

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

on the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Thursday 2 July 2015 (Morning)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Ian Mearns

IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport
Timothy Straker QC, 4-5 Gray's Inn Square

Witnesses:

Juliemma McLoughlin, Director of Planning, Regeneration and Growth, London
Borough of Hammersmith and Fulham

Nicholas Holgate, Town Clerk, The Royal Borough of Kensington and Chelsea
Jonathan Roberts, The Royal Borough of Kensington and Chelsea

Tim Smart, International Director for High Speed Rail, CH2M Hill

IN PUBLIC SESSION

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(At 9.30am)

1. CHAIR: Order, order. Good morning and welcome to the HS2 Select Committee. Mr Mould, following our proceedings yesterday, I understand that you're going to read a statement to the Committee.
2. MR MOULD QC (DfT): I am indeed. Thank you very much. The Department for Transport, HS2, Transport for London and the Greater London Authority have reached agreement on those parts of the Greater London Authority's and Transport for London's petitions relating to Old Oak Common. That is subject to completion of the formal legal documentation by the Secretary of State.
3. There are some remaining matters that the parties continue to negotiate on, but they have agreed that the sensible course is to continue to do so and, if matters have not been resolved by that stage, for TfL to raise those in the context of Euston. Of course, the Committee will be hearing about Euston later in its meetings. That is the position and, for that reason, neither TfL nor the GLA needs to appear before you in relation to Old Oak Common matters now.
4. SIR PETER BOTTOMLEY: One of the things we didn't see in the exhibits yesterday was the difference between Ebbsfleet and elsewhere, where Ebbsfleet didn't have local connections and other places did. I understand the Old Oak Common issue; TfL wants to make sure that, if not full provision now for the overground station, for passive provision. They thought either the promoters weren't going along with that and there are also issues, as you can see, about pedestrians and cycle links to the interchange. Would we, at some stage, get some indication of what is in the expected agreement between HS2 and the Government/Transport for London and the like?
5. MR MOULD QC (DfT): We can certainly do that. The particular issue that the Committee would have heard debate about yesterday, had we not reached agreement, was as to whether the matters that the Bill does encompass, in relation to connections existing in the possible future overground connections in the area, went far enough as to avoid obstacles that might frustrate the delivery of the stations or add unnecessary costs, through having to reopen works that have been done. In other words, there was a shared understanding and objective and both sides that there should be a station that might appropriate provision for future connections.

6. What has been achieved, through the discussions that took place yesterday, is that that relatively narrow area of disagreement, on the issue of matters had been taken far enough –
7. SIR PETER BOTTOMLEY: Has narrowed further?
8. MR MOULD QC (DfT): Well, it's narrowed so much that, in fact, the parties are essentially agreed that, under the arrangements that we'll certainly tell you about at an appropriate moment, the Bill and the attendant commitments that have been given by the promoter have arrived at an appropriate point from which future station and wider development proposals can be efficiently and effectively –
9. SIR PETER BOTTOMLEY: Allowed for on the route?
10. MR MOULD QC (DfT): Yes.
11. SIR PETER BOTTOMLEY: They are expected to make a reference to the Kensal Canalside.
12. CHAIR: Presumably, once the negotiations are finished, it will be on the register of undertakings.
13. MR MOULD QC (DfT): Yes. Well, there are a mixture. The way things are, the overall context for our relationship with TfL is that we have an overarching protective agreement, which is designed to give appropriate protection to their interests. The context for yesterday was discussion of a number of further protective arrangements, which bolt on that agreement, but also a number of assurances have been given by letter and those matters are the matters that remain to be – the wording just needs to be tidied up, but the substance of those matters is all now agreed, subject, as I said, to a number of points that are still in discussion, which are best left over, if necessary, until we get to Euston.
14. SIR PETER BOTTOMLEY: Clearly the Committee's responsibility is to hear petitions. There's a public interest to knowing what's going on, which may come apart at some stage.
15. MR MOULD QC (DfT): I'll take instructions as to whether, at an appropriate

moment, those parties could produce a further rather more detailed joint position statement, which would help to meet that acknowledged interest.

16. CHAIR: Petitioner 430, Royal Borough of Kensington and Chelsea. Mr Straker.

17. MR STRAKER QC: I'm looking slightly quizzical, sir, because we had in mind that Hammersmith and Fulham was coming first in the pair of petitions to be done. We can obviously slot in whichever way you wish, and so I'm equally happy to move to Kensington and Chelsea straight away, if that is preferred. The position here is, if I can just ask you –

18. SIR PETER BOTTOMLEY: Do you mind?

19. MR STRAKER QC: No. If you're happy to do Hammersmith and Fulham, then I'll leave the seating arrangements as they are.

20. CHAIR: We don't mind, as long as we deal with both speedily and quickly.

The London Borough of Hammersmith and Fulham

21. MR STRAKER QC: Exactly so, sir. I will do both. I'm conscious we're talking about London. We're talking about an area of London that the Committee will know. If we can just put up P7309, just to see the area in its general terms that we're talking about, there you see the feature Wormwood Scrubs and you see railway lands that may be described to the north of Wormwood Scrubs. The boundary between Kensington and Chelsea runs between Kensington and Chelsea on the one hand, and Hammersmith and Fulham on the other hand, just on the outside of what is called Little Wormwood, being an adjacent area of open land to Wormwood Scrubs. You'll see that just there. That's the boundary line running down Kensington and Chelsea, and Hammersmith and Fulham.

22. SIR PETER BOTTOMLEY: When we come to Kensington and Chelsea we look to the east, and this for Hammersmith and Fulham.

23. MR STRAKER QC: That's right. Can I also ask, so as to speed us on our way today, because there have been considerable discussions that have taken place, that it be put on display A1169LBHF1. These were assurances, which were sought by

Hammersmith and Fulham of HS2. If you could go in this to the second page, which I'm going to take you to in reverse order, just so the Committee knows what's not, so to speak, going to be the subject of any great point by me today, the removal of excavated material by road, sufficient assurance has been reached in connection with that matter. Wormwood Scrubs environmental mitigation, likewise.

24. Then if you go back to the preceding page, which deals with early delivery of Crossrail station at Old Oak Common, this is the assurance that seeks that the Crossrail station at Old Oak Common should get up and run as soon as possible, notwithstanding that HS2 is running alongside or will come to run alongside. That is now sufficiently dealt with to be out of the way.

25. If we just roll up the page, that leaves the North Pole depot as the principal issue that separates the parties at the moment. Even there, the point of separation is quite small. The North Pole depot had been put into the Bill.

26. SIR PETER BOTTOMLEY: Can we go back to a map just so we know where we are?

27. MR STRAKER QC: Yes. The North Pole depot in terms of a plan, P7310, and here, if you look here where my – there, the arrow – that is the North Pole depot, which runs across both Hammersmith and Fulham, and Kensington and Chelsea. The purpose of the Northolt depot, as far as the Bill is concerned, is to be a replacement depot for the Heathrow Express. What is now going to happen is that HS2 is going to put forward an additional provision to have the Heathrow Express depot elsewhere. That then means Hammersmith and Fulham, and Kensington and Chelsea, would say that the North Pole depot should be kept clear of railway works, so as to enable it to be used for valuable regenerative work, and in particular housing development, in both Hammersmith and Fulham, and Kensington and Chelsea.

28. The difference between the parties is this, and it's a small difference, as it would appear, namely: whilst the Heathrow Express depot is not going to go to the North Pole, nonetheless, HS2 wants to reserve the ability to use for unknown presently works the North Pole site, which will have a disabling effect on the regeneration proposals that both councils have.

29. SIR PETER BOTTOMLEY: Is that a position they're trying to reserve for construction or permanently?

30. MR STRAKER QC: It would be for construction, as I understand it, sir.

31. SIR PETER BOTTOMLEY: Not for operations?

32. MR STRAKER QC: That's right, construction as I understand it. The difficulty that emerges of course, when one has a large regeneration project, one needs to know that the site is a cleared site and one has it available. That then puts the councils at a distinct difficulty in connection with pursuit of an important regenerative proposal.

33. SIR PETER BOTTOMLEY: Just while we're on this, we notice an additional provision 2 identifies an alternative location for the Heathrow Express in the borough of Slough. Are we expecting Slough to object and getting you to come along and tell us why it should come back to the North Pole?

34. MR STRAKER QC: On the two questions there, I don't know the answer to the first and the second one I couldn't possibly tell either. I don't know whether my learned friend knows.

35. SIR PETER BOTTOMLEY: Whether the depot is agreed with Slough or whether it's not.

36. MR MOULD QC (DfT): I can't say that the proposal to relocate the Heathrow Express depot to Langley is going to be entirely free from objection. One probably ought safely, conservatively, to assume that it may experience some objection, but it is an additional provision that has been promoted, confident in the thought that, having reviewed the position, that is the optimum location we have.

37. We have been able to say, both to Hammersmith and Fulham, and to Kensington and Chelsea, that in the event that that additional provision passes into law, we would not then look to use the North Pole depot site as the location for the Heathrow Express depot. We have been able to give that clear assurance.

38. SIR PETER BOTTOMLEY: We're still left with the narrowing gap that Mr Straker was talking about.

39. MR MOULD QC (DfT): I don't want to steal Mr Straker's thunder, but it may be, just to help short-circuit matters, if I just say this: the gap is narrow, but it's important to understand that the North Pole depot site, with which we're concerned, is existing railway land. What we are not able to say, speaking as at today's date, is that that land is a) not going to be needed for some purpose for HS2, but more broadly, we're not able to say, as at today's date, that that land is genuinely surplus to railway requirements.

40. Now, there is no reason at all why we cannot continue to review that and I am certainly not saying to the Committee that we are not prepared to continue to consider the future of that land and to see whether we can reach a view on that question. We cannot at the moment say, with confidence, a) that it is not required for some HS2 construction purpose, and b) that it is not surplus to railway requirements overall.

41. SIR PETER BOTTOMLEY: The major aim that the boroughs had together was that it shouldn't become the permanent Heathrow Express depot.

42. MR MOULD QC (DfT): That it will not be.

43. CHAIR: How large is the site? I suppose the next question then is: does HS2 have to safeguard the position on the whole site or a proportion of the site?

44. MR MOULD QC (DfT): That is a very fair question which, as I say, merits continuing consideration. As I say, it's not simply HS2's needs. What the Committee has learned very clearly in recent days is that railway land in London is not a widespread resource. Both Network Rail, the Secretary of State and the railway operators need to think very carefully indeed before they start effectively releasing railway land to other uses. They recognise the aspiration for regeneration – there's no issue about that – but they have to be careful that they have not given up something that might be very much needed for some other prospective purpose.

45. CHAIR: We note the change in environment. For 12 months, people have been moaning about living next to a railway, until we get to London, where local authorities want to build houses next to railways – a shortage of housing.

46. MR MOULD QC (DfT): The difference between us in terms of aspirations here is so minute as I think to be non-existent, but we just have to put down that marker. That's

really all that it is.

47. SIR PETER BOTTOMLEY: We aren't trying to short-circuit your presentation, Mr Straker. The borough of Hammersmith and Fulham had other issues as well. I don't think you're going to ask us to order HS2 to release all the land in advance.

48. MR STRAKER QC: Sir, can I respond in this way to what's just been said and to that last observation, because there is an important point here to have in mind? First, there's a distinction to be drawn between whether or not HS2 might come to acquire the land and whether, for a general heading, it's railway land and surplus to those requirements. There's no suggestion, for example, for what I shall describe as ordinary railway operations or that this land is any way of any significance at all. We're seeking to secure that it shouldn't be used by HS2.

