

MINUTES OF ORAL EVIDENCE

taken before

**HIGH SPEED RAIL COMMITTEE**

On the

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

Tuesday, 20 January 2015 (Morning)

In Committee Room 5

PRESENT:

Mr Robert Syms (In the Chair)  
Sir Peter Bottomley  
Ian Mearns  
Yasmin Qureshi

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IN ATTENDANCE:

Mr Timothy Mould, QC, Lead Counsel, Department for Transport  
Mr James Strachan QC, Counsel, Department for Transport  
Ms Clare Parry, Sharpe Pritchard

Witnesses:

Mr Robert Edwards  
Cllr Michael Burgun, Offchurch Parish Council  
Cllr Peter Delow, Cubbington Parish Council  
Professor Mike Geddes, Professor of Public Policy, University of Warwick  
Cllr Peter Haine, Weston under Wetherley Parish Council

Mr Tim Smart, International Director for High Speed Rail, CH2M Hill  
Mr Peter Miller, Head of Environment and Planning, HS2 Ltd

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**IN PUBLIC SESSION**

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(At 10 a.m.)

1. CHAIR: Order, order. Good morning, everybody. Welcome to the HS2 Committee.

**Robert Edwards**

2. CHAIR: We continue our journey through rural Warwickshire this morning with Mr Robert Edwards as the first petitioner. Can we see where Mr Edwards lives in relation to the line, please, Mr Mould?

3. MR MOULD QC (DfT): Yes, shall I just do the usual introduction?

4. CHAIR: Yes, if you are happy, Mr Edwards?

5. MR EDWARDS: Yes.

6. MR MOULD QC (DfT): So, if we start with the fly through, as always we are coming from the north so we are now passing through Stoneleigh Park, which the Committee heard about yesterday, coming down towards the vicinity of the village of Cubbington which would be on your right-hand side, so to the west of the railway. We are now just approaching Leicester Lane, so this is the A445 Leicester Lane, which as you can see is going to be taken across the railway line with a new overbridge. There is a balancing pond. The petitioner's property is just to the west of the location of that balancing pond. As you can see, it is hard up against the Bill limits. The effect of the works in the immediate vicinity will be to take the line of Leicester Lane from its current alignment immediately to the north of the petitioner's property and it will be realigned to the south. Obviously, there will be earthworks to create embankments and false cuttings to the west. Those will be taking place in the shaded area that is being pointed out now. Then you have the line of the railway itself shown on the plan running broadly north/south to the west of the petitioner's premises.

7. If I could perhaps take you to a couple of the plans, B3296 just gives you on the Ordnance Survey a general indication of the location so you can see the trace and the Bill limits and you can see the A445 running in a north-easterly alignment, and the petitioner's property there located on the plan. If we turn then to 3298, the aerial

photograph with the Bill limits shown, you can see that there is quite an extensive area of safeguarding around the petitioner's property. That reflects the construction works which include not only the construction of the railway and the embankments and false cuttings but also the road works which are involved in creating the realigned Leicester Lane on that overbridge immediately to the south of the petitioner's property. If we then turn to 3299, that is the construction phase and you can see that there is quite a bit going on here. We have the material stockpile area, the construction of those earthworks and embankments to the west of the property and the road works shown with the overbridge and the banks leading up to it and then some tie-in works immediately to the north-east of the petitioner's property, which is shown with the hard notation just there.

8. The operational position is on the next slide. The petitioner's property is situated to the east of the newly-created earthwork embankment and false cutting. You can see the realigned Leicester Lane to the south, the balancing pond to the east and on this plan, just before I hand over, just to confirm, the petitioner's premises are 3 and 3a Furzen Hill Cottages, Leicester Lane. They include his home and also his aviaries. As I think you know already, Mr Edwards has a business involving falcons. He supplies falcons for display and for educational purposes. He will explain that to you, I am sure, in a moment. His aviaries, as I understand it, are situated as part of his overall holding within the red alignments on the plan in front of you, but he also has the right to use some farmland which lies broadly across the line of the trace shown on this plan but to the north of these premises, broadly along an alignment that runs at right angles to the trace where the cursor is now. So, if the cursor can just move up and down, a bit further back, and move up and down the page and further to the west, I think I am right in saying that that gives you a sense of the broad outline of Mr Edwards's flying area.

9. CHAIR: Okay.

10. MR MOULD QC (DfT): So, that is the broad context.

11. CHAIR: So, a flyover means a different thing for Mr Edwards?

12. MR MOULD QC (DfT): Yes, indeed.

13. CHAIR: Mr Edwards?

14. MR EDWARDS: If we can go on to my A7091, very briefly, that is me. I represent my wife as well in this matter but she felt it was better for me to come on my own. Can we go to slide two? We run this business, as was explained by Mr Mould, from our premises, 3 and 3a. I have split 3 up into 3a only because in the event of us having any financial hiccups that we weren't able to pay a mortgage or whatever, then the land that the birds and the aviaries are in would be safe. In other words, if things went sideways with us, at least we would have premises to have the birds on. So, that is really quite simply why I have split the property in two.

15. We moved in in 1988 and we extended and then developed the property and we then moved into number 2 because our children were grown up and had gone off to university. So, we sold part of the property and then moved into the second part. So, we are approximately, and I do not have an exact figure at this stage, 175 metres from the track side. You can see on the lower picture on this frame that this is a view fairly close to the line. We would have to stand in the field and the hedge would be in the way but we are fairly close to the line. At present there is no reason for us to move other than the activities of HS2.

16. Could we move on to our third slide? This really is about our business. I have been passionate about birds of prey since a youngster. I had a crow at boarding school and he stayed there when I finished so he was the local crow but just carried on his life, I assume. There was a passion and a link that I was not even aware of, I suppose, but by the time I got to 21 somebody explained to me that there was so much work and so much time involved with falconry that I wouldn't have time to take it up until I had virtually got all things like mortgages and grown-up children out of the way because it just took up so much time. Wives tend to want to go on holiday, so it is one of those sorts of things that you have to consider everything about. By the time I got to 53 I had virtually got everything in place. We had very little mortgage left, the boys had all gone off to university and then gone off and got jobs, thank God, and we were in a position to readdress this. So, I came back to the desire for falconry. I bumped into somebody one day and he had a Central Falconry badge on. I said, 'Whereabouts are you guys based?' and so I took falconry up in 1999. I then found a mentor.

17. Can we go back to the last slide? Briefly, I now have eight falcons and hawks, or three falcons, four hawks and a barn owl. They are all based at our premises. As I say,

we started the business in 2002 and we now have a nice little arrangement. We fly birds all over the country at shows and, of course, our premises are where we train these birds and exercise them on a daily basis. You can probably see in the far right-hand side that that is one of our display adverts that we put into schools and all sorts of places where we advertise our business. The income from our business is essential to keeping us in whatever is required to keep us going, so it is an integral part of our lifestyle.

18. You can see to the right [falconrydays.com](http://falconrydays.com), which is our company. This is the display team. We do falconry on horseback now. It was an Elizabethan sport so we dress up as Elizabethan falconers and do big shows like Blenheim Palace and international horse trials. You can see that I have a very big hawk here to the left side. She is a bird that is absolutely stunning. I could take her anywhere. She is just bomb proof, and she is also huge. She is a real crowd puller, so we take her to schools and to shows but the main thing we do during the wintertime is to take clients out over the farmlands and hunt for rabbit. Generally we operate pest control for the farm. This has been arranged for a long time, and the farm in turn are comfortable for me to take my clients on to the farm. I have letters of confirmation, which you will see later confirming that this arrangement is I suppose what you would call a quid pro quo, or a barter, i.e., 'You do that for me and I'll do this for you'. Going on from this, I've had some letters just this week. One is from the farm owner who is now asking me to remove his rabbit population – not with birds of prey but with ferrets – in other farms, so he is obviously now looking to extend their business relationship with us. So, we do shows during the summer, that is country shows, game fairs, etc. Probably, on an average year –

19. SIR PETER BOTTOMLEY: Mr Edwards, you are doing very well but we are not going to be customers.

20. MR EDWARDS: Okay.

21. SIR PETER BOTTOMLEY: Perhaps you could move on a little, please?

22. MR EDWARDS: Fine. We take 300 clients out a year so it is very much a business that occupies a lot of my business time. Can we move on? I am sure you want to.

23. The impacts on us are construction sites and two compounds, which I understand will end up with buildings on at a later stage. The pink area that you see is the area designated for building and our little red circle in the middle is where we live. Then the slightly odd rectangular shaped land in the sort of brownish-orange is probably one of the most concerning aspects of this because it will be a stockpile dump for earth which is dug out from left and right of the A445 for one or two miles, I would imagine. This will include heavy lorries. It will be a commercial, industrial enterprise where earth will be stacked. One of the downsides to earth being stacked, which I will come to later, is the fungal diseases that are disturbed when land is dug up, turned over and moved around. This relates to birds of prey. That earth stockpile is really a major alarm bell from my point of view, which I will hope to explain later.

24. You can see how close everything is. It is literally right on our doorstep. I am sure you can see that we are totally surrounded by industrial commercial works in relation to HS2. We have these orange haul roads running within 50 metres of the house so there will be a lot of heavy traffic coming up and down, a lot of mud and a lot of general construction of normal activity. The realignment of Leicester Lane, as I am sure you are aware, will take the road from in front of our house where it is being marked now, to the rear of our property. This will be an embankment. It is going to raise its level. It will come literally within a few metres, possibly 15 to 20 metres from our property but within that, whilst it is being built, obviously you are going to be needing land either side of it to build. So, as far as I can see, even this road extension, or this road rerouting, will be right on top of our property, and the back part of our property, where the new road is, is where our main aviaries are. The predominating winds from our part of the world come up through the Bristol Channel, over the Cotswolds from the south and from this big earth stockpile will blow directly on to our property. This is where most of the wind blows, so this is where transference of spores will cause a problem. So, we are very close to this.

25. Moving on to the earthmoving again and to medical aspects, many years ago the RSPCA printed a guideline. The first one which I have highlighted is Freedom from Discomfort. Now, it is fairly obvious that if you have large commercial vehicles moving earth around they are not quiet. They might be quieter than they were 10 years ago but they create noise; human beings will be creating noise and this will be a

discomfort to these birds. What happens with the birds when they become alerted and nervous is that, like most animals, it brings down their immune system. If we go down to the bottom of this page to the Freedom from Fear and Distress, that again should be self-explanatory. They are not used to the sort of noises and sounds that will be coming from an industrial enterprise, literally next to us.

26. The final slide, which is the most important, concerns Aspergillosis, which is under Freedom from Pain, Injury and Disease. I have a letter from my avian vet, who I found out is probably the top avian vet in Europe, enlarging on Aspergillosis. Is it within the rules that I give you a copy to look at?

27. SIR PETER BOTTOMLEY: You are welcome to. Also, let us assume, unless Mr Mould contradicts us, that the promoters will not be disputing what you have on the screen. So, if you want to distribute that, you do not need to go on more about the health elements unless it is going to be disputed.

28. MR MOULD QC (DfT): Let me say straightaway that I am not going to dispute it.

29. CHAIR: We can see that the area around your home looks like Stalingrad so I think we are really trying to move towards a solution.

30. MR EDWARDS: Yes. Aspergillosis is a killer. Two of my falcons are Gyrfalcons. The Gyrfalcon is the one that is prone to dying from Aspergillosis, which is an airborne fungus. It gets into their throat, tightens the throat up and you are very unaware of it until the bird is virtually dead because being a predator, it does not show weakness. So, it wants to look as if it is a tough, powerful bird until it can no longer breathe. So, can I take it that you understand that Aspergillosis is serious?

31. CHAIR: Yes.

32. SIR PETER BOTTOMLEY: I think that where we have got to, Mr Edwards – it is very helpful that you have provided the notes – is that you live in a place which is outside a particular area, you have a trade, a business, which relies on the land around you, and that the compensation as presently done does not take account of someone borrowing somebody else's land or being able to use local land. Essentially, you cannot

go on doing your trade where you are living.

33. MR EDWARDS: No.

34. SIR PETER BOTTOMLEY: You have not actually said so but you can, in effect, summarise it saying that you either need to move or you want to stay but that you want your business to be able to be established somewhere else. Being clear about that, if you could say it in a sentence or two, we can then move on to it.

35. MR EDWARDS: Okay. We are coming to the end.

36. CHAIR: Do you have to live next door to where your business is?

37. MR EDWARDS: Yes, we do.

38. CHAIR: I presume that is quite key.

39. MR EDWARDS: We are breeding falcons, which means you have fox predation and dogs. We are very close to a bridal path.

40. CHAIR: Presumably people try and nick falcons do they, or things like that?

41. MR EDWARDS: Yes, because if they are good they are very valuable. So, yes, it is one of those where you have to be on site.

42. SIR PETER BOTTOMLEY: I think that you have the basis of the circumstances. Perhaps you could say to us very clearly what you are after.

43. MR EDWARDS: What I am after is for our property to be purchased under a scheme, for the business to be purchased, the land that the business is on and also the potential loss of earnings from the business. Finding another site is going to be an absolute nightmare. I not only have to find 500 or 600 acres of land where a farmer will give me carte blanche over the farm; I then have to ensure that all the other farmers around don't do things like pheasant shoots because my birds love pheasants and their gamekeepers hate my birds and there is a gun involved. So, it is a nightmare.

44. SIR PETER BOTTOMLEY: There may be limits to what the promoters can do and there are certainly limits to what we can do and it may be that you don't get absolutely everything that re-establishes the situation you are in.

45. MR EDWARDS: No.
46. SIR PETER BOTTOMLEY: But the key point, I understand, is that you seek that the promoters, one way or another, should buy your property?
47. MR EDWARDS: Yes, a compulsory purchase order.
48. SIR PETER BOTTOMLEY: Well, buy it anyway at market value.
49. MR EDWARDS: Yes.
50. SIR PETER BOTTOMLEY: And secondly you are asking whether there is any help with the losses you will have because your business will be interrupted or maybe impossible to re-establish.
51. MR EDWARDS: Yes.
52. CHAIR: We hear the point as well.
53. MR MEARNES: From my perspective, Mr Edwards, as regards the location of your property and the safeguarding area – looked at arguably from my perspective – I am wondering whether at any stage you asked HS2 not to safeguard your property?
54. MR EDWARDS: Never.
55. MR MEARNES: You didn't?
56. MR EDWARDS: No.
57. MR MEARNES: So, I have it clarified in my own mind.
58. MR EDWARDS: We have always wanted them to purchase and I think I have drawn attention to it because effectively what we have done now is to look at the construction aspect of how we cannot be there. I don't know whether your chaps have read through this, but we are now going to move on to the logical or the physical aspects of the operating period.
59. SIR PETER BOTTOMLEY: Can we just, to help us all, look at P3297? That is your property?

60. MR EDWARDS: Yes.

61. SIR PETER BOTTOMLEY: You are totally surrounded by grey?

62. MR EDWARDS: Yes.

63. SIR PETER BOTTOMLEY: I think it might be helpful, chairman, if we thought about approaching this in two steps. One is whether the promoters would like to treat that bit in the middle as though it is part of the safeguarded area because I think at the moment there are always going to be arguments about boundary problems, but this is not a boundary problem; it is a topographical delight for a mathematician. This has boundaries all the way around it, so I think the first question is whether the promoters can or will treat that area in between as if it were to be safeguarded so that there is no difficulty about you requiring them to buy or them requiring you to sell. Once you have done that, I think we can then have a discussion about the other parts.

64. MR EDWARDS: Yes. I think it was mentioned in a previous case, Mr and Mrs Meanley, petition number 851, where it was recognised that if our properties had not been built here, that land would have been designated as safeguarded land and I think this was something that was, as I say, brought up at a previous hearing.

65. SIR PETER BOTTOMLEY: And it may be that instead of you continuing the rest of your presentation, if we describe the issues and the problems, that Mr Mould can help the Committee and you in some part. If he cannot then it may be up to us to be prepared to re-write into the Bill that the safeguarding area does not exclude that part of the property. It does not deal with the business issues and where else you can find flying land.

66. MR EDWARDS: No.

67. CHAIR: Shall we let Mr Mould comment on the situation and if you are unhappy – you will get a reply anyway – but I will come back and let you have a bit of latitude because you have not been through your presentation.

68. MR EDWARDS: Okay.

69. CHAIR: Mr Mould?

70. MR MOULD QC (DfT): On that question, another way of expressing a point that you make, Sir Peter, is that as we see from this plan and as I have sought to touch on in opening, for a quite significant period of time Mr Edwards and his wife and his birds will be effectively surrounded by a building site. That is what the plan shows you there. It will not all be operating at the same time. For example, the material stockpiles area at the moment is programmed to be in operation for up to three years. The satellite compound that we saw on an earlier plan, which is just to the north west of the petitioner's property, will be in operation for about 10 months whilst the works to the overbridge are being done. So I want to make that clear.

71. I find it extremely helpful to see the exhibits that the petitioner has put forward and in particular the exhibits which give a documentary record as to the basis upon which he has been able to use the flying area to the north. What that establishes, I think, is that first of all he has been using it with the agreement of the landowner of that field, which has changed, but successive landowners have allowed him to use it for quite a substantial period of years now, I think probably going back to the late 1990s at least. It also indicates that but for HS2 there is no reason to doubt that he would have continued to be able to use it and, as he has explained to you, although I do not think he pays a licence fee for it, there is a consideration, to use the legal term. He gives the farmer something.

72. MR EDWARDS: I don't charge him for his pest control.

73. MR MOULD QC (DfT): No, so that is helpful, if I may say, because what that establishes to me, and I think that this is accepted by the project, is that Mr Edwards's occupation of that field is compensatable in this sense. I will give you the reference to the statute because it is sometimes helpful. Under Sections 37 and 38 of the Land Compensation Act 1973, assuming that he is displaced from that field, as he will be permanently, because the line of the route goes across it, he will as a lawful occupier of that field be entitled at that point to claim.

74. CHAIR: Was this a verbal agreement, even if it is just in the practice?

75. MR MOULD QC (DfT): Yes.

76. SIR PETER BOTTOMLEY: In effect it is a contract.

77. MR MOULD QC (DfT): In effect it is a contract. It is what we call a licence in principle. He is entitled in principle to recover firstly the costs of removal from that field but perhaps more importantly the second item which he is entitled to recover is the losses that he can show he suffers as a result of being disturbed from that field and being unable to continue to carry on his trade within that field. Now, that is something that obviously needs to be considered in more detail and a judgment made about the likely period that he will continue to use the field in the absence of the railway and so forth, not something which is best dealt with now, but it provides a basis for us to move forward, I hope, with a slightly more positive approach than we have been able to hitherto.

78. What I have in mind is that one should view this matter as a whole. One should view it holistically. One can do that against the background of the various statutory and discretionary arrangements that provide a context, but I will look at it holistically. I think the starting point, as Sir Peter mentioned, is that because of the security arrangements that the petitioner has to follow with regard to his birds, he does need to live so that he is able to look after them. It is the same as a farmer with his stock and that kind of thing. Also, presumably, the flying area needs to be relatively close to where you are keeping your birds. So, the combination of those three is that we need to provide the petitioner with a choice and that choice, I suspect, will be along these lines. Either we see if we can find a way of him relocating for a temporary period and finding a temporary flying area that he can use or we discuss with him a permanent relocation. That, to a large degree, will depend upon efforts that he will make, and I hope we can assist him with this, in finding an alternative field or area that he can take on with a similar arrangement that he has at the moment. I am not pretending that that is necessarily going to be easy and I am sure that the petitioner will say to you that that presents a bit of a challenge, but that is what I have in mind that we should do.

