



House of Commons  
Select Committee on the  
High Speed Rail (London - West  
Midlands) Bill

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**High Speed Rail  
(London - West  
Midlands) Bill**

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**Second Special Report of  
Session 2015–16**

*Special Report, with Annexes, together with  
formal minutes relating to the report*

*Ordered by the House of Commons to be printed  
22 February 2016*

## Select Committee on the High Speed Rail (London - West Midlands) Bill

The Select Committee on the High Speed Rail (London - West Midlands) Bill provides individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill's specific provisions and to seek its amendment, although not to object to the principle of the Bill.

### Current membership

[Mr Robert Syms MP](#) (*Conservative, Poole*) (Chair)

[Sir Henry Bellingham MP](#) (*Conservative, North West Norfolk*)

[Sir Peter Bottomley MP](#) (*Conservative, Worthing West*)

[Geoffrey Clifton-Brown MP](#) (*Conservative, The Cotswolds*)

[Mr David Crausby MP](#) (*Labour, Bolton North East*)

[Mr Mark Hendrick MP](#) (*Labour (Co-op), Preston*)

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/hs2-committee-commons](http://www.parliament.uk/hs2-committee-commons) and by The Stationery Office by Order of the House.

Evidence relating to this report is also available on the Committee's website.

### Committee staff

The current staff of the Committee are Neil Caulfield (Clerk), Miguel Boo Fraga (Committee Assistant), and Joanna Nurse (Media Officer).

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## Summary

This report contains the final directions and recommendations of the Select Committee on the High Speed 2 Phase One Hybrid Bill after 160 days of sittings over nearly two years.

Our responsibility was to hear petitions from those specially and directly affected by the Bill and, where we believed it was appropriate, to suggest modifications, assurances, undertakings or mitigation to address petitioners' concerns.

We have directed a number of amendments to the proposed HS2 Phase One project. Notably, we have directed a longer Chilterns bored tunnel, greater noise protection for Wendover, better construction arrangements in Hillingdon, and a remodelled maintenance depot at Washwood Heath to maximise local job opportunities. We have said there should be a coherent approach to the redevelopment of Euston.

In many cases not specifically mentioned in this report we have intervened to encourage fairness, practical settlements, the giving of assurances, or better mitigation.

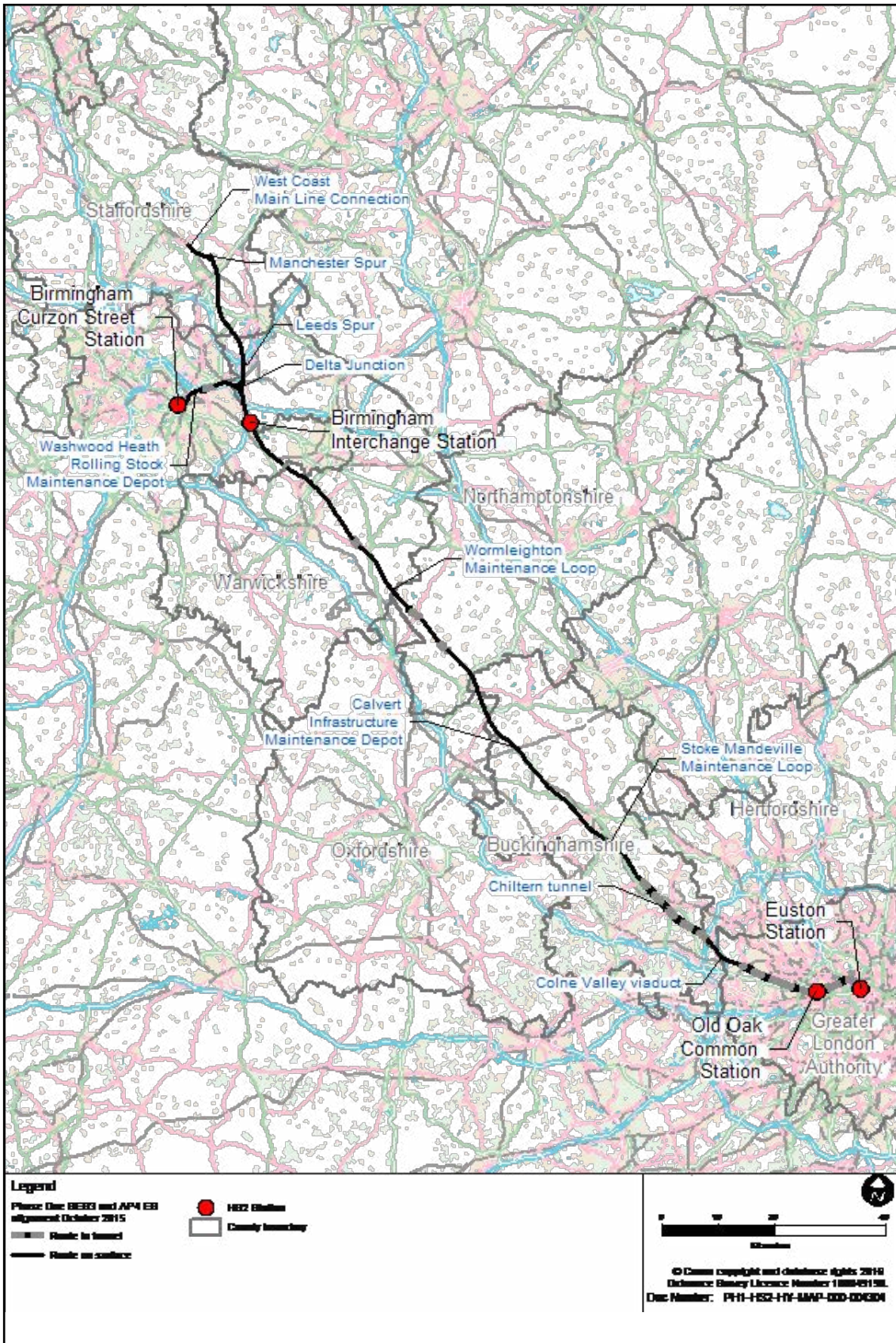
We have recommended amendments to the operation of the discretionary compensation schemes which we believe will result in greater fairness and a more functional property market in areas near to the proposed line.

We also suggest improvements to the procedure for dealing with hybrid bills. We trust they will help achieve better processes for the further anticipated phases of HS2.

Our work on Phase One, we believe, helps to add substantial environmental, social and design benefits to the scheme, commensurate with good use of public money and a viable engineering design.



*Robert Syms MP, Chair of the HS2 Select Committee*



# 1 The Committee's task

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1. Our instructions were to consider petitions against the Bill and ‘additional provisions’ to it (additional provisions being, for these purposes, amendments that potentially affect other bodies and individuals). We had powers to amend the Bill but not on its principle, which the House defined as:

[ ... ] the provision of a high speed railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham, and intermediate stations at Old Oak Common and Birmingham Interchange.

Also not at issue before us was the railway’s “broad route alignment”.<sup>1</sup> The “broad route alignment” language was chosen to permit an element of sensible discretion. We had power to make changes within but not outside that alignment.

2. A total of 2,586 petitions was deposited against the Bill and its additional provisions, of which 1,918 petitions were deposited against the Bill itself and 668 were against additional provisions.<sup>2</sup> We heard nearly 1,600 of these. Approximately 800 petitions were withdrawn from the process or were not the subject of any appearance before the Committee. Many petitioners chose sensibly and helpfully to associate themselves with one or more other petitioners whose petition issues were similar or identical, and elected not to appear on that basis. There were approximately 300 of these, representing somewhat more than 10% of total petition numbers. They are listed in Annex 1. We thank them.

3. The members of the Committee before the General Election in May 2015 were: Robert Syms MP, Henry Bellingham MP, Sir Peter Bottomley MP, Ian Mearns MP, Yasmin Qureshi MP and Michael Thornton MP. From July 2015 the members were: Robert Syms MP, Sir Henry Bellingham MP, Sir Peter Bottomley MP, Geoffrey Clifton-Brown MP, David Crausby MP and Mark Hendrick MP.

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1 HC Deb, 29 April 2014, [col 771](#) [Commons Chamber]

2 [www.parliament.uk/business/committees/committees-a-z/commons-select/high-speed-rail-london-west-midlands-bill-select-committee-commons/publications/](http://www.parliament.uk/business/committees/committees-a-z/commons-select/high-speed-rail-london-west-midlands-bill-select-committee-commons/publications/)

## 2 The Bill and the Committee

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### The HS2 Phase One Hybrid Bill

#### *The Bill and the HS2 railway*

4. The High Speed Rail (London - West Midlands) Bill contains the proposed legislative powers for building Phase One of the first major rail route north of London since the 19th century. Our interim report outlined the main features of the proposed railway and the history of the Bill. It explained the nature of hybrid bills.<sup>3</sup>

5. As well as authorising the works needed to build the railway, the Bill contains powers for compulsory acquisition of land and property rights, including subsoil to enable tunnel works, and for temporary land use. The Bill also grants deemed planning permission for the railway.

6. The Bill was promoted by the Department for Transport ('the Promoter'). The works it provides for will be carried out by one or more Nominated Undertakers. One of these is likely to be HS2 Limited, which has been responsible for design preparation on the railway to date. Others might be involved, such as Network Rail.

7. The Promoter's expert witnesses were: Professor Andrew MacNaughton, Chief Engineer to the project, Tim Smart, principal engineering witness, Peter Miller, environmental expert, Rupert Thornely-Taylor, noise expert, Colin Smith, compensation expert, and Professor Robert Mair, Baron Mair, expert on ground settlement issues.

#### *Additional provisions*

8. Additional provisions are amendments to the Bill powers which go beyond the scope of the original proposals and which may potentially have adverse direct and special effects on particular individuals or bodies, over and above any effects on the general public.<sup>4</sup> If they have such effects, they may, like the Bill, be petitioned against. Some new works proposed by the Promoter did not require additional Bill powers but were predicted to give rise to new environmental effects that were assessed as significant. Such works triggered the production of further environmental statements assessing those additional environmental effects. The Bill authorises railway and associated development to the extent of both its scheduled works and the works assessed in the environmental and supplementary environmental statements.<sup>5</sup> The works described in the supplementary environmental statements could be petitioned against, because they could be argued to have direct and special adverse effects in certain cases.

9. The Promoter promoted five sets of additional provisions to the Bill. There were four supplementary environmental statements. For convenience, a table of each of the additional provisions and supplementary environmental statements is set out in Annex 2, with a description of their content (in indicative, not comprehensive, terms). It is worth noting that some of the additional works promoted by the Promoter gave effect to compromises

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3 High Speed Rail (London - West Midland) Bill Select Committee, [First Special Report of Session 2014–15](#), HC 338

4 HS2 Ltd, Information Paper, [B8: Additional Provisions](#), (October 2015)

5 Clauses 19 and 63

reached with affected parties. Additional provisions can therefore be a means of achieving a more generally acceptable programme of works.

10. AP1 related to relatively minor matters such as utility works and footpath diversions. There was no need for an accompanying supplementary environmental statement.

11. AP2 (and SES1) embodied a number of significant improvements to the railway design across the route, including a lowering of the line north of Lichfield to put it under instead of over the A38, vertical realignment of the line near Hints in Staffordshire to drop it deeper into that locality's wooded landscape, a longer green tunnel<sup>6</sup> at Burton Green in Warwickshire, and a bypass at Chipping Warden in Northamptonshire. Three of these changes resulted in part from the Committee process. AP2 also proposed a relocation of the Heathrow Express depot from Old Oak Common to Langley, near Slough, to allow for HS2 construction at Old Oak Common, and a grade separated flyover for the Great Western main line. The latter two changes were notable among issues that were objected to by petitioners.

12. AP3 (and SES 2) split the programme for building the HS2 platforms at Euston station into stages. One purpose was to reduce the impacts on users of the existing railway. The extension of the project duration was not popular with Camden residents. Construction impacts would be experienced over a longer period. Arguably, the change would postpone the overall redevelopment of Euston when compared with the timings permitted by the Bill scheme.

13. AP4 (and SES3) notably contained provisions for the Chilterns bored tunnel extension as directed by the Committee. In addition, AP4 proposed amended construction arrangements in Hillingdon, including a smaller compound at Harvil Road and a new haul road to mitigate traffic impacts. The latter was not without opposition because of its possible impacts on a site of special scientific interest. AP4 also contained provision for moving Water Orton primary school, and passive provision for a Crossrail station interchange at Kensal Portobello which had been pressed for by the Royal Borough of Kensington and Chelsea as a potential means to promote regeneration.

14. AP5 related to relatively minor works in several locations along the line, including utility works, car park relocations and public rights of way diversions, together with additional land for the proposed people mover at Birmingham international station. SES4 set out works for a southward extension of the Wendover green tunnel, together with enhanced noise mitigation.

15. The main environmental statement and each of the supplementary environmental statements were the subject of consultation. The responses to those consultations were studied and summarised for the House by an independent assessor. Each of five summary reports was published on the Bill webpage.<sup>7</sup>

16. Each of the additional provisions and supplementary environmental statements was examined for compliance with the relevant private business standing orders, which include requirements relating to public notification and adequate description of the proposed works.

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<sup>6</sup> A green tunnel is a type of cut and cover tunnel

<sup>7</sup> [services.parliament.uk/bills/2015-16/highspeedrailondonwestmidlands.html](http://services.parliament.uk/bills/2015-16/highspeedrailondonwestmidlands.html)

17. For each of the additional provisions, there were a number of technical non-compliances deriving merely from the timings stipulated by the private business standing orders. (Hybrid bills do not usually comply with all standing order timings (except by happenstance), because the standing orders assume a November starting point and the relevant dates are taken to apply to the year in which the Bill was deposited. The HS2 Additional Provisions spanned two parliamentary Sessions.) The consequent technical non-compliances were reported to the Standing Orders Committees of each House which, in accordance with practice, dispensed with the need to comply with these standing orders so far as they related to the dates set out in them.<sup>8</sup>

**Table 1: Table with date of examinations and Standing Order Committee meetings**

	Examination	HC SOC	HL SOC
Bill	17.12.13 adjourned and met again 8.1.14	15.1.14	20.1.14
AP1	13.10.14	28.10.14	4.11.14
AP2	15.9.15	25.11.15 (AP2 & 3)	1.12.15 (AP2 & 3)
AP3	20.10.15 & 29.10.15		
AP4	24.11.15	8.12.15	9.12.15
AP5	15.1.16	26.1.16	27.1.16

18. On AP1, in addition to the technical non-compliances, the Promoter omitted to post a number of notices in the affected areas of Finmere and Mixbury. This was rectified with a further petitioning period, requiring an Order of the House.<sup>9</sup> On AP2, the Promoter omitted to provide certain environmental data (some 77 pages) relating to bat populations. The omitted data showed effects that were actually less adverse than the incomplete data, so essentially no potential prejudice flowed from the omission. The Promoter nevertheless extended the consultation period and the Standing Orders Committees dispensed with the non-compliance. On AP3, there was a memorial (a complaint of non-compliance with standing orders) from the Camden Cutting Group, alleging substantive non-compliance through failure to provide adequate detail on the proposed cuttings works. The Examiners did not accept this complaint.

19. On AP4/SES3, the Chilterns Society complained of substantive non-compliance with the need for a satisfactory environmental statement through failure to provide full and accurate traffic data (23 out of 245 pages had either incorrect data or references to incorrect data). The Examiners rejected the substantive complaint on the basis that the resulting traffic assessment was unaffected, but found procedural non-compliance on the grounds of the missing data. The Promoter re-opened the consultation period, and the Standing Orders Committees accordingly dispensed with the non-compliance. There was one

<sup>8</sup> The proceedings of the Commons Standing Orders Committee can be found here: [www.parliament.uk/business/committees/committees-a-z/commons-select/standing-orders/](http://www.parliament.uk/business/committees/committees-a-z/commons-select/standing-orders/)  
Those of the Lords can be found at: [www.parliament.uk/business/committees/committees-a-z/lords-select/standing-orders/](http://www.parliament.uk/business/committees/committees-a-z/lords-select/standing-orders/)

<sup>9</sup> Votes and Proceedings, [28 October 2014](#), p 396

substantive non-compliance in relation to AP5. When this was noted by the Examiners the Promoters indicated that Ministers would not proceed with the amendment concerned, which related to bridleway provision.

20. Despite their ultimate willingness to dispense with these various more substantial non-compliances on the basis of extended consultation periods, the Commons Standing Orders Committee deprecated the omissions and errors, following as they did a similar incident with the Bill, to which our interim report of 2014–15 referred.<sup>10</sup>

21. The House passed motions instructing us to consider each of the additional provisions and supplementary environmental statements.<sup>11</sup> We accepted the case for each of the proposed sets of additional provisions on the basis of assurances provided by the Promoter. The additional provisions were not formally accepted by the Committee until the end of the petitioning hearings. They are made formally to the Bill as we report it to the House.

## The Committee

### *Changes in Committee membership*

22. Before the May 2015 General Election, our members were Robert Syms MP, appointed to chair the Committee, Henry Bellingham MP (as he then was), Sir Peter Bottomley MP, Ian Mearns MP, Yasmin Qureshi MP and Michael Thornton MP. Michael Thornton was not returned to Parliament at the election. We are most grateful for his conscientious contribution and support. By Order of the House of 7 July 2015, Ian Mearns MP and Yasmin Qureshi MP were discharged from the Committee and Geoffrey Clifton-Brown MP, David Crausby MP and Mark Hendrick MP were appointed. The new members confirmed that they had no personal or constituency interest in the Bill. They were briefed by the Clerk and the Promoter on procedure, petitioning, the proposed route, tunnelling and engineering, noise and compensation, and took part in familiarisation visits.

23. We pay tribute to the astute chairmanship of Robert Syms, and to the informal deputy Chairs, Ian Mearns and David Crausby. We thank Sir Henry Bellingham for acting as our informal Whip.

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<sup>10</sup> HC (2014–15) [338](#), para 11

<sup>11</sup> The dates of the Standing Orders Committees meetings are indicated in Annex 2



*Previous Committee Members*

## **Committee programme and decision making**

### **Programme**

24. Following the General Election, we picked up on the work of our predecessor Committee, beginning with the matter of the Colne Valley viaduct and whether it should be replaced with a tunnel. Having heard the petitions on that issue, we announced on 15 July 2015 that we were not convinced by the arguments for replacing the viaduct with a tunnel. The cost estimates were high (almost certainly more than £200m), and would clearly have remained high even with greater scrutiny, which we decided was not merited. We said that the priority should be on mitigating construction and traffic impacts in the Hillingdon area. South Buckinghamshire will be affected in like manner. Our concerns translated into the form of works improvements contained in AP4, which we considered in January 2016.

25. Toward the end of July 2015 we considered the case for the proposed Chilterns long tunnel as made by some of its principal exponents. We announced on 21 July 2015 that we had not been convinced by the case for the Chilterns long tunnel as articulated by those petitioning bodies. We noted in passing that, had there been an overwhelming case for the long tunnel, we would have expected to have heard it from those principal protagonists. The arguments for and against the long tunnel proceeded on the basis of more finely balanced points. We directed preparation of an additional provision for a northward extension of the bored tunnel in the Chilterns, for reasons set out in our discussion of the Chilterns tunnel arguments below. As noted previously, this extension became part

of AP4. We requested a review of noise mitigation in Wendover. The resulting proposals became part of SES4

26. In September 2015, we heard from the many hundreds of Chilterns petitioners whose petitions mostly took the form of somewhat generic objections and mitigation requests. Many pressed passionately the case for a long Chilterns tunnel. We heard other Chilterns and Buckinghamshire petitioners in October and November 2015, with further fervent argument in favour of a long tunnel, and discussion of other issues, including possible traffic problems. We heard substantial argument about the relative merits of the Chilterns northward tunnel extension in November 2015 and January 2016, including from petitioners against AP4. The benefits of AP4 relative to the Bill scheme were broadly accepted. Many petitioners persisted with their arguments for the long tunnel.

27. In December 2015, we heard petitions from Camden and Euston, including petitions on AP3.

28. In November and December 2015 and January 2016 we considered locus standi challenges to AP2, AP4 and AP5 (SES4) petitions. As we explain in the chapter of this report on locus standi, many—although not all—of these petitions were allegations not that the additional provisions were harmful but that they did not adequately deal with complaints against the Bill itself. Broadly, we upheld the locus challenges in these cases on the basis that complaints against the Bill were ‘live’ until this final report. Additional provision petitions should be about alleged adverse effects of the additional provision, not whether the additional provision is not good enough in addressing the effects of the Bill.

29. AP2 and AP4 petitions not already heard were programmed for January 2016. These included petitions against the relocation of the Heathrow Express depot to Langley. They also included petitions in relation to the revised construction arrangements in Hillingdon and South Buckinghamshire. AP5 petitions, which mainly concerned noise mitigation in Wendover, were heard in February 2016.

30. The high numbers of petitioners prompted some prognostications of programming doom. Petitioners did not often need to sit late with us into the evening. We are grateful to those petitioners who responded positively to our exhortations regarding grouping and association, and marshalling of arguments. This helped avoid going over familiar ground.

31. Many petitioners wanted to attend the proceedings in person to show support for fellow petitioners, with especially high numbers from the Chilterns and Camden. We had space in the committee room for about 40 members of the public. At our request the House authorities provided a spill-over room for several weeks in September and December 2015 and briefly again in January 2016. This helped address an important element of participation: as had been predicted to us by the Speaker, some petitioners were content not to address the Committee on the basis that they nevertheless attended and were recognised as having attended.

### ***Form of decisions and Bill amendments***

32. This report contains general recommendations as well as recommendations on specific petitions. During the hybrid bill process, the Promoter has also offered significant

assurances in individual cases, as well as generally.<sup>12</sup> The Bill itself contained substantial mitigation against adverse effects. Additional provisions have set forth further mitigation. It can be assumed that, in cases we do not expressly mention, we were content not to intervene on the position taken by the Promoter by way of the mitigation in the Bill itself, the additional provisions, general assurances, the specific assurances offered by the Promoter to petitioners and/or the position as it stood following the Government's response to our 2014–15 interim report.

33. Many of our directions have been effected through assurances and/or negotiated settlement of one sort or another rather than requiring changes to the Bill language.<sup>13</sup> For instance, we wanted to flag that a spur to Heathrow will not be implemented in construction of HS2. That will take effect through a direction that the relevant Bill powers for passive provision will not be exercised, rather than through Bill amendments. The additional provisions required substantial amendments. Counsel for the Promoter presented us with a list of these and described their scope. We have noted above how these are dealt with procedurally.

34. We have published the formal minutes of the Committee separately. These record petitioners' hearings dates.<sup>14</sup>

### **Acknowledgments**

35. We greatly appreciate the contributions of parliamentary colleagues and their staff who have so assiduously supported and promoted the interests of their constituents. They helped us identify their foremost concerns. Dealing with HS2 caseloads has been a major undertaking. In some constituencies it has been a full-time job for Members' staff. The HS2 committee support team led by Lucy Lagerweij has performed an outstanding job, under great pressure. The programme manager, David Walker, has been a model of efficiency, tact and good humour. He has been praised publicly by many petitioners. We pay tribute to the good-natured responsiveness and professionalism of the Promoter's counsel and expert witnesses.

36. Many parts of the House service assisted us ably in achieving our schedule, including the Doorkeepers, the security staff, the Hansard reporters, the broadcasting and sound staff, and the catering staff, who provided evening food for the public for heavily attended sessions, on several occasions at short notice. The Committee assistants Miguel Boo Fraga and Michelle Garratty merit particular thanks for their reliability, tenacity, patience and good humour over nearly two years of proceedings. They very capably administered hundreds of hours of petition hearings, often simultaneously with the petitioning deposit processes for the five separate sets of additional provisions, several of which happened almost back-to-back (if not simultaneously). Many hundreds of petitioners were welcomed to the Committee corridor. Huge amounts of evidence and programme material needed organising and publishing when the Committee was not actually sitting. They took on and accomplished that task conscientiously.

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12 HS2 Ltd, [Register of undertakings and assurances](#), December 2014

13 The changes to Clause 47 discussed below are an exception.

14 See Committee website. Evidence from proceedings was also published there. 'P' numbers designate Promoter evidence; 'A' numbers designate petitioner evidence.

37. We gratefully acknowledge too the contribution of others from across the House service who volunteered to assist in accepting petitions on a rota basis during petitions deposit periods, sacrificing recess days or days in their regular workplaces to help out. Their contribution was vital. We are grateful to Neil Caulfield, Clerk to this Committee. His legal experience, good humour, and constant energy, together with his wisdom and common sense, have made it possible for us to carry forward our duties. We understand the high regard in which he has been held by petitioners. We thank him for leading his team and we thank them all together for their resilience and help in making possible the fulfilment of our responsibilities during hearings and in producing this report.

### 3 Visits

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38. Before the May 2015 General Election, Committee members visited areas on the proposed line north of Buckinghamshire, as well as the Colne Valley, Hillingdon, Harefield, Ruislip, Northolt and Old Oak Common. There were also visits to Crossrail, to HS1 in Kent, and to the Arup sound laboratory in London.

39. In June 2015, Committee members visited north Buckinghamshire and the Chilterns. Following the change of Committee membership which took place on 7 July 2015, the new Committee members requested their own visit to those areas. To be most valuable, the visit needed to take place before the September 2015 hearings of Chilterns petitioners, so it was arranged for a day in August 2015. We regret the failure to respect the published arrangements for community meetings on that day. The planned manageable number of community meetings, and the timetable, were disrupted when all stops on the itinerary were treated as opportunities for mass lobbying. Important stops were missed, which frustrated some of the objectives of the visit. This was unfortunate.

40. The new Committee members visited the Arup sound laboratory in October 2015. Later in that month, all Committee members revisited the sound laboratory for a demonstration of train pass noise as modelled for a sample site, based on a location near Aylesbury. This was useful.

41. In December, the newer Committee members had the opportunity to visit the Old Oak Common area as part of a wider visit by the Committee to north London, Camden and Euston. In January 2016, Committee members undertook a visit to the proposed site for relocation of the Heathrow Express depot in Langley, near Slough.

42. The Committee is immensely grateful to all who helped in organising the visits, including local MPs, their constituency and research staff, local authority staff and local residents. The visits were made possible by the hard work of HS2 staff, particularly Jeffrey Wright.

Table 2: Location visited by Committee members

Date	Location visited by Committee members
8 July 2014	Arup sound laboratory
15 July 2014	Birmingham Curzon Street to Water Orton and Kingsbury, accompanied by Dan Byles MP and Rt Hon Caroline Spelman MP
16 Sept 2014	Birmingham Interchange site to Lichfield, accompanied by Rt Hon Caroline Spelman MP, Dan Byles MP, Christopher Pincher MP and Michael Fabricant MP
17 Sept 2014	Crossrail site at Limmo peninsula, Canning Town
7-8 Oct 2014	South Warwickshire, accompanied by Rt Hon Jeremy Wright MP and Jim Cunningham MP, and Mixbury, Oxfordshire
27 Oct 2014	South Northamptonshire, accompanied by Rt Hon Andrea Leadsom MP
2 Dec 2014	HS1 in Kent
15 Jan 2015	Denham, Colne Valley, Harefield and Ruislip, accompanied by Rt Hon Dominic Grieve MP and Nick Hurd MP
5 Mar 2015	Old Oak Common and Northolt, accompanied by Angie Bray MP, Andy Slaughter MP and Stephen Pound MP
11 June 2015	Aylesbury and Wendover, accompanied by Rt Hon David Lidington MP
22 June 2015	The Chilterns, including Wendover Dean, accompanied by Rt Hon Cheryl Gillan MP
26 June 2015	North Buckinghamshire, accompanied by Rt Hon John Bercow MP.
10 Aug 2015	North Buckinghamshire and the Chilterns, accompanied in part by Rt Hon Cheryl Gillan MP, and the representatives of Rt Hon John Bercow MP and Rt Hon David Lidington MP (Geoffrey Clifton-Brown MP, David Crausby MP, and Mark Hendrick MP attending)
15 Oct 2015	Arup sound laboratory (sound demonstrations for new Committee members)
27 Oct 2015	Arup sound laboratory (model of Aylesbury location)
9 Nov 2015	Old Oak Common, accompanied by Dr Rupa Huq MP and Andy Slaughter MP; Kilburn and Hampstead, accompanied by Tulip Siddiq MP; Camden and Euston, accompanied by Sir Keir Starmer QC MP.
11 Jan 2016	Slough, Langley and Iver, accompanied by Rt Hon Dominic Grieve MP and Fiona MacTaggart MP.

