

MINUTES OF ORAL EVIDENCE

taken before

HIGH SPEED RAIL COMMITTEE

On the

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Tuesday 11 January 2016 (Afternoon)

In Committee Room 5

PRESENT:

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

IN ATTENDANCE

Mr Tim Mould QC, Counsel, Department for Transport
Mr Richard Turney, Counsel, Department for Transport
Mr Simon Jones, DLA Piper, representing Grant Thornton UK
Mr Alastair Lewis, Sharpe Pritchard, representing Hammersmith & Fulham
Mr Timothy Comyn, Bircham Dyson Bell, representing Double 4 Limited
Mr David Cooper, Veale Wasbrough Vizards, representing QPR Holdings

WITNESSES

Mr Andy Slaughter MP
Mr Robson Walsh
Mr John Wellman
Mr Henry Morritt
Mr Jonathan Darby
Mr David Jeffreys
Mr Dale Wilkes
Mr Roger Hepher
Mr Alan Deeley and Mrs Patricia Deeley
Mr Tim Smart, International Director for High Speed Rail, CH2M Hill

IN PUBLIC SESSION

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(At 14.00)

1. CHAIR: Order, order. Welcome to the HS2 Select Committee. Welcome this afternoon. In the Committee Room today we continue largely with West London, beginning in a moment with the Member for Hammersmith, Andrew Slaughter. Before that I have some decisions on AP4 locus.

2. In all except three cases we have not been convinced that the AP4 petitions whose locus challenges were heard last week should proceed. As before, many appear to object largely to the Bill itself rather than the AP. Where arguably this is not the case, such as the visual impact on Great Missenden, there are other bodies, such as elected authorities, who can pursue remedies. In other cases, any disbenefits of the AP are so clearly outweighed by benefits that we do not believe discretion should be exercised in favour of locus.

3. We allow the locus of Hampden-in-Arden HS2 Action Group and John and Susan Temperley, at AP4: 26 and 191, on the basis that they have a potentially legitimate concern about whether the AP4 might worsen their position. However, we will only call them to appear if we believe there is inadequate information from HS2 about their actual position. Purely on a discretionary basis, we allow locus AP4: 222 of Susan Rogers, an NTS case of clear merit that needs a solution soon.

4. We now move on. Mr Mould, do you want to make a short statement before we proceed?

London Borough of Ealing

5. MR MOULD QC (DfT): I thought it might be helpful to the Committee if I just outlined very briefly the assurances that we have given to the London Borough of Ealing. It's on P14130 and the letter is dated 8 January. These assurances will, I understand, be available on the website for the local community to view. They are in addition to the assurances given previously by letters dated 7 September last year and 4 January this year, to which I referred during the hearings on Thursday. Do you have those?

6. I shall summarise the gist of the assurances under the various headings. Firstly, in

relation to access there is an assurance to give as much advance notice to the London Borough as is reasonably practicable of all temporary closures of Old Oak Common Lane required for the construction of HS2 and to give details of alternative routes, the reasons and durations of such closures as well.

7. In relation to mobility services, there is an assurance to recompense the London Borough for their reasonable costs incurred by their mobility services where they can show that they have incurred costs as a result of providing additional transportation services for vulnerable residents at Wells House Road, Shaftsbury Gardens, Midland Terrace, Victoria Road and Old Oak Common Lane affected by the temporary closure of that lane for construction of HS2.

8. In relation to construction mitigation fund and other funds sought by the London Borough, the letter explains why those are matters upon which assurances have not been given, and the explanation very much reflects what I said on those matters in Committee last week.

9. In relation to the Crossrail turnback and substation, which the Committee will recall were the subject of concerns by petitioners last week, the letter sets out the process under the Bill whereby the detailed design provision of those facilities will be subject to further regulation by the London Borough.

10. In relation to conveyers, the letter refers to an assurance given to the London Borough of Camden as the lead authority on construction noise, in particular in relation to some of the detailed practical implementation of the Section 61 process, to the Committee has heard a number of references over recent hearings.

11. In relation to mitigation of Wells House Road, Shaftsbury Gardens, Midland Terrace, the Victoria Road access and landtake of green spaces, reference is made to the assurances given in the 7 September 2015 letter.

12. Then there are assurances in relation to the implementation of the Code of Construction Practice and the environmental minimum requirements in the London Borough of Ealing. Then there is an assurance in some detail which relates to the conveyer that was explained last week, which is to be provided so as to relieve construction traffic on Old Oak Common Lane. What that assurance does is two things.

First of all, it commits HS2 to work with TfL with a view to seeing whether the conveyor can be routed through a subway that is proposed as part of the assurances that we have agreed with TfL, and there are details as regards the costs of such provision and approval for it. I won't refer to those in detail; they are set out in the letter at VII.

13. There is also a commitment that whether or not the conveyor is routed through that subway or whether it is routed, as you saw last week, around the south and the west of Wells House Road, that as part and parcel of that commitment, the Secretary of State will require that large goods vehicle movements on Old Oak Common Lane required in connection with the construction of the HS2 works are limited to no more than 150 movements per day in each direction along that route.

14. Then there is an assurance in relation to the use of conveyors at Old Oak Common which commits the nominated undertaker to taking steps to limit and mitigate the impacts of the use of those conveyors on local residents in immediately surrounding streets.

15. There is a set of assurances in relation to Victoria Road and these will be of interest to petitioners who appear later today. Those assurances essentially commit the Secretary of State and nominated undertaker to working with the London Borough on the design of proposals for the widening of Victoria Road and the detailed scheme for that process, and the Secretary of State will require the nominated undertaker to consider and take account of the conclusions of a study that is to be undertaken in that respect when completing the detailed design of the roadworks proposed at Victoria Road, and, subject to the results of the study and certain other qualifications, to use reasonable endeavours to incorporate Ealing's reasonable design requirements into the finalisation of the detailed design for Victoria Road.

16. Then there is a related assurance as regards open space and the protection and provision of trees as part of the public realm restoration works at Victoria Road and Old Oak Common Lane.

17. Then we move away from the Old Oak Common area to the West Gate shaft, where there is an assurance, the gist of which is that the nominated undertaker will be required to engage with the London Borough in relation to the reinstatement of the lands which are temporarily occupied to enable that shaft to be constructed. There is a

commitment in relation to the Mandeville Road vent shaft, which is to be treated as a key design element under the policies of the project.

18. There is a commitment that the nominated undertaker will engage with the London Borough and TfL to understand better the traffic impact of construction of the railway on Victoria Road, Old Oak Common Lane, Savoy Circus and Gypsy Corner, and to commission additional traffic modelling of the performance of those roads during the construction of the railway. Again, that will be of some interest to petitioners appearing later today.

19. Then there is an explanation of the interrelationship between the assurances given to Ealing and those offered to the London Borough of Camden in November of last year. Then an assurance which again is of interest in light of the discussions last week in relation to community engagement. I think I foreshadowed this. There is to be the development of a community engagement framework aimed at ensuring that all sections of the community, including businesses and individuals in this area are made aware of developments in relation to the construction programme and local impacts. In particular, that appropriately experienced community engagement personnel are appointed for that purpose, and that there should be a single point of contact for local authorities in the Ealing area, and named individual points of contact for affected property owners, and a named senior manager accountable for effective implementation of the Code of Construction Practice in the Ealing area.

20. Then there are assurances regarding seeking to maximise rail-based handling of excavated and construction material in the Old Oak Common area, the management of waste and materials, and reducing workforce related traffic. There are assurances as regard to promoting skills and employment in the local area through the HS2 project, the mitigation of the impact of HS2 on local businesses and an arrangement for Ealing to escalate concerns that it may have during the development and construction of HS2, which is similar in content to that which was agreed with the London Borough of Camden and was explained to you at the end of last year.

21. So that is a fairly comprehensive suite of assurances. We are very pleased to have been able to reach agreement with Ealing in relation to those matters and, as I say, the detail of the letter will be available on websites for those who are interested locally to

read at their leisure in due course.

22. CHAIR: Okay, thank you, Mr Mould.

23. MR MOULD QC (DfT): There is one other matter which is much briefer, and that is that we have continued our negotiations with the Royal Borough of Kensington and Chelsea. I am able to say on the record that the Secretary of State confirms that the assurance given to the Council by the Secretary of State in relation to the Crossrail Bill and recorded as assurance 540 in the Crossrail register of undertakings and assurances is binding on him and the nominated undertaker in respect of the exercise of the powers of the High Speed Rail (London-West Midlands) Bill. Thank you.

24. CHAIR: Okay. Sorry to delay you, Mr Slaughter. Welcome.

Andy Slaughter MP

25. MR SLAUGHTER: Not at all. Thank you very much, Mr Syms. I am intending to refer to my petition from paragraph 21. I will be commendably brief, as a number of these issues were touched upon on Thursday in the Ealing petitions or will be later this morning. I mean no disrespect to the Committee or any my fellow petitioners today, but because I have been granted an urgent question, I am going to disappear after giving my evidence to think what that's about and then do it.

26. I have a few points, and particularly where matters have moved on as regards to the petition. The first is referring to paragraph 5 in particular. It is simply to put on record that the main community in my constituency that is affected, the Old Oak estate, which lies to the east of Old Oak Common Lane, is one of the most deprived communities in the country. I am sure the Committee is very well used to listening to very well organised residents groups, who may have a lot of professional experience amongst them. That is not necessarily the case in relation to those who will be affected in my constituency by the development. Of course, the whole development is taking place just the other side of the Wormwood Scrubs open space. I simply put that on record because I hope the Committee is aware that in order for there to be a level playing field, sometimes greater steps need to be taken in terms of assuring that people understand how their community is going to be affected. I say no more about that.

27. At paragraph 6 I dealt with the issue of Wormwood Scrubs. Wormwood Scrubs is one of the major issues for Hammersmith & Fulham as regards the project as a whole, but we are not dealing with that today. We are dealing with AP2. The specific point dealt with there is the idea that there will be an open public access by way of a very wide subway onto the Scrubs. I understand that is not the current intention and that if there is going to be access there then it is likely to be by way of limited footbridge access and that only to occur at some future unspecified date. That would be welcome news, but it would be helpful, perhaps, if those who are running the project could put that in writing and be clear about what their intentions, long and short term, are in terms of the use of the scrubs as ancillary to the development, including as a main pedestrian through-route. It is not an appropriate use of the Scrubs, which is one of London's last wildernesses. It is an extremely important open space from a wildlife, but also from a recreational, local point of view. It absolutely is the green lung of West London. It would be a shame if it were despoiled in that way.

28. I shall also refer specifically to the issue, which is an AP2 issue, on paragraph 18, where I am afraid I have made a mistake. I made a mistake because I was misled by HS2. I am not going to say who by because they have generally been quite helpful in explaining things I don't understand. I was told that the Scrubs Lane sewer diversion was a relatively minor change. It is a major incursion onto the Scrubs that would lead to very large trenching works accessed by vehicles across the Scrubs.

29. SIR PETER BOTTOMLEY: P13819. If you look slightly right of middle, the lower blue blob says, 'Additional land required for sewer realignment'. I guess that's what –

30. MR SLAUGHTER: Yes. That will go across a significant part of the Scrubs. I understand – I don't want to prejudge what is going to happen later on this morning – that negotiations are taking place between the London Borough of Hammersmith & Fulham and HS2 at the moment to try and look at alternative routes. I would only say, therefore, I think it's vitally important that that is found. We have resisted absolutely any use of land of the Scrubs – either permanent use of land that uses that open space which is protected by an Act of Parliament or, indeed, for long, temporary periods that will alter the nature of the Scrubs, which undoubtedly this would. It would not be possible easily to put the land back into its current state after that. I think this is

something that was rather snuck through in the last moment and I'm hoping that a solution can be found. I make that point as strongly as I can in that respect.

