

MINUTES OF ORAL EVIDENCE

taken before

**HIGH SPEED RAIL COMMITTEE**

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Monday 20 July 2015 (Afternoon)

In Committee Room 5

PRESENT:

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

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IN ATTENDANCE

Mr Timothy Mould QC, Lead Counsel, Department for Transport  
Mr Alastair Lewis, Sharpe Pritchard, The National Trust  
Ms Susan Yeomans, Chiltern Countryside Group  
Mr Martin Kingston QC, Counsel, Chiltern Ridges HS2 Action Group  
and Conserve the Chilterns and Countryside

Witnesses:

Mr Barnaby Osborne  
Mr Rodney Craig  
Mr Richard Hindle, Director, SQW

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**IN PUBLIC SESSION**

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(At 14.00)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee. Good afternoon. Today we are continuing with the Chilterns. We are publishing the slides from these sessions and we hope that as many people as possible who might be petitioning in September will review them so that they can see what we have heard.
2. Before that, on the passive provisions for a spur to Heathrow, we are inclined to seek removal of these from the Bill because the Secretary of State has indicated that there is no intention to build the spur and because of blight. We would like the Promoter to tell us whether there is any reason why reference to passive provisions, including map references in the Environmental Statement, should not be removed.
3. Following our decision on the Colne Valley tunnel, we will want to see what happens on possible construction sites in west London before we consider some of the other west London issues, including those affecting Denham, particularly traffic, West Hyde and Ruislip and we await the Promoter's response back in September.
4. The Promoter has reviewed options for noise mitigation in Culworth. We direct the promotion of option 5 for the additional noise barrier on the north side of the viaduct.
5. Mr Mould, you are going to update us on Radstone?
6. MR MOULD QC (DfT): Yes. The Promoter has undertaken a study of options for improving noise and visual performance of the railway as it passes to the west of Radstone. They include consideration of a number of options for moving the route horizontally to the west, but also of improving the performance of the route on its current alignment. The Promoter now needs to engage with the local community in relation to the fruits of that work. My intention is that that should take place over the course of the summer, with a view to reporting back to the Committee when it resumes its meetings in September. I think that is all I would wish to say at the moment. If you would like me to outline a little further the options that we have considered then I can, but it may be sensible for us to present those to the local community so that it is able to participate through that process in any public announcement which we make to the Committee.

7. CHAIR: Does it involve moving the line at all or is it mainly changing –?

8. MR MOULD QC (DfT): Our conclusion is that value for money is best served, that is to say the right balance between securing improved environmental performance in relation to the community of Radstone and at the right margin or cost, by retaining the route on its current alignment but providing an extensive noise barrier and seeking to mould that noise barrier into the earth works that would be required on the eastern side of the railway line. That is something that can be achieved at relatively limited cost and which can produce quite substantial improvements in the noise environment. Certainly in our view that looks to be a more meritorious option for improving the position than moving the route, say, 100 metres to the west, where one brings the railway significantly closer to Weston to the west. One can't avoid doing that because of the need to maintain the appropriate curvature to enable the design specification to the railway to be satisfied and it involves, for example, the railway being placed on a viaduct which would run across the valley of the River Ouse at an additional distance of possibly up to 100 or 120 metres, which as you can imagine will be a very substantial visual intrusion into the landscape when viewed from the west. It also involves further land take in relation to playing fields in Weston, which the community is already unhappy about, and it would come at a very considerable increased cost. So the concern we have is that by moving the route even westwards to that distance – which is considerably less than that which was proposed by the community group when it came before you – one is, if you'll excuse the colloquialism, in the business of robbing Peter to pay Paul, whereas that which we think looks like the best fit would provide substantial improvement to Radstone whilst maintaining the existing position in relation to the community of Weston and satisfying the design specifications of the railway and coming at what would be on all options really the most efficient use of money.

9. CHAIR: Thank you, Mr Mould. Mr Lewis?

10. SIR PETER BOTTOMLEY: Whilst thinking of Radstone, without wanting to go into particulars today, when we were discussing Radstone, the need to sell scheme was in our discussions. I think it was then or thereabouts that we had the view that if it was unreasonable to require people to stay on and take a big loss then the Need to Sell panel should make an appropriate decision. We went on to say that we thought that in some cases that might give people enough reassurance to stay on. It then would be open

logically for a panel to say ‘If you are prepared to stay on, you don’t have a pressing need to sell’ and people get caught in a ‘catch 44’ situation. I would be grateful if the Promoters would discuss with the Department whether this is a genuine dilemma, whether it is being resolved appropriately or whether unreasonable decisions are being made and turning down people’s application for the reassurance that they could sell at market price if they needed to. In effect, if someone has a number of small reasons to want to sell, or to know that they could sell, if they make an application they get turned down because they don’t have one completely pressing need. I think the Department may find that it is having to buy many more homes from people who, at the margin, would prefer to stay on if they had the assurance that they could sell if they had to.

11. MR MOULD QC (DfT): Would it be convenient if I asked that we report back on that when we report back on discussions we’ve had with the local community around the matters I outlined a few moments ago?

**The National Trust for Places of Historic Interest or Natural Beauty**

12. CHAIR: Okay. Back to you, Mr Lewis. You are representing the National Trust?

13. MR LEWIS: Correct, sir. I have timed myself and reading this statement should take no longer than five minutes, you’ll be glad to hear. Sitting to my right, just to introduce him, is Peter Nixon, who is the director of land, landscape and nature for the National Trust and an executive board director with strategic responsibility for National Trust’s approach to HS2 and for all the National Trust land and landscape matters. He has 30 years’ experience working for National Trust. He is not here to give evidence obviously.

