

MINUTES OF ORAL EVIDENCE

taken before

**HIGH SPEED RAIL COMMITTEE**

On the

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

Thursday, 4 February 2016

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE:

Mr James Strachan, QC, Lead Counsel, Department for Transport  
Mr Richard Turney, Counsel, Department for Transport  
Mr David Elvin QC  
Mr Richard Glover QC  
Mr Joe Rukin, Stop HS2  
Mr Paul Allen, Bidwells

WITNESSES:

Rt Hon Liam Byrne MP  
Mr Jonathan Bower  
Mr Marcus Chaloner  
Mr Gren Messham

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**IN PUBLIC SESSION**

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(At 09.30)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee on this Thursday. Before we begin I have Committee directions on a small number of petitions. On Silklink the Government will clearly incur expense sooner or later. We believe that the fair and proper course is for the Government to acquire the business. It can either continue to run it as a going concern or sell it, either way to mitigate its outlay. The owner, who is approaching retirement, will not have to enter his seventies worrying about litigation. If everybody agrees, he can continue to help run the business.
2. On the Raffetys' petition where an issue of valuation has arisen, we want the promoter and the petitioners to engage properly with whether there has been an undervaluation and find a mechanism to resolve the range of valuations.
3. That suffices so far as the Committee in this House is concerned. Mr Strachan, do you have something to say about the amendments?
4. MR STRACHAN QC (DfT): I was going to say them at the end of today if that is more convenient, when I wrap up.
5. CHAIR: All right. Let's get on to Mr Byrne. We have Friends Life Ltd and Axa Real Estate Investment Managers Ltd, petition 295, which we enjoy seeing periodically before this Committee to discuss matters of concern.

**Friends Life Ltd and Axa Real Estate Investment Managers Ltd**

6. MR BYRNE: Thank you very much, Chairman. I was hoping that I would be popping Champagne corks outside this morning. That is how it looked until reasonably recently this morning. What I was going to say is that I think that thanks to the Committee's skilful direction of this petition, the end was in sight and that we could see the finishing line ahead of us, and the finishing line is considerably better than what we imagined might be the outcome a few months ago. So, the prize that has emerged over the past month or two is somewhere between 28 and 29 hectares of this land coming back. That is a significant prize because it is getting on for a third of the site, but crucially, according to Birmingham City Council's Director of Planning, Waheed Nazir,

that could accommodate about 3000 jobs if you include the jobs that are associated with the network control centre. Given when we started this exercise we were talking about 350 jobs, that is a heck of a lot of progress.

7. So, what I was anticipating I would talk about this morning was the journey to actually get there and to ask you to instruct the two parties to use best endeavours to minimise the temporary land take because that was the one outstanding issue. That is still what I would like to ask the Committee to do because there remain a couple of options for how the construction site and the dump yard for the station is configured. There remains the option of potentially using Saltley Business Park for much of the construction activity.

8. It is difficult for Birmingham City Council to sign up to that proposal because there are still businesses on the site but in reality many of those businesses will leave simply because the construction of High Speed Two will, in effect, cut Saltley Business Park off from the outside world. If you are a Jaguar or Land Rover supplier and you are putting articulated lorries in some number through inner city streets, the construction activity will just render that logistic operation pretty difficult.

9. MR CLIFTON-BROWN: I am sorry to stop you, Mr Byrne, but could we have a map? As a newish member of the Committee, that would be very helpful to see a map.

10. MR BYRNE: The business park is basically just next door.

11. MR ELVIN QC: I don't think we have one of the wider area.

12. SIR PETER BOTTOMLEY: On the approach coming into Birmingham, it is one of the last places as you go towards the station.

13. MR BYRNE: Exactly.

14. SIR PETER BOTTOMLEY: It is an industrial area with the railway lines on the north and we have established businesses to the south.

15. MR STRACHAN QC (DfT): It is to the south of the Washwood Heath depot here. The railway lines run across left to right of the page. Aston Church Lane runs across here. The Saltley Business Park is down here. We haven't got it all shown. I

think previously we have heard about the Saltley Business Park. There is Cargo Express, which is in a separate ownership, which is there, which is taken for the scheme and then there are some works further along to the Saltley Viaduct, which is off the page, just to give you a broad context.

16. MR BYRNE: That is a helpful clarification. It is actually a little closer to Curzon Street Station. So, to cut a long story short there is still a dispute about the best spot to put the construction work in the run-up to the whole thing opening. I think there has been some progress made but my request is that the Committee basically instruct two parties to use best endeavours to now just finish out that negotiation about the construction phase having arrived at a happier outcome for the permanent land take question.

17. SIR PETER BOTTOMLEY: Can I make a suggestion?

18. MR BYRNE: Can I just make one further point because there is fresh news this morning, and that is that the whole thing, frankly, has been plunged into a degree of chaos since seven o'clock last night. At 8.39 this morning I was emailed this letter. It is about eight pages long. There are new maps. All the assurances that we thought were there associated with the permanent land take have come out. These assurances are, quite frankly, not worth the paper they are written on and, frankly, I am pretty irritated that after two years of talks I get a letter like this dumped on me at 8.39, forty minutes before I am due to appear in front of this Committee. So, you will forgive me for saying, Chairman, that I simply think High Speed Two need to have some fairly stiff instructions from this Committee about the way they need to conduct in a proper, professional way the negotiations with the site owners because there are 3000 jobs at stake here at the nexus of the most unemployed constituencies in the country. So, thanks to you we were making considerable progress. It's now just gone three steps back in the last 12 hours. I am conscious that you are trying to clear the decks of this before it goes to the Upper House, so all I would ask, I suppose, is for you to do your fantastic knocking of heads together exercise with some fairly stiff instructions.

19. CHAIR: Do you want to add anything, Mr Elvin?

20. MR ELVIN QC: I take what Sir Peter said last week to DB Schenker about not tying the Secretary of State's hands through any of this. All we are looking for is for the

Committee to reinforce the directions already given, to direct HS2 to use best endeavours to continue this process including with regard to seeking to further minimise land take, both permanent and temporary, including the area for construction. If you look at the map that was put up, you will see the design of the depot. This is subject to very detailed design but you will see there is a considerable area of white which is now probably not required. We are looking to tie that into the assurance. We got a version of the assurance yesterday. The version we got this morning takes out at least one key obligation that was put to us by HS2 last night. So, as Mr Byrne has said, we seem to be taking one step forward and two steps back.

21. All I am looking to do at this stage is to ask the Committee to reinforce the direction it has already given to say that HS2 should use its best endeavours to continue to minimise permanent and temporary land take. We are happy to negotiate with the Secretary of State over his policy about temporary land take and the use of Schedule 15. We understand the limits of that and we are prepared to discuss that. We just can't do it by today but if the Committee would give that additional reinforcement of its direction to use best endeavours, continuing to consider the area required for construction and to keep an open mind about Saltley, we appreciate it may not come out as well as we would like it to at the end of the day but at least the Secretary of State should take it seriously. After 18 months of stalling the key was only unlocked by the Committee and the agreement I reached with Mr Mould in November. We have done more in the past two and a half months than we did in the previous 18 because HS2 stopped being obstructive. We would like that process to continue. If the Committee can assist us by reinforcing with best endeavours we would be delighted. We can then try and agree the matter. It will be after this Committee finishes. I hope to avoid having to go to the Second House but at the minute unless there is a degree of reinforcement I fear we may end up there.

22. CHAIR: Let's hear from the promoter about the status of the letter before we start sallying and punching people. Mr Strachan?

23. MR STRACHAN QC (DfT): I have a rather different take on what happened. Our understanding and certainly our view of where we got to is very positive. Since the Committee made its recommendation in December 2014 there has been a series of meetings. They are set out in some of the exhibits that we have shown you, all

throughout 2015: technical meetings, very detailed discussions between the petitioners and ourselves. We have been working through, as requested by the Committee, doing precisely what was asked of us to look at the detailed design of the depot and the land required for construction with a common aspiration to minimise both the permanent land take and the land taken for construction. Our understanding is that that has been a fruitful exercise which has culminated in a process where, I think the last few weeks – I have a list of at least 10 meetings which have occurred in January, leave aside those previously – has culminated in an exchange of correspondence about first of all our suggested position statement, which we thought we had got to, then translated into a proposed assurance that we were considering, comments back yesterday from our proposed assurance from the petitioner seeking to make changes to what we were suggesting, with our comments back yesterday evening and this morning. So, contrary to what may be the understanding of Mr Byrne, it has actually been what we see as quite a helpful, collaborative process seeking to agree the form of assurances.

24. It is important, I think, to note where we have got to just to put in context those common aspirations, which Mr Byrne was referring to a moment ago. I cannot do much better than show you at least where we have got to on P15827 so that the Committee can see how far we've got.

25. CHAIR: I understood that broadly you have agreed the land which would be used for employment and that there was only a disagreement over a small piece of land, or a piece of land which was for use for construction, which, as we have heard before, is necessary, near the railhead for Curzon Street as well as on Washwood Heath.

26. MR STRACHAN QC (DfT): Yes.

27. CHAIR: And it is whether or not there is an opportunity either at the industrial stage or elsewhere to re-site that, and that was the only remaining point.

28. MR STRACHAN QC (DfT): Yes.

29. CHAIR: Are you saying that that is not the only remaining point?

30. MR STRACHAN QC (DfT): As you will see from this letter, I had understood similarly that really the focus was perhaps on the approach to Saltley Business Park,

which I will come to in a moment. But you can see here that where we have got to is we have defined, if I just show you on the screen, a protected area. I can show you on the plan that that is quite an extensive area, and the virtue of having gone through that detailed design exercise is that we have been able to identify what we would describe as the protected area. You will see that we have also dealt with the issue of balancing ponds, which was something the Committee raised. Assurance number one is to design and construct the RSMD, that is the depot.

31. SIR PETER BOTTOMLEY: Is that protecting the identified area?

32. MR STRACHAN QC (DfT): Yes, exactly. So, the permanent land take, as you identify, will not encroach on to the protected area. You can get a sense of the scale of that. We have actually, I think, identified just over 20 hectares which is in the protected area. As a result of the different design options that have been considered in detail, in fact our current design for the depot – our design v Atkins – is that we actually would potentially release rather more than they would, so without committing anyone to the final detailed design, we have a protected area, which is a benchmark of what goes back and there is the opportunity in the final detailed design to actually add to that. So, that is why, we say, it is proceeding rather positively. It is 50% more than was currently proposed under the Bill scheme, so it has been a very good exercise.

33. SIR PETER BOTTOMLEY: Productive?

34. MR STRACHAN QC (DfT): Productive, exactly. We are trying to reflect this in assurances. The main one, obviously, is to protect the protected area.

35. SIR PETER BOTTOMLEY: Can we go back a page?

36. MR STRACHAN QC (DfT): Yes, of course.

37. SIR PETER BOTTOMLEY: It is probably worth going through them.

38. MR STRACHAN QC (DfT): Yes, in turn so you can see precisely what we are doing.

39. SIR PETER BOTTOMLEY: In the second one the key word is to ‘reduce further’.

40. MR STRACHAN QC (DfT): Exactly. Can I give a word of caution? You will see that we have used the language which has been commonly accepted by local authorities and general public authorities of doing what is reasonably practicable. The language of 'best endeavours', the Committee will be well aware of from submissions previously identified.

41. It is well established that those impose some sort of legal obligations on parties which actually can be counter-productive. They have the law of unintended consequences imposing an additional burden on parties beyond what is normally accepted. Even with contractual documents people don't normally agree to that.

42. So, that is just a question of legal language but the general aspiration you can see clearly here is about seeking further to reduce the permanent land take in the way I have identified. Paragraph 3 reflects the fact that we have those two detailed designs and without committing to the final design, it is illustrating by way of those plans how much more potentially could come back.

43. If we go to the next page, to paragraph 4, you can see we are looking at the issue of drainage. We have not precluded the option, I think, which the Committee heard about previously, of even using a crate system, which is effectively an underground system where you potentially have the possibility of development on top.

44. CHAIR: New plant or they go underneath the –

45. MR STRACHAN QC (DfT): Under these car parks. Yes, there are difficulties. There are both maintenance problems and potential cost issues with that but we are not precluding further discussion about that.

46. SIR PETER BOTTOMLEY: We can always see how it was done 200 years or 400 years ago in Istanbul.

47. MR STRACHAN QC (DfT): Absolutely but since then there are obviously enhanced environmental requirements on dealing with sustainable drainage and there are difficulties with enclosing water and not having balancing ponds.

48. SIR PETER BOTTOMLEY: Having said that, if it becomes possible that is extra gain?

49. MR STRACHAN QC (DfT): That is the point. This is why we are trying to move forward and we have not precluded it at all, as you can see from that clause. Then we have a further clause, clause 5.

50. MR ELVIN QC: Can I just say to the Committee that I am not trying to interrupt too much but we have only just had this.

51. SIR PETER BOTTOMLEY: We fully understand that. It is not a contradiction; this is a development as I understand it.

52. MR STRACHAN QC (DfT): I understand that these discussions are all without prejudice so it's not appropriate to go into them but there has been a lot of travelling drafts of that and a lot of history to it but can I just focus on the present and where we've got to. Clause 5 is all about the construction issue and we have a further area crosshatched red – I will show you that plan in a moment – and that is an area that we will not use.

