

MINUTES OF ORAL EVIDENCE

taken before

**HIGH SPEED RAIL COMMITTEE**

On the

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

Tuesday, 2 February 2016 (Morning)

In Committee Room 5

**PRESENT:**

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

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**IN ATTENDANCE**

Mr James Strachan QC, Counsel, Department for Transport  
Ms Jacqueline Lean, Counsel, Department for Transport  
Mr Richard Turney, Counsel, Department for Transport  
Mr Alastair Lewis, Sharpe Pritchard

**WITNESSES**

Mr Ralph Smyth, The Campaign to Protect Rural England  
Ms Louise Stables  
Mr David Tomkins  
Ms Victoria Woodall  
Mr David Tomkins  
Mr Ron Petesen  
Mr Andrew Band  
Mr Bob Lewis  
Mr Graham Watts

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**IN PUBLIC SESSION**

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(At 09.30)

1. CHAIR: Good morning, welcome to the HS2 Committee. We are going to begin this morning with petition 1351, the Campaign to Protect Rural England. Ralph Smyth?

**The Campaign to Protect Rural England (CPRE)**

2. MR SMYTH: Good morning, can we start with A19252 please? Thank you very much. So this morning, I hope to address the committee in the spirit of being constructive but challenging to High Speed 2, the very words the Secretary of State used when he gave our annual lecture a few years ago. As you will see on the top of the slide, CPRE has five tests for sustainable high-speed rail, and these will be running through my submission today like a golden thread.

3. If I could move back to slide (1) please? Just to signpost the matters that I will be going through this morning. They can be grouped under three headings. The first is about design processes. The second about protection of the countryside. The third about climate change and transport. I will try to add value rather than repeat to those who have gone before, or add detail and nuance. I will also be suggesting that many of the matters here are – the promoter is not complying with the latest government policy and I'll be making specific suggestions to your committee about how that can be changed.

4. If I could move on please to slide (3)? First of all about the processes for design. We were delighted when the Secretary of State announced that he would be setting up a design panel at our annual lecture, but as you can see from this quote from the *Architects' Journal*, significant questions remain whether this panel will have any teeth when it comes to design quality and adding value. Now, last year the Department for Transport set up not one but two design panels, and the other design panel which I sit on relates to Highways England. There are clear conditions on Highways England to comply with that design panel. I have taken the quote at the bottom of this slide from the statutory licence for Highways England – between Highways England and the Secretary of State. That states that Highways England has to have due regard to the advice and general recommendations of the design panel, and the particular observations of the panel on specific schemes.

5. Now, the promoter has resolutely rejected writing in any mention of the High Speed 2 design panel into the plethora of guidance, the EMRs, the Schedule 16 guidance – I could give you a long list – many places where one might expect the design panel to be referred to. And, as a result, CPRE is asking for this committee to recommend that the Bill is amended, the EMRs, and also the Schedule 16 guidance to our planning authorities, so that the same weight can be given to the hopefully sage advice of the design panel.

6. Now the promoter has come back to us with a number of arguments why this should not happen, if I could address those briefly. First, and this was Mr Miller on 15 July 2015, he said, ‘It’s not our role to tell others what to do’. But I contrast that with the MPPF paragraph 62, which highlights the importance of referring major infrastructure panels to design review panels, and to have regard to its recommendations.

7. The next argument by Mr Miller on 15 July was that no one would make a poor design because that will impact on their careers. Well, there are probably many buildings and bridges out there that one wonders, what happened to the career of the designers –

8. SIR PETER BOTTOMLEY: I think we can pick this point up quite quickly; there’s no need to hammer the nail in too often.

9. MR SMYTH: Okay, forgive me, sir. The other point was that the design panel has not design panel has not been mentioned in previous Bills. Then again we say that actually this design panel has been created earlier in the process in other Bills. So I have set out the remedy, and I hope that the committee would find favour with it.

10. If I can move on to slide (4) please? This is the one area where we have had movement from the promoter about publishing a data strategy by Royal Assent. The issue is, as the process continues to be ever more complicated data, that will be difficult for planning authorities and communities to follow, we are particularly worried about construction traffic – a matter your committee has heard about in previous hearings. The promoter has refused to provide live data of where lorries on the basis that it’s impossible to track all fleets at all times; and we are concerned that is effectively a get-out clause.