## 4 Principal conclusions and recommendations

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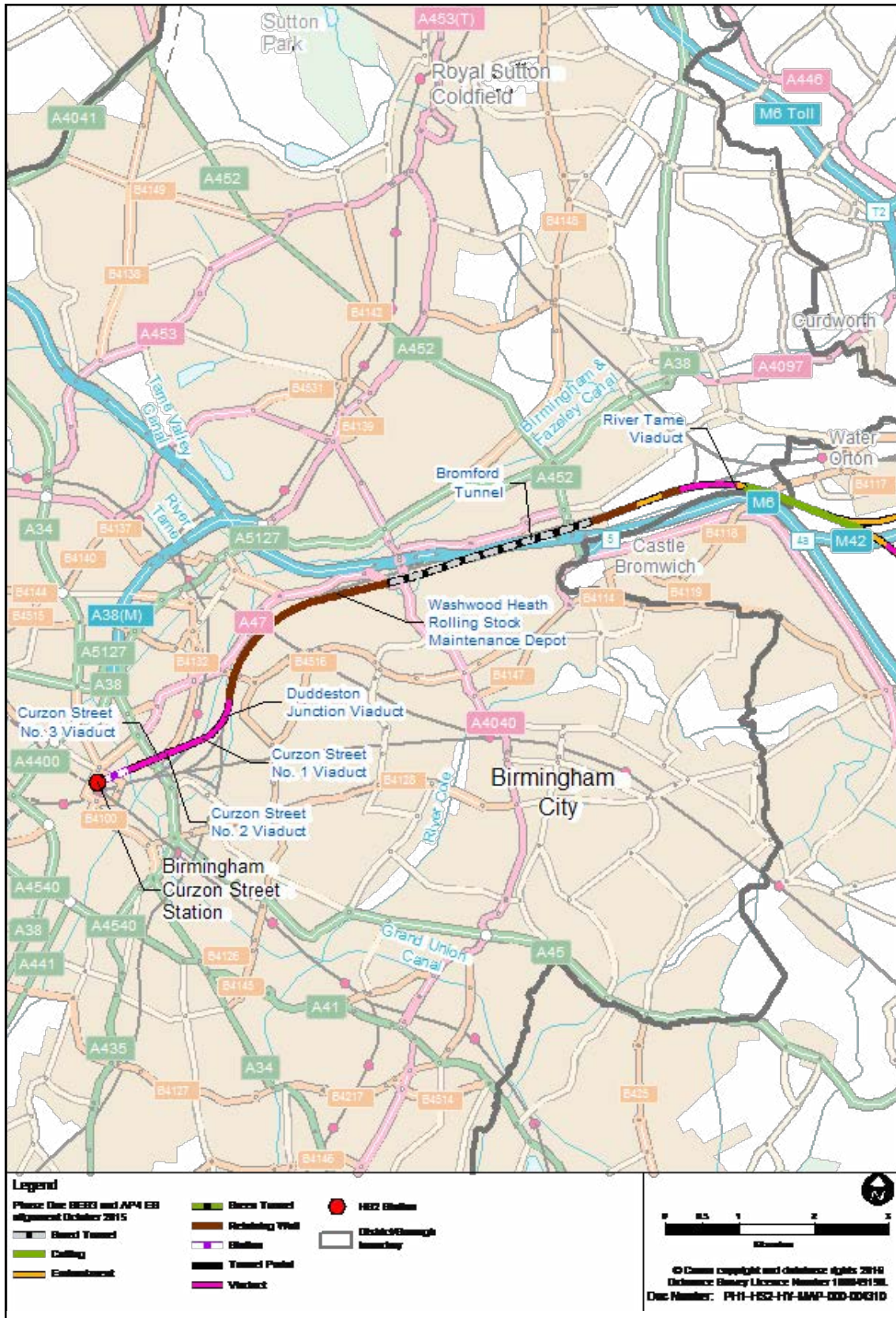
### Birmingham

#### *Birmingham Curzon Street and related matters*

43. We began our hearings with petitions from central Birmingham. Principal issues were the design and configuration of Curzon Street station and land use there and to the east. Our interim report of 2014–15 emphasised the need for connectivity through and across the station to accommodate the needs of adjoining businesses and undertakings as well as rail users.

44. We are pleased that Birmingham City Council was offered sufficiently satisfactory draft assurances that it was able to dispense with a substantive appearance before the Committee. Key among the assurances offered were: involvement in station design, good station permeability, cooperation on relocating displaced businesses within Birmingham where possible, and provision of local apprenticeships. A strategy was agreed to mitigate the impact of HS2's requirement for temporary closure of Saltley viaduct. There will need to be convenient access between the Curzon Street station and Birmingham New Street station.

45. We said early on that we wanted an accommodation to meet the needs of Curzon Park Limited. We are pleased that in addition to Curzon Park Limited retaining certain land, it will retain scope for recovery of land subject to feasibility. The Promoter will consult Curzon Park Limited during the detailed design of Curzon Street Station with regard to development potential of the retained land.



## Washwood Heath

46. Washwood Heath, 3.5km east of Curzon Street, will be the site for HS2's rolling stock maintenance depot. The depot's location and ability to operate efficiently will be critical to the railway's functioning. Early in our proceedings we heard arguments for moving it to a site near the proposed Birmingham interchange station. Recognising that a quick decision was needed to provide certainty, we said in December 2014 that we were not persuaded by arguments in favour of the alternative site. We gave the reasons in our interim report of 2014–15.

47. Washwood Heath is in an area of high unemployment. Although the maintenance depot will create jobs, Rt Hon Liam Byrne MP persuaded us that its potential for additional regeneration needed more recognition. We directed a review to minimise the temporary and permanent use of land by the Promoter, and to maximise opportunities for employers to establish themselves as soon as possible after construction. Mr Byrne was instrumental in pushing the review forward.

48. Much progress has been made. Through Professor MacNaughton's skill and work, creative engineering proposals have been developed to permit some 30% less land take including through provision of underground balancing ponds.<sup>15</sup> The area potentially to be handed back after construction is 50% greater than in the Bill scheme. Mr Byrne told us that, as a result, up to 3,000 jobs, rather than 300, stand to be created.

49. Two issues remained: the extent of land required temporarily for construction arisings, and the location of land to be handed back. Each affects the extent of further opportunities for job creation. Mr Byrne favoured an alternative for the former, at Saltley Business Park. The Promoter was concerned not to prejudice the needs of existing businesses at that site. On land to be handed back, the issues were with its accessibility and value.

50. The current owner of the land at Washwood Heath pressed the Committee to put the Promoter under an obligation of using best endeavours to find a solution in relation to both matters. We wanted to achieve a sensible consensual solution. The parties came back with an agreed draft direction, with only the question of a best endeavours obligation outstanding between them. We decline to force the Promoter's hand to the extent of imposing a best endeavours obligation. Accordingly, we give the following direction (which is in terms agreed by the parties):

*In December 2014 we directed a review to minimise the temporary and permanent use of land by the Promoter at Washwood Heath and to maximise opportunities for other employers to establish themselves as soon as possible following construction. We note, though issues remain, the progress which has been made between HS2 and AXA to date in terms of the land take required for the Depot and drainage. We reiterate our general view that both the permanent and temporary land take should be the minimum as far as possible and for the shortest time, with a hand-back configuration that after construction will attract maximum business use of the residual site. As such, the Promoter should, using its reasonable endeavours, continue to seek to reduce further the extent of land (whether for permanent or temporary use) including land required for construction and associated works and/or the duration for which the land is*

<sup>15</sup> HS2 Ltd, Information Paper, [E17: Balancing ponds and replacement food storage](#) (June 2015)

*required in order to maximise the prospect of early development and job creation. We also encourage all relevant parties to facilitate the early, coordinated and comprehensive development of employment land at Washwood Heath.*

## Staffordshire

51. Our interim report of 2014–15 explained that the Bill as presented would have taken the railway over the A38 near Streethay, north of Lichfield. This was strongly opposed by the local community and its Member of Parliament, Michael Fabricant MP. AP2 proposed a revised scheme whereby the line will pass under the A38. Parties affected by the revision had the opportunity to petition against it.

52. The main petitioning concerns were the diversion of Wood End Lane consequential on the revision, access issues, and additional land take, including for mitigation planting. The Inland Waterways Association, for instance, pressed for a changed alignment of that road. The Promoter is considering whether that can be achieved. The alternative may raise safety concerns. The Promoter will review the Wood End Lane arrangements if the prospect of local property development re-emerges as the outcome of a planning appeal. In the main, it appears that sensible accommodations have been or will be reached with AP2 petitioners. We abide by our endorsement of the AP2 route revision.

53. The Lichfield Cruising Club has facilities on the Wyrley and Essington Canal but will require replacement hard standing provision because of the HS2 works. AP2 exacerbates the impact. We found the Club's requests to be reasonable. Subject to satisfactory costs audits we expect the Promoter to fund replacement accommodation.

54. AP2 contains significant improvements for the valued woodland landscape near Hints, including a green bridge for Brockhurst Lane, reduced intrusion into Rookery Wood, better screening of the railway, and additional planting to enhance connectivity between woodlands. The value of that amenity had been emphasised to us on our visit to the area with Christopher Pincher MP.

## North Warwickshire

### *Kingsbury and Water Orton*

55. We heard petitioners from these communities in the 2014–15 Session and again in the 2015–16 Session in relation to the additional provisions. Craig Tracey MP and Dan Byles, the current and former Members for North Warwickshire, each addressed us. Our 2014–15 interim report dealt with some principal issues.

56. Kingsbury will be the location of a major construction railhead, possibly also for Phase Two. It is to be the subject of a special management zone. We directed special arrangements in relation to a number of petitions. Residents were concerned about traffic volumes at the Dunton traffic island. The Promoter told us that optimised traffic signalisation would assist. The Promoter has said that it will seek to design balancing ponds to accommodate the wishes of local residents.

57. In Water Orton, the proposed haul road will be used as far as is practical to avoid incursion of traffic into the village. The junction of Gorsey Lane and the A446 forms

the gateway to Water Orton. We expect the design of the viaduct at that location to be sympathetic to the local environment. The local action group questioned whether more extensive mitigation planting was possible but the Promoter said that the land in question might form a suitable relocation site for the local rugby club. We are pleased that the Promoter agreed to fund the moving of Water Orton Primary School with a contribution of £3.5m. We endorse the emphasis placed by Craig Tracey MP on the need to ensure the welfare of the children during the move.

### *Other issues*

58. The owner of the Grimstock Hotel in Gilson is nearly 70 and wishes to make retirement plans.<sup>16</sup> The project will not intrude that severely on the property physically, but we heard that the business is suffering detriment. The Promoter would incur the cost of an element of compensation for this business in any event. A disputed claim would incur legal fees. Both the owner and the hotel employees deserve some certainty. We have directed acquisition of the hotel. The Promoter can sell it on or run it as a going concern, possibly with the owner as a consultant.

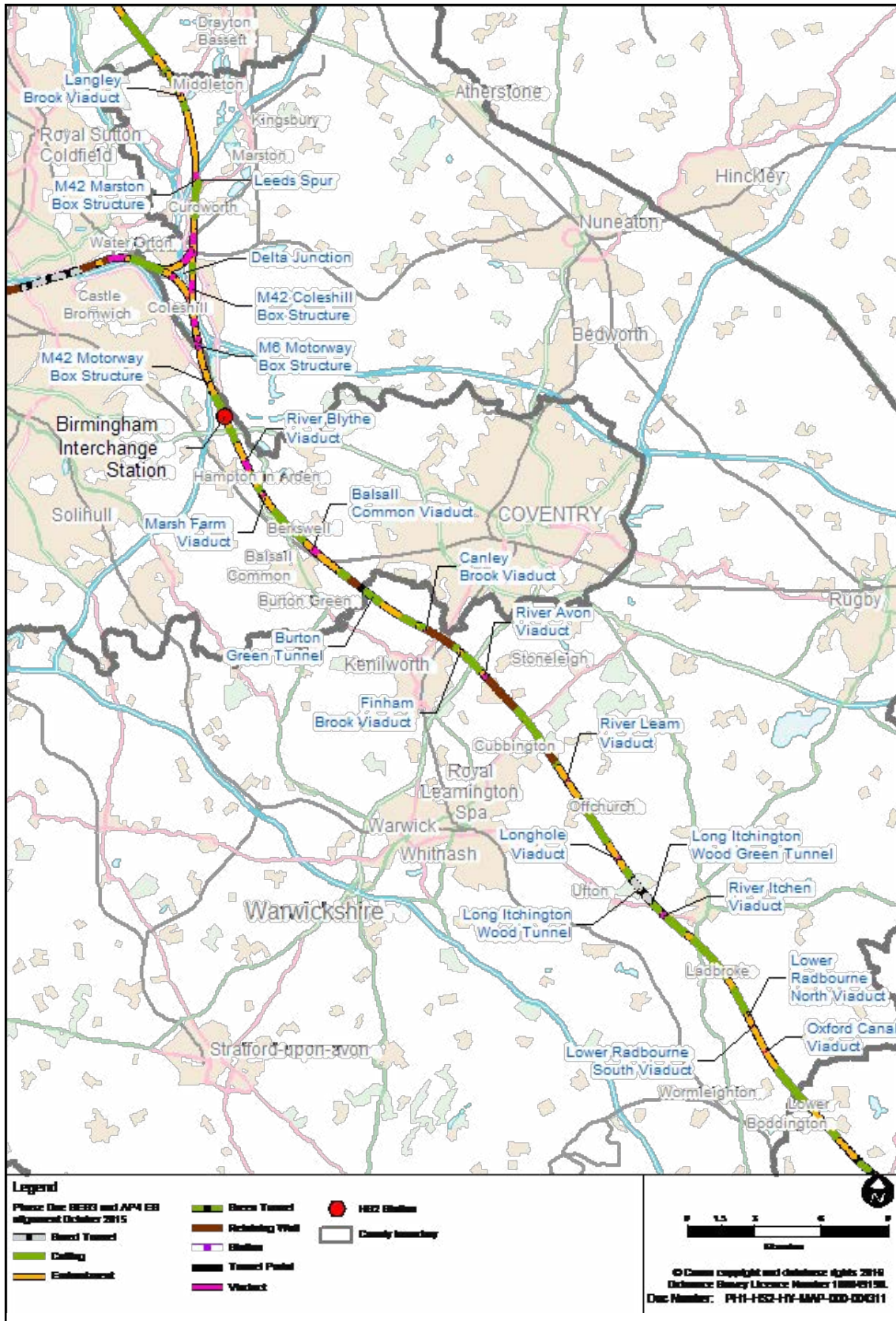
59. Patrick Dillon is the owner of Dunton Hall and surrounding land. He operates a business on the land and may in future want to exercise mineral extraction rights. The Promoter proposed an alternative access to accommodate those activities without intruding on the needs of a neighbouring landowner at Reindeer Park. Among other matters, Mr Dillon sought an assurance that if the Promoter were at any point to acquire Reindeer Park a different access could be considered. The Promoter said that that could prejudice the value of any future interest in Reindeer Park. We have pressed the Promoter to reconsider its position on that issue. The matter can be pursued in the House of Lords if necessary.

60. In Curdworth we expect a sympathetic viaduct design for the crossing of the Birmingham and Fazeley canal in a sensitive location.

61. The north Warwickshire area will experience major effects from the project. We urge the Promoter to be assiduous in maintaining contact with the constituency MP, as with all Members with constituencies on the line.

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<sup>16</sup> The petitioner was Silklink Ltd



## West Midlands

### *Birmingham Interchange*

62. Traffic issues are especially important in this area. We welcome the accommodation reached between the Promoter and the National Exhibition Centre to in relation to the impact of traffic on the NEC (as well as on provision of a stop for the NEC on the people mover from the Birmingham Interchange). We also welcome the announcement by Highways England in September 2015 that among the key projects in its £1.8bn package of road improvements in the Midlands will be an upgrade to junction 6 of the M42 (with the A45, near the NEC and Birmingham Airport). This will prepare for the arrival of the HS2 Birmingham Interchange station and further development in the area over the next decade.

### *Hampton-in-Arden*

63. East of the village of Hampton-in-Arden, a viaduct is required to allow the route to cross the River Blythe. In the Bill as presented, the viaduct was approached on an embankment approximately 250m long, which might have presented an obstruction to river drainage. With prompting from local people, the Promoter substituted by means of AP2 a longer viaduct of some 480m, at an extra cost of approximately £10m. This will be more permeable to river drainage. We note that the longer viaduct is also perceived as potentially bringing an improved visual appearance to the railway profile in the area. The local Member of Parliament, Rt Hon Caroline Spelman MP, stressed the importance of a sympathetic viaduct design. We are confident from our interaction with local residents and representative groups that they will employ their considerable knowledge and expertise to engage constructively in the design process.

64. The viaduct will require substantial construction work. In addition, because the line will bisect Diddington Lane—the less significant of two roads that exit Hampton-in-Arden eastward to the A452—a bridge and some realignment are required if that that road is to be kept open. Petitioners from the village argued against continued road access except for farm traffic. They maintained that straightening and rebuilding the road would encourage an increase in traffic volume and speed. They were worried about increased traffic from the Birmingham Interchange station. The local landowner, the Packington Estate, was among those pressing for continued general access on various grounds including the risk of rubbish dumping on a gated road. Whereas the Bill as presented would have seen the road stopped up, AP2 presented a scheme for continued general access.

65. We favoured the proposed AP2 scheme. Access to Diddington Lane can be regulated if appropriate. The Promoter told us that it could live with that. Solihull Metropolitan Borough Council can be approached with concerns about traffic speed and volume, and will be able to take traffic calming or prohibition measures if they are needed. We note that construction traffic will avoid the village.

66. The Promoter has given assurances that subject to feasibility it will use reasonable endeavours to support the relocation of a local recycling centre, currently located off the A45, to a brownfield site rather than the greenfield site proposed in AP4. The railway necessitates a relocation. Residents were understandably worried that any access to the proposed AP4 site from Diddington Lane might cause nuisance. Although we heard that

the site would be reached from the A45, residents remained concerned, believing that traffic volume on the A45 might induce a change of position. We hope that the brownfield alternative comes to fruition. It would also avoid new intrusion onto greenbelt land, whose value was emphasised by Rt Hon Caroline Spelman MP.

### **Other issues**

67. Mrs Spelman was concerned about a number of other ways in which the project would affect her constituency, such as the relocation of the Island Project School for autistic children and access and alternative parking accommodation for the National Motorcycle Museum. We are glad that there are plans for satisfactory resolution in each case.

68. The Government response to our 2014–15 report accepted that measures to address the environmental condition of the River Tame might sensibly be the subject of a bid for support funds.

69. In relation to the issues raised by the Colehill Estate regarding permanent acquisition of land and future provisions of easements, we are satisfied that the Promoter's positions are reasonable ones.

70. Richard Lloyd of the Heart of England Railway Action Group argued for better noise attenuation at the playing fields at Chelmsley Wood. His detailed insight is often helpful. We would like some greater recognition by the Promoter of the needs of those using the playing fields. There should be sensible arrangements on footpaths there and elsewhere in this area.

71. We gave our recommendations on Balsall Common and Berkswell in our 2014–15 report, including a review of noise mitigation. The Promoter has set out a number of noise mitigation options on which it will consult with the local community at detailed design stage. We are content with this approach.

## **South Warwickshire**

### **Vertical alignment**

72. We asked the Promoter to review whether the vertical alignment of the line could be lowered in this area and what the benefits might be. The Promoter explained that lowering the line would push it deeper into the water table, which would require flood risk management and greater land take. Cuttings at Offchurch and Cubbington will already be deep. The Promoter pointed out that significant adverse noise effects were predicted in relation to only nine dwellings. We decided against recommending any lowering of the line here.

### **Roads**

73. Substantial agreement was reached with Warwickshire local authorities on highways matters. They did not press for a grade separated development of the A46/Stoneleigh Road junction as part of the bill, because it would have required an additional provision. They would pursue this proposal by other means, and had received assurances that the Promoter would not act to obstruct it. We are pleased that the Promoter conceded provision of

a wider and safer cycleway along the A423 in response to urging from Rt Hon Jeremy Wright MP. Mr Wright told us he was sceptical about the suitability of the B4115 for use even temporarily as a construction route. The Promoter said that it would seek to build substitute slip roads for construction use quickly.

### ***Burton Green***

74. AP2 produces a short extension of the tunnel at Burton Green to provide additional mitigation. It will produce a small noise reduction. Rt Hon Jeremy Wright MP pressed for modelling of noise at the tunnel portals to reassure residents. We have repeatedly sought such modelling and have been disappointed with the Promoter's reasons for not providing it: technical difficulties, and the anticipation that tunnel boom can be designed out. The Promoter has managed to produce models elsewhere. If the model were to show no tunnel boom, so much the better.

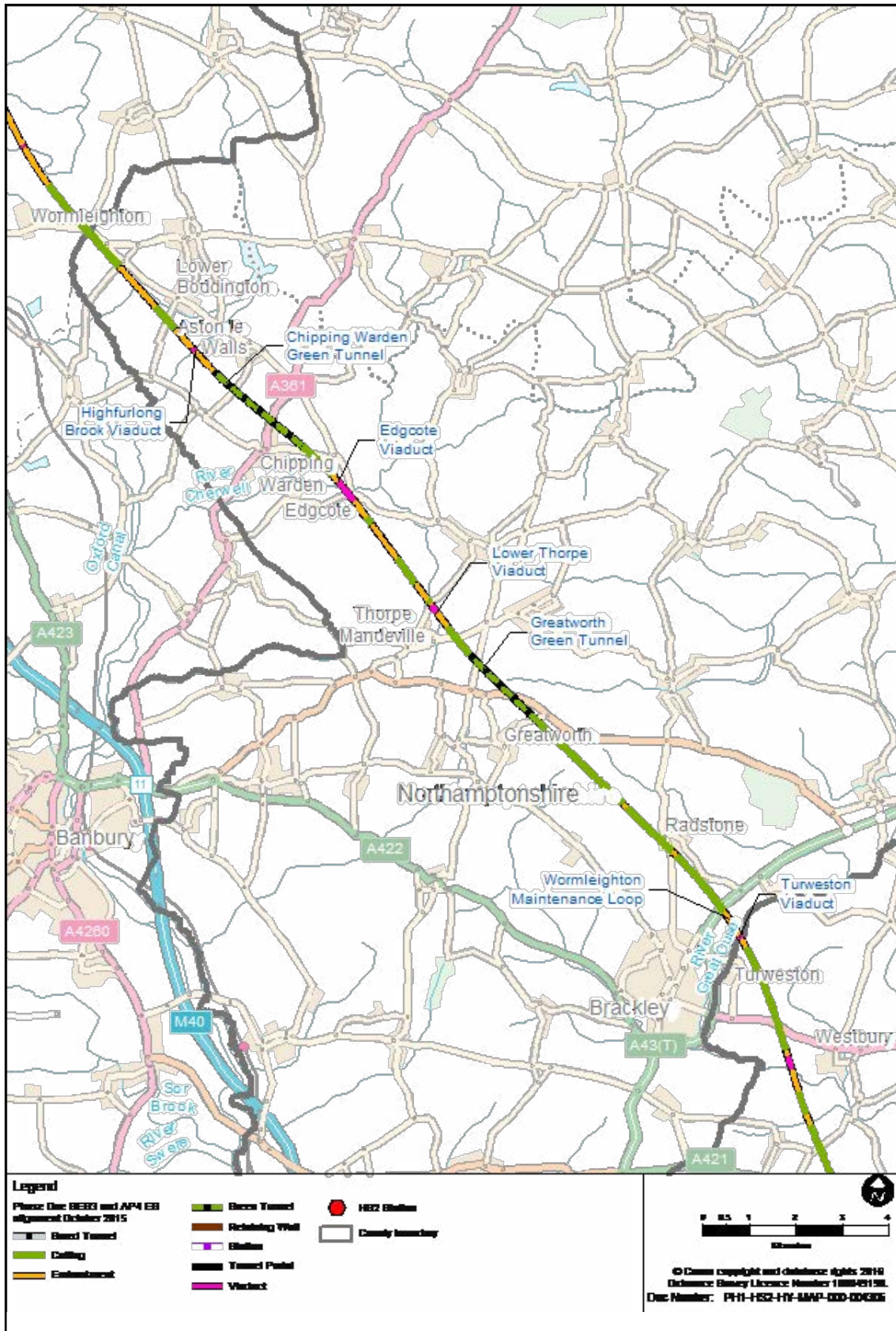
75. We received a welcome update on the number and condition of HS2 lettings in Burton Green.

### ***Stoneleigh***

76. The route was moved away from the village of Stoneleigh during an early review of the route. Changes to the alignment of the B4115 under AP4 will benefit local ancient woodland. We welcome that.

### ***Other issues***

77. We are pleased that, following Committee promptings, accommodations were reached with Kenilworth Golf Club and with the owners of Dale House.



## Northamptonshire

### *Chipping Warden and Aston-le-Walls*

78. On our visit to this area, Rt Hon Andrea Leadsom MP noted a number of traffic safety concerns. We are pleased that, under AP2, Chipping Warden will benefit from provision of a bypass. Furthermore, construction traffic will reach the railway trace without unduly intruding on the small nearby habitation of Aston-le-Walls. Our interim report of 2014–15 directed provision of a roundabout at the intersection of the A361 and the Welsh Road. These improvements will together offer an important legacy of road improvements in the area.

79. We heard remaining concerns about substantial existing flood risk in the Chipping Warden area and the possibility that tunnel construction will exacerbate it. We have directed a high-level study of drainage needs.

### *Culworth and Lower Thorpe*

80. The Promoter accepted our recommendation to provide better noise protection for Culworth by means of a noise barrier on the north side of the Lower Thorpe viaduct. Provision has been made in AP4.

### *Radstone*

81. Our 2014–15 interim report sought consideration of a lateral movement of the line away from Radstone. The Promoter told us that the challenge was to avoid consequential adverse effects on Turweston, to the south.

82. Since the Radstone Residents Group appeared before the Select Committee in February 2015, the Promoter and the residents group have worked collaboratively to agree changes to the scheme that offer increased noise and visual mitigation for the residents of Radstone. This includes an 800m-long, 5m-high trackside noise barrier as the route passes the village, and a commitment to lower the railway's vertical alignment and to increase the height of earth bunds. On that basis, the group withdrew its petition against the Bill. We are pleased with this improved outcome.

83. We note that, in Greatworth, construction of HS2 may present an opportunity to improve the local footpath network.

### *Wormleighton and Priors Hardwick*

84. Petitioners from this area argued that the line should pass under the Oxford Canal. This would require deep cuttings and security from water ingress from the canal onto the railway. We were not convinced that the line should be lowered, but we recognise that this is a sensitive matter, in particular because the contour canal meanders for a considerable distance around the proposed route. The design of the viaduct to take the railway over the canal needs to reflect the area's special nature.

