

1. CHAIR: Order, order. Welcome to the HS2 Select Committee. We start off this Thursday with the Rt Hon Mrs Cheryl Gillan, who will give her thoughts on the impact on her constituency.

The Rt Hon Mrs Cheryl Gillan MP

2. MRS GILLAN: Thank you very much, Chairman. It comes as no surprise, I am sure, to everybody on the Committee, at least those here at the moment, that I am here to make yet another appeal for a better outcome for Chesham and Amersham and the AONB and my constituents who continue to live with this project.

3. I think you know that it has been a tough six years for everyone. I know you have been on this Committee for nearly two years, which is a life sentence in many ways, but the six years since this project was first announced in 2009 have been pretty long ones. One thing I would like to start off with is an optimistic note of saying that at least we have achieved some mitigation, which was greater than that which was envisaged back in 2010. But, as I am sure you are all aware, I am not satisfied we have done our best yet and neither are my constituents. I think that this House has to think very seriously about discharging its duty to protect the environment in the Chilterns from the ravages of what is, in effect, the largest infrastructure project that we have ever seen in this country. I am really grateful for the additional tunnelling – I can't emphasise that enough – but I am still fighting for better protection for the area.

4. The Chilterns Conservation Board, which was statutorily set up, has asked me to remind you that this is an internationally important landscape. Eighty per cent of the world's chalk landscapes and habitats are in Southern England and this AONB has the highest level of protection which is afforded to this type of landscape in the UK.

5. I would particularly like to thank the Clerk and everybody in the House of Commons here and the Committee who have worked so hard over the past two years and who have gone that extra mile. Some of the changes and recommendations which have been made from this Committee have been positive. However, I still maintain that it's not enough to say it's okay to damage a little bit of the AONB and, as I said in the debate in this House recently, I'm not trying to save the world; I am just trying to save a

little bit of it which is really precious.

6. Just to remind you, there are 8.8 kilometres of the AONB that is still not protected. As you can see from the first slide – we appear to have moved on to the next slide but perhaps we can go back to A20591 – of everybody who wrote in on this, overall minimising the impact of the proposed route through the Chilterns is the single greatest issue of concern for respondents to the HS2 Environmental Statement. I think it is important to remember that.

7. Moving on to the next slide, what are we going to do today? I want to back what David Lidington said and I shall try not to duplicate it because I appreciate that trying to keep the attention of the Committee which has been sitting on this for nearly two years is always a challenge, but I do need to talk through the process shambles; I need to look at some of the changes that I think are still necessary as far as the constituency is concerned and I want to pick up some of the points from my PRDs, petition response documents, that came from HS2. I understand that it is hard when an MP is doing a brain dump on six years of working for their constituents for this Committee, so I do have a little aide memoire at the end, which I am going to give you all, which gives you my key asks from today. I have to say they are not exclusive. There are other asks and there are more detailed asks but I will not be covering them today because I appreciate I am only allowed up to about an hour and I will try and stick to that. However, I hope that that list will be helpful to you.

8. Basically, there are four main themes which are the major points of my petition today: first, a further extension to the Chilterns tunnel, which will be of no surprise to you; a firm commitment that there will be some improvements, again, to the Need to Sell scheme; the setting up of an AONB HS2 mitigation review panel, and an independent regulatory body to regularly review and monitor progress during construction and hold HS2 to account. Those are the major asks and there are lots of minor asks now threaded through my petition.

9. In slide three you can see that this has been a very, very long journey. You have been to the constituency yourselves and have seen just how peaceful and tranquil it is. You have also seen the strength of feeling that comes right across the community, whether from environmental groups, parish councils, local authorities or local action

groups that have sprung up. I think it bears repeating that HS2 in my neck of the woods has changed some of the people's lives for ever. There has been psychological, financial and, I think, physical damage to many of my constituents' livelihoods, lives and properties. I cannot stress enough and it is no exaggeration to say that some of my constituents have died fighting this project. It is a huge, huge ask of a community that will get no benefit from this project. You can see the Misbourne Valley transport corridor as it exists; you can see what HS1 and the M20 transport corridor looks like, and that is what is going to happen. Those quotes there are recent quotes taken from constituents. I think that shows the concerns there are.

10. I know that HS2 always tries to play down and underestimate the effects on the Chilterns – that's how it seems to me and people in my constituency – and we have often felt that what we were saying was ignored and not listened to and, indeed, that has turned out to be the case in many instances. I know that HS2's legal counsel always tries to reassure you as the Committee and hopefully others beyond by saying, 'It will be fine eventually. No one complains about HS1', but we have just seen a Eurostar report on HS1 and I think it was very telling to say that the costs of HS1 far outweigh its quantified benefits. I fear that this project has been overhyped right from the beginning and suffered from being part of a political process, people trying to outdo each other. The sacrificial lamb will always be my constituency. Because it has no stops, it has no gain. It has all the interference from this project but no benefits.

11. If we move on to the next slide you will see that this process really has been shambolic, I think by anybody's standards. It has been hallmarked by the unfairness of this Hybrid Bill process despite the best efforts of the House and the substandard handling, I think, of the HS2 projects in its communications. There must be much better ways to implement a major infrastructure plan. Trying to interact with HS2 – I think the officials will bear me out – has often been like wading through treacle. It is a bit like drawing teeth without an anaesthetic. Encounters with officials, and ministers, indeed, as far as I am concerned, have been of such poor quality that I retain little trust and certainly the people in the Chilterns retain little or in some cases no trust whatsoever. The recent Ombudsman's report, for example, actually put that in writing. They found maladministration and said that overall HS2 Limited's actions fell below the reasonable standards that we would expect.

12. I have many concerns but I want to just highlight a few for you and the Committee today which I think you would understand. There has been a tick-box nature to the community forums. The consultations and the public engagement – I have been to some of them – have adopted hardly any meaningful local solutions and I think that a well-run process wouldn't have operated by setting up, not just in my area but talking to people along the line, the sort of resistance that came from communities and the way in which they felt they were treated.

13. We always get told about how great the public engagement is in terms of quantity but we don't actually get the qualitative analysis of it. That, coupled with the complex volumes of technical information, often with omissions, often presented in a confusing manner, and the consultation periods being very short to meet some political timetable, has left people with huge challenges to grasp the information and decipher it. I have some really dedicated, intelligent, professional constituents who do this for a living and they have found this process difficult to engage with. The process itself, as you know, is quasi-legal and in an obscure language. My constituents have had to pay for the privilege of having their opinions taken into account. Many constituents have needed help from my office, my staff and from me, from local authorities, community champions and voluntary groups – all of which has put a huge burden on us locally – to manage to get through, with persistence, the wherewithal, the whole of the petitioning process. HS2, of course has access to a fantastic and magnificent legal team sitting alongside me and we know how expensive they are, but my constituents don't have access to any of that. The locus challenges has meant that even when AP4 came through, many of my constituents who were told they could have a say have not had a say and in fact I just want to bring up one constituent. I won't use his name now but I would hope, Chairman, that you would talk to me afterwards. He arrived on his date on time. He was refused to be seen. I would be grateful if before you finish your business you could consider giving him a hearing. At least it would show that our Committee of MPs that is examining this was perhaps being generous in spirit towards my constituents in a way that sometimes this process has not been.

