

House of Lords and House of Commons

EXAMINATION OF AN ADDITIONAL PROVISION TO A HYBRID BILL

High Speed Rail (London - West Midlands) Bill

third Additional Provision
(deposited on 16 September 2015)

Tuesday 20 October 2015

Before:

The Examiners of Petitions for Private Bills:

MR PETER DAVIS, Counsel for Domestic Legislation, House of Commons
MR MATTHEW HAMLYN, Clerk of Bills, House of Commons
MR PETER MILLEDGE, Counsel to the Chairman of Committees, House of
Lords
MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of Lords

Mrs ALISON GORLOV of Winckworth Sherwood appeared as the Parliamentary Agent for the Bill.

There also appeared:

MR MARK AANENSEN, Parliamentary Clerk, Winckworth Sherwood
MR JAMES O'CONNOR, Solicitor, Eversheds
MR DARREN WHITE, Parliamentary Clerk, Eversheds
MR JAN PODKOLINSKI, Head of Hybrid Bill Preparation and Powers Team, HS2 Ltd
MR BRUCE MARTIN, Bill Deposit Manager, Hybrid Bill Preparation Team, HS2 Ltd
MR TIM MUSGRAVE, LWM Lead, Land & Property Manager, HS2 Ltd
MR PETER MILLER, Environment Director, HS2 Ltd
MR ANTHONY PRATT, Terraquest (Land Referencing)
MR DAVID AUGER, Memorialist, Camden Cutting Group

(11.45 am)

1. **MR HAMLYN:** Good morning, everyone, and welcome to those who have been here before. This is our fourth round on this Bill. I would also particularly like to welcome Mr David Augur, who is new to these proceedings, from whom we will be hearing later on in his capacity as a Memorialist on behalf of the Camden Cutting Group. Particularly as we have new colleagues joining us, I will remind everyone what we do. This is a session of the Examiners. We are four officials appointed by the two Houses of Parliament with a narrow but, we like to flatter ourselves, important remit: to consider all Bills and additional provisions to Bills that have to meet the requirements of certain Standing Orders, to check that the Bills and additional provisions do indeed comply with those Standing Orders.

2. If we find they do not comply, we refer them to a higher body called the Standing Orders Committee in each House. They are a bunch of Members who can then take, as it were, the policy decisions on what to do with these findings of non-compliance. They can dispense the requirement; they can dispense, with conditions that have to be met by the promoters; on rare occasions, they refuse to dispense at all. We are here to do a finding-of-fact process, as I hope will become clear.

3. Today, slightly unusually, we have, I think for the first time in several decades, a Memorialist, in respect of Standing Order 27A, which we will come to at the end, if we go through the other Standing Orders first. First, we will just, as usual, introduce ourselves. I am Matthew Hamlyn, as I should have said at the beginning. I am Clerk of Bills in the House of Commons.

4. **MS SALMON PERCIVAL:** I am Christine Salmon Percival, and I am Clerk of Private Bills in the House of Lords.

5. **MR MILLEDGE:** I am Peter Milledge, Counsel to the Chairman of Committees in the House of Lords.

6. **MR DAVIS:** I am Peter Davis, Counsel for Domestic Legislation in the House of Commons.

7. **MR HAMLYN:** Thank you very much. I suggest we start with what you might call part I of today's session, by going through all the Standing Orders other than the one that is complained about in the memorial. Could we ask the agent to introduce herself for the record?

8. **MS GORLOV:** I am Alison Gorlov and I am the Agent for the Bill.

9. **MR HAMLYN:** Thank you very much. Shall we kick off with Standing Order 4, in the usual way?

10. **MS GORLOV:** Yes, sir. Mr Aanensen, can you hand in the newspapers? This is a proof containing notice of the intention to submit the amendments to the Bill. Mr O'Connor, do you prove that each notice contains a concise summary of the purposes of the amendments?

11. **MR O'CONNOR:** I do.

12. **MS GORLOV:** And do you prove that each notice states the particulars regarding inspection and obtaining copies mentioned in the proof?

13. **MR O'CONNOR:** I do.

14. **MS GORLOV:** Do you also prove that each notice states the particulars regarding objections as mentioned in the proof?

15. **MR O'CONNOR:** I do.

16. **MS GORLOV:** And that each notice is headed and subscribed as mentioned in the proof?

17. **MR O'CONNOR:** I do.

18. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

19. **MR HAMLYN:** Do the Examiners have any questions on Standing Order 4?

No. In that case, let us move on to Standing Order 4A.

20. **MS GORLOV:** Mr Martin, do you prove that copies of the Bill and the amendments were made available as mentioned in the notices?

21. **MR MARTIN:** I do.

22. **MS GORLOV:** I wonder if I could refer to appendix A, please. There is one thing I should first explain. The only SO27 works are in the London Borough of Camden, and so the Standing Order notices are only Camden notices. However, you will note here and elsewhere that we have a much longer list of London boroughs in the GLA. That is because not only are there the Camden works, but there are also knock-on impacts in these other boroughs, and so the SES relates to those. We had a combined notice that related to the SES and representations in respect of it, and so these other boroughs also have particulars of the Bill.

23. As a result, we have reported here, in relation to all of them, what we call the “mystery shopper” survey. It is not the duty of the promoter to ensure that the local authorities keep this stuff where they ought to, because one has no control over the local authorities; they are obliged to do this themselves, under the Local Government Act. Unfortunately, they do not always quite get it right, and, as you will see from the red cells in this table, some of them did not, so we wrote to them and reminded them. I am not sure; Mr Martin, have we done a further check?

24. **MR MARTIN:** No.

25. **MS GORLOV:** No, we have not vetted them further, but they are old enough and mature enough to look after themselves, perhaps. Sir, I consider that the Standing Order has been complied with.

26. **MR HAMLYN:** Does anyone have any questions on 4A or appendix A? No. Thank you very much. We move on to 5.

27. **MS GORLOV:** Mr O'Connor, do you prove that, so far as required by the Standing Order, this notice contains the particulars mentioned on pages 3 and 4 of the proof?

28. **MR O'CONNOR:** I do.

29. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

30. **MR HAMLYN:** Are there any points? No. Thank you. Standing Orders 6 to 9 I think are not applicable, we agree, so the next one we come to is 10.

31. **MS GORLOV:** Sir, I prove that the Bill as proposed to be amended is not promoted by a local or joint authority. I prove that the principal office of the Minister in charge of the Bill is as stated in the proof. Mr White, do you prove that the newspaper notice marked 1 and 2, which was handed in before, was published in the area of the local authority once in each of two consecutive weeks as mentioned in the proof?

32. **MR WHITE:** I do.

33. **MS GORLOV:** And do you also prove that the notices are all in the same terms?

34. **MR WHITE:** I do.

35. **MS GORLOV:** Mr Musgrave, do you prove that the amendments proposed to be made to the Bill relate to works which are to be situated in the London Borough of Camden?

36. **MR MUSGRAVE:** I do.

37. **MS GORLOV:** And do you also prove that that local authority area is the only one in which new works to which SO27 applies are to be constructed or lands to be taken as mentioned in the proof?

38. **MR MUSGRAVE:** I do.

39. **MS GORLOV:** Mr White, do you prove that the newspaper notices 1 to 14 were duly published, as mentioned in the proof?

40. **MR WHITE:** I do.

41. **MS GORLOV:** And that the newspaper notices are all in the same terms?

42. **MR WHITE:** I do.

43. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except time.

44. **MR HAMLYN:** Are there any comments? I should say, for those who are not as au fait with the primary business of Standing Orders as others, that, when we say “as respects time”, this is a technical point, because the Standing Orders require things to be done by a certain time of the year in which the actual Bill is deposited. As that was now two years ago and we are onto the third set of additional provisions, it is, as it were, physically impossible to be compliant with time without the assistance of Dr Who or someone. Let us crack on to 10A. Thank you.

45. **MS GORLOV:** Mr Aanensen, will you hand in list A, please? Do you prove that list A contains at least one place of public resort in each of the local authority areas in which lands or works are or will be situated?

46. **MR AANENSEN:** I do.

47. **MS GORLOV:** Mr Martin, do you prove that the copies of the newspaper notice were displayed as mentioned in the proof?

48. **MR MARTIN:** I do.

49. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as to time.

50. **MR HAMLYN:** Do the Examiners have any questions on that? Thank you very much. Thank you for your list.

51. **MS GORLOV:** Mr Aanensen, can you produce the *London Gazette*, please, of 24 September 2015, containing the notice of the amendments to the Bill? Mr O'Connor, do you prove that the notice states the particulars given in the proof?

52. **MR O'CONNOR:** I do.

53. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as regards time.

54. **MR HAMLYN:** Thank you. Are there any questions? No. We have the *London Gazette*. Thank you. That completes that one, and so on to 12.

55. **MS GORLOV:** Mr Pratt, do you prove that, on 3 September 2015, application was made to every local authority having control of a street the surface of which is proposed to be altered or disturbed as mentioned in the proof?

56. **MR PRATT:** I do.

57. **MS GORLOV:** Mr Musgrave, do you prove that the notice required by SO12 was kept posted as mentioned on page 8 of the proof?

58. **MR MUSGRAVE:** I do.

59. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as to time.

60. **MR HAMLYN:** Does anyone have any queries on that point? No. Thank you very much. As 12A is not applicable, we come to 13.

61. **MS GORLOV:** Mr Aanensen, do you have lists B1 and B2, please, with the Post Office receipts marked and relating to service by recorded delivery international signed-for post? Can you also please hand in B3? That is the list of persons where the notices were

served personally. Mr Pratt, do you prove that, on 17 and 18 September 2015, as regards lists B2 and 3, notice was given as described on page 10 of the proof?

62. **MR PRATT:** I do.

