

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Tuesday 21 July 2015 (Morning)

In Committee Room 5

PRESENT:

Mr Robert Syms (Chair)
Mr Henry Bellingham
Sir Peter Bottomley
Geoffrey Clifton-Brown
Mr David Crausby
Mr Mark Hendrick

IN ATTENDANCE

Mr Timothy Mould QC, Lead Counsel, Department for Transport
Mr James Strachan QC, Counsel, Department for Transport
Mr Malcolm Griffiths

Witnesses:

Mrs Hilary Wharf
Ms Sue Brown
Mr Simon Hook
Ms Beverley Manton
Mr Rodney Craig
Mr Sean Ring
Mr Chris Bridger

Mr Tim Smart, International Director for High Speed Rail, CH2M Hill

IN PUBLIC SESSION

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(At 09.30)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee. We have this morning petitioner 1809, the Residents Environmental Protection Association, who are going to present their case for a tunnel in the Chilterns. It is the last day that Parliament sits before the recess. We have the joy of the Finance Bill, which can go on all night, but probably won't because it's the last day. I hope that we can get through what you want to get through as quickly as possible, and that you make some punchy points, Mrs Wharf. Would you like to kick off?

The Residents Environmental Protection Association

2. MS WHARF: Thank you, yes. REPA has come to present a zero-cost solution, so I think we're a little different from some of the groups that have been before. We also actually believe that this should have been the January 2012 decision, which was, as we all know, to actually end the Chilterns Tunnel at Mantle's Wood. We believe it's not a difficult decision for the Committee, because everything weighs in the same direction – cost, people and environment.

3. If we could turn to the second slide – no, I don't think... The presentation, please.

4. SIR PETER BOTTOMLEY: Is that the one starts at 1238(1)?

5. MS WHARF: That's it, yes. Thank you very much. You should have been listening to a barrister today, because we had employed one, but sadly he was in court. We decided that I know you wanted to hear all the tunnels before breaking up, so we decided that we would do a sort of DIY case. Myself, I'm Hilary Wharf, and Malcolm Griffiths will actually be presenting the case, supported by a series of witnesses. I should perhaps say I'm also Director of HS2 Action Alliance. I'm a railway consultant and I've been involved in property blight work, which I think you heard about yesterday. Malcolm is a civil engineer and has significant project director experience. He will also double as both witness and advocate, and we hope that that will be alright with everybody.

6. I'd like to start by wanting to check out that you're all properly equipped for this. There is a little leaflet, which I believe you have a hard copy of, which was something

that we actually produced on your visit. We have just on one page, so if one's wanting something punchy, page 4 has a little summary of our case. The inside actually shows a very graphic picture of what it will be like when HS2 is created in this area.

7. That's the sort of hearts and minds, and the pictures. We've also done something much harder, which is something much more what we've been dealing with in the last two years. We've done an aide memoire for you, which is A1239. On one page, we have summarised our case and the points that we're going to be taking. There are 14 points on that, which are shaded orange. Those are the points. They are divided very clearly into two big programme issues to do with tunnelling rates and to do with fit-out rates. There is then a big section in the middle, which is all about the environment and some related issues. On that, we've built on HS2 Ltd's own sift. You've probably heard about the sift; it's the way in which they analyse our tunnel case. As you'll see in there, there are a lot of items we say that we've agreed.

8. SIR PETER BOTTOMLEY: It's on the back of 1238(73). It's sort of hidden.

9. MS WHARF: It should be there, very near the front. If there's any way you can keep that out with you, that's where we believe we've got it on one page. Then there are the cost details, which we've been having quite a significant debate about over the past two years.

10. In order to make it live a little bit more, I have another little aid that we thought might be nice for everybody. I'm sorry; it wouldn't go through Dropbox, so we wanted to be able to give you all one. Yes, I have two, so you can have that even.

11. CHAIR: You see; we wouldn't get that from a barrister, Hilary. This is a bonus.

12. MS WHARF: When you have it, you'll see it has the key messages on it that we are going to talk about. Please, nobody look inside until later. No, there are no sweeties.

13. If we could return back to the slide, please, that we were on, which was the opening one, we've got some experts, who we'll be bringing forward, some technical experts too. REPA was created in 2013 and its raison d'être was absurdly simple. It was: why end the tunnel at Mantle's Wood? That question I know has been asked in

this room. We have continually asked it and, because we couldn't get an answer back in 2013 and we were immensely concerned that the ES was coming up, we pooled our resources to commission a report to see where should that tunnel have ended, in effect for no additional cost.

