

217. MR STRACHAN QC (DfT): I'm going to, in light of what has just been said about this further document, I should preface this by saying, we're very happy to discuss with the Wildlife Trust points of concern they have about our no net loss calculations, we're not sure we've fully understood all of the concerns that are being expressed and at the moment there are some we obviously don't agree with, but I certainly think that we're happy to have these discussions. They'll be beneficial to understand those concerns from the Trust. If they want to communicate them to us, whether that's in the document that's been provided to the Committee or it could be supplemented, that's fine.

218. MR HENDRICK: Could you comment on the model and why it would – you know, the points about double counting, etcetera, because it seems to me that maybe you've developed a methodology that works for you, but actually doesn't necessarily help the environment at the same time.

219. MR STRACHAN QC (DfT): That may be the thrust of the criticism, but it's certainly not our understanding of how the model has been applied, the methodology has been applied, and indeed, as I indicated before, we developed our methodology before we applied it. We developed our methodology as explained in the methodology document, I think in 2013, in consultation with Natural England and Defra, and certainly, our understand is that both of those organisations thought it was a good idea to include the connectivity score of the type that we did by way of development of the model, and as I think has been recognised, this is all..

220. MR HENDRICK: Well, I think the connectivity was good. I think the point was made about taking into consideration severance.

221. MR STRACHAN QC (DfT): Yes, well, I think I'll ask Mr Miller to answer any questions you've got about that, but as I said, I just want to preface it by saying that it sounds to me that a lot of these points are ones which would benefit from further discussion, because of course what the no net loss document is, it's intended to provide an overview of how the project is doing against the objective of no net loss, and of course, ultimately, it will have to take account of the project as finally designed, but could I just ask Mr Miller to address you? Mr Miller, can you first of all – perhaps you just confirm what I just said, that the Trust are raising issues about calculations that are

shown in our documents, and I have indicated we're happy to understand those a bit better from – discuss them...

222. MR MILLER: Yes, that's right.

223. MR STRACHAN QC (DfT): Is that right, are you content with that?

224. MR MILLER: Yeah, the report is in an interim form. We agreed some months back that we would produce the report before the end of the Commons session. We have been playing catch-up with all of the additional provisions and so forth as they have been coming forward, so it's been quite an exercise to get to grips with, and it's probably no surprise there are probably a few areas in there. We've looked at some of them, and we're agreed on some of that. I think what you're talking about is an issue of method, and I think that we can sit down with you and talk that through with Defra and National England. We're quite happy about that.

225. MR HENDRICK: I think we're all in agreement about that. I just wanted you to answer some specific points raised by the Petitioner on things like double counting, the degree to which you've taken severance seriously, you know, those issues that he raised.

226. MR MILLER: Well, I certainly believe we have taken the connectivity seriously. When we produced the methodology, it was at a time when I think, as we've identified, Defra were out on a number of pilot schemes, so we were in a place where we had to come up with a methodology suitable for a major railway project. So that was different from the pilot schemes which were looking at much more individual development based housing estates and that sort of thing, so we have adapted the methodology suitable for a railway. Now, people can criticise for that, but we took it on the chin and we said, no, we're trying to get this right so it's right for a railway and railway infrastructure, so we included connectivity in the calculation, the calculation methodology.

227. I think that reflects generally the approach to environmental impact assessment for ecology, and I think you've heard from Warwickshire and other authorities and other wildlife trusts and other interested bodies about connectivity, and there a wide range of methods that people have put forward to say how we should go about doing this sort of thing. So we have incorporated that. Whether we've got it absolutely right, I'm not sure, but I don't think we are double counting. I've just been talking it through with my

ecologist, and there may be an error in calculation. That's a possibility, but we've put connectivity in. We think that's good practice. We talked that through with Defra.

228. We did take all of this before the Environmental Audit Committee when they audited us a year or so back, and we explained the position that the no net loss hadn't calculated – this sort of thing hadn't been tackled on a high speed rail project or infrastructure project ever in the UK, so we are at the leading edge. So I think what I'm trying to get across to you is, in taking that on in a leading edge kind of way, that we are also willing to have an open dialogue about that to see whether we've actually got it right or not.

229. MR HENDRICK: Can you comment on the three bullet points on the screen?

230. MR MILLER: Well, the first bullet point is the deficit from our calculation using our methodology as it's been published.

