MINUTES OF ORAL EVIDENCE
taken before
HIGH SPEED RAIL COMMITTEE
On the
HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Tuesday 24 February 2015 (Afternoon)
In Committee Room 5

PRESENT:
Mr Robert Syms (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Ian Mearns
Yasmin Qureshi

IN ATTENDANCE
Mr Timothy Mould QC, Lead Counsel, Department for Transport
Mr Lewis, Counsel for Coventry City Council

IN PUBLIC SESSION
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1. CHAIR: Order, order. Welcome back to afternoon for HS2. We have Coventry City Council versus HS2, who have been deep in negotiation. Do you want to update us, Mr. Mould?

2. MR MOULD QC (DfT): Yes, thank you very much. We have been greatly assisted by the time the Committee has allowed us to complete our discussions outside in the corridor and as a result the promoter is able to give assurances on three matters. And it may help if I read those assurances into the record.

3. The first of them is in relation to construction and workforce traffic impacts. And it’s in the following terms. Firstly, the promoter will complete the ongoing traffic assessment of the impact of construction traffic generated by the proposed scheme on the following junctions: firstly, the A45 Kempass Highway/A429 Kenilworth Road junction; secondly, the A46 Kenilworth Bypass/Stoneleigh Road junction; thirdly, the Stoneleigh Road/Dale House Lane junction; fourthly, the A45 Sir Henry Parkes Road; fifthly, the A46 Kenilworth Bypass/A452 Leamington Road junction; sixthly, the A429 Kenilworth Road/Gibbet Hill Road junction; seventhly, the A45 Saint Martins/Leamington Road; eighthly, the A45/Tile Hill Lane; and ninthly, and finally, the A45/Broad Lane.

4. The second part of this assurance is that the promoter will complete the assessments to which I’ve just referred using input traffic assumptions which it shall use reasonable endeavours to agree with the Highway Authority.

5. Thirdly, the promoter shall use reasonable endeavours to complete the assessment within four months and in any event shall complete the assessment within six months of the date of this assurance, so today.

6. Fourth, throughout the remaining work, completing the ongoing traffic assessment, including consideration of any road works, junction improvements or alterations assessed as part of that overall assessment, provided under the first paragraph of this assurance, the promoter shall consult actively with Coventry City Council, taking
into account at all times the council’s following concerns. Firstly, the use of the A46 C32 Stoneleigh Road junction and the A429 Gibbet Hill Road as a construction junction during peak hours; secondly, the level of construction workforce traffic in the vicinity of the University of Warwick; thirdly, the use of the following roads for construction traffic Gibbet Hill Road, Cryfield Grange Road, Crackley Lane, Bockendon Road, Westwood Heath Road, Charter Avenue, Kirby Corner road and Cromwell lane. And that HS2 construction and maintenance traffic should be routed on roads that are suitable for the purposes of construction and/or maintenance access. These routes being agreed with the relevant highway authority in accordance with the provisions of schedule 16 of the bill.

7. Before the end of Committee hearings in the House of Commons the promoters will provide a report to the Committee on the traffic assessment work that post dates this assurance and the extent to which the concerns identified above have been addressed. Coventry City Council will respond to this report in writing for the benefit of the Committee. The promoter understands that Coventry City Council is accepting its assurance on the assumption that there will be a further opportunity for decision further on this issue if and when additional provision to the bill is published.’

8. And then fifth paragraph under this topic. Where such an assessment of any of the junctions identifies unacceptable impact at that junction, as a result of HS2 construction traffic, for longer than a continuous period of 40 days the nominated undertaker will consult with the Highway Authority and subject to any approvals required from the planning authority would either put in place appropriate mitigation measures within the powers of the bill or the existing powers of the Highway Authority to increase the capacity of the junction. Or accept such limits on the use of the junction by HS2 large width vehicles per hour on the weekday morning and evening peak periods as to ensure that the junctions operate within capacity as far as reasonably practical.