14. We've gone about it, we believe, pretty seriously. We have done several engineering reports. We have done cost reports. We perhaps tackled it in a different way to many of the other groups, because we've tried to actually look at the numbers and say to ourselves, 'Do these numbers stack up?' I think I'd also want to say, you might think, 'How can just a residents' group come along and say, "You should believe our figures rather than believe the Government's figures, with all the resources that they have and obviously all the quality control procedures that they have in place.'"

15. What I would say is that, in pressing hard, we have exposed errors. There is indeed a list, in the documents that we've provided under the cost report, of those errors and some of them are very sizable. For us, we'd just ask you to bear that in mind when we're going through our case. Thank you, if you'd move on.

16. Right, so who is this group called REPA? Actually, we are 12 individual groups in the South Heath area. Some of them are very long established. Some of them go back 40-50 years. They're neighbourhood watch schemes, the Wood Lane Residents Association, for example. Some of them are new, like for example the South Heath Action Group, new ones that got developed in relation to HS2. We have 843 members, so we're not just a little small outfit, and you can see here I've plotted where they are in relation to the little map that you had. You can see they stretch from the Mantle's Wood end, Hyde Heath, through South Heath, Hyde End and through to Potter Row, which is at the northern end.

17. You might say, 'Why have they got Chesham and why have they got places down off the map there, Grim's Dyke?' Well, at Grim's Dyke you can actually see it. It may be two miles across the other side, but you can actually see where HS2 is and its impact on their properties. Why have you got Chesham? Well, because it's going to impact on them because of traffic issues.

18. If we could move on to the next slide, what are you united in? Not surprisingly, we're united in the concern about the impact of HS2 on our community and also on our

environment. We all support a longer tunnel. Our priority one, I want to make absolutely clear, is that there is a long tunnel throughout the AONB, but we felt that something else had to be done if it wasn't successful, the long tunnel.

19. Because of that, we developed what we call 'a local fall-back solution', and that fall-back solution is what we've come to present today, which is the REPA tunnel that will go another 4.1 kilometres. Can we move on?

20. I think you've probably seen this triangle before. You may have only seen it and had a little version of it. You've probably seen it, particularly in terms of thinking about the mitigation hierarchy. If it's not a long tunnel, then there are some other things down in the next tier of which REPA's place is on that net tier.

21. I don't know to what extent you've heard of it the other way, which is the true cost base is from the bottom up. One shouldn't be just assessing the cost of the tunnel against the pounds, shillings and pence of what that tunnel cost because, if there isn't a tunnel, there needs to be some alternative additional mitigation, and those additional mitigation costs need to be set against the cost of the tunnel. We have a very direct example in relation to Hunts Green, which we'll come to, which lives on the lower tier there. Those costs need to be wrapped into any assessment against a tunnel. Thank you.

22. Okay, we might be 12 groups, but how much wider is our support? A quarter of all the petitions actually support and mention by name, the REPA fall-back tunnel. Lots of them, as we know, mention the long tunnel, but a quarter of them are actually focusing on this one. That's a large number of individuals, but not just individuals; it's groups. You might expect things, maybe like the cycle touring and the Chilterns Society, but also it's the councils. Bucks County Council and Chiltern District Council recognised that, if one doesn't get the long tunnel, there needed to be something for probably what is, we argue, the biggest community that is going to get affected by doing the HS2 Ltd's proposals.

23. SIR PETER BOTTOMLEY: Essentially you're saying that everyone who supports REPA would prefer to have a long tunnel.

24. MS WHARF: They would.

25. SIR PETER BOTTOMLEY: Virtually everyone who would support a long tunnel would prefer to have REPA rather than nothing.

26. MS WHARF: Yes, thank you. Even two national organisations, and I bring out the Woodland Trust, which you might not be surprised about, because obviously in this little bit we're going through three ancient woodlands – in this little 4 kilometres. CPRE too, which actually picked out this particular tunnel, rather than the long tunnel they picked out this particular one is one that they wrote into their petition. Right, if we can move on, another little bit –

27. SIR PETER BOTTOMLEY: Sorry, can I just go back two pages? Don't turn back. When you were talking about the errors, are those errors you detected in the promoter's analysis of the REPA scheme or are these errors that you detected in the promoter's scheme, or both?

28. MS WHARF: Both actually. What usually happened is we would say, 'We can't understand that figure. We don't think it should be that figure; we think it should be something lower.' First of all, we get fobbed off and then we press, and we keep pressing, and we keep pressing. Clearly then, people go back through the figures and they then discover they have an error in their figures. This all happened as late as Friday night. Actually, we'd been up most of the weekend producing a new cost document, taking into account – so this is the very latest figures of what HS2 Ltd said it cost. Actually, we've got some more to put in to say, 'We think they've still got some more errors that are against us, but we're going to show them, even though we think that that might be against our case,' but we're trying to do it properly.

