

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Tuesday 26 January 2016 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE

Mr Timothy Mould QC, Lead Counsel, Department for Transport
Mr Richard Turney, Counsel, Department for Transport
Mr Ruben Taylor QC
Mr Robin Purchas QC

WITNESSES

Ms Tulip Siddiq MP
Rt Hon David Lidington MP
Rt Hon Dominic Grieve MP
Mr David Archibald
Mr Michael Barker
Mr Neil Bagley
Mr Michael Hatfield
Professor Andrew McNaughton, Technical Director, HS2 Limited

IN PUBLIC SESSION

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(At 14.00)

1. CHAIR: Order, order. Welcome back to the HS2 Select Committee. I call 966 Julius Hogben? Not here. 968 North Westminster Action Group against HS2, 968, North Westminster Action Group against HS2? 1440, Michael Bone, 1440 Michael Bone? Not here. In that case, I call Tulip Siddiq. Who's here! Welcome. Thank you for taking the time to come to the Select Committee to represent your constituents. Do you have a straight statement or –?

Tulip Siddiq MP

2. MS SIDDIQ: Yes, thank you. Mr Chairman, thanks for giving me the opportunity to provide evidence at this Select Committee. From the outset, I will declare that I'm not directly affected by the AP4 proposals, but I'm speaking as the MP for Hampstead and Kilburn on behalf of my constituents, who are affected by AP4.

3. Today, I will respect the terms of reference of this Committee, by using this session to outline my specific objections to AP4, but I wish to make it clear that my overall view is that the HS2 project is an expensive mistake, that will devastate our local environment, and thousands of homes in both Camden and Brent, both boroughs which are in my constituency.

4. Moving onto the issue at hand; AP4, proposes a ventilation shaft to be built at the Canterbury works estate. I understand the works associated for the construction will take approximately six years, of which two and a half years will be excavation, approximately 50 metres below ground.

5. I believe the quality of life of our children and residents must come first and I have serious concerns regarding air, noise pollution and increased traffic in the area. My primary concern is also with the effect that this venture will have on St Mary's catholic primary school.

6. I will use my time to speak about the following topics, the general deprivation of South Kilburn, the communication of HS2 with residents and St Mary's School.

7. For background, I wanted to share a few facts and figures, taken from the index of

multiple deprivation. Overall, South Kilburn is ranked in the top 8% of most deprived neighbourhoods in the country. It's ranked in the top 4% for income deprivation and ranks 7.5% for employment deprivation and amongst the top 30% for health deprivation.

8. When considering building a vent shaft in the area, particularly with regard to the welfare of people for the school I've mentioned, Committee members should be aware that for environmental deprivation, the area around South Kilburn is in the top 0.75% most deprived neighbourhoods in the country. For the specific area around Canterbury works, the deprivation is clear and explains why any risk needs to be taken very seriously. By any conceivable indicator, this area is in need of serious support rather than increased disruption to their lives.

9. In addition to the figures that I've outlined, most people on the Committee will be aware of the intense regeneration of the area. The combination of Government cutbacks and the constant building work that has taken place over the last six years, are having a pronounced effect on the local community already. Residents have said to me, and I quote, 'To add on another six year project by HS2 in this area would be wholly unacceptable', and who can blame them? The endless redevelopment is leaving many with the impression that they're being forced out and the main concern that the residents are having is that they are unable to have their voices heard. The increasing lack of social housing and constant need to fend off new developments of luxury flats requires incredible commitment and brings undue stress for long term residents in the area.

10. Thirty percent of all the housing cases that I deal with in my constituency come from the two wards in question. And speaking to those who live in the housing blocks around the site, one gets the impression that the provisions in AP4, as they currently stand, will only increase the genuine sense of grievance that is being felt.

11. This is the area that's the most deprived in my constituency, but also heavily populated, and this is something that HS2 alluded to when they first rejected a vent shaft in the area back in 2010. In Arup report, stated, 'HS2 were looking at areas which would be located in less densely residential parts and where disruption of a ventilation shaft should be less as an issue. My question is whether – why this was changed and why the Arup report was disregarded when this decision was made to relocate the vent shaft.

12. I fail to see how HS2 has arrived at such a dramatic change in assessment, when deciding the suitability of this site. Having dealt with thousands of cases of overcrowding at my constituency surgeries, since being elected, only in May last year, I fail to see how this has changed. And though many residents in this part of South Kilburn are unemployed, as you heard from the figures, I have received correspondence from those that believe HS2's proposals directly threaten their livelihoods. One constituent told me that the part of land required by HS2 for the construction, constitutes her sole source of income.

13. Her dismay is increased by the complete disregard that HS2 have shown towards their previous promise regarding the site. In prior correspondence, HS2 told her, and many others, that their premises, I quote, 'Did not form any part of the HS2 proposals'.

14. I would speak about communication by HS2 and residents shortly, but there is a general point to be made about the vent shaft's relocation to Canterbury works, which betray the promises many were may prior to AP4's publication.

15. As I'm sure you've heard in previous sessions, there is real anger about the broken promises and residents must receive an explanation as to why their site has suddenly become the desired option.

16. In terms of communication with local residents, which I feel is the biggest failing in this whole process, it's been dismal. Along with my staff, in October 2015, I delivered over 500 letters to the homes of residents in the area, and for many, it was the first time they had ever heard of the plans that were going to take place. The consistency and clarity of communication efforts have fallen short of what is acceptable for a scheme like this, which is going to cost billions of pounds.

17. Those residents that are engaged in the process have reported back to me that there have only been two information events, with one resident telling me, one was three days before AP4 was deposited, and one three hours after AP4 was deposited. If this is accurate, then it is clearly inefficient, and insufficient. Those in the Canterbury tenants and residents association, who I believe have appeared in the Committee already, have told my office that they received letters from HS2 which I've seen copies of, saying they were liable for compulsory acquisition before the sitting of the vent shaft had even become an issue.

18. This caused great anxiety amongst residents. The letters were not worded properly, they caused alarm amongst people who were worried that they were going to lose their homes. And since then, despite repeated questions from residents, there's been a complete lack of clarity from HS2 on whether their properties, and acquiring them, is still necessary, and I'm sure they would receive an update on where this stands.

19. There is also a problem in that the inadequate communication from HS2 is problematic for people who live in an area where English is a second language for lots of hard to reach individuals. It is not clear what special effort has taken to communicate with residents who do not speak English as a first language. They certainly didn't in Regents Park, where I was a councillor and the predominant languages were Somali and Bengali and they haven't done so in South Kilburn either, which creates more anxiety amongst those who are not sure what's going to happen to their homes and their jobs.

20. The public bills office has been helpful to my parliamentary office but I fear that the petition process is unduly complicated and acts as a deterrent from local engagement in the proposals. In addition, although the Transport Minister disagreed with me in the Commons chamber, I believe that £20 cost to be too much, especially in light of the deprivation I have outlined earlier.

21. In my opinion, when the vent shaft was relocated to this area, HS2 needed to go above and beyond in communicating with residents effectively, and from the correspondence I have received, this doesn't seem to be the case, which means that we're in danger of losing the local community.

22. I'll go onto St Mary's school. I'm sure you're aware that there is an immense degree of concern from parents of pupils at St Mary's catholic primary school. They have told me how detrimental these changes will be to their children's education, health and welfare due to fundamental effects from construction of the vent shaft. Though it is positive that HS2 has made efforts to mitigate noise impacts, greater clarity regarding HS2's accommodation with the school would be well received by parents and indeed, by me.

23. There is deep frustration regarding a lack of cooperation from both parents, in explaining the process undertaken, with some telling me that they've gone as far as submitting freedom of information requests to date, which have remained unanswered

because they simply do not know what's happening with the future of their children who go to the school.

24. I, of course, have sympathy for governors who are bound by confidentiality but it is the job of HS2 to ensure that all parents and residents have been consulted and kept up to date. It's fair to say that the agreement, which is said to have happened, came as a big surprise to a lot of parents who have complained to me.

25. The school will, undeniably benefit from the improvements to mitigate increases in noise, but it remains a cause for anxiety. Pupils are also local residents and they will experience disruptive noise levels in their neighbourhood, and this will affect their concentration during home learning tasks that are essential to their education.

26. Increased traffic chaos in this area will impact children at the beginning and end of the school day. Your petitioners have children aged between four and 11 and many walk, unaccompanied by an adult, both to and from school. A recent report said that the school run was the most stressful time of a parent's day. This will just increase that stress for parents who are struggling between jobs. At present, there are no pedestrian crossings at the junction of Canterbury Terrace and Canterbury Road, or at the junction of Chester Road and Canterbury Road which raises significant fears for parents.

27. These are vital crossing points close to school but currently have no road safety provisions in place, such as one of a school crossing patrol office. The traffic chaos that these developments will bring accentuate the risk of crossing.

28. I raised this with HS2 myself, and the response I received surprised me. HS2 said to me in an email, 'The peak HGV traffic of 100 movements per day, 50 in each direction, are expected to last for six months only. Exiting HGV traffic will be routed away from the school, and restrictions on HGV movements at pick up and drop off times will be agreed with the school'. I'm seriously not sure why they thought I'd be comforted by these figures, because I'm not. Six months is a long time, and 100 HGVs a day is dangerous.

29. Beyond traffic, health concerns remain prevalent, particularly with regard to the increase in air pollution accompanying construction. These developments are being planned at a time when there's widespread concerns over air pollution in the capital. A

Sunday Times article in October said that pollution in London was stunting children's lungs. The article went on to state that children between eight and nine, living in areas with high levels of particulates in nitrogen dioxide, have up to 10% less lung capacity than normal. They will never get that capacity back. In addition, HS2 have said the effects of dust will be mitigated but parents and pupils with breathing conditions will still be at particular risk.

30. Arancha, a constituent and parent of a pupil raised specific concerns about air pollution, particularly during PE lessons and outdoors recreation. She said, 'Children will be directly affected by the impact of noise levels from construction, causing disruption to their learning experience and opportunities, in particular for the percentage of pupils at the school with special educational needs.

31. And as a result, which is very concerning, parents have expressed to me a reluctance to continue sending their children to this primary school. This is distressing, particularly at a time when Brent is suffering from a chronic shortage of primary school places. Just in 2013, it was reported that 600 children didn't have a primary school place and the following year, saw reports of overcrowded classrooms. Many parents do not have a choice of another school, and will be forced to send their children to one where they feel the health risks are evident, which is appalling. And parents want their children to go to the local authority school but they've having their hand forced by the negative effects of endless regeneration.

32. HS2 wrote to me, and I'll quote from the email that they sent to me, 'HS2 has given a letter of comfort, attached, committing to providing funding to allow improvements to school building to help reduce the impact of noise from construction and other noise sources. Dust will be managed on site within line of Code of Construction Practice. And as a result, no significant air quality affects are predicted for the school users or local residents'. I'm afraid, this isn't good enough.

33. When I last met with HS2, I asked what kind of equalities impact assessment they had made, whether they had done an environmental assessment for the inside of the school, especially in the playground, not just from the outside. There is no point in saying that no significant air quality affects are predicted, if there's no basis for that, so I would urge HS2 Limited, or the Select Committee to undertake a proper equalities and

environmental risk assessment for the site.

34. And to confront the outstanding concerns that the residents are burdened with. This is an area that's seriously deprived. And the lack of respect shown by HS2 has angered residents who feel disenfranchised anyway, and this vent shaft should not go ahead without the support of local residents. Thank you.

35. CHAIR: Thank you very much, Ms Siddiq. Is it you, Mr Turney, or are you...

36. MR TURNEY (DfT): This is my patch for today. Ms Siddiq, I think it's – it's probably just worth starting off by reminding the Committee as we heard this morning why we have relocated this vent shaft. There has to be a vent shaft within the proximity of the proposed location of Canterbury works. It was to be on Salisbury Road, but there was opposition to that by the local authority, by Brent Council, and indeed, by the petitioners, who we heard from this morning. So, the proposal is to relocate it in AP4 to the Canterbury works site.

37. The concern that HS2 had in respect of that site, was the school. We have engaged with the school; it's obviously a source of concern for parents and for others that the school perhaps haven't communicated that to them, but we have engaged directly with the school, with the diocese and with the local education authority, to agree a package of specific mitigation by way of provision of doors, windows, mechanical ventilation at the school site itself.

38. In terms of the impact in the open areas of the school, well that's addressed by the Code of Construction Practice and management of the site itself. The erection of a hoarding around the site. I think there's a quite important question of scale here, as well. It might be worth just looking to P151328. The vent shaft is located here, as you can see, to the side and to the rear of the school buildings, the work site is in this area, but the traffic, to serve the vent shaft is directed away from the school.

39. I've already explained that the HGV traffic will not be on these roads, for the HS2 works, during the period of school drop off and pick up times, because we've given that comfort to the school, so that's already secured, so the risk of conflict of people going to and from school significantly reduced. So, this site, the key concern, as I say, was the school, we feel as though we have mitigated the effects on the school, to the point that

the school is satisfied that we have done what we can and that they don't feel it necessary oppose the vent shaft construction in that location.

40. MS SIDDIQ: Can I come back, or – how does it work?

41. SIR PETER BOTTOMLEY: When he's finished...

42. CHAIR: When he's finished, we'll come back to you.

43. MR TURNEY (DfT): I was just going to pick up a few more points. I think the reference to someone's sole source of income being there, must have been to the Clearys and as the Committee heard this morning, we're going to talk to them about whether we can look to assist in the relocation of Mr Cleary's business, prior to Royal Assent.

44. Engagement; the question was raised about engagement with those who don't speak English or who are otherwise hard to reach, and I think the Committee's already heard through the planning forum, HS2 is looking with local authorities at ways to engage with hard to reach communities, and indeed, the Code of Construction practice anticipates that information may have to be provided on a case by case basis in different languages. I think that addresses the main points, I hope, although if there's anything else of clarity that I can provide, I'll try and do so.

45. SIR PETER BOTTOMLEY: The last observation we heard, which isn't directly dealing with Tulip's points, which is that the dust and – advisor spotted that the Canterbury works site was liable to be open to redevelopment, which they thought might be much more intensive than having a vent shaft.

46. MR TURNEY (DfT): Sir, that's right. It was in some of the correspondence we saw this morning. I think the diocesan surveyor, I think his observation was that one would rather have HS2 or similar carrying out construction works, subject to a Code of Construction Practice, and a complaints process and strict duties in terms of environmental effects, mitigation of those effects, than a relatively uncontrolled commercial development, as a neighbour. I don't know whether it was extended to the length or intensity of the works, but certainly, this is a redevelopment site. I think the Clearys made the Committee aware that they would have, but for the scheme, sold the site to a commercial developer, so I think that is a relevant factor. But it really is a focus

on the management of the effects of construction.

47. In the operational phase, this, I think it's fair to say, will be relatively unnoticed within the overall setting of the area, but the construction effects, we do address through the COCP and the specific management measures at this site.

48. CHAIR: Tulip did raise the issue that we heard this morning about double glazing and a variety of things, you raised the issue about playground and open areas in the school. Is the project confident that they will be okay for the kids, or –?

49. MR TURNEY (DfT): Yes. I think that two effects are in mind. The first one is the air quality issue, and in terms of dust, the Committee's heard repeatedly, we consider that we can mitigate dust effects at source, preventing any significant effect here from airborne dust from the site by dealing with it within the site. In terms of road traffic commissions, they aren't significant effects predicted here, relatively low numbers of vehicles compared to what the Committee's seen elsewhere on the scheme.

50. Noise; our commitment to the school is to mitigate at the site in the first instance, and I think I mentioned earlier, we have looked at a significant hoarding here, we think it might be up to eight metres high, to ensure that we do as much as we can to mitigate the noise effects on the site, and then in terms of dealing with the receptor, obviously, that is based on the school buildings rather than the open areas. The noise environment here is not particularly tranquil, as one would expect in an urban area such as this. I think the background noise level is around 55dB on the measures that we normally use, and we are looking to provide mitigation to bring the noise experienced from our scheme during construction down towards 59dB, that's what we've said to the school will be what we work towards.

51. CHAIR: Okay. Tulip.

52. MS SIDDIQ: Thanks. I mean, I'll pick up on the last argument about whether it was already proposed for development.

53. SIR PETER BOTTOMLEY: Not already proposed, possible.

54. MS SIDDIQ: Yes, I think that's a very high stand to people to say, 'Potentially, in the future, we might be redeveloping this site, so we should just bring in a lesser evil, so

that you don't get disrupted by it', I just really think, if you want to understand the local community, that is not an argument we should be using. Also, we were told, by a developer, that if it did go ahead, and it was developed, there would be social housing, alongside private housing, which clearly, with the shaft, is not going to happen, that's the first point I've made.

55. Secondly – so I really think that's a false argument, and it's not making anyone feel better, I would be very wary of using it, with the local community. To pick up some of your points, I understand Brent Council, as you've used many times and said they were in agreement; the local councillors were certainly not in agreement. It's been said many times, people were not in agreement with the decision that was made, and it's very difficult for local people to just think the local authority agrees, but the local councillors who represent them were not in agreement with the decision that was made.

56. I haven't had any response to the Arup report which, in 2010 said it was too densely populated as an area, why have they changed their mind in 2015? I know for a fact the population has gone up, so is there a reason why? Because that would be quite good to know.

57. MR TURNEY (DfT): I don't know if there's any – I don't know the specific report to which reference is made.

58. MS SIDDIQ: I've got it here.

59. MR TURNEY (DfT): What I would say is that in the most recent assessment, which is the AP4 Environmental Statement, actually the number of residential receptors where we identify significant effects, is slightly lower at this site than it is at Salisbury Road, but I didn't take that as a point this morning because I think it's fair to say that in most of the effects, there's not much between these sites in terms of those environmental effects on residential receptors in the vicinity. There are residential receptors around the Salisbury Road site as well, and I think numbers are slightly high, but of course, it's all in the individual perception of the – the occupiers of the location as to whether they're concerned about those effects, but I don't know of any particular reduction in immediately affected population if we were to revert to the Bill scheme.

60. MS SIDDIQ: Okay. Well my concern is, if there's a report saying this wasn't a

desirable site, I want to know why five years later, it suddenly becomes desirable, and I think that's a fair question to ask.

61. MR TURNEY (DfT): Well, I'll answer that because I hoped I had answered it, but maybe it's because I don't...

62. CHAIR: You certainly answered it this morning, anyway.

63. MR TURNEY (DfT): There were two reasons why this site was not considered, or was not preferred over Salisbury Road in the first instance, and that was because of the – an engineering reason, relating to the space in the vent shafts, and because of concerns as to the effect to St Mary's school. The engineering concern has been overcome, that was an internal concern of the project, so the outstanding concern, St Mary's school, and I hope I have answered why we think that that concern is overcome, through the site specific mitigation, for St Mary's school, meaning that this site was a suitable site for a vent shaft.

64. CHAIR: Okay.

65. MS SIDDIQ: Can you elaborate on the internal problem?

66. SIR PETER BOTTOMLEY: We aren't supposed to have too many questions and answers.

67. MS SIDDIQ: Okay. I'll just make a few other points. In terms of – I think it's very unfair to blame the school for not engaging with local residents. The school is a small school, HS2 is a billion pound organisation; if HS2 want to go in and build a shaft, in a deprived area like that, it is their job to communicate with local residents.

68. I haven't had a rebuttal to the fact that there were two engagement events that happened; three hours before AP4, and then three hours after. If that is the case, then it's deeply inefficient – insufficient, and finally, I'm shocked about the fact that the engagement events should include bi-lingual, or translated material has come as such a surprise to HS2 at this late stage. When you undertake an event like this, or a project like this, in a deprived area, I think the first thing that should be looked at is the number of languages that are spoken in the hard to reach communities. It's something HS2 should have done a long time ago. There's no point after everything's been decided to

say, 'Yes, we should have made more of an effort to reach the hard to reach communities'. Surely, it should have been a consideration right from the start, and they've had experience of this in Regents Park where I was a councillor before, and they know what the population's like. I mean, I think it's a huge failing and I'm shocked that they're saying, 'Oh, yes, we should do more of this at this stage'. Too little, too late.

