a quarter of the population in the zoo carpark. So this relatively small strip of land is home to a quarter of all the hedgehogs in central London.

420. MR JONES QC: Now, can I just ask the professor please, in answer to the question that Mr Hendrick raised, you know, here it is by a carpark, what is its function, its relationship? Why isn't it just better to cart them off and put them somewhere safer in the park? It seems on the face of it a sensible question. Why is that not the right result?

421. PROFESSOR GURNELL: The importance of this carpark is the habitat provided, which is a good mix of habitat by nesting, foraging areas and so on for the hedgehogs, and moving the hedgehogs, you know, they're not going to go into that sort of quality habitat anywhere else in the park. So it's not a question of moving the hedgehogs. That misses the point about the importance of the carpark. It's the habitats which are there and which are particularly favourable to hedgehogs.

422. MR HENDRICK: But is the habitat so unique as to not exist anywhere else in the park?

423. PROFESSOR GURNELL: Well, obviously not in that way, because hedgehogs – all animals will go to areas where they perform best and therefore be at the highest standards. The fact that you have that remarkable and unusual high density of hedgehogs in a small area, it is a fact, and that is a reason why that particular area is a hotspot and should be protected at all costs, because it's fundamental to the functioning of the hedgehogs in the rest of the park. You can't just lift a gang of hedgehogs up, move them into the middle of Regent's Park and think they're going to survive.

424. MR HENDRICK: I don't mean just life them up and put them anywhere. I mean find a similar area in the park with similar characteristics that support the population.

425. PROFESSOR GURNELL: Well, we know from our survey that there are parts of the park which are more favourable than others. There are large parts of the park which are unfavourable. We don't know enough yet. We haven't done the research to understand exactly why that is, so just thinking about creating new habitats somewhere in the park which would compensate I don't think is an option. The risk is too high.

426. MS BOWEN: Can I add something please?

427. MR JONES QC: Could we go to slide 32?

428. MS BOWEN: Can I just add, I think the two points – your point is absolutely valid. It was a surprise to us as well. The likelihood of finding hedgehogs in the carpark was so much so that we didn't survey it in the first part in May 2014. We only surveyed it September 2015, and that's when we discovered all these animals, and that's when we realised how important it was. It's a surprise to us because there are also a number of other really suitable, on paper, habitats within Regent's Parks which you think should be teeming with hedgehogs, but there's not one animal there. So it really goes to show actually how little we know, but how important that habitat is as it is at the moment.

429. MR JONES QC: Could we go to slide 32 please, figure 10?

430. PROFESSOR GURNELL: I can speak to that. Just one slide from the report, which, if you look at that particular one all those points on that slide are where we've actually captured hedgehogs. That means physically picked them up, examined them, put them back, released them. And if you look at that, that's over the three survey periods, the different colours meaning different survey periods, you can see that they're actually utilising all of the carpark, all of that green area around the carpark. And all the other evidence in the report, on foraging, on nest sites, on home range, all support that notion that there's a) large numbers of animals which live there, but they nest there, they forage there and they use all of the carpark, all of the green area around the carpark.

431. MR JONES QC: Now, professor, to deal with the point about transplanting,

where you've got something like that where it's a surprise to everyone, there is – there you can see the dots and everything. It's all around, over the carpark area, and then you say, 'Well, let's move them to another area.' What's the international ecological advice about how you deal with wild animals? I mean, the –

432. PROFESSOR GURNELL: Unless you actually really – this is the International Union for Conservation of Nature's guidelines, which is the bible for this sort of work.

433. MR JONES QC: Just say that a bit more clearly. I didn't hear that.

434. PROFESSOR GURNELL: The International Union for Conservation of Nature, their guidelines on translocations and reintroductions. Where it's not clear why animals are at a particular density, placing them in an area of high risk should not take place. We don't know enough about the animals in the carpark to say why there are higher densities there or why there are low densities there, and it would be a risk if we were to, without further research and further work, to just release animals in the carpark.

435. MR JONES QC: Could I have the – I want to ask you a direct question because of time pressure so the Committee has a very clear – in your professional judgment as an expert, first of all a proposal to translocate these hedgehogs to another site, would that be in keeping with good international ecology?

436. PROFESSOR GURNELL: No it wouldn't. We wouldn't entertain that at this present time and at our present state of knowledge.

437. MR HENDRICK: So you're saying there's a greater risk of moving the hedgehogs to a site which you may feel is equally as suitable then there is leaving them at risk to the cars and lorries that are coming in and out of that carpark?

438. PROFESSOR GURNELL: The animals that are living round the carpark – obviously the cars being there and we haven't had any –

439. MR HENDRICK: They might tolerate the cars, but will the cars tolerate them if they don't see them and they drive over them. That's my point.