14. The information when it is finally dragged out of HS2 is sometimes useful and sometimes not but I have to mention specifically my tunnelling groups who have found it virtually impossible to obtain transparent and meaningful figures from HS2. That did

happen to me but I can deal with that. I think that for them that has been very depressing. You only have to look at some of the reports that have come out in the course of the process so far, whether from the Environmental Audit Committee, the House of Lords Economics Affairs Committee, the National Audit Office, the Public Accounts Committee or the Ombudsman's report I have just referred to, to see the level of criticism that is being directed at this project. That is not to mention the errors. We have had traffic calculation errors, waste figures wrong, maps not showing haul roads, and people being told that they are in the Need to Sell scheme and being accepted and then having that acceptance revoked. You have heard from David Lidington the mistake of instead of two to three weeks, 203 weeks, which caused panic throughout our area.

15. Not even you in this Committee or the House of Commons has the full facts and figures. I don't know whether you have seen all the major project authority reports sent to this project yet. Perhaps you could indicate if you have seen all of them, but I don't believe you have because in fact the Secretary of State blocked those, so even the House has not had the full information on the risks associated with this project. We still have environmental issues outstanding. There is the court case in Geneva on the Aarhus Convention and, to be truthful, it is a sort of Orwellian project. I feel this is not the way in this century to be doing an infrastructure project. It is not the way to treat people; it is not the way to make environmental decisions and it is a process which is not fit for purpose.

16. I have written to the Procedures Select Committee and I hope that a new system will be considered. One solution that I have been mulling over in my mind, because I hope I would have a contribution to make, is even starting this process with a genuine public inquiry away from this House, away from the decision-making so that you have a clear set of facts established with people being able to give evidence in a less threatening manner than we conduct our ways here and also ensuring that MPs in this House are fully appraised of all the facts. I really can't see why all the MPO reports could not be put before a Committee of this House.

17. Moving on, I think you will see that there is more that needs to be done and it is a difficult process. On slide five you will see that I have just tried to put this in context for you. Alison Doggett who I think you are familiar with, is a landscape historian.

She's an expert in the Chilterns. This is actually a map from 1620 which is overlaid with the HS2 route. It clearly demonstrates that the decisions which you make on this Committee and which this House makes will damage an area that has changed almost imperceptibly over 400 years. Generation of governments, local authorities and landowners have actually preserved basically the same structures, the same fields and ditches and hedges and the irony should not be lost on the outside world that this project will be damaging what is effectively the wider Chequers Estate.

18. I think it is not responsible government to fail to protect this area to the highest level technically feasible. I think we are right at the end of this process and I very much hope that you will look at this landscape and consider the damage that you are doing, which is irreparable, and put as much right in this House as you can because, of course, this has to go to the House of Lords, which will also have a view on these matters.

19. I now want to go into more detail, and on the next slide you will see that I shall start to respond to the PRD which was sent to me. HS2 sweepingly wrote in my PRD at paragraph 5, page 69, 'The promoter does not agree that the proposed scheme will have a major visual impact on the Chilterns AONB and should be lowered further'. I couldn't disagree more. You saw on the earlier slide the comparison and here you see some of the issues. Here we have a vent shaft and we have some gantries. You also there have a wonderful Grade II listed barn and a Saxon lane in my constituency. I want to be satisfied that the vent shafts, the autotransformer stations and the other railway furniture do not unnecessarily blight this area.

20. I asked in my petition for a few simple protections, if you recall. I don't know whether you have re-read it recently. I just wanted the maximum height elevations to be specified for the vent shafts and the designs agreed with the district council following public consultation. I think that is a pretty important request. It seemed to be ignored. I received a lot of explanation on lighting design. I was delighted to receive that. Indeed, I raised lighting, I think, in my petition, but it is equally important to ensure sympathetic design. I know that we have a design panel, I think, of 45 designers, but I want a Chilterns AONB mitigation review panel – a long name, but I want local people looking at what we can do to mitigate it to ensure that these sort of design mistakes don't –

21. SIR HENRY BELLINGHAM: May I just interrupt, Cheryl?

22. MRS GILLAN: Of course.
23. SIR HENRY BELLINGHAM: You want this mitigation review panel, so would it be funded by local authorities?
24. MRS GILLAN: No, I think that HS2 should fund it. It is being imposed on my community and on my local authority.
25. SIR HENRY BELLINGHAM: I understand that.
26. MRS GILLAN: I think that the risks need to be borne by the project promoter.
27. SIR HENRY BELLINGHAM: So, who would actually sit on the panel? Would it be local electorate representatives and other people?
28. MRS GILLAN: I think everybody from the local authorities to the parish councils and key representatives from the community, yes, and, for example, from the Chilterns Conservation Group who have that level of expertise about the environment locally to be able to contribute.
29. SIR HENRY BELLINGHAM: It might help us if after this meeting you could send the Committee an information memorandum on that proposal?
30. MRS GILLAN: I think we can do that. Would you mind giving me a week to prepare that?
31. SIR HENRY BELLINGHAM: Of course. It does not have to be very long; it just needs to be succinct and with the detail that we need.
32. MRS GILLAN: I am perfectly prepared to do that and I am grateful for your interest in it because, just to illustrate, my parish councils, whether in Chalfont St Peter, Chalfont St Giles, Amersham, Little Missenden or Great Missenden, where the vent shafts are located, are really concerned about the visual impact and the effects on the water table and the construction of those shafts. I think that Martin Wells is going out to Little Missenden on 12 February engaging with Professor Payne – that's right, he's nodding at me. He knows that Little Missenden and Great Missenden have been pursuing the issues of the aquifer, the water table and the River Misbourne because of the distance from the vent shaft. I think it is going to be excavated approximately 20

metres below the river bed, which is about 150 metres away. They are concerned that there is nothing preventing the river emptying into the vent shaft and they want to discuss these matters in detail. These local people have the expertise, the knowledge and the history because they have had infrastructure projects or projects there that have affected this environment before and they need to be listened to and taken into consideration. So, I would love this Committee to direct HS2 to give an assurance that any of the water problems arising from the vent shaft excavations will be dealt with and certainly that dirty water is not pumped back into the fragile ecosystem of the River Misbourne, which I know is causing a great deal of concern.