79. I see this essentially as being pretty broadly analogous to the situation that we seek to deal with on business relocations. You know that yesterday, for example, we talked about arrangements we have with Stoneleigh Park. We have had some examples of this in the West Midlands as well. Because he does have a right to occupy this field as a basis for his business, it means that we are displacing him from that location and we have already indicated as a matter of policy to the Committee set out in the Information

Papers that we are willing to take steps to try and assist with the relocation of businesses. That is something that we will bear closely in mind in relation to this petitioner.

80. So, what I would like to do is, armed with this very helpful further information that we now have from him about the nature of his rights over the flying area, if he is willing, and hopefully this will be good news to him, I would like to sit down with him and explore in more detail a package along the lines that I have just discussed to see if we can come up with a solution applying our own policies and the compensation regime that I have mentioned, and thus I hope resolve things through that route rather than having to bring this matter back to Committee.

81. MR MEARNS: I am sorry, Mr Mould, I am being a bit dense, but you seem to be putting a lot of emphasis on the flying area that Mr Edwards and his birds have access to currently but obviously there is the ongoing storage of the birds, which is next to his home.

82. MR MOULD QC (DfT): Yes.

83. MR MEARNS: Is that being taken into consideration as well, because that would imply to me a move lock, stock and barrel for the household and all the other things that link up with it.

84. MR MOULD QC (DfT): Yes, absolutely. It seems to me that here there are two things that need to be explored. One is a permanent relocation of the full operation, the home, aviary and flying area, and the second is a temporary arrangement because it occurs to me that Mr Edwards may not want to rule out the prospect of returning. We do know – we have a slide for this which I can show you – that once we have completed the construction, for example, in terms of noise we are actually predicting an improvement in the ambient noise environment here of about 4 dB to 5 dB, which I think is largely due to the fact that Mr Edwards's property is on the A445 and the railway is going to be quite extensively mitigated.

85. MR EDWARDS: I don't think we should rule that out.

86. CHAIR: Okay. Without ruling anything out, you are basically saying, Mr Mould,

that you are going to have some serious discussions with the petitioner about compensation, about whether there could be a temporary move or a permanent move, and compensation dealing with the business?

87. MR MOULD QC (DfT): Yes.

88. CHAIR: Okay. If you do that, could you report back in March before the balloon goes up?

89. MR MOULD QC (DfT): Yes, I can.

90. MR MEARNS: And that is not precluding Mr Edwards' right to come back if he is not happy?

91. SIR PETER BOTTOMLEY: Yes. So, it is a deferral Mr Edwards's petition.

92. MR MOULD QC (DfT): This is a petition which clearly demands that kind of reaction.

93. CHAIR: I am sorry that we are talking about your life in front of you, Mr Edwards, but that is just the way things go. Are you happy, broadly with that? You are going to have a serious discussion.

94. MR EDWARDS: Yes.

95. CHAIR: Come back if you are unhappy.

96. MR EDWARDS: Effectively, I am looking for a complete compulsory purchase of both residences and compensation for lack of use of the land.

97. MR MEARNS: Mr Edwards, I think that is understood. I think that what is being said is that you now have the capability to go away and do some negotiation and if you are not happy, you have the right to come back and see us.

98. CHAIR: Yes, and we will make a judgment about whether they would be fair, unfair or whether it is overoptimistic or whatever. That is probably for another day. Sir Peter?

99. SIR PETER BOTTOMLEY: Forgive me talking in front of you. They have

become realistic. We expect you to be realistic.

100. MR EDWARDS: Yes.

101. SIR PETER BOTTOMLEY: We hope you can come to an agreement.

102. MR EDWARDS: I would like to think I was there already.

103. CHAIR: If you come back, bring your wife.

104. MR EDWARDS: Thank you.

105. CHAIR: We now move on to Cubbington Parish Council and others.

**Cubbington Parish Council,**  
**Cubbington Action Group Against HS2**  
**Offchurch HS2 Action Group**  
**Joint Parish Council for Eathorpe, Hunningham, Offchurch and Wappenbury**  
**Weston under Wetherley Parish Council**

106. CHAIR: We have Sharpe Pritchard representing, with all the files. Good morning.

107. MS PARRY: Good morning, sir. There are five petitions which I think are for the remainder of the day: Cubbington Parish Council, which you have just announced, the Cubbington Action Group, Offchurch, HS2 Action Group, the Joint Parish Council for Eathorpe and so forth, and Weston under Wetherley Parish Council. I think that is the remainder of your business for today.

108. I represent all five of those petitioners. If you have had an opportunity to look at the petitions, they raise, effectively, very common issues. So, what we propose to do, and we have spoken to HS2 about this, is to go through effectively and deal with all those points through different witnesses and deal with all the petitions together, if that suits you.

109. CHAIR: Okay, and then the promoters respond at the end?

110. MS PARRY: Yes, sir, that is what we propose.

111. CHAIR: That would seem to be a sensible and practical way forward.

112. MS PARRY: We hope that that will avoid repetition during the petitions.

113. CHAIR: Okay. What happens if individual petitioners want to come back after the promoters? We will sort that out.

114. MS PARRY: I am sure we can resolve that.

115. CHAIR: Okay. If somebody passes you a note we will deal with it. Do you want to introduce the area, Mr Strachan?

116. MR STRACHAN QC (DfT): Yes, that might help just because we are going to be looking at two areas. Can I first show you the Cubbington Parish Council area on P3318? I am afraid we may have to dot around a little but the joint Parish Council area of Eathorpe, Hunningham, Offchurch and Wappenbury is shown on P3338. You can just see Offchurch at the bottom of this plan. I will show you the next area, just to give you an idea. So, those are the two areas we will be covering. It may be of assistance if I just indicate what is happening in the general area. It is 3321 and I shall start coming from the north. You will recall that we were in the Stoneleigh area yesterday, which is just off to the left. As we are coming on the line of route out of cutting we get to Leicester Lane, which is realigned over the line of route. Moving south we come to the Coventry Road overbridge, again passing over the line. Just below there to the south is the area of Cubbington. Out of Cubbington comes the Rugby Road. The Rugby Road is crossing over the line. At this point the line is in cutting. I know that the Committee has visited the area. You will see that we are getting into the area of South Cubbington Wood and North Cubbington Wood. As the line goes along you will see that in this area we are in a cutting with a retaining wall for the line of route. Then, as we come out I am just pointing out Mill Lane there where there is an accommodation green overbridge. Then, of course, as we come out of the cutting the line moves up on to some embankments to then cross over the River Leam on the viaduct. That is an important crossing over the River Leam. It then carries on on the embankment.

117. We then perhaps need to move into the next area. Let me just show you that. It is 3340. We move into the Offchurch area. Just to pick up where we were a moment ago, the River Leam viaduct is just where the area is pointing where we were looking at a moment ago. There is the relatively shallow embankment along that area with some shallow earthworks. Then we get to the Hunningham Road overbridge, which is passing

over the line as it again goes into cutting in the Offchurch area. Offchurch is down here, in this area. Then of course the line is passing again in relatively deep cutting. The Fosse Way passes over the line of route whilst it is in cutting. We carry on along the cutting. The Welsh Road passes over the line as it has come up from the cutting. It is then going up on embankment and crossing over the Grand Union Canal at that point before coming across on embankment, before then moving into Long Itchington Wood tunnel, which we are not dealing with today. So, it is quite a long section covering those areas but I hope that that gives a broad indication of what is going on. I know that the Committee has visited the area affected.

118. I think that the two issues so far as tunnels are concerned is that there is a request in relation to the Cubbington cutting, which is the area I said which passes through Cubbington Wood. There is a request for a tunnel in that location. So far as Offchurch is concerned, there is a request for a cut and cover tunnel in the area of the cutting I have just shown you on this slide. There are also some issues raised about the construction traffic which we can no doubt look at and some issues raised regarding the noise of the scheme and mitigation. Is that sufficient?

119. CHAIR: Thank you very much, Mr Strachan.

120. MS PARRY: Yes, thank you sir. Can I just identify who is going to deal with each issue at the outset for you?

121. CHAIR: Okay.

122. MS PARRY: Sir, this is Councillor Mike Burgun who will be introducing the CS17 area. He will be dealing with the topic of the increase in track height, which is common to all the petitions. He will also be dealing with construction impacts and the desire for local groups to have some input into the finalising of the construction programme. Then Councillor Peter Delow will deal with the impact in particular on Cubbington. He will make submissions about track height in Cubbington that he will address. He will particularly look at the question of the height of the Leam viaduct, which is an area of concern for all the petitioners. He will look at the question of a tunnel in Cubbington Wood, which would avoid the need to go through the ancient woodland, and a veteran tree there. He will look at some alternative proposals for mitigation should you not be minded to accept the tunnel in relation to the ancient

woodland. I should say compensation as obviously you cannot strictly mitigate. Then he will look briefly at submissions around construction traffic in the Cubbington area and touch very briefly on noise, but he has a personal petition in relation to noise tomorrow, so he will not deal in any great detail with that. Thirdly, sir, there is Professor Mike Geddes, who will mainly focus on the Offchurch area, which is the area to the south. He will look at the impact on increase in track bed height in Offchurch and particularly at the cut and cover tunnel at Offchurch, which you have heard about, very helpfully, from Mr Strachan. He will look at particular issues surrounding the footpaths in Offchurch. Again, he will touch on the noise point but we do not intend to deal with that in any detail before you now as other petitioners have picked up on all these points. He will look at construction routes in relation to Offchurch. Finally, we will be hearing from Councillor Peter Haine who is a councillor in Weston village, which is to the eastern side of the track. He will explain the impact particularly of the raised track height and the loss of Cubbington Wood on Weston.

123. Sir, with that can I turn first to Councillor Mike Burgun? His slides are A7181.

124. MS PARRY: Mr Burgun, would you like to introduce yourself?

125. MR BURGUN: By all means. I am a councillor of the Joint Parish Council of Eathorpe, Cunningham, Offchurch and Wappenbury, those four parishes – it is quite a mouthful. I have been an Offchurch resident since 1985. I am a retired mechanical engineer and I spent a working lifetime in power station construction, operation and service for English Electric, which in due course became GEC and finally Alstom, I hasten to add the power side of Alstom, not the TGV, the high speed French rail.

126. Could we now perhaps please move to slide two? I will touch on this area briefly and endeavour not to repeat that which has been previously said. Suffice it to say that our five petitions cover six parishes, three parish councils and two action groups. Our petitions are supported by Warwickshire County Council, by our MP, Jeremy Wright, and supported in writing by Warwick District Council in a letter which I understand was placed before you on 5 January.

127. I will try to refer to our area as CFA17 for brevity. It is a largely rural, unspoilt area. Just as one example, the geography is such that the designated views on the conservation map for Offchurch look out of the village, not into it, northwards and down

on to the valley of the river Leam. Perhaps it is worthy of note that of those six parishes that I have mentioned, Cubbington, Eathorpe, Offchurch and Wappenbury all include conservation areas.

128. Given that introduction, I think we can go fairly quickly through just to show the next few slides. So, could we please put up slide three? I think the heading is self-explanatory.

129. CHAIR: Yes.

130. MR BURGUN: Slide four, slide five, and finally slide six. I do not intend to dwell on those anymore because I think you have the information before you.

131. MS PARRY: Can we then have slide seven? This is headed, 'The current position in CFA17'. What do you want to tell the Committee about the current position?

132. MR BURGUN: It is our view that our community forum area 17 is now facing a worse environmental position than could be envisaged at the time of the 2011 consultation. The impact in each of our areas will be discussed in detail by the following speakers. Suffice it to say that our major mitigation proposals, which have been on the table for some long time, namely of lowering the track bed height across the area, the Cubbington twin bored tunnel under Cubbington Wood and the Offchurch cut and cover tunnel, all stand rejected at this time effectively on the grounds of cost. This was advised to us verbally during a community forum meeting prior to the receipt of the sift analysis which went through that rejection some months later.

133. The promoter acknowledged in the Environmental Statement in volume 2, clause 26.12 that our major mitigation proposals would have led – their words, not mine – to fewer significant environmental effects than those caused by the current design of HS2. However, the promoter went on to reject them on the grounds of cost and construction complexity. They also added in their response document to us that that rejection was within the remit set for the proposed scheme. That is covered certainly in our petition 1626 where in response to our clauses 13 to 18 the promoter raises that point in item 5 of his response.

134. MS PARRY: Could we have slide eight? We are moving on to the issue of track bed height. What do you say is the problem in relation to track bed height, and what is it you are requesting?

135. MR BURGUN: Put very simply, since the 2011 consultation the track bed height has been progressively raised – a question of degree which I will illustrate in due course – across the entire community forum area. Simply, we are requesting that it be lowered. The benefits of lowering the track bed height are as stated on the screen. The first two points are very simply those that the promoter himself outlines in his design principles for HS2. We will see that, if we may, in a moment.

136. MS PARRY: Slide 10, please. Can you explain what this slide shows?

137. MR BURGUN: Certainly. What we have done with this slide, and allow me an element of engineer's licence, is with the horizontal grey line at the bottom of the screen – obviously the land itself is not flat – we have taken the 2011 consultation track bed height as a zero horizontal baseline and we have shown the changes since the 2011 consultation. Could we turn our attention, please, to the blue line, which is the lower of the two? That illustrates the change that has taken place from the 2011 consultation to the 2012 post-consultation position. We then look, perhaps, at the red line. The red line shows the changes between the 2011 consultation and the 2013 Environmental Statement Hybrid Bill position. You will note that all are vertical risers. The result of that is that between the 2011 consultation and the Environmental Statement, the track bed height has been substantially raised, and that vertical rise is right across the area. It results in a maximum rise of nine metres in the Cubbington area and seven metres in the Offchurch area.

138. The changes that have been introduced have been driven by a combination of cost and construction complexity that are quoted as being a lower capital cost. This statement is covered in the Environmental Statement volume 2, clauses 263 to 265 for Offchurch, and Environmental Statement volume 2 clauses 267 to 269 for Cubbington. If I may, the assertion in volume 2 of the ES, clause 265 for Offchurch and 269 for Cubbington that the promoter's proposal maintains a broadly similar environmental impact during operation is capable of being challenged in the light of the design intent to keep the track bed as low as possible in the landscape.

139. Two further comments I think are worth mentioning whilst this slide is on the screen. In addition to the increased height there is in the Hybrid Bill a tolerance of plus three metres, which would allow whoever constructed the line to be within the content of the Bill worst case, the line to be raised by up to a further three metres. As I am sure you good people are aware, that is covered by Schedule 1 to the Hybrid Bill, paragraph 1, sub-paragraph 1(2). Forgive me for the complication.

140. SIR PETER BOTTOMLEY: It is the second thing that gets thrown in.

141. MR BURGUN: It is. The only other observation, if I may, is that when HS2 respond, I suspect that they may make reference to their documents P3326 and P3346. Purely an observation: their documents show only the post-consultation height and the 2011 consultation height. They do not show the original consultation line itself, which is commensurately lower. Perhaps we may change now to slide 11. Because our computer skills did not allow us to put the geography on the earlier graph, for better clarity we have shown the whole thing again in tabular form. What you are looking at on the extreme left are the individual locations. If you move to the 2011 column, that is the height of the line relative to the surface of the land form. Anything with a negative sign, you are in a cutting. Anything with a positive sign, you are above ground level. If we move to the next column, this is now skipping straight through to the total rise between the consultation and Hybrid Bill. You will see the height repeated. Negative is still below ground level and positive is above ground level and, as I described earlier, if we move to the final column you will see the individual changes showing that we have a nine metre rise in Cubbington. In the 5.8 close to the Fosse Way dropping down that final column to a number that is shown as +5.8, you do not see, as I said earlier, seven metres. The seven metre point is just off the Fosse Way and we have not picked it up on the tabular format.

142. MS PARRY: Can we have slide 12, please?

143. MR BURGUN: If we move to slide 12, as a non-designer, should I perhaps speak about design? What I am going to quote are what other people have written. In 2.1, high speed trains are far more powerful than conventional trains. They have the ability to climb steeper gradients. This allows them to hug the landscape, avoiding the need for so many viaducts and high embankments and minimising both noise and environmental

impacts. The promoter himself recognised both the need for and the ability of high speed trains to stay as low in the ground as possible to reduce visual and noise impacts. This is stated not only in ES volume 1 clause 912, but has been restated by the promoter himself in recent hearings.

144. If I may, for completeness of information, could I ask you to put up first of all slide 13. I think it is there for you to read rather than me for me to recite. Perhaps therefore we could now move to slide 14. I believe that both of those slides are self-explanatory and need no further explanation from myself.

145. MS PARRY: Are there any other points of concern regarding track bed height?

146. MR BURGUN: There are. May I ask the Select Committee to please consider the following? Lowering the track bed could be considered in isolation but we would request that you do not see it solely in isolation. It does have, as you will see later, a significant effect on two major mitigation proposals that will be dealt with by the following speakers. However, in addition, lowering the line across CFA 17 would not conflict with CFA 18 Stoneleigh to the north nor, indeed, CFA 16 Southam to the south, which would also benefit from lowering track bed height, and we will recall that on the 7th – the afternoon of 7 October, when you were kind enough to visit us, that question was posed and answered by our MP, Jeremy Wright who did say that both to the north and the south there would be benefits in lowering the track.

147. Indeed, if I may as a reference, the Southam Area Action Group petition, para 24.4 requests that the northern end of the Long Itchington Tunnel, which abuts with ourselves, they're requesting that that is lowered such that the tunnel portal falls outside the SSSI area, and therefore we believe, and have submitted here, and you've had confirmation from our MP that three areas, CFA 16, 17 and 18 would benefit from having the track bed height reappraised and lowered, and that is our request.

148. MS PARRY: Can I turn then to a different issue, and if we can have slide 15 we're turning to the question of construction. What is your request in relation to construction? What do you see as the current situation?

149. MR BURGUN: General observations are that up to the time of the consultation for the Environmental Statement, construction documentation was in a very early form.

Since that time, draft minimum requirements documents, EMRs, and several information papers, have been produced. The Promoter states, in some of those documents, that stakeholder involve – forgive me – stakeholder involvement will be sought in the development of this documentation. We welcome this approach, and we wish to actively participate, where appropriate. A programme from the Promoter to progress this activity on an overall basis would assist everyone involved.

150. MS PARRY: And do you have any specific comments on the documentation?

151. MR BURGUN: I have some comments on some, only, of the documentation. If we take the Environmental Minimum Requirements document, these ensure that the environmental effects in the Environment Statement are not exceeded. I've already made reference to the positive tolerance of three metres that could exist in the Bill which would certainly, if brought about, worsen the situation. However, we've also touched on the fact that in CFA 17 – and you will see this from further speakers in due course as well – that the number of significant effects caused by this current design could be reduced, were the design to be modified to incorporate the petition requests being made to yourselves today.

152. In addition, the draft EMR states that these minimum requirements could be improved by reasonable endeavour. But it does have the codicil, 'If'. They do not add either unreasonably cost or time to the project. If we turn to design document D1, the design document D1 states that the design, which is not yet fully developed, recognises the importance of public engagement in the development process. Now that is in document D1, reference 5.1. We would welcome such an opportunity in our locality.