440. PROFESSOR GURNELL: We haven't had any fatalities in the carpark itself.

441. CHAIR: At the moment you have a carpark which is used by cars and used by

some very large coaches and the hedgehogs coexist with sometimes very heavy traffic.

442. MS BOWEN: Fortunately the hedgehogs are nocturnal.

443. PROFESSOR GURNELL: They come out at night, so they're not –

444. CHAIR: Okay. So the lorry traffic shouldn't substantially make any difference, should it?

445. PROFESSOR GURNELL: The lorries –

446. CHAIR: The lorries will be mainly in the day.

447. PROFESSOR GURNELL: Well, between seven o'clock and I think 11 o'clock at night they say, which – hedgehogs come out about nine o'clock and start foraging on the open areas. We know that the –

448. MR JONES QC: And the school – sorry, just to go – we rushed on education, but I think Professor Field could confirm that the coaches for the school trips leave early in the afternoon, they have to get the children back for school, so here, as I understand, the hours being proposed are 7 a.m. to 11 and also, as the Committee will see, the site being used for welfare facility and etc.

449. MR HENDRICK: Mr Mould's shaking his head.

450. MR MOULD QC (DfT): Seven until 11? No, those aren't our core hours. We've made clear our core working hours are eight until six with shoulder hours either side.

451. CHAIR: Right, okay. Carry on, Mr Jones.

452. MR JONES QC: Sorry, I just want to be clear, eight until six core hours, so there's no operation outside those hours? Always very careful with caveats as to core hours.

453. MR MOULD QC (DfT): I've explained this many, many times. The core working hours are as I've just said, with an hour each side to set up and to take down at the end of each day.

454. MR HENDRICK: So it is seven until seven?

455. MR MOULD QC (DfT): Yes.

456. MR JONES QC: And core hours means that there will be no lorries outside of those hours. Is that correct?

457. MR HENDRICK: Core hours are the main hours.

458. MR JONES QC: The main hours –

459. MR HENDRICK: And seven until seven is effectively the work of –

460. MR MOULD QC (DfT): Yes.

461. MR JONES QC: The main hours, but, as I understand it, it doesn't, because that's why we're – doesn't preclude the operators if they need to operating outside those hours even though they may not be the majority core hours.

462. MR HENDRICK: Well, the hours he's indicated are one either side.

463. MR JONES QC: No, those are the shoulder hours. That's for – that's like when you're opening and closing a pub in the evening. Those are the shoulder hours for running it down and running it up. The core hours, as I understand it, are when the main activities are being taken, but it's not, as you would have with a condition limiting – so HS2 say, 'Well, on these occasions it's quite busy so we'll operate to a later time', but, straight answer, are you going to operate outside the core hours?

464. MR MOULD QC (DfT): Mr Jones, let's get away from the forensic nonsense and let me just explain the position, okay. The core hours are as I've just said it, right. We have told the Committee repeatedly that there will be night time working in Euston, and therefore from time to time there will be a need to support that by lorry movements. That is not news. If you had been instructed on the evidence that has been given to this Committee in advance on many occasions over the course of the last few weeks you would know that. That is the position, but this carpark, this lorry park will be hoarded off. It will be to the eastern side of the existing carpark, and, as I understand it, as you can see from the plan, the principal area within which the hedgehogs are – have their habitat is on the other side of the carpark. We are proposing that there should be replacement car parking to serve your organisation's customers in the – to the south of

the western part of the carpark. We assume that if that car parking is made available it will operate on the same basis as your existing carpark. That is to say it will operate during the day. It will not operate during the night.

465. So although there will be some variation in the current position insofar as vehicular activity within the area of the carpark is concerned, i.e. some activity from time to time from lorries in the eastern part of the lorry park, they will be – it will be hoarded off, which will mean that the hedgehogs, unless they are possessed of powerful degrees of burrowing skills, are unlikely to get within that lorry holding area, and the majority of the hedgehogs will be saved, geographically, from any direct interaction between the lorries. I think we need to get this, if I may say so, into proportion. I'm not suggesting that the hedgehogs are not at some risk. We accept that they are. The question is whether it is proportionate to spend £4 million or £5 million in order to mitigate that.

