

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Tuesday 2 January 2016 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE

Mr Timothy Mould QC, Lead Counsel, Department for Transport
Mr James Strachan QC, Counsel, Department for Transport
Mr Alastair Lewis, Sharpe Pritchard
Mr Neil Cameron QC, Bircham Dyson Bell

WITNESSES

Rt Hon John Bercow MP
Mr Bob Lewis
Mr Graham Watts
Mr Jonathan Bellars
Ms Marion Clayton
Mr Mark Dearnley
Mr William Avery
Mr Steve Summers
Mr Peter Bassano
Mr Brian Thompson
Mr Robert Duggan
Mr Michael Gross

Mr Rupert Thornley-Taylor, acoustics and vibration expert

IN PUBLIC SESSION

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1. CHAIR: Order, order.

Right Hon John Bercow MP

2. MR BERCOW: We say thank you too rarely, and ought to do so more often. And I say that without regard to whether people particularly appreciate the judgements eventually made. The process is an important one and a great deal of very hard and effective professional work has been done. And that by me, and I think by others, is appreciated.

3. Although I often say – welcome to Geoffrey Clifton-Brown.

4. MR CLIFTON-BROWN: Apologies, Mr Speaker.

5. MR BERCOW: That repetition is not a novel phenomenon in the House of Commons, it is not a practice in which I intend to indulge today. Conscious that you have probably heard everything that you need to hear by now, and mindful of the chairman's direction that appearances should be concise, I intend to speak for no longer than 15 minutes. It goes without saying that I stand by the remarks which I made which I made when I first came before you in October 2015, I still hope that you might be able to make recommendations that will positively impact upon my constituents from Stone, Bishopstone and Hartwell in the south of my patch, to Turweston in the north.

6. You've heard on a number of occasions from a number of petitioners about a number of problems facing Waddesdon, Twyford, Steeple Claydon, Calvert and Quinton, and I do not intend to rehearse these arguments here today. They are already, colleagues, of course, a matter of record. Nor do I intend to use maps or photographs. The points which I wish to make today are not technical.

7. I intend to address just two issues; first, and very briefly, I wish simply and formally to lodge my support for the efforts of FCC Environmental with respect to the location of the sidings in Calvert, and I know that counsel for this petitioner has briefed you on a number of occasions. I just want to say that I hope that you, when you come, colleagues, to write your report, make clear that it is the strong desire of this Committee, indeed, of this Parliament, that the sidings be relocated to the south of Sheep House Wood.

8. I am very pleased indeed that High Speed 2 Limited has, as I understand it, agreed to promote such a scheme, under a Transport and Works Act order, but for you to underline your support for such a scheme in your report, would be extremely helpful. It probably goes without saying that I would also expect the promoter to fund these works in full and I hope that this too can explicitly feature in your recommendations. I will leave that point there.

9. The second issue that I wish to address is in relation to Chetwode. Let me start, chair, colleagues, by paying tribute to the residents of this village, represented here by Belinda Naylor and Charlie Clare who have, throughout this whole process, adopted a pragmatic, constructive, realistic approach.

10. Conscious, as I am, of the demands upon this Committee, the community decided that just one presentation would be made before you, incorporating the petitions of individual residents, business, the church and the parish meeting. In fact, Sir Peter, you, if memory serves me correctly, describe Belinda and Charlie as model petitioners. You heard from Chetwode on 21 October last year, and the message was clear, Chetwode needs a tunnel. Chetwode is not a big village, there are 42 residential dwellings, housing 77 adults and, as of December, now 45 children. The people of this village are not averse to change and expansion and I am delighted that one family in the village in particular is doing its bit to help this.

11. There are 17 houses within about 100 metres of the line, and 30 within 400 metres. Be in no doubt, colleagues, if the route proceeds under current plans, this community will not merely be blighted. It will be destroyed. People are already starting to desert Chetwode, and this trend will continue unless something is done to reassure them that their community is safe.

12. You will recall, both from earlier evidence, and from your visit in June of last year, that Chetwode is an extremely tranquil, historical village with a heritage spanning many hundreds of years. It is a thriving community, but one which faces decimation, and I use that strong word, but I do so advisedly. It faces decimation should this project proceed without a tunnel in the area. Given the size of the village, and the fact that the route essentially runs parallel to it, nearly enough, every single property in the area will be affected in one way or another.

13. For a start, the route as it stands, severs the village into two. Twenty per cent of the houses will be to the north west of the line, the rest will be separated on the south east side. It has been repeatedly made clear from the initial appraisal..

14. SIR HENRY BELLINGHAM: Could we have a map of Chetwode on the screen? I think you'll just – I know we've got one from earlier sessions, but if we could have it on the screen, it would bring it alive.

15. MR BERCOW: If that could be put on the screen – most helpfully, I am playing for time here, for the benefit of my colleagues...

16. MR STRACHAN QC (DfT): That's fine, I'll give you a reference, P15603. It's one of a series of maps which shows different options, so if you just ignore – it's one of the options but it shows you at least the location of the line as it passes.

17. SIR HENRY BELLINGHAM: Sorry for interrupting you, Mr Speaker, but I thought it –

18. MR BERCOW: No, no, you must have the material that you want to have.

19. CHAIR: He's never been able to interrupt the speaker before, that's why.

20. MR BERCOW: No, but he's getting his own back; I've interrupted him a few times over the years.

21. CHAIR: It'll come up in a minute. You carry on, John and we'll –

22. MR BERCOW: Well, I'm anxious to be assured of what I will call the satisfaction of Sir Henry.

23. CHAIR: Are you happy, Henry?

24. SIR HENRY BELLINGHAM: I'm happy.

25. MR BERCOW: Good. And I hope other colleagues – is that just because you're being polite or because you've now got sight of the map? No, from my vantage point, you've got site of the map.

26. SIR HENRY BELLINGHAM: Absolutely.

27. MR BERCOW: Good, thank you. Thank you very much indeed for your assistance. It has been repeatedly made clear from the initial appraisal of sustainability, right through to the Environment Statement documents that Chetwode will be exposed to high noise levels. I said last time that Chetwode would, in terms of noise impact, be the worst affected village between London and Birmingham, and I do not think that that position has changed.

28. The sound barriers, as proposed in Additional Provision 5, do not, I'm afraid, go anywhere near far enough in mitigating the impact in this area. I have been advised that at least 24 households in the centre of the village plan to leave the area if this project proceeds without a tunnel. You are immediately wiping out half of the community. The heart of this village will be gone. Families that have lived in, or have been associated with the village for generations will have no alternative but to uproot, leave behind the community which they have worked so hard to sustain, and move on to pastures new.

29. In my judgement, and I hope that of the Committee, this cannot be right. And should not be accepted. The campaign for a tunnel is not only supported by the County Council and the District Council, but by the Church of England as well. There is a degree, if I may say so, of divine inspiration attached, or in support of the proposal for a tunnel.

30. You heard in an earlier session that the village's grade I listed church is, and I quote, 'Exceptionally significant'. It has huge value, colleagues, in terms of heritage but it is much more than just a place of worship; it is the only community venue in the village. If HS2 proceeds in the way currently proposed, and people move away from the village, this church, of which I have myself, a very, very, very keen recollection from my visits, will not survive. There will be no congregation. There will be no warden, there will be nobody to fundraise for its upkeep. There will be nobody to polish the brass. This church, a constant and treasured feature of the village, for approximately 800 years, will close.

31. But because of its national significance, and you've heard about the stained glass windows and the fact that it dates back to the 1200s, there is a public interest in protecting this building. This isn't merely my opinion, although it is my opinion, it is

the opinion of the Church of England, so the church will require a significant endowment, for which the promoter would be expected to foot the bill, in order that it can exist as a monument of national significance.

32. A tunnel, however, would not only protect the community, but would also prevent the irreparable deterioration of the sustainability of this grade I listed community indeed, national asset. Colleagues, Chetwode is not asking for the earth, I do not even think that what Chetwode is asking for is in any way unreasonable. All the people of Chetwode want is to ensure that their community is protected so far as possible, both now and in the future. It is inescapable that the proposal before you is expensive. Sure, there will be some savings to be made to offset the cost of the tunnel, the £3 million noise barriers will no longer be needed, there will be no outlay to pay for over bridges, savings could be made by retaining spoil from the cutting to use in the construction of the lid, no endowment will be needed for the church, and potentially tens of millions of pounds could be saved because the promoter will no longer need to acquire properties, whether under discretionary schemes or through the Land Compensation Act.

33. I'm not oblivious to the fact that there will still be a cost and this is where you have an invidious decision to make; what value do you attribute to a historic village, to people's homes, to their livelihoods, to their community?

34. As I see it, Committee, there are effectively two options before you. To allow the scheme to proceed as it stands which would destroy this picturesque village, leaving only a collection of old houses separated by a high speed train, or...

35. SIR HENRY BELLINGHAM: Can I just interrupt you?

36. MR BERCOW: Of course you can.

37. SIR HENRY BELLINGHAM: I do apologise; I'm getting into the habit of this – when you say going ahead with option 1, that's including AP5 is it? So that includes the mitigation that's in AP5? So two possible scenarios? The first one you've just mentioned is the line continuing as it is, but subject to AP5 or not subject to AP5?

38. MR BERCOW: Well, I had rather discounted AP5 in the remarks that I had made.

39. SIR HENRY BELLINGHAM: Yes.

40. MR BERCOW: And so, I suppose what I'm saying is that, I think, if the proposal goes ahead with – the protection, Sir Henry, to date, envisaged, that protection is so minimal as to constitute an effective, if not an intended, insult to the residents of the village. I am expressing myself with the characteristic understatement that I deploy on these occasions, and with which you personally will empathise. I don't say that it constitutes nothing, but it is insignificant. So, I regard that as basically the status quo proposal by HS2. And the alternative is to say, well, no, we are going to recommend a tunnel, which would literally save the community and it's on a vastly different scale from anything that is currently on offer.

41. Chetwode has existed as a thriving community much longer than any railway network in this country ever has, and it can continue to grow and to thrive if it is properly protected from High Speed 2. Indeed, it will outlive, in all likelihood, High Speed 2, if it is given the opportunity to do so by recommending a cut and cover tunnel, this Committee would be investing in the long term sustainability of Chetwode as a village.

42. Colleagues, can I thank you again for your time and in this, your last week of hearings, for your efforts, your very prodigious and public spirited efforts since May 2014. It has been, let it be said, a Herculean task, and on behalf of all those involved in the process, and certainly all those with good manners, let me say that I'm grateful to you, and those who have been supporting you, for discharging your responsibilities in an extremely efficient and fair minded fashion. I'm not sure, Mr Chairman, that I was able to stick to my 15 minutes; I don't think I was far distant from that.

43. SIR PETER BOTTOMLEY: No, you're one minute short.

44. MR BERCOW: Oh, well. And that's even with the sedentary interjections of the Right Honourable gentleman.

45. CHAIR: Anyway thank you Mr Speaker, for your thanks. We have, on occasion, sat in the Parliamentary recess, late at night when the House has finished, and the Parliamentary broadcasting people and the Hansard and the doorkeepers have all done a magnificent job of turning up and staffing the Committee, and I wrote to you in the summer and you acknowledged that and I think you passed a letter around.

46. So this is a Committee which a large bladder has been a great advantage, because there have been occasions when we've gone on and on and on, but I think on the whole I think –

47. MR BERCOW: Well I rather emphasise with that concept of the iron bladder, chairman.

48. CHAIR: We don't have a curtain to pull round here. Mr Strachan, do you want to pick up anything which The Speaker has said?

49. MR STRACHAN QC (DfT): Well, I'm conscious we're going to look at Chetwode, I think shortly, when Aylesbury Vale District Council are going to deal with them. I'm happy to deal with them then or now, whichever the Committee prefers. It may be, because I note we're just trying to get the relevant maps up onto the screen, that it may be better to put it off to...

50. CHAIR: Well let's pocket the plea from The Speaker and then we'll listen to the parish...

51. MR STRACHAN QC (DfT): It's going to be a similar...

52. CHAIR: And then you can answer when...

53. MR BERCOW: I don't want to be embarrass him, but I understand that you are to hear from Jonathan Bellars from AVDC who is a considerable authority on these matters and I imagine that he will be in no way disquieted, and might even be positively inspired by the prospect of having to respond to your detailed questions, but if you've got questions for me, of course, I'll treat them as best I can.

54. CHAIR: Okay.

55. MR STRACHAN QC (DfT): I'll just put – I had put on the screen the proposed scheme as it passed Chetwode and there are a number of options that have been looked at, as part of the request from the Committee for further options to be looked at, and on those options, I will take up the invitation to respond to the District Council if that's convenient to everyone, rather than repeat myself on that occasion.

56. CHAIR: Yes. Never did I think I'd meet so many people from Buckinghamshire,

in my career. It's been a privilege, actually, over the last – it's been hard work but it's been a privilege to meet so many people. And I think the Committee, I think, has worked pretty well and we've tried to work as a team, because there are other commitments as well.

57. MR BERCOW: Well it certainly has been a public spirited undertaking. In case people wonder, you know, why am I saying this, because I just feel that Parliament ought to get credit when it deserves it, and I would ask people to distinguish between their own views about the policy, and I've made my own opposition to this whole project extremely clear several times; their own views about the treatment of a particular pitch, or a particular mitigation, or indeed a particular pitch for a particular witness to appear, on the one hand, and the overall process on the other.

58. On various occasions, as you know, chairman, when you came to the Buckingham constituency, no doubt with good intentions, people have wrongly said, 'Well, what you're proposing to do to this community'. This Committee isn't proposing to do anything adverse to any community. This Committee has been established in accordance with the procedures of the House, to deal to the best of its ability, with representations made, in respect of a policy that has already been decided by Parliament.

59. I know all of you round this table, and you're nobody's lackeys, you are expected to do, and you are doing, your duty, professionally as you judge it right, and I can't imagine anybody on this Committee who would be browbeaten by anybody who's not a member of this Committee. And it would be constitutionally improper for anybody to try to influence you, from a department, improperly, behind the scenes, and you would not be pushed around. I know you well enough to know that.

60. CHAIR: Okay. Well, we will reflect on your views, Mr Speaker, thank you very much for coming. And thank you to your assistant, who has always been dealing with the clerk and what – one of the things we've noticed is how Members on the route have almost had to had a dedicated assistant to deal with the problems thrown out by this railway, and they've sometimes have been the butt of both some frustration and excitement of constituents, on occasions, and they're trying to do their best to represent their constituency.

61. MR BERCOW: Well, chairman, thank you for that. It was an omission on my

part; I should have thanked Tom. I thank him many times, but he has done a wonderful, professional job getting to grips with the detail in a way that a lot of other colleagues, constituency office staff will have done, and it is hugely appreciated, thoroughly professional job, thank you.

62. MR CLIFTON-BROWN: Mr Speaker, before you go, there is one group of people who have not been thanked who I think desperately ought to be thanked; that's Neil and our other clerks who have done the backbone of the organisation of all this Committee, exemplary efficiency and I think they deserve our huge thanks.

63. MR BERCOW: Yes. And I've had many dealings with Neil, both in relation to this matter, on many other matters, not least during my time to date as speaker, and Geoffrey, I absolutely vouch for what you have said. Their efforts, and indeed their technical competence, in my experience, can't be faulted, thank you.

64. CHAIR: Okay. Thank you very much. We're now back to Wendover who are – I'm sorry I missed your presentation this morning. I'm told you've nearly finished anyway? Is that true?

Wendover Society (cont'd)

65. MR BOB LEWIS: Yes, I think so.

66. CHAIR: Is there anything more you want to add before we go to the promoter, you've got some more points?

67. MR BOB LEWIS: It's Mr Strachan's turn, I think.

68. CHAIR: Okay, Mr Strachan.

69. MR WATTS: Nothing from me at the moment.

70. MR STRACHAN QC (DfT): I'm just going to respond to the various points that were made about the – AP5. Can I just start; this is a petition from the Wendover Society petitioning AP5, although, in fact many of the points that were made before the lunch adjournment, were actually repetitions of a case that's previously been put by these petitioners and others for a bored tunnel, throughout the Chilterns, or a longer green tunnel and we – the further points were repetition of information that's already

been put to the Committee.

71. I refer you back to our earlier evidence on all those points, so I'm not going to traverse it all again. I'm going to try and just concentrate on AP5. P15583, please. Just to remind the Committee of AP5 and the Committee will recall that we presented our case on the hybrid Bill and the effects on Wendover. The principle mitigation for Wendover is, of course, a green tunnel, which runs to the south of Wendover, or south west, and that is the, as you'll see in a moment, the piece of engineering which avoids a significant noise effect on the population of Wendover.

72. We presented our case on the hybrid Bill and the Select Committee came back with some requests for us to consider an extension to the green tunnel and additional mitigation, which is precisely what we did. And we came forward with a number of proposals and put forward some costings of other proposals. You'll recall we've initially put forward an enhanced noise mitigation scheme that consisted of noise barriers of six metres on either side, and then we came forward with an extension to the green tunnel, which is just at the southern end here, the extension's in this location, at 100 metres. And then additional noise mitigation alongside the railway and the heights of the barriers, and the same at the northern end in terms of additional noise mitigation for the noise barriers.

73. And just to be clear, the petitioner referred to differences between the initial scheme and that which has been promoted in AP5, and we have done a lot of work in seeking to arrive at the optimum solution for this proposal. In the original draft enhanced scheme, which didn't take into account an extension to the green tunnel at this end, we had noise barriers of six metres.

74. As part of this proposal, we have looked at providing appropriate noise barriers, and at the northern end, this end here, they run from six metres down to one metre, so they tail off, in order to balance noise with visual effects, as part of the AP5 scheme, and that was a consequence in terms of what's then modelled.

75. Can I just show you then how that translates into the scheme effects, in terms of noise on the residents of Wendover, and you can see that best from looking at the noise contour plans, P15588, which deals with the northern end, so again, we're at the northern end. The main settlement of Wendover is in this location, and you can see at

once, how effective the green tunnel with the mitigation we proposed is, in mitigating the scheme from the vast majority of residents in Wendover and the noise contours obviously start to emerge from where the green tunnel portal comes out and then the noise barriers have been added in to screen that noise portal towards the north.

76. And then if we look to the other end, P15590, you can see a similar picture. You're going to hear a bit more about the church, St Mary's church you've heard about that before and the church council are coming in, I think shortly, and you can hear a bit more about the proposals there, but you're looking at the wider picture in terms of the protection of Wendover, you can see again how the railway scheme, with the revisions of AP5 mitigate the effects of the project on Wendover.

