



House of Commons
Select Committee on the
Crossrail Bill

Crossrail Bill

**First Special Report of Session
2006–07**

Volume IV

Oral evidence

21 June to 26 July 2006

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The Select Committee on the Crossrail Bill

The Select Committee on the Crossrail Bill is appointed by the House of Commons to consider:

(a) any Petition against the Bill presented by being deposited in the Private Bill Office at any time not later than 16th September 2005, and

(b) any Petition which has been presented by being deposited in the Private Bill Office and in which the Petitioners complain of any amendment as proposed in the filled-up Bill or of any matter which has arisen during the progress of the Bill before the Select Committee, being a Petition in which the Petitioners pray to be heard by themselves, their Counsel or Agents.

That, notwithstanding the practice of the House that appearances on Petitions against an opposed Private Bill be required to be entered at the first meeting of the Select Committee on the Bill, in the case of any such Petitions as are mentioned in sub-paragraph (a) above on which appearances are not entered at that meeting, the Select Committee shall appoint a later day on which it will require appearances on those Petitions to be entered.

That any Petitioner whose Petition stands referred to the Select Committee shall, subject to the Rules and Orders of the House and to the Prayer of his Petition, be entitled to be heard by himself, his Counsel or Agents upon his Petition provided that it is prepared and signed in conformity with the Rules and Orders of the House, and the Member in charge of the Bill shall be entitled to be heard by his Counsel or Agents in favour of the Bill against that Petition.

That the Select Committee have power to sit notwithstanding any adjournment of the House, to adjourn from place to place and to report from day to day the Minutes of Evidence taken before it.

That three be the Quorum of the Select Committee.

Current membership

Mr Alan Meale (*Labour, Mansfield*) (Chairman)
Mr Brian Binley (*Conservative, Northampton South*)
Ms Katy Clark (*Labour, North Ayrshire and Arran*)
Mr Philip Hollobone (*Conservative, Kettering*)
Kelvin Hopkins (*Labour, Luton North*)
Mrs Siân C. James (*Labour, Swansea East*)
Mr Ian Liddell-Grainger (*Conservative, Bridgwater*)
John Pugh (*Liberal Democrats, Southport*)
Mrs Linda Riordan (*Labour, Halifax*)
Sir Peter Soulsby (*Labour, Leicester South*)

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee are on the Internet at www.parliament.uk/parliamentary_committees/crossrail.cfm

Committee staff

The staff of the Committee are Sian Jones (Clerk) and Darren Hackett (Committee Assistant).

Contacts

All correspondence should be addressed to Private Bill Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3250; the Committee's email address is prbohoc@parliament.uk

Footnotes

During the proceedings, the Committee received 405 memoranda, in the form of Petitioners' exhibits and Promoters' response documents, which have been reported to the House. Many of these exhibits were shown to the Committee on screen, via the PaSS System (Parliamentary Support System), during the evidence sessions. These have, where possible, been cross-referenced and footnoted in the Oral Evidence.

In the footnotes of this Oral Evidence, references to evidence generally submitted by Petitioners are indicated by, for example 'Committee Ref: A18, ...'

References to evidence submitted by the Promoter are indicated by, for example 'Crossrail Ref: P2, ...'

Petitions against the Crossrail Bill and Promoters' Statements in Volume II

Tuesday 17 January 2006

Promoters Opening Address Ev 2

Wednesday 18 January 2006

The Petition of Corporation of London with British Land Ev 20

Thursday 19 January 2006

The Petition of Corporation of London with British Land Ev 50

Tuesday 24 January 2006

The Petition of Corporation of London with British Land Ev 64

Wednesday 25 January 2006

The Petitions of Corporation of London with British Land Ev 106

Thursday 26 January 2006

The Petition of Corporation of London with British Land Ev 137

Tuesday 31 January 2006

The Petition of Corporation of London with British Land Ev 174

The Petition of the London Fish Merchants Association Ev 196

The Petition of Corporation of London Ev 200

Wednesday 1 February 2006

The Petition of Corporation of London with British Land Ev 214

The Petitions of Robert McCracken; and Covent Garden Community Association Ev 216

An introduction to Groundborne Noise and Vibration Ev 229

An introduction to Ground Settlement Ev 237

Tuesday 7 February 2006

The Petition of The Mayor and Burgesses of the London Borough of Islington Ev 246

Wednesday 8 February 2006

The Petition of The Mayor and Burgesses of the London Borough of Islington Ev 279

The Petition of London Borough of Camden Ev 280

Thursday 9 February 2006

The Petition of London Borough of Camden Ev 311

Wednesday 15 February 2006

The Petition of City of Westminster Ev 322

Tuesday 28 February 2006

The Petition of Smithfield Market Tenants' Association Ev 353

Wednesday 1 March 2006

The Petition of Smithfield Market Tenants' Association Ev 385

Thursday 9 March 2006

The Petition of Springdene Ltd Ev 392

The Petitions of The Stafford Partnership and Mercury Theatres Ltd Ev 409

Tuesday 14 March 2006

The Petition of The Mayor and Burgesses of the London Borough of Islington Ev 418

The Petition of Confederation of British Industry Ev 420

Wednesday 15 March 2006

The Petition of British Land Ev 446

The Petition of Salisbury House Offices Limited Ev 449

Tuesday 21 March 2006

The Petition of EMI Music Publishing Limited Ev 452

Thursday 23 March 2006

The Petition of British Board of Film Classification Ev 478

The Petitions of Grand Central Sound Studios Limited Ev 515

Petitions against the Crossrail Bill and Promoters' Statements in Volume III

Tuesday 28 March 2006

The Petitions of Minnie Cockle; and Mr Frederick and Mrs Lilian White	Ev 522
The Petition of Mr Stuart and Mrs Tamsin Owens	Ev 524
The Petition of Mr Michael Sabin	Ev 525
The Petition of Mrs Maxine Fanning	Ev 527
The Petition of Mr Kenneth Cork	Ev 529
The Petition of Petitioners in Brentwood	Ev 535
The Petition of Alistair and Susan Ennals	Ev 546
The Petition of Christopher Brown	Ev 550
The Petition of Beryl Clark	Ev 551
The Petition of Michael and Natalie Wood	Ev 552
The Petition of Gregory and Claire Hodgkiss	Ev 553
The Petitioners of Brentwood	Ev 554

Wednesday 29 March 2006

The Petitioners of Brentwood	Ev 558
The Petition of Brentwood Borough Council	Ev 567
The Petitions of Brentwood Borough Council; and Petitioners of Brentwood	Ev 590

Thursday 30 March 2006

The Petitions of Brentwood Borough Council; and Petitioners of Brentwood	Ev 596
The Petition of Ms Meldal-Johnsen, Mrs Alison Human and Mr Antoine Lurot	Ev 603
The Petition of Mr Leo Walters	Ev 608
The Petition of George Iacobescu, CBE and others	Ev 611
The Petition of Mintel International Group Limited	Ev 614
The Petition of The Residents' Society of Mayfair and St. James' and The Grosvenor Mayfair Residents' Association	Ev 633

Tuesday 18 April 2006

The Petition of The Residents' Society of Mayfair and St. James' and The Grosvenor Mayfair Residents' Association	Ev 638
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Wednesday 19 April 2006

The Petition of London Borough of Havering	Ev 663
The Petition of Antique Hypermarket Limited	Ev 685
The Petition of London Borough of Havering	Ev 689

Thursday 20 April 2006

The Petition of London Borough of Havering Ev 698

Wednesday 3 May 2006

The Petition of London Borough of Newham Ev 725

Tuesday 9 May 2006

The Petition of Jonathan & Angela King Ev 727

The Petition of London Borough of Greenwich Ev 732

Wednesday 10 May 2006

The Petition of London Borough of Greenwich Ev 766

Thursday 11 May 2006

The Petition of London Borough of Greenwich Ev 794

Tuesday 16 May 2006

The Petition of London Borough of Bexley Ev 801

The Petitions of David Waterman; I Waterman (Box Makers) Ltd; The AA Waterman Trust; Alberon Securities Ltd; Executor of A A Waterman; and Trustees of I Waterman Pension Fund Ev 832

The Petition of Gareth Pearce Ev 836

The Petition of James Middleton Ev 838

Wednesday 17 May 2006

The Petition of Ferrotec (UK) Limited Ev 843

Thursday 18 May 2006

The Petition of The Reverend Christopher Burke Ev 859

Tuesday 23 May 2006

The Petitions of Kempton Court Residents Committee Ev 867

The Petition of Southend Arterial Road Action Group Ev 878

Wednesday 24 May 2006

The Petition of Swanlea School Ev 884

The Petition of East London Line Group Ev 892

The Petition of Wan & Pang Ltd (The Tai Pan) Ev 895

Tuesday 6 June 2006

The Petition of LA 21 Traffic and Transport Group Ev 899

Wednesday 7 June 2006

The Petition of London Borough of Tower Hamlets Ev 900

Tuesday 13 June 2006

The Petition of Dr Annetta Pedretti	Ev 930
The Petition of The Spitalfields Society	Ev 934
The Petitions of Dr Annetta Pedretti; and The Spitalfields Society	Ev 957
The Petitions of Fiona Atkins and others; R and P Adams; and N and M Symons;	Ev 961
The Petitions of Huguenot Court Ltd; and Mark and Suzanne Lancaster	Ev 961
The Petition of Panyotis Cleovoulou and others	Ev 964
The Petition of Robin Tutty and others	Ev 966
The Petition of H J and S F Critchley	Ev 968
The Petition of Shahjalal Community Group	Ev 970

Wednesday 14 June 2006

The Petition of Friends of Mile End Park	Ev 973
The Petitions of The Spitalfields Trust; J Akker & E Hill; Oliver Theis and others; and Ali Nehru and others;	Ev 978
Statement on Crossrail Depot Strategy	Ev983
Crossrail Public Consultation	Ev 985
The Petition of The Spitalfields Practice	Ev 996
The Petitions of Alistair and Eleanor Ferguson; Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton	Ev 998
The Petition of George Galloway MP	Ev 1001

Thursday 15 June 2006

The Petition of Spitalfields Festival Ltd	Ev 1017
The Petition of The Spitalfields Centre	Ev 1022
The Petition of The Spitalfields Community Association	Ev 1035
The Petition of Spitalfields Housing Association	Ev 1050
The Petition of Patricia Jones	Ev 1055
Crossrail National Opinion Polls	Ev 1058

Tuesday 20 June 2006

The Petition of the Spitalfields Historic Buildings Trust	Ev 1060
The Petition of Christchurch PCC	Ev 1064
The Petition of Jemima Broadbridge	Ev 1066
The Petition of Thomas Sparks and Susan Goodbody	Ev 1069
The Petition of Spitalfields Small Business Association Ltd	Ev 1071
The Petition of Guy Carpenter	Ev 1082
The Petition of Woodseer & Hanbury Residents Association	Ev 1088

Petitioners against the Crossrail Bill in Volume IV

Wednesday 21 June 2006

The Petition of Westminster City Council	Ev 1093
Promoters' closing submissions relating to the Spitalfields and Hanbury Street site	Ev 1108
The Petitions of Paddington Residents Active Concern on Transport; Rodney Fitzgerald; and Katie Black and John Shepherd and others	Ev 1125

Thursday 22 June 2006

The Petition of Royal Borough of Kensington & Chelsea	Ev 1138
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Tuesday 27 June 2006

The Petition of Maidenhead Civic Society and others	Ev 1160
The Petition of Royal Borough of Windsor and Maidenhead	Ev 1176
The Petition of Thames Reach Residents Association	Ev 1194
The Petition of Westbourne Park Villas Residents Association	Ev 1197

Wednesday 28 June 2006

The Petition of Theresa May MP	Ev 1212
The Petition of The Association of Councils of the Thames Valley Region	Ev 1220
The Petition of The East of England Regional Assembly	Ev 1227
The Petition of Great Western Studios	Ev 1229
People with Reduced Mobility	Ev 1233
The Petitions of Jean Lambert MEP and others	Ev 1241

Thursday 29 June 2006

The Petition of Corporation of London and British Land	Ev 1246
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Tuesday 4 July 2006

Railway Industry Issues in the Bill	Ev 1289
The Petitions of Association of Train Operating Companies; and London Eastern Railway Ltd, c2c Rail Ltd, Silverlink Train Services Ltd	Ev 1310
The Petition of London Travelwatch and Passenger Focus	Ev 1316
The Petition of South East England Regional Assembly	Ev 1319
The Petition of The South West Regional Assembly	Ev 1321

Wednesday 5 July 2006

The Petition of Robert Wilson MP	Ev 1327
The Petitions of Martin Salter MP and The Reading Evening Post	Ev 1331
The Petition of Thames Valley Chamber of Commerce Group	Ev 1341
The Petition of Frank Browne	Ev 1344
The Petition of Thames Gateway London Partnership	Ev 1349

Thursday 6 July 2006

The Petition of Rail Freight Group	Ev 1359
The Petition of Freight Transport Association Ltd	Ev 1363
The Petition of Tarmac Ltd	Ev 1368

Tuesday 11 July 2006

The Petition of Network Rail Infrastructure Ltd	Ev 1378
The Petition of English Welsh & Scottish Railway Ltd	Ev 1383

Wednesday 12 July 2006

The Petition of Freightliner Group Ltd;	Ev 1433
The Petitions of Aggregate Industries (UK) Ltd; Plasmor Ltd; and London Concrete Ltd	Ev 1449
The Petition of The Quarry Products Association Ltd	Ev 1450
The Petition of London Thames Gateway Forum	Ev 1459

Thursday 13 July 2006

The Petitions of Hutchinson Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd	Ev 1465
The Petition of Maersk Co Ltd	Ev 1483
The Petition of the ExCel Centre	Ev 1486
The Petitions of Mendip Rail Ltd	Ev 1505

Tuesday 18 July 2006

The Petitions of Mendip Rail Ltd	Ev 1510
The Petition of Save Britain's Heritage	Ev 1512
The Petition of Royal Borough of Windsor and Maidenhead	Ev 1526
The Petition of Tarmac Ltd	Ev 1528

Wednesday 19 July 2006

Promoters' closing submissions relating to Railway Industry Issues in the Bill	Ev 1542
The Petitions of Alistair & Eleanor Ferguson; Eleanor Ferguson; Gerald Collins & Mona Hatoum; and Caroline Hamilton	Ev 1546

Tuesday 25 July 2006

The Interim Decisions of the Committee	Ev 1556
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Wednesday 26 July 2006

The Petitions of John Payne

Ev 1559

The Petitions of Open Spaces Society/Ramblers Association

Ev 1571

Petitioners against the Crossrail Bill in Volume V

Wednesday 11 October 2006

The Promoter's Response to the Select Committee's interim decisions on the Bill	Ev 1582
The Petition of Anne-Marie Cousins	Ev 1588

Thursday 12 October 2006

The Petitions of Kempton Court Residents Committee	Ev 1596
The Petitions of D J Saunderson and D J Saunderson and K J Baxter	Ev 1598

Tuesday 17 October 2006

The Petition of London Borough of Tower Hamlets	Ev 1630
The Petition of The Eleanor Street Travellers All Residents Group	Ev 1634
The Petition of Paperback Ltd	Ev 1635

Wednesday 18 October 2006

The Petition of Fairfield Conservation Area Residents Association	Ev 1639
The Petitions of Barbara and Tony Wheeler	Ev 1660
The Petition of Anthony Chambers	Ev 1666

Thursday 19 October 2006

Committee Statement on Woolwich Station	Ev 1669
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Tuesday 24 October 2006

Promoter's Response to the Committee Statement on Woolwich Station	Ev 1670
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Tuesday 16 January 2007

Promoter's Statement on the third set of Amended Provisions to the Bill	Ev1671
The Petition of Emma Jeffery	Ev 1673
The Petition of Barbara and Tony Wheeler	Ev 1678

Wednesday 17 January 2007

The Petitions of Alistair & Eleanor Ferguson; Eleanor Ferguson; Gerald Collins & Mona Hatoum; and Caroline Hamilton	Ev 1685
The Petition of The Barbican Association	Ev 1689

Thursday 18 January 2007

The Petition of Paddington Churches Housing Association	Ev 1690
Promoter's Statement on the third set of Amended Provisions to the Bill	Ev 1693
The Petitions of G Selway and Michael Harrison	Ev 1697

Thursday 25 January 2007

The Petition of Open Spaces Society and Ramblers' Association	Ev 1706
The Petition of Great Western Allotment Association	Ev 1714

Tuesday 30 January 2007

The Petition of Spitalfields Community Association	Ev 1721
The Petitions of Roy Adams and Pascale Adams; and The Petitions of Fiona Atkins and others	Ev 1733
The Petition of Patricia Jones	Ev 1743
The Petitions of Robin Tutty and others	Ev 1747
The Petition of The Spitalfields Society	Ev 1749
The Petitions of Harold Critchley and Sandra Critchley	Ev 1755
The Petition of Spitalfields Small Business Association	Ev 1757

Wednesday 31 January 2007

The Petition of Jessica Da Silva and others	Ev 1764
The Petitions of Woodseer and Hanbury Residents Association	Ev 1768
The Petitions of GE Pensions Limited	Ev 1776

Tuesday 6 February 2007

The Petition of London Borough of Havering	Ev 1797
The Petitions of Paddington Residents' Active Concern on Transport	Ev 1809

Wednesday 7 February 2007

The Petition of Land Securities plc	Ev 1817
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Thursday 8 February 2007

The Petition of The British Land Company plc	Ev 1832
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Tuesday 20 February 2007

The Petition of Grand Central Studios	Ev 1834
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Wednesday 21 February 2007

The Petition of Grand Central Studios	Ev 1873
The Petition of Association of Professional Recording Studios and UK Post	Ev 1893
The Petition of City of London	Ev 1897
The Petition of Association of Professional Recording Studios and UK Post	Ev 1909
The Petition of The Residents' Society of Mayfair and St. James' and The Grosvenor Mayfair Residents' Association	Ev 1910

Tuesday 27 February 2007

The Petition of English Welsh and Scottish Railway Limited	Ev 1914
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Thursday 1 March 2007

The Committee's interim decision on the revised depot strategy Ev 1948

Tuesday 13 March 2007

Promoter's Statement on Romford Station Ev 1949

The Petition of London Borough of Tower Hamlets Ev 1951

Wednesday 14 March 2007

The Petition of Westbourne Park Villas Residents Association Ev 1952

The Petitions of Marriott Hotels Limited; and West India Quay
Development Company (Eastern) Limited Ev 1973

The Petition of Canary Wharf Group plc Ev 1980

Tuesday 20 March 2007

The Petition of West India Dock Commercial Ship Owners Ev 1986

The Petition of Woodseer and Hanbury Street Residents Association Ev 1994

Thursday 22 March 2007

Promoter's statement on Woolwich Station Ev 2004

Wednesday 28 March 2007

The Petition of Poplar Dock Boat Users Association Ev 2008

The Petition of Trustees of the SS Robin Trust Ev 2014

The Petition of The Residents' Society of Mayfair and St. James' and The
Grosvenor Mayfair Residents' Association Ev 2019

Closing submissions of the promoter following the completion of
hearings into petitions against the bill and three sets of additional
provisions Ev 2030

Tuesday 10 July 2007

Promoters opening on Woolwich additional provision and other matters Ev 2037

The Petition of Citipost AMP Limited and Mr Daniel Albert
Charlesworth Ev 2040

Promoters final closing Ev 2059

Thursday 12 July 2007

Committee announcements Ev 2063

Tuesday 9 October 2007

Promoter's Response to the Select Committee's Interim Decisions Ev 2067

Wednesday 21 June 2006

Before:

Ms Katy Clark

Kelvin Hopkins
Mrs Siân C James

Mr Ian Liddell-Grainger
Mrs Linda Riordan

In the absence of the Chairman, Mr Liddell-Grainger was called to the Chair

Ordered: that Counsel and parties be called in.