466. MR JONES QC: Well, first of all I thank – I see Mr Mould is uncharacteristically rather getting annoyed. He's not answered the question. I'm entitled – and I do find it rather insulting to suggest I haven't been properly instructed. I have been properly instructed and the reason why it's been so difficult to get an answer out of Mr Mould – I was just simply asking about hours of operation. And it confirms what I put correctly to the Committee that core hours are not the only hours, and so all we have – all this Committee has is that as time to time, when it's necessary outside of those core hours, this site will be – this will be used. Hasn't been properly assessed or set out. We haven't seen any clear evidence about it. Mr Mould has gone off on a tangent on another issue about the hoarding, which we'll deal with. I was dealing with a very simple matter, which is the hours, so –

467. CHAIR: Are we going back to the witnesses, Mr Jones?

468. MR JONES QC: Yes, and I notice as well I'm calling witnesses and evidence. I'll see what in due course – and I will have an opportunity to test and cross, I hope, any ecological evidence that's produced to refute the expert evidence I've got, and I'll wait to deal with it.

469. MR HENDRICK: I note you said it was a nocturnal animal. It's dark outside now at five o'clock. Would the hedgehogs be walking around at this time?

470. MS BOWEN: It is possible. It's winter time. They do hibernate during the winter, although they do move around.

471. MR HENDRICK: Okay, so they wouldn't be in winter.

472. MS BOWEN: But they tend to come out some after dusk, so it obviously changes throughout the year. But I think that the main point about this situation is that the population in Regent's Park is critically small and it is critically small. Any negative impact on a key hotspot in the park, such as the Zoo car park, could be catastrophic to the entire Regent's Park population. That is what we are talking about. So by removing pristine habitat within the car park and replacing habitat with extra parking could have a catastrophic impact on the entire population. At the moment, the HS2 report states that there will be a negligible impact on the hedgehogs in Regent's Park and we fundamentally disagree with that point.

473. MR JONES QC: Can we just ask – I am right, isn't it, the first that we saw of the report by HS2 that they assert that there is to be a negligible impact on the badger population – sorry, the hedgehog population – was, I think it's right, a draft was sent on the 4th of December and then confirmed as final on 5 December. Does that accord with your recollection, so far as when you saw it?

474. PROFESSOR GURNELL: That's when I saw it.

475. MR JONES QC: Yes. Secondly, just so that we know on levels of expertise, the authors of that report, have the personal identity of the authors and their qualifications of that report, was it set out in the report?

476. PROFESSOR GURNELL: No.

477. MS BOWEN: No, it wasn't specifically –

478. MR JONES QC: Are you aware of anyone with specialist hedgehog expertise being associated with the HS2 report that asserts simply that there would be a negligible impact?

479. PROFESSOR GURNELL: No, I'm not.

480. MR JONES QC: So far as your expertise, Professor, is that a conclusion which

you would recommend it is safe for the Committee to rely upon, an assertion that there would be a negligible impact?

481. PROFESSOR GURNELL: Absolutely not. And I think the report we've attached at the end of the slides makes clear, if you look at the importance of the car park as a local population within the greater Regent's Park population, it should be self-evident. You can't underestimate the importance of that car park population for the functioning of the whole of the Regent's Park population. It's an important component.

482. MR JONES QC: And so far as you have seen, have you seen any evidence from HS2 assessing the dynamics of the relationship between the local population found in the car park and the Regent's Park overall population, and the co-dependency of the two?

483. PROFESSOR GURNELL: No, not at all.

484. MR JONES QC: Thank you. Are you in a position, with the work that you've done, to feel confident that the Committee can assume that adequate mitigation or translocation can be accommodated?

485. PROFESSOR GURNELL: No, I don't think – the mitigation offered by the hedgehog report from the promoter we don't believe is feasible or viable. It's missing the point altogether about moving the hedgehogs. It's the habitat –

486. MR JONES QC: Can we go to the slide – sorry – dealing with this, slide 15 please?

487. PROFESSOR GURNELL: Slide 15, yeah. The promoters have suggested two types of mitigation. One is to enhance the remaining areas of green areas around the car park, which we don't believe is the case because the ZSL horticultural team already manage, as David Field has said, the grounds around the car park with special regard to wildlife and to hedgehogs in particular. So I don't think you can improve on that already. And they have offered, somewhat strangely, additional new hedgehog-friendly areas in Gloucester Green, which is over the other side of the main road. Obviously the creation of any habitat would take several years. It won't be done overnight. You've got to grow plants, you've got to get hedgerows and so on, and it's got to have the right

mix. It will probably never have the right mix, for one reason or another, as the habitats in the zoo car park, which seem to be particularly favourable. I don't think you can just recreate that. And, you know, it would also, I believe, any area just added to the main car park will conflict with the management of The Regent's Park and the activities carried out within the park by The Regent's Park people. So we don't think the timeframe and the feasibility of the mitigation measures offered are feasible. We think they're unreliable and they certainly will not compensate for the loss of the grounds around the car park, the zoo car park.

488. MR JONES QC: Just a last question, please, and it may be a point that Ms Bowen can assist on. The Committee have heard the historic and relic nature of the habitat and the hedgehogs. How can you be confident that this is a historic hedgehog habitat? I think you mentioned evidence was given predating even the park's existence. Just how does one know that?

