

still as tranquil a place as we can get?'. HS2 is coming and we accept that but it needs to mitigate its progress through the countryside in our view.

287. CHAIR: Okay. Thank you very much, Mr Messham.

Stop HS2

288. CHAIR: Mr Rukin, you're the next petitioner. 1611. Welcome. Sorry to hear about your family troubles.

289. MR RUKIN: Thank you very much, Chairman. Thank you to all the members of the Committee, the staff and even the promoter. As you might imagine, I'm not quite as well prepared.

290. SIR PETER BOTTOMLEY: Is it longer or shorter?

291. MR RUKIN: Probably longer because I'm going to be stumbling a bit because I didn't have the change to get everything in order, not that I ever generally do properly. Right. I'll start off with the ask that we would like some independent oversight of HS2 Limited.

292. CHAIR: Is 'we' you or your organisation?

293. MR RUKIN: Our organisation. Yeah, Stop HS2. It's the final appearance on our behalf. And the reason is that, quite honestly, we've been very disappointed with HS2 Limited through the last six years. And I think looking at the PHSO report and some extracts from that is a very good place to start because when that report happened it was basically one person, Mr Loescher, had had the presence of mind to log his complaints and to know that he could complain to the PHSO, which I'm sure that many others would have done if we'd known about it at the time. But, as we said at the time, this report was written about the hamlet of Flats Grave Lane and Knox Lane but it could have been written about anywhere on the route in that we've had the same problems up and down throughout the process and HS2 have been very poor at communicating with the residents. Meetings have been cancelled and there has been very little evidence in many cases that mitigation proposals have ever been seriously considered. For the PHSO to come down and say that HS2 Limited were guilty of maladministration is a pretty strong statement from this body.

294. And I've left up paragraph 80 because it's possibly one of the worst things that they were accused of doing in that basically Mr Loescher was effectively blackmailed in that his compensation would be going ahead and remaining 10% on completion if he dropped his complaints. Obviously this didn't happen in the end – it was only a threat for a couple of weeks – but this is indicative of the way that the organisation has operated throughout the piece.

295. And we are exceptionally worried that it will go back to that because at the moment in the last two years you've seen HS2 Limited, as far as we're concerned, on their best behaviour. It's been two years here but it's been six years for us and maybe another 10 years to go. And we will probably look back at these hearings, and maybe the hearings in the Lords, and say 'this was the pinnacle; this was as good as it got in terms of engagement, in terms of actually getting information out of HS2 Limited and actually being talked to'. There's been various issues of trust right from the start. For example, HS2 Limited saying that –

296. SIR PETER BOTTOMLEY: Joe.

297. MR RUKIN: Go on.

298. SIR PETER BOTTOMLEY: We want to go on; we don't want to go back much more.

299. MR RUKIN: I know we don't want to go back. The thing is, I'm trying to paint a picture that says that going forward we need –

300. SIR PETER BOTTOMLEY: We understand that. But we've shared much of this with you over the last year-and-a-half so assume we've remembered quite a lot so you don't need to go through this in detail. You've given us the headlines, so do them if you'd be willing to please.

301. MR RUKIN: Okay. This is the thing: it's still going on. For example, you know, at the moment we've just recently had the Environmental Statement consultation and it's quite clear that many parts of that would relate to Phase 2 because you're not going to have different policies on vibration, air and water quality, construction practices and so on. So there should have been an attempt to engage the people on Phase 2. And all the

things that we complained about on Phase 1 in the past, such as the lack of information, the lack of community forums, again have not happened now on Phase 2.

302. And there are many examples that I could go on about but we're just worried that it will revert to type. And, you know, if we don't learn from history we're condemned to repeat it. And what we're worried about is what hasn't been ruled on, what appears as assurances and not undertakings and what hasn't been put in as an amendment to the Bill will not necessarily happen. There's a great example at the moment with the Staffordshire Alliance. We had, very close to the route of HS2, doing the work at Norton Bridge. At a similar point in the process the residents were promised that they wouldn't have the problems of noise from night working. And, of course, it's not happened; they've gone back on everything that they've promised: there's been structural damage to houses and the residents have been treated with disrespect and disinterest. And we cannot not be worried that this will not happen. So a proper independent regulatory body throughout the piece, whether it's around construction, compensation, complaints, ecology, you name it. Because there is an inherent conflict of interest in having an organisation that exists, not only to build HS2 but to promote it. Because when you promote something you start to ignore the downsides and you undermine the contractors and you don't necessarily listen to the problems that you have.