49. To touch upon then another matter that was canvassed, it's the question of is it simply the Heathrow Express or does it run more broadly than that? The answer is it does run very much more broadly than that for this reason: the regenerative proposals sought hereabouts, at the North Pole, are valuable and important today, tomorrow and the day after that. There is a matter touched by the hand of time here, which would be impeded very substantially if the position were one whereby HS2 was able to say, and it remained part of the HS2 position, there might come a time during the course of construction when some of that land we would like to use, though we can't tell you what now and we can't tell you where now. That would mean that the proposals that we have at the moment, which are indicative and illustrative, could not be worked up or pursued.

50. Subject to those important caveats, what I would wish to do, if I may, is to proceed to present as far as this matter is concerned, but those other issues, I'm going to, having identified where we've got to in that abbreviated way, not present material in connection with them.

51. What I would ask, please, is if we go to 1168(1), just so we put up on the screen Juliemma McLoughlin's name and ask her to introduce herself as the Director of Planning, Regeneration and Growth at Hammersmith and Fulham.

52. MS MCLOUGHLIN: I am Juliemma McLoughlin. I am the Director of Partner, Regeneration and Growth at Hammersmith and Fulham.

53. MR STRAKER QC: I think we can probably go straight, therefore, to 1168(4). Here we see the Old Oak opportunity area identified in London being within the London Borough of Hammersmith and Fulham. That's the red bounded area there. That embraces, does it, part of the North Pole, as I've called it?

54. MS MCLOUGHLIN: Yes.

55. MR STRAKER QC: You record on the right-hand side that that's an opportunity area and that's included within an OPDC, which is a new corporation, one of only two, I think, which has been set up in the whole of London. That's for the purpose of regeneration, is it?

56. MS MCLOUGHLIN: Yes.

57. SIR PETER BOTTOMLEY: Where's the other one?

58. MS MCLOUGHLIN: Stratford.

59. SIR PETER BOTTOMLEY: Which got its boost from the Olympics.

60. MS MCLOUGHLIN: It did.

61. MR STRAKER QC: We can pass on, I suspect, straight away to 1168(5), where we see the area in more detail and can see where the railway stations are. The North Pole land in particular is just, if the black arrow comes up, there. That's above an area called Little Wormwood to the left of Wormwood Scrubs.

62. Then if we go over please to 1168(6), and just so we get once again our bearings, the North Pole area is just along here. Is that right?

63. MS MCLOUGHLIN: Yes.

64. MR STRAKER QC: Help then the Committee as to what we see there and what is contemplated for, as you say, the vision for Old Oak Common.

65. MS MCLOUGHLIN: The vision for Old Oak Common is essentially that we see substantial redevelopment. It's one of the largest opportunity areas in London. We feel it really needs to punch its weight and, not wishing to sound too *Daily Mail* about things, we do have a housing crisis, so we want this area to be part of addressing

London's problem, which is why North Pole depot is important to us. We don't want it to just be a transport interchange. We don't want it to be like Crewe or Ebbsfleet; we want this to be a vibrant part of our borough.

66. MR STRAKER QC: Thank you. Then we can skip past the next slide and go to 1168(8), where we see the North Pole depot again. Marked upon the plan is the LBH/RBKC borough boundary, and we can then take the next slide, which provides part of the background that the Committee will have already picked up.

67. Looking over, we can go 1168(10) and, once again, we've got the North Pole depot here, that part in Hammersmith and Fulham. We've got an industrial estate immediately to the south of it and the North Pole depot here is vacant railway site owned by the DfT.

68. MS MCLOUGHLIN: Yes.

69. MR STRAKER QC: Apart from HS2, has any active railway use been suggesting for this land?

70. MS MCLOUGHLIN: No.

71. MR STRAKER QC: And so you would have the opportunity with the Mitre Bridge Estate. We can then go to the next slide, number 11, please. Can you just take us through this?

72. SIR PETER BOTTOMLEY: Is it worth us just reminding that North Pole depot was where the Eurostar went when it came from Waterloo?

73. MS MCLOUGHLIN: It was, yes.

74. MR BELLINGHAM: Sorry, I didn't hear that.

75. SIR PETER BOTTOMLEY: When the Eurostar landed at Waterloo, the depot for those trains was at North Pole.

76. MR BELLINGHAM: Really? A long way away.

77. SIR PETER BOTTOMLEY: They go fast.

78. MR STRAKER QC: I'm not sure they went very fast between Waterloo and the North Pole depot.

79. MR MOULD QC (DfT): It makes my point that railway land is not widely available in London.

80. MR STRAKER QC: They were depoted there or parked there. Anyway, if we look on at this slide please, can you just help us with this slide?

81. MS MCLOUGHLIN: Yes. Both of these sites are included in the new MDC's boundary. We've been working with the MDC and the other adjoining boroughs to come up with a target for the new homes and for jobs. As you will have already heard, North Pole is vacant, so we feel that North Pole helps open up not just opportunities in our borough, but actually really unlocks RBKC. It's very important for them to unlock Kensal, and this is a key site for them to be able to do that.

82. MR STRAKER QC: Then we look on, please, at the next slide, 12. What do we see here?

83. MS MCLOUGHLIN: This is just an indicative indication of how development could come forward – very, very basic, just some amassing diagram for you.

84. MR STRAKER QC: Then we get in the next slide, 13, the numbers.

85. MS MCLOUGHLIN: That's 1,500 homes in Hammersmith and Fulham. Of that, 600 could be affordable if we were working to our development plan target of 40%, and then the rest of the figures there, as you see, we commissioned DTZ between RBKC and ourselves to have a look at it basically what value this site would be and what it would contribute. That's basically what it concluded.

86. MR STRAKER QC: Let's just take two things from this slide, please, if we may, just to get some further particulars. The 1,500 new homes, the category is labelled affordable.

87. MS MCLOUGHLIN: Yes, that's 600 homes. That would be anything from your old-fashioned social rent, right the way up to discount market sales, so low-cost home ownership, so within the category of all in the affordable category.

88. MR STRAKER QC: The heading here of this slide is 'relocation of Heathrow Express depot'. If the position is one whereby the Heathrow Express depot goes elsewhere, but HS2 still stays, we may want to use that land for HS2. Does that have –?

89. MS MCLOUGHLIN: We lose all of this opportunity and it makes Kensal a lot harder for RBKC to develop, and it means that this MDC area lacks the ability for any delivery. A lot of these opportunity areas, like Elephant and Castle, and Battersea, languish for decades. This does not need to languish. If this comes forward, it's an early win, an early demonstration of intent, and we believe that that's something that should be done.

90. CHAIR: As a development officer, if you identify a site for regeneration, what's the timescale? Is it 5 years, 10 years, 15 years?

91. MS MCLOUGHLIN: No, it can be as quick as 18 months. Certainly in West London, things don't hang about. They don't need to.

92. MR STRAKER QC: The identification chronologically of this site was, if we go back to 1168, since at least 2011.

93. MS MCLOUGHLIN: Yes. No, since 2009 we've been trying to look at this site and stimulate interest, and we remain committed to that.

94. MR STRAKER QC: Very well.

95. SIR PETER BOTTOMLEY: Who owns it? Is it London and Continental or is it...?

96. MS MCLOUGHLIN: I think it's DfT. It's DfT.

97. MR STRAKER QC: And so then, if we look on then with 1168(14), this is the request of the Committee and that is what is enabled in consequence of that particular request.

98. MS MCLOUGHLIN: Yes, indeed.

99. MR STRAKER QC: Then I think the following slides deal with matters that I've touched upon very briefly as having been the subject of sufficient assurance or

agreement with HS2. I think I can leave matters there as far as you're concerned, Ms McLoughlin. Thank you very much. Thank you, sir.

100. CHAIR: Mr Mould.

101. MR MOULD QC (DfT): Good morning. Just one or two questions. Firstly, you've heard me set out our position today to the Committee. I'm certainly happy to commit to this for you and indeed for Kensington and Chelsea, who come after you, but for whom you have a shared interest, I think, on this issue. HS2 certainly can continue to work with your council and Kensington and Chelsea to seek to reach a settled position as to the need for HS2 to use all or any part of the North Pole east depot site, for the purposes of the HS2 railway development, and to seek to reach that position as early as is reasonably possible. I'm able to give you that commitment.

102. SIR PETER BOTTOMLEY: Sorry, could you say that again? I'm not sure it came out quite right.

103. MR MOULD QC (DfT): Right, I'll see if I can improve it.

104. SIR PETER BOTTOMLEY: I may have misheard.

105. MR MOULD QC (DfT): Not at all. Let me say the promoter is willing to say that we will continue to work with Hammersmith and Fulham, and Kensington and Chelsea, to seek to reach a settled position as to the need for HS2 to use all, or any part, of the North Pole east depot site for the purposes of the HS2 railway development.

106. SIR PETER BOTTOMLEY: I haven't done a law degree. That sounds the opposite of what it's intended to say.

107. MS MCLOUGHLIN: It certainly doesn't give us the commitment we're after.

108. SIR PETER BOTTOMLEY: It's a settled –

109. MR MOULD QC (DfT): Position.

110. SIR PETER BOTTOMLEY: HS2 can use anything they want.

111. MR MOULD QC (DfT): No, as to whether we need to use.

112. SIR PETER BOTTOMLEY: Whether? Sorry.

113. CHAIR: Can we talk about timeframe, Mr Mould? Clearly the depot is going to be moved to Slough, subject to the AP. You then are faced with a piece of land. Somebody said, 'Let's not be too quick to discard this, because we haven't decided what we're going to do.' What's the timeframe on the decision on this? Are we talking before the end of this Bill, which could be early next year, or are we talking detailed design? I think the petitioners really would like to know, if HS2 don't move, will they have the opportunity to come back to the Committee to have a discussion on this. If an assurance is given that doesn't say very much, the Bill could go and they could lose the opportunity to develop the sites.

114. MR MOULD QC (DfT): I'm genuinely trying to be helpful. I'm obviously not achieving that. My intention is that we should be able to say whether we need all, or any part, of this land for HS2 purposes well within the parliamentary process, so that we should be able to say – the idea is to do it as soon as we reasonably can. I don't think it's going to be within the next few weeks, but certainly I would have thought it's realistic to think that we should be able to focus on this and get to a considered and final answer, well before the completion of the parliamentary process.

115. Let me say I would hope that we would be able to do so before this Committee hears debate on the additional provision, which will be later during the course of this year. I can't promise that, because it does, to a degree, depend on matters that are going on internally for the detailed planning of the railway. That would be our ambition.

116. SIR PETER BOTTOMLEY: If I think out loud, we have two choices. One is to give Mr Smart a doing-over now and the other is to wait until the additional provision issue comes up, which would be a suitable time to hear clearly from the promoters that they don't need any of it or they do need some of it, and for what purpose.

117. MR MOULD QC (DfT): I would respectfully endorse that and I would just raise the rhetorical question: what possible purpose would be served by forcing the issue today when, whilst I accept that the petitioners ideally would like to be out of this room hearing from me saying, 'No, alright, we will take this land out of the Bill.' If the effect of that is that it creates more problems for other people elsewhere, which might otherwise be avoided because we confine ourselves, we create an inflexibility, then I

hardly think that that is a sensible way of proceeding. The reason why I said what I did was because I'm seeking, with that sensible qualification, to give Ms McLoughlin the comfort that she seeks.

118. SIR PETER BOTTOMLEY: I think, Chairman, it would be reasonable, given that we anticipate having hearings on the additional provision, to be able to hear then from HS2 how far they have settled and what they don't need and, if they do need something, why they need it and for how long they need it.