489. MS BOWEN: For your information and a bit of hedgehog ecology for you, hedgehogs host a specific flea which can only live on a hedgehog, not on your cat or your dog or anything else. And the hedgehogs in Regent's Park still have that flea, so that's evidence of this population having survived through the centuries. If were to be a reintroduced population from local wildlife hospitals, for example, all these animals are usually treated for any extra parasites before being released into the park. So anyway, just to reaffirm the fact this is the last remaining hedgehog population in Central London and it is our responsibility to safeguard it, not only to prevent it from local extinction but to enable it to thrive.

490. There are a number of other risks as well in the HS2 hedgehog report to do with the lorry holding area which haven't been identified, which are alarming to us, including potential isolation of the whole of the east end of the car park, so therefore removing the green space for the hedgehogs. You're creating a road access to the north of the park and that again further fragments the green space available to the hedgehogs in the car park. Fragmentation is a real problem for hedgehogs.

491. PROFESSOR GURNELL: They also, during the construction of the car park, would trash I'm sure much of the surrounding green area. I can't imagine them building car parks and that without encroaching on the green area, which may be left afterwards

but it will be severely impacted upon during the construction of the lorry car park, causing a further loss of habitat for the hedgehogs.

492. MR JONES QC: And you can remember – we can go back to the slide, but you've got that small area of green space around the site which we had proposed to be hoarded off. The hedgehogs would then have to, if it wasn't, you said 'trashed' but communicate around. Is that something common, of hedgehogs trooping along together, a bit like sort of...?

493. SIR PETER BOTTOMLEY: Lorries.

494. MR JONES QC: Lorries. Or buses.

495. PROFESSOR GURNELL: Well, hedgehogs are rather solitary animals so they won't go along in threes, but they will obviously seek opportunities to find new foraging grounds if they can. But if they have to go out on to the road and come back again, that's an additional risk to the hedgehogs. So any barriers would be difficult, either as impassable or as to create greater risk to hedgehogs trying to get around these obstacles.

496. MR JONES QC: Thank you very much.

497. CHAIR: Okay.

498. MR MOULD QC (DfT): Do you think I could just answer that?

499. CHAIR: Yes, of course Mr Mould.

500. MR MOULD QC (DfT): Thank you. Professor, Ms Bowen, I don't know who to ask to answer this, but your concerns you make very clear about the impact of what we propose on this population of hedgehogs. As we've heard, they do, as it happens and have, it appears, for some time coexisted with vehicular activity within the car park for the zoo. And indeed, the logic of your position is that that coexistence can be allowed to continue, because your proposal is that they should be left to continue to exist as they do at the moment. There will still be coaches, there will still be cars, and so on and so forth. We propose effectively to provide some additional car parking immediately to the western side of the existing car park. And we also propose to provide, for the duration of our works, a lorry holding area on the eastern side.

501. You've said in this slide that the proposed mitigations that you have seen from us are not sufficiently detailed to assess. We have instructed and have received advice from the writers of this report that you've commented on, from Environmental Resources Management, from experienced ecologists at that organisation. It's a respected environmental consultancy. You may well know some of the people who work there, I do not know, but certainly they are people with a good deal of experience and professional expertise in this field.

502. In the event that the Committee were to suggest that it would be worthwhile discussing further whether there were ways of accommodating our works, some replacement car parking, and to do so in a way which keeps the cost of that process to the reasonable minimum whilst maintaining an adequate degree of protection for the population of hedgehogs, would you be prepared to continue to discuss, collaboratively with our experts over the course of the coming weeks, ways in which that might be achieved, or the degree to which it might be achieved, so that a joint assessment can be made as to the degree to which it is able to be achieved and where the limitations are? Is that something you'd be prepared to do?

503. MS BOWEN: I would say that there is no way that the additional car parking space on the footprint of the car park could be mitigated and it would not have catastrophic impacts on the hedgehogs.

504. SIR PETER BOTTOMLEY: That wasn't quite the question.

505. MS BOWEN: But that is a key point. We could talk about other things perhaps, but not the replacement –

506. SIR PETER BOTTOMLEY: Sorry to come in late. If, for example, the lorry holding area took up no more space and didn't require disturbance of the greenery around the present car park, and if – for the sake of discussion – buses could be on the road, because I think there's room there for three lanes of traffic, it's got the width for three lanes, were you to be able to put the coaches parking on the side of the road outside the present car and coach car park, so there's no disturbance to the habitat that the hedgehogs use, is that something that it's possible to discuss with the promoters?

