MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday 26 March 2018 (Afternoon)

In Committee Room 5

PRESENT:

James Duddridge (Chair)
Sandy Martin
Mrs Sheryll Murray
Martin Whitfield
Bill Wiggin

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IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

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WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd

IN PUBLIC SESSION
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(At 4.02 p.m.)

1. THE CHAIR: Thank you very much for attending promptly. Thank you very much, Mr Mould, for providing Mr Miller’s CV, thus eradicating the need to introduce him at length. He’s eminently qualified and has already been assisting the Committee, so thank you very much for providing that. That works well for the Committee going forward.

2. Mr Miller, we are in your hands. We are students today.

**HS2 Ltd**

**Presentation by Mr Miller**

3. MR MILLER: Thank you. I just want to say my name on the record, if that’s okay. I’m Peter Miller; I’m the environment director at HS2 Ltd. The presentation I’m going to give you this afternoon hopefully will help you navigate your way around some quite complicated documents and give you some insight into the environmental controls that are built into the Bill which you’re looking at at the moment, and the controls that will come into effect once that Bill is enacted. I’ll talk a little about some matters which don’t get disapplied by this legislation as well, and I’ll touch on a little bit about design and a little bit about ecology, because I know that you’re interested in some of those matters.

4. THE CHAIR: I should say, in terms of the environment, it is a little warm in here, so feel free to take your jackets off. I think that goes throughout the whole of the process: jackets not needed, ties not needed. The House of Commons is a changing place, and too hot today.

5. MR MILLER: Thank you for that. It is warm in here, isn’t it? So, if I could move on to the next slide, please, so I’ve basically covered that. If we could move on to the next thing, the principal slide that I have which will guide you through the next few things that I’m going to be talking about sets out what the legal framework is for HS2. On the slides, in the top right-hand corner I’ve given a reference to what we call information papers. Where I felt it was necessary to point you to some of the information which is in your bundles, I’ve tried to bring that out to help you with
understanding what I’m talking about through this presentation. I don’t want to go into that in any detail but if necessary, if it’s to answer any questions, we might turn some of those up in due course. There are three aspects to the legal framework. Firstly, there are controls within the Bill, what’s hard baked into the draft legislation that’s before you. There are controls outside of the Bill and I’ll talk about the environmental minimum requirements, which is the principal undertaking before this Committee and before Parliament. And I’ll touch briefly on the existing legislation.

6. I think we can move on to the next slide. The Bill, I think I talked to a number of you when we were out on the site visits, but the Bill provides deemed planning permission. I think it’s worth you understanding that that approval is like having an outline planning approval. So the drawings that you see before you, the limits of deviation that are created around centre lines for railways and roads, all describe an approval that you’ll be recommending – when you make a recommendation for the project – on the basis of an outline scheme. That’s what’s before you today. That’s the basis of the environmental assessment that’s been carried out to date and you will have seen that we’ve published an environmental statement which is a substantial document that has come before you. That’s important when we talk about the environmental minimum requirements.

7. In the Bill you’ll see that there are a number of schedules and one of the most important ones is schedule 17 to the Bill, which talks about planning conditions. Those are matters that will be taken into account in the future when we get into the detailed design of the scheme as the project out of the parliamentary process. So there are various conditions and grounds upon which local planning authorities and certain others will have some control over these works once enacted. Local planning authorities are heavily involved with this process. I’ll talk about this as part of the minimum requirements when we get to it. But they will become, we think they will become in large part qualifying authorities under the terms of the environmental minimum requirements that are associated with this Act. That’s all part and parcel of the process of signing up to the planning memorandum. So we can move on.

8. The operation of the works, qualifying authorities can approve the works in the future or they can condition the approval of those plans and specifications. It doesn’t apply to temporary works or underground works. Those are the aspects of the
permanent works that local authorities have certain control over. We can move on. I’ve given you an idea here of a planning application that’s gone forward under Phase One. It’s part of the early works and some of the early works that come forward on the project are to do with the environmental protection associated with large infrastructure schemes. This one is all about providing a new home for bats, a protected species along the line of the route. In pre-application, the project went to the local planning authority with a sort of first pass of a scheme in detail. You don’t see this type of scheme in the Bill plans. We talk about these sorts of things in the environmental statement but you don’t see the detail coming forward at this stage. So we put forward a plan and the plan was modified to produce a scheme, which is shown on this particular slide. The local planning authority took advice from Natural England through that pre-application process, which is all part of the process that we’re setting up. Natural England had certain concerns about the mitigation that’s going to be provided in this instance. They came back with some advice and our plans were modified. Then the application went in and the application succeeded with the planning authority. So in a way, a lot of the detail that is to come is still to be confirmed by the local planning authority and other statutory authorities who have interests in the protection of the environment and the protection of people’s interests going forward. I think we can move on.

9.  MR WIGGIN: So what’s the point of that picture? Sorry.

10. MR MILLER: The point of that picture is what we did was we settled down a number of key issues. So the way in which the scheme was massed, originally we had a much bigger structure and what we settled on was a much smaller structure. On here there are a number of bat roosting features that were included on the recommendation of Natural England. So that’s just a basic representation of what was finally agreed.

11. MR WIGGIN: Sorry, I don’t understand. So some of these things are complementary, some of them are not?

12. MR MILLER: No, that was the final scheme. This is what Natural England and the local planning authority finally settled on.


14. MR MILLER: That’s right.
15. MR WIGGIN: All of those things?

16. MR MILLER: Yes. That’s right.

17. MR WIGGIN: And is there any evidence that they work? All together?

18. MR MILLER: Yes, I believe so. The advice that we’ve had from Natural England would point us in that direction. So yes, those measures all work for bats.

19. MR WIGGIN: And this is just for bats?

20. MR MILLER: And other species.

21. MR MARTIN: And swifts and sparrows?

22. MR MILLER: There are a few other species on here as well.

23. MR MARTIN: Was it together?

24. MR WIGGIN: Well, it doesn’t matter, I’m happy.

25. THE CHAIR: Yes, a level of detail. We can always come back to it. It seems highly unlikely to me but do go on.

26. MR MILLER: Right, okay. Well we can find out a little bit more about what they said if you like but those are the sorts of things. What I’m trying to illustrate here is that the control is advised upon by others when we get into the detail design phase. So there are a number of matters that we talk about in this Committee but they will actually come good once the project is enacted. I think we can move on.

27. Planning conditions also exist around construction arrangements. We’ve listed all of those sorts of measures on this particular slide. Most of these things I think are self-evident. They’re the sorts of things that people are concerned about with any construction site. They’re obviously particularly concerned about HS2 the way it passes across the countryside and how it will be built. I think the key thing on this slide is to highlight the fact that the majority of those arrangements, with the exception of contraction camps and I’ll talk about those separately are most likely to become part of a class approval that the Secretary of State will make. On Phase One, we took these measures to all of the local planning authorities along the line of the Phase One route.
All of these matters were discussed in three passes of consultation after we got the Act on Phase One. And we finally settled those construction main arrangements. Those arrangements will generally apply through the construction of the works on Phase One. We’re fully expecting to do the same on Phase 2A because it’s good practice. I should say in that consultation there was a question in one location about temporary lighting where we had a depot location. There was one exception that was made to the class approval. So where we had a very large construction site the lighting arrangements in that location for sort of early evening works to finalise the scheme, those will be subject to local planning authority approval. So that was part and parcel of that consultation process that took place just last year. I think we can move on.