119. MR MOULD QC (DfT): That will be our backstop. We will try to deal with matters more expeditiously if we may. The other point I was going to make was that that is the position so far as HS2 is concerned. I did make the point earlier that this is existing railway land. It's not presently in active use, but it is part of the railway resource in London and there will be other bodies that will be interested as to whether that land has a railway purpose. That is something that is for other railway interests to consider, not the promoter of this Bill.

120. SIR PETER BOTTOMLEY: We understand that. We think that HS2 and the Government are close. We know that this depot was built for a specialist purpose. It does not link to the Western Main Line. It can only be used by trains that have specialist electric equipment at the moment, so it's virtually useless to...

121. MR MOULD QC (DfT): This depot, yes, but the lands may have some other... I'm not saying they do have some other use.

122. SIR PETER BOTTOMLEY: When HS2 comes back, as and when we come to the additional provision, they ought to encourage the Secretary of State to make clear whether there's any other rail interest that would require it to be sterilised and not available for planning by the borough.

123. MR MOULD QC (DfT): I was actually just about to come on to say that I would hope to be able to encourage that as well. I was going to say finally that I recognise – so that this is on the record – I recognise, insofar as it is for me, speaking for the promoter of this Bill, to do so – I recognise that there is a public interest in the regeneration of this area. That is reflected indisputably in the establishment by the Mayor of the Mayoral Development Corporation, the OPDC, which this land is within. It follows that not only

this council, and Kensington and Chelsea, as the local borough planning authorities, but the Strategic Planning Authority has established a delivery vehicle precisely the realise to development and regeneration opportunities that exist.

124. That is a very important stake, which the promoter of this Bill and which the broader rail interests that I have mentioned will obviously need to pay very significant weight to in deciding, and deciding as soon as they reasonably can, whether this land, which is not presently required for railway purposes, which as I've said, subject to the promotion of the additional provision for relocating the HEX depot to Langley, HS2 will not use for that purpose. The future of this land should be resolved as a matter of some urgency.

125. SIR PETER BOTTOMLEY: One of the reasons I raised the question of who owned the land is, I believe I'm right in saying, London and Continental, at one stage, was interested in going for planning permission to do development. Railway interests that went to go for property gains don't seem to be a good enough reason to stop the boroughs being able to make planning decisions. I think the point's been made sufficiently.

126. MR MOULD QC (DfT): Yes, and its past ownership, as I understand it, is passed back to the Department, precisely for the reasons that I have given.

127. CHAIR: I think we've got to the point that we're going to discuss this again towards the end of this year.

128. MR MOULD QC (DfT): If not before.

129. CHAIR: If not before, okay. Mr Straker.

130. MR STRAKER QC: I just make this observations, if I may at this stage, and then I'll ask the Kensington and Chelsea witnesses to come forward, but we can deal with that very, very quickly in the light of what you've said. This is a remarkably important matter because, if one just looks at that slide, 1168(13), to see the significance of this particular event, and puts against the new homes 600 affordable and has that in mind; it's regrettable, I would respectfully say, that the first suggestion comes out in the terms of 'We'll seek to reach a settled position as to use,' and then the discussion takes place

as to the timescale.

131. I would suggest that, if any timescale is going to be put on it, it has to be measurable in months, literally, because it cannot be difficult, with the greatest respect to HS2, which at one stage contemplated this for the Heathrow Express terminal and, therefore, can't have wanted it for themselves, it can't be difficult for them to be able to say to the Committee, 'We definitely do not need this land.'

132. SIR PETER BOTTOMLEY: Don't bother, Mr Mould. That doesn't wash. It's logic that should be knocked out in your first week of doing a philosophy course.

133. MR STRAKER QC: I don't know about that, never having done a philosophy course.

134. SIR PETER BOTTOMLEY: It shows.

135. MR STRAKER QC: Thank you. The point here is what is happening is an unknown aspect is being put forward to restrain something.

136. SIR PETER BOTTOMLEY: I think we've got the point and I think that HS2 feels under pressure, both from you and from us, to come forward –

137. MR STRAKER QC: With or without a philosophy degree, sir.

138. CHAIR: The essential point is that, if a decision is made and this area can be developed, it could well be developed well in advance of HS2 ever being built.

139. SIR PETER BOTTOMLEY: Were you going to talk about other things?

140. MR STRAKER QC: The Scrubs come next in the slides, but I wasn't going to talk about them for the very reason that I gave, namely that an agreement has been reached in connection with that, which doesn't require the further attention of the Committee. For the same reason, I'm going to move straight to Kensington and not go to any transport reference, so thank you very much. I think Mr Mould wants to explain something in connection with Old Oak Common first.

141. MR MOULD QC (DfT): You haven't heard us set out how the interchange station is being proposed, and I thought you might find that helpful in the light of what

you're going to hear. It's only going to take a couple of minutes. It's P7314, please. This is a schematic.

142. SIR PETER BOTTOMLEY: This is the modal links.

143. MR MOULD QC (DfT): The modal links, that's right, yes. Sorry, I think I'm getting deaf. Yes, indeed. You see the Old Oak Common station laid out in this schematic aerial. If we work from south to north, south we see a little section of Wormwood Scrubs where the arrow is at the moment. You have the IEP depot, which is the long building, which you have immediately adjacent to the boundary of the Scrubs. Then we see the Great Western Main Line. We have the two main lines, the down line and the up line, and then immediately to the north of those you have the Great Western relief lines, which carry the suburban services through to Reading, Oxford and so forth. The Old Oak Common station that you see serving those lines is broadly where the arrow is resting at the moment.

144. Then you have the Crossrail lines, sorry, the Crossrail railway. This is the point. Crossrail railway is planned, on this section, to be using the existing Great Western relief lines. It effectively will take over, in large part, the use of that existing capacity.

145. Then if we move northwards, you have the HS2 railway coming in from the north, subsurface as you know, and the HS2 station is placed at the point where the arrow is at the moment and extends east and west, as shown with the grey shaded area. That brings out the point that Old Oak Common is planned for an interchange station. It provides for interchange between HS2 itself, the Great Western Main Line running east and west, and the Crossrail metropolitan service as well. As you know, Crossrail to the west provides a link through to Heathrow. It also links through to services as far as Maidenhead, where Crossrail is presently scheduled to terminate in the west. Obviously one can get the Great Western Main Line for services to the west and southwest and into Wales, and then into Paddington as well. Crossrail to the east, of course, as the Committee will be well aware, is serving the West End and the City, out to Canary Wharf and the Isle of Dogs, and then terminating in Shenfield in the northeast and Abbey Wood in the southeast.

146. Just to set the scene, so far as Crossrail is concerned, there are two principal points of interface between the HS2 Bill and Crossrail in this location. The first is the one I've

just identified, which is that we are providing a station that will enable passengers to interchange between Crossrail and HS2 services, and indeed Great Western services. That is one of the functions of the station.

147. The second is that the area that I'm showing you now, that large area of railway lands immediately to the north of the HS2 station box, that is the Crossrail depot, and so you have the maintenance building, which is being shown now, and then that fan of stabling sidings, which is to the north of the maintenance building. Clearly, access to that depot and stabling site is gained from a point just to the east of the Old Oak Common station.

148. We have two things. First of all, we're accommodating an interchange station that will serve Crossrail, and we need to provide a connection, as part of the Old Oak Common development authorised by the Bill, to enable the Crossrail depot to operate effectively as part and parcel of the rail operations that are taking place hereabouts. That latter point is the subject matter of the discussions that we've been having with TfL, as the chief sponsor of Crossrail, and we are continuing to work with them to finalise arrangements for that depot.

149. Those are therefore the two main interfaces between the HS2 railway and Crossrail at this point, but I want just to make clear, because I think this is important for the context of what you're going to hear now, beyond that, we don't propose any changes to the Crossrail lines, which as I've said are effectively the existing GW relief lines, passing to the west and to the east of the Old Oak Common station in this location.

150. CHAIR: Okay, before we go on to the Royal Borough, I will adjourn for five minutes, because the TV cameras are showing the wallpaper rather than you, Mr Mould, and I think we ought to have five minutes to try to fix the cameras.

151. MR MOULD QC (DfT): It's a blessed relief for all concerned.

Sitting suspended

On resuming—

The Royal Borough of Kensington and Chelsea

152. CHAIR: Order, order. Welcome back. I think things are working. Mr Straker,

sorry to interrupt you.

153. MR STRAKER QC: Not at all, sir. Could we put up 1170(1), simply to provide the Committee with Mr Holgate's name and then to see that he is the Town Clerk, as Kensington and Chelsea still describe their senior officer. Mr Roberts will speak on certain railway matters immediately afterwards.

154. Mr Holgate, if we look at 1170(2), we can see, can't we, what it is that Kensington and Chelsea are concerned about.

155. MR HOLGATE: The Committee's already heard a fair amount about the North Pole depot. I will be as rapid as possible in just touching on the stakes, as it were, as far as the Royal Borough's concerned which, by our standards, are very considerable.

156. There is then a more interesting part of the story, in a way, which I think Mr Mould has teed us up for, which is the question of whether it is in everybody's interests that there is more track than currently between Old Oak Common and Paddington/Euston, and that's what my colleague will talk on. That is for its own sake to run a highly resilient railway over a very, very sensitive and congested piece of track, but it would have the dividend of making a proper job of redeveloping the Kensal area in the north of my borough.

157. MR STRAKER QC: Then we have the third point about the reiteration of the passive provision undertaking in respect of Kensal Portobello station.

158. The next slide shows us where we are and we can pass through that quickly, I think. That leads to a map of Kensington and Chelsea, where we see that the north of Kensington and Chelsea is rather different, as a London Borough, in terms of its outcomes, if one puts it in that language, for the people, in the north from the south, with the north having areas of quite high deprivation.

159. MR HOLGATE: Correct, and the Kensal area is absolutely in the middle of that which is said to be in the 5-10% most deprived in the whole country.

160. MR STRAKER QC: We see the numbers, 1170(5), which the London plan requires and the Kensal Canalside opportunity area, 3,500 new homes. Do you have remotely any other site like this in Kensington and Chelsea?

161. MR HOLGATE: None now whatsoever.

162. MR STRAKER QC: We then see, 1170, where we're talking about, the Kensal opportunity, number 6. That's pointed out in the plan with the arrow and the PTAL scores identify that as not very good, as far as public transport is concerned. More particularly, it's lacking public transport in a number of respects.

163. MR HOLGATE: Yes, it is surprisingly bad. Of course, this is caused by the canal, the poor road network and the existing industrial sites there, which are all due to be replaced.

164. SIR PETER BOTTOMLEY: And a railway you can't use.

165. MR HOLGATE: Correct.

166. MR STRAKER QC: Then we have 1170(7), which once again gives the numbers, which you have as a target, which will be derived of course from the London plan. The statement of the obvious: it may be supposed that most of the borough being developed, with Kensal being the last opportunity in the borough, Earls Court being built up now. Earls Court, once again, is shared between you and Hammersmith and Fulham.

167. MR HOLGATE: Correct.

168. MR STRAKER QC: Then we go please to 1170(8). The opportunity area is seen and the blue line – am I right here? – is the boundary line between you and Hammersmith and Fulham, you being to the east or to the right, as one looks at the photograph.

169. MR HOLGATE: That's right. By analogy, I'd like to touch on the significance of the area. It's 20 hectares. As we say on this slide, it is bigger than the King's Cross basin or the Paddington basin. I'm told that the Paddington basin provided 950 homes with 40,000 square metres of office. Sorry, the King's Cross figures were 1,800 homes and 300,000 square metres of commercial space. Obviously in this area it will be many more homes and not nearly so much other development, but there would be a range of such development.

170. SIR PETER BOTTOMLEY: The limit at the top end is because you've got open

land beyond which you aren't going to develop.