303. I suppose, one of the best summings up of how HS2 Limited have operated, was from the former member for North Warwickshire, Dan Byles, said, it's a terrible, terrible organisation that, when it comes together, is so less than the sum of its parts. And one of the things I'd like to point – if we can move onto the next slide, one of the things that I'm exceptionally worried about is although it's wonderful that the Construction Commissioner looks like it will be truly independent, as opposed to the Residents' Commissioner who, it seems, isn't allowed to talk to residents and reports directly to the chief executive of HS2 Limited.

304. We are very concerned about the construction – well, two things with the Construction Commissioner in that they won't be able to look at anything unless it's already gone through HS2 Limited's internal complaints procedure, which, looking at how things have gone in terms of getting information and contact from organisations and communities with HS2 Limited in the past, this could take – it's going to be one of

those, 'How long is a piece of string' things, in terms of how long internally they take to deal with complaints. And of course, when you've got a complaint about construction, it could be, 'You're chopping down that tree, and you're not meant to be doing', by the time you've gone through the complaints procedure, it's matchwood.

305. But most concerningly, we might be overly worrying about nothing on this, but the brief is in front of you, in that the Construction Commissioner will not cover matters considered by Parliament in approving the project. Now, after 19, 20 months here, and however long in the Lords, I would say that if someone sat here and said something and being concerned about something over the last 19 months, whether you have considered that point or not, it's technically been considered by Parliament because it's been brought up in front of the Committee, you have deliberated – whether or not it's been a big issue for you or not, is another matter, but I would say that, it's very difficult, in my opinion, to think of a single issue that will not have been brought up by someone in the petitioning process, whether here or in the Lords, and therefore, it seems to me that that is a potential get out clause for any complaint about construction.

306. There might be some things that we missed, I don't know, but I would very much like clarification on that, and to be perfectly honest, like that line removing from the Construction Commissioner's role because it seems to be me to be a universal get out clause for everything. We have been a bit concerned about – no, I'll come to that later. If I could have the next slide, please.

307. Just to further illustrate the point, it's just very quickly, this is the log for the FOI disclosure log in terms of getting information out of HS2 Limited. Now, nominally, you'll see that this refers to 12 freedom of information requests, but if you look at the numbers, you'll find that the numerical system represents 48 freedom of information requests. Next slide, please. So, effectively, out of 48 numerical FOI requests that were in that particular screen shot, you'll find that three quarters of them were turned down.

308. When HS2 issued their FOI log, when you added up all the numbers that were missing in the gaps, this is where you got to in terms of the way that they actually communicate and provide information. If you can skip the next slide and go to six, please.

309. Very quickly – no, no, one back. Very quickly; in the autumn statement, we were

told that the cost of HS2 Limited had been increased by inflation to reflect 2015 prices. Now, a guess at inflation would have brought you to 57.37, but one of the few freedom of information requests that we've actually had a very positive outcome on – next slide please – is that whilst Parliament, the public and the press were told that HS2's costs were increased to reflect inflation, it's not actually the case. I finally managed to get an FOI response in terms of the costs breakdown, and you find that the actual construction estimate for Phase 2, has increased by 39%, for Phase 1, 15, which is above the cost of inflation.

310. And more concerningly, for some reason, the cost of the rolling stock, both with and without contingency, has gone down. Now, this is something that's not been tendered for, that the speck hasn't been provided for, there were reports last week in the Times that Alstom was potentially bidding for it, and there's going to be a 'super' first class where there's only going to be two seats per row, which sort of blows out the idea that HS2 is about capacity, but this simply an example, the fact that the Phase 2 costs are up 39% and Phase 1 construction estimate, again, is up 15%.

311. We were told the costs had increased purely as a result of inflation, that 11.2% had been added on, as a flat rate, to bring it up from 2011 costs to 2015 costs. But when you dig a little deeper, that is complete rubbish, it is totally made up.