11523. **Mr Liddell-Grainger:** As usual, I inform the Committee that my intention is to suspend at a convenient point sometime on or about 11.45 so that everybody has an opportunity to have coffee, which is in the lobby as you came up the main staircase. Today we are hearing from Westminster City Council and I believe the scene is going to be set by Ms Lieven.

11524. **Ms Lieven:** Thank you, sir. Today we are dealing with the Paddington and Paddington New Yard part of Westminster and the scheme. I am conscious that all the members of the Committee who are here today went on the site visit yesterday, so what I was going to propose so far as explaining the factual position on what we propose in Paddington is concerned is to ask the Committee to go out briefly with Mr Berryman to look at the model which is much the easiest way to explain it, if that is acceptable. As you all went yesterday we will keep that fairly short.

11525. Before you do that, can I just emphasise one point, which is that Paddington Station in particular has probably been the most difficult part of the entire route and we have had a very large number of meetings with a number of stakeholders, the Council, landowners, residents, Network Rail, London Underground, and have sought to do our utmost to balance a lot of competing interests there. The consequence of that is that the scheme has changed over the course of the Bill and indeed before the Bill, and I am afraid that one of the inevitable consequences of that is that information has come out late. I think it is better to own up to that now than have people complain about it. In particular, the lowering of Eastbourne Terrace, which all members here today saw discussed yesterday, was only agreed by the Minister on Monday night and the consequence of that is that, I am afraid, I have to accept that material has gone late to people and that there is material that is going to be presented today which relies on further additional provision in AP3. The judgment we made—and I hope the Committee will feel that it was the right one—is the most sensible thing was to present to the Committee today, and indeed on the site visit, what our current proposals at Paddington are, rather than try to say to you this is what is in the hybrid Bill but actually we are going to change it in AP3. So there are things, like the lowering of Eastbourne Terrace, as I think

was explained yesterday on the site visit, which do depend to a fairly small but crucial degree on Additional Provisions 3. Of course, both Westminster and local residents will be able to petition on AP3 and will be able to come back if they have any outstanding concerns on it. I want Committee to be aware of that problem now.

11526. We believe that nobody has been materially disadvantaged but if they have, the last thing on earth we want to do is materially disadvantage people and, of course, as far as we are concerned, they are free to come back later with further information and further consideration if they feel that is necessary. I am sorry that that is what has happened. It is a consequence of us talking as much as we can to everybody and trying to reach an acceptable agreement with everybody. So at that point it might be appropriate to stop and suggest to the Committee it might be helpful to go outside with Mr Berryman.

11527. **Mr Liddell-Grainger:** Ms Lieven, what I suggest is to bring the Committee to order and to suspend for five minutes. The Committee will then withdraw with Mr Berryman to look at that model, and I think we will do that now.

After a short break

11528. **Mr Liddell-Grainger:** I bring the Committee back to order. That was extremely useful, thank you very much, Ms Lieven. Would you like to carry on please?

11529. **Ms Lieven:** This morning we are turning specifically to Westminster City Council's petition. I am happy to say that we understand that there are only four understanding issues in respect of this part of the route with Westminster. I will just touch on them briefly. The first is whether or not there should be a dedicated subway link to the Hammersmith and City Line. It is our case that there are major engineering problems with that and Mr Berryman will give evidence on that after you have heard Westminster's case.

11530. The second is service to Heathrow and whether we should be giving an undertaking to Parliament as to that service. It is our position that going to Heathrow is an essential part of the project and Mr Anderson will explain how it fits into the project but, equally, why we are not prepared to give a Parliamentary undertaking in respect of it.

The Petition of Westminster City Council

11531. The third is provision in respect of Great Western Studios. The Committee may remember that Great Western Studios is the large red brick building next to the batching plant which is at the moment home to a number of artists' studios operating small businesses from there. The issue there is as to whether or not we should go outside the terms of the compensation code and effectively subsidise their rents elsewhere. I will deal with that once we have heard Westminster's evidence. We may call Mr Smith on that. You may remember that Mr Smith is our compensation expert but, if it is alright with the Committee, I will be guided by the Committee at that stage as to whether they want to hear evidence or not.

11532. The fourth is the batching plant at Paddington New Yard. I am going to go into that in a little more detail because I think it is important that the Committee understands what our position is before they hear Westminster's case on it. As you saw yesterday, there is at the moment a concrete batching plant operated by Tarmac in those sidings at Westbourne Park and it is, crucially, rail served.

11533. It is necessary to move that plant for two reasons. One is that we need turnback sidings there for the trains that stop at Paddington and, secondly, during the construction phase it is a crucial construction site. As I have said, the batching plant is presently served by rail so the materials are brought in by rail and they go out to construction sites in central London by road. The planning policy in both the London Plan and regional policy, and indeed national policy, is strongly in favour of retaining such rail-served facilities for the very obvious reason that if such a use was lost, first of all, it is likely the concrete would have been brought from further away into central London by road, so the road journeys would be extended, and, secondly, it would potentially be very difficult to find another rail-served facility. So there is a danger that you lose a rail-served facility and have to end up with a wholly road-served facility.

11534. In those circumstances Crossrail has sought to provide an alternative site for the batching plant and minimise the period during which there is either no batching plant or there has to be a temporary plant served by road. So the proposal is to relocate the batching plant on the site after the permanent work, but the relocation has to be on a slightly different configuration, as Mr Berryman will explain to you because of the position of the sidings. So we cannot simply put it back in exactly the same place. Unfortunately, there is a significant complication which is that the current batching plan which has operated for many years operates with fairly minimal planning restrictions upon it. Although Tarmac, as we understand it, seek to operate in a good neighbourly way and agree to, effectively, restrict their hours of operation and their movement of lorry hours, the Council is concerned that if any

batching plant goes back it must go back in a way that is constrained for the protection of local residents.

11535. The position we have found ourselves in is that there is a difficult conflict between the imperatives of planning policy together with Tarmac and EWS, the freight operator, to retain a viable rail-based batching plant or some other rail freight facility, and the aspiration of Westminster and local residents to reduce/remove the environmental impact, particularly, as I understand it, in relation to noise and hours of vehicle movements.

11536. The difficulty is that if those restrictions are too great, the facility ceases to be viable and the most obvious example of that is in terms of hours that the trains can come in because the train paths are often only available during the night. As the Committee may know and will certainly know by the end of July, most rail freight travels on the rail lines at night. So the solution that we are proposing in the Bill is as follows: that a site will be provided for both temporary and permanent facility which is suitable for a batching plant. The permanent facility will be rail-served; the temporary facility will not, and Mr Berryman can explain more about that. The sidings will be provided under the Bill which will allow the facility to be served and planning permission will be given under the Bill for the reconstruction of the batching plant. The Secretary of State intends to seek powers through the Bill in AP3 to allow him to set the conditions for the operation of the batching plant because the planning conditions are fundamental to the planning permission itself and the conditions will be set through the Bill process but many of them will be subject to further reserved matters which will be left to Westminster.

11537. As we understand it, Westminster's position is that in principle they accept that the batching plant should be reinstated and the argument is whether that should be done by allowing Tarmac, or some other similar operator, to apply for planning permission in the normal way or whether it should be done through the Bill. Just so the Committee knows, it is our view that the Bill is the appropriate mechanism because providing for the reinstatement of the plant is a necessary part of making the Crossrail scheme acceptable in planning terms and therefore it should properly be considered and established through the Bill process. The conditions are an integral part of that planning permission and so should also be set by the Secretary of State through the Bill process. It is important that the conditions are set at a level that makes operation possible and viable, and it is for the Secretary of State to balance the needs of Crossrail and rail freight with the needs of local residents.

11538. Westminster and the residents will be fully consulted on the conditions. Indeed, Westminster have already seen them, and as we understood it

The Petition of Westminster City Council

from the meeting, do not have any fundamental problems with them, but doubtless Mr King may wish to say more on that.

11539. Many conditions involve further reserved matters which will be dealt with by Westminster in any event. It is important to note that even if Westminster set the conditions in accordance with normal planning policy procedure, there would be a right of appeal to the Secretary of State in any event so it comes back to the Secretary of State, so we do wonder why we need an added layer of complication here rather than doing it through the Bill. It is also essential that conditions are integrated with other conditions set through the Bill process.

11540. One final important point to note—and this is really going to come up next week more with the residents but you might as well know it now so that you can see the issue as a totality—the proposed hours condition relates to the hours of operation of the batching plant, which is properly a matter for planning control. In order to get into the batching plant, the freight train, the aggregates train has to go along the sidings. The sidings are at the moment in a large part, and will be railway operational land, and as such it is a fundamental principle of rail freight that they are not subject to conditions. Network Rail can operate rail freight trains at any time and with any noise on operational land, and that is the principle that we are seeking to establish through the conditions, so the batching plant itself will be subject to planning conditions but the sidings will not and it is important to understand that now so there is no prospect of being misunderstood.

11541. Finally in respect of the conditions, it is very important to bear in mind that under the Bill Westminster will be the enforcement authority so they will have all the enforcement powers they would normally have through the planning process, so if they feel that the operator, whether it is Tarmac or somebody else, is operating outside the conditions then it is up to them to enforce it. I am sorry I have taken a bit of time over that but I think it is useful to know what our position is at the beginning.

11542. That is all I intended to say in opening, sir, unless there is anything else that would be helpful at this point.

11543. **Mr Liddell-Grainger:** I do not think so, Ms Lieven, that is extremely good. Obviously there will always be concern about getting information out to petitioners. You have accepted that it has not been as good as it might be and we accept that as a Committee. To put it on the record, we will monitor what petitioners say as we go through this. If there are complaints that are legitimate of course we will take them up. I would also make the point from the chair that if this is a recurrent theme I will stop people.

11544. **Ms Lieven:** The reason I have emphasised it, sir, is because it is slightly different here in as much as there is an explanation as to why it has happened. If it is an issue it will be a particular issue with PRACT this evening and we will have to see what they say about it then.

11545. **Mr Liddell-Grainger:** Thank you very much indeed. Mr Clarkson?

11546. **Mr Clarkson:** I will open equally as briefly, if I may, to introduce my witnesses. There are two: Mr King will deal with planning matters and Mr Murchie will deal with the operational and transportation matters.

11547. We came before the Committee I think 31 days ago and dealt with the area of Westminster east of Paddington and left over this area for today. We were hopeful of resolving Paddington issues, and we introduced a wide-ranging concern last time, and they were specific and generic. Some of them have been addressed. I hope the Committee has a document in that form that shows what they were, and I do not ask you to take it up now.

11548. **Mr Liddell-Grainger:** A130.¹

11549. **Mr Clarkson:** I shall take that up with Mr King in due course, but I do say that we are anxious about receiving information. We accept the disarming plea in mitigation by Ms Lieven this morning about the different scheme, and it was done very openly and charmingly, but at the end of the day those on this side of the room do face a moving target and have difficulty. I do not say that lightly because the City of Westminster, as a responsible local authority, are very anxious, as they support the Bill, to move forward in support with the Promoters but there is a great degree of concern that they are not getting the material they should. For example, we share with the officers of the Promoters this morning the discovery of the model for the first time in the corridor. That disadvantages us and perhaps even more the local residents and third parties to some extent.

11550. What we labour for you nevertheless are the four issues that Ms Lieven has identified. Concrete batching at New Yard: what we are anxious for is to be involved in the planning process. It is outwith, we say, the works. It is a new, in the longer term, concrete batching plant and in the normal way we should supervise it in the context of policy and we should enforce the conditions. Of course, that is to some extent also part of the moving target process because there is going to be an AP3 amendment there.

11551. Ditto, when it comes to the works at the station. The Hammersmith and City Line is a particular area of interest. We are anxious to have a subterranean link to the Hammersmith and City

¹ Committee Ref: A130, City of Westminster—Proof of Evidence.

 The Petition of Westminster City Council

Line. You have seen it yesterday and you understand the issues. What we do not want is this convoluted manoeuvre over the top of the bridge through the station and we will look at that with Mr Murchie. The Heathrow link, I hope the Committee will understand, is the absolute core of so many parties' support for the Crossrail. Crossrail is there, as we understand it, to relieve central London and to energise the links across London. Very much involved in the core area of that is the Heathrow to central London link, and we are anxious to have that from the first day of operation.

11552. An area that is not the subject of AP3 is the Great Western Studios. I do not think the Committee went inside them yesterday, but if you had you would have seen an energetic, busy operation of a large number—I think it is 140—small businesses all working away, and they have been for 12 years. There is a waiting list. They are an important contribution to the local economy in an area of deprivation. All we seek is a mechanism to make sure that those people, those businesses, are treated properly if their building is to go. They are going to come along and Petition in due course, and we do not labour that too much; we just seek to set the overview before you.

11553. The last point I would make in opening is that we resolved the generic issue of hours of work, and in doing that we have worked with the Promoters on behalf of a number of the councils who are concerned about it. Just may I make it plain, for the record, that we are allowing some deliveries during shoulder hours, as they are called—that is the hours leading up to the work hours in the morning and after the closure in the evening—but we make it quite plain that that should not be looked upon as a precedent for other projects (I do not blame the Promoters here) which have to be decided in due course over the years on their own merits, because this is an issue that will be clearly germane and will be fought in the future.

11554. Unless I can help the Committee, that is all I have to say in opening and I will call Mr King.

Mr Graham King, recalled

Examined by **Mr Clarkson**

11555. **Mr Clarkson:** Mr King, you have given evidence before to the Committee and I do not propose, therefore, to introduce you. I think the Committee met you yesterday. Let us deal with the issues that you introduce. They are the New Yard issues, first of all. Can we deal with those? Bring in, would you, very briefly, the socio-economic background of the area we are looking at.

(Mr King) The background to Paddington New Yard is unusual by Westminster standards because it is an area of land which has been in railway use since the 1830s but the railway has contracted in that use in the last 20 or so years to the point where only the Marcon Top Mix sidings and the concrete

batching plant are in railway use. The large building which is now Great Western Studios was originally the Great Western freight depot and then became the missing goods depot for the whole of British Rail. If you lost an umbrella in Perth it ended up there. When that use came to an end the Crossrail safeguarding had already taken effect, and, on a temporary licence from Network Rail, Great Western Studios was set up. It is worth bearing in mind that in the background other things had happened to the site: the creation of Westway in the 1960s carving through the site at a high level produces the A40M link into central London at that point, and there has been a major set of, frankly, slum clearance housing schemes carried out either side of the New Yard site in the 1950s and 1960s. The Brunel Estate to the south was carried out in the late-1960s, and the Warwick Estate to the north, which were the tall tower blocks along the Harrow Road, was a scheme that took about 25 years from the early-50s. Also at that time there was, just to the north of the Paddington New Yard site, a major hospital, confusingly another St Mary's Hospital—not the one you saw by Paddington Station but St Mary's in Harrow Road—which closed by the NHS in 1985 and has subsequently been redeveloped. That starts to give you the flavour of the way this area has, in part, changed from the early days of Crossrail safeguarding. First of all, that site has been entirely, with one small exception, redeveloped for housing—a mixture of social housing, market housing and hospital accommodation for nurses working within the NHS. There have also been major programmes more recently started in the area to address the condition of some of the 1950 housing estates, such as Warwick Estate. A £200 million housing project has just got under way to repair the 25-storey tower block. There has been some infill housing there in the past and because an area like Westminster is under significant housing stress as regards its role as a public landlord, a lot of the housing is now more intensely used than at any time in the past, and by a larger number of communities than you would expect to have been the case, certainly in the days of Crossrail's initial safeguarding, 1991, and even, perhaps, to the promotion of the Bill in more recent years. These things have changed significantly. Other matters that impinge upon the site that we think are different and to which we think the Promoter has paid insufficient attention, despite having it pointed out to them throughout this process, is that as part of the Government's academy programme the City of Westminster has facilitated the Department for Education and Skills to put two academies into this area. One is a little way from the site, although it is on the bus route back from the site yesterday, and the other one is immediately adjoining Alfred Road and Harrow Road.