31. On paragraphs 8 and 9, which essentially concern depots, one speaks for itself, which is the issue that again has been raised by the London Borough, and the North Pole depot site being removed from the Bill, given that it doesn't appear to have any relevance to the Bill any more. The second point is in relation to the relocation of the Heathrow Express depot to Langley. That is something that we certainly don't oppose, but what I again hadn't realised until I'd asked some questions is that the effect of that is to delay the relocation of the depot by some two years. That, for reasons I still don't fully understand, changes the nature of access to the site, particularly the removal of materials, and will in turn create more heavy traffic, particularly on Old Oak Common Lane. If I'm wrong about that or if that has changed, I am sure I will be corrected. Again, I would say that these are either unintended consequences or they are the consequences of decisions that are not given proper consideration.

32. You will have heard extensive evidence on Thursday about Old Oak Common Lane, principally in relation to its effect on the Wells House Road area, which is obviously an important point because that is the only route out of where they live. Old Oak Common Lane is also an arterial route. It's one of only two north-south roads, the other being Scrubs Lane. They are narrow roads, not in terribly good condition, and they are being asked to carry an increasing volume of traffic. Therefore, I would wish that in discussing the movement of the depots, that more consideration had been given to the consequential effects in terms of traffic on Old Oak Common Lane.

33. I say that in itself because there is going to be heavy traffic there, but also because at paragraph 14 there is reference particularly to Wulfstan Street as a consequence of activity on Old Oak Common Lane increasing traffic flows by, I think, 100%. Wulfstan Street is simply a residential street that runs through the centre of the Old Oak estate. At the moment, it's a relatively quiet street; it has a lot of traffic calming; and it has all the features that you would expect on a road on a large housing estate where there is little through traffic. You've not just got pedestrian access, but it's used for children playing; it's accepted to be any other residential street. Now we're told that both in terms of air pollution, but also in terms of traffic noise, there's going to be a substantial additional effect on that. I understand that that is not commercial traffic and heavy lorries; that's a

displacement of ordinary motor traffic onto that road. Again it's something that I hope that HS2 would look at again. It may not be something which is uppermost in their mind because again it's consequential on other steps that they're taking, but really that's the point that I am making.

34. Most of my residents are not directly effected in the way that, as you heard on Thursday, Ms Huq's residents are, but they are going to be collateral damage, as it were, to this, in the sense that they are going to suffer the noise disruption and displacement from other activities. I am not going to say much about Old Oak Common Lane closure because I think you did discuss that at some length. I think that is something that Ealing were dealing with as a traffic authority. If I can just say in one sentence we accept that in order to deepen and make the road in a better condition fit for double decker traffic, there may have to be a closure. We would simply wish that this was for the shortest period of time and with as much mitigation as is possible. I understand that is part of discussions that have gone on that we have just heard about, but clearly given the importance of the road not just to local traffic but to through traffic, that is something that we would wish to happen.

35. The final point is – again, it is an Ealing matter rather than a Hammersmith matter – the flyover and turnback sidings. Again, I think we would be whistling in the wind to try and argue that these should not take place, but of course they are a substantial modification on the previous proposal. Again, I just want to emphasise that this is extraordinarily disruptive and it's a major incursion into the area, both in terms of visibility of the site and the flyover, and in terms of the level of activity. This is a lost area of brownfield land that has been very quiet for very many years with very little activity taking place on the site. We're obviously conscious of the amount of work that is going to be done in the construction period, but only ask that when works are complete that the maximum mitigation in terms of noise and in terms of visibility so that the area, which again is immediately up against the Scrubs, is as contained and controlled as possible, and that those environmental measures would be taken.

36. I've got nothing else that I wish to say at the moment. Obviously I will take any questions.

37. CHAIR: Are there any questions from the Committee? Are there any points that

you want to make, Mr Mould?

38. MR MOULD QC (DfT): I will very briefly run through one or two things. First of all, on the community relations aspect, I can tell the Committee, and it may be of interest to Mr Slaughter, that the project is to take a draft community engagement framework document to a forthcoming meeting of the planning forum, of which Hammersmith & Fulham London Borough is a member. That's an important aspect of developing the detail of that aspect of the project, which of course as you know is vital to its successful development.

39. The project in its community relations work is in the process of developing its proposals for ensuring that community relations doesn't just involve those who have English as a first language, but targets those areas, including in this part of West London, in which communities don't have English as first language and where, on a case-by-case basis the community relations framework will be looking to develop appropriate mechanisms to ensure that people in those categories are properly brought into the community relations and engagement framework that the project takes forward. If Mr Slaughter would like more information about that, I am sure that can be provided to him outside of the Committee process.

40. Insofar as North Pole depot is concerned, we have given a commitment to the Royal Borough that is set out in the letter of 4 January to the Royal Borough from the promoter. We indicate that subject to securing approval to the additional provision that provides for the delivery of a new depot for Heathrow Express at Langley, where the Committee was on a visit this morning, the Secretary of State will require the nominated undertaker not to construct a depot at the North Pole sidings land, and the detail of the work in the Bill is set out, and not otherwise to occupy or use any part of the sidings land under the powers of the Bill. That commitment is set out in that letter to the Royal Borough.

41. Insofar as the changes in traffic, the construction traffic on Old Oak Common Lane as a result of the amendments to the Bill is concerned, we are not actually predicting any significant increase in traffic on Old Oak Common Lane as a result of changes in the Bill. More specifically I mentioned a few moments ago that one of the assurances we've given to the London Borough of Ealing is to take advantage of the opportunities

to provide conveyor-based transport of materials arising from tunnelling works in this area to enable us to give a commitment limiting traffic each way on Old Oak Common Lane – heavy goods vehicle traffic associated with the HS2 construction – to no more than 150 vehicle movements each way each day. There is a hard-edged commitment there.

42. The proposal to re-route the sewer through the northern limits of Wormwood Scrubs I am not going to touch on because that is the subject of negotiations and discussions that we have been having with Hammersmith & Fulham, and which have continued this morning. I know that they are appearing on that shortly as part of today's business.

43. In relation to air pollution, the project has already indicated to the Committee through me that it proposes to monitor air quality at the key junctions on Old Oak Common Lane. That is the junction in Ealing at Victoria Road, but also the junction in Hammersmith & Fulham with the A40 at Savoy Circus. That monitoring will continue through the construction of the railway.

44. The other points he makes about closure of Old Oak Common Lane and the provision of the flyover and turnback, I think it is fair to say that there are significant construction works proposed here as part and parcel of the broader process of regenerating this area. I know Mr Slaughter and the London Borough are very much in support of that. It is of course inevitable that there will be permanent change and the turnback and flyover are part of that change. They are needed in order to deliver the urgent improvements and regeneration of this area that are part of this project, but also the wider regeneration strategy that the Mayor has now taken forward under the aegis of the development corporation. As I said in relation to the Ealing letter, we have also given assurances to Ealing, as the responsible local planning authority, regarding the detailed design of those facilities and the protection of local residents from noise – just to give you an illustration of that, I think I pointed out last week that the flyover carrying the up line for Crossrail into London will have a noise barrier on the northern side which will provide relief to those residents on the southern side of Wells House Road in Ealing who might otherwise be affected by noise from that new facility.

45. We are grateful to him for raising those points. We are aware of them and

provision is being made to address them. That will continue to be the case as the detailed design of the project proceeds in the coming months. Thank you.

46. CHAIR: Brief final comments?

47. MR SLAUGHTER: Just on one of those points very briefly. I am grateful for specific details. On the community engagement framework, you're going to hear later from the Friends of Wormwood Scrubs, and there are also some relatively new umbrella groups in the area. One is called Grand Union Alliance, which is effectively tenants and residents associations. On, which is just in the process of being set up, is a neighbourhood plan forum, which is being organised by former senior local government officer Henry Peterson, which aims to bring together all the interested parties to negotiate with both the OPDC and HS2. I think that is an extremely helpful way for we, as local residents, to proceed in an organised fashion and I hope that there will be full engagement of that kind. I just say that to put that on the record so that HS2 are aware of that. We're very willing to cooperate and negotiate as long as we are kept in the loop and informed. Nothing further.

48. CHAIR: Thank you very much indeed. Thank you for your views. We now move on to 303, Grant Thornton UK, represented by DLA Piper.

Grant Thornton UK LLP and Grant Thornton International Limited

49. MR JONES: Sir, if I might start with a brief statement and we can take a pause at that stage. You will have seen from our petition and from the summary that we have put in that we are concerned with the practical issues involved in seeking to move what is a large complex and important business out of its flagship headquarters and into a currently unidentified replacement building in a very limited amount of time, and with no certainty at this stage that a move will in fact be needed, or when it will be needed. There are, as you will have seen, approximately 900 staff employed in the building that is to be acquired and, as you will have seen from our slides, a great deal is at stake.

50. Matters have moved on since the submission of our summary and slides. On Wednesday of last week there was a meeting between my clients and representatives of HS2 and, for the first time since negotiations commenced in 2013, HS2 offered to seek authority for a negotiated solution that holds out a real chance of avoiding the need to

present our case in full before this Committee. The outlines of the deal that HS2 is seeking authority to offer are set out in a letter of assurance to us that was sent to us on Friday afternoon. I should say, for the avoidance of doubt, that is a different offer to the one that's referred to in the summary, which referred to the earlier December offer.

51. We have therefore sought to defer our appearance before this Committee to give time to HS2 to obtain the authority necessary to offer such a deal on the basis that if no deal is ultimately capable of being done, whether completely or in part, that we would have the chance to come back before this Committee later in the month to present our case. Hopefully, of course, any such appearance would be considerably shorter than if it had to be presented today, based on the recent progress, but whatever the outcome of those negotiations, in order to preserve our position, we need to make sure that we get a fair and effective hearing, and a fair and effective opportunity to present our case if ultimately those negotiations do not bear fruit.

52. Unfortunately, although we had understood that we could be deferred on the basis that timing, and therefore the length of time needed to present our case if we came back, would be at large, and, sir, in your discretion as to how long is necessary, we understand that that is not in fact the case and that, come what may – in other words, no matter what remains outstanding, no matter how much time is needed to present our case fairly – we will be offered 20 to 30 minutes. In other words, it is to be set at this stage that a further hearing of our petition will be 20 to 30 minutes. Plainly, as you'll appreciate, that it's impossible to say how long will be required at this stage. We simply can't accept that a 20 to 30 minute hearing of a potentially complex and important petition will provide us with a fair opportunity. We are content that the time is left at large and in your discretion, but in order to preserve my position, my client's position, I can't have it be said that we agreed to a deferral on the basis that 20 to 30 minutes was all we would necessarily get when we came back.

53. And so we'd prefer not to be here at all this afternoon, but if in fact that is all we are going to be able to be given then we would need to ask to present our petition today. That is not our preferred approach. We believe that an agreement is realistically achievable here. We simply need to be able to explore that with HS2 without giving prejudice to our ability to present our case fairly in due course. That's all we say by way of an initial point. If that is acceptable then we need go no further today, and

hopefully it will not be necessary to reappear, but if it's today or nothing then we will have to present our case today.

54. CHAIR: Okay. Defer, negotiate and we will discuss timings when we see where you've got.

55. MR JONES: I'm grateful for that.

56. CHAIR: Okay. Thank you. AP2: 144, AP4: 265, Hammersmith & Fulham London Borough Council, Sharpe Pritchard.

London Borough of Hammersmith & Fulham

57. CHAIR: Welcome back, Mr Lewis.

58. MR LEWIS: Happy New Year.

59. CHAIR: It seems a long time ago.

60. MR LEWIS: It's the second time I've had to say that, I think. Sir, I'm not going to take very much of your time today for Hammersmith & Fulham London Borough Council, because I'm glad to say that out in the corridor I think we've just about got there in terms of an agreement. The subject matter, if I could have P13847 please, you've already heard about and I don't need to describe in any detail, from Mr Slaughter.

61. SIR PETER BOTTOMLEY: Is the solution thrust boring or are they moving it?

62. MR LEWIS: Now, thrust boring is something which we hope will be the subject of continuing discussions. We did initially in our petition ask for the whole sewer to be moved away from Wormwood Scrubs entirely, but we understand we don't have the engineering expertise to come up with an alternative.

