

327. And foreshadowing tomorrow, it's no secret, our case in relation to proposals for shorter extensions, up to Leather Lane, which I think is the basis for the Reaper proposal, our position is that that is not made out on a value for money basis, either.

328. MR CLIFTON-BROWN: So, you are conceding there will be need for further mitigation measures.

329. MR MOULD QC (DfT): Certainly.

330. MR CLIFTON-BROWN: But, what you are arguing, or contending, is the 100 million figure is too high?

331. MR MOULD QC (DfT): Yes. I'm certainly saying that. But the notion that we have done all that we can and should do to mitigate this railway, I would certainly wish to disabuse anybody of the thought that that is our position.

332. SIR PETER BOTTOMLEY: Without wanting to delay things too much, can I just clear my mind? The 100 million on mitigation, whether or not that's presently planned, were there to be a long tunnel, it wouldn't be needed?

333. MR MOULD QC (DfT): Yes.

334. SIR PETER BOTTOMLEY: So, we might look on 100 million as being reasonably there. The zone compensation doesn't matter terribly. The costs at the bottom, which we're told is 240, 226, up there to 300 million; and if we knocked off half of the wider economic savings on the social and environmental valuations, the methodology we don't need to understand, we're going to save 300 million on either side. And then the question comes, which it isn't for today, maybe for tomorrow, if that were the balance, would a rational promoter or Secretary of State say, go for it? I just need that.

335. CHAIR: Okay.

336. MR MOULD QC (DfT): Well, yes.

337. CHAIR: Mr Kingston, brief, final remarks, please.

338. MR KINGSTON QC: I will be reasonably brief. Will you be patient with me?

Because from my clients' point of view, they have got a degree of frustration with the process that arises in this way. They have noted what the Committee has said about the need for some sort of cost benefit analysis. And they've going to some trouble and I dare say some expense, to provide you with one through an appropriately qualified person, Mr Hindle, from SQW. You have heard nothing and I have not had the opportunity of asking a single question of a suitably qualified economist or some such other suitably-qualified person who might address the issues that arise. From my client's point of view, that it is thoroughly unsatisfactory. And it's unsatisfactory because of the context which we have now here.

339. The first point about the context is, the SIFT report. A1237. You know that there is now no rational basis whatsoever for rejecting a tunnel, having regard to what HS2 thought were the relevant range of factors. So, they chose the factors. They said: What are we going to treat as relevant to this issue? On those range factors, applying their criteria, using their consultants, their judgments, the recommended option is T3i.

340. Rationally, therefore, there can be no basis whatsoever for rejecting the tunnel option on the basis of the SIFT report. That leaves only the issue of cost. Because otherwise, why wouldn't you do it? Why wouldn't you, rationally, save some of the very best landscape that this nation has to offer its residents and its visitors, if you could do it at a cost which was either not an additional cost, or an additional cost of a kind, which you took the view, should be born.

341. So cost is the only factor. That's why Mr Hindle is here. Cost we have looked at in the context of, not some guidance that Mr Hindle dreamt up overnight when thinking what would be a wizard wheeze to try and persuade the Committee that a tunnel would be a good idea, but applied guidance which the DCLG produced and which the Department used in order to try and put into the calculation an assessment of landscape value.

342. We have done nothing differently to the Department. But what we have done with the method is to look specifically at the AONB. And in essence what the Department wants to do is to say to you, you should take into account, when you're trying to decide whether to recommend a long tunnel option here, you should have regard to the additional cost of the tunnel. What they won't do and what they haven't given you any

evidence which I could cross-examine on, is to say, and we accept, using departmental methodologies, that that would of course produce some benefit which is capable, using the methodologies, of being economically assessed.

343. So, this case comes, doesn't it, on an extremely unfortunate basis? Because it becomes quite unbalanced. It says, please take all the cost into account, but, when it comes to the benefit, rather than using, and presenting to the Committee, the benefit valued locally in the AONB, in accordance with methodologies which the Department has established, we'd rather you, and, forgive me, for putting it incorrectly, 'we'd rather you stuck your finger in the air, because we're not going to give you any figure that might be cross-examined into. We're just going to tell you that we don't think the figures that the petitioners have given you are very reliable'. That's not satisfactory position to be in.