11556. Is it open?

(Mr King) No, it is under construction. The main floors are built and it is due to be opened in 2007. Obviously, that is the Government's academies programme. What this will do is significantly

 The Petition of Westminster City Council

improve opportunities for what has been a school which has come close to failing, the North Westminster Community School which is currently on three sites in the north of the City, which we inherited from the London Education Authority and will provide three extra academies to provide a higher standard and broader range of education opportunity for the very diverse backgrounds. It is worth pointing out that I do not make the diverse backgrounds point lightly. To give you an indicator, probably far more subtle and relevant than the Census, which has problems with the City of Westminster, as it does with Kensington and Chelsea, with tracking population movement: 140 languages other than English are spoken by the children in Thames Valley schools. That, I think, is one of the highest figures you will have been quoted and is one that is partly the driver for that change, because those children are local. That means there are 140 languages other than English spoken as a first language where those children live, and those children, at that school, live in the W2, W9, W10 and W11 postcodes.

11557. What does that bring to the debate as to the vulnerability of the residents, both socially and environmentally?

(Mr King) It turns to the fact that we have been able to show, and government has acknowledged, that the Westbourne Ward (and the ward structure is a little bit complicated in this area but it bears to the main point) is one of the foremost deprived wards in the City and has a degree of deprivation which is so significant it attracts Neighbourhood Renewal Funding and it is the focus of one of our four local area renewal partnerships (the other three are next-door)—they are done on a ward basis, because that is the way ODPM wanted that matter carried out. So you have a focus for all of the public agencies in the area, as to not only an emerging but an increasingly varied population with different needs, different requirements, in an area which adjoins what is, on the Promoter's case, a piece of land associated with railway use which, for the most part, is obviously defunct or, as you have heard, is, frankly, only intermittently used for the existing Marcon Top Mix operation. That operation went in there under a planning application in 1982 and, frankly, an awful lot of things have changed at that time. It came at the back of the completion of the bus garage which you saw tucked underneath Westway, which was approved by the City Council in 1977 and is one of the few remaining bus garages of its kind which was a major London Transport project in the mid-70s to put new bus garages in place. Changes in bus services across London actually led to a lot of those being lost and being redeveloped: Norbiton and Norwood and a few others have all gone; this one has remained, we understand from London Buses, because, particularly now, it has increased, post-congestion charge, the number of buses in London. This is not a facility they can do without. That bears to the point that quite properly the Promoter seems to have addressed the matter of Paddington New Yard of taking away the bus standing area, which

you saw was the vacant area because of the time you went there. If you go there of a night, and you have been shown some of the Promoter's photographs, it is stacked full of buses awaiting use in the morning. That operation is to be replaced underneath Westway in a double-decker bus garage. It did come to us, rather curiously, as a planning application, which we were happy to approve and would have done if the Promoter had not withdrawn the application very much at the last moment (and for reasons we still do not fully understand) in December 2004. I think I would extend that point to say that throughout this exercise—and I have personally been dealing with this site since 1987—the City Council has attempted to convince the Promoter in these issues, and that has enabled the Promoter, by giving early advice on planning briefs and documentation, of the range of issues that apply to the site today and, in particular, how they have changed from the past. All we have sought from the Promoter to do, and continue to do on the matters that remain outstanding before us, is to pay attention to those issues and act in a way that we would find conducive to anyone else who was a developer or a promoter of a scheme coming into an area where change is under way.

11558. We will pause, with that ringing in our ears, and we will go, in due course, to the concrete batching plant and the studios. Before we do, I would like the overview, please, from you, as the Westminster planning evidence, as to whether you are comfortable that you have enough information, in a broader sense. Are you receiving enough information?

(Mr King) If I restrict my comments, firstly, to the batching plant.

11559. Deal with it generally, first, and then descend.
(Mr King) I will descend quickly, I can assure you. Frankly, no. Given that the draft of our Petition was with the Promoter in May 2005 and they saw the working drafts between then and its completion in September 2005, given the planning briefs we have produced in draft with them and the endless meetings we have had, one is frankly compelled to come to the conclusion that the traffic has been significantly one-way. We have been giving information and not been receiving information in return—information that is either accurate, that is thought-through or where it may assist in detail that detail has not been sent to us. There is obviously significant work the Promoter has which would address our concerns and may lead us to the view we are wrong, but that information has not been sent to us on a number of matters. We have what the Bill submits and very little else. We do not have the volumes of work which must exist somewhere to justify the model we have just seen. We started to see sketches of what that model might be during the course of the last ten days. I hope no one has gone and built a model just on the basis of those sketches. I have heard more about the model outside from other parties than I have from the Promoter. We will get the information, obviously; we intend to become

The Petition of Westminster City Council

a qualifying authority, we will go through the various routes laid down by the Bill as it is enacted, and I am sure this will come, but where those matters clash, as it were, with powers that the Promoter is currently seeking we feel we have to bring before you our unease and concern at the lack of openness and the lack of direct engagement, despite a willingness to discuss on our part and despite manufacturing systems and organisations to make it easy for Crossrail to work with other parties. I am at a loss to understand why the Promoter has not taken advantage of any of those.

11560. Where, for example, you are the listed building authority (let us put it simply like that), when you see the model you have just seen, does that satisfy all the boxes you have to tick to be comfortable in your support for Crossrail?

(Mr King) No. It is unfortunate because what is outside might well be the answer. That and the document you referred to earlier and took in evidence as our exhibit, I think, clearly sets out the number of things we think can be resolved by later discussion.

11561. We will look at that in due course.

(Mr King) The problem, I think, is highlighted by the fact that the Promoter had not, until 12 June, found it able to put the Paddington Station scheme its own Design Review panel. This is a process where very useful information is adopted following the discussions with government and London local authorities for a mini-review process similar to that exercised by the Commission for Architecture in the Built Environment to review a scheme. The other stations have been reviewed and an expert panel is convened for that purpose. That meeting took place on 12 June in relation to Paddington. The minutes are not yet out, I think it is fair to say, but it is certainly true to say that having attended the meeting many of the people present, English Heritage and the GLA, had less information than we did. Bizarrely, Network Rail and London Underground were not invited to attend that meeting, which they should have been, and furthermore everyone thought they were there to discuss the hybrid Bill scheme, which the Committee has had before it for some time—

11562. All right, Mr King. We will not be allowed to go too far down that line, but let us have in a sentence what it is you ask of the Promoter hereon in, so we can have it on the record, and the Committee will understand your concern, please.

(Mr King) Chairman, I am conscious that when I was here in February talking about matters affecting the W1 area of the City one of the things we asked your Committee to consider would be for the Promoter to come forward with a realistic programme which showed how the outstanding matters were to be addressed and through that would involve the key players, such as ourselves, other objectors and other agencies. I would merely repeat that plea.

11563. Let us move on to the heading “concrete batching plant”. Let us start with the objective. What is it that you are asking the Committee to do for you? If there is a document you want, make sure you have it.

(Mr King) The concrete batching plant exists. No one is trying to pretend otherwise.

11564. The Committee has seen it, so we know about that.

(Mr King) What the Promoter is having to do is move it twice. Firstly, and most worryingly, because this has only become apparent in the last couple of days, the temporary move will no longer give you a rail-served concrete batching plant, yet the thing we are all trying to protect is rail-served batching plants. The temporary scheme, as explained to us in diagrams and words rather than reports (no one has had the decency to send them to us), will only give you a lorry-served batching plant. Given the area I have described, which it also needs to be said is not only a major bus garage but it is on the fringe of the line chosen by the Mayor to be a congestion-cordon zone in February 2007 when the congestion charge is extended to this part of the world, we expect traffic issues in this area to become very intense. What we appear to be faced with, then, if only for a temporary period but nevertheless an important temporary period, is a lorry-served facility, with aggregate in, concrete out, all by lorry. The road which serves this site was constructed by the bus company for the bus company’s use in 1977 (it replaced a rather odd way of getting to the site). Therefore, we are not confident, because we have not seen the figures, that all these vehicle movements alongside Crossrail construction traffic, alongside the extra buses in the Harrow Road, alongside the congestion charge in the Harrow Road, can all be met. If we thought this was the envelope for normal traffic we would be happy to rely on our powers as a highway authority later on, contained within the Bill, to resolve this at a later stage. There must come a point with any site where a breaking point is reached. For all we know, this is it, and without the basis of even the most broad technical information before us we find we are unwilling to trust that this is okay.

11565. So point one is you want the information, do you, as to the vehicular movements anticipated for the interim batching plant. Is that right?

(Mr King) That is correct.

11566. Via ES?

(Mr King) I do not think it would require an ES approach. However, we have always suggested to the Promoter that the Environmental Statement scoping for considering impacts is a very good way, particularly in an area like this, to pick up all the impacts there may be: on pedestrians, residential users—in this case, people using the bus station, people using the adjacent London Underground station.

 The Petition of Westminster City Council

11567. So that is point one. Point two, more generally: what is it, by way of end game, that the Council wants for the concrete batching plant?

(Mr King) As this is going to be moved with new structures and new layouts we would like clarity on its capacity, which we have seen by way of correspondence we have been close to getting, but also its conditions to make sure that it fits into the planning context within which the rest of the City has to be managed today, and not that which pertained in 1982. In 1982 the document we would be relying on would have been the relatively recently approved GLDP (Greater London Development Plan) 1976, which said aggregate-served rail depots were a good idea, and the 1978 draft of the Westminster District Plan. This is a very venerable document but it is not one that we would want to govern discussions today. The list of conditions on which we have been in discussion over the last couple of days with the Promoter gives us hope, particularly with what has been said today by counsel for the Promoter in relation to enforceability, and give us the confidence that this can be properly controlled.

11568. Have we reached a stage yet where a set of conditions is agreed?

(Mr King) Not finally agreed, no.

11569. But they are under debate, are they?

(Mr King) Yes, they are.

11570. Perhaps, lastly, the more global approach on this: how is it that the Council sees the planning regime being achieved or initiated, enforced, permitted for this new batching plant?

(Mr King) We hope that, along with the other matters which have been contained in the document put before you today, there is clarity as to the planning regime that will exist for land to become non-operational railway land at the end of this project, which affects quite an area of land. What we are trying to look to, beyond Crossrail having constructed this facility and having moved on, is that this is all capable of being properly planned and managed in an area where land is scarce; where there is demand for land for social housing, environmental needs as well as the needs of small businesses; that there is enough land left over to be properly managed. We think we would have that if the current negotiations are fruitful, where we are also trying to make sure that the hours of work of the batching plant are not going to encroach on the railway.

11571. So I have it clear: are you comfortable that it is dealt with via the Secretary of State having some sort of overview, via AP3, as I believe it sets conditions, or do you want some other mechanism?

(Mr King) We would be entirely happy if this approach did not have to wait on an AP3 and came through the planning system in the normal way and can be dealt with alongside everything else. Therefore, we can fulfil our role, insofar as we carry on with this site when the Promoter moves away, with proper planning of the area. However, when we

see AP3 (obviously we have not seen that yet) we trust we will be able to be satisfied that AP3 and the conditions will give us all the points we need.

11572. I can perhaps shorten it now we have got it clear. Your position, after hearing Ms Lieven's opening, is that you would be happier if it was left with you as the planning authority, but you want to keep your powder dry on that pending AP3. Is that right?

(Mr King) That is right. If I may, by extension, say one point. A matter which is also in the document put before you today, which we think may come back as AP3, is that the turnaround facility that is remaining on the site for Crossrail has been there for a little while. It was not in the original scheme, certainly prior to the last couple of years. The decision, we understand, which has been announced by the Minister for moving the depot from Mountford Road Common, we have been told verbally, makes no difference on the need to move the facility, but it is a matter we would like to see investigated further because we do wonder if this land continues to me to be blighted by railway use (I say that in the context of the other pressures bearing on this land) because if it can be removed and all the other uses controlled and planned in an appropriate fashion we think this site has an opportunity to offer improvements to people's ways of life and ways of working in the area rather than just some passive sidings, which may or may not be needed.

11573. Let us move on to the other New Yard heading, and that is the studios.

(Mr King) Great Western Studios has been a remarkable success story from the idea of a couple of people who, I believe, are appearing before you to give evidence.

11574. They are going to come along. We need not go into too much detail of the specific operations because they are Petitioners.

(Mr King) I would only suggest that from the local authority's point of view they have managed to create something which has not only attracted the interest of ourselves but our active involvement, the involvement of the adjacent borough, the Royal Borough of Kensington & Chelsea; it has attracted legitimate support for regeneration funding for the creation of new accommodation for the operation known as Westbourne Studios, which is just in the Royal Borough (that was funded by Single Regeneration Budget programme, five, in the area); it has also come to the attention of the Mayor through the London Development Agency who has, because of the activity at Great Western Studios, nominated this as a place for the creative industry as a cluster. It is because the artists and the artist studios may well give rise to people painting pictures there—and some of them do—and sculpture—and some of them do.

The Petition of Westminster City Council

11575. They are producing?

(Mr King) They produce and manufacture and are involved in what is, in inner West London, a very significant industrial base which is known generally, these days, in the jargon, as a creative industry. They happen to exist in this property, which came about as a windfall, and they are on short-term contracts, as would be expected. Because the site has been so developed—we all knew that demolition was likely one day—the question is how, given the economic development strategy of the City of Westminster, published in 2005, which fits alongside perfectly the ambitions of the Mayor in the London Plan and his activities in the London Development Agency, such a use should not just be entirely snuffed out by the Promoter, which is what they seemingly currently—

11576. What does Westminster ask the Promoters to do via the Committee?

(Mr King) We accept the case that the National Compensation Code does not address people with the types of contracts Great Western Studios have. We, however, think that the Promoter and the Promoter's agencies (which, of course, include Transport for London, a branch of the Mayor's family, as is the LDA) to work with the local authority and Great Western Studios in identifying what other property, perhaps, in the gift or the ownership of people who are promoting this Bill or closely connected to this Bill, could replicate some form of re-provision of the studios, given their importance as a local economic activity and their link to regional and metropolitan policy on the important matter about employment and about the creative industry's contribution to the GDP of London and the United Kingdom.

11577. Has there been any offer of like-for-like premises from the estate of any of the Promoter's proponents or their friends?

(Mr King) Nobody directly associated with the project has responded positively to this matter since we raised it.

11578. Are you being unrealistic in hoping for some sort of premises of this style in the locality?

(Mr King) No. There are some properties in the locality, which we had pointed out to people, which do exist, some of which may be implicated in various ways by Crossrail, even if they are not currently owned by a Crossrail partner, as it were. We think those opportunities remain. Where your coach parked yesterday in Westbourne Park Villas is right opposite one of them, for example, and 36 Porchester Road is equal to Network Rail's property Enterprise House, which under additional provision coming to you later, we understand, in relation to 4 to 80 Bishop's Bridge Road, you will have to revisit that site anyway because the whole basement will be taken over for Crossrail. There are five floors and mixed use property above, which could prove a very satisfactory location, at least to be examined. We are happy to be proved wrong on these points, but before abandoning policies which have been developed through public consultation

and listening to all the advice bearing on local authorities, we would at least like the benefit of a proper technical discussion and reports being issued to meet the points that we have continued to raise with the Promoter.

11579. The last area I am going to ask you to deal with is to take up document A130, please. What we will do is very quickly take the Committee through the areas of contention. I will lead it and ask the question so we can race through, to some extent. On the first two, "Operational Railways—Heathrow Link" and "impact at Paddington" we are going to hear from Mr Murchie.

(Mr King) That is correct.

11580. The next two on page 1, Eastbourne Terrace and Westbourne Terrace, there is an agreement between you and the Promoter.²

(Mr King) Yes.

11581. Over the page, on page 2, "Paddington Station—Construction Method".³ We should also go forward, keeping our finger on that, to page 5 and the box "Paddington New Yard—construction traffic", 53b and 53d.⁴ The short point there is that an undertaking has been given in respect of the construction method and Westminster involvement, am I right, in respect of Paddington Station? Or is it the other way round? But not at New Yard.

(Mr King) That is correct. I should say that in relation to all the matters at Paddington Station we have flipped through the undertaking because we thought the scheme that is outside in the lobby was coming. We did not know, and still do not know, what it means; we have yet to see the reports justifying the scheme in the lobby. However, that is why we are happy to continue to discuss how that will work. What that conversation led to, though, was a clear understanding, I think, by the Promoter and all the other agencies who have a role in this, that the actual traffic management of these issues—construction traffic management—was going to take a more Herculean effort than just passing a few notes around to make this work in a dynamic and complex environment. For some of the reasons listed previously, we think a similar problem exists at Paddington New Yard. We do not say this exists in W1, we are happy to take in the great scope of the limits there, but at Paddington New Yard, because of the congestion charge we think there are similar problems and we are at a loss to understand why at Paddington Station the Promoter agreed with, frankly, the inevitable and at Paddington New Yard

² Committee Ref: A130, City of Westminster's position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p1 (WESTCC-32105-009).

³ Committee Ref: A130, City of Westminster's position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p2 (WESTCC-32105-010).

⁴ Committee Ref: A130, City of Westminster's position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p5 (WESTCC-32105-013).

The Petition of Westminster City Council

is reliant much more on a general power in information paper D20. So we think that one is quite simply addressed. I should say, just by explanation, the mechanism we use to try and co-ordinate Crossrail, which is only one project (it does not control any other station) is that we convened meetings which are held on, more or less, a six-weekly basis on the Paddington Station Review Group, which has TfL and all its agencies—BAA, London Underground and everyone else responsible for transport issues—to at least agree and discuss areas and projects of joint concern. That process has worked pretty well now for well over 15 years and is the reason why you have that bridge at Paddington in front of you and is the reason why other things are being worked through. So we do think that that, as a mechanism, works, and it is a testament to something of importance that it will quite often have 50 people attending it, because they have issues they need to bring to bear on it.