507. MS BOWEN: If there wasn't additional parking on the green space, yes.

508. MR MOULD QC (DfT): Or possibly a smaller area of additional space, which might mean that we could, you know... There might be a range of alternatives that could be discussed. I'm just anxious that this afternoon has been marked to a degree by a sort of standoff. And it seems to me that actually it would be more helpful if we were to try and collaborate with each other. I'm trying to get away from that and to move to a more collaborative approach. We're not doubting that the hedgehog population is important. And indeed I think it's fair to say the report does not cast doubt upon the importance of the hedgehog population. The emphasis is on trying to accommodate our needs and the needs of the wildlife that you understandably wish to champion. I'm just asking if there's further room for discussion in relation to that before the Committee reaches a final decision on this.

509. PROFESSOR GURNELL: Well, obviously we're happy to discuss any suggestions made by them.

510. MR MOULD QC (DfT): Yes. Because I notice you say that proposed mitigations are not sufficiently detailed to assess. That suggests that there may be more room for discussion.

511. PROFESSOR GURNELL: Well, they'll just come in the area and say they'll improve this habitat. That's not very detailed at all.

512. MR MOULD QC (DfT): No, I accept that. So there's more detail to be mentioned and that might give you some reassurance. It might do. It might do.

513. PROFESSOR GURNELL: It's always possible.

514. MR MOULD QC (DfT): Yes.

515. MR JONES QC: Thank you. Could I just ask, before I re-examine, and obviously it was a mixture of question and submission: is my learned friend calling any of these experts? Because I do have questions.

516. MR MOULD QC (DfT): No.

517. MR JONES QC: Ah. Can I just then, through re-examination, just to understand... Professor, have HS2 disclosed to you who any individuals that you

should speak to for discussions about your concerns about hedgehogs and their mitigation scheme? Have they put forward an individual expert for you to talk to that you're aware of?

518. PROFESSOR GURNELL: No.

519. MR JONES QC: No. I think it's right that the first time there were any proposals given, I think it finalised on the 5th of December. Yes?

520. PROFESSOR GURNELL: Yes.

521. MR JONES QC: And could I just ask you this as well, please? Could we just go back to the earlier slide, number 14 please? Actually, it's on mitigation, dealing with... Sorry, 15. Sorry, my fault; we were on the right slide. I just want to set it in context. Obviously you are always a reasonable person. You say, 'More research is required over the next three to five years to establish population dynamics in order to consider whether or not mitigation measures can be implemented.' Just so the Committee know the context of that, can you just explain and help? Because you're the only expert the Committee are hearing from on this, as far as I can see. You two are the only experts my learned friend has confirmed that we... We don't even know these people and he's not going to allow me to ask any questions of them.

522. MR HENDRICK: Have you heard of Environmental Resources Management, which he mentioned?

523. MR JONES QC: I've heard of those as a general ecological consultancy, as I've heard of WSP. I work with many of them and there's a big difference from a firm signing off something and actually an expert coming forward and putting their reputation on the line to be tested, which is the purpose of this Committee, is to examine and test evidence. That's why we've we called, because very importantly, to answer the very pertinent question, Mr Hendrick, you raised, that we would call an expert rather than me as an advocate giving an answer. I'm just on instructions, as is Mr Mould. We make submissions on behalf of our client. I'm not making submissions as to what my professional belief is or expertise. These people have sworn an oath to come and give evidence before this Committee.

524. CHAIR: Have you finished with the witnesses yet or have you further questions?

525. MR JONES QC: No, I'm going to ask, on that question therefore, on three to five years to establish population dynamics, can you just help us with that therefore, so that the Committee know whether the prospect, from your professional view, is that you are likely to have enough evidence in order to reach an agreement that fencing off or something is likely to be sufficient?

526. PROFESSOR GURNELL: There are certain sorts of things that we really need to know which we haven't gathered from our surveys. There are only surveys carried out in one-week blocks in four seasons over the last two years. We want to know details about the processes involved in population dynamics; that is, okay, the birth rate of individual female hedgehogs; how many they are; how successful is the breeding of those hedgehogs; what is the survival rate of those animals; what is the survival rate of adult hedgehogs; what is the probabilities of surviving hibernation, you know, from November through to March? Hibernation is a critical time for hedgehogs and lots of animals die over that period of time. We want to know a lot more about habitat use and habitat food supplies. Hedgehogs eat macro-invertebrates: slugs, earthworms.

527. MR HENDRICK: What you're talking about there is probably somebody's PhD thesis, if they had a proper look at it.

528. PROFESSOR GURNELL: We tend to think in terms of three years or four years for a PhD.

529. MR HENDRICK: For the purposes of what we are trying to achieve in the Committee, are you saying that discussions with Mr Mould and obviously relevant parties about how the requirements for their parking and the parking for the zoo can be met given the constraints of the land that's available, that you can't have that discussion because you need all these research results first?