77. There are a number of miscellaneous points made about noise. To be clear, the Committee will be well aware of the policy set out in information paper E20 and the approach of where there are still noise levels in excess of LOAEL, the general policy are seeking to reduce those noise effects down to LOAEL where reasonably practicable, and that's enshrined in information paper E20. And that continues to be our approach.

78. There was a criticism made of various plans; I'm not going to take a lot of time on that but one of the criticisms appears to be about a cloud which appears on the plans. As is shown on the AP5 plans, and this is common practice with all the APs, to enable people to see where changes have been made; you'll recall there cloud-like lines which allow you to focus in on the area. They're not noise contours as appears to have been suggested, they're explained as simply drawing attention for those who are interested in the changes, drawing immediate attention on the page to what change has been made on the page; you can see it immediately.

79. The noise table that was referred to – if I just go back to the slides that were presented this morning, A20818; we have done noise assessment works for the predicted operational noise. The draft enhanced scheme, is the scheme we initially proposed without a tunnel extension and with six metre noise barriers, and that's what's drawn attention to by the petitioners in this proposal, that had the effect of bringing down the numbers of properties above LOAEL to 103, as compared with the hybrid Bill scheme of 392. The AP5 scheme is 122, and the slight change relates to integration of the noise barriers at the north end, where if one goes from six down to one metre, which is a

balance being struck with integrating what are quite high noise barriers and reducing them appropriately. But you can see from this, that there are 270 properties, in consequence of AP5 and the Select Committee's recommendations, there are 270 properties that will come out of the above LOAEL level to below, and that's the consequence of AP5.

80. On the same screen, you can see in summary form, other information that we provide to the Committee, a draft surface enclosure which was, for example, putting a structure over the Small Dean viaducts, which would have its own visual effects, but that, we have costed as costing an extra £40 million, and of course, a draft – I say draft, when we looked at it in draft, the mined tunnel option that was being suggested was £275 million and you can see perhaps more pertinently that the corresponding effects, in terms of actual noise levels drops off sharply, if completely. So, one doesn't get corresponding benefits for spending very, very large sums of money, for example, for the mined tunnel, as compared with the green tunnel with the additional noise enhancements that we've presented.

81. And so we've sought very much to assess, in the normal way, what are the effects of spending more money and do they result in proportionate benefits. And that's why we've presented AP5 in the way we have.

82. Can I just pick up on some noise points? If you look at A208 – sorry, I should say – I'll just correct myself; the £40 million would have taken one to the Small Dean viaduct in terms of enclosing the line up to the Small Dean viaduct. It would have been even more expensive to have gone further onto the Small Dean viaduct, and it would have been a larger structure to have the separation distances – I think you've heard about that previously.

83. Sorry, going back to where I was, A281(12), Mr Thornely-Taylor will be giving evidence later on in relation to St Mary's church so if there are any technical points you want to raise with him, he'd be very happy to answer them, but this is a table relied upon by the petitioners, taken from some of the background material that's set out in the full in the technical appendices in the Environmental Statement. As I think we've previously explained before, certainly Mr Thornely-Taylor has; this is merely a graph which shows noise readings from different types of trains in different conditions,

atmospheric conditions, to give a very crude spread of the noise readings.

84. In the technical appendices document, in figure 1 of volume 5, there is actually a table which shows the noise predictions of HS2 correlated to the actual levels of noise from operational railways such as LGV Est and the TGV, and they demonstrate that the very strong correlation between our noise modelling predictions, and actual levels based on proximity to the line, be it 20 metres out to further, I think, up to a 1000 metres. And so this graph is not a helpful document to use in the way the petitioners have sought to do, and indeed, it's selective because they haven't referred to the correct documents where the true correlation is shown for our noise readings. All of which is available to them in the technical appendices and has been explained by Mr Thornely-Taylor.

85. I think that brings me onto the costs assessments of the options. We have provided – and a criticism that was made before lunch was lack of transparency on costs, we have provided additional material on costs. For example, if I take you to P15698, you can see a response, I think, to a request – sorry about the tight font, but inevitably it all fits onto one page, you can see we've provided costings of the option A, which is our proposed scheme, and you can see our green tunnel costs approximately £230.72 million. That's divided into the various headings you can see above. We've identified the extra over costs of a Wendover bored tunnel, which would cost a total of £476.13 million, and that's, if you go down the page a little bit, a net increase in cost of £267 million, and a mined tunnel would cost £275.53 million. And we've provided the breakdown of those costs in these columns. If the Committee has any questions about them, I'm sure Mr Smart can address them for you. But we have provided the additional material which was requested.

86. I'm not going to get into any of the wider issues about the costs of a further bored tunnel through the Chilterns. The necessary requirements for such a tunnel, including boring one way, which was costed at, I think, £460 million, all of that is information you've already had; it's been tested, it's been examined, and poured over, before you previously. Including, for example tunnelling rates which were raised again today.

87. And I will simply refer back to the previous answers; there was a lot of criticism made of Mr Mould and his summary of the position on the tunnels and I reject that criticism and you can look back at what Mr Mould said by way of summary, it's an

accurate summary of the position and it identified the sorts of things which are frequently omitted when petitioners pursue alternative proposals such as a twin bored tunnel. Such as the need, as we have identified, for a one kilometre intervention gap in the vicinity of Wendover. And that is all material that has been traversed previously in some depth.

88. So, for all of those reasons, if one focuses back on what this petition was meant to be about, namely AP5, does AP5 achieve benefits for Wendover? It certainly does in the way we've identified. We have looked at alternatives, and for the reasons we have shown, those alternatives do not result in proportionate benefits, and on a mature reflection, if one looks at the scheme and its effects on Wendover, we say, it is a well mitigated scheme which ensures that the vast majority of residents are protected from the noise consequences of the operational railway in this location.

89. CHAIR: Okay. Brief final comments?

90. MR BOB LEWIS: Indeed. I have in front of me, chairman, a print out from the Hansard recording and I quoted verbatim what Mr Mould had said, so I'm afraid I reject entirely Mr Strachan trying to get Mr Mould...

91. SIR PETER BOTTOMLEY: Ok, 15 all, we'll leave that.

92. MR BOB LEWIS: Right, yes. The costs, you were not present before lunch, we defer to Mr Avery who's appearing for the church, so the costs ones we're not commenting on. The noise graphs, I'll certainly comment on and my colleague will perhaps comment on some of the rest.

93. CHAIR: No we won't because we only have one person give brief final comments.

94. MR BOB LEWIS: I see, right, well, the noise slides, I'm seething about. They portray everything as wonderful, in child-like simplicity, but what they've shown, yet again, is average noise. Nobody, sir, hears average noise. We've said that so many times. What we hear, average noise is just a mathematical construction, average over time. What we hear is real noise, we hear LAmax and worse than that, we hear peak noise which is another 3dB above that. So why do they illustrate average noise? Well,

they do it because if they showed the real position, the actual peak noise, some parts of Wendover would be awash with serious noise issues and the rest of us would certainly hear it.

95. Now, they have – they won't listen of course, to that, because they have selected deafness about anything that challenges their interpretation.

96. MR STRACHAN QC (DfT): Sorry, can I put up P15591, which is the graph I showed you a moment ago; I was talking about Lmax levels, just to be clear, I don't quite know why this point's been made, but I don't think it's helpful for those sorts of comments to be made. I was referring to the Lmax levels. You can see for Leq levels, we're already a well mitigated scheme as it stands.

97. CHAIR: Continue, continue with your point.

98. MR BOB LEWIS: Well, with respect, it doesn't – they're graphically trying to show, with child-like simplicity that all is well; all is not well. We have to be seriously considered – considerations of maximum noise, that's the thing that we'll hear, that's the thing that will cause the disruption. Average noise is not a concept that we hear.

99. I think our major comment is that what we've asked for is an independent verification of noise and cost estimates. We cannot emphasise that enough; that they won't engage with us, they won't listen, and therefore we raise issues, we find errors and omissions, and they simply revert to the fact that they're always right and we don't believe that they're always right.

100. So, we remain of the same opinion, sir, we do not believe that this meets your criteria, it's not a very convincing solution to Wendover's problems, and we stand by everything we said before lunch. Thank you.

101. CHAIR: Okay thank you, thank you both. Right, we now move onto AP520, Aylesbury Vale District Council, represented by Sharpe Pritchard. Right, Mr Lewis.

Aylesbury Vale District Council

102. MR ALASTAIR LEWIS: Good afternoon, sir. What was already going to be a relatively short presentation is made much shorter by the intervention of Mr Speaker. I

don't intend to go through, in any great detail, the benefits of a cut and cover tunnel in Chetwode, which is the main topic of consideration for the District Council today. I think that Mr Speaker has amply illustrated that already, and indeed, the petitioners from who you heard last year, Belinda Naylor and Charlie Clare as well. All I can say is that Aylesbury Vale District Council stands full square of this behind them in the ask for a cut and cover tunnel at Chetwode.

103. We will be dealing with a few technical issues, both legal and landscaping, and before I move on, I shall introduce my witness who has already had something of a build up from Mr Speaker already, Jonathan Bellars from Aylesbury Vale District Council; if you could just give the Committee your job title and tell them how long you've been at the Council.

104. MR BELLARS: I'm a landscape architect and I'm a designer for Aylesbury Vale District Council and have been for the last 25 years.

105. MR ALASTAIR LEWIS: And Mr Bellars, I think, has given evidence already to the Committee on a previous occasion.

106. MR BELLARS: I have.

107. MR ALASTAIR LEWIS: We have already slide number one up; this is actually the slide that was put before the Committee just a couple of weeks ago when the District Council appeared alongside the County Council and Chiltern District Council. At the bottom, we had an ask there that HS2 looked further into the options for the cut and cover green tunnel at Chetwode, and what's happened since then is in fact, HS2, the promoters have had a look at that and they've come up with what's called a SIFT report which we received late yesterday; we make no complaint about that, they managed to turn it round I think, very quickly, in a couple of weeks, so far as I'm aware.

108. And so we've moved on a little bit, so that today, we're going to be reiterating our ask, but also dealing with a couple of the points which Sir Henry made when we were here two weeks ago, about how this ask could be implemented in the absence of an additional provision, were the Committee not to go down that road. So, if we could move on please, to slide number two.

109. And that was just a simple illustration again, which was in the last packet of slides of what the community's preferred option is, I don't think we need to dwell on that other than to say that this option has now become known as Option I, as referred to in HS2's latest SIFT report. And then if we could move onto number three please.

110. And that is just a reminder of what Mr Lowe, who was representing the Council here on 20 January, a couple of weeks ago, said in relation to Chetwode, and as I said, I don't need again to re-emphasise the reasons why we say that there should be a green tunnel here.

111. If we then move onto number four, please. This is just a reminder really for Sir Henry, I suppose, the point that he made in relation to how the objectives could be achieved, and I'll be coming onto that, technical, legal argument a little bit later – well, I hope it is not an argument but a proposition.

112. And then if we move onto number five; we see here a graphic representation – the colouring has been applied, Mr Bellars, I think, by you, is that right?

113. MR BELLARS: That's right.

114. MR ALASTAIR LEWIS: This is a table which originated from HS2.

115. MR BELLARS: It is.

116. MR ALASTAIR LEWIS: And so the numbers and the wording in the table itself, is HS2's wording, except for column I, is that right?

117. MR BELLARS: That's right.

118. MR ALASTAIR LEWIS: And column I sets out what your assessment was, in relation to the preferred community proposal for a 1.2km green tunnel at Chetwode, as compared with the other options here.

119. MR BELLARS: Yes, that's correct.

120. MR ALASTAIR LEWIS: And I suppose the point to make on this graphic representation is that there is a lot of green in column I, compared with a bit of red and a bit of yellow, or orange, maybe amber, in column B, which is the AP5 proposal, which

is the subject of this petition.

121. MR BELLARS: Yes.

122. MR ALASTAIR LEWIS: Now, I'm hoping that somewhere on the system you may have HS2's own version of this table, which we received by email yesterday at about half past eight in the morning. Is that available or –?

123. MR STRACHAN QC (DfT): P15809.

124. MR ALASTAIR LEWIS: Thank you very much.

125. SIR HENRY BELLINGHAM: Before we leave, 2095, can I just ask you, Mr Lewis, if you look at AP5, and you look at landscape impact, compared to the scheme, it says, 'minor worsening'.

126. MR ALASTAIR LEWIS: Yes.

127. SIR HENRY BELLINGHAM: How do we reach that conclusion? Because AP5, obviously, is costing £3 million and it's going to entail noise defence barriers, it's going to entail landscaping, in effect a height up to 12m, etc, so I don't understand why it's going to make things worse?

128. MR ALASTAIR LEWIS: I will pass over to the expert to answer that question.

129. MR BELLARS: My understanding is that that is a result if the implementation of the proposed noise barriers, would have significant landscaping visual impacts which would result in minor worsening –

130. SIR HENRY BELLINGHAM: Okay.

131. MR BELLARS: – as assessed by HS2 in their own assessment.

132. MR ALASTAIR LEWIS: This is HS2's wording. Not ours.

133. MR BELLARS: Just to stress – sorry to interrupt – that's compared to the Bill scheme.

134. SIR HENRY BELLINGHAM: Exactly.

135. MR ALASTAIR LEWIS: Yes, yes. All these comparators are against the Bill scheme in column A.

136. SIR HENRY BELLINGHAM: Against baseline.

137. MR ALASTAIR LEWIS: Yes, exactly, exactly.

138. MR CLIFTON-BROWN: Hang on, surely, you can't have it both ways. Either you want noise reduced, you want the noise barriers, or you can't then say that the thing is having a worse impact because the noise barriers are there.

139. MR BELLARS: Well that's HS2's assessment, which I tend to agree with. What they're saying is that they can improve the noise position by putting in noise barriers, but that has a negative effect in terms of landscape and visual impacts. So that minor worsening related purely to landscape integration. There was another line that dealt with noise.

140. MR CLIFTON-BROWN: But you've lobbied this Committee on several occasions that you wanted mitigation for noise, you can't then complain when HS2 come up with mitigation measures and say but they're having a worse impact.

141. MR BELLARS: With respect, what we lobbied for is an appropriate solution ...

142. MR CLIFTON-BROWN: I understand, I understand that.

143. MR BELLARS: ...which wasn't just on noise, it's in the round, and we believe that option I clearly demonstrates that it can deliver better noise mitigation and crucially, better cultural integration, community integration, and landscape, delivers on all fronts a better solution, and that's the point, it's in the round, considerably a better solution, rather than just concentrating only on noise. At the cost, as it shows in that table, of significant landscape impacts.

144. MR ALASTAIR LEWIS: It's the full package, in other words and I think the next slide will help because this is HS2's version of the table which you've just seen, and perhaps, if we could just go through it very, very quickly. I think for the purposes of today, we can ignore options C to H and focus please on option B, which is the AP5 proposal before you, and option I which is the Council's and community's preferred

option, which as...

145. SIR PETER BOTTOMLEY: Is that because H doesn't achieve anything much or –?

146. MR BELLARS: Well, it's because it's the best solution. It was the solution proposed by the community, but HS2's own assessment shows...

147. MR ALASTAIR LEWIS: Sorry, H, not I.

148. MR STRACHAN QC (DfT): You're at cross purposes.

149. MR BELLARS: Sorry, I beg your pardon.

150. MR ALASTAIR LEWIS: The question was what was wrong with H, not I.

151. MR BELLARS: The reason why we focused on I is for the reasons I said. H didn't deliver the benefits, if you look at – contrast H with I, you can see that it would still result in significant community noise effect at Chetwode, whereas I didn't. That's borne out by the figures below. It then only had a neutral effect on community integrity as opposed to a major improvement under option I. So, and again, if you contrast I with any of the options previously, you'll see that I out performs them.

152. MR ALASTAIR LEWIS: So just going through them row by row; significant community noise effect at Chetwode, you don't purport to be a noise expert, but we can see here that in HS2's own assessment, we have a yes for option B and a no for option I, which is a tick for option I, in other words, is that correct?

153. MR BELLARS: Yes, that's saying that there would be no significant community noise effect at Chetwode under option I.

154. MR ALASTAIR LEWIS: And that is reinforced by the next row which shows the number of dwellings above the LOAEL, and we have numbers there in terms of the number of dwellings affected, it's 13 under AP5, and three under option I, and I think you've worked out, haven't you, based on the number of dwellings there are actually in Chetwode, what percentage we're talking about here.

155. MR BELLARS: Under the AP5 scheme, 13 dwellings would represent around

about 34% of the community suffering those impacts, whereas option I would be around 7% of the community, so there would be a considerable benefit to the community by going with option I.

156. MR ALASTAIR LEWIS: And next one, landscape integration, your specialist subject, as it were. Now if the Committee remembers, on your coloured table where you had put in your best guesses as to what the entries should be in column – for option I, you said for landscape integration that option I would provide a major improvement. Could you just explain to the Committee why you came to that conclusion and whether your view has changed, having seen the SIFT report which you received last night?

157. MR BELLARS: Well although I received it last night, I actually only was able to look at it an hour or so ago for a variety of reasons, I wasn't able to get it until I got here. So, I haven't had the chance to study it in great detail, but the reason – obviously, my previous assessment was done prior to HS2 providing any of the information in the SIFT table, so I had to do it on a best guess basis, and you'll see, for example, option C, which was a 1.4km tunnel resulted in a major improvement, whereas option D, a 1.2km tunnel in a slightly different position, was minor. The gap between them is largely, as I understand it...

158. MR ALASTAIR LEWIS: Major you mean, option D...

159. MR BELLARS: I beg your pardon, no, I'm looking at landscaping...

160. MR ALASTAIR LEWIS: Oh I'm sorry, I beg your pardon, minor – I beg your pardon.

161. MR BELLARS: The difference between them largely, as I understand it relates to the impacts mainly at the southern end of the tunnel and it's to do with the extent of the cutting that would be left with a shorter 1.2km tunnel, as opposed to 1.4. Option I is in a shifted position, although it's the same length as option D, it's in a shifted position. It doesn't result in an interference in the same way that option D did at the northern end, so I believe that it would perform at least as well as that scheme – perform better than that scheme at that end.

162. At the other end, there's a slight difference, but it is arguable. Essentially, it

appears to me, from the limited chance I've had to look at this, that there's very little difference between option I and option C, and it's a matter of degree. I would have to look at it very carefully, but the crucial infrastructure providing for the tunnel is set down in the cutting, under option I.

163. So, although there is, as I understand it, some assessed impact from the cutting still being needed at that end, for option I, the buildings that would be required would be set down in the cutting and would not have the same level of landscape impact. My option, it's arguable that that may well result in actually major improvement rather than the minor improvement that's been shown there.

164. I think either way, it's on a balance but the crucial point is, it's better, considerably than option five which showed a worsening in landscape terms, over the Bill scheme.