171. MR HOLGATE: Yes.

172. MR STRAKER QC: We can see obviously this is the North Pole depot, currently not used. We've had some prior discussion about who owns and the possibility of any railway use other than HS2. Are you able to contribute to that?

173. MR HOLGATE: It is our understanding that the Department for Transport have for a very long time said that they were going to release it for development. So, notwithstanding the Committee's previous exchanges, that has been the understanding for a long time. Of course, we quite understand when things change, as I think Sir Peter was in effect saying, but there has been a lot of justified expectation that this land could be developed for homes.

174. MR STRAKER QC: Thank you. Then if we go to 1170-9, continuing the theme about where we are talking about, we can see various matters indicated and indicatively I think you have marked up here the possibilities of retail operation just on the other side of the railway line. The North Pole Depot one sees running along and other features one notices with the gasworks and the gasholders having been decommissioned?

175. MR HOLGATE: Yes.

176. SIR PETER BOTTOMLEY: Who pays for the remediation of the land then?

177. MR HOLGATE: That, I think, will be part of the development costs for the whole project and the fact is, of course, that the land is in a place where it is so valuable that we should be able to cope with decontamination costs.

178. SIR PETER BOTTOMLEY: But that is done by the developers rather than by the present owners?

179. MR HOLGATE: That is a very good question and I do not know the answer to it.

180. SIR PETER BOTTOMLEY: It is not material to this; it's a matter of interest.

181. MR HOLGATE: It is done by the National Grid.

182. SIR PETER BOTTOMLEY: And the Grid pays?

183. MR HOLGATE: Yes.

184. MR STRAKER QC: The readiness to develop you identify as from 2017?

185. MR HOLGATE: Yes, as consultants said, it is soon.

186. MR STRAKER QC: Then we can glance at 1170-10, which gives us the potential to improve public transport accessibility because I think that is one of the slides which I suspect has been prepared by your colleague, Mr Roberts.

187. MR HOLGATE: Yes.

188. MR STRAKER QC: It just shows various walking times and so forth. We go to 1170-11, once again, to travel through quickly because that has the specific requests which include the request of amendments and so forth not to prevent regeneration in the area, to improve resilience and not to prejudice the Kensal Portobello Crossrail station.

189. CHAIR: Can you say a bit more about that? When you say, 'not prejudiced', is there a station at the moment?

190. MR STRAKER QC: There is not a station there at present but there is proposed to be a station there and that comes a little later. We will come on to that, sir, but there is proposed to be, not by Crossrail nor by HS2, but it is contemplated as an important ingredient of the prospective redevelopment and regeneration.

191. So, then 1170-12, please. Once again I think we can pass quickly through this slide and 1170-13, which reveals some information about other transport-led regeneration, other London examples. There is a point of correction to be made here, I think, is there, on 1170-13?

192. MR HOLGATE: Yes, instead of 'DLR' in the third bullet point it should read 'overground'. That merits the case made as they have set out.

193. MR STRAKER QC: Then we come to 1170(14). This will help to provide further and better particulars of the Kensal Portobello Crossrail station which has been referred to. We see what could happen here. If I just put my pencil there to create the moving arrow, we have the North Pole Depot developed along there; we have the prospective Kensal Portobello station there; further development the other side with a

new road bridge because that area is then opened up, and on this side we have existing housing, which is currently in place.

194. You have identified on this slide various matters so that we have a brownfield site regenerated, reconnection into North Kensington, and Kensal Portobello Crossrail station enabled by HS2 but funded by the development benefiting the whole area. There is a further plan, I think, which shows also what could happen at 1170-15. This shows the same illustrative layout but adds further details as to what could come forward?

195. MR HOLGATE: Yes, so it would be a balanced, mixed development. There should be scope for more affordable housing and in subsequent slides we give you some estimate of what the consultants have told us we could get on that site.

196. MR STRAKER QC: Then we can go, I think, to number 16 where we see the full development potential. These figures come from the DTZ study, which was jointly done with Hammersmith and Fulham. We have the figures there. Perhaps you can just pick out one or two of those figures which we can see there which particularly press on you as town clerk?

197. MR HOLGATE: 5,500 homes is a very handsome addition to the borough. I think it exceeds the figure that we showed you earlier for the London Plan, but it shows the capability of the site. The jobs comprise most of the jobs people would have in that area, working there or elsewhere within easy commuting distance but also the temporary jobs in the construction industry for a sustained period, some would be built out and then the gross value added shown there of £2.1 billion is a very significant, very attractive target for us to seek to attain.

198. MR STRAKER QC: Then 1170(17) once again continues the theme of asking why Kensington are petitioning. One sees there what is described as the dispiriting alternative. So, does this really show us what is lost?

199. MR HOLGATE: That is right, so if we can't develop the North Pole Depot, we can't have a bridge, and that greatly reduces the density of development on the other side of the railway. Subsequent slides again will show the opportunity for development.

200. MR STRAKER QC: The next slide is part of that continuing story, I think, isn't

it, number 18?

201. MR HOLGATE: Yes.

202. MR STRAKER QC: Once again one sees the same picture but the text here then is recording that there is not respect shown to the existing plain lining preventing Kensal Crossrail station, so if one just pauses there for a moment, that plain lining was contemplated when the Crossrail Bill went through Parliament?

203. MR HOLGATE: Yes.

204. SIR PETER BOTTOMLEY: Could you just translate 'plain lining'?

205. MR STRAKER QC: Plain lining is allowing for the lines upon which railway lines can be put. In other words, you create the space for lines to be placed down subsequently and don't disable the provision of those lines. What happened when the Crossrail Bill went through Parliament was that an undertaking was given that there should not be any interference by Crossrail with the potential plain lining there to enable Kensal Portobello Station, as it is now called, to come forward because that was seen as advantageous and seen as undesirable to preclude in any way.

206. SIR PETER BOTTOMLEY: Just to ask a question perhaps out of order, is Crossrail being built in a way that they can add stations on?

207. MR MOULD QC (DfT): Crossrail is being built in order to give effect to that assurance. The assurance, if you want to see it, is at P7329(2) if the Committee would find it helpful to see that.

208. SIR PETER BOTTOMLEY: It is compatible?

209. MR MOULD QC (DfT): Yes. It is at the top of the page. I don't think there is any suggestion that Crossrail is failing to honour that assurance in the development of the Crossrail railway.

210. MR STRAKER QC: If we go back to 1170, having, so to speak, seen through that diversion the desirability of the station, we can notice on 1170(18) that in the dispiriting alternative there is no station, there would be no bridge and the regeneration benefits for the wider area have been dissipated or lost. We see on the next slide, number 19, I

think, the constrained figures, don't we, the most notable for you in your capacity?

211. MR HOLGATE: The loss of five out of six of the new homes, I think would be very, very disappointing.

212. MR STRAKER QC: Then the financial figures are given, the number of jobs lost and so forth. Then it records what is sought in terms of what we ask the Committee to do at number 20, and I think we can probably take that at pace, can we not?

213. MR HOLGATE: Yes, you can, absolutely.

214. MR STRAKER QC: Likewise, we have the request for provision for an undertaking at 21, which we take at pace. We can just notice that what we are seeking would be a matter to give certainty to developers. Then at 22 and 23 we see why the North Pole Depot had come to be identified for Heathrow Express. Subject to anything you observe, Mr Holgate, I think we can take these slides at pace.

215. MR HOLGATE: I agree.

216. SIR PETER BOTTOMLEY: Just on that point, 23, where does the rail come off towards the Crossrail Depot of the parking space?

217. MR STRAKER QC: I cannot immediately on these plans help you with that, sir. Mr Mould might be able to do so.

218. MR MOULD QC (DfT): It is somewhere in this area, I think. It is not yet fixed but it is broadly in that area where the arrow is at the moment.

219. MR STRAKER QC: If we go on to 24, please, this continues the theme of what is prevented. It is put in terms of, 'Relocating Heathrow Express to North Pole Depot Prevents'. Does the prevention also come about in consequence of a preservation by HS2 of its ability to use the land?

220. MR HOLGATE: Exactly.

221. MR STRAKER QC: Then at 25 you identify the current circumstances and what will happen during the Commons debate. That, I think, Mr Holgate, concludes the slides which you took responsibility for?

222. MR HOLGATE: Correct.

223. MR STRAKER QC: Thank you.

224. CHAIR: Thank you. Mr Mould?

225. MR MOULD QC (DfT): Mr Holgate, as regards North Pole, I have indicated with the assistance of the Committee what we are committing to do in terms of seeking to get an early resolution of the outstanding prospect of the use of North Pole East for the purposes of the HS2 development. I do not propose to add to that. You were here in the room, I think, and you understood the point?

226. MR HOLGATE: I did.

227. MR MOULD QC (DfT): Thank you. As regards Kensal Portobello, can I just seek to summarise that and see if I understand it correctly. The council has a longstanding aspiration for the provision of a Kensal Portobello station as part of the Crossrail railway?

228. MR HOLGATE: Yes, and to regenerate the area.

229. MR MOULD QC (DfT): Yes, and with the coming into effect of the canal side opportunity area, you see that as being a key driver to the delivery of regeneration within that opportunity area?

230. MR HOLGATE: Yes.

231. MR MOULD QC (DfT): In the past the case for the provision of Kensal Portobello Station as part of the Crossrail railway has not been accepted by the promoters of that scheme has it?

232. MR HOLGATE: That is a very interesting point. Colleagues and I have trotted round various aspects of the transport establishment and I think it would be too concise and simple to say that it has not been accepted. I would say that in one meeting after another it has been grudgingly reproved and there has been debate but if somebody had been able to show to the borough that it was undesirable or infeasible we wouldn't be arguing for it.

233. MR MOULD QC (DfT): In any event that was then and this is now. You now see the business case for the provision of that station as requiring review precisely for the reasons I have put to you, that is to say that it needs to be reviewed in the context of the delivery of the canal side regeneration development as part of the opportunity area initiative.

234. MR HOLGATE: Yes.

235. MR MOULD QC (DfT): And, indeed, I have seen a submission which you put together, I think, in March of last year in which the council sought to make that case,

236. MR HOLGATE: Yes.

237. MR MOULD QC (DfT): The HS2 Bill proposes a railway line that will be underground as it passes through the vicinity of the Kensal Portobello area doesn't it?

238. MR HOLGATE: Yes, you may be getting on to ground that my colleague is better able to respond to.

239. MR MOULD QC (DfT): I am not going to ask you about transport planning matters. I just want to understand the context. In the event that your case was accepted by the promoters for the provision of a Crossrail station at Kensal Portobello, the appropriate vehicle for delivery of that station would be through a change to the Crossrail railway scheme wouldn't it?

240. MR HOLGATE: Yes, though there is an issue which is who benefits from the provision of extra track to the east of Old Oak Common, and I think it is part of our argument that actually HS2 is a beneficiary of that. Whether HS2 would be delivering that or someone else would be building the track on HS2's behalf and who pays for it are all questions that could be expected.

241. MR MOULD QC (DfT): You are now inviting me to step into areas that I think your next witness is going to deal with.

242. MR HOLGATE: That's right, I am afraid so.

243. MR MOULD QC (DfT): And which you cautioned me against a moment ago, but suffice it to say you are not asking the Committee, are you, to direct us to amend our

Bill so as to make provision for a Kensal Portobello Station on the Crossrail railway?

244. MR HOLGATE: I would refer you back to the three pleas we are making which are not to frustrate the station.

245. MR MOULD QC (DfT): I just want to be clear. In other words you are asking us not to do anything that would inhibit the provision of that station on the Crossrail railway but you do not ask the Committee to positively direct us to make provision in this Bill under a new clause for the provision of that station as part of the Crossrail scheme?

