

that which has been achieved already through the careful assessment of the environmental impact of the Bill proposal and those residual effects that remain in the Chilterns, both as a whole and also on a more local assessment in the community forum area reports, but also provide a valuable – and intended – indicator of where the project going forward needs to seek to build upon and to improve upon the environmental performance of the railway through the detailed design stage that will be undertaken under the auspices of the local authorities and Schedule 16 of the Bill, of which Mr Miller gave you some illustrative examples from the documentation when he gave evidence. We believe that that is a better way of spending public money on the production of a scheme that draws the right balance between costs incurred and environmental protection gained than the very substantially greater cost that would necessarily have to be incurred through tunnelling this railway entirely underneath the Chilterns AONB. This is our response to this and other petitions. Thank you.

82. CHAIR: Thank you. Brief final comments, please?

83. MS YEOMANS: I will leave it there because I think there are other people who are coming after me who probably would quite like to respond to Mr Mould in more detail. Thank you.

84. CHAIR: Okay. Thank you very much. Thank you for your contribution. We now move on to petitions 1285 and 1310: Chiltern Ridges HS2 Action Group and Conserve the Chilterns and Countryside. Mr Kingston?

Chiltern Ridges HS2 Action Group and Conserve the Chilterns and Countryside

85. MR KINGSTON QC: Good afternoon, sir. Thank you. I think I can say that it is nice to be back.

86. MR MOULD QC (DfT): You are that same Martin Kingston who appeared before, notwithstanding the way in which your Christian name has been changed.

87. MR KINGSTON QC: Yes, I see that I am now Michael. I have not suffered any name change and I am the same Martin Kingston who appeared earlier in the proceedings, indeed I think at the beginning of the proceedings. Can I explain what I would like to do, sir, with your leave?

88. CHAIR: Yes, please.

89. MR KINGSTON QC: That is to make a short – and I stress short – statement which is intended not to repeat lots of things you’ve heard but to give you an indication of where we have got to and what we’ve seen by way of response and what we intend to try and do by way of the evidence which we would like to put before you, with the promise of course that I shan’t repeat what I’m going to say to you at the beginning at the end. If that’s acceptable, before I call the evidence I will just make a short introductory statement.

90. CHAIR: Okay. Your witnesses will need to shuffle a bit to the right as otherwise they may be off camera.

91. MR KINGSTON QC: Cosy up!

92. CHAIR: Cosy up! Absolutely. Cheek to cheek!

93. MR KINGSTON QC: Thank you, sir. By way of introduction, the Committee has already heard a great deal of evidence, and has been provided with a great deal of information, with regard to the Chilterns AONB and the way in which the Bill proposals will affect it. It is not the intention of either of these petitioners to repeat that evidence and traverse what will by now be very familiar ground, at least in some respects. We simply comment at this stage, although perhaps the Committee will hardly need reminding, that there is no more contentious issue than the AONB tunnel issue, with over 800 petitions lodged. Representations have been made by public bodies and groups of different kinds and, not least, there have been cogent presentations by Members of Parliament. Resolution of this complex, significant and, for many, vitally important, not to say life changing, issues will be a key test of the hybrid Bill process and its effectiveness in balancing competing national and public interests.

94. Rather than repeat what the Committee has heard many times by now from others, what these petitioners seek to do is draw attention to the very extensive areas of common ground that exist with regard to the CRAG/CCC tunnel proposal that is T3i – I am going to call them ‘CRAG’ for short – which they promote as a practical, deliverable and in all respects viable alternative to the Bill proposals. In that context the petitioners suggest that rationally, on the basis of the evidence now available, there is no reason to

turn away from T3i as being the most appropriate solution in all respects to the delivery of HS2 through the Chilterns AONB.