165. MR ALASTAIR LEWIS: So whether or not you're right, in your assessment here, you say that there's been a step up in any event, from minor worsening, up through neutral and up in to minor improvement on HS2's analysis?

166. MR BELLARS: At least a minor improvement.

167. MR ALASTAIR LEWIS: And you say perhaps a further step up to major improvement?

168. MR BELLARS: Yes. And largely a lot of that will be down to the detail of how it's delivered at the detailed stage. And I think there probably is scope to tip that over into major improvement at the detailed stage.

169. MR ALASTAIR LEWIS: And similarly we have a step up of minor improvement to major improvement in terms of community integrity? What do you understand by community integrity? Do you –?

170. MR BELLARS: As I understand it, it's a combination, essentially of the previous aspects so that the noise, the landscape and the other aspects that are being considered, is bringing them all together. I'm slightly mystified as to how AP5 scheme, despite showing that there are significant community noise effects, and a worsening in the landscape integration, would result in a minor improvement in community integrity. That, to me, just doesn't seem to make any sense. But in any case, option I concludes

that, under HS2's own assessment, that there would be a major improvement to community integrity, if you adopted option I, the tunnel.

171. MR ALASTAIR LEWIS: As compared with the Bill scheme, of course, always?

172. MR BELLARS: That is correct, yes.

173. MR ALASTAIR LEWIS: And community, in terms of this village, how important is that in terms of the Council's assessment?

174. MR BELLARS: Well, I think it's – as The Speaker has set out, it's absolutely fundamental – it's undoubtedly a small community but it has a unique character as a result, and that character would be destroyed, in my view.

175. CHAIR: Can I ask you a question? The Bill scheme shows 23 properties affected by noise, effectively. And the AP5 is suggesting spending £3 million to take ten of those properties out, which is about £300,000 per property. Option I is suggesting spending £50 million, or £49 million to take about another 10 properties. If somebody came to Aylesbury Vale District Council and said, 'You ought to spend £50 million to protect 10 properties, because they're going to be noisier', would Aylesbury Vale spend that money?

176. MR BELLARS: Without wishing to dodge the central thrust of your question, I would say we would first want to consider it in the round, as it's not just an issue about only noise, it's about all the things that we've been talking about and acknowledging that there will be major potential improvements in other areas, so it's not just simply a question of reducing it from 13 properties to three properties in noise, it's also having major effects, beneficial effects in landscape and community integrity terms. We're talking about a community and we think that's very important.

177. As to whether or not the District Council would have £50 million to play with, I think that's unlikely in the current economic climate, I wish we were in that position, and I'm sure if we were, we would be doing everything we could to help. But we clearly don't have that sort of money.

178. CHAIR: No, I just - £300,000 per property, wanted to understand, £5 million per property, the economics start to –

179. MR BELLARS: I understand that but the point we would make is that it's – it's a decision that has to be made in the round about a community, it's not simply a numbers game and there is a danger here that, in my view, obviously, there is a cost benefit analysis that it's gone through, but if you go through that rigidly, just applying it on numbers of properties affected, it seems to me sensible to conclude that there is a very real danger that small communities like Chetwode are never going to be able to deliver the sort of cost benefit analysis in reducing it to number terms, and therefore we're always going to be kicked off the table when you take that sort of analysis on it. And that's why I think it's important to think of us as a community rather than just as numbers of properties affected. And The Speaker very passionately explained what that community means here.

180. SIR HENRY BELLINGHAM: Can I just ask a question, chairman on this point, because it certainly strikes me, but if the baseline scheme, or indeed with AP5 attached to it, goes ahead, you're going to have a community that is completely blighted in the future, so the chances are that some of those dwellings will be sold or closed, or whatever.

181. If option I was implemented, what do you think would be the development potential in Chetwode, because it's certainly – it seemed to me when we went to Chetwode, that here we have a tiny village in a rural area, whereas villages roundabout have had their fill of development, and you've obviously got a – I don't know how many houses we were told you've got to find, up to 26, but it's about 30,000 or so, it's a very demanding figure, compared to, for example, East Anglia, which is – where my constituency is. If this extra money was spent, do you have any idea about how the development potential would be opened up? Could we be coming back in 10 years' time and see – I don't know, rather than there being 40 houses in Chetwode, 200 or so? Therefore making a significant contribution to spreading the burden of housing development in Buckinghamshire.

182. MR BELLARS: I'm not a planner, so I can't give you a particularly authoritative answer to that question, but what I can say is, it's clearly a remote community, it is not one that I think that would attract a lot of development because it would be unsustainable in terms of getting to and from it. That's not to say that there wouldn't be the opportunity for one or two additional houses, proportional to a small scheme of that

– a small community of that nature, but it's unlikely that it would be 200 houses in my view. It is a – the very character that is being destroyed, to some extent would mitigate against it being significantly expanded in the future, but it is a question that probably – I have a colleague here who perhaps could give you a more authoritative answer, he's one of our forward plans manager, who may be able to answer that more directly, but my understanding would be no, that it would not attract significant amounts of additional housing.

183. MR ALASTAIR LEWIS: I think it's probably fair to say that one of the reasons that Aylesbury Vale District Council is petitioning on this point is because of the very nature of this small community. I don't think it's proposing that – whether there are any proposals for expansion, as far as I'm aware, anyway. Yes, I've had a note handed up that one thing that could possibly happen in a case like this is where you have a big house in a small community like this, there could be conversions into smaller units, that's the sort of thing that could possibly happen in...

184. SIR PETER BOTTOMLEY: The situation is, the line is clearly going through an outstanding bit of countryside. It's a community which functions at the moment, it's a community which has a great deal of family heritage, if I can put it gently – remember when we were taken round. The chairman's question – none of these things is purely how much money per household, but the chairman's question is a very fair one and if you think of what we're being asked to face up and down the line, I think this is probably the most, in terms of division, the one that gives the biggest answer per household.

185. MR ALASTAIR LEWIS: Right. It is a fair question but we think that this is a special location and I think that that's the emphasis that Mr Speaker placed on this particular case and Aylesbury Vale District Council fully supports that. I don't think it will from the fact that if you do look at purely, in terms of how much per property, it is a lot of money but the case that Aylesbury Vale District Council is that, in this particular instance, it is money well spent in keeping together an important community, a small community, and a special community. It's no more or less than that.

186. And this is obviously, an unwelcome intrusion into that which of course, is outside of Aylesbury Vale District Council's powers in terms of being able to stop it and it

simply wants to protect it as best it can. But not at any cost, I don't think that the Council would be appearing before you today if it thought that it wasn't worth the £61 million, it clearly has taken the view that it is. I think that there's not much more really I can add to that.

187. In terms of the – one of the technical points that we wanted to bring to your attention today, if we could move onto our slide six please, A20956. Now, Sir Henry asked, when we were last here, how the tunnel could be implemented if the Committee were not persuaded to ask for an additional provision, which of course would add significantly to the timetable in relation to your consideration.

188. We have had some correspondence with HS2's agent and they've confirmed that were the promoter to be required to go ahead with the proposal, then like with the FCC sidings which were referred to by Mr Speaker, this particular proposal would be deliverable through a Transport and Works Act order. We see that that is the simple and most robust solution.

189. It could, potentially be done through normal planning processes, but we don't know whether there would be implications in relation to land ownership, although we understand that any additional land would probably be owned by those who are strongly in favour of the proposals, in any event. There may be footpath diversions and highway diversions which could all be cleared up in a TWA order, which is a little bit like, it's like a hybrid bill, but small scale, and taken through the statutory instrument process through a public enquiry process were there to be objections.

190. So, in effect, what we're asking the Committee to do, our slightly changed ask is not for HS2 to consider the proposal further and do a SIFT report, which is, in essence, what we were asking last time, it's now, having had the benefit of that SIFT report, and having been asked the question by Sir Henry, is to ask the Committee, please, to require the promoter to carry forward a Transport and Works Act order, in the same way that is being proposed for the FCC sidings. And unless, Mr Bellars, you...?

191. MR BELLARS: For option I.

192. MR ALASTAIR LEWIS: For option I, indeed. Option I. Unless you had anything else to say, Mr Bellars, that was all we wanted to say on Chetwode.

193. CHAIR: Okay. Mr Strachan?

194. SIR HENRY BELLINGHAM: Mr Chairman, and we hear, Mr Strachan, the Transport and Works Act order, principle would apply to the other options as well, to C, D, E, F, G and H, would it? As far as you are aware, Mr Lewis?

195. MR ALASTAIR LEWIS: As far as I'm aware, yes, because I would imagine that the issues which would require an additional provision, either – whether it's additional land take needed, alteration of description of works, would be the same for those options as they would be for option I, so I would imagine that it would be the same, yes.

196. SIR HENRY BELLINGHAM: Well, it certainly is a novel suggestion you've made, but I'm looking forward – I'm waiting with bated breath to hear what Mr Strachan has to say about that.

197. MR ALASTAIR LEWIS: Before we move on from Chetwode, we did have one other point on Wendover, which we can deal with very quickly, and possibly by an exchange of views across the table, because rather unfairly I did grab Mr Strachan just as he was coming in to make a suggestion in relation to where we are on Wendover. This is a very restricted point on Wendover. I should preface what I say by saying that the council remains strongly supportive of the local community, alongside the other local authorities, for the option which I believe the community put forward again this morning in relation to a possible bored or mined tunnel at Wendover.

198. The point we're making today is about what would happen – if we could have slide number 7 please – is what would happen if the tunnel were not to proceed. And what we have been told by HS2 is that – in an assurance which I'm sure we can bring up if necessary, is that the promoter, HS2, will fund and support the provision of noise barriers alongside the A413 bypass past Wendover, as you see on the slide there, and along a 500 metre stretch of the London Road. Now, this is not what Aylesbury Vale District Council wants to happen, but they do have one residual concern about this particular issue, were it indeed to come forward.

199. Now, just to make clear, the provision of these noise barriers, because they're highway noise barriers, would not be incorporated as part of the Bill works. This would be carried out by Buckinghamshire County Council as the highway authority, and the

essence of HS2's assurance given to both the County and to the District Council is that HS2 would fund the provision of these barriers. If we could just move onto the next slide please. What Aylesbury Vale District Council are concerned about is that if these barriers proceed then in their implementation HS2 – there's a slight error in the slide here. What we would want HS2 would be to fund the carrying out of a landscape and visual impact assessment of those noise barriers, and fund the implementation of any appropriate landscaping works identified as being required to mitigate those noise barriers, were they to proceed.

200. Now, there is an assurance letter, and I'm afraid I don't have the number, and perhaps it could be brought up please.

201. MR STRACHAN QC (DfT): I don't think we can get it up, Mr Lewis.

202. MR ALASTAIR LEWIS: Oh, sorry. Well, in effect, the assurance is that the promoter, as I said, would fund the capital and installation costs of the barriers and would also fund the cost of any landscape impact study required, so we're getting halfway there in that assurance. What we would want would be some additional wording to say for the avoidance of doubt that this funding would include funding for the implementation of any reasonable mitigation measures identified by the district council, as the planning authority, as a result of the landscape and visual impact assessment having been carried out, which HS2 said they will fund. So it's just really a point of clarity that, when HS2 say that they will pay for the implementation of the noise barriers, that will include any reasonable requirements arising out of the landscape and visual assessment made by the council. I think that's, in summary, what we're asking for there, Mr Bellars, and hopefully Mr Strachan might be able to give us some assistance on that one.

203. CHAIR: Mr Strachan?

204. MR ALASTAIR LEWIS: That's all we were going to say today, sir.

205. CHAIR: Okay.

206. MR STRACHAN QC (DfT): Can I deal with that one first? We provided an assurance to Buckinghamshire and Aylesbury Vale District Council was it – if not last

week then the week before, as a result of detailed discussions, and those assurances include clarifying that support in respect of the noise fence barriers along the A413 would include reasonable capital and installation costs. And if there's a further clarification required of that then I – which I think that's the request. Bearing in mind these are already agreed assurances between parties, if that's being pursued –

207. MR ALASTAIR LEWIS: No, that's not – we only received – this letter for Aylesbury Vale is actually dated 29 January, so we've got it after –

208. MR STRACHAN QC (DfT): I don't think we need to have a debate about it. Both Aylesbury Vale and Buckinghamshire were represented by counsel at the last occasion they appeared, and we agreed these. If there's a request for clarification, rather than me try and deal with it now I suggest it can be the matter – subject to correspondence, and Mr Lewis can put it to the promoter to see if it's necessary to provide any clarification. But in principle, just to be clear, we have identified we would support – the support we provide would include reasonable capital and installation costs of those London Road noise barriers.

209. Can I then go back to Chetwode? Can I just remind the Committee of the Hybrid Bill scheme very briefly? I think you'll be very familiar with it. I'll just show you what the Hybrid Bill scheme did as a proposal. Yes, we certainly do of course affect Chetwode in the Hybrid Bill proposal. The line, however – the principal mitigation that was provided in this section is the deep cutting that the line is going through as it passes Chetwode. I think it comes up to about five metres below ground, but at other points it's 12 metres below ground, and there were obviously significant embankments provided. So yes there's an effect, but it's wrong to proceed on the basis that the Hybrid Bill scheme as it was proposed didn't seek to mitigate those effects on this community.

210. However, you obviously put that case to the Committee, and the Committee came back with the recommendation for us to look at further mitigation options to improve the position for Chetwode, and that's, of course, what we have done. And if I can just show you AP5 – sorry, could we just go back to the AP5 CT plan, just so you're clear. So when I show you the table in a moment you can see these blue lines again to identify changes to the scheme, but there's a substantial, I think it's five metres, noise barrier that goes in to the bottom of the cutting, protecting the line and the community of

Chetwode, and a further additional planting as part of that proposal. That obviously comes at a cost, and we'll look at those in a moment, but the consequence of that is we then worked out what the benefits would be for Chetwode in terms of noise benefits.

211. As part of the appraisal options requested by the Committee, we also explored all of the other ones that were put forward to us as – in the Committee, and those included of course creating the green tunnel, extending green bridges and those various other options. And I can show you that if I go back to the slide Mr Lewis was referring you to a moment ago, P15809. And I'm not going to spend a long time on this because the points will be fairly transparent from this, but, as has been observed already, option B, which is what we put forward by way of additional provision, with the five metre trackside noise fence barrier and landscaping of effective height up to 12 metres between certain points, has the consequence of taking the number of dwellings that are above the LOAEL level down to 13, whereas previously it was 23.

212. As has been observed, the minor worsening simply relates to the fact that if you put in noise barriers by –

213. SIR PETER BOTTOMLEY: You see them.

214. MR STRACHAN QC (DfT): You see them. We're doing our best with the screening, additional screening, to mitigate that. That's why it's a minor worsening rather than a major worsening, but it is a consequence.

215. SIR PETER BOTTOMLEY: If it doesn't disrupt your chain of thought too much, one of the sensible points that Ralph Smyth from CPRE made was that barriers shouldn't look as though they're a continuous line across – we can presume that they'll be broken up in some way?

216. MR STRACHAN QC (DfT): Yes, and I – it's going to crop up again in relation to Wendover, but yes, absolutely, one of the pictures I think you're going to see later on is actually from the inside where there's a noise absorptive surface, which looks rather functional. On the outside of these noise barriers, which is what the community will see, there are the opportunities to design them in a way which minimises their visual impact as you see them, in addition to landscaping, which obviously minimises the ability to see them, so it's a combination of both. And I'm sure the Committee may

have seen examples of good and examples of bad practice in relation to noise barriers, but clearly our objective would be to design them in a way which minimises their visual effect and minimises their vertical effect for a five metre barrier. And that includes, for example, as you were hearing about, horizontal slatting, for example, can minimise the impression of height.

217. So there are lots of things that can be done in the detailed design, but of course they're still there, they're still five metre barriers, but they're there to serve the function of mitigating noise, so there is that trade-off between the two. That's why we've identified a minor worsening. We'd always seek to improve on that in the detailed design. That comes with a cost of £3 million. We have modelled and costed the other options. I think fairly the Aylesbury Vale at least, and I believe reflective of the community wishes, are not pushing options C to H but are focusing on option I. And one can see the reason for that, because you can spend a lot more money without actually changing the number of dwellings above the LOAEL level. And you then come to option I, and yes you do get 10 more dwellings that come below the LOAEL level, but that comes at an additional cost over option B of £58 million.

218. So it's 61 million over the Bill scheme, it's £58 million more than option B, and that is ultimately the judgment that has to be made. We've made, from the promoter's perspective, a judgment that we say the option B AP5 achieves what the Committee asked us to do, a significant improvement to the noise position for Chetwode. It doesn't cure it but it achieves a significant benefit. If you go further you have these very substantial additional costs for a disproportionate benefit compared to the cost, and that's the basic equation.

219. There are some other factors that are in issue, and I know the community won't see them as fundamental, but the costs should be seen in the context of option I also involving considerably more construction activity than the creation of the green tunnel. I think it's a further year of construction activity and additional HGV movements that would all be necessary. I know the Committee may not see that as important in the long term, but it is a factor in the overall scheme. And certainly that's why we have done, in our SIFT exercise, what we think is the correct outcome, which achieves a significant reduction in the noise effect on the community of Chetwode. So for those reasons, and notwithstanding the eloquent presentation from the Speaker and Aylesbury Vale, we

believe this is the right solution.

220. CHAIR: Okay. Brief final comments?

221. SIR HENRY BELLINGHAM: I have a question.

222. CHAIR: Okay.

223. SIR HENRY BELLINGHAM: Well, two questions, Mr Strachan. First of all, would it be possible to carry this out without an AP? Are you satisfied – is HS2 satisfied that the Transport and Works Act option is one that is viable?

224. MR STRACHAN QC (DfT): Sir Henry, the answer to that is yes you can achieve virtually anything with a Transport and Works Act order. I believe the original focus of the question when it arose was could you do this without an AP, in the context of this Bill, by a recommendation from the Committee. And the answer that I gave to that was no, because it would require an additional provision, which would then have to come before this Committee. You can promote a change of this kind by a different process, namely the Transport and Works Act order, which has its own separate statutory procedure. So that is possible, as indeed any change would be possible through that process. But that of course is a procedure which has to be done separately. I know you're familiar with that from, for example, the FCC position. So yes, Sir Henry, the answer is you can do it but it's an additional process and it has those additional costs.

225. SIR HENRY BELLINGHAM: Yes, and so what we are really saying is that if the House of Lords Committee that is going to be looking at this after we've passed it on to them, they cannot go down the route of asking for APs, but they could go down this route, could they? If they decided there was a very strong argument here and wanted to revisit it, they would be able to go down this route.