33. On the 20th I think you heard from Councillor Mary Phillips about Chalfont St Giles and the access route along there by Bottom House Farm. I don't know whether you remember going along there. Did you see this barn? The concern is that it is a Grade II listed granary barn. It is going to be severely affected but there is also loss of pasture land there and hedges. I really need renewed, legally enforceable assurances, that those losses will be accounted for and prevented wherever possible. I would also like you to give instructions to HS2 for HS2 to give me a legally binding undertaking that it will provide maximum height specifications for the vent shaft buildings in collaboration with the local groups in that area as well. The gantries worry people too – this is further along the route, obviously, when it comes out of tunnel, but the type of gantries that are being used are really industrial. I am terribly worried that we will get one of those chic urban designers who will think that having an industrial gantry like this will be wonderful and such a contrast in the countryside. I am afraid that urban chic has no place in our countryside. We prefer Saxon chic. I am concerned about it because we do not have legally enforceable binding –

34. SIR PETER BOTTOMLEY: They were controversial invaders, weren't they?

35. MRS GILLAN: Yes, they were but they had a certain style about them which I can't say HS2 has.

36. SIR PETER BOTTOMLEY: But was there anything else?

37. MRS GILLAN: Listen, I'm a Celt. Be careful, Peter. Moving on now and talking of movements of population I want next to look at traffic. We are very worried that part of the constituency will turn into one great traffic jam. HS2 originally said

there would be very little impact on local traffic and everybody locally believed differently, particularly one Jim Conboy of the Chesham Society with whom I think you are familiar. I have to say that his dogged determination on Freedom of Information requests turned up that HS2's figures were significantly wrong in assessing the potential queues at the roundabout approaching Great Missenden. I am very worried about Great Missenden. I have talked to a lot of constituents there and I am not sure whether it has come across to this Committee as strongly as it has come across to me but this main roundabout by Great Missenden has gone up from three to 97. That was the catalogue of the error. The impact of thousands of HGV and LGV movements will really have an effect on these small roads. You saw in the coach how difficult it was to get up and down some of the roads in the area. I don't know whether you have had a chance to look at the study that was done by Oxford Economics in October 2013, just to get the scale of it. They did a study entitled 'The Construction Impacts of HS2 in Buckinghamshire', which quantified the impact on Bucks businesses from HS2 construction traffic at £43.7 million per annum. I remain concerned and many of my constituents, I am sorry, have lost faith in the calculations that were put out there. I would really like this Committee to ask HS2 or compel HS2 to revisit their figures locally for these traffic movements. We think they may have underestimated the traffic increases, particularly on the A413. I am not sure how much they've taken into consideration the fact that many of those HGVs are going to be very heavy vehicles, loaded with spoil and moving very slowly. It would be very much appreciated if we could have a detailed report about the accuracy of that travel data. I think that David Lidington has asked for the same thing. I had to duplicate there because I want to reinforce the importance of that to our locality.

38. In my PRD, HS2 claimed that the promoter is currently in discussion with the BCC as local highways authority in respect of construction traffic effects on junctions. Again, it is not just effects on junctions; it is effect on the shops, schools, local amenities such as the Roald Dahl Museum in the area of Great Missenden. I am very concerned about it so I would reinforce that there is an even greater necessity, in my view, for this work to be revisited. I was also pretty worried by what Mr Mould said when I was sitting in here the other day because I have been talking to my county council and to Martin Tett and I have to say that he and his team have done absolutely sterling work for Buckinghamshire; I don't think anybody would deny that. Mr Mould said, and I think,

Mr Mould, I have your words right – we were talking about the spoil road, the haul road – ‘There is no difference to the Bill Scheme’. My understanding and everybody locally and the local press’s understanding is that a deal was done and there was going to be movement on this haul road. So, I think we need to clarify that because we need a formal, legally binding assurance that there will be some movement on this haul road unless Mr Mould tells me he was mistaken because that has caused great consternation. Again, this illustrates the lack of confidence that people can have in what they think they have understood is the deal and where they think they are on whether they have been accepted for a Need to Sell scheme or about this haul road because the ground seems to move under them.

39. I have also been contacted by Isabel Derby, the leader of Chiltern District Council, and Councillor Linda Smith, both of whom have worked on this, and the CDC has worked really hard on this project. They’re concerned about traffic at Chalfont St Peter and they have actually expressed to me a preference for a temporary haul road from the rear of the Chesham Lane vent shaft site down to the A413. I understand that the Highway Authority, Bucks County Council, is supporting this. The key point – I don’t know whether you remember, Chairman, when you were there – is that this road goes past two schools, a care home, a retirement village, the Epilepsy Society that I am very proud to be patron of and is a national charity, and in fact is round the corner from the Chiltern Open Air Museum that I am also a patron of in an area which has been earmarked for a great deal of development. It is a unique area with very narrow roads and vulnerable people living nearby who are going to be affected. The council feels that the current mitigation is not enough. I hope that a workable solution is going to be drawn up. I would ask you to insist that HS2 looks at this and reaches some agreement because I think it will be putting vulnerable people in danger.

40. I have plenty of practical and sensible asks in my petition, but HS2 did not seem to be prepared to deviate. They kept on referring me to the Code of Construction Practice and at that point the undrafted, and uncited by me, traffic management plans that were only published on 20 January this year. These say they will include the necessary controls, but all of that is tempered by ‘reasonable practicability’ and there will be further curtailment to that if there are cost or delay indications to the project. There is no detail in there as to what sanctions there would be if HS2 failed to comply

with the TMPs, the traffic management plans, and this recently published route-wide draft TMP is not clear whether this has been drafted with or without local authorities. Certainly, talking to my local authorities I am not sure they have had any major input into these traffic management plans. It is a lengthy document but light on commitments, published very late in the day. Again, I have not had time to read it in sufficient detail but it does not seem to deal at all with the local specific impact, which is what concerns people most.

41. So, in reality when you start to read that Code of Construction Practice, HS2 has really broad powers. They can alter the hours between 8 and 5 pm. There are so many caveats that they can virtually operate it when they want to. Many constituents have raised ‘rat-run’ problems and the local roads being impassable. To be fair, when you read the Code of Construction Practice, and I am sure you have, it practically gives HS2 carte blanche. Now, I think one of the things that can provide a solution and for you to look at as a Committee is to include the Code of Construction Practice and the traffic management plans and have them incorporated in the Bill. I also think you need to have an independent regulator so that the nominated undertaker is accountable for the breaches and any disputes could be settled by the courts.

42. I am still worried that the complaint commissioner that they have proposed is not sufficient. This complaints commissioner, as far as I am concerned, will only deal with complaints up to the value of £7,500 and I think that the commissioner will again be too close to HS2.