63. **MS GORLOV:** And do you also prove that, in the case of the notices forwarded by post, they were posted on 17 and 18 September and that none of the notices was returned by the Post Office as undelivered?

64. **MR PRATT:** I do.

65. **MS GORLOV:** That, sir, is subject to appendix B, which gives some particulars regarding the notices. They were sent by recorded delivery, and, in the case of those two addresses outside the UK, international signed-for services, and they were also served in person. The numbers are as shown there: 855 by hand to the residents of two estates, 142 first-class signed for and two international. There was an additional notice; we were notified of the transfer of one property and an additional notice was served to the transferee on 17 September.

66. Now, we had eight undelivered notices. I think the note is reasonably clear as to what happened, but I know that Ms Salmon Percival has some questions on it. Does the note now explain to your satisfaction what happened?

67. **MR HAMLYN:** Yes, because I would agree with Chris Salmon Percival on this point, on Standing Order 13.

68. **MS SALMON PERCIVAL:** Actually, could I go back to the proof? I am not sure if I heard quite clearly. Did you say that, Mr Pratt, you proved that none of the notices were returned by the Post Office as undelivered or eight of them?

69. **MS GORLOV:** Eight of the notices. I am sorry; if I said “none”, it was a slip of the tongue.

70. **MS SALMON PERCIVAL:** So eight were returned undelivered.

71. **MS GORLOV:** Yes, that is right, and those are the ones that are dealt with under that heading in our note.

72. **MS SALMON PERCIVAL:** This refers to cases of notices forwarded by post. Does that mean they were posted out and eight were returned as undelivered?

73. **MS GORLOV:** That is right.

74. **MS SALMON PERCIVAL:** In appendix B, under the subheading “eight notices undelivered”, in the middle paragraph we have notices hand-delivered, rather than postal delivered.

75. **MS GORLOV:** You are right. They also were not under-delivered; they were undelivered. I beg your pardon. You are absolutely right; they were hand-delivered. They were undelivered and you are right that they were not returned by the Post Office. I think we have given the wrong proof. Let me correct it. We had eight letters returned, but they were not returned by the Post Office. Six of them were hand-delivered. Is that right?

76. **MR PRATT:** They were returned by the Post Office.

77. **MS GORLOV:** They were. I beg your pardon.

78. **MR WHITE:** Eight were returned. Six were then hand-served. They were then returned.

79. **MS GORLOV:** But they were not returned by the Post Office.

80. **MR WHITE:** They were not, no.

81. **MR HAMLYN:** So they were hand delivered, but some of them came back via the post.

82. **MR AANENSEN:** Yes.

83. **MS GORLOV:** Oh, I see. They were posted back.

84. **MS SALMON PERCIVAL:** Okay, so they were posted back, so that has cleared up that point.

85. **MS GORLOV:** Well, except, technically, I do not think the wording of the proof quite covers it. They might have been returned by the Post Office and they were undelivered, but they were not returned by the Post Office through their dead letters office. That is the difference.

86. **MS SALMON PERCIVAL:** No, so I think the transcript will make that clear, now that we have covered it. Could I go on to ask this, though? The proof states, then, that there were eight notices undelivered, but appendix B makes it clear that that is not the end of the story, in that six of them were re-served and delivered.

87. **MS GORLOV:** That is right.

88. **MS SALMON PERCIVAL:** For two of them, the parties no longer had an interest, so, in fact, the proof leaves us halfway through the story, in that you did a more—not thorough; that is the wrong word—you concluded it beyond what the proof is stating and they were actually re-served and therefore delivered.

89. **MS GORLOV:** Yes.

90. **MS SALMON PERCIVAL:** Yes, because the Standing Order only allows non-delivery in circumstances where every effort has been made to identify the owner, lessee or occupier. It sounds as though you have done that. I am really saying this for the clarity of the transcript. It sounds as though you have done that, in that all of them were eventually delivered. Of those, two were not, because the parties no longer had an interest. Is that right?

91. **MS GORLOV:** That is correct.

92. **MS SALMON PERCIVAL:** Lovely, okay.

93. **MS GORLOV:** Can I just say that, putting it in a note—this is for the benefit of the transcript as well—the wording of the proof is necessarily abbreviated? Where there is

a little story to tell, one has of course got to tell it in an appendix, rather than altering the wording of the proof itself.

94. **MS SALMON PERCIVAL:** Lovely, thank you.

95. **MR HAMLYN:** Right, so I think we have nearly finished on Standing Order 13, but you were about to say you think you have complied with it.

96. **MS GORLOV:** No, we were not. We had got to—I am sorry—Mr Pratt again. Can you prove that lists B1, B2 and B3 contain the names of all the owners, reputed owners, lessees, reputed lessees and occupiers of each parcel of land referred to in the proof?

97. **MR PRATT:** I do.

98. **MS GORLOV:** That of course is subject to the fact that two of them ought not to have been there, because they were no longer occupiers. Sir, I consider that the Standing Order has been complied with in all respects except as regards time.

99. **MR HAMLYN:** Thank you. Are there any other further questions? No. Thank you. Well, the good news is that Standing Orders 14 to 26 either are not applicable or do not need to be proved. That takes us to 27.

100. **MS GORLOV:** It does indeed. Mr Martin, do you prove that, on 17 September 2015, you deposited the documents mentioned in the proof with the proper officer of the London Borough of Camden?

101. **MR MARTIN:** I do.

102. **MS GORLOV:** And do you prove that the proper officer is the proper officer of the London borough, as mentioned in the proof?

103. **MR MARTIN:** I do.

104. **MS GORLOV:** Do you also prove—and Mr Podkolinski as well—that, on 16 and 17 September, copies of the plan, section, book of reference and ordnance map were deposited as mentioned in the proof?

105. **MR MARTIN:** I do.

106. **MR PODKOLINSKI:** I do.

107. **MS GORLOV:** And do you prove that the ordnance maps deposited are on the scale of 1:50,000, with the line of the railway shown, so as to show general course or direction?

108. **MR PODKOLINSKI:** I do.

109. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as to time.

110. **MR HAMLYN:** Are there any queries on that? No, there are not. As discussed before, we will park 27A and its associated 83A/224A until we have dealt with other Standing Orders. Standing Order 28 has been repealed and 29 to 33 do not apply, so we are on to 34.

111. **MS GORLOV:** Mr Martin, do you prove that, on 17 September 2015, you deposited in accordance with Standing Order 26 copies of the copies of the plan, section, book of reference as mentioned in the proof?

112. **MR MARTIN:** I do.

113. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

114. **MR HAMLYN:** Are there any questions? No. Thank you—35.

115. **MS GORLOV:** Mr Martin, do you prove that, on 17 September 2015, you deposited in accordance with Standing Order 26 at the offices of the Metropolitan Police Commissioner a copy of the plan and section as mentioned in the proof?

116. **MR MARTIN:** I do.

117. **MS GORLOV:** I consider that the Standing Order has been complied with in all respects except as regards time.

118. **MR HAMLYN:** Do the Examiners have any questions on that? No. In that case, we move on to 36, which does not apply, so that takes us to 37.

119. **MS GORLOV:** Mr Martin, do you prove that, 17 September 2015, in accordance with SO26 you deposited copies of the plan, section and book of reference as mentioned in the proof?

120. **MR MARTIN:** I do.

121. **MS GORLOV:** Sir, I consider that the Standing Order has been complied with in all respects except as regards time.

122. **MR HAMLYN:** Are there any questions on 37? No. Thank you.

123. **MS GORLOV:** Then I think we go to Standing Order 39. Mr Martin, do you prove that, on 17 September 2015, you deposited, as specified in the list kept under Standing Order 1A and in accordance with Standing Order 26, printed copies of the amendments?

124. **MR MARTIN:** I do.

125. **MS GORLOV:** Sir, I prove that those deposits are the only deposits required to be made under Standing Order 29, and I consider that this Standing Order has been complied with in all respects except as regards time.

126. **MR HAMLYN:** Are there any questions on that? I should also have said that, just for the record, 38 is not applicable and 40 has been repealed, so we come to 41. I have been asked by one of the Examiners if you could just raise the volume a bit.

127. **MS GORLOV:** Yes, certainly.

128. **MR HAMLYN:** Thank you very much. We are now on to 41.

129. **MS GORLOV:** I am happy to shout a bit more loudly. Mr Martin, do you prove that, on 17 September 2015, you delivered in accordance with Standing Order 26 a printed copy of the amendments to the Bill at the office of the London Borough of Camden?

130. **MR MARTIN:** I do.

131. **MS GORLOV:** And do you prove that that highway authority is the only highway authority liable for the maintenance of an affected street or road as mentioned in the proof?

132. **MR MARTIN:** I do.

133. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as regards time.

134. **MR HAMLYN:** Are there any questions on 41? No. Standing Orders 42, 43 and 44 do not apply in this case, so we come to 45.

135. **MS GORLOV:** Mr Martin, do you prove that, on 16 and 17 September 2015, you deposited, in accordance with Standing Order 201 of the House of Lords and 209 of the House of Commons, in the offices mentioned in the proof?

136. **MR MARTIN:** I do.

137. **MS GORLOV:** Mr Podkolinski, do you prove that the estimate of expense is prepared in the form set out in appendix B to the Standing Order as nearly as possible?

138. **MR PODKOLINSKI:** I do.

139. **MS GORLOV:** And do you prove that the estimate was made by Simon Kirby, the Chief Executive of HS2 Ltd and signed by him?

140. **MR PODKOLINSKI:** I do.

141. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with in all respects except as regards time.

142. **MR HAMLYN:** There are no questions. Standing Order 46 has been repealed and 47 does not apply, so we come to 48.