226. MR STRACHAN QC (DfT): They'll obviously be able to listen to any petition points on this. They will be faced – they won't be able to require an additional provision into the Bill, so they're not – they don't have that option. Any person can continue to recommend some amendments are made by way of Transport and Works Act order, but the same equation is likely to persist unless there's some major change.

227. SIR HENRY BELLINGHAM: Well, that's very helpful. Can I just ask you one

other question as well? We haven't looked, to be fair, at options C to H, but I'm just slightly intrigued as to why if one looks at option F, which is two times 400 metre green tunnels, that actually rather than leading to an improvement is actually going to lead to a minor worsening of landscape integration, and indeed is neutral when it comes to community integrity, and yet it's a more expensive option than option E, and obviously more expensive than option G.

228. MR STRACHAN QC (DfT): Yes. Well, I think the –

229. SIR HENRY BELLINGHAM: Well, what's your explanation for that, Mr Strachan?

230. MR STRACHAN QC (DfT): I think the answer to that, and I'll be corrected from behind if I've got this wrong, where you create two green tunnels you have an additional amount of infrastructure in – you have effectively four portals that you're creating. So it's each green tunnel you come into one, go out and then go into another, and that has a consequential adverse effect on landscape integration, and I suspect that's the key reason why that occurs, and as well as being quite expensive. That's why 44 million is there. You have to create two separate structures.

231. CHAIR: Okay. Mr Lewis?

232. MR STRACHAN QC (DfT): I'm getting nods from behind, so –

233. MR CLIFTON-BROWN: Can I just ask a question? Whether this – any additional green tunnel or tunnel option will require an AP or a Transport and Works Act, is it the case that either option will involve a delay to the start of this whole HS2 scheme, which will involve a very considerable extra cost?

234. MR STRACHAN QC (DfT): That I don't know the answer to. I haven't factored that in into these costs, and it may be that if a Transport and Works Act order were promoted with sufficient speed, depending on how critical the start of the works are on this, that that may be able to tie into the project sequence. Can I come back to you on – the answer is the timescales would render it possible to do that, but it obviously introduces a degree of risk into the project because we can't definitively prescribe how long the Transport and Works Act order process would take. It's not, from our current –

235. CHAIR: An AP would delay the project probably.

236. MR STRACHAN QC (DfT): AP would certainly, yes.

237. CHAIR: And add to the cost of the project, so apart from the cost of this there would be multiple in terms of inflation. A Transport and Works Act may not, in terms of delaying the project, but it would require the support of the Department for Transport, and I would be terribly interested to see the Secretary of State for Transport argue with the Chancellor about spending this sort of money for the amount of mitigation when he's arguing for his budget. So I don't think – I think there's a snowball hell in chance of the Department for Transport supporting this sort of money for this sort of mitigation.

238. MR ALASTAIR LEWIS: Well, unless you require or suggest strongly that it should be spent, sir. If I could just quickly come back on the TWA point. I think we have a precedent whereby we can illustrate that a TWA promoted, if you like, alongside a Hybrid Bill has worked, and that was in relation to the Channel Tunnel Rail Link Bill, where a separate TWA order was promoted for Stratford station. So it all did gel together.

239. It all depends. The length of time a TWA order takes to get through depends on the number of objectors, if any, and therefore the length of the public inquiry which would take place. One can imagine that for a small scheme like this where the locals are likely to be supportive, where the local authorities are likely to be supportive, it's difficult to imagine that this would be one of those TWA order applications which would take years and years to get through. It could be done in a matter of months possibly, so I think that there could easily be a catch up situation here.

240. I've bitten my tongue, and I'll continue to bite my tongue possibly until we get into the Lords, as to whether additional provisions can indeed be promoted in the House of Lords. Just casting my memory back to when I acted for Medway Borough Council on the Channel Tunnel Rail Link Bill, we argued for a tunnel in the House of Lords Select Committee. The House of Lords Select Committee allowed us to argue for that tunnel. It would have required an additional provision, and in fact I think one of the main reasons that the House of Lords Select Committee did not allow the tunnel to proceed was because they were concerned about the length of time that the additional provision, if they allowed it to be advanced, would add to the timetable of the Bill. So

I'm not going – I'll leave it at that, because I think we may have arguments about that when we actually get to the House of Lords, as to whether an additional provision can be promoted, and I think one actually was successfully on the Channel Tunnel Bill, but the circumstances were different.

241. Why do we think that it's worth spending an extra £58 million for Chetwode is the fundamental question before you. I find it difficult to say anything more than please listen to what Mr Speaker said. He quite rightly said that the community of Chetwode is a special if not unique community along the HS2 line because of its nature. You visited it. You've seen it. It's a beautiful place and, as the – Mr Speaker said, in his view, and I think this is shared certainly by the community and by the district council, this village will be decimated by HS2 if the current proposals under AP5 are taken forward. We think that the option I proposal will, of course, have an adverse effect in some regards on Chetwode, but it will be so significantly better for the people who live there and for the – and it's the community point which really sticks in the mind here as far as we're concerned, that it is worth spending that additional money. And we hope that a recommendation from this Committee will go forward to the Secretary of State, who will look at it favourably and promote a Transport and Works Act order sometime in the future. Thank you very much.

242. CHAIR: Okay. Thank you very much to you both. Right, we now move on to AP5 2 Lionel Abel-Smith Trust, represented by Mrs G Newman.

The Lionel Abel-Smith Trust

243. CHAIR: Good afternoon.

244. MS CLAYTON: Good afternoon, gentlemen. My name is Marion Clayton, and I'm the Chairman of the Lionel Abel-Smith Trust. My colleague here is Bob Duggan, who's a trustee appointed at the last annual general meeting last year.

245. SIR PETER BOTTOMLEY: You're the – the trust owns the land near where the station might be on the East West, and you look after the alms houses. Is that –

246. MS CLAYTON: No, they're not alms houses. We own cottages on Pound Street

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247. SIR PETER BOTTOMLEY: Cottages.

248. MS CLAYTON: – which is the road that comes from the station down to the centre.

249. SIR PETER BOTTOMLEY: Beautiful cottages.

250. MS CLAYTON: Beautiful, absolutely beautiful. Quite right. You probably saved me, Sir Peter, from having to remind you of what the trust does. We own 13 residential properties there. We own three retail properties: two in Pound Street and one in the High Street. The income from those properties is used firstly to maintain them, and the one that we showed you photographs of when we were here last time is now ready for occupation and is beautiful, having cost us a small fortune. And we also then use the income to benefit individuals, who are in desperate need sometimes, and organisations in the village. The 13 residential properties are all Grade II listed. Two of them are 15th century. The remainder are 17th century, and obviously because of their age they are fragile. They're vulnerable. They don't have foundations. They do take a lot of looking after and a lot of maintenance, so they are vulnerable simply because of their age and the limitations of the type of repair that we're allowed to carry out on listed buildings because of planning restrictions.

251. If we can go onto the next slide please, and this shows the location – I beg your pardon, this shows some of the good work that we've been doing, some of the people and the organisations that have benefitted. So the next slide if we may, please. And this is the slide that shows the location of our properties relative to the proposed work. You can see our properties indicated by the red arrow, and the two red flashes towards the right hand side indicate two of the pylons involved in AP5. The third one is slightly off the map to the right.

252. If I may just run through our concerns with the AP5 proposals. These concerns are first of all the height and the appearance of the noise barriers. These 20 feet high barriers simply cannot be concealed as the illustrations provided by the promoter appear to suggest. The illustrations are totally misleading I'm afraid, and in reality those barriers will be a visual monstrosity right in the middle of the area of outstanding natural beauty. Secondly, the effective of those proposed noise barriers, and you've heard more this morning, and you will hear more, I think, later this afternoon, about both of those

concerns.

253. Our main concern is the pylons and the work to be done to the pylons. The height of the pylons which are to be relocated and the new pylon to be constructed, we understand, will be 63 metres. This is some 13 metres higher than the existing pylons, and I understand that is to accommodate the construction of the HS2 line, and you heard about that this morning. Those three new pylons in turn will give rise to yet more visual intrusion in the AONB. We're also concerned about the method of construction to be used in the erection of both the relocated pylons and the new ones to be erected. Once again, our concerns are related to vibrations through the ground possibly, and I would say even probably, causing damage to our sensitive properties belonging to the trust.

254. The promoter has stated in the PRD in paragraph 7 that piling for the foundations of the pylons has been assessed to be up to 30 metres in depth. They also state that exact piling methods will be determined by the results of, and I quote, 'location specific ground investigations'. They suggest again, and I quote, 'board piling methods would generally be more likely in this area'. In other words, using an auger rather than percussive work, which is what we understood was likely to happen. However, professional advice is that this area is subject to significant fault lines in the chalk, which would make boring exceedingly risky, to put it mildly.

255. Possibly from the map the pylons may seem a safe distance away, but in spite of that the cottages that we own are sitting on a geologically lower level, which can be seen from a normal OS map, which I haven't provided for you I'm afraid, and piling to a depth of 30 feet would have to penetrate through the specific depth at which the cottages sit. I'm no geological expert and I don't have access to professional advice, but I think common sense tells you that there is likely to be significant vibration through that continuous layer of chalk.

256. There is no binding undertaking that the percussive piling method will not be used and, as you heard just now, there can't be such an undertaking until the ground investigations have been undertaken and the method of construction has been agreed. That means there is no reassurance for the trust that potentially damaging vibrations will not happen. Paragraphs 8 and 9 of the PRD indicate that the effective construction noise and vibration has been assessed and will not give rise to any more significant effects

than those reported in the original ES. However, as I've already pointed out, there is no clear decision on which method of construction will be used, so it's really difficult to see how any legally binding assurance can be given until the final construction method has been decided.

257. Can I go onto the next slide please? This slide shows our list of requests, and I won't bore you by going through them all. You can see them, and you've seen them all before I know. These requests are simply intended to protect not only the trust and its future but its benefit to the community and our tenants, both residential and commercial. What we need is a legally binding commitment from HS2 Limited that we will be protected, these properties will be protected, something that will stand up in court if it should become necessary, and let's all hope that it doesn't. Once again, we are asking for HS2 Limited to carry out surveys of the condition of all our listed properties before beginning work.

258. When we appeared a few – a couple of months ago, Mr Hendrick asked a question about how we would determine whether any damage to our properties is the result of HS2 construction. I'm sorry he's not here this afternoon in fact. I now understand that if this situation were to arise it would not be the responsibility of the trust to establish that link. Rather, it would be for HS2 Limited to establish that the damage is not the result of work carried out by them or their contractors. So our argument is that a survey of the current condition of these properties would give both the trust and HS2 Limited the assurance of a baseline against which to measure any damage that may occur during construction.

259. The solution to all of these problems and a whole heap more, as you well know, is a tunnel, whether it's bored, whether it's mined, whether it's the tunnel under Wendover. That would remove the need for these monstrous proposals and the enormous associated costs. HS2 have quoted £10 million just for the AP5 proposals, although I suspect it's likely to be considerably higher. There is a huge amount of money being spent on mitigation when that money could easily and more effectively be redirected into an effective tunnel underneath Wendover. The tunnel would of course protect Wendover and its community. It would protect the historic buildings we're responsible for from the risks that these current proposals will cause.

260. So our final ask is on the right hand side here, that the tunnel proposals that you've heard are properly and independently assessed so that we can come to a sensible conclusion on the proper solution for Wendover. If you look at the impact on Wendover of the proposals on the table at the moment, they are horrendous. We've heard about Chetwode being destroyed. Wendover will equally be destroyed. The community, the village itself, its facilities, will be destroyed, and Wendover will no longer be the thriving place that it is today. And frankly I simply believe that Wendover deserves better.

261. CHAIR: Okay. Thank you very much. Mr Strachan?

262. MR STRACHAN QC (DfT): Well, I refer you back to what I previously identified about the effects on Wendover. The predominant mitigation is the very significant green tunnel that goes past it to the south. I think there were two principal issues which have been raised, which I'll just address briefly. If I could show you first of all – in respect of the concern about vibration or ground borne sound and vibration affecting the petitioners buildings, can I just show you P15578(1)? And in fact I don't think anything's changed as a result of AP5 in terms of construction activity in this particular location affecting ground borne noise or vibration. P15578(1).

263. You'll recall this is actually a map dealing with noise, but it also covers ground borne noise and vibration. You can see in the key just down here, if I point with the arrow, the blue and black dashed line is ground borne sound and vibration study area, highly sensitive non-residential, and then there's ground borne sound and vibration study area, residential and non-residential. And you can see that the – if I just move the cursor over here – for residential and non-residential the ground borne study area is obviously much closer to the works. Even for highly sensitive non-residential buildings the line of the study area is actually below the area where these buildings are, and for that reason we're confident that, in accordance with our methodology statement, that there are no impacts in relation to ground borne sound vibration that require further assurance or study, and indeed no surveys that are required. It's well outside the area where there would be any impact of any nature. So that's the first concern

264. The other concern related to pylon works, and if I show you P15613(2) – actually in this case we're showing St Mary's Church, but it doesn't matter for the purposes of

this. Could we just zoom in on this location here? Just a bit further. In order to provide these additional noise barriers by way of protection for Wendover, there is – the pylon diversion's slightly changed and we have one pylon – just click – one pylon – it's moving – one pylon in that location just there, a new pylon in that location, and a new pylon replacing an existing one in that location. And that's simply to carry the existing electricity wires across the new noise barriers, and so it's a minor alteration to the existing high voltage cable network that runs along in this location, but it's a consequence of additional – the additional noise mitigation.

265. As to the noise barriers themselves and the noise mitigation, I refer you back to the previous answers I've given on that, but clearly the intention of AP5 is to provide additional noise mitigation, bearing in mind the concerns that were expressed by the community previously.

266. CHAIR: Okay. Brief final comments?

267. MS CLAYTON: I think the difference in construction is the pylons, and that is our main concern. We are really concerned that if the 30 metre – sorry, 30 feet construction is – has to be achieved through percussive works, no matter what the diagrams show we are concerned that there will be vibration that will damage our properties. I've stressed how fragile they are. We're not able to do much in the way of strengthening work because of planning constraints. We are genuinely concerned.

268. It does rather surprise me though, and this occurred to me at the last occasion we were here, the promoter is telling us that they are confident that there will be no problem. I would like to see that confidence reflected in a binding – legally binding agreement, a commitment that if there is damage to our properties that we will be recompensed, that the damage will be put right, that our tenants will be looked after at no cost to the trust. If there is such confidence there should be no problem in giving us that undertaking. Better still, let's not have these pylons moved, let's have a tunnel, and then all of this goes away.

269. CHAIR: Okay. Thank you very much indeed to you both. Right. We now – AP5 number 6, the Parochial Church Council of St Mary's Church, Wendover.

The Parochial Church Council of St Mary's Church, Wendover

270. CHAIR: We seem to have discussed the church endlessly one way or another over recent months. Now, I know earlier today you suggested you need an hour but as we're fairly familiar with the subject are you able to canter through it a bit quicker than that?

271. SIR PETER BOTTOMLEY: 'Thought for the Day' takes three minutes.

272. MR DEARNLEY: 'Thought for the Day' takes three minutes, yes. Yes, that's a practised art. My name's Mark Dearnley. I'm the vicar of St Mary's Church in Wendover, and here with Mr Avery and Mr Summers. We're here to petition on behalf of all the users of St Mary's Church, and we remember that St Mary's has an annual footfall of somewhere in the region of 35,262 people. There are 680 activities in the building per annum, based on a review of the church diary over the last 12 months, which includes on average two concerts per month of very high quality. St Mary's serves the whole community as much for secular activities as it does religious.

273. Additional mitigation in AP5 we believe does not solve noise problems for inside or outside the church and its environs, nor wider community of Wendover with respect to many other issues. And, as you will hear from Mr Avery, the noise inside the building will be fatal for the use for concerts, and outside the current tranquillity will be destroyed for the many who come to, and for all sorts of reasons, to the church and its environs. You may recall Sophie Maggs as a witness last time who spoke movingly of her visit to her late husband's grave there.

274. The offer received from HS2 to contribute to the cost of sound attenuating the church is appreciated in principle, indeed it is, but the amount is woefully inadequate in our view. For the record, I received an offer of a contribution of up to £250,000 towards the cost of sound attenuation to the church. Mr Avery, on behalf of the church, has already discussed this amount with Martin Wells, who asserts that HS2 think this will suffice, notwithstanding that budgets in the range of £2 million plus have been mentioned in meetings. Martin agreed to provide detailed links about a breakdown of this, which we have received. However, we'd prefer an approach where the scope of the works is openly considered and defined more accurately. Mr Avery has a comment about these figures. Thank you.

275. MR AVERY: Yes. Thank you very much, Mark. I did receive, yesterday I think,

it was from HS2, their breakdown of this £250,000 which was promised, and that's appreciated. I now understand why their costs are so low, and if you think about the 27 windows that are in the church their budget of 68,200 – do you actually have this available for us to show?

276. MR STRACHAN QC (DfT): P15804.

277. MR AVERY: That's right. Thank you very much. So the 68,200 for the secondary glazing to the windows is deemed to cover 27 windows, of which 12 are the clerestory windows, and 15 are stained glass windows. That equates to £2,500 a window, which is just a ridiculously low figure. The two – the double glazed foldaway screen, that's not too far out. I think it's a bit low, but that's certainly a very cost effective part of the package. The most important observation to make is that they're proposing sound insulation to the roofs on the inside of the roof, underside, as opposed to what we believe is the only way of doing it, which is on the outside. There's a couple of technical –

278. SIR PETER BOTTOMLEY: Sorry, what? Insulation of the roofs on the outside?

279. MR AVERY: Yes. In other words, what is necessary is to introduce a sound attenuating board somewhere in the roof envelope. You can either put it on the inside –

280. SIR PETER BOTTOMLEY: Without reroofing?

281. MR AVERY: Without reroofing, but between the joists.

282. SIR PETER BOTTOMLEY: Or you reroof.

283. MR AVERY: Or you put it – yes, effectively.

284. SIR PETER BOTTOMLEY: And you don't put it on the top of the existing roof. You're –

285. MR AVERY: No.

286. SIR PETER BOTTOMLEY: You're reroofing.

287. MR AVERY: You're reroofing.

288. SIR PETER BOTTOMLEY: With it built in.

289. MR AVERY: Yes. The technical issues with that, of putting inside, is that you create dew point problems, which would result in rotting of the roof, which is obviously completely unacceptable. And the other problem with that also is that it's unacceptable from a heritage point of view, in that if you put the sound insulation on the inside it's between the joists and you'll lose the profile of the roof on the inside of the building. So I know that the DAC, our diocese, will be vehemently against that approach.