43. Moving on I would like a commitment for a Park and Ride scheme. I still think that that is a sensible option. The TMP contains a number of suggestions and proposals but there is nothing to compel HS2 or their contractors to operate those schemes and it would seem perfectly sensible to put people into Park and Ride schemes so that you reduce the number of vehicle movements.

44. Something else which surprised me is that I raised the issue in my petition about the blue light services and the promoter responded in my PRD, ‘The promoter does not consider it necessary to fund an air ambulance’. If the traffic management plans cannot guarantee emergency response times in the area, why should the people in my constituency and people using the roads and facilities in Buckinghamshire take the risk?

I think that that risk should be passed on to HS2. If they cannot guarantee emergency response times in the traffic management plans they need to bear that risk and responsibility for the safety of my constituents. What alarmed me, Chairman, is that my office contacted South Central Ambulance Service this week who confirmed that they have never had any direct contact with HS2 Limited regarding the impact on their service. I really hope that the promoter can assure me that they will undertake immediately those conversations with the blue light services to offer reassurance to my constituents and beyond because this project will have an impact, as you will know, on the access to Stoke Mandeville, I think back into Wycombe and also to Amersham. We need those undertakings.

45. The next slide revisits South Heath and Potter Row. The problems continue. This is where it comes above ground. I think that you need to understand that this actually still comes up in the village. The tunnel extension that you so generously gave us is actually still in the middle of the village and HS2's words say that it is still 'severely adversely affected'. My constituents in that area have raised a number of issues with me, starting with noise. There are still real concerns about noise. David Lidington went to the sound lab. I had been to the sound lab about three years earlier but I was told that there was no specific sound volume that I could listen to for Chesham and Amersham, which disappointed me, but there are real concerns about the noise. The big issue is that HS2 has not taken into account peak noise and instead has based noise levels on average noise levels over a period of hours. There is no provision for redress in the event that noise levels go above HS2's estimates. I think that HS2 should provide the local authorities with the funding for them to monitor the noise limits and give them the powers of enforcement if HS2 breach those limits.

46. If HS2 is so sure that this is okay, they again should bear the risk and not pass it on to our local authorities that are so badly squeezed by the potential local government settlement. The noise policy also requires the promoter to take all reasonable steps not to exceed the noise level set. Constituents are concerned that HS2 has not taken all reasonable steps, for example, whether they require noise barriers, etc. Again, this is why an independent regulator would be so important, Mr Chairman, because a body that could look independently at whether all reasonable steps had been taken would be good. There is still an issue over what is called 'the boom'. A constituent is concerned that no

assurance has yet come from the promoter that if a tunnel boom happens at the portal it will be eliminated. So, I would be grateful for assistance in getting some assurances on that.

47. Pylons remain an issue. He is not in his place but Mr Clifton-Brown helpfully suggested on 19 January that given this affects an AONB there had been some precedent for burying electricity lines but we are still in the position where we don't know whether it will be one large pylon, whether it will be replaced with two, or whether will be the same size. Again, I want somebody to work with the local people to come up with a solution they can understand at this stage before it passes out of this House and goes outwith our control. We have the wherewithal here to make the promoter deliver these things to my constituents and I think it is no more than they deserve.

48. South Heath would still like to see the parts that are affected but the whole of South Heath would like to be confirmed in the NTS scheme. Currently the residents have been told they will have a period of three months from the announcement of AP4 when they can claim under the old criteria following the rules applying to those above the tunnels which will apply to South Heath. I am worried because although the additional tunnelling has given some relief, the blight continues and it's not fair that the residents take the hit. I know, Mr Syms, you made the point on 19 January that more tunnelling should mean less compensation. The trouble is that the tunnelling is not enough. The blight is still firmly associated with that community and it comes out in the middle of that community. The Leigh Parish Council is also very worried about the corridor of blight. That blight goes up through South Heath, Potter Row, Kings Ash and leads up to the Leigh. I just feel that the broad negative impact on those properties can't be emphasised enough. You should be aware of it and that extra tunnelling would have the benefit of getting rid of that.

49. Slide nine revisits what is wonderfully called a temporary sustainable placement area. I call it a spoil dump and all I will say on that is that David Lidington made the points that I would have made and I agree with him and I hope that you will take that into consideration.

50. Turning to my main ask, the tunnel, 'Onwards and Under' is the title of the next slide. I met with Minister Robert Goodwill yesterday and we discussed the fact that if

you as a Committee were to recommend the additional tunnelling to the end of the AONB most of these problems, of course, would go away and the need to compensate many of my constituents would be eliminated. In my PRD, HS2 justified the failure to extend the tunnel by saying that the section of the HS2 route which is above the ground is along the most developed section of this part of the AONB crossing the existing transport corridors of the A413 and the Marylebone to Aylesbury line. I have to say that the most important part of that statement is that it is in fact a part of the classified AONB. So, the fact that it has been breached at all does not mean that you should do it again since it's got the classification. The tunnel originally was to come up in the middle of Old Amersham. It was then moved to Mantles Wood, a bit of ancient woodland, as you know, that was absolutely stunningly beautiful. I think that many of you did the long march across Mantles Wood. Where it is now emerging also seems to be an arbitrary decision. There seems to be no logic as to where that tunnel actually has ended in all those three instances.

51. I know you are familiar with the tunnelling options and I know you have spoken to David Lidington about this. The optimum position as far as I am concerned, would be the TBO tunnel but the fallback positions are the REPA tunnel to Leather Lane or even moving the tunnel any distance from the centre of South Heath would be appreciated. In fact, I think HS2 did a SIFT analysis on the T3i tunnel which showed it was far better with respect to the environment on a qualitative basis than the AP4 solution that we have at the moment. There was frustration felt by my constituents because even though they provided really detailed plans and asked for feedback from HS2, the lack of detailed tunnelling figures provided by HS2, even when instructed to by this Committee caused a lot of problems. And, when they produced a report, it wasn't the view of the various tunnel groups in my constituency, nor in line with the best practice industry methods for valuing tunnels. I really feel you should bear that in mind. Why it did not go even to where the land falls away naturally is a mystery to me, but I am no engineer or tunnelling expert.

52. There is one final point on the long tunnel which I want to raise because the tunnelling groups feel passionately about this, which is that there has been a failure to assess the value of the AONB. F-Tech, I believe, have already explained to the Committee in an early appearance that they can undertake such work and they carried

out work for HS2 running alongside the AONB but they have not done the work going through the AONB. I think that if such a valuation had been carried out and factored in, there would be a different point of view on this long tunnel.