53. SIR PETER BOTTOMLEY: Without their consent?

54. MR STRACHAN QC (DfT): Without their consent. They have the option if they don't need it. The sense of that, of course, is whilst we are compressing as much as we can our construction activities with a view to maximising employment options in the meantime, it does have an effect on the construction. Therefore, if they are able to release land to us it may be that that facilitates the construction and indeed enhances the time it takes. So, that is a balance.

55. SIR PETER BOTTOMLEY: So, flexibility.

56. MR STRACHAN QC (DfT): Exactly but we are identifying an area of land which we will not take. Then you can see here, and I don't think this is particularly controversial, that paragraph 6 is all about taking the land temporarily rather than permanently, the sorts of discussions that you previously heard in relation to other petitioners subject, of course, to agreeing the final compensation claim. We have identified at 6(b) entering into a Memorandum of Understanding with the Secretary of State and Birmingham City Council. I understand that that part is contentious as to whether Birmingham should be involved but in order to facilitate the early, co-

ordinated, viable and comprehensive development of the employment land when the relevant works are completed and then it is envisaged what the Memorandum of Understand would cover. That is, of course, directed at what we see as a common objective of Birmingham Council, ourselves and, we understand also, the petitioners and certainly Mr Byrne of bringing forward jobs for this site as part of a re-development process. So, that is what that explains.

57. Can we just go further down? You will see that seven is just about costs. Eight is the issue I just want to touch on, which is Saltley Business Park. We have agreed in this assurance that we will continue to keep under review the possibility of using Saltley Business Park for part of the construction activities for development works. Those are on the depot site.

58. CHAIR: Are there any other sites that could be used for that as well?

59. MR STRACHAN QC (DfT): Not that we have been able to identify as yet.

60. CHAIR: Okay, but you wouldn't preclude looking at opportunities?

61. MR STRACHAN QC (DfT): Absolutely. The focus, as I understand it, has been on Saltley Business Park which is nearby. It is important to note that Saltley Business Park is an existing business park. Yes, we have an impact upon it but there are existing business units there which we do not take or demolish and we are therefore very keen, as Birmingham City Council are keen, to ensure that we don't prejudice the existing or indeed potential employment users on that site for construction activities of the depot site. I suspect that is a common aspiration at heart, that we wouldn't want to displace employment on that site in order to construct the depot but what we are obviously going to do is to keep under review, if possibilities emerge, using part of that site for construction activities. I should say that we have looked at this in considerable detail. At the moment there are what we would see as severe practical difficulties. The principal area that that could have been used for is stockpiling, but we are dealing with potentially contaminated material from the depot site and there is an issue about taking material further away from where you are going to treat it and use it again on to another site in order to bring it back.

62. So, I am not precluding anything but I am just flagging up and if you want to

know more about that, Mr Smart is here to deal with it because he can explain what the construction activity is on the site. I am not sure it is necessary for the Committee to get into it but I am very happy to explain it.

63. CHAIR: So, you are restating the position that actually you are not that far apart and clearly there is some disagreement over wording or some misunderstanding over wording.

64. MR STRACHAN QC (DfT): Yes. I noticed the word 'best endeavours' creep five times into the submission. Just to be clear, that is not an obligation that we would accept is an appropriate one or, indeed, that any party negotiating commercial contracts would accept that. But, subject to that, which is really a legal point, and you have had submissions about that, it is more important to look at the thrust of the progress that has been made and the obligations or assurances we are prepared to give in order to achieve precisely what we see as common objectives for all parties. I

65. I haven't shown you the maps. Just so that you can see the areas of land, P15818 shows you the protected area, so that is the area I have just identified in the assurance letter, which will not be permanently affected by the depot. That is, I think, 20.7 hectares of land, which as I said is a marked improvement over the Bill scheme.

66. SIR PETER BOTTOMLEY: So, to the south east of the main area?

67. MR STRACHAN QC (DfT): Yes, that is exactly right. So the depot is up in this area here to the left. So, that which we are identifying would go back. Then the construction area is P15819. We do need some of that land for construction. It is a very significant construction site, as you will appreciate.

68. CHAIR: The second issue is not how much land you need but how long you need it because even if you need it for a period clearly there is a degree of urgency to release it for employment quickly?

69. MR STRACHAN QC (DfT): Yes, absolutely. Can I just say that that is where there is an important balance to be struck because if you try and compress your site too much you end up being longer on the site for construction activity than would otherwise be the case. For example, taking materials that aren't remediable or contaminated off

site to bring them back can have a counter-productive effect.

70. SIR PETER BOTTOMLEY: This shows the bits that you are going to use all the time?

71. MR STRACHAN QC (DfT): No, this is showing the bit that we will not take during construction unless, of course, the petitioners decide and give us notice that we can use it.

72. MR BYRNE: This is worthless, this land here. It's locked in a residential area with almost no access.

73. CHAIR: Well, yes, we understand but you are going to look at other sites?

74. SIR PETER BOTTOMLEY: I think this is a matter more for discussion between the parties than us.

75. MR STRACHAN QC (DfT): This is what we have been able to achieve. In compressing our construction activity and the permanent site we can identify that this is land we don't require. Once one gets beyond that, then you are into the two issues I have mentioned: as a matter of engineering, can we reduce land further? We say not at the moment and Mr Smart can fill you in on that. The second point is Saltley Business Park and I have referred you to the assurance that we are prepared to give on that and keep that under review, subject, of course, to not prejudicing jobs there, which we see and I am sure everyone else sees, as a very important consideration. So, I hope that explains our position.

76. CHAIR: Do you want to come back?

77. MR BYRNE: I have three very quick points. There has been considerable progress. There is now a prize worth having in the balance. It would be a shame if the prize was not unlocked for another decade. So, my goal is to try and bring the employment land on as fast as possible. That is why I would like the Committee's instructions of best endeavours to try and get a deal done on the construction yard. That was a very elegant wriggle from Mr Strachan earlier, but the language of best endeavours was mutually agreed and agreed by the Committee in November and although there has been progress I am afraid there remain details that do need nailing

down.

78. Just to illustrate my point, in the draft assurances that were discussed by the parties at 1943 last night, there was written into the letter an agreement actually signed off to the best of my knowledge by Professor McNaughton who has been a bit of a hero in this process, saying, 'High Speed Two seeks to reduce the land permanently required by RSND so that the protected area can be increased in size.' In the email that arrived at 8.39 this morning, mysteriously that assurance had disappeared. So, I put that in front of the Committee to illustrate that there is quite a lot of perfectly understandable wriggling that is going on in that process, and that therefore the Committee should be intolerant of wriggling and be as strict in its strictures as possible.

79. SIR PETER BOTTOMLEY: May I make a suggestion?

80. MR BYRNE: Yes.

81. SIR PETER BOTTOMLEY: First of all there is a comment which he makes. He congratulates you, Liam, for helping the few with interest in the land and the promoters to find a way forward which does the best possible for both sides – it doesn't stop the railway being built but it does allow the possibility of greater permanent use, use for employment in other ways when the thing has been constructed. It has not been finished and the question of what can be done during the time it is being constructed is still a matter for detailed design and discussion. I think we won't get too excited about what change there might have been from the discussions with Professor McNaughton and the letter this morning – that does not need to bother us.

82. The suggestion I would like to make is that if you think that you can talk together and think that there are words that we might put in a report, we would much prefer by Wednesday for you and the promoters to discuss what those words might be and if you come to common ground let us have them. Otherwise we will make our own decision on whether we do anything about that or not but on the whole I think if you can find words that you can agree, that you might add in, that might be helpful to us. It is not pressure on either side; it is saying that if you can come together it will stop us putting our foot wrong.

83. CHAIR: Our last meeting when we will send the Bill back to the House will be

on Monday the 22<sup>nd</sup> and at that point we will have some reports back and I would like a report back on this, so we do want you to use your best endeavours, to continue talking and, as you have explained, to keep the options open about what you do with construction as far as possible, and I think it is the Committee's view that we want Mr Byrne to be smiling.

84. MR ELVIN QC: I have absolutely no objection to what Sir Peter suggests but can I just say this regarding the requirement of best endeavours to be imposed. You see, unfortunately this has been Mr Strachan's only involvement with this issue; it has been Mr Mould throughout. Can I have put up the first of the proposed HS2 exhibits, which is a position statement which is said is agreed but it is not. It is something we rejected three weeks ago, but it does record accurately in the first paragraph what we agreed in November which was that HS2 would use best endeavours in this context.

85. So, the fact is that this is a case where HS2 had signed up to that higher degree of commitment and the reason it did so is, as you know, we wasted 18 months where HS2 were saying, 'We don't need to change the design at all'.

86. MR BYRNE: I think, Chairman, you have been clear, for which I thank you.

87. MR ELVIN QC: I am sorry, I don't want to repeat myself.

88. CHAIR: It hasn't stopped other people, Mr Elvin.

89. MR ELVIN QC: No, I know how irritating it is.

90. CHAIR: Okay, I think we are clear where we want to be. We will have a report back on the 22<sup>nd</sup> and if you can agree some wording that we put in our final report to the House that would be, I think, a useful tool. He is our chief proof reader as well. Thank you very much. We are now going to have River Island, I think briefly.

### **River Island**

91. MR TURNEY (DfT): Mr Bower and I have agreed a statement so I am just going to read it. Following the petitioner's appearance in Select Committee, the promoter and the petitioners have made progress on the terms of an agreement as to a process for attempting to resolve the petitioner's objection to the use of their land for the provision

of replacement car parking. The objective of that agreement is to seek to avoid or minimise any permanent use of the petitioner's land and therefore to avoid or minimise any interference with the petitioner's redevelopment aspirations.

92. We don't propose to address each aspect of the agreement but so far as the principal issue is concerned, the agreement provides first for a review of the need to provide replacement car parking for that lost to the Westgate vent shaft. This review will focus on the use of the car park which is lost to the construction of the scheme. If that review concludes that there is still a need to provide replacement car parking to construct the AP4 scheme, then the promoter will review alternatives including the use of land adjacent to the Westgate vent shaft construction compound for the permanent location of the vent shaft or the permanent replacement of lost car parking on that land.

93. Such solution may necessitate the temporary use of part of the petitioner's land holding for car parking during the construction of the vent shaft but would avoid any permanent land take. Any agreement to provide replacement parking on a permanent basis on the petitioner's land would be conditional upon the Bill, on Royal Assent, providing for that.

94. The agreement includes dispute resolution provisions which should avoid the need for the petitioners to appear before the Second House on the issue but if, contrary to that intention, matters cannot be resolved, the petitioners are not precluded from appearing there.

95. CHAIR: Okay. Are you happy with that?

96. MR BOWER: Yes, certainly. Progress will hopefully be made on the agreement over the next few days and we will be able to provide a further update or, if necessary, appear in the Upper House.

97. CHAIR: Okay. Thank you very much to you both. We now move on to 1786 AP2:159, AP3:66, Canal and River Trust represented by Bircham Dyson Bell.

### **Canal and River Trust**

98. MR GLOVER QC: Good morning, sir. I am Richard Glover. I am an HS2 virgin on your final day and I am here with Marcus Chaloner, who is the Canal and River

Trust national design team manager and a chartered landscape architect to boot, who will give you the detail. I propose to open briefly with some necessary background and then ask Mr Chaloner to take you through the critical visual that we have on the screen.

99. CRT, as you are aware, is a charitable trust that took over responsibilities from the British Waterways Board in 2012 and is responsible for over 2000 miles of canals and waterways. There is a story of good news, which I will go through quickly. There were initially 18 interfaces between HS2 and the waterways and there was a long, original petition and several petitions on additional provisions and I was hoping to be here in front of you for a nice long time. Fortunately, CRT and HS2 have established an effective working relationship and significant improvements in the scheme have been achieved. Most notably perhaps under two headings, firstly alignment, engineers instructed by my clients together with the Inland Waterways Association who, I think follow us, show that realignment at Fradley could reduce four closely spaced crossings of the Trent and Mersey canal to one at a significant saving. The CRT's estimate is £54 million.

100. SIR PETER BOTTOMLEY: To bring the line further south?

101. MR GLOVER QC: Just further south.

102. SIR PETER BOTTOMLEY: Not crossing the canal, which has a right-angle bend in it?

103. MR GLOVER QC: The spur for future works does still cross the canal but the other one does not and, as I say, we estimate that to be a £54 million saving, but whether that is right or wrong, it's tens of millions.

104. SIR PETER BOTTOMLEY: Well, they estimate at £50 million, but informally the same.

105. MR GLOVER QC: I am grateful to them, thank you. The other great achievement that I wanted to trumpet to you is that my clients have worked with internationally recognised specialists in bridge architecture – there is such a thing – who are Knights Architects. They have produced, with my clients, a document called HS2 Design Principles for Waterway Crossings.

106. SIR PETER BOTTOMLEY: It is in our pack.

107. MR GLOVER QC: You have that in your pack at the back because that is an enthusiast's bundle in case we need it all, but there are extracts that Mr Chaloner will take you to briefly.

108. CHAIR: Are you also in the Inland Waterway Association?

109. MR GLOVER QC: I am not. They come later and separately. What has happened is that CRT and HS2 have been through all the crossings, Knight report in hand, and have been able to come to agreement about the way forward in respect of design on all but one of HS2's crossings of the canal network. That one exception is the flight of locks at Curdworth north east of Birmingham. I don't ask for it to be turned up but if you are interested you will find a location plan on A21167.