344. The second point about the context here, if I may say so, Mr Clifton-Brown's question was perceptive, because I'm unable to believe that he's got so little to do that he's spent a lot of time looking at the document you've got. And if we can have it, please? 7408. 7408 is 'HS2 Landscape Design Approach'. You can see the date on it. July 2015. It's very recent. And if, again, I won't say at your leisure, if you'd be kind enough please to have a look at it. Just turn the pages, and you might start, for example, at 74094, please. 74094. This is the introduction. We didn't write this. This is written for HS2 as part of what they're going to tell you, 'Will introduce additional measures'. Can you blow up the bottom paragraph on the page please? Just the bottom paragraph for the moment. You'll see it says: 'However the presence of HS2 will result in significant adverse effects on two landscape character'. 'Will still result significant adverse effects on two landscape character areas. The number of visual receptors after 15 years ... and it is these impacts that this report will concentrate. The aim of the report is to remove where possible, or reduce the significant impacts remaining after 15 years through planting and ground modelling. The report will also re-examine the existing mitigation or a redesign through a CF8, 9 and 10 and highlight measures which could be developed to be more effective'.

345. You know, therefore, and if I could answer to Mr Clifton-Brown's question rather more bluntly than Mr Mould was apparently willing to do, you know that HS2 are planning a whole suite of measures, which will be designed to seduce you, after you've

reached a decision about the tunnel that it really will be all right. But, the starting point is that.

346. You might go on to, and I'm not going to take you through every paragraph, but, the residual effects are looked at, the landscape effects are examined, and the mitigation and integration of HS2 with the Chiltern's AONB is examined. Could we have 7409-10, please? And the top two paragraphs, please? These paragraphs are key to you understanding what is going on at the present time around the issue that Mr Clifton-Brown's question was focused on. You can see that you're being told, and this is under the heading, 'The Mitigation Integration of HS2 and the Chilterns' AONB'. HS2 Ltd commissioned a review of the landscape effects and mitigation measures proposed in the May ES and the supplementary ES. This report brings together the findings of that review, which were informed by the AONB Management Plan and the LUC report to establish location of particular concern. The report also responds to the letter from Natural England', that's the letter you've been told about, 'written in response to the consultation'. And then the next paragraph, 'the report proposes potential additional or amended mitigation which could be delivered through wider discussions and agreed with interested stakeholders to reduce the permanent effects of the scheme at a number of locations. Changes to the existing proposed mitigation aim to restore and strengthen existing landscape character of the Chilterns AONB, guided by the management plan, County and district character assessments. It should be noted that some of these areas are outside the current bill limits and land likely to be owned by the project, so will need to be delivered via negotiations.'

347. What's that telling you? It's telling you that HS2 recognises, or rather their consultants are recognising, that what they've currently got in the bill limits is not enough to adequately mitigate. What we're facing and what you are facing, and I've said I won't take you through the whole of this document, but it merits a read through, what you're facing is, post a decision to reject, if you decide on an interim decision on the principle of a long tunnel, post that, your face a situation in which there may well be a whole series of proposals, some of them apparently involving additional land, in order to try and put right what could have been put right, at a stroke, with a decision which rationally, now, you know to be the right decision, from an environmental point of view.

348. It goes without saying, could we have 7409(22), please? I'm not going to take you

through the page, in detail at least, but, at the bottom of the page is an example of the sort of ground modelling which is now being suggested. These are not just fiddling at the margins of a bund. This is an enormous earthwork that's being considered as a more effective way of trying to mitigate the way that this railway impacts on the AONB.

349. There are other examples. But, if we go to 7409-25, right hand column, please, and just the paragraphs at the top of the right hand column. Thank you very much. This is 50 hectares of trying to mitigate for the irreplaceable. Natural England's standing advice on ancient woodland: This is an irreplaceable resource. That means we aren't making any more. And we're going to lose a significant amount of it. So, the straightforward response to Mr Clifton-Brown's questions was: 'Our consultants currently recognise there is a whole lot more that we need to do. Some of it is of a very significant scale'. And I respectfully suggest, in that context, when you've looked at that document, you might easily conclude that the sorts of figures that Mr Morris was talking about were certainly in the right area.

350. Third point. Mitigation. I'm so sorry, Mr Clifton-Brown?

351. MR CLIFTON-BROWN: I wonder whether I could, through you, ask perhaps Mr Kingston, to ask Mr Morris, if we could have a document produced to this Committee of exactly how that 100 million is made up? What sort of things make it up? So, we can make a judgment, whether it's too much or too little.