53. What I don't understand is that this is accepted methodology by the DfT and the work has been carried out for the Thames Water tunnel, so why not for this one. I just hope that the Committee will see the importance of such a study. It would give comfort if they asked the promoter to commission such a study from F-Tech because I think that should be looked at and factored into the decision making before we go past the point of no return.

54. As to the fallback tunnel, REPA and our tunnelling group said there was no extra cost. HS2 said it was £39 million. I just thought I would put that in context for you so that you remember it. It would save South Heath, Potter Row, which is 328 houses in the local community, from noise and blight and would protect another mile of the AONB. To put it in perspective, £39 million is less than the annual salary bill of HS2 at the moment because in the question that I asked, they pay £45 million a year in salaries to the people that are employed on HS2. It has probably gone up since my question was answered. So, if we put it in perspective, I think that is a small price to pay to save 328 houses and another mile of the AONB.

55. I have to say if there is going to be no mechanism whereby we can try and get this extra tunnelling, then even an extra 100 yards would make a difference in this community. I think it is also important to address before this Committee the additional provision because I know that nobody wants a further additional provision but as far as I am concerned, why does it have to be done by an additional provision? The Hybrid Bill timetable and the Government's year – they have been telling us to get on with this project – should not get in the way. Why can't it be done by a Transport and Works Order? I think, unless I am mistaken, that HS2 agreed on recommendation by this Committee to go down that route in relation to the moving of waste sidings belonging to FCC on 10 December. So, if it can be done for that, why can't we do it by a Transport and Works Order for additional tunnelling at South Heath and Potter Row? I just leave that with you. I would like that question answered.

56. I just cannot believe that my government, who said it was going to be the most

environmentally friendly government ever, is prepared to have nearly 9 kilometres of a nationally and internationally recognised environmentally protected area so badly damaged when we have the technology, the capability and the financial wherewithal to fully protect it. After all, we have just had a windfall of £130 million from Google. I am sure that people would like that £130 million spent on protecting the environment. It was money that the Chancellor didn't even know he was getting in, so that might be a very good use for those funds.

57. Talking of funds, if I can move on to compensation, I still think we are not there. This is the next slide. We are hugely appreciative of the Committee's recent report on the Need to Sell scheme but I am concerned that the DfT won't implement your recommendations and I hope that you will pursue this matter and ensure that those changes are made. Fair compensation, or the lack of it, has been a terrible burden for people to bear on the route, particularly those who are elderly and vulnerable.

58. I have never forgotten on the Floor of the House in July 2013 that the Prime Minister told me that the Government was committed to a very generous and fair compensation scheme – his words, not mine. Through this Committee I would like to tell him and you that I am afraid I have never had my constituents say that this scheme was very generous or fair. Those words have never been used to describe the compensation scheme to me or anybody that works with me. I have some outstanding cases with which you are familiar. These are just currently a couple that are on the books at the moment. You heard from Gilbert and Sally Nockles on Tuesday and their neighbour, Rosemary Wigzell. I want to extend my support to their application. I think they have been through strange, unnecessary and cruel processes through the course of this. This is, of course, the couple who were told that they were on the Need to Sell scheme but were removed two days later.

59. SIR PETER BOTTOMLEY: We have made our views clear.

60. MRS GILLAN: I know. That's what I can't understand, Sir Peter. You have made your views clear but we have still not reached a settlement. That is extraordinary to me. I think that the Committee also has before it a copy of the Secretary of State's letter that was sent to me which contained some provisions which I understand were the latest provisions on the Need to Sell scheme but were not the provisions under which the

Nockles had originally applied. I am waiting for a response from the Secretary of State because I have raised that back with him. He has not given me the courtesy of a response to date.

61. Sarah Raffety has been in protracted communication. I think she is in negotiations with you, Mr Mould, at the moment, she tells me.

62. MR MOULD (DfT): She will receive a further letter from us over the next couple of days, possibly at the beginning of next week.

63. MRS GILLAN: Super. I am really pleased about that.

64. MR MOULD (DfT): All I have said, Mrs Gillan, is that she will receive a letter.

65. MRS GILLAN: Okay, but if it is not satisfactorily resolved you know she's coming before this Committee again on 3 February and I hope you will come to a fair agreement but Mrs Raffety has asked me to raise the point, and I think this is very fair, that she has been able to get –

66. SIR PETER BOTTOMLEY: Is this the Corbyn approach?

67. MRS GILLAN: No, this is not the Corbyn approach. These are individual constituents with issues which, if they can't raise them themselves would like me to raise with you.

68. SIR PETER BOTTOMLEY: I was making a bad joke.

69. MRS GILLAN: I know you were but you have to understand, Sir Peter, that I have lived with this for six years and so have my constituents.

70. SIR PETER BOTTOMLEY: Indeed.

71. MRS GILLAN: It is not a joke to any of us. This is a tough gig. In 23 years in this House, and I know you have had more experience than me, I have never had such a contentious or more painful issue to deal with, with such a large number of people.

72. SIR PETER BOTTOMLEY: We respect taking up the point for constituents. That was not challenged.

73. MRS GILLAN: Thank you. Mrs Raffety wanted me to say that she has been fortunate enough to be in a position to be able to afford to employ a barrister to represent her who has been able to assist her and negotiate even though at the moment she has not received a satisfactory offer. She shares a concern for the many other people, and I share this with her, who are not in a position to employ a barrister or negotiate the Need to Sell scheme who find themselves in the unenviable position of having no choice but to accept an inferior offer. I have had many complex cases and it is perhaps a forum for another committee but I think you should know and be left in no uncertain doubt of the inequitable nature of this process. I have had constituents who have been frightened to draw their plight to the attention of this Committee or to speak out in public because they think it will affect their chances of selling their houses. They are reluctant to even approach the local authorities in case it prejudices their position and didn't want to appear before this Committee while a house was on the market. One of my constituents said that because the hearings are public he was concerned he would shoot himself in the foot.

74. So, even the very mechanism we have given to those people they are not able to access and they are frightened that it would prejudice their positions. I do not accept the department's argument that the compensation offers for HS2 are discretionary and that they are already going above and beyond for those who are affected. When the state imposes such a burden of disruption and financial loss on individuals through no fault of their own, I think it is the state who has to pay in a democracy. Put simply, that has not really been happening. Considering the far more generous compensation scheme that is being proposed for Heathrow, the compensation offered here is not really compensation at all. In many instances it has been less than the real value of the property.