110. An example of the success is at Wormleighton on the Oxford Canal. I mention that specifically because there the principles that Mr Chaloner will talk to you about that we are asking to be applied at the Curdworth flight have been accepted and are to be applied. All of this happy agreement is contained in a document that is, as I speak, a draft but I understand settled and agreed in final version. What remains then is the ask for Curdworth which we have on 21162.

111. CHAIR: I am sorry, can you just remind us who you are because Sir Henry recognises you and he missed your name. He did a case with you, so he is asking the clerk.

112. MR GLOVER QC: That was some time ago, I think.

113. SIR PETER BOTTOMLEY: It's probably best just to give your name.

114. MR GLOVER QC: I am taken aback, forgive me. Richard Glover.

115. CHAIR: Okay. Right, now he has that resolved.

116. MR GLOVER QC: Yes. I perhaps ought to mention, seeing as you have heard other petitioners on 12 January who were telling you that we would be coming and asking for you to intervene, about the alignment of Wood End Lane at Fradley. You may remember, I think they were IM Developments. Wood End Lane as proposed in

AP2 passes to the north of HS2 between the canal and HS2 and there would be significant environmental benefit for canal users in particular if it were the other side of HS2. We are not taking any more time than for me to explain this to you on Wood End Lane because we have been provided with an undertaking by the promoters which we are satisfied will enable that to be taken forward in a sensible way. So, there is the ask on the screen. It has been with HS2 for a fortnight. Mr Chaloner will explain it in detail.

117. SIR PETER BOTTOMLEY: Would it help if we knew how many of these the promoters think they can accept? The things which they are accepting, we don't need to have much detail on why.

118. MR GLOVER QC: P157673 is what I take to be HS2's counter offer, but if my learned friend can help I am very happy to listen to him.

119. MR STRACHAN QC (DfT): If I show you P15765, that just gives the AP4 position of the viaduct as it crosses the canal. What we have identified, having done some assessments in response to the question that has been asked, is that if one were to change the viaduct and then the embankment to introduce two further spans in that location, you would have to make the viaduct 65 metres longer with two extra pillars. Our initial cost estimate is that that has an extra cost of £1.58 million. What we believe is that in the detailed design process of this viaduct – you have heard a lot about the detailed design, which will be subject, of course, to input from the design panel and then ultimately approval for development of the local planning authority – we have given the assurance that we can seek to maximise the view but with our scheme in place. We haven't thought it necessary to add in the two extra spans at that cost, bearing in mind what we can do in relation to detailed design. That is essentially the difference between us, as I understand it.

120. SIR PETER BOTTOMLEY: That is helpful. Can I ask one further question before coming back to the petitioners? With the design panel, when you have specialist interest such as the canal users, there are other ways of adding on supplementary people who can be involved?

121. MR STRACHAN QC (DfT): As I understand it, the person who the Canal and River Trust have consulted is actually on the design panel. I may have misunderstood

that. He is already there. Obviously the nature of the design panel is that one hopes that they have a collegiate view or certainly a healthy debate. I cannot predict the outcome of whether they will agree with each other, but certainly the process we are identifying is one, as was shown a moment ago, where we are committing to use reasonable endeavours to design it to provide the most open views from the canal to the west.

122. SIR PETER BOTTOMLEY: Okay. If I could go back to the petitioners, you might make it clear whether or not you are asking for this extra million for the extra two piers or whether on points in the design – accepting that is unlikely to happen what can be done?

123. MR GLOVER QC: In short, the way in which one does provide open views in the best way as is reasonably practical is by providing two piers.

124. SIR PETER BOTTOMLEY: So, you are asking for those?

125. MR GLOVER QC: We are asking for the piers, that is correct.

126. SIR PETER BOTTOMLEY: In that case you had better make your case and we had better get back to your asks.

127. MR GLOVER QC: As we understand it, you may see on my little summary at paragraph 5 I set out a few statements of the obvious, as I say, which are obvious and I believe uncontroversial. The first, indeed, is taken from HS2 themselves. Given that there was going to be a significant adverse impact, we say that HS2 should be required to live up to its own claim to use design to help deliver imaginative, appropriate and environmentally sensitive solutions. Given particularly that we have a design life of 125 years of prominent features in the landscape, every new structure should be sensitive to its place.

128. SIR PETER BOTTOMLEY: You can take that as read.

129. MR GLOVER QC: You have read those. We take that as read, understood. I am very grateful because we say that that is an important basis and that living up to those effective, accepted standards will not be cost free. This is the nub, it appears, from what my learned friend has just said.

130. SIR PETER BOTTOMLEY: I wonder if we could look at 21163, which has an illustration of the piers aligned to the railway not aligned to the canal, which is one of the points which I think has been made.

131. MR GLOVER QC: Yes, so that is the one image of HS2 that more people know than any other. We put it there firstly because that is what it is and secondly because it is not representing the crossing in the right place or of the right nature.

132. SIR PETER BOTTOMLEY: The reason I wanted just to look at it is an example. For train users it doesn't matter which way the piers are aligned; for canal users it does.

133. MR GLOVER QC: Yes, and as I understand it, to refer to HS2, part of the agreement is that at all crossings the piers will be aligned with the canal rather than with the railway. We say, in the light of what Mr Chaloner is about to show to you and the effect of that which the scheme has, given the project's ambition, its desire to be an exemplar of good design and enduring permanence of the railway, the cost of £1.58 million, especially in the context of a saving of £54 million at Fradley and a scheme with a budget of £20 million is a poor justification for adopting poor design.

134. SIR PETER BOTTOMLEY: Do you have any images of the two extra piers?

135. MR GLOVER QC: Yes, we do at 15 and 16. Let me hand over and now ask Mr Chaloner to take you through these. Perhaps we could start at 14. That's what we have. There's a bit of distortion in there because it's a straight canal.

136. MR CHALONER: That is straight and both the High Speed Two prospective and the Environmental Statement show a fish-eyed image – I don't know whether you have seen that? It's a very straight flight of locks and it is quite an easy one because it allows you to see the openness of the landscape and obviously that journey along the canal is quite an important part of it. As well as thinking about the place, it is important for the trust to think about the journey along the whole waterway and how people enjoy that and this flight of locks does enjoy this sense of openness.

137. SIR PETER BOTTOMLEY: How far apart are the locks?

138. MR CHALONER: They vary.

139. SIR PETER BOTTOMLEY: That is not a ladder?

140. MR CHALONER: That's not a ladder, no. There is a panel between each lock, so it's not a staircase as such. It extends a little way, but from above lock three you do get quite a fine view down over this particular of the flight.

141. MR GLOVER QC: I think you can just see in the distance of the canal the next lock down.

142. MR CHALONER: Just below lock five, with lock six in the distance, as Mr Glover says, the High Speed Two crossing will cross here at a very highly skewed angle. That is important to note because that does make design solutions a lot more difficult to resolve. Could we have the next slide please? This is the photomontage that the trust has produced to try to understand the opportunities for additional piers and the impact of the crossing showing the correct alignment based on the High Speed Two drawings we have received. It shows those three piers on the offside, the west side of the canal. The benefit of this is the openness it creates by pushing back the abutments and the associated embankment. It maintains views through and underneath the viaduct. By pushing back the abutment and the embankment it also takes with it the associated clutter that would otherwise be beside the canal including the autotransformer station, which we indicated in the grey box you can see to the left of the embankment. Also I think there is a more elegant span and a more elegant form, more in the spirit of that original High Speed Two crossing, the stock image that has been used repeatedly because it does show the relationship between the High Speed Rail infrastructure and a special place such as the canal network.

143. SIR PETER BOTTOMLEY: In fact, their image is in the wrong place if we flip between 15 and 3?

144. MR CHALONER: I have done a comparison and this is the correct location.

145. MR GLOVER QC: What we have attempted to do is to render three.

146. MR CHALONER: We believe that this is altogether a more slender and appropriate crossing. If we move on to the next slide, slide 16, please, this is the same crossing position with the current High Speed Two arrangement of a single pier between

the canal and a viaduct abutment. This single back span is something that the trust and our colleagues at High Speed Two have worked really hard to avoid on all the other crossings because we believe it is the type of space that you might find beside a motorway but is wholly inappropriate beside a canal in its rather dark, dank space. It is this space in here.

147. SIR PETER BOTTOMLEY: So, among the benefits of the £1.5 million is not having that space?

148. MR CHALONER: It is. The importance for us of getting this crossing right is obviously retaining the openness in the landscape but also the space that people use and the canal experience as they pass beside it. So, these residual spaces can become very troublesome. They tend to be places where graffiti and other things are found.

149. SIR PETER BOTTOMLEY: The profile so that it was parallel to the pier?

150. MR CHALONER: We would hope that that would be the case anyway, but because of the embankment it still sits very close to the canal. Because it's on such a skewed angle it doesn't enable any design device to be employed that would retain the openness. We have done some sketches with the High Speed Two bridge engineers to try and tease out what could be done, whether the abutment could form more of a nib to reduce the extent of it but it is a large engineering structure at the end of the day.

151. MR CLIFTON-BROWN: Is it just a trick of the photographs that the transformer site appears much more prominent in one than in the other.

152. MR CHALONER: That is the location where it is proposed currently.

153. MR CLIFTON-BROWN: So, one shows the current location and the other shows the new location?

154. MR CHALONER: Yes, so our ambition would be to move it back in line with the face of the abutment, just so that the two get back together. Obviously, removing that clutter is important, so we believe this arrangement does significantly reduce the openness on the canal corridor. It limits the use through the viaduct. It places the abutment and associated clutter, the security fencing, particularly, close and visible to the canal and it creates this difficult dead space, which is out of character with a

waterway environment.

155. SIR PETER BOTTOMLEY: So, to move the autotransformer station?

156. MR CHALONER: Yes, and move the autotransformer station too. We have had success working with High Speed Two on moving the autotransformer station at Curzon Street, so I would hope that similar sense could prevail here.

157. MR GLOVER QC: Sir, the only final point that I would want to draw your attention to is that this approach that is being suggested by the trust is indeed an application of one of the principles that was put forward and, as I say, has been accepted elsewhere in the Knight report. That is at 21169. There is a little graphic and some text which explains that where, on those rare occasions the crossing is open on the canal, the importance of maintaining that openness by allowing views through to either side of the canal where possible. That is the evidence we wanted to put before you.

158. SIR PETER BOTTOMLEY: We are grateful to Knight for making those things clear and to both of you for doing the same.

159. MR GLOVER QC: Thank you.

160. CHAIR: Thank you very much. Mr Strachan?

161. MR STRACHAN QC (DfT): First I am pleased to note, and I am grateful for the confirmation, the many issues which have been resolved with the Canal and Rivers Trust. We have had some useful dialogue with them on a number of features and crossings of the canal. The issue that arises here is, we say, that the source of discourse that has just gone on is precisely that which we would expect to take place through the design panel process where the final design of the viaduct based on the plans that we have, will be considered fully in the detailed design stage supplemented, as I have already identified, with a general objective now to provide the most open views from the canal to the west as is reasonably practicable.

162. The reason why we have reached an impasse is that we do not accept that it is appropriate at this stage to impose what would effectively be a proscriptive design solution of adding two additional piers at a cost of £1.58 million, which would potentially not only add to the cost of the project for whatever would seem to be the gain

but also in fact ironically proscribe more of the detailed design than might otherwise be the case.

163. So, it is for those principal reasons that we see the assurance that we have given, coupled with the whole principle reflected in Information Paper D1, where the detailed design process will go through the full impact from the design panel and those experts on it, that opportunities to minimise the impacts will occur through that process. Just on the images that we have been shown, those which have been generated by the Canal and River Trust obviously reflect a particular design they are putting forward. We would say that the detailed design which will come forward can properly reflect changes within that process to minimise the impacts of the structure. With that, the appearance of the piers that exists, the appearance of the landscaping, the embankment, and all of that is the sort of detail we expect to go through to ensure the best outcome for this particular crossing but without imposing on the project a further cost which then actually ties the design of this to an extra two piers which may not be necessary.

164. MR HENDRICK: How would the particular piers themselves, the diagram that we saw earlier, impact on the cost?

165. MR STRACHAN QC (DfT): Because of the addition of two piers, there is a cost, not simply of the piers themselves but also of the change in the embankment that would be necessary. You take away what is currently there and that is proposed to be embankment. If you are not going to use embankment material, that has to be taken away and the cost of the piers, as I understand it, is reflected in that additional over cost.

166. MR HENDRICK: What sort of cost are you talking about?

167. MR STRACHAN QC (DfT): £1.58 million is what we have costed it as.

168. MR HENDRICK: And what would your solution cost?

169. MR STRACHAN QC (DfT): I don't know what the base cost is but the £1.58 million is an additional £1.58 million, that is all. It's an add-on of £1.58 million.

170. MR CLIFTON-BROWN: Mr Strachan, can we explore this general principle of leaving all these matters to detailed design?

171. MR STRACHAN QC (DfT): Yes.

172. MR CLIFTON-BROWN: In one breath you say that and in the next breath you say without incurring undue cost. So, at the end of the day, surely HS2 has the whip hand on this? With petitioners like this, and we have had this with lots of other issues up and down the line, surely what we are after is leaving a bit of a legacy of this line. We don't want a concrete monstrosity up and down the country. So, how is this sort of issue actually in practice going to be resolved, or will at the end of the day HS2 say 'it's too expensive, we're not doing it'?