231. MR STRACHAN QC (DfT): That's the approximately 3% deficit?

232. MR MILLER: Yeah, that's right.

233. MR STRACHAN QC (DfT): I think that's currently the deficit.

234. MR MILLER: So it was 3% route wide. There is a bit of a gain from a water habitat perspective. So if you start looking at figures, I'm breaking them down, and as Matt has indicated, there is a deficit in terms of hedgerows. Now, the sort of thoughts that are going through our minds at the moment about how to redress the situation – and some of it has actually come out in these conversations over the last couple of days – is whether you can further preclude construction around sites of woodland, preclude construction around hedgerows, because I think we're taking into account a lot of hedgerow loss which simply won't come about because of the practices that we've got in our code of construction.

235. So when we move and look at the interim report in more detail, we were looking at it to see whether we can shrink the overall footprint, the overall effect, on the natural environment as we go through the detailed design, and I think you've heard me about the environmental requirements, which point to us doing that as we move from an outlined planning kind of a permission that we're seeking in this environment through to

a detailed planning situation which we're going to get through the planning regime of the Bill, schedule 16 issues and that sort of thing.

236. MR STRACHAN QC (DfT): On the second bullet point, I suspect that this is the area where future discussion was going to be of benefit, because there's clearly a difference in view. If I can give the example that the Petitioner gave, A2100(4), the Committee will recall this is actually currently a golf course.

237. MR MILLER: Yes.

238. MR STRACHAN QC (DfT): And under our bill proposals it becomes a habitat area.

239. MR MILLER: Yeah.

240. MR STRACHAN QC (DfT): So we have given it a consequential score to reflect that. It appears the Trust don't agree with our score and thinks a different score might be achieved. At the moment, we don't agree with that. We don't necessarily understand it. It's clearly something, if there is a different of view, that might benefit from further discussion.

241. MR JACKSON: Our point there is not that you shouldn't increase the score. What I haven't shown you is the change in score for distinctiveness and condition, which have also increased, and then you've added on top of that an increase for connectivity. The land is no more connected. It's where it was before. You're not moving it anywhere. You've given it – you've upgraded it for distinctiveness. You've upgraded it for condition and then, on top of that, you're claiming you're upgrading it for connectivity.

242. MR MILLER: I think what is being shown on these slides are a number of areas highlighting where people have got some divergence of view. When I look at these sorts of slides, I think to myself, well, actually, is that an exemplar that we can tackle and that we actually bring forward as pretty much a live example for a high speed railway, and test it out a little bit and see whether we have actually got it right, and I think if that's what the Wildlife Trust is looking for, I think that's we are anticipating with the further conversation on this interim report with Defra and Natural England, and

I'm happy to take that forward on that basis. Now, it may be that you are right. It may be that everyone is satisfied with our approach. I don't know what the answer to that is, but let's have a look at it.

243. There are number of other issues which are going on as a result of this committee's proceedings. We've talked about the various conflicts we've had with agricultural aspects along the line of the route, and we are starting to think and are considering areas outside of the railway corridor where it is important to ensure that those people remain in business, and I think you've seen not only biodiversity examples coming forward, but we have removed spoil on various farms. That enables them to farm and that sort of thing. So there are other issues which are in play at the moment. I think that has got to be further considered. The other thing coming out of this committee is, and I take the Colne Valley as an example, I think we've got...

244. MR STRACHAN QC (DfT): I think this is slide A2100(8), where the concern was, we have limited our assessment of indirect impacts. That's actually a slide relating to the Colne Valley, for which there is now an assurance for Colne Valley Regional Park with a budget to...

245. MR MILLER: I remind the Committee that, just a little bit further up here, we have ancient woodland and a site of special scientific interest, and through these proceedings we have looked at that once again, reduced the overall area of that land take. I think that shows that we are prepared and we are willing to take this on. That's a good example of how mostly the detailed design go, so the detailed conversation needs to take place with everyone who knows about these sites, but further, here we have the Colne Valley, where we've been through the big debate about whether there's a tunnel or whether it stays on the viaduct, and we've been asked to respond to the valley overall, and we've done that.

246. There is a package of measures that have been put together, in outline with funds, to see how far that can then be taken up by local communities responding effectively about the wider natural environmental landscape treatment, beyond the railway environment. That provides a lot of choice to people, and I think that that will then help expand and improve the result for biodiversity.

247. MR STRACHAN QC (DfT): To be clear, those sorts of prospective

improvements aren't included in the no net loss calculations to date. So this is simply looking at what is in the Bill or identified as costing...

248. MR JACKSON: Exactly, so it doesn't take account of any of the improvements that might come out of the Colne Valley Park.

249. MR STRACHAN QC (DfT): Which would improve the no-net-loss design. That's the point.

250. MR JACKSON: But from a position which is much worse than the one shown in your existing calculation, because that doesn't include any indirect...