69. And finally, I've been asking for an environmental assessment of the inside of the playground in the school and I really think that's something we should be doing, to see what impact the children's health will have, inside the playground, not from outside. I would give this as some advice to HS2; if they want the local community on side, it is something that will allay some fears of some parents who don't feel it's been taken seriously enough.

70. CHAIR: Mr Mould, when the construction starts, is that something that the budget could do, take some tests in the air quality, in the playground?

71. MR MOULD QC (DfT): I think we could do that.

72. CHAIR: Okay. Yes?

73. SIR HENRY BELLINGHAM: Is the witness noting having a full independent report into all of the environmental challenges and difficulties that might ensue?

74. MR MOULD QC (DfT): I don't think there's any justification for that, if I may say so at all, because it proceeds on the premise that the environmental assessment that's been carried out is anything other than an independent and fully professional assessment. It is an independent and fully professional assessment, we have an Environmental Statement, for both the hybrid Bill and for the Additional Provisions, that was commissioned from very well established, very highly respected, independent environmental consultants, who have been engaged by HS2 for that purpose and their work bears testimony to that.

75. The fact that there are aspects of that statement that are controversial, the fact that people have identified elements of that statement that might have been done in a different way is completely consistent with that proposition. Because we live in a world in which the whole purpose of an environmental impact assessment is for a statement to

be produced which then enables people to see what is predicted to be the environmental effect of the project, so that they can respond to it, in a forum, this being that forum, in which they bring forward their concerns about the impacts of the proposal on their own personal circumstances, and this body, the Committee, can then consider those concerns and decide whether something should be done in the context of the Bill itself, or in the policies that govern it, in order to remedy the concerns that have been put forward.

76. So, there's absolutely no case for any further work of that kind, it would simply be to waste money, to waste resources, and to delay the progress of this Bill.

77. CHAIR: Mr Mould, do you think the project could write to Tulip setting out what you do with air quality, in particular, as it relates to the school, when the Bill work starts, because of the proximity, and so at a later date, when we're all retired but Tulip's storming up the political ladder, she has a letter that she can go to the project and say, 'You said you were going to do this on behalf of my constituent'?

78. MR MOULD QC (DfT): Yes.

79. CHAIR: Okay.

80. MR MOULD QC (DfT): We can also, in that letter, record for her, the work that we've done hitherto, in seeking to understand and to engage with hard to reach communities, and the work that we're proposing to do hereafter, because, I'm sure she didn't mean to imply, but it's quite wrong to suggest that we've only just woken up to this point. We have been working on this, we have been seeking to re-engage, we have been assessing equalities throughout the gestation of this project, but we are continuing to build on that, and I'm very happy to provide her with information about that.

81. CHAIR: Okay. Last word, Tulip?

82. MS SIDDIQ: Well, I wasn't just implying it, I was saying it. I think HS2 has just woken up to it and I don't think saying things like, 'Oh, it will be a waste of money to do another assessment', actually, this is a billions and billions of pounds project, just gone up every year, to spend some money in the most deprived area that you are working in, I don't think is a waste of money.

83. I think it would allay some fears, I would welcome an independent report if there

is scope for one. I would also say, you can't just think of the Select Committee as the place where people come and make their voices heard, the engagement should have been done a long time ago, and HS2 do need to wake up to that, in any other place the communication engagement with the residents has to start early on. Again, I still haven't heard about a rebuttal to whether the engagement process really did take three hours before this was published, and three hours after; I still haven't had an answer to that, which I assume means it did happen.

84. So, look, I'm the local MP for this area, my only interest is to represent the concerns of local constituents. There is great grievance in this area about the vent shaft, and I think, if you want the local community to come on side, there has to be some direct communication and some evidence given to them, in an independent forum, that this is not going to harm the lives of their children, which is what they're worried about. In this area.

85. CHAIR: Okay. That's a good place to end, thank you very much for your contribution this afternoon. We now move onto the Right Honourable David Lidington. Who is – welcome, David.

Rt Hon David Lidington MP

86. MR LIDINGTON: Thank you. Thank you again for your time, chairman. I want to focus in more detail today, upon the issues other than the tunnelling question, that which I spoke at length in my previous appearance, although I shall may allusion to that, I'm not going to go in through all those arguments again. I want to structure my comments in terms of three themes.

87. First of all, I want to talk about the way in which public engagement has been handled by HS2 Limited, both to reflect the incredible depth of anger and frustration of my constituents, at how this has been done, but I hope constructively as well, to suggest ways in which lessons can be learned, both for the subsequent stages of this project, and for phase 2, but then also by ministers for the future public engagement of other large national infrastructure projects.

88. Secondly, I would like to take you through the route, through my constituency, from north to south, highlighting those problems that still remain unresolved, and third, I

want to address some cross-constituency issues, especially the impact of construction traffic and the question of noise.

89. So, if I can start with the question of public engagement. I completely accept that it was inevitable that there was going to be a clash of interest between HS2 Limited promoting this project and those residents who were going to be directly affected either by planning blight, or in future, by the noise and the visual impact of the railway's operation. But I do believe, on the basis of my experience over the past nearly five years, that public engagement could and should have been handled much better than was the case. And my sadness about what has happened, since 2010, is that what is, in my view, has been, the mishandling of public engagement, has allowed a store of mistrust to build up, which has made it actually more difficult for HS2 to have the confidence of the people to whom it has been talking, when it's come to talking to them about the substance of their concerns and when they're wanting local people to believe in the credibility of the assurances which the company is giving.

90. And if I can suggest, you know, the problems and the remedies, I do hope that the company will focus on really how to improve the quality of its work. There have been too many cases of downright incompetence and a refusal to acknowledge mistakes. The Committee will be aware of the occasion when the Environmental Statement was published with 800 pages of data missing, the findings of the Ombudsman that HS2 Limited's actions fell below the reasonable standards we would expect. HS2's handling of the AP2 Environmental Statement was an absolute shambles.

91. And my constituency case that really sticks in my mind was a circular letter which the promoter sent out in late 2013, to about 300 households, along the western edge of Aylesbury. Now, the letter was well intended, it was supposed to warn residents that HS2 might need temporary access to their properties, in effect their gardens, to carry out work restringing pylon lines. Now much of the letter was couched in pretty unpalatable bureaucrat-ease, so that didn't help, but the key sentence was clear, and unfortunately so. HS2 had intended to say that they might need temporary access to these 300 properties for two to three weeks. The letter that was sent out and received by my constituents actually stated that the promoter might need the access, 'temporarily or permanently, for 203 weeks'.

92. Unsurprisingly, the phone lines to my office were red hot with constituents alternately enraged and in tears, at what they believed was the imminent prospect of the seizure of their homes.

93. Now, it was sorted out, after frantic phone calls and exchanges of letters, with the then chief executive, I had very clear assurances that this was a typographical error and a failure of proof reading. I sent a circular round to my constituents, with the Bucks Herald, the Aylesbury newspaper, published the truth. What I have to say, chairman, still galls me two years on, is that, to my knowledge, there has never been a follow-up letter by the promoter to those 300 households, apologising for the distress and the mistake, and actually setting the matter straight, and that direction I got from the previous senior management of HS2 was that since they told me and the Bucks Herald, we could communicate that satisfactorily to the constituents concerned, and I simply do not believe that that is a high enough standard, I really do hope that that kind of lesson had been absorbed and will be applied in terms of better standards in the future.

94. Secondly, I do think the promoters could improve the level of access by affected members of the public to technical and engineering staff. Many constituents have complained to me that they have had stock PR answers to quite detailed enquiries, and answers that did not even address the specific questions that they had raised.

95. I most recently, at the last HS2 road show in Wendover; HS2 Limited took a deliberate decision not to field anyone who knew about, or could answer questions about tunnelling. Now, from the Committee's hearing of evidence, from Wendover, it will not surprise members to realise there are a lot of Wendover residents who wanted to ask about tunnelling; they wanted to ask quite legitimate questions about HS2's case that the cost of tunnelling would be prohibitive and that their alternative scheme was delivery equally good results, but understandably, those residents felt angry at the absence of anyone able to answer those questions, and the results of that was actually against HS2's own interests, because what it did was damage the promoter's reputation and eroded still any public confidence in what they were saying.

96. Now, I would make it clear, I'm not blaming individuals on the HS2 helpdesk who often bear the brunt of these detailed enquiries. The impression my staff and I have got is that for an infrastructure project of this scale, the helpdesk team does not appear to be

particularly well staffed. I think one solution that would help in the future would be an expansion of that team, and providing those who field the enquiries with more immediate access to technical and engineering experts who could respond to the concerns raised, and I think a relatively small investment in this area, if you re-prioritise the personnel resources of HS2 would do a good deal to improve public perception of their engagement.

97. And to avoid any misunderstanding, chairman, I want to make it clear that those constituents who dealt directly with HS2's technical and engineering experts, had generally expressed a good opinion of them, finding them straight forward and easy to deal with. What frustrates people is when technical enquiries are not directed to people with technical knowledge and the response comes more in the form of spin, than in a proper detailed answer.

98. You've heard from others that the community forums were not a success and I think, too often, there is an absence of necessarily expertise and it led to too many meetings descending into shouting.

99. I would also hope that HS2 Limited can improve the way in which it communicates information, and especially news about changes to the project. A consistent concern over the last year has been how effectively changes, including those in Additional Provisions, have been disseminated to local people. A number of constituents contacted me after the petition deadlines for APs had passed, saying they'd not heard about them. Most people don't buy a local newspaper any more, let alone read through the public information notices that are published with the small ads at the back of the paper.

100. Other constituents said they'd only heard about these changes through my website or word of mouth and local activists. And it's true that there's a very large network of local people who've put a lot of time and energy into getting information about the Bill out, but it shouldn't be their job to do this, it should be the job of the promoters to inform local people.

101. Now, I have raised these points with the resident's commissioner when she visited Parliament last year, and I was glad she took those points on board, and I hope again, we will now, in the future, see an improvement in this area.

102. Individual meetings with HS2 officials and with transport ministers, have proved to be more productive, but mostly on wider points of concern, although getting specific details after meetings was, and still remains, a time and energy consuming process. To use the example of the proposed extension to the green tunnel south of Wendover, this was in my initial petition two years ago, and a topic raised repeatedly by actions groups in Wendover. Despite this, when the Committee recommended last July, that this should be the default option of this area, HS2 Limited was unable to come up with even basic comparative noise maps until September, directly before the Wendover petitioners were due to appear.

103. So, the groups who should have had the period over the summer to examine the numbers in detail, were given only days, or at best, weeks, before they were due to give evidence, and I thought it was, to put it mildly, cheeky of HS2, to suggest that potential delay to the project was a good argument then against this particular form of additional litigation.

104. And those problems with engagement have continued throughout the petitioning process. There's been a poor record of making progress towards talking to people and achieving settlements prior to the petitions, and we've continued to see deals being negotiated in the corridor outside the Committee room, up to, and certainly including last week. This exerts unfair pressure, particularly on individual constituents, who've already experienced a large amount of stress and pressure since the announcement of the project in 2010.

105. Constituents have told me that they have appreciated the Committee's attempt to make this process as painless as possible, particularly to those people of whom you will have seen many, who have never had to speak in this somewhat daunting environment before. But I think at times, it's been a very uneven playing field between constituents, and the legal representatives of the promoter. I don't blame Mr Mould and his colleagues for doing their job, but a large number of constituents who have petitioned, feel it is fundamentally unfair for the promoter to have professional legal representatives, bank rolled by the tax payer to cross-examine them, in some cases, quite aggressively, when those individuals do not have any legal training themselves.

106. It's also true that the weight of policy experts behind HS2 Limited makes it hard

for constituents to fairly contest their points without going to personal expense, in paying for second opinions. And this is made more concerning when the promoters have either been slow in providing information, if they provide it at all, while their legal representatives then appear to have had easy access to that, during the presentations. It's not seen by constituents, as a level playing field. We appreciate it, HS2 Limited following the Committee's recommendation to release a guide to tunnel costs, but it was a rather threadbare pamphlet. And you will also have heard criticism from Hilary Wharf and others, of the assumptions upon which those costs were made.

107. Let me now move onto key local areas of concern, and I want to...

108. CHAIR: Can I – are we able to do the flyover from – past Aylesbury and beyond, at an appropriate point? If we can.

109. MR LIDINGTON: Yes. No, that was – I was told about that by the county council last week, when I think that is definitely a – you know, there's one thing that we do...

110. CHAIR: Let's have a look at this. Well, we'll let you catch your breath, have a glass of water, you can watch them flying through your constituency.

111. MR LIDINGTON: I'm very well aware of that, chairman. Let me start in the north of my constituency.

112. SIR HENRY BELLINGHAM: We need to go back a bit, don't we? That's Aylesbury, so we're out. We need to go back up the vale, heading north, don't we?

113. CHAIR: A little bit, although Aylesbury's in the northern part of your seat, isn't it?

114. MR LIDINGTON: You're seeing the northern part, so approaching it from the right direction there.

115. CHAIR: Okay. I can't see many of your posters there, David.

116. MR LIDINGTON: Well, we obey the law and take them down. Right. So we're now approaching the northern end and we're coming up where it cuts through the golf course and you'll have Hartwell House coming up on the right, and then the Oxford

Road junction. So, let me talk about the area around Hartwell House and the Fairford Leys estate which is over here, to the left of the picture.

117. Now, Hartwell House itself is in John Bercow's constituency, but the mitigation package proposed for Hartwell does have a significant impact to the route as it passes by Aylesbury and Stoke Mandeville. I want to express appreciation that the National Trust has told me that in their view, the promoter has now offered sufficient undertakings such that the Trust could be choosing not to appear before the Committee about this particular aspect.

118. My understanding is that the promoter has now agreed to the Trust's green banks proposal and further landscape screening and planting is also to be brought forward for the Stoke Mandeville maintenance loop.

119. Fairford Leys, on the left of the picture, is a recent urban extension of Aylesbury, it has a population of more than 5,000 people. It's a good example of the kind of area where the residents are very concerned about HS2 traffic, forcing a rat run to avoid queues on the main Oxford Road, or Bicester Road, during construction, and this in turn, leads to safety concerns for pupils and parents of St Mary's school, which is adjacent to the road running through the estate. Many families walk or cycle to school and there's an obvious risk, not just of congestion, but of road accidents.

120. I hope that the promoter, you know will, as part of its transport planning, be talking to Buckinghamshire County Council and to local people in Fairford Leys about how to mitigate that risk of their residential roads being used as a rat run and to avoid the kinds of risks to pedestrian, and cyclists, which concern them at the moment.

121. I'm pleased also to have had the assurance that the Fairford Leys football pitches, an important hub for both adult and junior teams, are not going to be required for construction, and that teams will be able to continue using those pitches throughout construction and subsequently.

122. Where there are main concerns in Fairford Leys are over what residents see as little provision for either visual or noise mitigation, for residents living on the north western edge of the estate. Now, at that point, the line of route is likely to be clearly visible to residents, as it emerges from the embankments, and heads towards the Thames

valley viaduct, and that viaduct appears to benefit from very little, if any visual or noise mitigation. And I think this does need to be remedied. I'm told that John Bercow's constituents in Lower Hartwell have already discussed the possibility of extending the National Trust green banks scheme on the west side. I would certainly welcome some equivalent protection for constituents in Fairford Leys, up to the Thame valley viaduct on the east side as well, and if that's not possible, I would welcome the planting of mature saplings to provide at least some visual screening for the noise barriers.

123. Now, if we can move on down the west side of Aylesbury; as the Committee knows, the line passes within 200 metres of residential properties, as it goes past the town. The Committee will be very familiar with the noise problems, because this is one of the areas modelled in depth by Arup in their sound lab, and I'll make further reference to that later. I think the Committee will also remember from their visit that traffic, through Aylesbury, can be pretty horrendous, particularly during peak hours.

124. CHAIR: You might want to come onto it, but you're very keen for passive provision for the road to go all the way around Aylesbury.

125. MR LIDINGTON: Yes, that is – passive provision for the road to go all the way around is very important in terms of trying to future proof the impact of this scheme on Aylesbury's future development. One concern specific to Aylesbury is recent flooding, that areas of the town, and particularly the Willows area, which is just south of the A418 Oxford Road, will be worsened by the construction of HS2. As the Committee saw when they visited the area, the line runs very close to homes on the Willows and the residents are concerned that the risk to them of regular flooding will increase. Early in 2014, more than 80 homes in the area were flooded because of overflows.

126. HS2 construction will take up a large amount of land which otherwise soaks up water and acts as natural flood protection, and I think the area will need very careful monitoring, particularly in view about uncertainties about climate and weather patterns. And I would want a commitment from the promoter to discuss their plans and mitigation options with the Environment Agency, Thames Water, Bucks County Council, Aylesbury Vale District Council and other local representatives.

127. If we can move on down to Stoke Mandeville, please. Which is coming down, yes, a little bit further, coming down to Stoke Mandeville, now it's at the middle of the

picture now. My office has been in touch frequently, with the Stoke Mandeville action group and Stoke Mandeville parish council and I put on record my appreciation of their efforts in working to reduce the impact of the line, of the local people. The A4010 Stoke Mandeville bypass will be a huge improvement, on the potential visual and noise impact, compared with previous proposals for multiple flyovers of Risborough Road and Marsh Lane, and it's good to see that that is in the Bill, but there's still more than can be done.

128. Stoke Mandeville's been told that it's in the unfortunate position of being the only feasible location for a maintenance loop between London and Calvert. And the key concern here that the parish, and the action group have raised, is for adequate noise mitigation, to protect homes from the potential around the clock noise impact that maintenance operations will have. I understated that they are currently asking for a consistent height noise barrier of four metres, rather than the variable height barrier that is currently being proposed and I think that both Mr Clifton-Brown and the promoter mentioned this positively during previous hearings, and I hope that we can have a firm commitment to this before long.

129. I also believe that, with regard to the maintenance loop, local people would benefit from the promoter bringing forward a binding code of practice, and some system of redress to govern the operation of the maintenance loop in the future, so that residents can actually have an assurance that there is some declared limit to the amount of disturbance which they should reasonably be expected to suffer. Stoke Mandeville residents are also looking for reassurance that noise barriers be adequately shielded with trees, and for the earthworks that are currently planned to end north of the A4010 Risborough Road, to extend south, past the A4010 for additional noise and visual mitigation. And I think especially given the serious impact that the maintenance loop is likely to have, these are reasonable requests.

130. The parish council has asked me to report to the Committee that they've had no further correspondence from the promoter to discuss resolutions to these issues, since the parish council's Committee appearances in mid-November 2015, and I am concerned that the promoter continues to be slow to follow up on issues like this, without concerted pressure, and I would ask the Committee to insist on action from the promoters on this point.

131. Just south of Stoke Mandeville, so if we can move the flyover on a little bit, we will get to the Bucks Goat Centre, that's just around here, where we cross Lower Road, the Bucks Goat Centre where the arrow is; the Committee heard their petition last year, and again, this is a case where the promoters have not been quick to follow up the concerns expressed during that hearing.

132. The Committee asked the promoter to further investigate the noise, vibration, dust and other effects of construction of operation, on both the HS2 and the Stoke Mandeville bypass on the animals and people at the Bucks Goat Centre. As far as I know, having been in touch with the owners within the last week, the promoter has not yet followed this up. The owners, by contrast, have contacted the RSPCA, Oxford University Department of Zoology, and a group of American scientists, who made a study of the noise effects on livestock of a high speed rail project in California. I say that just to indicate how seriously my constituents are taking the potentially life changing impact of HS2.