352. MR KINGSTON QC: Yes. May I say Mr Clifton-Brown, I think Mr Morris said that he thought the 100 million would be covered just by a shorter tunnel, a shorter tunnel and there was one other item.

353. MR MORRIS: Extension of the Wendover green tunnels.

354. MR KINGSTON QC: And the extension of the Wendover green tunnels. So, he said, 100 million would cover that. It would be difficult for us to cost these proposals. What we could do, and easily do, is to identify, probably not costs, but identify for you the sorts of scale of works that are being suggested in this report. And we'll happily produce a supplementary document. From my point of view, and I'll ask my clients, but, I suspect they would, I hope, they would agree, leave the Committee to form a view as to whether or not substantial expenditure is involved; both land acquisition and the like.

You know that 50 hectares, this paragraph we're looking at here, 50 hectares of new woodland to replace the irreplaceable. Well, it comes at a cost, doesn't it? It's got to be then managed. It simply isn't effective mitigation. And you know, forgive me for the repetition, you know that there is available effective mitigation endorsed by HS2's own work, in a long tunnel.

355. The next point is and I regret not having the opportunity to ask somebody about it, but HS2's exhibits for this Committee session have at least three references to the small percentage scale of impacts on particular parts of the AONB. The references, you don't need to turn them up, but I give you the references so that they can be on the record. The references are P7416(2), P7375(4) and P7466(7). Those three references, and there may well be others, but those are three references where HS2 says: 'It's really only a very, very small percentage impact, less than 1% impact, that we're having on some particular feature of the AONB, whether it's ancient woodland or woodland area, whatever it is'. If that argument is a good argument: 'We're only taking a little bit. It's only a small percentage'. Then I respectfully submit the Committee would be entirely justified in saying to itself: 'Well, let's just turn that round and look at the cost in that circumstance, shall we? Let's credit HS2 with the full figure, the unmitigated cost of 350 million for the T3i tunnel and let's do a little calculation, shall we, of what 350 million represents in the context of 50 billion?' And discover that it's actually a very, very small percentage. Less than 1%, as it happens. About 0.7%.

356. Now, I'm not suggesting that the Committee would necessarily want to take that approach, but, if you are to have pressed on you small percentage impacts as being acceptable, then small percentage impacts, in terms of cost, ought equally to be considered.

357. Then, the Chilterns, as a landscape, recreation, environmental resource. I said in opening, and I'm not going to repeat what I said to you in opening, that this is an irreplaceable resource. Mr Hendrick, if I may say so, is quite right, you can put, you can dig the tunnel, you can put the top back on and you can grass it and you can grow some new trees. But, you don't have, do you, I respectfully submit, you don't have what age and interaction over centuries have produced in the rich patina of a landscape, which has merited throughout very carefully drawn boundaries, merited an AONB designation. Yes, you can put it back. Yes, you can make it green. But, it lacks the character that

would have resulted in it being included within the AONB. And that's why I said to the Committee in opening, and I repeat, that in part, what this session is about is whether the Committee is prepared to line up with the cynics, in Mr Oscar Wilde's writings, and say, no, we're only concerned with the cost and we only want to know about the cost, or whether you're prepared to engage with the value of something which is recognised as being irreplaceable. We aren't making it anymore. Irreplaceable. And that's what it's about.

358. Finally, if I may, Natural England wrote a very carefully considered letter. It's A1236, with a number of annexes. That letter says in turns: 'This isn't good enough, as it is. And we don't agree with the environmental assessment and we think the answer lies, in essence, we think, the answer lies in a long tunnel approach'. The only response to that letter that I have seen so far, which attempts to deal with what it's talking about, is the document that I've referred to, the 15 July document, which is essentially in un-costed and, at its best, will not address the mitigation in terms of replacing the irreplaceable.

359. We invite you, respectfully, if we may, to keep a hold of what is valuable, what defines England and English landscape. To keep a hold, if you want, to get hold of the economics of what the prime minister was talking about last week, of what might encourage people to get out of London and go to the nearest AONB. It will not be how quickly they can travel through it on a train to Birmingham. It will be that it's been preserved intact by a nation who knew the value of what it had. And whilst taking into account the cost, did not allow itself to be, as it were, bullied into the wrong approach, simply on the basis of cost. Mr Sims, thank you very much for your patience.

360. CHAIR: Thank you, Mr Kingston. You've covered a lot of ground, I think in pretty good time. Thank you. And order, order. If you could please withdraw from the room, so we can clear our thoughts?