312. CHAIR: Move on, because we're not here to discuss either the principle of the project and on the presumption that the Government want to do it, they have to pay for it, so shall we go back to the –

313. MR RUKIN: Absolutely. I was simply trying to illustrate.

314. CHAIR: I was indulging you a little but I don't want to indulge you too much. Please go on.

315. MR RUKIN: We don't get the greatest information. The next slide is in the – unfortunately, it's in the wrong place, it should have been further down. Sir Peter, I noticed that earlier, you were asking about the potential design of catenary stands, and this is what we've got in the – the AONB currently being built in the Chilterns, in the Goring Gap. And that's what they're currently looking like. Which simply isn't good enough.

316. You look at pictures of electrical gantries that were being installed back when we were switching over from steam to electricity; they are far less intrusive and this is just an example of what is already being put into an AONB, as we speak. And it's simply not good enough.

317. If we can go onto the next slide. There was a lot said on Monday about the potential to reduce the speed of HS2 and therefore save money in terms of the energy costs, the maintenance costs and of course the carbon footprint, but most importantly, obviously, a reduction in speed allows for a movement of the track to avoid sensitive sites and communities.

318. What hasn't really been mentioned is if HS2 is apparently all about capacity, calling it High Speed 2 was a mistake, that it should have always been about capacity. The thing is, if you reduce the speed of HS2, and this is Andrew McNaughton's own methodology, you actually increase the capacity. It's probably better shown on the next page, on the graph, that if you can drop from 400 to 250kmph, you get an extra two or three, or may be even five trains an hour. It depends partially on how big your signalling sections are, obviously, get a great capacity with an 800 metre signalling section. That's not saying the trains are 800 metres apart, that's saying the signal gaps are 800 metres apart, so it would be a multiple of that, probably four kilometres-ish, 3,200 metres, somewhere along those lines.

319. The bottom line is that there are significant – there are other significant improvements in the deliverability of the project if the speed is reduced, besides the obvious saving on electricity and carbon output.

320. Obviously with electricity, this has always been a question and one of the issues that has come up in the past is that conversations that HS2 have had with Network Rail – sorry, National Grid, in conversation with National Grid, what we've seen to understand now is that National Grid seem to think that electricity for HS2 is their responsibility – is HS2 Limited's responsibility, and the reverse is true, and that seems to be where we are with the provision of electricity for the project.

321. This is only important because obviously, the winter forecast showed a margin of 4%, which was reduced to 3.6% and before HS2 is built...

322. SIR PETER BOTTOMLEY: We don't need to go into all this.

323. MR RUKIN: Okay.

324. SIR PETER BOTTOMLEY: Please.

325. MR RUKIN: I was only going to say there are electrification projects elsewhere that have to have happened by the time HS2 goes ahead. If we can move onto the next slide please. That's simply saying that making longer trains means that you don't have a capacity problem. It was simply that – very, very quickly...

326. SIR PETER BOTTOMLEY: We've had the second reading of this Bill, we don't need to do this.

327. MR RUKIN: Okay, go on then. Obviously, we never got the chance at the time to respond to Professor McNaughton's...

328. SIR PETER BOTTOMLEY: You aren't dealing with the strategic case either; the second reading of the Bill passed that.

329. MR RUKIN: I'm not sure this is to do with the strategic case; again this is...

330. SIR PETER BOTTOMLEY: It's your slide.

331. MR RUKIN: What is being promised cannot be delivered because somehow we have 23 trains per hour now, on the existing lines and after HS2 is built, 23 trains per hour will be delivered out of Euston with fewer platforms...

332. SIR PETER BOTTOMLEY: You've mentioned your doubts on that.

333. MR RUKIN: Next slide. In that obviously, there's meant to be a saving on Phase 1 of £5.6 billion, and how you can have the same number of trains and save that money is beyond us.

334. SIR PETER BOTTOMLEY: You've put that on the record, okay.

335. MR RUKIN: Okay; well, that's the thing, a lot of this is stuff that we just want to put on the record. This is obviously the timescale for delivering Euston. And we find it rather concerning that at this point, we still do not know what's going to happen to

Euston during construction, and how this is going to – with respect, I thought that would be something that potentially a set of MPs might be particularly interested in, is how the trains operate in and out of Euston for the next 10 years. Because, if we move onto the next slide, obviously, HS2 Limited are proposing to close two – I know it's not come out very well, but the top left hand corner is all that's important, is that for a while, lines E and X will be decommissioned, which obviously has an impact on the operational capacity of Euston and can we see that, please? What happens in terms of the service plan during construction. I don't think that's an unreasonable thing to say.