28. MR MARTIN: Can I just ask a question? So construction camps are not subject to the class approval. Can the local authority just say they don’t want any construction camps or is it just the design of the construction camp that’s not subject to class approval?

29. MR MILLER: I suppose they could ask for no construction camps. We’ve made a provision for them because we think that they are necessary in order to get on with works as quickly as possible. So they go in for good reason. I think you got a good impression last week about how accessible some of the land is that the route will pass over. So making sure that people are readily available to get on with the build is a good thing. Others will have a different opinion about that when we come to the detail.

30. MR WIGGIN: Yes.

31. MR MILLER: So we have a plan to put a number in place but yes, they will be interested in the detail of those arrangements. I hadn’t personally spoken to local authorities about those arrangements. But I think we’ll see a little bit.

32. THE CHAIR: Sheryll’s got a question.

33. MRS MURRAY: Yes, there’s an absence of any mention of noise here.

34. MR MILLER: I’ll touch on noise because that comes under the part of the legislation that we’re not disapplying, which is under the Control of Pollution Act 1974. I’ll touch on that a bit later but also I’ll talk a little bit about the code of construction
practice, which is a document I’d like to point you to.

35. MRS MURRAY: Okay, I see. Thank you.

36. MR WHITFIELD: Sorry, can I just ask, it doesn’t say about road transport. Is schedule 17 the part that deals, you know we were talking about the hours and the construction agreement about when sites operate from?

37. MR MILLER: Yes.

38. MR WHITFIELD: Does that come under schedule 17 or does that sit under the good contractor’s undertaking?

39. MR MILLER: I’ll come to it with the code of construction practice but broadly the hours of operation of the construction works are eight o’clock until six o’clock.

40. MR WHITFIELD: So that comes under a separate?

41. MR MILLER: It does. There’s a commitment through that code of construction practice. And then there is an hour set up and an hour break down outside of those hours where we’re not doing, or the contractors will not be doing heavy works, noisy sort of works. That’s general good practice in construction. Sorry, I cut in.

42. MR WHITFIELD: No, I was just going to say schedule 17 is what dictates what will come down the line by way of earth moving construction equipment rather than via roads which we talked about for the setting up and peak and flow?

43. MR MILLER: The construction routes themselves will be a separate approval with the Highways Authority.

44. MR WHITFIELD: Right.

45. MR MILLER: That concerns routes where there will be 24 or more movements per day. We’ve set out in our plans the range of construction routes that we think are necessary. It’s in the gift of the local authority to come forward with alternatives if they think that an alternative is available. I think when we talked about these sorts of things on the bus we were talking about whether there was a different way of distributing traffic across the highway network, whether we fully go in one direction or whether we
can sort of pass it across the wider network or indeed, even go in a different direction if the local authority wished.

46. MR WHITFIELD: Thank you.

47. MR MILLER: I will touch on that.

48. MR MOULD QC (DFT): Can I just come in and comment?

49. MR MILLER: Yes, sorry.

50. MR MOULD QC (DFT): Just a couple of points about the legal framework which have arisen from that discussion. The first is local authorities do not have the ability simply to reject construction camps along the route outright. So if local authorities or others want to make the case to you that there shouldn’t be construction camps they need to bring that case in the context of their petitions because that would be a change to the Bill that is before you. The second point is where the interaction between working hours and construction noise comes together is under the process of statutory licence and consents under section 61 of the Control of Pollution Act, which is a fundamental part of the regulatory regime under the existing law, which is not disapplied by this Bill. So the nominated undertaker and the contractors under this Bill will have to seek licences and consents under the Control of Pollution Act, just as any other large contractor would need to do in relation to a major construction project.

51. MR MILLER: Okay, I’ve moved the slide on because I think we were talking about these sorts of things and in answer to your questions. So I think we can move on from that. The planning conditions that are set out in schedule 17 consist of two things. Right up front and the example of the bat roosting house, that’s talking about the particular mitigation measures, the structures that local planning authority would approve in detail. So all of the sort of structures along the line of the route, that sort of thing, schedule 17 deals with that. We would be putting those applications in very early on in the process. In due course, we have to bring the railway into use and local authorities and local people will be interested in knowing that the mitigation compensation plans are coming good. And that the noise mitigation, for example, that we’ll be talking about later on today will be effective. This will all be part and parcel of an on-going process with the local planning authorities. We’ll be taking them through
our plans at each stage, building up confidence with the local planning authorities that everything is coming good. Then eventually we will put an application in before the local planning authority to get their approval to bring the railway into use. Then we will provide information at a later stage to show that the noise barriers will be effective. The planting will come good with the management regime, that sort of thing that will come forward later on. So there’s a bringing into use planning condition as part of schedule 17. I think we can move on to the next slide.

52. Borrow puts are a new feature on HS2. They first crop up in Phase 2A and we saw some of the locations on our site visit just last week. The qualifying authorities will approve the plans and specifications in advance for the borrow pits as we’re taking forward those mining types of operations. We will agree a plan of restoration in advance of those works, which is a little bit different to the plan of restoration that eventually comes about for the railway because the construction plans will ultimately be works and be in the gift of the construction contractors in due course. So we don’t fully know at the early stage what the final restoration scheme is of the construction lands generally along the line of the route. Those may well change in due course once the contractor comes on board and says they want to do things in a slightly different way. But for borrow pits everything will be dealt with in advance and the qualifying authorities will carry out that approval. Can we move on? One of the features of the conditions with the planning authorities is to give them as much advance notice of what’s going on and the range of measures that they might be involved with throughout a construction programme. The way we’re handling that is through a context report which we’ll produce for each local authority. That will give them a heads up on what will be happening in future years and the months to come. So that they understand how they need to get their resources in place so that as the various plans come forward for approval they’re aware of that. They can put the requisite time into those plans, make their comments, a lot of this as I say will be done through pre-applications so that we can move this on swiftly. But this will give them foresights for what’s going on. I think we can move on.

53. MR WHITFIELD: Just before we leave that point. You’re talking about local authorities becoming qualifying authorities. They don’t have to become qualifying authorities, do they?
54. MR MILLER: That’s right. Yes.

55. MR WHITFIELD: Do you know what the indication of the two or three authorities that we would cover what their intentions are? And secondly, from that, should our approach to a qualifying authority be different if it’s not a qualifying authority?

56. MR MILLER: No, I don’t think your approach.

57. MR WHITFIELD: With response to that petition, sorry.

58. MR MILLER: I don’t think your response should be any different to anybody else. Petitions come forward and we consider them on their merit and I think that’s the most important thing, actually getting behind what people are saying and try to understand that and respond effectively. Some of that will be through answers that we’re already giving because of the things I’m talking about today. Others will be matters that require some further consideration. We talked about the Noddy’s oak was one of the things that Mr Wiggin, you brought up on Thursday. That’s a matter that we have taken away and we’re thinking about that at the moment. So as these things come to you I think you’ve got to look at them on the terms that they come to you. So I wouldn’t differentiate whether someone is a qualifying authority or not. If local authorities become qualifying authorities they have certain benefits that arise. They have the benefit of approving certain construction arrangements. They have the benefit of the approval of the bringing into use arrangement. So in my experience the local authorities on this scheme and other major infrastructure projects which have used this mechanism, in general qualifying authorities come forward and take advantage of the fullest range of powers that they can get out of the process.