153. The Code of Construction Practice, still in draft, was commented on in detail by a great number of people, including ourselves, at both draft ES and ES stages. Many of the comments made are yet to be incorporated into that document, and it is still at a early issue; October 2013 from memory. Para 114 of that document advises that, 'The community forums will inform its future development.' We wish to be an active part of that process, where appropriate. However, we do not have any knowledge regarding the recommencement of community forums at this time by the Promoter – forgive me, the Proposer.

154. Turning then, as a final document, to the Local Environmental Management

Programmes, i.e. the LEMPs. These programmes will, in due course, describe the local construction arrangements for a given locality and, in the same way that both design and construction will have public involvement, we would respectfully suggest and believe that it is essential that parish councils are included as an active participant in the production of these programmes.

155. MS PARRY: Thank you very much. Do you have any concluding comments?

156. MR BURGUN: The Promoter, as mentioned earlier, accepts as we do that some of the Significant Environmental Effects of the current design could be reduced. We therefore request that further consideration and review be recommended by the Select Committee to the points raised here today, and may I conclude by saying thank you very much for listening.

157. CHAIR: Okay. Thank you for being very clear, as well. Mr Strachan do you have any questions of Councillor Burgun at all?

158. MR STRACHAN QC (DfT): I don't have any questions.

159. CHAIR: No. Okay, right, carry on.

160. MS PARRY: Thank you very much. We're going to hear next from Peter Delow, and can I ask that his slide's brought up, that is 16 – it's A715, I'm so sorry.

161. CHAIR: Right, Councillor Burgun has shown how it's done.

162. MR DELOW: Yes, yes. Excuse me, sir, it's quite an act to follow I fear. I'll do my best.

163. SIR PETER BOTTOMLEY: Can you just check on screen?

164. MS PARRY: Sorry, it should be...

165. MR DELOW: I'm trying to maintain a certain decorum.

166. MR MEARNNS: Shouldn't bother.

167. CHAIR: No, we want you on television.

168. SIR PETER BOTTOMLEY: Good morning. We do warn ourselves you have twice as many slides and twice as many words on them.

169. MS PARRY: We shall be as quick as we can.

170. MR DELOW: I have my eye on the clock.

171. MS PARRY: We think we have the first slide up, and using that slide, could you introduce yourself?

172. MR DELOW: Yes. I'm Peter Delow. I'm vice-chairman of Cubbington Parish Council. I've been a councillor, parish councillor for just over four years, and this is my first year as vice-chairman. I'm also Chairman of the Cubbington Action Group Against HS2, and I've been so since it was formed in 2010. I've been a Cubbington resident for 30 years. I'm a chartered electrical engineer, but I retired from employment as an independent telecommunications consultant some years ago, which has been fortuitous because it's enabled me to take up another occupation opposing HS2.

173. MS PARRY: Can we have slide 2, and I think slides 2 and 3 are a list of topics that you're going to cover, which we've already identified for Committee, aren't they?

174. MR DELOW: Yes.

175. MS PARRY: So if we can go on to slide 4, again I think briefly this just sets out how the petitions overlap and the Committee should have got the idea of that. So I think we start to get into the meat of it at slide 5, and we've heard an introduction to the Cubbington area, but I think this slide – you have some points about HS2 as it comes through the Cubbington area.

176. MR DELOW: Yes. These obviously – Mr Strachan covered these points. But the information I've added to these slides are the numbers. The Environmental Statement, strangely enough, seems to ignore heights in many cases, so I've put the heights on here just to give you some idea of what it looks like in three dimensions, and I've shown the height above ground in red, and the height below ground in green.

177. I can start with this view here. We start at the viaduct on the extreme right hand side. The viaduct's over the River Leam, which is 110 metres long. Between the red

11 and the red 5, that a substantial mitigating earthwork which I'd like to talk about. The section between the green 12 and the 9, that's a retained cutting which Mr Strachan mentioned, and there the track cuts through the ancient woodland of South Cubbington Wood, and that cutting is there as a mitigating feature, to reduce the damage to the Wood. Move on to the next map, please.

178. MS PARRY: Slide 6.

179. MR DELOW: And the track is – continues in cutting to the northern Parish boundary, which is the dot-dash purple line on the left hand side, which is between Coventry Road and Leicester Lane, and it gets shallower all the time and it's basically at grade when it reaches Leicester Lane, which I've indicated by putting a bigger zero in black. Particularly like to point out the Rugby Road crossing, by the green figure five. Close to this point we have the biggest impact of the track bed height increases referred to by Councillor Burgun.

180. The cutting's now nine metres shallower than the time of the 2011 public consultation, which amounts to two double decker buses stacked on top of each other. That means that the overhead power feed will be above the natural ground height, whereas of course it was well buried beforehand. It also means that Rugby Road will have to be increased in height on an embankment by about four metres, or another double decker bus and that – to get it over the track. At the consultation alignment, the 2011 alignment, the road could remain at ground level, and the height of the Coventry Road similarly has to be increased, only this time it's six metres and, again, the road would have been close to its present level with the 2011 alignment.

181. MS PARRY: If we can go on to slide 7 then, and we're turning to the issue now of the Leam Valley. Can you describe the landscape of the Leam Valley?

182. MR DELOW: Yes, it's, as I've said they're particular unspoilt at present. It's unsullied by infrastructure, and I think it deserves special treatment because of that, and also because of the fact that there are panoramic views across the valley. Our settlements in the countryside were used for recreation and largely elevated above the valley, and the operation of the Zone of Theoretical Visibility is quite large at this point. So those two characteristics really make the landscape particularly sensitive to man-made intrusions, and screening earthworks may hide HS2 from views on the valley

floor, but they do little to mitigate its visual impact from these elevated positions, in my view. Also, the screening of earthworks themselves are a problem I feel. They're just not going to be in harmony with the landscape, and we think they will become, themselves, a visual intrusion into the valley. So they have to be very carefully thought about.

183. And I'm speaking here for all five Petitioners when I say that we do appreciate that HS2 would have to cross this valley. But we think it's important the visual impact is minimised by keeping the track low in the landscape.

184. MS PARRY: Then if we have slide 8, I think this is to remind the Select Committee of their visit to this bit of the landscape.

185. MR DELOW: Yes. So you were able to stand below the wild pear tree yourselves in early October, and you could look across the valley and see all this for yourselves.

186. MS PARRY: If we go onto slide 9, how will the track pass through this valley?

187. MR DELOW: I've moved a little down from the position where you were standing under the tree, and I've moved across a little bit to get, what I feel, is basically on the line of the track and looking across the valley now. So Offchurch will be on our right as we look across, so we're looking down towards London. The red arrow, I think, is about the line of the track and stretching ahead you'd see an embankment, which will be up to 160 metres wide and with mounded up sides to screen the track. As you can see, there's just no natural features that will hide the track at this point. It will dominate the landscape, and possibly even more so because of those – that mitigating earthwork.

188. MS PARRY: And what particularly about the valley is sensitive to the height of the viaduct?

189. MR DELOW: Yes, the viaduct's at its highest point above natural ground level, and sets the height of the large embankment that will carry the track across Cubbington side of the valley. So if we minimise the height of the viaduct, we minimise the impact of the whole thing really.

190. MS PARRY: I think we've got slide 10, which makes that point in relation to noise.

191. MR DELOW: Yes, this is just to show you that the noise footprint is quite large across the valley. Obviously there are very few dwellings across the valley, just farm buildings and farm houses. But this is an amenity as well, and so the footprint there, as I say, is 1,400 metres wide to the 40 decibel at night –

192. MS PARRY: And I think at slide 11 you turn to look at viewpoints, in relation to the valley, that you're particularly concerned about.

193. MR DELOW: Yes. Basically anywhere that's above the valley floor is going to be a viewpoint, and this is one of the map books in volume 5 of the Environmental Statement, or a small part of it. All the areas within the ZTV is it? ZTV? The zone of theoretical visibility.

194. MS PARRY: Yes.

195. MR DELOW: And the lilac dots are – were points selected by the Promoter, the viewpoints for landscape and visual assessment in the Environmental Statement. None of them are particularly elevated, as it happens. They're all below the 65 metre contour and the valley sides rise to almost 100 metres. But the lilac colour of the dots indicates that the ES assesses all of them as significantly affected viewpoint. Surprisingly, none of the photo montages have been provided by the Environmental Statement relate to these five viewpoints, and I have been in correspondence with HS2 Ltd to try and get one so that the Committee would be able to see it, and I haven't been successful unfortunately, and I was – it was suggested to me, at one point, that the absence of an image from them doesn't preclude me from providing my own. Well I'm very sorry, but I don't have the means to do that, and also there's really insufficient information in the environmental statement for anybody to do it other than HS2.

196. MS PARRY: So if we go on to slide 12, we're looking now at what height is proposed for the Leam Viaduct, and the explanation for that.

197. MR DELOW: Yes. This is approximately the point at which the viaduct would cross the river. It would be, as I said, 11 metres high on the current design and, just to

give you an idea, the tree in the very centre of the picture we think is about 9 metres high. No – stick to the right. Smaller tree. To the right. And to the left, and a bit more...that's it. That's about 9 metres high we think, so it'd be slightly higher than there. So, you know, it's quite a substantial feature of the thing...

198. SIR PETER BOTTOMLEY: Are these the heights of the track?

199. MR DELOW: That's the height of the viaduct. The track, yes. The track bed height, sorry, sir.

200. MS PARRY: Yes, I think you were then looking at the reasons given for that, the need for it to be so high.

201. MR DELOW: Sorry, yes. We were – for a long time we were told it was because of the flood level of the river. So we asked for confirmation of flood water levels. We did get that eventually, in February 2013...

202. MS PARRY: I think that's slide 13 helps with that.

203. MR DELOW: Yes. And that's the information I got on the left, and you can see that I've marked the height – flood level height – with that blue arrow there, thank you. So you see it's well below where the viaduct is. So really the flood level was a bit of a red herring and, a little later in my evidence, I'll be describing a proposal that overcomes the other stated obstacle to lowering the line across the valley that it's not feasible due to the currently proposed vertical alignment in the vicinity of South Cubbington Wood.

204. The height of the viaduct is even more critical in view of the possibility offered by the Hybrid Bill for the undertaking to deviate from design, which we already heard about the three metres.

205. MS PARRY: And we've looked at some of the earthworks in the Cubbington area. I think you had some points you wanted to make about... I'm so sorry, 14, yes please. I think you had some points you wanted to make about mitigation for noise and visual impact in connection with this earthwork.

206. MR DELOW: Yes, I've always said, already said this is a bit of a worry. It's

quite a problem the visual feature. We've only got this plan view to go by, and that's really insufficient to form any opinion about how well, if at all, it is a mitigating feature. Similarly, it's difficult to judge how efficient the earthworks and the screening planting will be at mitigating airborne operational noise. The Environment Statement only shows the noise footprint with all of the proposed mitigation in place, so we don't see what the improvement is going to be. Sorry...

207. SIR PETER BOTTOMLEY: Can we see a fly through?

208. MR MOULD QC (DfT): So this is the A445, yes?

209. SIR PETER BOTTOMLEY: Sorry to interrupt, but it just...

210. MS PARRY: No, it's very helpful.

211. MR MOULD QC (DfT): Then we've got the Coventry Road going across on the angle, and then the Rugby Road is coming up, and the Wood, and we're coming towards the area of retaining cutting through the Wood, and then we come down into the flood plain of the river and the viaduct is just coming into the view, and you can see the earthworks and the false cuttings, and passing over the flood plain. I think Offchurch is off to the right, and I think we pass across a – I think we're now coming up to the Fosse Way if I remember rightly. We're now passing, as it were, down beyond the immediate environment of Offchurch and Cubbington and down into the – coming down towards Southam. Is that sufficient?

212. CHAIR: Okay. Yes, carry on.

213. MR DELOW: Yes, I think that really does make the point they are substantial structures, you know, in a very rural environment. This reason for large earthworks may not be solely to do with mitigation. There is a different motive identified in the Environmental Statement, which is labelled an, 'Integrated Earthworks Design Approach' and the purpose of policy's explained succinctly in the Environmental Statement. If I just read it out, it's a short extract: 'Priority will be given to using material excavated from the proposed scheme in the engineering earthworks to form embankments and environmental mitigation earthworks along the route. This will assist in reducing the need for the off-site disposal of surplus excavated material and its

associated environmental effects. This approach will also reduce the impact of the proposed scheme by making best use of the excavated material to significantly reduce the need to import material.'

214. Now that policy seems to have been applied extremely successfully in CFA 17, because in the Environmental Statement it says that, 'Despite more than 6 million tons of material having to be excavated in CFA 17 none of it will be required to be disposed of off-site.' So we're going to get it all back. So, you know, that's my question really. Is this earthwork really about mitigation? In which case, obviously, we're very pleased to see it. But is it about disposing of spoil? Certainly I feel that any developer who, in normal circumstances has entered a plan to dispose of what must be a million tons or so of spoil by dumping it in the valley, would be given very short shrift by our local planning. I just think the Promoter has a responsibility here to sell this proposal to our local community. We need to know what the advantages are, we need to know it really is mitigating. That's really all we're asking.

215. MS PARRY: I think at slide 15 you just summarised what we're asking for in relation to the crossing of the Leam Valley, is that right?

216. MR DELOW: Yes.

217. MS PARRY: So we can then move on to slide 16, and we're turning on to a new topic now, and that's the topic that's been introduced of South Cubbington Wood. So perhaps you could introduce South Cubbington Wood to the Committee.

218. MR DELOW: Yes. This aerial view very conveniently shows both woods. South Cubbington Wood is below the Rugby Road, the B4453 which is running two thirds of the way up, and North Cubbington Wood is the Wood above, and you may remember on the coach that you drove down the B4453 and went between the two Woods. Now both of these woodlands are ancient woodland, and that's not in dispute. However, they do look quite different in the images you can see. That's because South Cubbington Wood is semi-natural ancient woodland, and North Cubbington Wood is ancient replanted woodland or PAWS, and that's not in dispute either. The plantation nature of North Cubbington Wood is, you can see, there are obvious blocks of woodland planting rather than the haphazard planting that nature's done in the southern part. The red line is the approximate path HS2 will take through the Woodland. The

location of the veteran wild pear tree is marked by the yellow arrow...

219. MR MEARNS: Did we visit that?

220. MR DELOW: You did, sir.

221. MS PARRY: Yes, we saw the picture earlier.

222. CHAIR: Yes.

223. MR DELOW: Again, that's a veteran tree, and that's not in dispute.

224. CHAIR: Right.

225. MR DELOW: Now the yellow line indicates the approximate boundary between the parts of South Cubbington Wood that are in different ownership, and the reason I do that is because it had an impact on the survey. I understand the survey work for the Environmental Statement was carried out above that line, whereas the part affected by HS2, as you can see, is below the line. The citation that, 'South Cubbington Wood is an excellent example of traditional Warwickshire woodland' is from the Environmental Statement, and I heartily agree with it. Just for your interests, the complex of buildings at extreme right is Weston Hall Farm where your coach was parked, if you remember...

226. CHAIR: Yes.

227. MR DELOW: And then we took you up in four by fours to the wild pear tree. I think I've still got the mud on my one actually.

228. CHAIR: Seems like yesterday.

229. MR DELOW: The point at the bottom about ancient woodland being defined by the year 1600 is sometimes misunderstood. If records show the planting in the woodland postdates 1600 then it clearly is not ancient. Any woodland that records show was in existence in 1600 is unlikely to have been planted by man, and with a high probability is many centuries older. Any attempt to recreate ancient woodland on new sites can never, of course, satisfy this definition. So we never get it back.

230. MS PARRY: I think over the next four slides what you've done is set out some quotes about the importance of ancient woodland. If you just want to quickly highlight

the most important points of those.

231. MR DELOW: Yes. Keepers of Time is government policy for protecting ancient woodland, and which has been reaffirmed in 2013 by Defra. Clearly it rates highly the importance of ancient woodland. I'd like to point to the – it's saying there that ancient woodland is a natural equivalent to our great churches and castles. Now, if there really was a medieval cathedral on the hill where South Cubbington Wood stands, do we think the Promoter would be proposing to drive his railway right through the nave? I don't think so.

232. CHAIR: We can read the supporting bits from government policy etc.

233. MR DELOW: Thank you.

234. CHAIR: So can we skip on a little bit, please?

235. MR DELOW: Yes, sir.

236. MS PARRY: So perhaps, so if you can have a look yourselves at slides 18, 19, 20 which all go to the point of ancient woodland...

237. CHAIR: Excellent.

238. MS PARRY: And then we can move on to 21, where we come to what's said about South Cubbington Wood in the ES.

239. MR DELOW: And again, they're fairly self-explanatory. Some nice pictures. Just a point about the Wood Anemones in which I take particular delight in every year. Most of the seeds of Wood Anemone are infertile, and Wood Anemone relies on using its root system to spread. So that colony you're looking at there is the patient work of centuries.

240. MS PARRY: I think 22 we have some more species, and at 23 you identify, for the Committee, some features not picked up in the Environmental Statement.

241. MR DELOW: Yes, we – obviously when the survey work has been completed the – these points will probably be picked up as well. Can I just mention – sorry, can you go back, just to the bottom there. The citation from Stephen Trotter, who's now

Director for England for the Wildlife Trust. His comment there about the SSSI quality is of interest due to the recommendation by the communities and local government committee, which is on one of the previous slides that we skipped through that, about the government should establish whether more ancient woodland could be given the designation of SSSI.

242. MS PARRY: Then I think 24 you're moving on to the question of the amenity value of South Cubbington Wood.

243. MR DELOW: Yes. I think tomorrow you'll be hearing from Rosemary Guiot more specifically about this, so I'm really not going to trouble you too much with it today. Just to say that the Promoter's surveyors didn't venture into the southern part of the Wood, so they missed all the footpaths that wind through the section and show evidence of being well used. There is one private sign in the northern part of the southern section of the Wood.

244. MS PARRY: And I think at slide 25 we're moving on to the veteran pear tree.

245. MR DELOW: Yes. This is the tree that is destined for the chop. Literally. It's growing just to the south of the Wood, in an old hedgerow that runs along Mill Lane footpath. It's a listed champion tree, so it has national significance. It's also got tremendous local significance since it's been present within our community for the lives of all of our residents and it's hard to imagine that more than 200 years of lighting up the Cubbingtonian spring with its blossom will be unceremoniously brought to an end by the contractor's chain saw. Sorry, a little bit of poetry there.

246. MS PARRY: And then I think at slide 26 you are looking at the damage that's going to be done to the Cubbington Wood and the veteran pear tree.

247. MR DELOW: Yes. Our petition did query whether the statement about the amount of woodland that would be lost was correct. That's now been clarified by the Promoter in his response document and we understand that the area will be 2.27 hectares as stated, on the basis that it's stated.

248. MS PARRY: If we look at slide 27 I think you put that in context.

249. MR DELOW: Yes, 2.27 hectares is still a lot to lose from a 15 hectare woodland,

and it's about one and a half times the size of the playing area at Lords, and can we really expect that will be all the woodland that's lost, despite any amount of care being taken, and there's surely a risk if you put heavy machinery into such a sensitive location there could be collateral damage, and it's far from certain that you could restore ancient woodland that's been damaged by heavy construction activities, and the damage isn't just one of loss of woodland area: The proposed cutting would fragment the wood, making the ecological value of the two remnants much less than the contiguous wood we've got now. Or, indeed, to a contiguous wood of the same reduced area, and the ES acknowledges this, and it concludes that the severance of the wood would make it more vulnerable to degradation through edge effects.