246. MR HOLGATE: I think there is a space in the overlap between the two Venn diagram circles, which is how we deal with the proposition that there ought to be more track to the east of Old Oak Common, but apart from that we are certainly not expecting HS2 to pay for or organise the building of the station. Actually, the borough has said for some time that the development value of the site will in effect pay for the station and we are sufficiently enthusiastic about this station that we will act as a financial midwife to the construction of the station so we will pay in the short term to have the station built were there to be any funding gap between the development monies coming in.

247. MR MOULD QC (DfT): It would be helpful, I think, if you could answer that particular question I put because it certainly helps us, as I am sure it helps the Committee. Is it the council's case that this Bill should include provision for the creation of a Kensal Portobello Station on the Crossrail railway?

248. MR HOLGATE: I am not sure I want to be canalised quite down that route because, as I say, I think that it is a very connected matter whether there are four lines or two lines coming out of Old Oak Common going eastwards in order to help send passengers where they want to go between Euston and Paddington. That is a very important part of our case and I do not think it is appropriate for HS2 that has a huge, perfectly proper vested interest in delivering hundreds of thousands, millions of people as fast as possible to two termini, and all the points thereafter to gloss over whether that is any part of their responsibility or not.

249. CHAIR: I take it that the situation with the local authority is this. What you essentially want to do is to ensure that you can assemble enough land with your

neighbouring borough to do a design brief which, when you take into account the cost of cleaning up the land and putting in the infrastructure, at the end of the day will come down to a financial calculation for a developer or a number of developers and you are not asking us to do anything except allow you to have the ability to assemble land or a potential development brief and the other things will look after themselves if essentially the site has the opportunities you seek.

250. SIR PETER BOTTOMLEY: I don't think he's quite saying that. I think he's saying that the councils will need the ability to have the rail lines built if the station is approved. The reason you need the plain lining fulfilled is because of the stations. Getting the station is not something you are expecting to go in this Bill. Getting the lines is something you would like the Bill to cover. I think that HS2 would need to know and we would be interested in hearing, maybe not today, what are the laws or enactments you would need for that plain lining to turn into rail lines if the funding comes for building the station.

251. MR HOLGATE: Yes, thank you. As I say, I don't think the funding of the station is an issue.

252. SIR PETER BOTTOMLEY: Mr Mould asked you a question close to that.

253. MR HOLGATE: That's right. The funding of the station is, I think, not an issue. It plainly relates to North Pole Depot and freeing up that site, as the Committee well understands. There is then the other component, which my colleague will help explain in a few minutes, which is whether it is actually in everybody's interests, and notably HS2's, for the resilience of the service to have the extra lines and if we have the extra lines that makes it much easier for the station to be there because the station is then not impeding through traffic that does not stop at Kensal Portobello Station but goes straight from the terminus.

254. SIR PETER BOTTOMLEY: Although, as I understand it, the HS2 lines are going to be subterranean.

255. MR HOLGATE: Yes.

256. SIR PETER BOTTOMLEY: And you are talking about surface level lines?

257. MR HOLGATE: Correct, crossover lines. That's absolutely right.

258. SIR PETER BOTTOMLEY: So, there could be an argument about whether it could be within the scope of the Bill, but we have not got to that stage yet. Perhaps from the next witness we will hear actually what would go in the Bill were it to be possible.

259. CHAIR: I am sorry to have interrupted you, Mr Mould.

260. MR MOULD QC (DfT): Not at all. It is very helpful. Finally, that teased out neatly, I just wanted to draw attention again to the assurance that presently benefits you as a council in relation to this matter. The Secretary of State is bound by the assurance given in the context of the Crossrail development, which is on the screen, acknowledging the aspiration of the council for a station in the Ladbroke Grove area, which we have just discussed. He does not intend that the Crossrail track layout proposals in the vicinity should preclude the future provision of station platforms and the promoter will require the nominated undertaker to provide a plain line section of track where a station could be constructed.

261. I think you will agree that as things stand neither the Crossrail Act nor the promotion of that Act is doing other than to give effect to that assurance. We have not proposed any provision in the HS2 Bill that cuts across that assurance, happily. The question outstanding which I raised with the Committee – perhaps we can debate this further with your colleague – and I have already mentioned this, is that in order to provide efficient operational access to the Crossrail depot alongside the development of the Old Oak Common Station, which is part of the Bill, we need to provide a point of access from the Great Western relief lines, which are going to be the Crossrail lines, into and out of that depot. That potentially prevents a design challenge, which I think we are aware of, insofar as that which is envisaged in this situation is concerned.

262. SIR PETER BOTTOMLEY: You cannot possibly design ways into the depot without knowing how many lines you are coming from.

263. MR MOULD QC (DfT): Right. That is the design challenge. So, perhaps we can go back to the previous page as I just want the Committee to be clear on where we are on this. The final paragraph on that page makes clear that the Secretary of State is

bound by the assurance I have just shown the Committee and that applies as much in relation to the promoter of this Bill as it does in relation to the Crossrail Act but it contemplates the possibility that the Secretary of State may need to promote an additional provision to this Bill if such a change were necessary to accommodate that which I have just mentioned, that is to say to enable efficient operational access to and from the Crossrail depot. But if that were to be needed, and that is the subject of further work, Kensington and Chelsea would have the opportunity to petition that precisely on the basis that that would be unacceptable because it would unacceptably impact upon your aspirations for a Kensal Portobello Station. That is where we are as set out in that letter, do you see?

264. SIR PETER BOTTOMLEY: It may be something to approach with the next witness, but can I just say what I think is happening? There is provision or there will be provision in the HS2 Bill for access to the Crossrail depot from the Crossrail/Great Western relief line.

265. MR MOULD QC (DfT): It is a matter of detailed design, yes.

266. SIR PETER BOTTOMLEY: That then would require knowing whether they take into account the extra lines. I am not yet clear in my mind whether they are only for the proposed possible station or whether they are running all the way in front.

267. MR HOLGATE: The former.

268. SIR PETER BOTTOMLEY: The former, but by the station. In that case I think it is going to be sensible for this letter, which includes a previous assurance, to be modified because I don't think it would be satisfactory to allow HS2 to design access to the Crossrail depot within this Bill without taking account of the lines which would be there for the Kensal Portobello Station. I think first of all we should hear the other witness and then perhaps we can fight this out – not fight this out.

269. MR MOULD QC (DfT): Before we do perhaps I might just respond because I want to be absolutely clear of our position on that. I accept that and at the moment our position, and the Secretary of State's position, is certainly in his mind completely clear, and that is that he is unable in the terms of the HS2 Bill to come to a design for that access other than in accordance with the assurance that you have seen on the following

page. In other words, he must, as things stand at the moment, so design the access to the Crossrail depot as to maintain ---

270. SIR PETER BOTTOMLEY: The option?

271. MR MOULD QC (DfT): Yes, and the only way he can depart from that is by promoting an additional provision to this Bill and which would be considered by this Committee to depart from that assurance to the extent necessary to accommodate the Crossrail railway. So, our position is that by virtue of that assurance, which is generally binding on the Secretary of State, unless he promotes a change to that assurance through an addition –

272. SIR PETER BOTTOMLEY: He has to do it? I think that perhaps we ought to wait until we have heard the witness and then we will see if there are any remaining issues.

273. CHAIR: Thank you very much. Mr Straker?

274. MR STRAKER QC: Before the next witness comes forward, can I just, through Mr Roberts, take the Committee back to 1107(2) because I am anxious to ensure that we are all alive to the three points effectively that are being run. Taking them in reverse order the passive provision undertaking for a Kensal Portobello Station is simply seeking a reiteration of that which has been provided because of anxiety that under the Bill before this Committee, nonetheless matters could take place which may be in breach of that undertaking or which may be a further undertaking would preclude altogether. So, that is why it is reiteration. We are not seeking powers under this Bill to provide for the station.

275. The second point, looking in the middle of that page, is a separate point from the station and touches upon the fact that there is a big division at Old Oak Common as between passengers travelling either from Crossrail, using Crossrail to get into Central London and other destinations, or going to Euston. So, resilience is sought there in consequence of the fact that if something goes wrong on the existing relief lines, there would be a difficult problem to manage. So, that is a separate issue from the third one on that page.

276. The first slide I do not need to say anything about. So, thank you very much, Mr Holgate.

277. I shall ask Mr Roberts to come forward and for 1170(26) to go in place, please. That gives Mr Roberts a little detail about you. The next slide records, I think, the question of HS2 working with Kensington and Chelsea to provide extra tracks to add capacity and increase resilience to support HS2. That is the matter I was just touching upon.

278. SIR PETER BOTTOMLEY: Mr Roberts, your background is public affairs but was your formation in engineering or other things?

279. MR ROBERTS: I was told by my mother, sir, that I counted the traffic on the North Circular Road from my pram and transport planning has been a fortè for 40 years. I have applied that through the public affairs period as well.

280. SIR PETER BOTTOMLEY: We just didn't know whether it was as a 'city slicker' or a transport person?

281. MR ROBERTS: A transport person.

282. MR STRAKER QC: And I suppose that your mother may at one stage have described you as a train spotter?

283. MR ROBERTS: No, actually geography and maps – why people are doing what they are doing, which is very important.

284. MR STRAKER QC: Very well. Then we have at 1170-27 the request to work with Kensington and Chelsea to increase track capacity. Just take us through the promoter's response there that you have recorded.

285. MR ROBERTS: Yes. In essence HS2 – I am not wanting to put words in their territory – are taking on trust the advice from people such as Transport for London, Crossrail and Network Rail that there will be an okay service feeding on relief lines to them from Old Oak Common. Our position is that that is not necessarily going to be the case and in particular while there is a separate issue, as explained with Mr Holgate, about the question of the provision of a station for Kensal Portobello, our judgment is

that it is potentially very important indeed to have some additional trackage on that section where Crossrail overlays the Great Western relief line.

286. MR STRAKER QC: Then we go to number 28, please, as to why Kensington and Chelsea are making this proposal, that is to say the proposal that HS2 should work with Kensington and Chelsea for the provision of extra Crossrail tracks to add capacity. You record the unusual character, perhaps, of a local authority considering railway issues but you mention there the pursuit of the Kensal Portobello Crossrail station to increase development deliverable to Kensal opportunity area. Then could you carry on, please.

287. MR ROBERTS: Yes, the original proposition by Kensington and Chelsea was supported in principle by Transport for London who suggested that in effect to build a turn-back station further along the line between Paddington and Old Oak Common either as an addition or separate to the existing turn-back, which is being built for Crossrail near Westbourne Park.

288. MR STRAKER QC: Just pause there so we can get the idea.

289. SIR PETER BOTTOMLEY: Can I be very, very boring because most of us are not as familiar with this as the two of you are. Can we just have a quick look at 1170-34 and then come back to this?

290. MR STRAKER QC: Of course. 1170-34 shows at the top the current indicative Crossrail track layout. So, there one has the lines of Old Oak Common, four in number. This is Crossrail lines.

291. MR ROBERTS: These are the Great Western relief lines where Crossrail will be a part-user. This does not show the fast-tracks.

292. MR STRAKER QC: The fast-tracks being the Great Western Main Line, which is for trains to Bristol and places?

293. SIR PETER BOTTOMLEY: And this shows that the Crossrail trains can stop at Kensal Portobello or they can bypass it at the same time?

294. MR ROBERTS: This is the proposal as is now. The turn-back station was a different proposition.

295. SIR PETER BOTTOMLEY: I understand that. It is always a good idea for us to have in our minds what you are actually after rather than it coming as a surprise at the last page. So, do you want to go back now to 29?

296. MR STRAKER QC: Yes, just to emphasise what is happening here on this diagram, sir at 1170-34, we have the current situation as proposed at the top and then the proposal suggested by us below that, which gives the points that you have mentioned. We go back then to the text, please. Just pause there for a moment. The turn-back station is a station which the train will run to for the sole purpose of being able to reverse back to perform the route again which it has already performed?