11. If I could turn to the next slide (5) please? Very simply, here, you can see that live data is provided for aeroplanes; that allows communities to monitor particularly noisy planes; and we say that the same should be provided by HS2 to allow that the conditions on lorry routes and movements should be complied with.

12. If I could move on now to slide (6) please, in relation to the green belt. I don't need to repeat the Prime Minister's views about the importance of protecting the green belt.

13. SIR PETER BOTTOMLEY: You don't.

14. MR SMYTH: I'm not going to; it's there on the slide. CPRE does accept that HS2 counts as engineering operations, not unacceptable development. Nonetheless, we say that the impacts on openness should be minimised and offset as far as reasonable.

15. If I could turn to slide (7) please? The promoter now acknowledges that no assessment was carried out on the impacts of green belt. Effectively, the promoter has been following the EU approach in environmental assessments rather than applying English planning policy; in particular, for the purpose of green belt which relates to openness. Now, for example, what that means in practice is that the promoter has highlighted where there's a loss of public open space; they haven't considered where there's an actual loss of openness where that open space is perhaps surrounded by large constructions. The policy before the MPPF had specific detail about land use objectives for major developments. Now, that was cut out as part of the move to shorten the MPPF from the combined works of Shakespeare to just 57 pages. We say that it's not – we say that clearly didn't mean to change green belt policy – indeed, it says as much in the Coalition Agreement of the previous government. Therefore we have put out a remedy, our next slide, (8), setting what we believe the remedy should be.

16. So if you can see the image on the right of this slide, this shows the line going through the Meriden Gap, the green belt you'll be familiar with, outside Birmingham. The pink stripe shows the visibility of HS2, what's known as the zone of theoretical visibility, and how that impacts on the openness of that critical section of green belt. Our suggestion is that as part of the detailed design, HS2 should seek to reduce that zone of theoretical visibility with a remedy that, where they fail to, a small amount of money should be provided to reduce or offset the impacts on the green belt.

17. SIR PETER BOTTOMLEY: Have you got a calculation of how much that would be?

18. MR SMYTH: Forgive me?

19. SIR PETER BOTTOMLEY: Have you got an estimate of how much that would be?

20. MR SMYTH: How much what would be?

21. SIR PETER BOTTOMLEY: For each percentage point?

22. MR SMYTH: We don't. We would say though that the ES calculations are the worst case – that's the rule of the Environmental Statement. There have been good changes, such as the extension of the Chiltern Tunnel, that already mean quite a lot of movement. Having a target, as part of detailed design would help High Speed 2 focus on green belt, a matter it hasn't engaged with generally in the past.

23. If I could maybe move on now to slide (9) – I appreciate you've had a lot of discussions about the Chilterns, so we make a simple point here. On the right there is a photo montage of what we would say is the most visually intrusive part of High Speed 2 along the whole route – that's the Wendover Dean viaduct. We are asking for two remedies here. First, that every structure visible in or from the AONB should be a signature structure. At the moment, there has been a commitment to viaducts being a signature structure, but there are other elements such as over-bridges and noise barriers that haven't, as I understand it. Now, looking at the impact of HS1 through the Kent AONB, those do stand out, and we believe that commitment should be extended marginally.

24. The second principle, and this is another example of offsetting, is that the same amount of the pylon – the electricity transmission line you can see on the right of that image – should be undergrounded for the length of HS2 that remains running on the surface of the Chilterns AONB. Given this is an AONB and green belt, we say there are strong grounds why some of the harm should be offset.

25. If I could move on now to slide (10) please? Just to explain the image on the right of this slide, this shows the designated AONB boundaries in pink; HS2 in a thick black

line; and the lines – the dashes – are electricity transmission lines. The colour relates to CPRE's tranquillity mapping which has been accepted and incorporated in the ES by HS2. Clause 32(b) of the Bill changes the normal position that local authorities can require Public Inquiries for new transmissions lines. This says that where there's a new transmission line – this is outside what's been planned already by HS2 – Ministers can block Public Inquiries. We say the balance there is wrong. Where there are nationally-recognised assets or indeed, the intrinsic character, beauty of the countryside which is a core planning provision of the MPPF in paragraph 17, we say that there should be a right for local authorities to require a Public Inquiry. This isn't banning transmission lines in these sensitive areas you can see on the map; it's simply nudging the government to think again – and perhaps given all these opportunities for connections in different places to HS2, to avoid the most sensitive areas of countryside.