250. In the evidence presented to you at the end of October Warwickshire County Council's David Lowe told you about the impacts on wildlife the cutting would have. He described it as steep sided and a trough and said that the result would be a loss of connectivity affecting wildlife movements. The land on which the veteran pear tree is growing would be excavated for cutting and so, as I've already said, that would be lost. The assessment in the ES is that the woodland will suffer a high adverse impact and major adverse effect.

251. MS PARRY: And then I think at slide 28 we go on to look at our proposal for avoiding this damage to Cubbington Wood, and we can take this quite quickly because some of these slides deal with the history of the matter. So if you'd want to briefly describe slide 28?

252. MR DELOW: Yes, we first raised the issue in our response to the 2011 public consultation.

253. MS PARRY: And slide 29.

254. MR DELOW: Yes, we did get a – HS2 did present and prepare a drawing of a bored tunnel alternative in March 2013, and we got the copies of that at the end of that year, and that broadly follows our proposal except that it adds a 440 metre section of cut and cover tunnel to the northern end of the 1200 metre bored section that we'd asked for. We'd assumed it would be an open cutting at that point and I assume that's been done for engineering reasons and trust that it's cost efficient. But, things have moved on. The Promoter's response document told us that HS2 had undertaken some

further development and assessment work and had reduced the tunnel length to 1 kilometre, and the PRD claims that this will provide the most favourable benefit–cost balance. And I assume that means it’s cheaper. In fact that’s now been shown to be the case. The Promoter’s exhibits include drawings of that shorter length tunnel and...

255. MS PARRY: That’s at 3325, 3326. I don’t think you need to go into those now, but for your notes.

256. MR DELOW: My reaction to that, obviously just in a couple of days, is a favourable one. It looks to be a very good piece of engineering, and there are some drawbacks that need to be thought about, but if the Wood could be saved for less money then we’d be inclined to be in favour of that obviously. But of course, the Promoter isn’t putting that forward as a solution. There’s another advantage that we get from a bored tunnel, if we can go on to the next slide please, and these are the – this is based on the drawings of the old proposal, and because obviously I didn’t have the new proposal drawings to hand, and I’m afraid it’s a bit jumbled, but on the left we’ve got the retained cutting version, and on the right we’ve got the bored tunnel version, and basically the viaduct height and the length of the embankments are reduced in the bored tunnel version. It takes the viaduct down by about 4 metres, and the Cubbington Embankment that we were talking about just now reduces in length by about 500 metres, so it is a substantial improvement in the Leam Valley as well. And the newer tunnel design isn’t quite as good. It’s reduces the viaduct height by a couple of metres on the Bill design, and the length of the embankment section is cut down by about 270 metres.

257. MS PARRY: And then I think from slides 31 on you come to deal with the issue of why we say the cost of the tunnel can be justified. Now again, I think we can deal with these points rather quickly, because the cost on slide 31 is the cost of the longer proposed tunnel, is that correct?

258. MR DELOW: Yes, and that now – we’ve now been told – that cost is £110 million including – that’s £110 million over the base cost, the build cost, and that’s including a contingency. And we now have a figure of £47 million, so congratulations to the engineers at HS2 Ltd on achieving a substantial cost reduction. Nevertheless, of course, £47 million is still quite a bill. However, I – it’s my firm belief that isolating

the individual costs in this way is not really the correct perspective for such a large project. I think we should be taking an holistic approach. Further, I hold the view that when it comes to protecting irreplaceable environmental assets, whatever can be done, should be done. It's not something we only do for those of us alive today. It's for the countless generations that we hope will follow after.

259. We are told that the original decision to reject the bored tunnel followed a balanced and robust analysis, and we have been provided with a summary of those results. The methodology, I must say, remains opaque and we're not satisfied as to its objectivity or balance. I'll leave it to the comments I've made at the bottom of the slide. We don't know whether the new design has been subjected to this process. But it does appear the new one, like the old one, has been rejected by the Promoter.

260. MS PARRY: And then slide 32.

261. MR DELOW: Yes, this is information obtained by Professor Geddes, who'll be speaking to you shortly, by Freedom of Information request, and I put it there because it does indicate that the project cost has already been increased by a multi-million pound sum to mitigate the effects of HS2 on South Cubbington Wood. When the Promoter elected to employ a retained cutting to mitigate the damage to South Cubbington Wood it increased the total cost of HS2, and that's the highlighted item, right at the bottom of the breakdown there, and it appears to identify the cost of the retaining walls for the retained cutting added £37 million to the baseline cost. So for that quite substantial sum we don't really seem to gain very much. All it does is reduce the area of ancient woodland destroyed. It doesn't save the veteran tree, or prevent environmentally damaging fragmentation and severance.

262. So rather than commit that sum for a poor value solution it would appear to make sense to commit to an admittedly greater sum, but one that would secure a solution that avoids all the damage to South Cubbington Wood and the veteran tree. In doing so the Promoter would improve the sustainability of HS2 by preserving the value of that continued – by preserving that the continued viability of these irreplaceable assets will have to present and future generations.

263. MS PARRY: And I think slide 33 is simply a summary of our request in relation to the ancient woodland.

264. MR DELOW: Yes.

265. MS PARRY: And then slide 34 you turn to an alternative but related topic which is if the Committee were not minded to agree with us about the tunnel what compensation, in inverted commas, should take place for the Wood and the veteran tree.

266. MR DELOW: Yes, the principal compensation for those proposed in the Environmental Statement is to create two new areas of woodland with a total 15.8 hectares. In addition, translocation of excavated woodland soil is proposed in the smaller of the two areas.

267. MS PARRY: And do you think that this compensates?

268. MR DELOW: I don't think it will. I've listed four reasons that contribute to that view here. The first two are general comments on using new wood and planting to compensate for loss of ancient woodland. The ES appears to regard this as a universal panacea which salves any loss of habitat, even in the degrees that the environmental assets such as ancient woodland are, in fact, irreplaceable. The debate on this topic has followed in the wake of Defra's Green Paper on offsetting and shown there's far from a consensus on whether offsetting is appropriate as a remedy for ancient woodland loss. The compulsory purchase of productive farmland for this purpose is a topic that's already been aired before this Committee by the NFU and the CLA.

269. MS PARRY: And, sir, I think you're hearing a petition from Mr McGregor tomorrow, whose farmland is being compulsorily purchased for that. So you'll hear all about that tomorrow.

270. MR DELOW: Yes. I think the proposal to link the two Woods is a good one, in principle, but I've got doubts about its practical value as North Cubbington Wood is far from being prime ancient woodland, as I explained. It's a plantation, basically.

271. MS PARRY: Can we have slide 35, and I think this emphasises a point you've already made about ancient woodland being irreplaceable. Are there any particular points you want to draw out?

272. MR DELOW: Yes, well, the dictionary definition of, 'Irreplaceable' is, 'Impossible to replace if lost or damaged' and I've given three views on this slide of

what the prognosis is for being able to compensate for ancient woodland loss, and taking two out of the three I think it would be quite wrong to be too optimistic.

273. MS PARRY: And slide 36 please, and here you talk a little bit about habitat translocation, which is proposed.

274. MR DELOW: I think obviously you're aware, ladies and gentlemen, that it's a technique proposed to render newly planted woodland as a closer match to destroyed ancient woodland. Mr Miller's given a good report of the technique. Indeed, developers appear to be ardent promoters of habitat translocation. It's relatively easy to do, and it indicates that environmental losses are being addressed. However, I think it's fair to say that the environmental experts are very lukewarm about it, and I've reproduced here a quote from the joint Forestry Commission and Natural England publication, 'Standing Advice for Ancient Woodland and Veteran Trees' which advises planning authorities on the protection of ancient woodland, and I've also put up a short snippet from a policy document published by the body that advises the government on nature conservation issues, and I would believe that it's accurate to describe this policy document as very sceptical about the claimed advantages of habitat translocation.

275. MS PARRY: I think it's slide 37 you're turning to look to the question of what you would suggest rather than the translocation.

276. MR DELOW: Yes the same Standing Advice as I've just referred to suggests that restoration of a PAWS plantation or securing the appropriate management of an area of unmanaged ancient woodland nearby can be part of compensation package, and that's basically what we're proposing. We've got an area of PAWS, as I've already mentioned in Cubbington. It's North Cubbington Wood, and it's very close to the route of HS2 and, in the Standing Advice it says that PAWS can respond well to restoration management and that's also believed by the Woodland Trust, and the Trust regards restoration of PAWS as, 'One of the most important things we can do for woodland biodiversity', and the lower image of North Cubbington Wood in the spring looks pretty bleak and sterile, I must admit. However, if you look at it more closely you may just be able to see emerging bluebells. So at least one ancient woodland species has survived, and that gives some confidence I would say that restoration of the woodland here could yield good results. Also, the woodland's largely fenced off, and there are no

arrangements for public access.

277. In July 2013, in the Joint Response from our community to the consultation of the draft Environmental Statement we included a proposal to employ the restoration of North Cubbington Wood and open up the Woods for public access in any compensation package for damage to ancient woodland. Unfortunately the proposal wasn't taken up in the Bill version of the ES, so we've repeated it in two petitions that were put in from Cubbington, and unfortunately we've encountered a similar negative response in the PRD and which sees the management of North Cubbington Wood as being beyond the responsibility of – sorry – which sees the management of North Cubbington Wood as being beyond the responsibility of HS2, and it's something for the Forestry Commission who owns some of the land, and also the provision of public access is also stated to be beyond the scope of the Bill. I think this is a missed opportunity. They could adopt a method of compensation that offers a much greater chance of successful outcome than planting new woodland, and one that would be more beneficial to our community, and that will be consistent with the Keepers of Time strategic objectives, which include to restore plantations on ancient woodland sites and to increase opportunities for the public to visit and walk in ancient and native woodland and, if you remember, the Staffordshire Wildlife Trust called, in the evidence it gave you in October, for restoration of existing sites to be part of a mitigation package, describing it as more reliable, quicker, and probably cheaper.

278. MS PARRY: Then I think at slide 38 you're summarising some of your points about the Cubbington Wood in terms of the mitigation hierarchy, which I'm sure the Committee will be familiar with.

279. MR DELOW: Yes, I'm just pointing out that really, comparing the proposals, the Promoters – if you look at the woodland, the Promoter's proposal is one of mitigation. So it's on the second level of the hierarchy, and also compensation with new woodland. Our proposal of the tunnel is on the top level, of avoidance. If we look at the tree, all the Promoter is proposing is propagation of new trees as a compensation. Our tunnel would, again, be on the avoidance level.

280. MS PARRY: And then I think at slide 39 you summarise what you're asking for if the tunnel doesn't come forwards, is that correct?

281. MR DELOW: That's correct.

282. MS PARRY: Then, at slide 40, you turn to deal with a discrete topic in relation to South Cubbington Woods. Do you want to explain that?

283. MR DELOW: Yes, I'm raising this to the Committee, and it's only in the Action Group Petition because I was asked, a couple of years ago, to pursue this point and I haven't really had much success. There's a site where human ashes have been laid to rest in the south western corner of South Cubbington Wood, and I've marked it on this map with a red star. Obviously the site – the circumstances that led to the site being a site where we've got human remains, it was somewhat irregular, but it was in strict compliance with the wishes of both the deceased, who happen to be a married couple, and the site has, accordingly, become a sensitive one, and it's around the base of that mature oak tree you can see in the photograph, which is right at the end of South Cubbington Wood. It's about 140 metres from the centre line of the proposed route of HS2, and it's not directly affected by any of the required excavations. But it does lie within the area marked on the map as land potentially required during construction. So it's right adjacent to where realignment work for footpath W129D is indicated, and the current line of that footpath is along the grassy area you can see in front of the tree. So I think the site is potentially at risk from disturbance during the construction activities.

284. MS PARRY: And then at 41 I think you look to what we're asking HS2 to do.

285. MR DELOW: I've been told the site will be protected during construction activities by the simple virtue of it being on the base of a tree, and the tree will be protected by fencing. So that gives me some reassurance. However, if it should prove necessary to disturb the site, I will to be confident that its sensitive nature will be observed. Accordingly, the Action Group is asking that prior investigation of the site will be undertaken in such circumstances, to determine the appropriate action.

286. MS PARRY: And then I think at 42 we turn onto a new topic again, which is construction route traffic, specifically in the Cubbington area.

287. MR DELOW: Yes. There – if you look at this map, the construction map there, there's a Y shape with its base at the red dot, and the two arms of the Y formed by the Mill Lane footpath and access road. Sorry, Sir Peter?

288. SIR PETER BOTTOMLEY: Sorry, just moving the cursor.

289. MR DELOW: I beg your pardon. Yes, it goes down to the red dot there, which is actually in the village and all of that land, it's shown shaded pink, so it's land potentially required during construction. And if you look on the aerial photograph you can see I've put the red dot in the same location. It's a crossroads for the junction of Mill Lane and Cross Lane in the village, and I've also shown the junction in the photograph, and Mill Lane is the track running uphill from the centre of the image there. I've also shown, on the aerial photograph, where Cubbington Church of England Primary School buildings are. I hope you agree, sir, that it is really totally unsuitable area for an access point, and we appreciate that it's not designated as such in the Environmental Statement, but what we're worried about is it's rather too convenient, and it may become an unofficial access point. So we do appreciate there are general provisions governing the use of public roads by construction traffic, and that will be regulated. All we're seeking, in view of the particular local circumstances, is an assurance from the Promoter that's specific to Mill Lane.

290. MS PARRY: Then at slide 43 I think you're illustrating a more general point, which the Committee are going to hear a particular petition on tomorrow.

291. MR DELOW: Yes. Mrs Caroline Marrow is coming to speak to you about this tomorrow. She's actually lives on the route that's proposed. I must apologise, I've got her petition number wrong there. It's 0997.

292. CHAIR: 0997. Okay, shall we leave that for tomorrow then?

293. MR DELOW: You'll be doing that tomorrow.

294. CHAIR: Yes, okay.

295. MR DELOW: Basically just set it out here. The Promoter's routes are the yellow and red arrows, our alternative routes are the green and blue arrows. It's a longer route, but it avoids –

296. CHAIR: Okay.

297. MS PARRY: Then I think at slide 44 you just summarised for the Committee the

remedies proposed for construction traffic routes, is that correct?

298. MR DELOW: That's correct.

299. MS PARRY: And then if we go onto slide 45 we're turning to noise, and I think you've got your own petition tomorrow that's going to tilt at that particular windmill. So what is it that you're asking today?

300. MR DELOW: Well, we're aware that you're going to be hearing expert testimony on issues of noise, and we're not experts on it. Our chief concern is that we've been given absolutely no idea about what the Promoter has done to reduce the noise pollution to Cubbington residents, and that's equally true of the Environmental Statement and of all the meetings we've had with HS2 Ltd

301. We don't know what the options are for reducing noise, how effective each would be, and we're just not equipped to discuss those requirements with the Promoter. We do appreciate this is a complex technical issue, but we feel that it should be able to produce better – that HS2 Ltd should be able to produce better information which would be more accessible to the average resident. We don't think the Environmental Statement really meets that requirement. So what we think, as an important part of this process, is to see the need for a document aimed at affected individuals that sets out a clear statement of the Promoter's policy on noise and noise mitigation using non-technical language as far as possible.

302. Information Paper E20 is a move towards such a document, but we do consider it insufficiently detailed and fairly unhelpful. In particular it makes no real commitments about mitigation policy. So what we're suggesting is a document along the lines established by Chiltern Railways for its line improvement project between Bicester and Oxford, and we feel the Promoter would do well to take a look at that and to try and copy it, or actually, we think, even improve on it, and produce such a document, and we also see – and I think this has been raised with you already – we see the need for the proposals to be set out by the Promoter for monitoring of noise to ensure that predicted levels are not exceeded during operations, and make a commitment to implementing remedial measures if they are.

303. MS PARRY: Then I think if we have slide 46, that summarises the requests in

relation to noise and visual impact, is that correct?

304. MR DELOW: That's correct.

305. MS PARRY: And then slides 47 and 48 simply summarise all of the requests that have been made through your presentation, is that right?

306. MR DELOW: That's correct.

307. MS PARRY: Is there anything else you wanted to say?

308. MR DELOW: No, I think I've probably taken enough of committee's time. Thank you very much.

309. CHAIR: Any questions, Mr Strachan?

310. MR STRACHAN QC (DfT): No, thank you.

311. CHAIR: Okay. Can I just ask – I mean, I get the impression from your evidence that your main concern is to save the wood.

312. MR DELOW: That's correct.

313. CHAIR: So given there's a limited amount of money, if the choice were mitigating the villages or mitigating the Wood, you'd want to save the Wood?

314. MR DELOW: I think, as a village, we don't have too much to complain about, to be honest with you.

315. CHAIR: Okay.

316. MR DELOW: So yes, it would be to save the Wood.

317. CHAIR: Right. Thank you. Sorry.

318. SIR PETER BOTTOMLEY: The tree, obviously, has come into our lives. I did notice that one person who had a tree with a hollow trunk, which I think yours does, actually put some bricks and mortar in to sort of keep it going. I also looked at the Monumental Trees Site for Europe, which suggests that yours is either very, very old or very, very peculiar.

319. MR DELOW: Probably both.

320. SIR PETER BOTTOMLEY: And I don't know how much longer natural life it's – it might have. I also noticed that opposite the Spaghetti House in Goodge Street there's another one, and there are one or two in Leicester Square. Just in case you're pottering around London later on.

321. MR DELOW: Thank you.

322. MS PARRY: Well, sir, there may be others, but I think the ES admits ours is reputedly the oldest and the largest. So there may be others, but not as good.

323. CHAIR: Right. Thank you very much Councillor. Who do we have on next then?

324. MS PARRY: Yes, certainly. We're going to hear next from Professor Geddes. His slides are A717. When you're settled, would you like to introduce yourself to the Committee?

325. PROFESSOR GEDDES: Yes, of course. Good morning.

326. CHAIR: Morning.

327. PROFESSOR GEDDES: So I'm Mike Geddes. I am Chair of Offchurch HS2 Action Group and I'm speaking now on behalf of both the Action Group and the Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council, from whom you heard a little while ago from Councillor Mike Burgun.

328. CHAIR: Can I ask, what are you professor of?

329. PROFESSOR GEDDES: I'm retired now, so there's in fact an, 'Honorary' in front of Professor now. But I was Professor at Warwick, and I worked on public policy issues there.

330. CHAIR: Excellent.

331. MS PARRY: And I think your slide two, if we could bring that up, that simply cross-references the points that you're going to deal with for other petitions.

332. PROFESSOR GEDDES: Yes, so you can see that not only am I, as it were, speaking on behalf of the Action Group and the JPC, but there is a lot in common between what I'm going to say now and the petitions of other individuals, and groups of individuals, from Offchurch and, indeed, from Cubbington and Weston as well.

333. MS PARRY: And then if we go on to slide 3, and I think you want to use this to begin to introduce the Offchurch area?