290. The other problem is that the side aisles inside the church you can actually see the underside of the boarding in the roof. So if you put a – you know, you can't put a liner on the inside of the roof there without hiding the boarding. So that's one reason why HS2's figures are very low, in that they've gone for what is a good suggestion, but won't work from the point of view of technical protection of the building and from an aesthetic point of view. I don't entirely understand the next three items, but as far as I'm concerned secondary glazing to the door lights is the porch. The toughened glass double glazing to the doors, I think that's mucking around with the existing glazed doors, which are actually a gift –

291. SIR PETER BOTTOMLEY: I think if we go through the problem to every solution we aren't going to just get very far. I think –

292. MR AVERY: Just bear with me. I'm very close.

293. SIR PETER BOTTOMLEY: Are you?

294. MR AVERY: Very, very close. Thank you very much. I'm just trying to indicate – I'm just taking this seriously and trying to do my best to work out what it means, and the repairs to the double doors is basically new doors. I've actually assessed the cost of this exercise myself, and I have a figure of more like £2 million in my head. Somewhere in the discussions we've had with HS2 there's been £2.5 million mentioned. In fairness to Martin, I cannot track down – Martin Wells over there – I cannot track down where it came up, but I –

295. SIR PETER BOTTOMLEY: Treat it as though it's in the confessional. Let's work on what they're saying now.

296. MR AVERY: Treat it as what?

297. SIR PETER BOTTOMLEY: As part of the confessional, and deal with what they're saying now.

298. MR AVERY: What they're saying now is –

299. SIR PETER BOTTOMLEY: We're trying to go forward not backwards, honestly.

300. MR AVERY: Yes. Okay. What they're saying now is £250,000, and for the reasons I've given you it's wrong. And just to give you a figure of what we think it is, having heard the comments that you – been made, in that there has to be a cost to anything, we think it's in – more in the region of £2 million it's going to cost to provide the mitigation to the church that is – or a contribution to mitigation for the church.

301. MR DEARNLEY: Just to – well, if I can continue on the other points then. We feel that HS2 continually misleads with regard to the real noise issues caused by the proposed train. We do not believe that HS2 have correctly modelled the effect of noise on St Mary's and consider that a contingency should be added of five decibels to ensure the resultant design and mitigation is resilient, for the same reasons that a contingency is added to any properly prepared cost plan. There is a sense that things remain opaque with regard to comparable costs. We do not trust what HS2 –

302. SIR PETER BOTTOMLEY: Which page should we be looking at while you're talking?

303. MR AVERY: We've gone on too far and we need to go back a slide.

304. SIR PETER BOTTOMLEY: I'm not sure we do. I'm trying to get onto number 5 or number 6.

305. MR AVERY: I know you are, so just allow –

306. SIR PETER BOTTOMLEY: We can read.

307. MR DEARNLEY: Okay.

308. SIR PETER BOTTOMLEY: We are very fast at picking things up and I think that we'd be grateful if you could, sort of, come to – help us.

309. MR DEARNLEY: I'm handing over to Mr Avery in a moment, but just to say there's an issue about transparency about the cost comparative things, and in terms of commenting on the sound issues back to Mr Avery.

310. MR AVERY: Okay. Well, now – just slightly confused. Could you just indulge me and go back a slide? Okay. The point – where's it gone? The point of the exercise here is that at our presentation on 17 November we said our comments were based upon HS2 accepting that the sound attenuation at the church was 20 decibels. Mr Thornely-Taylor's evidence at that time basically reneged on that agreement and – in a way. And if you remember, I said at that meeting that I would try and find out a way of proving the situation otherwise. So we've done two tests, and if you could now go to the next slide please.

311. The first test is where we set up for a period of 50 minutes, microphones on the outside – sound recording meters on the outside and the inside of the church, and what this shows is that the – what I've described as the ambient background level outside the church is around about 50 decibels, and crucially the only time that it gets above that level is eight times per hour in the evenings. And only on one occasion did it actually reach 60 decibels. Inside the church, because of the 20 decibel attenuation, it's generally around about 30 decibels. So every eight times an hour, on average, you hear the occasional louder noise inside the church.

312. The point of this exercise is actually to prove for the purposes of the environment of the church and its use as a concert venue the ambient sound level is 50 decibels outside, and, because of the attenuation of the church is 20 decibels, it's 30 decibels inside. And if you remember, you sat in the church listening to 250 people there in silence, and the meter on the alter showed 50 decibels – 30 decibels. I'll get it right. The first thing I want to nail is that the ambient level in the church gives you the ambient level outside the church. It's 50 decibels – it's 30 decibels, and there are only occasionally, i.e. eight times an hour, peaks above that that never go above 40 decibels inside the church.

313. SIR PETER BOTTOMLEY: A full church –

314. MR AVERY: You were in a full –

315. SIR PETER BOTTOMLEY: – with nobody speaking is pretty consistent with 30 decibels.

316. MR AVERY: Yes. And you sat in the church. I know – were you there in June, the first demonstration? I think you were, and that’s what the meter showed.

317. SIR PETER BOTTOMLEY: So how many people do you have in a full church?

318. MR AVERY: We can get 330 in.

319. SIR PETER BOTTOMLEY: 330 people in a church not speaking has an ambient level of 30 decibels.

320. MR AVERY: Yes. And you have sat in the church –

321. SIR PETER BOTTOMLEY: Don’t go back. I’m just trying to be clear that that’s what you’re saying to us.

322. MR AVERY: Exactly, yes.

323. SIR PETER BOTTOMLEY: Right. Your next slide then?

324. MR AVERY: So the next slide, did another test where the – if you remember in – we played the sound of a TSI compliant train, in other words it was a TGV Atlantique, that I recorded when I went to France to do so, on an array of speakers outside, well up the churchyard. And the point of this exercise is to refute what Mr Thornely-Taylor said, is that the performance of the church fabric will be better for the train noise than it is for traffic noise and the other ambient noises around and about. What this little graph shows, where the red line is outside and the blue line is inside, is that the sound attenuation between the inside and outside for a train is actually round about 18 to 20 decibels. So there is no improvement in the fabric of the church for an HS2 train than traffic noise. So the conclusion that I want the Committee to understand from that –

325. SIR PETER BOTTOMLEY: What was going on inside the church while this was happening?

326. MR AVERY: I beg your pardon?

327. SIR PETER BOTTOMLEY: What was going on inside the church when this was

happening?

328. MR AVERY: Nothing.

329. SIR PETER BOTTOMLEY: Well, why isn't the sound level down to 30 decibels?

330. MR AVERY: Because of the meters that we have don't go below 30 decibels, and also because –

331. SIR PETER BOTTOMLEY: So it's possible that if you had been – the noise outside was 70 –

332. MR AVERY: The noise outside was 70 and the noise inside – the point that we're trying to find here, Sir Peter, is the difference when a sound – when a train goes past. And that's between the two peaks on the two –

333. SIR PETER BOTTOMLEY: So what this is roughly saying is that the church, as it is presently, will reduce the noise by about 20 decibels.

334. MR AVERY: Yes, of a train.

335. SIR PETER BOTTOMLEY: Of anything.

336. MR AVERY: Of anything, but the point that Mr Thornely-Taylor made, and is actually written into the SES, is that the fabric of the church will perform better for a train because of the frequency of the spectrum of the train noise, and that just doesn't feel right.

337. SIR PETER BOTTOMLEY: You've made that point three times so move on to the next one.

338. MR AVERY: So I've made the point, but that's the point. That's what I'm trying to get to.

339. SIR PETER BOTTOMLEY: We understand what you're saying. Is 7 the next slide?

340. MR AVERY: Slide 7. Right, this summarises the results of the two tests which

we –

341. SIR PETER BOTTOMLEY: We've got those. The third point is that you think the two metre high barrier won't achieve a seven decibel reduction in peak noise.

342. MR AVERY: If you would allow me to just say what I want to say that would be appreciated. I will hurry up as quickly as I can, but... Oh, right. Okay. So you're absolutely right, Sir Peter, what I intended to do was to read from the slide points 1 and 2, so take the point.

343. SIR PETER BOTTOMLEY: You don't need to do that, and you don't actually need to read point 3, which is – I've summarised, which is you're saying that you don't believe the two metre barriers will reduce the noise by seven decibels.

344. MR AVERY: We're sceptical that that's the case, yes.

345. SIR PETER BOTTOMLEY: Alright.

346. MR AVERY: And obviously you can read item 4, which basically is that we trust the predictions of the noise and it's this – it's because of that that there's a lack of trust in the predictions that are actually given. You know, we have no confidence whatsoever in what HS2 are saying in terms of the modelling of the sound.

347. SIR PETER BOTTOMLEY: Okay. So you're doubting what you've been told.

348. MR AVERY: Yes. If you just change – go to the next slide, we do actually know that the HS2 model is based upon a number of sound sources. I don't propose to dwell too much on this slide. If you go onto the next slide. That's slide 9. This points to inexplicable differences in CFA10(1), which is the school, and the one immediately to the left, which is the church. There's a two decibel difference, that's it, between those two, which cannot be – which we don't think can be accounted for the relative distance from the church. So the point I'm trying to make here is that there's unexplained reasons as to why there should be a difference there. If you could go to the next slide?

349. SIR PETER BOTTOMLEY: It's not because the school's in between the church and the line – they're part of the line?

350. MR AVERY: No. They're parallel to each other.

351. SIR PETER BOTTOMLEY: No.

352. MR AVERY: It makes no sense to me that one should be louder than the other.

353. SIR PETER BOTTOMLEY: When you finish we'll ask the promoters if they can explain that.

354. MR DEARNLEY: Yes.

355. MR AVERY: That's the opposite. They've shown these things to you Sir Peter. This also shows inconsistencies in information. If you look at the green ones, that's going from the church and from the school and the mathematical logic is that the difference is a result of AP5 of the average in the peak decibels should be the same. When you look at the other numbers you can see that the differences vary. So, again, there's inconsistency in the information which casts doubt on the modelling that's been applied. And if you go to the next slide. This is again a mass. It's not absolute but the point is it's indicating that the duration of the noise generated by the train again doesn't follow a logical pattern. So, again, sir, it's an indication that we –

356. SIR PETER BOTTOMLEY: Why doesn't it follow a logical pattern? If the intensity reduces by the square of the distance, you won't hear the noise further away at the same time as you hear it close by. And because it doesn't go as high you won't hear it.

357. MR AVERY: No. But it's also showing, which is rather surprising, is that the arithmetical conclusion – this is information prepared by John Savin – is that the noise at the church will be audible for seventeen and a half seconds which is a little bit longer than the pulse noise that people keep on thinking about. The point of those three slides is basically to show that underlying the information if you apply some analysis to it there's inconsistencies in the information.

358. SIR PETER BOTTOMLEY: There appears to be an unexplained – something you don't understand – and we may not understand – so we'll ask them to explain it to us.

359. MR AVERY: Yes. Fine. Slides 12 and 13. I would at this point pass over the part of what I got at very short notice from Mr Savin and I don't wish to draw anything out from them at the moment. The point to take from – and the same one – move on to

slide 14 if you wouldn't mind please. The point is, taking point 3 and 4 from slide 7 and the messages from slides 9 to 11 and the account of the actual measured experience of HS2, the dynamics of HS2 optimise anything to the lowest level we are convinced that the predictions will be low in practise and therefore a margin of 5 dB should be added to the current predictions and the railway be designed for it. What that's basically saying is that even more points to the need for sound attenuation to the church.

360. Notwithstanding the above, point 6 is saying there that even if HS2's predicted levels are achieved, St Mary's Church will need attenuation to enable to continue to be used as a concert venue for the whole community. There is no alternative. What I'm saying in the next bit is the conclusion of what I'm saying. In the event the Select Committee does not agree to the tunnel for Wendover, which improves to around 50 dB by a programme works which provided it is correctly designed approved by the relevant authorities –

361. SIR PETER BOTTOMLEY: Seventeen.

362. MR AVERY: Blah, blah, blah. – see a letter from the Diocese of Oxford'. The whole letter is in your pack. The relevant paragraph is that: 'On behalf of the Diocese, we wish to emphasise our support for this notion of appropriate sound attenuation measures with the approval of the relevant authorities. The Diocese considers the only measures that can ensure that noise is kept to levels which do not compromise the use of the important, historic church'.

363. We would prefer, we've discussed about the cost of the proposed scheme, what we prefer to do is agree a scope and performance for the specification with HS2 that they will fund rather than agree the amount. Obviously what we would do is that we would do everything to secure the most cost effective way of carrying out the works. And we would do it entirely on an open book basis. The PCC is also entirely confident with the support of the Diocese we can manage to carry out the work. There's no risk to the fabric of the church and we have no doubt we'll take the church community with us if that was to be agreed.

364. Right. Now, I'll pass over to Steve who will now give a little bit more background to –

365. CHAIR: Given we first discussed sound, why are we now discussing sound again?

366. MR AVERY: Because there's more aspects to the sound that we'd like to bring, to discuss with you or to present to you.

367. CHAIR: How long is this going to take?

368. MR SUMMERS: A few minutes.

369. CHAIR: Okay.

370. MR SUMMERS: Can I have slide A20832 please? I'm just trying to bring up some additional points. As referred to in Mr Thornely-Taylor's evidence back in November, basically two sets of measurements were carried out on behalf of HS2 from which estimates of sound insulation of the church façade can be –

371. MR AVERY: Excuse me. Our screen's gone blank. Has somebody kicked the plug? Yes.

372. SIR PETER BOTTOMLEY: Are you licensed to do that?

373. MR SUMMERS: There were a set of sound insulation tests which used a loud speaker relatively close to the church at a fairly low level and I've converted those results to an A-rated sound level difference and that achieved a result of 37 dB. But I considered that result to be unrepresentative, principally because the sound source is relatively close to the church and that for more distant sources, such as traffic noise or railway noise on HS2 and elevated sources –

374. SIR PETER BOTTOMLEY: – through the roof.

375. MR SUMMERS: Yes. There's more sound insulation, more sound impinges on the roof. So, that is an argument why, for high speed trains, the sound insulation wouldn't actually be any better than around 20 – both the performance of the roof and also the performance of leaky, not very well sealed –

376. SIR PETER BOTTOMLEY: Which is presumably why we were hearing at the beginning of the presentation about ways of trying to put in secondary insulation.

377. MR SUMMERS: Yes. Exactly.

378. SIR PETER BOTTOMLEY: Keep going.

379. MR SUMMERS: Yes. The basic point is the sound insulation will be around 20, or possibly lower, against high speed trains which is contrary to what Mr Thornely-Taylor was indicating in the evidence in November.

380. SIR PETER BOTTOMLEY: I thought your graph of your own experiment showed a reduction of about 20 dB?

381. MR SUMMERS: Yes.

382. SIR PETER BOTTOMLEY: Sound insulation would be better than that?

383. MR SUMMERS: If we put sound insulation in, of course the –

384. SIR PETER BOTTOMLEY: It would be better.

385. MR SUMMERS: Yes.

386. SIR PETER BOTTOMLEY: So, you start with 20. You can do better than that.

387. MR SUMMERS: Yes. What we're saying is it's no better than 20 for high speed trains in the current condition of the church.

388. SIR PETER BOTTOMLEY: Okay. Well, right, that's the second or third time we've heard that from you in the last twenty minutes.

389. MR SUMMERS: So considering the noise effects on the church without additional insulation, as we've established, ambient noise levels within the church are around 27/29 as shown by an evening survey carried by HS2 and around 30 during that demonstration which the Committee attended. We note also from the evening survey that there were peaks, LAmaxes of in the range 59 to 64 and they were relatively frequent.

390. SIR PETER BOTTOMLEY: Eight times an hour we were told. You are, I'm afraid, being lead into repeating what we've been told already in this room this afternoon. It doesn't help.

391. MR SUMMERS: The point, Sir Peter, is that I'm just a layman.

392. SIR PETER BOTTOMLEY: Well, in that case you shouldn't have said any – he should have first. We don't want to hear things twice, unnecessarily, in the same afternoon please.

393. MR SUMMERS: In 85, the predicted LAmax levels from the high speed trains are 63 dB for a TSI compliant train and 60 dB for a HS2 specification train. On the basis of the 20 dB sound reduction inside the church those levels would be in the range 40 to 45. And we're talking about these frequent train pass-bys, about every two minutes. On that basis, you're going to get a clearly distinct noise during any quiet periods of concerts in comparison to an ambient level of around 30 dB. So, moving on to map A20 – so next slide after this.

394. Considering our uncertainty. I know you've seen the graph on the left at an earlier presentation. Both of these graphs are in the Environmental Statement appendices which were used to indicate the appropriateness of the model used by HS2. What I'd like to draw out from the graph on the left is that the 95% confidence interval for that data is plus or minus 5 dB. So, what it shows is this type of model has a variation of plus or minus 5 dB. Second graph on the right shows the HS2 prediction model compared against measurements of TGV Atlantique trains – and again there's a spread in the data. And I note that in response to this evidence HS2 have countered that point to some extent to say that their predictions are based on a reasonable worst case. I'd just like to point out that, on that graph on the right, for 200, the locations measured 200m from the railway the highest measured levels are still 5 dB above the dashed prediction line for the HS2 model. So, it's still indicating that has certain potential for noise levels to be higher than predicted by the model. And I wouldn't consider, if they're just using that model, the words 'reasonable worst case' necessarily apply there. Next slide please.

395. So, on that basis I consider a 5 dB additional uncertainty safety margin should be applied to the predictions so on that basis internal peak levels inside the church may be in the range 45 to 50 dB LAmax and these are the events occurring every two minutes. So, it may be clearly audible when there are quiet periods during concerts against the low level around 30 dB, as we discussed earlier. So, on this basis we consider that

sound insulation for the church is necessary. I've also looked at –

396. SIR PETER BOTTOMLEY: Has the church been discussing sound insulation with the promoters?

397. MR SUMMERS: Yes.

398. MR AVERY: Yes.

399. SIR PETER BOTTOMLEY: So, you're leading us to believe that sound insulation is necessary. We thought we heard that – that's an accepted point.

400. MR AVERY: What we – sound insulation is necessary – but we've only been offered a quarter of a million pounds which is woefully inadequate.

401. SIR PETER BOTTOMLEY: Okay. So, you didn't need to build up saying it's necessary. The question is, assuming it's necessary, what's the most practical and cost-effective way of doing it and what's a reasonable amount to spend on it. That's the issue, isn't it?

402. MR AVERY: Yes. And we told you exactly –

403. SIR PETER BOTTOMLEY: No, I know. We seem to have got to where you got us to –

404. MR SUMMERS: Just make my final couple of points. I also carried out my own calculations to verify whether the increase in barrier height from 4m to 6m in AP5 would give the reductions in noise levels that HS2 have suggested. And I confirm that that can be achieved on the basis that the barriers are sound absorbent. And that point was not specified in AP5 so I'm not, you know, I'd like the promoter to confirm they were considering to use sound absorbent barriers.