133. They recently had a visit from the RSPCA, whose officer expressed concern about possible animal and human inhalation, and contamination to pastures and paddocks, of toxic dust and fumes during the construction phases of HS2 and the bypass. Again, this is an area which does need to be followed up with greater energy, following the concerns expressed in the evidence sessions last year, and I hope the Committee will press the promoter to address these issues without further delay.

134. Beside the Goat Centre are a number of other businesses in the lay by farm business park; they too petitioned last year, and they too have not yet received a substantive response from the promoter, to issues raised in their petition. These businesses asked me briefly to re-state the key points they raised in the hope it might elicit a response from the promoter the second time around. There's no compensation or specific support available in current arrangements for tenant businesses, the scale and length of the construction close to the business park will have a hugely detrimental impact on the businesses, both in terms of decreased footfall, visitors deterred by road closures and temporary traffic lights, plus the loss of access and direct visibility from the A-road, once the rerouting through the bypass has taken place. Plus again, the problems of noise and dust during construction.

135. Now, these businesses are going to be seriously harmed by construction and operation of the line, and even if they chose to move or lose money from their relocation, it doesn't seem just they should have no access to compensation whatsoever, so I would suggest at minimum, their moving costs should be underwritten by the promoter, should those business owners decided that that is what would best serve their interests, rather than being in the middle of a construction site for many years.

136. We now move from Stoke Mandeville to Wendover and I have to say, chairman, that I've been able to describe a number of improvements in parts of the scheme by Aylesbury and Stoke Mandeville, but it is at Wendover where I think there remains now the greatest need for attention to try and address some of the problems residents have identified. And on the south side of Wendover, if you can stop, you can probably wheel back a little bit. If we can. Because I want to look at – it's where I was – it's coming up here, it's just the – it's Nash Lee Lane, you've got these houses over on the right of the road and by where the access road comes to.

137. The Committee members paused at Nash Lee Lane during their visit to my constituency. Residents in this area face serious impacts in terms of construction traffic, noise and visual impact. Many of the houses are going to be almost surrounded by construction with the auxiliary substation, balancing pond, maintenance loop, access roadway, and temporary sidings for the Aylesbury Marylebone line, all in close proximity.

138. And Nash Lee Lane, like London Road and Wendover Dean to the south of Wendover, because it is a small settlement, faces the impact being serious, but at the same time, it's quite difficult to devise a cost effective solution, we're talking about a relatively small number of residents, but who face a very serious impact. And I know, on 7 September, you heard from some of these residents who said they thought they fell into what they described a land of no hope.

139. The noise during operation will be 50-65dB LAeq, even with a substantial package of noise mitigation. I understand that some of the barriers could be increased in height from three to six metres to obviate pantograph noise, but this would also bring with it, the visual plight of the barriers and the Committee will be well aware that tree coverage for barriers for that height could take up to 20 years.

140. The construction traffic in an area already relatively isolated will mean that families will have to drive children, who have to deal with this on several journeys a day. The Wendover bypass does not have pedestrian footpaths or crossings, and it is dangerous to cross, especially for children. What I would like HS2 to do is engage promptly with local residents and the local authorities to draw up a detailed plan for additional noise and visual mitigation and to ensure, in their plans for construction, that residents are able to have access to shops and public services, easily and, critically, safely during construction.

141. Quite a number of constituent in this vicinity have had their properties purchased through the need to sell scheme, and it may be the case that the best and fairest solution for the problems faced here would be for the terms of voluntary purchase, possibly with the addition of moving costs and stamp duty to be offered to local residents, so that they can move on with their lives, in effect, a tweaking of the discretionary compensation scheme.

142. Now, let me move on to Wendover itself, and the Committee will be very familiar with Wendover, both from visits to the town and from the many constituents of mine who have come to petition the Committee on the town's behalf and then again, in respect of tunnelling. I won't go over all the points that they have made again, and I have talked to the Committee previously about the need for tunnelling, whether bored, mined or green tunnel. Residents have all been clear that all other mitigation and compensation for Wendover is a definite second best to increased tunnelling.

143. In order of preference, the bored consensus remains, that a fully bored Chilterns tunnel is the best solution. After this a bored or mined tunnel past Wendover, and after either of these, extensions to the green tunnel to the north and south of Wendover and a cover to the South Dean viaduct. And I would simply, very briefly, remind the Committee that choosing the proposals for 100 metres of tunnel extension and noise barriers rather than a 700 metres option, would mean that LAeq would be 50% louder for Wendover school, 49dB up from 43, and almost double the noise for the church, 47 up from 38 – these are HS2 Limited's own figures. I just wanted to say this to make it clear that even the smallest of the improvements to the tunnelling proposals from the status quo would have significant improved noise reduction impacts on the ground.

144. The package of measures in AP5 and in supplementary environmental statement 4

are a welcome improvement to the original Bill, but I won't hide the fact that a number of constituents have once again mentioned they consider six metre noise barriers a bigger visual intrusion than the extended green tunnel option. I look forward also to confirmation of the other measures discussed by HS2 in their package of mitigation for Wendover in September last year. If we could have slide 7 up please. I will obviously make sure the Committee has a copy of this, but rather than read it out – no, 7 please. That's not my slide.

145. SIR PETER BOTTOMLEY: 2054.

146. MR LIDINGTON: Sorry, 2054, 7.

147. SIR PETER BOTTOMLEY: The one about avoiding tunnelling means...

148. MR LIDINGTON: Yes. Frankly, my view is that these measures are all small change so far as the promoter is concerned, and whatever the outcome for Wendover, tunnelling or barriers or a green tunnel, this should be part of it, and I'm very disappointed that this has still not been nailed down, despite the appearances by my constituents before the Committee. The Committee's also heard from local residents about their worries of potentially serious hydrogeological impacts on Wendover and surrounding waterways. The promoter has of course assured you that measures will be put in place to pre-emptively monitor the hydrogeological issues. If the Committee does not go for the bored tunnel then I hope that we will have a clear plan to monitor these hydrogeological impacts at very early stages of the construction process. I have taken this issue up with the Environment Agency and they've told me they share these concerns. And I'd also welcome a clear undertaking to make that information public to local stakeholders, given the degree of public interest and concern about this matter.

149. Wendover Chamber of Trade and Commerce have asked me to say that they fear their businesses will be negatively affected by construction traffic, and that it would be reasonable that their businesses should be compensated for losses of revenue as a result of the construction or operation of HS2.

150. Now, moving to the south of Wendover, the Committee will remember St Mary's Church and the presentation and sound demonstration there from William Avery. It now seems highly likely, unless a tunnel option of some kind is preferred, that there will

be significant impact of noise on the use of the outside of the church. Until recently my understanding was that there was good progress being made towards sound attenuation for concert performances in the church and for services, for reroofing, internal glazing and noise insulation to the bell tower and porch. Indeed, it seemed that with the addition of the extended green tunnel and noise barriers in supplementary environmental statement 4 that these measures together might provide a workable solution for the church interior.

151. I was therefore dismayed to be told by St Mary's that the plans for insulation for the church have apparently been abandoned in the light of the higher noise barriers now proposed, and the users of the church have been clear that this is not enough and I fully support them. HS2 has said that six metre sound barriers will put the peak noise by the church at 63 decibels for TSI compliant trains, a reduction of seven decibels from the environmental statement, provided sound absorbent barriers are used. Now, this detail is not stated in AP5 SES4, so that needs to be clarified. The key –

152. MR MOULD QC (DfT): Can I just –

153. MR LIDINGTON: Yes.

154. MR MOULD QC (DfT): Sorry, because I wouldn't want you to proceed on a false basis. Far from the assurance relating to internal noise insulation measures to the church being abandoned, a letter has been sent this week confirming the project's commitment to provide funding up to a sum of £250,000 towards such works.

155. MR LIDINGTON: I'm grateful to Mr Mould. I was indeed intending to refer to this later. The letter arrived this morning by coincidence.

156. MR MOULD QC (DfT): Right. So in fact the position is that there is –

157. MR LIDINGTON: Well, it is, but it is not sufficient. The key point of contention is how much sound attenuation is provided by the existing fabric of the building. I understand from Mr Avery that a comprehensive test of the current sound attenuation shows around a 20 decibel reduction for a TSI compliant train, taking the noise down from a peak of 70 to a peak of around 50. Currently, with the ambient level outside of around 50 decibels, they experience about 30 decibels inside, and, in testing, only about

eight times an hour is there something noisier from the outside that penetrates into the church, and only occasionally does that get close to 40 decibels.

158. Committee members will recall from the demonstration last year that with the church full of people sitting still the noise level is almost down to 30. Now, once HS2 is – I think is a surprise to many people. That was the measure. I think, Sir Peter, you'll recall we sat in the church there and they gave the simulation.

159. SIR PETER BOTTOMLEY: I'm not tarnishing. I'm just making an observation. I've never been in a room where I've managed to get – with other people where I've managed to get the reading down to zero.

160. MR LIDINGTON: But because of course, as the Committee well knows, decibels, noise impact is measured on a logarithmic rather than a linear scale, a relatively small arithmetic change in decibel levels amounts to a very big difference in terms of noise perceived. It's all on the AP.

161. SIR PETER BOTTOMLEY: This is you?

162. MR LIDINGTON: Absolutely. I hesitate to think what I'm speaking at.

163. SIR PETER BOTTOMLEY: How many more pages have you got, David?

164. MR LIDINGTON: I hope not too – oh no, we've got a few more. We're well on the way. We're well on the way.

165. SIR PETER BOTTOMLEY: But how many?

166. MR LIDINGTON: I've got about – I can cut some of this, Peter. I've got about 10 here but some of it I can put in writing to you if that helps. The key point of contention is, as I've said, the fabric here. Once HS2 is running there'll be 36 occurrences all above 40, with some at 43, that the church believes will render it unusable for concerts. Now, it is true the promoters have offered up to a maximum of £250,000 in noise attenuation, but the costs, as estimated by the Diocese of Oxford and the parish, are of the order of 2-2.5 million, so we're looking now at an offer for noise attenuation from HS2 that amounts to perhaps an eight or a tenth of what the church itself calculates it needs to be able to function to the existing concert standard at the

moment.

167. The Wendover Campus of Chiltern Way Federation has also received a communication from the promoters today. The Committee will be very familiar with the school's concerns. I would simply say that the initial contact I've had today from the school is that they believe the assurances they have been offered are very vague, are couched in terms of 'best endeavours' and the like, and, like the church, they remain dissatisfied with the length of time it's taken to get any response and the response they've had hitherto.

168. Wendover Cricket Club is the third local facility. I think what might be helpful, because there is a lot of detail here, is if I could put this element in writing so the Committee can see this. But, again, this is getting quite urgent because if a new site is not acquired in 2016 it will almost certainly result in a gap between losing the existing ground and being able to use any new ground. And, since the hearing on 28 October, when Mr Mould suggested a bus service was used, the club has checked the bus timetable, and they find that buses do not run at a time that would enable people, particularly children in the youth teams, to be able to travel both to and from the proposed new site.

169. Finally for Wendover, in the south we get to the communities around London Road and Wendover Dean, and the Committee will recall these are badly affected, construction potentially for up to seven years close to a residential road, the subsequent blight of embankments and of viaducts. I know that when you had a presentation from Mrs Dixon, you know, she made the point that this is an area that too often seemed to fall through the cracks in terms of engagement. They don't feel covered by the conversations about Wendover village centre, so I hope once the tendering process is complete the promoter will work closely with London Road residents on the design and construction of the viaduct and embankment.

170. As you'll remember, the visual impact of the line is impossible to miss from London Road. The residents are also worried that, in effect, they'll be turned into a severed community, cut off by the different construction works, temporary traffic lights and so on, and I think, again, they would welcome the reassurance that there was a detailed plan to cover construction that made it clear that that would not be happening. I

continue to believe that these properties represent a special case for compensation. There are special rules for households on the line that are close to tunnels, and I believe there should be special compensation rules for those more affected because HS2 passes by on a viaduct or high embankment.

171. Let me now conclude by talking briefly about some of the wider issues affecting the whole of the constituency, and let me deal first with construction traffic. Now, we have moved on. Last week there was a corridor conversation between the promoters and Buckinghamshire County Council, whereby the promoters agreed to give financial assistance to the County Council, as highways authority, to improve a number of key roads and junctions that would be used by construction traffic. The immediate response I've had from the County Council leadership is that they believe that those financial assurances address most of the concerns they have, but clearly the proof of the pudding is going to be in the eating, and it's going to be important that there is a system in place to monitor what happens with traffic.

172. I would ask the promoters to give us greater clarity on their most recent estimates for traffic flows and numbers. There was a recent revision which showed a significant increase on the forecast traffic congestion in the central Chilterns compared with the forecast made in the environmental statement, and that's clearly got people elsewhere along the construction routes, in the south as well as the north of my constituency worried, so an up to date assessment and a clear statement as to the methodology, I think, is needed there. I also hope particular attention will be given to the impact of HS2 construction upon health services. I recently discussed this with both the South Central Ambulance Service and the Buckinghamshire Hospitals Trust. People in the south of my constituency and High Wycombe have to travel to Stoke Mandeville for A&E and maternity services. People in the north of my constituency and Mr Bercow's have to go to High Wycombe for the specialist cardiac and stroke units there, and the existing levels of traffic mean there's already pressure on the A4010 and the roundabout – the Pedestal roundabout where the A4010 and the M40 join in particular.

173. I think slide 2054(3) has – slide, yes, 2054(3) shows why I am particularly worried about construction impact. These figures represent housing, new housing development over the next few years. It's mostly already committed. The 3,000 in the centre is one where it's not yet approved. The developer is putting – about to put in for a second time

for an application of that number on that site, and this is before we get to what is likely to be in Aylesbury Vale Council's local plan for another 30,000-35,000 houses for the district over forthcoming years. So there's a worry that the HS2 construction and a lot of this residential construction will be taking place at the same time, with a consequent impact upon the local road systems.

174. SIR HENRY BELLINGHAM: The 20,000 that is planned for the local plan up to 2026, that's in addition to –

175. MR LIDINGTON: There'll be some overlap in that it'll be – the 3,000, for example, since that's not yet been approved, may fall into that, but we're looking at big numbers for the district and so on. It may not all be this part of the district. Some could be further north, but I wanted the Committee to be alive to the scale of this. This area of Buckinghamshire is one of the fastest growing areas in the country. Aylesbury Vale last year had more new houses built than Birmingham and Nottingham put together. These are very big, big numbers.

176. SIR HENRY BELLINGHAM: And is Wendover included in those plans?

177. MR LIDINGTON: Wendover will probably be subject to some development pressure but it – part of it lies in the AONB and part of the old historic centre has conservation status, so it's unlikely to be a major, sort of, centre for new building in its own right, but it will be affected by the traffic impact flowing from the growth of Aylesbury, and indeed further north the growth of Milton Keynes and of Leighton Buzzard and Luton, as the traffic funnels south towards to M4 and M40 corridors.

178. SIR HENRY BELLINGHAM: And is the council planning a new ring road round –?

179. MR LIDINGTON: Well, the petitions you've been hearing from the local authorities are about making provision for – to safeguard the route of a ring road round Aylesbury. That's different from having the money to pay for it. And in the absence of central government funding that's going to have to be developed by contributions, which of course means more building probably than is indicated here in order to fund that road development.

180. The promoter has committed to regular traffic liaison meetings once contractors have been appointed. I would hope that they will include, as well as the principal authorities, local public representatives like parish council members, and also local employers. I know there's worry in Aylesbury that the impact of construction could be a deterrent to new businesses from locating in the town. And if you want to have an idea of existing traffic in and out of the town if we have 24(6) up, which shows average – annual average daily traffic. You've got very big numbers of vehicles coming in and out every day, and in some areas, particularly on the right – the left picture here, you're talking about 700 two way HGV trips every day as a result of HS2 construction so, I mean, there are some real pressure points on the traffic system in the town. Yes, opening up parts of that ring road will help, but that had been designed with new building in mind and, you know, HS2 is an additional burden. So monitoring that, having a proper plan in place is going to be absolutely vital.

181. I would like to – the promoter to commit itself to work on the real top standards of construction practice, i.e. I know that Ms Gillan is going to talk more extensively about the independent complaints commissioner when she gives her presentation. I will certainly support the case that she makes. What I'm asking from the Committee is set out in slide 2054(1). Do we have 2054(1)? And I think these are all ideas with which I hope the Committee will be fairly familiar, but, again, they've been waiting a long time to see a commitment for this and it really would help – I think help HS2 to win back some trust if they made this commitment – this kind of commitment at the earliest possible date.

182. CHAIR: Are we nearly getting there, David?

183. MR LIDINGTON: Yes, we're getting – we are nearly at the end now. The National Trust has asked me to raise that they want clarification on the plan for engagement during design and delivery. I know you heard evidence on this from the Chilterns Conservation Board last week. I would like to see a design competition, in particular for the viaduct, if that goes ahead, which is proposed for the Wendover Dean area, with the criteria being above all for both noise mitigation and aesthetic appearance, and limiting adverse visual impact. And I would like to see a wide ranging remit for a design and mitigation body which looked not just at design, but on broader issues like traffic and spoil management in the Chilterns area of outstanding natural beauty.

184. Finally, let me move to compensation. I won't repeat the arguments that you have heard before. I remain though very concerned about the way in which the need to sell scheme operates. I welcome the Committee's report on this, and I welcome too the fact that the success rate for NTS applications reached 67% towards the end of last year, or 72% if we disregard cases solely declined on effort to sell. It normally means they just need a little while longer on the market. But there have been other cases that caused me real anxiety.

185. Mr Riddell has given me permission to raise his case. He came to you to say that the promoter had refused his application on the grounds that choice of school did not make for a compelling reason, and you noted in your report in December that accessibility of preferred schools might well be other valid reasons for wanting to sell. In the most recent letter refusal to Mr Riddell the promoter stated that they did not regard – that they regarded that the son did not have a confirmed place at the school as a key reason for not approving criterion 5 of the application, and this does seem to me that, despite what the Committee said about parental school choice, that the promoter has not responded at least in this case to that particular issue, and I think that case needs to be addressed.

186. I'm going to leave with the Committee also a list of constituency cases where the valuations given by the two valuers picked from the HS2 panel have come in with valuations significantly below those reached by independent valuers, particularly those with local knowledge. Now, I read some of the evidence sessions on this. I know that there are, you know, legitimate questions of course being asked about the vigour with which a valuation has been carried out, but there – I've had enough cases in my constituency alone, and I will give the Committee full details, including the names and addresses, for me to think that this is not just individual people who are discontented but there is something that is systemically wrong with the way in which these valuations have been carried out. And until we get, you know, more local valuers involved, a solution might be to allow individuals to choose one of the valuers independently rather than just from the list provided by the promoters.

187. I still also have cases, and I'm happy to give the Committee details, where people say that it is just taking too long between the promoters accepting that they – their case for compensation and the details being worked out.

188. On noise, I've said, I think, in going through here what I really wanted to say about noise in the various locations, but I was struck when I went to Arup and listened to the simulation of the Oat Close, Aylesbury noise levels by how loud the trains were in an outdoor area. Indoors, yes, on the assumption that these were HS2 compliant trains and, you know, most up to date double glazing and so on, the noise impact was much, much reduced, and I was quite impressed by that. But if you stepped outside the front door or you wanted your windows open in the summer the impact was much more damaging, and I just hope that the Committee agrees that houses in places like Oat Close and other places that are close to the line should have the very minimum that – free high quality double glazing as a standard part of their compensation package.