297. MR ROBERTS: Yes. In a nutshell, under the 2019 Crossrail proposals there are plans in peak periods for there to be 24 trains an hour through the central tunnel. Fourteen of those will terminate at Paddington, come to the surface, turn around and go back again towards the east to Liverpool Street and Canary Wharf and only 10 at peak periods will work through on to the relief lines.

298. In the case where we are now, indeed with HS2 in terms of Old Oak Common coming along as (a) an interchange as Mr Mould has described and (b) as a major development area with its own traffic requirements, TfL are talking of 20 trains an hour or possibly more in due course using these relief lines in addition to the Great Western relief services which will in some cases continue to run.

299. The net effect of that is that it is starting to look challenging, in our judgment, as to the ability for the relief lines on their own to be able to accommodate the foreseen volume of service. Looking forwards, just to give a couple of examples, in the London 2050 paper we see here on page 140 of the transport analysis that they are talking of possibly the Heathrow Express merging with Crossrail 1 in 2030; Crossrail 1 trains for the west coast, Watford in possibly 2026 and Crossrail 1 increasing to 30 trains an hour at some point in control period seven, which is 2029 onwards. If you start to apply that volume against the relief lines and other possible uses –I think if we travel on trains we are all familiar with occasions when fast trains have to use relief lines for engineering purposes – the consequence is important, firstly for Kensington and Chelsea that it must have some additional tracks in that area to make it support a station not being a buffer to most services, and secondly it will also assist reliability and performance. Mr Mearns

may, for example, be familiar with the fact that a third track has been introduced towards King's Cross between Alexandra Palace and Finsbury Park, which assists regulatory because it makes the trains able to operate more regularly into the terminus and in the case of Mr Syms, pull into London – I share not the same train but the same tracks from my origin – and there are two approach tracks rather than one at critical points.

300. It is that sort of principle where, in our judgment, it is not just Kensal Portobello but HS2 who can and should benefit from an additional capacity. It may not be required straightaway but in time with all the growth that is envisaged it may be very important indeed and while Old Oak Common is under construction, 2019/2022 period.

301. MR STRAKER QC: Thank you. So, let's pass from 28 to 29 because there you record what the additional lines would do, the additional capacity, the resilience to which you have just spoken with examples and the operational benefits to Great Western services using relief lines for they would have other places in the elbow room you spoke to.

302. MR ROBERTS: Indeed, and the volume is also important in terms of attracting passengers in sufficient numbers from HS2 trains at Old Oak Common. While your Committee is not yet addressing the Euston topic, the judgment, as I am aware from discussions with Transport for London, is that Euston even with Crossrail 2 might not easily cope with all London-bound HS2 passengers both ways at the same time and therefore this is a vital safety valve, let alone the fact that it is extremely convenient to go straight to the City or Canary Wharf via Old Oak Common. It has to be successful. I recall in the same topic area Heathrow 5 and the baggage handling. The reality was that that was a great problem in the early months for Heathrow 5. The trouble with a railway is you cannot just solve and build something very quickly to find a solution. Therefore, in a sense while I wouldn't dare suggest that Kensington and Chelsea are seeking to be a fairy godmother in gifting some funding towards the station and some tracks, the reality is that we do see an holistic solution here which is of benefit to everybody.

303. MR STRAKER QC: Thank you. The last bullet point there on that last slide is the enhanced reliability. With that observation we can go to 1170-30 where you ask, I think, the question, 'Why is this an issue for HS2?' and you have shown the answer

diagrammatically. On slide number 30 we see as a feature Old Oak Common in the west with HS2 feeding into it and then out from it, Old Oak Common also feeding Heathrow but feeding out to Crossrail to Paddington with the ability, as Mr Mould explained, for passengers to get off HS2 and get on Crossrail.

304. MR ROBERTS: Yes.

305. MR STRAKER QC: With a reliance by HS2 on a third of the passengers – around 12 million people per annum – using Crossrail to get to Central London, the concern in short, is it not, is about what happens if they can't adequately get there and they then go to Euston.

306. MR ROBERTS: Euston, yes.

307. MR STRAKER QC: Could we go to 31, please? We continue with the question, 'Why is this an issue for HS2?' Just help us then with those matters, please.

308. MR ROBERTS: Essentially, Euston needs to work by having passengers taken away. You can see HS2 on that, and that is in both directions. If in practice you were to end up at Euston where queuing was very significant, and we are talking of 15 to 20 minutes, and so forth, there is little gain to be had and a lot of unhappiness to be found if you then cannot get on the Tube system. The criticality, and again this is mentioning the Euston topic, which I appreciate you are not discussing, is that at this stage TfL I believe think that they can just cope with HS2 Phase One, which is the subject of this Bill, subject to the link with the Metropolitan and Circle Lines, but add on Phase Two and it is a different ball game.

309. MR STRAKER QC: So, then we look to 32, please, where you touch upon the fact that at the moment there will be 20 plus Crossrail trains, or is that proposed?

310. MR ROBERTS: That is the situation as we understand once Old Oak Common HS2 trains are in place.

311. MR STRAKER QC: But that is in substitution for 10 as originally contemplated?

312. MR ROBERTS: Correct.

313. MR STRAKER QC: But with no further tracks for the 20 plus?

314. MR ROBERTS: No, and indeed in the latest discussion that we had with HS2 and TfL present – it feels like only two weeks ago but around there – there was advice that as yet nobody has a guaranteed working timetable for Crossrail for December 2019 when it is intended that trains will run through carrying passengers westwards from Paddington through this area. By extension, there is no known timetable that is yet guaranteed for 2026 when HS2 is expected.

315. MR STRAKER QC: Then we can all see the other bullet points there recorded. The next slide can then be taken, which is the one which asks the question, ‘Why is service reliability a problem here?’ We see there the photograph overlain with purple and red running lines which signify what?

316. MR ROBERTS: The purple line is the relief lines which includes the future Crossrail services from December 2019, other Great Western relief line services for rail and suburban trains out to Reading and the branches out to Henley and so on, and then the pinkish reddish line is the Great Western fast tracks, which are the Bristol and South Wales services.

317. MR STRAKER QC: So, there we see the multifunction railway and how we don’t have new lines dedicated to Crossrail. Then we go to the slide to which we spoke earlier, which shows the proposed solution being the one whereby one sees the four lines through Old Oak Common moving into three and then coming out into four so as to circle the Kensal Portobello Station and then going back in later on to the lines to Paddington.

318. MR ROBERTS: Yes.

319. SIR PETER BOTTOMLEY: Can you just remind me which are the stations either side of Old Oak Common on the existing Crossrail?

320. MR ROBERTS: Currently, sir, there is Acton Main Line. That is the first one westbound before Ealing and there is now no other station on the mainline tracks. There used to be one at Westbourne Park but that was closed in the eighties.

321. SIR PETER BOTTOMLEY: On Crossrail, before we add in Old Oak Common to Crossrail which are the stations?

322. MR ROBERTS: Paddington and then Acton Mainline, and then Ealing Broadway. There is nothing else.

323. SIR PETER BOTTOMLEY: Ealing Broadway is outside of the majority of what is going on?

324. MR ROBERTS: Yes. As planned there is no station between Central London, Paddington and Acton and the Ealing suburbs. It is a long distance in an area with a significant population.

325. MR STRAKER QC: I suspect that we have seen sufficient of 34 unless, Mr Roberts, you wanted to draw something further from that?

326. MR ROBERTS: I think merely to point out that in an inbound direction towards Paddington, as I described a bit earlier, you will have the advantage of being able to manage trains approaching with greater flexibility, to approach the critical junctions down into Crossrail and Paddington mainline.

327. SIR PETER BOTTOMLEY: For resilience how far do you need these extra lines to go?

328. MR ROBERTS: As far as we physically can would be the honest answer. There are space considerations, which is one of the reasons why at one point it is three tracks rather than four tracks in this suggestion. The junction with Crossrail is close to Westbourne Park itself, so that is further in from Ladbroke Grove, and therefore it is a case of managing your train services very carefully. That is not to say that at some future date – there are actually Crossrail depot tracks not shown on here which are to the north of the relief lines; Crossrail are proposing to build additional lines or to use some which are there already – it might be possible to make better use of those and for those to carry passengers, but at this stage we are seeking to do that which we judge to be the greatest utility.

329. MR STRAKER QC: Then number 35, please, where you have put this in rather more engineering terms than in the indicative form on the preceding slide. So, there we can see as per the indicative Crossrail solution?

330. MR ROBERTS: This is, in essence, trying to layout a more geographical rather

than diagrammatic format, but it is essentially the same so far as the north side relief lines are concerned. It also here shows the fast lines as well.

331. MR STRAKER QC: Yes, so we can see Old Oak Common station. We can see the three mile post. Is that the three mile post from Paddington?

332. MR ROBERTS: I believe it is three and a half from Paddington, yes.

333. MR STRAKER QC: Yes, and then we go along and we get two and three quarter miles from Paddington, Scrubs Lane Bridge and then we work our way back to the two and a quarter mile post and the Kensal Portobello station.

334. MR ROBERTS: Yes.

335. MR STRAKER QC: The bullet points record matters to which you have spoken, I think. Then where we get to at the moment in terms of what the discussions have led to is slide 36, please.

336. MR ROBERTS: Yes, we have done a business case analysis using the standard transport criteria. It is a benefit cost ratio, when you add up the numbers, of two to one. That is both the tracks themselves and obviously any related signalling and related other costs and the station. If you took out the station it is a moot point how much the benefit cost ratio would go up, although the station itself is actually extremely beneficial. The further point to be made, and Mr Holgate gave the evidence, is that with the gross value added over in excess of £2 billion, a lot of which is dependent upon the station being provided, if you did that sort of benefit cost analysis the ratio would be vastly greater than two to one. Two to one in department terms is a good case.

337. MR STRAKER QC: And then our request is at 37, please. This is firstly seeking assurance so as to enable future provision of the Portobello station. We have heard what is being said about that. It is recorded there that they declined to repeat the assurance in the promoter's response document. I think we can probably pass on to 38. We move now from that question of added provision to the plain line for the Kensal Portobello station, please.

338. MR ROBERTS: As has been discussed a little earlier, this is the importance of effectively having passive provision for space for a station. That is the essence of the

plain lining point. In parallel, as the Committee will have heard in relation to TfL in its discussion with HS2, essentially, because of Old Oak itself and possible further service growth to the west requiring more trains in future coming to that station, you will have noted that the depot itself is more or less alongside but north of the HS2 and Crossrail station and therefore if you terminate trains there, there will be a greater number of those. In effect, they will have to do a shunt back east in order to get then west as previously foreseen into the depot. Clearly, we totally understand that neither HS2 nor TfL are yet in a position to give whole assurances in relation to the need or not to potentially impinge on the Kensal Portobello station. That depends on various track options and various service volume options but in most other circumstances we would have expected the Crossrail Bill Committee's requirement that there should be an undertaking which has been given, or that the Secretary of State has given, that assurance. We would be explicitly hoping that that plain lining undertaking was carried through also to this Bill Committee.

339. MR STRAKER QC: Thank you. Then we see on 39 where we are at present. You recall the danger as to the built-up scheme preventing a station at Kensal Portobello but for what you have just been talking about.

340. MR ROBERTS: Yes.

341. MR STRAKER QC: We then see at 40 a similar picture to that which we have seen from Mr Holgate but here the focus is on the opportunities lost without a station and that has the consequential effects as far as reduction of development capacity and matters of that sort are concerned?