173. MR STRACHAN QC (DfT): Well, the way it's resolved ultimately is that the designs... Well, I know you know but the process is that we have to produce designs through that iterative process of consultation. They obviously have to serve the railway; the ultimate design has to perform its job. And they also have to be cost-effective. The cost has always got to be part of the equation. But they do have to be approved by the local planning authorities through the schedule 16 process that you've heard about. And in as much as, I suppose, any development has to face up to those competing considerations, this is no different.

174. But it's certainly the sorts of design changes that we're talking about in terms of the way things appear, whether they appear as concrete or brick or the sorts of things that the Committee has discussed in terms of what the local community might choose, and changes to landscaping embankments, are all well within what I would describe as the expected cost of the project and the sorts of things that have been shown. Where you introduce new costs which aren't part of the budget or part of the anticipated budget is where you're introducing new engineering elements of the type I've indicated and changing the expectations as to where embankments finish. That then adds in potential new significant additional costs. Or in some cases it removes it. In this case it adds to it.

175. So costs obviously have to be a factor but there are many, many design improvements or design views that can be expressed and reflected in detailed design which don't fundamentally alter the overall costs equation.

176. MR HENDRICK: I think Mr Clifton-Brown is right because even though every time you talk about it's got to get past the local planning authority, everybody knows,

and as someone who's sat on a planning authority for eight years, that if the planning authority say 'we don't like the look of it' and they turn it down then the Secretary of State will turn it down as well even if there's nothing wrong with it. Now, it's not like the viaducts in the AONB where, you know, we can say this is a particular area of natural beauty and we don't find that acceptable. Now, this is going over a canal.

177. MR STRACHAN QC (DfT): Yeah.

178. MR HENDRICK: So it's not the same considerations. You know, once you get past us you know you've got the whip hand.

179. MR STRACHAN QC (DfT): Well, I don't describe it as the whip hand. I think the local planning authority has the whip hand on approving our designs or not.

180. MR HENDRICK: Well, it doesn't for the reasons I've just said.

181. MR STRACHAN QC (DfT): Well, they have to approve whatever we propose.

182. MR HENDRICK: It's not a high hurdle to jump.

183. MR STRACHAN QC (DfT): Well, I think people may differ about that hurdle. I think it is a high hurdle. We're going to have the input from the Design Panel. But if we put this in context, the range of changes that can be made, significant changes to the appearance, for example the appearance of piers, the appearance of the structure as it goes over, the landscaping, the embankments, the grading of them, they're all well within the expected detailed design changes which can be accommodated as part of that process without significantly adding to the cost.

184. What does add significantly to the cost is when you prescribe a structural change to the scheme of the type that's being suggested here where you insist, or as I think the petitioners are seeking the Committee to require, the addition of two additional piers into this structure and the removal of consequential embankment as a starting point for the future design. That is a more fundamental change than those which relate to the overall detailed design of the scheme.

185. MR CLIFTON-BROWN: Well clearly, Mr Strachan, you do have the whip hand. Can I just simply say to you: would it be common ground between us that HS2 should

leave a bit of a legacy for this country as the Romans and the Victorians did with aqueducts and viaducts? And if the design is deemed to be more pleasing to canal users and other users, bearing in mind the canal users are one of the largest groups in this country – bigger than those that go and play football matches on a Saturday or watch football matches on a Saturday, so we're talking about a very large number of people that potentially can view this structure – that the line should leave a legacy.

186. MR STRACHAN QC (DfT): Well, I certainly wouldn't quarrel with the idea that the line should leave a legacy. And that is reflected in the setting up of the Design Panel to concentrate on some of the most visually conspicuous parts of the project to ensure the design does leave a legacy.

187. What constitutes a legacy is obviously a more subjective judgement. And people will have healthy, different views about what the appropriate design of any particular structure should be. I'm sure there will be a wide range of views. Where we cross canals, we will have the Design Panel with the specialist input of someone who, as you already heard, has experience of designing for canals, and we will have the engagement process where as part of that engagement process on the consultation the Canal & River Trust and the users of the canals will have a say. And that's very important, I readily accept. But, beyond that, how one fixes what the design is at the detail stage, I would suggest, is best left for that process to take its course with the input of the Design Panel and ultimately the approval process I've explained. But, yes, a legacy; that is one of the aspirations that's part of the Design Panel's function.

188. SIR PETER BOTTOMLEY: Can we turn to the auto-transformer station for the moment? Does that need to be where it's marked or is it up to the flexibility of design?

189. MR STRACHAN QC (DfT): There is flexibility in the design and indeed the screening of the auto-transformer station. I think if I show you... It's subject of course to approvals because one of the features of the way the Bill works is that the Environmental Statement assesses where features are and avoids significant –

190. SIR PETER BOTTOMLEY: We can talk about the auto-transformer station separately or could just take it on.

191. MR GLOVER QC: No, sir, I'm very happy that you take it.

192. MR STRACHAN QC (DfT): P1576(5). You can see where the auto-transformer station is. And currently the response to it is to provide a woodland habitat creation around it. So it's not going to be, as part of the scheme, intended to be particularly visible. Indeed, it's meant to be screened. But clearly, subject to the Bill limits which you can see on the preceding page, P1576(4)...

193. SIR PETER BOTTOMLEY: So it's within the Bill?

194. MR STRACHAN QC (DfT): Yeah. You can see where the limits are. Subject to the Bill limits and the principle of not doing anything outside the scope which has significant environmental effects, there is clearly room for discussion about the ultimate location and indeed the screening.

195. SIR PETER BOTTOMLEY: And the access track point as well.

196. MR STRACHAN QC (DfT): Yes. The access track, as you heard, are only intended for use occasionally for maintenance. So they're not going to be, other than what you can see when you stand on them, visually intrusive to, for example, the canal users. But they have to be there to enable maintenance access. But that's the extent of them. There are some constraints for the access track further up. You can see there's woodland in here and the access track goes –

197. SIR PETER BOTTOMLEY: Somewhere away from the canals?

198. MR STRACHAN QC (DfT): Indeed. Certainly there is scope and that's why we've given an assurance. There is scope to try and maximise the openness of the views or indeed to consider the precise location of the auto-transformer station.

199. SIR PETER BOTTOMLEY: And my last area is 15766, please. The context is that the railway is coming over the M42, across what I guess is a river along a fairly long viaduct which, once it gets over the canal, should get to land reasonably soon. And below it shows that we aren't just having a choice between a nice curved viaduct from the petitioners and a flat one from the photograph; you can have a curve on those if you choose.

200. MR STRACHAN QC (DfT): I think the point to note here for these drawings is that these locations of piers, the orientation of the piers, which is a point you made

earlier, Sir Peter, that is clearly something which can be dealt with in the detailed design process. We're not fixing the appearance and the orientation of the piers –

201. SIR PETER BOTTOMLEY: But you have the flexibility to have the piers immediately symmetrical on either side of the canal.

202. MR STRACHAN QC (DfT): I think they are currently shown in that way. But certainly you talked about whether they align to the canal. That is clearly something which we looked at.

203. SIR PETER BOTTOMLEY: And the last thing, which is just something in my mind, knowing that we have our bridges here, one painted green and one painted red, in areas of sensitive landscape like this with users who are going along at not more than four miles an hour unless they're walking in which case they may go five, do the poles that hold up the catenary have to be just bare metal? Does the bridge, if it's concrete, have to be just plain concrete or are there choices of hues and colours and the like?

204. MR STRACHAN QC (DfT): You may have to ask Mr Smart directly but I think the answer is that the poles themselves have to be made of metal for structural reasons. The hues and colours of course is open for the detailed design process, as indeed the structure itself. I mean, you're asking specifically about the catenary and those poles.

205. SIR PETER BOTTOMLEY: The particular things which the petitioners are raising are the auto-transformer station and the track. The question is whether this Committee should intervene and make it an actual requirement of extending the viaduct and getting two extra pillars in for the benefits of the landscape as seen by everybody including those on the canal.

206. MR STRACHAN QC (DfT): That's the nub of the issue.

207. SIR PETER BOTTOMLEY: I think we've got the issue.

208. MR STRACHAN QC (DfT): If Mr Smart cannot provide you with some further assistance on the structure of the viaduct and the piers, if that would help, or indeed the embankment and the auto-transformer station –

209. SIR PETER BOTTOMLEY: The best possible is where I see these two in front of

us.

210. MR STRACHAN QC (DfT): I can't take it any further; that's where the issue is.

211. CHAIR: Brief final comments, Mr Glover.

212. MR GLOVER QC: Sir, thank you. The local landscape character here is one of openness. That's common ground and it's in the Environmental Statement. When structures are put into openness, it is also clear that good design involves that being protected. You have that from Mr Chaloner; you have that from the night report and you have, notably, no-one from HS2 saying otherwise.

213. When one then turns to the undertaking in the terms that is offered in the final exhibit of the promoter's scheme –

214. SIR PETER BOTTOMLEY: You might want to turn to 15767(3).

215. MR GLOVER QC: I'm very grateful. Leaving aside the obvious typing mistake.

216. SIR PETER BOTTOMLEY: It's a Thursday.

217. MR GLOVER QC: 'The promoter will use reasonable endeavours to design the viaduct to provide the most open views.' Now, as we had understood it in discussions out of the Committee, what was meant by 'the viaduct' in that undertaking was the viaduct of its existing dimensions. In effect, what's being undertaken there is they will use reasonable endeavours to design the abutment to provide the most open views possible, and not therefore giving any scope, as we understood it, for there to be the provision of further pillars and making it a viaduct and removing some of the earthworks and creating the openness.

218. If that's not the case, then I still have difficulty in understanding what's being offered to us because to design the viaduct, if that involves extending the viaduct further to the west to provide the most open views from the canal as is reasonably practicable, you can be very confident that that's going to involve at least two more pillars. So what must be underneath this is that £1.58 million, if we leave things just as they are, can be allowed to trump the leaving of a proper legacy here.

219. SIR PETER BOTTOMLEY: Without respect –

220. MR CLIFTON-BROWN: Without respect?

221. SIR PETER BOTTOMLEY: Yeah, without respect. If I'm travelling along the canal, first of all... and I can't remember how the canal goes under the M42 or other motorways.

222. MR CHALONER: It doesn't go under the M42 at that place.

223. SIR PETER BOTTOMLEY: No, I know it doesn't at that place. I'm on the canal boat coming down the canal and the first thing I'm going to see is a viaduct going across. And I see to the left the embankment and the line going behind trees in the way. I then come closer and I might start looking through what's left of the pier. Then I'm actually underneath the viaduct. It doesn't really matter how many bits there are because I've got a different sort of view. And then I've gone past and I'm not looking back. So the real issue is what part of my view obliquely I'm getting as I pass along on the canal. And that seems to me to be the issue before us.

224. MR CHALONER: I think people enjoy waterways for two reasons. There's the immediate waterway landscape: the locks, the bridges, etc. But then it's also about the water landscape that they pass through, which is why the Huddersfield Narrow Canal feels so different to the Oxford Canal. And, as you travel from Birmingham out along the Birmingham and Fazeley Canal, you come from urban landscapes out into rural landscapes. And 100 metres behind this place is a wooded cutting. And I think the enjoyment for people using the canal is that diversity of landscape. It's actually quite unusual, that level of openness. Canals tend to be tucked in because they're hugging the landscape a little bit.

225. By retaining that view through, you retain that sense of openness and that knowledge of the place and the landscape you're passing through. I think by creating a barrier, you're changing the whole character of what people are enjoying.

226. MR CLIFTON-BROWN: Can I just ask you: was I right in my assertion that actually more people use and walk along the edge of canals than watch football on a Saturday?

227. MR CHALONER: I don't know whether that's a figure I've used but certainly

they're incredibly well-used and they are national assets.

228. MR CLIFTON-BROWN: They are incredibly well-used by a very large number of people....

229. MR CHALONER: They are indeed, yes. And, you know, it is only eight miles from the centre of Birmingham and five miles from Sutton Coldfield. It's an opportunity for people to get out into the countryside on a level, well-used, easily accessible terrain. So, yeah, they are used by a huge number of people: boaters, walkers, cyclists, fisherman. A huge number of people enjoy our waterways.

230. MR GLOVER QC: And the nature of waterways differs from one place to the other. So if one looks at A2116(26) one sees an example at Longhole Bridge of an enclosed canal network where the design solution, which is to be crossed by HS2, is a closed crossing, 28. Whereas at Wormleighton or here, if one goes back then to our location which is photograph 14, the characteristic that the design of any intrusion into that landscape ought to achieve is one that maintains the openness. And you're either with us or against us on that. If you're against us on that then that's the end of the matter. But if you're with us on that then, with the greatest respect, the undertaking being offered by the promoter is not achieving that because implicitly, if not explicitly, they're either talking about the viaduct of its existing dimensions or they're saying that the £1.58 million trumps what's reasonably practical. We are simply asking you to ensure that that isn't allowed to happen.

231. SIR PETER BOTTOMLEY: This is 15. The difference essentially, I think, between 15 and 16 is if one puts one's thumb in that open space to the left of the canal, that's the difference.