95. The CRAG/CCC proposal is the product of an extraordinary amount of hard work over a period of years by ordinary individuals working as volunteers on a constructive, engaged and non-antagonistic basis with HS2. It is a tribute to all parties that what has been achieved is now recognised as offering the very significant advantages highlighted – we will deal with them in the presentation – in terms of technical, engineering or programming issues for HS2. The designation of T3i is intended to indicate that it is an iteration of the earlier CRAG/CCC proposal T2. The ‘i’ is to indicate that it has the intervention gap at Durham Farm.

96. So the common ground. There is now no issue with regard to T3i that, first, there are no engineering issues which would prevent its construction or render it materially in any way less satisfactory in engineering terms than the Bill option. Second, there is no reason why T3i should cause any delay in the construction of HS2 and therefore no reason in terms of the delivery timescale why it should be rejected. Third, there are no other technical issues of any kind which could rationally cause anyone to conclude that the T3i option should be rejected.

97. In respect of the extensive agreement which now exists with regard to the tunnel options, we are fortunate – at last, I may say, and after a long wait and repeated requests – to have available HS2’s SIFT report prepared by Temple-ERM and Mott McDonald and dated 9 July 2015. That is before you as one of the exhibits. I hope you might have had the opportunity of seeing it. We shall look at it in the course of the presentation. You have it available in full. We won’t rehearse it all but simply draw attention to the fact that it took into account all of the inputs that HS2 considered relevant for the SIFT analysis, which included the construction and operational aspects of the following: natural and cultural resource protection; environmental enhancement, specifically landscape and townscape; cultural heritage; biodiversity; water and flood risk; air quality; sound and vibration; community integrity; transport accessibility; severance; agricultural soil and land use; and waste and material resources. HS2’s SIFT report concludes on page 29 that the recommended option, including the Bill scheme, is the proposal that is option T3i. The reasons for that conclusion are set in the report and I don’t recite them now. However, it is relevant to note that the recommended option

conclusion was reached having not taken into account either health and wellbeing or socioeconomic factors, two areas where it is clear that the T3i option would also perform well. It follows that at the present time, and using an up to date assessment which has been scored based on HS2 guidance and taking into account advice from its specialists on agricultural, community, cultural heritage, landscape, sound and vibration, ecology and water – and those are part of the assumptions in HS2’s SIFT report - there is, as I say, no rational reason for preferring the Bill proposals over T3i.

98. We anticipate – and we had the flavour of it just a moment ago from Mr Mould – that the response to the SIFT report is that the alleged cost penalty downside of the T3i option is not considered in that report and is something that must necessarily be taken into account in determining where the balance lies with regard to the overall public interest. We do not dispute that of course cost must be considered. By now, the Committee will be if not weary then perhaps rather wary of exercises which attempt to value matters such as landscape. We have ourselves undertaken such an exercise based on the view that it was necessary to engage with HS2’s approach using so far as possible the same Government guidance as used by HS2. The Government guidance with regard to such matters is referred to in the additional exhibit produced by Chiltern District Council as a result of last week’s proceedings. We have used it in order to ensure that the Committee has some material available to it prepared on a proper basis and consistent with Government guidance, which would allow it to reject the Promoter’s figures. However, at the end of the day it needs to be borne in mind that all of these valuation exercises addressing the costing and attributing a monetary value to everything, including things such as landscape or natural beauty, are in danger of making us look like a nation which, if I may quote, ‘knows the cost of everything and the value of nothing’.

99. The value of the AONB landscape is not ultimately a satisfactory concept for taking into account the harm to something which is designated because of its natural beauty. Definitions of ‘natural beauty’ have been elusive, but they most certainly embrace much more than simply what something looks like and so they include flora, fauna, geological and physiographic features and the interactions between them. In substance, it goes more to the sense of what the place is about and the combined effect of a range of factors, which includes appearance, openness, varied degrees of

tranquillity and the interactions of vegetation, fauna, landform, climate and human activity.