189. I'm on the last page now. The Chiltern Railway has asked me to raise one additional issue, which is that of the High Wycombe single line. They say that the Bill as currently drafted would close and extinguish that line and remove a key route for passengers from Buckinghamshire to reach the proposed station at Old Oak Common. Chiltern Rail want to have the option available to use this particular route to link up with Old Oak Common, and therefore provide a link from Buckinghamshire, the Chiltern Line, into Heathrow, which is not available at the moment. My understanding is the proposed closure is due to the realignment of the Great Western Main Line to make room for the construction of the Old Oak Common station, and that would sever the High Wycombe single line. Chiltern Rail argues it is both physically possible and cost effective to maintain the High Wycombe single line within the Old Oak Common layout. I'm no engineering expert, but I urge the Committee to ask the promoter fully to investigate this possibility and reach a solution if they can.

190. In conclusion, Chairman, it is still almost universally the opinion of my constituents that a long Chilterns tunnel and protection for the AONB are the single biggest ask they have, and this has not been changed by any of the alternatives so far offered. And it goes without saying this would remove the need for large amounts of the additional mitigation and compensation I've mentioned today. And, for Wendover in particular, if not a long tunnel then the extended green tunnel, as presented to the Committee last summer, is something that local people would support. If the Committee does not support a long tunnel then my constituents, not just in Wendover but along the rest of the route through my constituency, will need to have the concerns

that I have described dealt with both quickly and effectively, and I hope that this will now be done.

191. CHAIR: Thank you very much, David. Quite a lot was raised, Mr Mould. You might have to pick up some of the issues in written form, but would you like to touch on the key issues?

192. MR MOULD QC (DfT): What I was going to do, because I'm conscious of the fact you've got other petitioners waiting who haven't been heard, is to say that I think without – with one exception, every single one of the points that have been raised by Mr Lidington are points that have been heard by the Committee from individual petitioners and from local authorities, to which we have responded in the sittings, and where, in many cases, we have reached agreement with petitioners as to assurances and so forth, or we have set out our position in response, and you will no doubt be reporting on your judgment in the – in your report. On that basis, if you're content to leave it in that way I would leave it in that way, and if Mr Lidington would like behind the scenes, through his researcher, for example, to engage with us to get the relevant references on the transcript, I'm sure that we can provide those to him.

193. CHAIR: Yes. The Goat Centre we're expecting a report back on.

194. MR MOULD QC (DfT): Yes.

195. CHAIR: The last point he made about the railway –

196. MR MOULD QC (DfT): Well, that's the one exception, because you – we have the great advantage now of being forewarned as to the case that we can expect to hear on Thursday, because that is when Chiltern Railways are actually coming before you. That's their scheduled – so we now know that they are going to be suggesting that the Wycombe single line will be retained, and we will obviously respond on that when we've heard their petition on Thursday morning.

197. CHAIR: And you mentioned, actually I don't think in public session, the other day about the potential for maintaining a road around Aylesbury. Was that right?

198. MR MOULD QC (DfT): Yes. Amongst the assurances we've given to the County Council is an assurance in relation to that – do you remember there were two

areas where that was – on which that focused. The first was –

199. MR CLIFTON-BROWN: Could we just have that plan back up of Aylesbury, and you can just show –

200. MR MOULD QC (DfT): Yes. That was one of Mr Lidington's slides I think.

201. MR CLIFTON-BROWN: Sorry to stop you.

202. MR MOULD QC (DfT): No, no, not at all.

203. SIR PETER BOTTOMLEY: A map of Aylesbury. It may not be the best map of Aylesbury.

204. MR MOULD QC (DfT): It'll certainly help the – yes. Yes, so if you remember – just orientate ourselves. We've got the railway line coming in – the Princes Risborough line. I think I've got that – I've got the right one, and do you remember there was a point at which we had to do some work to the Princes Risborough line to enable the HS2 railway to go past it effectively, across it, and there was a point made by the local authorities, with support from the local landowners and community, that the HS2 scheme should future proof so as to provide an underpass that would accommodate a dual track – a dual carriageway road if there – to allow for future promotion of such a scheme. And amongst the assurances that we've given most recently to Buckinghamshire, and which were the subject of detailed discussions, culminating in their appearance before you, is our assurances in relation to that matter. So if you'd like –

205. CHAIR: But that is for a future study?

206. SIR PETER BOTTOMLEY: It's quite obvious that Aylesbury at some stage is going to have a western bypass, and it'll be – that'll probably be associated with various other developments is my guess, but – so having the structure there means you wouldn't have to interfere with the running of the railway.

207. MR MOULD QC (DfT): Yes, and, as you say, there's a commitment to a study to examine the need – the case – the need for that, and to provision for that future proofing as part of the works. Obviously the construction of the road itself is a matter for the

local authorities to promote, and one would expect, under the current planning regime, that that would be largely funded by those who would benefit from its provision. That is to say developers who provide – who take a profit from housebuilding in the area.

208. The other point, the specific point, was the – was whether the Stoke Mandeville bypass that is within the Bill and which, as Mr Lidington said, is a good thing and of course responsive, one of those examples which is responsive to local community pressure through the community forum areas, the community forums, whether that should be a more ambitious scheme. And what we have agreed with the County Council is that we would fund traffic modelling and further studies in relation to the case for that additional link, and that again is set out in detail in the assurance letter that was provided to Buckinghamshire County Council following the negotiations we've continued to have over the course of the last few months.

209. So that would be - that would then - again, the provision of that link as part of a larger scheme, or indeed in isolation, would be something that would be resolved in the light of that work.

210. CHAIR: Okay. If you could therefore write to Mr Lidington, referencing the answers you've given on the range of points. Mr Lidington will write to me about the cricket club and pick up - once we've looked at the official answer you've given, pick up further points that he thinks need to be raised before we finish the process. Are you happy with that?

211. MR LIDINGTON: No, I think that's fine. I have always welcomed the move to, in effect, safeguard a route. I mean, the point I was making about traffic was more that it is almost certain that that western link would not be ready when construction of HS2 is planned, so the need to plan for and manage in that construction traffic remains. And that was my point today.

212. MR MOULD QC (DfT): And if I could just make one further point without testing your patience more, I hope, than I need to. It goes back to the very beginning, where Mr Lidington made some - gave some evidence about the consultation and engagement process. What I would say is it is very helpful indeed I'm sure, to the promoter and to the Secretary of State, if people provide constructive ideas as to how engagement and consultation could be improved. And that I took to be the purpose of

Mr Lidington's presentation to you.

213. Because it's - whilst obviously people - one can understand why people may, from time to time, feel that they should make the point that they don't feel that the process is being effective - and one could argue about that, and it's not worth it, frankly, in this process. What is much more useful for the future is to have constructive ideas as to how it might be made better. And that is - for that reason, I will - those points which were made, which were with a view to that purpose.

214. CHAIR: I think what is true is that throughout the process there are sometimes letters that need to be delivered to meet the legal processes -

215. MR MOULD QC (DfT): Yes.

216. CHAIR: - which sometimes don't get things right, and there aren't necessarily follow-up letters as a result. And that's come up a number of times, and clearly the next phase is that needed to be got right. Anyway, thank you very much, David, for your time. Sorry?

217. MR CLIFTON-BROWN: Sorry, can I go first, Sir Henry?

218. SIR HENRY BELLINGHAM: You go first.

219. MR CLIFTON-BROWN: I'm a little bit concerned, Mr Mould, to hear from Mr Lidington that there are systemic problems with valuations and the need to sell in the scheme. If he provides evidence of that, I mean, what further can be done? Systemic as opposed to individual.

220. MR MOULD QC (DfT): Yeah. First of all I should make it clear I certainly don't accept, on behalf of the Secretary of State, that that is correct. But I haven't seen the evidence that he has said supports it, and clearly, like any advocate, I hold final judgment until I've seen what is produced.

221. If - I think the answer to 'what can be done' must surely also rest until we have seen what the evidence is, because a sensible judgment as to A) whether there is a systemic problem, and if so how it can be remedied, must surely depend upon consideration of the evidence.

222. CHAIR: We're still waiting for the Secretary of State to come back to us on the interim report -

223. MR MOULD QC (DfT): Yes.

224. CHAIR: - we brought in, and there may be parts of that that may solve some of the issues which Mr Lidington is concerned with.

225. MR CLIFTON-BROWN: Mr Lidington did ask about the construction process and issues like dust and the cleaning of exterior of houses, medical costs of residents who suffer from respiratory problems, et cetera. There was that list of construction process asks.

226. MR MOULD QC (DfT): Yes.

227. MR CLIFTON-BROWN: Now, where are we with that and what can you say about that?

228. MR MOULD QC (DfT): We will certainly remind Mr Lidington again - I hope you will forgive me for putting it that way - of the very extensive arrangements that are set out in the Code of Construction Practice, and that is really the answer. The Code of Construction Practice - that slide that Mr Lidington put up showing suggestions, helpful suggestions as to how the process of locating work sites and so forth might be governed, that is all foreshadowed in the Code of Construction Practice.

229. I recall this morning a petitioner came to you and said that they were - and referred to the fact that this was a project which was following the lead, for example, of the Olympics construction, which I think is now generally accepted as having been a successful, well-run construction process. You had another letter this morning from - another observation this morning that people - somebody who preferred the notion that these works were being done by a public body rather than a private developer because they could rely upon the public body, putting it colloquially, taking a more responsible approach to construction, perhaps, than some other private developers.

230. So that's the basis upon which the construction - code of construction practice is drawn. And Sir Henry, if you'll forgive me, insofar as there are more detailed points raised in the presentation, perhaps they can be left over to be dealt with in the way that

makes sense.

231. SIR HENRY BELLINGHAM: Yes. Fair enough.

232. CHAIR: Thank you very much. You've got it on the record. You've got it off your chest, anyway. That's the main thing.

233. MR LIDINGTON: Well, it's not me that's important.

234. CHAIR: Yeah. I know.

235. MR LIDINGTON: It's the, you know, 2000 constituents who have written to me about this, and the others who are also affected.

236. CHAIR: And member staff.

237. MR LIDINGTON: And indeed members of staff.

Rt Hon Dominic Grieve MP

238. CHAIR: Right. We now move on to the Right Honourable Dominic Grieve, who has been sitting patiently listening to his Buckinghamshire colleague. Welcome, Dominic. We did, when we heard from some of your constituents on Thursday, point out that you had important works taking the safety of our nation.

239. MR GRIEVE: Well, I'm very grateful, Chairman, for having a brief opportunity - and I think it really will be brief - to pick up a few points specifically. I've given evidence before about HS2 going through Denham in my constituency, and the consequences of that. But specifically about the - that Heathrow Express terminal at Iver.

240. Some of you have had the opportunity of visiting and have seen for yourself the area, and can I just highlight what are my continuing concerns? Firstly I should make clear that I have seen - it's only in draft form - a letter coming from the promoter to Buckinghamshire County Council giving a number of undertakings about how the Heathrow Express project would be managed.

241. That includes an undertaking that prior to the construction and during the construction of the Heathrow Express depot, with a view to further mitigating the

impacts of the construction where necessary and reasonably practicable, insofar as it doesn't impact the timely, economic and safe delivery and operation of the proposed scheme they will engage between the promoter and the County Council. And they will also look at the cumulative traffic impacts in Iver, Iver Heath and Richings Park to understand the environmental impacts of these projects, with a view to the promoters reducing their projects' cumulative impact.

242. Now, all that is rather welcome. The trouble is, it's remarkably unspecific. Now, my understanding is that partly perhaps as a result of the Committee coming along to Iver the one aspect which has been specifically dropped is bringing traffic into Iver along Bangors Road South. If that is the case and can be confirmed I'm extremely grateful, because you will recall that this was an attempt to get heavy goods vehicles through a narrow gap of a twisting village road, where in fact two cars can't pass each other.

243. MR MOULD QC (DfT): Should I just explain precisely -

244. MR GRIEVE: Yes. It might be helpful to know what's happened on that. It will be helpful to know whether I'm right in that or not.

245. MR MOULD QC (DfT): Well, I'll certainly help you with that. The map, if we put up P14847. The Committee did actually hear about this in some detail on Thursday last.

246. MR GRIEVE: I appreciate. I wasn't there.

247. MR MOULD QC (DfT): No, no. Of course. But the Committee - that's just for their reference. This is the - the position - just to set the context again. We have three proposed access routes into the depot site. The first and the main access is this route by Wood Lane and Langley Park, which we propose should accommodate 70 per cent of the construction vehicles. And then we have - in order to try and balance the effects on traffic we had proposed it - of the remaining 30 per cent 15 would come by Bangors Road South and 15 per cent would come from the M4 via Sutton Lane and past - due north past Richings Park.

248. Now, what we have - because of the concerns that were raised about the ability of

Bangors Road South, particularly in this area, and indeed Iver High Street in this area, to accommodate any appreciable increase in HGV traffic from HS2. We have given an assurance to Buckinghamshire County Council, that I mentioned last Thursday morning, that we would look to avoid using Bangor Road South. The only qualification to that is that we have to be able to stay within the environment envelope of the planning permission that we would have under the HS2 bill.

249. And it may be that in order to achieve that obvious and important objective we would need to maintain some very residual running of HGVs down that road. And we're talking about the order of one or two HGVs a day, but our objective is to avoid that and to avoid using that road completely, because that is what has been impressed upon us by the County Council and the local community. It is only with that qualification that we have given that assurance.

250. CHAIR: Okay. Well, that's progress.

251. MR GRIEVE: Well, Chairman, that is very helpful and actually goes slightly further than my understanding had gone. If it is indeed the case that it's going to be confined to one or two heavy goods vehicles a day - and I still question the ability to use Bangors Road South. You saw the entrance into the village. I think you got out and stood by the roundabout and saw how narrow the village road is at that point of access into the High Street. My personal view has always been - and the villagers' view - that it's completely unsuitable to run heavy goods vehicles through at all, and I think that remains my position.

252. The other issue is of course Iver High Street. That is, as you were aware from your visit, a source of real concern to the locals, and rightly so because it's already saturated. Now, if in fact what's just been said is we're going to be down to one or two heavy goods vehicles a day as part of this project then I think my views, which I was about to express to you, may be somewhat tempered.

253. But the difficulty I have - and I think this is where I would ask the Committee perhaps to look at its conclusions carefully - is to what extent the undertakings, as they're currently - as I currently understand them - I felt that they're not worth the paper they're written on, but they're expressed in very general terms and they don't confine usage down to a position where I have confidence in going back to my own local

residence.

254. It does raise for me the further issue as to how we've got ourselves into this particular mess. The truth is that this project has been very poorly coordinated - on the Heathrow express depot - and thought through in relation to the other projects that are taking place in the vicinity. If it were possible, for example, to use Wood Lane and Mansion Lane to access this site then a lot of the problems that are associated with this project for the Heathrow Express depot would be reduced. They still of course will give problems to the local residence, but trying to look at this matter in the round and sensibly, they would be reduced.

255. But as you know, part of the anxiety is coordinating this with the western rail route into Heathrow, the potential building of a relief road from Thorney Lane South through the existing industrial site into - and out again, which Iver ultimately needs. And it does seem to me that we have this rather strange missed opportunity here. Actually, if these things were properly coordinated in time you could end up with the relief road as part of the project and you could avoid a large amount of the difficulties that we're now facing. Whereas actually what we have - and this seems to me to be clear from the assurances that have been given - is that we have a willingness to consider, as we go along, how these things can be put together.

256. So I suppose my plea to the Committee in coming here this afternoon is whether the Committee, in its conclusions, if it considers that there's any force or merit in my submissions, can go further in trying to induce a little bit more specificity into how this project is managed. Because ultimately if the project is dependent, for the Heathrow Express depot, on the current methods of access, then however much we try to do things properly it is going to be very burdensome on the local community. And that really is my specific point that I want to raise, because I think it is within the Committee's remit to make recommendations as to how this should proceed.

257. One of the other assurances I see here, as the Secretary of State for transport can confirm. He'll write to Network Rail Infrastructure Limited setting out the importance that any environmental impact assessment for the western rail route into Heathrow includes the transport effects of any other relevant existing or committed transport schemes in the area when developing baseline assumptions against which to assess

impact. And I come back to my point. There's then an undertaking that money will be contributed to the building of the relief road by HS2, insofar as the works they carry out make the construction of a relief road more difficult thereafter.

258. But I come back to my plea, which is that actually if this were properly coordinated the relief road would go in as part of the project. That would in fact facilitate access to the existing site. It would remove the problem which the industrial park has at the moment, that in fact the lorry movements that are going through are vastly over the capacity of the road to manage without it being substantially upgraded, and might contribute to smoothing this project out, whereas in my view, and the way it was originally presented, it simply has not been coordinated. And this is the Department for Transport. If they could be given a gentle kick I think it might be quite helpful.

259. So those, Mr Chairman, were in fact my basic points on this. And I don't want to take up the Committee's time. I mean, I accept that if one were to use Mansion Lane, for example, or Hollow Hill Lane, you'd have to put in a bailey bridge. But you could do that, and that would avoid a lot of the current construction problems that are currently present. And that's why I do worry about this, because the whole way in which this aspect of the project, an add-on to HS2, and it shows all the signs, in my view, of being such an add-on without real thought being given to what is in fact a substantial infrastructure project, and how it can be managed both to give an environmental benefit to the community and lessen what are very substantial adverse impacts while it is going ahead.

260. My final comments are about the wharf residents and those on the Mansion Hill caravan site. I'm pleased to hear about their relocation, but obviously the detail of that is going to be a very considerable problem in human terms, which is one of the spinoffs of this project. It illustrates to me just how severe the impact actually of this project is in fact going to be in the locality.

261. Chairman, those were my comments.

262. CHAIR: Okay. One brief point whilst you're here.

263. MR GRIEVE: Yes.

264. CHAIR: Heathrow spur, which is still a passive provision within the bill, presumably since that blights some of your constituents, you want it shot?

265. MR GRIEVE: Yes, I do. It's ridiculous it should still be in. It does blight my constituents, it's never going to be built, and if you could get rid of it, please, there would be quite a lot of very happy people who are being severely affected by its continued presence, whereas it seems to me abundantly clear it's never going to happen for very good reasons.

266. CHAIR: Okay. Do you want to add anything else to your comments about the road network, Mr Mould?

267. MR MOULD QC (DfT): I might just make a couple of points. First of all, as Mr Grieve will know there is a legal framework under this bill which will allow - which will give the County Council, as highway authority, the power to regulate and to approve the construction traffic routes that are finally adopted and used for the purposes of construction.

268. The second point is this element of the project - that is the depot here - is predicted to take about two years to construct, and the peak curve of the traffic is about six to nine months earlier in the program - 2017, 2018. The solution - the suggestion he makes for the use of Mansion Lane, as he says, would involve a Bailey Bridge.

269. That would be a bridge over the Grand Union Canal, essentially over those houseboats that you heard about - people are already concerned about the environmental impact of construction of this project - which we've heard a number of petitions of recently, whereas the proposal we have put forward is to bring the majority of the traffic around the existing road network, Langley Park Road, which is the road - which is the principle route through which existing commercial traffic uses. And you've heard about the sort of levels of traffic we're dealing with.

270. The other point is this. We have, as he says, agreed to make a contribution to a relief road if it comes forward within that timescale, which I should have thought is highly questionable, but if it does come forward within that timescale. It's a local authority promoted scheme which we think is best left to them to pursue, and it would be - it's one thing to say from the local residents' perspective that the department for

transport surely should get its act together, but there's public money involved here as well and that relief road will undoubtedly - the main beneficiaries of that in terms of developers and commercial users will not be HS2. HS2 will have completed this work within about two years and it will be gone.

271. But the reason - the real problem here, as you've heard, is the level of existing commercial traffic and the block that the existing saturation of roads puts on further development. And it would be wrong, in principle, for the public purse to fund that relief road without the opportunity being taken to secure contributions from all those people who ought to be making that contribution.