336. Another thing that's worth pointing out at this point is obviously the Transport Secretary, Mr McLoughlin suggested that what could happen to alleviate capacity problems is that Crossrail could run up to Hertfordshire, but obviously, when Mr Elith brought that point in Committee, Mr Mould said that couldn't happen until 2026, at the earliest, which would be after the hoped disruption at least to line capacity, at Euston.

337. Okay, you probably don't want to hear that.

338. CHAIR: Well we have heard it already.

339. MR RUKIN: Yes – no, the next bit. Next slide please, this is just a nice picture, but it's again, just to reiterate and I'm sure has been mentioned, that railway drainage is being designed for the one in 100 annual probability event and the designers hopefully to see that floods do not encroach within one metre in 1,000 flood event, but as the recent floods have definitely shown, is that the perceptions of one in a 100 and one in 1000 probabilities are pretty meaningless at this point.

340. We've obviously always been concerned that the main issues with HS2, from the promoter, is that HS2 does not flood. How the sinking of the concrete piles affects the rest of the area seems very much to be an uncertainty, and it's quite clear that the probabilities of one in 100 and one in 1000 have gone totally out of the window. There have been plenty of petitioners who've appeared here over the last year and a half, who have been saying that, in their lifetime, floods have passed the one in 100 and one in 1000 supposed levels, because we're using historical data that isn't totally accurate in a lot of cases. We're not using forecasting.

341. Finally, I'm sure you'll be very happy to hear that, if I can have the last slide.

Obviously, this is our ecology poster boy, the Cubbington Pear Tree, the erstwhile tree of the year 2015, now in the competition for European Tree of the Year, and I hope to count on – we hope to count on your vote in that competition. Obviously, there's a major hole in the biodiversity calculation and the need to replace and compensate habitats. And that is that it's been done on professional judgement, whatever that means. I could say my professional judgement, that's a load of rubbish, and using the phrase, 'professional judgement' is a great get out clause because it allows no opportunity whatsoever to demonstrate any empirical evidence whatsoever.

342. Modifying the Defra biodiversity metric and coming up with a no net loss biodiversity post construction, doesn't exactly work and the worst thing, is that, in terms of biodiversity, we seem to have, with the no net loss, it seems to be averaged out across the route, so one part of the route can be completely concreted, as long as you plant loads and loads of trees in Staffordshire. That just seems completely unfair to the communities that HS2 is going through.

343. Obviously, there's been the fact that they've downgraded plantation ancient woodland in the metric, something that the chair of the Environmental Affairs Committee, Joan Walley at the time, specifically told the promoter not to do. And this just seems completely unreasonable. There is a Defra offsetting metric, no need to modify it, no need to mess about it, there's a Government specified way of doing this; why a Government body cannot follow the Government's own advice on biodiversity and offsetting is beyond us.

344. We know that Natural England aren't happy with the methodology, and this whole concept of, you know, two million trees, this was simply plucked out of the air at a time when HS2 was getting bad press coverage, on environmental grounds. It sort of happened at the same time that Justine Greening was Secretary of State, and she actually said, 'Forget the idea that you could actually translocate woodland, and this whole idea of two million trees just was plucked out of the air at the time, and it stuck.

345. Now, Government guidance is very clear, you can chop down ancient woodland, were the benefits of the project clearly outweigh the cost. Okay, show me the evidence. How has this been demonstrated, where is the empirical data? Ancient woodlands need to be protected wherever possible, and HS2 Limited said, 'Oh well, we'll use narrow

cuttings wherever possible'. Well, going through an ancient woodland, I'd say a narrow cutting is possible all the time because you're going through trees, you're not going through something that's a potential geological problem. So, why aren't all these ancient woodlands that are being gone through, having narrow cuttings? That's what HS2 are saying they do, wherever possible, they will have narrow cuttings, and they simply have not done this.

346. Broadwells Wood near me would be a very good example, where it's going straight through the middle of the ancient woodland.