11582. Let us go to the bottom of page 2, the second box on page 3 and the top box on page 4, which, for the record, are “Span 4 and Red Star Deck” “World Heritage Designation” “Operational railways—Westbourne Park”.⁵ This is, in varying degrees, more of the earlier *cries de coeur*, I believe, saying there is going to have to be more information and more consultation, and then you can form a view once it is forthcoming. Is that right?

(*Mr King*) That is correct.

11583. Then, page 4, concrete batching plant and we have explained that (bottom of the page).⁶ Page 6, second box is Great Western Studios, and you have explained that.⁷ Just for completeness, the Westbourne bus garage. What you are saying, in the last box: “CLRL’s letter states that these works will be subject to paragraph 9 of Schedule 7 of the Bill. This requires the Local Authorities approval of a scheme for works and would allow the City Council to impose any necessary mitigation measures. If CLRL agree to this position the City Council would be satisfied that this mechanism would allow them to deal with the impact of any such proposal. If not the issue will be raised by the City Council at committee.” Is that live?

(*Mr King*) This is the top of page 7, Westbourne Bus Garage, Paragraph 53k.⁸ We had agreed a fully conditioned, ready-to-approve plan, and on the day of the committee the Promoter withdrew the

planning application, so it does not rest with us any longer. There are two matters, I believe, outstanding at the time: one is we have suggested in assessing the scheme, through public consultation, that how the double-decker bus garage faced the canal side (you remember the canal side is much higher than the New Yard site) required some landscaping. The Promoter seemed reluctant to agree that as it was not on their land, although British Waterways, whose land it was on, were happy to facilitate it. At that stage, because it was a planning application, we suggested the existing City of Westminster code of construction practice and its attendant revisions should apply. If this is to be carried out under the Bill, then the codes will apply and we will be happy to abide by that. It is just this matter of landscaping, which I think came to the tune of £30,000, that would not be agreed—I was told by the Department of Transport, but I do not have that in writing. They would not agree to that because it was outside their ownership. We said it is quite a simple matter to impose by way of a legal agreement to duty for that matter to be properly landscaped or for British Waterways to be given the funding to do it. None of this was acceptable, again for reasons never fully explained by those promoting the Bill.

11584. Is that something that, in due course, could be resolved by local authority approval of a scheme of works?

(*Mr King*) Yes.

11585. To that extent, it is not a live issue we need concern the Committee with. Am I right?

(*Mr King*) That is correct.

11586. I think that is the sum of it. Those are the issues on A130.

(*Mr King*) Given that which the Promoter revealed in opening this morning, I believe that is as far as we can take our concerns today.

Examined by **Ms Lieven**

11587. **Ms Lieven:** Mr King, could I start on this issue about promotion. I do not want to spend long on this and I do not want to get into any kind of post-mortem, but can we see whether we can agree that there have been a vast number of meetings—and I think you used the word “innumerable”—in respect of what has been going on at Paddington Station.

(*Mr King*) There have.

11588. At the end of the day, the only issue in relation to the station that you have felt the need to bring before the Committee is the Hammersmith and City subway issue.

(*Mr King*) Before the Committee at this stage, yes.

11589. **Miss Lieven:** So far as issues such as the design of the light spine and the impact on a Grade I listed building, those listed building issues will have to be agreed under the provisions of the Bill with the Council under Schedule 7, will they not?

⁵ Committee Ref: A130, City of Westminster’s position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p2-4 (WESTCC-32105-010 and -012).

⁶ Committee Ref: A130, City of Westminster’s position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p4 (WESTCC-32105-012).

⁷ Committee Ref: A130, City of Westminster’s position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p6 (WESTCC-32105-014).

⁸ Committee Ref: A130, City of Westminster’s position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p7 (WESTCC-32105-015).

The Petition of Westminster City Council

(Mr King) That particular detail will but I must say that I am afraid the way you phrase your question leads me to worry again that the Promoter is again failing to understand how you deal with a Grade I listed building. You do not just worry about what the conservatory is going to look like; you worry about why you are adding a conservatory in the first place. Therefore, you must always go back to first principles on listed building consent, not just take for granted a general principle which has not been properly and fully assessed against PPG15, the Council's UDP or advice from English Heritage. You start from first principles, not from the assumption that the light box is okay as long as you know what colour the glass is.

11590. As far as first principles are concerned, I do not think there is any issue. Westminster Council is in favour of Crossrail, is it not?

(Mr King) Absolutely, and has been for a long time.

11591. And Westminster Council is in favour of Crossrail serving Paddington Station.

(Mr King) And we nominated the Eastbourne Terrace as the key site. We have waited for a worked-through scheme showing how you do that with a Grade I listed building. We obviously do not have that as of today.

11592. As well as powers under schedule 7, there will be a listed building agreement drawn up between the Council and Crossrail and the Promoter, will there not?

(Mr King) Which we have played a major part in drafting—which is silent; however, on what scheme it is that you are putting through that system.

11593. May we take one example, which Mr Berryman will come back to later: the Hammersmith and City link. One of the options we have looked at is knocking through the wall of MacMillan House to put in an escalator and an enhanced link to the Hammersmith and City Line. We have rejected that because we think the impact on the Grade I listed building is far too great, but, just say that we wanted to do it, then that is a matter that you would have to agree under Schedule 7.

(Mr King) Again, I come back, I am afraid, to my first point: you are not a responsible authority for discharging listed building consent. That rests with English Heritage and the local planning authority. It is our judgment that matters—and I do mean that quite politely. Therefore, having been over all Macmillan House—and it is true that we have said this for some time and it is in the draft planning brief—there is an extensive amount of operations you may well be encouraged to carry out in Macmillan House and for all we know that might be the lesser of many evils, but, unless that information is supplied to us, it is very hard for us to judge and it is for the Promoter to supply information not us. I should also point out that until we received this seven million byte e-mail on Tuesday night from the Promoter there were diagrams submitted there that we had never seen before. We assume those

diagrams again purport back to other technical work which, if we had seen it, we may well agree with it. We have not been shown it. We have not even had that discussed in those innumerable meetings with, occasionally, the right people present or even when only some of those right agencies have been present.

11594. Under the Act, it is ultimately for you to agree under Schedule 7, is it not, on these issues? We cannot blast holes in a listed building without you agreeing to it.

(Mr King) I am sorry, I am afraid the gulf in understanding persists and I am not prepared to move away from our policy or national legislation on this matter. If you are promoting change within a listed building, you carry out an assessment, you consider the options, you discuss with the relevant authorities. You do not wait until a later power under Schedule 7, which puts the City Council and English Heritage in the interesting position in which you are placing us in two years' time of saying, "I am very sorry, but we do not think that is the right way." We are trying to get things sorted out now, particularly where it goes to the provision of actual pieces of infrastructure which your Bill would authorise.

11595. Thank you, Mr King. Before I come to the two specific issues which you have raised, could I deal, in the final going through of the schedule you have mentioned, with the point on traffic to New Yard. This may be one that, to be honest, we could discuss outside and get to the bottom of, but I would like to make one point so that the Committee understand. There will be a traffic management plan in relation to New Yard, as there will be to other construction sites and that will be subject to extensive discussion with the Council once we have got to the stage of contractors being appointed. New Yard is very different from anywhere else in that respect.

(Mr King) I think New Yard is more complicated than many other areas, not least because of other transport provision on site and this complication that we have of the concrete batching plant which is now to be entirely road-served for a period of time.

11596. Can I touch on the Great Western Studios for a moment. I think you yourself in evidence in chief pointed out that throughout the period that the building has been used for studios it has been safeguarded for Crossrail.

(Mr King) That is correct, yes.

11597. The inevitable effect of the Crossrail safeguarding has been that there have been reduced rates. It has been let to the studios at below market rent because it is a building which everybody knows will ultimately be used for Crossrail.

(Mr King) I assume that is one key factor, yes.

11598. In your evidence in chief you used the word that the studios had effectively had a "windfall". They have been able to take advantage—to use it in a non-technical sense—the "blight" of Crossrail to operate very successfully in a cheap environment.

 The Petition of Westminster City Council

(Mr King) That is correct, yes.

11599. So far as the Promoter's position is concerned, the Promoter has made it entirely clear that they will establish an agency at the Promoter's expense to assist existing businesses, including those at the studios, which face the prospect of displacement from existing premises, and the purpose of that is to help those businesses with their property requirements and obviously in doing that they will take into account, as you put it, that TFL is the co-sponsor, has a particular expertise and that will be fed in. We are taking steps to help these businesses, are we not?

(Mr King) You are beginning to take those steps and that is welcome.

11600. But we are not prepared to continue the windfall of the below market rents by subsidising these businesses in a way that other businesses displaced by compulsory purchase would never be subsidised. That is a step we are not prepared to take.

(Mr King) I understand that is a step you are not prepared to take.

11601. Thank you. Can we come to the batching plant, and, first of all, the context. You have made reference to the environment around the batching plant and talked about Westbourne ward. I assume that is the ward to the south of the railway line, is it?

(Mr King) It is actually towards north and south.

11602. In respect of the areas to the south, you made specific reference to the Brunel Estate. Presumably the Brunel Estate had been constructed and was occupied in 1982 when the permission under which the batching plant now operates was granted.

(Mr King) Yes, it would have been finished at that time.

11603. So far as the land to the north of the batching plant is concerned, between that land and the batching plant is of course the Westway.

(Mr King) Correct.

11604. Which is both a major physical barrier and also a major noise source in its own right, is it not?

(Mr King) It is indeed.

11605. So far as the principle of the batching plant coming back is concerned, I do have the relevant planning policy, but the Committee are generally not keen on planning policies in any detail.

(Mr King) Who is?

11606. Presumably you would accept that in planning policy terms there is a need to reinstate a batching plant at that site. Or should we look at the London plan policy?

(Mr King) We are not contesting the London plan policy.

11607. Are you contesting the principle that, in accordance with the London plan policy, there is a need to put a rail-serve facility back there?

(Mr King) We acknowledge what the London plan policy says about this site, yes.

11608. Perhaps we could look at the London plan policy, policy 4.5(a).⁹ Apologies to the Committee, but it is only one line: "Spatial policies to support better use of aggregates UDP policies should . . ." and then it is the sixth bullet: "Protect existing rail capacity to handle and process aggregates. In accordance with that policy, Westminster should support the reinstatement of replacing the batching plant."

(Mr King) Yes. It also says, "Minimise the movement of aggregates by road" which we would also support which your scheme now will not do.

11609. Are you content, subject to some further detailed discussion about the conditions, with a permanent batching plant, and your real concern is the temporary plant?

(Mr King) I think the main concern is the way this site has been dealt with by the Promoter throughout, and the lack of consistent information—including whatever the representative from English, Welsh and Scottish Railways was talking about yesterday on the site, needs to be held over until the Committee has had the chance to see that petition in future.

11610. To go behind the policy for a moment, if you do not reinstate a permanent batching plant on this site which is rail-served, the inevitable consequence is that cement would have to travel further by road, is it not?

(Mr King) That is correct.

11611. So far as the permanent batching plant is concerned, under the scheme which is going to be promoted by AP3 you will be consulted on the conditions.

(Mr King) Correct.

11612. In fact, you have already been consulted on some draft conditions, and, as I understand your evidence in chief and the notes of a meeting, we are pretty close to agreeing those drafts.

(Mr King) We have forwarded an advance set of conditions which would be exactly what we would put up to committee, along with a positive recommendation where there is to be a planning application.

11613. Good. We are pretty much at one on that. So far as the enforcement of conditions is concerned, the intention is that that will be enforced by the Council in exactly the same way as any other planning permission would be.

(Mr King) I am very happy to have that confirmed, yes.

⁹ Committee Ref: A130, London Plan, Policy 4.5(a) Spatial policies to support better use of aggregates (LINEWD-LPLN04-007).

The Petition of Westminster City Council

11614. If the Council were to set the conditions and sign the terms of the Bill, so do it under the normal planning process, that would be subject to a right of appeal to the Secretary of State in any event, would it not?

(Mr King) Indeed, the Secretary of State's power to safeguard. All this is covered by the safeguarding Directive.

11615. So far as the temporary plant is concerned, it has never been said that it would be possible for it to have a rail-served temporary plant, has it?

(Mr King) I have to say, sitting here, that I cannot recall us ever being told it would have to be a rail-served temporary facility.

11616. So there may have been a silence but—

(Mr King) There has been a lot of silence on this, yes.

11617. I will ask Mr Berryman as to that.

(Mr King) I am sorry, what the Promoter might know is one thing; what the Promoter has deigned to tell us is the reason, I am afraid, I have a problem with your question.

11618. All right, Mr King, I will put it to you again. The Promoter has never said to you that the temporary facility will be rail-served.

(Mr King) I would want to go back to my files.

11619. So far as having a temporary facility, which is, I quite accept, a relatively new proposal, if you do not have a temporary facility, they you have no batching plant on this site for the construction period of years.

(Mr King) Yes.

11620. Except you will always have to have a batching plant for Crossrail itself.

(Mr King) Correct. We were always hoping—and we understand why this cannot be possible—that the existing facility would be taken over by the contractor, nominated undertaker, and that would obviate some of the problems we now seem to find ourselves with. We understand, for reasons of restrictions of trade, why that cannot be promoted in the legislation. It is a great pity. What we are interested in is the knock-on impact to our area and that of the Royal Borough of Kensington and Chelsea and the local conditions. That is what we are seeking to minimise.

11621. If you have no temporary facility—and I cannot remember how long it is, but say for three years—the inevitable consequence of that is that concrete or cement—I am not good on the difference—for Central London construction sites will have to come from further away by road. Therefore possibly the people of Westminster may be better off—because there is no batching plant next to them for perhaps three years—but, overall, you increase the amount of road use for moving concrete around.

(Mr King) As Westminster is the heart of most construction activity in Central London, we are probably going to get it anyway. It would be very interesting to see that analysis. If we saw the analysis, we could make a judgment. We do not have the analysis.

11622. Thank you very much, Mr King.

Re-examined by **Mr Clarkson**

11623. **Mr Clarkson:** I have one question, if I may, which carries on from that last point. You did not have a concrete batching interim analysis. Have you had the detail of what the model is representing before? Have you any detail at all?

(Mr King) We had some A4 photocopies of line drawings ten days ago—about three, I think.

11624. How were they presented to you? Was it an evolving process in a meeting or suddenly?

(Mr King) At the so-called stakeholders workshop of 7 June was the first time and it was rather oddly presented to the design and view workshop on 12 June for the second time—at neither with any supporting information and in both cases a degree of confusion amongst some of the audience present as to exactly what this was.

11625. **Mr Clarkson:** Thank you, Mr King. Does the Committee have any questions of Mr King?

11626. Mr Liddell-Grainger: No, we do not. Would you call your next witness, please.

Mr Don Murchie, Sworn

Examined by **Mr Clarkson**

11627. **Mr Clarkson:** You are Mr Don Murchie?
(Mr Murchie) I am.

11628. You are the Policy Manager in Transportation in Westminster City Council's Transportation Department.

(Mr Murchie) That is correct.

11629. You are going to deal with the two aspects: operational railways: Heathrow link; and operational railways: impact at Paddington—the first two boxes on A130.¹⁰ Let us deal with the operational railways: Heathrow link. What is it the council seek?

(Mr Murchie) The council seeks that Crossrail serves Heathrow Airport and that it does so from the first day of Crossrail operation. Discussions to date have suggested that Crossrail is constructed on a phased basis and that the first phase to become operational would be between Paddington and Abbey Wood only. The Council objects to this proposal as our support for Crossrail is based on

¹⁰ Committee Ref: A130, City of Westminster's position in respect of the Petitioning Points made by the City Council in September 2005 in Response to the Crossrail Bill proposals, p1 (WESTCC-32105-009).

 The Petition of Westminster City Council

having a direct link to Heathrow Airport from the start of operation. The Council therefore seeks an undertaking from the Promoter to ensure that the connection to Heathrow is operational from the first day and is maintained.

11630. Why is the Council concerned?

(Mr Murchie) The Council's concerns relate in particular to the impact on road traffic in the residential areas around Paddington Station. Traffic flows in this area, particularly taxis, have increased substantially since the commencement of Heathrow Express Railway in 1998 and this has led to an increased number of taxis on those roads and associated concerns about road safety, pollution and visual impact on unsuitable residential roads leading to and from the station.

11631. You are seasoned campaigners, to some extent, on this, are you not? You went before Parliament as petitioners on Heathrow Express Railway Bill.

(Mr Murchie) That is correct. We petitioned against the Heathrow Express Railway Bill and appeared before the House of Commons select committee in 1991. That select committee shared the City Council's concerns and the Council entered into a select committee undertaking at that time with the promoters of the Heathrow Express Railway that long-term arrangements should be provided for the flow of traffic to and from Paddington Station which focused station traffic, particularly taxis, on to the strategic road network and away from Parade Street and roads through the residential areas to the south and west of the station.

11632. I can perhaps lead on this: there were interim measures, culminating on the new road bridge that has been constructed and was opened at the beginning of this month.

(Mr Murchie) The new road bridge was only opened last week, on 14 June.

11633. I have no doubt it is working phenomenally well.

(Mr Murchie) It is early days, but it appears to be working very well and it achieves the objective of reducing taxi traffic from residential areas.

11634. What is the anticipated flow of airport/Heathrow traffic through Paddington Station in the future and what is it now?