530. PROFESSOR GURNELL: We would like to know more about exactly why that car park is such a hotspot in order to understand, you know, if it was lost altogether what are the impacts on the population as a whole? Obviously animals' feedings are the main

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531. MR HENDRICK: Without a crystal ball you're not going to know that, are you? For the purposes of this Committee.

532. CHAIR: Let's keep going on questions.

533. MR JONES QC: I think the answer to your question is you're right. That's the point. That's why I wanted to make it very clear –

534. MR HENDRICK: All right, but he's going into detail about everything that could be three or four years' work.

535. MR JONES QC: That's right.

536. MR HENDRICK: What we're trying to get at is if it's worth you having a discussion with them now, or soon, rather than saying, 'Well, it can't be done because of blah, blah, blah.'

537. MR JONES QC: We will discuss, but as I understand from the evidence that's put, and that's why I was keen the Committee are not misled, our expert advice is that we do not see that there will be the confidence in understanding of the dynamics to give the answer, the easy answer, the one we'd all like and which we initially, before we knew about the hedgehog population, wanted. And so our position is, and I'll deal with it when I deal with reply, as I took this Committee to the promoter's response, there isn't, given that this is the rock, the hard place that won't be solved, we'll speak but our expert advice is that it won't be solved and the answer is that they should look elsewhere for their lorry park.

538. CHAIR: Okay. Have you finished your questions yet, Mr Jones?

539. MR JONES QC: I think I have.

540. CHAIR: Okay, thank you very much. Are you asking a question or making a comment?

541. SIR PETER BOTTOMLEY: Just one question. I'm not sure where it should be best directed. And again, I apologise for not having heard the earlier parts. Is the Zoological Society taking active steps to replace the lorry car park, the bus car park and car park?

542. MR JONES QC: It's not your fault obviously, sir. That would be for another witness. I'll take instructions. My understanding is no. If it's directed at, are we trying to remove –

543. SIR PETER BOTTOMLEY: It's not directed. It's just asking a plain question.

544. MR JONES QC: Yes. The answer is no, as far as I'm aware.

545. SIR PETER BOTTOMLEY: Okay.

546. CHAIR: Thank you very much to both of you. Do you wish, Mr Jones, to make a few final points before we go to summation?

547. MR MOULD QC (DfT): Just to summarise our position.

548. CHAIR: Well, I just wondered whether the petitioner had finished making all the points they wanted to make.

549. MR JONES QC: I'll save for my last remarks. Sorry, those are the witnesses I indicated I was calling and I'm conscious of the Committee's timetable.

550. CHAIR: Thank you for being rapid going through them.

551. MR JONES QC: I'm grateful to the Committee. Thank you.

552. CHAIR: Mr Mould.

553. MR MOULD QC (DfT): Yes. I think you've heard already from Mr Smart during earlier sessions about the need for a lorry holding area to serve the major construction works at Euston. And the selection of the eastern part of the car park that we've been discussing today I think has been explained as being the site that has been found to be able to meet that need in comparison with any alternatives that might be available. In short, it is the only site that has been located in what, understandably, is a very constrained part of inner London that will actually enable that to happen.

554. We don't propose to acquire that site compulsorily. Indeed, as it's land that is owned by the Crown we wouldn't be able to secure a freehold in relation to it anyway, so perforce we must operate on the basis of a lessor interest. We would expect, in practice, that we would restore the lorry holding area and, if required, any replacement

car parking that is provided whilst it operates, restore it in accordance with the wishes of the Royal Parks and indeed, insofar as they have any say in the matter, the Royal Zoological Society.

555. So we're left with a situation where we need this facility, we are desirous of providing some replacement car parking to serve the needs of the zoo, because it's clear that although their car park is by no means always fully occupied, there are periods when it is busy. And so the area that we showed you earlier is the area we thought would be the most appropriate place to do that. And I've given you the cost for that.

556. Now lately, as you've heard, in the course of the last few months the zoo have discovered that it's an area that happens to provide habitat for a population of hedgehogs which, on the basis of surveys, I think the population is variously measured between two and 11 animals, and concern has been raised about the impact. Well, it's important – I think you would agree – that the public interest demands that whilst the needs of the hedgehogs are not to be dismissed lightly, the cost of accommodating the things that need to go on here, including the hedgehogs, must also be kept under a proper degree of control.