26. If I could move on to slide (11) please, which relates to noise? Now, I very much appreciated that you've heard detailed and excellent submissions from the local authority noise consortium. But, it has focused on the noise impacts to residents from HS2 trains passing their homes. CPRE would like to make points about the need to protect quiet areas, for the benefit of everyone to enjoy the countryside, which is recognised in EU law, and UK policy. Now, the EU Environmental Noise Directive has a reporting requirement on protection of quiet areas and open country. In fact, we've been working with the Commission and they've just launched a new consultation a couple of weeks ago, and we would say that we should future-proof HS2 to meet the Directive at the time it opens, rather than where it is now. The National Networks MPS also highlights the need to be aware of areas that are particularly valued for their tranquillity and landscape quality. Similarly, the MPPF.

27. What I would stress, though, is that the detail – the noise planning practice guidance – highlights, and this is the first phrase of the bottom paragraph, there are no precise rules. I think this is one matter where we would differ with the excellent submission made by the local authority noise consortium that said the rules are actually quite precise. The fact is, the rules aren't precise in relation to rural areas.

28. So if I could move on to slide (12) please? The promoter has said that people should accept the acceptable, so to speak; and where it isn't acceptable, they should receive land compensation. Well, that's one matter for people in their homes; it's

another for those who want to enjoy the countryside. Information Paper E20 only extends as far as external amenity spaces. Those are defined as being private gardens. So there's no protection whatsoever for other outside areas like parks, or tranquil spaces that are enjoyed for their recreational value.

29. If I can move on to slide (13) please? We have our research which has been submitted about the impact of traffic noise in rural areas; I'm not proposing to go through it as it's rather detailed. But it does highlight how some people will just avoid areas affected by noise. Others visit them less; and many of those that remain find that their experience has been degraded. Also, the study shows that even villages that aren't allowed to have noise compensation, they still are seriously affected.

30. If I could move on to slide (14) please? This is an example of a significant rural noise impacts. This is the meandering Oxford Canal, which would have very noise impacts for over a mile, from HS2. Now, apart from the farmhouses highlighted on this mapping, HS2 suggests that the – the promoter suggests there's no need to reduce noise. We would say that would impact very much on an area popular for recreation, that's also in an area of high tranquillity.

31. If I could move on to slide (15) please? I hope this is not too fast, sir?

32. SIR PETER BOTTOMLEY: No, it's not too fast; it's the right speed, at least to me. It's interesting as well.

33. MR SMYTH: Thank you. In relation to noise, we have two suggested remedies. The first is to extend the scope of the 50dB limit in the Information Paper E20, on noise, to cover rights of way, public amenity spaces, in AONBs and also areas identified in green on the CPRE tranquillity mapping – that's to say areas of high tranquillity.

34. SIR PETER BOTTOMLEY: Even if this gave you major screening in areas that have very few visible structures?

35. MR SMYTH: Forgive me, sorry?

36. SIR PETER BOTTOMLEY: Even if this meant rather visible screening in areas where you had very few visible structures?



37. MR SMYTH: It's a fair point; the balance, the trade-off. We would say that, actually, well-designed noise barriers – perhaps ones that aren't completely straight but use natural materials and vary a bit, can fit into the landscape; if you put plastic straight lines, that would, yes. That would be unacceptable.

38. MR CLIFTON-BROWN: Can you, when you make these ideas, give us some idea of the costs? Because clearly cost has to be a factor? So, what, first response example would your proposals on this slide cost?

39. MR SMYTH: There are different ways of meeting them, and some of that will become clear in detailed design. I think even HS2, the promoter, whose resources are somewhat greater than ours, would only come up with a guestimate at this stage.

40. MR CLIFTON-BROWN: You can't realistically put a proposal before this committee before giving us some idea of what it's going to cost. Because everything has to be a trade-off and a balance in this whole preparation.