9. Then, the promoter will require the nominated undertaker to appropriately regulate the flow of construction and large goods vehicles during the weekday morning peak and evening peak hours and at other times when major, local events are held, so far as
reasonably practical, and to seek to agree to these dates and times with the Highway Authority.

10. Finally, under this topic. The nominated undertaker must use reasonable endeavours to ensure that any interruption or disruption or reduction in the existing level of service afforded to cyclists and pedestrians providing by the existing or realigned A429 Kenilworth Road, including off carriageway cycle routes, as a result of HS2 is minimised.

11. The next assurance relates to rail services and is as follows. ‘1. The Secretary of State will require the nominated undertaker, as part of the detailed design of the proposed works at Euston Station, to provide a detailed assessment of the impact of those works on the capacity of the station to handle the train services on the West Coast Main Line, including to and from Coventry Station, both during and following their completion. And to share the findings of the assessment with Coventry City Council and the West Midlands Integrated Transport Authority.

12. 2. The Secretary of State will require the nominated undertaker to engage with Coventry City Council and the West Midlands Integrated Transport Authority on proposed measures to minimise, so far as reasonably practical, adverse effects on the available platforms for and the number and frequency and reliability of such train services during construction, whilst ensuring the timely and economic delivery of the railway.

13. 3. The Secretary of State can give an assurance that the key processes of network planning led by Network Rail and franchise specification led by the Secretary of State, which are key to the development of post-HS2 train services, will be structured in a way that it informs and consults Coventry City Council and the West Midlands Integrated Transport Authority. And that their views and priorities will be taken into account, including any expected economic impacts on Coventry which arise from a reduction in direct, long distance rail connectivity.

14. Firstly, the planned network rail study for the West Coast Main Line corridor will
provide a structured opportunity for local authorities along the route, including Coventry City Council and the West Midlands Integrated Transport Authority to feed in their views on future development and the priorities of their communities and regions. The impact of HS2 on wider rail services and economic rail will be key to this process of option development and assessment. Network Rail will work closely with other rail industry partners and the West Midlands Integrated Transport Authority to undertake the study. Network Rail will also consult with Coventry City Council in the early stages of the work to ensure its priorities and all relevant evidence are considered as options, are identified and tested in this study. The range of outputs and choices will be identified in the course of that study. Network Rail will take account of the Secretary of State’s published aims for future service patterns, following the opening of HS2 including the aim of all towns and cities which currently have a direct service to London will retain broadly comparable or better services once HS2 is completed. Options for investment or services that are identified and assessed in the network rail work will be consulted on once the work has reached draft conclusions and the views of Coventry City Council will be taken into account as a final network rail report is produced. This work will generate strategic options for the best overall use of rail capacity on the West Coast Main Line and HS2 after phase one commences operations.

15. Secondly, the Secretary of State will have a major role in any significant future service changes on the West Coast Main Line corridor by his role as franchising authority. Franchised service requirements contracted with private operators by the Secretary of State will be developed in consultation with the passenger representatives, freight users and local authorities including the West Midlands Integrated Transport Authority and Coventry City Council. For the relevant franchises this crucial work on service development is currently anticipated to take place in the early 2020s.

16. And the third and final subject matter of these assurances is for tracking at Carol Green, Balsall. And the assurances are the following terms. The Secretary of State will undertake with Coventry City Council and other relevant stakeholders a reasonably detailed study of the case for including, as part of the construction works for HS2, passage provision beneath the Carol Green bridge at Balsall, where the HS2 railway crosses the existing two track Birmingham to Rugby railway line for the purpose of facilitating a future four tracking of the West Coast Main Line. The Secretary of State
will engage with Coventry City Council and other relevant stakeholders on the findings of the study before a final decision is taken on the detailed design of this railway crossing.

