130. CHAIR: Okay.

131. MR THORNTON: Just very quickly, Mr Marinker was concerned that the reports used the word ‘reasonable’ rather than ‘best’. We have a fine lawyer over there with Sir Henry – Henry, rather. I promoted you to give you a knighthood. I am sure it will come anyway – but you’re concerned about the ‘best’ and ‘reasonable’. I think that Mr Marinker has a point about ‘best’ and ‘reasonable’. Is there a significant difference the two?

132. MR MOULD QC (DfT): I have an idea for that, yes.

133. CHAIR: We had almost forgotten about you, Mr Mould.

134. MR MOULD QC (DfT): No, sorry to disabuse you of those happy thoughts. The reasonable endeavours which is the phrase that you will see time and again is the tried and trusted way of expressing the balance between cost and benefit. It is for that reason, generally speaking, that in the level of commitment that is given in major projects, ‘best endeavours’ tends to impose a much higher burden on the promoter or the developer because it generally is interpreted as meaning almost at any cost. So, it is generally very unusual to find that phrase for that level of commitment being given in relation to matters where there is necessarily a balance to be struck between a whole series of competing interests and not unimportantly, an overarching consideration of the cost of what is being proposed on the public purse. But people should not misunderstand ‘reasonable endeavours’ as being weak or without teeth. ‘Reasonable endeavours’ does imply that all that reasonably can be done at sensible cost will be done.

135. SIR PETER BOTTOMLEY: But more than implied, ‘requires’.

136. MR MOULD QC (DfT): Or requires, yes.

137. SIR PETER BOTTOMLEY: You don’t have a contour map, do you, so that we can look at this? I can’t read the contours very easily on this.

138. MR MOULD QC (DfT): I am not sure that we have a contour map. We have a sections map.

139. SIR PETER BOTTOMLEY: Yes, excellent.