232. MR GLOVER QC: As seen from that particular view in a photo montage, which is very different, with respect –

233. SIR PETER BOTTOMLEY: I appreciate that and I'm not disrespecting you on this.

234. MR GLOVER QC: From someone moving through the landscape where the landscape is the context and the context isn't the room all around your screen.

235. SIR PETER BOTTOMLEY: If you then flick to 16 just as a final goodbye. So you don't get that extra look through to the –

236. MR GLOVER QC: The openness is gone.

237. MR CHALONER: And if the abutment is there, there's only so much openness you can achieve.

238. MR GLOVER QC: And indeed if the transformer station is to be heavily planted, as suggested by my learned friend, one looks at... Well, I don't know if we necessarily need to turn it up.

239. SIR PETER BOTTOMLEY: I suspect it would be closer to the embankment.

240. MR GLOVER QC: As shown on... it doesn't have a number. 15763.

241. MR STRACHAN QC (DfT): 15765.

242. MR GLOVER QC: Yes, I'm grateful. As shown, what's proposed in order to screen the transformer station is planting that will completely close off the openness that we're seeking.

243. CHAIR: Right. Thank you very much, Mr Glover, for making your points.

244. MR GLOVER QC: May I just say one final thing? Forgive me. It's just a sentence. If you conclude that our ask is too prescriptive, we would have no exception to designing the viaduct to show at least an additional two piers.

245. CHAIR: Thank you very much to you both. Thank you.

### **The Inland Waterways Association**

246. CHAIR: Thank you. Right, we now move on to the Inland Waterways Association, 574, AP2:18. Gren Messham. Welcome. If you could kick off with your slides, please. Thank you.

247. MR MESSHAM: Good morning, Chair, gentlemen. Thanks for your time and attention. My name is Gren Messham. I'm a volunteer trustee and IWA's duly appointed representative for the petition. The Inland Waterways exists to protect and

restore inland waterways. Members' interests include boating, towpath walking, industrial archaeology, nature conservation and other activities associated with inland waterways.

248. I've got two issues that I'd like to outline to you today: firstly, noise in so far as it affects waterway users; and, secondly, AP2 Handsacre link and the realignment of Wood End Lane which the counsel for CRT briefly mentioned at the beginning of his presentation.

249. Now, the hearing report that you may have had a chance to look at contains a summary and some additional details. What I'm going to try and do for you this morning is summarise the summary with some visuals in the presentation to clarify the points that I'm trying to make. And I'd like to start with noise from the waterway users' viewpoint.

250. Most people use their waterways, as has already been discussed, as a place for recreation and quiet reflection. HS2 may be a magnificent engineering achievement when it's complete but I doubt that it's going to be particularly quiet. In our report, I'd quoted a chart from HS2, giving some idea of how much noise the train sets will specifically generate, and to put that into context of what sort of noise it is and compare with current railway sounds, the World Health Organisation has said in 1999 the sound of high speed trains travelling over 250 kilometres an hour was more like an overflying jet aircraft than a railway train rumbling along.

251. If we could move to A2108(2), please. I'd like to give an example of how users are affected by this. This is a historic narrowboat – one of the old commercial carrying boats now in private use – travelling on a narrow canal near Fradley which is near Lichfield. HS2 identified during their measurements that the background noise around here was about 45 dB, and it certainly sounds pretty tranquil when you're out and about there. In addition to boats, you can normally see plenty of people wandering around and the towpath here is quite well worn. You'll see fishermen lining the banks in some locations. Generally it's a resource that's well used.

252. On all canals, in addition to trundling up and down, boats also moor up for lunch or for overnight. On long sections such as this it's also permitted to moor for up to 14 days without any further need to pay for a licence or anything. Some boats are

moored permanently on the canalside, where permitted, or moor offline in marinas just off the canal. People will spend weekends or weekdays on a boat. Some of them will use it as a holiday cottage, that sort of thing. And some will have permission to live on them all the time. An example of a location marina is Harefield Marina that you see in association with the Colne Valley Viaduct. All this makes canal users particularly vulnerable to noise from crossing or close passing of HS2 trains, let alone that associated with the construction of the railway.

253. If I could move on to A2108(3) now, please. The red bar that I've put across the route here is approximately the level of an HS2 bridge deck crossing the canal at three meters above the water. That's the clearance that CRT have agreed with HS2 as a necessary minimum. The deck's about two metres thick which is around about the thickness of a short viaduct. When a train set crosses this at full speed, the steerer and his passenger will experience noise and nuisance of well over 90 dB, and possibly around 100 dB, compared with the project's significant observable effect level of around 65 dB daytime. And the steerer and his passenger will be well within 10 metres of the train. What's more, that experience and instantaneous change in sound levels of over 40 dB, from the 45 up to the 90 odd, compared with the project's assessments of a major change as just 5 dB. Now, there's very little boaters can do to avoid this noise. Trains approach at 300 kilometres per hour or more and the boat travels at a speed of around three miles an hour; a walking pace. Likewise, walkers are potentially in a similar position along with fishermen, joggers, bird watchers and so on.

254. If I could go on to 2108(4) now, please. My second example of noise impacting canal users is at Curdworth Locks, the site of the viaduct which the Canal & River Trust were just petitioning about earlier. We do strongly support CRT's drive to ensure HS2 brings good design to interactions with waterways as we have, I'm afraid, far too many examples of the opposite. If you go on a canal boat through Birmingham you'll experience the soft underbelly of the M5, the M6 and many other locations and they're fairly ugly, I'm afraid. At Curdworth, the canal climbs up towards Birmingham in a series of locks. And we saw the locks in the photograph of CRT. Each lock takes you about 20 minutes to work, so by the time you've emptied the water out, brought the boat in, put water in to bring the boat up and then take it out the next one. So about 20 minutes to work through and here I've shown by the four red circles the four locks

that are within that canal within reasonable range of the viaduct. So assuming there are no holdups or queues, it will take you on your boat around 80 minutes to work through those four locks past the viaduct. In this time, the route which is scheduled to carry around 12 trains per hour in each direction will pass 32 trains, emitting significant noise and nuisance impact in the boat steerer and their crew; because you can't be inside the boat – you have to be out and about doing the locks and stuff.

255. Existing noise levels in this area are already fairly high from the M42. That tends to be a drone and it's in a bit of a cutting down that end. So canal users, through these two examples, are impacted by significant noise levels at locations where HS2 passes over and close by, more so than most others. There are also, of course, temporary noise nuisance from construction sites. And what IWA would like to ask the Select Committee, if we could go to 2108(5), is that, given that canals and inland waterways are in general a place of tranquil relaxation, whether you go to take your dog for a daily walk or to jog or an occasional holiday or a regular holiday, as I do, then it can be a great place to improve your physical and mental health; and we want these areas impacted by HS2 construction, crossings or close passings to be regarded in the same way as residential properties. And we would ask the Select Committee to recommend this. It doesn't seem appropriate for HS2 Limited to be able to disregard users who are on the canals just because they don't live there all the time.

256. What's more, government policy seems in general to support IWA's position. The Noise Policy Statement for England talks about the need to avoid significant impacts on health and quality of life. And mitigating noise to below the trigger levels will avoid this significant impact.

257. That's summarised further in our report but that's my first item. So if I could move on to A2108(6) and talk to you about the Trent and Mersey Canal at Fradley and the Wood End Lane alignment. Now, as CRT mentioned, this is one of your early successes, I'm pleased to say, and IWA is exceptionally pleased with the result that you gave us by moving, as Sir Peter said, the link line further down the page in this diagram and avoiding the two crossings of the Trent and Mersey Canal where it goes round that corner. This seemed to promise that all the area of the canal from the mainline crossing round the corner to Wood End Lane Cottage, where you visited in September 2014, would be significantly better off and more like it is at the moment.

258. Unfortunately, when AP2 was published some of the detail that came through related to Wood End Lane and its realigned route. You can see where Wood End Lane as it is it's got 'Wood End Lane' written on it, and that carries on and sort of runs off towards the right. That's its current route; around 90 metres from the canal and the other side of a fairly rudimentary set of trees. What HS2 have proposed is to bring Wood End Lane to the north of the link line, as shown on this plan, so that it goes underneath the main line, then turns alongside the link line and then goes past the canal within about 15 metres at its closest and then climbs around 10 metres high, crosses back over the link line and joins Wood End Lane further down before going down to the A515.

259. Trucks and cars will, in future, have to follow that route down. It is a fairly mixed traffic route because there's a fair amount of heavy traffic coming from Fradley Business Park and the A38, also trying to avoid going round Lichfield; and this is a way of cutting through and getting to the A515 without going through Lichfield urban area. So the trucks and cars will have to go along that route. The trucks will no doubt grind up the embankment to get across the link lines and back down the other side. And the climb and change in direction will no doubt add some hazards to the route. Certainly this time of year, when bridges can be cold, you need to be careful going over them, particularly if it's freezing. And the route is also likely in Phase 2A, we understand, to become an access road; and a reasonably significant access road for Phase 2A because there are no other roads of that size in the area. So the noise and visual intrusion from this alignment will be significant, particularly from some of the HGVs, and will impact the context of Wood End Lock Cottage and the canal as well as adjacent properties.

260. I'll try and illustrate that, if we could go to 2108(7). This is a photograph taken looking down towards the previous plan towards the corner. And you can see a motorboat coming round the corner and my wife standing on the walkway to the right. The corner is where the road comes closest to it, and one of the drawbacks of the new road being between the link line and the canal is that it consumes some of the space for available screening that otherwise would be available between the canal and the link lines. It's likely that much of the woodland we can see here will disappear because the construction process inevitably takes a lot of it out. However, replacement screening could be started early to mitigate some of that effect. The new road runs from around

300 metres from this corner, round to the right at an average of 23 metres from the canal and, at its closest, 15 metres away, compared with the current road which is around 90 metres away. So it's significantly closer.

261. If we could move on to 2108(8). I've tried, by putting this red scar behind the motorboat, to give you an idea of the visual impact of a large curtain-sided HGV or a loose-sided HGV going along the road in its proposed alignment. It goes round the corner and further along the road round to the right. The noise, as I said, will be pretty noticeable as the canal is today very tranquil at this point as confirmed by HS2's noise surveys.

262. HS2 did do some consultation around this, initially in February 2015 when they talked to Staffs County Council highway authority and CRT. But IWA wasn't involved. We didn't get involved until May 2015. At that point we advised HS2 of our concerns around the close passing of the road and proposed an alternative because we thought this was such a significant drawback. And if we can look at our alternative on 2018(9), this is the original plan that I just displayed, but on top of it you'll see indicative lines – this is by no means an engineering drawing – showing the new route. And if I can point, our road is proposed to come underneath the main line, then drop down and go underneath the link lines before curving round to closely follow the link lines to the south rather than to the north. As it runs off the picture on the left, you'll see there's a piece of mitigating woodland in that. And what we're suggesting is that Wood End Lane should be tucked against the railway and behind that for the benefit of the occupance of Wood End Farm.

263. So that's our suggested alternative. We also proposed that the access track to Wood End Lane could be maintained to the north of the route. So this is the funny little track that comes off the junction in between the railways. And we're proposing that that does run against the canal round to Wood End Lock Cottage because it will be a smaller track, relatively less used and will avoid the high embankment over the link lines that the road is currently going to go through. We understand from HS2 that they agree that this route could be built. However, the highway authority do not want to have to adopt the necessary pumped drainage underneath the link line. Now, IWA is not a highway authority. However, there are many locations where the technology involved in pumped drainage is in use reliably today on roads. I travel in and out to Birmingham fairly often

from my various other interests and most of the underbridges in that area are pumped drainage. HS2 itself relies on this engineering drainage method on many of its routes.

264. So if we could cut to 2108(10). We're aware that you've heard several petitioners talking about alternative routes for Wood End Lane for differing reasons. At the present time we understand that HS2 are constrained by the highway authority's preference to avoid a pumped drainage system. We note that in their petition 0412 Staffs County Council were prepared to accept a pumped drainage system with a suitable commuted sum payment. So not quite sure why they've changed their mind between that petition and their letter of 16 December. We believe that the better alignment for Wood End Lane is reasonable, that meets the majority of petitioner concerns, including those at IWA, in protecting the canal and its environment in use. HS2 Ltd's environmental route development appraisal show that their Option E and F was superior to Option A. And I understand it was confirmed to you on 12 January that HS2's Option E was cheaper than Option A by around £1.5 million. That seems a very significant sum today.

265. SIR PETER BOTTOMLEY: Say that again?

266. MR MESSHAM: It seems a very significant sum –

267. SIR PETER BOTTOMLEY: No, if you could go back a paragraph.

268. MR MESSHAM: Ah, right. As far as HS2's environmental assessment, their Options E and F were around £1.5 million cheaper than their Option A which was the preferred base option. We therefore ask the Select Committee to recommend that HS2 and the highway authority work together with petitioners, including IWA, to produce a better balanced alignment of Wood End Lane running south of the link lines.