41. MR SMYTH: What we would say in relation to the second measure here is trying to have an overall principle to reduce noise impact. There are many ways of reducing noise – one, for example, is Mr Hendrick's suggestion, of using double-decker trains. These mean a shorter burst of noise, and they would be suitable for some of the captive stock between Birmingham and London. Another example is to reduce the speed, slightly, from 360km/h to 330km/h – a matter that you heard about yesterday – where the additional time would be very small, but even with a 30km/h drop in speed, there would be a 3dB, a very noticeable drop in noise.

42. SIR PETER BOTTOMLEY: Sorry, 3dB is not very noticeable; 3dB is noticeable.

43. MR SMYTH: Yes, it's noticeable.

44. MR CLIFTON-BROWN: You are giving a political answer. What is the cost of this proposal? On one of your scenarios, you've told us variations, okay; so what is the cost of one of those variations?

45. MR SMYTH: In terms of lowering the speed.

46. SIR PETER BOTTOMLEY: Don't trouble yourself with lowering speed; try

going for physical intervention.

47. MR SMYTH: I am afraid I don't have that cost; we've tried to discuss these matters with HS2 and they haven't progressed them.

48. SIR PETER BOTTOMLEY: Okay, let's turn it around then; when HS2 come to respond, perhaps they could give us a piece of string answer to, say, a mile along the Oxford Canal.

49. MR SMYTH: I'm grateful. If I could move on now to slide (16); I think you've seen this slide yesterday. This shows the carbon budgets, particularly the fourth and fifth carbon budgets, 4CB and 5CB, that are most relevant to the opening of Phase One. Now, I don't believe that the Committee on Climate Change reported to Parliament in November, on the lowest cost course for the country for meeting these future –

50. SIR PETER BOTTOMLEY: You've got a lot to contribute; on this, I don't think there's anything particularly that we haven't heard before, twice.

51. MR SMYTH: I've seen the presentation yesterday, so I am focusing on different matters – forgive me. So I don't believe that you've heard that the committee have said new policies will be needed to meet these budgets.

52. If I can move on to slide (17) please? This shows the emissions from UK surface transports, and you can see that actually, following the opening of HS2, emissions increase. On 7 January, the Secretary of State at DECC said that, 'We know we need to make more progress on heat and transport'.

53. If I can move on to slide (18) please? In this context, it's worth comparing progress of HS2 and other railways. So the Department for Transport secured contractual obligations to reduce emissions from the TransPennine Express in December – a very substantial reduction in carbon and energy use. By contrast, High Speed 2 has slid backwards, both in terms of modal shift from 8% to 1%; and also in terms of embodied carbon, with a 6% increase from Bill deposit to AP5. Even with the removal of the High Speed 1 – High Speed 2 link. That, we say is critical. We are simply asking for passive provision to be made, because St Pancras is filling up. The Department for Transport accepts they have no information about its capacity.

54. The October 2015 Report on HS1 showed that the benefit-cost ratio was as low as 0.5. Now, it's unlikely you'll have a higher benefit-cost ratio from connecting HS2 to HS1, but we would say just as no one is arguing – no one is really arguing HS1 should not have been built; so we suggest in the future, no one would suggest this link should not be built. The carbon savings from it would be very substantial in terms of reducing flights.

55. SIR PETER BOTTOMLEY: CPRE, Protecting Rural England, is advocating having a straight link on rail from HS2 to HS1?

56. MR SMYTH: That's right sir, yes. Not through the original proposals – we accept the costs of those to communities would be severe and it wouldn't be engineered well – come on to later. Also, just to mention the HS2 to the south-west link. I can see Mr Clifton-Brown is out, but there would be very significant benefits to the south-west, to Gloucestershire and beyond, from having a link to allow trains to run from the southwest onto HS1 in Phase Two.