(Mr Murchie) Heathrow Express Railway currently carries approximately five million passengers per annum. This is forecast to somewhere between 10 and 15 million passengers per annum when Terminal 5 at Heathrow Airport is operational. It is possible that a further increase in the patronage of Heathrow Express Railway would result in the provision of any additional airport capacity at Heathrow resulting from the Government's White Paper *The Future of Air Transport* dated December 2003, which sets out a framework for the future of aviation and airports particularly in the South East. The White Paper concluded that the first priority is to make better use

of existing runways at airports, following which provision should also be made for two new runways, the first to be at Stansted and the second at Heathrow, by the year 2020. The White Paper also recognised that this additional runway capacity should be matched by additional transport infrastructure.

11635. Did you bring forward a suggestion at the Terminal 5 inquiry that it should require that Crossrail services go to Terminal 5?

(Mr Murchie) The provision of a number of additional rail services to Heathrow were discussed at the Terminal 5 inquiry, some of which subsequently have not developed. As far as Crossrail is concerned, the City Council and the local residents also gave evidence at that inquiry into safeguarding for the provision of Crossrail to Terminal 5, but the inquiry inspector concluded, when he reported in July 2001, that at that time, "... in view of the remoteness of the prospects for Crossrail, I see no justification for any safeguarding."

11636. What it is you seek now, as I understand it, is that there be a Crossrail link to Heathrow generally from day one.

(Mr Murchie) That is correct.

11637. You also a comprehensive number of links, in the sense that all the terminals are linked. Am I right?

(Mr Murchie) Yes. Ideally, all terminals at Heathrow would be served by both Crossrail and the existing Heathrow Express Railway services.

11638. What is the latest information from the Mayor's office? What was his view when the campaign for Crossrail initiative was launched? I think that has been circulated, but would you outline what the Mayor said.¹¹

(Mr Murchie) The Mayor and other business leaders and trade unions and various stakeholders across London launched this initiative a couple of weeks ago. The Mayor is quoted in the press release as saying, "Crossrail is the transport system vital to underpin London's 21st century economic engine. It is an underground rail system starting at Heathrow, going under the heart of the West End to the great job centres of the City of London and Canary Wharf."

11639. And it continues: "Before going south of the river to open up the new areas of housing development in Thames Gateway." What do you say that is telling Westminster City Council? Is it likely to invoke any support?

(Mr Murchie) Yes, it clearly shows the Mayor's support for Crossrail to serve Heathrow. He has subsequently written to the leaders of all London boroughs, including the leader of Westminster City

¹¹ Committee Ref: A130, Greater London Authority, Press Release: Crossrail even more important for London than the Olympics, says Mayor, 6 June 2006, www.london.gov.uk (SCN-20060621-001).

The Petition of Westminster City Council

Council stressing this initiative and the need for Heathrow to be linked to Central London in this way.

11640. Is there anything else on the Heathrow link, Mr Murchie, or shall we move to the next point?

(Mr Murchie) I think we can move on to the next point now.

11641. Perhaps I can summarise the next point. You are talking, in essence, about a link to the Hammersmith and City Line.

(Mr Murchie) Correct.

11642. What, in your original understanding, was the proposal of the Promoters?

(Mr Murchie) The Promoters have advised us that the design of the Crossrail station box would not preclude an interchange with the Hammersmith and City Line, although they have not sought powers for that in the Bill.

11643. Do they tell you about the options?

(Mr Murchie) Yes. They have advised us that a number of options have been considered, including a low level subway link. However, all of these options that have been considered have been rejected for a number of reasons, including difficulty providing an adequate vertical access on to the Hammersmith and City Line platforms and other engineering difficulties.

11644. Have you seen those options analysed and explained?

(Mr Murchie) No. We do require further information about these rejected options and the engineering difficulties which are preventing them from being constructed.

11645. In due course, we will see a number of plans from the Promoters as to several options.

(Mr Murchie) Correct. Some plans were forward to us yesterday. I believe they are going to be explained today.

11646. Were those familiar documents?

(Mr Murchie) They were new documents, in as much as we only received them yesterday, but in some ways they were familiar, because we know that they are the types of options that have been investigated, although the reasons for their rejection had not been fully explained.

11647. So you have had some understanding about the routes, but you did not have the detail of the approach.

(Mr Murchie) Yes. For example, one of the possible links, a direct subway under the existing railway tracks, was included in the Crossrail proposals previously before Parliament in the 1990s.

11648. Again, what is it we seek of the Committee on this aspect?

(Mr Murchie) With regard to the options which have been investigated and rejected, we would like to see details of the engineering assessments carried out by Crossrail which have been referred to in their documentation. Further to that, we would like obviously discussions to take place not only with ourselves, but also the other stakeholders, particularly Network Rail and London Underground Limited. As Mr King has mentioned earlier, there already is a forum called the “Paddington Station Review Group” where such discussions can take place and, given that there are now plans available of these options, we would like further technical assistance again involving those same stakeholders to continue.

11649. So that is the process. What about the end game? What is it that you seek by way of an ultimate solution?

(Mr Murchie) We seek a better link between Crossrail and the Hammersmith and City Line than is currently proposed. We consider that the route is fairly tortuous for interchanging passengers. It requires them to come to surface level from Crossrail, use platform one of Paddington mainline Station and the footbridge and we feel, again subject to seeing the details of these engineering assessments, that a better link could be provided.

11650. I ask you this not surprising question: what is currently proposed? Do you know?

(Mr Murchie) We know what is currently proposed which has moved on somewhat—

11651. Exactly.

(Mr Murchie)—from what is in the Bill in terms of, again as was mentioned earlier, changes to the design of Paddington Station, so what is currently the favoured option is not what is in the Bill and the accompanying documentation.

11652. So you want a better link and when do you want it?

(Mr Murchie) We want it to be open again from the commencement of Crossrail operation and we also seek that the direct links to the other Underground stations out of Paddington apply from day one as well.

11653. So links with the other Underground lines at the same time?

(Mr Murchie) Correct.

11654. So when you say “currently proposed”, and we have to go back to that, you cannot say whether it is going to be a better link until you have had the material. Is that the way you are putting it?

(Mr Murchie) That is correct. It is possible that we may agree that the other proposals are unacceptable technically, but that is why we want the discussions to take place with other stakeholders who have a say in this to be part of those discussions as well.

The Petition of Westminster City Council

11655. I do not want to labour this, Mr Murchie, but I have to ask you this because you are a technical witness. Have you had material that enables you to form a view in your discipline, for example, on this aspect? Have you had enough information?

(Mr Murchie) There has not been enough information to date, no.

11656. In your understanding of the approach, such as it is, what would you like most by way of the best solution, as you see it, for linking with the Hammersmith and City Line? Which is the best, as you see it, so far?

(Mr Murchie) Of the options that have been investigated, the best solution is the direct subway link from the Crossrail ticket hall under the existing mainline railway tracks, coming out with a vertical access on to the existing Hammersmith and City Line platforms.

11657. I will not hold you to a detailed distance, but, in broad terms, is it shorter or longer?

(Mr Murchie) It is considerably shorter in terms of walking distance.

11658. How is it in level change?

(Mr Murchie) Inevitably there needs to be some level change, but it is certainly an improvement in level change than coming up to ground level and then having to use an overbridge.

11659. How is it, do you see, in terms of conflict with other travellers, and I am speaking of the surface station passengers as well? Is there more or less conflict?

(Mr Murchie) The direct subway would provide less conflict because the scheme currently being proposed certainly has conflict with mainline rail passengers on platform one and the footbridge and possibly on the concourse if those passengers decide to take an alternative route to and from the Hammersmith and City Line.

11660. As to the last point I have, there are or have been, have there not, proposals for the Hammersmith and City Line station additional platform proposed by London Underground Limited? Am I right?

(Mr Murchie) That is correct.

11661. Just explain what that was, is or will be, if anything.

(Mr Murchie) Well, London Underground have what they call their 'long-term train proposals' which are seeking to improve basically the Hammersmith and City Line and the Circle Line partly to cater for the existing increases in demand. There is a number of development proposals at Paddington, particularly at the Hammersmith and City Line end of Paddington Station, new office and residential developments, some of which are already in place and some of which are proposed, which will considerably increase the usage of that station. As part of both the development proposals and London Underground's own intentions, there are proposals

for the station which would provide an additional platform which would certainly vastly improve the vertical access between those platforms and the Crossrail subway.

11662. How firm are they?

(Mr Murchie) They are not definitely going ahead by any means, but London Underground are very keen to carry this out and, as far as the associated developments are concerned, what is known as the "adjacent triangle site", those proposals are very well advanced as well and hopefully will be implemented so that the station improvements can take place as well.

11663. Is there a reconciliation that you can see with any link to Crossrail?

(Mr Murchie) Yes, one of the issues that has been explained to us as a reason for not providing the subway is the difficulty in providing the vertical link from the subway back to the platform. The existing platforms are narrow and the proposed platforms would be considerably wider.

11664. **Mr Clarkson:** I see the time and it is spot on.

11665. **Mr Liddell-Grainger:** Ms Lieven, we have two minutes to go.

11666. **Ms Lieven:** I have very little cross-examination, but two minutes might be pushing it.

11667. **Mr Liddell-Grainger:** Fire away!

11668. **Ms Lieven:** All right, sir, I will do my best.

Cross-examined by **Ms Lieven**

11669. **Ms Lieven:** So far as the Hammersmith and City Line is concerned, Mr Murchie, you said you wanted a better link over what was proposed in the Bill scheme. Can we just put up 001 quickly.¹² That is the Bill scheme coming up from the Macmillan House ticket hall and the red line is going to the Hammersmith and City Line. Do you see that?

(Mr Murchie) Yes, with access coming up from the blue box at the ticket office, yes.

11670. That is in Macmillan House. If you go to 005, that is the current proposal with the slight movement or the dropping of Eastbourne Terrace and moving an entrance to the clock arch and we can see that that is an improved link.¹³ That is better to the Hammersmith and City Line than was the case in the hybrid Bill, yes?

(Mr Murchie) Yes, I do not deny that there is a shorter walking distance involved in that scheme.

¹² Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Street Level Plan, Hybrid Bill Scheme (WESTCC-32104A-001).

¹³ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Street Level Plan, Current Proposals (WESTCC-32104A-005).

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

11671. And that current proposal that we see before us was presented to Westminster and the Paddington Station Review Group on 26 April?

(*Mr Murchie*) I do not remember the exact date, but I believe you.

11672. That is the date I have been given. I will ask Mr Berryman to deal with the problems of providing a subway link. It is an engineering matter and I will not cross-examine on it, but I will leave it for Mr Berryman, if I may. So far as Heathrow is concerned, the only question I want to ask you, Mr Murchie, is that a lot of this turns on the order of building and the opening of Crossrail. Is it Westminster's case that, if we manage to construct, for example, the Shenfield to Liverpool Street bit and get it ready to open and the bit from Paddington to Heathrow is not ready to open, then this Committee should require us not to open Shenfield to Liverpool Street and have it sitting there with new stations, but gates closed until Paddington to Heathrow has been constructed?

(*Mr Murchie*) No, I do not think I am saying that, but the point I was making is that, if the western terminus is at Paddington, then it would be necessary that we require to see the Heathrow link in place. I do not think we are saying that at all about a new line which only goes from Shenfield to Liverpool Street.

11673. I think you suggested or earlier in your evidence you referred to some idea that the line might go from Paddington to Abbey Wood. That has never been said by Crossrail, has it? A report appeared in the press which we think may have been, not leaked, but made for negotiating reasons by other stakeholders, but Crossrail has never suggested that, has it?

(*Mr Murchie*) Well, I do not have that press article in front of me, but I believe it was attributed to a named member of the Crossrail team.

11674. **Ms Lieven:** We will check that. It is certainly not our intention. I will ask Mr Anderson to deal with our intention. That is all, sir.

11675. **Mr Liddell-Grainger:** Ms Lieven, thank you very much. We will now suspend until 2.30.

The witness withdrew

After a short adjournment

11676. **Mr Liddell-Grainger:** This afternoon the Committee will continue hearing Petitions relating to Paddington Station. However, before we continue with Westminster City Council's Petition, Mr Elvin will make the Promoter's closing submissions relating to the Spitalfields and Hanbury Street site.

11677. During the last two weeks the Committee has heard the cases of many Petitioners from the area. I want to reiterate very clearly that the Committee will consider all cases put before it and will consider the

evidence presented by both the Promoters and all the Petitioners. We will make sure that the transcript of today's session is available to all the Petitioners and, as we have said before, if Petitioners wish to respond to the closing statement from the Promoters they are invited to write to the Committee.

11678. **Mr Elvin:** Thank you. I distributed yesterday to the Committee and to the Petitioners who were here last night copies in writing of our closing submissions, but I thought it would be helpful, given we are covering more than 30 Petitions in these submissions, to put the matters in writing and just remind the Committee of the salient points of our evidence. I am not sure what number this will have.

11679. **Mr Liddell-Grainger:** P100.¹⁴

11680. **Mr Elvin:** Sir, as the Committee is aware, the Petitioners in week 18 have focused their evidence on the following principal issues: firstly, defects in the consultation process; secondly, tunnel alignment; thirdly, the location of the ventilation and intervention shaft (whether that should be at Hanbury Street or at Woodseer Street or at all); settlement of listed buildings; noise and vibration and Whitechapel Station.

11681. Sir, we have addressed a number of these matters already on Day 38 and by agreement with the London Borough of Tower Hamlets. Sir, you will have that in the transcript of Day 38 and the Tower Hamlets' case, and the letter from Tower Hamlets Borough Council to Mr Berryman dated 6 June, which is one of the exhibits the Committee was provided with.

11682. Sir, we have presented evidence in a variety of forms. I am not going to read them out but I have listed them in paragraph 3 of P100, together with some of the salient references so the Committee can cross-reference the evidence with the submissions. I turn, firstly, to the issue of consultation. Whilst there may be aspects of the consultation process in the Spitalfields area which could have been improved, or where there has been an insensitive selection of location (I have in mind the Old Truman Brewery for part of the consultation round two, though not the whole of consultation round two), but the Promoters do not accept though that in overall terms the consultation was inadequate or failed to provide important information in accessible format.

11683. Sir, at paragraph 5 of P100 I set out the references which describe the consultation process which has taken place: Information Paper F2; the main Environmental Statement in volume 2, pages 65-68 and volume 5, appendix A3 of the Environmental Statement and, more specifically, for the purposes of the Committee's consideration of

¹⁴ Crossrail Ref: Promoter's Exhibit: Closing Submission Note in respect of the Petitioners within the London Borough of Tower Hamlets.

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

the Spitalfields Petitions, document P91, which is a summary of the consultation process for the Spitalfields area.

11684. The process began with a more general awareness campaign and moved to provide more detail over time to the point when the Environmental Statement, plus subsequent Supplementary Environmental Statements and AP Environmental Statements, together with the background reports, have been made available as part of the Hybrid Bill process. The Bill process itself provides an important opportunity for those affected to make their views known. The process does not end there since there will be further consultations on the design stage of the scheme, in particular on the combined basis in this area as has been agreed with the London Borough of Tower Hamlets.

11685. I have quoted from the end of our Spitalfields consultation document, P91, at page 9: "A community cohesion advisor has been appointed to assist the project in its objective of improving community relations and engaging with the hard to reach. The London Borough of Tower Hamlets have recently invited CLRL to work in collaboration on future consultation and community relations exercises. CLRL has readily agreed to do this."

11686. The Committee has seen extracts from the information provided as part of the consultation process: the two main consultation rounds, the 2005 information round and some of the leaflets (including the multiple language formats) and information leaflets. The leaflets covered particular issues such as noise, vibration, environmental impact and settlement and tunnelling. Mr Dean presented to you the note on the Spitalfields consultation on Day 40. That is P91.

11687. Sir, it is clear from the information that issues of concern to the Petitioners were addressed in the information provided in the consultation process. Firstly, it covered the Crossrail route east from Liverpool Street, which included the new station at Whitechapel and a shaft at Hanbury Street. Secondly, the alignment of the tunnels running through Spitalfields under Hanbury Street and Princelet Street was shown in the first consultation round and subsequently. Thirdly, the originally proposed use of Hanbury Street for the launching of TBMs and for tunnelling was shown. Fourthly, there was consideration of settlement issues and listed buildings. Fifthly, it made reference to noise and vibration issues and the use of the Construction Code.

11688. It is also important, sir, to test the claims that the information was not properly disseminated. Sir, we suggest this: firstly, if one has regard to the report on consultation round 2, section 9, it noted the response to consultation comments, including on the issues of settlement and on the issue of Hanbury Street, making it clear that issues had been raised as

part of consultation round two regarding alternative tunnel alignments, including the southern alignment, and, secondly, alternative shaft location sites—seven alternatives were considered to Hanbury Street. Thirdly, the possible use of Woodseer Street. These comments could not have arisen for response if the information had not been provided to those in Spitalfields.

11689. The Environmental Statement consultation responses from Spitalfields residents and organisations show a clear understanding (though there is criticism of a lack of assessment in the Environmental Impact Assessment) of many issues such as alternative alignments. Sir, as you may recall, at Second Reading the House was presented with this document, which is the command paper responses to the Government's consultation on the Crossrail Bill Environmental Statement.

11690. That contains a number of individual responses which were available for consideration before second reading. I draw the Committee's attention, for example, to numbers 18, 19, 22-24 and 32, all of which are from petitioners who have been present before this Committee. Again these points could not have been raised if there had been a lack of information about them.

11691. The Independent Crossrail Referee is appointed to adjudicate on complaints regarding consultation. Professor Tony Kennerley, experienced as complaints commissioner on CTRL, has not upheld many complaints regarding consultation and has expressed the view that consultation was good in comparison to similar projects. If the Committee wish to refer to it, I have given his website reference in paragraph 112 of P100.

11692. The large number of communications with local people and organisations, set out in P91 at page 8, also contradicts the allegations of inadequate consultation. For example, 339,000 communications had been received from those on the contacts database and 6,500 in the Spitalfields area in particular.