251. MR STRACHAN QC (DfT): I think that's where the divergence of view is.

252. MR MILLER: We could probably argue the points. I think where I'd like to get to, Matt, is think that we've got to the point where we are moving towards the individual sort of site proposition. In one way, it's great to talk about all of these metrics and whatever, and outcomes, but we've actually got to get to the point of agreeing about what the final outcome does actually look like when it's detailed, and you mentioned about the quality of the landform at the end of this process, and yes, that very much is in our minds. We want a quality outcome so that we can support wildlife along the line of the route. We do think that it would improve connectivity along the line of the route, but everything that we have done by way of green bridges, tunnels and so forth, all of that is pointing towards that wider connectivity being addressed effectively as a result of our plans.

253. MR STRACHAN QC (DfT): I haven't got any more further questions.

254. MR HENDRICK: I have got one final question before the Petitioner comes in. Clearly, you said you consulted Defra. You consulted Natural England in your model, the methodology that you've used. How come then, if we can just go back to those three bullet points, there's such a discrepancy between Defra's figure that if you would have used up 9946 units – sorry, on AP4, 22,467, which Defra have got as a...

255. MR STRACHAN QC (DfT): That's the point of divergence, as I understand. We don't actually know how the Petitioners get to their calculations. That's...

256. MR MILLER: I suspect that there is this issue of the ancient woodland is in there. I think Matt has indicated that there are issues around connectivity and so forth, and that's drawing a different outcome...

257. CHAIR: Okay. Sir Peter?

258. SIR PETER BOTTOMLEY: I'm a member of parliament, so I'm used to offering to be helpful to everybody. I don't think we're going to fight this out – I'm not sure it's a fight anyway, but I don't think we're going to be able to fight it out ourselves in the time that remains to us. It might be sensible first for the Promoters to have the time to consider what is in the detailed papers and the transcript of today's hearing and the previous ones from some of the other people equivalent to you. The second thing, whether for this phase 1 or for other phases, for the Promoters and representatives of the Wildlife Trust and the ecology people to come together and say whether they can agree on someone who can look at the issues of practice, as to whether the areas could be brought together or the differences are clearly identified and give advice, not arbitrate, but give advice on how would be sensible way forward.

259. So I think if you can agree on a person to do that, it would be a helpful way of making progress, and I think that we understand, first of all, there is, on the face of it, a case that some things are irreplaceable, and other things which can have an estimate made of them. The Promoters can say how they are meeting that. I think we have also heard, and it's quite convincing, that things aren't as bad as they would appear to be because the Promoters are trying as they go through, first of all, to make changes and secondly to what else can be done which would help them to meet their aim on their terms of having no net loss if that can be avoided. I think, in practical terms, the first part of what you've put forward to us in this petition is one which I suspect that you and the Promoters ought to be able to find someone, who with general acceptance, could look at what appear to be differences and give a view, again, which will be...

260. MR JACKSON: Yes, our suggestions will either be Natural England or Defra or the ecology...

261. SIR PETER BOTTOMLEY: But we'd reach some agreement, I suspect.

262. MR JACKSON: Or whatever, and it sounded like Mr Miller was suggesting that

he was very open to the idea of Natural England and...

263. MR MILLER: Yeah, we're more than happy to sort that out.

264. CHAIR: Do you have any questions or would you just want to do your summary, since you...?

265. MR JACKSON: I can do my summary, which is essentially that I'm very pleased to hear that Mr Miller is open to the suggestion of a, as you say, somebody taking an external view. In fact, the EAC's recommendation was that there should be an independent review taken of the approach that has been looked at, so it would be in line with that, and I just want to say, one of the reasons we weren't able to address this point when the method was originally published is that part of the method involved taking professional judgment and applying it to the connectivity score, so until we can see how that had been done, we weren't able to work out what the implications of it were in terms of the actual outcome and the calculation, which is why we ended up where we are. Unfortunately, the calculations were only published on 11 January, I think, so we've had very little time to react to it.

266. CHAIR: Okay. Thank you very much indeed for your contribution. We now have Buckinghamshire.

### **Buckinghamshire County Council**

267. SIR PETER BOTTOMLEY: I thought we said goodbye to you.

268. CHAIR: Mr Lewis, we didn't expect this bonus presentation.

269. MR LEWIS: Discussions with the county council, and I'm here today just for the county council, I ought to make that absolutely clear, not for Aylesbury Vale District Council or anyone else. These discussions, as you know, when we last appeared on the 20<sup>th</sup> I think it was, were progressed in the corridor. That resulted in a letter of assurance, and as is the nature of these things, it's an iterative process. The council had a number of problems with the letter which was received, and there's been a lot of toing and froing since and now there's been a lot of toing of froing in the corridor yet again, and we've reduced the number of points that we might have brought to your attention from something like 10 down to one. It's a small point, if you don't mind. It's to do with