59. MR MOULD QC (DFT): Staffordshire County Council and Lichfield District Council have signed the planning memorandum for Phase One.

60. MR WHITFIELD: It’s likely.

61. MR MOULD QC (DFT): It’s reasonable to assume they will take the same course for Phase 2A.

62. MR WHITFIELD: Thank you.
63. THE CHAIR: When do works start in relation to this Committee? Just looking at the planning and it talks of culvert cutting in quarter three. I rather naively assumed that work wouldn’t start until the parliamentary process was ended or that a timing thing? When do works start?

64. MR MILLER: Yes, I think that example, we don’t have an example of that of a context report for Phase 2A at the moment so I think that a Phase One diagram on there.

65. MR MOULD QC (DFT): We can’t begin, I say ‘we’, the promoter cannot lawfully begin any works which it seeks authority under this Bill until the Bill has become law.

66. THE CHAIR: Right. Sorry, I hadn’t appreciated this diagram is a Gant chart for Phase One.

67. MRS MURRAY: Phase One, yes?

68. MR MOULD QC (DFT): It’s purely illustrative.

69. MR MILLER: Forgive me, when we bring up these slides in the future I’ll make that clear on future slides. Okay, so we’re now moving on to controls outside of the Bill. You’ll be aware of what we call the environmental minimum requirements. They consist of a number of aspects. The first concerns the general principles. I think you might have heard that in opening just last week. There’s a code of construction practice we’ve just been talking about, a planning memorandum, which relates to our relationship with the local planning authorities, a heritage memorandum and an environmental memorandum. These are all in drafts before you because we have to run the course of the Commons and the Lords. They all come good at the point of the Bill becoming enacted. Sorry. Okay, so we’re now moving on to –

70. MRS MURRAY: Are they likely to change or will the drafts actually be the final but they won’t be permanent until?

71. MR MILLER: Yes. On the basis that these have been pretty well rehearsed on Phase One and the memoranda that are before you have been rehearsed with the statutory authorities and the Whitehall departments I don’t expect a great deal of change in those aspects. There may be some changes because practice changes in construction
all of the time. It may well be that we see some changes in practice through the course of this hearing. That’s possible. There was quite a lot of change on the code of construction practice through Phase One because there were a lot of changes to the practice around soils handling. Again we were talking about that last week: agricultural soils are live entities, making sure that we do the right thing to all of those correctly so they can be brought back into use. That has featured in the latest code of construction practice. That’s where I think there will be most change if there is any change. Then the general principles and the general commitment that the Secretary of State has made before you, I don’t expect that to change but we’ll see what others have to say about it.

72. So the general principles of the minimum requirement, really what that’s doing is ensuring that the effects that are set out in the environmental statement, and this is probably why the environmental statement is such an important document, will not be exceeded. That’s the fundamental commitment. In addition to that because we’re moving from this outline type of design to a more detailed design our promise is also to look at the measures that we could employ to further reduce the adverse effects of the scheme. So that may mean changes in the detailed design may overcome certain matters going forward. We might hear about some of that in answer to petitions in due course. I think we can move on. The code of construction practice I’ve touched on. The main contractors will take this up with their immediate subcontractors and the supply chain will be charged to deal with construction in an effective way. But ultimately the nominated undertaker will have a say in this. They’ll step in if things are going wrong. Local authorities will look at us with great interest to make sure we’re going the right thing by way of construction and our commitments are coming good. Under the code of construction practice we got committed to an international standard, to an environmental management system, so a systematic approaching making sure everything is taken into account appropriately and our supply chain our emulating our commitments. I’ll talk about that in a couple of slide’s time. We can move on. One of the features of the code of construction practice is that a local environmental management plan will be produced for each local authority area. So in due course, the plans which we are setting out in perhaps more general terms before you in this Committee, they will get a lot more detailed as the detailed design progresses and as the consents start to go forward, or the plan of the consents start to go forward, to local planning authorities. So the local environmental management plan will get much more focused around things that are
actually going to happen on the ground, when the construction plans start to come good. I can move on.

73. This doesn’t have all the features in here, but I think you’ll be interested to know that we require the contractors to sign up to the Considerate Constructors scheme. That’s an industry-wide scheme, general good behaviour of construction contractors, making sure that they work as quietly as possible on site, that when they leave the site they’re doing so with due regard to being a good neighbour to the people living alongside the construction sites and the works that are happening. I’ve talked about the core hours. We’re expecting our contractors to work well with local communities. This is a big thing for most people along the line of the routes. Particularly in some of the country areas, they won’t have experienced this sort of construction before and making sure that our contractors are talking with local people is absolutely key to this when it comes to it. Making sure people are comfortable they know what’s going to happen in the next two weeks, in the next month, what’s planned in the next three months. It helps them plan their lives when there’s big construction taking place. That’s all part and parcel of that commitment. We expect them to produce this community engagement framework. There are a variety of measures in there for pollution control either to the air or to the water. And there are more global pollution issues that we take into account. Good energy management from construction means that we have a good carbon outcome. That’s good for business all around. It means that we’re very economical when we’re building things. That all features in the code of construction practice. Site specific arrangements, we mentioned about dust and lorries on the roads in our conversations going around site. I think if you look around London you will see most lorries which are carrying materials away from sites, you’ll see that they have an automatic net which comes over the back. When you walk past construction sites in London, there’s certainly a few down Victoria Street, you will see that there are construction workers who will spray the roads to make sure there’s minimum mud on the road. That reduces dust in the atmosphere, that sort of thing. And they make sure that vehicles go away from site as cleanly as possible. They’re all features. We have to think about things like native species, protection of trees. I’ll touch on that with the Noddy’s tree in due course. And we talk about practical means in relation to noise and vibration.
74. MR MARTIN: Chair, can I interrupt? I’m probably being a little stupid here but can you just explain to us exactly how the fact that these are controls outside the Bill impacts on how we are going to be going forward? I’m assuming that these are arrangements which are either already in other existing legislation or you will be agreeing with the local authorities. Do we have the scope to examine these arrangements during the course of our deliberations and discuss the possibility of strengthening them or is this all stuff that’s outside the scope of our inquiry?

75. MR MOULD QC (DFT): It’s within the scope of your inquiry. To illustrate the point, supposing a petitioner has taken the point in their petition that there is an aspect of the draft code of construction practice that is insufficiently robust in the arrangements it makes to protect species that might be disturbed by the location and operation of a construction site, they could invite you to say that either in general or in the case of that particular site some more demanding regime should be imposed. It’s for them to make their case and if you’re persuaded by that case it’s for us to say why the arrangements that are being explained in summary before you now are sufficient. The position we have taken in the past is that it is reasonable to assume that these arrangements will operate in accordance with their terms. By which I mean, that the nominated undertaker and the contractors will comply with them and that insofar as there is any inadvertent failure, as there may be from time to time, to fulfil them to the letter there is an enforcement regime which will be in place to secure ready and swift remedy and compliance.