269. That concludes my presentation. I hope I've been reasonably clear, gentlemen, and thank you for listening.

270. CHAIR: Mr Strachan?

271. MR STRACHAN QC (DfT): Can I deal with Wood End Lane first, and then I'll come to the more generic issue about noise and canals? You've heard a lot about Wood End Lane already. And I refer you back to the evidence that you heard in respect of Staffordshire County Council's views when we were dealing with IM Properties. In

addition, I think the Canal & River Trust a moment ago confirmed that they were satisfied by an assurance that we had given to them. The terms of that assurance are that we will, in consultation with the Trust, the local highway authority and other affected parties, carry out a further review of the current proposed alignment of Wood End Lane as shown on AP2 to establish the feasibility in highway safety terms of taking Wood End Lane to the south of the railway for the section of road that's currently shown passing to the north in this vicinity. And, provided that a feasible alternative route can be established which can be delivered within the Bill powers and without any significant delay or increase in cost, to submit that alternative for approval by the highway authority under schedule 4 of the Bill and the relevant planning authorities and to use reasonable endeavours to secure those. That is, of course, subject to those powers of the Bill and of course the attitude of the Highway Authority.

272. So that's where we've got with the Canal & Rivers Trust which we say reflects a balanced approach. I say that, I should emphasise, because for the reasons we have already discussed in this Committee the views of the county council are very clear to date. And they have written to us, which I showed you the letter previously, I think, on the last occasion: P15794(1). Their views, having looked at a number of options which we consulted on before we arrived at Additional Provision 2, are very clear. It's up on the screen so I'll let you just read it. Option E is an option which would involve going underneath the railway. As we previously described, it would involve a pumping station. And if you go to page 2 you can see it also involves other elements which they did not regard as acceptable: a five arm roundabout; the old alignment of Wood End Lane would only serve the bottling plan and access into various fields would no longer be a free route; a stopping up order would be required; they were concerned about the alignment of Wood End Lane as it exits the roundabout featured in Option E; and whilst saving on capital costs, which I think is what the petitioner is referring to, it doesn't take into account the maintenance and running costs, and that includes of course the pumping station and their views on issues of traffic safety. So whilst we're very content to give them – we have given that assurance to the Canal & Rivers Trust – I ought to make it clear what the current view of the county council is, which is why we came forward with AP2 as a result of our consultation exercise.

273. We have another assurance – a different assurance – with the landowners, as

you'll recall, related to their prospective views on development. And I won't go back over that but you'll recall it's a different assurance that if they were to secure permission for development to the south we would review again the options in this area.

274. So those are the two assurances which exist. But can I just deal with why the option in AP4 is an acceptable option which doesn't have the detrimental impacts that are being suggested? And I'll just do that by showing you the scheme at P15768. And this is a plan which shows the alignment of Wood End Lane to the north of the railway, so avoiding the issues that we were just talking about. The canal is, under these provisions, avoided in terms of the crossings which was originally proposed in the Hybrid Bill scheme. What we've done in the conventional way here is just provide you with some cross-sections of how the scheme will appear with the road at various points on the canal. So if you just mentally remember 6 to 7 are the ones closest to the canal.

275. If I show you the next slide, P1576(9), you can see 1 was the furthest away but there's considerable landscaping already further up the canal away from the main line which is already in false cutting in this location. The same applies to 2 and 3. At those points, Wood End Lane is going over the railway and there's some considerable distance between the canal at that point.

276. And then P1570, you'll recall 6 and 7 are the locations where the road is closest to the towpath. If you look at section 6, which is this one here, here's the canal, here's the towpath and here's the embankment with landscaping which is in front of the diverted Wood End Lane, which provides a considerable visual protection for the canal. And of course the main line is yet still further from the canal. And section 7, which is taken on a diagonal which is why it makes the canal look very big, but it's a slice across the canal, that's the point at which it's closest to the road. But you can see the relative orientation of the road as compared with the canal and landscaping in between. So there's one section where it comes close but there's still landscaping, and you can see much better the orientation of the road to the canal.

277. And we have done, similarly, a noise assessment of the way in which those features work together to result in a very significant improvement over the Hybrid Bill scheme in terms of noise effects. And I'll just show you P15771(2). Again, it's difficult to show it all in one go but there's a corresponding table on page 3 and this shows the

differences between the original scheme and the AP2 scheme with road traffic. And you can see, I think, that with our realigned Wood End Lane as compared with the main scheme there's only one location where there's actually an increased noise effect over what we have previously proposed, I think by plus 1 dB. In all other respects it's similar or significantly improved. And you can see why when you put that together with the cross sections I've shown. You can see why both the realigned Wood End Lane, and indeed the Hybrid Bill scheme, are very well mitigated in this area, notwithstanding that there's a proximity between the two as it's coming closer to the canal.

278. So, for all those reasons, we are satisfied that AP2 strikes the right balance and mitigates the effect of the Wood End Lane in the correct location. But we have given the assurances we have to the Canal & River Trust to look at it within Bill limits, and to the developer on the permissions scheme to look at it if things were to change.

279. CHAIR: Okay. Brief final comments?

280. MR MESSHAM: Yes –

281. MR STRACHAN QC (DfT): Just on the generic point about noise, I was just going to make the point that the Canal & River Trust... we've given assurances about crossings of canals that, generally speaking, we will have noise barriers on those crossings where we crossed the line but we'll try and minimise the visual impact of those. So generally speaking the aspiration is to have noise barriers but at the lower level dealing with the key rail noise. That is a classic example – and perhaps the viaduct you were looking at previously – of where putting in noise barriers or enclosures can actually have the corresponding detrimental effect of destroying the visual appearance. So that's clearly a balance to be struck. We're not aware of any particular locations where the Inland Waterways Association have specifically identified that we've done something which would be different. But you can see that's our general approach in consultation with the Canal & River Trust.

282. CHAIR: Brief final comments.

283. MR MESSHAM: Thank you. Well on Wood End Lane, yes, our concern over the issues that CRT and HS2 have negotiated in is all around Staffs County Council. As I said, Staffs County Council in their original petition said they were happy with pumped

drainage and indeed were happy with a commuted sum. A commuted sum is exactly what is about paying revenue costs for a reasonable period of time. So I think that is why we are not content with the otherwise excellent assurance that CRT have got in conjunction with HS2 because it's Staffs County Council that appear to be at the current time unlikely to approve anything that involves a pump, which we don't think is appropriate. So we would like the Select Committee to consider recommending that the highway authority should also look closely at that. And the numbers that they produced in their letter, their new letter, which Mr Strachan quoted are standard DfT numbers on costs of fatality and costs of preventing fatality; it's nothing specific to that. And, of course, undoubtedly the climb over the link lines that is inherent in the current arrangement for AP2 is itself risky. Nothing is without risk on the road.

284. So IWA's concern is that the highway authority will not change their position and therefore that's why we're asking the Select Committee to ask that HS2, the highway authority and others work to bring the link lines south of the link lines.

285. In terms of noise assessments, HS2 were kind enough to send us the document on the noise assessments around Wood End Lane. There were again some very high rail traffic on the link lines, so it elevated the traffic on that. And base traffic data was not quoted. So we've got no idea where the base traffic data came for that, and on the rail traffic it seemed to be the highest that could appear on that route. So we think it's been optimised to try and demonstrate something but not necessarily a real situation that's going to take place around the corner at Fradley. So we think that there is a good case to be made for moving the road south of the link lines and would ask the Committee to push those involved to make sure that they do that.

286. In terms of noise barriers and CRT and HS2's position on noise, what we're looking for is the achievement of a noise level. We want an output from noise mitigation; we just don't want an input to it. At the current time, the argument that HS2 are making about low barriers versus high barriers, I would suggest that, as we saw in the photographs for Curdworth Viaduct, it usually is a viaduct or not a viaduct. Whether a viaduct has got 9 metres of LOE on it and it's got some big noise barriers I would suggest makes not a lot of difference to that view of a band across the countryside. Provided you can see underneath it, that's fine. But I don't think that's going to make a great deal of difference. For me, the issue is around 'is this still a tranquil place; is it

still as tranquil a place as we can get?'. HS2 is coming and we accept that but it needs to mitigate its progress through the countryside in our view.

287. CHAIR: Okay. Thank you very much, Mr Messham.

### Stop HS2

288. CHAIR: Mr Rukin, you're the next petitioner. 1611. Welcome. Sorry to hear about your family troubles.

289. MR RUKIN: Thank you very much, Chairman. Thank you to all the members of the Committee, the staff and even the promoter. As you might imagine, I'm not quite as well prepared.

290. SIR PETER BOTTOMLEY: Is it longer or shorter?

291. MR RUKIN: Probably longer because I'm going to be stumbling a bit because I didn't have the change to get everything in order, not that I ever generally do properly. Right. I'll start off with the ask that we would like some independent oversight of HS2 Limited.

292. CHAIR: Is 'we' you or your organisation?

293. MR RUKIN: Our organisation. Yeah, Stop HS2. It's the final appearance on our behalf. And the reason is that, quite honestly, we've been very disappointed with HS2 Limited through the last six years. And I think looking at the PHSO report and some extracts from that is a very good place to start because when that report happened it was basically one person, Mr Loescher, had had the presence of mind to log his complaints and to know that he could complain to the PHSO, which I'm sure that many others would have done if we'd known about it at the time. But, as we said at the time, this report was written about the hamlet of Flats Grave Lane and Knox Lane but it could have been written about anywhere on the route in that we've had the same problems up and down throughout the process and HS2 have been very poor at communicating with the residents. Meetings have been cancelled and there has been very little evidence in many cases that mitigation proposals have ever been seriously considered. For the PHSO to come down and say that HS2 Limited were guilty of maladministration is a pretty strong statement from this body.

294. And I've left up paragraph 80 because it's possibly one of the worst things that they were accused of doing in that basically Mr Loescher was effectively blackmailed in that his compensation would be going ahead and remaining 10% on completion if he dropped his complaints. Obviously this didn't happen in the end – it was only a threat for a couple of weeks – but this is indicative of the way that the organisation has operated throughout the piece.

295. And we are exceptionally worried that it will go back to that because at the moment in the last two years you've seen HS2 Limited, as far as we're concerned, on their best behaviour. It's been two years here but it's been six years for us and maybe another 10 years to go. And we will probably look back at these hearings, and maybe the hearings in the Lords, and say 'this was the pinnacle; this was as good as it got in terms of engagement, in terms of actually getting information out of HS2 Limited and actually being talked to'. There's been various issues of trust right from the start. For example, HS2 Limited saying that –

296. SIR PETER BOTTOMLEY: Joe.

297. MR RUKIN: Go on.

298. SIR PETER BOTTOMLEY: We want to go on; we don't want to go back much more.

299. MR RUKIN: I know we don't want to go back. The thing is, I'm trying to paint a picture that says that going forward we need –

300. SIR PETER BOTTOMLEY: We understand that. But we've shared much of this with you over the last year-and-a-half so assume we've remembered quite a lot so you don't need to go through this in detail. You've given us the headlines, so do them if you'd be willing to please.

301. MR RUKIN: Okay. This is the thing: it's still going on. For example, you know, at the moment we've just recently had the Environmental Statement consultation and it's quite clear that many parts of that would relate to Phase 2 because you're not going to have different policies on vibration, air and water quality, construction practices and so on. So there should have been an attempt to engage the people on Phase 2. And all the

things that we complained about on Phase 1 in the past, such as the lack of information, the lack of community forums, again have not happened now on Phase 2.

302. And there are many examples that I could go on about but we're just worried that it will revert to type. And, you know, if we don't learn from history we're condemned to repeat it. And what we're worried about is what hasn't been ruled on, what appears as assurances and not undertakings and what hasn't been put in as an amendment to the Bill will not necessarily happen. There's a great example at the moment with the Staffordshire Alliance. We had, very close to the route of HS2, doing the work at Norton Bridge. At a similar point in the process the residents were promised that they wouldn't have the problems of noise from night working. And, of course, it's not happened; they've gone back on everything that they've promised: there's been structural damage to houses and the residents have been treated with disrespect and disinterest. And we cannot not be worried that this will not happen. So a proper independent regulatory body throughout the piece, whether it's around construction, compensation, complaints, ecology, you name it. Because there is an inherent conflict of interest in having an organisation that exists, not only to build HS2 but to promote it. Because when you promote something you start to ignore the downsides and you undermine the contractors and you don't necessarily listen to the problems that you have.

303. I suppose, one of the best summings up of how HS2 Limited have operated, was from the former member for North Warwickshire, Dan Byles, said, it's a terrible, terrible organisation that, when it comes together, is so less than the sum of its parts. And one of the things I'd like to point – if we can move onto the next slide, one of the things that I'm exceptionally worried about is although it's wonderful that the Construction Commissioner looks like it will be truly independent, as opposed to the Residents' Commissioner who, it seems, isn't allowed to talk to residents and reports directly to the chief executive of HS2 Limited.

304. We are very concerned about the construction – well, two things with the Construction Commissioner in that they won't be able to look at anything unless it's already gone through HS2 Limited's internal complaints procedure, which, looking at how things have gone in terms of getting information and contact from organisations and communities with HS2 Limited in the past, this could take – it's going to be one of

those, 'How long is a piece of string' things, in terms of how long internally they take to deal with complaints. And of course, when you've got a complaint about construction, it could be, 'You're chopping down that tree, and you're not meant to be doing', by the time you've gone through the complaints procedure, it's matchwood.