75. Slide 12 is the independent regulatory body. The PRD said that the nominated undertaker would put in place appropriate monitoring practices. That fills me with real dread because I've looked at this quite carefully. I may be wrong and I stand to be corrected but I think there are few and little ways of holding HS2 or its contractors to account and of ensuring that the impacts of HS2, particularly as set out in the Environmental Statements, are not exceeded. Currently, and forgive me for this, the EMR, the Environmental Minimum Requirements, the Code of Construction Practice, the CoCP, and the Local Environmental Management Plans, the LEMPs, together with

the assurances and undertakings given by HS2 during the Hybrid Bill process will be made contractually binding on any nominated undertaker appointed after Royal Assent. But the contractual relationship is between the nominated undertaker and the contractor who is engaged to carry out the works. Stay with me on this. The monitoring and enforcement will be carried out by those bodies tasked with the construction work and I think there are several problems with this approach. EMRs and the CoCP are caveated by reasonable practicability, that phrase again, and I think that is further tempered by the requirement that a mitigation measure need not be implemented if it adds unreasonable cost to the project or unreasonable delays to the construction programme. That gives the nominated undertaker in charge of monitoring itself a get out of jail free card. Presumably, I think it would be quite easy to say that almost anything could cause delays to the project and add cost and is not reasonably practical.

76. So, the next problem is around the enforceability of those assurances, the EMRs and the CoCP. If I have read my PRD correctly, the remedy is firstly to report it to the nominated undertaker, then if not satisfied to the Secretary of State for Transport and, if I'm satisfied by the Secretary of State for Transport's response – I had to read this twice – to the Speaker of the House of Commons or to the Chairman of Committees in the House of Lords. The SoS also stated that insofar as the Environmental Minimum Requirements are not directly enforceable against any person appointed as the nominated undertaker, the Secretary of State will take such steps as he considers reasonable and necessary to secure compliance with those requirements. Well, Mr Symes, he may not think it reasonable or necessary to take action and the whole of the way that this is drafted for accountability and enforceability seems to be really all at sea.

77. I asked my local authorities if they had been involved in drafting the LEMPs, the Local Environmental Plans, and they said that they had been told that these would not be finalised for council and community engagement until early autumn 2016 because it will be for the contractors to check and agree their final contents. So, even the work is being done without local input and by the very people who will be judge and jury on this project.

78. I think this really reinforces the need for an independent claims or construction commissioner and not one that can only cover claims up to £7,500. There are lots of

other exclusions that really should be taken into consideration. It is not for the bigger picture, what is being proposed. It will not have the remit to cover the scale of different issues relating to the environmental impacts and is simply not sufficient.

79. At the very least I am keen to ensure that this commissioner will be completely independent. It took me nine months to get the Residents Commissioner to come and see me. I think I was the first MP that she saw and although she is doing a reasonable job, she is not actually independent. She reports to the Chairman of HS2 Limited, she is paid for by HS2 Limited and she sits in their offices. I think that we need a truly independent ombudsman with wide powers and sanctions to hold HS2 and its contractors to account, reporting to Parliament. I think also that the habitat mitigation element in the PRD which stated that the LEMPs will not include matters around the detailed design of habitat mitigation, which will be dealt with by other means is extraordinary. For this reason it cannot be right for the Speaker's office to have to deal with issues surrounding the construction of HS2 as it will not have any of the relevant expertise to assess whether something has been done properly, particularly environmentally.

80. All of this needs to go to an independent regulator reporting to Parliament and whoever the nominated undertakers are, they will not be able to back out of their environmental and other commitments. I think it should be a panel body and should include people from a variety of different backgrounds. Sir Henry is not in his place but I actually think it should have people with various disciplines and expertise who would, during the construction period, report biannually on compliance with EMRs and the CoCP and should be empowered to order action to be taken to remedy where there is no compliance.

81. One constituent this week even raised the need for a safety regulator and feels that it has not been emphasised strongly enough because constituents need that reassurance that their safety and comfort will be taken seriously in both construction and operation. Even if the Committee cannot bring about such a change within their remit, it would certainly be helpful for the Committee to make a recommendation for consideration at future stages of the Bill.

82. I am almost there, and Sir Peter is still with me, I hope. I really would like to

reiterate my request in slide 13 for an AONB HS2 mitigation panel. My local authorities have been led to believe that such a panel would be set up for the AONB but it transpires that they will have a design panel, again which strikes horror in my heart, which will have a lesser remit. It will only be able to look at design-specific issues and I don't see where the local input is really going to come.

83. Mr Strachan, I think it was, on 20 January said that a panel wouldn't be necessary given the current mitigation and good collaboration in the Chilterns, but I actually think that the designation of the AONB really warrants and deserves this focus. The Colne Valley has such a committee. They have a mitigation panel and £3.3 million worth of additional funds to go alongside it. It seems extremely surprising to me – I don't want to take it away from them; they should have it because I am very supportive of protecting the Colne Valley – that if such a panel has been approved for the Colne Valley, then it is inequitable that a statutorily protected landscape should not have that courtesy afforded to it. I don't see what the difference is and I think that that should be rectified.

84. On the next slide – I am just piling up a few points – if we are not going to have a tunnel I think you should consider making a recommendation that the speed of this HS2 vehicle should be reduced to that of a TGV, which is 300 kilometres per hour. It would still be a high speed line but the environmental impacts would be much less. That was recommended by the Environmental Audit Committee and has been ignored, as far as I know, by HS2. I could be wrong but I have not been able to find it in wading through the documents.

85. On trees I have to say I have worked closely with the Woodland Trust, as I have done for years. Penn Woods, in my constituency, over 20 years ago was the first significant wood that was saved by the Woodland Trust. I worked on that campaign with many passionate people locally. I know that 2 million trees are proposed to be planted but they do not replace ancient woodland, as I think we have long established in debates in this House. However, there is a problem over their maintenance and care, how that will be paid for by the promoter and over what period of time. I think we need to have a proper strategy for tree maintenance. The Committee should urge HS2 to give an undertaking that it will maintain the trees and cover the cost of this over a period of at least 10 years.

86. The Committee also knows, and I mentioned it earlier, my concern about the River Misbourne. It is a fragile, sensitive chalk stream. I want to move back down the line to Chalfont St Giles because the people there are very worried and concerned that this stream will be irreversibly damaged. The area directly above the tunnel is prone to flooding and I am worried that this area will be damaged during the boring process. I have been informed by constituents in the group Misbourne River Action, that preventative mitigation is available to combat those issues and it would be helpful to have confirmation from HS2 that they will accept liability for any damage caused to this area and will, of course, remedy any damage that is caused.

87. My last slide is a repeat of my first slide and is to reinforce what I am asking for. I want that tunnel really to the end of the AONB but, in the end, any movement away from the centre of South Heath and Potter Row would be appreciated and would save a lot of aggravation. I definitely want the Need to Sell scheme improved and you need to ensure that you put the boot in, Mr Chairman, because it's not good enough. We should be ashamed by the way we have treated people. I want the AONB to have its own mitigation review panel because I think it is important and is the least that anybody could do to protect this area. I am very worried that once the caravan has moved on, once the spotlight and the focus is taken off HS2 when the legislation has gone through this place that there will not be a mechanism for allowing this project and its operators to be held to account. So, I think an independent regulatory body, regularly to review and monitor this process, is essential. You can divide and rule. You could have lots of committees looking at it, the Transport Select Committee, the Public Procedures Committee and the National Audit Office. You could have the PAC doing little bits here and there. We need somebody that is accessible immediately by people affected on that day by something that is happening who have the clout, the capability and the resource to be able to respond to it and hold those people to account.