63. SIR PETER BOTTOMLEY: There are other things in the way and –

64. MR LEWIS: Well, there are things in the way we are told, but what we have, as part of the letter of assurance, which we've received this morning in a slightly revised version, is an agreement to carry on talking to us about possible alternatives. And if a suitable alternative does come up in the future then hopefully it will be grasped by HS2,

but we understand that there are engineering constraints. How that would be taken forward we understand entirely that of course the promoter does not want to promote another additional provision, neither do you want one to be promoted either, but we hope that it could be done somehow within the scope of the Bill if an alternative solution comes forward. So that's alternatives out of the way.

65. Obviously as a fall back we would like and have, we think, secured some decent assurances in relation to how the works would be carried out, were they to be carried out on the Scrubs. First of all, we've had and welcomed some assurances about the works methodology and in particular the provision to us of detailed method statements, site specific method statements relating to things like ecology. Believe it or not, I think there are quite a number of lizards hanging around on Wormwood Scrubs, and a number of other species as well which need to be protected. We've also got an agreement in relation to the possibility not of an alternative location for the sewer, but of an alternative location for the access which will be taken for the HS2 workmen to get onto the Scrubs. And if I could just point you can see that, running from the end here – got that? That's it, down to the south, that pink line. That is not where the sewer will go. That is HS2's proposed access way, so they've taken powers to take some land ownership over that particular strip to get to the work site. We have a better solution, which avoids the residential housing just to the very south of that point, and so instead of going from the top end south it would carry on in pretty much the same direction of the sewer alignment so that it hits Old Oak Common Lane I think that is there, avoiding the residential area to the south.

66. So there's a very slight wrinkle in the letter of assurance which we got five minutes ago outside in the Committee corridor, which – relating to costs, the costs to the Council in seeking planning consent for that alteration. I'm sure that will be ironed out with a further revised letter of assurance. If not I hope I can write to the clerk and let him know, and if I do need to come back I promise you it will be no more than one minute on that one.

67. And then finally the other area of agreement is in relation to the extent of land take for the sewer diversion, both in terms of geographical and, we think, type of legal agreement to be taken in relation to the sewer works. The promoter has agreed to minimise the extent of land take necessary as far as possible for the provision of the

sewer diversion and we're happy with that assurance as well, and that's all we had on AP2: 144.

68. CHAIR: Do you want to add anything, Mr Mould, at all?

69. MR MOULD QC (DfT): No, the – I'm happy to endorse what Mr Lewis has said. There is a letter dated today, which, subject to that minor amendment that he's mentioned, is, I think – will shortly be in a form where it can be made public. I'm conscious that there is another petitioner coming on in a moment who's also interested in this matter. I don't know whether they have had a chance to see the letter, but we may be able to make a copy available to them to have a quick look at before they present their case to you a little later on this afternoon.

70. CHAIR: Okay. Thank you very much, Mr Lewis.

71. MR LEWIS: Thank you.

72. CHAIR: Right. We now go on to AP2: 114, Maurice Walsh and others, Robson Walsh, Atlas Road.

Maurice Walsh and others

73. CHAIR: Do you want to say anything, Mr Mould?

74. MR MOULD QC (DfT): Would like me to just briefly to introduce this?

75. CHAIR: Yes, okay.

76. MR MOULD QC (DfT): Thank you. Mr Walsh and other petitioners are owners and, I think, together with others, occupiers of premises known as Rowan House on the – which form – on the junction of Victoria Road and Atlas Road. If I just put up P13735, here's a plan which shows the area of land on which Rowan House is situated, and, as you can see, it's within the limits of the bill and is subject to compulsory purchase for the purposes of the Bill scheme. If I can go to P13735 in the Old Oak Common standard pack, this just confirms the point that in the Hybrid Bill Rowan House, which is this this building – just move the arrow – is this building here, just, as you can see, on the corner of – on the intersection of those two roads. This is Victoria Road. This is Atlas Road. That building is earmarked for demolition as part of the

phase one of the construction of the railway.

77. The reason why that building was included within the Hybrid Bill for demolition is to enable the scheme of road widening for Victoria Road, including the improvement of this junction at Old Oak Common Lane, Atlas Road and Victoria Road, to enable those works to be undertaken. And, as I told you last week, the rationale for those works is that they are required in order to improve vehicular circulation and access and accessibility to Old Oak Common station once the station has been completed, and is part of the overall regeneration of the area and the provision of the HS2 interchange station with Crossrail and so forth. Now, that position hasn't changed as a result of the AP, but I understand that Mr Walsh and other petitioners question whether those works remain necessary.

78. The final point I would make in opening is this. I mentioned to you when I introduced the Ealing assurance letter that we have given assurances to the London Borough of Ealing to engage with them over the detail of the Victoria Road widening scheme, and we wrote to Mr Walsh at the end of last week drawing his attention to that assurance and offering to – and suggesting that he may wish to reserve his position to the second House in the light of the –

79. SIR PETER BOTTOMLEY: It's 1863, I think.

80. MR MOULD QC (DfT): Could we try that? That's exactly it. Yes. Thank you. Well, that speaks for itself. The Committee's obviously aware of that, and so that's just briefly to bring you up to speed with where we are in relation to this issue. The output of that may or may not be that the need for this property for the road widening works remains, but until we have conducted that review our position is that we need to retain this building and these premises within the Bill in order to enable that aspect of the scheme to be pursued.

81. SIR PETER BOTTOMLEY: So unless it's shown that the road widening isn't necessary, if the road is to be widened the property is needed, essentially?

82. MR MOULD QC (DfT): Yes. That's essentially it, yes.

83. MR WALSH: Yes. We find ourselves aggrieved by this matter because in – can I

go to this page?

84. SIR PETER BOTTOMLEY: Yes. Give the thing at the bottom.

85. MR WALSH: Sorry, yes, number five. This matter was before the Borough of Ealing in 2013 and there was works done in 2014. You've got the plan of the works that were undertaken there.

86. SIR PETER BOTTOMLEY: Can you put your finger on the building?

87. MR WALSH: So there's the building.

88. SIR PETER BOTTOMLEY: Right.

89. MR WALSH: But we actually had road narrowing, if you can see the area coloured running all along. So back in 2013 at a point when HS2 should have been liaising with the borough of Ealing, instead of road widening they saw fit to do road narrowing. So we found – we're unhappy that this matter was revisited again at this point when they had ample opportunity in 2013/2014 to look at this.

90. The second item is that you've got a new building on the opposite side of the road, Nash House. We're a little surprised at what's happened here. This was in the original warned in area, and despite being in the warned in area they were enabled to do an 11 storey residential development. When that planning application was being consented there was ample opportunity for HS2 and for the borough to have that recessed slightly, and that would be a normal consent or, you know, subject to something in the planning consent, that could have been pushed back 10, 12 feet without any cost to HS2 or without any cost – without any loss on the other side. Those two items.

91. Next item is that if I could still stay with this map, the pavement in front of Rowan House on the Victoria Road frontage is particularly wide. If I could guide you to in front of entrance there's a – on the left with the – just there. The pavement there is something like 11 metres. The pavement here is something like three metres. So the pavement in front of Rowan House is much wider than anything else. So again if I could bring you to the map which they're using for the intended road widening, it's quite apparent that on the Victoria Road frontage they're not seeking any part of the front of the building. They're merely seeking at the corner. We're happy to talk in

terms of mitigation with HS2 on the corner. That position hasn't been offered to us.

92. We're not happy to let this matter defer to the upper House. We're advised that at that point this would be very far progressed and we'd be unlikely to have any changes at the upper House. We would ask that we have an adjournment until such time as the Borough of Ealing comes to their conclusions. That's my part.

93. CHAIR: Want to add anything, Mr Wellman?

94. MR WELLMAN: Yes. My name is John Wellman. I run a company out of Rowan House. We currently have about 80 staff operating from the building. We're in the POS business. It took us approximately five years to find this type of location. It's difficult to find because there are 70% offices in Rowan House and 30% office use, with a large car park at the back. We are in the service industry, providing service guys to go out and repair cash registers, so you need to be close to the West End. For this we need to provide vans and at Rowan House we have a lockable car park that we can do that.

95. What's happening in Park Royal, we're constantly fighting the property developers right now for converting all the industrial locations into residential. This will cause short term gain for long term pain. I'm also an investor in two start-up companies and it's getting more and more difficult to find locations to operate from, so we have to do our utmost to protect properties like Rowan House, which is a modern building, built in the 80s. The construction industry is going to provide short term employment for three to five years, and in our property we provide long term employment with the companies that have been operating from Rowan House with over 20 years' experience.

96. My office overlooks Atlas Road and Victoria Road, and there are two bus stations operating from that location, and there is ample lorries going up and down to support Makro, delivering goods and so forth. Even with the road being narrowed there doesn't seem to be any more congestion charge round there. So I really would like you guys to consider that Rowan House at the moment is just going to be taken off to widen the road and making sure the lorries can go down Atlas Road, but I look out that window every day and I'm constantly seeing trucks there, even to the extent of the railway moving the big carriages that are coming through the building itself. So that will be my bit from that.

97. MR WALSH: So finally, if I may, we're saying that this man looks over Atlas Road every day. There's two bus stations up there. You've got the largest public service vehicles coming up and down Atlas Road. There was two waste transfer stations on Atlas Road that required low loaders, that required big bulkers, which were taking content of maybe 20 or 30 skips. All of these go up and down Atlas Road with no difficulty. We say that if the road narrowing scheme of two years ago was reversed that the carriageway leading from Victoria Road to Atlas Road would appear to be more than adequate.

98. Next item is that one has to bear in mind Nash House on the corner. That is now a large hostel, 11 storeys, with something like 400 bed spaces. These are all – you know, they'll want cars, they'll be all walking on the road, they'll be all pedestrians. If you narrow – so if you widen that road, according to the logic of the London Borough of Ealing, which I agree with, if you widen the footpath – so if you widen the roads you will make their position much more unsafe. I don't think HS2 has liaised with us. I don't think they have looked at the opportunity of mitigation, and I think that they've failed in two opportunities previously to get to the conclusion that they wanted, and I ask you to take Rowan House out of that power please.

99. CHAIR: Okay. Thank you. Any final comment, Mr Mould?

100. MR MOULD QC (DfT): Just to be clear, this plan shows you the current scheme, which has been – which formed part of the Bill since it was presented back in late 2013, and this scheme does require the demolition of Rowan House in order to carry out the proposed road widening works for Victoria Road. Now, the petitioners didn't petition against the Bill. Their petition came in against AP changes, which don't directly relate to this road widening scheme. I understand the reason why they petitioned against the additional provision is because they felt that the changes to construction arrangements would reduce the volume of construction traffic on Victoria Road and thus obviate the need for these extensive road widening works. That in fact is a misunderstanding of the position. The Victoria Road widening works are not needed to accommodate construction; they're needed, as I indicated earlier, in order to improve the highway network in the approaches to Old Oak Common station so that the station operates effectively once it comes into operation. So the basis for the additional – the petition against the additional provision was a misconception.

101. Just dealing with the other points briefly, I've indicated that –

102. SIR PETER BOTTOMLEY: Sorry, just quickly that point, is this traffic coming up Victoria Road to the roundabout and then going straight across or then turning left?

103. MR MOULD QC (DfT): The traffic is coming up Victoria Road, and then if it's accessing the station it's turning right.

104. SIR PETER BOTTOMLEY: Right. It's right.

105. MR MOULD QC (DfT): But clearly this junction here needs to be improved under the Bill scheme in order to accommodate base traffic as well as traffic growth associated with the operation of the railway. Now, the key point for today, I would suggest, is that we have, nonetheless, given a commitment to Ealing that we will review the arrangements set out in the Bill. And as part of that review we will review whether it is necessary in order to provide an appropriate road scheme for Victoria Road to undertake works which require the demolition of this property. That exercise will be completed in time to enable these petitioners to petition the second House if they are still dissatisfied with the outcome.

106. We do not, in any event, require vacant possession of their property until October 2017. So if you think forward to the early summer of this year, when the second House might be expected to begin its work, there will still be over 12 months at that stage before they will be – occupiers of these premises will be required to quit for HS2. So there is an opportunity under these procedures for the petitioners to continue to raise these points, but as things stand at the moment the case is that we cannot relinquish this land from the Bill because, as is set out on this plan and as I've explained to you, we require the opportunity – subject to that review with Ealing to be completed later in the course of this year, we require this land for the purposes of the road widening scheme.