11693. It is unfortunate that so much of the case against the proposals in this area has been the subject of exaggeration and misinformation. This may well have had the unfortunate effect of unnecessarily increasing local anxiety. Clearly, examples were provided by Mr Galloway MP and others in the claims regarding the demolition of houses locally (there are none to be demolished); the number of lorries (15 per day for two years, not a lorry every few minutes, and following a circular route and not doubling back over the same area); the routing of lorries through Brick Lane (no lorries are to be routed even close to Brick Lane); and the length of time for construction of the shaft (two years, not seven).

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

11694. Reference was made to breach of the Race Relations Act and a letter from the CRE in 2004 disregarding what has happened since then and the fact that the CRE has not served notice of non-compliance with duties under the Act. The Committee has been given, of course, a complete set of the correspondence with the CRE, so it can see what has happened for itself.

11695. Mr Akker (Day 40) made various complaints, but it is observed that he himself was well informed as to the issues and his stance and knowledge did not support the view that the local community had not been well informed. Indeed, Mr Uddin's and the Housing Association's evidence (Day 41) did not support Mr Akker's criticisms either. Mr Akker's representations contain inaccuracies as well, such as the plainly untenable allegation that CLRL has not made clear that Hanbury Street was to be used for the launch of TBMs prior to the change made in April 2006. He also sought to underplay the considerable amount of information available on the website.

11696. By addition to paragraph 15, can I say that Ms Jordan was clearly aware at the end of consultation round one, as she told you yesterday, that there would be a tunnel launch site from Hanbury Street. The letter she showed you, which she wrote on 17 January 2004, made that absolutely clear, that she knew that would happen. She refers in that letter to: "The use of a major part of Hanbury Street as the tunnel cutting-head worksite for the largest civil engineering project in Europe" and "the permanent location of giant tunnel mechanical ventilation extract fans, as well as a secondary spoil tunnel." Clearly, even in the situation in which she found herself, which was only finding out about the consultation round at its end, she understood, from the information she had been given, those key factors.

11697. Jill Cove for the Spitalfields Community Association complained (Day 41, paragraph 10857) of the absence of a map and information about lorry routes. However, these were clearly explained in the Environmental Statement published in February 2005. The route was explained in volume 8 of the main Environmental Statement, in paragraphs 8.10.108 to 8.10.110 (route window C8), and in volume 8b. I do not propose to read out the detailed references in paragraph 16 of P100. Two maps showing the lorry routes were included.

11698. The CLRL website is plainly an important source of information (which has a link from the Committee's own website) containing not only the Bill supporting documents (the Environmental Statements, technical reports, plans and information papers) which can be accessed directly from the CLRL homepage, but also: consultation information; the sheets/panels made available during consultation; the information sheets; the Equality Impact Assessment; and the Health Impact

Assessment. At paragraph 17 I have provided website links for these in case any members of the Committee wish to check those up.

11699. We also draw your attention to the DfT Bill site which has a link from the Committee's own website. I have set out the reference at paragraph 18 in case the Committee wish to check that.

11700. The Committee has been given the correspondence with the CRE. It can be seen that, although concerns were initially expressed with aspects of the consultation and absence of REIA, this has now been remedied and there is a continuing Equality Impact Assessment and monitoring of equality issues. It is clear from the evidence, including the NOP reports (P94 and P95) that lessons have been learned and that consultation with the local community, including the Bangladeshi community, have plainly improved considerably. Moreover, Crossrail has already told the Committee that it is very receptive to the Spitalfields Housing Association's offer to assist in further consultation with the local community and looks to work with the Association (Day 41, paragraphs 11040 to 11043). 11701. It may be thought that the dissatisfaction expressed with regard to the consultation on the proposals was not in essence a real question of consultation but a manifestation of the fundamental opposition of many Spitalfields petitioners to the scheme. This was made very clear, the Committee may think, from Jill Cove's evidence on behalf of the Spitalfields Community Association. The complaint which underpinned her allegation of poor consultation was that Crossrail did not agree with her Association's position (Day 41, paragraph 10855) and their view was based on the Association's own misunderstandings. At the end of paragraph 19, I have quoted a passage from that for the Committee's reference.

11702. At paragraph 21 I also draw the Committee's attention to Jill Cove's acceptance that the Community Association was perhaps not as actively in contact as it might have been with CLRL. (Day 41, paragraph 10855).

11703. Could I also draw your attention to what Ms Jordan said yesterday on behalf of the SSBA. Clearly the SSBA has a root and branch opposition to Crossrail in this area. It cannot accept the case for Whitechapel, she made very clear, and it is quite clear that their position is that they wish the area to be completely bypassed. The Committee heard that evidence and will no doubt judge the matter for itself, but, nonetheless, it is an important indicator of what the real cause of complaint with regard to consultation is. It is also clear, certainly in the case of the SSBA, that there is an unrealistic expectation that consultation should start before the official consultation. There have been two consultation rounds, one information round and then the massive Environmental Impact Assessment consultation, but the SSBA clearly can only be satisfied with some further additional pre-consultation consultation it

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

seemed from her evidence yesterday. A degree of reality, we would say, has to enter the equation at some point. The SSBA has unrealistic expectations we would respectfully suggest.

11704. Turning back to P110, paragraph 22, the opposition which I have mentioned is one which, in a number of cases, amounts to opposition to the principle of the Bill (see, for example, Mr Galloway MP's evidence on Day 40) or at least root and branch opposition to local elements of the Bill scheme. This is indicated by representations at an earlier stage, those made to Parliament on the Environmental Statement in 2005 and the cases presented to the Committee, the majority of which show a considerable knowledge of the details of the scheme. The fact that there is deep-seated opposition to the Bill should not lead to the conclusion that the consultation has been inadequate.

11705. In any event, even if the Committee did consider that at least some aspects of the consultation were deficient, we invite the Committee to agree with Mr Whalley for the London Borough of Tower Hamlets, who made a clear statement on Day 38, paragraph 9473, which I have set out at paragraph 23 of P100 but do not read out in full. He effectively says that, while they have concerns, the Council has sought undertakings "... to ensure that more efficient consultation and communication takes place in the future." He said, "In respect of this issue, the Council considers that a major step forward has been taken with the publication of the draft Community Relations Strategy".

11706. The procedural complaints made by Petitioners, to the extent that the Committee accepts them, have to be set against the plain fact that it has not prevented both organisations and many individuals from the Spitalfields from presenting clear representations to the Committee about various aspects of the Bill scheme. The Petitions, most of which are in very similar form, raise very many issues and have plainly been co-ordinated and articulated clearly by many who raise concerns.

11707. Finally, it is important to note that, despite the strong views expressed to the Committee by Petitioners over principally weeks 18 and 19, the NOP surveys paint a different picture and one which is less subject to the issue of those who might be more motivated to petition Parliament. It is clear from those surveys, which focused in particular on Whitechapel as one of the three most sensitive 'boost areas', as they call them, for consultation, that a majority were supportive of the project.

11708. I have set out just as an indication in paragraph 25, sub-paragraphs (1) and (2) of P100 certain of the statistics from both the reports. The first report in 2004, P94, deals with the first consultation round and the second report, P95, from 2005 deals with the second. What is clear from the

figures I have set out there is that there is far more support for the scheme than the Petitioners would lead the Committee to believe.

11709. Let me just say for the record that 72 per cent of all respondents in 2004 agreed that Crossrail will open up improved travel options for people like them, and 55 per cent of Whitechapel respondents agreed with this statement a lot; 73 per cent of all respondents agreed that Crossrail will ease overcrowding on London's transport system and 50 per cent of all Whitechapel respondents agreed with this statement a lot; 60 per cent of all respondents agreed that Crossrail will increase economic prosperity with few differences across the various subgroups; and 64 per cent of all respondents agreed that Crossrail would represent good value for money, rating varying little across all the various subgroups. The picture in 2005, and I am not going to read the statistics out because I have set them out in P100, but the statistics in 2005 which show support for Crossrail and support in the Whitechapel area are very similar to those which were presented in 2004.

11710. I, therefore, turn to the next question which is the first question of substance, the tunnel alignment. Contrary to the statements by Petitioners, alternative tunnel alignments were considered, as explained by Mr Berryman on Day 38, paragraphs 9500 to 9521 of the transcript and on Day 39, paragraphs 9795 to 9803 of the transcript.

11711. Problems which arise with substandard curvature were explained in the first Supplementary Environmental Statement, paragraphs 6.2.7 to 6.2.9, although in the context of the rejected Woodseer Option 1 alignment. It nonetheless does explain what are the implications of such matters. An explanation was also given in the consultation round two in the report on that consultation in 2005 under the section, "How have we responded?" which I put in evidence on Day 40, and I quote the relevant passage, but do not read it now, at paragraph 28 of P100.

11712. The southern route is not considered to be an appropriate choice. Any alignment to the south, ie the southern alignment, would pass through an area comprising multi-storey structures with deep-piled foundations (20- to 30-metre deep piles), exposing the project and building owners and occupiers to significant risks from ground movement. Multi-storey structures are of between eight and 15 storeys, many with basements, on each side of the southern route. Many of the buildings are of high quality and are relatively modern. Foundations depths for these buildings have been assessed at between 20 and 30 metres.

11713. An intermediate shaft on this alignment, as Mr Berryman explained, is difficult to locate due to schools and residential areas. The only suitable site identified was at the southern end of Brick Lane. The depth of the shaft requires construction within the

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

Lambeth Group requiring advance ground treatment. An alternative would be to raise the base of the shaft into the better ground conditions, but this would introduce a low point and associated sump in the tunnels at a location close to the pile toes of the high-density, multi-storey development. As a result, a low point in the alignment would be introduced closer to the piled buildings. That of course requires an intermediate sump to be provided to remove the water. This is similar of course to the problem Mr Berryman explained of routing the alignment beneath Bishops Square. The southern route would be about 350 metres longer than that proposed and would add to the journey time between Liverpool Street and Whitechapel stations. The resulting alignment comprises tight, horizontal curves combined with steep gradients which result in poor passenger comfort, increased journey time, long-term operational and maintenance disbenefits from increased wear on both rails and rolling stock, rail lubrication being required, greater power demand for trains and increased locomotive power requirements and heat generation, possibly requiring larger ventilation fans at the intermediate shaft.

11714. Despite the suggestions yesterday that there may be some other motive for selecting a Hanbury Street shaft site, there is no reason, other than engineering and operational reasons, which has led to the rejection of the southern alignment. The Pedley Street conveyer was not the reason for the location of the Hanbury Street shaft. The Hanbury Street shaft is where it is because it is on what is considered to be the optimum alignment for the rail between Whitechapel and Liverpool Street. Those reasons, although more mundane than some have suggested perhaps of ulterior motive, are nonetheless important.

11715. Neither the Woodseer Street alignments nor the southern alignment have any merit for the project, we say, and they have been examined over the last two years with the same conclusions. An intermediate shaft is required on the alignment for safety reasons and all of the sites have similar environmental impacts. Only the Hanbury Street shaft site offers the best operational railway alignment. Contrary to Mr Galloway's assumption, the southern alignment does not eliminate Whitechapel, but it is simply an alternative route to reach it.

11716. Turning then to ventilation and intervention shaft issues, even with the revised tunnelling strategy, a shaft is required for ventilation and emergency intervention, and I draw your attention to IPs G3 and D8, which were revised in April 2006, and ask you to compare the much-reduced land-take and I give you the exhibit number of the plan you were shown during evidence.

11717. HSE current standards are such that shafts should be spaced one kilometre apart for these types of tunnels, and for this see Mr Berryman's evidence

and his submissions on Day 33 which I have set out and given you the references for in paragraph 36 of P100.

11718. There has been a debate about Woodseer Street versus Hanbury Street as a more suitable location. The Promoters and Mr Galloway MP are of the same view that the impact of a shaft in the two locations is likely to be comparable, as indeed was Jill Cove for the Spitalfields Community Association on Day 41, paragraph 10849. The alignments through Woodseer Street that avoid the Bishops Square development would result in long-term operation and maintenance disbenefits, greater noise impacts, an increase in journey times and poor passenger comfort as a result of a series of back-to-back reverse curves. It is agreed with Tower Hamlets that this option should be discarded.

11719. An operationally compliant alignment through the Woodseer site, known as Option 2, would pass beneath the Bishops Square development. Bishops Square is a multi-storey development designed and constructed to take account of the tunnels in their current position. Locating running tunnels beneath this development would expose the foundations, and the structure, finishes, services and cladding, to increased ground movements. Water-bearing ground conditions at tunnel level require the alignment to be deepened by approximately seven metres which would reduce the risks to the structure. As a result, a low point in the alignment would be introduced under Bishops Square to keep the gradient to the Woodseer Street shaft within the standards. A low point, as with the issue with the southern alignment, requires an intermediate sump to be provided which connects with the running tunnels. To construct the intermediate sump in water-bearing ground, that is the Lambeth Group, will require extensive ground treatment and expose Bishops Square to even greater ground movements.

11720. Mr Philpott's points for the Spitalfields Society about the Mott MacDonald Report, "Comparison Between Woodseer Street and Hanbury Street—Technical Note", the full reference of which is in paragraph 40 of P100, criticising its listing of comparative issues, overlooked the most important feature, namely that it was considered that the reason for selecting Hanbury Street over Woodseer Street lay not in any environmental advantage or in terms of HSE spacing requirements, but in the greater difficulties which a Woodseer Street shaft would create, and I have set out the conclusion from that report which Mr Philpott did not refer you to, but is in evidence at the end of paragraph 40 of P100, and again I refer to it without reading it out, but it is there for reference.

11721. Mr Philpott's generalised criticisms which flowed from his concerns about the lack of balance in the report wholly ignored the above section, which did not rely on the points he raised with Mr Berryman in favour of Hanbury Street and

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

overlooked the fact that this is a consultant's report, not an environmental statement. An environmental statement will be published in due course to support AP3. His wider points which then flowed from his mistaken characterisation of the assessment of the two sites were even more flawed since the expression in one consultant's report does not rationally show flaws in other materials, such as an environmental assessment.

11722. The Spitalfields Society in this context also failed to appreciate that the illustrative proposals for the new shaft at Hanbury Street were open to consultation and detailed design and could provide for off-street lorry parking should it be required. Mr Berryman explained to the Committee on Day 39 in transcript paragraph 9812 that the use of large lorries would be rare.

11723. The Society also misunderstood the EIA process which is not to be conducted prior to the presentation of the project, but is put forward together with the project as an assessment of its likely environmental effects. It is not a requirement that the environmental assessment must remain unchanged or that it should not reflect changes in the project, especially such a large one, as they may arise.

11724. I ask you just to note two further points. The environmental statements are specific assessments of likely impacts as at the time the assessments are made. The fact that they are "likely" ones makes that clear. If the project changes and they are no longer the likely ones, then there is a need for further assessment, hence the supplementary statements and the APESs.

11725. Also, as the Committee will expect and has heard, there are a wide range of competing opinions about impacts and whether they are acceptable. I am sorry to bore you with a little bit of law, but I thought I needed to respond on this point, sir, so I apologise for troubling you with it. The courts have made it clear that simply because there are those who do not agree with the news in an environmental statement does not make it any the less a proper and lawful environmental statement. It might well be thought practically impossible to produce environmental assessments of a project of this scale which did not give rise to differences of opinion amongst those affected. The courts have made it clear that the adequacy of the environmental assessment process is for the decision-maker to judge, which is Parliament. In dismissing the legal challenge to the new Arsenal Stadium some years back, Mr Justice Ouseley considered this point, and I have set out the relevant passage. It comes from paragraph 203 of his judgment in 2002 and what he says there I have paraphrased in the paragraph before, but he says: "It is inevitable that those who are opposed to the development will disagree with, and criticise, the appraisal, and find topics which matter to them or which can be said to matter, which have been omitted or to some minds inadequately

dealt with". He says that, although there may be some force in the criticisms, that does not make it any the less an environmental statement.

11726. Can I also respond at this point to the point made by Ms Jordan yesterday. She was also quite wrong in suggesting to the Committee that an environmental assessment should have been provided at an earlier stage. The requirement both of the Directive on Environmental Assessment and of Standing Order 27A of this House is that the environmental statement should accompany the deposit of the Bill. That is the requirement of both European law and the rules of this House and it is wrong to suggest that the environmental statement is required at any earlier stage.

11727. The Spitalfields Society and others had unrealistic expectations in demanding a level of detail in design and information which, if applied across this very large scheme as a whole, would be unmanageable and impractical, and Mr Berryman pointed out to you on Day 39 at paragraph 9800 just how much time has been devoted to this particular section of the project. I have quoted the relevant passage and I am not going to repeat it, but the figure he gave was over 20,000 man hours for the principal consulting engineers and that about 25 per cent of the total resource spent on alignment design was spent on this section of track because the sensitivity of this location was known.

11728. I do ask the Committee perhaps to take notice of the commonsense fact that we would not be fighting for this alignment and these aspects of the Bill scheme against such determined opposition if there were not good reasons for doing so. We have no reason to create additional trouble for ourselves and the need for such large amounts of work. The reasons for the alignment and the shafts are the engineering and operational reasons set out in the environmental information and explained to you briefly by Mr Berryman.

11729. Sir, we repeat our submissions made in the context of the London Borough of Tower Hamlets' position on Day 38, paragraphs 9607 to 9609, on the alignment, and I summarise those on the basis that, whilst it would be technically possible to have a shaft at Woodseer Street, the increased risks which the changed alignment would bring mean that the site should not be used unless there is no alternative. Since there is an alternative which has no significantly different environmental impact, there is no proper basis for adopting an alternative location which carries greater risks, and I quote to you in paragraph 43 of P100 what Mr Berryman told you on Day 38, paragraph 9521, which I do not read out.