347. SIR HENRY BELLINGHAM: Where's that, Joe?

348. MR RUKIN: It's between Burton Green and Kenilworth.

349. SIR HENRY BELLINGHAM: What's it called?

350. MR RUKIN: Broadwells Wood.

351. SIR HENRY BELLINGHAM: Broadwells Wood, yes, indeed we...

352. MR RUKIN: I think it was mentioned yesterday.

353. SIR HENRY BELLINGHAM: It was.

354. MR RUKIN: But it's not happening, and you know, I don't know what happened to this, but I do remember at some point during the last Government, the deputy prime minister saying that a cash value should be placed on ecological sites, things like woodland, the countryside. I expect that that plan went the same way as the coalition partners, but this would be something that would be exceptionally useful, because it seems to be – well, HS2 clearly – the benefits clearly outweigh the cost of chopping down a couple of trees, but no work has been done to do that, it's clearly isn't the case, and what you should be doing is measuring the benefit of say, that section of line against that section of woodland that it's going through. That's my opinion anyway.

355. CHAIR: Are you moving towards your final conclusions?

356. MR RUKIN: Sorry?

357. CHAIR: Are you moving towards your final conclusions?

358. SIR PETER BOTTOMLEY: You said ‘finally’ several minutes ago.
359. MR RUKIN: Well I said ‘finally’, I got to ecology finally.
360. CHAIR: We got excited when you said, ‘finally’.
361. MR RUKIN: Oh, like you’ve got somewhere to rush off to go to.
362. CHAIR: We still have one more petitioner, I should say.
363. MR RUKIN: Oh sorry, I thought I was the last one. I can understand everyone being –
364. CHAIR: So did we for a minute.
365. MR RUKIN: I can understand being slightly demob happy, after all this time. I’m sure you’ll be glad to see the back of this room and...
366. SIR HENRY BELLINGHAM: We will not know what to do with our lives, so –
367. MR RUKIN: Anyway, going back to the letter from Ms Walley in May last year, I’d just like to bring up that she did expect the Committee to ensure that the hybrid Bill process will deliver the requirements of the environmental assessment directed, and will comment and report to the House on any issues relating to the environmental impact of HS2, and I very much hope that that happens. And is that it? As, I say, I was slightly thrown off and not quite as well prepared...
368. SIR PETER BOTTOMLEY: Joe, we understand, there’s no need to tell us...
369. MR RUKIN: Oh, no, Sir Peter, I would – it’s a question to a comment that you actually made, it’s the very last thing I’ve got to say, I had forgotten about this. But have things moved with the potential appearance of someone from HMRC concerning Capital Gains Tax?
370. CHAIR: We’ve had more letters.
371. MR RUKIN: Right, okay.
372. CHAIR: But it’s an ongoing process, so I think we need –

373. MR RUKIN: I would say that would be a very welcome precedent, because it's not just HS2, it seems patently unfair that people get stung for Capital Gains Tax, no matter what the project is, when it's compulsory purchase, because it's not – you know, the normal course of buying or selling a property or land, is it?

374. SIR PETER BOTTOMLEY: Thanks very much.

375. MR RUKIN: Thank you.

376. CHAIR: I think most of the points which you've raised have already been answered before us. Whether we should let you wait for Phase 2A before you get a further response from HS2, I don't know, but do you want to say anything, Mr Strachan?

377. MR STRACHAN QC (DfT): No, I'm very conscious that a lot of these topics we've covered in a lot of depth. I just – obviously, for the record, would note that I dispute and the characterisation of the organisation Mr Rukin has put forward and whilst no organisation is infallible, lots of lessons have been learnt through this process and it's been a constructive process. But I don't, other than that, I think all the other principle topics we've covered in some depth and unless there's anything specific you want me to cover again, I will leave it at that.

378. CHAIR: Okay. Thank you for your contributions. We've enjoyed seeing you, you've always remained very happy and cheerful, and your first comment was you were very disappointed with HS2; well if your organisation was to stop HS2, no wonder you're very disappointed.

379. MR RUKIN: No – well this is the thing that – it's one of the things that has surprised us, actually, throughout the years, as how bad it's been and if the lessons were being learnt, they will currently be implemented on Phase 2.

380. CHAIR: There are certainly lessons to learn. Anyway, thank you for your contribution. The last...

381. MR RUKIN: Thank you very much.

382. CHAIR: ...petitioner today is 1138, Baroness Von Maltzahn, and Mr Joseph Von