29. Reasons for tunnels, as I say, is back on our little pyramid. On 20 October, Tim Smart came here to explain what he thought the reasons for tunnels were, in terms of HS2 Ltd. The first reason, he said, was terrain. Actually, the Chilterns Tunnel is an example of that. He then said, if it is cost-effective because of the amount of surface disruption. We'd certainly say, remembering our little map and what's going on here, REPA scores on that.

30. The third one he gives is connectivity, given the community impacts. Actually, South Heath has already scored on that, but the result of what HS2 Ltd gave for South Heath was a green tunnel, and what we are arguing is that it doesn't actually achieve its

purpose and you'll see the evidence for that. It should be a bored tunnel.

31. What we feel amazed about was that it omitted environment as a reason. Given that we actually think that this tunnel costs nothing, frankly, if you've got something that's technically feasible, the community wants it and it doesn't cost anything, then we can't really see the argument of why we shouldn't be allowed it.

32. If you turn the argument up the other way and you said, 'If it doesn't cost anything, which would you rather have? The impact of all the cuttings and a green tunnel, or a deep tunnel.' To us, there'd be no contest. Thank you.

33. Now, very simply what our proposal is: it is just extending the existing bored tunnel that currently comes out at Mantle's Wood. You've got a little map there and the map shows you Mantle's Wood at the southern end there, and then proceeds north to a point that is called Leather Lane, which coincidentally happens to be at the boundary of the parish and boundary of the CFA 9 and CFA 10. It's 4.1 kilometres. Literally, the REPA tunnel is dead simple; it's simply a bit more of the same.

34. SIR PETER BOTTOMLEY: And doesn't need an intervention gap.

35. MS WHARF: It doesn't need an intervention gap. You tunnel still from one end and, we argue, you can still fit out from one end, so you're just going another 4.1 kilometres. I would just add the point where it comes out is where the land falls away and it's as far as you can get without affecting the viaduct.

36. SIR PETER BOTTOMLEY: The Mantle's Wood portal is where the land falls away and this is the same.

37. MS WHARF: Yes, and crucially it protects our communities and, of course, as much of the AONB as we can. Could we just move on?

38. I put this in because we have done more than just suggest it. You can see in that picture there, which was a day of when the Select Committee came to visit us, that we had a tent at South Heath that demonstrated our proposal and actually that was where Sir Peter was meeting Rodney Craig, who is our tunnelling expert, who will be giving evidence today.

39. SIR PETER BOTTOMLEY: It looks as though I was listening to him.
40. MS WHARF: Which you were. We've distributed our leaflet also on that day. To get a bit more technical, could we go to the next slide? It's not really very technical, because it's very simple. What we are replacing is the 1.3-kilometre cutting, the 1.2-kilometre green tunnel and the 1.6 kilometres of the next cutting going along. We extend the tunnel from 13.3 to 17.4 kilometres and what does that change?
41. Right, it means we have three fewer compounds, because obviously green tunnels have an immense amount to do in relation to additional compounds. I'm sure you don't want the details, but it is three fewer compounds. It's two fewer portals. It's five fewer bridges and it's 14 fewer properties that will be either wholly or partly demolished. By 'partly demolished', I mean it's when people's outbuildings go. There's one extra vent, so there'll be one vent round about where Annie Baileys is, which is just on the bit of the green tunnel on the right-hand side. Frankly, that summarises the changes that there would be.
42. CHAIR: Can I ask, the green tunnel on the HS2, is that South Heath?
43. MS WHARF: That is South Heath.
44. CHAIR: That's South Heath right in the middle. Okay, thank you.
45. MS WHARF: Yes, it's the one in the middle.
46. MR BELLINGHAM: Can I ask you before you go on? You may be coming on to this in a moment, and forgive me if you are. How many houses are within the 100 metres or the 120 metres of the 4.1 kilometres? How many houses would be possibly blighted or affected, which might come under need to sell?
47. MS WHARF: I can give you the figures within 1 kilometre, which is what we argue is blight-affected. There will be a slide on it: 540 properties, 1,200 people.
48. MR BELLINGHAM: Do we happen to have any information as to how many have expressed an interest in need to sell or have asked HS2 to buy, out of that number?
49. MS WHARF: No, I can't give you out of that number.