107. SIR PETER BOTTOMLEY: Can I ask a question? Were things to progress as you've indicated and the petitioners petitioned to the House of Lords, which wouldn't be under the AP, it would just be against the process of the Bill –

108. MR MOULD QC (DfT): That's right.

109. SIR PETER BOTTOMLEY: – and were the House of Lords to decide to accept

their petition and rule out the acquisition of the building, what would then happen, just a restricted –

110. MR MOULD QC (DfT): The Secretary of State – the House of Lords would no doubt, having heard the petition, would set out – state its conclusion that the case for acquisition had not been made out, and then the Secretary of State – would recommend that the Secretary of State give an appropriate undertaking that he wouldn't exercise his powers of acquisition in relation to Rowan House.

111. SIR PETER BOTTOMLEY: And in strictly boring terms, if there wasn't a petition against the scheme and the AP doesn't make things worse, then arguably we haven't got a role. I think what's been encouraging is the discussions that the promoters and the London Borough of Ealing are having as to whether sufficient capacity could be obtained without having to exercise the powers to take Rowan House. I think that what we would probably want to observe, if informally rather than a formal report, is the considerations that were in the Grant Thornton papers about how long it takes to actually move a business successfully without having exorbitant costs and disruption to service to customers, could apply in reasonable extent to the present petitioners as well. I don't think we'd think that giving short notice effectively confirming occupation would be sensible, but I don't think we can necessarily rule out the power now, and we would have to let the House of Lords have its go, but hope that if arrangements can be sufficient to spare Rowan House that I'm sure would be welcome all round.

112. MR WALSH: Thank you.

113. CHAIR: Brief final comments, Mr Walsh?

114. MR WALSH: One last point. If you look at the junction which they're talking about, which is the junction of Victoria Road and Atlas Road, if there is traffic coming from the left of the sheet to the right, from point A towards point B, if you widen the road as they are suggesting then the next road off to the right, which is Old Oak Common Lane I believe, along here, these vehicles will just drive straight into Nash House. There's no alignment of this junction to align with what's going on here. You should be narrowing as opposed to widening and this proposal, in that it relates to the road at the right, where B is, doesn't make any sense. It's creating a bottleneck. It doesn't appear sensible to me.

115. SIR PETER BOTTOMLEY: I suspect the issue is capacity at the junction rather, but I think these are matters we do need to leave to Ealing and the promoters to discuss, and if they've got any sense –

116. MR WALSH: I'm just surprised that they've said the whole of this two years ago when HS2 should have saying it, and it's a surprise that we're having to revisit it all again after £100,000 being spent on the junction.

117. SIR PETER BOTTOMLEY: We might make the informal observation that if Ealing and the promoters talk with you outside this room it might be mutual gain.

118. MR WALSH: Thank you.

119. CHAIR: Thank you very much, gentlemen. Thank you. We'll reflect on what you're saying.

120. MR WALSH: Thank you.

121. CHAIR: Right. Now 1420 AP2: 75, East Acton Golf Links Residents Association.

East Acton Golf Links Residents Association

122. CHAIR: Hello. Do you want to introduce this one, Mr Mould, or are you –

123. MR MOULD QC (DfT): Mr Turney's going to take this. I'll ask him to –

124. MR TURNEY (DfT): Sir, very briefly, we're concerned with residents in this area in red here, which is known as the East Acton Golf Links estate. Is that right?

125. MR MORRITT: That's correct, yes.

126. MR TURNEY (DfT): And I think there are a few points – there were a few points between us but I think the dispute has been narrowed through our assurances to Ealing, so I'll let the petitioner explain their current position in response to that statement.

127. MR MORRITT: Yes. There's also this document, which summarises the position. My name's Henry Morrill. I'm a Roll B agent representing the residents' group. The issues really boil down to the effects on air quality and the traffic congestion

and delays, and, as the gentleman on my left has just explained, we believe most of the issues have been dealt with in the undertakings given to the Ealing Council last week, so I don't feel I need to occupy your time any further with it.

128. CHAIR: If everybody had been like you we would have finished last year. Okay. Thank you very much.

129. MR TURNEY (DfT): Or the year before.

130. CHAIR: Or the year before, yes. AP4 24, Friends of Wormwood Scrubs Park Association. David Jeffreys and Jonathan Darby.

Friends of Wormwood Scrubs Park Association

131. CHAIR: You heard the discussion we had a little earlier about Wormwood Scrubs. I hope that's progress.

132. MR DARBY: To an extent. I'm grateful for having had the opportunity, or we're grateful as an association for having had the opportunity to consider the letter of today's date. By way of, kind of, shortening what might have been the association's submissions, I think the association is bound to accept that, primarily by dint of resourcing, we're not in a position to challenge, from an engineering perspective, the availability of alternative options. We've seen from the promoter, albeit at a rather late date, a sequence of such alternatives that appear to have been examined and, as I say, we're not, by reason of resources, in a position to question them from an engineering perspective. Piggybacking a little bit on what Mr Slaughter said in opening of this afternoon's session, the importance of the Scrubs to the area from a conservation and wildlife perspective is unquestionable. We have seen and we note and place on record the hope that the assurances given in the letter of today's date that alternative options will be kept under review is a real one, and will be pursued with as much vigour as is available to the promoter.

133. The second point that is, to an extent, corollary to that is a concern that's felt from the Association's membership that perhaps the underlying driver behind this is the positioning and the lease situation in relation to the EIP depot. Plainly, the EIP depot is a constraint on the design and re-routing of this sewer. The Association's members do

see, for example in relation to the Heathrow Express depot, that such depots can be moved and are moved; and in relation to Crossrail and the like have been moved previously as well. And it would be something of a shame 6 months, 12 months, 18 months down the line for the members to see the depot no longer forming a constraint to the design or re-routing of this sewer and for the Scrubs to have been impacted, as necessarily they will be, if indeed the sewer is re-routed in the manner planned and proposed.

134. From the exhibit you can see – the members will be familiar – the EIP depot to which I’m referring is the elongated rectangular box about a quarter of the way in from the top left-hand corner. As I say, plainly it’s a constraint. The extent of the timeline of that constraint, or the duration of that constraint, we don’t know as an association; we have no means or opportunity to find out the terms of that lease or indeed whether that lease is due to be re-negotiated. But were it to be, and were the promoter to be in a position to know that, then one would hope, as a petitioner, that options for the re-routing of the sewer that didn’t see the EIP depot as such a constraint were being equally looked at and being given equal weight in the assessment of those alternatives and ongoing review of the same.

135. Beyond that, our petition is there in paper form in front of you but obviously and necessarily these things do move on to a certain extent. So in those circumstances I suspect, and in the hope of delivering submissions in the same way as the previous petitioner, I don’t really see any great reason to keep you unduly further.

136. CHAIR: Thank you very much, indeed. Nothing to add, I presume, Mr Mould?

137. MR MOULD QC (DfT): No. It’s fair to say the Bill has been promoted obviously on the understanding that the depot will remain as a feature. I’m not aware of any proposals to move it. And it’s on that basis therefore that the additional provision involving the routing of the sewer through the northern perimeter of the park has been promoted.

138. But I do want to emphasise that the assurances we’ve lately come to agreement with, with Hammersmith and Fulham, don’t simply require the nominated undertaker to keep alternative options for that work under review but also to continue to engage with the London borough on alternative options as those options are developed into detailed

design proposals. So the requirement is to keep the London borough involved in that way in the process and clearly that necessarily means – if propriety is to be observed as I’m sure the Committee will accept it will be – if the borough raise questions about why a particular alternative has not been taken forward then those questions will have to be answered. So there is a little more force in the arrangements than just simply keeping matters under review.

139. There is no dispute between the promoter and these petitioners, or indeed the London borough, as to, firstly, the amenity value of Wormwood Scrubs and, secondly, of the ecological value. And I close by reminding the Committee that one of the features of the Bill is a provision for an ecological enhancement area within Wormwood Scrubs as to which we’ve already entered into detailed assurances with Hammersmith and Fulham during the course of last year for the provision for the detailed development of those enhancement measures and provision for funding of them. So that’s something which is already being resolved. And if there are those who would wish to see those assurances, then they’re public documents and they can be made available to people who are interested in those matters.

140. CHAIR: Good.

141. SIR PETER BOTTOMLEY: Are the Scrubs common land or are they owned by the Borough?

142. CHAIR: Common land.

143. MR MOULD QC (DfT): But the area that we’re concerned with, which is the current proposal for the sewer diversion, is this area here. And the area which is proposed for environmental enhancement – well, not proposed; it’s included within the Bill – is broadly speaking the area here.

144. CHAIR: Okay.

145. MR CLIFTON-BROWN: So the common land is held by the London borough on behalf of the people? Or who are you negotiating with?

146. MR MOULD QC (DfT): With the London borough as the custodians I think, yes, of the open space. The Scrubs is itself subject to at least one Act of Parliament which is

designed to safeguard it as open land for the enjoyment of the local community. It's expressed in slightly more Victorian language but that's the modern gist of what is going on. So it is subject to statutory protection.

147. MR DARBY: If it assists members, by way of hopefully circumnavigating any concerns about the statutory basis, it is set out in paragraph 6 of our petition to the extent that that might be helpful.

148. SIR PETER BOTTOMLEY: If the promoters have to pay money for access, who would they pay it to?

149. MR MOULD QC (DfT): It's a good question.

150. SIR PETER BOTTOMLEY: If you discover the answer let me know, or let us know.

151. CHAIR: All answers on a postcard.

152. MR MOULD QC (DfT): I can't answer that question off the top of my head.

153. CHAIR: Okay. Thank you, Mr Mould. That sounds like progress, Mr Darby.

154. MR DARBY: It is, Chair. One point that does spring to mind does relate to the point about mitigation. It's probably worth putting on record from the Association's perspective that we recognise the efforts that have been undertaken to date between the promoter and the Council. We hope to be kept up to date and as informed as possible in relation to those efforts. Our petition doesn't relate to the question of mitigation but plainly the Association has an interest in mitigation measures being agreed and being complied with and being effective.

155. CHAIR: Okay. Thank you very much to you both. Thank you for your attendance.

Double 4 Limited

156. CHAIR: We now move on to petition 402, Double 4 Limited, represented by Bircham Dyson Dell.

157. MR COMYN: Thank you very much.

158. CHAIR: Do you want to introduce this one, Mr Mould?

159. MR MOULD QC (DfT): I'm going to let my learned friend do it.

160. MR COMYN: I'm Tim Comyn, of counsel, and on my right is Mr Brooks; Dale Wilkes who is the managing director of Double 4 Limited.

161. We're dealing here with a small family run commercial storage business at the Willesden Euroterminal. It's a family run commercial storage business and it's storing in ship containers. And at Exhibit 10 we've got some photographs of the containers just to indicate what's involved. I don't know whether that could be brought up. It's Exhibit 9 and 10. If I could just look at 9 first of all. Yes, there we are. On the left there you can see stacked shipping containers and in the background you can see Stephenson's Street and you can see what's involved. Essentially it's mainly used for storage, forklift truck, and they come in and out. And, as I say, it's a relatively bespoke operation.

162. And if we can go to the first exhibit that we produce, we will see there the plan of the site. And you can see A, B, C, D, E are the sites owned by Double 4 Limited. But we're not concerned in this Committee with A, B or C. Mr Wilkes recognises that those sites must go; he's a pragmatist. What we're concerned about is D and E which is the ship container storage area. And if I can just draw attention to Stephenson's Street; you'll see just to the south-east of that the ship container area. And then there's also reference there to vehicular access along Channel Gate Road. That's the main access into the Willesden Euroterminal site used by Double 4 and any other users of that area. And what we are concerned with is to retain that area. HS2's proposals are to compulsorily acquire it. And what we say is that if it is compulsorily acquired that is essentially going to involve the extinguishment of the business. And I'll ask Mr Wilkes just to tell you why that is the case. Could you just explain why you foresee extinguishment if it is acquired?