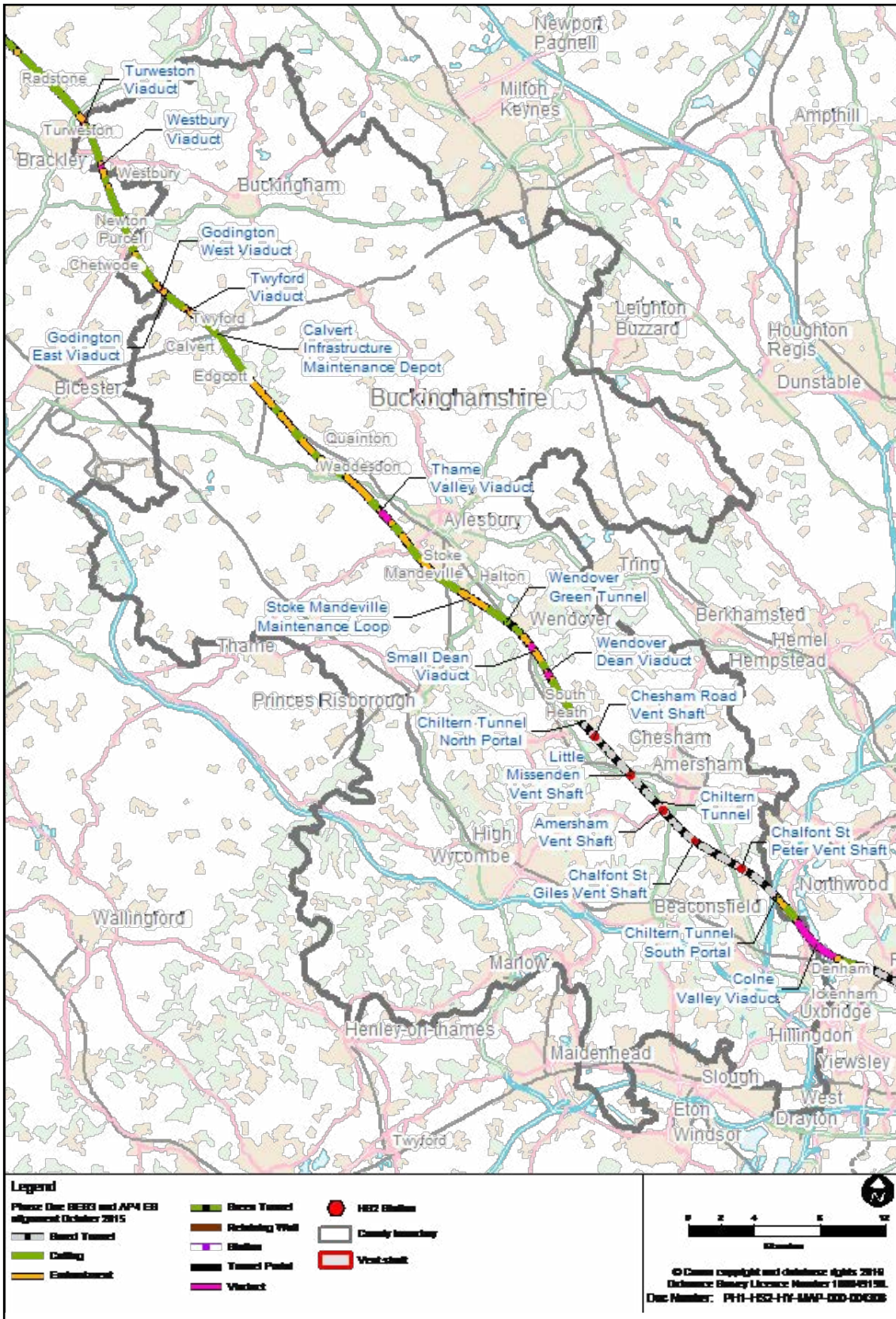
## Oxfordshire

### *Wardington*

85. Victoria Prentis MP and residents of Wardington addressed us with concerns about proposals to route spoil movement by road through Wardington village on the A361. The purpose would be to use earth excavated at Greatworth and Turweston for earthworks construction at Lower Boddington. Very high HGV movements would be required over an extended period of possibly between 1½ to 2 years. The Promoter is considering how to reduce the volume of materials needed at Lower Boddington, as well as an alternative spoil removal route using a conveyor over the A43, which we heard could achieve reductions of up to some 30% of heavy vehicle movements. We were encouraged by that creative approach. Nevertheless, we believe the possible traffic burden on Wardington needs careful attention. The village has been seeking a bypass, and would struggle to cope with the currently proposed HGV movements. We urge the Promoter to assist in finding ways to address matters.

### *Mixbury*

86. Mixbury is a horse riding and training area. It is quiet. There were concerns about the risk of horse startle, particularly at Hollow Barn on the Westbury circular ride where several bridleways will converge to cross the line. Our interim report of 2014–15 prompted the Promoter to develop better screening at this location. Mrs Prentis told us that local businesses and bridleway users remained sufficiently worried to have considered raising funds for greater noise barrier protection themselves. We direct the Promoter to go one step further than it already has on the basis that there should be some local funding contribution too. The Promoter should seek a 1:1 matched funding arrangement with local interested bodies for provision of greater barrier protection in the vicinity of the bridleway crossing.



## North Buckinghamshire

### *Turweston*

87. Petitioners from Turweston needed a solution to address the intrusion of the line on the important village playing field. We asked the Promoter to think about alternative grounds that would not incur ongoing costs to the parish council. It may be that undergrounding of power lines could be part of the answer. The Promoter is examining that and has commissioned an analysis of options which will be shared with the parish council when completed. The Promoter gave assurances on movement of construction traffic through the village.

### *Chetwode*

88. Chetwode is an historic small village whose quite widely separated habitations will be severed by the line. Rt Hon John Bercow MP and Aylesbury Vale District Council underlined residents' worries about the potential separation of residents in the community, and about noise impacts and effects on important and long-standing institutions such as the ancient church. We listened carefully to these concerns and we examined the noise impacts. We asked the Promoter for a report and detailed costings on possibilities for mitigation. We heard that tunnel options offering substantial increases in noise protection would cost between 14 and 24 times more than noise barrier options. A green bridge option would cost at least four times more while offering only minimal additional noise protection and arguably only minor landscape and integration benefits. Although we concluded that additional costs of that order would not be proportionate, we stipulated that there should be noise barrier protection extending to both ends of the village, at an additional cost of £3m.

### *Twyford*

89. Twyford residents expressed concern about noise impacts from the route. The route has already been moved to reduce noise impacts. The local church is within the lowest observed adverse effect level for noise together with eight properties. In response to our request at the time of the school's appearance before us, the Promoter wrote to the Twyford Church of England school with assurances about maintenance of access provision. To allow one of the two roads to be open during construction, works on School Hill and West Street will not be carried out simultaneously. Perry Hill will be open throughout. We ask the Promoter to ensure that concerns about access to medical provision at Steeple Claydon are addressed.

### *Calvert and Steeple Claydon*

90. Calvert is the location for the proposed infrastructure maintenance depot and will be a construction railhead. The permanent site will occupy some 37ha. Construction works will occupy some 146ha, taking place over approximately nine years, we heard concerns about the cumulative impacts of construction, including from spoil placement and materials stockpiling. Residents were worried about access to vital local services in Steeple Claydon. They pressed for some quid pro quo from the impact of the project—in particular in the form of broadband provision.

91. Trains will run at their maximum speed in the area. Some local properties are predicted to experience noise above the lowest observed adverse effect levels ('LOAEL'). A 5m noise barrier will be constructed for operation, with early planting of tree screening. There will be funding of £1m to support measures for further mitigation beyond that stipulated in the environmental statement. The operational site will need 24-hour lighting provision. Lighting use will be minimised consistent with functioning of the site. Known technology will be deployed to reduce light spillage. This should be the best available. Lighting provision will satisfy environmental guidance for a 'dark sky' installation.

92. We heard that assistance will be provided with accessibility between Calvert and Steeple Claydon. We address requests for broadband in the route-wide section of our report.

93. We were not convinced that the Promoter should be required to fund a possible railway station on the East-West rail link although we fully understand why interested parties may want to pursue discussion on this.

94. Clive Higgins has a business at Steeple Claydon. His concern was about potential effects on access of a new overbridge crossing the East-West rail link, The Promoter said that its design choices were constrained by engineering requirements on the north side of the railway. We would like the Promoter to revisit this to see whether there are ways to secure better access provision for Mr Higgins.

95. The Promoter has provided Great Moor Sailing Club with a report which should allay their concerns about access during and after construction.

### ***FCC waste transfer station***

96. Calvert is the location of two significant pieces of waste disposal infrastructure operated by FCC: an energy from waste ('EFW') centre, and a rail-to-road transfer station for transferring waste from an existing railway to a site adjacent the EFW centre. The transfer station is quite close to the residential community.

97. The impact of the proposed HS2 scheme on the transfer facility would include the need to relocate FCC's sidings nearer to Calvert and to build a new overbridge. FCC was concerned that those changes could expose it to claims for nuisance through their potential impact on the community (although the Promoter has forward with assurances on FCC's possible financial exposure). It proposed an alternative, new site for the transfer station, nearer the EFW centre and further from Calvert. This option has the support of the landowner, the Claydon Estate. The difficulty is that there are protected Bechstein and other bat populations in the woodland on the alternative, southern site.

98. Rt Hon John Bercow MP and Calvert Green Parish Council were among those who pressed for a solution to recognise the concerns of Calvert residents while accommodating environmental protections. FCC wanted the alternative site to be promoted by an additional provision. That would probably delay passage of the Bill. We said that we wanted to see the alternative, southern site brought to fruition if possible. We wanted the Promoter to concentrate its mind on how to accommodate the protected bat species through alternative planting, connectivity and other mitigation measures.

99. The Promoter suggested promotion of a Transport and Works Act Order (or appropriate planning permissions) to seek to accomplish the same outcome, subject to environmental consent being forthcoming. It has agreed to fund that promotion, subject to internal departmental review.

100. There are clear advantages to local residents and to FCC for the sidings to be located at the identified southern site, without difficulty for the rail project per se. We recognise the contributions made on all sides in achieving agreements and assurances that have come close to resolving all issues or to agreeing how remaining points or future problems will be decided.

101. We are grateful to the petitioners and to the promoters for their clear response to the request we made for more to be agreed. They have made sensible suggestions on how this report could deal with remaining points. We conclude that their cooperation and discussions on specific problems are likely to make further or complete progress before consideration in the Lords. While restating our strong preference for the southern site, we do not try to impose, or to anticipate what the parties can best decide together. Reasonable requests by FCC should be compatible with the Promoter's proportionate concern for the public purse. We emphasise that the potential benefits of the southern location to the people of Calvert should be fully taken into account. The Claydon Estate owns other land in this area of the line. It sought reductions in land take and greater connectivity of woodland. We hope these can be achieved.

### ***Quinton and Waddesdon***

102. The A41 runs through Waddesdon and will be used for construction traffic. AP2 has reduced the extent of mass haul through the area. We heard arguments for either a temporary or permanent relief road to bypass the village. Opinion among local interested parties was divided. A temporary road would cost in the region of £4m and was not believed by the Promoter to constitute good value for money as it would leave provide no lasting benefit. Residents have requested a cost-benefit analysis for a permanent relief road which the Promoter will produce shortly. This will take account of environmental effects.

103. We were not convinced that there should be any change to the Promoter's proposed road alignment at Quinton.

104. Properties at Doddershall owned by Mr Christopher Prideaux and his son Mr David Prideaux will be significantly affected by the line. The Promoter has worked with them to achieve substantial improvements in the effect of the project, including on land take. We applaud those efforts. We hope that other outstanding issues in relation to this estate will be similarly resolved.

105. Further down the line, at Sedrup, petitioners sought sympathetic consideration of bunding. AP4 proposed enhanced mitigation earthworks. The Promoter explained that further bunds may create a flood risk. We ask that noise protection in the area be sensitively designed.

## Aylesbury and Stoke Mandeville

106. We note that communities in and around Stoke Mandeville would not have welcomed greater intrusion of the railway potentially resulting from certain longer tunnel options as proposed by Chilterns petitioners.

107. Many petitioners were exercised about the potential volume of traffic around Aylesbury, which lacks any ring road. The Bill contains passive provisions to permit a future ring road.<sup>17</sup> The Promoter will undertake its works on the Chilterns railway line to Princes Risborough in such a way as to permit future provision for a ring road.

108. AP2 proposed better screening and bunding of the A4010 Stoke Mandeville bypass to alleviate noise impacts at locations such as Booker Park school. The Promoter has offered to fund up to £150,000 of modelling of traffic effects in relation to the A4010 Stoke Mandeville bypass. If the modelling demonstrates unacceptable impacts, the Promoter will provide assistance with an extension to the bypass.

109. The Buckinghamshire traffic management plan will need to address the importance of access to Stoke Mandeville hospital.

110. There is limited green space amenity to the west of Aylesbury. We asked the Promoter to collaborate with local authorities and landowners and reach an understanding on a proposed linear park. Since the hearing the Promoter has provided an assurance acceptable to Aylesbury Vale District Council that £500,000 will be made available for the provision of public access, subject to agreement with relevant landowners. We would like the Promoter to take another look at screening and noise mitigation of the Stoke Mandeville maintenance loops for those in nearby communities. In any event, residents should receive as much early certainty as possible about the height of the railway at this point. We asked that there be some demonstration of the effects of passing over high-speed points. This may help to allay concerns.

111. We understand the Promoter is in continuing discussions with Aylesbury Park Golf Course about the prospect of an advance payment to provide relief for ongoing business costs. This is with a view to establishing whether there such a payment is justified and to support the necessary business case, if appropriate. The parties are in active negotiations concerning the basis of the wider compensation claim.

## The Chilterns

### *The Bill scheme*

112. The Bill proposed a 13.4km deep-bored tunnel under the southern section of the Chilterns—to be tunnelled northward from the M25. Going north, the line would run over ground, partly in cutting and partly on embankments and viaducts. The viaducts would be at Wendover Dean and Small Dean. A green tunnel would have been constructed at South Heath. The line would then run west of Wendover in green tunnel, emerging from the Chilterns to the north of Wendover. Tunnel vent shafts would be required at Chalfont St Giles, Amersham and Great Missenden.

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<sup>17</sup> That is, the railway will be built so as to permit a future ring road.

### Long tunnel options

113. Petitioners put the case for a tunnel extending under the entire Chilterns Area of Outstanding Natural Beauty ('AONB').<sup>18</sup> Among them was the Member for Chesham and Amersham, Rt Hon Cheryl Gillan MP. Petitioners relied on the AONB's statutory protection. They argued that a longer tunnel would provide enhanced environmental protection, would avoid visual intrusion into the landscape (by the Wendover Dean and Small Dean viaducts in particular), and would mitigate noise. They were concerned about construction impacts including spoil placement and traffic effects. The Promoter argued that the proposed route had already been designed to mitigate adverse effects.

114. Two longer tunnel options were initially proposed.

115. CLTi (Chilterns Long Tunnel with intervention gap)<sup>19</sup> comprised a more level route under the Chilterns than the Promoter's scheme, emerging further north of Wendover than the Promoter's Wendover green tunnel. The total tunnel length with this scheme would be 29km.

116. Proponents of CLTi argued that its smoother vertical alignment under the Chilterns would save energy costs. Tim Smart of HS2 Ltd explained that the major driver of operating costs for tunnels was not gradient but air resistance.<sup>20</sup> We had already heard in relation to Hillingdon's tunnel proposals that tunnels are generally more expensive to maintain than surface route. We noted that CLTi might also affect the location of the maintenance loops at Stoke Mandeville.

117. T3i comprised a 23.9km long tunnel with a closer vertical alignment to that of the Promoter's scheme. Its intervention gap was to be at Wendover Dean. Like CLTi, it was to be bored and fitted out from two ends. The case for T3i was presented by the Chiltern Ridges Action Group ('CRAG').<sup>21</sup>

118. The Promoter told us that powering a tunnel boring machine from north of Wendover might not be feasible. A 9km-long high-voltage power line might be needed. The Promoter also argued that construction of the tunnel would not eliminate traffic impacts within the Chilterns because of the need for an intervention gap. It could substantially exacerbate traffic effects at the northern end of the tunnel bore because of the need for spoil removal.

119. There were varying assessments of land amenity and social value and of the costs of business and community disruption caused by potential traffic disruption from the Promoter's scheme. The Promoter explained that the project economics included a £1bn cost item for environmental effects of the line as a whole, and for their mitigation.

120. Proponents of the tunnel options argued with some merit that visual and noise mitigation of an intervention gap would be easier than for viaducts. They argued that the tunnel would involve a smaller land take than the Promoter's scheme by some 10%—for instance, by eliminating the need for balancing ponds. Proponents of the tunnel argued that it could avoid potentially costly hydrogeological issues at Wendover. The Promoter

18 The main case was heard from 13 to 21 July 2015

19 An intervention gap is a surface part of the tunnel required in part for emergency access

20 Oral evidence taken on 15 July, HC (2015–16) 129, [para 259](#) [Mr Tim Smart, HS2 Ltd]

21 See proceedings of 20 July 2015

observed contingency provision had been made for such issues in its costings. We return to hydrogeology issues below.

121. The net additional cost of CLTi was estimated at £485m. The Promoter's estimate of the net additional tunnel costs of its T3i proposal was £349m. Those figures were attributable principally to tunnel construction and fitting out costs, which were high in comparison with the potential savings from not building embankments and viaducts.

122. We were sceptical about costs estimates from all parties. We do not believe it was justifiable to say that the Promoter went out of its way to mark up costs of certain options.<sup>22</sup>

123. In weighing the case for a tunnel throughout the entire AONB, we considered the extent of mitigation of the Promoter's scheme in the AONB compared with that offered by the tunnel options, the feasibility of the tunnel options, the traffic effects of each scheme, and cost. We had in mind that substantially greater relative benefits might derive from a shorter tunnel extension option which we consider below. We announced on 22 July 2015 that we had not been convinced by the arguments for a tunnel under the entire AONB as presented by the bodies which might have been expected to present the most persuasive case. We remained of that view having heard other petitioners in the autumn of 2015.

124. A longer tunnel proposal that emerged later was TBOW ('tunnel bored one way').<sup>23</sup> This would involve boring northward from the M25 under the entire AONB to north of Wendover. It would have avoided certain construction impacts north of the AONB although not necessarily without effects elsewhere. The economics of it relied on successfully arguing that HS2 Ltd's tunnelling rate assumptions were unduly conservative. Failing that, it was acknowledged that the project would be delayed.

125. Comparative tunnelling rates were discussed in great detail but we found no reason to doubt the validity of the Promoter's estimates. Their realistic caution was the right approach. On TBOW's case, the net additional cost of their proposal was £42.5m. The Promoter estimated that, on its assessment of tunnelling rates and the consequent costs, the overall net additional cost would be £412m. As before, we engaged scepticism. There were other choices before us with much more clearly defined costs and benefits. We decided that the case for the TBOW proposal had not been made out.

### *Shorter tunnel options*

#### *South Heath and Leather Lane tunnel extensions*

126. In broad terms, two other options were proposed for extending the principal bored Chilterns tunnel northward: a 2.6km extension to South Heath (proposed by the Promoter), and a 4.1km extension to Leather Lane (proposed by the Residents Environmental Protection Association). Among the notable benefits of the first were substantially reduced construction effects at South Heath through removal of the need for an excavated green tunnel, a reduction in the number of tunnel portals, and the elimination of impacts on the Mantles Wood ancient woodland. The project's effects on the village of Hyde End would be essentially eliminated. A further vent shaft would require construction, on Frith Hill. The emergence of the bored tunnel further north-west would require different construction

22 Oral evidence taken on 16 September, HC (2015–16) 129, [para 167](#) [Mark Hendrick MP]

23 The case for this was heard over several days, principally on 25 November 2015

access arrangements which would have some impact on the village of Great Missenden (principally traffic effects and the visual impact of a haul road, which we discuss in the section on roads below).

127. We favoured the South Heath extension option and directed an additional provision to implement it. We took into account the benefits for Mantles Wood, the overall benefit to the AONB, the reduction in requirement for agricultural land, and the significantly reduced construction noise impact on South Heath. The costs of the extension are estimated at £47m. The Independent Assessor's summary of responses to the AP4 consultation notes that the extension is perceived as a major improvement.<sup>24</sup>

128. The operational noise and other benefits of AP4 compared with the Bill scheme were disputed. Modelling predicted AP4 would eliminate significant noise effects on a large number of South Heath homes.

129. Arguments for an extension of the bored tunnel to Leather Lane were pressed right up to the end of our proceedings, notably by residents of Potter Row, a lane running parallel to the section of the line constructed north of the bored tunnel portal. South Heath residents argued that additional tunnelling would further reduce the operational noise impact on South Heath, but we were not convinced that noise impacts will be as significant as the community appears to believe. There are some 30–40 properties on Potter Row. The potential benefits of a longer tunnel for this area were much harder to perceive than for the area immediately to the south. We heard that the Leather Lane extension would cost of the order of £40m on top of the South Heath option. We were not convinced that there would be significant environmental benefit. Our view was that it was not justified.

130. To the extent that the northern Chilterns portal occupies a bigger footprint under AP4, we would expect the Promoter to seek if possible to alleviate that at design stage; for instance, through the use of retained cuttings. This might help reduce the effect on Grim's Ditch, which is a scheduled ancient monument. The Promoter told us that it would seek to mitigate the visual impact of the portal. The Promoter has said that it will consult on where to install noise barriers within the cutting north of the tunnel portal.

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24 HS2 Independent Assessor, High Speed Rail (London - West Midlands) Bill: Additional Provision (AP4): Report of the Independent Assessor on comments on the Supplementary Environmental Statement and AP4 Environmental Statement, HC (2015–16) 846, [page 9](#)



*HS2 Committee visit to Wendover*

### **Wendover**

131. Petitioners from Wendover were concerned about operational and construction noise effects—including at St Mary’s church and the Chiltern Way Federation school, possible vibration damage to old buildings lacking foundations, and visual impacts. They were worried about blight on local businesses and loss of tourism. They were especially worried about peak noise.

132. Rt Hon David Lidington MP pressed the case for a bored or mined tunnel instead of the cut-and-cover tunnel proposed in the Bill. Alternatively, residents wanted a covered section south of Wendover, including the viaduct at Small Dean. When we gave our preliminary view that a long tunnel through the entire AONB was not justified, we said that we were minded to recommend a southward extension of the proposed Wendover tunnel unless the Promoter produced a very convincing scheme of further noise mitigation.

133. The Promoter came forward with a proposal in SES4 for a short southward tunnel extension and enhanced noise barrier protection. Significantly, the Promoter indicated that it would also pursue installation of protection against existing noise from the A413. This will be developed in cooperation with the highway authority. It is predicted to reduce the cumulative overall noise levels to the east of the railway to below those which are currently experienced.

134. Wendover residents disputed the benefits of SES4. They disliked the visual intrusion that may derive from the southward tunnel extension and from greater noise barrier protection. There is a trade-off between effectiveness of barriers and visual intrusion.

The Promoter has offered to provide funds to Aylesbury Vale District Council for visual mitigation of barriers.

135. Under the Bill scheme, 18 dwellings in Wendover were predicted to experience noise effects at or above the lowest observed adverse level (on an averaged basis), and 392 to experience maximum noise effects at or above the lowest observed adverse level. With the SES4 scheme, those figures are reduced to zero and 122. The latter figure is 19 higher than for an alternative mitigation scheme with higher, more visually intrusive barriers.<sup>25</sup> As we have already indicated, there is a trade-off between mitigating noise and visual effects. We incline to the view that the visual impact of taller barriers at the north of Wendover may be less acceptable than noise effects.

136. The Promoter has allocated some £250,000 to noise protection measures for St Mary's church. Representatives of the church were not satisfied with the SES4 mitigation. Among their requests was a design error assumption of 5dB and a radically higher mitigation fund for the church. We forbear from commenting on the latter, which exceeded by a factor of three the amount that we heard was spent on improving the church as a concert venue.<sup>26</sup> We believe the church will sufficiently benefit from the SES4 mitigation package including the protection it provides in relation to noise from the A413. The cost of the SES4 proposal will be approximately £10m. Protection from noise from the A413 will cost in the region of £1m. The latter will provide direct benefit to the church. In comparison, we heard that the costs of bored and mined tunnel would be upwards of £200m. We do not believe that a bored or mined tunnel would be justified. We believe that the SES4 proposal constitutes a proportionate and adequate package of mitigation for Wendover.

### **AONB**

137. The Chilterns AONB is protected under statute. Protection was established in 1965, under the National Parks and Access to the Countryside Act 1949. The current protection derives from section 82(1) of the Countryside and Rights of Way Act 2000. Section 85 of that Act imposes a duty on public bodies, when acting so as to affect an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the AONB's natural beauty.

138. The Promoter argued that the Secretary of State had fulfilled the duty in statute by mitigating the design of the railway in the Chilterns AONB.<sup>27</sup>

139. Under the Bill scheme, 13.3km of the route through the Chilterns was to be in tunnel. Under AP4 this is extended to 15.9km. This will result in some 60% of the route through the Chilterns from the M25 being tunnelled.

140. The major visible elements of the railway in the Chilterns will be the viaducts at Wendover Dean and Small Dean and the approaches to them. A large part of the rest of the over ground line will become part of the landscape although it will be visible to those crossing it. A total of some 4km of footpaths will be diverted. The Promoter has taken steps to avoid ancient woodland and our suggested tunnel extension will result in the preservation of substantially more. We acknowledge that there will be major temporary

25 A2081(8)

26 Oral evidence taken on 30 June, HC (2015–16) 129, [para 14](#) [Rt Hon David Lidington MP said that the cost had been £950,000]

27 The case on this was heard from 13 to 21 July 2015

construction impacts of the railway at the viaducts, at Wendover, and in the area of Bury Farm. There will be significant traffic impacts during construction, although these would to some extent accrue from any scheme.

141. On balance, we do not believe that these mitigated effects represent an intrusion into the AONB that is inconsistent with its status, having regard to the size of the AONB as a whole and the significance of the project. HS1 in Kent is a demonstration of the ability of high-speed rail to blend into the landscape.

142. A number of residents will be significantly affected by construction and operation, such as those near viaducts. Provision for them should begin as soon as possible. There should be regular engagement with them. Successful and sympathetic design of the viaducts at Wendover Dean and Small Dean will be critical to the reputation of the project both at completion and in decades to come.

143. The Promoter has agreed to the establishment of a Chilterns AONB Review Group whose members will include Buckinghamshire County Council, Chiltern District Council, Wycombe District Council, Aylesbury Vale District Council, the Chilterns Conservation Board, Natural England and HS2 Ltd. The Group will identify measures for environmental enhancement in the Chilterns in addition to those already proposed in the environmental statement. Items for discussion will include woodland planting, balancing ponds, design of footpath diversions, ecological and landscape connectivity, viaduct design and vent shaft design. The Promoter will provide funding for the group of up to £3m.

144. The Promoter has said that it will use reasonable endeavours to ensure that earthworks will be sensitively integrated into the landscape, such as by responding to natural contours. It will preserve or record any findings at the Grim's Ditch ancient monument.