17. CHAIR: Okay?

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

19. CHAIR: Thank you very much, Mr Mould. Before I go to Coventry, can I ask one question? We had a number of discussions some weeks ago to do with the University of Warwick, who clearly also had an interest in particularly the track arrangements and many of the issues raised by the City Council. Is this study on traffic going to be available to them via either HS2 or indeed the City Council and the Integrated Transport Authority?

20. MR MOULD QC (DfT): that is my understanding. Yes.

21. MR LEWIS: We would like to share. Yes.

22. CHAIR: Could you?

23. MR LEWIS: I’m Counsel for the City Council. Yes. And we would endeavour to share that document with them and we would indeed encourage their response to it, as well.

24. CHAIR: Okay. Are you happy?

25. MR LEWIS: Content, sir, certainly, yes. And I’d like to thank the promoter for the constructive efforts this morning to move matters forward. We have worked hard to come to a detailed but agreed position at this stage. And we’re grateful to them.

26. CHAIR: Okay.

27. SIR PETER BOTTOMLEY: And we presumably should also be aware of the
promoter’s responses to some of these issues that haven’t been mentioned. Like, for example, the bill does need to spell out the name of the interchange station and things like that.

28. MR LEWIS: Thank you.

29. CHAIR: Okay. Thank you. Before we finish with Mr Mould – we’ve finished with Coventry, if that’s fine? You were going just explain a little bit more how some of the petitioners in phase 2 have become petitioners in phase 1. What the scope of that is.

30. MR MOULD QC (DfT): Yes.

31. CHAIR: Is that something you could do now, Mr Mould?

32. MR MOULD QC (DfT): Indeed, sir. Yes. Thank you very much. Very, very briefly. As the Committee knows and as petitioners will be aware, on Monday next week and for the majority, I think, of next week, the Committee will be hearing petitioners who are raising issues in relation to phase 2. And recently, sir, you gave some helpful guidance on the approach that the Committee intends to adopt in relation to hearing those petitions. It may be helpful if I explain now, very briefly, in the light of your guidance, how we intend to proceed. Just to see if that is what you’re expecting from us and with the need to inform the petitioners in advance of their coming down to London for the hearings.

33. So, at the start of the hearings on Monday, the promoter’s Counsel will briefly outline announcements that have been made in relation to phase 2, originally in January 2013. And then in relation to the consultation on the phase 2 route that began in July. We will also briefly outline the discretionary exceptional hardship compensation scheme that has been introduced in relation to phase 2. That began in July 2013 and coincided with the consultation. We will also touch on the consultation announced during the latter part of last year in relation to the potential safeguarding of a line between Fradley and Crewe. That consultation is yet to be completed. We will then provide a brief explanation of a number of clauses in the bill which I think are of direct interest to phase 2 petitioners. That is to say, sections 48 and 50 to 52. And we will
seek to explain the effect of those clauses in law and also seek to explain what their practical use and effect is expected to be. We do not intend to respond to points of objection raised by phase 2 petitioners in their petitions on the potential phase 2 route. And our reasons for that are these. The phase 2 route is outside the scope of this bill, which is of course concerned with phase 1. And there is no announced, published route for phase 2, in any event. And we understand from the announcement that you made on 10 February that the Committee wishes to make clear to petitioners the second point, that the Committee does not have a phase 2 bill before it, to say for those clauses that I have drawn attention to, the phase 1 bill does not seek to make provision for actions, activities north of the northern limits of the phase 1 bill and therefore, to say nothing of the Committee’s terms of reference, no useful purpose will be heard by detailed expositions in relation to the merits or demerits of potential routes or alternatives for a phase 2 railway.

34. CHAIR: In other words, the petitioners will have to petition again at some point in order to make broader points, but, the scope may be quite narrow?

35. MR MOULD QC (DfT): Yes.

36. CHAIR: Okay.

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

38. CHAIR: Any further comments by members of the Committee? Okay? Thank you very much. Order. Order. See you tomorrow.