163. MR WILKES: The reason is that our customers are all local businesses and if we have to move outside of, probably, a two mile radius they won't be with us and our existing customer base won't be able to move. And a lot of the customers actually use that as an operating centre for their vehicles, and to have a vehicle operating centre in Central London is quite a hard thing to come by. So the customer will suffer as well.

164. MR COMYN: Thank you, Chairman. If we can now go to our Exhibit 2 – 182(1) – this is a letter from DB Schenker who is Double 4 Limited’s landlord. And the position is that, but for HS2’s proposed acquisition of the site, DB Schenker would be granting further leases into the future. The business has been on the site for 17 years and DB Schenker has indicated that it would have every intention of it remaining there into the future.

165. And if we can then turn to what is proposed by HS2. I’d like to turn now to the exhibits produced by HS2, starting with D4, which is a general overview of the site. And then turning to Exhibit 5. Can we put that up? It’s HS2’s Exhibit 5.

166. MR MOULD QC (DfT): I think it’s probably 1380 –

167. MR COMYN: I don’t think I’ve got a 138 on my –

168. MR MOULD QC (DfT): No. It’s alright, I’ll find it. P1380(4), I think.

169. MR COMYN: Yes, there it is. Again, you see the red site. This plan is actually out of date. The most northerly site – that strip in the railway sidings – is no longer a part of Double 4’s interest.

170. The other three sites we’ve mentioned earlier, we’re not interested in retaining those and so we can see the two sites again adjacent to Stephenson’s Street where the ship containers are.

171. And then turning on to D406 which is the sixth of HS2’s exhibits. You will see there what is proposed. And if you can find Stephenson’s Street; it’s not actually marked on the plan but it’s in the top-right there. And you can see possibly Channel Gate Road coming in from Old Oak Road. And you’ll see, in the key, reference to a temporary material stockpile. So that’s what we’re involved in. HS2 wish to remove Double 4 from the site so that it may accommodate a temporary material stockpile. And I emphasise that because we’re not talking here about physical construction and we’re not talking about HS2 wanting to put in a siding or a building or some physical work. It’s merely a stockpile that they wish to have this site for.

172. And if we can just go on to a further exhibit. I’m just going to find it, if I may. I’m so sorry; just one moment. The rationale for that is provided in our Exhibit 5, which

is an extract from the CFA report. That exhibit in paragraph 2463 tells us that this is what the site is required for: ‘Compound will be used for temporary storage, loading and removal of the excavated material by rail.’ And so what’s being proposed is that the D4 Limited site should be lost for a temporary material stockpile. Now, it does indicate that it would be used for seven-and-a-half years but nevertheless it is a temporary site. And the question that we raise fundamentally in this petition is on what basis does HS2 require the totality of that site? Where is the evidence which indicates that the whole of that site is required for spoil material? And we’re not satisfied that there is any answer to that provided as at today’s date.

173. We effectively asked that question of HS2 in our petition 18 months ago and we said to them in paragraph 16 that if disruption and acquisition of the site cannot be avoided the promoter should be required to formulate a proposal that would reduce the scale of the acquisition. Now, we’ve looked at what we’ve seen on the plan. We’ve indicated, as I say, to the Committee that parts of the Double 4 Limited sites we accept will go. But we’ve had no response at all from HS2 as to why it is that they need the totality of that spoil heap.

174. And it’s a matter we’ve put again to HS2, specifically in relation to the shipping container sites recently, and we’ve had an email from Tom Hinds of HS2 which I’d like to circulate if that is possible, because I don’t know if –

175. MR MOULD QC: It’s on the system. Is it the email of today’s date?

176. MR COMYN: Well I’d like to start with the email of 8 January, if I might, of 2015.

177. MR MOULD QC (DfT): Yeah. D14134(2).

178. MR COMYN: And it’s an email, yes, of 8 January. And if you could look at the second paragraph: ‘Unfortunately we’re not able to agree your client’s proposal. HS2 has looked very carefully at its land requirements...’ If I can just stop there; if it has done that, it certainly hasn’t helped us with any understanding of what it’s done in respect of looking very carefully at its land requirements. We have no knowledge about that at all. ‘...at the Willesden Euroterminal site and the firm conclusion is that it’s not possible to accommodate Double 4 Limited alongside HS2 works.’ Again, we have no

evidence produced to us of how this firm conclusion has been reached. We know nothing at all about this exercise, which is now referred to for the first time on 8 January of this year.

179. And then if I can turn to the next email, which was received –

180. SIT PETER BOTTOMLEY: Did the attached report show much reason to do it?

181. MR COMYN: I'm so sorry?

182. SIT PETER BOTTOMLEY: Did the attached report show much reason?

183. MR MOULD QC (DfT): That was for a different purpose.

184. SIR PETER BOTTOMLEY: Ah, okay.

185. MR MOULD QC (DfT): That was to show a search of available premises elsewhere in the area.

186. SIR PETER BOTTOMLEY: Okay.

187. MR COMYN: Yes, that's a separate matter. If we now look at this email which is, I think, the second email, which has been received today...

188. MR MOULD QC (DfT): Well, it was in response to the email at the bottom of the page which was in turn your instructing agent's response to the earlier email.

189. MR COMYN: Well, yes, we replied to you. Of course we did. But if we look and see what's being said now today, 'notwithstanding the significant assessment work' – well, where is this significant assessment work? – 'we have already carried regarding the Willesden Euroterminal site, we are resolved to conduct some further work.' Again –

190. MR MOULD QC (DfT): Do you want to read on? Sorry.

191. MR COMYN: Yes, I'm happy to read on. Yes, I will.

192. MR MOULD QC (DfT): Thank you.

193. MR COMYN: '...resolved to conduct some further work and consider whether

there is any possibility of retaining a portion of your client's current operations on the site'.

194. MR MOULD QC (DfT): We will of course report back to you on the outcome of it.

195. MR COMYN: Of course these things are easily said but the point we're making is that where, first of all, is the evidence which supports the first email that 'we've looked carefully at matters and decided we can't retain your site'? There is no evidence before the Committee whatsoever in relation to that. And then it's now being said 'we're going to look again effectively and try and see whether we can resolve to conduct some further work to consider whether there's any possibility of retaining a portion'. It appears to us that what's happening here is that HS2 are looking effectively for the first time at whether or not Mr Wilkes' enterprise at the Euroterminal site can be retained compatible with the HS2 stockpile proposal. And it seems to us that if this is an authority which is seeking to compulsory acquire land it behoves it to prove its case: prove its case for removing a family business on 2.5 acres of the Willesden Euroterminal site and show the Committee why that has to be brought about. And it's particularly of significant importance for this particular petitioner because he faces extinguishment of his business and indeed his livelihood.

196. Now, I wonder whether I could just avail upon the Committee to put on its planning hat, if I may, and have before it the... Let me go to the right plan. Yes, I think it's probably this one. This is number 4, I think.

197. MR MOULD QC (DfT): 13804.

198. MR COMYN: And there are eight points I'd like to make on behalf of the petitioner. If we look at number 4, which is 804, is it? Yes. You can see Stephenson Street and you can see the two ship container sites. And you see straight away that first of all the petitioner is asking for the retention of any part of that spoil heap site, part of which is going to be a road anyway, I think.

199. Secondly, you can see that the site is at the margin of the Euroterminal site. It's adjacent to Stephenson's Street so it's on the edge of the terminal site. It is therefore capable of geographical isolation from the HS2 stockpile, being on the edge, between

the stockpile and the residential area.

200. And then access is available and you see the access shown by the broken green line: the construction access route. That is Channel Gate Road coming in past Stephenson's Street. And I don't know whether you can see at the bottom where the access comes into the site. You can see that there is the possibility of the access... I think I'm looking at this particular point here, yeah. You can see that an access can be put into the Double 4 Limited site independent of any access into the site. So there would be no shared access necessary between HS2 and Double 4 Limited.

201. Double 4 Limited is a low traffic generator. There's no indication there would be any traffic conflict at all in retaining the site.

202. And, in addition to that, at the present time this container site which is... the containers one on top of the other are 17 feet high, I think, and acts as a buffer effectively between the Euroterminal site and St Stephenson's Street. And we've produced an exhibit from the residents' association – our fourth exhibit, I think – indicating their appreciation of our concern to preserve the amenities of the area. That can continue with the retention of the site.

203. And then, lastly, I return to the point that there's really no evidence from HS2 that the retention of the two-and-a-half acres of this commercial storage facility is incompatible with their operations. And we wait with baited breath to see the proof that they need this site. And that's highlighted by the fact that we've got two emails – very recent emails – saying 'we're still looking at it' effectively.

204. Chairman, Mr Wilkes knows the site. Obviously he's there, he's the managing director, and he has some experience of the use of the site for spoil retention. And I'm just going to ask him, if he would, just to address you on his experience of what's going on at the site at the present time in terms of spoil deposit.

205. MR WILKES: Currently there's one spoil company on the site. They have approximately an acre of land and roughly 1,000 tonnes of spoil on there which I believe they get rid of each day. That will give you an idea of the throughput and space required. Previous to that, National Grid had an operation on there in the tunnelling project across London and at their peak they were taking out 80 lorry loads of spoil a

day, which again comes to about 1,600 tonnes. And, again, they were using roughly an acre of land.

206. MR COMYN: And how many tonnes is it for an acre? How many tonnes of spoil?

207. MR WILKES: About 1,000 tonnes is what they're using at the moment per acre.

208. MR COMYN: And do you have any idea of the acreage that Crossrail are proposing to take for spoil deposit?

209. MR WILKES: I think it's about seven acres.

210. MR COMYN: Right. And have you seen any evidence of the need for that amount of space for spoil deposit on the site?

211. MR WILKES: No.

212. MR COMYN: Now, I think, Mr Wilkes, it's been told that you would receive some compensation. Have you had any advice as to the compensation you're likely to receive if you are extinguished on this site?

213. MR WILKES: No, none at all.

214. MR COMYN: You've had no advice as to whether you would receive any or the amount?

215. MR WILKES: I've had one meeting with HS2 when they first sent the letter out and that's the only correspondence until this email that I've had with HS2.

216. MR COMYN: Have you had any advice as to how much compensation you might receive if you're removed from the site?

217. MR WILKES: We've been told it was minimal and that's all we've been told. That's not by HS2; that's by Deloitte's.

218. MR COMYN: And the second point I want to raise with you is I think we've been presented with a report from Deloitte – I think it was mentioned earlier – about alternative sites. Have you had a chance to look through that?

219. MR WILKES: I've looked through it and all the properties in there are warehousing and my business can't operate from a warehouse because we use it for commercial vehicle parking, tippers, skip lorries and containers. We use ship containers so a commercial building is not a viable option.

220. MR COMYN: Thank you very much. Chairman, can I then return to the central point in our petition, and that is that there has been no justification provided for the acquisition of the 2.5 acres of Double 4's land. And I do that by reference to the Department for Communities and Local Government guidance. I'm sure it's a document that's come before you previously. Guidance on CPO powers. But, as I think we all know, a CPO or compulsory purchase should only be made where there is a compelling case in the public interest. And it is for HS2, in my submission, to demonstrate that compelling case. And you do that by producing evidence of why it is that you need the extent of this land that you do. And I'm confident in putting that to you because it's been effectively confirmed by these two recent emails that what they're saying is, 'We're looking at it very hard, and we're going to tell you in due course what we have found out and decided.' We are waiting with bated breath to hear what they have to say, but at the moment there is no convincing case presented by HS2 for the acquisition of this site.

221. It is for that reason we put before you ex.1827 which sets out what it is we would ask the Committee to do. Perhaps I may read that very quickly so it puts into print effectively what it is we ask for: 'Double 4 Ltd needs to retain 2.5 acres of the 21-acre Willesden Eurotunnel site to ensure its commercial storage and static containers and associated business activities are not extinguished.'

222. We invite the Committee to find and confirm that HS2 have not demonstrated that the whole of the Euroterminal site is needed for the purposes described in paragraph 2.4.63 of the report, and we request the Committee to require HS2 to give a binding assurance that they will not acquire Double 4's commercial storage interests in the south eastern corner of the Willesden Euroterminal site, adjacent to Stephenson Street, with vehicular access from Channel Gate Road shown on ex.1, thereby enabling the commercial and storage business to continue and avoid extinguishment.' Effectively, that is the case we make. There is simply no evidence before you at the present time upon which you can confirm the acquisition of this land.