334. PROFESSOR GEDDES: Yes. So very briefly, and you have been – and numbers of you of course have been here already. So the key point I think is that Offchurch is what we would describe as a tranquil rural community. We're a small community, about 250 people. I'd like to define us as being prosperous but not posh. So there are quite a number of people who live in rented accommodation in Offchurch, as well as owning their properties, and this gives you a view of the village from – part of the village from the church tower. An old picture, but it hasn't changed at all really since that one was taken. Next one.

335. Councillor Burgun mentioned conservation areas, and this just confirms that the Offchurch Conservation Area, covering the village itself, is pretty close to the line that HS2 would take, and if we move on from that one, and apart from the village the Parish is very attractive; open countryside, as the ES itself recognises, protected by planning policies from unsuitable development. It's a popular leisure destination also for walkers and cyclists, and this photograph is taken from the car park of the village hall, which you visited in the course of coming to our area, and the next one please is a different location, but again typical of the rural countryside outside the village itself, and if I can – if I can add to that. It's interesting that Offchurch – we're no strangers to long-distance transport routes. Within the Parish we are crossed by the Iron Age and Roman Fosse Way, the medieval Welsh Road, down which cattle and sheep were transported from Wales to London, and indeed we have a Sustrans National Cycle Route. So we're well stocked with national transport routes.

336. What I would say is that all of those are well integrated into the local landscape, they're human in scale, and they enhance the locality. Both for local residents and the many visitors who come here for leisure purposes. But HS2 would be totally different, inhuman in scale, wrecking rather than blending with the landscape, offering no local

benefits at all, and effectively destroying the character of much of the Parish, cutting right across it.

337. MS PARRY: If we can go on then to slide 7, and I think you set out here the issues that you're going to cover in this talk. Is that correct?

338. PROFESSOR GEDDES: Yes, that's right, and mitigation proposals I would like to see as a package, which are designed to do as much as possible to protect Offchurch from the damage that HS2 would do to us and, as you can see, it covers five issues: track bed height issues specific to Offchurch, a proposal for a green cut and cover tunnel, public rights of way issues, very briefly noise, and local construction issues.

339. MS PARRY: So I think if we turn to slide 8, then you start dealing with the question of track bed height.

340. PROFESSOR GEDDES: Thank you, and so here I'm building on the initial arguments that were made a little while ago by Councillor Burgun about the importance of reducing track bed height across the CFA area, and he made the point that in Offchurch the increase in track bed height, since the 2011 consultation, has been up to 7 metres and that, of course, makes the impact of HS2 on Offchurch in physical, visual and noise terms, very much worse and particularly that's the case in those areas of the Parish that would be on a substantial embankment. These are currently areas of unspoiled countryside, which would be totally dominated by the track and the embankments, and that's shown on the next exhibit, number 9.

341. As you can see, the two areas – there are two areas – they're track in Offchurch falls into three parts. In the middle, there's the cutting and then on each side of it are the lower areas of the parish and these are the areas where the raising of the track bed, putting it onto embankment, would have a very negative effect on the area, on Offchurch Village, where it would impact not only on the lives of residents but on property values and on the amenity of the village. If, I can give an example, we have an excellent local pub, which draws custom from a wide area and it will no longer be so attractive for customers to sit outside. And indeed it's whole quiet country pub ambience would be significantly compromised by the proximity of HS2. And a further point is of course that raising the track bed height has a knock on effect on the design of ancillary features. So, again to provide an example, the height of one of the roads that

crosses the track bed, Cunningham Lane, the crossing would be increased with much larger and more visually intrusive embankments, earthworks than would otherwise be the case.

342. And then the next slide. And again those of you who visited will again remember this. This is in the area of Offchurch, in the south going down towards Southam and the farmer illustrated here how high the track bed height would be. And maybe Mr Mearns will remember christening this the Angel of the Midlands which is certainly a name that has stuck ever since then. I had emphasise this is the track bed height and the train itself and the catenaries would be additional to what's shown here. And to us really graphically illustrates the impact that raising the track bed would have.

343. MR MEARNNS: With apologies to Antony Gormley.

344. PROFESSOR GEDDES: Indeed.

345. MS PARRY: I think if we go on to slide 11, and you've set out what your request is in relation to track bed height.

346. PROFESSOR GEDDES: Yes. So, our request is for an undertaking from the promoter to restore the track bed height across Offchurch so that it's no higher than that which was presented in the 2011 public consultation.

347. MS PARRY: We know that the promoters haven't accepted that. What do you say about their arguments in relation to that.

348. PROFESSOR GEDDES: This is the point that Councillor Delow was mentioning and if I can say little about it myself. The promoters tell us in their PRD that they rejected this proposal as a result of the findings of their SIFT procedure and we have a number of concerns about that.

349. Firstly, we were in fact informed, by the promoters, well before the SIFT process was undertaken, that they were rejecting this proposal. And it therefore feels to us that

that process was more of a post hoc rationalisation, than a new and unbiased assessment.

350. Secondly, the assessment made in the SIFT procedure of lowering the track was through what is termed the evaluation of option C for the CFA Area 17. But the problem with this is that this option included not only lowering the track across the whole of the CFA area, not merely Offchurch, including Cubbington as well, but also our proposal for a Green tunnel and indeed even the Long Itchington Wood tunnel, which is outside the CFA area entirely to the south in, I think it's CFA 16. So inevitably the end product of that evaluation was to show a very high figure in which the cost of lowering the track is only one element. We have asked HS2 Ltd to provide the costings specifically for lowering the track on numerous occasions over a period of years including two FOI requests in 2014, but this has not been forthcoming. And we are therefore unable to isolate the cost that this would have. We feel strongly that until we have such information that the proposal should not be rejected on cost grounds, as it appears to be. And we feel that what's needed in this and other similar cases is a detailed and independently audited costing that at a minimum can show communities on what basis HS2's decisions are being made.

351. Finally, the SIFT analysis suggests that the proposal to lower the track would have negative effects because it would require more and deeper cuttings, thus increasing their width. But, it fails to mention that it would minimise the need for extensive embankments across much of Offchurch and we would argue that overall our proposal would be positive in this respect. And I'd like to illustrate that by showing you two of the drawings. So, here is a drawing. This is a drawing at the time of the 2011 consultation. And as you can see the land take shown there is quite small if you compare it please with the next slide, which shows you the land take from the ES drawing and as you can see what I'm suggesting to you does appear to be correct, that the land take now is much more significant than it was at the time of the 2011 consultation.

352. MS PARRY: If we can then turn on to slide 14. We're now turning, I think, to a new topic which is the proposal for cut-and-cover tunnel. And on slide 14 you set out why you consider it's necessary.

353. PROFESSOR GEDDES: Yes. And this proposal is alongside our proposal to lower the track bed, our principal proposal to mitigate the impact of HS2 on Offchurch. So why do we say this is needed? The current design includes an open cutting across the central part of Offchurch and this has numerous negative impacts on the local environment and amenity in terms of noise and visual impact and communication routes and on land take and the local economy and all of these impacts would be mitigated by a cut-and-cover tunnel.

354. MS PARRY: I think it's slide 15, you've shown the extent of what you propose?

355. PROFESSOR GEDDES: Yes. So, what this shows is the extent of the area where it would be possible to put the section of the line which is currently in cutting into cut-and-cover.

356. CHAIR: Can I ask how long that section is?

357. PROFESSOR GEDDES: The maximum possible would be around 1.7 kilometres.

358. MR MOULD QC (DfT): I think we assumed 1.8, so around the same ballpark.

359. PROFESSOR GEDDES: Yes, personally I think it might be rather less. It depends on where it starts at one end and finishes at the other, and how much of a cutting, as you enter and leave the tunnel, there is at each end. Yes.

360. CHAIR: Okay.

361. MS PARRY: In terms of proposals we seemed designed up, have we seen anything for a shorter tunnel?

362. PROFESSOR GEDDES: No, we haven't seen anything for a shorter tunnel. And perhaps that's a point I think I want to –

363. CHAIR: How far is Offchurch from that particular spot?

364. PROFESSOR GEDDES: You can see Offchurch on the, yes, there's the village, the nearest part of the village is about 0.7 kilometres from that end of the area where we would like to see the tunnel. But if I can just say, the village of course is raised up and so there is a direct line of sight from the majority of the village across to that area and so the noise impact and the visual impact is rather more than you might expect from a 0.7 on a flatter surface. Can I also say that this proposal has wide support not only from the Action Group and the KPC in Offchurch but it's supported by the petitions of Warwick District Council, Long Itchington Parish Council, Southam Area HS2 Action Group and a number of individual petitioners in both Offchurch and the Long Itchington areas and last, but not least by any means, by Warwickshire Wildlife Trust.

365. CHAIR: Thank you.

366. MS PARRY: Now, moving on to slide 16. You begin to outline what you see as the major benefits of your proposal.

367. PROFESSOR GEDDES: Yes. So as I said, these obviously are the inverse of the problems that we had at the moment, so Cut-and-cover would offer benefits in terms of environment and amenity, visual and noise impact, communications and land take and let me just, on the next slide, point to you some of those on the map and then if I may go through it in slightly greater depth? So, the map shows the Offchurch Greenway and the Sustrans Route which are elements of the environmental benefits that I'll mention in a minute and Long Itchington Road which is an example of communication benefits and also to the right, Burnt Heath Reservoir which again is both an economic and an environmental benefit.

368. So, if I might go through those four headings, explaining what the benefits are? Firstly, in terms of environment and amenity, the cut-and-cover would maintain the integrity and attractiveness of Offchurch Greenway and Sustrans Route 41, cutting across in the middle of the side there, which would be compromised by an open cutting. And it's important, the Greenway and Sustrans Route, is not only of local importance

for residents but it attracts leisure uses from a much wider area on a large scale and the Sustrans Route is part of a national network. With an open cutting, the amenity of this part of the Greenway would be heavily impacted by the noise and visual intrusion of HS2. At the same time, cut-and-cover would provide a wildlife corridor linking habitats on each side of the track in an area which would otherwise be severed by HS2. In this respect, cut-and-cover would be much more effective than the proposed Green bridge at Offchurch Greenway in the current proposal, which appears to be only 10 metres wide. And the context of saying that is that this is an important wildlife corridor as the surrounding landscape is of large arable fields which provide very little wildlife cover, whereas the Greenway is much more wildlife attractive. And here let me point out that the cut-and-cover tunnel would allow the reinstatement of Burnt Heath's Reservoir which it would appear the current proposal would destroy, which is an important local wildlife and economic resource. The wildlife impact, I think is obvious. The economic impact is that this is a reservoir used by the farm businesses for water.

369. If I come on to noise and visual impact. I think this one is fairly obvious but the obvious benefit is that cut-and-cover would reduce the noise and visual impact to residents of nearby residential properties and again to leisure visitors. And more widely, converting as much as possible of the cutting into a Green tunnel would be crucial in preserving the current unspoiled character of Offchurch, ensuring that the central part of the parish is restored to its current state.

370. Thirdly, benefits in terms of communications. If the current cut-and-cover tunnel were adopted several roads and public rights of way could be reinstated, post construction, without the need for and cost of separate bridges and associate road realignments; including in terms of roads, Long Itchington Road, which would reverse the proposed permanent closure. And the Fosse Way Bridge and two public rights of way and I'll come on to these later in my presentation. They are W128 and W192 which runs alongside the Sustrans National Route 41. And in particular Long Itchington Road is an important part of the local road network. HS2 Ltd have, as far as we're aware, given no reasons for proposing to close it. The closures are opposed not only by our two organisations but by the other petitioners which I mentioned as coinciding with ours a little while ago. And in our view and that of those other petitioners, the proposal for a Green tunnel here is the best way to reopen the Long Itchington Road. Especially, as

there would be three crossings, the Fosse Way, Long Itchington Road and the Offchurch Greenway within about 500 metres. So, here, there is a particularly strong case for cut-and-cover tunnelling as it would save the cost of those three bridges.

371. And then finally, the fourth set of benefits are benefits in relation to land take and the local economy. If a cut-and-cover tunnel were adopted the permanent land take in Offchurch would be substantially reduced, helping to reduce the economic impact on agricultural units and businesses and not only the farmers themselves but rural businesses associated with the farms. And the ES itself recognises the significant impact of this. Mr Frank Wharton, petition 502, he's a local farmer. He will speak to you on this issue next week. We feel that HS2 Ltd have failed to make a serious assessment of this negative economic impact and particularly of job losses in areas such as this while claiming with, we feel, no evidence basis that the local economy would benefit. We recognise we're not talking about large numbers of jobs here but those which would be lost or threatened are of significance in a small area such as this.

372. So, if I can sum up, the benefits of this proposal are not just about one issue, impact on residential properties, for example, but a bundle of related benefits, which together would have a major impact in minimising the negative impact of HS2.

373. MS PARRY: What do you understand are the reasons why this has been rejected? And what's your response?

374. PROFESSOR GEDDES: So, again, similarly to our views on lowering the track, we feel that the promoter has failed to adequately appraise the benefits of this proposal. A SIFT analysis focuses on the additional costs and the short term disruption of constructing a cut-and-cover tunnel but omits to adequately recognise the wide range of benefits. It also fails to recognise that this proposal would re-use much of the spoil generated unlike the cutting. It would therefore mean that it would no longer be necessary to raise the track across the other parts of Offchurch in order to dispose of the soil generated by the cutting. While any surplus soil not replaced over a cut-and-cover tunnel could still be used to provide effective earth bunding supplemented by soundproof fencing in those areas not in the cut-and-cover tunnel. So, our view is if the promoter wants a spoil neutral design for Offchurch, this is the way to achieve it that is

consistent with good mitigation.

375. If I can come on to cost? The only cost information that has been provided by the promoter is that a cut-and-cover tunnel of the full 1.8 kilometres would cost around £80 million. However no breakdown has been provided to justify this sum. We have asked, several times, for a breakdown of the global sum and also for costings of alternative lengths of cut-and-cover tunnelling in order that we can have a better understanding of cost issues, most recently through two FOIs. And as we see, raising the track, the promoters haven't provided us information. In the absence of this, we continue to argue for the environmental, social and economic benefits of tunnelling.

376. Perhaps most crucially, in our view, what the SIFT assessment does is to set un-costed social and environmental benefits against a monetised cost of the proposal such as this and in this kind of perspective, costs are always likely to trump un-costed benefits. No attempt has been made to attach monetary values to the social environmental cost of HS2 and the benefits of further mitigation. However, and I'll be brief, but I think this is important, there is relevant research that's been undertaken, for example, by the well respected New Economics Foundation in the context of another major infrastructure project, the Heathrow Third Runway proposal, and this shows that if monetary values were attached to the social and environmental costs of a third runway (noise, blight, congestion, pollution) they would be equivalent to one third of the construction costs. Now, I'm not suggesting that any detailed comparison can be made between the Heathrow Third Runway and HS2, far less between the Heathrow Third Runway and Offchurch. But what I am suggesting is that NEF the study makes it clear that failing to adequately mitigate the impact of major environmental projects does imply major costs. It's just that those costs are borne by individuals and communities not by the government. And if this is the case then an assessment of the real costs and benefits of proposals, such as ours for a Green tunnel, would look very different to HS2's SIFT analysis. And we therefore say that the SIFT findings should not be accepted as an adequate basis for rejecting our proposals.

377. Two final, brief points. Out PRD recognises that there may be identifiable visual and noise mitigation benefits from a cut-and-cover tunnel but claims that these would be offset or outweighed by disruption during construction. However, no evidence is

cited to support this assertion and that is certainly not our view. We would not see it that way round.

378. And then finally, the promoters exhibit P3348, which we saw a couple of days ago, suggests, now, and this was new to us, that the track bed would need to be widened for up to five metres, by up to five metres, for up to two kilometres at each end of the tunnel, as the two tracks within the tunnel are brought together outside it. We query this. We query it because the plans for the Long Itchington Wood tunnel and Green tunnel adjacent to our area, to the south, I think it's in the CFA 16, shows that any widening outside the tunnel can be limited to about 200 metres. I'm not accurate on this. But I think it's around that. With most of the convergence happening within the tunnel itself.

379. MS PARRY: I think if we then go on to slide 18, which provides a summary of our request in relation to the Green tunnel.

380. PROFESSOR GEDDES: Yes thank you. So, very simple, we are asking for recognition of the supplementary benefits of and support for this proposal and for the promoter to commit to finding a solution which delivers those local benefits for us.

381. MS PARRY: Then at slide 19, we're moving on to look at a new issue, which is the public rights of way within the Offchurch area.

382. PROFESSOR GEDDES: Okay. Thank you very much. This is an important issue for us. It's a parish wide issue. We have seven out of 10 of our public rights of way bisected by HS2. Four are impacted along virtually their entire length. In nine, more than a third is impacted. And we don't find the current mitigation proposals sufficient and we have, our most important proposals are related to Offchurch Greenway and W192, which run alongside each other, W128 and W129.

383. MS PARRY: I think there are shown on slide 20, if we can move on to that? And the first point in relation to the Offchurch Greenway and Sustrans R41, is it right that that position has now been covered?

384. PROFESSOR GEDDES: Yes. So, we do hope this one has now been resolved as a result of agreement between HS2 and Warwickshire County Council, which has resulted in a realignment of the northern part –

385. CHAIR: If it is sorted, we don't talk about it.

386. PROFESSOR GEDDES: Indeed. The reason I'm still mentioning it is because we still think that a Green tunnel proposal would have a significantly beneficial effect on this public right of way.

387. CHAIR: Okay.

388. MS PARRY: So, if you look at footpath W128. If you want to explain to the committee perhaps where it currently goes and the two proposals.

389. PROFESSOR GEDDES: Yes. It's probably obvious, the black line across the middle is the track and 128 runs from just south of the tracks. It really runs from Offchurch because you can get to it more or less without using all the roads from Offchurch itself by way of 129. And it then runs across what would be the tracks to a farm on the Fosse Way right in the north of the picture there.

390. What we want is that path 128, which would be unattractive to pedestrians, in our view, if redirected as the proposals suggest. And what they suggest is that it should be redirected along Hunningham Lane which is the road running north from where it begins. Just across to the left, is Hunningham Lane. Thank you. Redirected along Hunningham Lane to join the existing footpath, north of the tracks. To your right from where you were just then. That's right. Redirected along there. We still do not find that it would create an attractive footpath. Our suggestion therefore is that that footpath should be replaced by a new W128, which is shown by the red line lower down the diagram. Both of these are on the same landowner's land and this proposal has landowner's support. The reason we are arguing this is that unlike the current 128, this route would have major benefits both for local residents and for leisure uses because it

would provide a foot link between the Greenway to the right and the village and many walkers and cyclists come down from the Greenway to the pub in the village. Many village residents would like to walk up to the Greenway. So for us, this would be a way of achieving a significant benefit through a change of footpath.

391. However, the PRD rejected this proposal due to the loss of footpath 128, which there obviously would be. But, we want to argue that the survey undertaken by the promoters in fact shows nil use of the footpath and that is totally consistent with our local knowledge that usage of the path is very small indeed. So, we are asking for a replacement of a path which is hardly used by a path which would be very substantially used. And additionally of course this would save the cost of a bridge because the new path would not cross the tracks as the existing one does. If this is not possible, then, but it would be a very poor second best, we would want to ensure that the new design for 128 includes separation between pedestrians and traffic in a suitable form along Hunningham Road, including a physical barrier on the over bridge. And it would also be important that it catered for horses as well as humans.

