

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Thursday 12 June 2014

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Ian Mearns
Yasmin Qureshi
Mr Michael Thornton

IN PUBLIC SESSION

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(at 11.05)

1. CHAIR: Good morning. The Committee will today announce its provisional programme for July and its broad approach to subsequent programming, together with details of sitting times and procedure. May I, at the commencement, say that the Committee is grateful to all those who made representations on programming. Dealing with 1 July, the Committee will require a number of days of introduction to the route, and on factual background to matters such as noise and compensation. A programme including this will be published after this meeting. This briefing is to be on factual or non-contentious points only. Any non-agreed issues can of course be drawn to the attention of the Committee so that we are aware of contentious points. For administrative reasons, we will delay the briefing on compensation until September.

2. The Committee heard representations about how and where it should start its proceedings. There is general agreement that it would not be sensible to start with petitions from the London end of the route, as the plans for Euston are to be altered. There are four or five other options: starting with route-wide issues, starting with Birmingham Curzon Street, starting elsewhere in and around Birmingham, starting in Handsacre, or starting elsewhere on the route.

3. On the geography first options, it is, or at least was, relevant that in our meeting on 13 May and in writing representations received subsequently, hardly any petitioning body sought to go early rather than later. There was, however, no consensus either in submissions to us on the benefits of starting with route-wide issues. Even those arguing in favour conceded that this could need to petitioners appearing more than once. Rather than hearing about route-wide issues at the start, we have decided to begin hearing petitions geographically, so that we can get a real sense of the impact of such issues on petitioners. If, thereafter, we believe it would be helpful to insert one or more stages on route-wide issues, we will do so. However, we do not believe it is helpful to the process to ask petitioners to speak more than once unless necessary, and the risk of starting with route-wide issues is that that would become inevitable, injecting further delay into what already will be a lengthy process.

4. The Committee received representations that it should not hear petitions in localities that would be affected by additional provisions. However, since almost all

localities will be affected to a greater or lesser extent by additional provisions, this point applies particularly to the ends of the routes. This consideration does not particularly assist in deciding on a programme for the Committee. Since 13 May, Birmingham Council have indicated that they will, after all, be in a position to be heard. We will therefore start with Birmingham Curzon Street and move broadly north to south. We remain open to submissions on when to schedule petitions from Staffordshire and Handsacre.

5. We obviously expect to deal earlier rather than later with issues that could make hearings on other petitions redundant, such as possible further tunnelling. A programme covering July will be published immediately after this meeting. A programme for September, after, will be published next month. We will generally hear local authorities first within each locality, in the following order: county councils, then district and unitary councils, then parish and town councils, followed by community groups, other public bodies, businesses, and then individuals.

6. On alleged defects in the environmental statement, HS2 have indicated that they will make a statement on this in its opening remarks. We will take the adequacy of that statement into account in deciding how to proceed on environmental matters. Environmental matters will receive our due attention, and as proceedings progress, we will consider how best to hear petitions on environmental matters. On the formerly-proposed HS1/HS2 link, there is an instruction from the House that the Committee not hear petitions for or against a link. We can clarify that we will not treat this exclusion as extending to petitions which merely argue for passive provision: i.e. for not building the railway in a way that would prevent a future such link. However, the Committee will not hear arguments on the actual merits, or otherwise, of potential future links.

7. I now turn to the more detailed aspects of programming. While acknowledging the representations that programming should be handled by the Private Bill Office, it should be recognised that in most cases, it is more sensible for HS2's agents, Winckworth Sherwood, to handle programming details, since unlike the Private Bill Office, they will already be aware of the state of negotiations between the respective parties. There is also the point that the Private Bill Office has duties to serve this

Committee in several other ways, as well as having other responsibilities to the House and to petitioners.

8. However, acknowledging the need for transparency and objectivity, the Committee will request and expect to receive a formal confirmation from the HS2 agent handling the details of the programming, Mr David Walker, that he will act impartially when dealing with the timings of petitions and refer any unresolved point of contention to the Private Bill Office, and, if necessary, the Chair of this Committee for resolution. We have also asked Mr Walker to write to Members with constituencies affected by the route to offer them points of contact at HS2 to whom they can refer constituents' concerns, including about inadequate contact to date, and to whom Members can themselves write with complaints about contact within their area if necessary. Mr Walker will also write to petitioners with details of programming and procedure.

9. We have received representations about the recent communication to HS2 petitioners outlining an encrypted email system for communicating petition response documents. We understand that one reason for this suggested way of communicating is to confirm receipt. However, since petitioners who did not provide an email address have been contacted by conventional means, and given that many petitioners may not feel comfortable with the complex email system, we strongly urge HS2 to offer alternative ways for petitioners to communicate with them if they prefer, including normal email and post.

10. On a related point, the Committee expect HS2 petition response documents to contain a full and fair summary of specific points at issue. The Committee strongly encourages the agents for HS2 to arrange the petition programme to allow for at least four weeks' notice of hearings to petitioners, unless there are exceptional reasons for not giving such notice. We think four weeks' notice should be generally adequate. However, petitioners with particular difficulties about certain dates should certainly have their needs accommodated, but there is a duty on petitioners and their representatives to make themselves available, subject to reasonable allowance being made for other considerations. We do, however, expect particular consideration to be given by Mr Walker to the needs of disabled and otherwise disadvantaged petitioners.

11. The Committee will generally sit on Tuesdays, Wednesdays and Thursdays, 9.30 each morning, from two until five each afternoon. Thursday afternoon sittings will, however, be scheduled only as necessary, as we will also sit on the occasional Tuesday evenings to accommodate petitioners. Morning sessions will finish at 12.30 on Tuesdays and Thursdays and 11.30 a.m. on Wednesdays. We intend to sit for three weeks in September, the weeks beginning 1, 8 and 15 September, on dates to be published. We may sit during other recess periods as necessary. Details of how petition hearings will proceed and how evidence will be submitted will be published after this meeting on the Committee website.

12. Evidence from witnesses will be required to notify – be notified two full working days in advance, and the Committee will need exceptional reasons to depart from this practice, even in the case of individual petitioners. Petitioners will be asked whether they are content with HS2’s counsel to present an initial agreed summary of issues. There will be no obligation to agree; if they prefer, petitioners may open their case first without any such introduction.

13. The Committee heard representations that it should have independent expert advice. We have been advised that this would be a departure from normal practice for hybrid bill committees. However, if we feel our work or the position of petitioners is being prejudiced, we will revisit this issue. We are receptive to Mr Rukin’s suggestion that an expert on noise, who is actually located in the middle of the route, can be heard early on in view of his expertise, and we direct that arrangement to be made and built into the programme.

14. The Committee does not, as a general rule, intend to sit outside of London. There are logistical problems with such sittings, the cost and the difficulty of which should not be underestimated. We will, however, be making visits to many parts of the route as possible to have a look at what is in front of us. Petitioners can be present on such visits, subject to constraints on numbers, and in the case of indoor sites or other locations, with physical limitations.

15. Finally, on *locus standi*, there was consensus that any challenges should be dealt with first. This is how we shall therefore proceed. We emphasise that anyone whose

locus standi is challenged will have the opportunity to argue their case before us. Anyone whose *locus standi* is to be challenged will receive a letter from HS2's agenda by the end of next week.

16. The next public meeting of the Committee will be 1 July, when we will hear the promoter's opening address. Order, order.