88. HS2 has a very poor track record of implementing recommendations made by this House or Members of this House and others and I would like to reserve my right to appear before this Committee or any other Committee in this House or in the House of Lords to follow up on these events.

89. I leave you with this thought. We have a horror in this House of Henry VIII powers but I have felt that this project has been a bit like Henry VIII. It has had powers

that have far exceeded any of the capabilities of Members of this House or of our citizens who have found it very hard to hold back the tide or even to fight to get their voices heard as this huge, gargantuan project rolls on.

90. Thank you so much for your attention. I hope I have stayed within my hour. As I say, as a little aide memoire I have a page and a half with all the points that I have tried to put in there because I know it is complex. It is hard to think that six years' work comes down to an hour before this Committee, but that's the way of life, isn't it?

91. CHAIR: Henry had to go and ask a Question in Transport Questions and Geoffrey has a meeting with a Minister, so clearly they will have been disappointed to have missed you but you did very well, given you have a cold, to get through quite a lot. Mr Mould, some of the matters can be picked up by written answer on some of the more detailed things. Are there any comments you wish to take?

92. MR MOULD QC (DfT): What I will do, if you don't mind, is just respond briefly on this slide, because these are Mrs Gillan's principal points, I think, for today. I might just begin by saying that I don't recall from my admittedly partial and hazy memory of my Tudor history studies that Henry VIII was disposed to expose his proposed Bills to nearly two years of scrutiny by a Committee of his Parliaments, but there it is. That is perhaps the least of my points today.

93. More tunnelling: there is more tunnelling. AP4 extends the Chiltern Tunnel, which was proposed under the Bill in response to the recommendation of this Committee having heard the evidence of both parties – I say both parties; the Promoter and those many petitioners who appeared in support of extending the tunnel in the hearings before you.

94. You will recall that the basis upon which we argued the case was that, as one extended the tunnel further to the north, the law of diminishing returns set in. That is to say that the cost of extending the tunnel would be realised by considerably diminishing environmental returns, and that that was, like it or not, an important consideration in relation to a scheme and economy where resources are limited and there may need to be spent in a prudent way. We've never said that there will not be environmental impacts on the AONB. What we have said is that those impacts would be relatively localised, and I'll just leave you with two thoughts. The first that extending the tunnel throughout

the AONB, which still remains the main request of those who promote the case for a tunnel, does not come without either temporary or permanent effects, significant effects, on the AONB.

95. The construction of such a tunnel would require very substantial traffic movements through the AONB. It would require the creation of an enduring and large construction site just at the northern border of the AONB, and in terms of the permanent effects, you would effectively substitute a viaduct for a kilometre long intervention gap as a permanent feature. There has been a constant denial by petitioners of those inescapable facts. There are others as well, but I just mentioned those two. I would respectfully suggest that the Committee has, having heard the cases for and against, has got the balance right here in the recommendation that it made back in the middle of last year. The second point...

96. MRS GILLAN: May I take up a point?

97. MR MOULD QC (DfT): Well, can I respond?

98. MRS GILLAN: Just on that tunnel, because...

99. CHAIR: I think we have to have a response then you can come back at the end.

100. MRS GILLAN: But on that particular point, just before I come back. The HS2 zone sift actually came up with greater environmental benefits than AP4.

101. MR MOULD QC (DfT): I have not said that the REPA tunnel would not provide some additional environmental benefit. Our case has been that it would, but the cost of achieving that environmental benefit, in our judgement, is disproportionate to the gain that one would get. That is a controversial point. You and those who are with you disagree with us on that, but we have made that case and the Committee has heard the arguments and no doubt will reflect on that in making its final report. Improved NTS, the Committee has reported to the Secretary of State its recommendations in relation to the NTS in the early months of its operation, and, as the Committee knows, the Secretary of State is considering his response to that and I have indicated, as the Committee knows from the other sources, that the response of the Secretary of State is imminent.

102. I also remind the Committee that the Secretary of State is himself consulting on the NTS in the consultation on compensation schemes for the phase 2A proposal, and there is an opportunity there for the public, including the public who live in Ms Gillan's constituency, to participate in that consultation with a view to persuading the Secretary of State, if they wish to do so, to make further changes to the NTS scheme. That is another route that is available to them. Meanwhile, the Committee has standing a number of cases which it has heard and we have either reported back or where decisions are imminent, but the further point to make on this is to remind ourselves that the NTS operates under the aegis of a scheme which involves an independent panel.

103. But whereas I emphasised the other day in response to another petition, where, ultimately, the Secretary of State is responsible in decisions in relation to his own scheme and he is answerable for those decisions, both for parliament but also if he – because this is a scheme which requires him to exercise a reviewable discretion to the courts in principle as well. So there is a transparent and clear judicial and parliamentary scrutiny of the operation of that scheme. The AONB Panel, there was a debate about this when Bucks County appeared before you in one of your recent sittings. What I can say is that, following that debate, the project has been in further discussion with the intended members of the Panel which comprises of the county and district level councils, Natural England and the Chilterns Conservation Board, and we are hopeful that we will agree a joint statement on this question before the Committee completes its work and that will include the question of appropriate funding in relation to that panel.

104. So there will be a report back on that, ideally, whilst the Committee is still seized of this matter. So far as the independent regulatory body is concerned, there is a – it is the Secretary of State's stated intention, to which he has committed, that he will appoint an independent person to receive complaints and concerns about the construction of the project, that person being the construction commissioner, and as Information Paper G3 makes absolutely clear, not only will that person be an independent appointment, but that person will operate independently of the nominated undertaker and independently of his contractors and independently of the project and will report in relation to any complaint that is received about the construction of the project, report that on an independent basis to the project and to the Secretary of State and it will be for the project and for the Secretary of State to consider what action should be taken in

response to that report.

105. That is one part of a panoply of compliance and enforcement regimes that applies to this project, which are explained in Information Paper E1 and in other information papers, and, in effect, that which Ms Gillan has asked for is that which the Secretary of State will provide. There will be an independent body in the form of the commissioner who will fulfil that function, and the Committee will no doubt want to reflect on this point: ultimately, responsibility for regulating the performance of the construction of this project will rest with the Secretary of State. It will rest with him with the contractual liabilities that are placed on the nominated undertaker and his contractors. It will rest with him in relation to the statutory duty which the nominated undertaker has to exercise all reasonable care and skill in the construction of the project, and it will rest with him through the undertaking that I gave on behalf of the Secretary of State in opening these committee's proceedings back on 1 July 2014.