342. MR ROBERTS: Yes, if push came to shove the position would surely be that the regeneration outcomes are very considerable indeed and if there was a choice between, let's call it a best operating option which might or might not impinge and a slightly less good but still operable option, which is the sort of discussion that we have been having with people such as TfL, then the combination of the slightly less than perfect railway solution allied with regeneration would be, in our submission, the right way forward.

343. CHAIR: Can I ask, where is the nearest Tube station to this particular geographical location?

344. MR ROBERTS: I think we need to go back to A1170-10 for that, if we can bring that slide up because it is potentially quite important.

345. MR STRAKER QC: This is the slide, sir, which you will remember we passed over quite quickly which shows various underground stations and other rail stations and the place and distances. So, just help us with this.

346. MR ROBERTS: Yes, the pinkish purplish triangle is the potential catchment area that is effective for a Crossrail Portobello station after allowing for the station catchment overlaps with other stations. You will see to the north an orange block, which is the related catchment area, which is that of Kensal Green station, which is on the Bakerloo Line, and London Overground. As you will see, station to station it is only, I think, 580 metres in a straight line.

347. SIR PETER BOTTOMLEY: But the interchange is miles.

348. MR ROBERTS: The reality is that on the route you would have to walk to avoid the Grand Union Canal and Kensal Cemetery it is 1590 metres, which on Transport for London's calculations of 80 metres per minute walking is a 20-minute walk. So, what appears close is far from it. Just to give a comparison on the other side of the tracks, the alternative is Ladbroke Grove Station, which is shown towards the bottom right on the Metropolitan and Circle Lines. Again, a straight line is just over 1200 metres and the walking distance in practical terms is nearly 1500 metres and that is an 18.5 minute walk. The normal standards that Transport for London use for public transport accessibility planning in its catchment are that once you have walked beyond 12 minutes, that's it. The railway station ceases to have significant effect, which it translates into a distance of 960 metres. In both cases these are greatly outside the practical catchment area and the station would therefore have considerable utility.

349. CHAIR: Mind you, people could use buses.

350. MR ROBERTS: We have tested the journey times on the bus and I wish you the best possible luck, sir.

351. CHAIR: Go on, Mr Straker.

352. MR STRAKER QC: Thank you very much, sir. So that is 40 and just to conclude

we have 41, the requests of the Committee and we also have at 1711 and 1712 the assurances that we actually seek. In a moment or two, I hope, sir, I will just say a word about those but for the moment that is all I want to ask Mr Roberts.

353. CHAIR: Mr Mould?

354. MR MOULD QC (DfT): Thank you. Mr Roberts, I am going to pinch myself and remind myself at least that we are here dealing with the HS2 Phase One Bill and not a Crossrail Act amendment Bill because essentially your case is directed towards what may or may not be a meritorious argument that the Crossrail railway should be modified so as to provide for the future provision of a station at Kensal Portobello and that the track arrangements should be modified so as to provide resilience to enable that station to operate. That's essentially it, isn't it?

355. SIR PETER BOTTOMLEY: To enable the whole line to operate and have the benefit of the station.

356. MR MOULD QC (DfT): Yes, very well, but again it's the Crossway railway rather than the HS2 railway isn't it?

357. SIR PETER BOTTOMLEY: Non-HS2 railways.

358. MR MOULD QC (DfT): Yes.

359. SIR PETER BOTTOMLEY: Except, as we heard, that for HS2(1) to work effectively you need to have passengers getting off at Old Oak Common to come into parts of Central London and so have resilience on that line otherwise they are going to stay on to Euston and overwhelm Euston.

360. MR MOULD QC (DfT): We are back to the assertion.

361. SIR PETER BOTTOMLEY: It is an HS2 assertion that they will get off at Old Oak Common.

362. MR MOULD QC (DfT): Yes. I am sorry, we are bypassing Mr Roberts here but we have obviously number crunched this and our position, which isn't actually challenged by this petitioner, is that having number crunched it there is no need to provide additional physical capacity on the Great Western relief lines going into London

east of Old Oak Common in order to enable that capacity gain to be realised. So, that is a given, I think, in this context.

363. SIR PETER BOTTOMLEY: Why don't you let that be a question to Mr Roberts? Answer it before I do.

364. MR ROBERTS: My simple answer is that I hear the words of Mr Mould, 'physical capacity'. I do not hear the words about quality. I do not hear the words about effective journey times, perceived journey times and so forth. In practice, people frequently have difficulties approaching London termini, people coming to Victoria and so forth. The reality here is that this is a significant opportunity to ensure that what will be an umbilical HS2 has a quality onwards access. As we have made perfectly clear, we have not invented these tracks exclusively for that reason. They are there foremost to enable Kensal Portobello to be operable, justified and produce a station with the regeneration consequences.

365. MR MOULD QC (DfT): Who is the 'we' here? This is not something that is based on any transport planning assessment or any engineering assessment is it? This is you, effectively, acting as the mouthpiece for an aspiration that Kensington and Chelsea have?

366. MR ROBERTS: Sir, Kensington and Chelsea have employed people such as Halcrow's to help design this.

367. MR MOULD QC (DfT): Is there evidence in the pack to show – let me process that a different way. We have here A1170-34, which is one of your slides. The top half of this page is effectively showing us the Great Western relief lines, isn't it?

368. MR ROBERTS: Indeed.

369. MR MOULD QC (DfT): Yes, and under the Crossrail scheme as authorised by the Act those relief lines are carrying those Crossrail services that pass to the west of Paddington all the way out to Maidenhead and Heathrow. That is right, isn't it?

370. MR ROBERTS: It is.

371. MR MOULD QC (DfT): Yes. Now, the HS2 Bill proposes an interchange station

at Old Oak Common, which will enable passengers on Crossrail to alight or to embark on Crossrail trains at that station and to go westwards or eastwards. So, there is an additional Crossrail station proposed at that point. That is in addition to the Crossrail Act provisions isn't it?

372. MR ROBERTS: Correct, yes.

373. MR MOULD QC (DfT): The HS2 Bill does not propose any change to the physical capacity of the Great Western relief lines in order to serve the Crossrail railway does it?

374. MR ROBERTS: It is impinging on the depth of access as discussed.

375. MR MOULD QC (DfT): Yes.

376. MR ROBERTS: Other than the station itself and related works just to the west of Old Oak, it isn't.

377. MR MOULD QC (DfT): No. Now, the Crossrail service plan, on the assumption that the Old Oak Common station is built and comes into operation, as I understand it is that they continue to plan for 24 hours but with Old Oak Common station in operation to serve Crossrail, they would take all of those trains as far as Old Oak and then some would continue out to the west and some would then turn back.

378. MR ROBERTS: If you say that, that is that number. I was anticipating slightly fewer than the full 24 trains an hour. There are also Great Western relief line services and, as discussed, from time to time other trains will need to use those at weekends and yet HS2 should, in my submission, still be seeking the best quality access for Crossrail, not having a reduced service.

379. Just to conclude on that point, this is not a situation where the present signalling – I appreciate it was due to be changed soon – allows in Network Rail timetable planning more than 24 trains an hour. That is two and a half minute headways minimum west of Ladbroke Grove under what is called the rules of the plan. Here we have a situation which I read out a little earlier. We have the Heathrow Express merging with Crossrail 1. Nobody quite knows what the demand implications on the relief lines will be because it's yet to be decided what happens on that. Watford trains coming in from the West

Coast. And Crossrail 1, as I state here, talking about 30 trains an hour. This is not a situation where you can reliably guarantee 24 trains an hour turning up clockwork. Thames Link themselves are not proposing more than 24 trains an hour through the entire core of Thames Link.

380. So it is not, I submit, a question of physical capacity, which you said; it is a question in due course of the line not being able to cope. That's my judgement and I have done it for many years and that's my submission. But also it is a fact that the railways are going to need this sort of additional capacity.

381. MR MOULD QC (DfT): Well, as a matter of general principle you may or may not be right about that. But, as you would imagine, for the purpose of planning the introduction of an interchange station at Old Oak Common which incorporates a Crossrail station, we have been in close liaison both with the operator of the railway tracks, Network Rail, and with the operator of the Crossrail railway, Transport for London and the Crossrail company, in order to establish that they are content that there is physical capacity and, to use your concept, functional concept, embracing questions of policy, to operate Crossrail services through that station on the Great Western relief lines as shown on the top part of your diagram without the need for any additional relief tracks to be provided. You will understand that we have raised that issue with them.

382. MR ROBERTS: I can understand that.

383. MR MOULD QC (DfT): And their answer is they are content that the Crossrail railway, on the service pattern that they propose through Old Oak Common station, both physically and functionally will be able to operate to an acceptable standard without the need to four-track at the point that you showed diagrammatically on the second half of your diagram. That is their petition: TfL, Crossrail and Network Rail. Now, you have no reason to challenge that position, have you?

384. MR ROBERTS: We do take the view, sir, that there will be operable problems because the evidence is there about the future and there is the reality around us on a day to day basis that things do not necessarily work reliably. The Great Western main line is currently given a lower target for service reliability than most of the main lines. It is 90% public performance requirement rather than a more broad 93%.

385. MR MOULD QC (DfT): And my final question: the reality is – and I don't say this with any desire to criticise the royal borough – that this argument about the need for four-tracking to the east of Old Oak Common on the grounds of resilience for the Crossrail railway, this is actually a stalking horse for your aspirations for a Kensal Portobello station; and that's what we see on the lower half of this screen. This is inextricably bound up with that aspiration, which is best pursued through another route, isn't it?

386. MR ROBERTS: We have been clear that in order for a Kensal Portobello station to work you need additional trackage in the area.

387. MR MOULD QC (DfT): Well, quite.

388. MR ROBERTS: That's an absolute fact in our judgement.

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

390. MR ROBERTS: Nevertheless, it provides a unique opportunity to enable HS2 and other train operators to get the best out of this future combination of railways.

391. MR MOULD QC (DfT): Okay.

392. CHAIR: Mr Straker.

393. MR STRAKER QC: Sir, I don't wish to re-examine but I would wish, if I may, just to say a few remarks in closing the case on behalf of –

394. CHAIR: Okay, shall we go back to Mr Mould? Do you want to add anything more before –

395. MR MOULD QC (DfT): I would like Mr Smart just to come in and confirm the position on the operational side, if I may. I think it's best you hear it from him rather than me.

396. CHAIR: Alright. And then we go back to you, Mr Straker, for your final remarks.

397. MR MOULD QC (DfT): So, Mr Smart. And I think we'll put up P7323 if we may.

398. CHAIR: Good morning, Mr Smart.

399. MR SMART: Good morning. Sir, I'll try and explain this as I understand it from a railway point of view, but I think it is more about the capacity on Crossrail from a different perspective. But what the petitioner is saying, if you look at their slide, is that we have sufficient capacity under the proposed Crossrail plan and that's shown on the petitioner's slide at the top.

400. Now, at the bottom, if you look to the right of the slide you'll see there's still a two track railway going into Paddington. So there's a capacity problem if you introduce a station on the railway; I can understand that because you've got a stopping time so extra tracks would be needed to allow trains to stop at a new station to not block the line for other services coming through. So that, as far as I can see, is the capacity issue that is there and therefore the petitioners are saying when we build HS2 will we not prevent anything in the future that might lead to the four-tracking of the current two track relief to put a station?

401. MR MOULD QC (DfT): And I put to Mr Roberts that we had indeed raised the question with both Network Rail and with TfL and the Crossrail companies as to whether in the absence of a Kensal Portobello station being introduced into the Crossrail railways and on the current prospective of those relief lines, assuming an Old Oak Common interchange station in operation, whether there was a case now for resilience reasons for providing relief plans. Can you just help confirm: what is the position of those bodies in relation to that?