76. MR MARTIN: So we only need to intervene if we believe that a particular provision actually needs to be enhanced?

77. MR MOULD QC (DFT): Yes.

78. MR MARTIN: We don’t need to intervene in order to achieve these provisions?

79. MR MOULD QC (DFT): In response to a petition or petitions because obviously your function is to respond to points made to you by petitioners.

80. MR MARTIN: Yes.

81. MR MILLER: So I picked up the best practical means matter under noise and
vibration from construction sites. When it comes to it and the contractors put a section 61 application before the local planning authority, the local authority’s environmental health practitioners will look at that. They might say even at that stage there are different things that could be employed to overcome the noise effects. So what they might say, in the sort of experience I’ve had in the past is, ‘Well, could the works be done in a slightly different way? Could you get access from a slightly different direction because that might avoid going past the school?’ or something like that. Those sorts of measures are sort of still in play even when you get to those section 61 consents. When we put that consents application forward to the local planning authority at that stage we will be doing that well in advance of the works actually taking place on site. So those matters will be talked about at that point. Again if we can find ways of reducing the effects, why wouldn’t we do that? If that is to good effect and helps local people out. So there are a range of measures which will be in play at various stages through this process. I think that’s a good example of where environmental assessment is part of a continuous process. We talk about it in documents that we put forward before planning inquiries or Committees like this but it doesn’t end there. That process of assessment continues with us until the point when we start running the trains and even beyond that when we’re operating the trains there are various mechanisms in place to check and monitor what’s going on. I’ll talk about ancient woodland in due course as an illustration of that. The other one is workforce travel plans on there, which we thought you’d be interested in. Clearly, site operatives getting to and from site is another aspect of the traffic on the roads and, as we’ve all seen, those roads are quite tight in certain instances. So there is a lot going on. But a travel management plan may mean that contractors will bring in their site operatives by bus, that sort of thing. So everything is still possible. I think we can move on.

82. The planning memorandum sets out the responsibilities of the qualifying authorities. If you wanted to get more information and to elaborate on our relationship with local authorities in how they qualify through these arrangements you can get a little bit more from that. I think we’ve got another information paper on that as well. Sorry, I didn’t reference that. We’ll give you the reference to the information paper. They will sit on a planning forum. We’ve set this up and that enables the local planning authorities to talk with us on a periodic basis. That enables us to think about what their main concerns are, make sure that we’ve got our process and practice in place in the
right way and then deal with their concerns. So there’s another route for dealing with their concerns. I think we can move on. Similarly, the heritage memorandum, you’ll see from the Bill that certain measures are disapplied, things like listed buildings and so forth. This heritage memorandum enables us to have an effective parallel process but we don’t duplicate process through this arrangement. And despite the fact that we will be taking down listed buildings in certain instances and effective historic sites it sets out how we will deal with those sorts of matters. I think we can move on. The environmental memorandum similarly sets out the arrangements for us to work with the statutory bodies so Historic England, the Environment Agency and Natural England and again the representatives of the government departments. We’ve set up what we call the National Environment Forum. Again, periodically we meet and talk about these sorts of matters. That’s been a good forum that’s helped us shape our plans that are before you today. It also gives us foresight on anything that’s likely to change, certainly policy wise, so that we can take that into account in due course. There haven’t been that many changes policy wise. We can move on. The other feature of the environmental minimum requirements are the undertakings and assurances. We have published already the Phase 2A register of undertakings and assurances as they currently stand. That’s in draft until we get through this process. There are certain matters which have general application and that is lend themselves to be assurances. Then there are particular matters that we will enter into in the main with landowners. They will be legal arrangements. They will form the list of undertakings. These are all commitments and they should be assumed to have equal force. So we have to adhere to those as they’re written and make sure that we abide by those commitments that we enter into whether they’re general or apply specifically. So as we go through this process and you’ll start to see it with the work that we’re doing in the background, I think what I said to some of you last week was part of the process is to get to grips with the petitions and try and narrow the issues that come before you so that you’re really devoting those matters where there is a real need. In the background, various assurances or commitments will be entered into. They will be recorded on this undertakings and assurances register. That will gradually fill out as we go through this process. Some of that will come about because of this process. Then, ultimately, again as the Bill is enacted those undertakings and assurances will be closed down. That will be the picture that will come out of this process that will have to be adhered to amongst all these other general measures. I think we can move on.
83. MR MOULD QC (DFT): Shall I just fill in the gap?

84. MR MILLER: Oh, sorry.

85. MR MOULD QC (DFT): The information paper that tells you about the distinction between a qualifying and a non-qualifying authority and also outlines the respective functions of those authorities under the planning regime is information paper B2 entitled ‘The Main Provisions of the Planning Regime’. You may also be interested, if you want to follow that up, with information paper C12, which is an information paper that just outlines the arrangements for local authority funding. So that local authorities are able to cover the resource implications of the responsibilities that are placed upon them by this Bill.

86. MR WHITFIELD: Can I just ask one point about the code of construction practice before we leave that? You say it’s enforceable and it uses the construction commissioner. If it falls out with the construction commissioner’s remit, how do you go about enforcing it then?

87. MR MOULD QC (DFT): The provisions of the code will be written into the main construction contracts for this railway.

88. MR WHITFIELD: So it will be a breach of contract?

89. MR MOULD QC (DFT): They will be enforceable by the nominated undertaker under the terms of those contracts. So if contractors fail to fulfil the obligations that they are contractually obliged to fulfil from the code of construction practice, the nominated undertaker will secure compliance. The function of the construction commissioner is to provide a speedy and cheap resolution to small complaints by people that things which are supposed to have been done haven’t been done or they haven’t been done properly.

90. MR WHITFIELD: So how would a petitioner pursue the contract not being party to the contract?

91. MR MOULD QC (DFT): The petitioner doesn’t pursue the contract. The petitioner would make the complaint, raise the matter with the community relations representative of the nominated undertaker or of the main contractor who is undertaking
the works through the area, which information will be made available through the
community relations strategy. They will say, ‘I thought lorries weren’t going to be running along this road before,’ whatever it is in the morning, ‘I saw an HS2 badge lorry there when it shouldn’t have been. Can you do something about it?’ That would follow swiftly up the chain to the relevant person within the main contractors’ office. They would then say, ‘Get it sorted out.’ They would report back through the community relations chain to explain to the person concerned what had happened and what was going to be done about it. So that’s how it will work on the ground. The construction commissioner is there as if that initial informal line of communication via the helpline isn’t thought to be working then at a point you can resort to the construction commissioner and say, ‘Look, I’m not getting redress from the helpline. I’m not getting redress directly from the people doing the work. Can you step in please and sort it out for me?’

92. MR WHITFIELD: So how would it happen for, I’m trying to think of one, I don’t know how much trees are worth but if it was a tree that was going to be knocked down that was more than £10,000 so wouldn’t go to the Commissioner. A petitioner phoned up and said, ‘You’re chopping it down the wrong way,’ or you’re moving a hedge. That’s a better one. You’re moving a hedge and going about it the wrong way and not as agreed. How do they enforce that other than going effectively to HS2 who will enforce it?