272. We've agreed - the promoter has agreed to make his contribution if it comes forward, but there are other stakeholders here who ought to be - from whom it would be right to retain the prospect of securing an appropriate contribution as well. So let's - that's an important perspective on that particular point. And the local - and the County Council, as highway authority, are best placed, through their own forward-planning procedures, to broker that process, which is the normal planning process for a new facility of that kind.

273. CHAIR: Okay. Final comments?

274. MR GRIEVE: Chairman, I think the - I don't disagree with much of what's been said, but of course the ability of the Department for Transport to knock heads together is very considerable, and it seems to me that there is a burden on the Department for Transport, or promoters, about trying to ensure that this could be properly coordinated. Without that this is all going to fall apart, and that's been my anxiety throughout this process.

275. The only other point I'd make is my understanding was that if the residents of the wharf are going to be relocated because of the noise of the works, it didn't seem to me that the bailey bridge going over their houseboats, if they're not in them, is going to be - would be the principle objection.

276. MR MOULD QC (DfT): We're trying to avoid relocating them if we can. We're not trying to contribute to a greater - because they don't want to go.

277. MR GRIEVE: No, I know they don't want to go. But the noise - this is, if I may say - the noise levels to which they are going to be subject - leaving aside the Bailey bridge; it's incidental - are very high, to the point where I understand that relocation is considered to be, in many ways, a realistic option. Obviously they can elect not to go. I certainly don't wish to add to their difficulties. But I want to try, insofar as possible, to have a scheme that minimises impact for all local residents. I'm very concerned about the houseboat residents, but they're going to have a pretty awful time forgetting about the Bailey bridge.

278. Perhaps, Mr Chairman, I can just say one thing before I go, as I probably won't have an opportunity of ever addressing you again, which you will be pleased about. And that is - and I will just say this. On the Denham issue, I know - I still remain utterly in the dark as to the noise levels that are going to be generated by the Colne viaduct, and I don't know whether there's been any further clarification in the course of these - The Committee's work, as to whether the modelling has - any further modelling as to how the baffles will work, in practice.

279. Because that is, for the residents of Denham, without doubt if this project is going ahead, going to be the single most important remaining, outstanding issue of great uncertainty. So perhaps I could just mention it.

280. CHAIR: Okay. All right, thank you very much, Dominic. That's the second suggestion this week about a bailey bridge. I'm not sure whether a load of royal engineers standing around with a bailey bridge will make our task any easier or worse, I think, going around the country, because -

281. MR GRIEVE: I only say, Chairman, that we have a bailey bridge at the moment on Thorney Lane because of the electrification of the railway. And I was actually struck at how remarkably easily it was put up.

282. CHAIR: Okay. There we are. Thank you very much. Right. We now move onto AP2 151, BNP Paribas, represented by Berwin Leighton Paisner and Reuben Taylor QC.

**BNP Paribas Security Services Trust Company Limited and BNP Paribas
Securities Services Trust Company (Jersey) Limited**

283. CHAIR: We are going to have a division at any point in the next sort of 20 minutes or something. I understand that - is there a statement, Mr Turney, or -

284. MR TURNEY (DfT): There is, sir.

285. CHAIR: Who is going to read it?

286. MR TURNEY (DfT): This is on BNP Paribas and the associated petitioners. If I read out what we have agreed to do, what the promoters agreed to do, namely that HS2 will produce a report - I should say before I start this is the F side and access to the F side, which I think you can see on this plan - some rail sidings here that we need to use for works from - going into the London Metropolitan area down to Euston over the course of the construction of the railway. Access rights taken in AP2 over the petitioners' estate access road, and this is what we have agreed to do in respect of this.

287. SIR PETER BOTTOMLEY: Is this a railway or a road?

288. MR TURNEY (DfT): Sorry?

289. SIR PETER BOTTOMLEY: Is this a rail or a road?

290. MR TURNEY (DfT): This is a road.

291. SIR PETER BOTTOMLEY: No, what you're proposing to put in.

292. MR TURNEY (DfT): What we're proposing to put in is we're proposing to use a road to get to some railway sidings, and this is what we've agreed to do. We've produced a report to firstly identify all options for access to the F sidings compound, including but not limited to options identified in Mr Lyons' evidence on behalf of the petitioners, and the Premier Park Road option.

293. Secondly to assess the impact of each option on a basis of comparison between those options. Thirdly, in the comparison of the options not to exclude options with reference to the financial cost to HS2 Limited. Fourthly, the impact criteria in the assessment to include assessment of the impact on businesses, and fifth the report to also include appraisal for provision of utilities under each option and the impact of those works.

294. So we'll produce that report. A draft will be provided to all affected parties by the close of business on 2 May 2016, with representations on the draft being provided by close of business on 30 May 2016. And those representations will be taken into account before the finalisation of the report.

295. The promoter will then decide by 1 August 2016 whether to proceed with the AP2 scheme or another solution on the basis of that report, and with regard to the timely economic delivery of the scheme in relation to the delivery and use of the F sidings compound. And the promoter undertakes that it will not contend that it is not open to the House of Lords to require the promoter not to exercise the powers in schedule 8 and 15 of the bill in respect of the petitioners' land, which is box AP2.1 and AP2.2. So that's what we're going to do.

296. CHAIR: Mr Taylor?

297. MR TAYLOR: In essence they've agreed to go away and look at all the options for access to the F sidings, which is what we've been asking them to do all along. We're rather aggrieved it's taken the need for us to come here to achieve that, but that has been achieved so we're grateful for your time.

298. CHAIR: Okay. MPs taking up most of the afternoon has led to some positive things. Okay, right. We then move on next to AP2 118, Fletchers Bakeries Limited, trading as Grain D'OR.

299. MR TURNEY (DfT): That's the same -

300. CHAIR: That's the same people? Right. Okay. I'm glad we can cross you off it. Well done. Two in one go. Okay. We're now onto AP2 113 and AP2 153, Ever Fortune Limited and Thorney Lane LLP, represented by you, Mister - you will be interrupted, Mr Purchas, by a division, which could come at any time, so.

Ever Fortune Limited and Thorney Lane LLP

301. MR PURCHAS QC: Thank you very much.

302. CHAIR: You're probably used to that, Mr Purchas.

303. MR PURCHAS QC: Just give me a moment.

304. CHAIR: Is either Mr Mould or Mr Turney just going to do a brief introduction to this? Is Mr -

305. MR PURCHAS QC: I think it's probably best if I introduce it.

306. CHAIR: Okay.

307. MR PURCHAS QC: It's been moving quite fast and there's quite a lot to deal with. Can I have slide 2, please?

308. SIR PETER BOTTOMLEY: Can you tell us what the issues are unresolved before you wind -

309. MR PURCHAS QC: Yes. I'm going to start right off with that, if that's all right. But they're not quite as simple as some. So may I have slide 2, please? This is A20212. We've set out there our requests, or asks, and of course the Committee was kind enough to go and have a look at the site, and knows what we do and the area we're concerned with. It really falls into two parts. First, we're asking the Committee not to approve AP2, the depot I assume to be at Langley. As indeed Dominic Grieve put a moment ago, this is an add-on.

310. We've examined such case as they've put forward to that, and it's quite interesting to see how the position has moved fundamentally from being told that it is a show stopper, and indeed I think Professor McNaughton told you last week on Thursday, fundamentally flawed, that they really put their hands up and accept North Pearl is operable. And the way it's now put is there's too much risk involved. We've not seen any evidence of that and we'd ask for it. I'm going to say no more about that at this stage.

311. SIR PETER BOTTOMLEY: I wouldn't say any more about it much at all. We've been through the question of this last year and this year, and I think that your points, A and B, I don't think need to detain you at that, and we wouldn't want to be detained at length on them. We'd much prefer to get onto other points where we may actually define new stuff on which we might have view.

312. MR PURCHAS QC: It's quite difficult for me because I've got a quite detailed technical report that demonstrates the points that I'm very conscious of which

demonstrates that those parts are current. If I'm not good at that clearly my clients are going to be unhappy on this. They interrogated me -

313. SIR PETER BOTTOMLEY: It probably won't be the first time your clients would be unhappy about it, considering what they're trying to do. Your client are major people involved in quarrying, in investment in property, in developing property. They're big people. They're grown up So are we. I think if you're trying to reopen the whole question of whether this depot should be here or somewhere else, at length, you'll be not helping us and I'm not sure if you're helping your clients that much.

314. MR PURCHAS QC: Well, I certainly don't want to be other than helpful to the Committee, but can I just say this point? The way it was put to us and on the basis which the Secretary of State's decision was made was on certain programming timetable plan basis, which is shown simply not to be supported. I don't believe, from my interrogation of the minister, that that has been looked at by the Committee. The other way I can deal with this is by putting it in writing.

315. SIR PETER BOTTOMLEY: I think that would be appreciated.

316. MR PURCHAS QC: Yes. Because I think it is new material and I'm very uneasy in the decision being made without at least examining that.

317. SIR PETER BOTTOMLEY: I think I speak past you, to the world at general. You've been quite - we've prompted others sitting in your place, today and on other days, and although you may be the most qualified legally I think you merit the same attention as others who are not qualified legally, and I think a degree of sensitivity on will be helpful. So I think if there are detailed points on the question of whether the depot should be there or not in writing it would be helpful, rather than expanded at length by you speaking at length or interrogating witnesses.

318. The areas where I suspect it will be more productive to everyone - I mean, you could get, for example, to D, which is if land has to be taken, whether that needs to be acquired, is that necessary or not and the like. But if I'm being too rough others will protect you, but I think you should be sensitive to what we would like, which is not a long - we don't want a long presentation.

319. MR PURCHAS QC: No. I wasn't going to do that. I was going to – but you've made your position pretty clear on that. I don't think I have any option but to follow the Committee's requirement. But I would ask -all right.

320. MR MOULD QC (DfT): I wonder if you'll just allow me to take - I, for my part, wouldn't want to - wouldn't want the petitioners to be deprived of the opportunity in a - I'm sure, knowing my learned friend, a very succinct way - of presenting the key points, whether that's in writing or whether you hear that now, and if necessary I can call professor McNaughton later briefly just to allow an opportunity to hear our response. But I would have thought that if it's done in that way - and I'm sure it will be -

321. SIR PETER BOTTOMLEY: If the heads are given rather than enormous detail, that would not take too much time.

322. MR MOULD QC (DfT): Yeah.

323. CHAIR: I think I'm going to be more generous than Sir Peter, but not much more generous. I think if you can be succinct and present the case in a succinct way.

324. MR PURCHAS QC: I don't think the way I was going to present it has changed, actually, as a result of this inquiry, but there we are. I'm actually always grateful to my learned friend.

325. I was going to say nothing more about the first point, actually. That's our first request. It's an important request and I'll deal it very briefly, straight through the evidence as I come to it. The second point is that if you - we're not going to move from Langley or leave that for consideration then the first point we would ask that provision be made for the relief and Sir Peter quite rightly tells me we've heard all about that. It's a matter of great importance to us for one reason I'll touch on in a moment or two.

326. And I would say this: That it is remarkable that the figure - the Committee I think has heard it - over 25 million pounds for the adjustment of Hollow Hill Lane to go under the access to the depot. It is going to wholly aborted. It's going to be wholly wasted if the western approach to Heathrow comes forward under these and it really speaks volumes when you compare that to the cost of the relief road, which is sort of 10 million pounds. That public money isn't better put to a joined up strategy. That's the second

point we make.

327. The third point goes to our own provision as part of our proposals. The Committee has a slide I'll show the Committee in due course. One of our master plan proposals, which will generate some 1600, 1700 houses, 30 000 square metres of commercial development, is to regenerate the land. One of the problems here is the land they're taking - not for building - land they're taking for ecological compensation and flood water compensation, unnecessarily, is on land that's not tipped, which lies at the heart of our regeneration proposals. So there's the relief road, some 10 million pounds, and that untipped land. This scheme runs straight through the heart of the proposal.

328. So we ask, in terms of the relief road we have that assurance that the interference of that proposal should be limited to the minimum that is proposed. Again, you've got a slide I can show in due course of the master plan, but the principle is one for a comprehensive redevelopment of this area.

329. The next matter I should - going down, forgive me - this on page 2 - is in terms of the area they're seeking to acquire for ecological or flood compensation. It's a feature of this AP2 that the ecological surveys hadn't been carried out. Indeed as you'll hear the calculations on flood storage hadn't effectively been carried out. We've carried out that work ourselves. The actual habitat that is taken for permanent building is four hectares, and I tell the Committee the land they're seeking to acquire permanently is 33 hectares.

330. And the one thing they did do last October was carry out surveys specifically for seeing the great crested newt, which is a frequent inhabitant, if I may say so, of development sites. That is a result of our own surveys we've carried out. So no great crested newts, and here they're seeking to acquire a significant part of our development site on untipped land permanently to provide compensation for ecological purposes, which is simply not required.

331. So that's the second point we look at. The third also is indeed in terms of flood compensation. They haven't calculated what the requirement is for flood compensation. It's relatively easy because the profile of the land is all there. What they are seeking to provide is an area that's precisely double what the calculated requirement is.

332. What is more, this is a provision that can be made jointly in the same place and as part of the habitat replacement. The habitat replacement is intended to be wet. We're not talking about, here, the great lake. This is just down a metre. It's a relatively shallow provision. Mostly it will just be grassland, reeds, habitat. When the Houghton Brook does spill its banks this is an area it can go to, and then it flows off naturally. So the calculation, again, insofar as there is one, is excessive.

333. In terms of provision, they've identified the area to the north of the canal, which in fact settled last week. It's an area of some 80 hectares. And on our understanding of the basis of settlement, it either goes there or it goes on the land to the south that's owned by the County Council. For us it makes no difference, because that land is suitable for this purpose, it doesn't interfere with the opportunity for the master plan development or and as I said it further reinforces the lack of necessity to take part of our land.

334. The next matter I come to is little E on our list of asks that we make. This land, which they seek to provide by way of additional habitat and for flood water provision, they seek to acquire permanently. And as the Committee will know, elsewhere on this line where the sort of provision is sought to be made, they've agreed on suitable rights being offered to take rights only. We can see no reason whatever why they should take this land permanently.

335. What's more important is the very powerful arguments against it. When we carry out our comprehensive development, with regeneration and the relief road being provided, I have no doubt that there will be an overall view of what is the best provision for habitat, for flood water storage.

336. And we need that flexibility. If we have the rights, with the opportunity to substitute those rights with agreement with the relevant authority, no difficulty arises in that respect, but if they have the permanent acquisition it makes it effectively impossible for us to rely on that untipped land for the purposes of securing those benefits in due course.

337. The last point we make on page 2 is the alternative alignment, and Dominic Grieve referred to this. I shall just touch on it. The Committee knows all about the traffic problems in the area. There's plan 18, if we can go to slide 18, please. We provide a technical note to the promoters about this, and I suppose not altogether to

our surprise we discovered they hadn't assessed it at all.

338. What it will require, no doubt, is an assessment, and I'm only asking that there be that commitment in good faith to make an assessment of his alternative. What we identify it requiring is some limited widening within the highway limits. At the north, with Langley Park Road, there will need to be either temporary traffic lights or some improvement there.

339. Beside the boat yard, which the Committee has already heard from, there will need to be some replacement of the bridge via Bailey bridge, with a cost of about a million pounds. We think the best is to the west side, away from the travellers' site. It can be provided with acoustic screening. It's one of these tin plate jobs. Bailey bridges are much more structure than that.

340. And it also is in an alignment where we're joined up thinking it could be combined with the relief road. It's not necessary for this, not the way we put it. And we see that as an obvious solution to the traffic problems that should be and can be examined, and the promoters should be made to do that.

341. If I go to slide 5. I don't elaborate on this. It's the point that's been made to the Committee of undertaking for a joined-up strategy for the infrastructure projects in this area. I then come back briefly to the specific assurances, and here we would seek the support of the Committee. And we've had a 20-page letter last Friday, just before 10 o'clock in the evening.

342. What's outstanding - if the bullet points were numbered on points 3 and 4 that's access road and the access - that we should have an assurance as to alternative access being provided if there is closure. And I say that for this reason, among others: that we have an obligation to our tenants to provide them access 24/7. It's a very straightforward request and it's something, to my astonishment, we were told 'No' today. We would ask the Committee's support on that.

343. The sixth bullet point - that's the third last one - they are obstructing the relief road. They are putting their infrastructure straight across the relief road. We believe that ought to be mitigated as far as it can be to encourage that provision, and what we would ask is that there be at least the passive provision, in the form of rights, for us to

construct that road across their railway formation, subject of course to all relevant approvals. They'll need an asset protection agreement. We think not to have that ability will mean that they will undoubtedly be in a position of ransom and obstructing those principles and opportunities to secure that advantage. We should see no justification why they shouldn't provide that mitigation for us.

344. If one goes down to seven, the undertaking or assurance to limit and enforce the volume of HGV traffic, we just say this to the Committee: we've had the experience of Crossrail and experience of the assurance it's given us. We've suffered from lorries being held on the access track, blockages - and the Committee has seen the road itself. It's quite inadequate and unsuitable for this purpose and we'd ask the Committee's support on that.

345. And finally, on eight, for the reasons I've already said we would ask that the promoter be required to return the maximum amount of land to us and to give us rights to substitute land where it's not for the main permanent works but for any compensation provision, as part of an overall proposal.

346. Slide 4, if I may, please. This land was previously owned by the British Rail Residuary body. It's never really been put to railway use. It's been, as Sir Peter has pointed out, used for tipping for minerals. But when the residuary body met its demise it was passed on to the Secretary of State for Transport, and we bought this land in 2009 subject to comprehensive indemnity in respect to contamination. And the Secretary of State, the promoter of this bill, has now a contractual indemnity to us so that if there is escape we are identified against the consequences. It's perfectly normal.

347. As a result of the proposals the Secretary of State now makes he runs over that indemnity and leaves us without the indemnity, so we're wholly exposed. Compensation is of absolutely no value at all in this. The whole point about an indemnity with contamination is you just don't know when there'll be an escape. There may never be. If there is the consequences are very severe.

348. We at the moment have a cap of 17 million pounds, because that was on the basis we had control of the land and we were able to see how it was used and we had - able to have proper protection for that. They propose to interfere with this land and have refused - this afternoon most recently - refused to give any equivalent indemnity to us,

and we think that is wholly unacceptable.

349. We think the Secretary of State should not use railway powers to divest himself of an obligation he took on through the residuary body commercially and is now the holder of it. All we ask is the Committee's support there, so if need be we raise it in another place.

350. I have nothing more plain to say on those specific matters, and what I would like to go to then is to go straight to the witnesses I'd seek to call very briefly on those documents, if that's acceptable in terms of time.

351. CHAIR: How many witnesses have you got, Mr Purchas?

352. MR PURCHAS QC: I would seek to call four, very shortly except for - well, all shortly because the last one is going to do with railways, but I will deal with that very shortly as well.

353. CHAIR: All right. You will be interrupted by division.

354. MR PURCHAS QC: I'm very grateful. Can I call Mr David Archibald? And we'll have slide 18. Mr Archibald, I can't introduce you any more than say you are a highway engineer.

355. CHAIR: At least your witness has been sitting here most of the day.

356. MR PURCHAS QC: You're a highway engineer. You're David Archibald and you have all the full qualifications. Is that right?

357. MR ARCHIBALD: Yes.

358. MR PURCHAS QC: Thank you very much. I just want to ask you, on slide 18 - sorry, 18, one-eight, please. Thank you. I just want to ask you about the bailey bridge over the canal. Can you tell us about the practicality of that and what your view is, which side it would go?