405. So, the other issue in relation to the church is noise outside, disturbance to users of the church yard and I understand that burials take place near to the London Road boundary. And I've carried out calculations that indicate the noise levels there are in terms of L_{Amax} levels are in the range 68 to 72; that's allowing a 5 dB additional contingency there. So, on this basis, there's a clear likelihood that there would be disturbance of burial service and also for other people seeking quiet contemplation or

visiting graves and memorials in the church. That concludes my bit.

406. MR AVERY: We've asked Peter Bassano on behalf of Wendover Choral Society just to reiterate a point of view about the importance of balance of sound.

407. MR BASSANO: Good afternoon gentleman. I'm bewildered by all these graphs and figures. I don't know what it means. What I do know –

408. SIR PETER BOTTOMLEY: Just move a bit closer. You're more likely to be on television.

409. MR BASSANO: Sorry. What I do know is as a musician I need silence. Last time I was here, on November 17, I couldn't. I'm going to quote St John. We were rehearsing for Bach's St John Passion for Easter. 'There are many moments in this great and profound work which call for long periods of silence. Bach's handling of St John's account of Christ's inevitable end on Good Friday are given in the final alto aria with the words: *es ist vollbracht*. It is finished. To which the evangelists responds, unbowing his head: Jesus gave up his spirit. There are between five and ten seconds of silence before any sensitive musician can embark on the next aria. The atmosphere would be completely ruined by the intrusion of the sound of a train no matter at what dynamic level that occurred. Thank you.

410. CHAIR: Okay. Thank you for being brief.

411. MR DEARNLEY: To summarise, on the sheet here it just says as it says that in the interests of the community of Wendover, we are most concerned that actually the issue of providing a proper tunnel is considered fully and properly. That's our wish and that would resolve all of these other issues that are spoke. That not being the case then I think the issue of the sound attenuation needs to be explored properly and fully and openly. And some other issues that we've been concerned about relate to the noise barriers along the A413, that's a welcome thought to install. And HS2 to ensure package agreed with Bucks County Council and that will be funded not just for the construction but in the terms of long-term and ongoing maintenance for those barriers. And we're aware that HS2 is in discussion with BCC about these barriers and it's necessary for HS2 must not only provide the capital funds but an amount to continue for their maintenance in the future. We're concerned about the visual impact of an

extended tunnel and the 6m barriers. This is not convinced by HS2's explanations. More sympathetic designs. There are more sympathetic designs and methods of blending into the landscape and we ask that these be prepared so that HS2 are committed accordingly. We do not accept that the level of detail in the design is adequate to ensure that HS2 are committed to deliver the best solution. It's an important aspect. We heard earlier today about considerations for the environment that we're situated in.

412. MR AVERY: Where are we up to?

413. MR DEARNLEY: Number 3.

414. MR AVERY: Number 3. So, for number 3 we actually need slide A2084(2).

415. SIR PETER BOTTOMLEY: That's the other issues.

416. MR AVERY: Yes.

417. MR DEARNLEY: Yes, the other issues. That's the concern about the potential for crime. They're on the screen there now. And the proposal that as the church is kept open every day, all through the year, there's a need perhaps in the construction period particularly to monitor visitors and the likes into Wendover and St Marys, in the area. Maybe HS2 would fund a provision for enhanced security, monitoring the premises during construction.

418. Concerns remain regarding the local hydrology. And again, it's looking for adequate provision that this has been properly considered.

419. Number 5. We disagree that there'll be no effect on the local community both during construction and operation. Who's going to choose to visit Wendover while it's a construction site and during operation when surrounded by the ruined Area of Natural of Outstanding Beauty? And the points there on the screen. Over to William then who I'd like to hand back to with a little bit more about this matter following on from these other issue items. Thank you.

420. MR AVERY: Sir, I'd like to just return to the topic of cost.

421. CHAIR: I hope not too long.

422. MR AVERY: No, but I would like to get these points I'd like to make out so that we can actually

423. CHAIR: Well, it might have been better had you done them at the beginning?

424. MR AVERY: Pardon?

425. CHAIR: It might have been better had you done them at the beginning if they're important points.

426. MR AVERY: They're points under the topic of cost, which I'd like HS2 to respond to which they haven't done so far. And I refer back to, as you know, the letter I wrote to you by agreement in terms of cost of the last meeting. If we can find P15698? The problem that we as a community have with the cost information we're getting from HS2 is a matter of lack of trust. We don't trust the information that we're getting. And as I said to you I think when we were here last time –

427. CHAIR: You said to us last time, we've been through this any number of times. You're going through a range of issues. If you care about the church, get the answer about the church. And about the costs, which you started off with at the beginning. You're not doing yourself any favours with this Committee. Shall we get a response from the promoter?

428. MR AVERY: Well, do they know what the questions are?

429. CHAIR: Well, we've been through this before. This is all about the tunnelling and the costs of the various tunnels. We've been through these options endlessly. This is about the AP, which you're supposed to be sticking to –

430. SIR PETER BOTTOMLEY: – better not worse.

431. CHAIR: Yes. You're making things considerably worse for the Committee because you're using – essentially with this process, you're meant to get the Committee to get the promoter to give answers. You're losing the sympathy of this Committee.

432. MR AVERY: Okay. As far as AP5 is concerned the understanding of the church is that with AP5, the promoter does not consider that sound attenuation's necessary. We've now got to the point where at least they've offered to make a contribution. The

most important thing for us is that contribution now reflects the actual cost that we believe it will be. And I believe that I have demonstrated, from my own experience, is that there's a good reason why that costs are low and that we need at least 2 million pounds to do it.

433. SIR PETER BOTTOMLEY: Did they say they'd pay all the costs or did they say they'd make a contribution to the cost?

434. MR AVERY: They said they'd make a contribution to the costs.

435. SIR PETER BOTTOMLEY: So, you're in effect saying you don't want, a contribution isn't what you're after, you want to have a full cost of achieving a certain standard?

436. MR AVERY: Yes.

437. SIR PETER BOTTOMLEY: That's what I thought you were going to say when you started your presentation.

438. MR AVERY: Sir Peter, that's a very pertinent thing to say. I guess we hadn't considered it as much but it's the implication. The concern of course for the other costs that I raised in my letter of the 17th is that they've not been aired, heard or not had any response. So, if I'm going to get a response they need to be put on the table and so that we can end up with a fair figure. I don't, at the same time, want to –

439. SIR PETER BOTTOMLEY: The essential point, if I, just to summarise the understanding I've got, is you've got some backwards differences with Mr Thornely-Taylor, which is may be fair; may not be. And may be. The second thing is that the formal process that we're supposed to be hearing people to whom AP5 makes things worse.

440. MR AVERY: Yes.

441. SIR PETER BOTTOMLEY: And it doesn't make things worse, as I understand it, for the church.

442. MR AVERY: It does. If you read AP5 and the relevant section of AP5, the implication from AP5 is that we will not get any sound attenuation for the church. And

what we've explained is –

443. SIR PETER BOTTOMLEY: Sorry. The provisions of AP5, I haven't heard, make things worse for the church. I'm not going to stick on that and then carry on to a point where it would be helpful for us to understand if and how they can respond to the question, the contribution which you're suggesting is a quarter of a million pounds, whether that achieves something that's worthwhile and whether they should be asked to consider paying more than that. That's in effect what it is; what the issue is that I think that falls under AP – well, half under AP5 and half under other things.

444. MR AVERY: Okay. Well, just to clarify the situation as far as we understand it. AP5 improves the sound – mitigates the sound generated by the train. In AP5 it clearly states that because of that and because of Thornely-Taylor's advice with regards the performance we've had with the church, sound attenuation to the church is no longer required.

445. SIR PETER BOTTOMLEY: So, you're saying AP5 means that they're taking away their offer of a contribution of a quarter of a million pounds?

446. MR AVERY: That's right. Then what the next thing that happened was that we then get a contribution offer of a quarter of a million pounds.

447. SIR PETER BOTTOMLEY: So, not withdrawing, it's just –

448. MR AVERY: They've now come forward with that and the purpose of us still being here is to point out that two things. One, it's necessary, still, even if the additional mitigation achieves it. And secondly, a quarter of a million pounds will barely pay for fees, never mind paying for the work that's necessary/

449. CHAIR: Anyway, you're starting at the beginning. I thought you were going to talk about the cost per window and the cost of x and just give some examples of why it was inadequate money so we could get some answers of the promoter. We seem to have gone all the way around the houses, or around the church, or whatever, without getting to the point.

450. MR AVERY: Well, I see what you're saying. We're seeking to impress upon the Committee that sound attenuation is required to the church. We received this the day

before yesterday of the breakdown figures, or yesterday, which has given us limited time to actually respond back to it. I could go into detail now what I think –

451. MR STRACHAN QC (DfT): Would it be helpful if we respond?

452. SIR PETER BOTTOMLEY: Can I just make one thing clear before you do? On that page 3, 2084(3), A2084(3) in point 5 when you get to it. You're saying you're asking that HS2 be instructed to fund a scope of work to achieve 50 decibels sound attenuation of the church. Is that a 50 decibel reduction? Or is it having a maximum level of 50 decibels from outside noise?

453. MR AVERY: That means instead of the performances measured by me in 20, if I was to repeat the exercise after the work was done, it would achieve 50.

454. SIR PETER BOTTOMLEY: Sorry. Achieving a maximum noise level inside the church from outside of 50.

455. MR AVERY: No.

456. SIR PETER BOTTOMLEY: Or is it you're trying to reduce the noise level from outside by 50 decibels?

457. MR AVERY: Yes.

458. SIR PETER BOTTOMLEY: Whatever the level is outside?

459. MR AVERY: Yes.

460. SIR PETER BOTTOMLEY: So were it at 40 decibels, you want it at minus 10?

461. MR AVERY: It won't be but, yes, I know what you mean. What we want to do is if there's a noise outside the church of –

462. SIR PETER BOTTOMLEY: 60, you want it minus 10.

463. MR AVERY: Yes.

464. SIR PETER BOTTOMLEY: At least we're clear what you're asking for.

465. MR AVERY: Yes.

466. CHAIR: Okay. Mr Strachan?

467. MR STRACHAN QC (DfT): Can I just outline our position? And then I'll just ask Mr Thornely-Taylor to deal with very briefly with the response.

468. You've heard about this before. Our position is with AP5 noise mitigation measures, excluding the effects of noise barriers on the London Road, we haven't in fact been able to release those, just with the AP5 noise barriers –

469. SIR PETER BOTTOMLEY: What noise levels do we get in the church from London Road anyway?

470. MR STRACHAN QC (DfT): You do get noise effects. They're part of background noise.

471. CHAIR: Where from?

472. MR STRACHAN QC (DfT): The road.

473. CHAIR: And the railway?

474. MR STRACHAN QC (DfT): And the railway, yes. For these purposes we haven't factored in the London Road noise barriers. So, this is measuring the rail noise and the effects of AP5. The modelling we have done, I'm just going to ask Mr Thornely-Taylor to briefly address it because he's been criticised about it, the modelling we've done has shown that with that noise barrier proposal we can achieve levels of noise within the church, bearing in mind its current performance, which make it suitable for its current concert venue position. That's our first position.

475. However, we have said in addition we have offered an assurance to take forward noise attenuation for the church and we have provided a budget of up to £250,000. That is not an arbitrary figure that we have plucked from the air. We have had costed measures of noise attenuation in that table you see and we've taken costings from quotations from specialist contractors who provide secondary glazing – in one example, a chapel, someone who has experience, to get a cost estimate. Our budget, from what we have done, is 188 odd thousand pounds. Our offer is £250,000, which allows for a considerable latitude for changes, indeed, additional expense. That's our current

position. And I'll take you to the assurances.

476. Can I just deal with it in that order? I'll just ask Mr Thornely-Taylor briefly to address the criticisms that have been made of our modelling. And then I'll come on to the costs.

477. SIR PETER BOTTOMLEY: I hope that he's got as thick a skin as all of us have and it's the issues rather than the personal remarks that have been made.

478. MR STRACHAN QC (DfT): I'm going to put on one side, as I've done in the past, the personal attacks and the comments of that kind. You know Mr Thornely-Taylor's experience and expertise and you know the way he gives his evidence and he will continue to do so.

479. Mr Thornely-Taylor, if we can stick with – I think probably let's do it by reference to the petitioners' slides. The first point, the short point, is A2082(5) of the petitioner's slide and A2082(6). The petitioners take issue with the modelling that we did which indicated that the church fabric effectively provides for an up to 30 dB attenuation of itself, based on our assessments. They've done this further work where they said more akin to 20 decibels. Can I just get you to comment on that point?

480. MR THORNELY-TAYLOR: Yes. The next slide is the one that shows the results of the loud speaker tests which Mr Avery referred to. And on the face of it, it seems to show a 20 dB or less reduction from the measurements which were carried out, that he arranged. What was done was, as explained at the bottom: an array of six speakers, 10m apart, about half way towards London Road. But the important thing is the loud speakers were set to generate a sound level of 70 dB in front of the north and the south sides of the building although it's a church that isn't absolutely oriented east west. Broadly speaking, the west end of the church, the tower, is towards the railway and railway noise reaches the tower before it reaches any other part of the building. The essential feature of this test is that the noise predictions which HS2 have done are for a location just to the west of the west end of the church, just to the west of the tower. If you turned the loud speakers up high enough to get 70 dB either side of the north and the south sides of the building, if there'd been another microphone just to the west of the tower, the noise level there would have been very much more than 70 and therefore the reduction outside to inside would have been more than the 20 which is shown by these

two traces.

481. The railway is of course to the west. It's a long source. 400m long. Shortens as it goes into the green tunnel and the predictions are for noise from the railway on its trace entering the church and the prediction of a 30 dB reduction was done by the consultants using full scale acoustical formulae for this purpose. In my evidence on 17 November I said that with maxima outside the church of 60 the internal levels would be in the low 30s and that remains the case.

482. MR STRACHAN QC (DfT): If you want just to see the orientation of the church, P15612(3). The Committee, I'm sure, will be familiar with it, but just to explain the point you've just made. Have you got that? P15612(3). So sorry. The tower, you're pointing on the west end to the tower over here.

483. MR THORNELY-TAYLOR: Yes. The tower has quite wide buttresses. It's quite a wide structure and then there is a porch either side of the church. And then you get to the walls of the north and the south aisle, either side of the nave, and the chancel also has aisles.

484. MR STRACHAN QC (DfT): And you're pointing to north and south as being where effectively 70 dB was broadcast in order for the petitioner's test.

485. MR THORNELY-TAYLOR: Yes. I am approximating the east and west, generally speaking. Churches have the altars at the east and the tower at the west. And I'm using those terms, although it's not, as we can see, exactly on that alignment.

486. MR STRACHAN QC (DfT): So, Mr Thornely-Taylor, with the benefit of what you've been shown and the benefit of what you've seen previously from our tests, what do you understand the position to be as to the natural attenuation features of the church for this railway: The 20 dB or less that's been suggested or the approximately 30 dB that you've previously measured or both, acting for us, when measured?

487. MR THORNELY-TAYLOR: The 20 dB is what you'd find if you measured the difference between outside and inside noise when the source is traffic on the roads. And the HS2 team measured the same as did Mr Avery's experiment. The 30 dB reduction is what you get from trains on the HS2 trace, propagating in the direction that

they do, with the church orientated as it is and with the structure as it is. And my evidence of 17 November remains my advice.

488. MR STRACHAN QC (DfT): Thank you. Just some miscellaneous points which were raised about the noise measurements. Slide 9, A2082(9). And miscellaneous points I think raised. 60 maximum train noise is referred to from some of the readings versus 62 outside the school and it's said that's a discrepancy, bearing in mind the two locations. Can you just comment on that? Is that a discrepancy?

489. MR THORNELY-TAYLOR: Yes. The 60 is a little further distant than the 62. It is further to the west where the noise source gets shorter as the train enters the green tunnel and the topography changes, as you can see by the contraction of the contours, so that the noise reduction effective, the topography, also increases as a result of which the noise level is slightly lower.

490. MR STRACHAN QC (DfT): I think the other point was on slide 11. The 17.5 indicative duration, I think it was suggested that's anomalous or strange. What's actually being referred to here by the petitioner?

491. MR THORNELY-TAYLOR: The duration of the noise, like the noise that we heard in the sound lab. It gets shorter as you move west because the train isn't enclosed for the full length of time.

492. MR STRACHAN QC (DfT): And I think the other graph I'll just ask you to comment on, A2083(4). I think we've already looked at this in the course of today. But you've given evidence about this. This is material taken from Volume 5 Technical Appendices, but certainly not all of the material in it. The point that's put is there's a plus or minus 5 dB likely variation in noise levels that will be generated by these trains, as compared with our modelling. Can I just get you to comment on that?

493. MR THORNELY-TAYLOR: Yes. Mr Summers has misunderstood the purpose of these plots. If you read the text that goes with them, they are for the purpose of studying the effect of upwind and downwind propagation. If you were able to see closely, you'd see some of the points are squares, some are crosses. The squares are downwind propagations. The crosses are upwind propagation. And this goes with another companion plot. And it shows that the predictions that HS2 has made are for

downwind rather than upwind. They're not plots to show how accurate the prediction method is because the crosses and the boxes are TGV trains. We're not running TGV trains on HS2. If we did we'd get higher noise levels. If it were possible to have upwind and downwind plots for HS2 trains, there would not be the points above the prediction line that we see here because this is comparing HS2 with effectively HS1, TGV trains. So, Mr Summers has misunderstood the purpose of this chart.

494. MR STRACHAN QC (DfT): Can I then move things on in a constructive fashion because that sets out our position on the effects of AP5 from a modelling perspective. But, we have, and has been clear, provided an assurance. This is now articulated in writing. P15609(1). If we can get that on the screen? It's set out in a letter to the petitioners and you can see at the bottom of that that notwithstanding the modelling we've done we have agreed to require the nominated undertaker to support the church to obtain reasonable and appropriate noise insulation for the church fabric and we've provided some provisions. The parochial church council will be required to obtain the necessary consents. Over the page, at page 2: 'The promoter will contribute to the cost of noise mitigation works on the internal use of the church required as a result of the proposed scheme up to a maximum of £250,000. And then there's provision about how the payment's made. And P15804 is the schedule of our costings that we've done having got some external quotations, for example, for the secondary glazing. And they, as I've indicated, that's £188,000. If there are movements within that, they're well within the £250,000 budget we've identified. And I think in fact, although it's not shown on this, that you would approximately double the costs if you were to do sound insulation to the roof by taking the roof off. So that would mean more like £130,000 rather than £64,000. But even that is very close to the £250,000 that we've set, if it were necessary, which no doubt can be worked through in due course.