143. **MS GORLOV:** Mr Podkolinski, do you prove that every deposited plan is drawn on a scale of not less than 1:15,000, that it describes the lands which or rights to use which may be compulsorily acquired or which are rendered liable to the imposition of an

improvement charge, describes the line or situation of the whole of the work and the land through which it is to be constructed or altered or through which any communications to or from the work may be made?

144. **MR PODKOLINSKI:** I do.

145. **MS GORLOV:** And do you prove that there is no alternative line or work laid down in the plan?

146. **MR PODKOLINSKI:** I do.

147. **MS GORLOV:** Do you prove that the limits of lateral deviation from the line of the work are defined on the plan and all lands included within those limits are marked on it?

148. **MR PODKOLINSKI:** I do.

149. **MS GORLOV:** Do you prove that, where tunnelling as a substitute for open cutting or viaduct as a substitute for a solid embankment is intended, that the tunnelling or viaduct is marked, in the case of tunnelling by a dotted line?

150. **MR PODKOLINSKI:** I do.

151. **MS GORLOV:** And do you prove that, where under any Standing Order a length is required to be stated, it is stated in kilometres and metres?

152. **MR PODKOLINSKI:** I do.

153. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

154. **MR HAMLYN:** Are there any questions on 48? No. Thank you very much. Standing Order 49 is not applicable, so we come to 50.

155. **MS GORLOV:** Mr Podkolinski, do you prove that the plan has marked on it the distances in kilometres from one of the termini and that a memorandum of the radius of every curve, except a curve with a radius exceeding 1.6 kilometres in length, is noted on the plan?

156. **MR PODKOLINSKI:** I do.

157. **MS GORLOV:** I consider that this Standing Order has been complied with.

158. **MR HAMLYN:** Are there any questions? Thank you very much. We will crack on to 51.

159. **MS GORLOV:** Mr Podkolinski, do you prove that, where it is proposed to divert, widen or narrow a public carriage road, navigable river, railway or tram road as mentioned in the proof, it is shown on the plan?

160. **MR PODKOLINSKI:** I do.

161. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

162. **MR HAMLYN:** There are no questions from us. Standing Orders 52 and 53 are not applicable, so we come to 54.

163. **MS GORLOV:** Mr Musgrave, do you prove that the deposited book of reference is in the same terms and contains the names of all owners or reputed owners, lessees or reputed lessees and occupiers of all lands and houses which or rights to use which may be compulsorily acquired, except those whose identity could not be ascertained after reasonable inquiry?

164. **MR MUSGRAVE:** I do.

165. **MS GORLOV:** And do you prove that it describes such lands and houses?

166. **MR MUSGRAVE:** I do.

167. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

168. **MR HAMLYN:** I do not think there are any questions from anyone on 54, so shall we go to 55?

169. **MS GORLOV:** Mr Podkolinski, do you prove that every deposited section is drawn to the scale mentioned in the proof and shows the particulars mentioned in paragraph B of the proof?

170. **MR PODKOLINSKI:** I do.

171. **MS GORLOV:** And do you prove that, where tunnelling as a substitute for open cutting or viaduct as a substitute for a solid embankment is intended, it is marked on the section?

172. **MR PODKOLINSKI:** I do.

173. **MS GORLOV:** Do you prove, wherever the extreme height of an embankment or extreme depth of a cutting exceeds 1.5 metres, the extreme height over or depth under the surface of the ground is marked in figures on the section?

174. **MR PODKOLINSKI:** I do.

175. **MS GORLOV:** And that, where any bridge or viaduct of more than three arches intervenes in any embankment or where any tunnel intervenes in any cutting, the extreme height or depth is marked in figures on each of the parts into which the embankment or cutting is divided by the bridge, viaduct or tunnel?

176. **MR PODKOLINSKI:** I do.

177. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

178. **MR HAMLYN:** Thank you very much. That concludes 55. Standing Order 56 does not apply, so we come to 57.

179. **MS GORLOV:** Mr Podkolinski, do you prove that the line of railway or tram road marked on the section corresponds with the upper surface of the rails?

180. **MR PODKOLINSKI:** I do.

181. **MS GORLOV:** Do you prove that the distances on the datum line are marked to correspond with those on the deposited plan, that the vertical measure is marked as mentioned in the proof and that the proportion of rate of inclination between the two consecutive vertical measures is also marked?

182. **MR PODKOLINSKI:** I do.

183. **MS GORLOV:** Do you prove that, wherever the line of the railway or tram road is intended to cross any waterway other than on the level, public carriage road, railway or tram road, the particulars given in the proof are shown?

184. **MR PODKOLINSKI:** I do.

185. **MS GORLOV:** Sir, I consider that this Standing Order has been complied with.

186. **MR HAMLYN:** There are no questions. Thank you very much. Standing Orders 58 and 59 are not applicable to this Bill, so that concludes, as it were, part I. I suggest we might have a suspension just for a couple of minutes while we rearrange the room so Mr Auger can come forward and present his slides. Unless there are any other questions at this point, then we will suspend for a couple of minutes, and then we will look at 27A and 224A/83A.

The Examination was suspended from 12.10 pm until 12.19 pm

187. **MR HAMLYN:** I hope that suspension was helpful for everyone. We are now looking at the remaining two associated Standing Orders, 27A and 224A, or 83A in the Lords. I should have said at the beginning, for those that do not know, that these sessions are webcast and we do produce a transcript, which goes online in due course. As we are using slides, handouts and things, can we try to keep things reasonably intelligible for those who might read it subsequently?

188. I think what we will do is ask Mr Augur to address what are described in the Standing Order as his allegations, which I think is the substance of your memorial, for which many thanks. Then we will invite the Agents and the Promoters to respond. They have already put in a written submission, but I think they will want to speak to that and to anything they see in the slides. I will invite my fellow Examiners to ask questions of both the Memorialist and the Agents as they think fit. Once again, we are trying to establish the point of compliance with the Standing Orders. We are not allowed to get drawn into the merits

of the Bill itself, which is for another forum, namely the Select Committee that is currently sitting on the Bill two or three rooms down from here. Mr Auger, would you like to start and feel free to explain your slides?

189. **MR AUGER:** Thank you very much for the opportunity to speak. I appreciate that this is not a usual occurrence, but the works that are planned in the Euston cutting are unprecedented in terms of a civil engineering project going through a mainly residential area in terms of the scale of the works, the duration of the works and the impact on the local community. In this slide, what we have is a satellite picture. Euston Station is down here. This is the Camden cutting, and the area of the Camden Cutting Group is bound by Parkway, Park Village East and Arlington Road. I live about here, on Mornington Terrace.

190. The work that is going on is demolition of three bridges, demolition of retaining walls, demolition of three substantial housing blocks down here, and I shall come on to some of that later. Our concern is about the level of detail, the adequacy of the environmental statement and its compliance with schedule 4, particularly around some of the design elements. I appreciate that this is an enormous document and there is a lot of design, but we are particularly concerned about some of the more recent elements, which I will come on to, and also in terms of one or two of the processes, particularly in relation to the uncertainty around demolition methodologies, which I understand at the current time have not been decided, both in terms of AP3 amendments but also in terms of the original scheme, for example the three substantial housing blocks in the Regent's Park Estate.

191. One of the critical issues is Line X. This is a quick slide that was presented to us back in July, before the current scheme was announced, which explains Line X and the works but before the reinstatement. This is the HS2 work that goes alongside the existing railway. This is the wall that is on Park Village East, which is being demolished and is causing

particular concern to everybody in the cutting, especially the Park Village East residents. These are the mid retaining walls, and that is the Mornington Terrace Wall.

192. Our concern about Line X is the removal of this wall in addition to this wall. Having had a quick scan of the arguments, I think there is a lot of confusion as to which wall in the demolition we are actually talking about in some of the recent analysis. Even at the end of July, the plan was not to reinstate Line X, but, at the insistence of Network Rail, we understand, to maintain future flexibility, they wanted Line X reinstated.

193. This is a photo. The main retaining wall for Park Village East is here. This is the mid retaining wall, which used to be, before the cutting was widened, the actual boundary. These are the convention tracks. Line X, effectively, is a line that comes the other side of the conventional tracks, passes under and then goes out on the other side, which allows flexibility with the tracks being used at Euston. It is this retaining wall and this structure that effectively has changed. This slide shows Line X. It comes in on this side; it goes underneath and then goes out, and that allows flexibility with the management of Euston Station.

194. This is the interesting structure. HS2 work goes into a box and Line X sits on top of the HS2 structure. Originally it was going to be removed permanently. Now it is going to be reinstated, which creates a number of effects, one of which is that this wall no longer needs to be just strengthened, but it actually needs to be removed, alongside this wall, which has always been planned to be demolished, which I think is the argument that is referred to in paragraph 7 to 9 of HS2's document that they have just handed out. That is a concern to residents of Park Village East.

195. In your handouts at the back, I have a number of excerpts from the environmental statement, the last two pages. The critical piece is in describing the permanent closure of Line X and then its reinstatement, which is the third bullet down of the first excerpt. I am reading the second sentence. "The other, Line X"—with a footnote

40—“will be closed for up to three years to allow construction of the high speed rail works, before being reinstated”. The footnote says, “The assessment of the environmental effects of the Line X reinstatement has been based on a conceptual design for this element of the revised scheme”, so the design is purely conceptual, and yet this is a monumental piece of engineering works, involving the retaining wall in Park Village East and substantial ground anchors being placed under the properties in Park Village East. The designs are having to be changed because now you have Line X sitting on top, and it is all based at the moment on a conceptual design. We argue: really, is this sufficient for the purposes of an environmental statement as to what it is going to be used for, going back to the requirements of the schedule?

196. We then look at: do we really understand some of those methodologies? Some of these slides have picked out: how are things going to be measured in the cutting? We would argue that, in the same way that the design is conceptual, some of the assessment methodologies have not been updated. This just pulls out some of the vibration impacts, which at the moment are very much focused around the Mornington Street Bridge and do not extend further up the cutting. I will whizz through these slides quite quickly.