392. MS PARRY: And then footpath 129, which I think you can see to the left of that slide.

393. PROFESSOR GEDDES: Right. Here, what we're asking, is that the promoter should consider, with the landowner, a possible rerouting of 129, as is shown by the red line, which would move it from its current route to go along the River Lane. From the point of view of footpath users, we think that this would be a more attractive route for residents. And again it would also save the cost of a bridge because it would cross the lane under the viaduct rather than needing its own separate route.

394. MS PARRY: I think you have a couple of final points in relation to rights of way.

395. PROFESSOR GEDDES: Yes. Extremely briefly. We do want to emphasise the importance of our cut-and-cover tunnel proposals in helping to safeguard the rights of way and we do hope that all footpaths in Offchurch will remain open for walkers throughout the construction period, with diversions of course if necessary.

396. MS PARRY: And I think slide 21 summarises the requests in relation to rights of way?

397. PROFESSOR GEDDES: Yes.

398. MS PARRY: And then slide 22, you turn, I think, briefly to the question of noise.

399. PROFESSOR GEDDES: Yes. Very briefly indeed. We know how much you've heard on noise. So, noise is very important in a tranquil area such as Offchurch. We are particularly concerned that the noise contours published in the ES are based on average noise levels not the real pass by noise which would actually be heard. We know of course the estimates of the latter which is higher, are now available within the bill documentation. So, our noise request is that noise mitigation measures, adequate to deal with real world pass by noise are those which are implemented.

400. MS PARRY: And then I think we turn to construction. And what construction issues does this slide identify in relation to Offchurch?

401. PROFESSOR GEDDES: Right. We have two local construction issues. One concerns the use for construction traffic of the rural roads: Hunningham Lane, Welsh Road, Long Itchington Road. And the other concerns are large. long-term materials handling and workers compound just to the north of the area currently in cutting, which you can see there.

402. MS PARRY: Do you want to turn to slide 24? Because I think there you deal with the construction routes issue.

403. PROFESSOR GEDDES: Right. So, this map shows you the construction routes through and around Offchurch. You can see the line of the track. You can see that these are of the rural road construction routes and those shown are for Hunningham Road and Welsh Road to be used for construction. You can see that the junction between the two is right on the edge of Offchurch Village itself and the next two slides,

you can see on this map, you've got two views coming. One pointing up Welsh Road and one pointing along Hunningham Road. So here's one of Welsh Road in Offchurch. I'd stick on that one if I can, just a moment. So, you can see here, this is a narrow road up the hill between banks, not enough room for a white line down the middle, and so in our view problems there for construction traffic. And then the second one, Hunningham Road, an even narrower rural lane, which only currently takes two way traffic through the passing places. There's one little further on.

404. MS PARRY: Given that those are both to be used in the construction routes according to the ES, what assurances are you seeking?

405. PROFESSOR GEDDES: We are seeking undertakings that we have more specific proposals from the promoters than we have at the moment.

406. MS PARRY: I think slide 27 might help with that. Sorry.

407. PROFESSOR GEDDES: Yes. That would minimise the use of rural roads and lanes. And it feels to us that in order for such a guarantee to be meaningful this would require the promoters to specify the extent and the duration of traffic which would utilise the track bed, which would utilise major roads, and which would utilise these minor roads. And that would apply to the extent and duration and usage of Welsh Road and Hunningham Lane. We think that it's not proposed that Long Itchington Road should be used as a construction route except the section on the other side of the track bed and we'd very much appreciate confirmation of that.

408. And then our second construction issue is about the materials handling yard. And this would mean major disturbance to nearby properties and to users of Offchurch Greenway over a long period of more than five years. And we seek undertakings from the promoters to effectively limit and manage nuisance arising from that yard or if that were not to be possible to identify an alternative location for it. But, if it's okay, I will not go into detail on that now because I'm presenting a further petition on behalf of a group of residents tomorrow and will use that opportunity to go into more detail about this proposal.

409. MS PARRY: Then if we can have slide 28, which is a summary of the proposals. And did you have any concluding comments?

410. PROFESSOR GEDDES: If I could very briefly? So, we started from the fact that the promoters themselves accept that the impact of HS2 on Offchurch would be substantial. They accept our proposals would reduce these negative impacts but reject them on grounds of cost and construction complexity which we feel is reducible to costs. We feel that these proposals are a very reasonable attempt to mitigate the worst effects of HS2 on Offchurch. We're not asking for the whole line across Offchurch to be put in tunnel but for a better balance between cost considerations and effective mitigation. And we're aware that our proposals have cost implications but we would ask that if you agree with us that places like Offchurch are worth protecting rather than being, as it feels to us, being collateral damage of HS2, these are costs they should be borne by HS2 and not fall on the local community in the form of blight, noise and disruption. And we feel that in the context of the cost of the whole project, what we ask for it is not out of proportion.

411. MS PARRY: And then 29, please?

412. PROFESSOR GEDDES: This is to say thank you very much on behalf –

413. CHAIR: Do you have anything Mr Mould?

414. MR MOULD QC (DfT): I don't thank you very much.

415. CHAIR: Okay. Thank you very much. Is there one more petitioner?

416. MS PARRY: There is, sir. My last petition.

417. CHAIR: It looks like a briefer one.

418. MS PARRY: It is much briefer, yes.

419. CHAIR: Weston under Wetherley.

420. MS PARRY: Indeed.

421. CHAIR: Last but not least.

422. MS PARRY: Yes, sir. And could we have B7161(11). Would you like to introduce yourself and explain where Weston is?

423. MR HAINE: Good afternoon. I'm Peter Haine, vice chairman of Weston Parish Council and secretary of Weston Parish Plan Steering Committee, which I'll come back to later, if I may. I won't take up a lot of the Committee's time. But I would like just to add perspective from our community in Weston to what you've heard from my colleagues.

424. As you can see from the map, our village lies just to the east of the proposed route of the line and it hence traverses the entire landscape between us and the conurbations of Leamington and Warwick in the who's administrative district we lie and where, by the way, most of our children go to school and from where we obtain most of our services.

425. Historically, a farming community, the population of our village has grown, in fact, doubled, in the last two decades. It's now 140 homes, 80 of which were built on land which is formally a reformatory school and then a psychiatric hospital and that's the area that's in a sort of darker, grey blob there.

426. MS PARRY: Slide 2 please?

427. MR HAINE: So, the granting of planning permission for this estate, in response to the needs of organisations moving into the Midlands or already there and expanding, those organisations looking particularly to fill professional and managerial positions, made the village what is today. It's quiet, rural location proved attractive to such

people, many of whom have young children seeking a safe environment in which to bring up their family, engage in country pursuits and enjoy a friendly and active community. In fact, my wife and I moved here 27 years ago because our daughter was a keen horse rider and we aspired to a property with its own paddock and a garden we could develop in a rural setting with good riding and walking locally and like-minded people in the area. I'll just mention, as an aside, that surprising, of the properties that are built on the new estate, just how many came with their own or access to paddocks. In fact 10 out of the 80. And I mention that only to give you a sense of the kind of people who come to live in our village.

428. So, if we could move on to next slide? Let me come to my main point, which is highlighted in the blue box there. I'm here to endorse a request you've heard from my colleagues from Offchurch and Cubbington for the height of the track to be lowered across the Leam Valley and relief for our ancient woodland by means of the tunnel we've mentioned through South Cubbington Wood. Now, I do say, on behalf of our parishioners, who have made their views clear to us in the parish plan we produced, with their help, it was a community led project, in 2012 and 2013, and they have since endorsed in more recent public meetings we've held with them. I'd like to mention two outcomes of that plan which I think are quite relevant to what we're asking for. By the way, 87% of residents in the village engaged in the planning process, coming to planning meetings or completing questionnaires which we used in a survey. The first thing I'd like to mention is that a request was made by over 60% of residence for improved maintenance of footpaths and bridleways in the parish and for the restoration of paths which formerly gave us access on foot to the local services such as pubs and so on. Those former footpaths kind of fell by the wayside when the Estate got developed and were associated with the reformatory school and the hospital that was there before. As a result of their request, we now have a very active footpath group. And in the lower left picture there you see a piece of work that was completed last autumn where our footpath group negotiated with the landowner to put down some hard footpath across a very boggy field which helps people to get across to South Cubbington Wood. A footpath which is very well used by residents. The top left picture there, you see a family out walking their dogs. And that part of the footpath happens to go along side by my property and I can assure you that there are dozens of people go by every day. It's very, very well used.

429. The other thing I'd just like to mention is, another outcome from the parish plan, was quite a strong desire from a residence to improve the habitats for wildlife in the area. We know we have this wonderful ancient woodland which is well used by us, but with a desire to perhaps to see perhaps more locally within the village, our own environs improved, the verges and grassy banks and hedgerows. And in the top right picture you see a group of volunteers who have formed the Weston Wildlife Conservation Group and we're working very closely with the Warwickshire Wildlife Trust on a major project to restore wildlife corridors to the east of Coventry, down through Princethorpe Woods and onwards into South Cubbington Wood and even further south down towards Stratford. This is a big project. We're very actively involved in it. Our village will form part of that wildlife corridor. And clearly we see South Cubbington Wood as an important part of that corridor, which indeed it is. And it's acknowledged to be a very important part. And we don't want our efforts to be undermined, you know, if we can improve the corridor through our village, if there's a big gaps through South Cubbington Wood, that would really be quite upsetting for us.

430. I just wanted to mention, by the way, in relation to the footpath, we did note that in exhibit P3322 which shows the footpath routes during construction, doesn't actually show maintaining access along footpath W130, although I think there is a comment in the environmental statement that footpaths will be kept open. It's very important to us that footpath is kept open because it doesn't just give us access to the wood, it gives us access through the wood to the local school in Cubbington, where many of our children go and where many parents help. And, by the way, for example, we have parents who are involved with the school garden and with wildlife activities and natural history activities. And South Cubbington Wood is where some of those activities take place.

431. MS PARRY: Slide 4, which I think draws together your conclusions.

432. MR HAINE: Yes. Maybe just to summarise. The first point I want to say about this, we do of course recognise the national need for new infrastructure. We are realistic about that. Building new infrastructure is clearly essential for the continued economic success of the UK. Lots of our residents are involved in trying to ensure that

success and, so, yes, of course, we need new infrastructure. But, we do hope though that in meeting the national need, their needs and efforts of local residents are taken adequately into the equation.

433. I've indicated to you why our residents live in this village. They come here because it's a nice, quiet country location. That's what they're looking for. And we want them to stay there. We want them to help to sustain our own local economy. And of course we include in the contribution made by our farmers. We want their land to be available to make their contribution.

434. And we also want our residents to be happy living in the village because of the support they give us in conserving an increasingly threatened, rare habitats. And finally so that others can continue to enjoy this currently wildlife rich and tranquil area, not least, the veteran pear tree. So, we see a balance in all this. And we ask that consideration be given to whether the current plans of the promoter have got the balance quite right. Thank you.

435. CHAIR: Thank you very much.

436. MS PARRY: Thank you sir.

437. CHAIR: You've summarised as you went through. Are you happy with us to go to the promoters now and then we'll come back to you?

438. MS PARRY: Yes sir.

439. CHAIR: Thank you very much, Mr Mould. Are you going to box and cox or is Mr Strachan going to do this?

440. MR MOULD QC (DfT): I'm going to start off.

441. CHAIR: Okay.

442. MR MOULD QC (DfT): I may finish, but if I get something wrong, Mr Strachan will put me right, if that's alright?

443. CHAIR: He's always a useful person to have sitting next to you.

444. MR MOULD QC (DfT): He knows much more than I do, sir.

445. CHAIR: Right. Mr Mould.

446. MR MOULD QC (DfT): Can I just raise a point of detail that was raised a minute ago? The reference is 2.3.26 on page 21 of the Community Forum Area Report 17, for this particular area. It's just to confirm that footpaths W129Y, W129D, which is Mill Lane, and W130, which I think were the paths that the witness mentioned, those paths, there is provision for temporary alternative routes for those paths as well as for permanent diversions and realignments. And that's reflected in the map book at CT05091 for those who have access to that.

447. SIR PETER BOTTOMLEY: Also you've got P3342 by the same footpaths.

448. MR MOULD QC (DfT): Yes, I think that's right. Yes, that's the position on the operational phase. And then indeed the previous page deals with construction, although actually that's a little further down. That's the Offchurch position. There is a slide which deals with the construction arrangements for the Cubbington area. That's P3322. I think I'm right in saying that that was the area that the witness was particular concerned. But, certainly it's helpful. Thank you. If people want the information about the more southerly position, they're are shown on the references that Sir Peter has given. Right.

449. What I would like to do is please to deal firstly with responding to the evidence that's been given about lowering the track bed through this area and also the tunnelling proposals. And for that purpose I'd like to ask Mr Smart to respond.

450. SIR PETER BOTTOMLEY: While he's warming up, I think the point that's

been put to us is that the track level is being raised rather than –

451. MR MOULD QC (DfT): They have. And I'll ask him to explain the logic for that.

452. MS QURESHI: Can I just ask, before Mr Smart gives evidence, presumably, HS2 are not agreeable to a tunnel and we are going to hear from Mr Smart as to why that's not the road to take?

453. MR MOULD QC (DfT): Yes.

454. MS QURESHI We've had agreement on that with the –

455. MR MOULD QC (DfT): The answer is yes. We acknowledge that a tunnel would have some environmental advantages. It's indisputable. But, we don't believe that the gain that one would get from a tunnel in that respect justifies the substantial extra expenditure. It's a familiar analysis, as you know. And it's essentially the same one that we have here. And we do that on the basis, as you know, seek to justify that in a moment, and we do that on the basis that we have sought to mitigate the environmental effects both during construction and operation of the proposed railway as it passes through this area. And our view is that the mitigation arrangements in relation to noise, visual effects, the effects on public rights of way and so on, on land holdings, that taken together the arrangements we have for mitigating this railway are satisfactory and that therefore additional benefits need to be justified in their own right, particularly if they involve expending very substantial amounts of additional money on tunnels and so forth.

456. MS QURESHI: And the petitioners presumably are aware of everything that you offered in terms of what you can do to deal with noise mitigation, all the things that you've mentioned.

457. MR MOULD QC (DfT): Very significant and detailed information about the mitigation proposals that we put forward in the environmental statement and in the

supporting documents to that statement. They're set out in detail in the map book for this area and in the accompanying CFA report. We've also sought to set out a more focussed response to the particular points raised by the petitioners in our responses to their petitions. Plainly, they feel that there are matters that they would like the Committee to consider. But, that's the context for the debate today. Yes.

458. So, Mr Smart, if we can have first of all please have up P3326? I'd like to deal with the story insofar as the points raised on behalf of Cubbington County Council's concerns first. So, what we have here is a page which shows the route on plan as it passes to the east of Cubbington. North is obviously to the left of the page. South to the right. And then we have a long section showing the route alignment that was put forward by the then Secretary of State in January 2012 following the national consultation which took place during 2011. That's the, I think it's blue, being pointed out now with the cursor, and then we have the Hybrid bill alignment which is the alignment that forms part of the bill arrangements that are before the Select Committee. That's the position isn't it?

459. MR SMART: That's correct.

460. MR MOULD QC (DfT): And we can see that the Hybrid bill alignment involves some raising of the vertical alignment from that plan both in the area along and to the north of the proposed retained cutting through Cubbington Wood. And we can see that, we'll come to a little bit later, with the Offchurch slide, but, we can see as we go just towards the south of this section, if you go along the section to the right hand side of the long section, we can see that there is some raising towards the right hand side of the section as well. So towards Offchurch. That's the position, isn't it?

461. MR SMART: That is the position, yes.

462. MR MOULD QC (DfT): Now, can you just take the Committee very quickly please through the gestation of the engineering aspects of the project that we see culminating in the arrangements that are on the red line before us?

463. MR SMART: Yes. We don't need to bring it up, but it's actually set out in one of the, in the ES CFA 17 269, and the reason for raising the route was because we put the section through Cubbington Wood into a retained cut and therefore minimising the side slopes. And pulling the whole route in to minimise the effect on the route. So, what we have in there is a retaining cut, which you can see on the exhibit. And that is some 900 metres, I think, it is long and about 12 metres deep, so, vertical sides. And that entailed raising the route because of the sheer depth of the cutting in that area.

464. CHAIR: Sorry, you're raising the route? The bigger the cutting, you raise the route?

465. MR SMART: Because we went from cutting to retained cut. So, we've got a vertical side.

466. MR MEARNS: In essence, what you're saying is it reduced the width of the land?

467. MR SMART: It did. And reduced the amount of excavating material that we need to remove.

468. SIR PETER BOTTOMLEY: Sorry, did I hear you say that means you have to raise the track level or are we talking about something else?

469. MR SMART: Because of the base of that retained cut, the track level came up, but, the cutting is still some 12 metres deep, so it's still a very deep cutting, which the railway is wholly situated in. It's a retained cut now, remember.

470. SIR PETER BOTTOMLEY: Sorry. My mind. The level of the track, with the vertical sides, to the cutting has meant that the track itself has come up by how far?

471. MR SMART: You can see that on the exhibit. So, it would be in the order of a couple of metres, three metres. That's just going off that exhibit.

472. SIR PETER BOTTOMLEY: And is the reason for that economics or is it because you can't have vertical walls that go down as far as the original track level would have been?

473. MR SMART: It would be a combination of supporting the very deep walls that we have here, economics and achieving a satisfactory alignment through all the various existing infrastructure that we have to negotiate along that section of the route.

474. SIR PETER BOTTOMLEY: Does that two metres have consequential effects on other parts of the line nearby?

475. MR SMART: What it's actually done is to reduce the land take, as has been noted.

476. SIR PETER BOTTOMLEY: I appreciate that.

477. MR SMART: And you also see that we've also got bunding there, with the cut, so, the effect of that is to effectively save the Wood, but maintain sinking the railway as deep as possible and therefore there are no other effects that would manifest from raising the track level slightly.

478. MR MOULD QC (DfT): Sir Peter raised the question of whether there is an economic imperative here. And I think it's right isn't it that the arrangements, the development of the arrangements we see on that slide, have enabled the scheme to save some £45 million in construction costs by raising the alignment as part of the overall design development through this area?

479. MR SMART: It's of that order of cost, yes.

480. MR MOULD QC (DfT): Yes.

481. SIR PETER BOTTOMLEY: The issue is the build is on a hill. Is that right?

482. MR MOULD QC (DfT): Yes, it is.

482. MR MEARNS: Just for clarity, the question of not only the depth but the width of the land taken has been mentioned and Professor Geddes before gave us comparison between A7171(2) and A7171(3) showed that from a previous model to the 2014 model there seemed to be an increased outtake, or was it just that the 2011 consultation model didn't actually show the extent of the land taken?

483. MR SMART: There would have been an increase in the side slopes because of getting a better understanding of the geology and therefore the natural angle of repose from the side slopes that you could achieve through this area. So the deeper you go the more land you would take for the side slopes. So the advantage here is that we take less land, we have a more expensive solution in some respects as it is a retained cut, but we don't have that width or swathe taken across the wood by putting it into that retained cut.

484. SIR PETER BOTTOMLEY: Again, forgive me for not being as knowledgeable as I'd like to be. One of reasons we're told for having significant tunnelling in the Chilterns was the topography. Is this is the same kind of topography?

485. MR SMART: That's why we've got the deep cut here, yes. One of the reasons is topography, apart from the fact of obviously sinking the railway low. But here we go excessively low because of the terrain that we're crossing.