93. MR MOULD QC (DFT): There may be a case that these things have been approved through a consent with a local planning authority.

94. MR WHITFIELD: Sorry, I’m assuming for some reason it’s outwith. I’m just wondering.

95. MR MILLER: So that may be a route. If it’s outside, these measures are part of the environmental minimum requirements. Ultimately they are the fundamental commitment the Secretary of State has made.

96. MR WHITFIELD: So HS2 would enforce it through its contractual breach because of the undertaking that sits above that by the Secretary of State?

97. MR MILLER: That’s right.
98. MR WHITFIELD: They would be in breach if they didn’t pursue it for –

99. MR MILLER: Yes.

100. MR WHITFIELD: And in an extreme case an individual.

101. MR MILLER: Yes, so ultimately this matter might have to be resolved by the Secretary of State. If it wasn’t resolved by the Secretary of State, I can’t think of a circumstance where we would really want to go before the Secretary of State but if it wasn’t resolved before the Secretary of State presumably it would go back to Parliament and say, ‘Look something has seriously gone wrong here.’ I mean you’ve got to remember it is a massive project. So what you have to do is you have to think about things that are likely to go wrong and have process and practice in place to deal with those sorts of issues.

102. MR WHITFIELD: So I should be reassured that if someone brings a petition to us and then during the presentation of that petition says, ‘I don’t have confidence that these protections will be enforced.’ We should have that confidence that there is a legal line that would run to allow for enforcement?

103. MR MOULD QC (DFT): Yes, because our position will be whether others will say you shouldn’t is you’re here. But our position is that where we set in place a procedure and we set in place the arrangements, which will be available to enforce compliance with that procedure, you should work on the basis that those arrangements will be followed, that they will be effective. We have said in the past for example that essentially the same arrangement operated to govern the construction of the channel tunnel rail link. My recollection is, I’ll be told if I’ve got this wrong, but my recollection is that there was one significant alleged breach of the similar arrangements under that scheme that threatened to get as far as the Secretary of State having to take action. The prospect of this Secretary of State having to go to the despatch box and to explain why it was that the undertaking that he had given, through me on the first day or through Mr Sullivan QC at that time. The prospect of having to explain that that undertaking had not been fulfilled shall we say had a very salutary effect. Now I’m not suggesting for a moment that there are going to be instances day-to-day, month-to-month where that level of sanction has to be applied. Can I just also respond on one point? The £10,000 limit if you like that is available to the construction
commissioner, that is essentially a small claims scheme. So where there has been loss or damage, for example some property has been damaged, a fence has been bashed or something like that, the idea is that you can make a small claim to the commissioner. In that way you relieve people from the need to have to go and make a claim in the County Court or something like that. So it’s about remedying a loss. What we’re trying to do through this code is to prevent that kind of situation arising. We’re trying to avoid loss occurring through the regimes that Mr Miller is describing to you now.

104. MR WHITFIELD: I think I was just trying to find or get reassurance that the more substantial claims where it might be an individual who clearly isn’t party to the contract is making the complaint, we can be satisfied that there is still a line of remedy that is usable and achievable and will gain what is needed.

105. MR MOULD QC (DFT): I’m sorry of this is an obvious point but it’s perhaps worth making. The alternative is that you allow private households and so forth and parish councils and so forth along the route to have a direct contractual relationship with those constructing a very large construction project, and you only have to think about the implications of that to realise that it would be wholly unworkable.

106. MR WHITFIELD: Yes.

107. MR MOULD QC (DFT): You simply cannot have literally thousands of people be able to bring a contractual claim for the way in which works are being undertaken. It has to be something that is more efficient than that.

108. MR WHITFIELD: It’s also nice to know that the remedies also work with the individual.


110. MR MILLER: I think the sort of local issues where a contractor might back into a fence and deal with that with a small claim is one thing. I think if you were to see anything that would affect an individual householder, it’s likely to be that sort of thing. Because during construction when it comes to the noise and we’re talking about the section 61 consent process, that is with the local authority. So if we’re outside of that consent, that local authority is going to intervene. When it comes to things like, I don’t
know, let’s say there was an oil spillage from a bit of plant and equipment on site into a river. That matter is a matter which will be dealt with through the Environment Agency, possibly through the local floor authority. There are other mechanisms for those things which might be what you might call more substantive. We’re not in the business of doing that. We’re in the business of dealing with these sorts of things in advance, getting the consent for these things that works well. The authorities are confident of that and everyone else can be confident that provided everyone plays their part in delivering the job to those terms and conditions. So that’s really what will happen on site.

111. MR MOULD QC (DFT): I think we can move on.

112. MR MILLER: And one of the things I mentioned the environmental management system; this is an example from Phase One. We got committed through the code of construction practice to meet the international standard for environmental management systems. Sorry, that is an ISO 14001, I know it’s all jargon but that’s what it is. But the environmental management system has come good under those terms and we’ve shown you the certificate there. That sends out a great message to our supply chain. It shows that we’re committed as the nominated undertaker to deliver on these arrangements and they need to fall in line with those arrangements and they will be emulating that through their process and practice in due course. Hopefully that gives you some confidence that a year after getting Royal Assent on Phase One, these sorts of things are coming good, our general practice is coming good.

113. So we can move on. I thought I’d mention something about noise. You’ll hear a little bit more in detail from Rupert Thornely-Taylor a bit later on this evening about noise but from the project’s perspective getting noise right is absolutely vital. We thought it was worthwhile just giving an indication of how we tackle that. We talk about dealing with noise at source. You’ll have seen the West Coast Main Line when we did our site walk last week and I think you all got a good impression of how the noise sort of comes from a busy railway, how it can be protected when it went through the cutting. The trains were going past in the cutting. Our approach is to look at that from the rolling stock perspective and make sure we get the specification right from the train build perspective, then think carefully about what it means for the track, the general systems infrastructure that we will be providing. That’s a modern form; it’s on a concrete slab. It’s, as we discussed, a very flat route alignment. I think you heard
about this from Professor McNaughton and it doesn’t bend very much so it’s modern infrastructure, which works well and doesn’t need so much on-going maintenance as ballast track would do. Then the civils, and what I mean by that is the engineering around the railway. Things like noise barriers, earth bunds, how the cuttings actually work, all of that’s been taken into account. Notwithstanding all of that, there are still measures that we would take at people’s homes. So whilst we try and contain the noise as much as possible ultimately we may end up going to a noise insulation arrangement. There are noise insulation arrangements during construction under the code of construction practice and there are noise insulation arrangements for certain threshold levels in operation.