106. The Committee will reflect, I have no doubt, on whether it is in the final analysis more appropriate that a minister of the government, answerable to parliament, and a democratically minister of that, should be responsible for regulating and securing compliance with the statutory and extra-statutory commitments under which this project will be constructed, or whether it should be an appointed official who undertakes that role. The Secretary of State's view is that he, answerable to parliament and answerable and judicially reviewable in his actions, should be responsible for that, rather than some independently appointed official. One or two other points, if I may, just for detail, because I'm conscious that we're on the record and that people will – I should correct that. This will take no more than a few minutes.

107. First of all, the haul road. The position is as I stated it. We do not propose, under the Bill, to shift the haul road from the route that you saw, but we have agreed with Buckinghamshire County Council is that they will take forward an initiative at their responsibility of looking to whether we can shift the haul road further to the north. It is set out in the letter that was negotiated with them in glance of their petition, and I am told that the final version of that letter is going is intended to be sent out to them today, but I remind – through you, I remind Ms Gillan's constituents that if that happens, we think that the inescapable consequence of moving to the north will be that we will have to reinstate Thrift Hill as a construction route for systems fit out for the railway. So,

again, none of these things comes without consequential impacts of their own.

108. There were just a couple of other points. Noise; there is a system, agreed with Chiltern District Council as the lead authority on noise, there is a system for future monitoring of the operation of the railway to ensure that we comply, as far as we can, with the design objectives set out in Information Paper E20 and it is the system that is now in the public domain and is explained in Information Paper F4. Oh, yes. Two more things. Traffic management plan; the traffic management plan that Ms Gillan refers to is the route-wide traffic management plan which provides the framework against which local plans will be developed, and its publication follows consultation on a draft with the highway subgroup of local highway authorities, which itself forms part of the planning forum about which you have heard.

109. The final point is in relation to the 300 kilometres per hour speed matter that was considered by another committee at this house. The reason why that committee invited the Secretary of State to consider limited the speed of the railway was nothing to do with localised environmental impacts. It was to do with the trade-off between speed and emissions for as long as coal-fired sources of power were being deployed. So it was a very different point. Not a matter before this committee, a matter which forms part of the public consideration of this bill before the House.

110. MRS GILLAN: Chair, can I respond to Mr Mould? First of all, can I say I welcome these reassurances of the AONB and the HS2 Mitigation Review Panel, which is, I hope, in effect going to be constituted, but as Sir Henry has asked me to provide my ideas and my constituents ideas on the composition of that panel, I will provide the Committee that next week, but I am reassured that it's on its way, which is slightly better than the design panel that we were left with. I do have to say, coming back on the tunnelling provisions, as I said in my rude intervention before letting Mr Mould get to the end of his points, the assessment by HS2 did show greater environmental gain from the REPA tunnel, and of course, you get rid of the issues with the vent shaft and the viaduct as well, but it will be an argument that goes on forever. As I say, the emergence of the tunnel at the AP4 point is still an arbitrary point and does not make sense to the tunnelling experts that have advised me over the years.

111. The consulting on the NTS scheme, I'm sure my constituents will be pleased to

know that they are able to input into another consultation, yet another consultation on the compensation scheme that is five years old, effectively, as far as my constituents are concerned, but in phase 2, the people that are about to be subjected to this monster have no experience of how the NTS scheme has operated or even the exceptional hardship scheme in its initial phases. So I think we need to make sure that the experiences that the people have had on the London to Birmingham route need to be really taken into consideration. The haul road; I am grateful for the clarification from Mr Mould. The impression that is being given though is that it – every suggestion locally comes with an implied threat, and now Thrift Hill has been brought into play.

112. What I do hope is, what was agreed out in the corridor with members of the Bucks County Council is that the local solutions would be taken clearly onboard and be considered, because it always seems to me as if a barrier is put in the way for when local solutions are brought up. The noise; Mr Mould referred to operating. I am concerned with noise during the construction phase, so that still remains out with. I hear that the TMP report that was issued on 20 January is premature to the points that I am making. I very much hope that our local transport and highways authority will be taken into account as Mr Mould has described.

113. Finally on the regulatory body; the construction complaints commissioner that Mr Mould read out is not the same as what I am proposing, and indeed, in my PRD, as I say, the – for environmental minimum requirements, the report to be nominated undertaker, the first step is to report any breach to the nominated undertaker, and the nominated undertaker will implement the necessary corrective actions, then it goes to the Secretary of State, then it goes to the Department of Transport, and then it reports to parliament and then, if parliament is unsatisfied with the Department of Transport, it goes to the Speaker and to the House of Lords Select Committee and Chairman of Committees in the House of Lords, under standing order 130. I'm sorry, it ends up with the Speaker of the House, this particular procedure, which, for me, is really quite baffling.

114. CHAIR: You know and I know that whoever is Undersecretary of State for Transport, when this is being built, is going to spend endless hours doing adjournment notes every time something gets breached up and down the line, so it's going to be a joy of a job to have.

115. MRS GILLAN: Can I just finally say, I accept everything that Mr Mould has put. He is a very highly paid, sophisticated legal operator that I have watched with admiration throughout this process.

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

117. MRS GILLAN: And a bit of trepidation, I can't possibly compete with him, but you can, Chairman. This committee has powers to go further, and that is the most important point of all. I always expect sophisticated arguments back from Mr Mould, but you have the power to bring about some of the smaller asks and to oversee some of the bigger asks that I have tried to outline today. So I hope that some of my asks have not fallen on deaf ears.

118. CHAIR: Thank you very much. Thank you very much for coming, and we have other petitioners to see this morning, so thank you and thank you for your contribution and suggestions over the period we have been sitting. Right, we now move on to the next petitioner, which is 405, Management Consortium Bid Ltd, Freightliner Ltd and others, represented by Bircham Dyson Bell. Hello.

Management Consortium Bid Ltd, Freightliner Ltd and others

119. MR BIRD QC: Hello.

120. CHAIR: Okay.

121. MR BIRD QC: Petition numbers 401, 405, 407 and 1774.

122. CHAIR: Yeah. Could you tell us who those petitioners are?

123. MR BIRD QC: Yes. They are the Rail Freight Group, the Freight Transport Association, DB Schenker and Freightliner.

124. CHAIR: Okay.

125. MR BIRD QC: DB Schenker have, as it were, an individual issue which is not raised in common with the others under 401, and that's going to follow sequentially and is separate.

126. CHAIR: Okay.