486. SIR PETER BOTTOMLEY: In parts of the Chilterns the decision was to go for a bored tunnel. Here the decision is not to do that.

487. MR SMART: No, we have got – Obviously, there's a number of – The issue of how you balance the vertical alignment and the horizontal alignment that you need and negotiate existing infrastructure is always a question of balance. And we've got a number of existing obstacles we've got here. So threading the route through means that we're in a deep cutting here, deeper at Offchurch, actually, but we'll come to that, but we're in a fairly deep cutting here.

488. And, also, if we were to go – We've already, I think, discussed the costs of a bored tunnel, but if we were to go into a cut and cover tunnel through this section of the wood we would actually have to take a wider swathe because we've now got a fully enclosed cutting and therefore the aerodynamic issues with pressure relief and having a central wall and walkways in a tunnel would mean that that width we'd take would be greater than putting in a retained cut open to the air.

489. SIR PETER BOTTOMLEY: I think we can see that the point of view of saving the wood, the further the width you have to cut through the better.

490. MR MOULD QC (DfT): It's certainly true to say that the – I've got in front of me a report which was prepared to inform the judgement the Secretary of State made in January 2012 about the route that was published at that time. It's a report entitled "Review of Possible Refinements to the Proposed HS2 London to West Midlands Route" prepared by HS2 to government. And in section 3.2 of that document for those who want to look at it a particular point raised in consultation was the need to do just that. That was to say to minimise the impact of the railway on South Cubbington Wood, and the response to that at that time was, as Mr Smart says, to seek to use the device of a retained cutting as to limit the environmental impact on the Wood. So that came at a cost, and as he has indicated and as I reminded him there is a cost saving in the broader arrangements here in terms of rating the vertical line through the area.

491. I'm going to ask Mr Miller in a moment just to comment on the environmental effects of that proposal. But sticking with the engineering, I wonder if we can just turn to P3346 so that we get the picture from the southern part of this area, which is the area that the Offchurch residents were concerned about. So we've got a similar document. We have the route as it passes to the east of Offchurch, the top section and then the long section below. And again the 2012 published route is the blue or the black notation and the hybrid bill route is the red.

492. CHAIR: So with the wood issue the whole of the route in that area has had to be lifted because a fast railway you don't want to go like that?

493. MR SMART: That's one of the issues. But also, obviously, bringing the side

slopes straight because it's a retained cut now, diaphragm walling or whatever rather than a natural – Here there's a number of different reasons, but I must emphasise that, of course, as you will appreciate from what you've seen so far, as soon as you move some section of the route you always get affects down the route. So to some extent you can get an unravelling of how the whole thing hangs together. But here there are a number issues in terms of the alignment change. One was the drainage in Long Itchington Wood Tunnel and being able to site a pumping station effectively, not within the tunnel, outside the tunnel portal.

494. MR MOULD QC (DfT): Just in case anyone is struggling to find that, it is scheduled – The cursor is – It's immediately to the south of the Offchurch area.

495. MR SMART: Also, Welsh Road, which I'm not sure is marked –

496. MR MOULD QC (DfT): Welsh Road is the road that passes at an angle across the railway lane. If the cursor can just go left about an inch, a bit – That's Welsh Road there.

497. MR SMART: Now, we wanted the – The realignment allows Welsh Road to pass under the railway rather than go over it, as well, and that was another reason for the revision to that alignment. And, of course, the landtake of cuttings, because as you go into Offchurch cutting that is a very deep cutting. That's even deeper than Cubbington.

498. SIR PETER BOTTOMLEY: 3345, I think.

499. MR SMART: So the Offchurch cutting is at its deepest point just short of 20 metres, which I just think – you referred to the height of this building earlier so you can imagine how deep that cutting is.

500. CHAIR: Six or seven metres?

501. MR SMART: Yes, that's right.

502. CHAIR: Okay. And this room?

503. MR SMART: So we're about 19.6 at the deepest point and it is about just over two kilometre cutting. So, again, it was to minimise land take by slightly raising that as I say. So there's the three principal reasons: the pumping station from Long Itchington Wood, Welsh Road diversion under, and minimising land take. It's just a question of optimising the route to keep the benefits to get a better engineering solution.

504. MR MOULD QC (DfT): Also, the cursor actually is quite conveniently just alighted there on the Grand Union Canal. I presume we go over that?

505. MR SMART: Yes.

506. MR MOULD QC (DfT): So that's another –

507. MR SMART: That's another pinch point that we have to put into the alignment.

508. SIR PETER BOTTOMLEY: So is the height of the hills at Offchurch and South Covington Wood which require the line to be so high crossing the river?

509. MR SMART: That's one of the dictating points, yes. And we heard about the River Leam, and clearly there's the issue of maintaining the flood clearances that we require there as well as just another constraint that we have to look at.

510. SIR PETER BOTTOMLEY: And there are limits to the rate of change of gaining or losing height?

511. MR SMART: There are, both vertically and horizontally, but in this case it is vertically. So at 360 it is about a 7000 metre curve. But there are discrete design elements within that that you have to match as well. It's not quite as simple as a curve of 7000 vertical. Sorry, vertically. That's horizontally. Vertically would be 45000, not 7000.

512. MR MOULD QC (DfT): Another point of overall context, I think the Committee have this in mind. If we imagine moving from the north portal of the Long Itchington

Wood tunnel and going northwards through this area we pass – As you've said, we have to take the route over a number of existing linear features: the canal, then welsh road, then the route is passing beneath others, such as the Fosse Way and various routes to the north. Apart from that the route is either in cutting or in false cutting, I think, or indeed at Covington Wood in retained cutting. That's the broad picture that we have of the vertical arrangements for design and construction of the railway through this area. Is that a fair way of putting it?

513. MR SMART: That's an absolutely fair statement.

514. MR MOULD QC (DfT): Okay. Well, I would ask Mr Miller in a moment just to comment on the opportunities for blending in, particularly the earthworks, at the detailed design stage to try and bring them into – try and capture the prevailing character of the area. So I will ask him to comment on that. But having talked about the alignment from an engineering perspective can we just turn to the tunnelling options. It might be helpful if we just then put up P3324.

515. CHAIR: I will just say I will be mindful to run beyond one to be finished at 1.30, rather than come back at two. Is that a possibility for the Promoters?

516. MR MOULD QC (DfT): I think it is. Ms Parry may have some questions, I don't know.

517. CHAIR: I'm sure Ms Parry will have some questions. That would leave us just under an hour to finish the response.

518. MR MOULD QC (DfT): Right. We'll aim for that, certainly.

519. CHAIR: It's just it saves us coming back at two, although it does run into lunchtime.

520. MR MOULD QC (DfT): I understood. So what are we looking at here? This is the 1.6 kilometre tunnel option. And this is effectively the cut and cover tunnel option, isn't it?

521. MR SMART: The deep bore.

522. MR MOULD QC (DfT): The deep bore. I'm mixed up. Okay, you help us with this one then.

523. MR SMART: This is the deep bore tunnel option. I'm not sure if we have a – I can't remember if we have a slide with the costs of that.

524. MR MOULD QC (DfT): I'll come to that in a minute.

525. MR SMART: This would –

526. CHAIR: This is Covington Wood rather than Offchurch?

527. MR MOULD QC (DfT): That's right. That's my fault, sorry.

528. MR SMART: So of course this would save the wood because we would deep bore tunnel underneath it. You have the impacts, obviously, of construction effectively on the southeastern side of the portal. But that would be a way of traversing the area without impact on the wood.

529. MR MOULD QC (DfT): Now, if we then turn to P3325. This is the one kilometre tunnel option that was mentioned earlier, isn't it?

530. MR SMART: It is. But as you can see from the depth of cutting it doesn't actually – It's hard to see how it improves anything other than, of course, in terms of the Wood itself. But in terms of screening of the railway we are in a cutting there.

531. MR MOULD QC (DfT): So it would be very much focussed on that one issue?

532. MR SMART: It would be. And, of course, with a kilometre tunnel it does attract one or two other things. The portals, which would be obtrusive, such as a higher standing for evacuation of 550 square metres. We would have to have some

electrical/mechanical fans etc. and you would need some kind of building for switchgear and power the fans, fire mains etc. So it doesn't totally sink everything right down deep. You would still have some other impacts.

533. MR MOULD QC (DfT): And I think, as was mentioned earlier, this was an option that we developed to see if we could drive down the costs of tunnelling through this location.

534. MR SMART: Yes. This is a sort of modified scheme based on petitioners to look at getting, perhaps, what would the most economic solution be if you want to do some sort of bored option to save the wood, and this is effectively where you would end up.

535. MR MOULD QC (DfT): And it involves, I think you may have mentioned it a minute ago, but just to make the point, we can see it involves crossing the River Leam on viaduct just to the south.

536. MR SMART: Yes.

537. MR MOULD QC (DfT): Now, in terms of the cost if we can just see costs of the earlier proposal, the 1.6 kilometre, we can conveniently go to the petitioner's slides for that, A71531. And it's option D, I think, isn't it?

538. MR SMART: Yes.

539. MR MOULD QC (DfT): And that it is a figure at –

540. MR SMART: Values from the 1.2 bore tunnel and the 0.4 cut and cover.

541. MR MOULD QC (DfT): And then if we go to P3336 we have a slide, which as we can see gives us a cost of £47 million, excluding property costs, for the developed 1 kilometre option that you showed a minute ago. And anything else to say which is not set out on that slide?

542. MR SMART: Obviously, that slightly lower figure does reflect the fact that

putting the railway into a retained cut through the wood itself does have a cost. It's a deep retaining wall, so therefore that is the extra over to sink it into –

543. MR MOULD QC (DfT): Right.

544. MR SMART: I should just perhaps say, and I know there has been discussion on this point before but, of course, that represents the construction costs and there are on-going operational costs, as we've previously discussed. But at this point we just look at the construction costs, but you'd have to have whole lifecycle costs of the mechanical-electrical plant that you would need, and pumping and fans and the like, which was, I think, referred to yesterday.

545. MR MOULD QC (DfT): Can we then just turn to the Offchurch cut and cover tunnel proposal, if we turn to P3348? This is the one I was getting mixed up with a minute ago. This essentially shows the proposal that Professor Geddes spoke to a few minutes ago. He described it quite clearly, so unless there is anything you want to add to what he said we can move straight to the –

546. MR SMART: No, I wasn't sure. I thought the petitioner mentioned the cost of £80 million. I'm not sure that that is correct, but I'm not sure what more there is to say on that proposal.

547. MR MOULD QC (DfT): And then if we go to – Again, it's helpful to go to the petitioner's – back to that slide, A71531. I think the relevant column is the second to the left: option C, Offchurch 1.8 kilometre cut and cover tunnel.

548. MR SMART: That's right. That's more like the figure I would recognise for the cost of that sort of tunnelling.

549. MR MOULD QC (DfT): Right. Thank you. I don't know if Ms Parry has any questions.

550. CHAIR: Ms Parry, would you like to ask some questions of Mr Smart?

551. MS PARRY: Mr Smart, we looked at two slides which show the rise in the track level, and I think the first one we went to was 3226. And this shows the difference between the route as proposed in 2012 and the hybrid bill I think you explained to the Committee.

552. MR SMART: That's correct.

553. MS PARRY: It doesn't also show the 2011 consultation height, does it?

554. MR SMART: No.

555. MS PARRY: And you heard the evidence given earlier about the difference, again, in height from the 2011 consultation. Do you accept that that was roughly correct in saying there has been a sort of 8-metre raise in height at its worst?

556. MR SMART: That's probably correct, but that manifests because of all the alignment changes we've had along the route in terms of this area here, the area I've already spoken about, which was southeast as you head towards Long Itchington Wood, and achieving an economical engineering solution through that entire route.

557. MS PARRY: When did the deep cutting at Cubbington Wood become part of the proposal?

558. MR SMART: Well, that was reported, I think, in the review of refinements, which was January 2002, where we pulled in the slopes, effectively, through Cubbington Wood. We put them into a retaining cut. I mean you would have to check. I can't tell you off the top of my head in terms of a stakeholder, the CFA community forums. But that was published in the January 2012 route refinement report.

559. MS PARRY: So, insofar as there is a further raise in height between 2012 consultation height and the hybrid bill height that hasn't been caused by the need for deep cutting at Cubbington, that has other causes?

560. MR SMART: There were a number of issues that we're looking at along this

route. So where we ended up results from a combination of things to get a designed rail alignment through the infrastructure that we're passing over and through, one of which, of course, is also the flood arrangements you've already discussed at the River Leam viaduct.

561. MS PARRY: The viaduct height has remained unchanged over all the proposals, hasn't it?

562. MR SMART: Yes.

563. MS PARRY: And one advantage of the tunnel in Cubbington, whether it's the 1.6 length or the one length was that would allow some reduction of the height in the River Leam viaduct, wouldn't it?

564. MR SMART: It may do, but clearly we have to – Because of the affects of the River Leadon viaduct on flooding we have to clearly comply with Environmental Agency requirements and, obviously, our own protection of the railway. There is some evidence that the flood level, if you look at the Grand Union Canal, is higher than the River Leam, so we are doing further work to ascertain whether the actual hydraulic regime or hydrology across this area. But we also have in that area a farm access, which also provides some restriction on lowering that viaduct as well. And if we were to we would restrict farm access, there is the potential for that. And, also, would require department from the Environmental Agency's own access requirements.

565. MS PARRY: In terms of the flooding issue, can I have A71513? And you might recall that this came up in the second presentation you heard today. Effectively, what we have plotted here is the maximum flood level and the red line being the current height. That does indicate there is at least some ability to reduce the viaduct at the River Leam before you start getting into trouble on flood grounds, doesn't it?

566. MR SMART: This, as I say, subject to the fact we've got to maintain Environmental Agency and farm access, which is in excess of 4.5, there could be some scope for reducing the viaduct height there. We look at that as a matter of detailed design. But I should point out that because, obviously, the alignment has to be taken

either side of it that if we do reduce it it does have a corresponding cost increase because you would be increasing the depth of cutting, which is already pretty steep in this area. So it would come, if we were able to reduce any sort of amount there, I would suggest that the maximum we could reduce would be maybe 1.5 to 2 metres. But the effect on the cutting over the length would be quite significant, resulting in a cost in the millions I would suggest.

567. MS PARRY: This isn't a proposal that has been worked up and costed.

568. MR SMART: Well, in terms of how you put an alignment through the countryside and the existing infrastructure you're always looking for that balance of how you achieve that. So to say we've actually looked at this particular section in isolation, no. But we would have looked at how we achieved the balance of crossing all the infrastructure, balancing all the things of the construction, both the cost and the effect on land take, the effect on the environment and all the other things you need to do when you're balancing that alignment.

569. MS PARRY: In relation to the Cubbington tunnel, am I right in understanding that a 1 kilometre tunnel the costs would be £47 million, whereas a 1.2 kilometre tunnel the cost would be £110 million? Is that a correct comparison?

570. MR SMART: The bore tunnel extra over costs, once you take away the fact the cost of deep retained cut at Cubbington is £47, yes. Could you just repeat, again, you other figure?

571. MS PARRY: I think I've taken both figures from your evidence, but do tell me if I'm wrong. The £47 million is the figure you give for the one kilometre tunnel at 3336?

572. MR SMART: That's correct.

573. MS PARRY: And the £110 million came from A7153(1)?

574. MR SMART: Yes.

575. MS PARRY: Are both those figures correct?

576. MR SMART: Yes, in terms of as far as the design has been progressed that's correct. But that is the construction costs, as I've said. And I think that we've already pointed out the £47 million didn't take account of land costs.

577. MR MEARNS: Can I just clarify is that net differential cost, is it?

578. MR SMART: The 47 is, yes.

579. MR MEARNS: Plus land?

580. MR SMART: Plus land.

581. MS PARRY: Is the 110 as well?

582. MR SMART: I would need to check that. I believe that's the cost extra over, but I would need to check over what length. I believe that to be the extra over, but I would just like to come back and confirm that, if I may, sir.

583. MS PARRY: You mentioned in relation to the Cubbington tunnel the need for various additional infrastructure, which you said would obviously have an impact. At 3336 I think you assessed, maybe not you personally, HS2 has assessed that impact and if we look at overall environmental, the second one down, the assessment is it wouldn't cause any visible notch in the skyline, woodland, some localised increase in effects around the tunnel portal areas. So those effects don't appear to have been assessed as particularly significant, do they?

584. MR SMART: No. I mean we have acknowledged that in terms of the wood, which is – There is benefit of a bore tunnel. I don't think there's any disagreement on that.

585. MS PARRY: In relation to the lowering of the track in Offchurch, am I correct in understanding the reason it was raised was so the route could pass under Welsh Road

and because it would deepen the cutting. Was that the explanation?

586. MR SMART: Three things: the pumping in the tunnel, Welsh Road going under, and reducing land take. They were the three principal reasons, but in the detail I'm sure there will be other reasons. But those are the key things that led to a revision in the route.

587. MS PARRY: Have you had a chance to look at Mr Geddes' evidence where he compared the land take in the consultation route and in 2014? It's A7171(2) and A7171(3).

588. MR SMART: Yes. The consultation land take assumed the angle of the side slopes could be achieved at a certain angle, perhaps one on one. But when you look at the geology and the fact that those slopes have got to stand for 120 years and cannot cause landslips onto the line, which we don't want, then they have to be shallower. And I would need to check what the alignment was in 2011. You will forgive me. There are 55,000 pages of the ES. I can't remember it all. But I would have to check whether there was. That could have changed the side slope. Principally, it would be better understanding of geology and the stability of the side slopes.

589. MS PARRY: Thank you, sir.

590. CHAIR: You're finished then? Okay.

591. MR MOULD QC (DfT): I would like Mr Miller just to come in to deal with other matters.

592. Whilst they are changing places – Thank you, Mr Smart – Mr Mearns, you had a question about whether the costs of the longer tunnel were net additional costs. I think that is actually answered very helpfully by the petitioner's own slide at A7153(1). So just to close that one off, if I can just show that. The relevant column is option D, and if you look at line three in the cost estimate you will see that there is a reduction for civil engineering of £46 million. That reflects the cost saved through going into tunnel instead of cutting in at surface. So it is a net additional cost, the cost of the figure of

£110 million as shown on that slide.

593. Can we put up, please, P3327? Mr Miller, there is concern expressed by the petitioner's about the visual impact and the impact on the character of the countryside around here of the railway running as described by the petitioner's and by Mr Smart, particularly through the Leam Valley. Do you want to just say something about the opportunities to try and blend the earthworks into the landscape through the detailed design process? Perhaps this slide is a helpful one to –

594. MR MILLER: Yes, it's quite a useful slide. I think it is worth, before I describe that, just understanding that what the railway is doing is coming out of the cutting at Offchurch. It's then going across the Leam Valley, which as we all know is a very wide, broad, open valley. And the route is sort of skating down that side slope, down to the River Leam, where it goes over a viaduct, and then it is following that contour upwards as it approaches the higher grounds at Cubbington Wood and then goes into the retained cutting that we've just described.

595. MR MOULD QC (DfT): Sorry, we jumped the gun.

596. MR MILLER: It gives you an idea of the nature of the land. And, of course, if you're looking at this from north to south, from South Cubbington Wood where we stood with the pear tree we know that the land dips away and the contours of the ground broadly follow the alignment of the River Leam itself. So what is happening with the route alignment here is we got a fairly flat diagram showing on this page of the route in two dimensions. But the sort of tadpole shapes either side are showing earthworks alongside the railway.