223. CHAIR: Mr Mould?

224. MR MOULD QC (DfT): I am going to call Mr Smart to explain why we need the entirety of the Euroterminal site, including this land. While he is coming into the witness box, I want to correct the position as far as the need case is concerned. The need case to acquire this and other lands at Euroterminal is that which is set out in the relevant paragraphs of the environmental statement, which indicate in a nutshell that these lands are required for the construction of the railway. Mr Smart will explain to you now in a little more detail why that is.

225. The exercise we have said in the emails we will undertake is that we are willing to review that need case to see whether there is a way in which we can retain this company broadly in line with that which is on the page in front of you in the area they have mentioned and yet be able to construct this railway. Therefore, it is a rather different point. This is not for the first time an attempt to justify the need. We say that the need has been justified in the environmental statement. What we are willing to do is review it and report back on it before the Committee rises in due course.

226. With that brief introduction, I ask you to go to P1373(8). Mr Smart, can you first explain the works being served by this site by reference to the plan? You can then give a little more detail on the works at the Euroterminal site itself?

227. MR SMART: This is phase 4. The Committee will probably recall my running through this, but not, I think, just the other day. You will recall that what we have going on in terms of excavation is the removal of material from the Northolt northern tunnel drive, which is two bores, coming by conveyor into this site and then up to the Euroterminal.

228. We also have the two Euston drives going south. Material from that is coming up the logistics tunnel into this site and then over on to Eurotunnel. In addition, the central section of the box has 1.1 million cubic metres of material which is coming along conveyors around Wells House Road, as the Committee heard, and going up also to Eurotunnel.

229. All of our excavated material from about a 13 kilometre twin-bored tunnel 8.8 metres in diameter is going to that site, plus some from the central section of the box

itself. That is a lot of material. Shall we go now to the layout of the Euroterminal itself?

230. MR MOULD QC (DfT): That is P13806.

231. MR SMART: In the area here there is currently a facility of Lafarge Tarmac containing cement silos. They are to be retained. We also have the bus depot, but this is the Euroterminal site. In the whole area there is a lot going on. This is one of the key work sites for the whole construction of High Speed 2. Because we are seeking to take out all excavated material from the tunnels plus some by rail, this is the place we need to have as the rail-handling facility. There are three stockpiles: the main one for excavated material inside the area along here; the run-off stockpile, which the petitioners have indicated is here; and we will also have here a stockpile for the importation of bulk construction material, which is basically aggregates, to feed the segment factory.

232. For the rate of tunnelling we have to produce about 450 rings a month. There are nine segments in a ring and they are 1.5 metres long, so over 4,000 segments have to be produced. That is being fed from construction supplies coming in by rail. When we are going for 20 months with a significant amount of excavated material coming down the two conveyor runs and up the logistics tunnel we are looking to move 2,000 tonnes per hour out of here. That is a significant amount of material. That is just the excavated material going out. We need about 229 trains, taking about 600 cubic metres, a month to service this. Therefore, an awful lot of earth and bulk construction material is being moved in this area.

233. As is often the case, because you can get constrained on the railway in terms of bringing in locomotives and so on, we need a buffer to store material in case there are problems in meeting the peak demands for trains. With the run-off stockpile, which is the slightly smaller one, that gives us one week's worth of storage. If we could not get a train for a week, we would have to stop tunnelling. That is the criticality of the site.

234. We have looked at how we can configure this. There are lots of competing demands here, and it is a very tight and constrained site.

235. MR MOULD QC (DfT): You mentioned the Lafarge Tarmac concrete batching plant, which, broadly speaking, is in this area. We have given assurances to that facility with a view to retaining it in operation while we are doing these works. What is the

significance of that facility? Why have we taken the view that we should safeguard that facility?

236. MR SMART: That is where Lafarge Tarmac bring in bulk cement. It is not concrete; it is cement. They then load it on to their cement wagons and take it to various concrete batching plants around London. As we understand it, this is quite a strategic point because it is one of the few places in London where you can bring in bulk cement close to central London. That is why we have sought to retain it; indeed, we would seek to use some of that cement for our own works.

237. MR MOULD QC (DfT): If we go to P14134(2), which is the email Mr Comyn showed the Committee earlier, we see: 'HS2 Ltd have looked very carefully at the land requirements at your Willesden Euroterminal site, and the firm conclusion is that it is not possible to accommodate Double 4 Ltd alongside HS2's works.' Is there anything you want to add to what you said just now to the Committee to substantiate that point?

238. MR SMART: Where Double 4 is spread around the site, clearly it is not possible to retain it. We are very tight here given the amount of space they need. At the south eastern side of the site, potentially we could look and see if there is possibly anything we can do in that one area, but I am just outlining the criticality of it. The fact is that we have a constrained site. In terms of the segment yard, it is smaller than Crossrail's as it is, if you compare the fact that they were doing two drives and we would be doing four. Therefore, it is very tight. That is all I would say on that.

239. MR MOULD QC (DfT): If we scroll up to the most recent email on page 1 of this little section, at the risk of repeating what has already been said, we see: 'Notwithstanding the significant assessment work we have already carried out regarding this site, we have resolved to conduct some further work to consider whether there is any possibility of retaining a portion of your clients' current operations on site. We will of course report back to you on the outcome of this, and would also be happy to discuss the issue with your clients. We would aim to do this further work before the House of Commons Select Committee concludes its proceedings later this month.' We then give a not before date of October 2017 and refer to 'willingness to provide appropriate support to your clients regarding the relocation of those elements of their operations that do need to move.' That offer to review matters with a view to seeing whether there is a way in

which we can accommodate the retention of these occupiers, at least in part, is something we have indicated we are willing to make. There may be some questions for you.

240. MR COMYN: You are going to do some further work. What form will that take?

241. MR SMART: We have to look at the logistics and whether it is possible to restrict the stockpile. If we go back to P13806, the question is whether there is a way in which we can increase the height of the stockpile by forming effectively retaining structures, and whether there is any other way in which we can eke out some space for more materials to make sure we have the buffer. As I said, when the petitioners' facilities were spread around it was not possible. If we are talking about a discrete area, the question is: can we somehow get the buffer we need? We are very tight on a week on that site. That was not looked at specifically because we were looking at accommodating the whole of the facility, which cannot be done. We will do that work. It involves looking at the amount of material coming out, the amount of storage and looking at the programme and revisiting it to see if there is any margin there that we can eke out to give some land on that site.

242. MR COMYN: Is this going to be written down in a report we can look at so we can see what it is you are doing and analyse the situation?

243. MR SMART: Absolutely.

244. MR COMYN: Has this been done before?

245. MR SMART: Yes. As you probably heard me just say, for 20 months it is 22,000 tonnes over a 24-hour period. All of that has been done.

246. MR COMYN: You say that, but where do we find it?

247. MR SMART: That was in logistics reports et cetera done as part of the construction strategy.

248. MR COMYN: Have they been put before the Committee?

249. MR SMART: No.

250. MR COMYN: So the Committee does not know what they contain and what they say?

251. SIR PETER BOTTOMLEY: I think this is a line of questioning that fortunately we have managed to avoid during most of the past year and a half. I think you should make your point rather than do it interrogatively at some length.

252. MR COMYN: Indeed; I am very happy to do so.

253. SIR PETER BOTTOMLEY: If the question is whether the Committee has read all these reports, the answer is we have not.

254. MR COMYN: We are concerned to know how these decisions have been arrived at. My understanding is that it is in a report which no one has seen, certainly not the Committee.

255. MR SMART: I think that what will be of more relevance to you is that, if we do the report we have just said we will do, that is particular to here and the background to that is the construction logistics. Therefore, all of that will become clear and in particular will be of more use in relation to the storage area that you wish to retain.

256. MR COMYN: Can we see that earlier report? Can it be given to us, if it is not to be given to anybody else?

257. MR SMART: I do not see why that is a problem.

258. MR COMYN: I am sorry.

259. MR SMART: That is entirely possible; I do not see why not.

260. MR CUMMING: I ask to see how it is you have arrived at this conclusion.

261. SIR PETER BOTTOMLEY: The key point is that, as we understand it, the promoters are considering whether they can go further up and less widely, and, if they go less widely, whether they can let your client have the 2.5 acres, or most of it, which is necessary for the continued use of the fourth and fifth elements of this site.

262. MR COMYN: That is certainly their intention, but what we are asking is to discover why the site is required in its entirety in the first place.

263. MR SMART: The essence of it is that we have 2,000 tonnes an hour coming to this site and we have only a certain amount going out by rail. You need a buffer, and I think we can provide the information.

264. SIR PETER BOTTOMLEY: In our terms it is what is called unsustainable placement.

265. MR CLIFTON-BROWN: I imagine it is quite difficult to be precise about the size of buffer you want, because it depends on the speed of tunnelling. Presumably, you are adopting a cautious approach here.

266. MR SMART: Seven days' storage is pretty tight for four tunnel drives. Ideally, I would like more site but we are constrained by the site we have. We think we can make seven days' buffer work, although that is not ideal because it is two rather than one stockpile. You really want to have seven days in one area. I would not say it was conservative. We believe it is workable, but because of the other constraints there it is very tight, which is why we have concerns about giving up the site, but, as I have said, we will certainly look at it and make that available.

267. MR CLIFTON-BROWN: I am wondering whether it would be possible to come to some form of arrangement whereby you acquire the major interest of these clients but license it back to them so you could reoccupy it at very short notice if you really got into a muddle.

268. MR SMART: That might be potentially a way forward.

269. CHAIR: Any more questions?

270. MR SMART: The only thing I would say is that we do not want to stop tunnelling, for obvious reasons.

271. MR CLIFTON-BROWN: If you find yourself in a muddle and have to go through the acquisition procedure, with a very short licence notice period it would be a lot easier for you, but it might allow them to continue in business.

272. MR SMART: Given the dynamics of the tunnelling works, we would almost be asking the petitioners to move out within a space of days – I am not sure that would be

possible – otherwise, we are stopped. One of the constraints of tunnelling, as you have probably already heard me say in evidence, is the logistics and the back-up of the material. You have to look at it as a whole system of tunnelling. This is one of the constraints.

273. MR COMYN: The Chair asked whether there were any more questions. We are in ‘receive’ mode. We would like to see the justification for the acquisition of this site.

274. MR SMART: Yes; you have made that very clear.

275. MR COMYN: And the additional work you will be conducting.

276. CHAIR: Mr Mould?

277. MR MOULD QC (DfT): I just want to pick up Mr Clifton-Brown’s very pragmatic suggestion. Mr Smart, one thing we might be able to bring into the review that you have said you will undertake is whether during the early phases of the work when the critical tunnelling works are still in the offing, as it were, there might be room for some sort of pro tem arrangement there.

278. MR SMART: That is the most obvious time. One of the issues we are looking at is that obviously the programme arrangements will change to a certain extent. How much overlap will you have between box and the tunnel drives themselves? That is one of the things we have to assess. It could be that those margins, where you are outside the peak 20 months, offer much more opportunity.

279. CHAIR: Mr Mould, you have not mentioned compensation.

280. MR MOULD QC (DfT): I was going to deal with that myself, if that is all right. I think it is quite a short point. In relation to this land, these petitioners, as I understand it, hold an underlease from the head lessee, DB Schenker. Schenker hold that lease from Network Rail. These are essentially railway lands. If one assumes that these powers of compulsory purchase are exercised, the lease is not protected under the 1954 Act, as I understand it. Therefore, one can imagine that the market value of the leasehold interest is likely to be relatively limited, but if, as was floated as the possible worst case scenario, the business is forced to close down for want of an alternative site to move to as a result of compulsory acquisition the disturbance claim would extend to the value of

the business as a going concern at the date of dispossession. Whereas the witness said he had been told his entitlement to compensation would be relatively limited, in the scenario he put forward where his business was effectively extinguished by this Bill I think the advice he has had is not necessarily correct. Assuming the business has a substantial value as a going concern and it is forced to close as a result of compulsory purchase for HS2, he would expect to receive the value of his business as a going concern.