359. MR ARCHIBALD: Yes. There's essentially two areas of land: either to the west or to the east of the existing bridge. To the west is the existing canal boat yard, where there's temporary moorings as well. There's a very small traveller's park slightly north

of that, and further north of that is the Mansion Lane/Hollow Hill Lane junction. To the east is Dalton Lodge, which seems to be a yard of some kind, and the traveller's sites to the southeast as well.

360. In theory the bridge could go on either side, by the look of it. From a high level inspection it does look possible. There's probably more land-take in third-party land requirements on the eastern side, but on the western side there is a natural strip of grass on the northern side, which appears could be used as part of a bailey bridge structure. So on the face of it, and from my initial inspection, the western side appears to be the best option.

361. MR PURCHAS QC: Wouldn't it be actually interfering with the operations of the boat yard?

362. MR ARCHIBALD: Not the operations as such, no.

363. MR PURCHAS QC: And the canal houseboats, they, if need be, if it's all right, can move?

364. MR ARCHIBALD: They can move, yes.

365. MR PURCHAS QC: All right. And the cost of that provision?

366. MR ARCHIBALD: Probably around about a million pounds.

367. MR PURCHAS QC: You've just confirmed the figures on costs. I indicated to the Committee it was something in excess of 25 million pounds, including the railway bridge, for the Hollow Hill Lane proposals, and 10 million pounds I think is the estimate for the relief road. Is that broadly your understanding?

368. MR ARCHIBALD: Yes. That's correct.

369. MR PURCHAS QC: Thank you. Thank you very much indeed. Those are the only questions I have.

370. CHAIR: Mr Mould, do you wish to question the witness at all, or -

371. MR MOULD QC (DfT): Just one thing, to understand. The access into the business park, where does that come from, Mr Archibald, at the moment?

372. MR ARCHIBALD: Which business park?
373. MR MOULD QC (DfT): Your client's business park.
374. MR ARCHIBALD: Our client's business -
375. MR MOULD QC (DfT): Thorney Business Park. It's down here.
376. MR ARCHIBALD: Yes. That's on the eastern side of the site entirely. We're - this is on the western side.
377. MR MOULD QC (DfT): So presently your client's tenants come in from here?
378. MR PURCHAS QC: Sorry, we can't see. That's the trouble.
379. MR MOULD QC (DfT): I'm so sorry.
380. MR PURCHAS QC: I tried to move it.
381. MR MOULD QC (DfT): If you follow the cursor on the - I don't know if you can just -
382. CHAIR: If you move your chair to the right.
383. SIR PETER BOTTOMLEY: Well, if you move up -
384. CHAIR: Move closer to the QC.
385. MR MOULD QC (DfT): I just want to be - it's only a factual point. I think I'm right; they come in from this direction, don't they?
386. MR ARCHIBALD: That's correct, yes.
387. MR MOULD QC (DfT): Yes. So -
388. MR ARCHIBALD: Slightly further south, but yes.
389. MR MOULD QC (DfT): So insofar as - so the particular - if there's a particular direct effect which your clients would wish to have managed, and no doubt ideally avoided, it's HS2 construction vehicles being added into the mix of traffic that uses that stretch of road?

390. MR ARCHIBALD: From our client's perspective that's the main issue.
391. MR MOULD QC (DfT): Thank you very much.
392. CHAIR: Okay. Thank you.
393. MR PURCHAS QC: No questions. I call Michael Barker on ecology, if I may, and slide 35, please. Michael Barker, you're an ecologist, fully qualified, and also a member of RPS. Is that right?
394. MR BARKER: That's right.
395. MR PURCHAS QC: We've got slide 35 up in front of us. I want you to tell the Committee what is the habitat that is actually taken for the permanent works proposed at the depot?
396. MR BARKER: So you can see on the plan we've marked up in the light green – it's a habitat mosaic of grassland, scrub and a few mature trees, and within that the permanent line of the development goes more or less through the middle, east to west, and takes about - slightly less than four hectares of that habitat.
397. MR PURCHAS QC: So far as water bodies are concerned that are affected directly by the works, what are they?
398. MR BARKER: The works will cross the Houghton Brook, and also there is a concrete attenuation pond to the north which actually could be avoided in terms of the permanent work, potentially.
399. MR PURCHAS QC: But we can see it's north of where the depot is proposed?
400. MR BARKER: Exactly.
401. MR PURCHAS QC: Thank you. So it's just where the brook is concreted under the railway, right?
402. MR BARKER: Yes.
403. MR PURCHAS QC: Thank you very much indeed. On slide 33, please, the survey works such as these that HS2 has carried out, has that shown great crested newts

to be present?

404. MR BARKER: No. In fact, their survey work showed that, in the water part that they checked, they weren't any great crested newts present at all.

405. MR PURCHAS QC: Thank you, and in fact, has RPS carried out its own survey work last year in connection with our regeneration proposals?

406. MR BARKER: Yeah, we have also...

407. CHAIR: Order, order. Division in the house. We adjourn for 15 minutes.

Sitting suspended

On resuming—

408. CHAIR: Order, order. Welcome back. Sorry for the interruption, Mr Purchas.

409. MR PURCHAS QC: No, no. We're at slide 36, if I may. Mr Barker is still at the table. Yes, thank you. So you told the Committee that the actual amount of habitat taken by the permanent development was only four hectares. On here you've shown provision by way of compensation. What have you allowed for in terms of compensation, given the amount of permanent take of the habitat?

410. MR BARKER: Well, certainly in terms of the requirement for mitigation from an ecological point of view, our view is that about five hectares – somewhere between five and 10 hectares is sufficient for all of the likely impacts that are going to occur on the site, albeit that obviously the detailed surveys have not been undertaken yet, and certainly either of the two sites to the north of the canal would be more than adequate for all of the mitigation that is required.

411. MR PURCHAS QC: Just so that I'm clear, there are two sides to the north. We've got what is the land shown in hatch green, is that right?

412. MR BARKER: Yes.

413. MR PURCHAS QC: I think it's 18 hectares, right?

414. MR BARKER: That's correct.

415. MR PURCHAS QC: And where's the other land?
416. MR BARKER: My understanding is there is some discussion in relation to county council owned land, which is just to the south of that green hash line.
417. MR PURCHAS QC: Again, beside the Horton Brook.
418. MR BARKER: Absolutely, and north of the canal.
419. MR PURCHAS QC: Both of those areas would be suitable for the purpose, right?
420. MR BARKER: Yes, they would. Both.
421. MR PURCHAS QC: Thank you very much indeed. Is this land that needs to be permanently acquired to be compensation habitat, Mr Barker?
422. MR BARKER: Well, in terms of the Langley land, certainly it would be sensible to have management rights to getting it maintained, but there doesn't seem to be any need for, from an ecological point of view, to permanently acquire the land for that reason.
423. MR PURCHAS QC: It's going to wetlands, is that the proposal?
424. MR BARKER: It is. It's in the floodplain.
425. MR PURCHAS QC: Thank you very much indeed. Those are the only questions I have.
426. CHAIR: Mr Mould?
427. MR MOULD QC (DfT): Can we just put up P151183? Just again, Mr Barker, I'm just trying to establish a couple of facts.
428. MR BARKER: Of course.
429. MR MOULD QC (DfT): This is a slide which you may have seen which shows our assessment of the extent of the floodplain as it stands at the moment on the basis of a one in 100 and one in 1000 year assessment. Does that broadly correspond to your understanding of the positions?

430. MR BARKER: Yeah, but are you going to ask me an ecological question?

431. MR MOULD QC (DfT): No, no. I'm just asking you whether you – because you obviously have based your evidence on some sort of understanding of the flood plain.

432. MR BARKER: Yes, sir. Absolutely, that is the flood plain, yes.

433. MR MOULD QC (DfT): Thank you very much, and then I think the only other question is this – if we go back to the slide that we had up from the witness before, Chair, which is in the A series. While we get to it I'll just ask you the question. You've obviously had the advantage of having been able to get onto the land that is identified to the west of Hollow Lane for the creation of the approach in order to carry out surveys.

434. MR BARKER: We haven't done detailed surveys either.

435. MR MOULD QC (DfT): No.

436. MR BARKER: We have done surveys to the east of Hollow Lane and...

437. MR MOULD QC (DfT): You've done them to east of Hollow Lane?

438. MR BARKER: Yes.

439. MR MOULD QC (DfT): I see, okay. Because the land to the east of Hollow Lane is not, I think, an area of land that is identified under the Bill for ecological mitigation, is it?

440. MR BARKER: No indeed, but, sir, in terms of the habitat mosaic, there has been some basic surveys done there, but no detailed surveys by HS2 or us, sir.

441. MR MOULD QC (DfT): No, and we can see the extent of which permanent works are required on that land. It's essentially approach tracks, isn't it?

442. MR BARKER: It is.

443. MR MOULD QC (DfT): Yes, and as you rightly say, HS2 hasn't had the opportunity to undertake these surveys. That's because the land owner hasn't as yet, I think – prior to the AP, the land owner didn't consent to HS2 having access for that purpose, did it?

444. MR BARKER: I believe that access was granted for June 2015.

445. MR MOULD QC (DfT): That's not my understanding, but there we are. We can confirm that.

446. MR BARKER: Well, I mean, you've done the newt surveys in 2015.

447. MR MOULD QC (DfT): As I say, that's my understanding. Just looking forward, we can agree, I think, that if detailed survey work takes place, as we propose, subject to the finding of that survey, we will be able to get a more informed understanding of the precise extent to which we do need to provide ecological mitigation for the impacts of the railway in this location, won't we?

448. MR BARKER: Yes, absolutely. Your assessment is necessarily precautionous.

449. MR MOULD QC (DfT): And rightly so.

450. MR BARKER: Yeah. I would just say that there is probably more woodland planting on the site than is necessary for a replacement habitat. It would better to have a wetland and a grassland mixed than a woodland.

451. MR MOULD QC (DfT): You probably would also accept that the justification for woodland planting isn't limited to ecological considerations. It's also important to make sure that appropriate screening is put up for the purposes of screening...

452. MR BARKER: Absolutely.

453. MR MOULD QC (DfT): Thank you very much.

454. MR CLIFTON-BROWN: Before we move off that, Mr Mould, can you just explain to us, and I understand this is precautionary, but you're proposing to take 4 hectares for this ecological mitigation, and yet – sorry, for the railway – and yet you want to take 30 odd hectares for ecological mitigation. I just don't see how those figures work.

455. MR CLIFTON-BROWN: Well, the assessment is, as you know, there is a like-for-like comparison between the land which is potentially subject to impact and the mitigation that may be required. You have had explained to you on a number of

occasions that the prevailing science is, and indeed the position of Natural England as I understand it, that it is often necessary to make provision on a much greater area of land in mitigation, because you have to allow for the fact that the mitigation needs to take and it's much more difficult to provide that which has grown up organically on the area that is being impacted, but in a sense the question is not so much that the area that is identified on a precautionary basis. The question is moving forward with the detailed design, how quickly can we get a clearer understanding of the area that is likely to be required?

456. Then the second point is, is it possible to enter into arrangements whereby that land can be subject to appropriate covenants for future management, we can then contemplate entering into an agreement simply to hold the land temporarily whilst we establish the mitigation and then hand it back to the land owner. You know, as a matter of approach, that is an approach that we have said we are willing to do, subject to appropriate safeguards, and indeed, we've already entered into agreements with a number of petitioners to that effect. We're not quite at that stage with these petitioners, both on the extent that we need to actually take and the terms upon which we may enter into the future management of that, of those areas, but there's nothing to stop us moving forward in relation to that, and provided the needs of the railway are properly protected, then, as I say, there's no reason why we shouldn't reach a consensus with the petitioners in due course as to the...

457. MR CLIFTON-BROWN: Nevertheless, can you confirm that the overriding principle of the entire project is that no more land should be taken than is absolutely necessary?

458. MR MOULD QC (DfT): Then is reasonably necessary, yes. Not absolutely necessary because that implies a standard of fair certainty which I think we can't achieve, but certainly no more land is taken than is reasonably necessary. You are absolutely right, but at this stage, we have to be precautionary about that, because the project needs to be delivered, and in order to deliver it we need necessarily to err on the side of the caution, because it's easier to pull back than it is to go back once the Bill has become law.

459. CHAIR: Mr Purchas, do you have any questions?

460. MR PURCHAS QC: Yes, I do. Can I just respond to what my learned friend has said?

461. CHAIR: Yes.

462. MR PURCHAS QC: Firstly, there's no question here of access being denied. All we sought was a proper indemnity against damage they cause. I hope we don't have to go into that. They cannot lay that at our door. On the second point, in terms of the attitude it's going to be sorted out on consensus in due course, we've been given a flat no today. A flat no. Permanent acquisition and that's it. So I find what my learned friend says, not for the first time in a sense – what he expresses, he is being very sensible, at least from the point of view of agreeing to negotiate on this, is totally in conflict with what goes on in the corridor. So I leave that there. Can I just ask two questions, if I may? Slide 36. You have marked on that slide an area 'on-site mitigation not required'. Why not required?

463. MR BARKER: If there is adequate compensation mitigation land off-site, which there is, there doesn't appear to be any reasonable justification for needing the on-site mitigation as well.

464. MR PURCHAS QC: What is HS2's proposal for the land you've marked 'no required'?

465. MR BARKER: At the moment, that is flood attenuation.

466. MR PURCHAS QC: Are they proposing to acquire it permanently?

467. MR BARKER: Yes, they're proposing to acquire it permanently.

468. MR PURCHAS QC: Thank you very much. I have no other questions.

469. CHAIR: Okay. Thank you.

470. MR PURCHAS QC: Now, if I may call Mr Bagley, Neil Bagley, on flooding, please. Neil Bagley, you are also a member of RPS and a fully qualified hydrologist. Is that right?

471. MR BAGLEY: That's correct.

472. MR PURCHAS QC: Thank you. Can we go to slide 38? You have set out calculations for the required flood compensation provision. Is that right?

473. MR BAGLEY: That is correct.

474. MR PURCHAS QC: Thank you, and you've indicated an area of – a volume of 21,000 cubic metres proposed to be required for compensation by HS2. What was the basis for that?

475. MR BAGLEY: I can't find that there was any basis to it. In discussions with HS2, they identified – they modelled two scenarios, one of which is 9000 cubic metres which failed and caused off-site flooding and the second of which is 21,000 cubic metres which passed, but there was no modelling undertaken on any scenarios, so from what I can see, there is no justification for that figure.

476. MR PURCHAS QC: Right. Thank you. If you go to slide 37, please. You have indicated on that slide two areas of additional provision. Is that right? One the land to the northwest and the other the land just to the south of that, right?

477. MR BAGLEY: That is correct.

478. MR PURCHAS QC: Thank you very much. Is there any need to require any further flood storage provision on the land owned by our clients beyond the 509 cubic metres you have shown?

479. MR BAGLEY: No.

480. MR PURCHAS QC: Thank you very much indeed. Is there any justification for that that's been shown to you?

481. MR BAGLEY: No.

482. MR PURCHAS QC: If in fact it is required to have compensation provision within the site, is there any need to have more than rights to construct and retain it there?

483. MR BAGLEY: I would suggest not.

484. MR PURCHAS QC: It's a passive provision in a sense, is it?

485. MR BAGLEY: That's right.
486. MR PURCHAS QC: I have no other questions.
487. CHAIR: Mr Mould, do you wish to ask any questions?
488. MR MOULD QC (DfT): No.
489. CHAIR: Okay.
490. MR PURCHAS QC: Thank you very much. I'll come to my last witness, if I may. Michael Hatfield, please. Michael Hatfield, you are a member of MDS Transmodal, is that right?
491. MR HATFIELD: That's correct.
492. MR PURCHAS QC: Specially advising, among other things, in railways and transportation and their connection. Is that right?
493. MR HATFIELD: That's correct.
494. MR PURCHAS QC: Thank you, and you've engaged in this matter and have been seeking to get information from Network Rail and HS2 since the latter part of last year. Is that...?
495. MR HATFIELD: That's correct, yes.
496. MR PURCHAS QC: Thank you, and you have provided them two technical reports in that respect?
497. MR HATFIELD: We've provided them with a technical note before Christmas and, as of last week, we provided them with an updated technical note based on the information that they provided to us late last week as well.
498. MR PURCHAS QC: Slide 21, please. I want to start with North Pole, and we've set out on the slide the benefits of North Pole, proximity to Paddington and others, and then in two, you have set out three points on which it was said to be unsuitable. Is that right? First a lack of network capacity to serve both the intercity express and the train maintenance depot at the same location. Is that right?

499. MR HATFIELD: That is what Network Rail and HS2 concluded in their report, yes.

500. MR PURCHAS QC: Thank you. Secondly, limitation of accessibility during engineering possessions on the main line. Is that correct?

501. MR HATFIELD: That is the second reason they provided to us, yes.

502. MR PURCHAS QC: And the third, is it 'prevent access to a road rail access facility? Is that...?

503. MR HATFIELD: That's correct, yes.

504. MR PURCHAS QC: Thank you very much indeed. If we go then, please, to slide 23. You deal with those points in turn. Can you just tell the Committee first of all about position of normal operations?

505. MR HATFIELD: Normal operations, that's when all the lines coming out of Paddington are open. The reports that we have from Network Rail and HS2, which are the three cited reports, they concluded that to the normal operations there would be a delay of 30 to 40 minutes to complete empty coaching stock moves from Paddington and that, secondly, because of the post-2019 timetable, it's apparently more intensive than the current timetable, that there was no cusp available to accommodate Heathrow Express empty coaching stock moves alongside the contracted moves to the Intercity Express depot next door.

506. MR PURCHAS QC: Thank you. Have you been now given that timetable?

507. MR HATFIELD: We were given that timetable as of 1:00 last Monday.

508. MR PURCHAS QC: Yes, and have you been able to model the timetable?

509. MR HATFIELD: I have since modelled it and my conclusion is that the timetable they have provided to us, it is possible to path into that timetable the same number of empty coaching stock moves that Heathrow Express currently undertake to their existing depot at Old Oak Common into that timetable, alongside the five paths an hour required for the Intercity Express Programme depot.

510. MR PURCHAS QC: Has your modelling been provided to HS2?
511. MR HATFIELD: We have provided that modelling to HS2 as well, yes.
512. MR PURCHAS QC: Have you had any suggestion it is inaccurate, unreliable or misconceived?
513. MR HATFIELD: I have not had any feedback at all from them.
514. MR PURCHAS QC: Thank you. Does the timetable include both Crossrail and Intercity Express Programme?
515. MR HATFIELD: It does, yes. It is the 2019 timetable, which apparently is the more intensive timetable compared to today.
516. MR PURCHAS QC: I think Mr Alexander, when he emailed and sent it to you, described it as being the timetable being used by HS2 or Network Rail. Is that right?
517. MR HATFIELD: That's correct, yes.
518. MR PURCHAS QC: Thank you very much. Have you seen evidence supporting this suggested 30 or 40 minute delay?
519. MR HATFIELD: No. There was no suggestion in that iteration five timetable provided to us that there was any 30 or 40 minute delay.
520. MR PURCHAS QC: As an expert in these matters, can you see any basis on which that assertion could properly be made?
521. MR HATFIELD: No, I've examined the timetable and as I said, I have managed to path all the existing services into it, so I can't see why they would have come to that conclusion.
522. MR PURCHAS QC: Thank you. When did you start asking for that information?
523. MR HATFIELD: We started asking for that information on 4 December.
524. MR PURCHAS QC: Thank you.
525. MR HATFIELD: The next thing we had from them...

526. MR PURCHAS QC: That's last year. I don't need you to get any more. The Committee know our position for that purpose. I'm going to go on, unless you say there's something that we really need touched on, to inaccessibility during possession. Can you help us with that?