114. THE CHAIR: Carry on, thank you.

115. MR MILLER: Does that answer your question?

116. MRS MURRAY: No, sorry, you covered it.

117. MR MILLER: Brilliant. Okay. Then finally on this part of the presentation, existing legislation you’ve kind of heard about these sorts of things. We don’t disapply section 61 of the Control of Pollution Act. That’s clearly very important to get that pre-application and consent arrangement sorted out with the environmental health practitioners and local authorities. That provides the control in the local arena. That will work well for local people as the build takes place. Environmental permitting regulations, again, they’re not disapplied. So the regulations for handing waste away from our sites, we follow the existing regimes. Then the licence arrangements for the whole gamut of protected species in this country, we follow those as well. I’m going to move on from that and we can move on from that. Throughout my time on HS2, and I’ve been working on this project since spring of 2009, successive Secretaries of State have persuaded me that we need to do the right thing by design. No surprises in all of that, I don’t think. People are going to receive a new railway, they should receive a railway which works well for them getting the aesthetics right for structures, making sure the landscape and visual plan is right, making sure that we get the ecology plan and all these other things right is very important. So over time the project has developed a design vision, which accounts for people and to make the designs work well for everyone, that those designs work well for the locations that we pass through and that
they don’t detract from those locations, and that, ultimately, because this railway will be around for some time, that things like our stations and key design features like viaducts will stand the test of time just as much as other infrastructure structures have done in the past. So we’ve got a bit of process and practice around design.

118. If we move on to the landscape part of that, the landscape design features through that. The landscape design approach is an expression of that design vision. The design teams are looking at measures to enhance the landscape around the railway infrastructure, restore that – I mentioned restoration of things like borrow pits and that sort of thing – and, where we can join up with other bits of the landscape, integrate and transform that landscape as part of a ‘green corridor’ type of plan.

119. So, landscape design is very important for Phase 2A, as you’ll have all gathered from last week. And I encourage all of you to sort of look out on that landscape to see what that was all about and think about how that new railway was going to feature.

120. So, if we could move on to the next slide.

121. MR WHITFIELD: With the local authorities who take the maximum desired input into the planning and the design, how does that relationship work with these designs, which have sort of been done looking at the whole thing? I think about the viaduct. Presumably a planning authority could come to you and destroy the overwhelming design approach by demanding certain planning.

122. MR MILLER: Partly that’s the reason why we’ve come up with this design vision: to try to get, in a way, a common approach which is actually able to accommodate the local view as well. That sounds contradictory, but it actually gives you some space to actually talk about these sorts of things.

123. And when we talk about very big viaduct-type structures – I think we noted those as key design features – they will require more consideration in pre-application than, perhaps, an ordinary bridge.

124. MR WHITFIELD: If we think about going over the canal where you had the discussion of the waterways, what takes priority, the overall design or the view of the waterways authority – or do you try to come up with the best of both?
125. MR MILLER: Well, I think there will be a compromise, and that compromise will be taken into that detailed design process.

126. So, there are various provisions that have been made for the Canal & River Trust. We’re in negotiations with them at the moment to settle other arrangements. In Phase One they came forward with a clear approach to design, where the railway passed over these bits of infrastructure, the canals, because the canals have moved on from an industrial kind of use to an amenity kind of use – and they want the railway to work very well. And their approach was to create a very open kind of vista underneath the structures.

127. And when we were at Great Haywood we were talking about how high the structure was and what that actually means. It means different things in the landscape, so getting it right is going to have to be a compromise, and we are going to have to take all sorts of different people’s views.

128. Those who are going to experience it close up will have a different view of the materials and that sort of thing compared to somebody or an organisation that may be thinking about a wider view within the Trent Valley and what that actually means for the historic nature of the landscape. Have we got the landscaping and the design of the feature right?

129. So, I think this will all be in play when it comes to the detailed design. The key of this is where we have identified key design features. I don’t know, but we can probably bring forward a list of those. I’ve forgotten where it is; I think it’s in the planning memorandum. We’ll tell you which ones those are.

130. And then when it comes to the detailed design, there’ll be a lot more consultation around the major features along the way. And hopefully that will mean we will get that right locally and get it right for the railway as well.

131. MR MOULD QC (DfT): There is an information paper, D1, which is entitled ‘Design Policy’. That information paper has a series of sections that deal with the promoter’s requirements for the design elements of the railway but also explains the role of the local planning authority in the development of design, the role of the public in terms of community engagement on emerging designs, and there is quite a helpful chart,
which sets out in a figure on page 6 of that information paper, the key stages in the process.

132. This information paper is one that was refined quite heavily during the course of the Phase One Select Committee proceedings in response to some of the questions which were raised by others of the kind that you just asked. And so it is the product of developing the projects, thinking about process in relation to the development of design.

133. The other point I would make is just touching on Great Haywood, which is, I suspect, one of the relatively few substantial design elements of this stretch of the railway that people will be interested in. The project is developing an illustrative plan of emerging proposals for the viaduct at Great Haywood and how it will sit within the landscape.

134. And I hope that we will be able to bring that before you and perhaps share that with petitioners who bring that issue to you so that we can add a little bit more flesh to the bone in that respect, as your hearings proceed.

135. MR MILLER: So, to finish on the landscape design approach, this is guidance that we’ve created. That helps our contractors understand, as they’re designing the detailed scheme in due course, what we’re looking at for an outcome. Hopefully that gives you some insight into what it might look like. It won’t precisely say what it will look like, but it gives you an idea of what’s to come after this process.

136. We put up this slide. I think Andrew McNaughton might have touched on this, about how the railway integrates into the landscape, but this is just one way of thinking about the materials that arise along the line of the route. If we are cutting into the ground and creating cuttings in which the railway will sit, we will create some material. We will look at reusing that material – and, indeed, the plans in the environmental statement show all of this.

137. I’ll give you a quick illustration of that in a minute. You can see there are various ways of building up the land alongside the railway itself. That provides screening and provides protection from noise and that sort of thing – and you can do that in a variety of ways.
138. If we move on, visual impact can also be addressed through planting to good effect. It’s not everyone’s cup of tea, whenever you put planting in. If you put planting in for an ecological purpose and you’re certain a broader outcome, that does take agricultural land. I think we had a discussion about that on our trip, and I think that’ll feature in due course.

139. But, nevertheless, from a visual perspective, for how the railway affects the wider community, these sorts of things can be employed to good effect. And in due course – not straightaway – as these plants grow, they will provide good screens for the railway and help integrate that railway into the existing landscape.

140. So, if we move on, I mentioned the green corridor just a few minutes ago. And you’ll see on this plan – I should say that the very light green is the sort of notation that you see in Ordnance Survey maps, which denotes woodland. And then the darker green colours are the woodland mitigation and compensation type of planting the project will provide.

141. And you can see here that what we’re showing is a scheme of mitigation which really reflects what a modern railway is all about. When the Victorians put forward their Bills, in large part the railways were all to do with the railway corridor: the embankments and the cuttings and where the fence line finally ended up and changes to roads and that sort of thing.

142. Clearly, we have all of those sorts of features to handle through this parliamentary Bill, but in the modern way of doing things we also look at the effects of the scheme, i.e. what the effects are globally and what the effects are locally. The environmental statement takes that all into account, and we come up with our plans of mitigation and compensation. That is what’s shown here.

143. So, in terms of some of the dark areas, if you look in the middle there, you can see Lambert’s Coppice and Ingestre Wood, and there’s a green bit of land which seems to be a little way away from the line of the route. But what that’s doing is trying to join up habitats, so that whilst we will affect habitats – and this occurs in a number of cases on this drawing – what our ecologists are thinking about is, ‘How will we go about addressing that?’ In this landscape, the idea is to join up the woodland so that those species have a better opportunity to thrive across the landscape – rather than just being
given a new bit of woodland in one location.