197. Some of the other assessments do not really appreciate the scale. This is a photo from the south, so you have Euston Station. You can just see the entrance to the Parkway tunnels up at the top. This is the main retaining wall on Park Village East, which is being demolished. This is the middle retaining wall, and obviously you have the retaining wall on the Mornington Terrace side, which is not being demolished apart from around Mornington Street Bridge.

198. I go back to the demolition methodologies, which at the moment are unclear. We move on to dust assessments. Has a full assessment of the implications of the demolition process been carried out? In this section, we see some of the demolitions that

have been identified in the other maps with—you cannot quite see them; this is an excerpt from the ES—the orange hatched areas, but we do not see anything in terms of the retaining walls. Again, we see the Mornington Street Bridge being demolished, but there are no assessments in the adjoining street. There is also a construction compound here. So, again, we say, in certain respects, the assessments have not been done, or, if they have been done, it is not clear what the results are and residents are left in confusion.

199. The Promoters talk about the various community assessments that have been done. Some of it goes back to the argument: “Well, we assessed it before and it is significantly adverse”. Now, once it gets to significantly adverse, there is nothing further; there is no “extremely significantly adverse”. You just go to unacceptable. It then goes down to levels of degree and it is incremental. The argument that we see in the environmental statement, that it is only the duration of the works that is extended, not the impacts, we do not accept. Anything that causes a detrimental health impact, if you have it for longer, is going to have an impact. I think of poor diet, though unrelated, for example, or smoking. Clearly, smoking for 10 years is much worse to your health than smoking for five years, and yet the environmental impacts are not accepted as being any worse, the duration merely extended.

200. As we move on to the visuals—and I am glad there has been some clarification about the Mornington Street Bridge uncertainty—what we are supposed to see here are views that are impacted, of which we are told there are not any, but actually even the buildings are not included that are supposed to impact some of the views. This is the view of Mornington Street Bridge from Mornington Terrace, and it does look exactly the same, which you would expect, because the picture at the top is wrong; it is the same as the picture at the bottom, and you can see, because of this new tree and, just about, the building in the background.

201. Our argument is not that the ES has lots of errors in it. This is confusing, because, in the document, the previous page to that has the original picture. Our argument is: does it have the information you need to do an assessment and understand the impacts for Parliament to properly consider whether it is reasonable to undertake this scale of works and whether local residents and those affected have the information to be able to properly petition? We have been continually told that, if we have questions, we just petition about it and raise it before the Select Committee, but we argue it is the information that should be included to allow that process to work as it was designed. But I think it is quite helpful to see the types of mistakes that do exist in the document.

202. I will not talk about the whole confusion in volume 5 of how high the building was, because that is clarified in the document. It says that that is a mistake in volume 5, if that is correct in terms of the understanding.

203. This is the view from Mornington Terrace across that sees the head house. This is actually the view from my living room window, so obviously one I am particularly familiar with. The fish-eye effect actually reduces the impacts in the thing. The argument is that this is not significant. At the moment, these buildings, if we go back to the first excerpt, are all up to 8 metres in height. There are no designs for these buildings. They are shown at the maximum impact, and yet, above street level, this is supposed to be a doorway and a lift to go down to the tracks. In the absence of the design, I would question whether the ES really has got sufficient detail.

204. This is my final slide, as you will be glad to hear, and it attempts to graphically represent what our concerns are. We measure scale of impact on the right-hand side. The original scheme with mitigation identified leaves a residual impact that, in many cases in our community, is major adverse. The revised scheme, as is acknowledged in the ES, increases that impact, with AP3 on top of that, and as yet unidentified additional works with

mitigation. Our key concern is that, without detailed adequate analysis of the impacts of the changes, it is impossible to assess how bad this is going to be and whether it is moving from significant adverse to something that is really unacceptable, making our properties uninhabitable. What we have heard is the fact that the designs are not there or they are conceptual. I would argue, with the scale of this project, that that is insufficient.

205. **MR HAMLYN:** Thank you. Do any Examiners have any questions at this point or do you want to hear the response from the Agents first? Are there any points of clarity you want to establish? No. In which case, can I ask Alison and her colleagues to respond to the memorial?

206. **MS GORLOV:** Thank you very much, sir. Mr Miller can speak to the detail of the ES, but I wonder if I might make some remarks about the nature of the ES and how it slots into this morning's proceedings.

207. **MR HAMLYN:** Yes.

208. **MS GORLOV:** The ES is indeed designed to reveal the environmental impact of proposed works. It must, therefore, reveal what the works are, assess their significance and report on those that are materially significant, and, in the case of the amendments, if they effect material changes. Now, they may do that more or less well. Judgments may be taken as to what is and is not material, and the Camden Cutting Group and others may or may not agree with those judgments and the views taken as to significance and materiality. If they have doubts about that and doubts about the methodologies, as mentioned in the ES and later in other environmental documents, it is perfectly proper for them to raise those concerns.

209. But, sir, this is not the place to do it, we would submit. The purpose of today's proceedings is to see whether a compliant ES has been prepared. People may not agree with its content; they may take different views as to the opinions expressed, but the purpose

of today is not to take a view on quality or judgment, but on the slightly more legalistic point as to whether the material covers what it needs to. Any qualitative or judgmental doubts should be taken before the Select Committee. That is well established. The purpose of this morning's proceedings is a procedural, administrative proceeding, not a qualitative judgment on what is in the ES.

210. Now, of course, that only goes so far. To reduce it to the absurd, if, for example, the works included, let us say, a marine work and the ES did not assess anything in the water, you could see straight away that something had fallen off and should be in there, and therefore the ES fails to assess the project and is noncompliant, but that is not what is being said here. The fundamental point that is being made is that the Camden Cutting Group thinks that these works have not been addressed in as much detail, and views taken on them are not views that they share. That, sir, we say, is not a matter for the Examiners.

211. Now, those are the general remarks, but we can deal with the specifics of the points taken in the memorial. We are concentrating on the written memorial, as amplified, so far as we have taken it in, this morning, but perhaps we might concentrate on the memorial, as does our note. You have the note, and I hope have had an opportunity to make something of it. Although it has been taken in on this side of the table as well, the truth of the matter is that I would read from it, and so would Mr Miller, the difference being that he is familiar with the ES and I have much more of a nodding acquaintance with it, not a detailed one. Would you like me to read the note, or should Mr Miller?

212. **MR HAMLYN:** You have done a lot of speaking already, Alison. Would you like a break? In that case, if Mr Miller is more familiar with the environmental statement, perhaps he can read to you the note and, if we have specific questions about the environmental statement and your note, they might be best put to you, if that is alright.

213. **MR MILLER:** Yes, okay. I will perhaps do that and then take some of the points that you have raised today. I have made a couple of notes, and hopefully I can answer a couple of those points for you, and then perhaps some observations on the slides. Would that help?

214. **MR HAMLYN:** Yes.

215. **MR MILLER:** Okay. What we elected to do is provide a written response to the Examiners to the memorial that is before you. In this, we set out our answer to each of the paragraphs that have been presented. For the record, I will read it, and then we will pick up the points.

216. The Promoters' submission is that the supplementary environmental statement 2 (SES 2) and additional provision 3 environmental statement (AP3 ES) comply with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and Standing Order 27A and that none of the complaints made by the Camden Cutting Group is substantive. Responses to the specific complaints made in CCG's (Camden Cutting Group) memorial are as follows.

217. Paragraphs 7 to 9: the differences in the descriptions between the main ES, the SES 2 and AP3 ES are a matter of drafting. The changes are to make the description more precise, but they do not alter the substance. I think that is important. It has always been the intention to reconstruct the retaining wall along Park Village East and, to that extent, the description in the AP3 ES, which refers to "replaced", could be considered a clearer description than the wording used in the last part of paragraph 2.3.32 of the main ES. The extent of the barrette wall—and the barrette wall is that referring to the main part of the construction shown on the slide—construction, which is the main component of these works, is the same in both the original and revised schemes. Where there have been

changes in the construction sequencing, methods and equipment used in the revised scheme, these have been taken into account and included in relevant parts of the assessment.

218. For example, within the community assessment, paragraph 8.4.39 states, “Construction will require the demolition and replacement of a deep retaining wall on the west side of the railway approach at Park Village East. The existing retaining wall between Park Village East and the railway has suffered over time from movement and damage.” This paragraph then continues and reports the impacts and effects of these works, including the demolition and replacement of Mornington Street Bridge as one of the examples that was pointed out to us of bridge demolitions.

219. Paragraph 10 I think was just a statement, but, for the record, both the original scheme and the AP3 revised scheme include a lorry holding area in Regent’s Park. The change in AP3 is that the land area has increased to allow both for the provision of replacement car and coach parking for London Zoo and to increase the lorry holding area during the construction period. The AP3 revised scheme does involve changes in construction HGV movements in terms of flows, timing and in some cases routes used from those reports in the main ES. It includes a service access ramp into the high speed station basement from the Hampstead Road Bridge, which replaces the original scheme proposal for a ramp from Eversholt Street onto the parcels deck on the conventional station. All of these traffic flows and any consequential environmental effects have been properly assessed and reported in the relevant sections of the SES 2 and AP3 ES, and the examples are: traffic and transport, air quality, sound, noise and vibration and community.

220. We have a general point on paragraphs 11 to 13, with regard to the production of community impact assessment sheets, which were included as volume 5 of the SES 2 and AP3 ES. These are not themselves assessments. They do include the words “assessment”, but they are in fact information sheets for that part of the study. They provide background

information for the assessment of significant amenity effects that are reported in section 8 of SES 2 and AP3 ES, volume 2, CFAI. That is where the significant effects of the scheme in that respect are being assessed and reported, and we have included an extract in the papers. I do not propose to go through that, but, if you want to refer to that in your questions, I will come back to it.