305. But most concerningly, we might be overly worrying about nothing on this, but the brief is in front of you, in that the Construction Commissioner will not cover matters considered by Parliament in approving the project. Now, after 19, 20 months here, and however long in the Lords, I would say that if someone sat here and said something and being concerned about something over the last 19 months, whether you have considered that point or not, it's technically been considered by Parliament because it's been brought up in front of the Committee, you have deliberated – whether or not it's been a big issue for you or not, is another matter, but I would say that, it's very difficult, in my opinion, to think of a single issue that will not have been brought up by someone in the petitioning process, whether here or in the Lords, and therefore, it seems to me that that is a potential get out clause for any complaint about construction.

306. There might be some things that we missed, I don't know, but I would very much like clarification on that, and to be perfectly honest, like that line removing from the Construction Commissioner's role because it seems to be me to be a universal get out clause for everything. We have been a bit concerned about – no, I'll come to that later. If I could have the next slide, please.

307. Just to further illustrate the point, it's just very quickly, this is the log for the FOI disclosure log in terms of getting information out of HS2 Limited. Now, nominally, you'll see that this refers to 12 freedom of information requests, but if you look at the numbers, you'll find that the numerical system represents 48 freedom of information requests. Next slide, please. So, effectively, out of 48 numerical FOI requests that were in that particular screen shot, you'll find that three quarters of them were turned down.

308. When HS2 issued their FOI log, when you added up all the numbers that were missing in the gaps, this is where you got to in terms of the way that they actually communicate and provide information. If you can skip the next slide and go to six, please.

309. Very quickly – no, no, one back. Very quickly; in the autumn statement, we were

told that the cost of HS2 Limited had been increased by inflation to reflect 2015 prices. Now, a guess at inflation would have brought you to 57.37, but one of the few freedom of information requests that we've actually had a very positive outcome on – next slide please – is that whilst Parliament, the public and the press were told that HS2's costs were increased to reflect inflation, it's not actually the case. I finally managed to get an FOI response in terms of the costs breakdown, and you find that the actual construction estimate for Phase 2, has increased by 39%, for Phase 1, 15, which is above the cost of inflation.

310. And more concerningly, for some reason, the cost of the rolling stock, both with and without contingency, has gone down. Now, this is something that's not been tendered for, that the speck hasn't been provided for, there were reports last week in the Times that Alstom was potentially bidding for it, and there's going to be a 'super' first class where there's only going to be two seats per row, which sort of blows out the idea that HS2 is about capacity, but this simply an example, the fact that the Phase 2 costs are up 39% and Phase 1 construction estimate, again, is up 15%.

311. We were told the costs had increased purely as a result of inflation, that 11.2% had been added on, as a flat rate, to bring it up from 2011 costs to 2015 costs. But when you dig a little deeper, that is complete rubbish, it is totally made up.

312. CHAIR: Move on, because we're not here to discuss either the principle of the project and on the presumption that the Government want to do it, they have to pay for it, so shall we go back to the –

313. MR RUKIN: Absolutely. I was simply trying to illustrate.

314. CHAIR: I was indulging you a little but I don't want to indulge you too much. Please go on.

315. MR RUKIN: We don't get the greatest information. The next slide is in the – unfortunately, it's in the wrong place, it should have been further down. Sir Peter, I noticed that earlier, you were asking about the potential design of catenary stands, and this is what we've got in the – the AONB currently being built in the Chilterns, in the Goring Gap. And that's what they're currently looking like. Which simply isn't good enough.

316. You look at pictures of electrical gantries that were being installed back when we were switching over from steam to electricity; they are far less intrusive and this is just an example of what is already being put into an AONB, as we speak. And it's simply not good enough.

317. If we can go onto the next slide. There was a lot said on Monday about the potential to reduce the speed of HS2 and therefore save money in terms of the energy costs, the maintenance costs and of course the carbon footprint, but most importantly, obviously, a reduction in speed allows for a movement of the track to avoid sensitive sites and communities.

318. What hasn't really been mentioned is if HS2 is apparently all about capacity, calling it High Speed 2 was a mistake, that it should have always been about capacity. The thing is, if you reduce the speed of HS2, and this is Andrew McNaughton's own methodology, you actually increase the capacity. It's probably better shown on the next page, on the graph, that if you can drop from 400 to 250kmph, you get an extra two or three, or may be even five trains an hour. It depends partially on how big your signalling sections are, obviously, get a great capacity with an 800 metre signalling section. That's not saying the trains are 800 metres apart, that's saying the signal gaps are 800 metres apart, so it would be a multiple of that, probably four kilometres-ish, 3,200 metres, somewhere along those lines.

319. The bottom line is that there are significant – there are other significant improvements in the deliverability of the project if the speed is reduced, besides the obvious saving on electricity and carbon output.

320. Obviously with electricity, this has always been a question and one of the issues that has come up in the past is that conversations that HS2 have had with Network Rail – sorry, National Grid, in conversation with National Grid, what we've seen to understand now is that National Grid seem to think that electricity for HS2 is their responsibility – is HS2 Limited's responsibility, and the reverse is true, and that seems to be where we are with the provision of electricity for the project.

321. This is only important because obviously, the winter forecast showed a margin of 4%, which was reduced to 3.6% and before HS2 is built...

322. SIR PETER BOTTOMLEY: We don't need to go into all this.

323. MR RUKIN: Okay.

324. SIR PETER BOTTOMLEY: Please.

325. MR RUKIN: I was only going to say there are electrification projects elsewhere that have to have happened by the time HS2 goes ahead. If we can move onto the next slide please. That's simply saying that making longer trains means that you don't have a capacity problem. It was simply that – very, very quickly...

326. SIR PETER BOTTOMLEY: We've had the second reading of this Bill, we don't need to do this.

327. MR RUKIN: Okay, go on then. Obviously, we never got the chance at the time to respond to Professor McNaughton's...

328. SIR PETER BOTTOMLEY: You aren't dealing with the strategic case either; the second reading of the Bill passed that.

329. MR RUKIN: I'm not sure this is to do with the strategic case; again this is...

330. SIR PETER BOTTOMLEY: It's your slide.

331. MR RUKIN: What is being promised cannot be delivered because somehow we have 23 trains per hour now, on the existing lines and after HS2 is built, 23 trains per hour will be delivered out of Euston with fewer platforms...

332. SIR PETER BOTTOMLEY: You've mentioned your doubts on that.

333. MR RUKIN: Next slide. In that obviously, there's meant to be a saving on Phase 1 of £5.6 billion, and how you can have the same number of trains and save that money is beyond us.

334. SIR PETER BOTTOMLEY: You've put that on the record, okay.

335. MR RUKIN: Okay; well, that's the thing, a lot of this is stuff that we just want to put on the record. This is obviously the timescale for delivering Euston. And we find it rather concerning that at this point, we still do not know what's going to happen to

Euston during construction, and how this is going to – with respect, I thought that would be something that potentially a set of MPs might be particularly interested in, is how the trains operate in and out of Euston for the next 10 years. Because, if we move onto the next slide, obviously, HS2 Limited are proposing to close two – I know it's not come out very well, but the top left hand corner is all that's important, is that for a while, lines E and X will be decommissioned, which obviously has an impact on the operational capacity of Euston and can we see that, please? What happens in terms of the service plan during construction. I don't think that's an unreasonable thing to say.

336. Another thing that's worth pointing out at this point is obviously the Transport Secretary, Mr McLoughlin suggested that what could happen to alleviate capacity problems is that Crossrail could run up to Hertfordshire, but obviously, when Mr Elith brought that point in Committee, Mr Mould said that couldn't happen until 2026, at the earliest, which would be after the hoped disruption at least to line capacity, at Euston.

337. Okay, you probably don't want to hear that.

338. CHAIR: Well we have heard it already.

339. MR RUKIN: Yes – no, the next bit. Next slide please, this is just a nice picture, but it's again, just to reiterate and I'm sure has been mentioned, that railway drainage is being designed for the one in 100 annual probability event and the designers hopefully to see that floods do not encroach within one metre in 1,000 flood event, but as the recent floods have definitely shown, is that the perceptions of one in a 100 and one in 1000 probabilities are pretty meaningless at this point.

340. We've obviously always been concerned that the main issues with HS2, from the promoter, is that HS2 does not flood. How the sinking of the concrete piles affects the rest of the area seems very much to be an uncertainty, and it's quite clear that the probabilities of one in 100 and one in 1000 have gone totally out of the window. There have been plenty of petitioners who've appeared here over the last year and a half, who have been saying that, in their lifetime, floods have passed the one in 100 and one in 1000 supposed levels, because we're using historical data that isn't totally accurate in a lot of cases. We're not using forecasting.

341. Finally, I'm sure you'll be very happy to hear that, if I can have the last slide.

Obviously, this is our ecology poster boy, the Cubbington Pear Tree, the erstwhile tree of the year 2015, now in the competition for European Tree of the Year, and I hope to count on – we hope to count on your vote in that competition. Obviously, there's a major hole in the biodiversity calculation and the need to replace and compensate habitats. And that is that it's been done on professional judgement, whatever that means. I could say my professional judgement, that's a load of rubbish, and using the phrase, 'professional judgement' is a great get out clause because it allows no opportunity whatsoever to demonstrate any empirical evidence whatsoever.

342. Modifying the Defra biodiversity metric and coming up with a no net loss biodiversity post construction, doesn't exactly work and the worst thing, is that, in terms of biodiversity, we seem to have, with the no net loss, it seems to be averaged out across the route, so one part of the route can be completely concreted, as long as you plant loads and loads of trees in Staffordshire. That just seems completely unfair to the communities that HS2 is going through.

343. Obviously, there's been the fact that they've downgraded plantation ancient woodland in the metric, something that the chair of the Environmental Affairs Committee, Joan Walley at the time, specifically told the promoter not to do. And this just seems completely unreasonable. There is a Defra offsetting metric, no need to modify it, no need to mess about it, there's a Government specified way of doing this; why a Government body cannot follow the Government's own advice on biodiversity and offsetting is beyond us.

344. We know that Natural England aren't happy with the methodology, and this whole concept of, you know, two million trees, this was simply plucked out of the air at a time when HS2 was getting bad press coverage, on environmental grounds. It sort of happened at the same time that Justine Greening was Secretary of State, and she actually said, 'Forget the idea that you could actually translocate woodland, and this whole idea of two million trees just was plucked out of the air at the time, and it stuck.

345. Now, Government guidance is very clear, you can chop down ancient woodland, were the benefits of the project clearly outweigh the cost. Okay, show me the evidence. How has this been demonstrated, where is the empirical data? Ancient woodlands need to be protected wherever possible, and HS2 Limited said, 'Oh well, we'll use narrow

cuttings wherever possible'. Well, going through an ancient woodland, I'd say a narrow cutting is possible all the time because you're going through trees, you're not going through something that's a potential geological problem. So, why aren't all these ancient woodlands that are being gone through, having narrow cuttings? That's what HS2 are saying they do, wherever possible, they will have narrow cuttings, and they simply have not done this.

346. Broadwells Wood near me would be a very good example, where it's going straight through the middle of the ancient woodland.

347. SIR HENRY BELLINGHAM: Where's that, Joe?

348. MR RUKIN: It's between Burton Green and Kenilworth.

349. SIR HENRY BELLINGHAM: What's it called?

350. MR RUKIN: Broadwells Wood.

351. SIR HENRY BELLINGHAM: Broadwells Wood, yes, indeed we...

352. MR RUKIN: I think it was mentioned yesterday.

353. SIR HENRY BELLINGHAM: It was.

354. MR RUKIN: But it's not happening, and you know, I don't know what happened to this, but I do remember at some point during the last Government, the deputy prime minister saying that a cash value should be placed on ecological sites, things like woodland, the countryside. I expect that that plan went the same way as the coalition partners, but this would be something that would be exceptionally useful, because it seems to be – well, HS2 clearly – the benefits clearly outweigh the cost of chopping down a couple of trees, but no work has been done to do that, it's clearly isn't the case, and what you should be doing is measuring the benefit of say, that section of line against that section of woodland that it's going through. That's my opinion anyway.

355. CHAIR: Are you moving towards your final conclusions?

356. MR RUKIN: Sorry?

357. CHAIR: Are you moving towards your final conclusions?

358. SIR PETER BOTTOMLEY: You said ‘finally’ several minutes ago.
359. MR RUKIN: Well I said ‘finally’, I got to ecology finally.
360. CHAIR: We got excited when you said, ‘finally’.
361. MR RUKIN: Oh, like you’ve got somewhere to rush off to go to.
362. CHAIR: We still have one more petitioner, I should say.
363. MR RUKIN: Oh sorry, I thought I was the last one. I can understand everyone being –
364. CHAIR: So did we for a minute.
365. MR RUKIN: I can understand being slightly demob happy, after all this time. I’m sure you’ll be glad to see the back of this room and...
366. SIR HENRY BELLINGHAM: We will not know what to do with our lives, so –
367. MR RUKIN: Anyway, going back to the letter from Ms Walley in May last year, I’d just like to bring up that she did expect the Committee to ensure that the hybrid Bill process will deliver the requirements of the environmental assessment directed, and will comment and report to the House on any issues relating to the environmental impact of HS2, and I very much hope that that happens. And is that it? As, I say, I was slightly thrown off and not quite as well prepared...
368. SIR PETER BOTTOMLEY: Joe, we understand, there’s no need to tell us...
369. MR RUKIN: Oh, no, Sir Peter, I would – it’s a question to a comment that you actually made, it’s the very last thing I’ve got to say, I had forgotten about this. But have things moved with the potential appearance of someone from HMRC concerning Capital Gains Tax?
370. CHAIR: We’ve had more letters.
371. MR RUKIN: Right, okay.
372. CHAIR: But it’s an ongoing process, so I think we need –

373. MR RUKIN: I would say that would be a very welcome precedent, because it's not just HS2, it seems patently unfair that people get stung for Capital Gains Tax, no matter what the project is, when it's compulsory purchase, because it's not – you know, the normal course of buying or selling a property or land, is it?