### ***Hydrogeology***

145. Chilterns petitioners were concerned about several hydrogeological issues. Principally, these were: possible disruption by the green tunnel to the flow of underground spring water that feeds local watercourses and canals at Wendover, the potential for water loss to the Misbourne caused by tunnelling, and pollution effects. The Promoter was aware that there might be a need to install pumping facilities to address the first of these. (The Wendover Arm Canal feeds some 1m gallons of water a day into the Grand Union Canal.) We heard about ways to address the other two. Construction approval will require input from the Environment Agency. We want the Promoter to address the matter of hydrogeological surveying as a priority.

### ***Roads in north Buckinghamshire and the Chilterns***

#### ***Location of the AP4 haul road***

146. Under AP4, construction traffic from the north tunnel portal would obtain access to the road network via a haul road onto the A413. Concerns were expressed about the effect of this on local traffic movements. Petitioners from Great Missenden in particular were worried also about safety—especially as there is a nearby school—about the visibility of the road from the village, and about effects on the local economy. Many petitioners told us that the A413 is already congested in peak periods at this point.

147. In consultation with the local authorities, the Promoter is considering another option in the form of a haul road further north. We heard that this may be more difficult to build. It would require construction of a new roundabout which may itself disrupt traffic flow. Efficient movement of construction materials to and from the Hunts Green spoil placement site is important and this may or may not favour a different haul road location. (The haul road will be used for tunnelling machinery as well as excavated material.) We encourage the county council and the Promoter to find the solution with least impact, taking account of local opinions. The solution must be safe, and make allowance for vulnerable residents and road users.

### *Other roads issues*

148. The Promoter has acknowledged that further work is needed on traffic solutions in Buckinghamshire. A total of 24 junction capacity issues and 47 junction safety issues have been identified as needing consideration. A process of further work has been agreed with Buckinghamshire County Council and Aylesbury Vale District Council. We heard that possible solutions include temporary signalling, alteration of junction boundaries, and management of site traffic ingress and egress. Issues with the Beaconsfield bypass have been resolved by reassurances about the commencement of mass haul operations.

149. Given the possible pressure on traffic in the Chilterns, the Promoter may want to consider the idea of developing a traffic ‘app’ so that residents and business can obtain real-time information on traffic.

### *Vent shafts*

150. There will be vent shafts in the Chilterns at Chalfont St Giles, Amersham, Little Missenden and Frith Hill. Construction should have only moderate impacts but we note the need for careful management at the Little Missenden site which is some way into countryside. Design should be undertaken in sympathy with the local setting and with local involvement in choice of profile and materials in all cases.

### *Pylons*

151. Petitioners from the Misbourne valley pressed for mitigation of the overall effect of the railway through removal of pylons and undergrounding of high-voltage cables. They pointed to recent precedent in other Areas of Outstanding Natural Beauty. The Promoter observed that undergrounding would cost approximately ten times more, and would not be without its own environmental effects, such as additional land requirement at the point where cables enter or emerge from underground. Despite that, we believe that where new infrastructure intrudes on sensitive landscape there is merit in listening to what local inhabitants believe to be the appropriate balance, and in considering removal of pylons in appropriate cases.

### *Other issues*

152. The Hunts Green spoil placement area is required to manage the movement of spoil onto highways. The Promoter should seek to minimise and mitigate its effects with

precautions against flooding and visual screening (if that is possible and desirable in view of the site location). Its planned height and extent should be reduced as much as possible.

153. Public rights of way are an important amenity for the Chilterns. Both temporary right of way diversions and restored paths should take into account their importance to the community and the economy. We heard a sensible suggestion for displaying maps with diversions and new routes at local rail stations to help visitors.

154. Paul Fullagar runs horse training premises at Frith Hill. We expect a sensible arrangement to be reached with him in relation to access and the possible effect of HGV movements on his business, if the haul road to the north portal site remains as proposed in AP4.

## Heathrow

### *Heathrow spur*

155. The Bill contained provisions that could have been used to provide passive provision for a future spur from the railway to Heathrow. The Secretary of State has confirmed that the spur will not be built as part of HS2 Phases One or Two,<sup>28</sup> but there remains a risk of blight on properties on the trajectory of the previously envisaged spur. We direct the Promoter not to use the Bill powers to implement passive provision for a Heathrow spur. To avoid confusion, the Promoter should take immediate steps to ensure that relevant landowners and communities are fully informed of the change.

### *Heathrow Express depot relocation*

156. Building the Old Oak Common facility requires the Heathrow Express train shed depot to be relocated. Professor MacNaughton explained that Langley, near Slough, had been the preferred option for that relocation,<sup>29</sup> but that interaction with the timing of Crossrail construction had been expected to block that choice. The Bill as presented therefore proposed relocation to the North Pole sidings in north Kensington, which were previously used for Eurostar trains.

157. The Crossrail problem was overcome by postponing the relocation date for the Heathrow Express depot to 2019, after which Crossrail construction will be complete. In the meantime, it was realised that there would in any case have been electrical operational difficulties in allowing Heathrow Express trains to use the North Pole sidings. As a result, AP2 proposed relocation to Langley, instead of to the North Pole sidings. There were petitions against that relocation from interested parties including Slough Borough Council, Fiona Mactaggart MP, Langley, Slough and Iver residents, Iver Parish Council, Colne Valley Park Community Interest Company and local boat owners on the Slough Arm Canal. Their concerns included obstruction of alternative regeneration uses for the proposed site, the effects of construction traffic—including on local air quality, and the visual and other impacts of the depot on canal boat residents. The canal boat owners were aggrieved not to have been recognised earlier as affected parties. That was indeed an unfortunate failing on the part of the Promoter.

28 HC Deb, 9 March 2015, [225879](#) [Commons written answer]

29 See transcript for 26 Jan 2016. The proposed site for the depot is on land formerly used for railway use.

158. The canal boat residents may need to be rehoused during construction. They have a legitimate expectation that such rehousing will be convenient, comfortable and suitable to accommodate what may be unusual practical needs. As far as reasonably possible the effect on the community of boat owners as a whole should be recognised and addressed. Non-essential intrusion into the character of the area such as by removal of any trees lining the canal should be avoided.

159. Fiona Mactaggart MP and Rt Hon Dominic Grieve MP reinforced the concerns we heard about from residents in Slough, Langley and Iver on the volume of local heavy goods traffic and on the already poor local air quality. In addition, Mrs Mactaggart expressed concern about dust from contaminated land.

160. The Promoter has said that it will contribute £1.4m to the costs of a relief road in Iver to reflect additional costs of bridging over the railway. Bangors Road South was identified as particularly dangerous for heavy traffic. Dominic Grieve welcomed the position under AP2 whereby a maximum of 15% of HS2 construction traffic—some 8 HGVs per hour—would use Bangors Road South during the 12-month peak construction period. He pressed for a stronger commitment. We expect the local highway authority to address this, such as through the traffic management plan or weight limits on non-HS2 vehicles. The Promoter stated that it would endeavour not to use this road at all unless it became really necessary.

161. Everfortune Ltd and Thorney Lane LLP are owners of land to be used for the Heathrow Express relocation. They proposed alternative sites west of Paddington (including the North Pole sidings). Professor MacNaughton told us why those were not feasible for operational and maintenance reasons.<sup>30</sup> There is an issue relating to the extent of indemnity against liability for the contaminated land, which we expect the parties to be able to resolve. Failing that, it can be raised before our colleagues in the Lords.

162. These petitioners were also concerned about the extent to which their land will be taken for environmental mitigation. (Some 30ha will be taken for that purpose, compared with about 3-4ha for the actual depot.) We request that the Promoter reconsider whether this extent of land use is necessary.

163. Colne Valley Park CIC was concerned about the future of green belt land in this area. The park receives some two million visits per year. They wanted assurance that land proposed for floodplain mitigation and woodland habitat creation to the east of the proposed depot will remain earmarked as such should ownership change. They sought a liaison panel for all construction projects in the area around Langley, to allow residents to communicate with these projects, and a fund for measures to benefit the community. Rt Hon Dominic Grieve MP emphasised the importance of the park as an amenity for the west of London.

164. A solution is needed, taking account of ultimate land ownership, to address cumulative impacts of construction and to provide some certainty in relation to the green belt for those who enjoy its benefits.

165. The Promoter has agreed to provide substantial (£6.25m) funding for public realm and highways improvements in this locality, and for a study of alternative railway land in

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30 See above

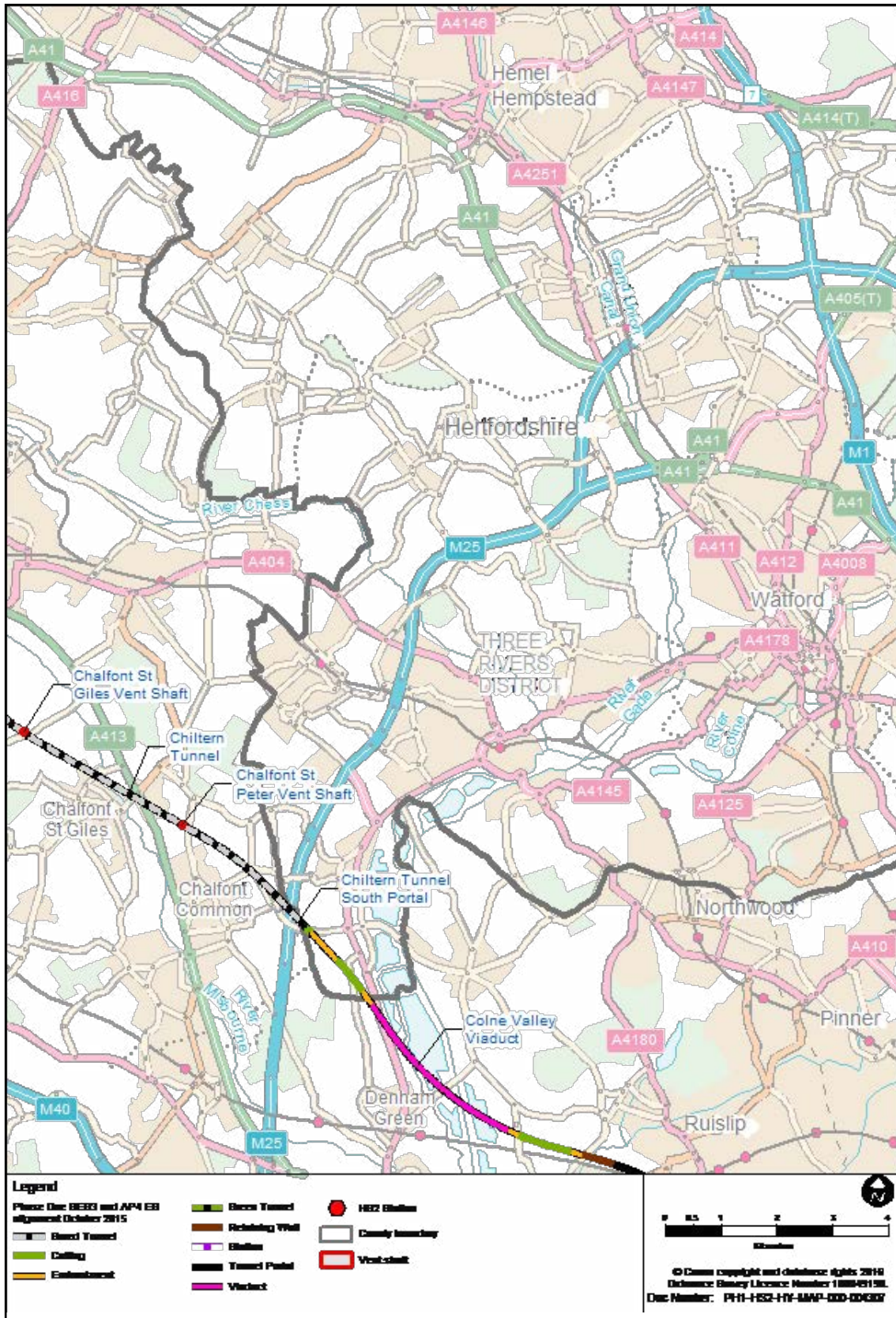
the area that might be used for some of the regeneration purposes previously earmarked for the depot site. This is a welcome announcement

166. On the proposed western rail to Heathrow tunnel access, local Members of Parliament and residents argued for better coordination between that project and HS2 construction. Professor MacNaughton told us that the link was still at design stage. The Promoter has agreed to cooperate with other interested parties.

167. BNP Paribas can pursue their arguments about alternative road access to the F sidings in north Kensington before our Lords colleagues. We heard that a review will be forthcoming in May 2016.

### **Conclusion**

168. Relocating the Heathrow Express depot has raised difficult issues. Other options appear not to be viable. On the basis of the assurances offered by the Promoter we conclude that the AP2 proposal for relocation to Langley should proceed.



## The Colne Valley, Hillingdon, Denham and environs

### *The Bill scheme*

169. Under the Bill scheme, the line will emerge from the Chilterns tunnel immediately south-east of the M25 and run over ground as far as Ruislip, crossing the Colne Valley on a 3.4km viaduct. Large construction compounds in this area will be located near West Hyde and at Harvil Road in Ickenham. A vent shaft will be constructed at South Ruislip, near the tube station.

### *The tunnel case*

170. Petitioners presented arguments for a 6.6km tunnel under the Colne Valley instead of a viaduct.<sup>31</sup> In pressing that case, they relied principally on the viaduct's visual intrusiveness, the noise impact of trains crossing it, and environmental effects. A number of environmental risks were cited. These included greater flood risk and possible groundwater contamination through potential damage to aquifers caused by pile driving to create the viaduct piers.

### *Impact of the viaduct*

171. That the viaduct will be clearly visible was not in dispute, though the Promoter's route succeeds in tucking the north-western end of the viaduct into wooded landscape. We kept in mind that railway architecture can have its own aesthetic merit. We were conscious that the Colne Valley landscape is a man-made one, with lakes that are the result of many years of gravel extraction. The man-made landscape is nevertheless green and pleasant, and an important amenity for a large number of people.

172. With mitigation, the penetration of train noise into the vicinity of the viaduct is envisaged to extend to some 400m to 600m from the line, assessed in terms of lowest observed adverse impact contours.<sup>32</sup> There will be an adverse effect on the tranquility of the area. The Promoter emphasised that its modelling was based on a reasonable worst case for noise travel, including adverse wind directions and temperatures. Actual effects would at times be more localised. A small number of significant local adverse effects on residents could be mitigated. Sound reflection from the lake surfaces would not be perceptible because of the minimal (50ms) interval between the arrival of direct and reflected sounds.

173. We were not convinced that appropriate engineering cannot protect aquifers. In any event, the tunnel option would require a 700m safety intervention gap which might present similar challenges. Neither were we convinced that the viaduct would increase flood risk. The Promoter will take precautions.

174. Certain other arguments lacked credibility. Comparison of viaduct construction with the HS1 Medway viaduct failed to take account of the parallel M2 road building project. The Medway is a tidal river. The project to cross it with multiple viaducts was inevitably more intrusive. We were far from convinced that maintaining a tunnel would be cheaper than maintaining a surface route given the associated complexities of ventilating, cooling

<sup>31</sup> See proceedings of 15–16 June 2015

<sup>32</sup> See the noise section of the route-wide chapter

and providing access. On balance, the evidence was that sale of tunnel arisings (to offset the cost of tunnel construction) would not be commercially viable.

### *Tunnel construction issues*

175. We heard that tunnel boring from a proposed site at Transport for London's Ruislip depot would present serious and expensive engineering challenges that could delay the project. Building a tunnel would not eliminate construction traffic. (Much of the anticipated construction traffic is associated not with the viaduct but with the Northolt tunnel which will run east from Ruislip.) Road closures would still be required. It is clear that the area already has a huge traffic and consequent air quality problem, as emphasised to us by Nick Hurd MP and Rt Hon Dominic Grieve MP.

176. We heard about the relative costs of constructing the tunnel and the viaduct. HS2 Ltd estimated the net additional cost of building the design of tunnel proposed by Peter Brett Associates at £583m.<sup>33</sup> They estimated at £314m the net additional cost of building a different tunnel design with a shorter intervention gap, avoiding use of the TfL Ruislip depot for tunnel construction.<sup>34</sup>

177. Estimates that the net additional cost could be as low as £64m failed to include critical cost items such as the cost of moving and disposing of spoil and property values, which we heard would alone push the net additional cost above £200m. Adding the cost of vent shafts, tunnel systems and a more complex construction site with difficult geology raised the net further cost nearer £300m. On top of that were the cost of an intervention gap and the costs of possible delayed construction from more difficult work. The total could be nearer £500m.<sup>35</sup>

178. Even with a massive contingency for environmental effects of the viaduct, and eliminating the cost of the not-to-be-constructed Heathrow spur, estimates of the net additional cost of a tunnel over a viaduct exceeded £200m. We did not direct further studies because we doubted that these would converge on a figure significantly less than £200m.

179. We announced on 15 July 2015 that we had not been convinced by arguments for a tunnel. We directed reports on options for relocating the construction railhead from Harvil Road and/or adjustments to access roads to the railhead and construction compounds. We called for significant further interventions on traffic issues. We said we needed more reassurance on traffic modelling. We return to this below. Evidence we heard subsequently did not dissuade us from the view we had announced on 15 July 2015. We believe the viaduct is the right option.

180. Although the number of residential properties close to the viaduct is not high, we recognise that a limited number of nearby residents will be adversely affected by it. Among them are canal boat owners and other residents along the Grand Union Canal. Their needs should be accommodated. The Promoter should undertake further baseline noise assessments and ensure there is proper monitoring of noise during construction

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33 P6204(44)

34 P6202(13)

35 See transcript of 16 June 2015

and on operation. Visual screening from construction work may also be appropriate. The viaduct construction sites must be properly secured.

### *Viaduct design*

181. Stations aside, the Colne Valley viaduct will be the most significant visible engineering feature of the HS2 Phase One route. It will have international significance and its design should reflect that. Having argued against a viaduct, local people deserve that its design be respectful and respectable. We hope the Promoter will be open to that challenge. Sympathetically and imaginatively design, the viaduct can become a suitable symbol for the country's future high-speed railway network.

### *Traffic*

182. The Hillingdon, Ickenham and Ruislip localities clearly have a serious traffic and air quality problem. We heard that it has high numbers travelling to work by car and high population growth. There is a particular problem associated with commuting on a north-south axis. There were significant variation in estimates of the economic cost of traffic delays but that there is a risk of cost was not in doubt. A tunnel would not be a panacea.

183. The Promoter already had proposals to address a number of traffic pressure points, including slip roads to the M25 from the West Hyde compound to alleviate pressure on the A412. In response to our preliminary decision on the tunnel the Promoter undertook a detailed look at measures to address traffic issues, particularly construction traffic to and from the proposed Harvil Road compound.

184. In AP4, the Promoter proposed a custom haul road as the primary route from the A40 to the compound instead of Harvil Road itself. The Promoter told us that the haul road offered substantial (significantly more than 50%) benefits to HS2 traffic volumes on Swakeleys Road and Harvil Road. We have heard that the sidings at Harvil Road will also be completed earlier to permit more spoil removal by rail. There are further proposals including possible signalisation at important roundabouts and management of traffic movements to avoid peak commuting times.

185. We heard argument in favour of an alternative, more westerly haul road from the A40 to the Harvil Road site, which would avoid intruding on golf club land. HS2 explained that this would take longer to build, exacerbating the traffic situation, and would interfere with the A40. We were not convinced that that alternative would work. A haul road alternative proposed by London Wildlife Trust slightly to the east will be examined. Although this would intrude somewhat more into ancient woodland at Pinnocks Wood it would reduce the impact on another nearby SSSI.

186. Although overall it produced benefits, AP4 actually increased predicted traffic volumes on certain roads. The Promoter acknowledged that its current modelling predicted some exceeding of capacity. When Nick Hurd MP appeared before us in late January 2016, the Promoter conceded that a satisfactory solution to address HS2's impact was 'not there yet'. Significant improvements have been achieved, but more progress is needed.

187. Transport for London and London Borough of Hillingdon have given feedback on HS2 modelling. The Mayor of London and Nick Hurd MP have sought an assurance

that main roads will carry not more than 550 HGV movements per day. The Promoter is refining its approaches, for example on the capacity of Swakeleys Road roundabout. Studies will report in May 2016. The ability of Swakeleys roundabout to cope safely with construction traffic is critical. It is apparently already in breach of EU air quality limits. With project commencement due in 2017, credible traffic management plans including ways to deal with peak construction periods will need to follow swiftly thereafter.

188. Denham, although some distance from the line itself, has its own set of traffic issues which HS2 will exacerbate. Among these are congestion on the A412 and potential problems at Old Rectory Lane, Cheapside Lane and Tilehouse Lane, (which will be partly closed). The Promoter is funding assessments, for example to look at sensitive junctions on the A412. South Buckinghamshire District Council has accepted assurances. We heard that the Promoter will remedy any damage arising from temporary diversions. We believe the Promoter should be open to the idea of shuttle bus provision from Denham to important locations such as hospitals.

189. On the issue of the Lower Road factory ingress and egress to the Martin Baker premises, existing congestion locally means that assistance with provision of alternative or improved access may well become a matter for decision by the Secretary of State. The traffic analysis showed that HS2 is not expected to exacerbate it beyond single figure percentage increases. We do not believe it is a matter for the Promoter of this Bill but benefits would clearly flow from a new access road were the relevant authorities to pursue it.

### ***Other construction issues***

190. Other issues arise from the extent of construction and spoil placement sites in this area. AP4 petitioners from Harefield, Ickenham and Ruislip were concerned about the protracted periods of spoil placement use, fearing dust, pollution, blight and flood. These are justified worries. The Promoter has given assurances that spoil height should be no greater than 3m permanently or 5m temporarily. We want the spoil placement areas to be minimised in height and extent, to be properly screened, and for screening planting to start early. Local hedgerows should be protected. The needs of locals moving round the sites should be taken account of, for example with cycle paths. There should be regular community forums to provide feedback on contractor compliance with the construction code. We heard that the area around West Hyde is a frost pocket where sound travels. Sound barriers should be effective and visually sensitive. Top quality mitigation of conveyor belts removing tunnel spoil will be important not just in Hillingdon but at all project sites, both for sound and visual effects.

### ***Amenities***

191. The project will have a heavy environmental footprint in this area. Steps can be taken to leave a legacy of environmental improvement. Following the interim decision on the tunnel, the Promoter came forward with offers of funding of £3.25m for restoration works following construction. In view of the particular value of green space in and around Hillingdon, Denham, Ickenham, Harefield and Ruislip, we believe the aspiration of no net biodiversity loss should apply to this area as a case in its own right.

192. Access to walks along and around the Grand Union Canal was a particular priority. We are pleased that London Borough of Hillingdon was offered satisfactory assurances by the Promoter on local public rights of way, including their restoration after construction. Better than satisfactory restoration of the West Hyde compound would be another way for the project to address local concerns for the long term.

193. A Colne Valley Park Regional Panel is to be established comprising local authorities, Natural England and the Hertfordshire and Middlesex Wildlife Trust, with an independent chair and funding from the Promoter. There will be consultation on its terms of reference. Through that body, the project should work to bequeath positive environmental legacies to Hillingdon and its environs. The panel may also want to consider projects such as improved user access, better visitor facilities and sensible footpath reconfigurations following HS2 construction. We hope that the Promoter will consider funding for those aspirations. There will also be assistance with effects on local golf facilities. We address the Hillingdon Outdoor Activities Centre separately.

### **Harefield**

194. Harefield villagers shared the concerns of the area on traffic, particularly on its possible impact on business and access to the famous hospital. Construction traffic will not go through the village itself, although we heard that Harvil Road is considered part of the village. There were concerns about a large (25ha) sustainable placement site but AP4 has addressed those. A 3m-high noise barrier has been proposed to address noise impacts on 48 residential properties which were assessed as being subject to minor noise impacts.

195. For engineering reasons, a feeder station providing electrical power to the railway requires to be built near the village of South Harefield. Residents objected to its location at the northerly end of South Harefield Road, which provides a relatively rural approach to the village. They sought its relocation alongside the autotransformer station at Ickenham. Tim Smart of HS2 Ltd explained why this was not feasible.<sup>36</sup> We brought pressure to bear on the Promoter to find a solution that would accommodate concerns. Subject to feasibility and an environmental assessment, the Promoter has provided an assurance that the feeder station will instead be relocated to a less obtrusive, more southerly location on South Harefield Road. We think the language qualifying this assurance by feasibility is reasonable. We welcome the progress made on relocation. We trust that a solution will be found for an acceptable relocation and appropriate mitigation screening.

### **Hillingdon Outdoor Activities Centre (HOAC)**

196. HOAC is a sailing and outdoor activities centre situated on Harefield No. 2 lake, which is one of the Colne Valley lakes formed from gravel extraction. The proposed HS2 viaduct crosses the lake. Construction of the viaduct will take place from a site immediately adjacent to its premises. We heard a great deal about the value of this amenity, which is used by 40,000 people a year and has created the equivalent of 30 jobs. There was wide support for the work it undertakes with children, including disadvantaged children. There is also a rowing club.

197. HS2 Ltd's position until 2014 had been that the centre might be able to continue in use during and after construction. The operators were adamant that this would not be

36 Oral evidence taken on 25 January 2016, HC (2015–16) [129](#)

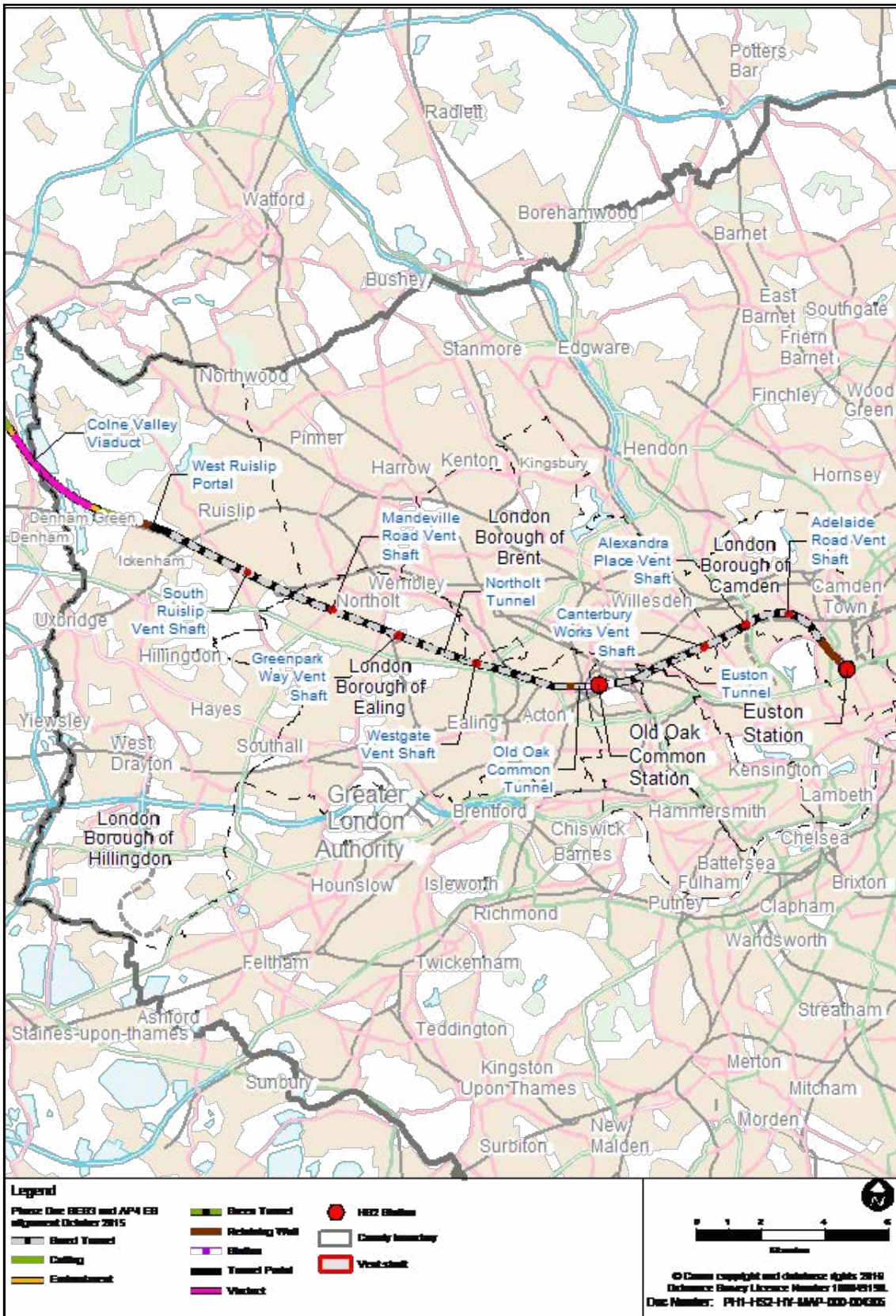
feasible. Some of its coaching and camping activities require tranquility. Nick Hurd MP and the former Member for Uxbridge, Sir John Randall, pressed the need for a solution.