221. **MR HAMLYN:** I think Chris had a question at this point, if you would like to come in.

222. **MS SALMON PERCIVAL:** Thank you. Are community impact assessment sheets required under the Standing Order 27A?

223. **MR MILLER:** Not as far as I am aware, no. They are part of our methodology for carrying out the impact assessment, and that methodology we originally consulted on way back now. It was a few years before we put the main ES in. What we have done here is, where there is a likely change to the significant effects of the scheme, we have reviewed the community impact assessment sheets and, where there are changes, we have reproduced those. That is what we have done. What we have not done is elect to reproduce all the community impact assessment sheets.

224. **MS SALMON PERCIVAL:** My concern is, given that this is a very particular forum, as Alison has set out, I want to be clear what is and what is not required by the regulations and SO27A. I am under the impression that CIASs are not part of the requirements of the Standing Order.

225. **MR MILLER:** They are not specifically required, no.

226. **MR HAMLYN:** Do continue, unless there are any questions at this point.

227. **MR MILLER:** Volume 2 presents the application of the community assessment methodology and presents the likely residual significant effects, as it is required to do so, and I have just elaborated on that. Some additional information is included in the CIASs that

accompany the SES 2 and AP3 ES where there are changes from that reported in the main ES which are material to the assessment. That is the point I was just making. Where changes are not material and so do not fall to be assessed, there is no information to add to the CIASs that were presented in volume 5 of the main ES as originally presented.

228. Paragraph 11 in a little bit more detail: the environmental effects reported in volume 2 of the SES and AP3 ES on Park Village East and Mornington Terrace are the same in terms of their level of significance as those reported in the main ES. Therefore, no material change is considered to have occurred and the CIASs in volume 5 of the main ES have not been amended.

229. Paragraph 12: the SES and AP3 ES reports a significant effect on Mornington Street, and that is SES 2 and AP3 ES, volume 2, CFAI, paragraph 8.4.4, resulting from a combination of an increase in HGV movements and air quality effects, resulting in a significant effect. The “scope, assumptions and limitations” section of the SES 2 and AP3 ES, at paragraph 8.2.2, states that, “In some cases where significant amenity effects have been identified as a combination of HGV traffic and air quality effects, it is not possible to be precise about the geographical extent of the combined effect. As a result, these effects are not shown on the volume 5 maps”, and so the ES is quite clear on that particular point.

230. The CIASs provide the background information for the assessment and are used as the basis for producing the volume 5 maps. I had mentioned that earlier; they are essentially information working sheets. In situations such as Mornington Street where increases in HGV movements combine with air quality effects, no volume 5 maps were produced, and any CIAS would not provide any additional information to that which was already reported in volume 2 of the SES 2 and AP3 ES.

231. Paragraph 13: Clarkson Row is a row of 10 properties located between numbers 1 and 2 Mornington Terrace, which I think was pointed out on the slide, or the

general area was pointed out on the slide. The effects predicted for Mornington Terrace would be expected to apply to Clarkson Row. The effects predicted for Mornington Terrace in paragraph 8.4.41 are major adverse and therefore significant. This is the same as in the main ES and the accompanying volume 5 CIAS. Therefore, no material change is considered to have occurred. There are no significant community effects predicted on Arlington Road and Albert Street (North), assumed to be a section of Albert Street to the north of Delancey Street. Therefore, no CIAS record has been prepared.

232. While the nature of some of the construction activity associated with the revised scheme has changed from the original scheme, the changes do not result in a material change to the environmental effects reported for the Amptill Estate, which were reported in paragraph 8.4.34 as significant.

233. **MR MILLEDGE:** Can I just stop you there and ask you about the previous paragraph? Where there is a reference to Albert Road, do you mean Albert Street?

234. **MR HAMLYN:** The note says Albert Street.

235. **MR MILLEDGE:** In the second line, there is a reference to the section of Albert Road to the north of Delancey Street. Should that be a reference to Albert Street?

236. **MR MILLER:** Can I keep going? I will ask someone clarify that.

237. **MR MILLEDGE:** Sure.

238. **MR MILLER:** The environmental effects of the revised scheme on Harrington Square Gardens are assessed as not resulting in a significant effect, and this does not represent a material change from the effects of the original scheme assessed in the main ES.

239. Moving on to paragraph 14, in the main ES volume 2 CFAI, the proposed ventilation buildings were shown on figure 15 and considered as part of a section 14 assessment of ancillary works for oversight development. The SES 2 and AP3 revised schemes includes similar buildings required to provide ventilation and emergency

intervention for the high speed railway adjacent to Mornington Street Bridge and Granby Terrace Bridge. In the SES 2 and AP3 ES, no additional adverse effects on the setting of heritage assets were identified in relation to these built elements. The volume 5 cultural heritage document, however, states in error that the bridge will have an increased height, changing the setting of the piers and blocking the view from one pair of piers to the other, and the setting will be permanently altered in such a way that it will be noticeably different. That was what was quoted, but that is likely to be an error, and we think that is a hangover from drafting.

240. **MR HAMLYN:** Can I just check? Your note says it is stated in error, and you have just said it is likely to be an error.

241. **MR MILLER:** Sorry, it is in error.

242. **MR HAMLYN:** It is a mistake caused by the editing process, you think.

243. **MR MILLER:** It is.

244. **MR HAMLYN:** Thank you.

245. **MR MILLER:** The replacement of the Mornington Street Bridge will include changes to the deck construction. This will not however change the levels of the paved surface of the bridge, which will tie into the existing road levels in Park Village East and Mornington Terrace. As such, the photomontage, SES 2 and AP3 ES reference LV-01-267, correctly illustrates this, and there will be no blocking of views from one pair of piers to the others. In the landscape and visual section, paragraph 12.6.20, reference is made to the like-for-like replacement of Mornington Street Bridge.

246. Paragraph 15: descriptions of all LCAs—this is dealing with landscape character areas—are provided in the SES 2 and AP3 ES, volume 5 appendix, reference LV-001-001, part 2, which includes a description of condition, tranquillity, value and sensitivity. In volume 2, only the LCAs that are most likely to be significantly affected are described. The presence

of a conservation area contributes to the definition of value and is included, for example, in the volume 5 description of the Euston East Victorian residential LCA, which I think appears in the memorial.

247. That concludes our written submission. If you have any other questions on that, I will try and answer those.

248. **MR HAMLYN:** I think you said you might also reference a slide. Have you done that in the course of your recital of your response to the memorial, do you think?

249. **MR MILLER:** No, only observations that I have got as we have gone through those slides. One thing I should perhaps elaborate on is that it is quite a complex process, with all of these SESs and APs coming forward, with a variety of pieces of information, which you have heard about here today. On our website, we do provide a layman's guide to explain what is included in the SESs and additional provisions, and that does set out what is generally included. That follows through in a bit more detail as the ES has been published.

250. That finishes my piece on the submission. As to your points in chief, you talked about the things like the demolition methodologies. In fact, perhaps my observation on the slides is that the slides you have presented are very much like the slides that we see on pretty much a daily basis in the Select Committee process, and I appreciate you may not have been involved with that yet. This sort of detail is the detail that is provided in front of that specially formed Select Committee. In advance of those hearings, we look at the merits of the cases that are put forward to us to see whether there is anything else that should be considered for those that are directly and specially affected by the scheme. I fully expect that a group such as the Camden Cutting Group will come forward in that way, to take up these detailed points.

251. Just by way of illustration, you talked about the demolition methodologies, for example. The demolition methodologies—and we do refer to this in the environmental

statement—rely quite a lot on the code of construction practice, for example, for the methods and controls that will ultimately be applied. There are some protective provisions built into the law we are trying to create, and we are also looking at existing legislation, most notably the Control of Pollution Act, for certain aspects. Things like noise, and the controls around noise and vibration, in detail will be through provisions like best practical means. Those are very detailed points and those are just the points that come forward in front of that Select Committee.

252. You mentioned Line X. Line X, I believe, is set out in a fair amount of detail. You also mentioned the footnote 40, which talks about conceptual design. Of course, for a lot of these elements, it is a conceptual design. We do have a lot of expertise that informs that design at this stage, but what we are seeking approval for through this process is a deemed planning permission. In layman's terms, you might liken that to an outline permission. It is not quite the same under the Bill provisions, but it is similar. What we do is look at the detail in terms of what is going to be brought forward after the Bill is enacted, and, at the moment, the Bill has provisions under schedule 16, in which qualifying authorities enjoy certain powers of consent in the future, so various detailed matters—and that very much goes to the detailed design of the scheme—are accounted for in those provisions.

253. There is more to come. It is not the case that the Select Committee two doors down from here are considering that to any greater extent, and certainly the evidence that has been provided to date has been around that point. We have given evidence in light of the design vision and the design practices that we have put in place in due course.

254. You talk about the effect of the longer duration of works, and a number of other points in your slides are, in my view, a matter of judgment. That merits consideration, and that is precisely the consideration that takes place at the Select Committee. In due course, we would expect to talk to you about these more detailed points, before we arrive at all at

Committee, with the view to resolve as many of these issues for you as practically possible. A lot of this that is being put forward, as I observed from your slides, is very much the detail that is seen in front of that Select Committee.

255. On the Line X point, the description is in 5.2.43 in the CFA report. I can read out all the references, but I assure you—and you may wish to look at them—in volume 2, CFAI, the document picks up, in each of the topic sections, the effects of Line X as it relates to these proposals. In some areas, the construction effects of Line X are thought about in combination with everything that is going on in that particular area. During construction, a lot of these things are inseparable, and that is our consideration today.