144. So, that’s the general approach. It follows the McNaughton principles of bigger, better and more joined up.

145. MR WIGGIN: We looked at the Staffordshire County Showground. We recall that one of the complaints that we’d taken their spare parking. Is that dark green an indication of why you’ve taken it?

146. MR MILLER: I’d have to check that in detail, because I have a feeling that’s the part where the land really is tailing away.

147. MR WHITFIELD: That side to the right of the road is the campsite field. But then they were complaining about losing the left side/

148. MRS MURRAY: The left-hand side, yes.

149. MR WIGGIN: It’s the left-hand side, which is that huge green patch.

150. MRS MURRAY: It’s crossing the railway.

151. MR MILLER: I see what you mean.

152. MR WHITFIELD: You can sort of see why. When we thought about the width of the railway we were thinking, ‘It’s not much of a field,’ but once you look at your landscape thing it is a much, much wider area that the rail line is affecting.

153. MR MILLER: Yes, I take your point. Sorry, I thought you meant the bit of green that is behind the showground and just where Park Farm is. That’s where I think the land is.

154. MR WHITFIELD: Yes.

155. MR MILLER: You’re talking about where the ‘000’ is on that marker. Yes, okay. Yes, it’s a good point. We should be looking at that, yes. It’s an obvious point that we should be looking at, yes.

156. And I daresay what Staffordshire County Showground have said to us is, ‘Do you need all of that?’ I haven’t looked at that particular petition itself, but others will be
looking at that at the moment and we’ll take that away.

157. So, yes, what else features on here? If we go to the right-hand side of the drawing, you can see Ingestre Park. If you just think about that for one second, we’ll move on to the next slide.

158. Yes, excellent. It’s a slightly different drawing, but you can just see that we’ve called it Ingestre Green overbridge. It’s part of a golf course. That’s why you can see the sort of Ordnance Survey green, and then you see these fairways being delineated. And we do cut across that land; the railway cuts across the land. In the grey right in the centre there, you can see that is the railway and then the yellow is quite a deep cutting, so we’re cutting into the ground there.

159. Just onto the right-hand side, you’ll see these funny little tadpole shapes. That’s ground that’s being made up, so that goes to one of the cross-sections I showed you a little earlier on showing the ground being built up alongside the railway. So, where we’re cutting out of the ground, we’ll be putting that back to good effect locally, so that will raise the ground around the railway line itself. And then you can see there is some grassland planting, which is the sort of marshy green notation to the right. And then to the left you can see little trees, and those are planting up a bit of woodland screening.

160. And then what features on this particular plan is a bridge for ecological purposes. It’s called a green overbridge. These are relatively new types of features in the UK. They do feature across the continent. We’ve got five of these overbridges along the line of the route. They’re designed to enable species to cross over the railway where there is a definite barrier to species crossing the line of the route.

161. So, we obviously don’t want them to get into the line and walk across the track, but we do give them other opportunities. And in this location we haven’t got big structures that they can get underneath, unlike Great Haywood and that sort of thing, those sorts of places. But these kinds of things are starting to feature in the UK. There are some on High Speed One down in Kent that were put in. The example we’re showing here is the A21 Lamberhurst bypass, which connects a couple of ecological sites with a National Trust property, and it accommodates a road in that instance. The National Trust are monitoring that, and they say to me that’s working; that’s helping wildlife cross over the railway.
162. So, we can move on. Just touching on ecology, our commitment is to create a railway which causes no net loss to biodiversity. But what I should say is that the scheme design has been developed in terms of the professional expertise that carried out the environmental impact assessment. So, the mitigation plans you see take that assessment into consideration.

163. And then in the background we have an accounting tool, which will look at that. At various points in time through the development of the project, we will variously look in to see how the plans are performing. And the reason for that again comes back to that outline design that you have before you today. It’s quite likely that that design will change. There is some guidance we have in the code of construction practice, for example, which says there should be a buffer zone around the existing woodland – e.g. hedgerows and that sort of thing – that I know you’re interested in.

164. But the assessment itself has been very precautionary. So, the assessment brings forward the effects of what you might describe as being a reasonable worst case. And that’s the right thing to do from an outline-design perspective. From there, that provides the baseline from which the environment minimum requirements. And then in due course, as we get into the detailed design, we hopefully will narrow the corridor for the railway and try to overcome some of these effects that I’ve highlighted as being a worst case – and in due course try to shrink the effect of the scheme.

165. And that plays into all of the principles that are set out in the environmental minimum requirements, and that’s to try to give you confidence that going forward we’re going to be doing the right thing. That gives petitioners the confidence that we’ll be doing the right thing, and shows those local authorities that have some control around all of this that we are on the right track to do the right thing.

166. So, we can move on from this one. And this is touching on ancient woodland and ancient and veteran trees. This is features quite often on Phase One of the route. And we talked about this just last week. And because of the nature of the railway, being flat and fairly straight, it’s not possible for us to avoid every type of environment feature and all of the towns and villages and people’s property along the way.

167. And Professor McNaughton talked about threading the railway through. When you overlay all of these different features, there’s quite a lot to take into account. And
it’s not possible to thread through all of these different features and overcome the effects. So, in certain circumstances unfortunately we’ll be taking down ancient woodland. And that’s set out here; that’s the Bill plan.

168. But we have an ancient woodland strategy. Each of those ancient woodlands has been thought about, and we have a compensation plan for each one of those. And that’s detailed in this strategy that’s just been published. And the idea of that is to afford as much protection for these features, which generally support quite a wide range of biodiversity – whether that is through the soils, the trees and plants themselves but also support a wide range of insects and animals. Trying to think about that and do the right features on, I think, the next slide.

169. THE CHAIR: We thought ‘ancient’ was 400 years. What is ‘veteran’?

170. MR MILLER: We were going through this earlier on.

171. THE CHAIR: I might come back to it at some other point. It’s not a trick question; it’s genuine interest.

172. MR MILLER: Yes.

173. MR MOULD QC (DfT): I did my homework on this before we started, so I can give you the benefit of that if you like.


175. MR MOULD QC (DfT): Whether I should substitute for Mr Miller on this I don’t know, but an ‘ancient tree’ is a tree that is genuinely ancient. A ‘veteran tree’ is a tree that may not necessarily be of any given age but is displaying characteristics which an ancient tree displays.

176. So it is a tree that has not been looking after itself very well over the course of its life, perhaps. But that is the explanation that I have discovered.

177. THE CHAIR: So, one is 400 and one looks like it might be getting towards that age.

178. MR MOULD QC (DfT): Yes.
179. THE CHAIR: Thank you.

180. MR MOULD QC (DfT): They’re not necessarily 400, I’m told, but they’re certainly very old, ancient trees.

181. MR MILLER: I’m quite glad I didn’t have to answer that one, so that’s good to know.

182. MR MOULD QC (DfT): Ancient woodland should be distinguished from ancient trees. I’m sorry about that, but I think that’s important to make clear. It is an established policy characteristic for ancient woodland that it is or is likely to be 400 years old, but an ancient tree may be classed as an ancient tree even though it is not necessarily 400 years old. I’m afraid that’s just the way it is.