198. An alternative location for the centre has been identified at another gravel extraction site, in Denham. Planning consents are still required. The alternative location would not initially provide the same area of water as the current facility but there is potential for expansion to an area of similar size. The Promoter has given assurances of support in taking this forward, and for funding. We understand that the funds required are likely to be of the order of tens of millions of pounds. To permit a staged move, the Promoter has also given assurances that would allow the centre to remain active on its current site until 2018.

199. We welcome the work that has been done in developing this possible alternative for a valued and valuable amenity. We hope it comes to fruition. The way forward will be in determining the most that can be achieved and who can contribute. Subject to planning approvals being obtained in sufficient time, the Committee would wish to see HOAC relocated to the Denham Quarry Site, if HOAC decide that that is preferable to staying put.

### ***Other issues***

200. The Denham Water Ski clubhouse is located essentially underneath the north-western end of the proposed viaduct and will require relocating. We commend its owner on developing a successful undertaking which sits successfully alongside several artificially created sites of special scientific interest. The owner should expect cooperation from the Promoter in pursuing a planning application for an alternative clubhouse.



## Old Oak Common and West London

### *Ealing and Northolt*

201. With Stephen Pound MP, we visited the proposed locations of three vent shafts in the Ealing and Northolt areas: at Mandeville Road, Green Park Way,<sup>37</sup> and Westgate near Hanger Lane. There were concerns about utilities works near one site but the construction and mitigation arrangements we heard about were satisfactory. We encourage the Promoter to consider how to reduce the impact of spoil removal and to examine ways in which spoil might be deployed usefully.

202. The River Island clothing company has business premises in Ealing. AP4 gives the Promoter powers to put car parking facilities onto that land to accommodate car parking space displaced by construction works on the Westgate vent shaft. River Island objected, saying that, whereas the displaced car parking could be the subject of monetary compensation, the effect on their business would be unquantifiable and could reduce their ability to expand. The Promoter agreed to commission a review of requirements and options which will report by May 2016, and which will include examination of access issues. If the study finds that there remains a need for the Promoter to use River Island premises, the Promoter should minimise the duration and extent of intrusion onto the premises of this successful business. We are pleased that the Promoter has agreed to seek to avoid any permanent acquisition. An agreement between the parties provides a dispute resolution procedure. The petitioner will be free to appear before the House of Lords select committee if necessary.

### *Wells House Road, Midland Terrace, Island Triangle and Stephenson Street*

203. Old Oak Common and adjacent areas provide the construction site for tunnel boring both east to Euston and west to Northolt, as well as for development of the Old Oak Common station itself. Construction will involve essentially 24-hour working, with a continuously operating spoil removal belt, and will extend over some seven to ten years, when the community of some 2,200 residents in Wells House Road, Midland Terrace and Island Triangle will be more or less surrounded by HS2 works. The Promoter's counsel acknowledged that they are specially affected. Residents' concerns included noise, construction traffic volume, traffic congestion, access for residents and businesses, air quality, the location of a substation, viaduct height, reduction in the limited local availability and visibility of green space, and blight. They sought a dedicated community fund. Their case was pressed by Dr Rupa Huq MP, as it had previously been by the former constituency Member, Angie Bray. We note that, unlike areas certain other parts of the line that are heavily affected by construction, Old Oak Common will ultimately accrue some direct benefit from the proximity of the high-speed rail station to the locality, along with other important new infrastructure.

204. London Borough of Ealing succeeded in obtaining wide-ranging assurances from the Promoter to seek to address construction and operation problems. The flyover for Great Western Main Line will have a noise barrier on the Wells House Road side. A temporary logistics tunnel will be constructed under Old Oak Common Road to permit spoil removal

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37 Green Park Way will be where the Northolt tunnel eastbound (from West Ruislip) and westbound (from Old Oak Common) tunnel boring machines are brought to the surface.

and delivery of material using rail. Closure of Old Oak Lane will be minimised as far as practical. Pedestrian access along it will be retained—including for pushed cycles. There will be a supplementary bus service along Victoria Road. Special provision should be made for vulnerable people; for example, to receive food deliveries.

205. The project will evaluate whether HGV entrances can be kept away from homes. Other measures will include provision of visually acceptable noise barriers and noise-reducing hoardings, reduction of light pollution and pollution monitoring. Certain plant machinery will be locally insulated. Properties will be assessed for acoustic glazing, and ventilation requirements.

206. Assurances to Ealing Borough Council also cover landscaping. Tree loss in Victoria Gardens and Cerebos Gardens will be minimised. It is important that the project provide a legacy of public open space and highways improvement in this densely populated area.

207. Stephenson Street and adjacent roads form a conservation area next to the Euroterminal rail transfer depot which will be used for spoil removal and material delivery. The Promoter is considering ways to alleviate the long-term impacts of construction. Residents will be eligible for noise insulation if such broader mitigation cannot be implemented.

208. There project will entail some unavoidable difficulties for this area. Worthwhile concessions have been won and more may be forthcoming.

### ***Wormwood Scrubs***

209. Wormwood Scrubs will be the location for some utilities reconfiguration (a sewer rerouting). There was concern among local interest groups about adequate restoration after the works. We heard that, additionally, a permanent pedestrian access onto the Scrubs might be created in connection with the railway. The local Member of Parliament, Andy Slaughter MP, believed that this would be inconsistent with its use as amenity. We endorse his request that HS2 Ltd seek to reach a position of certainty on protecting the Scrubs, and offer appropriate assurances. We welcome the Promoter's shift in position on the proposed broader mitigation arrangements at Wormwood Scrubs.

## **North London**

### ***Canterbury Works vent shaft***

210. Whereas the Bill proposed a vent shaft at Salusbury Road in Kilburn, AP4 proposed a substitute location at Canterbury Road, on land owned by a motor trader and repairer. This locality had recently seen intensive building work and local residents were sceptical about the enforceability of good construction practices. They were concerned about the proximity of the works to the nearby St Mary's primary school. They questioned whether and why the apparently greater development value of Salusbury Road had prompted the shift of location. The local Member of Parliament, Tulip Siddiq MP, appeared before us and reinforced the arguments vociferously articulated by local people—especially parents of children at the school.

211. The peak period of vent shaft construction works will last for some six months. Construction traffic will mostly avoid the school approach road by using Albert Road, and

will avoid Canterbury Road during the school drop-off collection hours. The Promoter came forward with some £500,000 of measures to mitigate noise effects on the school and to provide ventilation to safeguard interior air quality. We are satisfied that these are reasonable measures and that accordingly there is no reason to propose a further relocation of the vent shaft. We have directed a study of whether construction may have adverse effects on the school's outside recreation space. If there are predicted adverse effects from, for example, HGV movements or spoil dust, measures should be taken to alleviate them. Subject to a risk assessment, staff from the Nominated Undertaker should be assigned to secure the safety of children entering and leaving the school, for instance at unusual hours.

212. Subject to appropriate legal arrangements, the operator of the premises to be used for the vent shaft should expect to be able to benefit from business relocation compensation, including the 90% upfront payment element of compensation that is intended to assist with cash flow.

### ***Alexandra Place vent shaft***

213. This vent shaft will be in a built-up and busy area, with business and residential property immediately adjacent. The main construction period will take some six months. There were concerns over traffic emissions and safety.

214. We agree with petitioners that this is a sensitive location for construction with a high population density. Together with the Canterbury Road vent shaft it is possibly the most sensitive in an urban area. The Promoter explained that alternative construction route options involving Loudon Road are not practical and would not receive Transport for London consent. We accept that, but the Promoter must tread carefully here. Construction traffic and activity should be timed to take account of local residents. Depending on local wishes, the Promoter may need to look at more considerate working hours avoiding weekends and busy traffic periods. It has provided assurances that the vent shaft façade will be designed to fit sympathetically with local Grade II listed buildings.

## **Euston and Camden**

### ***The proposed railway in Camden and Euston***

215. Going east from Old Oak Common, the railway is planned to run in bored tunnel to a portal south of Parkway in Camden, and then further—within a box construction—as far as Granby Terrace. It would enter Euston on new tracks west of the existing railway system and terminate at platforms within a westward-extended, remodelled Euston station. The number of rail platforms would increase initially from the current 18 to 19 (comprised of 13 conventional and six high-speed platforms), to accommodate HS2 Phase One. For HS2 Phase Two that would increase to 24 (13 conventional and eleven high-speed). It is worth noting that the ultimate reduction by five in the number of conventional service platforms is offset by an increase from zero to 11 in the number of high-speed service platforms.

216. Under the Bill scheme, the 11 high-speed platforms would have been built as a single construction project ending in 2026, in time for Phase One operation. This would have provided generous accommodation for the Phase One services coming into operation

in 2026. It would have required a significant intrusion onto five conventional platforms, with consequent services effects. On the other hand, after that pain had been endured, remaining development of the station could have commenced in 2026.

217. AP3 proposed a two-phase construction of the high-speed platforms; the first phase to take place by 2026 and the second by 2033. That would reduce service impacts, but postpone the date on which development of the remaining station could be embarked on.

218. The proposed new Euston tracks and station premises require substantial rebuilding and demolitions. Notable among these are the rebuilding and raising of Hampstead Road Bridge, the demolition of flats and other buildings adjoining Hampstead Road and north of Drummond Street, the rebuilding of Mornington Street bridge, ground anchoring works at Park Village East on the west side of Camden cutting to facilitate tunnel creation, train shed demolitions, and the construction of three head house and ventilation facilities down the west of the Camden cutting. There would be a vent shaft from the tunnel at Adelaide Road, north of Euston. There will be substantial utilities works in various surrounding areas, notably the Ampthill estate flats. The long high-speed platforms require demolition of two office blocks outside the current station, north of Euston Road. It was impressed on us on our visit to Camden with Sir Keir Starmer MP that the project will have a massive impact. Sir Keir's predecessor as Member for Holborn and St Pancras, Frank Dobson, gave evidence to us on this in Committee.

219. Petitioners from Camden and Euston were generally even more opposed to the AP3 scheme than the Bill scheme, on the basis that it would prolong construction duration in an area with a substantially higher residential population (notably more than around St Pancras HS1 rebuilding). Occupation of green space for construction would be extended. Petitioners argued that AP3 could also result in a missed opportunity for holistic regeneration of the station and the area.

220. At a strategic level, petitioners questioned the need to terminate the high-speed railway at Euston. So far as the proposed project was concerned, residents, businesses, schools, cyclists and churches were among those we heard who were concerned about the extent of demolition works and rehousing needed, about social disruption and about the effects of such long-term construction on mental and physical health. They wanted significant compromises from the Promoter on mitigation.

## ***Strategic alternatives***

### ***Possible terminus at Old Oak Common***

221. Given the strength of feeling about the effects of building at Euston, we heard argument on a proposed alternative terminus at Old Oak Common, even though the Bill's principle includes a Euston terminus.<sup>38</sup> We were not persuaded that an Old Oak Common terminus would be viable either permanently or temporarily, for several reasons. We heard that a large number of HS2 journeys will be to and from central London. To reach central London by changing from an HS2 terminus Old Oak Common would place undesirably high dependence on a single underground service: Crossrail. The evidence was that overall journey times from Old Oak Common via Crossrail would for most destinations be longer than onward travel from Euston. (Canary Wharf was an exception.) Preference

<sup>38</sup> See proceedings of 30 November and 1 December 2015

for Euston would mean many passengers wishing to travel to central London continuing to choose the West Coast Main Line, reducing the opportunity for capacity improvement.

### *Alternative approaches to Euston*

222. Several petitioning bodies came forward with ideas on how to reduce the extent of construction works north of Euston. We heard that the Euston Express idea of using existing track width to avoid widening the Euston station approach ‘throat’ was ingenious but flawed. It would disrupt Watford electric services and possibly also the Bakerloo line. It would affect freight services travelling between the West Coast Main Line and the eastern rail region. It would require high levels of night-time construction in a residential area. The complexity of its engineering would increase cost. Most significantly, it would reduce West Coast Main Line capacity by some 25%, whereas the Promoter’s scheme would achieve capacity requirements up to 2040 with a substantial margin.

### *Double deck*

223. We heard about a proposed ‘double-deck’ option that would avoid a westward extension. This incorporated an attractive architectural design for the station. It would produce only 14 platforms and would leave no room for services without intruding on links to London underground.

224. We concluded that these alternatives to the Promoter’s scheme were not viable. Petitions on the Promoter’s Bill scheme and AP3 scheme for Euston were heard in December 2015.

### *Adelaide Road vent shaft*

225. The first proper vent shaft in the tunnel north of Euston is proposed to be constructed in part of the area of a nature reserve to the west of Adelaide Road.<sup>39</sup> Under AP3, construction would require the entire closure of Adelaide Road—an important thoroughfare—for a substantial period of some four months. Local people were concerned about the closure, the environmental impact on the nature reserve, and the visual impact of the vent shaft on the area. They argued for an alternative vent shaft location at Juniper Crescent.

226. The Juniper Crescent site would require a realignment of the railway which would slightly extend journey times (by less than a minute). Its location would make construction more difficult than at Adelaide Road. We heard that this could cost between £6m and £19m more.

227. We invited the Promoter to produce a revised proposal in relation to road closure for construction at Adelaide Road. The Promoter came forward with an amended plan involving only a single-lane closure, with traffic light control to permit two directional flow. We heard that the Nominated Undertaker will work to reduce the four-month closure period if possible. We are satisfied with that solution. The vent shaft design will need to be approved by the local authority. We expect it to be sympathetic to the area’s valued architectural heritage. Planting of mitigation screening will start early on.

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39 There are smaller ventilation and control shafts further south

### *Addressing construction impacts in Camden*

228. In relation to the broader project in Camden, the Borough Council and the Promoters succeeded in agreeing a set of assurances which were outlined to us on 1 December 2015. These built on a number of existing agreements which included provision of replacement social housing in the area.

229. There will be a study of whether the proposed replacement Hampstead Road Bridge can be lowered in profile so that its impact is reduced. 1,025 properties are to be fitted with acoustic mitigation and ventilation and surveys will be carried out to establish whether others should also benefit. A plan to maximise the amount of waste removal carried by rail will be developed by May 2016. This may alleviate the extent of lorry use of the Zoological Society of London car park facilities, where there is a small but significant population of hedgehogs.

230. There will be funding of up to £5m for replacement and enhanced recreational space, including £500,000 for conservation. The Promoter will contribute up to £4.1m to the costs of building, fitting out and running a skills centre. Other measures have been proposed including on the design of vent shafts and related infrastructure.

231. We heard that there is a methodology for assessing settlement in locations such as Park Village East. Monitoring will continue after construction until any further settlement is minimal.

232. We have some specific directions for further mitigation. We want monitoring of air quality to feed into an assessment of whether rehousing should occur in cases where air quality deteriorates. This should keep in mind an aspiration of improving the baseline air quality in Camden. The current position is clearly unsatisfactory.

233. Residents from both sides of the Camden cutting were worried about the duration and extent of the works in the cutting and about incidental effects of the project such as loss of parking. There, at Amptill estate, and in other areas particularly close to construction, we would like residents to be consulted on their preferences for how to moderate the impact of the construction programme. Start-up and shutdown hours might be moderated, for instance. We want the Promoter to avoid adding to the burden carried by the area with works such as night-time surveys. Night-times should be off limits for such activities. Periodic construction breaks and non-working Saturdays should be consulted on and considered. If parking can be usefully reinstated for short periods of construction inactivity, it should be.

234. The intrusion of utilities works onto the recreational and other outdoor space of Amptill estate is undesirable but probably unavoidable. Residents are right to be worried about it. We want the Nominated Undertaker to use the best available mitigation equipment to reduce noise intrusion here and in similar locations. We want a programme of works to compensate for loss of these amenities. We mention club memberships and provision of access to recreational amenities as possible ideas. There may be other, better ideas.

235. No more than six months after the start of the works, there should be an assessment of compliance with noise limits and a survey of health impacts. The Promoter should reconsider rehousing based on the outcome of that survey. It may need to revisit the noise

limits and hours applicable to construction work in Camden at that point. Throughout the project we expect the Nominated Undertaker to consult conscientiously, thoroughly and sympathetically to address any specific problems with non-compliance. It should listen to what residents say about what might help, and respond with more than average diligence.

236. The choice of sound insulation and other mitigation measures should be in sympathy with construction and architecture and take fair account of residents' views on what is visually acceptable. We mention Silsoe House in particular.

237. We direct these measures as ways to address the duration and intensity of construction in Camden. We do not envisage that they should necessarily be extended to other areas of the project. Camden is exceptional, and needs special treatment. Many residents are going to have to put up with disturbance on a scale beyond the experience in most other locations.

### *Conclusions on assurances*

238. We are satisfied that progress has been made in meeting the legitimate concerns of Camden residents. We hope that more can be achieved as design work and preparation for beginning construction continue.

### *Park Village Studios*

239. This recording studio operates in sensitive premises near to the Camden cutting. It had concerns about notice of works and about vibration and noise effects. The Promoter is considering a mitigation plan and a framework for surveys to address those concerns.

### *Stephenson Way and Drummond Street businesses and hotels*

240. Businesses, hotels and professional and academic organisations in and around Stephenson Way will be severely affected by construction. They need proper notice of when works will commence so that they can organise their activities. We believe a minimum of three months' notice is appropriate—preferably more. The Promoter has agreed to establish a business mitigation user group to discuss problems and solutions. These will be helpful. We urge the Promoter to respond positively to the needs of petitioners from this area in the period between our report and the Lords select committee stage. The activities of several of the organisations we heard from are noise and/or vibration sensitive. We would like the Promoter to pay the reasonable costs of risk assessment and surveying to determine sensitivity to construction effects such as vibration.

241. There should be a footfall survey in relation to Drummond Street and neighbouring restaurants and shops to establish usage patterns. That will help address how to retain business. The Promoter should consider ways to make the route from Euston to Drummond Street attractive and friendly.

### *Euston station*

242. We heard that the HS2 side of Euston station will be designed to facilitate permeability and allow the classic side of the station to be developed to a broadly similar level. There is a problem, which is that the terrain at Euston is not flat: the west of the station is higher, and the HS2 platforms will be dug down into it. HS2 envisage what they call a north-south ‘spine’ down the station to accommodate this with the realities of differential construction times. Sir Keir Starmer MP was among those who argued that the spine would create an artificial divide. There are probably compromises to be had: sloped surfaces between sections of the station might be difficult to fit within a two-stage building project but could be created later, for instance, once alternative thoroughfares exist.

243. The Chancellor of the Exchequer and the Secretary of State for Transport have both strongly expressed their aspirations for an innovative and visionary, comprehensive redevelopment of Euston station. This is especially important given that Prof. MacNaughton told us that—by 2037—250,000 people will use HS2 Euston each day. We share the view that Euston’s ultimate design needs an holistic approach. The Committee agrees with Camden that the opportunity for such a redevelopment should not be wasted and that the final appearance of the station should be a coherent whole.

244. A Euston Integrated Programme Board has been established to consider integration of the HS2 side of the station with the classic services side of the station with public engagement. Members of the Board will include HS2 Ltd, Transport for London, the Greater London Assembly, Network Rail and Camden Borough Council. Interested parties met in February 2016 to determine the Board’s terms of reference and remit. Separately, the Euston Station Design Panel will examine the particular needs of the high-speed services station. These bodies will report to overarching strategic panels—the Euston Strategic Board and the Euston Station Strategic Redevelopment Board.

245. These bodies should start work as soon as possible on a design brief for a coherent station. They will need to communicate with each other and with interested parties. We wish them success.

### *Crossrail 2*

246. HS2 works will make allowance for access to a future Crossrail 2. As Councillor Susan Hayward of Camden Borough Council suggested, delivery of a comprehensive station design must also take account of Crossrail 2 and be timed around it.

### *Property owned by Euston Estates*

247. Euston Estates are the leaseholders of four buildings designed by Richard Seifert on the south side of Euston station: three towers and a podium building. The podium building is integrated with the easternmost tower. Those two buildings will be used by HS2 during construction but are proposed to be handed back after 17 years of building work. The two western towers will need to be demolished to allow for HS2’s long platform lengths.

248. The freehold is owned by Network Rail. The leasehold owners of the properties have a long lease of more than 100 years. They did not want to be forced to re-enter the two undemolished properties after a period as long as 17 years, during which time they will

have essentially no control over them, and little ability to plan for the potential state of the property market on reacquisition. By then, Euston will be an entirely different place. They were also fearful about the uncertain application of statutory compensation arrangements so far in the future. They wanted the Promoter to buy them out.

249. They further argued, in our opinion with merit, that if the Secretary of State acquired the additional property it would open up substantial greater scope for redevelopment, including by potentially marrying the current leasehold interest with the freehold and putting new property arrangements in place.

250. The position of Euston as a site of major redevelopment means that conventional occupation and compensation arrangements are not appropriate. We have strong doubts about the use of temporary possession powers in this instance. The leasehold owners will be in a difficult position if forced to re-enter what will be by then a radically different property in condition and situation.

251. The leasehold owners and the Promoter reached agreement on two options: outright purchase or a bespoke compensation framework. That framework includes a mechanism for assessing compensation that overcomes the statutory uncertainties, including an arbitration process and provision to override statutory limitation provisions. The properties will be valued by the end of February 2016 and the Secretary of State will consult with HM Treasury and by 1 May 2016 decide whether to purchase. The 1 May 2016 deadline will allow time for a petition in the House of Lords if necessary.

### **Links to HS1**

252. The Bill as presented included an HS2-HS1 link between Old Oak Common and St Pancras. There were strong objections to the effects that that would have had from Camden. There were criticisms of its likely functionality. Before we began our work, the Government decided that it would not proceed with the link between HS2 and HS1.<sup>40</sup> The House's instructions to the Committee included a specific instruction not to consider petitions on whether there should be such a link.

253. The economics of cross-continental rail travel and modal shift from aircraft use are complex. The question of a continuous fixed link between HS1 and HS2 was outside our remit. We do not comment on it save to express a view that the success of and need for a national high-speed network is not necessarily contingent on a fixed link to the international network. Journey patterns are complicated.

254. Quick and comfortable ways to get between HS1 and HS2 will nevertheless be needed. Euston and St Pancras are some 800m apart. A tunnel between them could run under roads parallel with Euston Road, arriving in the northern part of St Pancras. The coherent design plan we have suggested as an imperative for Euston should include convenient ways to get between HS1 and HS2.

### **Conclusion**

255. The AP3 Euston scheme has advantages for existing rail users. The effects of its longer duration must be recognised and addressed. A coherent plan for Euston station is needed

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40 This followed the recommendations of Sir David Higgins's review published in March 2014

to meet the expectations of rail users, underground travellers, businesses, local residents and the country's capital.



*Visit to Netley Primary School*

### Cases settled by negotiation

256. Many petitions we heard involved issues that were better addressed by detailed negotiation between the parties, such as in matters of commercial treaty. The petitions hearings nevertheless helped facilitate negotiations in several ways. First, they compelled the parties to expose their positions to a degree of public scrutiny, which provided an incentive to pragmatism. Second, they inserted an element of time pressure into discussions. Third, they allowed us to intervene publicly to encourage movement toward agreement in certain cases where we believed that to be appropriate. Fourth, they created an opportunity for us to intervene informally to encourage one or other party to be more reasonable, thereby catalysing settlement.

## Further acknowledgments

257. We have acknowledged several debts of gratitude in this report. A further one is owed to local authorities, their councillors, employees and representatives, for their assiduous attention to the needs of their residents, businesses and other bodies, for their success in achieving much of benefit, and for the helpful way they appeared before us.



*Petitioners in Committee*

## 5 The Need to Sell scheme and compensation

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### Background

#### *Principles of compensation*

258. Property owners<sup>41</sup> affected by public works projects such as HS2 are entitled to compensation available under the compensation code—a combination of statute and case law.<sup>42</sup> There are additional discretionary schemes applying to HS2, outlined below.

259. The compensation code principles applicable to homeowners, businesses and other property owners affected by HS2 may be very broadly summarised as follows.

#### *Displaced owners*

- Owners who must be displaced to enable construction to take place receive compensation based on open market value, including displacement costs, with downward adjustment in compensation for any ‘betterment’ resulting from the displacement
- Displacement costs for owners of residential property who must be displaced include removal expenses and related costs and fees, including stamp duty
- So that displaced owner occupiers are not out of pocket, and to permit easier acquisition of alternative property, 90% of compensation as estimated by HS2 Ltd is payable in advance of claim settlement, after possession is taken for the works
- In addition to compensation payable for acquired land, owners and occupiers can apply for the following loss payments
  - ‘Home loss payments’ to home owner-occupiers: £49,000 or 10% of the open market value of the property, whichever is lower
  - ‘Basic loss payments’ to freehold owners of land and business property: £75,000 or 7.5% of the open market value of the property, whichever is lower
  - ‘Occupier loss payments’ to occupiers of land and business property: £25,000 or 2.5% of the open market value of the property, whichever is lower<sup>43</sup>
- The Promoter will seek to avoid the need for businesses to close entirely. If a business must be entirely extinguished, the owner receives compensation for its value as a going concern

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41 Freehold or leasehold owner of land

42 HS2 Ltd, [Information Papers](#), C4, C5, C7, C8 and C9

43 Broadly speaking, basic loss payments and occupier loss payments apply where home loss payments do not. There are different, more complex, provisions for agricultural occupiers.

### *Non-displaced owners*

- Non-displaced owners whose property value is diminished because of the project can claim compensation for that diminution under Part One of the Land Compensation Act 1973, from one year after railway operation begins
- Severance of a property provides grounds for a diminution in value claim; the landowner can also expect the Promoter to mitigate the effect of severance through reasonable access provisions, and may compel the Promoter to acquire land that becomes unworkable
- Disturbance compensation is also payable where there is an effect on business output; for example, temporary or permanent loss of profits, or loss of crops
- Under section 10 of the Compulsory Purchase Act 1965, compensation is payable for actual damage caused by construction (for example, physical damage caused by vibration from digging machinery) or interference with legal rights such as access. It cannot normally be claimed for construction effects such as noise. Instead, the Nominated Undertaker must take steps to mitigate such effects

### *Compulsory purchase and safeguarding*

260. Property to be compulsorily acquired under the Bill powers is subject to the compensation code. Land needed for the route is also safeguarded to protect against conflicting development.<sup>44</sup> Safeguarding may end up extending beyond compulsory purchase powers (where the extent of the land required for the works is reduced in the design process).