256. **MR HAMLYN:** Thank you very much, Mr Miller. Are there questions from Examiners on any of that? I will bring the Memorialist back in as well in a moment.

257. **MR MILLEDGE:** Could I just ask you a question, please? Perhaps you could take me through again the first of your paragraphs, under paragraph 14, about the ventilation building. I have found, in the map and photomontage book, the two pictures. I see below it says, “This photomontage illustrates a higher head”, which I take to be that building with the piers in the second one and not the first one, “than shown in the main ES due to incorrect data available at the time of modelling. However, the assessment in the main ES was based on the height now shown”, and that there is no change in assessed level of the effect. Could you just point me to the references, please, in the original environmental statement that deal with this? I think the point you are making is, “Nothing has changed from what we said in the original environmental statement, because what we said in that statement was based on the same data.”

258. **MR MILLER:** A lower building, yes. We are trying to find those references at the moment. I do not have the main ES in front of me. What I think is happening here, though, in terms of the level of significance, which is your supplementary to the reference

part of the question, is that the assessment was carried out for the structure that you see in here, but, in the main ES, the picture of it did not show the correct height.

259. **MR MILLEDGE:** It is a pretty dramatic difference, is it not? In the previous one, the building is invisible.

260. **MR MILLER:** It is, and, with all our photomontages along the line of the route, you get these fairly stark images. What we have done in the environmental impact assessment is to bring forward a picture of what we think could be deemed to be a reasonable worst case. The likelihood is that it would not look like that, and part of our answer in the Select Committee is that we have published a design vision for the scheme. This is to try and give a better illustration of what is to come through that schedule 16 type process and what is likely to be envisaged at a future date. For our assessment, it is trying to take up what a reasonable worst case is. When it comes to the look of this thing, the materials that will be used, the colours, all of that is for a later date, but the idea is to bring that forward as a reasonable worst case.

261. The further thing to add to that is that the Secretary of State has set out an important undertaking in front of Parliament, which is the undertaking that deals with the environmental minimum requirements that will be applied to the scheme. Basically what that is saying is that the first rule of the game for the environmental minimum requirements is that the environmental effects of the proposals will be no greater than that reported in the ES. The second rule is that the nominated undertaker ultimately will be required to further reduce, or consider further reducing, the environmental effects of the scheme, so the visual outlook of the scheme will form part of that, and hence the reason why we have published a design vision and design policies and practices, which will help that process with our contractors as we go forward.

262. **MR MILLEDGE:** Thank you, but you will come back to me with the references in the original statement.

263. **MR MILLER:** Yes.

264. **MR HAMLYN:** We can hear again from Mr Auger at this point, who might want to respond, but then we have a chance for any more points to clarification. You now have the reference.

265. **MR MILLER:** I can give you those references now.

266. **MR HAMLYN:** Excellent.

267. **MR MILLER:** In the main ES, community forum area report I, 2.3.31, the fifth bullet: the entrance building up to 8 metres in height; and, in the same volume, 9.5.22, the view “will not be significantly affected”.

268. **MR HAMLYN:** Thank you.

269. **MR MILLER:** Sorry, we were checking the Albert Street and Albert Road point. In my note, it should have referred to Albert Street, for the record. Everything is “Street” when we talk about Albert.

270. **MR HAMLYN:** Thank you.

271. **MS GORLOV:** I wonder if I might make a few remarks.

272. **MR HAMLYN:** Yes, of course.

273. **MS GORLOV:** First of all, can I be slightly legalistic? It might seem as if I am repeating a little of what Mr Miller said, but quite a lot of what he said was very much what is going on in the Select Committee on the merits. It is not quite the same as the form of the ES, which is what we are looking at just now. When I say “form”, I mean the basic content and whether it fits certain parameters. We are not looking at the merits of the thing, as it were.

274. In relation to detail and concept, it is indeed the effect of the Bill that it will effectively give what is tantamount to outline planning permission, but perhaps it would be useful to get on record that every environmental statement can only assess the scheme that is on the table. The scheme that is on the table will, by its nature, be an outline. It is an extremely detailed outline. We know where the railway is going to go, not to the last inch, but within the limits of deviation. We know that there are going to be particular types of building at particular points.

275. What we do not know until the final design is carried out, is—I must not say inches, sorry—metre for metre, where it is all going, what colour is it going to be, what the appearance of some of these structures is going to be. Those are things for the final design. We are looking at an assessment of, in relation to buildings, broadly speaking, a series of boxes.

276. That is what we mean by “concept”. That is the ES standard. Every ES will assess that. There are rare occasions—and I have had a few—where the level of detail has been taken to full planning permission, but that is unusual, and it is not feasible always, and certainly not in the case of a scheme such as this one. We are looking at operating to a requisite standard, and that is the point you have been making this morning. Well, the requisite standard is a full assessment of a complete scheme, and that is what we have here. It will be flushed out in detail. The details will go to the local planning authority, in so far the equivalent of detailed planning permission is required.

277. It will be within the scope of the environmental statement, because it has to be, because that is what the Secretary of State has confirmed, apart from anything else. Everything concerned with methods of construction, the ghastly noise and dust that this lot is going to cause—and we recognise it is an incredible upheaval—is not a matter of assessment at the stage at which it is being carried out. It is a matter of mitigation. We

have such things as codes of construction practice specifically for the purpose of dealing not with what it is going to be and how to assess it, but how it is going to be implemented, moving on to that stage with which the Camden Cutting Group will be very concerned, understandably.

278. The legal side of this is that, at the present stage, we are not looking at mitigation; we are looking at assessment of the scheme as put together today. Is it a complete scheme? Yes. Has that complete scheme been assessed to the level of detail that is feasible now? Yes. Is that the requisite standard under the EIA regs and standard practice? The answer is, yes, it is.

279. **MR HAMLYN:** Thank you very much for the further remarks. Mr Auger, would you like to respond to anything you have heard?

280. **MR AUGER:** Yes, thank you. Let me reassure everybody here that we absolutely understand the role of the Select Committee up the corridor, and that is why I sit here on my own, because all of my fellow residents are busy drafting petitions and meeting with other organisations in the area as part of that process. That is why I am here to focus on this. We are absolutely understanding that this is about the legal process, about whether the environmental statement is sufficient and has been drawn up in terms of Standing Orders.

281. We have not talked about the controls, the mitigation or the code of construction practice controls, and I do not propose to do so, despite its many flaws, because this is not the forum. It is a frequent answer that we hear when we talk about whether assessments have been done to go back to this recourse of, "Oh, but it is all going to be okay, because of the controls in place", and we dispute that at the current time, from what we have heard.

282. I thought it was a very interesting comment that we can only assess what is on the table. To me, this comes down to the real nub of the issue we are looking at, as to what is on the table and the level of design that goes back what is supposed to be included in schedule 4. Is it sufficient? Is a conceptual design sufficient in respect of the additional work that is being considered?

283. I would like briefly to talk about the response document, because I do think, reading here, there is still some confusion about which wall we are talking about. In the document that has been tabled in response to the memorial, it still says, “The existing retaining wall between Park Village East and the railway has suffered over time”. That is this wall here. It is not this wall. If I can refer back to my memorial, paragraph 7, in the revised ES—and it is the last sentence—“Between Mornington Street Bridge and the high speed tunnel portal, the existing retaining wall to the west of the conventional tracks will be replaced”. Line X comes here; it would be removed. It is this wall.

284. The original ES, which is described in the paragraph below, said, “New retaining walls will be constructed along much of the west side of the cutting and some existing walls may be strengthened if necessary”. The previous ES talks about strengthening these walls and the new scheme talks about replacing them, and, if they are replaced, they are being demolished. That goes back to this structure. This is the original scheme. In their response document, they are talking about these walls here. I am talking about the walls in the middle of the cutting, where it clearly says “to be retained”.

285. Even at this point, there is confusion as to what walls are being demolished and whether we have considered the impacts of this. This is our point: that we do not believe the full extent of the revised scheme has been assessed. It has been rushed in at the last minute and the point is absolutely right: you can only assess what is on the table. My point to HS2 is that they have rushed to the table with an inadequately described scheme. Going

back to what is required under this, they raised the point that, if it is too high level, it is obviously not meeting that standard, and I would say that parts of the revisions in terms of Line X, with the confusion over the walls, are not meeting the requirements of schedule 4: insufficient detail. It is not for the Select Committee up the corridor to work out all the deficiencies in the environmental statement and to listen to petitioners endlessly talking about what is unclear in the environmental statement.

286. **MR HAMLYN:** Thanks very much. Peter Davis, you had a question.

287. **MR DAVIS:** Mr Augur, are you able to tie up what you see as the shortfalls to specific paragraphs of part 2 of schedule 4, which is absolutely essential, and then part 1, which is so far as is reasonably needed?

288. **MR AUGER:** If we go through part 2, there is a description of the development, a description of the measures and then the data required to identify. I would say: is a conceptual design enough? They have a conceptual design, but, if they have not actually thought about the demolition, if they are still confused about the wall between the edge of the cutting and the middle of the cutting, have we really fully assessed the measures? Have they described the measures to avoid, reduce and, if possible, remedy the significant adverse effects?

289. **MR DAVIS:** Is the demolition, Mr Augur, part of the description of the development?

290. **MR AUGER:** I would say the demolition falls within the production process, which is part 1: where it is reasonably required to assess the environmental effects—I would say that, for demolition of this scale, it would be—and where the Promoters can be reasonably expected to compile. Well, I would say the resources that HS2 have at their disposal are sufficient that they would be expected to be able to compile that.

291. **MR DAVIS:** Is your real objection that they have not described the development properly?