50. MR BELLINGHAM: HS2 might be able to help later.

51. MS WHARF: Yes, there are an awful lot of people. South Heath itself, as an estate agent will tell you, is just a blighted village – 340 properties that people will not show any interest in.

52. MR BELLINGHAM: We saw that when we came to the village.

53. MS WHARF: Thank you. Yes, if we could move on, in fact it's the very next slide. Who does REPA protect? If you look at the sort of purple lozenge, with a bite out the top and an extension down the bottom, that covers, 540 properties that are within 1 kilometre of the open line or a portal. Now, the reason why it extends down to the bottom is because those properties, and you'll see that's where you're bordering just into Hyde Heath and Hyde End obviously within there, will be within 1 kilometre of the portal, if the Mantle's Wood portal is there.

54. Similarly, I think it's important to look at the Leather Lane one. We're not saying it's all the properties up to Leather Lane, because what we're saying is those properties in that bite would obviously not be protected wholly by extending the tunnel fully to Leather Lane, because they would be within 1 kilometre of it. Actually, there are not a lot of properties there, but they would not be protected.

55. Obviously you can see from the colours, you see the distance. Actually, the answer to your question of how many are within 120, you've got 20 properties within 120 and then, in the next band, 120. Sorry, the property numbers are on there; they're probably a bit small on there. It's 122 then in the next band.

56. We actually have hard evidence as to what properties are within that area, what communities they are and how many people would get directed. That's directly protected because, of course, there is an awful lot of traffic that comes from the construction works, so a wider number is protected who are in the Chilterns more generally.

57. I have to say: that was actually one of the underpinning graphs that was used for the property blight report. There was a whole series of them, which will have been presented, I believe, yesterday. 540 properties, 1,200 people. Thank you.

58. If we now come to what's the essence of our case, it rests on four factors. One, that is environmentally superior, and I don't actually think there's any debate about that, even with HS2. We would focus perhaps a bit more on it directly benefiting the community of 1,200 people, and that's directly.

59. We would also say that there are no delays to HS2's programme. We'll come to that a little bit more, but that's a central plank of our case. Thirdly, we believe it's cost-neutral on engineering costs, so that means it actually costs less. Actually, the detail is, we believe, it costs less than HS2 Ltd's proposal and it also delivers these other cost savings that you heard quite a lot about yesterday, which we call the non-promoter cost savings. We would say our case doesn't actually rely on those. They're extra and actually produce a net benefit, so we get a positive net benefit. You might say, 'Okay, why do HS2 Ltd reject it?' if we could move on to look at that.

60. What this slide does is look at this common ground and the absence of it. The sift underlies much, as I said on your aide memoire. The sift underlies much of what's going on here. It is recognised that there's a major improvement in the natural and cultural environment, sustainability communities and the land use, and we agree. It's recognised that REPA is technically feasible. We agree. It is actually recognised by HS2 Ltd that it need not delay the schedule. The area there is some debate about is about the fit-out aspects of it, but even HS2 Ltd says that it need not delay the schedule. We have some fundamental areas of disagreement.

61. SIR PETER BOTTOMLEY: Just so we're clear, fit-out is after you've bored the tunnel, putting in everything you need to run a railway in it.

62. MS WHARF: Yes.

63. SIR PETER BOTTOMLEY: Is it important whether that fit-out's from both end or from one end?

64. MS WHARF: Sorry, the fit-out or the tunnelling?

65. SIR PETER BOTTOMLEY: The fit-out. The tunnelling, you've said, is from one end.

66. MS WHARF: The tunnelling is from one end, although you'll see HS2 Ltd put

out some proposals to do it from two ends, which we just think is totally unacceptable and unnecessary.

67. SIR PETER BOTTOMLEY: If they were right about fit-out from both ends that would make a major difference.

68. MS WHARF: It won't make a major difference. It would make some difference to cost. We asked for the cost implications and they haven't given them to us, despite the fact that, at a meeting, they said they would. It probably doesn't make a major – nothing like the impact that it would be if you were boring from both ends, as you'll have heard with some of the other proposals.

69. We certainly disagree that the current mitigation is already adequate. I'm not sure how much safety's been talked about, but we disagree with the fact that it is argued that the REPA tunnel introduces higher operational safety risks. The fit-out, we actually say, we don't think fit-out from both ends is necessary or needed. The fact that REPA costs more, we're going to challenge that. The last one is perhaps a different way of looking at the matter that you've been looking at quite a lot, which is that we don't agree that you should remove the treasury green book benefits, annex 2, before you come up with a decision of whether, locally, you should decide to have a tunnel or not. That's going to be part of our case at the end.