57. If I could move on to slide (19) please? In 2012, CPRE published research on the carbon impacts of HS2. This was referred to – this was relied upon by the Environmental Audit Commission in 2014. One of the top-line recommendations was to limit the maximum speed of HS2 until the grid was decarbonised. Now, HS2 have promised to publish studies; nothing has happened three, almost four years, since the study was published. We also say that there should be targets to reduce the carbon impacts of HS2 in the long-term; but I would emphasise that it's the short-term, those critical fourth and fifth carbon budgets, where the emissions are absolutely vital. We'd also say there should be a requirement for no net increase in private motor traffic around HS2 stations – and I will come on to more of that later in the policy support for it.

58. SIR PETER BOTTOMLEY: Taxis and hire cars are alright?

59. MR SMYTH: Sorry?

60. SIR PETER BOTTOMLEY: Taxis and hire cars are alright?

61. MR SMYTH: It's something, if I can come on to in a moment? There's a policy I wish to rely on.

62. If I could move on to slide (20) please? Forgive me, A1925(20)? Forgive me – just very briefly, two quick lessons from HS1. HS1, the public space around the station is problematic; there's anti-pedestrian deterrent paving around the back; and it shows the need to plan positively for future travel around the station. Ebbsfleet; there's a very large car park and that's meant poor public realm; and also a repeated failure to deliver the land use objectives of a garden city.

63. If I could turn now to slide (21)? While there's been good constructive challenge to the East Midlands Hub, there hasn't been for the Birmingham Interchange Station. I would highlight the report by leading architects, Farrells, for East Midlands councils that, late last year, highlighted the need to limit the footprint of transport facilities, especially car parking; minimise road access for cars and congestion, to maximise economic growth; and also to achieve high-quality cycle connectivity to the surrounding areas.

64. Slide (22) please? Now there's a real challenge here. The promoter says that all this can be dealt with at future detailed design. But there is a major discrepancy between the core planning principle and the MPPF, that requires the fullest possible use of public transport, walking and cycling; and Schedule 16 which limits grounds for refusal for planning authorities, simply in relation to reducing prejudicial effects on road safety or the free-flow of traffic. What that means is that measures to – the planning authorities will not be able to insist on measures for the fullest possible use of public transport, walking and cycling, because they will be severely curtailed by Schedule 16.

65. In addition, the forecasts from traffic around the new stations show a lack of ambition, particularly around cycling. The remedy we wish to seek is either the Bill is amended, so that Schedule 16 can mirror the MPPF; and also an undertaking to seek to secure no net increase in car trips around the area of HS2 stations.

66. If I could move on now to –

67. SIR PETER BOTTOMLEY: Which are the rail journeys for which people most usually either take their bicycle with them or bicycle to the station?

68. MR SMYTH: I think in terms of central London and Birmingham, there is great potential for a lot more cycling. But even we will say – and I will come on to this in a

moment – the Birmingham Interchange, there are a number of villages and towns within 5-8 miles of the station, where there could be higher cycling rates.

69. SIR PETER BOTTOMLEY: This is major for stations that include trains which are on local and shorter journeys?

70. MR SMYTH: Actually if one is cycling to get onto an HS2 train, rather than having to drive and risk being stuck in congestion and not finding a car parking space, there are advantages of just being able to nip there on a bicycle, I'm sure you'll be aware.

71. SIR PETER BOTTOMLEY: I remember estimates from a number of people about walking to Euston. I can't remember the estimates of the proportion of cycling, though?

72. MR SMYTH: Forgive me, I've focused on Birmingham because I have been dealing with London, I wanted to add value. In relation to Birmingham it has some of the lowest cycling levels in the country and as a result, they've not been able to model increases in cycling; and they simply aggregated the figure. As a result – and I come on to all this in a future slide – we believe opportunities are being missed.

73. If I could move on to slide (23), please? We have here an infographic from the Highways Agency Route Strategy from 2014, for the Birmingham Box. As you can see, there are – there is very severe congestion already on the section of the motorway running past the HS2 station. The promoter is forecasting very significant increases in traffic. Its argument seems to be, things will become so worse, a bit more traffic from HS2 won't make it noticeably so. But I would highlight that in all the traffic assessments, the promoter has managed to ignore the main planning document, namely the Circular 2/2013, it's entitled, 'Planning and Strategic Road Network', which is a Department for Transport circular. This highlights at paragraph 26, that promoters should put forward initiatives to manage down the impact of traffic, and that this is particularly necessary on sections of the strategic road network that could appear as capacity problems. By paragraph 30, it sets out the approach – you'll see I've been banging on about in previous slides. This suggests that where a new development has significant traffic impacts, it may be possible to free-up capacity by engaging with existing development. So, what I'm effectively suggesting is that HS2 should work in

partnership with the NEC, and wider settlements, trying to reduce the car traffic there, for example, with the new tram that's been proposed, or new bus services, so there is no net increase in vehicular movements, other than, say, coaches and buses, to the HS2 station. Now, that simply hasn't been considered, even though it's a DfT circular.