292. **MR AUGER:** In terms of Line X, yes, the incremental effects. It goes back to my last slide. Our concern is that it is already going to be pretty bad. What is the additional adverse effect and has that really been quantified? The view seems to be, "Well, everything is significant adverse. I have done an assessment and I have come up with significant adverse. That is okay. It cannot get any worse, because there is no worse assessment". But there is if you are living next to it.

293. **MR MILLER:** That must be true, from the impact assessment perspective. That is why you set out a methodology, you set out what the criteria are and you carry out the assessment. You then have to go to what remedies there are out there, and that is the requirement of the regs, to avoid or ameliorate those effects. If the answer is broadly the same, which is your point about things like codes of construction practice, then those are the things to rely on. It may well be—and it is true of a lot of the ESs that I have been involved with—that there are some residual significant effects that you simply cannot overcome. The ES is not there to try to overcome all these effects; it is to bring forward that information to enable decision-makers to make decisions. That can go to a matter of degree. The merits of what you are saying are, in my view, rightly heard in front of the Select Committee. That is how it would come forward.

294. **MR DAVIS:** Could I continue with this, please? I am sorry to be so narrow, but of course this is the Committee's function to go through. Are you saying that there is some misdescription or omission in describing the information on the site, the design and the size of the development? Are you saying there are bits that are missed out altogether or not?

295. **MR AUGER:** I think they are missed out in the fact that there is insufficient detail, because it is only a conceptual design.

296. **MR DAVIS:** In other words, it is not that they have given you the wrong information. It is that it is incomplete information.

297. **MR AUGER:** The impact that people have not picked up, which I think has been demonstrated today, is that the scale of it is confusing as to which wall we are talking about. The bulk of this paragraph in response is still talking about the Park Village East wall, which everybody has understood is going to be demolished.

298. **MR HAMLYN:** On the subject of the various walls, do you want to come back on that specific point, as Mr Augur has said your response is still confused?

299. **MR MILLER:** The evidence that I have just explained is around the assessment of Line X. Line X does not come about without the consideration of the construction of the Line X wall. I have referred to the environmental impact assessment and the various references of Line X throughout the process to say what the effects are. You are saying that that is conceptual, and I am saying, well, it has been taken into account. It is not that it has been missed in any way. It is there.

300. **MS GORLOV:** Could you give us a couple of minutes, sir? I think there is confusion about who is talking about which wall where, and I want to make sure that I understand it, and then I can make sure that you will as well, if that is alright.

301. **MR HAMLYN:** We will have a two-minute suspension, so you can clarify that point.

The Examination was suspended from 1.19 pm until 1.31 pm

302. **MR HAMLYN:** Formally, can we start proceedings again? Thank you very much. Alison.

303. **MS GORLOV:** I think, sir, we can resolve the mystery of the retaining walls. We are all talking about the same walls, and that was what had bothered me. The original ES—and this is in the memorial—at 2.3.32 says, “Between Euston station and Parkway, new retaining walls will be constructed along much of the west side of the cutting”, and it then goes on to say that “some existing walls may be strengthened”, but it makes clear that, along much of the cutting, there will be new retaining walls. That is the Park Village East wall, on the west side of the cutting. Then what we say now is, “New retaining walls will be constructed along all of the west side of the high speed railway”. We are saying “all of it”, not “much of it”, but it is the same set of retaining walls at that point.

304. **MR HAMLYN:** And your argument in your response to the memorial is that the wording in the new environmental statement could be considered a clearer description.

305. **MS GORLOV:** It is a clearer description of what we are doing to the Park Village East wall, but it is not a different level of works. It is a clearer description of what we said first time round, but that is only one of the walls. Mr Augur was concerned about the demolition and replacement of what he described as the middle wall. Well, we have assessed that. If we have a look at volume 2 of the CFA report in the supplementary environmental statement for this AP, we say—sorry, I think perhaps it would be simpler if you did this. I think Mr Miller would be able to get to the right paragraphs more quickly.

306. **MR MILLER:** At 9.4.11 on page 174 of that document, I will just quickly read it out: “The Parkway Tunnel and cutting will be partially demolished. It is uncertain which existing elements of the tunnel are listed. However, the western wall of the original cutting now the central retaining wall, which will be demolished, is considered to be curtilage to the listing. The tunnel and cutting is an asset of moderate value and the demolition will constitute a high impact and major adverse significant effect”. That is the central retaining wall that I believe Mr Augur was referring to. We have not been able to get all of the

references. We believe there are more, but I will take you to another one, which is the landscape section, which I think helps. That is at 12.4.86, page 237. This is to the landscape point, about halfway down: “Views of the utility works, the piling works associated with the construction of the retaining wall along Park Village East”—that is the barrette retaining wall we referred to—“construction of the high speed dive under”—which is what is happening with HS2—“as well as views of the cranes required for the Line X works, the Mornington Street Bridge works, construction of decks”. That shows that there is a lot going on with Line X, so Line X has been taken account of. Then it goes on about construction through there.

307. **MS GORLOV:** The point to be made here, sir, is that the elements that Mr Auger has identified, which he fears have not been assessed, have in fact been assessed in the ES, and then either restated or reassessed as necessary in the supplementary ES.

308. **MR HAMLYN:** Thank you. Peter Davis, that all arose from your questioning of Mr Augur about the particular elements of schedule 4 that had or had not been complied with in his view or the Camden Cutting Group’s view. Were there any more questions you want to ask on that subject, or have you exhausted your list?

309. **MR DAVIS:** Unless Mr Augur wants to identify step by step on the page which bits it does not comply with, I think I have probably stopped.

310. **MR AUGER:** I would like to make a comment in response.

311. **MR HAMLYN:** Please do.

312. **MR AUGER:** Paragraph 12.4.84 does not actually talk about the demolition of the wall; it talks about Line X. If I can refer to, for example, the paragraph they refer to in their document, the community assessment sheet, that does not mention the middle cutting wall at all. That is still talking about the wall in Park Village East. I would also refer to table 19 of this document. There is an excerpt at the back of your slide pack, which is the second

to last page at the bottom, excerpt 2, so it is table 19. I think it is page 296 in the volume. This is the descriptions of cause of the noisiest effects. In the information session that was held after the ES was released, I was told by one of the individuals that the noisiest thing going on to the cutting, as far as Mornington Terrace was concerned, would probably be the demolition of that wall, and yet it is not mentioned in table 19 at all. The descriptions are exactly the same between the original ES and the supplementary ES.

313. While assessments may have been done, and it is difficult for me to argue about what has and has not been done, my question is: is it properly recorded within the environmental statement so that readers of the environmental statement can use it for what its purpose is—for example, the data required to identify and assess the main effects which the development is likely to have on the environment? The assessment may have been done, but, if the data is not discussed, or the comments are not made, it is difficult. Going from the description as to what the impacts of AP3 are, I do not think it is clear enough

314. **MR HAMLYN:** It does not provide clear enough information on the environmental impacts.

315. **MR DAVIS:** Is “the main effects” the wording you are focusing on?

316. **MR AUGER:** It is in terms of AP3 and the ES, as to what the effects are, particularly given the fact that it is of such an enormous scale as it started off, and every effect is incremental, so this is about AP3 and the additional works being brought about from AP3 as well.

317. **MR HAMLYN:** Thank you. Are there any further questions from the Examiners to either party?

318. **MR DAVIS:** I do have one for the Promoters. Given the Memorialist has isolated the main effects on the environment, how do you consider the main effects have been addressed in relation to those things that the Memorialist has raised?

319. **MS GORLOV:** Can I just be clear what those main effects are? Are we limiting this to the demolition of the middle wall? That is one of the main effects Mr Augur has been talking about. Is it the main effect, or are there others that he would like us to identify?

320. **MR DAVIS:** That is actually the thing that is being done, the demolition of the middle wall. Is there something other than the demolition of the middle wall?

321. **MR AUGER:** As I set out in my memorial, there have been concerns in a number of areas and about the information. Obviously we have had some clarity. I would say the overriding factor is the implication of the Line X works, and whether it is a full description as to all of the effects cumulatively.

322. **MR DAVIS:** When you say all of the effects cumulatively, Mr Augur, we are tied with the wording of the standing order, and the phrase is “the main effects”.

323. **MR MILLER:** You can see in the map book that I referred to—additional provision 3, environmental statement, volume 2 of the CFA I—

324. **MR MILLEDGE:** Mr Miller, could you just slow down a little bit, please?

325. **MR MILLER:** I am sorry. It is the map book. It is the SES 2, AP3 ES, volume 2. I think this is the Community Forum one that I am looking at; sorry, CFA I, Community Forum Area I. About two-thirds of the way through that map book, you can see that there is a sequence of construction going on from map reference CT 8-20-005 onwards, and you can see what is going on at various points in time at Euston station and along the railway cutting, which includes the Line X works. It is a simplification, but it shows what is being taken into account through the construction. That is reflected in the environmental statement. The significant effects, or the main effects which I think you are referring to in terms of the regs, are accounted for on the basis of this information.

326. I have referred to two sections of the written texts; the heritage and the landscape texts. I know that there are other references to Line X throughout this

document, which account for those walls, and you can see here that it is very easy to read and plain for people to make sense of. I remain of the view that our assessment, as I have stated, is good in respect of the standing orders.

327. **MR DAVIS:** Thank you, Mr Miller. I note you said you have referred to two things, but these statements have just reached us. Could you have the patience, please to re-refer to them?

328. **MR MILLER:** The two that I referred to were 9.4.11—this is in heritage, and it is in brackets—it is referring to the now-central retaining wall.

329. **MR DAVIS:** So, really, the main effect you are having is high impact and major adverse significant effect.

330. **MR MILLER:** That is for the heritage topic, and there are other topics in the environmental impact assessment. The other reference that I gave to you was 12.4.86, on page 237; for visual, it explains what is being accounted for. And the reference I had is a little bit further down. It says, “The crane is required for the Line X works”, and the works are to construct the rearrangement of Line X, which is referred to.