70. In essence, it's about programme schedule and about costs, so it is a bit different from what other people have been arguing, but that's the fundamental aspect of where we're going to concentrate our case. Thank you.

71. HS2 Ltd has been doing these part 3 and part 4 assessments, which you've probably been hearing about. We had our part 4 assessment. The part 4 assessment, when it arrived, was on the wrong tunnel. It was on the one that we had talked about, but certainly not the one we had petitioned on. We had that corrected. That was C1. We had that corrected.

72. C2, which isn't even shown, because even HS2 Ltd said it was a bit expensive. C3 and 4, we don't know; we didn't ask for it. We think they were totally unnecessary and they're about tunnelling from both ends. C5 was what we petitioned for and that's the very latest figure. HS2 Ltd has reduced it a bit, when we pointed out some problems

with it. We asked for C5A, which is what it would be if we had allowed for fit-out from both ends.

73. SIR PETER BOTTOMLEY: Sorry, is that the net cost?

74. MS WHARF: It's the net when you do the comparison. It's the comparison of what HS2 Ltd's proposal would cost with ours. We say it's zero. They say, well actually we say there's a benefit. On the aide memoire, you'll see that we actually say it saves you 8.5 million. They say it actually costs 76 million.

75. Then we come to something that I'd mention here, which they call C6. Out of the blue, when we finally got our July assessment, they've thrown in another tunnel. They've said – and we didn't ask for it and we didn't look at it – 'Why don't you stop it at the end of the green tunnel?'

76. CHAIR: Which green tunnel?

77. MS WHARF: The South Heath green tunnel, so just taking it as far as the end of the South Heath green tunnel. Now, we will be giving evidence to show that obvious does not protect Potter Row, which is beyond South Heath, but it doesn't protect South Heath either. It's one of our fundamental arguments that the green tunnel actually isn't long enough to protect the people there.

78. It abuts, actually, another ancient woodland, so it has problems with that. It actually spoils one of the gateways too, coming up through the footpaths, which was the one you stood on when you went to Bury Farm. We certainly would contest the relative cost between C5 and C6.

79. One of the documents that we have submitted – sorry, I should have the number with me – is a letter actually from REPA, where they held an extraordinary meeting in order to confirm that they would be rejecting and completely opposing C6, and would be petitioning against it.

80. I actually put on the bottom of the slide about no transparency and no consistency on cost and schedule, because we have had a long argument about these cost figures and we have been immensely frustrated in trying to get the right figures. As I say, we've managed to expose some things, but all you ever get is the answer; what you don't get is

the derivation. If you're going to do the job properly, you've got to understand what the derivation is. Thank you.

81. The next little section is about the community because, before we go into the detail on the costs and on the scheduling, we do think it's important to ask the question. As Mr Mould has said many times, we believe that we have given adequate mitigation to these areas that were coming along asking for tunnels. Not only do we think it's inadequate what is happening now, and some of that is compensation, we think it's very inadequate when it comes into construction and in operation too.

82. You might say, 'Well, why I have put up The Scream for the five years of anxiety?' When I looked it up, I discover it's interpreted as a scream piercing through nature while on a walk. Actually, it seemed to me, that was rather appropriate. What was also quite interesting was its price. When it was sold, it was 70 million, almost exactly the price that HS2 Ltd says is the cost of our REPA tunnel. I know which we'd prefer.

83. If I can move on, we're going to hear from three people briefly about the impacts on the community for them: Sue, from Hyde End/Hyde Heath; Simon in South Heath; and Bev from Potter Row. All of them you may have met, some of you, before when you came out to visit us. If I could turn and ask Sue, first, Sue, could you say who you are and who you represent, please?

84. MS BROWN: Yes, if we could go to the next slide, please. My name's Sue Brown. I live in Hyde End and I'm the chairperson of the Hyde End residents' group. Hyde End is a small community, which straddles the line, between South Heath and Hyde Heath. Although some properties extend to about a kilometre away, the hub of the village or the community, about 38 properties, is within about 700 metres of the line. Going back to Mr Bellingham's point about how many properties are within the 120, I think eight properties are within the 120-metre boundary there.

85. Hyde Heath, which is a slightly larger village, has 425 homes and they are adjacent to the tunnel portal in Mantle's Wood. Obviously we live in the area of outstanding natural beauty, which is the Chilterns. I know you've heard a lot about that over the last couple of weeks. I'm not going to talk a lot about that just now. Suffice to say, I think I speak for everybody in the fact that we are very privileged living in such a