374. SIR PETER BOTTOMLEY: Thanks very much.

375. MR RUKIN: Thank you.

376. CHAIR: I think most of the points which you've raised have already been answered before us. Whether we should let you wait for Phase 2A before you get a further response from HS2, I don't know, but do you want to say anything, Mr Strachan?

377. MR STRACHAN QC (DfT): No, I'm very conscious that a lot of these topics we've covered in a lot of depth. I just – obviously, for the record, would note that I dispute and the characterisation of the organisation Mr Rukin has put forward and whilst no organisation is infallible, lots of lessons have been learnt through this process and it's been a constructive process. But I don't, other than that, I think all the other principle topics we've covered in some depth and unless there's anything specific you want me to cover again, I will leave it at that.

378. CHAIR: Okay. Thank you for your contributions. We've enjoyed seeing you, you've always remained very happy and cheerful, and your first comment was you were very disappointed with HS2; well if your organisation was to stop HS2, no wonder you're very disappointed.

379. MR RUKIN: No – well this is the thing that – it's one of the things that has surprised us, actually, throughout the years, as how bad it's been and if the lessons were being learnt, they will currently be implemented on Phase 2.

380. CHAIR: There are certainly lessons to learn. Anyway, thank you for your contribution. The last...

381. MR RUKIN: Thank you very much.

382. CHAIR: ...petitioner today is 1138, Baroness Von Maltzahn, and Mr Joseph Von

Maltzahn, represented by Bidwells. I hope I've pronounced that correctly. There is a slide of a barn. You have a slide in the pack as well, I think. Sorry, could you introduce yourself, first, please.

**Baroness Lydia Von Maltzahn and Mr Joseph Von Maltzahn**

383. MR ALLEN: Good morning, I'm Paul Allen of Bidwells, and you're going to be pleased to hear I intend to be brief, but can provide more detail if asked. What I wish to raise should be a simple matter and is essentially one of equivalents. The facts involved an agricultural barn shown in the exhibit – it was on the screen a second ago.

384. MR STRACHAN QC (DfT): We – I thought it might be helpful just to remind where –

385. SIR PETER BOTTOMLEY: Where it is.

386. MR STRACHAN QC (DfT): ...where it is. So, P1 –

387. MR ALLEN: I'll keep talking whilst you're looking. It was built about five years ago and will be demolished by the new line. All my clients are looking for is the cost of rebuilding an identical barn on their farm to be reimbursed by HS2. Also, from a timing point of view, the new barn will need to be erected before the existing one is demolished to ensure the business continuity of wood chip supply.

388. HS2 has recently agreed to pay the costs associated with obtaining planning permission for the replacement building. This is a good start. It is yet to agree to pay for the cost of erecting the barn itself. This is all my clients want, nothing more, nothing less. And I request that the Committee ask HS2 to consider this proposal. This will leave my clients in the same position as they were before the line was constructed, which I understand is the main premise of compulsory purchase compensation.

389. CHAIR: Okay. Mr Strachan – Ms Lean?

390. MS LEAN (DfT): Thank you, sir.

391. SIR HENRY BELLINGHAM: Can we – sorry, can we just go back to the map? I just want to have – get it in the context again.

392. MS LEAN (DfT): I think it's just south of Mixbury, and sort of north of Newton Purcell, if that helps to put it some context.

393. CHAIR: Right. Carry on Ms Lean

394. SIR HENRY BELLINGHAM: So – sorry to – so your client doesn't have any land to the east of railway...

395. MR ALLEN: No.

396. SIR HENRY BELLINGHAM: So it's a happy coincidence that the holding isn't actually cut in two. But I take on board your point about the barn. Sorry.

397. CHAIR: Third time lucky.

398. MS LEAN (DfT): Sir, we have been in conversation with the petitioners' agents and continue to do so regarding the potential compensation claim. As the Committee's heard a lot from Mr Smith already about how we generally approach compensation under the compensation code in these sort of circumstances, you look at compensation in the round for the value of what's taken and there's the scope for advance payments. You wouldn't ordinarily look at asset per asset and do it on that basis, and with the replacement or the reinstatement cost, you look at what's taken, you look at it in the round and that's how it's dealt with.

399. That's the principle point, but obviously we are, we remain in conversations with the petitioners' agents about this issue and we're hopeful that we will be able to reach a position which gives them the sufficient comfort that they know they will be able to cover the cost of re-providing a barn elsewhere on their holding, in time, so that there can be continuity of their operations. And we've given an undertaking to this petitioner and we've identified in there that we'd be hopeful of being able to reach heads of terms on the issue by 1 August 2015. I'm conscious that's after the end of the...

400. CHAIR: Sixteen.

401. MS LEAN (DfT): That would be a very bold aspiration if that was what we'd suggested. We're hopeful – which is obviously after the petition period starts but before then end of the Lords business be expected to conclude, so we do have conversations,

there are valuation issues that need to be looked at but we're hopeful that we can resolve this. And just to note, this isn't the situation the barn that needs to be replaced before Royal Assent, we wouldn't be doing works here until the beginning of 2018, so I think it's agreed there will be plenty of time for this to be sorted out. It's not a situation that things need to be put in place in the next couple of months.

402. SIR PETER BOTTOMLEY: So you've resolved the quarry – resolved the barn?

403. MS LEAN (DfT): We're certainly hopeful we can resolve the barn.

404. CHAIR: Okay? Any final comment to that?

405. MR ALLEN: Really just, if you can keep – I was due to appear in March, was told this would be resolved easily, here I am, you – probably – I think I am the last person in front of you. If we can get it sorted – ideally, the barn in isolation – because to try and agree the rest of the compensation, where we do have a quarry here on this site, and other issues, it's much bigger. We just would like to get planning permission, we can give some prices, we'll get some quotes, HS2 can get some quotes, actually have it all agreed before the barn comes down, and that may be in advance of getting the whole – rest of the claim done.

406. MR HENDRICK: How much is the new barn?

407. MR ALLEN: We're talking about £75,000 – that's what the last one cost, so somewhere between £75,000 to £100,000, so it is not a significant cost, it's taking a lot of time.

408. SIR PETER BOTTOMLEY: I think the letter on 6 January says they're separating the barn from the quarry, you will be expecting – and we'll be expecting you to have successful discussions and the second Chamber assurance provides a way of coming back, if it's necessary. We doubt it will be.

409. MR ALLEN: Thank you.

410. CHAIR: Thank you very much indeed. Mr Strachan you had some further comments which you were going to raise?

411. MR STRACHAN QC (DfT): Yes, I've got some formalities, just to conclude. If I

can just deal with those first. During the Committee stage, the promoter submitted seven papers of amendments, five authorising additional provisions, and two dealing with other amendments to the Bill and for the assistance of the Committee, we've amalgamated the papers of amendments, removing those amendments which have been superseded by subsequent additional provisions, and the composite set of amendments have replaced all seven sets of provisions previously submitted.

412. We will also be proposing a number of amendments to the public clauses of the Bill, which we will provide to the Committee as soon as they are prepared, and in light of anything the Committee may say. And they will include the amendments the Committee has requested us to make, changes requested by petitioners, and changes arising from other legislation that's passed since the Bill was deposited in November 2013.

413. Two matters I should draw attention to, in producing the composite amendments, we have identified a number of parcels of land no longer required as a result of the additional provisions and we've taken the opportunity to remove them from the Bill and these solutions are included in the composite set of amendments that we've submitted, but we've also provided the Committee with a separate note identifying them, and we've also taken the opportunity to include an amendment in table 1 of Schedule 17 to the Bill, where the war memorial at Euston has been upgraded from a Grade II listed building to a Grade II\*, and I should put on the record that the promoters are not proceeding with one amendment included in AP5 which was the alteration of the diversion of bridleway DEN/3/1 and that will be done under alternative powers.

414. On the matter which we discussed I think earlier in the week, but the sixth iteration of the draft register of undertakings and assurances, we have – will make public on 26 February of this month 2016, via our website and that will contain all undertakings and assurances offered to petitioners up to today, i.e. the fourth, and the end of these proceedings, effectively.

415. The register now contains, I think, 1,600 undertakings and assurances in total, and since the last publication, there have been over 700 additional undertakings and assurances, and in the usual way, will identify a change log, published alongside the register listing any relevant amendments for you.

416. If you'll just forgive me for making one or two closing remarks very briefly...

417. SIR PETER BOTTOMLEY: You're not proposing to take out the Heathrow link from the Bill?

418. MR STRACHAN QC (DfT): I think the Committee's already made observations about that. And those – I'll check formally whether it's been suggested in the amendments list. I haven't got the list of amendments we've proposed.

419. CHAIR: I understand there's a way of dealing with that, which is – with both our report and indeed, what the Government won't do, rather than what they will do.

420. SIR PETER BOTTOMLEY: We'll wait.

421. CHAIR: Mr Strachan?

422. MR STRACHAN QC (DfT): Yes, if you'll just forgive me one or two very brief closing remarks, and I'll just note, we sat in this Committee room on 1 July 2014. You have sat for 159 days, and sometimes late into the night, and not that anyone's been counting, but you have heard from around 1,600 petitioners, including 1,450 individuals, and representations, I think, from 22 MPs. But none of those remarkable numbers on their own give a true impression and scale and range of your business over the past year and a half or more.

423. Because, in addition, to the comprehensive Environmental Statement, covering all aspects of the scheme, we have issued 2,486 petition response documents, and we've exchanged over 15,000 exhibits. And you, members of the Committee and the clerk, have absorbed and dealt with all of that material in your stride, and you've considered and tested evidence on a huge diversity of topics whether it being boring rates of tunnels, or the qualities of chalk, the application of electronic circuit theory to the movement of fauna.

424. You've also considered over 2,000 assurances offered by the promoter in continuing negotiations, and they've been ongoing throughout the process. They have resulted in the withdrawal of approximately 800 petitioners, and resolved many more. But as a result of this overall process, we have made nearly 400 amendments to the Bill scheme in response to points made by the Select Committee and petitions, and we have

promoted five additional provisions to the Bill, all of which, in turn, have been the subject of careful scrutiny by this Committee. And quite apart from all of that, it has to be remembered that the Committee, in its own time, has carried out, I think, no less than 13 site visits, to view the Phase 1 route, and those affected, and you've met, obviously, many local residents, farmers and businesses along the way, as well as MPs and local councillors.

425. We think that the transcript of these proceedings, over the past nearly two years, will record how warmly that has been welcomed, and appreciated by the local communities, with the Committee taking the trouble to get to know the affected areas. You will have your own memories and perhaps even souvenirs of those visits with offers of refreshments, gifts of flowers, I think even sheep's wool, on one occasion.

426. Your task has been very much to hear the petitions of those directly and especially adversely affected by the scheme and of course, it's therefore inevitably focused on how to manage and mitigate the concerns of those who will live with the project during its construction and operation, and it's not been the case you've had to look at a thing that's all too often appreciated in hindsight, of how the nation realistically have managed to live without such essential new infrastructure to serve the future.

427. But any objective observer will have seen the way in which you have performed your task fully, and speaking from direct experience, you have had no hesitation in testing us, the expert witnesses, and the promoter generally, about all aspects of the scheme and its route. And Mr Mould, who can't be here today, I'm sure he's very sorry about that, but both he and I, and indeed, the whole counsel team wouldn't want to have finished today without extending our thanks, and those of the promoter.

428. To you, chairman, to each of the members of the Committee, including those sitting in the last Parliament, and to Neil and his team, for the patience, diligence and dedication you've shown to this process.

429. CHAIR: Alright. Well, thank you very much, we will have some private sessions to consider our report. We will have, on Monday 22 February, a brief public session, whilst we agree our report and move the resolutions to report the Bill back to the House, and that will be an opportunity for me to say some thanks to members of the Committee, and indeed, a few thanks to everybody else.

430. They are going to strip the technology out next week. We probably won't see the tech people, but thank you very much for getting all the stuff up on the screen. There were very few glitches, I think it worked extremely well. The beginning of the process, we were given various computers and stuff; we didn't need them because you managed to get the information very quickly and often, because of Peter, or because of Henry or somebody else insisting on something, you managed to find stuff very quickly, so you did a very good job, and clearly, unlike the rest of us, who occasionally can ask a question or intervene, it's very difficult when you have to sit there silent.

431. Anyway, I think that's all the business...

432. SIR PETER BOTTOMLEY: Can I just mention one group who we don't see? Those who create all the maps the charts and the like because the amount of work that's gone into that for absolutely every single petition, has been quite remarkable – very impressed.

433. MR STRACHAN QC (DfT): Well I'm sure those comments will be very much appreciated by those who put so much work into it.

434. CHAIR: Okay. Order, order. If you could just withdraw from the room, just a few minutes, just to clear our thoughts from today's petition.