183. THE CHAIR: We can find out about it. There are only 27. We can find out about them in more detail maybe later in the whole process.

184. MR MILLER: Yes.

185. MR WHITFIELD: Do we have a company of the woodland strategy paper anywhere here?

186. MR MILLER: I’m not sure that features in your pack. If not, we’ll get it to you. You probably have a pack that goes so far. There is an awful lot of material.

187. MR WHITFIELD: Yes.

188. MR MILLER: And there is a real danger of us just shoving stuff towards you, and it becomes a bit meaningless really. But we’ll get that to you.

189. MR WHITFIELD: We had quite a lot of discussion about ancient woodland last week, so…

190. MR MARTIN: I would actually really appreciate the ability to read a paper on ancient woodland, if you’ve got one.

191. MR MILLER: Yes, of course.

192. MR MARTIN: And given that we’re about to have a two-week recess, that would
be an ideal time to read it.

193. MR MILLER: Yes, yes, we’ll get that to you. Actually, I’ll deal with Noddy’s oak now, as we’re just finishing on ancient or veteran trees.

194. You asked this question last week, because it arises in the Woodland Trust’s petition, I believe. In our plans, we are showing that we take this ancient tree due to construction access. And I think this really does illustrate the fact that we’ve identified in the environmental assessment, through our precautionary approach, that that is sort of being counted in at this stage.

195. Now, I can’t make a promise to you today that we’ll avoid it, but…

196. MR WIGGIN: Wait till they come here.

197. MR MILLER: We’ll try to deal with it in the background, but we have looked at it since you asked the question. And in all likelihood – provided we operate the practice under the code of construction practice, which is to avoid the trees roots and that sort of thing, and taking into account a precautionary approach around this access – we think there’s a possibility that we can accommodate that tree and avoid it.

198. We just need to do a little bit more work on it before we can come back and finally make that commitment, but it’s going in the right direction.

199. MR WIGGIN: I’m sure they will be very grateful.

200. MR MILLER: That’s the assurance I can give you.

201. MR WIGGIN: Thank you – for Noddy’s sake, yes.

202. MR MILLER: And I just wanted to end on the ancient woodland compensation, the approach to that. Through Phase One, there was a great deal of discussion about this particular matter. And I brought forward some examples, and one in particular, a place called Cossington Wood, which was a site on the A2/M2 widening project, which actually features as part of the Channel Tunnel Rail Link that was High Speed One. And it was a site which was a location which received ancient woodland soils, and it also received root balls and a coppice transplant of certain varieties of trees.
203. That soil was spread in, I think, fairly low-grade agricultural land, but it was in a location that enables that soil to help join up to other ancient woodlands. And that has been monitored for a period of, I think, about 10 years now. And reports show that all of the indicator species for the ground cover of ancient woodland are starting to come back and populate that ground, despite the fact it was agricultural land.

204. So, it appears to be quite successful. Others will have a different view about that, but we would generally take the advantage of those soils and place them in a different location and do our best to bring those soils forward to create that biodiversity.

205. So, in here, this is a time sequence showing how we would go about that with some planting and how we would perhaps deal with coppicing, getting seedlings into play. Actually, seedlings and saplings are generally the better way of going about landscape planting. Particularly en masse, putting in half standard and standard trees is less successful; smaller trees tend to take very well, but they do take a little bit more time to grow up. But that will come back to us in the discussions in due course, no doubt.

206. And then through time you can see that our commitment is quite a long duration. We will be thinning out the trees to help that woodland progress in its biodiversity and get it into a mature state. But then we continue, and our commitment is that we continue the ancient woodland monitoring for a period of 50 years. No other project has done that before.

207. We’ll all look forward to reading that report, but in due course we’ll have a better knowledge of just how this works, because there isn’t that much knowledge about how well this works in certain instances, but here on High Speed 2 we’ve committed to that.

208. MR WHITFIELD: Can I just ask, is that undertaking to monitor literally just to monitor for the purposes of the scientific interest or is the monitor to undertake repair work, to try to make it grow? To what extent is the monitoring undertaken or what is the undertaking to monitor?

209. MR MILLER: I think the idea is, as the last part of the slides shows, to bring it to that early mature state, i.e. get it to a state where, actually, it’s working quite well. But woodland needs to be maintained. Good ancient woodland – i.e. species-rich, diverse
ancient woodland – tends to be associated with good coppicing and those sorts of things.

210. And it may well be that farmers will take this on. They might get a crop out of it. They might be interested in getting involved. I think we will require that.

211. MRS MURRAY: How closely do you work with people like the Woodland Trust in this – or do you intend to work with them?

212. MR MILLER: We work with them really quite frequently; hopefully they’ll bear this out. We do talk with them quite frequently. On Phase One they’re part of what we call the Ecology Technical Group. That’s something we’ll need to consider for this part of the project as well.

213. Their concerns are addressed at ministerial level. So, I work with the Department for Transport, and Nusrat Ghani is our Minister. Just last week, she chaired a meeting with the non-governmental organisations, which also includes the agricultural bodies, e.g. the National Farmers’ Union or the Countryside Landowners’ Association. There is quite a bit of debate around these sorts of things at the political level. We engage with them at various stages through this project.

214. So, yes, they will come forward with their views about ancient woodland. Our views aren’t aligned with theirs, but we have made progress through Phase One. We think our process and practice is good. You can see this sort of commitment here. And we have got committed to ancient woodland. They were looking for more compensation on Phase One. When this was taken up through the Lords, that wasn’t accepted by the Lords in the Phase One consideration.

215. MRS MURRAY: Okay.

216. MR MILLER: I think our plans are now coming good. Well, we’ll have to see what they’ve got to say, but we certainly do discuss it with them.

217. MRS MURRAY: Thank you.

218. MR WHITFIELD: So, just to clarify, that monitoring, just undertaken to monitor what happens, depends on the landowner. If it’s a farmer or whatever, they are undertaking the care.
219. MR MILLER: Yes. I mean, I’m probably in danger of stretching into Colin Smith’s presentation, which I think will touch on the farmers’ and growers’ guide, because ultimately we will have to think about what the picture of the land looks like from a railway and what the picture of the land looks like as we might hand it back to landowners.

220. And I think you’ll hear from landowners that they’ll be very interested in taking their land back, albeit that that land may have a different purpose. And some of that purpose will be the mitigation and compensation. So, in the farmers’ and growers’ guide, what that will do is it will set up a –

221. THE CHAIR: Are we leaping forward to a different presentation, to a degree?

222. MR MOULD QC (DfT): I wonder whether I might just return to this when you resume later on this evening.

223. THE CHAIR: I think that would be helpful. I know you’ve been good, allowing questions all over the place. Am I right in saying the kind of formal presentation has come to an end?

224. MR MILLER: It has. I was going to say that.

225. THE CHAIR: Since we have run out of question paper. Are there any remaining questions or are the Committee happy for me to close the meeting? We look forward to the next presentation in the early evening. Thank you very much.