281. CHAIR: Do you have any brief final comments?

282. MR COMYN: We would urge the Committee to endeavour to preserve this small family business. It is a successful business. Mr Wilkes is assured that, if he has to leave this site, finding a relatively inexpensive site for commercial storage and ship containers will be very difficult indeed in central London. This is a very valuable site as far as he is concerned. I hear what my learned friend says about compensation, but at the moment his understanding is that it is very likely his business would have to close.

283. CHAIR: Mr Mould, you mentioned 'before the end of the Bill', which might be a month away, or whatever it is. That is a pretty tight timetable. Have you started the work? When is there likely to be a conclusion?

284. MR MOULD QC (DfT): I have asked that we should have a report back on this before you rise, so that is the time scale I have given. I would like to be able to say whether or not we think we can provide some land within that south eastern area of the site for these petitioners to remain on it so we can give you an answer before you complete your sittings.

285. SIR PETER BOTTOMLEY: Obviously, it is desirable to be able to maintain the business. The petitioners need to realise that this is an absolutely crucial element in the whole scheme, and the flow of material coming out of those bores will be pretty impressive.

286. CHAIR: Thank you very much for your contribution, gentlemen. We come now to petition 1419 of Simon Ashcroft and petition 462 of QPR Holdings and Genesis Housing Association represented by Veale Wasbrough Vizards.

287. MR MOULD QC (DfT): Mr Turney is going to deal with the remaining petitions.

OPR Holdings and Genesis Housing Association, and Simon Ashcroft

288. MR COOPER: If I may introduce myself, my name is David Cooper. I act for two petitioners: one is Simon Ashcroft and the other is Stadium Holdings, Queens Park Rangers and Genesis Housing. Unusually, we are here as a major supporter of HS2, but I would like to have more clarity and certainty because we are heavily involved in the proposals for the redevelopment of this site which involves 24,000 homes for Londoners, a substantial number of which will be affordable.

289. As you know, Mr Cameron chose the site of Old Oak Common for those homes, as well as starter homes, and eventually it will supply 55,000 jobs. Therefore, it is a major regeneration site.

290. We are concerned that the purpose of HS2, which was for economic enhancement in the United Kingdom, is going to be held back unless this is very specifically put forward in terms of clarity and certainty, because we have to raise the money from the private sector. There is not enough clarity and certainty at the moment.

291. I have had long discussions in the past few days with HS2, all of which have been pretty productive, but certain items still need to be resolved, first the undertakings and their enforceability. I would like the undertakings to be given to my clients as well as TfL and the London boroughs. I see no reason why not. I do not think Mr Turney sees any reason why not either, but no doubt he will comment. I would like those undertakings because the redevelopment of this site on time and on budget will depend on people's confidence. I have had 50 years of this and I know jolly well that we go through one cycle after another and this raises serious amounts of private money. Those people have to feel pretty certain that it will go ahead on time. That is why I am here to support this.

292. In terms of the actual detail, I have here Mr Hepher who is substantially involved in the redevelopment of the site with the GLA and the Old Oak Common Development Corporation. He has been involved in all the detail of how this thing is going to work, but what we are missing at the moment – both Mr Turney and HS2 are well aware of this – is some form of deliverability and certainty.

293. One of our problems is that HS2's powers are limited. They do not want to propose a further AP because of the period of time it will take to do it, and I do not want to delay this one iota. I want to accelerate it to bring forward the development, but at the moment as to the undertakings about the design of the roads we do not know where they will be and their extent. We do not know, having designed them, whether anyone is going to implement them and, if so, in what sort of time frame and whether on time.

294. I am concerned about the closure of Old Oak Common Lane. I know you have heard this ad nauseam, because everyone tells me you have. To close it for a whole year will have a material effect on those 24,000 houses. It will not happen until 2025. We are going to be in the middle of a vast regeneration process. This is a serious problem.

295. We have looked at this. I am not here to show you any alternative as to what you can and cannot do, but my experience tells me that, first, if you throw enough money at it you can cut the year down possibly to six or three months; secondly, you could accelerate it and not wait until 2025; thirdly, it looks to me like a lot of the works could be done overhead and underpass rather than close the road; and, finally, maybe we can close the road and leave one lane open. I say this because as part of this comprehensive proposal you end with a proposed new stadium for Queens Park Rangers. If a substantial number of people go to that stadium, which one would expect to be open well before 2025, other than by public transport the closure of Old Oak Common Lane will be a major problem. You can do only what you can do. However, we think more thought could be given to it, cutting down the time and accelerating the process.

296. The only other thing I want to say in detail in relation to this is that none of the undertakings and assurances given to the various boroughs and TfL is either not costed, or, where it is costed, it seems to be over-generously costed. The amount of money proposed does not seem to be enough for delivery.

297. I come back to where I started before I ask Mr Hopher to put some meat on the bone. What I am saying basically is that I need connectivity all round that site to HS2 and Crossrail. I need it quickly and I need it to be provided with some form of certainty. I am told by HS2 that they cannot do this; all they can do is the design work and throw it open to TfL, the local authorities and everyone else. That is what is completely wrong with the planning system we face in this country. It is delivery that we need, and we

need one point of delivery, not a million points of delivery with everyone having the opportunity of holding it all up. If it is held up with this sort of investment potential my view is that it will not go forward; it will go in fits and starts and the 24,000 homes, of which probably 12,000 will be affordable in one form or another, and everything the Government appear to require from this will go out of the window. We need some form of certainty in relation to these issues. I hand you over to Mr Hepher who will talk about the specifics of this in terms of those aspects on which we want more assurances.

298. MR HEPHER: Could I ask for A1831(1) to go on the screen? If we could scroll through to the plan towards the end, this shows the whole Old Oak Common regeneration area as defined by the opportunity area planning framework. There is as yet no definitive master plan for it; there are various ideas circulating, but this is the emerging scheme by our clients, the petitioners. It is designed by Sir Terry Farrell. It shows a football stadium, which you can see just above the centre of the plan. It shows a comprehensive development of housing and business accommodation. It adds up to the 24,000 homes and 55,000 work spaces Mr Cooper has already referred to.

299. This is work in progress; this is not a definitive master plan, but all of those who are currently contemplating master planning here are thinking broadly along similar lines. It is critically important that there are effective links created between the High Speed 2/Crossrail stations to the south and the area north of the Grand Union canal which comprises a large part of the available land. Without those links, the development potential of that northern land suffers considerably, and the prospects for regeneration will be seriously reduced.

300. What I have shown on this plan are the two links we are most concerned about, the red one being predominantly a pedestrian and cycle route, although we would like to see it designed in such a way that it could take buses and possibly even general traffic. That is a route heading in a north-north-easterly direction, pointing towards Willesden Junction station at the top of the plan. I think all those involved in transport planning recognise that that is an important access that needs to be exploited through the regeneration scheme. That is the red arrow.

301. The yellow arrow is a necessary road connection. Originally, when the Bill was published road access was to be purely from the west. HS2 have now accepted there

needs to be an eastern road access also, so we are in agreement on that. However, at the moment High Speed 2 are proposing only to design and conditionally procure that road to the canal, whereas in our submission it is essential that that road does not stop where the solid yellow line ends but continues to follow the dashed yellow line right up to Scrubs Lane, which is close to where the pointer is at the moment, if it could be moved slightly to the left. Unless that roads link to Scrubs Lane, frankly it is of little use.

302. Those are in my submission the key points of concern to us, setting aside the matter of the closure of Old Oak Common Lane, which Mr Cooper has probably dealt with sufficiently already.

303. We are pleased that High Speed 2 have accepted the case for those links, but are dissatisfied that, first, as far as we are aware, there is no plan in existence showing quite where they would go; secondly, that it is proposed they should go only to the canal and not beyond; and, thirdly, that there is all manner of conditions which could easily fail to be met, for instance a series of dates by which specifications must be agreed or funding secured.

304. MR COOPER: If I may sum up, we want one party – clearly, it ought to be HS2 – to take entire responsibility for delivery. The purpose of HS2 is economic enhancement of the United Kingdom. That must include regeneration and the provision of vital housing, including affordable ones, in west London on probably the only site of any magnitude available to do it, and a brownfield site at that. We should be working together to deliver this as quickly and efficiently as possible without having to deal with wishy-washy assurances and no firm commitment from those other parties after HS2 have done the design and wiped their hands of it. That is our concern.

305. I understand that that might need an AP. If it does, that will involve a delay. That is unfortunate, but, as we stand at the moment, I am very concerned. I have seen so many times before that these multi-application sites of size get bogged down because there are too many agencies involved in the word ‘delivery’. Delivery is everything. People cannot live or work on sites if it is not delivered.

306. MR TURNEY (DfT): If I may deal first with Old Oak Common Lane, the Committee heard last Thursday from Mr Smart why the road needs to be closed for lowering works. That is a job of work designed to improve the capacity of Old Oak

Common Lane to meet the needs of the wider area and our station. It happens at the end of the construction period for good reason, because that is when the bulk of the construction activity in the surrounding area has dropped off. The road needs to be closed for those works. Mr Smart explained why. That is in the transcript for Thursday 7 January. In particular, he explained that it was because we had to get under a number of live railway tracks. There is a series of very constrained railway bridges which need to be worked upon. That requires closure, apart from pedestrians. Pedestrian access will be maintained, but vehicle routes will not be maintained for that period. It is a maximum of 12 months and, as Mr Smart said, he hopes it will be less than that.

307. As to connections to the north and east of the station, we have given assurances to TfL that we will design the pedestrian and vehicular connection shown on this plan in these approximate locations to get to the north of the Grand Union canal. We will construct them up to our Bill limits, which are just south of the Grand Union canal, and in each instance we will fund the further development to the sum of £1.5 million for the works north of our Bill limits to get over the Grand Union canal. It is inevitable that other people will come forward to fund the remainder of those routes, but they are routes which are dropping into a major regeneration area. It is not the purpose of HS2 to design that development. We do not know what is going to be proposed there. QPR have their proposals for this area; others have theirs. As the railway project, we cannot say what the road layout will be in that regeneration area. It is for TfL, GLA, the development corporation and the landowners and other promoters of schemes to come forward with proposals and funding for that road network. We will get to the edge of our railway scheme; we will facilitate the link through to the regeneration area through both design and funding of those links, but we will not do the detailed design and construction of the roads deep into that regeneration area. That is for others; it is not the job of the railway scheme. Therefore, we facilitate.

308. We are a crucial catalyst in this area for that redevelopment, and we have satisfied the local authorities, TfL and GLA that we are doing the right thing in terms of those connections and the surrounding area, but there is a limit to what the railway project can do. At some point it will be for other authorities and private developers, some of whom are represented by Mr Cooper, to come forward with their proposals and funding for the rest of the infrastructure.

309. I have said to Mr Cooper outside that, in so far as we have already given assurances that we will do x and y to TfL or others, while we do not need to do so, we are happy, so far as they are relevant to these petitioners, to say directly to them in a letter that we will do those things if that provides them with greater comfort, but we are not going beyond that; we will not be promoting detailed plans for the regeneration area or the infrastructure within it, because that is not our job. That hopefully summarises our position. If there are any points of detail on which I can assist, I am happy to do so.

310. MR COOPER: If I may respond to that, HS2's job in my view is seriously to encourage regeneration. This is not a matter of them paying for the internal road system; nobody is asking them to do that, but the word 'facilitate' which they keep mentioning does not seem to me, when I look at the details of the assurances, to be facilitation at all. What it does is pass over the burden after they have done a very minimal amount of design work.

311. It is not a matter of who is paying between the developer, HS2 and TfL; it is how it gets delivered. As I said, I have seen this so many times before. If delivery does not happen the rest of the process is meaningless. There is no point in providing half a road which causes whoever is doing the development to withdraw their funding because there is insufficient capacity in the road system to cope with 24,000 new homes and all these new jobs. Somebody has to take responsibility. Of course there will be SIL and section 106 contributions, and private developers will put their hands very deeply into their pockets, but that has to be facilitated and that facilitation should be coming from HS2.

312. MR HENDRICK: What form do you say that facilitation should take? What is it that HS2 are not doing which in your view they should be doing in material terms, not in terms of taking responsibility or getting involved?