597. So we're building up the earthworks alongside the railway, and what we will end up doing is feathering those earthworks back to the contour as that contour is sort of running sort of north to south on this page. That'll happen on both sides of the route alignment here. What you're seeing on this page is quite a crude representation of the earthworks, but when we come to it, and I think what our policy is saying – the policy was mentioned earlier by Mr Delow – is that we will feather back the side slopes to meet the contour. So the railway is running across the valley, sort of down and up the

valley and those broad bay slide slopes, and the earthworks will be feathered in.

598. MR MOULD QC (DfT): Thank you. And we've drawn attention to petitioners in the Kenilworth area of the role of the planning authority in schedule 16, paragraph 9 to the bill as regards approval of details for scheduled works prior to bringing the works into operations.

599. MR MILLER: That's right. And we've indicated woodland planting through here, partly in response to reinforced woodland around the ancient woodland in South Cubbington Woodland and you see that to the left hand side of the page. Further to the right as you go down to the River Leam we've put in tree planting there. The idea of that is to emulate the sort of thickets of tree planting, spinneys and that sort of thing. Bring that in with the existing planting around the river. You don't get that so much on the other side because that's much more open countryside. The idea is that we treat the landscape response appropriate to the local environment. And the benefit of doing that, as I said the other day, is to avoid the railway becoming a linear feature in the landscape, and so far as we can respect the landscape that the railway is passing through.

600. MR MOULD QC (DfT): Thank you. Well, can we then, please, just put up the photomontage? This is taken from the map book from the particularly community forum area. The first photomontage I've put up is one that shows the view looking eastwards across the line during winter from, broadly, the vicinity of Offchurch village. And I don't know if there is anything that we can point out here, but the railway is running along the horizon.

601. MR MILLER: The earthwork's almost on the horizon there. It sort of fills in that bit. It almost offers up a new horizon by lifting the ground sort of in the middle ground and foreground alongside the railway. That's sort of what's happening there. I think there is a good representation of what's happening with the rigs coming down from Offchurch, because Offchurch is sort of, or to my way of thinking – I don't know what others think. I think Offchurch is sort of sitting tucked into the contour of the higher ground, I suppose. It gets a little bit higher a little bit further up. Our railway is in that deep cutting. I think 19 metres at the deepest point. But as it is coming into the Leam Valley obviously that cutting is becoming a lot shallower and then the route is then

dipping down to follow the contour of the valley floor itself, albeit on a raised alignment in that area.

602. MR MOULD QC (DfT): And then I have a similar photomontage for the area just to the east of Cubbington, which is the next slide. That's LV01115. If we can just bring the key up. That's it. We can see this is from the eastern edge of the village looking eastwards towards the route. I think we can see Cubbington Wood, can't we? And, again, is there any particular point of orientation that we can get here? Probably very little, because of course at this point we're looking towards the railway passing in retained cutting as it passes through the wood.

603. MR MILLER: I think that's right.

604. MR MOULD QC (DfT): Okay. Thank you. I'd like to just turn to the question of footpaths, and if we can put up, please, P3323. The Committee has heard from you in response to the County Council's petition about arrangements for the over bridge at Mill Lane. The footpath arrangements here are shown, and we touched on them a few moments ago. I would just ask you to comment, please, on the proposal that we should promote the opening up of routes through Cubbington Wood itself. Who owns and/or manages Cubbington Wood?

605. MR MILLER: South Cubbington Wood, I think, is in a couple of ownerships. But I think the North Cubbington Wood area where petitioners are indicating there might be a difference response to the effect on the woodland, I believe that's in the ownership of the Forestry Commission.

606. MR MOULD QC (DfT): Do they manage at least part of that woodland for commercial purposes?

607. MR MILLER: I believe that's the case. I think in that's slide that was shown with the bluebells popping up, I think that's a good indication that that's actually for some commercial use. And I think from the aerial photographs that I've seen there are a number of patches in that North Cubbington Wood area – that's that area there – which look as though there are different ages of growth, which sort of suggests to me that the

area is for some sort of commercial property.

608. CHAIR: We did make the point before when people have suggested moving rights of way. It moves one person's land to another farmer or another landowner's piece of land, which of course the Bill can't necessarily take.

609. MR MOULD QC (DfT): Sorry. Yes, sir. I agree.

610. CHAIR: It would require either the County Council or the amendment to the bill to take land which is at the moment within the scheme.

611. MR MOULD QC (DfT): Yes, of course. Exactly. There was a point raised about the detail about trying to stop locating soils and so forth here. You've already heard from Mr Miller on that and I wasn't planning on asking him to repeat that. I hope the petitioners will forgive us for that. Insofar as the more detailed footpath proposals that were put forth by Professor Geddes in the Offchurch area, he did refer to the response given to those proposals in the petition response document. Again, unless you would like me to expand on that I wasn't proposing to do so. I think you have that.

612. MR MEARNS: I think the point was made before though that South Cubbington Wood is the ancient woodland. North Cubbington Wood is a managed forest. And I think the nature of the two parts of the wood are really quite different. By the look of it from the overhead photograph, it looks like the North Cubbington Wood is mainly coniferous forest. The South Cubbington Wood is a mixture with some deciduous trees amongst it.

613. MR MILLER: Yes. That's right. And that's what set out in the Environmental Statement. On this plan you sort of have this blown up. You have two areas of woodland, one area here, which we went past when we went up in the four by fours. And the farmer who owns the farm down here when we came up the hill was very concerned that we were actually taking that to do the translocation of ancient woodland soils. That's part of the response. The second part of the response is to look up North Cubbington Wood and Weston Wood. As I understand it, Weston Wood is different again and probably is exhibiting ancient woodland characteristics. Peter Delow might

confirm that.

614. But through here my response to Warwickshire was yes, we're taking part of the ancient woodlands. That corner and that remnant shall be left over. The response is to put the 20 metre or so green bridge in. That was for bat connectivity. But then the overall response, which is a greater response in the area of land, for the ancient woodland translocation and compensation, which is shown in these two patches of woodland, is to further reinforce the woodland in this area. But yes, you're right. There are places in that woodland complex which exhibit sort of more commercial forestry uses.

615. MR MEARNNS: One last thing if I may. Is there any significant difference in the carbon footprint of the whole construction process in taking out wood which is deciduous as old as opposed to farm coniferous forest?

616. MR MILLER: I don't think so, overall. I think most environmentalists would say putting equivalent planting back. You're not going to replace the carbon benefit or carbon sequestration of a mature tree with one sapling. But I think this is a good illustration where we've got a slightly bigger response to that. Overall and in time that carbon benefit will be replaced.

617. SIR PETER BOTTOMLEY: 1516, which I think shows Ian points. Are we dealing with the translocation replacement land now or will that come up under a different petition?

618. MR MOULD QC (DfT): It's not going to come up, I don't think, under a different petition. My point was that Mr –

619. MS PARRY: Mr McGregor, tomorrow. He's the farmer whose land is being –

620. MR MOULD QC (DfT): He's got a concern about the land take. That was your point.

621. CHAIR: Any more questions for Mr Miller, Mr Mould?

622. MR MOULD QC (DfT): Just a couple more. Mr Miller, if we just go back to the previous slide, which was P3332(3), I just wanted to touch on one point in relation to construction traffic that was raised. We can see Mill Lane on this plan, and Mill Lane as we know is a single track round that passes westwards into the village. The petitioners are seeking an assurance that we don't use that road as a main construction route. Are we able to confirm that?

623. MR MILLER: Yes. We're not using that as a main construction route.

624. MR MOULD QC (DfT): Thank you.

625. SIR PETER BOTTOMLEY: I'm sorry. Main construction route? Is there going to be much construction traffic on it?

626. MR MILLER: I don't think you could get any construction traffic down it to be honest with you. And in answer to Mr Delow's point there, you might inadvertently get contractors using roads. Well, we do everything that we can. We've explained the traffic management plan in the code of construction practice, but ultimately controls over routing will come down to the local highways authority.

627. And my experience of this on other projects is that there are restrictions put in place for just such roads. You can see that we've obviously got some works alongside the railway to do with the accommodation bridge and we will have to get there to undertake those works. But I think everyone would accept that.

628. MR MOULD QC (DfT): The other point relates to noise. I'm not going to take time covering that now in detail because we are going to hear more about that tomorrow. But can we just set the context in response to the general concerns. If you turn to P3329, I'm going to show the Committee two slides. This is the slide that relates particularly to Cubbington. We have the now familiar contour map showing the extent of the predicted LOAEL assessment and we can see how far that extends towards the settlement of Cubbington, which is being pointed out with the cursor on the plan now.

629. MR MILLER: That's right. I think it's a good example of even though you've raised the alignment you're raising it within still a deep cutting and the route alignment from a noise perspective from these diagrams show that it performs really quite well. And what we've tried to do over the years, ever since 2009, is try and find a route alignment which avoids the main places where people live. And I think as you can see Cubbington here that that's what we've been able to achieve. I think it's fair to say that there have been a good number of views on this route through here and all the way up into Stoneleigh over the years. So there has been quite a lot of activity in this area, where the route finally ends up and whether that's horizontal or vertical. But I think we've sought the right balance here.

630. MR MOULD QC (DfT): And we look, finally, at the corresponding contour map for Offchurch. That's P3353. The village is located right, I think, in the middle of the plan. That's it just here. That's broadly the centre of the village. And, again, we can see where the LOAEL contour extends to. And if we can just remind ourselves that if we were to imagine a cut and cover tunnel of the kind that is being promoted it would sit right in the centre of the route as it passes along this page, wouldn't it?

631. MR MILLER: That's right.

632. MR MOULD QC (DfT): Just where the cursor is now. And so the north and south portal, the north portal in particular would be at the point, I think, where that seven to nine metre just there –

633. MR MILLER: Yes. Around about there. That's the point where the route alignment is sort of picking up the sort of side slope as you will of the broad valley of the River Leam.

634. MR MOULD QC (DfT): Yes. So trains emerging from and back into the open as it were would be at about that point if we had a cut and cover tunnel option as proposed.

635. MR MILLER: I think it's important to understand that even if you were to drop the alignment that's on the viaduct itself you're still following that contour down in one form or another. So you don't really get away from that because the tunnel or even our

deep cutting here is cutting through the higher ground on the top of the valley side slope.

636. MR MOULD QC (DfT): Thank you.

637. CHAIR: Okay. Ms Parry?

638. MS PARRY: Thank you, sir. In relation to the visual impact of the line you went to two photomontages, one taken close to Cubbington and one taken close to Offchurch.

639. MR MILLER: Yes.

640. MS PARRY: I think perhaps the best way of illustrating this is at page 3326. And this quite helpfully gives us through the green dotted line the natural level of the land. And we can see that the one close to Offchurch is effectively outside of the Leam Valley. It's to the north of it. And the one close to Offchurch is to the south of the valley, isn't it?

641. MR MILLER: Sorry. I'm not sure where you're pointing to on here.

642. MS PARRY: Sorry. Can you see Offchurch and Cubbington on that map?

643. MR MILLER: I can, yes. Sorry, I must get new glasses. It's probably the scale of the map. Sorry.

644. MS PARRY: But on the top map of Offchurch and Cubbington is in quite big letters.

645. MR MILLER: Yes, got it.

646. MS PARRY: And you gave us photomontage slightly to the east of Offchurch and slightly to the east of Cubbington, didn't you?

647. MR MILLER: Yes. I believe that's the case.

648. MS PARRY: And if we look down to where we get the contour of the land we can see that neither of those are photomontages either down in the Leam Valley or looking into it, are they?

649. MR MILLER: You're right in that they're sort of looking across. Yes, that's right.

650. MS PARRY: So we haven't see a photomontage that is either down in the Leam Valley, appreciating the impact there, or the panoramic views that you get down into the Leam Valley that were mentioned, have we?

651. MR MILLER: You haven't seen a close view. I think the only photograph that has been shown today is Mr Delow's photograph with his red arrow on it.

652. SIR PETER BOTTOMLEY: Is that on both the east and the west of the Cubbington Wood hill and the Offchurch Hill? We've got the river going in between the two hills. That's why we've got the viaduct there, where the river is. And you've got high ground to the north and to the south. We've heard constant references to the valley. Can you see the valley on both sides of those hills in the same place? One hill, another hill, a river in the middle. Is the valley to the east or the west of those two hills or both? If it is both, can you see from both sides at the same place?

653. MR PARRY: Sir, I think it runs east. You can see where the River Leam runs on the map on 3326. You can see the hill from both sides from –

654. SIR PETER BOTTOMLEY: You can see the hills from both sides. Can you see the valley from both sides of the hills?

655. MR MILLER: It's whether it crosses sort of like that. I think what you're saying is does it go straight down or is it actually contoured and is more certain, so when you're looking at that sort of oblique angle do you actually see the railway from Offchurch compared to, my guess, what you're saying is South Cubbington Wood area?

656. SIR PETER BOTTOMLEY: It's fairly clear you aren't going to see much of the

railway from this hill standing very close to it, except of the viaduct. The question is whether you're actually interfering with views of the valley. I don't think you're doing that either because the railway itself is mostly in cutting.

657. MR MILLER: It's in false cutting, so it's sort of raised. You've got your valley sides like that and we're a little bit higher than the valley sides are coming down and we put a false cutting up. Our earthworks contour into the valley side insofar as we can. So that's the sort of thing that you get.

658. CHAIR: The ground level is higher but you shouldn't be able to see some of the rails?

659. MR MILLER: That's right. As for longer views, if it's that view from Offchurch over to South Cubbington, which is a bit more of an offset kind of view there, I think you might see it. But it's not an obvious view that I've seen.

660. PROFESSOR GEDDES: If I may say, from Offchurch village even with false cuttings you would be looking down onto HS2 and our view would be direct.

661. CHAIR: All right. Ms Parry, carry on questioning Mr Miller, please.

662. MS PARRY: Thank you. The other point I wanted to touch on was the issue of North Cubbington Wood. And it's agreed, isn't it, that that's ancient replanted woodland?

663. MR MILLER: Yes.

664. MS PARRY: And if we have A7153(7), this sets out some advice on the prospects of ancient replanted woodland being restored. And we can see the advice is it can respond well to restoration management. Is that a point of view that you disagree with?

665. MR MILLER: No.

666. MS PARRY: Has there been any exploration with the Forestry Commission about the possibility of seeking to restore North Cubbington Wood?

667. MR MILLER: Not that I'm aware of, no. In the evidence that I've given to Warwickshire our response is to contain the compensation in lands that we can define in the Bill and reinforce the connectivity. That's what I said a couple of months ago. So no, we haven't looked at that. I know others have views about offsetting and that sort of thing, and I think we've heard from Rt Hon Caroline Spelman on the point.

668. MS PARRY: Thank you very much, sir.

669. CHAIR: Thank you, Mr Miller. Mr Mould?

670. MR MOULD QC (DfT): I've no questions for Mr Miller, so thank you very much indeed. I wondered whether P3318 might shed a scintilla of light on Sir Peter's question. It probably doesn't, but it just occurred to me at least here is a slightly larger scale map base and you can find Offchurch just at the bottom of the screen. And the viaduct over the river is – Here we are. There's the river. That, at least, gives you a sense of the angle of view. And I think the last gentleman who spoke was speaking on behalf of Weston under Whetherley, which is up to the north. So, again, I'm afraid I can't help you with the contours.

671. SIR PETER BOTTOMLEY: Can I just go back to Clare Parry's previous question? Is the suggestion that North Cubbington Wood would be a better alternative for compensation management?

672. MS PARRY: Yes. That was the point made by a witness, yes.

673. SIR PETER BOTTOMLEY: Okay. So we'll keep that for tomorrow?

674. MS PARRY: No. That point comes today. The witness tomorrow is the farmer who is going to have his land taken and he has got a different point of view, doesn't want his land being taken. But my witness's point today was that actually in any event it would be better to try and restore what is already ancient woodland rather than try and

translocate and restart.

675. CHAIR: Now, you've covered the big ticket items, Mr Mould. Some of the other issues are going to be up tomorrow in a variety of ways. Is there anything more that you would wish to –?

676. MR MOULD QC (DfT): No. On that basis I thought it best to leave over until then.

677. CHAIR: Would you like to make some brief final comments?

678. MS PARRY: Yes, sir. If I can put my hand on it, sir, we've just done a summary of the requests to help the Committee's note.

679. SIR PETER BOTTOMLEY: 71547 and 71548 were also very useful.

680. MS PARRY: Yes. These should reflect what was on all the individual slides but it just pulls them together.

681. CHAIR: A consolidation of your asks?

682. MS PARRY: Indeed. A consolidation of our asks, yes. So, sir, very briefly in relation to the track bed height we suggest it is plain that once you incorporate the potential for particularly the Cubbington Wood tunnel then the possibility of lowering the height of the track over the Leam Valley becomes a strong possibility and, indeed, one that could be done.

683. In terms of the bore section under South Cubbington Wood, we are very grateful for the redesign efforts of HS2 and it seems clear to us that there is a solution that would allow the saving of South Cubbington Wood. And the Committee has heard, no doubt at great length, about the importance of ancient woodland, I won't reiterate that, and saving of the veteran tree, and allowing improvements in the track alignment. We say that on the grounds that the now proposed cost of that, the £47 million, is a reasonable cost to bear.

684. But, sir, even if you're not with us on that, in terms of the habitat creation in Cubbington, you've heard very clearly from my witness that there is a possibility of restoring the North Cubbington Wood as an alternative to taking currently used agricultural land. And you've heard that the prospects of restoring replanted ancient woodland are very different prospects. So even if you're not with us on the tunnel, sir, I would suggest that that is a very, sensible, practical alternative, which it seems simply hasn't been explored.

685. In relation to the point about the ashes in South Cubbington Wood, I'm sure that can be dealt with quite simply by an undertaking that if that tree does have to be moved that investigation will take place before anything happens to ensure that if there is burial there it is dealt with under the act.

686. Sir, in relation to revised construction routes I think it has been accepted that Mill Lane is not being used. You're going to hear a little bit more about noise tomorrow so I won't deal with that in any particular detail. In relation to Offchurch, again you've heard explained in great detail the basis of the need for green tunnel. It minimises the severance of connectivity that is caused by HS2 in this area, allowing footpaths and so forth to stay open.

687. And in relation to the right of way, we suggest that we've put forward some very sensible suggestions, which will allow public right of way that would have to be altered anyway through HS2 to be used and improved. And in relation to construction traffic, sir, what we ask for in relation to Offchurch is, effectively, that the construction traffic on normal roads with material from the handling yard, we appreciate it is going to have to go on those roads, but that that use is minimised.

688. So, sir, what we suggest is that clearly these five petitioners have thought a great deal about what would be a reasonable and sensible balance to be struck. They've engaged with HS2, and in my submission they've made a strong case to you as to why the balance that thus far has been struck is not strongly enough in favour of protecting local amenity and important local wildlife sites. I commend to you the proposal put forward by those petitioners.

689. CHAIR: Okay. Thank you very much. You've covered a lot of ground with witnesses working together, which we appreciate. It would have taken a lot longer if people had gone off in their own particular direction. So thank you for your appearance at the Committee. Order, order. If you could please clear the room and let the Committee have ten minutes just to clear their thoughts before we grab a late sandwich.