100. The statutory duty in section 85 of the CRow Act 2000 – to ‘have regard to the purpose of conserving and enhancing the natural beauty’ – is not discharged by way of a financial balance sheet or costing exercise. The evidence here shows that the AONB and the natural beauty of it interacts with a whole range of factors that deeply touch people’s lives, not just local people but all those many thousands who visit the AONB. Economic assessments about, for example, tourism impacts have the effect of sanitising what are for those affected, which is all visitors, local or national, significant issues. Economic impacts are about losses of jobs and all the worry that goes with that, matters which can have profound effects on those affected.

101. Property blight is not some remote concept referable by values. It is at its root about the fundamental and deep-seated effect that the loss of, or threat to, people’s homes, often their main asset, has on people’s health and wellbeing. There are of course in terms of those impacts on physical or mental health cost implications, but at the end of the day those costs implications are rather apt to disguise the fact that what these issues raise is fundamentally about people and the impact of these proposals on a very large number of people, residents and visitors alike to the AONB. Thus, whatever attempts there are to monetise, we respectfully suggest that the Committee should not lose sight of its task, which is to reflect the value which we as a nation put on elements that in reality defy monetisation but which as a nation define us and our values. In this process we are either to be defined in Mr Oscar Wilde’s world as cynics who know the cost of everything and the value of nothing, or we are to be defined as those who do truly appreciate that which is not capable of being satisfactorily monetised but which, when spoken of in terms of its natural beauty, is easily appreciated as being irreplaceable and of very substantial value.

102. We are in the week following the Prime Minister’s statement concerning tourism and the desire to get tourists out of London. In that context, we are considering the future of an area popular with tourists, easily accessible from London, and offering, at least at the moment, a view of quintessential British countryside at its best. With HS2’s proposals in place, the only thing to impress tourists would be how much more we care as a nation about getting from one place to another quickly than caring for what is

amongst the best we have in natural beauty terms in our landscapes.

103. The CRAG/CCC case is not, however, a plea for the T3i tunnel at all costs. The CRAG/CCC work – with HS2’s assistance, it must be said – has very carefully, and with compromises as to what it seeks to achieve in environmental terms in some areas, attempted to cost things where that can be done so that the Committee can see what the financial parameters are. The extent to which we cannot complete that exercise is in the main attributable to HS2’s reluctance to provide details of costings which would permit an examination of, for example, the full mitigation costs of the Bill scheme. The reality is that we do not know the full cost of the Bill scheme. The result of the latter issue is that whilst we can compare the performance of the Bill scheme across a range of parameters as set out in the HS2 SIFT report, the true comparison between the Bill scheme and T3i in cost terms cannot be made. In the consideration of these cost issues, whilst elsewhere being willing to work very clearly within costed parameters, at some points HS2 declines to do what it refers to as the ‘local level’. In this instance, in dealing with the Chilterns AONB, it is better perhaps to find that as being a refusal to address cost matters at a regional or sub-regional level.

104. The conclusion of these sessions on the AONB tunnel options provides the opportunity, we submit respectfully, for the Committee to signal that the case for T3i is now overwhelming, even on the basis of HS2’s own analysis and even allowing for some, as alleged by HS2 at least, marginal increase in cost. The cost is one which, so far from being unacceptable, should be regarded as entirely acceptable, demonstrating that as a nation, whilst we are cost conscious and efficient, we are among those who do know the value of the exceptional range of assets that we have in our AONBs and, in this particular case, in the Chilterns AONB.

105. Thank you very much, sir. If I may, I’ll move to the first witness. And the first witness is Mr Osborne, and we’re here looking at the full cast list except. So, first of all, Mr Osborne dealing with the design and cost of T3i. And if we go, there’s the introductory slide, thank you. And the next one. Thank you. Go to the, as it were, the long tunnel options.

106. Before you deal with that slide, Mr Osborne, can you just tell us about your own experience please? Is there a slide before that with the experience on it? Thank you.