557. That brings us back to the point that I made in opening of the case, that we think that for a relatively modest sum we can take forward, collaboratively with the zoo, sensible mitigation measures. I mentioned the sum of money of up to £25,000 which we think probably is more than is needed. But this should be a two-way process. We should be talking with each other. There have actually been discussions in recent times. I've been informed of them very regularly, which shows how often they have taken place. Perfectly happy that those discussions should include face-to-face meetings between appropriately qualified specialists. That makes sense as well. But to rush to the judgement that, as I understood it from the slides the zoo wants the Committee to do, which – as I say – runs the very grave risk of spending a very substantial sum of money beyond that which might actually be necessary, in the order of millions of pounds, does seem to be genuinely a rush to judgement. It would surely be better to try and find out whether there is a means acceptably to accommodate that which we propose and at the same time to save the population of hedgehogs from undue interference and disturbance. That is how I propose the matter should go forward. We can report back, no doubt, if the Committee would find it helpful, but discussions don't have to be limited to the

work of this Committee; they can continue whilst proceedings take place in another place as well. So there is time to review these matters.

558. MR HENDRICK: You said between two and 11 animals, and we heard today 30 to 40.

559. MR MOULD QC (DfT): Yes.

560. MR HENDRICK: A previous witness said 80 to 90. Where have you got your figures from and where have they?

561. MR MOULD QC (DfT): Yes. I got my figures from the surveys that are set out in the report that we have produced and which is in the documents before you.

562. CHAIR: Okay.

563. MR MOULD QC (DfT): But it probably doesn't matter very much to sort of debate how many animals there are. Hedgehogs, where they are found, as I understand it and I speak as a layman, they tend to proliferate. And it may be that the population ebbs and flows, but every one I'm sure is of value. The point is that we want to try and ensure that we have a proportionate response to the problem that is presented here.

564. CHAIR: Mr Jones. Brief final comments.

565. MR JONES QC: Thank you very much. Mr Mould and myself know each other of old. We're both advocates and we're often instructed to put good cases and bad cases, and that's our job. The difference between the role of an advocate, and Mr Mould is of course a layperson in this, is as this Committee will appreciate –

566. SIR PETER BOTTOMLEY: Is it not correct to say 'Mr Mould and I are laypeople in this'?

567. MR JONES QC: Oh, yes I am. Yes, exactly. Sorry, I had made that point before.

568. SIR PETER BOTTOMLEY: Maybe that point's just worth making to ensure it remains balanced.

569. MR JONES QC: It's balanced. I have made that point before and that is why, and also out of respect for this Committee and the seriousness with which I know each of the

members of this Committee take their role in examining evidence as opposed to submissions by counsel, that is why – and for Mr Mould and for myself, that’s what we do as a job, but for other experts and as friendly as the Committee is, it is quite a thing to come before and swear an oath and give evidence before a committee. And the only expert evidence that you’ve heard is the highly qualified – and in fairness to Mr Mould, he has not challenged at all the expertise of the authors and their views that have been expressed to you. So this Committee, as far as evidence has, is the evidence of acknowledged national and international experts on the position so far as the hedgehogs are concerned.

570. The case isn’t as Mr Mould... I do not accept the figures produced on Friday as to the so-called north bank alternative and Mr Mould has not called any witnesses that I can test that evidence with. Put that to one side because, in a sense, it’s a red herring. The choice this Committee has is not of accepting our petition and rejecting the long-stay large lorry holding area and paying the millions of pounds for the north bank. The choice is between the expert evidence that you’ve heard and, I will read it into the record, the promoter’s response in their case to our petition, paragraph 11: ‘The location of the lorry holding area at Regent’s Park car park were subject to option consideration,’ not being put before the Committee. ‘The benefits of using a large lorry holding area reduces,’ doesn’t eliminate, and I’m sure the Committee will have seen evidence of that, ‘requirement for additional smaller, potentially on-road holding areas such as those used in Crossrail.’ So it’s done elsewhere and this brother committee approved that process. ‘And therefore reduces any subsequent associated environmental effects.’ Then it goes on to talk about the omission of a lorry loading area could result in both difficulties in managing materials onsite and subsequent effects on the construction programme and then congestion and local traffic. It could.

571. So that’s the case against the position on the hedgehogs. The option consideration, such as it was, has not been carried out again in assessing whether any environmental benefits, which we don’t know what they were, in having a large holding area on what seemed to be an unobjectionable car park in the zoo are better or worse than having smaller holding areas that may cause a bit of congestion or what have you. You don’t have that evidence. It has not been put. But you do have the evidence of the case against. And the case for is simply an outdated case at paragraph 11 which hasn’t

set out, and the work hasn't been done to show the alternatives which the promoter accepts in paragraphs 11 and 10 exist, and which are feasible but merely may have more environmental disbenefits, are not now preferable options. And that work hasn't been done.