495. Mr Thornely-Taylor, can I just get you to comment? If these noise mitigation measures are provided, or funding for up to £250,000 for noise mitigation measures, the effect on the church, what would the effect be, with AP5 in place? I've already characterised it as an improvement over what's already achieved under AP5, perhaps you can just comment?

496. MR THORNELY-TAYLOR: Well, it wouldn't get 50 dB reduction. That would take the church into a situation better than the best concert hall anywhere in the world.

It would take maximum noise levels due to the passage of trains on HS2 down into the 20s which would be entirely satisfactory for the uses of the church.

497. MR STRACHAN QC (DfT): The only other point I was going to make, Mr Thornely-Taylor's already made it. The request to mitigate to a level of 50 dB outside the church, if that's the request, or something akin to that, we obviously do not accept is an appropriate requirement. Quite apart from the inability to achieve that and to measure it, we don't see that as required and I refer you back to the two principle points I made in the course of that response. But I'll allow Mr Thornely-Taylor to answer any questions.

498. SIR PETER BOTTOMLEY: Can I just ask? These figures of the £188,100 or the £250,000, do they include fees, architects' fees and the like? Do you know? Or are they just builders' costs.

499. MR STRACHAN QC (DfT): I'll find out. The answer is we don't think it does include the costs of the applications themselves.

500. SIR PETER BOTTOMLEY: Okay. But architects' fees and the like?

501. MR STRACHAN QC (DfT): I think we –

502. SIR PETER BOTTOMLEY: We may discover.

503. MR STRACHAN QC (DfT): Can we find out? We'll find out for you.

504. SIR PETER BOTTOMLEY: Okay. London Road noise?

505. MR STRACHAN QC (DfT): Yes.

506. SIR PETER BOTTOMLEY: Do the promoters have an idea, do the petitioners have an idea, of how much noise from London Road might be heard if everybody inside the church is quiet?

507. MR STRACHAN QC (DfT): Mr Thornely-Taylor may be able to help with that. There are noise levels, baseline noise levels, for the readings that were done for Church Lane. I think I've got the right table, there are highest night time noise, LAMaxes, I think, of 81 dB which could be from a very noisy passing vehicle. I don't know. We

haven't got the specifics of it. There are obviously Leqs of 55 and 49 so that would be comprised of background noise which would include vehicles. But I don't think we've got any specific data on the extent of the road noise. But I don't know, Mr Thornely-Taylor, if you've got any further information?

508. MR THORNELY-TAYLOR: Well, we've heard evidence to the effect that the noise due to the passage of vehicles on Church Lane is, I seem to recall the evidence, about six events per hour. That came from one of the petitioners –

509. SIR PETER BOTTOMLEY: So that may be the peaks. But we don't know whether the London Road noise –

510. MR AVERY: I could listen to the recording I took simultaneously with this and remind myself what they are. But if you look at A20825.

511. SIR PETER BOTTOMLEY: Yes. Speak up.

512. MR AVERY: You can see that there's, on the red line, there are peaks that are coming up to about 55 decibels and there's one that's close on to 60. The 60, I wouldn't mind betting, was somebody going fast down the lane and the others on London Road.

513. SIR PETER BOTTOMLEY: At 8. 00 p. m. at night?

514. MR AVERY: Yes.

515. MR DEARNLEY: Outside the church.

516. MR AVERY: Outside the church. And the Chiltern line train, when it runs, is around about 45, 47 decibels and a jet plane –

517. SIR PETER BOTTOMLEY: So, you hear those things at the moment?

518. MR AVERY: Yes. You sit in the church and you hear them perfectly clearly but that's in the context of a completely silent church.

519. CHAIR: Okay. Mr Strachan?

520. MR AVERY: And the difference between now and when the train runs is that we

know that we're going to get 60 dB outside, 26 times an hour; that we assert that we're going to get caught inside.

521. CHAIR: Do you want to ask questions of Mr Thornely-Taylor?

522. MR AVERY: I've certainly got one.

523. SIR PETER BOTTOMLEY: Why don't you ask yours first?

524. MR AVERY: If you go to the next one then? Number six.

525. SIR PETER BOTTOMLEY: 282(6).

526. MR AVERY: 282(6). So, you're suggesting Mr Thornely-Taylor – first of all, I'd just like to say that nothing I've wanted to say about Mr Thornely-Taylor is personal. He's effectively a prisoner of the information that he has. So, nothing I've said is intended to be anything personal about anybody. Hopefully, the Panel understand that. What I do find difficult is to understand your suggestion that the about 5m difference in the position of the microphone or the recording device in relation to the source is going to make as much difference as 10 dB to the outside noise. In other words, from where I put my microphones and where you're suggesting they should be.

527. MR THORNELY-TAYLOR: If you had had a microphone outside the western wall of the tower you would have measured a much higher level than 70 at that point.

528. MR AVERY: But not 10 decibels, I don't believe.

529. MR THORNELY-TAYLOR: We won't know without repeating the exercise.

530. MR AVERY: I'm happy to repeat the exercise with HS2 so we get a measure. I think it is important to understand the amount of noise from the train that will get inside the church. And the modelling is only as good as it might be. An actual experiment seems to be the best way of going about it.

531. CHAIR: Okay. That's your question?

532. MR AVERY: It's a roundabout sort of question, yes.

533. CHAIR: Do you want to ask a question?

534. MR SUMMERS: I did appreciate the purpose of that graph that Mr Thornely-Taylor pointed out; referred to the upwind and downwind predictions but similar graphs, the number of similar graphs in the appendix of the Environmental Statement on sound vibration all show a variation in predicted against measured levels. And I do not believe it states clearly anywhere in this appendix that an allowance, specific allowance, has been made between the mean predicted level from the model and the additional factor which is why I was raising that point, particularly, because the promoter in their response to our slides indicated that a – what was the wording again – that a ‘reasonable worse case prediction be carried out’. I don’t think that is evaluated numerically within this annex.

535. CHAIR: Well, tailor it as a question.

536. MR THORNELY-TAYLOR: Towards the beginning of the document we’ve been talking about, whence came that plot of upwind and downwind, is another chart comparing HS1 predictions with HS1 measurements and the fit is very impressive. With regard to this specific case of St Mary’s Church, because there is a high noise barrier the largest contributor to the noise, the train’s aerodynamic noise from a fairly high level, and as Mr Summers would have seen from careful reading of that report, a very conservative assumption has been made about the amount of mitigation that will be achieved for the aerodynamic component of noise from the train. Only a 3 dB improvement has been assumed, whereas we know that aerodynamic varying of the pantograph well and improvements to pantograph design can achieve a much greater reduction than that. So, if there is uncertainty – and there always is – it’s one-sided and the most likely out-turn is that the trains will be quieter than had been predicted.

537. MR SUMMER: No other questions.

538. MR AVERY: I think we could argue all day about the relative uncertainties.

539. MR SUMMER: I’m sure.

540. MR AVERY: But I think the point the Committee should note is there are uncertainties and they haven’t been clearly, numerically identified that that has been taken into account by a specific party in the HS2 prediction to provide additional contingencies should be taken into account, the 5 dB.

541. CHAIR: Okay. Alright.

542. MR STRACHAN QC (DfT): Sorry. Mr Clifton-Brown earlier asked a question about 5m noise barriers and whether there's a potential for pushing noise further away and I indicated Mr Thornely-Taylor's coming back. And I just while, if it's convenient at the moment, perhaps he could just answer that question to save time?

543. MR CLIFTON-BROWN: In relation, if I may just preface that, Mr Strachan?

544. MR STRACHAN QC (DfT): Of course.

545. MR CLIFTON-BROWN: To CPREs evidence wanting noise barriers, 5m noise barriers in the areas of open countryside in order to mitigate the noise somehow for people near the railway. And I made the point that I thought you had given evidence that 5m noise barriers, threw the sound up but further away from the railway line. So, in other words, somebody walking on that path, behind these noise barriers, would hear it for longer. Is that correct or not?

546. MR THORNELY-TAYLOR: No. A noise barrier never makes matters worse on the listener's side of the barrier. It does slightly unusual things. If you were walking very close to a noise barrier you would think the noise, you would think the train was running along top of the barrier. It would sound a little odd. But it's never the case that anything is worse in any location with a barrier than it would be without it.

547. MR CLIFTON-BROWN: So, there's no question of you being further away from the barrier and of hearing the noise for –

548. MR THORNELY-TAYLOR: As you move further away from the barrier, its barrier effect gets less. The critical thing about the performance of a barrier is the difference between a line from you to the top to the source and a line from you straight through the barrier to the source.

549. CHAIR: Okay.

550. MR STRACHAN QC (DfT): Sorry. I just thought it was a convenient moment to deal with that.

551. MR CLIFTON-BROWN: Thank you very much.

552. CHAIR: Fine. Okay. Very final comments?

553. MR AVERY: I think the final point that I would like to say is that we would like to obviously have all information that HS2 have got in relation to the costs that they think the sound attenuation is going to achieve so that we can evaluate whether their contribution is enough or not. We simply do not think it is enough. And we would ask this Committee to recommend a higher figure or a different approach as to how we could arrive at a satisfactory solution.

554. SIR PETER BOTTOMLEY: In effect the difference at the moment is that they're prepared to make a contribution up to a certain limit spent on that. You want to spend as much as it takes to do something. And you want them to go beyond the limit they're suggesting.

555. MR AVERY: Yes.

556. SIR PETER BOTTOMLEY: Okay.

557. MR AVERY: We want something that will actually be effective –

558. SIR PETER BOTTOMLEY: That's a separate issue we won't re-open

559. MR AVERY: Pardon?

560. SIR PETER BOTTOMLEY: That's a separate issue. I don't think we need to re-open this afternoon.

561. CHAIR: Okay. Thank you very much gentlemen.

562. MR STRACHAN QC (DfT): In answer to Sir Peter's question it doesn't include architects' fees, the £188,000. That would be additional, within the £250,000 budget.

563. SIR PETER BOTTOMLEY: So, the £250,000 'offer' is a total amount of money out of which come fees for anything else?

564. MR STRACHAN QC (DfT): Indeed, yes.

565. SIR PETER BOTTOMLEY: Yes.

566. CHAIR: Okay. Thank you very much gentlemen. We now move on to AP58 Wendover Parish Council and Halton Parish Council with Robert Duggan and Brian Thompson.

Wendover Parish Council and Halton Parish Council

567. MR DUGGAN: Good evening.

568. CHAIR: Well, it's not evening yet. It just feels like it. We're getting pretty familiar with Wendover, so, carry on.

569. MR DUGGAN: Okay. We aim to be about 10 to 15 minutes' maximum. We're not trying to warm you up, that's the truth. I'm chair of Wendover Parish Council and Brian's chair of Halton.

570. SIR PETER BOTTOMLEY: Halton is to the north of Wendover, in effect, geographically?

571. MR THOMPSON: Yes.

572. MR DUGGAN: It's on Northern Road. We're both elected representatives and we are here today to talk about the AP5. And the first slide – which you're very familiar with – you've heard from a number of Wendover groups today about different aspects and where they've been covered already, we'll skip over them.

573. MR THOMPSON: Next slide please? This is just the summary of what the AP5 proposal is for Wendover. I guess you've probably heard most of it already, so I won't spend any more time. And I'll move on to the issues. If I could have the next slide, please? One of the major issues is around visual blight. 6m high barriers on top of an embankment. They're going to be very visible. It will, for a length of 780m, that adds about 1500 square metres of barrier, visible, from the Motorway. Obviously, we believe they will be uglier and depending on what the landscaping is, there will be a high risk. And our major concerns. Obviously, it's a big impact on the town in terms of looking as if you're living in Colditz. And, equally, in terms of people coming to Wendover for tourism it could have a very negative effect. Next slide, please?

574. The other thing that's going on is that there are two pylons being moved to allow

the barriers to go up. And we're told they're 63m high. The barriers are moving from 4m to 6m, which is a 2m increase. And we believe the current pylons are between 47 and 50m high. So, we understand 2m of the growth in the pylons but not the other 11m. You know, why have they got to be so high? The issues. These will be a permanent blight in the AONB and around Wendover and they'll be visible for miles. Obviously, it would make sense, if we could, is to bury them rather than make it worse in the AONB by increasing, by 40 or 50 feet, is actually to bury the line so you don't have to have these high pylons. Next slide, please?

575. SIR PETER BOTTOMLEY: What sort of stretch are we talking about? How long?

576. MR THOMPSON: Is it just the two pylons either side of the line so we're talking about probably 300m max.

577. MR DUGGAN: This slide which you will have seen before but relates to the fact that Wendover depends very much on the business of tourism. And the elements of AP5 which have been added, we feel are going to add to the negative aspects to business and tourism in Wendover. There'll be less tourists as a result; less business. Businesses potentially leaving the village and so on.

578. MR THOMPSON: Okay. If we can have the next slide, please? You've probably heard enough about noise so I'll quickly run through this. This is a slide I picked up from a contractor who install slides. And the basic from it was, the higher the barrier, the more the danger of it acting as a transmitter going through. Now, clearly, there are engineering solutions to that in terms of adding mass to the barrier to stop that happening but what we don't know, and it just adds to the uncertainty around all this, as to what are the plans and what we will do. If I have the next slide which you've probably seen so I'm not really going to talk about it. What I'm merely making a point is, we are already worried about whether the noise is a plus or minus 5 dB. This just adds a bit more uncertainty into the mix.

579. I will just leave one idea on the table at the moment here, which is, we've been assured by HS2 that we have nothing to worry about from noise, that the numbers we see in the documentation for AP5 would be the maximum numbers we would see. In that case, why don't they give us a legal undertaking that that is what will be delivered?

It would cost them nothing if they're right. Moving on. Next slide, please.

580. MR DUGGAN: When we appeared in September, there was a discussion about barriers and we had a visit from Mr Hargreaves. That, I have to say, is the one communication that we've had officially from HS2 as a parish council. There have been other –obviously they've opened the phones – but specifically with Wendover Parish Council, we've had one meeting. That was it. So we're concerned about the lack of engagement. We've had a number of visits, as you know, as the Select Committee has seen Wendover and we've welcomed you with open arms, and I'd also like to say at this stage that a lot of people in Wendover have been very concerned about HS2. I know, it's stating the obvious. There are 9000 people in Wendover. The railway goes very close and we do feel that everything is being pinched.

581. I would like at this stage to thank everybody in the community for all their hard work. We've heard thanks to the Select Committee earlier from John Bercow, but I think certainly the Wendover community need a lot of thanks for all the effort and time and voluntary effort they have taken in presenting their case to you.

582. MR THOMPSON: Next slide, please. Okay. Not to rattle on the first point, but clearly a tunnel would alleviate both the AP5 issues and some of the base issues we believe we have. We would like a balanced and effective solution for Wendover, and we understand the need for a value for money criteria to be used. What we would suggest though, that it should be the total project cost of the various alternatives, rather than construction costs to take into account, for example, if you have to do other things and when you compare the two various options. Equally, we believe that actually proper mitigation shouldn't be an optional extra, but ought to be built into the baseline, and, well, I'm sure – HS2 tell me we do have proper mitigation. The impression we get is, we haven't.

583. Obviously we're looking for you to help protect the people of Wendover from any potential health risks associated for HS2 and maybe some of the stresses and strains that are going to come from having a huge project right on their doorstep. Obviously, finally, we do expect the government, you know, to protect the environment for the future generations, not just for us. So at the moment our position is, while we welcome some elements of AP5, for example, the hundred meter extension to the green tunnel,

we believe there should be more if we cannot afford a fully bored tunnel. Finally, the last point, what were you going to talk about...?

584. MR DUGGAN: Yeah, just two very quick points. My GP, who is one of the people presented to you this, 2015, sends a message saying she hopes that you are all well and that your mental health hasn't been affected by sitting around here for two years. When speaking to her, I was talking about medical health, and I came across this quote: I am most concerned about the destruction of countryside that has taken centuries to shape and develop and also habitat, e.g. streams, that, once gone, can never be recovered, and I think with my GP's thoughts in my mind about mental health, how people can cope in stressful situations, and one thing we need not to do is to destroy the countryside irreparably. Thank you very much.

585. CHAIR: Okay. Thank you very much and thank you very much for coming together and presenting in the way you have. Mr Strachan?

586. MR STRACHAN QC (DfT): I have covered quite a few of these issues in the course of today. The barrier design we spoke about a little bit earlier. That's clearly a matter for detailed design and the ways of, both in the barrier itself, reducing its visual impact. The picture you saw, which I think I had prefaced, was on the inside of a barrier with its noise absorptive properties. That's the barrier that was facing a road from the Petitioners, not the outside. That's A209A(4). The external appearance of the barrier is a matter for detailed design and planting of course is part of that. It is also common practice to provide planting, which deters people from being in proximity to the barrier, so the choice of plants or trees that actually prevent people getting close to the barrier, and of course, ultimately seeing.

587. Subject to all the caveats about photomontages, I just want to show you where the pylon is. P15594(2). This is, the top photograph, six, this is a photomontage taken from Wendover. This is looking south or east looking to the left-hand side. You can see the existing 400 kV pylons running alongside the road and the railway, the A413 and the railway, and the pylon work is just in this location here where, in order to cross – if you come down to the photomontage, in order to cross our noise barriers in line, we have to put in one pylon this side of it, and the reason for that is to get clearance over the additional noise barriers at six metres. So that's the additional pylon and that's the

extent, and then there's a pylon behind which is also replaced. So those two, that's the nature of the pylon works.

588. The London Road noise barriers, that I've already shown you an assurance that we've given to Buckinghamshire and Aylesbury Vale District Council, where the London Road noise barrier provision is dealt with in that separate assurance. I'm not going to put it back up on the screen now unless you want me to. I think that's it. I don't think we had said we had an agreement with the school. We provided an undertaking or an assurance – sorry, to assurance to Wendover School, but you've heard about that separately on other occasions. So unless there's anything further, I will refer you back to what you've heard already.

589. CHAIR: Okay. We'll have a brief comment from Halton and a brief comment from Wendover. I don't want to show favouritism.

590. MR THOMPSON: Well, my comment is very simple, which is, we understand two metres of the growth in the pylon, but tell me about the other 11 metres which it grows, and why don't they just grow from 50 metres to 52 metres, not to 63? You haven't answered the question. Thank you.

591. MR DUGGAN: Pylons used to be a sore subject, 30, 35 years ago, because they cut right across the opening to the Chilterns, so that's a sore point.

592. SIR PETER BOTTOMLEY: Is there an answer as to the height?

593. MR STRACHAN QC (DfT): I can find out the technical answer, but I understand it's to provide the necessary clearance to get over the line at that point. We're obviously not going to build them any higher than we have to. It's in order accommodate railways, which is the slightly elevated...