261. Safeguarding of land for HS2 triggers statutory blight provisions by which affected owner occupiers can serve blight notices to require purchase of their property. (Owner occupiers of *business* property can serve a blight notice if the rateable value of their property is less than £34,800. This is significant, because the £34,800 cap carries over to another important scheme discussed below.)

### *Discretionary compensation schemes*

#### *Express purchase scheme*

262. In April 2014, the Government announced an ‘express purchase scheme’ to assist property owner occupiers by smoothing the operation of the statutory blight regime to HS2. The scheme smooths the application of the normal rules by including simplifying assumptions on the physical extent of property that must be within safeguarding to trigger the automatic acceptance of a blight notice. Under the express purchase scheme, those with property in—or which was in—the surface safeguarded zone can require purchase of their property at full, unblighted market value, plus 10% home-loss compensation up to a maximum of £49,000, together with reasonable moving costs including stamp duty, legal and surveyors’ fees and removal costs. (There is an assumption of material detriment if more than 25% of land is safeguarded.) The Government also announced a rent-back scheme to allow owner-occupiers to continue living in the property.

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<sup>44</sup> The most recent safeguarding directions for the route are those from 26 June 2014

### *Rural support zone*

263. The Government has sought to recognise the perceived greater relative impact of the railway in rural areas. A rural support zone beginning at Ickenham in west London extends up the line as far as Handsacre in Staffordshire and into Birmingham to just west of Water Orton. Two further compensation schemes operate in the rural support zone.

### *Voluntary purchase scheme*

264. The Government will offer to buy properties at full, unblighted market for owner-occupiers in the rural support zone who are outside the safeguarding zone, up to 120 metres from the line. Unlike express purchase, legal fees, removal costs and stamp duty are not included in this offer. Our March 2015 interim report commented on that distinction.<sup>45</sup> A rent-back option applies.

### *Alternative cash offer*

265. Alternatively, owners of such properties can elect to receive a cash sum of 10% of the unblighted value of their property, with a minimum payment of £30,000 and a cap of £100,000.

### *Homeowner payment zone and payments*

266. Owner-occupiers immediately beyond line of the rural support zone and between 120m and 300m from the line are eligible for a cash payment as follows:

- Zone 1: 120m to 180m from the line: £22,500
- Zone 2: 180m to 240m from the line: £15,000
- Zone 3: 240m to 300m from the line: £7,500

### *Need to sell scheme*

267. The Need to Sell scheme extends to urban areas and operates with no defined boundary. There are five criteria for a successful application:

- A qualifying interest:
  - owner occupation and a freehold interest, or a leasehold interest with more than three years remaining
  - non-occupiers may also be eligible if they can demonstrate that they are letting their property reluctantly (investment property is not covered)
  - owner-occupiers of business premises with an annual rateable value not exceeding £34,800 are also covered (the cap is carried over from the statutory blight regime), as are owner-occupiers of agricultural units
- Location in an area likely to be substantially affected by HS2 construction or operation

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<sup>45</sup> HC (2014–15) [338](#), paras 109–111

- Inability to sell, and no offer within 15% of the realistic unblighted asking price
- No prior knowledge of HS2 (that is, purchase, or the means of finding out about HS2 Phase One, took place before 11 March 2010 when the Phase One route was announced)
- Compelling reason to sell, such as being placed under an unreasonable burden in the next three years if unable to move.

268. Applications are reviewed for completeness by the scheme secretariat. The decision on applications is made by a Panel, and is reviewed by a Department for Transport official. There is no appeal mechanism, but there is a complaints procedure, and further applications can be submitted.

269. A rent-back option applies to Need to Sell scheme purchases. ‘Need to Sell’ replaced the previous Exceptional Hardship Scheme for Phase One. An Exceptional Hardship Scheme remains in place for Phase Two.

### *Special circumstances*

270. In addition to these schemes, the decision document on the property consultation said, “there will inevitably be some instances where it is appropriate for Government to go further ... HS2 Ltd will therefore work directly with property owners of atypical properties or those who are experiencing special circumstances in order to consider how their needs can best be met while protecting the interests of the taxpayer.”<sup>46</sup>

## **Our previous recommendations on the Need to Sell scheme**

271. Our May 2015 interim report expressed several areas of dissatisfaction with the Need to Sell scheme arising from what petitioners had told us about its procedures and scope. We recommended procedural improvements. For instance, practices among local estate agents of refusing to market properties (or not doing so without upfront fees) should, we said, be clearly stated in the application materials as equivalent in demonstrating inability to sell. We wanted consistency on criteria acceptance between successive applications. We asked the Promoter to consider the retrospective compensation cases of property owners who had not applied under any scheme but who had already sold at substantial discount owing to blight, perhaps through an urgent need to move. On the substance of the scheme, we said we wanted a more considerate, generous approach, including a recognition that people’s ‘age and stage’ in life might be good reason to want to move.

272. In several respects the Government responded positively. Our recommendation on the treatment of refusal to market policies and upfront fees was accepted. It was agreed that the schemes should be better promoted and advertised, and that feedback should be given on unsuccessful applications so that applicants might be better equipped in future attempts. The Government said it believed there would be issues of equity with any broad policy of retrospective compensation, but that some exceptional cases might exist. Those cases would be considered on their merits.

273. In October 2015, we asked parliamentary colleagues to tell us whether these policy changes were translating into more acceptances and better treatment. In December

<sup>46</sup> Secretary of State for Transport, *Decision Document Property Compensation Consultation 2013 for the London-West Midlands HS2 route*, [CM 8833](#), April 2014 chapter 9

2015, we produced further recommendations. We said that while we were pleased with the increased acceptance rates, the overall number of successful applications needed considerable improvement. We wanted more use of valuers with local knowledge. We recommended automatic review of all applications pending for longer than eight weeks.

### The most recent Government response and our views on it

274. The Government published its response in early February 2016.<sup>47</sup> Several recommendations on process and on areas of substance were accepted, which we welcome.

275. The acceptance rate is now hovering at around 60%, which is better than for the Exceptional Hardship Scheme. We understand that acceptances are up to nearly 100—25 more than in November. Completed sales have more than doubled since November.<sup>48</sup> These developments are welcome. In February 2016, the Residents Commissioner made recommendations on how to target potential applicants with better information, including wider communication and regular, six-monthly review.<sup>49</sup>

276. We understand that HS2 Ltd has communicated with all residents within 1km of the line to alert them to the Need to Sell scheme. HS2 Ltd should continue to communicate the scheme widely. Nevertheless, overall take-up is still only at low levels compared with the numbers that might ultimately be expected to apply under the scheme.

277. On our wish for more appropriate treatment of applications based on ‘age and stage’, the Government has said that work is under way to understand what options may be available to help address the Select Committee’s concerns. The Government has said that the issues are complex and that it intends to respond substantively later in the year together with its views on Phase 2A compensation, the consultation on which closes on 25 February 2016.

278. The Government has cited what it says is the relatively high acceptance rate already being achieved under ‘Need to Sell’ for those approaching retirement or already retired: 24 accepted applications out of 37 (65%). We are not so convinced. The rate is barely 5% higher than the overall acceptance rate.

279. Although we acknowledge that not everyone in or approaching retirement will need to sell their property because of HS2, older people have restricted freedom to adapt their financial plans in response to changed circumstances. Putting it plainly, they cannot build into their plans an additional 10 or 20 years of income to address new situations. Many also face a challenge not shared by the younger: that their home becomes itself a physical burden. We believe these realities should more significantly inform the starting assumptions of those assessing scheme applications. There should be a bigger margin in the acceptance rates to reflect that. It is difficult to imagine justification of less than 90% acceptance on applications by those over 70 or who will be over 70 when the project commences.

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47 This was published on the Committee website

48 During the main evidence session on compensation issues, HS2 Action Alliance told us that they estimated there was scope for some 700 applications along the route. We heard from officials that they expected some 150 applications per year over the lifetime of the scheme: perhaps 2,000 in total.

49 HS2 Ltd, Residents’ Commissioner, [Report 3](#), February 2016

280. In its review, which we believe should have started earlier, the Government should examine how policy changes might be developed to reflect these points. The Government should provide an update to the House before Third Reading. We would expect to see substantial progress by the time our colleagues in the Lords are considering the Bill.

### ***Applications from the same area***

281. Responding to our recommendation about applications from neighbours within blighted communities, the Government said that when the panel and decision makers consider applications against criterion 3 (effort to sell), HS2 Ltd will ensure they are aware of successful applications in close proximity to or neighbouring the applicant's property. Applications from the same area as those of successful applicants will not receive automatic acceptance, but decision makers will need to provide clear reasons for rejecting them. We are satisfied with this.

282. Our interim report of 2015–16 wanted more recognition of areas that will suffer especially egregious effects from construction. The Government response explained that there had been special treatment of a number of hardship cases arising from construction impacts, for instance at Kingsbury. We welcome the statement that the Need to Sell Panel would treat further such applications with sympathy.

### ***Businesses***

283. We said that the £34,800 rateable value cap for 'Need to Sell' business applications was not appropriate in the case of London businesses; too many would exceed the cap. The Government said it would prefer to maintain the cap's "tried and tested" approach, applying a discretion in the case of hardship cases, but conceded that 33% would exceed the cap in the case of Drummond Street. That is too high. It would not be unfair if, illustratively, all the businesses in Drummond Street had the same scope for obtaining compensation.

284. We heard that the figure of £34,000 was set some time ago and would be reviewed in 2017. We want a re-evaluation such that the proportion of London businesses falling within the cap is broadly the same as elsewhere. We would like Department of Transport to liaise with other Departments to carry through a review as soon as possible, before the most potentially damaging aspects of construction work begin to affect businesses in London.

### ***Valuations and offers***

285. On the need for greater local input to valuations, the Government said that it would work to implement a revised process for the valuation of properties for 'Need to Sell' that will allow more local valuers to be used (although a review was previously promised for autumn 2015). We welcome that review. We have heard from a number of people who feel very disadvantaged by the current rules. We believe it is right for the 'Need to Sell' process to be fair, and seen to be fair. We are also particularly pleased that the requirement not to have received an offer within 15% of the realistic asking price is to be reviewed across the country. We heard a lot about the perceived unfairness of assuming that all property vendors start out asking substantially more than they think they should get. There was a perception, perhaps justified, that this operated as a tax on the affected population.

286. We previously said that acceptances under the scheme should stand as acceptances, unless there are unusual circumstances. In stating that it might be in everyone's interests for applicants to keep their property on the market, the Government response says the emergence of a "suitable offer" might allow a normal purchase to proceed without Government intervention. We agree, but once an applicant has been accepted such a suitable offer should be defined as one matching or better than the scheme offer. Once accepted under the scheme, owners should have certainty of their financial position rather than face the risk that a third party can undercut and unpick their security of position.

### ***Lending***

287. We had been expecting the members of Council of Mortgage Lenders and its members to recognise that no valuer should declare an affected property either valueless or unmortgageable if blight reduces the present open market value by normal amounts. We heard of cases where valuers had put a 'nil' value on properties or had recommended against any loan provision, which is clearly nonsense. We also wanted the Council to take the lead in developing information guides for borrowers affected by HS2, to reassure them that lenders are aware of the significance of the project and have considered how to address lending in the light of it. An industry position on this need not be anti-competitive; the point here is to have a set of responses based on recognition of an issue, not the same response from everyone. The Council could act to limit itself to being collator of a wish list to which its members provide individual answers.

288. Although some conversations have taken place between the Council and its members, and the CML Valuation Panel has confirmed that there is no blanket policy of refusing lending in cases of blight, we were disappointed not to have had more open and effective cooperation on this. We welcome the discussions that have taken place between the Council and HS2 to share information. We welcome too the Council's recommendation to its members to review their policies. We hope that more will be forthcoming. It will reflect badly on the sector if it fails to grasp what is needed. Action is required.

### ***Suggestions of a property bond***

289. A property bond would be a form of underwriting of property value that would run with the property and would take the form of a binding agreement to purchase it (where the Government would act as purchaser of last resort), or an agreement to compensate for blight. We heard arguments, notably from HS2 Action Alliance, that a property bond scheme should be preferred over the Government schemes.<sup>50</sup>

290. Proponents of the property bond concept argued that it would better support the market in areas of blight and that to that extent its cost could to some extent be self-limiting. They said it would be fairer to property owners than schemes which operate only where there is a need to sell. The Government argued that property bonds could inhibit recovery from blight by discouraging efforts to maximise sale value, and in some forms could expose the taxpayer to potential collusion in depressing sale prices. We said that we were open to the idea of a property bond if there was insufficient improvement in the Need to Sell scheme. At our request, the Government provided a note on the difference between its figures for operating a bond scheme and those presented by HS2 Action Alliance. HS2

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50 Oral evidence taken on 20 November 2014, HC (2014–15) [338](#)

Action Alliance responded with their own note.<sup>51</sup> We have reflected and concluded that the case that a property bond scheme should be preferred over other options was not sufficiently established.

291. Those interested in how the French have dealt with the wish to sell and the cases where an owner can require purchase may read the House of Commons Library materials on the subject.

### *Specific cases*

292. We kept a watch list of petition cases where we felt that there should probably be a successful outcome if an application under Need to Sell were made. Among those, not every petitioner has yet applied. Some applications are pending. Of those that have been decided in principle, we are content that the outcome in a high proportion of instances was as we would have wished. That sufficiently satisfied us on the quality of process that we do not comment on the small number of outcomes. We have made general observations on valuation, but we do not believe it appropriate to remark in this report on the valuation process in individual cases.

### *Other points*

293. Our interim report suggested that some medical matters could be inexpensively cleared up through straightforward communication with the applicants' general practitioner. The Government response said that there might be confidentiality and data protection issues with that approach but that missed the point: if the applicants agree there should not be a problem.

294. In its response, the Government agreed to our recommendation on automatic review of cases pending for more than eight weeks. The response stated that a "larger pool of decision makers had been identified and trained." We welcome the recruitment of greater staff numbers which will help expedite consideration of applications. We note that decision making should primarily be for the NTS panel. Final sign off by Department officials should be sign-off for the purposes of monitoring budgets and checking on any outlying decisions.

295. We are glad that the cumulative effect of Phases One and Two has been recognised. The acknowledgment of that effect on local people and businesses could still be better stated.

## **Conclusions**

296. The Need to Sell scheme is a better scheme than its predecessor. It is still improving. We ask and expect that it continue to do so. Many of our suggested improvements have been adopted. Work remains to be done in addressing the greater needs of a higher proportion of older applicants. Valuation should work better. The lending sector should establish a proper set of responses to HS2. The business rate value cap for Need to Sell applications needs reviewing for London. All these things need to happen quickly to take account of those who are already being affected by Phase Two and 2A. If the scheme works sufficiently well, many people will feel more comfortable staying in their homes, and effects

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51 See Committee publications

on communities will be alleviated. Beyond 'Need to Sell' there is still little recognition of the effects of others who are blighted including tenants and licence occupiers.

## 6 Route-wide issues and farms

### Environmental issues and ecology

#### *Environmental authorisation for the project*

297. The Bill provides legislative authority for the HS2 Phase One project. The Environmental Impact Assessment Directive<sup>52</sup> deriving from the Aarhus Convention expressly does not apply to projects adopted through national legislation, but Article 1(4) requires that the Directive's objectives of assessment and scrutiny are achieved through the legislative process. The project therefore proceeds subject to a process of scrutiny, and compliance with what are known as environmental minimum requirements, which derive from various sources including the Code of Construction Practice and the undertakings and assurances given by the Promoter.<sup>53</sup> The Bill's authority extends to the effects described in the environmental statements.<sup>54</sup>

298. The Committee's job was a part of the Bill's scrutiny. We followed due process. We did not consider it part of our role to judge the adequacy of the overall scrutiny process. Our work was to hear petitioners and responses. Wider issues could arguably have detracted from our specified task.

299. Early on, we heard argument on whether the environmental statement was adequate.<sup>55</sup> It will be recalled that the paper version of the environmental statement notoriously omitted 877 pages of its intended content (though the electronic copy did not). It was argued in respect of other omissions and errors that they were more serious, and prevented those objecting from adequately making their case. Chapter 2 of this report refers to one set of such errors which related to traffic data.

300. It was clear to us that describing the effects of a new railway route from London to Birmingham and beyond would be work in progress for some time, not complete and perfect the start. Many petitioners complained that there was too much, not too little, information. Certain mistakes and omissions we observed were regrettable more for causing confusion (which they did) than for being seriously misleading. That is not to say that errors or omissions would never be a significant problem. Reliable traffic modelling on final analysis will be crucial. The project and its environmental effects will continue to be refined. We decided that those wishing to object knew enough on the basis of the published environmental statements to make out their objections.

301. We make one observation, however, which is that it appears to be in the control of the Promoter to decide when an environmental effect is significant enough to merit a new statement. We wonder whether there should be some independent input into that.

52 EU 2011/92

53 HS2 Ltd, [Information Papers](#), B5 and E1

54 HS2 Ltd, [Information Papers](#), E1-28 describe these matters

55 The main case was heard on 23 and 27 October 2014

## Ecology

302. The Promoter has an objective that the project seek to achieve no net loss of biodiversity.<sup>56</sup> The early analysis of how that objective will be pursued was only recently published.<sup>57</sup> The analysis has been criticised for lack of granularity and accuracy. Woodland and wildlife trusts were among those who believed HS2 Ltd had overemphasised the potential benefit of connectivity along the railway while underestimating severance effects. They questioned why the Department of Environment, Food and Rural Affairs model had not been used. The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust believed that a substantial (more than 10%) proportion of the net loss calculation scores were incorrect and that on a different version of net loss calculation HS2 Ltd may be only half way to meeting the no net loss aspiration. Warwickshire authorities were among those concerned that the net loss calculations were not sufficiently broken down by area. The Promoter told us that it believed the current no net loss deficit was only 3% and that would endeavour to eliminate that through detailed design.

303. We direct the Promoter to identify an independent third party arbiter to review the different net loss metrics and publish its findings so that HS2 Ltd can be challenged on its figures if appropriate. Natural England is one possibility.

304. An Ecology Review Group will monitor the biodiversity and ecology aspects of the project. Its members will include Natural England, local authorities, nature conservation non-governmental organisations and relevant specialists. Environmental groups wanted the Ecology Review Group set up immediately. The Promoter said that establishment should wait until more detailed design work could be considered. Our colleagues in the Lords may wish to consider that question along with issues arising from the only recently published no net loss calculations.

305. Losses to the environment could be relatively more significant in urban areas with little green space. This should be recognised through specific extra allocations to Birmingham and Camden on top of the current Community and Environment Fund budgets. The visual impression created by the railway will depend to some extent on the maintenance of its security infrastructure and the land adjacent to that. We expect the Nominated Undertaker and its successors as operators of the railway to set appropriate standards for maintenance.

306. We were concerned to hear reports of high failure rates for tree planting on HS1. We asked the Promoter to look into that. We want the early planting of tree mitigation to be more than just an aspiration. The Promoter should provide clear assurances that it will undertake such work as soon as reasonably practicable.

307. We heard that some bird and bat populations might be particularly at risk from the operational railway. (Approximately 1% of the UK population of barn owls is near the route and faces threat.) Measures to protect those populations by encouraging habitat and foraging shifts are required.

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56 HS2 Ltd, [Information Papers](#), E2

57 HS2 Ltd, [No net loss in biodiversity calculation, Methodology and Results](#), (December 2015)

308. We have been helped and impressed by professional and amateur experts on wildlife and the natural environment. Contributions from local authorities were authoritative and helpful. Knowledge has been advancing. We acknowledge the efforts made by the Promoter.

### *Animal welfare*

309. The tenant of Upper South Farm at Doddershall, Mr Goss, has a cattle shed which will be very near to the line. The Promoter estimated that the closest façade was 40m away and that this would fall outside the relevant threshold noise contour. We were not satisfied with this and we asked for more work. The response we received said “since Committee the effect of noise on animals has been looked into in further detail and our approach to this subject can be found from the noise, sound and methodology, assumptions and assessment report, volume 5 of the main Environmental Statement”.

310. We asked what the new work had elicited. It then emerged that the further look referred to a US research paper of which the Committee had already been informed. We were not happy with that. We want a proper look at how animals in such conditions might be affected and whether better mitigation should be provided in this particular case. The RSPCA might be invited to contribute a paper. Mr Goss also need a sensible solution on how to move livestock around the farm once the railway arrives.

## Operational noise

### *Noise*

311. The Promoter’s approach to dealing with train noise is set out in HS2 Information Paper E20 and within Volume 5 of the main environmental statement. It proceeds from the Noise Policy Statement for England whose objective is that of noise management and control through—

- avoiding significant adverse impacts on health and quality of life
- mitigating and minimising adverse impacts on health and quality of life
- where possible, contributing to the improvement of health and quality of life

— while taking account of the economic and social benefit of the proposed activity.

312. As applied, to HS2, this has involved defining a serious observed adverse effect level (‘SOAEL’) of noise above which exposure is considered undesirable. The planning process should be used to **avoid** such effects by appropriate mitigation, including by altering design and layout and by provision of insulation. The choice and design of the HS2 route has taken that into account. It has further involved defining a lowest observed effect level (‘LOAEL’) and taking steps for noise levels between LOAEL and SOAEL to **mitigate and minimise** impacts on health and quality of life. Measures still take account of the economic and social benefit of the activity.

313. There are data to support certain assumptions about LOAEL. There is no standard definition of SOAEL. The Promoter has adopted measures of each which take account of time of day. These are set out in the following table.

**Table 3: Noise effect levels for permanent residential buildings**

Time of day	Lowest Observed Adverse Effect Level (dB)	Significant Observed Adverse Effect Level (dB)
Day (0700–2300)	50 $L_{pAeq}$ , 16hr	65 $L_{pAeq}$ , 16hr
Night (2300–0700)	40 $L_{pAeq}$ , 8hr	55 $L_{pAeq}$ , 8hr
Night (2300–0700)	60 $L_{pAFMax}$ (at the façade, from any nightly noise event)	80 $L_{pAFMax}$ (at the façade, from more than 20 nightly train passbys), or 85 $L_{pAFMax}$ (at the façade, from 20 or fewer nightly train passbys)

314. There is a short and helpful glossary of noise terminology in HS2 Information Paper E20.  $L_{pAeq}$  is an index which expresses the effect of a changing noise as a continuous equivalent. It is not a simple arithmetic average because sound is measured in decibels, employing a logarithmic scale, so an arithmetic average would be misleading. Instead, it averages the total sound energy received over a defined period. Different periods can be chosen.

315. For a constant noise source, and under normal conditions, changes of under 3dB are not perceptible. A 10dB increase represents approximately a doubling in loudness. A 10dB decrease is approximately a halving in loudness. With  $L_{Aeq}$ , doubling the sound energy or the sound duration increases  $L_{Aeq}$  by 3dB. Ten times the sound energy or ten times the duration increases the  $L_{Aeq}$  by 10dB.

316.  $L_{pAFMax}$  is an index of maximum noise. World Health Organisation (WHO) methodology favours its measurement at the façade (wall or window) of the receptor building,<sup>58</sup> where maximum noise is experienced more intensely than in the ‘free field’.<sup>59</sup>

317. HS2 Ltd have modelled the effects of HS2 trains. The modelling methodology is in Volume 5 of the environmental statement.<sup>60</sup> It is based on a reasonable worst case. For instance, it assumes moderately windy conditions. Noise sources penetrate further in those conditions. With no wind, they penetrate less; with higher wind, the wind itself tends to mask the noise. The model also makes allowance for phenomena such as temperature inversion within valleys, which can cause sound to penetrate further.

318. The adoption of the noise criteria in the table for the purposes of environmental minimum requirements means the Promoter should (subject to assessment of social and economic benefit) avoid average noise exceeding 65dB in daytime or 55dB at night. Between 50dB and 65dB (daytime) and 40 and 55dB (night-time), noise effects should (subject to assessment of social and economic benefit) be mitigated and minimised. Under the assessment in HS2 Information Paper E20, maximum night-time noise exceeding 80 or 85dB (depending on train frequency) should be avoided. The effects should be minimised or mitigated from 60dB to that level.

58 It is actually measured 1m from the façade

59 ‘Free field’ is defined as more than 3.5m from sound-reflecting surfaces

60 In the memorably titled SV-001-000 section

319. These criteria provide a number of layers of protection. In addition, noise receptors which fall outside those protections but are predicted to experience more than certain levels of **change** in noise are assessed for further protection depending on local circumstances. This offers an additional level of protection against intrusion into the existing environment.

320. For each locality along the proposed line, Volume 5 of the environmental statement contains colour coded tables of noise measurements and modelling data which show the current (baseline) position, the predicted noise effects from high-speed trains, and the additive position. There are contour maps showing the extent of train noise effects in terms of magnitude and change. Volume 5 contains highly detailed descriptions of the qualitative noise characteristics of each locality. Volume 2 of the environmental statement summarises the position for each area.

321. The generally received wisdom is that train noise is qualitatively less annoying than motor vehicle noise (for the same dB level). The applicability of this to the noise characteristics of high-speed trains as opposed to conventional trains was disputed by some petitioners.

322. Train noise will be mitigated. Earth bunds absorb and protect from noise. Noise barriers close to the source or a receptor can be effective. (Hence, if near the track they tend to be more effective at rail level where they protect against the noise of train wheels.)

323. We heard the case on noise principally on 12 October 2015 and 4 November 2015 although we had already become familiar with the arguments before that.

324. Five main arguments were deployed by those who objected to HS2 on the basis of its noise effects.: that high-speed train noise was inherently undesirable, that the levels of threshold noise in the HS2 Ltd's framework of protection measures were too high, that train noise would disrupt tranquility and change the character of areas, that averaged noise is not what matters to people, and that maximum noise was more important—particularly for a railway whose frequency will be up to 36 train passes an hour at peak times. On the latter, petitioners pressed for contour maps showing the extent of penetration of maximum noise.

325. During our two years of sittings we have become familiar with ambient noise and other noise sources. We do not agree that the HS2 Ltd has set the thresholds too high, particularly as mitigation will be applied on the basis of modelling that assumes a reasonable worst case. Averaged noise level of 65dB is not high. The Promoter has conceded that the trains will be audible but argued that the train noise should not intrude unduly on the basis of the designs and mitigations proposed.

326. We heard HS1 high-speed trains in Kent. They are noisy near the track but within short distances the noise is significantly moderated and less intrusive, even in tranquil areas away from motorways. HS2 trains may be quieter. Among the closest residential buildings to the line will be houses in Aylesbury. We heard demonstrations of modelled train noise passes for that location at the Arup sound lab. Even based on this very proximate location, we found the noise level significantly noticeable, but not such as to be intolerable.

327. We heard that contour maps of maximum noise are not practical because the methodology whereby maximum noise is measured at the façade is highly susceptible to variation over short distances. The free-field methodology would not be, but it does not tie

in with WHO assumptions. It seems counterintuitive to argue on that basis. The spread of maximum noise is, however, shown in the environmental statement data tables.

328. It seems clear that maximum noise and train frequency are the main underlying grievances for many objectors, largely based on concerns about changes to tranquility. Under the proposals contained in HS2 Information Paper E20, maximum noise will be a criterion for mitigation. Train frequency will not be sustained at peak levels throughout the day. It will be important for the railway's operators to monitor whether there are areas where levels exceed the predictions of the models and take remedial steps. There may be other instances where intervention outside of that required by the Promoter's approach is appropriate. If such interventions cannot be achieved through modifications to the railway itself they may be achievable through other means such as through quietening of roads.

