

The Rt Hon Patrick McLoughlin MP  
Secretary of State for Transport  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Andrew Cordiner  
Jays Hatch  
Keepers Lane  
Hyde Heath  
HP6 5RJ

21<sup>st</sup> May 2013

Dear Sir

### **HS2 Procurement and Safety Concerns**

I have attached copy correspondence that I have exchanged with HS2 regarding what I consider a very serious matter of safety with regards procurement of the High Speed Service. I have asked that they make you aware of this matter and assume they have done so and you are taking this matter as seriously as I am.

Firstly, I have copied my MP Cheryl Gillan who can testify to my conservative supporting credentials. Despite what I consider to be an ill conceived, badly executed project generating significant bad press for the party not to mention alienating grass roots conservatives and a ludicrous waste of taxpayers money, I remain a firm supporter of the party.

I should also point out that I am a firm supporter of high speed passenger services and believe very passionately in the DFTs core strategy of building High Speed Rail to replace and declassify the West Coast and East Coast Lines allowing them to be used by freight, thereby removing HGVs from our motorways. However, I believe the route should link with HS1, be routed via Heathrow and track the line of the M40 to the south which is a route recommended by Ove Arup for reasons of safety, geology and cost.

I have made an observation to the HS2 company regarding the appointment of the Engineer Ove Arup. Firstly, this engineer was appointed under that dreadful Labour administration you replaced. In keeping with their record, they have botched the appointment of the route selection Engineer. Ove Arup acted as chief engineer and informed the route selection process but was never properly appointed as their position was never OJEU'd and HS2 were relying on a DFT framework agreement which had also not be advertised in the EU. This is a particularly troublesome European legislation but in essence it's designed to ensure the best consultant for the job with the most experience Europe wide is appointed and if that person happens to come from outside the UK, well so be it. Most procurement, attempts to dodge it because it gets in the way of progress.

Sadly in this case, while Ove Arup are undoubtedly one of the worlds top engineers, the majority of high speed engineering knowledge is based on the continent and as such, for the first time in my life the contract should indeed have been OJEU to get the best person for the job. The problem is, this is enshrined EU law and the EU council have the power to unpick the contracts, declare Ove Arups work to be void and set the whole HS2 process back 4 years. HS2 have ignored / obfuscated my points in this regard which I find just amateur coming from my private development background.

A rather more worrying development I have pointed out to HS2 is that the route selection was made ignoring the advice of Ove Arup. Ove Arup was very clear in their App C – geotechnical considerations tunnel study from 2009/10 (this informed the route selection process) that the route through the Chilterns posed significant geotechnical challenges and the geology itself posed significant risks. Describing almost all the strata as suspect they used words such as “vulnerable to shrinkage and swelling”, “material has low strength and high moisture

content”, “contains groundwater and will be troublesome for earthworks slope stability”, “careful handling required”, “slope instability problems” etc etc.

I raise this point with you to firstly ensure you are aware of the mistakes made by the previous Labour Administration when procuring the original route. Secondly though, you should be aware of the safety issues involved that are not without precedent in the Chilterns.

In 2005 a cut and cover tunnel was constructed at Gerrards Cross – this is a very simple low load bearing structure catering for regional speed train services. GC does not sit within the zone of the Misbourne collection basin and therefore the amplitude of hydrology flows is much less. However, a major tunnel collapse occurred, thankfully no one was seriously injured but it could have been so much worse had it happened during peak rail commuting. The cause of the collapse was instability of the strata caused by over loading of the structure due to Water Loading.

You may think that an engineer can design for such eventualities, but unfortunately water is the great unknown when designing structures and its impossible to “over design” for the eventuality because in areas such as the Chilterns by combination of strata and uncertain hydrology flows (we cannot accurately determine how much rain we expect and therefore what to design for). The GC example was a low load, low vibration structure in a much lower hydrology location with I suspect slightly better strata. I cannot imagine the combination of higher amplitude hydrology with high frequency vibration the route through the Chilterns will experience. I would even go as far to say that nobody on the continent has any experience of designing High Speed services in such an environment and the structures are therefore very much in the world of engineering unknown. The combination renders structures that have to endure substantial high frequency vibration, very susceptible to collapse. This is a fact highlighted by Ove Arup in their report.

I suppose I should also point out the rather frustrating flaw here. As a taxpayer and as a major projects developer, I am only too aware that the solution that will be presented by Engineers will be a very expensive, over designed solution that will create substantial over spend on budgets, but of course this will happen some years down the line when its too late to do anything about this. In the meantime, the taxpayer will cover the cost, the HS2 board and consultants will continue to benefit from the taxpayer funded expense having all the while maintained this route to ensure their contracts continue to pay handsomely over the long term. You, a conservative minister, will have been complicit in allowing this – I never thought I would see this day.

Now HS2 have removed Ove Arup from this section of the line and have ignored their advice on their safer alternate route through the Chilterns. This raises 2 very important questions, firstly why was Ove Arup removed given their world wide reputation sits far higher in engineering circles than their replacements PB or A and secondly, why have the Politicians and Civil Servants made the decision to ignore their engineering advice and proceed on regardless pursuing a route that is an evident danger to the public in terms of tunnel collapse in an area where there is recent precedent for such a safety risk?

I am sure you are aware that as a minister, since 2007, you no longer have parliamentary privilege in the event you knowingly proceed with an action that as a result of a government project results in injury to a member of the public. As minister and whether HS2 have informed you or not, you now possess the appropriate knowledge to make an informed decision on whether to proceed with this route with all its flaws irrespective of the incorrectly procured engineering advice by the previous administration. You are officially an Identifiable Person for the purposes of procurement of this contract and as such should any injury occur to any member of the public for the reasons I have brought to your attention, you will be held fully and **criminally** accountable as an identified person. Furthermore, I would suggest you consult with your colleague Mr Burns to round the circle and ensure he too is aware of the dangers to public safety that adopting this route has created.

Now, of course, in anticipation of what comes next, HS2 will obtain the necessary assurances from Parson and Adkins that they can design the high speed route through the Chilterns with no risk to public safety. I’m sure you will receive assurances that their Public Liability and Warranties will cover any eventuality, but with the knowledge of the Ove Arup report in your possession, you are a fully informed person with a report from a highly qualified world famous engineering authority highlighting the risks as set out above. If anything was to occur, no warranty or assurance or PI anywhere in the system will insulate you from the personal liability you are adopting by proceeding with the previous administrations mistakes.

I am sure you will consider my comments very carefully and in particular consider the mistakes of the original procurement and route selection before pressing on further. If you do decide to adopt these mistakes made by the previous administration then I shall assume that you are content with the current engineering advice provided and that you have accepted and discounted the risks set out in the Ove Arup report whether they have been correctly appointed or not.

Yours Faithfully (but I'm not sure why!)

Andrew Cordiner