74. We also would say that it's actually in some of the traffic assessments that the modal share targets for Birmingham Airport, the NEC and the business park, are driving private operators to improve bus services. But, by contrast, there's no target for the HS2 station. As a result, we say, opportunity to secure the fullest possible use of buses and other forms of transport are simply being missed.

75. If I could turn on now to slide (25)? Which is about the Interchange. Here you can see the Interchange with the associated car parking. Now, we have a particular concern in relation to clause 22 of the Bill. That sets a limit of 7,500 short-term car parking spaces at the Interchange, but there's no definition of short-term. I was interested to see that Luton Airport describes short-term parking as being up to eight days. So, in effect, there is no limit here. There would be very high car use at this station; and there's no attempt to minimise the sprawl of the station onto the green belt. Now, we say that the remedy should be amending clause 22, removing the reference to undefined 'short-term parking', and limiting down the net increase in car parking. What I mean by that is that there may be opportunities to reduce car parking around the NEC, because of the improved public transport accessibility, and therefore that would offset larger increases in car parking around the HS2 station. Also, saying there should be an area-wide travel plan, not just a station travel plan; that would conform with the guidance in paragraph 30.

76. If I could move on finally to slide (24) – this is going one backwards, forgive me? This is about cycling. So, to quote from the Cycling and, also, happily, the HS2 Minister, the problem we have is that we should have started 30 years ago; we need to redouble our efforts to get what the Prime Minister called a 'cycling revolution'. The promoter is saying, we can simply leave cycle routes to detailed design. The problem is that these will possibly require additional land take if they're going to be segregated. For example, AP5 sets out requirements for additional land take for the People Mover. At the moment, the HS2 proposals have no access for the Interchange Station from the south, the west or the east. There's simply a route going north, where one has to

dismount around every exit of a roundabout. If one does go around in a spiral, coming out to the nearby villages, the mitigation measures to reduce the motor traffic impacts will make conditions about as unpleasant for cycling as possible. There will be slip lanes one has to cycle over that will be extremely busy. Now, what we are asking for is that the promoter should provide space for high-quality links around the station to the south and the east. The promoter accepts that people won't use public transport from Hampton in Arden and other settlements in that area, because it won't be competitive to driving. We say that, actually, those are about five miles from the station; it would be a great opportunity for people to cycle to that station.

77. The government is due to publish the draft Cycling-Walking Investment Strategy in March, and we say there are opportunities to dovetail this and what's known as the CWIS. Now, in particular, these cycle routes would open up the green belt so perhaps they wouldn't be used by commuters during the weekend, but they would be a fantastic way for people in Birmingham to go past the wall of motorway and HS2, into the surrounding countryside, and as a result, they'd also help achieve the green belt benefits I mentioned earlier.

78. So forgive me for taking up 35 minutes, but I hope that was at a reasonable speed and I'm very happy to comment on the response from the promoter. Thank you.

79. CHAIR: Sir Henry?

80. SIR HENRY BELLINGHAM: Thank you very much, and I should declare an interest for being a keen supporter and member of the CPRE. But I think that a lot of these points are generic and you've outlined them very well. But I think further to the question asked by my colleague Geoffrey Clifton-Brown, it would be really good if HS2, if they are able to, could cost some of these suggestions and initiatives. I think quite a lot of what you said has already been built into the detailed design phase, and I think the influence of CPRE nationally, but also your local branches, working with Parish Councils, with different groups, has been effective. So I think you can take some pride in what has been achieved so far.

81. MR SMYTH: Thank you very much.

82. SIR HENRY BELLINGHAM: But I really am keen to drill down a bit and to get