331. **MR MILLEDGE:** Mr Auger’s response to that was, “But that does not say anything about the demolition”, I think. Have I missed something? Is demolition in there somewhere?

332. **MR AUGER:** If it would be helpful, I would say that part of our main concern, particularly around the demolition, is around the noise and the dust and the pollution effect, rather than necessarily the visual impacts of the demolition.

333. **MR HAMLYN:** I think we have had a very thorough look, particularly at the area around Line X. We have had several exchanges, and have been teasing out, helpfully, some of the confusions or the points of clarification on some of the language. I do not know if anyone has any further points to raise. I am conscious that we have been going for a

couple of hours now, so I think we will shortly need to ask the room to be cleared so we can reach a decision on the various standing orders, including the one we have spent most of the time on. I think, formally speaking, Alison needs to go through the proofs of 27A and 224A/83A, because we have not actually done that bit yet. Do you have anything further to add? We certainly feel immensely better informed than we were an hour and a half ago.

334. **MS GORLOV:** Well, I was going to make one suggestion, which I do without instructions—and, no doubt, I shall be kicked under the table if it is not a good one. We have dealt with this at fairly short notice, which is not a criticism of anybody, and we were, indeed, offered extra time if we needed it, so that this would have gone off until another day, and we thought we did not need it. Perhaps we were wrong; I do not know. But there has been a certain amount of to-ing and fro-ing and “It is in this reference and that reference”, and they are all very long ones, and none of us who is not thoroughly familiar with these documents has had an opportunity to look at them in, perhaps, the detail that you might wish. And, as Mr Miller has said, he has not identified all the relevant references.

335. So it occurred to me that it might be helpful, if you wanted, for us to produce a note of what we think are the references that pick up, in particular, the demolition of the middle wall to show you where we think it has been dealt with under all the subject topics. I think just for the transcript, perhaps, we picked up heritage and visual not because heritage and visual are any more important or relevant to the Camden Cutting Group than anything else, but because those were the two topics where somebody immediately picked up the relevant paragraph. But we will find them elsewhere; it is just a question of doing a little excavation.

336. Now, if it would be helpful to you for us to do that, we would be happy to. And then we could come up with a note—which we would obviously share, first, with Mr Auger, in case he had issues on it—and also, perhaps, you might find it helpful if we pointed you to

quite how Line X ties up with the description of the retaining walls. Because it is all very well Mr Miller saying, "Line X is assessed as this, that, and the other thing, and Line X works include this retaining wall", but you would, I am sure, like to be pointed to where that is described in the ES.

337. **MR HAMLYN:** I think we have reached, as it were, the nub, thanks to the exchanges between the Memorialist and the agents. I think we would find that useful. I have no idea how long it would take to produce. I am conscious how busy everyone is, but we can formally adjourn this hearing now and then reconvene for probably a much shorter Part 2, where we had have that evidence in front of us, as would Mr Auger, and then we could probably more easily reach a conclusion. What do you think? I mean, do you have any idea how long it would take to produce such a note? Hours, days, weeks?

338. **MS GORLOV:** We think we could do it by the end of this week, sir.

339. **MR HAMLYN:** In which case, we would have our adjourned meetings down as next week, so I hope Mr Auger can also come. There is an issue, which may or may not matter: that I personally would not be able to attend any examination next week or the week after, because I have been summoned to attend jury service, which—quite rightly—one cannot get out of these days very easily, so I suppose we would have to decide whether it is okay to leave three examiners to finish the examination started by four, and that is probably for the examiners to decide amongst themselves. But if we do not have the complete information we need to complete the examination now—and I do not particularly want to defer the whole process another two and a half weeks while I am not available—I think, subject to my fellow examiners, we would reconvene to complete the work with three out of four of us, if that is all right.

340. I think silent advice from my colleagues suggest that what we could usefully do now is at least have a short adjournment of this meeting, so we can come back and give our

decision on all the other standing orders, so we have at least got those out of the way. That would also give us an opportunity to discuss ways and means, as it were, for completing our consideration of 27A and 224A. So if I could suspend the meeting for a few minutes, just while we confirm ourselves on the other standing orders? So could I ask for people, I am afraid, to leave the room, just for a few minutes? Order.

The Examination was suspended from 1.51 pm until 2.06 pm

341. **MR HAMLYN:** Order, order. We will start again. Thank you for your indulgence of that short adjournment, and thank you to the agents for their offer of a further note. I think it would be helpful if I just say quite clearly what we have agreed as the examiners. So we have agreed that we would indeed appreciate this further note about Line X, as it is called, and particularly where it is described and assessed in the original environmental statement, and also, obviously, in the related SES 2 and AP 3 environmental statement; obviously, with particular reference to the point Mr Auger has raised about the demolition issue, and referring to Schedule 4, the main effects of this element of the development are going to have on the environment, where that is included in the environmental statement.

342. And thank you, also, for your offer of—when you prepare that—sharing it with the memorialist, who will no doubt wish to submit a response to that further paper. You are certainly entitled to, Mr Auger. We will then reassemble—three of us will, anyway—as soon as is practicable after we have received the note from the agents, and at that point, we will complete consideration of the memorial and we will formally go through the proofs of all the standing orders. We found it easier, rather than doing some today and then some at the next meeting, to simply do one report on compliance or otherwise with all the standing orders at the next meeting, which, as I say, we will arrange as soon as possible once we have

had the note you have kindly offered. Have I got that right, fellow examiners? Have I missed anything?

343. **MS SALMON PERCIVAL:** I wonder if we could put a deadline on when you are going to produce the note. By the end of the week?

344. **MS GORLOV:** Yes, the end of the week.

345. **MR HAMLYN:** That is excellent.

346. **MS SALMON PERCIVAL:** So we can start planning for a meeting next week.

347. **MR DAVIS:** And the other thing, as well, is assuming that appears by the end of the week and reaches you, how much time do you think you would need?

348. **MR AUGER:** I guess it depends on the length of the document, but given the petitioning deadline, if it was wanted to be turned around before the end of Friday, that would have been very problematic. I cannot imagine it would take more than a couple of days, to be honest.

349. **MR DAVIS:** So you are happy to have a time limit, then, for Tuesday?

350. **MR AUGER:** Close of play Tuesday.

351. **MR HAMLYN:** Right. Well, I think that completes everything we can do today, so I think formally, we are now adjourned to a date to be—

352. **MS GORLOV:** I am so sorry to interrupt, but there are just a couple of things. I just wondered whether it would be convenient, formally, to take the SO27A and related proofs now, as we are all here. I do not know; if you see a disadvantage in that, then obviously not, but I thought if it did not make any difference and as everybody is in the room, it might make some sense to take proof.

353. **MR HAMLYN:** Well, let us do that now. Then you do not have to bring a cast list again for the subsequent meeting, which will be on quite a narrow point. I should assure Mr Auger this does not actually affect our decision on compliance; it is just some of the

formal choreography that needs to be gone through, as you saw with the other choreography. In which case, if we start with 27A—

354. **MS GORLOV:** Sorry, before we do that, we also have a note regarding Camden Council. They have not submitted a memorial. And so, technically, I do not suppose we need to deal with this before the proof, but I think it would be sensible to do so, if that is alright with you.

355. **MR HAMLYN:** Well, we are very short of time, is all I would say.

356. **MS GORLOV:** Well, I will run through it very, very quickly. Camden Council identified some things about which they asked, and they think are wrong; raised them with us, asked to raise them with you, and are not memorialising. First of all, they say that there is an incorrect—

357. **MR HAMLYN:** May I stop you there? I think, if they have not submitted a memorial, we are not obliged to hear their comments.

358. **MS GORLOV:** You are not obliged to hear the comments, sir, but we are raising it with you because we identified a couple of errors. It is pretty de minimis stuff. It is all in this note; if you do not want me to read it on the record, I will not.

359. **MR HAMLYN:** I think we have the note, and I am sure we can arrange for the note to be published along with the transcript. It will just save you some time, and I am just conscious other people are going to come into this room very shortly. In which case, could we now proceed to the formal stuff on 27A?

360. **MS GORLOV:** Mr Martin, Mr Miller, regarding the content of the ES, do you prove that on 16 and 17 September 2015, you deposited copies of supplementary environmental information containing the information referred to in Standing Order 27 IA and 3 of the House of Lords, and Standing Order 27A IA and 4 of the House of Commons, and you deposited them in the places mentioned in the proof?

361. **MR MARTIN:** I do.

362. **MS GORLOV:** Mr Martin, do you prove that you deposited the information and every non-technical summary, that they be made available for sale and inspection at the offices mentioned in the proof?

363. **MR MARTIN:** I do.

364. **MS GORLOV:** Sir, I consider that this standing order has been complied with in all respects, except as regards time.

365. **MR HAMLYN:** Thank you. And 224 83A/224A is the remaining one.

366. **MS GORLOV:** Mr O'Connor, do you prove that each notice published under Standing Order 10 states that any person who wishes to make comments on the supplementary environmental information should send them to the Secretary of State, as mentioned on page 40 of the proof?

367. **MR O'CONNOR:** I do.

368. **MS GORLOV:** Do you prove that 6 November 2015 falls no earlier than the 42nd day after the first publication of the notice?

369. **MR O'CONNOR:** I do.

370. **MS GORLOV:** Sir, I prove that the supplementary information is prefaced with a statement of the information that has been deposited as supplementary information under this order, and I consider that this standing order has been complied with.

371. **MR HAMLYN:** Thank you for getting the formalities on the record. I think all I need to say now is that we will stand adjourned for a day to be fixed once the further papers have been received. Thank you, everyone, for your attendance today. Order, order.

The Examination was adjourned at 2.13 pm.