329. Issues on noise can be complicated. This report is no substitute for personal experience and a partial exposition is no substitute for the expertise on all sides offered to the Committee. We trust that we will not seem partial with the observation that we found Rupert Thornely-Taylor understood points made by and for petitioners. His explanations were accessible. It was usually clear to us on the day that there was a rationale to the approach by the Promoter of the Bill.

### *Rail speed*

330. The pantograph to conduct electricity from cable to train makes a noise. We heard that good design can reduce noise from the pantograph. Nevertheless, noise increase goes up more rapidly over speeds exceeding 300kph. On that basis, we heard a case for limiting train speed from 360kph to 300kph to reduce noise. That would be a substantial limitation. It would achieve at most a 3–4dB decrease in noise (assuming no other mitigation applied)—perceptible but not massive. We do not believe that future operators of high-speed rail should have their hands tied on speed to the extent of a 16% speed reduction from maximum speed to achieve a barely perceptible benefit. In any event, the average speed of trains taking account of position on the route in terms of gradient and curvature and proximity to stations will be 320kph, not 360kph. Most trains will not be travelling at full speed all the time.

## **Construction, air quality and vibration**

### *Construction effects*

331. The Promoter has established lowest observed adverse effect levels and significant observed adverse effect levels for construction noise. These are set out in the table below.  $L_{pAeq,T}$  is the decibel level for equivalent average noise which will trigger mitigation analogous to that for operational noise. There are different trigger levels for different times of day and different days of the week.

**Table 4: Construction noise effect levels for permanent residential buildings (outdoor at the façade)**

Day	Time (hours)	Averaging Period T	Lowest Observed Adverse Effect Level LpAeq,T (dB)	Significant Observed Adverse Effect Level LpAeq,T (dB)
Mondays to Fridays	0700 - 0800	1 hour	60	70
	0800 - 1800	10 hours	65	75
	1800 - 1900	1 hour	60	70
	1900–2200	1 hour	55	65
Saturdays	0700 - 0800	1 hour	60	70
	0800 - 1300	5 hours	65	75
	1300 - 1400	1 hour	60	70
	1400–2200	1 hour	55	65
Sundays & public holidays	0700–2200	1 hour	55	65
Any night	2200–0700	1 hour	45	55

332. The Code of Construction Practice, set out in HS2 Information Paper D3, will govern construction operations. Petitioners wanted it to be directly enforceable. The duration of the HS2 construction project will insert a strong element of self-policing into compliance with the code; contractors will face termination of contract if they breach it. A further incentive is that legislation could be introduced after the commencement of the project if necessary. There will be a Construction Commissioner as well as a Complaints Commissioners and a small claims scheme.<sup>61</sup> The efficacy of all these will be closely scrutinised. Adjustments can be made if necessary.

333. The Promoter has commissioned a study on the effects of construction noise which will report by mid-2016 and will recommend standards. It will be important to follow through on its observations. Depending on the outcome of the study it may be appropriate to revisit aspects of the trigger times and levels.

334. The policy on management of construction traffic is set out in HS2 Information Papers E13 and E14. A traffic management plan will need approval by each local authority. Modern technology will be used for reducing noise on construction sites. We heard about how construction traffic will be managed through real-time radio monitoring. Except where no likely air quality problem is identified, lorries will need to comply with the Euro VI standard for emissions. Local authorities will need to agree traffic management plans before work begins. Safe interaction of construction traffic with pedestrians and other road users will be imperative. Drivers should receive proper training including on driving safely near cyclists. Lorries may be required to have safety devices installed along with means for increasing visibility.

335. The section of this report on environment comments that the environmental statement is a living document and could not be expected to be entirely error-free from inception. The accuracy of future traffic modelling data will be critical. There are those who are assiduous in checking it.

61 HS2 Ltd, [Information Papers](#), C10 and G3

### *Ground settlement and vibration*

336. The Promoter has set out its policy on ground settlement from tunnelling in HS2 Information Paper C3 and in an online guide to settlement.<sup>62</sup> Professor Mair explained to us the extent of settlement from tunnelling and how it is minimised through appropriate engineering.<sup>63</sup> The Promoter will offer a legal deed of settlement to all those within 30m of the line to protect their position, for which pre-registration is possible.

337. There was some unfortunate underestimating of tunnel depth, by quite significant amounts, for certain petitioners in west London. No adverse environmental effects were anticipated to result from the corrected data, but the mistake was regrettable.

338. The Promoter's position on dealing with operational vibration is set out in HS2 Information Paper E21. We are satisfied that the railway can be engineered to avoid undue effects of vibration. We do not comment further.

### **Highways**

339. The Government has said that it will make good on additional local authority maintenance costs attributable to HS2, applying its doctrine of 'no new burdens'. The Promoter has observed that certain roads will be handed back to local authorities in better condition after construction. We heard that progress has been made on reaching agreement on roads maintenance cost sharing, with Warwickshire, Buckinghamshire and Camden as case studies.

340. There are several areas along the route where traffic pressure is already at or near critical levels. Unlike shorter transport schemes, HS2 cannot bring specific benefit to adjoining areas that are not within the hinterland of a station. Among the benefits that improvements in local roads could bring to the quality of local life and the vigour of local economies are better safety, less congestion, quicker journey times and better design.

341. We propose to the Secretary of State that local authorities along the HS2 route be able to bid to the Department for Transport for funding for such schemes if they are appropriate and capable of timely implementation. Such schemes might include improvements not just for motor vehicle users but for cyclists, horse riders and walkers, as well as better provision for the young, old or disabled. In any event, we would like HS2 to leave a legacy of improved road traffic risk identification and safety improvement along the route.

### **Design, consultation and engagement**

#### *Design*

342. The Promoter's position on design is set out in HS2 Information Papers D1, D5 and G6. The Bill's provisions on design consultation are contained in schedule 16. Following discussion with the Camden Borough Council, the lead local authority on design, schedule 16 will be amended to bring the Bill into line with the equivalent provisions of the Crossrail Act 2008 on the freedom of local authorities to impose conditions on design.

62 HS2 Ltd, [Guide to Settlement](#), (September 2015)

63 HS2 Ltd, [Information Papers](#), D7c

343. We expect a truly consultative approach to design of sensitive parts of the railway, with an element of dialogue and choice, not a one-way information flow. We have encouraged the Promoter to develop a flowchart for community involvement and we invite them to try out the inclusive approach we recommend with the flowchart itself.

344. The cost of design will be material, but so will sensitivity to the local landscape, geology and architecture. Viaducts and vent shafts will need especially careful attention. We have mentioned several by name. Many or most will merit the same careful treatment.

345. There should be a positive architectural legacy from the railway's interaction with the canal network in this country. The Canal and River Trust's presentation on our final day of hearings impressed us. There are ways to achieve the conjunction of railway and waterway in a manner pleasing to the eye, including use of good materials, retention and framing of views, retention of open space near the waterside, and softening of views against the horizon. We would expect a presumption that the perspective of canal users will be strongly taken into account in the design of infrastructure.

### *Public engagement*

346. We commented in our 2014–15 report on HS2 Ltd's mixed record of public engagement. We are aware of the report of the Parliamentary and Health Services Ombudsman which found serious failings in HS2 Ltd's engagement with a community in Staffordshire which will be particularly severely affected. There is work to be done in improving approaches and responses to the public.

347. It can be difficult to mollify those whose lives face disruption. Many petitioners commented on the sensitivity with which many HS2 Ltd staff had handled their issues. Apologies when errors are made go far. As the project moves toward commencement, considerate engagement and helpful provision of information will be even more important. HS2 Ltd will need to pay attention to communicating and explaining its decisions. We hope that the Residents Commissioner will do the same, and consider different lines of communication to her office.

348. The task of negotiating with nearly 2,600 petitioners was not an easy one for HS2 Ltd or the Promoter. For the future, we strongly encourage more cooperation between local authorities and the Promoter in setting timetables for negotiation, not least because the outcome of those negotiations is often critical to what other petitioners have to add. Assurances absolutely must be published early so that other petitioners know what has already been decided. Our successor committees on any future hybrid bills may wish to consider programming all local authorities early on so increase the incentive for proper engagement and compromise. Petitioners who followed in the programme would then know what had been achieved.

## **Business and Community**

### *Community and Environment Fund and Business and Local Economy Fund*

349. These funds will provide a total £30m in funding to support communities and businesses on the route.<sup>64</sup> The Government position is that this amount is in proportion

64 HS2 Ltd, [Information Papers](#), C12

to the similar funds made available in relation to HS1. There are 25 local authorities on the HS2 Phase One route. Buckinghamshire County Council alone has ideas for some £15m in spending throughout the county, and has argued that the HS1 fund was solely for environmental items. Warwickshire has ideas for some £8m of spending. Buckinghamshire has pointed to higher funds for other infrastructure projects. It has observed that taken over the life of the project the sum of £30m amounts to only £3m per year. It has argued that the total funding envelope for community and environment projects and for business and local economies should at least £150m.

350. We recommend that the funding envelope of both funds should be substantially increased. We suspect the Government is aware that the amounts are too low. We want to see specific allocations to certain communities to avoid bidding wars.

351. As a separate point, we hope that local businesses capable of benefiting from construction will be actively involved in the Promoter's contract awards. These may include undertakings engaged in equipment and vehicle maintenance, and catering support.

### *Business rate effects*

352. Construction of HS2 may reduce business rate income. The Promoter is in discussions with local authorities. We suspect that highways and environmental health matters will be of more significant concern. Our colleagues in the Lords may wish to consider the question of the effect of HS2 construction on business rates.

### *Schools and places of worship*

353. Impacts of construction on schools should be monitored during construction and for one year after the HS2 building project. Maintaining safe and proper access will be critical. The Promoter should be open to financial support for schools if there are, for instance, demonstrable adverse effects on roll numbers that affect a school's viability or its capacity for employing teaching staff. It should endeavour to maximise the amount of construction work in school holidays.

354. Places of worship will need consistent and considerate treatment. The Promoter should be prepared to postpone work that interferes with unavoidable activities such as funerals. There should be a hotline for such matters. We would also like the Promoter to consider some specific support for religious and similar institutions whose legal status may prevent or make difficult a conventional claim for lost revenue. Conventional claims may also be inappropriately elaborate in such cases. The remedy should be a fund that is readily accessible and easy to negotiate.

### **Land take and temporary or permanent occupation**

355. The Promoter's powers of land acquisition and occupation are set out in the Bill. The Promoter has given undertakings on minimising the extent of acquired land. During our proceedings, we frequently directed or attempted to nudge the Promoter toward either smaller land take or shorter duration of occupation, particularly in the case of farms. As we conclude our work, we remain concerned that the permanent occupation powers are being used too extensively. We do not intervene to direct that the Secretary of State should not consider the economics of particular cases, but we do believe that the Government

should be circumspect in considering economics of land occupation given the railway's objective of developing the economy, helping to change the economic geography of the country for the better.

## Farm issues and tax

### *Farm issues*

356. As a general observation, we have been impressed by the pragmatic approach taken by farmers affected by the line. We could mention many.

357. Several common themes emerged from farm petitions: the need for construction to work around the seasonal and long-term business nature of farming, less than ideal choices for locating mitigation planting, disputes over extent of land take and access, and tax issues. We directed preparation of a farmers' pack which would set out common helpful approaches. The National Farmers Union is involved in negotiating it. We are pleased that several cases in which the farmer suggested alternative mitigation locations have been settled following hearings before the Committee. We have directed different access arrangements in several cases where it was clear that the farmer's suggestion made sensible use of their knowledge of the terrain.

### *Specific farms*

358. We were concerned at the extent of land take at Hunts Green Farm,<sup>65</sup> particularly in relation to the rare ancient pasture, and we said we wanted improvements. We welcome the progress that has been made in addressing that. The Promoter explained that it cannot eliminate activity on the eastern side of the railway, but that it will avoid use of certain sensitive areas for temporary stockpiling if feasible. We welcome the accommodation that has been reached concerning Hammonds Hall Farm.<sup>66</sup> We want the Promoter to devise a flood risk scheme to address potential concerns about flooding at Marsh Mills Farm.<sup>67</sup> We expect the Promoter to work sensibly to a solution on access, land take and drainage issues at Nash Lee Farm.<sup>68</sup>

359. Mr and Mrs Howie farm in Hillingdon. They employ a number of farm workers on land that was used for World War II food production.<sup>69</sup> Effects of the project include mitigation planting and the presence of an electricity feeder station. We encourage the Promoter to look at ways to reduce impacts on the farm activities.

360. It is open to petitioners including farmers who petitioned this Committee to raise outstanding matters later in the Lords. Amongst those considering their position is Bob Lewis of Springfield Farming Ltd.<sup>70</sup> Many petitioners who appeared before us have made substantial progress in negotiating sensible outcomes with the Promoter.

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65 Petitions 670 and AP4:178

66 Petitions 90, 91 and AP4:87

67 Petition 1149

68 Petition 1173

69 Petition 471

70 Petitions 50 and AP4:180

## Tax

361. Farmers whose land is compulsorily acquired by the Promoter may find themselves landed with a large and unwelcome capital gains tax liability if unable to reinvest the purchase proceeds in replacement land, premises or fixed plant within the normal ‘rollover relief’ periods. The size and scale of the HS2 project means that competition for replacement land will be intense, and real estate prices will probably increase. The estate of any farmer unfortunate enough to die while the purchase proceeds remain uninvested may also incur inheritance tax liability.

362. The Department said that HS2 may result in some increased land availability of parcels along the line which HS2 itself resells, but we doubt that that will be sufficient. We were told that HS2 should not be treated differently from other infrastructure projects but we believe the likely intensity of competition for land along the HS2 route merits its treatment as a special case.

363. We wrote to HM Treasury seeking a generalised extension of the discretion to extend rollover relief periods in the case of HS2, or at least a statement that there would be a starting assumption of such extension. We did not want farmers spending money on detailed individual tax advice when a general position or set of starting assumptions could be usefully set out.

364. HM Treasury said that it would write to farmers to advise them of existing rollover relief discretions. We wished for greater certainty and clarity. There is precedent for extended discretion in cases from other business sectors.<sup>71</sup> The Treasury should make it clear that the enhanced rollover relief periods will apply to all those whose land is acquired for the project. As it will take HS2 some ten years to bring its Phase One rail project to fruition, there is a case for allowing farmers a comparable period for reinvestment.

## Development and railway

### *Development and planning*

365. We heard argument that the powers in clause 47 whereby the Secretary of State may acquire land for regeneration purposes were too broad. We were presented with two sets of compromise language: one from the Promoter, requiring the Secretary of State to consult on use of the powers; and one from Camden Borough Council which would tie exercise of the power to the vicinity of the works and/or to local plans. We decided the latter would be too restrictive. The power is a backstop power designed to prevent ‘ransom strips’ obstructing regeneration.<sup>72</sup> We favoured the Promoter’s language. We direct an appropriate amendment to the Bill.

366. We heard that in certain areas such as green belt areas local planning policy prevents net increase in building numbers. Where residents particularly adversely affected by the line want to move away and build new property, the dilemma in planning terms is whether they should be permitted to do so only with demolition of the current premises. The land on which the premises are demolished would clearly be of substantially lower value to the acquiring body—probably the Promoter. There is an analogous issue with

<sup>71</sup> *Executors of Ralph Louse Brown v Inland Revenue Commissioners* [1996] STC (SCD) 27

<sup>72</sup> HS2 Ltd, [Information Papers](#), C11

agricultural premises. We heard a small number of cases but there will be others. We took this up with the Department of Communities and Local Government. The Minister wrote to local authorities to encourage them to have regard to the impact of HS2 when deciding on planning applications.<sup>73</sup> As the project nears commencement we would like the Department of Communities and Local Government to remind local authorities of the sensible position. Wholly unnecessary demolition should clearly be avoided.

### *Broadband*

367. The Bill makes passive provision for installation of broadband infrastructure on the route, but not actual installation such as ducting and cabling. Several areas which will not stand to gain directly from the railway and which lacked broadband access pressed the case for active broadband provision, to mitigate for some of the pain of construction.

368. The Government has said that commercial need and a commercially justifiable proposition would require to be demonstrated. It told us that most areas between London and Birmingham are planned to be “fairly well served” by fibre broadband providers, adding that it might be more efficient to provide more poorly served areas with broadband access via cabling not from the HS2 route but other rail routes, or road routes. The Government accepted that this might not be the case everywhere. It noted that in the areas where it is not there would still need to be a demand for a commercially viable broadband service. The Promoter said it would be meeting the Department of Culture, Media and Sport and the telecommunications industry in May 2016 to define the market, and level of demand.

369. The Department of Culture, Media and Sport can establish which areas within, say, 3km of the HS2 route are unlikely to have superfast broadband provision and good 4G mobile telephone coverage by 2018 (the year after anticipated start of construction). Few if any of those living close to the route will benefit directly from the HS2 project. The Government is wrong to believe that the test for providing broadband and mobile access is whether the telecommunications industry can be offered a commercially viable market in such localities. If commercial propositions are not speedily forthcoming the Government should fund the provision. We do not direct whence the cabling comes; industry operators and Government can make a commercial assessment of that. We direct that, one way or another, the provision of a modern railway is to be associated with achieving modern high-speed communication along its route.

### *Railway assets*

370. The project will be making substantial use of existing railway infrastructure and assets. Some of those may not be in good condition. Using it to the extent required by a project of this nature might create annoyance to residents. The Nominated Undertaker should fund reasonable improvements in such cases. A petitioner from Camden described poorly maintained gates, currently not that frequently used, whose increased use would irritate. There will be other examples. The Nominated Undertaker should be alert to them and respond quickly. There may also be low-cost aesthetic enhancements to railway property that can be made as a way to mitigate the perceived impact of construction.

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<sup>73</sup> Letters of 12 and 18 March 2015, published on Committee website

Some of the existing railway assets in and around Ruislip might benefit from some care and attention, for instance.

### *Freight*

371. An important element in construction is the proposed railhead at what is currently the Euroterminal rail site in Willesden. The freight operator DB Schenker has a more than 100-year-long lease from Network Rail on the property. The site is currently the subject of various subleases. We heard that the Promoter needs an extended period of up to 17 years access to the site for construction. While we acknowledge that the Promoter should not be required to enter into complex negotiations for sub-licences from multiple landlords, outright acquisition would displace the current occupant from valued business premises. If that is to happen, it should not be with one eye on what other parties might want or might have wished for. We asked the Promoter to reconsider alternatives to and to negotiate with DB Schenker in good faith, on the basis of DB Schenker's existing lease between Network Rail rather than what might have been. The Promoter agreed.

372. Several freight operators perceived a lack of ambition and urgency in endeavours to secure benefits from the project for their industry. They pressed for the Bill to require that the Secretary of State issue guidance on principles for use of rail capacity released by HS2. Professor MacNaughton told us that the door was open to discussion through working groups but that legislating for discussion was not appropriate. We agree, and we recognise that there are procurement law boundaries to such discussions. The long investment lead times that will be needed to exploit released capacity persuaded us of the need for greater engagement.

### *West Coast Main Line operation*

373. 'Line X' is an important 'dive-under' tunnel in the throat of Euston station which enables West Coast Main Line and other services to switch platforms without crossing the tracks in the throat at surface level. It plays an important part in maintaining capacity. We were pleased to hear that the period for which it will need to be closed is to be minimised.

374. Coventry will benefit from the proximity of the proposed Birmingham Interchange station and is among those being consulted on the name of the station. We welcome the assurances given to Coventry City Council (and to other parties with interests in West Coast Main Line services to the Midlands) about future Coventry service provision on the classic rail network and about passive provision for possible future "four tracking" of the West Coast Main Line at Berkswell.

375. The Promoter has set out its aspirations and capacity in the world of HS2 in HS2 Information Paper A2. Exact service frequencies on the West Coast Main Line in general will be a matter for future regulation. The rail network as a whole should be seeking to meet the needs of passengers and local economies and improve their experience of rail use.

## 7 Locus standi

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376. Petitioners against hybrid bills and additional provisions need to show that one or more of the bill provisions (or additional provisions or supplementary environmental statements) directly and specially affect them, the purpose of the petitioning process being precisely to protect those who may suffer particular adverse effects beyond effects on the public at large.

377. Challenges to the locus standi of petitions against the Bill itself were addressed in our interim report. The Promoter challenged the locus standi of 35 out of 182 AP2 petitions,<sup>74</sup> three out of 144 AP3 petitions, 165 out of 278 AP4 petitions, and 13 out of 22 AP5 petitions. (None of the AP1 petitions was challenged.) As we have commented elsewhere in this report, of the AP2 and AP4 petitioners who were challenged, many had expressed discontent not principally with the additional provisions themselves but with the alleged inadequacy of the additional provisions in addressing their concerns with the Bill itself. That does not provide locus standi.

378. Of the AP2 petitioners whose locus was challenged, one conceded he was not directly affected but claimed to represent the views of others. Those ‘others’ could have petitioned themselves, so we upheld the locus challenge. A further AP2 petitioner was concerned that because of her proximity to the East-West railway she would be affected by HS2’s use of that railway. That was not a sufficiently special effect; we sympathised, but many people live close to railways and roads that will be used to some extent by the project. We upheld the AP2 locus challenges in all but two cases, where we felt that the benefit of the doubt should be given. In those two cases we requested that the petitioners be brief in their submissions.

379. One AP3 challenge was not contested by the petitioner. The other two challenges concerned petitioners (Andrew Bodman and the South Northamptonshire Action Group) who were concerned about the effect of the project on conventional train services from Northamptonshire into Euston. We upheld the challenges on the basis that the petitioners were not specially affected compared with the general travelling population. (There are, in any event, other means for those petitioners to make their opinions known.)

380. Some of the 165 AP4 challenges were not contested. The contested challenges were heard in three days of sittings when we sat for about 14 hours. We are grateful to the AP4 petitioners for grouping their presentations on locus. We exercised our discretion to grant locus in three cases where we felt that it would be equitable to do so in the circumstances. In one case, we refrained from a decision on the basis that that would allow sensible discussions. In other cases, it was clear to us that AP4 would be substantially advantageous to the petitioners. Such disbenefits as were associated with it would be brought to our attention by other petitioners.

381. 11 of the 13 AP5 locus challenges were not resisted. Two AP5 petitioners elected to appear to express their discontent with AP5, but stated in the Committee Room that they were not thereafter resisting the locus challenge. Accordingly, we were not required to make any decisions on locus on AP5.

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<sup>74</sup> Three challenges were subsequently withdrawn, however.

## 8 Recommendations for future hybrid bill procedure

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### Hybrid bill procedure

382. Infrastructure projects require proper scrutiny, and a new national railway network demands particular public attention and involvement. The Government has accepted that there are legal obligations in relation to such involvement.<sup>75</sup>

383. Although other evaluation mechanisms are possible, there are some advantages to the hybrid bill route. First, each Chamber of the national legislature has more than one opportunity to consider the principle of the project set out in the Bill, and can amend its provisions. Second, there is parliamentary scrutiny of the Bill's provisions in a public bill committee of each House. Third, select committees of each House consider detailed complaints against the Bill in the form of petitions from specially adversely affected parties. Those select committees have wide powers to direct changes to the hybrid bills: by refusing to proceed if they believe the promoting public body is being obstructive, committees can exert political pressure for change, even if that change is outside their strict remit. Fourth, decisions are made by politicians with an understanding of the needs of, constraints on and realistic options open to the Administration, and—given their experience dealing with their constituents—an understanding of the needs of petitioners. Last, putting overall direction of the project in the hands of primary legislators gives potentially greater procedural flexibility: through the legislature, the Administration can do what needs to be done to accommodate particular circumstances. Decisions in Parliament are less susceptible to legal challenge.

384. We acknowledge several criticisms of hybrid bill process. Notable among these are that many of the current petitioning procedures and hearing arrangements have been inherited from previous eras and are no longer fit for purpose. Some have taken also the view that the Administration has rather too much sway over the process and its timing. (Notwithstanding what we say about select committees having power to dig their heels in, the exercise of that power has in practice been limited.) The process requires a huge time commitment from the politicians appointed to the select committees, which has a severe impact on their other duties. Recruitment to those committees may become very difficult.

385. We note three more specific problems with the current hybrid bill process. One is that the select committee charged with hearing petitions does not come into being until petitioning is effectively already happening. This means that the committee has no opportunity to determine the early procedures that will apply to the very subject matter it will be dealing with, including in the build-up period during which petitioners are already organising and drafting. A second, related, problem is that petitioning happens without sufficient guidance on who should petition, and what about. This certainly results in an inclusive process. It can be seen as too inclusive. There should be less petitioning, with more focus on serious detriment. Clearer, and authoritative, guidance is needed on what constitutes *locus standi*—that is, what will result in a right to be heard on a petition. The third problem is that there is simply far too much repetition of the same issues before the Committee. There is a conception, based on our experience, that weighing in with another

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<sup>75</sup> See the environment section of the route-wide chapter

angle on the same point will help strengthen a case. It does not. If some believe that there is a democratic right for everyone who wants to show up to have their say to repeat issues for as long as it takes, they are wrong. Such a conception does not serve the democratic process.

386. Although the number of petitions deposited against the HS2 Phase One Bill did not break records (that honour goes to the Channel Tunnel Bill),<sup>76</sup> we have broken records with the number of petitions we have heard and with the Committee's number of sitting days. We do not believe that spending nearly two years on this process is sensible or sustainable in terms of recruitment of future hybrid bill committee members. Nor is it necessary or indeed helpful to petitioners.

387. Some suggested that we should be open to hearing as many variations on the same themes as there were exponents of those themes. We learned that there are diminishing returns from such an approach. For instance, though we have said that there are serious issues to be addressed around the HS2 project's use of roads in Buckinghamshire, we had more than got the message about each potential problem after the tenth repetition.

388. There are ways to address these problems through some quite easily achievable procedural changes.

### The petition deposit process

389. At present, a fee of £20 is charged to each petitioner. Petitions must be deposited in person in Parliament, or through an agent, who must also attend in person, or through a Member. The burden on Members of collecting and depositing petitions from petitioners who decide not to make the journey personally is substantial. Petitioners have to come back again, possibly more than once, if they want to petition against an additional provision. Although deposit in person provides some limited opportunity for checking, and for obtaining procedural advice, it seems hard to justify given the travel expenses incurred by petitioners who do not delegate the job to their Member of Parliament, and the highly constrained time available for checking in the final days of petitioning deposit, when hundreds of petitions can be received each day. In many cases, travel costs exceed the £20 petitioning fee.

390. The defenders of the current system argue that it deters speculative or spurious petitions and continual amendment of petitions by petitioners who realise they want to include another point. It should be possible to design a new system which is not dependent on personal attendance at Westminster but which retains safeguards. Such a system should almost certainly be electronic. (In this context we note the successful introduction in the last Parliament of a "portal" for the electronic submission of written evidence to select committees.) A new system could allow some limited scope for petition amendment in the light of changed circumstances; say, once, a sensible number of weeks before the relevant hearing.

391. On the question of petitioning fees, for our part we favour retention of a deposit fee to discourage speculative or spurious petitioning. The financial impact can be reduced by sharing the cost of a petition, for example between members of residents associations.

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<sup>76</sup> The Committee on the Channel Tunnel Rail Link Bill heard some 260 petition cases of 993 deposited. The Committee on the Channel Tunnel Bill heard some 660 from 4,835 deposited.

392. Many have commented that the traditional petitioning language required is old-fashioned and off-putting. To make the process more inclusive, the language used in hybrid bill petitioning can be brought up to date, in line with changes agreed by the House for public petitions. That this has not happened before is a function of the recent relative infrequency of hybrid bills. We also believe there would be merit in revisiting the somewhat Victorian language and complex architecture of the private business standing orders, from which much of the hybrid bill procedure derives, to bring that up to date and make the standing orders more accessible. With the prospect of several more hybrid bills in the near future, these and other procedural updates will be worthwhile, and needed.