11730. Since then, the Committee has had the benefit of Mr Thornely-Taylor's views on the likely comparative noise impacts, and I give you the reference at paragraph 44 of P100, which confirms that the noise impacts will be comparable, although different residential properties will be affected,

Promoters' closing submissions relating to the Spitalfields and Hanbury Street site

notably a large number of the flats facing the Woodseer Street site from the other side of Spital Street, and I draw your attention to the annotated photographs, and I give you the references of the two site photographs produced by Mr Thornely-Taylor on Day 39.

11731. Sir, I turn then to the issue of settlement and Listed buildings. There is no issue with regard to the harm to Listed buildings from settlement and the concern of Petitioners is not well-founded. Considerable experience from other major transport projects, such as the DLR, the JLE—and I would remind the Committee of the major works at Westminster Station close to this location—and CTRL exists so that accurate assessments can be made with regard to the likely effects of tunnelling and settlement. Indeed it was in part the need to avoid difficulties that the important Grade I Listed Christ Church, Spitalfields was avoided in determining the alignment of the tunnels. The examples that were given yesterday by Ms Jordan of difficulties at King's Cross and the Limehouse Link arise from situations which are simply not comparable. The Limehouse Link is not a deep-bored tunnel, but it is a cut-and-cover tunnel cut from the surface downwards, and King's Cross is a large amount of work at, or close to, the surface over a vastly greater area than that impacted in Spitalfields.

11732. Sir, in paragraph 46 I set out references to where the settlement assessment process is listed and explained. I do not repeat those references now, but I draw your attention in particular to Professor Mair's evidence which explained the process to you on Day 8 and to the position in Information Paper D12. You have also heard the reassurances with respect to individual Petitioners' properties over Days 30 to 42, including at Christ Church. As those explanations make clear, mitigation does not primarily involve interventions in the structure of the building, and I draw your attention to paragraph 4.1 in Information Paper D12, that the primary form of mitigation is good practice and steps taken in the context of the underground works, not in the context of putting in beams and propping up buildings both internally and externally on the surface. The Information Paper provided on settlement as part of the consultation rounds and shown to the Committee on Day 40 refers specifically to Listed buildings, and again in paragraph 49 of P100 I quote the relevant passage without reading it out now.

11733. Individual Stage 3 assessments have been made of all Listed buildings in the area and it is not considered that there is any cause for concern. The assessments take account of the fact that a differential approach is required and that different historic buildings may have different features or aspects which require individual consideration. Agreement was reached with Tower Hamlets Council and recorded in Mr Berryman's letter of 6 June to Mr Whalley which makes it clear that the property owners would be sent the reports

concerning their own buildings, and I have quoted the relevant passage from the letter which gives the assurances which I have repeated on a number of occasions in paragraph 51 of P100. As the Promoters made clear on Day 39, property owners would be able to raise any issues about their own Stage 3 reports with the Promoters, and this was repeated, for example, on Day 40 with respect to the Spitalfields Centre and Ms Symes' Petition, Day 41, and the references are at paragraph 52 of P100.

11734. As to noise and vibration, there is no basis, we say, for considering that any issues will arise with the operation of the tunnels once constructed, taking account of Mr Thornely-Taylor's evidence given to date and the fact that the tunnels are deep as they run under Spitalfields, more than 30 metres, which is 100 feet or more, below ground.

11735. So far as the construction traffic is concerned, the revised proposals for Hanbury Street, which of course will be subject to further environmental impact assessment for AP3, will be of reduced impact in comparison with those assessed in the ES and SES1 Section 6. The main construction of the shaft is now likely to be two years at worst case with only about 15 lorries per day, dropping to a single vehicle no more than once a day after the two years. The larger lorries are unlikely to be used regularly, and the Hanbury Street site remains to be designed in detail and, if the London Borough of Tower Hamlets consider it necessary, the site can be so designed to accommodate lorries so that they do not need to park on the street. As has already been noted, the routes have been part of a process of agreement with Tower Hamlets and are shown and explained in detail in the Environmental Statement. Again I give you the references in paragraph 55 of P100.

11736. The noise impact on the residences in 61 Princelet Street which overlook the proposed worksite will be such as to entitle the occupiers to both noise insulation and temporary rehousing under the Promoter's Noise Mitigation Policy. At the Committee's request, the Promoter has agreed to review the noise mitigation package to be offered to those occupiers and will report back on that issue, and I can tell the Committee that that process is under way at the moment and at least a preliminary meeting with Petitioners has already taken place. However, 61 Princelet Street and its immediate neighbouring buildings, together with the retained Britannia House, will provide an effective noise shield for the majority of other surrounding residential properties.

11737. The noise impacts are unlikely to be significantly different if the reduced-scale ventilation and intervention shaft were located at Woodseer Street, and I give you the reference to Mr Thornely-Taylor's evidence at Day 39 at paragraph 57 of P100. This appears to be the view not only of Mr Thornely-Taylor, but of Mr Galloway and Jill Cove from the Spitalfields Community Association. There will not

The Petition of the Westminster City Council

be an adverse impact on Christ Church, Spitalfields in respect of which the exacting 25dB standard for concert halls will be met. I would repeat that we have made various offers to a number of Petitioners for Mr Thornely-Taylor to discuss with them and to explain to them the noise implications and why we do not consider there to be a problem, and that offer has been made to a number of Petitioners over the last two weeks, as the Committee knows, including indeed Mr Carpenter last night and Dr Goodbody yesterday afternoon.

11738. On working hours, the issue of working hours has been the subject of discussion between Westminster City Council, as lead authority, and the Promoter. Contrary to Mr Galloway MP's suggestions, the lack of certainty in what was said on Day 40 simply arose from the fact that the agreement had yet to be finalised with the lead authority, Westminster. Agreement has now been reached on the issue and the Committee will be provided with the final agreement. Can I say that what form it will take will be an amendment to the Construction Code in that there will be a new version of the Construction Code and there will be a new working hours section, and it may well be that we can provide you with the new working hours section ahead of the rest of the Construction Code so that you can see precisely the terms that are agreed. I have mentioned that the general core working hours are to be 8am to 6pm and that 24-hour working is anticipated principally for tunnelling. There are of course a number of exceptions to that and they will be set out in the document which will be provided to the Committee. That is not likely, we say, to have the impact of surface working at the Hanbury Street worksite, and the removal of spoil and movements of lorries at that site which will not take place at night.

11739. Finally, on Whitechapel Station, although some challenge the provision of a new station, the station is a key interchange and its primary justification is the railway issue of interchange and accessibility. Its provision was debated at the instigation of Mr Galloway at Second Reading and, in his view, did not enjoy the support of the Commons when it approved the principle of the Bill. Whitechapel has been part of the scheme from the outset and its provision is fundamental to Tower Hamlets' support, and I give you references on Day 38 and Day 41 in paragraph 60 of P100.

11740. As the Borough agreed, there are important reasons for the proposed station at Whitechapel, namely interchange and regeneration, and it is supported by the Mayor's London Plan. Mr Anderson explained them to you further on Day 41 at paragraphs 10974 to 10998 of the transcript. You have also been supplied now, at Mr Hopkins' initial request, with the anticipated passenger numbers for Whitechapel in the form of document P96. Mr Meale joined the Committee, but did not take the Chair

11741. The interchange function is critical since it allows easy interchange between those using Crossrail, the ELL and the Tube at a station which currently does not have easy or full accessibility. The LUL station improvement proposals cannot create a satisfactory interchange since they cannot interchange with Crossrail.

11742. The regeneration benefits of a station are pressed not only by Tower Hamlets, but by the London Plan which designates Whitechapel as an area of opportunity. Tower Hamlets said that this was one of the reasons which made the station fundamental to its support.

11743. Sir, we, therefore, wind up by saying that we request the Committee to support the Bill scheme as proposed to be amended by the revision of the tunnelling strategy, which will be formally subject to an AP and a further Environmental Statement, with a shaft at Hanbury Street and a new station at Whitechapel. Thank you very much, sir.

11744. **Mr Liddell-Grainger:** Mr Elvin, I have one question on the noise mitigation at 61 Princelet Street. When are you going to report back?

11745. **Mr Elvin:** I had an email just as I was leaving chambers, sir. As I said, there has been a preliminary meeting. I imagine it will be over the next two or three weeks. I cannot be absolutely certain, but we certainly hope that the Committee will be informed well before the recess and we will do it as soon as we possibly can.

11746. **Mr Liddell-Grainger:** Mr Elvin, I think you can take it that it should be before the recess please.

11747. **Mr Elvin:** I have made that view clear to those who are negotiating with the Petitioners.

11748. **Mr Liddell-Grainger:** Thank you very much indeed, Mr Elvin. Now we go back to Westminster's case. Mr Clarkson?

11749. **Mr Clarkson:** Sir, you have heard our evidence. I do not think the Committee had any questions of Mr Murchie, so that is our evidence, sir, and I hand over now to the Promoters.

11750. **Ms Lieven:** Can I proceed directly to recall Mr Berryman.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

11751. **Ms Lieven:** Mr Berryman, the first thing I would like you to deal with is the Hammersmith and City link proposal by Westminster. Perhaps we can start by your explaining to the Committee what it is that we are proposing to do in respect of interchange between Crossrail and the Hammersmith and City Line.

The Petition of the Westminster City Council

(Mr Berryman) Yes. Could I have slide 5 please and the pointer.¹⁵ Actually the pointer is probably superfluous here because this slide sets out quite clearly what the route would be for passengers from the Crossrail station to the Hammersmith and City Line, which is basically to emerge from the Crossrail station at what will be the new ground level, that is to say the level of the departures road that we saw yesterday, go through the arch past the statue of I K Brunel and then walk along platform one which is the southern-most platform on that slide, which is a very wide route. It would then be up the staircase or lift to the point which Ms Lieven is pointing out now and there is already a lift there, then across the existing bridge to the Hammersmith and City Line station which is at the north end of the layout. One advantage of this route is that it also provides linkage to the Great Western platforms which will be used by the mainline, so anyone who is at the country end of the train when it arrives in London will be able to actually use that route to access Crossrail as well as people using the Hammersmith and City Line.

11752. Without seeking to confuse the situation, can you just explain briefly how that differs from the hybrid Bill scheme which is on slide 1?¹⁶

(Mr Berryman) You can see that the proposal was that passengers would use the escalators which bring them to the surface in what is currently the Network Rail ticket office or the First Great Western ticket office, which I assume it actually is, and then they would walk again along platform one and over the bridge, as in the current proposal. There is a significantly longer walking distance in doing that than there is in the current proposal.

11753. Westminster are keen for some underground subway to be constructed to make this link. Can you just go through the options which Crossrail has considered, starting with Option A which I think relates back to the 1994 Crossrail Bill scheme? That ought to be Exhibit 12, I hope.¹⁷

(Mr Berryman) Indeed it is. Exhibit 12 shows the scheme which was proposed in 1994 and you can see that the station design was somewhat different then. Instead of being an open box, it was boxes at the end and then what I can only describe as an unusual form of construction between the boxes, but that does not need to concern us on this point. The idea here was to use an existing parcels tunnel which runs across from approximately the west end of the Crossrail station underneath the tracks, underneath more or less the ends of the platforms of the existing Great Western station. As far as the position there is concerned which is the end of that existing parcels

tunnel, which I think is about platform six or seven, though I am not exactly sure, from there you would go in a lift up to the existing bridge, which is the bridge which we are proposing to use in any event. There are two reasons for not pursuing this scheme any further. The first is that the route is not particularly any better than the route we are proposing. It involves using a lift to go up quite a high rise and there is no possibility of putting escalators in there and, generally speaking, lifts are less attractive to passengers than escalators.

11754. Just so we are clear, would it have provided PRM accessibility on to the platforms themselves?

(Mr Berryman) No, it would not. It would only have provided PRM accessibility to the concourse level of the Hammersmith and City Line, exactly as we are providing with our proposal. The other reason for not using this route is that it was built as a staff tunnel, it is a parcels distribution tunnel, and it is rather small and lean. The staircases which are shown there in orange do not actually exist at the moment and they would have to be built and there are issues about revenue control divisional staircases on that.

11755. Sorry, but that may be cryptic to those of us who are not familiar with it. What are the issues about revenue control?

(Mr Berryman) Checking that people have got tickets. There are quite a number of railway services in there which would have needed to have been moved. There is also the issue of the tunnel which was constructed at the time when Heathrow Express was built to allow for baggage to be delivered to the country end of the trains going to Heathrow. In fact that is no longer used as it was found not to be a useful adjunct to the scheme and it is now disused, so it could be broken out, so that is not an insuperable barrier, but it all adds to the cost and so on.

11756. So that is that one. Then can we look at Option B which I think should be Exhibit 17 which is a direct tunnel link which the Promoters looked at.¹⁸

(Mr Berryman) Yes, this is the option which I think Westminster City Council referred to as being their preferred option. It is a direct low-level link from the Crossrail concourse, from the paid side of the Crossrail concourse, underneath the throat of Paddington Station, underneath all of the tracks, and then up to the platform of the Hammersmith and City Line. The Hammersmith and City Line, as I think has already been given in Mr King's evidence, the existing platform is rather narrow and, therefore, there would not be room for escalators and so on. Indeed at the moment there would not even be room for a staircase. London Underground do have plans to rebuild this station and improve it, as I think was also given in evidence this morning,

¹⁵ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Street Level Plan, Current Proposals (WESTCC-32104A-005).

¹⁶ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Street Level Plan, Hybrid Bill Scheme (WESTCC-32104A-001).

¹⁷ Crossrail Ref: P99, Paddington Station—Ticket Hall Level, 1994 Bill Proposal (WESTCC-32104A-012).

¹⁸ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Ticket Hall Plan, Option B—Low Level Subway (WESTCC-32104A-017).

 The Petition of the Westminster City Council

but even then there still would not be enough width for escalators at this point and it would still be staircases.

11757. Can I just stop you there, Mr Berryman, because we have got a plan which shows that quite graphically, just to make the point good, so perhaps we can put up number 29 which shows the island platform with escalators.¹⁹

(Mr Berryman) Yes, this is a plan which shows the existing island platform there with the escalator flights that would be needed, if they were to be provided. You cannot read the dimensions very well on there, but I think you can see just by inspection that the platform is too narrow on either side of the escalators, so there is no question of putting this underpass in with the station in its present arrangement. It is intended by London Underground that they should improve the station, and I think we saw yesterday on the site visit the area where they want to improve it.

11758. **Kelvin Hopkins:** I notice that the suggested escalators are three across.

(Mr Berryman) Yes.

11759. At the Gatwick Thameslink Station there are two single escalators approaching from different sides and they are easily accommodated on a relatively narrow platform. Do they have to be three in line like that? I am just wondering about the volume of passengers that come off the Hammersmith and City Line as well.

(Mr Berryman) They would not need to be three abreast for the volume of passengers at this station, but we have a normal standard of three escalators in a flight where there is no alternative so that, when one is being maintained, there is always another one. There are issues about bringing an escalator up in the other direction from the underpass, and there is not really room to do that, well, it would be like that, and you would still have to provide a staircase if you could not provide three escalators because you would have to have something which was able to operate when the escalators were being maintained. Therefore, there would be problems with putting in escalators, but with the present station, even with a future station, although there is sufficient width for a staircase, there is not sufficient width really for the escalators that would be required. It is roughly a seven-metre rise from the level of any underpass up to the platform level, so it is quite a good way up.

11760. The plan, I think, is to make a single island platform with a line either side. Is that right?

(Mr Berryman) I am probably not the right person to ask about that. I know that the platforms would be wider than they are now.

11761. **Ms Lieven:** Sir, I am not a witness, but I think the proposal by London Underground under the scheme which is being discussed, although it has not got further than discussion, is that it would not be an island platform, but it will be a faced platform where effectively another platform will be put in, so it would not be one single island anymore.

(Mr Berryman) There would be two side platforms, I think.

11762. You were talking about the problems with getting on to the Hammersmith and City Line platform, Mr Berryman. Can we go back to the base plan of this option, Exhibit 17, and can you just talk about the engineering issues involved in creating it?²⁰

(Mr Berryman) I think the point to make here which I was trying to get across earlier is that, if we were to try to build this underpass at this stage, we would not be able to make effective exits on to the Hammersmith and City Line, but there are also issues about building the tunnel itself and this would need to be relatively shallow beneath the tracks. The way we would probably construct it is by jacking segments of a box underneath the tracks. This is a fairly well-established technique which has been used on a number of projects in the past. I am not aware of it being used anywhere across this number of tracks, but, in theory at least, there is nothing to stop it being used. The problem is that, as you get under each pair of tracks, that pair has to close and there is absolutely no question about that because the potential for the tracks to deflect as you are going over them is very significant. The other issue is whether you would need actually to close the tracks that you have already gone under, so, if you can imagine, the way this would be built would be by having some sort of pit here, dropping pre-cast units in and then jacking those pre-cast units forward, dropping another pre-cast unit in behind, jacking it forward and so on and so forth until you have jacked the whole thing all the way across. Where you have already gone under tracks, there is the issue as to what movements the jacking of the box might induce into the tracks you have already passed under. It has been done occasionally under all sorts of things—sewers and roads and all that sort of thing—but I am not aware of any precedent for building under such a long length of track. I would be prepared to argue the case with Network Rail but I would be fairly confident Network Rail would say: “You have got to close the tracks you have already gone under when you are moving forward”. As I say, I would be prepared to argue the case with them, but I could not say—

11763. What does that mean for the operation of Paddington Station?

(Mr Berryman) That would be quite a serious matter for the operation of Paddington Station. It would take a period of months to jack this lot

¹⁹ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Proposed Escalator Access to Hammersmith & City Line (WESTCC-32104A-029).

²⁰ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Ticket Hall Plan, Option B—Low Level Subway (WESTCC-32104A-017).