14. CHAIR: He is here to keep his eye on you!

15. MR LEWIS: He is here to keep his eye on me and make sure that I say the right thing, as I am sure Mr Mould will be doing too, because this is a statement which has been run past HS2 and agreed in advance. I am reading out this statement on behalf of the National Trust and it is fully supported and endorsed by the National Trust’s executive board which is chaired by Helen Ghosh, the director-general.

16. ‘The National Trust has been asked to limit the contents of this statement to the

subject under the Committee's current consideration: a Chilterns tunnel. The Trust would have preferred to give a fuller statement of their case in this regard but, given that much of what they would have said has been covered by others, they have agreed to make this short statement.

17. 'The National Trust is continuing to work on changes to, and mitigation of, the HS2 phase one scheme and HS2 Limited are productively engaged with the Trust on other points that they have raised in their petition. It is important to note that National Trust and HS2 Limited both believe that the Trust's non-tunnel petition issues can be resolved in due course through a series of undertakings and are working effectively together to ensure a successful and mutually beneficial outcome, but the National Trust supports the case for a fully bored tunnel through the Chilterns Area of Outstanding Natural Beauty. The Trust believes that a fully bored tunnel affords the best mitigation for this nationally important landscape.

18. 'The Trust is an independent conservation charity founded 120 years ago as a classic piece of Victorian social enterprise. It exists by virtue of the National Trust Act 1907 to promote the permanent preservation for the benefit of the nation of places of natural beauty and historic interest. The Trust achieves this, first, through permanent ownership of 250,000 hectares of land, the vast majority of which is inalienable and which can only be ceded by special parliamentary procedure, including 775 miles of coastline and thousands of buildings throughout England, Wales and Northern Ireland and, secondly, through the promotion of caring for all special places in these three countries. The National Trust is supported by more than four million members and has 20 million visits to their pay-for-entry properties per year and an estimated 200 million visits to the countryside and coastline in their care. The Trust is one of the biggest volunteering organisations in the country, with 60,000 regular volunteers supporting their charitable purpose.

19. 'The National Trust is not against development. Indeed, they carry out significant development on their own properties, for example for visitor facilities, agricultural buildings and housing. The Trust's strategy for the next 10 years outlines how they will rise to the big challenges of the 21st century and how they will work with others to find solutions. Restoring a healthy and beautiful natural environment by working with others to conserve and renew the nation's most important landscapes and helping look after the

places where people live by engaging in shaping good housing and infrastructure development is central to this strategy. The National Trust is for good development which respects the natural and historic landscape. The bigger the development – and HS2 is one of the biggest – the more important the Trust believe it is for it to be good. HS2 provides a once-in-a-generation opportunity for the Government as sponsor to write its signature across the landscape. The National Trust urges it do so with creativity, humility and pride.

20. ‘Moving on to the AONB itself. Areas of Outstanding Natural Beauty are very special places, as evidenced by their national statutory designation, which you have heard about already. On behalf of the nation, the National Trust has an extensive ownership interest in AONBs, with over a quarter of all their land being in these areas. Therefore, in both principle and practice, the Trust believes in taking great care over these nationally significant landscapes. The Trust is concerned that AONBs are under increased pressure from development carried out in an inappropriate way. They are currently undertaking research into the application of the National Planning Policy Framework across all forms of development within and close to AONBs and will be making recommendations primarily applicable to local planning authorities on handling AONB cases. As you have heard already, of all the AONBs the Chilterns is the only one affected by phase one of HS2.

21. ‘The National Trust is neither for nor against the principle of high speed rail but objected to the route chosen for phase one because of the impacts it would have on the landscape of national importance. In the Chilterns, the Trust cares for more than 20 places, including great houses, woodland and villages, providing stewardship of more than 5,000 hectares in the AONB. The Trust believes that the impact of HS2 on the AONB can be vastly greater on the wider intrinsic and visual landscape than on just the land immediately taken. The surface infrastructure of HS2 across the Chilterns AONB would have a very damaging impact on the landscape qualities for which the AONB is designated and strongly argue that the major development and ‘great weight’ tests, which you heard about last week from the district council, within the National Planning Policy Framework are fully applied here.

22. ‘The National Trust supports the case for a fully bored tunnel through the Chilterns Area of Outstanding Natural Beauty. The Trust believes a fully bored tunnel

affords the best mitigation for this nationally important landscape. Whilst the Trust is working with HS2 Limited to mitigate negative impacts on the following areas under the current scheme, it would reserve its right to make comment on the details of any such tunnel proposal should it come forward in order to safeguard its interests, particularly in these areas:

23. '(1) Negative visual impacts on Coombe Hill which enjoys views out from the AONB across the expanse of Aylesbury Vale, to be mitigated by tree planting and landscaped earthworks.

24. '(2) Visual and noise impacts of the tunnel portals and above-ground infrastructure affecting National Trust properties to be mitigated.

25. '(3) Spoil arising. Sustainable placement locations, ideally not to be within the AONB and not to negatively impact on National Trust properties.

26. '(4) Lastly, permanent impact and legacy of construction camp sites and the like to be carefully assessed and minimised.'

27. Sir, that concludes the statement.

28. CHAIR: Thank you very much, Mr Lewis. Thank you to the Trust for the effective and short way that it has made its views clear to the Committee.

29. MR LEWIS: Thank you, sir.

30. CHAIR: Thank you very much indeed. We now move on to petition 1288: The Chiltern Countryside Group.

### **Chiltern Countryside Group**

31. MS YEOMANS: Thank you, Mr Syms and other Committee members. Good afternoon, gentlemen. On behalf of the Chiltern Countryside Group, I would like to thank you most sincerely for inviting us here before you today. On a personal level, it is a great privilege to be here in this historic and democratic building. Thank you for that.

32. My name is Sue Yeomans. I'm the Roll B agent for the