402. MR SMART: Now we would not need to do anymore than we're currently doing.

403. SIR PETER BOTTOMLEY: Sorry, you wouldn't need to because you wouldn't be interfering with the existing level of resilience.

404. MR SMART: That is correct.

405. SIR PETER BOTTOMLEY: The question that Mr Mould put could have been interpreted as saying: would the others agree it would be better to have more resilience on those lines, not from an HS2 point of view but from the point of view of running the railway?

406. MR SMART: My understanding of dealing with the two railway undertakings of the currently controlled area, which is effectively Network Rail and Crossrail, is that we don't need to do anything in order to improve resilience.

407. SIR PETER BOTTOMLEY: And I don't want to bore my colleagues too much. If you had four-track running from Old Oak Common through to Paddington there would be more resilience than with two-track running.

408. MR SMART: But that is a resilience that's not required under the current plans. So obviously four tracks could always be regarded as more resilient but it is not seen as a requirement for running between Old Oak and Paddington.

409. SIR PETER BOTTOMLEY: I understand that for the Bill. The situation as I understand it is that Old Oak Common is a provision in the Bill.

410. MR SMART: Yeah, the station.

411. MR MOULD QC (DfT): The station is.

412. SIR PETER BOTTOMLEY: Running out to the Crossrail depot is a provision in the Bill.

413. MR SMART: Yes.

414. SIR PETER BOTTOMLEY: A sensible issue is raised: should this opportunity be taken, whether in the Bill or not, to improve the resilience of the Great Western relief lines – not just the relief lines but the whole service – coming in from Old Oak Common towards Paddington? Is that sensible for railway operators to consider? The answer's obviously 'yes'.

415. MR SMART: Well, it is, but that's for another railway operator to consider.

416. SIR PETER BOTTOMLEY: Indeed. But the point they're raising here is: should the promoters or should this Committee be considering that now? The situation as I understand it is if there were to be a third track put in in the middle of the green or the four tracks for a possible Kensal Portobello station, does that require law or if it's being done within railway land can it be done without a change in law?

417. MR SMART: I believe what the petitioners are proposing can be done within railway lands; and therefore I go back to my point that you've got a two-track railway going from a proposed new station to Paddington and therefore the resilience is more about enabling a station stop than it is about enabling –

418. SIR PETER BOTTOMLEY: It may be more, and we know that four lines are essential if you have a Portobello station.

419. MR SMART: Yeah.

420. SIR PETER BOTTOMLEY: The question is whether you should be doing more and whether that has some benefit, and the answer is 'yes'. Should you expand the capacity resilience between Old Oak Common and Kensal Portobello station site? The answer is probable. What they haven't explained to us is whether it actually needs a provision in the Bill to make that more possible but it can be done anyway.

421. MR MOULD QC (DfT): That's the only thing we're interested in.

422. SIR PETER BOTTOMLEY: Well, if the answer is that they don't need to have a provision to make it more likely to happen if they have the money and they have the station then the only issue is whether they need to have the assurance which was in the Crossrail Bill reiterated for this.

423. MR MOULD QC (DfT): Well, do you mind if I answer that? Because it may be a legal point. Unless Mr Smart has something he wants to say in relation to it.

424. MR SMART: I'll let you.

425. MR MOULD QC (DfT): The fundamental question is whether we can justify in the promotion of this Bill taking powers, including the acquisition of any land but also the promotion of any work and the devotion of resources to the provision of extra tracks to the east of Old Oak Common to provide the resilience that is being sought. Because unless we can justify that then that shouldn't be in this bill. That's different from the question as to whether there's a general need –

426. SIR PETER BOTTOMLEY: Is it sensible?

427. MR MOULD QC (DfT): Yeah. Because, of course, as you rightly say,

Network Rail have powers both from a planning point of view and from a railway point of view to make changes within the limits of the railway if they feel that that is justified. The Crossrail Act also provides powers to promote changes to the Crossrail railway if they are felt to be justified in order to improve the resilience of the railway depending on changes in surface plans and so forth.

428. But I am only interested in promoting this Bill in whether there is a justification to devote land, resources, works and potential compulsory purchases powers to provide for extra tracks on a railway which is being promoted by other powers, which is going to be operated by another operator and where the interface with us is essentially in the provision of an interchange station. And at the moment we've asked those who might provide the answer to that – Network Rail, Crossrail and so forth. They aren't able to give us a justification. The most that you've heard today is that in the future there may be an increasing benefit in securing that resilience, but I don't see that – we don't see that – and in my submission there's nothing to support that being something that ought to be reflected in a change to this Bill. And that is essentially the case.

429. SIR PETER BOTTOMLEY: The situation as we've heard from the boroughs is that if the Kensal area development goes forward they expect the developers to be able to pay for the cost of the station and the cost, I think, of the extra tracks.

430. MR MOULD QC (DfT): And to promote those changes.

431. SIR PETER BOTTOMLEY: What we haven't heard is whether extra land would be needed to have the line, but I don't think that's necessary to assess and I guess it's railway land.

432. MR STRAKER QC: We wouldn't need to assess that.

433. SIR PETER BOTTOMLEY: We wouldn't. So then the issue comes of the back end thing about the assurance: does that need repeating or rephrasing? And the other question that may be more for the Transport Select Committee than for this committee is whether the various rail operators and those with an interest would get together and start saying, 'What are the longer term plans to increase the resilience for the running into Paddington on the Great Western line and also carrying the HS2 passengers who change lines at Old Oak Common?'. And then who pays for it, which is a separate issue.

434. MR MOULD QC (DfT): And speaking as counsel for the promoter of this bill, I am entirely agnostic on that, rightly so, but I am definitely not agnostic on the question as to whether we should devote further parliamentary time and work of this committee and further resources to promoting further tracks with this bill, let alone a station on the Crossrail railway, for which at the moment there is simply no evidence to support its need, whether or not it requires extra land.

435. And finally on the question of assurance, the assurance that I showed you earlier does not need to be restated / repeated. That assurance exists and it continues to bind the Secretary of State unless and until he promotes an additional provision to this bill which might modify or change it. But what you've heard today is that at the moment the only reason that I can conceive that the Secretary of State might seek to take that course is if it is necessary in order to provide an operationally acceptable access into the Crossrail maintenance and stabling depot. And I've also heard today that if the Secretary of State feels he has to contemplate taking that course he will have to take very careful account of the understandable aspirations of this council that any changes should not, as far as it's possible to do it, cut across their aspirations for a station to be provided in future at Kensal and Portobello to serve the opportunity area.

436. Now, that's a matter which I would have thought is much better dealt with going forward by us continuing to talk not only with TfL and Network Rail but also to talk to Kensington and Chelsea so that, as far as possible, we can ensure that everyone's interests are aligned in that respect. But that's got nothing to do with track resilience; that's all about their understandable aspirations to provide proper local transport access to those who will live and work in the canal side regeneration area.

437. SIR PETER BOTTOMLEY: You should try the South Coast line through Worthing which he didn't mention because we haven't got four-track running.

438. MR MOULD QC (DfT): Well, as I say, my only interest – and I've said it before – is I can't accede, unless the Committee tells me to, to the promotion of further tracks east of the Old Oak Common unless there's a justification provided for that; and at the moment there's no more than a future aspiration.

439. CHAIR: Okay. Anymore questions of Mr Smart, Mr Mould?

440. MR MOULD QC (DfT): No.

441. CHAIR: Mr Straker, do you have any questions?

442. MR STRAKER QC: Just one. It might divide into two. But I'm right in supposing, aren't I, that over the past 18 months, probably more, both Crossrail and Network Rail have been looking at how they can make 20 Crossrail trains function here.

443. MR SMART: Yes.

444. MR STRAKER QC: And no-one has yet been able to show how that can be done, have they?

445. MR SMART: Well, with the introduction of the Old Oak we've got turning back of Crossrail trains. So I'm not sure the question you're asking is not really for Crossrail. Are you saying that Crossrail can't get 24 trains in there on their current layout?

446. MR STRAKER QC: I was simply asking the question as put: that no-one has yet shown that they can make 20 trains an hour work.

447. MR SMART: Between where and where?

448. MR STRAKER QC: In this stretch of the line, Paddington to Old Oak Common.

449. MR SMART: I'm not aware that Crossrail have said that they can't make that work.

450. SIR PETER BOTTOMLEY: That's very helpful, thank you.

451. MR STRAKER QC: Very well. Well, I'll leave matters there. Thank you very much, sir. As I said, I would like, if I may, just a very brief opportunity to address the Committee because, with the greatest respect, it looks as if we may be going off at a tangent and we ought not to do so. And if we could put up please on the screen the assurances that the Royal Borough of Kensington and Chelsea actually seek. Because it's far more modest, I suspect, than my learned friend would suggest.

452. SIR PETER BOTTOMLEY: 117(11)?

453. MR STRAKER QC: That's right, sir. 117(11). Thank you. And we see there,

first of all, the assurance sought apropos the Northolt depot. I'm not going to say anymore about that assurance because it's perfectly clear what it is Kensington and Chelsea and Hammersmith and Fulham seek, that is to say to secure that one isn't impeded in the regeneration by HS2 under whatever guise that is put, with the knowledge that the Department for Transport have indicated that this appears to be redundant as far as railway land is concerned otherwise.

454. And then when one looks at plain lining for a possible Kensal station, what one seeks here is a modest request; we leave it there for the plain lines at a possible Kensal station. The predecessor Secretary of State acknowledged the aspiration of the council for the Crossrail station. He didn't intend that the powers contained in the Bill in the Crossrail track layout should preclude the future provision of station platforms, and proper assurance was given in order to effect that. That, of course, was given in the context of the Crossrail Act and the Bill as it was promoted through Parliament.

455. Now, the HS2 Bill allows the nominated undertaker to do works overground including track works in the very location that is touched by that undertaking in which we are interested. And accordingly the undertaken given by the Secretary of State does not, in our view, bite in relation to those works because the HS2 Act as it comes to pass will expressly provide for them; so that therefore we seek that which the Secretary of State gave in connection with Crossrail in this context. And that is all and that would appear to be a perfectly sensible step to take.

456. If we could then just move to the additional tracks for the local rail assurance. It's perfectly plain, and indeed it would be foolish to suggest that two lines are as good as four lines or two lines are as good as three lines. Manifestly, to have the extra lines would be advantageous and manifestly considerable pressure is going to be put on those lines consequential upon HS2 with its needs to disgorge passengers at Old Oak Common so that they can go on to Crossrail and not go to Euston. And when one looks at what we have sought here of HS2, you will see that it simply indicates that what we seek is that the Secretary of State would work with the council and would require the nominated undertaker to do so in securing the provision of additional tracks on those local rail lines between Old Oak Common station and the council's proposed location of the Crossrail station. We're not asking for anything to be written into the Bill. We're not asking for any special provision. We're not really asking actually for

any special treatment. We're simply asking for a sensible discussion to take place so that that can be secured and it's done under that particular remit.

457. So that is all and, as I say, we appear at the outset of this morning to be very close; it seemed to become further apart as we went through in the course of the morning but it seemed to go further apart as we went through in the course of the morning on the back of the proposition that we are seeking more than in fact we are. So I respectfully commend to the Committee those matters that we seek and respectfully seek the Committee's assistance in gaining those objectives which obviously, if I may say so, are sensible objectives to be obtained both from the point of transport including HS2 and from the point of regeneration, which everybody of course has a particular interest in, especially bearing in mind that regeneration should happen quickly, not slowly.

458. And unless I'm reminded of anything, that's all I wanted to say. Thank you.

459. CHAIR: Thank you, Mr Straker. I think that's the end of this morning's session. If you could please withdraw from the room so that we can have a quick discussion. Order, order.