572. So the evidence before the Committee is just simply one-way, and it's one-way that means that it is not simply a choice between the made-up, the figures that are just produced, of the north bank. We don't want the north bank, but it's a choice that the Committee has to tell HS2, 'You're the promoters. You accept you can do something else. Go away and do it. And certainly you haven't proved a case to say that protected species and habitat, and the future of the zoo, should be put in jeopardy.' It's a very simple case, but it's a powerful case. The promoters have decided not to call evidence to enable this Committee to test it. That's their fault, their look-out. That's the choice they took. There may be all sorts of reasons. They may not have the evidence to deal with it. That's their look-out. The Committee can only go on the evidence that's before it, not the submissions and assertions of counsel.

573. CHAIR: There seem to me both dangers for the hedgehogs and an opportunity for the hedgehogs, since this is an opportunity to learn a lot more about them and indeed their habitats and everything else. I'm not sure what the right solution is, whether to leave them there, whether to move them, or what to do. But what I do think would be helpful would be if the experts and the promoters would actually sit down and have a discussion, not to solve the problem but to work out a pathway of decisions so that they can look at the options as we go ahead. We have a few years yet before the project starts and I therefore think one would profit from that. And if we could have a report back, before we finish our work early next year, on progress, that would be good. But if there is an issue that would suit the House of Lords, ideally it would be the issue of hedgehogs. And I'm perfectly sure that if progress is not made on this issue, that our Committee in the other house will no doubt spend some time going around the course again on whatever the solution is.

574. I think when the discussions come, the discussions ought not only to related to that part of Regent's Park where the car park is, but since clearly an important point made by the experts was that the population of hedgehogs there are related to other hedgehogs in Regent's Park, it would be better if it were looked at as a whole. Are people broadly –

575. SIR PETER BOTTOMLEY: If I can sort of say what's in my mind, my suspicion, my expectation and my hope is that by having a series of discussions both on modalities and then on the detail, between the promoters and the Zoological Society and anybody else, though the Zoological Society are obviously the most interested people, to try to reach an agreement, which would be better for the hedgehogs, for the Society and for the promoters than it would be to have an arbitrary decision put down by this Committee or another. So my strong encouragement is that people do have those talks in ways that are likely to lead to consideration of what the promoters need and what's going to be best for the hedgehogs and, for that matter, for the Zoological Society. I think this has been a useful airing, this part that I've heard, but I don't think it would be sensible for you to require us to make a decision without having had the discussions, which I hope will be fruitful.

576. CHAIR: On the issue of hedgehogs.

577. MR CLIFTON-BROWN: I haven't said anything all afternoon. I've sat here listening patiently. These hedgehogs have been there for hundreds of years. We heard that from the witness. They have predated the horse and cart. They have predated the internal combustion engine. They have predated the bus diesel engines. I'm sure it's not beyond the wit of human beings that they should post-date HS2's works.

578. CHAIR: Hopefully.

579. MR JONES QC: I acknowledge that. And of course we have wanted discussion. And in fact we – just for the record as well, because my agent is instructing me as well was anxious that we didn't trouble the Committee today and that we would come back in the New Year when there was a better opportunity, having received all of these matters. It's very important, I'm not making any criticisms of the way in which it has been, but I think it's important for the Society's position on record. We have not jumped the gun and forced this position. This is the last thing we wanted. We wanted the matter deferred. We wanted opportunities.

580. Could I just add to the very helpful suggestions as well, just through the Chair and the Committee, if HS2 could also set out in formal undertaking situations the actual constraints and limits that they say that of course they are only seeking part of the land, that that could be put in a more formal situation. Those instructing me here are

experienced parliamentary agents, have experience, and we have a duty to our charity to protect its legal position. Because anything that's said here that isn't binding – I'm not suggesting any bad faith on anyone's point of view, but from a charitable position we don't have anything that we can enforce. And could I just ask, if any offer is being made that it be reported back to the Committee so the Committee knows what formal legal –

581. SIR PETER BOTTOMLEY: Can I make a suggestion that that comes at the end of the discussions rather than step-by-step through them? Because I think that would allow... It's obvious to both of you.

582. MR JONES QC: Yes, yes, yes. Of course.

583. When it comes to a conclusion, if there is to be an agreement, that that should be cast iron is something that we understand and expect.

584. MR JONES QC: Yes. I fully agree. That's sensible.

585. CHAIR: And you're happy with that, Mr Mould?

586. MR MOULD QC (DfT): I'm very happy, thank you.

587. CHAIR: Well, thank you very much.

588. MR JONES QC: Thank you very much, sir.

589. CHAIR: Thank you, Mr Jones, for getting through your witnesses very rapidly. I know they could have said a lot more, given the number of experts you had. Thank you. Order, order. If you could withdraw from the room and let us clear our thoughts, please.