313. MR COOPER: They should give an undertaking to use all best endeavours to facilitate whoever is producing the overall plan for this site to enable it to be delivered. When a hurdle arises, as there will be with TfL and the London Boroughs of Ealing, Hammersmith and Fulham, Brent and anybody else concerned, HS2 should be there pushing ahead.

314. CHAIR: That would seem to be a good point on which to stop. Thank you very

much, Mr Cooper. Good luck with all your plans. It sounds very exciting. We now move on to AP2: 176. Alan and Patricia Deeley are in person.

Alan and Patricia Deeley

315. MR DEELEY: We are here as private petitioners ostensibly to ask the Committee to take another look at the compensation policy but also an extension of the cut-and-cover tunnel.

316. My wife and I retired last year. This is our home. We have been residents of Burton Green village in Warwickshire, so we are taking a geographical shift from central London from what we have seen so far this afternoon.

317. SIR PETER BOTTOMLEY: Did you build your house?

318. MR DEELEY: No, we did not. To come to the next slide, you can see where we are in terms of the overall scheme. We are west of Coventry and north west of Kenilworth. The railway bisects the village of Burton Green; it cuts right through the middle. We would have been appearing with other petitioners next week but due to scheduling conflicts we are here today.

319. The tunnel cuts right through the middle of our village. A cut-and-cover tunnel will protect essentially the middle of the village, but on the outskirts where we are we are very concerned about the effects of noise, particularly at the portal entrance. We will come to that in subsequent slides.

320. Over the past year people in the village who have been able to move have left. We have seen a decline in community activities in some of the classes at the village hall. There is a slow decay of the village, so we are quite concerned that, as we go forward, we see a clear rejuvenation in the spirit of our community.

321. The next door property is owned by HS2. It has been rented up until today. The tenant was moving as we came here this morning, and he had been there for just under a year.

322. If we go to the next two slides, this is a more detailed view of our part of the village. The line cuts right through the middle of the village. You see our property

highlighted at centre left. I would also like to draw your attention to what is called Le Van Park Homes on the right-hand side. What you see here in this photograph and in subsequent maps is one or two dwellings. As we will see later on, there are currently nine mobile homes on this piece of land with permission for 32. They will be extremely close to the railway once it is operational. There is one mobile home in position right now at the top of that rectangle. That will be probably less than 100 metres from the line once it is operational.

323. I also draw your attention to the area on the other side of the road from us. Currently, that is a plant nursery. Under the local plan for the area, that is the preferred site for additional homes that need to be built in the village. We are required to have another 90 homes, and there is a preference to put 70 homes on that particular site.

324. You can see where the original portal entrance for the cut-and-cover tunnel was. That was revised, thankfully, under AP2. The portal entrance itself has been extended under later proposals by another 40 metres. What we are asking the Committee to consider is extending that tunnel further to the right-hand side by about 400 metres or 500 metres.

325. If we go to the next slide, we are here to petition on two fronts: one on the compensation policy and the other on the extension of the tunnel.

326. Next slide. Unfortunately, we are a bit too far away from the track itself to be supported adequately under the provisions. We think we will be more affected by the operational effects of the railway once it is up and running. Those currently in the centre who have been able to move under the provisions of the scheme will hear nothing when the tunnel is in place. As we are on the perimeter of the village we will get the sonic blast from the portal when the railway is operational.

327. Local estate agents have estimated the loss in value to our property to be over £100,000, and under home protection we would receive a maximum of £22,500, so on paper we are seeing a substantial loss in the value of our property. We would like the Committee to consider the provisions under the rural support zone to help mitigate some of the loss we are seeing in our property value.

328. Going to the next slide, if we look at operational noise once the railway is up and

running, HS2 have taken a number of baseline sound points, which you will see in subsequent schematics. We do not think that where those baseline points were located really represent our experience of noise. My own measurements of noise have shown there is at least a 3 decibel difference between what we experience in our back garden compared with where the base point was. Three decibels does not sound much, but it roughly equivalent to twice the level of noise, so we think there is a significant difference between what is being measured as a baseline and what we experience.

329. Next slide. This slide shows the baseline noise measurements in blue. You can see they are well dotted around the whole area. Going to the next slide, we zoom in on the area of the tunnel and our home. The closest baseline measurement was taken at CN022L, which is just there. We do not think that is a valid base point for our experience. We would like that to be taken more closely to the portal entrance, or closer to our home, now we are getting more specific on the tunnel itself.

330. Next slide. These are a few photos of Le Van Park Homes. All the diagrams show one or two properties on this piece of land. There are nine today with permission for 32, so that is a bit of a misnomer.

331. MR HENDRICK: Are any of these properties being sold?

332. MR DEELEY: Yes.

333. MR HENDRICK: Are the buyers aware of what is happening?

334. MRS DEELEY: I do not think they are fully aware of it or have an understanding of the impact it will have on them. Most of these properties are being bought by older people who are selling their main home to free up capital and are looking for somewhere. I was delivering some residents association leaflets a couple of weeks ago and managed to speak to quite a few. They all said they had moved there for peace and quiet and how lovely it was and how good it was using the greenway. I do not think they fully understood and were possibly misled by people selling the properties to them.

335. MR HENDRICK: Was it not shown in their solicitors' searches when they purchased the properties?

336. MRS DEELEY: I do not know. I just got the impression that they were not fully

aware how close the tunnel would be, because they were asking me about that.

337. MR DEELEY: I am not sure whether for a mobile home you have the same level of search criteria. You certainly do not have the same level of sound insulation.

338. MR CRAUSBY: Presumably, they buy the home and have a lease on the land and pay an annual charge for it.

339. MR DEELEY: Yes, they do.

340. MR HENDRICK: So, in theory they could move.

341. MR DEELEY: Yes.

342. MR CRAUSBY: But a home like that would be very difficult to move; it is not a caravan, is it? It is a different thing.

343. MR DEELEY: Yes. It takes quite a while to install each one, and certainly removing it would be difficult.

344. MRS DEELEY: I think they have a lifespan of about 25 years.

345. MR HENDRICK: Is it a 25-year lease arrangement?

346. MRS DEELEY: I think so.

347. CHAIR: Let's move on.

348. MR DEELEY: The middle slide shows the field between our property and the mobile homes. That will be the site of the new village hall, which hopefully will be less muddy than it is in that photo.

349. Next slide. Here we see a more detailed graphic of the portal entrance under the latest proposals. You can see our property on the left and the proposed location of the village hall slightly to the right; and further up from there will be the portal entrance. Just below that are the Le Van mobile homes we have just seen. The edge of that is the greenway which is used as a recreational facility for the village and Kenilworth by horse riders, cyclists, dog walkers and so on. You can see the pinch point where the portal entrance is located. It is extremely close to the greenway. Our proposal is to have that

portal entrance further to the right by 400 metres to 500 metres where you will see a natural break in the greenway moving away from the railway, with the housing line, a bit lower than that, also moving away from the line. We think that would be a more natural place to put the portal entrance.

350. Next slide. If we were to do that not only would we see benefits in terms of operational noise affecting our property, the mobile homes and other properties in Burton Green; it would be better for users of the greenway; there would be lower costs in terms of a smaller roadway to the south portal; and reuse of some of the material that would otherwise be taken away by road. We think there are potential benefits and lower costs than may have been seen in earlier presentations.

351. CHAIR: Thank you very much indeed. Mr Mould, we have been around Burton Green a few times.

352. MR MOULD QC (DfT): We have indeed. Mr Turney is going to respond very briefly on this one.

353. MR TURNEY (DfT): This is a petition against AP2. AP2, in terms of operational noise effects and construction noise effects on these petitioners and others who live in Red Lane, represents an improved position over the Bill scheme. It should be pointed out that, if only these points were to be taken before the Committee, the petitioners' locus on AP2 would have been challenged. I just lay that out, but I will answer the points anyway.

354. In terms of noise effects, the portal is moved away from the property. I can refer you to P13873 which shows the position under the AP. If we just zoom in, the Committee will see the portal structure. There is a very significant noise barrier provided partly through landscaping works and some barriers which give protection both to the properties here and those further along Red Lane.

355. MR HENDRICK: Is it fair to mention that there would there be an improvement on the original proposals for the petitioners?

356. MR TURNEY (DfT): Yes. We have moved the portal further away from Burton Green, and it was on that basis we promoted the AP.

357. If I go to the next exhibit, ex.13874, the Committee will be very familiar with these noise contours. That is the property and that is the 40-45 night-time, or 50-55 day-time, contour. The noise change for the petitioners' property is predicted to be between 1 and 2 decibels on the measures we use for assessing noise effects. As we reported – I will not go to it – in the AP2 ES, the effects of the change in this location are to remove the significant noise effect on the properties in Red Lane. Therefore, the whole purpose of these changes is to reduce the effects with which the petitioners now take issue.

358. As we note in AP2 ES and as we understand, Le Van has planning permission for mobile homes. That planning permission was granted, as I understand it, in June 2013 before the deposit of the Bill but when everyone, including the local authority, well knew the plans for HS2. Therefore, that planning permission has been granted in the face of HS2 and in the knowledge that that was proposed at that time.

359. MR HENDRICK: Going back to my original question about the buyers being aware of it, would the fact that a planning application had been lodged in respect of that land and permission had already been given have been picked up?

360. MR TURNEY (DfT): Permission was granted by the local authority, so of course that would be picked up by buyers. If buyers are not told by the person who is selling them the plots that there is a railway coming and the buyers do not conduct their own inquiries, that would be a regrettable situation.

361. MR HENDRICK: Would it not be the responsibility of their solicitors to do that?

362. MR TURNEY (DfT): Quite. One would assume that any competent solicitor would make the normal inquiries of the local authority, which would include finding out what is happening in terms of major infrastructure works in the vicinity.

363. MR HENDRICK: Is it likely that the buyers are buying these without a solicitor?

364. MR TURNEY (DfT): It would be impossible to say, but it would seem unlikely.

365. MR HENDRICK: How much would they cost?

366. MR DEELEY: From £200,000 to £250,000.

367. MR HENDRICK: Then you would have a solicitor, would you not?

368. MR TURNEY (DfT): One would assume so.

369. CHAIR: Any more points, Mr Turney?

370. MR TURNEY (DfT): On compensation, I think the Committee has heard plenty about the schemes, so I will not go into the details unless I can assist further.

371. CHAIR: Do you have any final brief comments?

372. MRS DEELEY: The only thing I would say is that we are very concerned about the noise despite all the assurances that it will not affect us. It has always been a pretty quiet area. Somebody came to the house yesterday with a daughter in her 20s and stood in the garden and said, 'Gosh! Isn't it quiet here?' It is; it is just lovely. We are all very concerned about how that will change. You feel you can live with construction noise because there is an end point. To me, with operational noise there is no going back. If it is bad, it is bad. Tying that in with the compensation scheme, people are leaving when there should be more encouragement for them to stay and keep that community going.

373. One thing that was not mentioned is that, if this local plan goes ahead in terms of building – it is perhaps not an HS2 problem – we will not be on the outskirts of Burton Green; we will be in the centre of it. Not only do we have potentially noise from the train; the village hall is being relocated next to us. We are not against that, but that in itself will bring a lot of noise we have not been used to. That village hall is used extensively, as the Committee knows very well from previous petitions. We then have the building across the road. That will go ahead at some point. The question is when. We might have to wait until HS2 have done their construction in that little bit of Burton Green, but that is the preferred site for the council to site 70-plus houses. Suddenly, we are hit with noise from all areas, so anything we can do to mitigate any of it is what we are petitioning for, and also to encourage people to stay in the area and keep the community spirit. We have lived in Burton Green for 31 years with no intention in the past of moving, but now both of us are not working it is a serious consideration. Perhaps with a little more compensation we would be encouraged to stay rather than flee. We hear horrendous stories about people wanting to sell because of HS2. It is not easy. As a lot of people have reported in the past, it is not a smooth path. People lose a lot of

money. All of them get very despondent about it and almost take a loss just to move on and get on with the rest of their lives.

374. CHAIR: Thank you very much to you both. Have a safe journey back to Warwickshire. That is the end of today.