527. MR HATFIELD: Yes. The current access...

528. MR PURCHAS QC: Do we need to go to slide 24?

529. MR HATFIELD: 24, yes, we do. Yes.

530. MR PURCHAS QC: 24, please.

531. MR HATFIELD: 24, yes.

532. MR PURCHAS QC: Thank you.

533. MR HATFIELD: Yes, under normal operations, the Heathrow Express proposed depot would be accessed from what is known as track one, shown on the schematic on the screen. So obviously when track one is shut for an overnight engineering possession, then clearly the Heathrow Express depot would be cut off from the network, which is the second reason that they provided to us as to why North Pole was an unsuitable site. The key here, the key piece of infrastructure here, is what is known as the Old Oak Common flyover, which is a single track line which connects the relief lines on the northbound side of the Great Western formation to the so-called main lines on the south side of the Great Western formation. This is currently in use to get trains from lines one over to the exiting high speed train depot that is Old Oak Common during daytime service when a move across on the flat would not be permitted.

534. MR PURCHAS QC: We see that on slide 24.

535. MR HATFIELD: Yes. What we analysed, and we've again presented this as a solution to HS2, is that with just some minor alterations to the existing track work which is on the ground, you could use the flyover to bring trains over from the relief lines when line one is out of action due to an engineering possession.

536. MR PURCHAS QC: We see, too, in red on this, this plan –

537. MR HATFIELD: Yes, a chord connecting the Old Oak Common flyover line to the existing inbound depot line to the Heathrow Express line, and then a short headshunt at the end of that, all within existing railway land, and what that would create is effectively – between A and B you can see on the schematic – what that would create is a roughly 240 metre length section of track where a train could come over the flyover from the relief lines, would enter that section of track between A and B, would come to a halt, the driver could then either walk to the other end of the train or there would be another driver waiting there, and the train could then reverse and enter North Pole depot.

538. MR PURCHAS QC: Is there anything unusual about that?

539. MR HATFIELD: No, it's a – reversing manoeuvres like this are fairly common in the railway industry. In fact, the existing Heathrow Express depot at Old Oak Common, if you approach it from the Heathrow direction, you have to go into a headshunt and then reverse back into the depot as it is at the moment. So it's a manoeuvre which is currently undertaken.

540. MR PURCHAS QC: It's effectively at night this, is it?

541. MR HATFIELD: This would be after midnight and before 5:00 for about three to four nights a week every six weeks.

542. MR PURCHAS QC: Thank you.

543. MR HATFIELD: It would essentially be a manoeuvre which would happen fairly infrequently.

544. MR PURCHAS QC: Any suggestion in response to your providing this to HS2 or Network Rail why it is not operable?

545. MR HATFIELD: They have not provided any feedback to me at all as to why this is not operable, and in fact, they have, in their depot option report, they implied that they had exhausted all options with regard to relief line access, whereas in fact we have come up with a solution here we think would work.

546. MR PURCHAS QC: In the letter last Friday it was suggested that the issues may not be insurmountable, for example, by the provision of substantial new infrastructure

such as grade separated junctions. How does the provision of the chord and the shunt compare to that?

547. MR HATFIELD: As I've explained, we don't need to provide any substantial new infrastructure at all. A grade separated flyover is already in place and we are simply suggesting that some minor alterations to the existing track work on the ground would provide this facility.

548. MR PURCHAS QC: Last point, not being able to get access to the road rail access facility. What is its area, first of all?

549. MR HATFIELD: Its area is roughly located...

550. MR PURCHAS QC: No, sorry. What size is it?

551. MR HATFIELD: Oh the size of it. I think it's about 30 metres by 40 metres. So it's a very small compound. It's essentially just large enough to bring a road vehicle in, where then plant or machinery can be offloaded onto then the railway for use during engineering possessions.

552. MR PURCHAS QC: That's very clear, but this is routine maintenance. It's not heavy...

553. MR HATFIELD: Yeah, this would be simple routine maintenance. It could be a point motor needs fixing or something like that. It's not major remodelling work.

554. MR PURCHAS QC: And how many vehicles are you talking a night?

555. MR HATFIELD: Potentially we would see two or three HGVs a night come in, perhaps, potentially.

556. MR PURCHAS QC: Thank you.

557. MR HATFIELD: Not a particularly big facility.

558. MR PURCHAS QC: Have you looked to see whether there has been any examination of alternative sites to replace the existing facility?

559. MR HATFIELD: The depot option report did not imply that any sort of

alternative site search had been conducted. It's essentially implied that this road rail loading compound is blocked, therefore the site is unsuitable.

560. MR PURCHAS QC: Slide 25, please. Are there areas of railway line immediately available for this purpose?

561. MR HATFIELD: We've conducted a desktop search and we think there are three areas which would be worthy of further examination, certainly, as potential locations where this could be relocated. In particular, there is an area of land at the far west end of the...

562. MR PURCHAS QC: Can we just look at the detailed slides? We'll just go to 63 briefly.

563. SIR PETER BOTTOMLEY: Are these sites other than those mentioned in the petition response documents?

564. MR PURCHAS QC: Yes.

565. MR HATFIELD: Yes, slide 63, this is an area of land at the far west end of the part of the North Pole site which attaches and they are leasing for the Intercity Express Programme trains, and there is an area of the comparable site here next to the railway lines and with road access from Old Oak Common Lane.

566. MR PURCHAS QC: Thank you. Slide 64.

567. MR HATFIELD: 64, this is again two comparable sites next to the railway lines on the council gasworks site.

568. MR PURCHAS QC: Thank you, and 65?

569. MR HATFIELD: 65, this area of land is currently the Crossrail construction compound. It's next to the railway lines. Clearly over the next couple of years this area of land is going to be vacated because Crossrail will open, and we would think it would be worthy of looking to see whether part of this site could be reused as a road rail loading area.

570. MR PURCHAS QC: And do you see any substance in the suggestion that because

the existing road rail access facility can't be accessed, it could not be relocated?

571. MR HATFIELD: I think it could be relocated, particularly to the one at the far west end of the existing North Pole site would provide access to lines one to three during the possession at the same time, exactly the same situation as the existing site.

572. MR PURCHAS QC: Because I have decided not to call one of my witnesses, I'm going to ask you now, just on the last point that was raised about this, which is a proposal in the Kensington Local Plan 2015, slide 30, please. This is a schematic proposal rather similar to ours in that sense. On here we see option 1, 2000 homes, option 2, 2500 homes and more jobs. The difference is, again, notional access the Great Western Main Line, right? The Committee will know, and no doubt has been there, that in fact, what is shown is, the existing development is not reflected as a position on the ground. Is that right?

573. MR HATFIELD: Correct, yes.

574. MR PURCHAS QC: Just help with this: if it's right to form a bridge or connection, if that is proposed, is it necessary for the bridge to go across the maintenance shed which the Committee heard about last week?

575. MR HATFIELD: Well, the maintenance shed would probably be about 12 metres high, so it would be quite a high bridge.

576. MR PURCHAS QC: Is it necessary for the bridge to go over it?

577. MS HATFIELD: I don't think it is necessary for the bridge to go over the maintenance shed. It would be, as the plans we've been shown for the North Pole site, the train shed is located at the far east end of the site. The west end of the site would essentially be a complex of sidings adjacent to the existing Great Western Main Line, in which case the bridge could conceivably go over that part of the site at the same level as the bridge over the railway line.

578. MR PURCHAS QC: To be clear on that, it's four lines narrowing down to two. Is that right, where the sidings are?

579. MR HATFIELD: No, where the sidings are it is four lines – the Great Western

Main Line formation at that point is four tracks.

580. MR PURCHAS QC: Yes, sorry. I mean the new depot lines. How many will be...?

581. MR HATFIELD: Oh, the new depot lines. There would be – let me just double check – it was a number of seven or eight, I think, sidings at that point for...

582. MR PURCHAS QC: So how many lines would be necessary to cross?

583. MR HATFIELD: There would be four lines on the Great Western Main Line and a further eight siding tracks would be used for controlled emission tank emptying and stabling.

584. MR PURCHAS QC: So you were looking to see – to have a bridge across this part of the railway network. What were the implications of having the depot?

585. MR HATFIELD: Sorry, can you just clarify the...?

586. MR PURCHAS QC: Yes, certainly. If it was proposed to have a bridge across the railway line at this point, what would be the implications of having the railway depot?

587. MR HATFIELD: There wouldn't be any implications for the railway depot. It would simply be sidings underneath the bridge deck, which there would be no lifting or anything going on in that part of the depot.

588. SIR PETER BOTTOMLEY: It's a much lower bridge than it would be if you had to over a maintenance shed.

589. MR HATFIELD: It would be much lower, yes.

590. MR PURCHAS QC: In terms of the ability to provide the bridge, would that be possible with the depot in place?

591. MR HATFIELD: I'm not a qualified bridge engineer, but my sort of view is that it would probably be technically possible at that point, to put a – over the sidings, to put a bridge deck in place.

592. MR PURCHAS QC: Have you seen any work done as part of the HS2 consideration in this manner examining alternatives for bridges in this area?

593. MR HATFIELD: No, I haven't. No.

594. MR PURCHAS QC: Thank you very much. Or by anyone else?

595. MR HATFIELD: No.

596. MR PURCHAS QC: Thank you. Slide 26, please. This is Langley. How far a distance is that from Paddington?

597. MR HATFIELD: It's about 25 kilometres from Paddington.

598. MR PURCHAS QC: Thank you. What implications does that have?

599. MR HATFIELD: The implications would be, whereas currently you have roughly a two and a half kilometre empty coaching stock move from Paddington into the planned depot at North Pole or even to the existing depot at Old Oak Common, obviously it would be – the empty coaching stock move would be 10 times longer, 25 kilometres.

600. MR PURCHAS QC: Thank you, and if you then go to slide 28, please. The Committee will be familiar with the proposal, Western Rail access for Heathrow. Presently, no consultation no commenced. Is that right? It does say on the slide.

601. MR HATFIELD: At the moment I understand that the formal consultation ahead of the development consent of their application has not commenced.

602. MR PURCHAS QC: Thank you. Can you explain what you say on the slide at point 5?

603. MR HATFIELD: At point 5, yes. Once Crossrail opens, there will then be four trains an hour directly into Central London. They will be operating alongside the existing Heathrow Express service, which will terminate in the Paddington train shed at the high level, so in other words, if you wanted then to continue your journey into Central London, you then have to basically get off the train and go down onto the Bakerloo line, whereas, post-2018, you'll be able to sit on a train all the way from

Heathrow directly into the centre of London.

604. MR PURCHAS QC: Right, indeed, and what's your conclusion on that?

605. MR HATFIELD: Well, my conclusion on that is Heathrow Express has a break clause in its track access contract in 2022. As a passenger, you will potentially be able to go straight into London without having to change for a lower fare. So that then brings potentially into question the long-term viability of the Heathrow Express service, as a dedicated Heathrow to Paddington service. So, beyond that, beyond that date, it may make more strategic common sense, if you like, to combine the proposed Reading to T5 service with the existing Heathrow service to provide a direct service from Reading through to Paddington, via Heathrow.

606. MR PURCHAS QC: Does that uncertainty arrive either with North Pole or with Southall?

607. MR HATFIELD: No.

608. MR PURCHAS QC: Thank you. Finally, slide 27. Tell us very briefly about Southall, please.

609. MR HATFIELD: Southall, these were two sites at Southall which Network Rail looked at independently and rejected for the reasons which are shown on the screen. What they didn't do was to consider the two sites combined, which seemed to me slightly odd given that they are both connected via an existing siding. In fact, to get into the existing southeast siding, you have to go through the west siding. If you combined the two sites, and I've looked at this as well, you potentially end up with another viable alternative location for the Heathrow Express train maintenance depot.

610. MR PURCHAS QC: And you've set out points there. It's on the link between the existing T5 to Paddington, Heathrow Express.

611. MR HATFIELD: It is, yes.

612. SIR PETER BOTTOMLEY: And that's different from the Promoter's consideration of the Southall northwest option?

613. MR HATFIELD: Yes, it is. Yeah, that's the other site and a bit further out.

614. MR PURCHAS QC: I have no other questions.
615. CHAIR: Mr Mould?
616. MR MOULD QC (DfT): I have no questions, but I'm going to ask Professor McNaughton to give his response on these points.
617. CHAIR: Do you want to make any final points before we move to the Promoter, Mr Purchas?
618. MR PURCHAS QC: No. As long as I have a moment at the end just to make a final point.
619. CHAIR: Of course.
620. MR PURCHAS QC: Thank you.
621. CHAIR: Okay. Let's move on.
622. MR MOULD QC (DfT): Professor McNaughton, you are well known to the Committee I think and I think, probably, to the Petitioners.
623. CHAIR: You may first, sir, need to move that way a little bit. A bit more perhaps.
624. MR MOULD QC (DfT): Chief engineer for the project. First of all, can we just confirm the dates? When the Bill was presented, was Langley a realistic option on the timings that we understood at that time?
625. PROFESSOR MCNAUGHTON: When the Bill was presented, the expectation of our schedule at Old Oak Common was that we needed to have the Heathrow Express service removed from it by 2017, and on that basis at that time, Langley was ruled out because it's committed through to the end of the Crossrail project in 2018. Subsequently, through rescheduling, and partly because of what we learned – which I'll get onto in a minute – about the issues with other places, we were able to reschedule the works planned for Old Oak Common, not to have to displace Heathrow Express until the end of 2019, but they have to be out and operational from another depot by December 2019. That effectively means what we've been talking about the few days: a

depot up and running from mid-2019 in order that they can affect an operational changeover.

626. That's the reason why Langley wasn't chosen at the Bill stage. It was because we were able to reschedule Old Oak Common to not have them leave until 2019, by which time the Langley depot was available.

627. MR MOULD QC (DfT): Thank you. The next thing then is to just look at this slide that was spoken to a few moments ago by the Petitioner's witness, and I'd just like you to comment on one point, please, and that is the proposal to deploy the Old Oak Common flyover that we see shown on this slide as part of the reinstatement of the North Pole east location as the relocation site for the ex-depot. What is your reaction to that?

628. PROFESSOR MCNAUGHTON: Well, hopefully I can speak on this with some authority, as I used to operate this part of the world and was instrumental in setting up the maintenance processes about which some people have been talking about. Just very, very brief background; the way that the very complex track work through Ladbroke Grove and into Paddington is maintained at night, and it can only be at night, was to take either one half or the other half of the line out of use, as either tracks one to three or tracks four to six. That's on a cyclic basis. One week in every six, the fast lines out of Paddington, which you see on this drawing at lines 1 to 3, are taken out of use for maintenance.

629. Now, taken out of use is not just a physical block. It is a minor point that it is an electrified railway, and the first point I need to make is that, in this complex area, you don't get everything you need from looking at a simplified track layout. One has to consider the electrical sectioning of the layout. Because of the complexity of Ladbroke Grove, and I'm going to point here and hopefully the pointer will follow, the track from out of Paddington is electrically isolated right up to this point here. This means that when, one week in six, the main line is under maintenance and all the satellite 40 point ends to maintain all the way through that, as its intensive operation is electrically isolated out of this point here.

630. This means the new North Pole depot will be electrically isolated, and indeed, any purported Heathrow Express depot will be electrically isolated too. So there is a way

round it for North Pole IEP depot, which is they – trains can continue past the depot and come in from the far west end of the site. That depot is quite constrained. You can't leave half of it open for other trains to get through that. In any case, by this end, the route is electrically isolated. IEPs can do that because they have supplementary diesel engines in them, so they can operate under diesel power. Heathrow Express is an all-electric service and it cannot use a route unless there is electric power. That's the first problem with what is suggested. The trains cannot get there because they are electric trains and it is isolated.

631. The second point is more physical. The Old Oak Common flyover, or as it's been known for 150 years, the E and C line – engine and coaches line – currently is the dieselised and electrified way into the existing Old Oak Common depots. That's what it's used for. The line goes over the flyover and then continues into the existing Old Oak Common area. In 2019, the moment that we have a – or by 2019, because this is the east end of our site, the tracks which are the reception one and two lines on that side, on which this proposal depends, will be no more. They will be dug up. They will be removed in order that we can build Old Oak Common Station. So the suggestion that there is somehow a means into any place here, electrically or otherwise, is unfortunately misplaced, and that's really all I have to say on the subject.

632. MR MOULD QC (DfT): Thank you. The next point relates to the road rail access site. If we go, I think, to slide 25 in this series. Again, just briefly, what is the existing road rail access site located at...

633. PROFESSOR MCNAUGHTON: The existing road rail access site, very roughly, is in this area here, and crucially, it is on the south side of the railway, because it's only purpose is to give access to lines one, two and three whilst trains at operating at night, through the night, on lines four, five and six, which are also electrically live. So it is essential for the maintenance of all the route into Paddington that this is the only available currently access to do maintenance to this critical piece of railway on the far side of the land where it is both under possession and it is electrically isolated. Therefore, any access that is not directly onto that fails. Three sites are suggested here, and if I – again, I'm sorry to deal with them fairly quickly, but I think I can.

634. The first site suggested is out here to the west. There is a minor detail with this

I'm afraid, which is it's in a completely different possession. As I said, the electrical isolation runs up to roughly where the existing flyover is. This is a completely different piece of railway. Apart from the fact it's also the piece of railway that IEPs will be using at that point, it is electrically live and it part of the operational railway. It's a different possession. The second suggested site is up here at council gasworks. This is on the north side of the line. In other words, it's on the side where trains are running and where the electric lines are operational, so it's the wrong side of the track. Therefore, it is not a usable access point.

635. The third site suffers from the same problem. It's on the north side of the tracks, so the wrong side of the railway to gain access to the three isolated tracks on the south side of the railway. So we maintain that the work that Network Rail to try and find alternative sites which first gave rise to the realisation that any possible depot in the North Pole East area was not going to work. It's just reflected in the fact there are no other ways to maintain the railway unless we maintain that road rail access.

636. MR MOULD QC (DfT): Thank you. If we turn then, please, a couple of other points – turn to 28 in the same series. You heard what was said about the potential longer term position. We're promoting a bill for High Speed 2. We need to relocate the Heathrow Express depot by late 2019, you said. Is there any certainty that the Western Rail access to Heathrow will be in operation by that date?

637. PROFESSOR MCNAUGHTON: By 2019?

638. MR MOULD QC (DfT): Yes.

639. PROFESSOR MCNAUGHTON: No.

640. MR MOULD QC (DfT): And when does Heathrow Express' franchise continue until?

641. PROFESSOR MCNAUGHTON: 2024, I believe.

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

643. CHAIR: Can I ask a further point on Western Rail?

644. MR MOULD QC (DfT): Please.

645. CHAIR: Clearly there is a proposal being floated that there is no certainty in timetable.

646. PROFESSOR MCNAUGHTON: No. No, there's not.

647. CHAIR: So it could be five years or 10 years or 15 years?

648. PROFESSOR MCNAUGHTON: Sir, there is an announcement there will be consultation with a view to considering whether there is a business case and at what time the Secretary of State might bring forward a proposal.

649. CHAIR: Okay.

650. PROFESSOR MCNAUGHTON: Clearly there are high hopes in some quarters, but there is no –

651. CHAIR: So with HS2 being effectively promoted by the Department of Transport as a priority project, that's a definite?

652. PROFESSOR MCNAUGHTON: That's a definite.

653. CHAIR: Or as definite as you get in politics.

654. PROFESSOR MCNAUGHTON: It's as definite as – we're here, sir.

655. CHAIR: Okay. We're here, and Western Rail is somebody's aspiration which may be a good idea but it's still in very early stages?

656. PROFESSOR MCNAUGHTON: Many of us think it may well be a very good idea, sir, but it is in the very early stages. As I said, it is not yet even out of consultation.