### Rights of audience

393. The Promoter, in deference to the Committee, initially took a cautious approach to locus standi challenges on the Phase One Bill and challenged only 24 out of 1,918 petitions. This was understandable; at the start of proceedings and without the benefit of a recent comparable hybrid bill on which to base its decisions, a hybrid bill committee could be expected to want to show latitude to petitioners. (On Crossrail, the promoters challenged no petitions at all.)

394. With the benefit of nearly two years' experience, we believe that there should be a stricter approach to locus standi. Past convention has been that hybrid bill committees should make their own determinations on locus. (This is different from the practice in relation to private bills, where a separate committee, the Court of Referees, makes such decisions.) The current method could be retained, or replaced by a different mechanism. We believe that it is a priority that strong guidelines on acceptable locus should be set out before the establishment of the Committee and before petitioning starts. This would make the "terms of trade" much clearer to all parties. Such guidelines could, for instance, establish distances from the Bill works whereby petitioners beyond those limits could expect to have their locus challenged and the challenge upheld. They could also illustrate instances where locus will almost certainly not be upheld, such as where petitioners no longer live in the area, are petitioning from abroad, are in effect suggesting changes to general transport policy, or are complaining about possible service impacts or nuisances that are common to the wider travelling public or the public generally. Similar guidelines should be established on what constitutes locus standi to object to an additional provision. Additionally, guidelines could spell out that generic objections about local effects are better made in one petition from a single representative group, or a few such groups, than in multiple repetitive, 'template' petitions.

395. Whatever vehicle is decided on for agreeing the guidelines on locus standi, when it comes to the process of deciding on challenges brought by the Promoter we would emphasize the importance to efficient process of the locus standi challenge process taking place in writing as far as possible. In our view, the House authorities should recommend locus guidelines, consider the locus challenges and recommend decisions for the Committee, which could then review those decisions and hear any locus challenges orally if it wished.

## Hearings and programming

396. At present, the powers of hybrid bill committees are somewhat indeterminate, at least partly because they derive from the standing orders relating to private business, which do not always mesh neatly with hybrid bill practice. The position is not helped by the fact that the last thorough review of practice in hybrid bill committees was nearly 70 years ago, in 1948.<sup>77</sup> (The phrase “hybrid bill” does not even appear in the standing orders of either House.) This situation is unsatisfactory. It opens the committee and its supporting advisers to a barrage of questions about scope of powers. It would be better and fairer to have greater certainty from the outset.

397. The application of private business standing orders and Court of Referees’ rules to hybrid bills should be clarified. The present conventions, such as those on applicable time limits, lack transparency and cause confusion. We thank Joe Rukin of Stop HS2 for drawing our attention to this. There should also be more practical rules for appointing representative agents. Roll B formalities, such as the certificate of respectability, are redundant and should be simplified, and there should be scope for a petitioner to appoint more than one agent to accommodate business availability, vacation arrangements and sickness.

398. Much greater clarity about the powers of the committee would help bear down on the amount of time spent in committee, and ensure that time was spent as effectively as possible. The aim should be to ensure that lead organisations, residents associations and other seriously affected individuals and bodies get to set out their points fully, while those who wish merely to reinforce points already made may do so only within an allocated time, or after agreeing to group together. Hybrid bill committees should have express discretion over programming, including in choosing lead petitioners, imposing time limits, and grouping together of petitioners. Committees might be given discretion to appoint a programming sub-committee to hear representations on such matters. This overall approach would act as an additional disincentive to so-called ‘template’ petitioning from those who arguably use the petitioning process more as a way to register an objection on principle than because they are themselves particularly affected. Such petitions could be strictly programmed and/or grouped.

399. Although petitioners understandably wanted to vent some spleen about the impact of the HS2 project, we heard too much reciting of past history for the sake of it. We believe the Chair should have an express power to direct the order of addressing the committee between petitioner and promoter, so that where appropriate the promoter could open and explain any points that have become non-issues. Committees should also have an express power to restrict the volume of evidential submissions and the numbers of witnesses. If committees had that power, they could choose to use it sparingly, given its deterrent effect. The lack of such a power meant in our case that hundreds of pages of evidence were submitted that have seldom been referred to, with occasional parades of witnesses who, with due respect to their enthusiasm and commitment, were not always witnesses on a point of fact but, rather, supporters of a point of view.

400. At present there is no provision for allowing petitioners to make their ‘appearances’ in writing. To make even a simple independent point, petitioners must appear in person or otherwise forsake any appearance. This is unfair on such petitioners and should be

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77 Report of the Committee on Hybrid Bills (Procedure in Committee), HC 191, 1947–48

changed. If petitioners perceive no disadvantage in making a written submission rather than appearing in person, then their judgment should be respected. Putting it the other way round, it may be that oral submissions should be restricted to those principally affected.

## Decision making

401. At several stages during our proceedings, questions were raised about whether we could or would issue preliminary determinations before having heard all relevant petitions, including petitions on additional provisions. We accept that the starting point should be to hear all relevant arguments on an issue before announcing a determination. However, we believe there are cases where, once the major exponents of an argument have been heard, the likely sensible conclusion becomes obvious, and to delay a determination - and thus decision - might incur financial cost. We believe there may be merit in giving future hybrid bill committees should be given an express power to issue preliminary decisions.

## Conclusions on procedural reform

402. We leave it to others to determine the means by which the kind of reforms we have outlined above might be implemented, but one simple approach could be a revision to standing orders allowing delegation of certain procedural powers to hybrid bill committees. We urge the House, and Ministers, to consider such changes in good time before the next hybrid bill is introduced. Suitably drafted, such revisions should make the process simpler and less time-consuming, without affecting the Government's need to get its legislation through or of petitioners to make their case effectively.

403. Lest it be thought that these reflections indicate dissatisfaction with all those who addressed us on their petitions, we state that we have particularly appreciated the knowledge, commitment and contribution of many local representative groups, including parish councils and residents' associations. Many who appeared before us clearly made huge efforts to persuade by succinctness, relevance and acute observation. We applaud their immensely hard work.

## Conclusions

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404. HS2 will profoundly transform this country's railway network. It is right to have processes—albeit they should be proportionate—to allow those adversely affected to voice their concerns and complaints and seek design improvements and redress. The task of dealing with nearly 2,600 petitions (of which nearly 1,600 were heard) was a challenging one for the Committee and its staff. It required many sitting hours, much behind-the-scenes negotiating, a degree of flexibility from petitioners on appearance dates, and a great deal of work from them in grouping their cases and in researching and presenting arguments. In many cases, there has been a substantial financial cost in preparing submissions, as well as an emotional cost. We are grateful to all those whose efforts helped achieve the task within a period that ensured fair scrutiny.

405. We wanted to see a fairer, broader and more efficient compensation system for those affected by the proposed railway. Through the efforts of parliamentary colleagues, petitioners and others, we heard of some severe difficulties with compensation and shortcomings in the available schemes. We recognise that we will not have satisfied those who wanted radically different compensation structures, but the modifications we have prompted should go a long way toward achieving a more just and appropriate framework.

406. There may be better ways for the scrutiny process to operate in future. We have suggested some. We invite those concerned, including colleagues in the Lords who will undertake a similar task to ours, to reflect on them. As far as our own task is concerned, we have endeavoured always to be sympathetic, even when we did not agree that we should intervene. Where we believed there was unfairness or scope for sensible improvement, we directed change. We believe the proposed railway will be a better one thanks to the improvements and compromises that the select committee process has brought about. The Bill goes forward for further consideration and for decisions by this House and the House of Lords.

## Annex One

Petitioners listed in normal type asked to be associated with those shown in bold above them. This was to indicate their support for the petitioning arguments set out in Committee by the bold listed petitioners.

Petition number	Petitioner
<b>27</b>	<b>Bernice Fuggle</b>
29	Christopher Seagrave
<b>33</b>	<b>Little Kingshall Village Society</b>
11	Claire Fallowfield
AP1: 11	Mrs Claire Fallowfield
341	Patricia Ellis
1160	Marcus Thompson and others
<b>57</b>	<b>George Rivas</b>
131	Ronald and Margaret Gordon
<b>83</b>	<b>Wendover HS2 Action Group</b>
12	Jeffrey Patrick Addison and others
100	Fletcher and Sally Nicholson
593	Penelope Miles
1002	Ronald and Patricia Fisher
1719	Sarah Lapham
1720	Lorraine Irvine
<b>106</b>	<b>Halton Parish Council</b>
833	Christine Maylor
<b>189</b>	<b>Barnaby Usborne Lee Gate group</b>
123	Peter and Jan Dale Mair
157	Paul and Rosemary Holloway
339	Tracey Knowles
347	Freya Knowles
350	George Knowles
351	Paul Knowles
573	Michael Cottam
1024	Robert May
1236	Kathryn Rice
1268	Trevor and Lynda Pearce
1269	Arabella and James Norton
1271	Graham and Anne Pearce
1281	Jenny Wooding
1537	Mr Stewart Leslie Vaughan and Jane Rosalind Vaughan

Petition number	Petitioner
1551	Leslie Robins
1552	Michael and Sarah Hurd
1555	Elizabeth Benwell
1556	Joanne Crabb
1571	Susan Santer
1574	Sheryl Pope
1572	Jodie Santer
1575	Lucinda Drought
1576	Sheila Barnaby
1599	George Barnaby
1600	Derek Pereira
1271	Graham and Anne Pearce
1281	Jenny Wooding
1537	Mr Stewart Leslie Vaughan and Jane Rosalind Vaughan
1551	Leslie Robins
1552	Michael and Sarah Hurd
1555	Elizabeth Benwell
1556	Joanne Crabb
1571	Susan Santer
1574	Sheryl Pope
1572	Jodie Santer
1575	Lucinda Drought
1576	Sheila Barnaby
1599	George Barnaby
1600	Derek Pereira
<b>510</b>	<b>David and Diana Jones and the Lee Green group</b>
95	Mr C J O Syer
352	Pamela Garner
1274	Gerard O'Doherty and Penelope Haddon
1282	Anthony Brignull
1283	Rhodri James
1463	David Gurney
1505	Stavroula Brignull
1507	Diana Morley
1529	Kathryn Gurney
1536	Patricia Mitchell
1558	Sally Knowles
1596	Isabella -Jones
1598	Christine Fanthome
1677	Rudolph Kalveks
1679	Brian and Margaret Thaiss

Petition number	Petitioner
1694	William Baxter CBE
1697	Fiona Baxter
510	David and Diana Jones and the Lee Green group
95	Mr C J O Syer
352	Pamela Garner
1274	Gerard O'Doherty and Penelope Haddon
1282	Anthony Brignull
1283	Rhodri James
1463	David Gurney
1505	Stavroula Brignull
1507	Diana Morley
1529	Kathryn Gurney
1536	Patricia Mitchell
1558	Sally Knowles
1596	Isabella -Jones
1598	Christine Fanthome
1677	Rudolph Kalveks
1679	Brian and Margaret Thaiss
1694	William Baxter CBE
1697	Fiona Baxter
<b>512</b>	<b>Wendover Parish Council</b>
306	Susan MacDonald
307	Nigel and Margaret Copelin
1287	Veronica Challinger
1691	Cynthia Waterhouse
<b>605</b>	<b>The Wendover Society</b>
1196	Dudley Hugh Page
1198	Patricia Riley-Page
AP5: 11	Andrew Burnett
AP5: 12	Jacqueline Burnett
<b>633</b>	<b>The Delancey Street Residents' Association</b>
924	Mrs Penelope F Jones
AP3: 56	Mrs Penelope F Jones
1601	Renzo and Annette Marchini
632	Raymond Lionel Clausen
955	Alberto and Deolinda Tojeira
AP3: 23	Russell Keith Grant & Nadine Margaret Hobson
<b>653</b>	<b>Paul Fullagar</b>
330	Mrs Clare Smith

Petition number	Petitioner
332	Mr David Smith
<b>694</b>	<b>The Chesham Society</b>
349	Michael and Angela Standing
1879	Elizabeth Pooley
<b>750</b>	<b>James Conboy</b>
696	Chris Honey
697	Maria Waite
698	Laura Collins
699	Richard Brock
739	Miriam Westendarp
1577	Karla Macugay
1918	Jean Kuipers
<b>758</b>	<b>Ellesborough Parish Council</b>
373	Helen Robinson
<b>761</b>	<b>Chiltern Society</b>
328	Nancy Neville
<b>770</b>	<b>Great Missenden Village Association</b>
138	Alan Arnold Jones
198	La Petit Auberge
572	Michael Wintgens
1900	Diana Rose
1910	Anne-Marie Lowe
1914	Christine Cooper
1917	Margaret Brown
1920	Mr Gerry Lowe
<b>771</b>	<b>Great Missenden Stop HS2</b>
554	Mrs Anne Kaneko
1311	Mr I and Mrs M Denson
<b>870</b>	<b>Chesham Town Council</b>
1879	Elizabeth Pooley
<b>911</b>	<b>Ms Fiona McGuire and Mr Jonathan Duncan</b>
1029, AP3: 32	Franca Nilda Fubini
<b>1017</b>	<b>Ballinger Road Residents Association</b>
114	Angela and Brian Reeve

Petition number	Petitioner
1039	Neville Worthington
1043	Nicola Worthington
1130	Dr Ian Paul Jalowiecki and Mrs Susan Jalowiecki
<b>1036</b>	<b>Malcolm Barry Hafner</b>
338	Jeffrey Lewis Ellison
<b>1131</b>	<b>Andrew J Cordiner</b>
1547	Mrs Susan Evelyn Alaway
<b>1414</b>	<b>Martin Sheppard and Lucy Sheppard</b>
976	Dorothy Sharp
1345	Christopher McLaverty and Sara Webster
AP3: 122	Professor Howard Jacobs and Mrs Sandra Jacobs
AP3: 118	Rosemary Jane Basone
AP3: 119	Susan Jane Knight
AP3: 117	Miss Rosemond Miskin
1412	Lucy Sheppard
1413	Martin Sheppard
<b>1165</b>	<b>Wood Lane Residents Association</b>
654	Mrs Elaine Farmer
1228	Nilesh Shah
<b>1181</b>	<b>William Timothy Simon Lee</b>
1164	Rosamund Wood
<b>1184</b>	<b>Great Missenden Parish Council</b>
126	Caragh Barnes
137	Peter Hawksley
522	Katharine Stephenson
523	David Stephenson
1051	The Governing Body of Great Missenden CE Combined School
1206	Anne Mitchell
1273	Keith Fowler and Vicki Fowler
1525	Robert and Joanna Withers
1594	Edward Howells
1595	William Howells
1655	Mrs Jennifer Hallesy
1810	Roger Longdin
1845	Peter Gutteridge
1872	Louise Maher
1884	Patricia Strugnell (was associated 1869 The Misbourne School)
1903	Betty Lawrie

Petition number	Petitioner
1919	Vanessa Martin
1920	Gerry Lowe
1921	Catherine James
<b>1186</b>	<b>South Heath Action Group</b>
1034	Amanda Joyce McCurry
1830	Dr Ian Paul Jalowiecki and Mrs Susan Jalowiecki
<b>1214</b>	<b>The Lappetts Lane (South Heath) Neighbourhood Watch Scheme</b>
193	Susan Atkins
196	Fiona Baker trading as Nutty Birds
197	Frances Cutler Soft Furnishings
199	John and Mary Fausset-Baker
209	Anita Hiscock
527	Jonathan Cutler
558	Colin and Mary Spence
559	Mary Spence trading as Over the Garden Wall
564	South Heath Garden Centre and Nursery Limited
566	Paul Burke All Clear
686	Martin Richard and Georgina Bolton
687	Derek and Audrey Arnott
1182	Clive Nicholls
1185	Thomas and Margaret Johnstone
1210	Janet Bowden
1212	David Bowden
1224	Ann Pummell
1812	Derek Jones
1214	The Lappetts Lane (South Heath) Neighbourhood Watch Scheme
193	Susan Atkins
196	Fiona Baker trading as Nutty Birds
197	Frances Cutler Soft Furnishings
199	John and Mary Fausset-Baker
209	Anita Hiscock
527	Jonathan Cutler
558	Colin and Mary Spence
559	Mary Spence trading as Over the Garden Wall
564	South Heath Garden Centre and Nursery Limited
566	Paul Burke All Clear
686	Martin Richard and Georgina Bolton
687	Derek and Audrey Arnott
1182	Clive Nicholls
1185	Thomas and Margaret Johnstone
1210	Janet Bowden

Petition number	Petitioner
1212	David Bowden
1224	Ann Pummell
1812	Derek Jones
686	Martin Richard and Georgina Bolton
687	Derek and Audrey Arnott
1182	Clive Nicholls
1185	Thomas and Margaret Johnstone
1210	Janet Bowden
1212	David Bowden
1224	Ann Pummell
1812	Derek Jones
<b>1185</b>	<b>Thomas and Margaret Johnstone</b>
1210	Janet Bowden
1212	David Bowden
1224	Ann Pummell
1812	Derek Jones
<b>1267</b>	<b>Matthew Hollier and Susan Matheson</b>
1029, AP3: 32	Franca Nilda Fubini
<b>1286</b>	<b>Colin and Rita Sully Swan Bottom</b>
1826	Nicholas and Anne Butterworth
1597	Elizabeth Stacey
AP4: 00103	Christopher Glyn Jones
<b>1326</b>	<b>Barton Hartshorn Parish Meeting</b>
1354	Joyce Tudor-Hughes
<b>1442</b>	<b>Aylesbury Town Council</b>
284, AP1: 38	CLlr Freda Roberts MBE
<b>1465</b>	<b>Thomas Brocket Sly Corner Ballinger</b>
680	Nevil Coulson
1018	Adrian Simpson
1019	Jessica Simpson
1279	Gerald and Marian Tomkins
1280	Sharon Clark
1528	Jean Wheeler
1537	Stewart and Jane Vaughan
1546	Alan and Janet Joyner
1549	Jane Neal
1550	Roderick Neal

Petition number	Petitioner
1651	Martin Price
1676	Christopher Edwards
1706	Tina Winn
<b>1512</b>	<b>Wendover Parish Council</b>
12	Jeffrey Addison & Others
74	Alexander Clapperton
103	Ursula Drackford and others
105	Frank Bretherton
304	John Vince
305	Jonathan and Enid M Clover
306	Susan MacDonald
307	Nigel and Margaret Copelin
585	Marion Clayton
594	Michael and Jean Payne
775	Eileen Robinson
777	Aidan Byles
778	Rosa Woosley
1287	Michael Alan Payne and Jean Angela Payne
<b>1590</b>	<b>Victoria Parola</b>
1593	Giovanni Delana
<b>1591</b>	<b>HS2 Action Alliance Ltd</b>
1913	Yolanda Longdin
AP4:147	Susan Raynsford
<b>1681</b>	<b>Dunsmore Society</b>
75	Christopher Royal
586	Christopher Lacey
1199	Sandra Lacey
1154	Suzanne Lord
1194	Ruth Malleson
1079	Jill Baldwin
1450	Margaret Smith
1449	Adrian Smith
<b>1775</b>	<b>Alice and Ilse Gray</b>
976	Dorothy Sharp
<b>1793</b>	<b>David and Mary Stewart</b>
360	Ann Minogue
<b>1816</b>	<b>Amersham Society</b>

Petition number	Petitioner
342	David Hanrahan
744	David Sawyer
1498	Christopher Pearson
1499	Jennifer Pearson
<b>1827</b>	<b>The HS2 Amersham Action Group</b>
139	Susie Roche
336	Jacqueline Harvey
551	Paul Cassin
553	Peter Burrows
655	Graeme, Gerladine, and Matthew Carney
677	Alan Jarvis
700	Barrie Lucke
733	Charles Law
742	Brenda M Liddiard
1015	David Sommer
1325	Andrew and Geraldine Baxter
1340	Ian Golton
1500	Sidney Thompson
1815	Michael Izza
1850	Gillian Izza
1821	Kevin F Sowden
1825	Geraldine Marshall-Andrew
1882	Robert Wine
1864	Amersham and District Residents' Association
1898	Amersham Action Group
1849	Amersham Ladies Walking Club
511	Anne Myhill
1861	Mr John Bannister
1673	Susan Wilson
<b>1877</b>	<b>Prof T Payne</b>
360	Ann Minogue
1878	Hyde End Residents Group
136	Susan Collins
135	Christopher Collins
127	Anthony Upward
333	Edward Collins
656	Emilia Sheffield
661	Henry Sheffield
666	Frederick Sheffield
669	Timothy Sheffield

Petition number	Petitioner
660	Nicholas Van Cutsem
668	George Van Cutsem
670	Alice Van Cutsem
671	Alexandra Sheffield
667	Martha Hadden-Paton
672	Harry Hadden-Paton
637	Olivia Van Vredenburch
640	Ella Van Vredenburch
657	Jemima Van Vredenburch
658	Tatiana Van Vredenburch
662	Flora Van Vredenburch
673	Hugo Van Vredenburch
659	Rebecca Hadden-Paton
665	Mrs Natasha Van Vredenburch
663	Carlos Martins
642	Chloe Martins
690	Celia Martins
190	Mr B and Mrs J Cooley
207	Philip Tillyer and Julia Tillyer
1202	Mark Western
682	Martin Hilder
1204	Patricia Mellor
1205	George Mellor
1860	Brynmor and Ann Neal
1846	Evelyn Godoy
1815	Michael Izza
1850	Gillian Izza
<b>Group A</b>	
70	D S Beaumont
<b>Group F</b>	
1019	Jessica Simpson
<b>Group M</b>	
<b>Group M</b>	
1866	Jill Bowman
1867	David Brennan
<b>Group N</b>	
1892	Michael Watson Walls & Catherine Walls
1901	Norman Pearce

Petition number	Petitioner
<b>Group Q</b>	
1292	Seer Green Church of England School
437	Wavelength Companies Limited
<b>AP3: 46</b>	<b>Mr Gervais Williams and Miranda Glossop</b>
1649	Mrs Tanya Morgan
1352	Rosemary Zena Hunt
1648	Dr Julia Chapman
1302	Mr Amit Green and Mrs Jane Tobin Green
372	Jill Babington
364	Paul Hackworth
<b>AP3: 49</b>	<b>Amphill Square Tenants and Residents Association (Frances Heron)</b>
1342	Peter Astor
AP3: 104	<b>The Royal College of General Practitioners</b>
1468	Mr Azad Ali & Others
AP3: 112	Faridon Mohammed Said
973	Jirawat Prateepachitti, Kanoungnuch Kinnorn and Thanawat Singtosap
975	Rosa Helena Aranda
1685	Martha Lucia Giraldo
AP3: 113	Amendra and Dina Shrestha
948	Mrs Antonietta Winton
AP3: 99	Antonietta Winton
967	Mr Stephen de Winter
865	Guillermo Muriel & Others
854	Jonathan Zokay
916	Shuma Begum
<b>AP3 107</b>	<b>Gloucester Avenue Association petition</b>
AP3: 76	Jeffrey Twentyman
1801	Edward Bragiel and Julia Clark
1683	Mr Peter Lyons on behalf of the Harmood Street, Clarence Way and Hartland Road Residents Association
AP3: 127	Dr Elizabeth Horder
1421	Nick Powell
976	Dorothy Sharp
923, AP3: 95	Sally Kindberg
855	Colin and Anna Ludlow
AP3: 47	Robert and Lenka Speight
AP3: 128	Mr Adam Henry Teeger
1345	Christopher McLaverty and Sara Webster
AP3: 122	Professor Howard Jacobs and Mrs Sandra Jacobs

Petition number	Petitioner
AP3: 118	Rosemary Jane Basone
AP3: 119	Susan Jane Knight
AP3: 117	Miss Rosemond Miskin
1412	Lucy Sheppard
1413	Martin Sheppard

## Annex Two

Table of additional provisions and supplementary environmental statements

	Date deposited  (Date of instruction to the Committee to consider)	Subject matter	Number of petitions	Number of petitions heard
AP1	10th September 2014	Amendments to accommodate:  requirements of landowners and occupiers;  changes to the design of the works authorised by the Bill; and  the requirements of utility undertakers.	42	27
AP2 SES1	13th July 2015	Amendments to accommodate:  the vertical and horizontal realignment of the proposed railway in the vicinity of the A38 and Trent and Mersey Canal;  the requirements of landowners and occupiers; and  changes to the design of the works authorised by the Bill;  amendments conferring additional power;  to carry out works for the purpose of providing a new Heathrow Express depot in consequence of the displacement of the existing depot because of the exercise of powers conferred by the Bill; and  to provide sidings for Crossrail services at Old Oak Common that could be extended in the future to create a connection between the West Coast Main Line Railway and the Great Western Main Line.	182	122
AP3 SES2	17th September 2015	Amendments to accommodate:  changes to the design of Euston Station; and  the requirements of landowners and occupiers and changes to the design of works authorised by the Bill.	144	107

	Date deposited  (Date of instruction to the Committee to consider)	Subject matter	Number of petitions	Number of petitions heard
AP4 SES3	12th October 2015	Amendments to accommodate:  the requirements of landowners and occupiers; and  changes to the design of the works authorised by the Bill; and  amendments relating to the extension of the Chiltern tunnel	278	90
AP5 SES4	3rd December 2015	Amendments to accommodate:  the requirements of landowners and occupiers and changes to the design of works authorised by the Bill.	22	6

## Annex Three

### List of statements from the Chair

Date	Subject matter
12 June 2014	Programming and Committee operations
1 July 2014	Programming and Committee operations; locus standi notice period
16 July 2014	Publication of petition response documents
16 and 21 July 2014, 5 January 2015	Locus standi decisions on main petitions
1 September 2014	Overall programming
10 September 2014	Birmingham Curzon Street
30 October 2014	Planning policy
26 November 2014	Farm land take; Need to Sell; Birmingham tunnelling
9 December 2014	Environmental statement; planning policy
16 December 2014	Washwood Heath; Need to Sell
12 January 2015	Balsall Common and Berkswell
13 January 2015	Kingsbury, Middleton, Water Orton, Hampton-in-Arden; sensitive medical information; World Health Organisation noise guidelines
14 January 2015	Colne Valley programming; Committee operations; policy on second petition appearances
10 February 2015	Approach to Phase Two petition subject matter
16 March 2015	Petitioners who do not give notice of non-appearance
17 March 2015	Burton Green
18 March 2015	Offchurch and Cubbington; Southam; Ufton; Long Itchington
23 March 2015	Wormleighton; Chipping Warden; Greatworth
8 June 2015	Clarification of interim report regarding Wormleighton
15 July 2015	Colne Valley tunnel
20 July 2015	Heathrow spur passive provision; Colne Valley and South Buckinghamshire
22 July 2015	Provisional Chilterns long tunnel decision
24 September 2015	Programming
30 November 2015	Locus standi decisions–AP2
7 and 17 December 2015	Locus standi decisions–AP3
15 December 2015	Locus standi decisions–AP4
17 December 2015	Committee operations

Data Source: High Speed Rail (London–West Midlands) Bill Select [Committee website](#)

## Formal minutes

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### Monday 22 February

Members present:

Mr Robert Syms, in the Chair

Sir Henry Bellingham

Mr David Crausby

Sir Peter Bottomley

Mr Mark Hendrick

Geoffrey Clifton-Brown

Draft Report (*High Speed Rail (London–West Midlands) Bill Select Committee: Second Special Report*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 406 read and agreed to.

Annexes agreed to.

*Resolved*, That the Report be the Second Special Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

[The Committee adjourned.]