594. SIR PETER BOTTOMLEY: Is there somebody who might be able to talk to the Petitioners maybe outside or on some other day to discuss?

595. CHAIR: Or put it into a letter, because I don't think it's an unreasonable question.

596. MR STRACHAN QC (DfT): No, certainly. I think that's better than me attempting to get – we are providing a note to the Committee on pylon grounding

generally, and I think you have heard about it in relation to Wendover. I recall a cost of £60 million to underground the pylons in the vicinity of Wendover, but I'll check that and will incorporate it into the note we're going to provide you.

597. SIR PETER BOTTOMLEY: You might also be able to remind us whether any undergrounding is being planned outside presumably built up areas.

598. MR STRACHAN QC (DfT): I will add that to the list.

599. CHAIR: Okay. Thank you very much, gentleman.

600. MR THOMPSON: Thank you.

601. CHAIR: Right. We now move on to the last Petitioner, which is 217 AP3:68, which is Euston Estates Ltd represented by Bircham Dyson Bell. Right, at the last hearing, we sort of sent you away to sort of have a further chat, and I presume some progress has been made.

Euston Estates Ltd

602. MR MOULD QC (DfT): Yes.

603. CHAIR: Who is going to respond and then where the disagreements are? Mr Mould?

604. MR MOULD QC (DfT): Yes, I will try and bring things up to date, if I may. The parties, as you recall, the Petitioner is the owner of long leasehold estates in four buildings at Euston Station, which we referred you to last time we were before you as buildings A, B, C and D, and negotiations have continued.

605. I'm just making sure my phone doesn't ring while you're listening to me. Yes, so of those buildings, as you've heard last time, we were in negotiation as to two scenarios, effectively. The first was one whereby the Secretary of State acquires and occupies those buildings as empowered under the Bill and envisaged in the environmental statement, and the second scenario was one whereby the Secretary of State acquires, by agreement, the entire leasehold estate vested in the Petitioner at Euston, and just to recap, the first of those scenarios in practice envisages the Secretary of State acquiring building A and B outright by way of compulsory purchase. They are required and will

be demolished in order to construct Euston Station.

606. C, the Bill envisages occupation under the terms of schedule 15 for a prolonged period, having regard to additional provision 3, and the Bill provides limited powers to the Secretary of State to enter into D and to carry out works to accommodate prolonged occupation of C. In relation to the second scenario, the position can be stated quite straightforwardly: that scenario envisioned as acquisition of the leasehold estate outright. Now, at the last hearing, the Committee indicated that the parties should seek to reach agreement on the heads of claim that would be open to the Petitioner in the event of occupation of building C under schedule 15 of the Bill for a prolonged period. That is to say, for the prolonged period of up to 17 years contemplated under the AP3 arrangements.

607. A draft agreement for that purpose is in an advanced state of preparation with the intention, as discussed in the corridor outside, to conclude on the terms of that agreement by Monday of next week, by 8 February, and in short, the substantive provisions that are either included or in contemplation to be included within the remaining days of preparation are these: firstly, that the agreement would confirm that the Petitioner has the right to claim for any injurious affection to which retained leasehold estate, which in practice is likely, principally, to be building D, resulting from the Secretary of State's occupation of building C under schedule 15.

608. Secondly, that the Petitioner should have the right to claim for material detriment to building D, resulting from the Secretary of State's occupation of building C, and that, in practice, would mean a right to make a claim that the Secretary of State be required to take up occupation of building D for as long as he requires to occupy building C, and the agreement will also provide a mechanism whereby that claim can be triggered. Essentially, a form of notice and counter notice, which will be, in substance, analogous to the arrangements set in schedule 10 to the Bill in relation to material detriment claims that arise in the context of outright acquisition under clause 4. So the intention is that there should be a coextensive regime which applies in this case to temporary occupation as would have applied had building C been acquired outright.

609. The next provision is that the Petitioner should have the right to make its final claim for compensation resulting from the Secretary of State's occupation of building C

under schedule 15, within six years of the Secretary of State's final date of cessation of occupation. So the Secretary of State leaves for the last time, six years within which to make a final claim and the intention there is to overcome the concerns about the law of limitation that Mr Cameron mentioned to you when we last were before you on this petition. The next point is that the agreement will provide a regime for payments for occupation under schedule 15 to be made periodically throughout the period of occupation by the Secretary of State. That will apply in relation to building C, but obviously, if a material detriment claim were to succeed, it would also extend to period payments to cover occupation of building C and D as a whole.

610. The next point is that there will be agreement as to the method of assessment of those payments, and that will include not only a method for assessment of the payments during the initial period of occupation but also a mechanism for periodic review, I think, over five yearly intervals for the duration of occupation, which, broadly speaking, mirrors the arrangements that are typical in a commercial lease where you have periodic review of the lease by reference to market conditions. That is essentially the analogue here, and then finally, against all those matters, in the event of a dispute between the parties as to any of the heads of claim that I have just mentioned, that the matter – that dispute will be referred by consent to the Upper Tribunal Lands Chamber for its determination.

611. The significance of that is that, by confirming, the reference would be by consent. It means that the Tribunal is exercising an arbitral function by agreement between the parties and it doesn't have to trouble itself with whether or not the matters that it's being asked to determine fall within the scope of any particular statutory provision. If the parties agree as to what the heads of claims are, and that they should be considered and determined by the Tribunal. That gives the Tribunal the jurisdiction that it requires. So those are the matters, and those are matters that we have sought to pursue in negotiation, precisely because our understanding of the way in which matters were left by you when we last appeared on this was that you were concerned that, in further commercial negotiations between the Secretary of State and these petitioners over the coming months, that the Petitioners should have the comfort in knowing what their rights to compensation would be on the two scenarios that I have just outlined to you.

612. So that they would know that they were negotiating on the basis of a level playing

field and that the Secretary of State would not seek to take advantage of the fact that there might be a less advantageous compensation regime on one of those scenarios compared to the other. So that is what we've been focussing on and that's where we've got to in that respect. I think we're pretty close to concluding substantive agreement in relation to that. Now, the other scenario I can deal with more shortly, because we have been continuing to talk about that during the course of the afternoon and indeed it is in discussion in advance of that, and that is the scenario whereby the Secretary of State agrees to buy Euston Estates' leasehold estate at Euston outright.

613. On that, the Promoter has given the following assurance, subject to receiving from Euston Estates by the end of February 2016, a valuation of the Petitioner's interest in the property, being buildings A to D inclusive, and promptly receiving any additional information requested, the Promoter will use reasonable endeavours to progress the agreement by Her Majesty's Treasury and any necessary business cases as quickly as possible in order to provide Euston Estates with a decision by the government by 1 May 2016, whether or not to acquire their leasehold interest at Euston. Business case in this assurance means the Treasury Five Case Business Model case approach. Business case will assess whether the scenario of acquiring buildings C and D is in the public interest compared to the scenario that would arise after of the service of a statutory notice whether by way of notice to treat following the service of a notice under schedule 15.

614. The Five Case Models determines which scenario is in the public interest by assessing each one against their strategic fit within the wider policy objectives, their value for money, their commercial viability, their affordability and their achievability. The Five Case Model ensures consistent scoring is used for both scenarios with demonstrable rationales for the scores given. The parties will use all reasonable endeavours to reach agreement with Euston Estates on principles of compensation payable in line with any approved business case, and I might conclude by just making express what is implicit in what I have just read out to you, which is that the do-by date of 1 May is intended to give the Petitioners some reassurance in that that will tie in broadly with the proceedings in the Second House.

615. So that, if they are either dissatisfied with the decision made or in the event that for whatever reason a decision is still awaited, and one has to allow for that possibility, that they will be able to petition the Second House and pursue a case there, and no

doubt, amongst other things, having in their armoury, potentially, seek asking the Second House to direct the Secretary of State either not to exercise his powers in relation to some or all of their estate or to exercise his powers under the Bill in a certain way. So that is the underlying assumption against which that assurance is given. I think that completes my update of the positions as the Promoter sees it, so unless there's any of that which requires clarification for your benefit, I will hand over to Mr Cameron.

616. CHAIR: Mr Cameron?

617. MR CAMERON QC: Thank you, sir. Sir, just to remind you, I appear for this group of petitioners, Mr Michael Gross, who is one of the Petitioners, sits to my right and Mr Hugh Phillips from Knight Frank to his right. Sir, in response to the indication given by the Committee when we appeared on 12 January, a proposal was put to the Promoter, and if I can have slide 20901 up, please. That is the Petitioner's proposal. I'm not going to read it out. You have it there. The Petitioners consider that the arrangements for temporary possession set out in schedule 15 of the Bill are most unsatisfactory when applied to possession for a period of 17 years, and you will remember that point...

618. CHAIR: Which was never intended when the Bill was published.

619. MR CAMERON QC: Absolutely right, sir, and of course now with AP3, that's the consequence for these petitioners.

620. SIR PETER BOTTOMLEY: It's both one thing and another, or it's neither one thing nor another.

621. MR CAMERON QC: Well, it is. It is neither one thing or the other, which is why the Petitioners in effect say, 'if you're going to take it, take it and acquire permanently'. It's the opposite case to the one you heard from DB Schenker on 28 January. So why do we say it is unsatisfactory? Well, for four main reasons. First, there is no specific provision for injurious affection. Secondly, there is no provision equivalent to those for material detriment which are found in schedule 10 to the Bill which would apply in permanent acquisition. Thirdly, the basis for compensation is uncertain, and fourthly, their notice provisions are unsatisfactory. The Secretary of State can give 28 days to enter and then can stay for as long as he likes. The only limit is that he has to be out

within a year of completing the works.

622. So if, for example – and this is not just an example, these are the facts here – you are a property owner who has a lot off his block. You have a loan secured on that block which you have to service. You have various covenants to the bank. You are threatened with temporary possession on 28 days' notice. Possession is exercised and the Secretary of State for Transport or the nominated undertaker can then move out when he likes, and you can see that, from any business perspective, that is most unsatisfactory. It might be satisfactory for taking part of a field in order to carry out some works, but you agree the compensation in advance. It is not satisfactory to these circumstances. So it creates unfairness.

623. Now, the provisions which Mr Mould has set out will alleviate some of those points. That is accepted, but it doesn't alleviate the essential point that temporary possession in these circumstances for such a long period creates great unfairness and uncertainty. So the solution which has always been advanced by these petitioners, it is in their petition, was the Secretary of State should acquire blocks A to D, and you will remember one of the points made is that is a positive advantage for the Secretary of State, because at the moment, he can't acquire block D under the provisions of the Bill, but if he is interested in comprehensive redevelopment, he needs block D. So the arrangements that Mr Mould has set out, as I've said, they will alleviate to a certain degree the concerns about compensation. They will not alleviate the uncertainty.

624. The assurance, I think it was an undertaking, that is given in relation to the business case, I hope it is an undertaking, will allow the Secretary of State to make a decision by 1 May, and the Petitioners have been reasonable in understanding that the Secretary of State cannot make a decision on an issue like this in the corridor. A business case has to be prepared. The Petitioners have agreed to provide the information necessary, and the contemplation is that a decision is made by 1 May and that is anticipated to be before the petitioning period in the House of Lords. If the Secretary of State says, 'Yes, I will buy the leasehold interests in blocks A to D', then that is a solution that is acceptable to these petitioners, and agreement will be reached and compensation will be calculated in accordance with the compensation code. The Petitioners aren't asking for anything more than that.

625. If however the Secretary of State decides not to acquire or hasn't made up his mind, the Petitioners will then exercise their rights to go back and petition in the Second House and raise all these arguments again, which they consider to be very good arguments. So what the Petitioners have done is they have offered the Secretary of State a way out by acquiring the land, a mechanism to give him time to do so...

626. SIR PETER BOTTOMLEY: Acquiring the lease.

627. MR CAMERON QC: Acquiring the leasehold interest.

628. SIR PETER BOTTOMLEY: The Petitioners don't own the land.

629. MR CAMERON QC: No, you're quite, sir. They are long leasehold interests. So that's the solution, while at the same time seeking to preserve their interests by entering into this agreement on the compensation provisions, and I'll just add one thing to what Mr Mould said, and I'm sure this is what he intended, but the intention is that the agreement should set out the basis for compensation and the reference to the Upper Tribunal should be to determine compensation in accordance with the terms of the agreement, not in accordance with schedule 15 so there's no doubt and no uncertainty about the basis for compensation. So what the Petitioners are asking the Committee to do today is to endorse the arrangements entered into.

630. We ask you, sir, to go further and to say that you encourage the Secretary of State, following the business case process, to acquire the long leasehold interest in blocks A to D, because, by doing that, it will overcome any unfairness to these petitioners and will also enable the comprehensive development which he says that he desires and which I invite you to endorse and to command. So that is where we've got to. A lot of hard work on every side, but inevitably it seems we only get to this position when we come here and spend some time in the corridor.

631. CHAIR: Well, I think it was the Committee's view that the provisions of the Bill were creating a manifest unfairness to you in your situation, and I think a lot of what Mr Mould has said sets out a situation where a lot of that is offset and understood by the Promoter. Whether as a committee we can recommend the Secretary of State to buy properties, I'm not sure, but if there is a provision between both of you under which that could be exercised, subject to the Treasury agreeing, well, that would be a good thing,

but I'm not sure that we can recommend the Secretary of State to spend hundreds of millions of pounds doing it.

632. SIR PETER BOTTOMLEY: I think what is clear that both the Promoters and we understand that the problem is an unusual one. I hope, with the further progress we've made, that it won't be necessary to go to the House of Lords.

633. MR CAMERON QC: I understand and I appreciate that, Chairman, but I think – it doesn't seem to me that the two sides are that far apart, Mr Mould. I think a lot of ground has been covered. I think that there's a lot of common interest in trying to get it sorted out without the uncertainty continuing, and without the need for the Petitioners to go to the House of Lords, which will cause them more cost and time, HS2 more cost and time, so I certainly urge HS2 to do what they can in the circumstances to sort this out along the lines that have been requested.

634. CHAIR: I think what we can say is, it was quite clear from Camden and those with interests in Euston, that there was a strong feeling for a comprehensive redevelopment of Euston Station, and we understand that that's not included within the Bill which we're dealing with, but clearly that is something which ought to be consideration for the government in due course, and resolving the issues of lease holding and property holding in Euston are going to be a factor in that. Unless the government gets that sorted, then any kind of – we've had endless discussions about designs, concepts, walkways, connectivity and all the rest of it. Clearly the issues of ownership and leasehold ownership have to be resolved. So I think, without telling the Secretary of State what to do, clearly there is an opportunity for the Secretary of State here. I hope he realises that.

635. MR CAMERON QC: Thank you, sir.

636. CHAIR: Okay? Right. Well, I think more work for lawyers. Does your client want to say anything before we finish?

637. MR GROSS: Thank you, Mr Chairman. I wear two hats. I wear the hat as the landowner and, as my counsel has pointed out, what the Secretary of State was proposing was a tenancy at will where he decided all the terms of the tenancy and we had no say in it. That put us in a very bad financial position vis-à-vis our banking

arrangements, and we couldn't sell the building and we didn't know how much we were getting, when we were getting it, for all the reasons that were put forward. Wearing my developers hat, no developer in the commercial work would not take the entire estate if you had the opportunity to.

638. SIR PETER BOTTOMLEY: Every developer would take the entire estate.

639. MR GROSS: Exactly. Every developer would take the entire estate. Moreover, as has been pointed out, the provisions of temporary occupation simply don't apply in this case and are very, very unjust if they are enforced on us. The standard lease today is 15 years, usually with break clauses. What is suggested is a term of 17 maybe 20 years which, if you then add possible delays or further failures for the comprehensive development, this might run into the decades. Well, it is running into decades already, and finally, there is the cost. Although we refer to building C and D, it is one building. It is...

640. CHAIR: Connected services.

641. MR GROSS: No, it's more than that. It's physically one building. You go into the main entrance, what we call D, 1 Eversholt Street, and you walk into the Podium. It is one building, and therefore to take half a building or part of a building is totally unreasonable and not practical, and what is more, at the end of the day, they will have spent a fortune separating the building, rejoining the building and they won't have anything to show for it, whereas if they buy it outright, they've got an asset. All they are doing is postponing and increasing the eventual cost of acquisition. So for that reason, I really would hope that the Committee could endorse or give a recommendation as to the purchase.

642. We have bent over backwards to find a solution. We hope very much that the course of acquisition will be the one that HS2 and the government decide on. If not, I think we are entitled to the protection that the act doesn't give us at the moment, namely to be put in a position that does not depreciate the development value of the building or the cash flow value of the building, makes it impossible to finance and mortgage and makes it impossible to sell.

643. SIR PETER BOTTOMLEY: Is the freehold on offer as well?

644. MR GROSS: No, the freehold belongs to Her Majesty's Government through Network Rail, sir, but these are 100 year plus leases, so they are very...

645. SIR PETER BOTTOMLEY: If they do buy the long leaseholds which you have...

646. MR GROSS: Yeah.

647. SIR PETER BOTTOMLEY: They can marry them.

648. MR GROSS: Marriage value, yes.

649. MR CLIFTON-BROWN: What is the approximate value of your long leaseholds?

650. MR GROSS: Of the whole lot?

651. MR CLIFTON-BROWN: Yes.

652. MR GROSS: North of £500 million.

653. SIR PETER BOTTOMLEY: North of £500 million?

654. CHAIR: Yes.

655. MR GROSS: We were the first people, and for a long time the only people, who produced the visionary master plan. We've always been in favour of developing the station that is – and I'm talking here about the classic station, which is totally out of date and not fit for purpose, and, you know, that is our primary objective, but if the government chooses someone else to do it, which it is at perfect liberty to do, it needs the estate in its entirety.

656. CHAIR: Okay. So you hope for the protections as we've discussed. You are working towards an option where you hope the Secretary of State exercises his powers to buy, but even beyond that, if there are further discussions about developing, you might even be interested in that, no?

657. MR GROSS: Well, the development – the valuation is a no scheme valuation. In other words, had this not happened, we would have presumably developed it. As the Secretary of State and everybody else knows, we formed a consortium with the largest developer in America who is doing a scheme of almost identical nature over live tracks

who doubled the size. So we know what we're doing and how to do it.

658. CHAIR: Is this in New York? Penn Station.

659. MR GROSS: It's called Hudson Yards, and it's over the marshalling yards, but the trains are continually going up and down.

660. CHAIR: All right.

661. MR GROSS: Passengers are not getting off under the building, but the trains are moving.

662. CHAIR: All right. Well, thank you very much for your views and for your contribution and I hope the negotiations go well. Order, order. If you could withdraw from the room so we can clear our thoughts.