657. CHAIR: Okay. Sorry, Mr Mould.

658. MR MOULD QC (DfT): Thank you, and the final point relates to either HS2 – sorry, to Southall, which we were told about.

659. PROFESSOR MCNAUGHTON: I'm sorry. Just before you move on...

660. MR MOULD QC (DfT): Yes.

661. PROFESSOR MCNAUGHTON: I think I may have made the point in earlier representations, of course it's further out than – there is no ideal site. We'd have loved to have found a site closer to London to reduce the amount of empty stock working, but this is the only site that actually was operable and maintainable without affecting materially the operation of the Great Western Main Line, which is, as you probably are very aware, a heavily used arterial route.

662. MR MOULD QC (DfT): Finally, page 27, if we just go back to – as the Committee heard, Network Rail, as part of its selection exercise, did consider sites at Southall, though not, I think, it should be said, the combination of these two sidings. Do you want to say anything about that so far as Heathrow Express is operating – approach to their operations is concerned?

663. PROFESSOR MCNAUGHTON: Yes. I think just two points about this site or the combination of sites which are also on the south side of the railway. Others have suggested that, given its location, it would be helpful so that Heathrow Express could start their operation at Heathrow, and I think this misunderstands the Heathrow Express market, and again, forgive me, because of my previous experience in offering this service to London. It is essential for the Heathrow Express model that trains start operating from Paddington. That's because the first passenger flow of the day is the critical business market getting people to Heathrow in time to catch planes from 6:30 to 7:30. So you may well find – I'm not suggesting you're regulars with it, but you will may well find that the 5:10 and the 5:25 trains, two of the busiest trains of the day – it is the only way to get to Heathrow at the time of the morning.

664. Those trains get to Heathrow in nice time to start receiving overnight passengers coming off their planes and getting through security with their luggage, etcetera, etcetera, sometime after 6:00. The same is true in the evening. The most essential service is the services which get people off the last planes back into London. The service starts at Paddington, the service finishes at Paddington. So any helpful suggestion that a depot could be built which enables trains to start at Heathrow quite misses the point. The second, which is I believe in the Network Rail appraisal, is that there are movements of stock to and from the depot in the evening and in the morning, not just at the start of service and the end of service, when trains are strengthened from five to nine coaches and – I'm afraid to use an awful railway term – destrengthened in

the evening.

665. Those empty movements, empty coaching stock movements, if they are on the fast lines, this side of Airport Junction – Airport Junction is up here – are almost impossible to operate on the fast lines. The fast lines are pretty much running at capacity. The advantage of Langley is they can operate if necessarily on the slow lines in between stopping services when it's not so difficult. So there are some operational restrictions – they are not show stoppers – about having a line here, but fundamental issues; the service starts at Paddington, not at Heath Row.

666. MR MOULD QC (DfT): Thank you very much indeed.

667. CHAIR: Okay. Mr Purchas?

668. MR PURCHAS QC: Sir, we have been denied from providing our technical reports to HS2. These points are entirely novel to me. I'd like to put them to my witness to explain what we're dealing with to save the Committee time.

669. CHAIR: Okay.

670. MR PURCHAS QC: So I'm just going to take him through, if I may, Mr Hatfield – take them in order. First, Old Oak Common, the point was raised about the isolation of tracks one to three and four to six.

671. MR HATFIELD: Yes. We have acknowledged in our technical notes to HS2 that we would need to make some alterations to the overhead line in that location so that the Old Oak Common flyover would then be isolated from lines one to three, so that when the power was turned off on lines one to three, the line across the flyover was still live. We've acknowledged that. That would need to be done, and in fact that is exactly the solution which Network Rail briefed us then, that they're going to adopt at Langley. They said there that they were going to put some isolation in so that when the fast lines were isolated, they could still get into the depot on the turnouts there. It's standard railway practice to change where the feed comes from so that overhead wires can be isolated.

672. MR PURCHAS QC: So, anything in that point?

673. MR HATFIELD: We've acknowledged that we need to adjust the way the wires work.

674. MR PURCHAS QC: The second point was the depot would be itself isolated off. What about that?

675. MR HATFIELD: We've again acknowledged, in the technical notes, that the track layout at Old Oak Common area is in a state of flux because of the works, and again we acknowledged that there will perhaps need to be some kind of temporary adjustment on the Old Oak Common site that would allow access to the flyover which would then, once the Great Western interchange station goes into place, a more permanent solution would be devised. I think the point here is that we've not had the opportunity to work with HS2 to try and develop these solutions, which contrasts with work I've done on other sites, and obviously Professor McNaughton spent a good deal of last week with two colleagues of mine working on the Washwood Heath site, which you've obviously dealt with in detail. It might have been an idea to have adopted a similar approach.

676. MR PURCHAS QC: Well, you tried. I appreciate it.

677. MR HATFIELD: Yes.

678. MR PURCHAS QC: Just so we're clear about this, is this point – perhaps I'll put it that the tracks one and two are going to be dug out for the station. Is that in fact anything that prevents a sensible solution being raised?

679. MR HATFIELD: We think that wouldn't preclude a solution being adopted and we would need to – once we're done on the Washwood Heath site, we're quite prepared to work with HS2 to examine potential options to allow that to happen.

680. MR PURCHAS QC: Then on the road rail access site, the point being made, either being north of the lines or being in a different section to the west. Can you comment on that?

681. MR HATFIELD: Right. The site at the end of the west end of the attaching Intercity Express Program's part of the North Pole site...

682. MR PURCHAS QC: It's 25, I think.

683. MR HATFIELD: Yes. Again, the point about the wires is a reasonable point, and again, we would perhaps need to look at how that part of the network could be isolated during a possession. However, if you look at the track layout in that part of the world, the next opportunity – assuming the lines from Paddington to Ladbroke Grove are out of action for maintenance and you haven't used the relief lines, the next opportunity to actually cross back over then onto the main lines is actually between Acton Main Line and Ealing Broadway. So effectively, if Paddington to Ladbroke Grove is under possession, then effectively, the possession essentially extends all the way out to Acton West. That's the next opportunity to get back onto the main lines. I take the point about having to perhaps again do something with the electrics.

684. MR PURCHAS QC: Is there anything unusual about having to do that?

685. MR HATFIELD: Again, no. Isolation points have put in for a purpose. You can simply move them.

686. MR PURCHAS QC: So then having dealt with the western one, any comment on the two sites I think north of the...?

687. MR HATFIELD: Oh, yes. The report we got, the operational assessment reports, comments that existing road rail loading points at North Pole East replaced a previous depot actually at Old Oak Commons, which on the north side, and that was stated in the report, which implies that, potentially, this load road flowing westward doesn't necessarily need to be on one side or the other, because it's previously been on the other side of the lines.

688. MR PURCHAS QC: So practice indicates in what sense it's not right. All right. Thank you. I don't think there's anything extra on slide 28, the Western Rail access. Just tell me, what sort of franchise is it?

689. MR HATFIELD: Yes. Professor McNaughton said that Heathrow Express had a franchise. It's not a franchised operator. It's an open access operator. It has an open access track access agreement with Network Rail, so it's nothing to do with the Department of Transport. It doesn't get subsidy. It doesn't pay premiums.

690. SIR PETER BOTTOMLEY: We understood the question to be, how long does that contract run?

691. MR HATFIELD: They have a track access contract. I thought it was 2022. Professor McNaughton said – I'm not going to argue with...

692. SIR PETER BOTTOMLEY: I don't think that the difference makes a difference.

693. MR PURCHAS QC: So 27...

694. MR HATFIELD: But it doesn't have a franchised agreement with the Department of Transport.

695. SIR PETER BOTTOMLEY: We took it in its common sense meaning. How long do they expect to go on manual service?

696. CHAIR: Clearly there is some disagreement here. Shall we get onto the other issues?

697. MR PURCHAS QC: Yes, slide 27.

698. MR HATFIELD: Yes. I accept what Professor McNaughton said about people wanting to get out from Paddington for the first flights out of Heathrow in the morning. That's perfectly true, but I also understand that Heathrow Express would like to get trains earlier to Heathrow to accept transatlantic flights, which come in overnight and land sort of 5:00 a.m. At the moment there is a slight delay, with people waiting for trains.

699. MR PURCHAS QC: But the other point he made was about access onto the slow lines. Do you remember that?

700. MR HATFIELD: Yeah.

701. CHAIR: Right. Carry on, Mr Purchas.

702. MR PURCHAS QC: The last point that I think needs to be made is about the access onto the slow lines in contrast to Langley.

703. CHAIR: Okay.

704. MR PURCHAS QC: Because of the business of the lines. Do you remember that point?

705. MR HATFIELD: No, sorry. Can you just refresh my...?

706. MR PURCHAS QC: I don't know whether I can.

707. SIR PETER BOTTOMLEY: The issue was, just to remind you and help to speed things up, that to fit these trains in on the fast lines is difficult. It would be much easier to fit them in on the slow lines.

708. MR PURCHAS QC: Yes, the four ideal lines. Any comment?

709. MR HATFIELD: Well, the only comment I'll make, Professor McNaughton said there was moves at other times of the day. According to the working timetable, that is not the case. The first empty coaching stock move into the depot, into the current depot, is at, according to the basic timetable, is about 8:19 p.m. and all the movements are then finished by 1:10 a.m. They then move their trains out from roughly 4:15 and all their trains are then out the depot by 6:15. There are no further empty coaching stock movement into or out of the depot at any other time of the day, according to the current working timetable.

710. CHAIR: Okay. Good. I think we'll just this as read. Can we go on, Mr Mould, pollution on the site, the size of the land take and the ownership?

711. MR MOULD QC (DfT): Yeah. Can I deal with that myself just to sum up our position?

712. CHAIR: Do you feel confident in doing that, Mr Mould?

713. MR MOULD QC (DfT): No, I don't, but I am going to try and do it myself, because I'm conscious that...

714. CHAIR: Okay. Please.

715. MR MOULD QC (DfT): I mean, if Professor McNaughton would like to withdraw – would you like to withdraw?

716. PROFESSOR MCNAUGHTON: Thank you very much.

717. MR MOULD QC (DfT): If we can put up P15116. All I'm going to do is just summarise where the project is on this. This slide breaks down the Petitioner's landholding at Slough into a series of sections. Just working in from the east, we don't affect the area of land immediately to the east. The area which is shown grey is the area that corresponds to the business park that you heard about. As you can see, we do need to take the eastern access to the depot from the Great Western Railway along, just adjacent to the south western corner of that site, and at present, it looks to us like we need to clip that south western corner to a minor degree.

718. I think we have given an assurance, and we're certainly prepared to confirm that assurance, that we will work in detail to look to minimise that take, but it is – that is the extent of actual direct impact on the actively occupied area of the petitioner's land holdings at this location, and of course for that they will be compensated, but as I said, we will look to minimise that to the minimum necessary that is required to construct those tracks.

719. MR CLIFTON-BROWN: Mr Mould, when we visited there was an issue about one of the concrete –

720. MR MOULD QC (DfT): Yes, and that's encapsulated within that point, because...

721. MR CLIFTON-BROWN: Will they be able to stay there or not?

722. MR MOULD QC (DfT): I'm sorry?

723. MR CLIFTON-BROWN: Will they be able to remain in situ or not?

724. MR MOULD QC (DfT): That is our objective, is to design our railway so that they are able to do so. I cannot say guarantee that, but that is our objective, and we need to work with Thorney Lane in order to realise that objective, if we possibly can. Moving westwards, we then have an area that is subject to historic contamination. In relation to that area, we have two ambitions. One is we need to run our approach tracks along the southern side of that area and we need to locate the work sites for the works we are doing to Hollow Hill Lane in that area for the duration of those works, which you have heard we expect to be the order of about two years.

725. Beyond that, we have no need for that land, and it is certainly – we have already

given assurances that we expect to be able to enter into an agreement with the Petitioners to take so much of that land that is only required for construction purposes, to use it temporarily, applying the policy that you have already heard us...

726. SIR PETER BOTTOMLEY: Not to own it.

727. MR MOULD QC (DfT): And not to own it, yes.

728. SIR PETER BOTTOMLEY: Do you remediate it?

729. MR MOULD QC (DfT): Yes. We've also said that we would remediate it to the degree that we need to in order to address – we will wash our own face in that respect, and if I can just pick up on the point here that was raised by Mr Purchas in opening about the indemnity that the Secretary of State has, as a successor to the residual body, the issue there is limited, as I understand it in negotiation, to whether that indemnity should be coextensive with the cap that exists under the transfer or whether the Secretary of State, as the Promoter of HS2, should have an unlimited liability under that indemnity. We say that the cap should be coextensive with that which exists under the transfer. Mr Purchas has explained that the Petitioners say it should be unlimited. That is the subject of negotiation, and that is where we've got to.

730. SIR PETER BOTTOMLEY: And that's an issue which the House of Lords could deal with if necessary?

731. MR MOULD QC (DfT): Indeed, sir, yes.

732. MR CLIFTON-BROWN: Can I be absolutely clear? That's not quite as I understood what Mr Purchas to say. What he was saying was that the indemnity would be extinguished altogether, as I understood it.

733. MR MOULD QC (DfT): We've never said that that is our position. We've never said that that is our position. It has been made clear – I mean, if that's not been understood then I can clarify. We have accepted that we should accept our liability in relation to that. The sticking point was whether we should also take advantage of a cap or not.

734. CHAIR: Okay. Going back to the site. If we can deal with the site.

735. MR MOULD QC (DfT): Yes. Then moving across Hollow Hill Lane, we get to an area that is currently green belt and is currently part of the floodplain of the brook. Of that we need to continue our approach tracks and as you know we have made provision on a precautionary basis for some flood storage to compensate for the works that we do and for some environmental mitigation. It's important to understand that that is done on a precautionary basis and we are – contrary to what was said to you, we are certainly open to continuing to negotiate in relation to appropriate terms on which we take that land, including those matters that Mr Purchas has mentioned, as to identifying, through the detail in site investigations, the extent of that land, what is needed, and appropriate terms as to the longer term custodianship of any restoration work that is undertaken.

736. CHAIR: So although green belt, it is coterminous with other plots of land which they own?

737. MR MOULD QC (DfT): It is.

738. CHAIR: So presumably they would have an aspiration at some point maybe to get some planning permission on that particular site.

739. MR MOULD QC (DfT): They may.

740. CHAIR: If it were not all used...

741. MR MOULD QC (DfT): That's right.

742. CHAIR: For flooding mitigation.

743. MR MOULD QC (DfT): Well, at the moment it is identified for that purpose, but I have indicated that once we have a better understanding of precisely what we need to do by way of restoration and mitigation, we know that we need to provide adequate flood storage to compensate and we know that we need to reinstate that land, to restore it appropriately, and we know that we need some ecological mitigation. Actually, the mitigation and protection of species is not proposed on that land in any event. It's proposed elsewhere. I think we need to understand clearly what it is.

744. But insofar as there are development aspirations – and they are clearly somewhat

more limited than, for example, redevelopment on the industrial side – that’s the extent to which we cut across them. And then we get beyond the extent of the Petitioners’ land. We’re into land that is held by Network Rail, subject to a lease with DB Schenker for the railway.

745. I hope that has encapsulated the points you raise with me just now. I did just touch, with the highways witness, on where the access point to the industrial estate was: it was from the east. I know there are concerns to which ready access to that site will be affected during the period of HS2’s operation, given that we have a residual proposal to run lorries along that. You know what the nature of that is. We’ve given assurances in relation to that already in the correspondence. Those assurances are clearly not acceptable in their terms. We’re ready to continue to see if we can reach accommodation on that. But we don’t see that the solution to that problem requires us to construct a Bailey bridge over the canal at a cost of £1 million and run the risk of further aggravating the canal dwellers when, as we understand it, access to Thorney Lane’s land is from the east rather than from the west.

746. CHAIR: Okay, so there will be further discussions. I think you need to sort out the liability issue.

747. MR MOULD QC (DfT): Yes.

748. CHAIR: Clearly, there’s a slightly different view here.

749. SIR PETER BOTTOMLEY: I’m not sure we need to.

750. CHAIR: No, I don’t think we need to, but we could do with a report back.

751. SIR PETER BOTTOMLEY: What we’ve heard is that, essentially, they don’t intend to reduce or to increase the liability.

752. MR MOULD QC (DfT): That’s right.

753. SIR PETER BOTTOMLEY: I think those are issues the parties can talk about and, if necessary, go back to the House of Lords about.

754. MR MOULD QC (DfT): I’m certainly clear that, as a matter of principle as well as practice, to the degree to which we expose these Petitioners and their landholding to

a risk which would not otherwise eventuate, we must make sure we safeguard them in relation to that risk. How that is achieved is a matter of complex legal drafting and negotiation – but the principle is clear.

755. I'm not going to say any more to you about the issues over the alternative depot sites, suffice to say simply this: there is a detailed report that Network Rail prepared after their investigations on this. It's in the pack, and I would respectfully not accept the points that Professor McNaughton made today are novel. You'll find them referred to in that.

756. CHAIR: And we still have Mr Clifton-Brown's point about the amount of land-take there is for flooding mitigation. I rather agree with him: it needs to be pulled back somewhat. Given that you've landed on the site and you're using it, as they are landowners, you ought to be doing your best to reduce that.

757. MR MOULD QC (DfT): Yes. So far as the flood plain is concerned, of course, that is a fact. It is an existing requirement in these days when we are experiencing increased problems in that respect. But, again, as I understood Mr Purchas' point, essentially it was, 'We would like to be as free as we reasonably can, subject to the acknowledged needs of the project, to have a developable site. And, obviously, the ability to allow for any flood storage that is needed for our development aspirations.' If it is possible to combine their aspirations with our needs, then in principle there's no reason for us to resist that.

758. SIR PETER BOTTOMLEY: Going back to where we started last year, in Birmingham, we gave significant encouragement to the Promoters to make sure that what wasn't needed for the railway either during construction or afterwards should be in such a shape that potential developers and those with an interest in the land use it to their greatest advantage and, therefore, the common good – and the same thing applies here. We're hearing from you that, although you have the powers to do all kinds of things, you'll reduce the use of those powers to what's needed for construction and for permanent use.

759. MR MOULD QC (DfT): And for the permanent use of a mitigated railway, yes. Indeed, that's been something of a theme today, hasn't it? I maintain that theme until the end of the day.

760. CHAIR: Mr Purchas?

761. MR PURCHAS QC: Well, as always, I feel I have a very different view, which I am delighted to hear from my learned friend, from those outside, who have been doing the negotiations. If the Committee could encapsulate that somewhere in the report, it's going to be helpful. On the other depots, all I ask is that there is an obligation on the Promotes to re-examine that in the way I said in opening.

762. In terms of the area to be taken, I do stress this: the area they're taking, which is not tip land, is particularly important not just to secure our development but to secure the relief aid and the whole package of regeneration. I do emphasise that there is a particular importance beyond our own requirements.

763. On the road access to Thorney Lane South, one of the points between us is this question of alternative access. That has been, at present, denied. I don't know if my learned friend's words are going to overtake that, but I think the Committee might like just to remember this: there are hazardous operations within our existing business park and hazardous materials being stored. One just needs to think about emergency access. It's such an obvious point I cannot understand why it's denied to us.

764. In terms of the area for flood and ecological mitigation, I hear what he has said, but the truth of the matter is that 33 hectares is just grossly disproportionate. On any basis, it can't be more than 10 – and really none of this needs to be taken at all. Beyond that, I think I've made the points.

765. CHAIR: Is this your last appearance before the committee, Mr Purchas, or are you here next week?

766. MR PURCHAS QC: No threats of that kind, sir. I'm very grateful for you greeting me so kindly yet again.

767. CHAIR: Okay, well, thank you very much. That's the end of today. Order, Order.