 The Petition of the Westminster City Council

across—a couple of months probably, at least. There would be disruption to Paddington during that period—potentially, quite serious disruption.

11764. By the time you get to the eastern-most extremity, you are talking about closing just about every line that goes into Paddington Station.

(Mr Berryman) Potentially. It is something we would have to argue about but it is potentially that, yes.

11765. **Mrs James:** On your statement then of potentially closing every line into Paddington Station, we have fast lines and we have slow lines, and all the trains from South Wales and into the South West all come on the fast lines. Do you envisage all the lines being shut at the same time?

(Mr Berryman) It could be that. I am pretty sure that that would be Network Rail's starting position. Whether we would be able to argue away from that, I do not know. The fact of the matter is we would certainly have to close the tracks under which these boxes were passing at the time.

11766. What is the longest period of time you would need to undertake this work?

(Mr Berryman) The worst case would be it would take two months in total during which there would be progressive closure as you went across.

11767. **Ms Lieven:** So that is the engineering reason why we do not think this is a good idea and getting on to the Hammersmith and City Line reasons why we do not think it is a good idea. Can we move on to the transport planning advantages of this option? To what degree does it give a substantial benefit to passengers, in your view?

(Mr Berryman) It certainly would give a benefit to passengers. There is absolutely no argument on that point, because it would shorten their walking time from the Crossrail Station to the Hammersmith and City Line. It would save them, possibly, over a minute-and-a-half, I think, in walking time. The advantages are that there would still be a connection there, there would still be an MIP connection with our scheme, and I do not think the advantages are sufficient to outweigh the cost, which would be £11 million or £12 million, and the potential disruption to Paddington Station.

11768. In terms of the number of people doing that movement—Crossrail to the Hammersmith and City—how does that compare in numbers of people, for example, with those who are interchanging between Crossrail and the Bakerloo Line?

(Mr Berryman) I have got the figure here, so if you give me a second I will find it. We would expect that the number of people who would use the interchange at present two-ways during the peak three hours would be about 2,400. The number of people who would use the Hammersmith and City Line direct link is about 5,600. So the degree of interchange to

the Bakerloo Line is greater by a factor of about three, compared to that which would be used for the Hammersmith and City Line.

11769. Just in case some Members of the Committee are not familiar with this particular bit of the London Underground network, are there a number of other options for people who are coming off Crossrail at Paddington and who want to get further east? Is that why the numbers are changing in this way between the 2,400 who were predicted to use it with our scheme and the slightly larger number that would be predicted to use it for the Hammersmith and City subway link?

(Mr Berryman) Yes, there are a number of ways that you can get to destinations. For example (this might sound strange but I have personal experience of something similar that works), if you were going from Crossrail and wanted to get to Kings Cross, you would have two choices of doing it: you could change to the Hammersmith and City Line here, or you could carry on on Crossrail to Farringdon and take a train back one stop from Farringdon to Kings Cross. Depending on the time of the link, different journeys of that sort may be more or less attractive in one direction or the other. That is just an example of a way that people can make these kinds of movements. Because we have got relatively few stops on the Crossrail route, it would be a fairly quick way of making that journey.

11770. Can we quite quickly look at two other options that we looked at briefly in order to dismiss, quite briefly? First of all, the one which is on exhibit 16, which is a subway to platform one within Macmillan House.²¹

(Mr Berryman) Yes. The idea of this one was, again, to make use of the existing basement structures which are under the front of Macmillan House and make a subway round on to platform one at a different location. I am not sure if we have a slide of the next level up, but this set of stairs here would be at the bottom of the set of stairs which go up to the existing footbridge, so you would come out of the unpaid side of the station, around to this set of stairs, up to the platform level and then up again to the footbridge and across the footbridge in the way we have described. The reason for not proceeding with this one is that, first of all, to walk up this set of stairs and then another set of stairs to the footbridge is a long, vertical rise. It is quite a convoluted route and we did not think it gives much benefit over the scheme that we have in the Bill.

11771. The final one which we looked at, which is in exhibit 14, is escalators within Macmillan House. It has a superficial attraction to it.²²

²¹ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Ticket Hall Plan, Option C1—subway to platform 1 within Macmillan House (WESTCC-32104A-016).

²² Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Ticket Hall Plan, Option C2—Escalators within Macmillan House (WESTCC-32104A-014).

 The Petition of the Westminster City Council

(Mr Berryman) If it was an easy thing to do it would be quite a useful interchange. I do need a photograph of the inside of the station.

11772. It is number 13.²³

(Mr Berryman) I will just talk to this first. With this proposal we would have knocked a hole through the side of the box into Macmillan House and put a set of escalators up from the basement level, which is where this ticket office is, up to the footbridge level, so there would be a direct link. That escalator would go inside Macmillan House and we would then knock a hole through the side of the building, Paddington Station, to actually link into the existing footbridge. The reason for not doing this is, basically, because of this feature here along the wall of the station, which is the string of beams which supports the arches. This is a very important part of the structure of the Paddington Station, which as you know is Grade I listed. We felt that the benefits which would accrue from doing this in this way would be extremely difficult to justify against the damage that this would cause to the rest of the building. That was why we did not follow that one.

11773. I think I will leave that issue there and see whether there are any questions on it. As far as Heathrow is concerned, we will leave that to Mr Anderson. The other issue I want to ask you about is the batching plant. Can you explain what our proposals are in relation to the batching plant? I think there are two exhibits to do this: 04B/001 and then 002, but start with 001.²⁴ Perhaps you can talk us through these two, Mr Berryman.

(Mr Berryman) Yes. These really are, perhaps, not the first ones I would have chosen.

11774. You choose.

(Mr Berryman) Can we go to 026 first, please?²⁵ This shows the existing and the future proposal for the batching plant. At the moment, the batching plant, as Members who visited yesterday will see, is situated on this site here and it is served by rail using this siding here. The proposal in the longer term for the permanent batching plant is to have a plant in this area here. This will be equipped with bunkers to store the aggregates, and so on, in and, therefore, will occupy rather a larger footprint than that which exists already. That will have the advantage of keeping the noise and the dust generated by the batching plant to much lower levels than it is right now. We are, obviously, as you know, still working on the detailed design and construction planning, but we are trying to keep this batching plant in place for as long as we possibly can and to keep it rail-served for as long as we possibly can. The advantages to us of having a batching plant on the site need hardly be explained—we need a lot of

concrete to build this project. The longer we can keep this going and the longer we can keep it rail-served the better. There will be a period, though, when we are reconstructing these sidings and doing various other works when we will not be able to continue to serve the plant by rail. For that period we will have a temporary batching plant which will occupy a smaller site; more than likely (and I cannot really say more than that at the moment) a part of the existing footprint of the plant. It will be necessary for that plant to be served by road during the period between closing the existing plant and opening the new one. We do not know yet what the period of that may be but it would probably be a couple of years. However, the fact that that will be served by road, there would always have been a batching plant in our construction plans. Whether it was a plant which could serve us and other people or purely a plant for our use is a moot point (certainly we have always intended that there would be a batching plant there) and the lorry numbers which have been allowed for to get to that plant have been included in our global totals on lorry movements which have been given to the local authority previously. Perhaps we could go to 001 now.²⁶ What I would like to use this slide for is to explain how the existing batching plant is served, and then I will go to another plan to show how the new plant will be served. Can you zoom out a little bit so we can see point B?

11775. We probably do not need today—we will next week—to go through the precise train movements.

(Mr Berryman) Would you like me to leave that till next week?

11776. **Ms Lieven:** I do not think, given Westminster's concerns that they raised this morning, unless the Committee wants us to, we need to go into exactly which sidings the trains are going into, because we will have to come back to that next week with the residents, but if the Committee wants to hear that now.

11777. **Mr Liddell-Grainger:** I think the residents are going to make it fairly clear what their feelings are next week, so I think we can move on.

11778. **Ms Lieven:** Mr Berryman, those are all my questions for you at this stage. I do not think you have anything to add on Great Western Studios; I will deal with that. Cross-examined by Mr Clarkson

11779. **Mr Clarkson:** Mr Berryman, I am going to begin with the link to Hammersmith and City. In context, it is important that this major cross-London route links where possible with the existing infrastructure. Do you agree?

²³ Crossrail Ref: P99, Paddington Station—Network Rail Platform 1, View from footbridge (WESTCC-32104A-013).

²⁴ Crossrail Ref: P99, Westbourne Park, Existing concrete batching plant and Network Rail Title Boundary (WESTCC-32104B-001).

²⁵ Crossrail Ref: P99, Westbourne Park, Existing and proposed concrete batching plant (WESTCC-32104A-026).

²⁶ Crossrail Ref: P99, Westbourne Park, Existing concrete batching plant and Network Rail Title Boundary (WESTCC-32104B-001).

The Petition of the Westminster City Council

(Mr Berryman) I do indeed.

11780. The position at Paddington is that you have sought to link into the other underground tube lines. Correct?

(Mr Berryman) We have sought to link into all the tube lines: the Hammersmith and City, the District, the Circle and the Bakerloo Line.

11781. The philosophy was, in 1994 (whatever you say about it, now, and I understand your points), that there should be a link, and a subterranean link initially.

(Mr Berryman) There was an intention to use the parcels tunnel to form a partial link I do not think anybody could have claimed it was a very satisfactory link, because it would have involved going underground and then a changed level from basement level to, effectively, first-floor level—footbridge level—here, and then across and down again.

11782. Yes, but there was a commitment to form an underground link, of whatever sort.

(Mr Berryman) A partial underground link, yes.

11783. What is the formal commitment to any link of any sort at the moment?

(Mr Berryman) I have explained how passengers would make the movement from the Crossrail Station to the Hammersmith and City Line station.

11784. All it is, is it not, is a facility by which you get the passenger to Paddington railway station platform and there he goes.

(Mr Berryman) Yes, that is correct.

11785. That is it; that is all you are doing.

(Mr Berryman) Yes, that is correct, but we would say—and I do say—that there is a satisfactory route already existing from there to the Hammersmith and City Line, which is already fitted with MIP access, as we demonstrated yesterday. One of the Members actually used it yesterday.

11786. Was it satisfactory in 1994?

(Mr Berryman) I was not the promoter in 1994.

11787. Was it satisfactory in 1994? The bridge was there, was it not? Platform one was there.

(Mr Berryman) I am unable to answer questions about the 1994 scheme; I was not involved in it at all.

11788. I am asking you now for your advice. Was it satisfactory in 1994?

(Mr Berryman) Are you asking for my opinion as an engineer?

11789. **Mr Liddell-Grainger:** Mr Clarkson and Mr Berryman, this is a long time ago. Is it relevant?

11790. **Mr Clarkson:** Yes, it is relevant because, whatever the picture was in 1994, the Promoters did not feel it was appropriate to leave the passengers on platform one to sort themselves out across the

bridge; they took a different course. That is why I ask the question, sir. I am not going into detail, I just want to know how things have changed.

(Mr Berryman) As I have already said, I was not involved in the scheme at all in 1994. I certainly do not now and would not then have thought the arrangements proposed here were in any way satisfactory.

11791. Let us remind ourselves of the document that the Committee were given yesterday, which we need not turn up—the route tour of Paddington.²⁷ I will read it out because I have no doubt you do not have it to hand. There is a paragraph under “Paddington Station” (it is not paginated) after the photographs. “Interchange with the District and Circle Line will be provided from the eastern end of the Crossrail Station by a short passage at basement level. This passage will provide level access to the northbound District and Circle Line with access to the southbound District and Circle Lines from the new footbridge and lifts. Provision will be made to enable future interchange with the Hammersmith and City Line to be provided from the Crossrail western ticket hall.” Just show us, would you, where the Crossrail Western ticket hall is on one of the plans that we have put up this afternoon, just so we can identify it? You will remember that “Provision will be made to enable future interchange with the Hammersmith and City Line to be provided from the Crossrail western ticket hall”. If we can just turn that up and, with your pointer, if you could identify where it is you have in mind.²⁸

(Mr Berryman) The Crossrail western ticket hall is below ground in this area just here.

11792. And the Crossrail eastern ticket hall?

(Mr Berryman) Is here.

11793. So where is the provision to be made to enable future interchange? What is it you have in mind?

(Mr Berryman) I am afraid that was copied from an old document which was part of an earlier consultation round.

11794. So what the Committee was told yesterday was wrong. Is that right?

(Mr Berryman) We did not particular raise that with the Committee yesterday.

11795. It is yesterday’s document, Mr Berryman.

(Mr Berryman) It was in the document. Yes, I am afraid it was wrong.

11796. The careful evidence now, 24 hours later, is that there will not be a provision to enable future interchange, so we must—

²⁷ Crossrail Ref: P99,Paddington Station—Route Tour Information for Paddington (SCN-20060621-002).

²⁸ Crossrail Ref: P99, Paddington Station—Ticket Hall Level, 1994 Bill Proposal (WESTCC-32104A-012).

 The Petition of the Westminster City Council

(Mr Berryman) This ought to be a lesson to me to read every single document that goes out and not just the one which appears to be important at the time. Certainly, that was a very old copy from a very old information sheet.

11797. It does concern us, you see, because have Westminster or anybody else been given the details of the engineering material you spoke of about the subterranean link? Let us turn it up. It is 17.²⁹ What I am talking about is that red link to the top left of the plan, and you have given us some engineering comments about it. Have those comments and the workings relevant to them been disclosed or discussed with Westminster?

(Mr Berryman) No, they have not because we are not proposing to do it, so you only need to discuss things, surely, which form part of our proposals. For a variety of reasons, as I have explained, this does not form part of our proposal.

11798. It may not form part of the proposal but you appreciate it forms part of Westminster's concern, do you?

(Mr Berryman) Of course I do; they have just said it does.

11799. And you appreciate that they want to understand what it is you say about that. Do you appreciate that?

(Mr Berryman) Yes. As I said a moment ago, this is not part of our proposal.

11800. They are anxious to have the subterranean link and we are anxious to understand why it has been rejected.

(Mr Berryman) I have already explained the engineering—

11801. I understand that. You have not explained it to Westminster, have you?

(Mr Berryman) No, because this is not part of our proposal.

11802. It may not be. How can anybody—the Committee or anybody—understand whether or not you are right?

(Mr Berryman) What, in my engineering decisions?

11803. How can we test it?

(Mr Berryman) I go back to what I said: it is not part of our proposal. We are just not intending to do this.

11804. It may not be part of your proposal. Is it money?

(Mr Berryman) It is a combination of money and engineering difficulty.

11805. So you are not saying it is, in engineering terms, impossible, are you?

(Mr Berryman) Nothing is impossible, as I have mentioned many times to the Committee; if you can chuck enough money at it and obstruct enough railway lines and disrupt enough passengers nothing is impossible.

11806. How do we understand whether or not, for example, you are right about the money?

(Mr Berryman) I have not told you what the money is.

11807. You said it was £10–12 million.

(Mr Berryman) We certainly have not shared it with the local authority.

11808. No, you have not. If the Committee was persuaded that it would be a right thing to have this shortest, flattest route to a new Hammersmith and City Line platform, we have no way of testing whether what you say, that it is too expensive, is right or not, do we?

(Mr Berryman) Although you are correct in saying it is the shortest route, it would not be the flattest route because there is a seven-metre rise at the north end of this from the subway to the platform. Just as a reference, the maximum that is permitted anywhere on the London Underground network, without providing an escalator is normally five metres, and a seven-metre staircase is quite a climb.

11809. Flattest inasmuch as it does not require wandering along platform one, wandering across the convoluted bridge that exists now and then down again.

(Mr Berryman) We could get into a debate about the desirability of wandering, as you put it, along a box this length with a very narrow tunnel.

11810. It is not your case, is it, that it is impossible to have some form of subway under the existing rail track?

(Mr Berryman) It is not impossible, no.

11811. It is not impossible, is it, to link in with a new LUL Hammersmith and City platform arrangement?

(Mr Berryman) It would be impossible at the moment because it is not there.

11812. That was not the question. A new one.

(Mr Berryman) If it was built, yes.

11813. Would you give the details of your work to the engineers at Westminster?

(Mr Berryman) It seems to me that we are charged with designing this and coming up with a scheme which we think can be built in the most sensible way. It is up to us to make engineering decisions, and this is the decision that we made. I am explaining it to you now. Of course, if the Committee tell me to do that I will do so. It does not seem to me to be very helpful to share this kind of matter with local authorities. There are hundreds, probably thousands, of engineering decisions which have been made about the design of the railway. They are not

²⁹ Crossrail Ref: P99, Paddington Station—Hammersmith & City Line Interchange, Ticket Hall Plan, Option B—Low Level Subway (WESTCC-32104A-017).

The Petition of the Westminster City Council

made by a committee or by a democratic process; they are made by experienced engineers using their best judgment to decide what is and is not feasible, practical or possible.

11814. I will put the key point to you: if we asked the Committee to require you to undertake, in due course, to provide a subterranean link in the event that the Hammersmith and City station is upgraded, you are not laying evidence before the Committee to say that it is impossible, are you?

(Mr Berryman) No, I am not. What I think I am saying is that the difficulties, from an engineering and from a station operation point of view, are not worth the benefits which would accrue from it.

11815. Those difficulties are not overt and are untested. Correct?

(Mr Berryman) The engineering difficulties are certainly not untested.

11816. They are untested by any validation by, for example, Westminster who have an interest in it. You are not prepared to reveal it to them.

(Mr Berryman) As I said, I do not think you can do engineering design by committee.

11817. I am not asking for it to be designed by committee, we are just asking for the material to justify the conclusion which you have reached. Will you reveal it?

(Mr Berryman) We can certainly reveal it, yes.

11818. When will you reveal it?

(Mr Berryman) As soon as you like, but I do not think it is going to change our position.

11819. It will not change your position but it may even change the Westminster position. Can we accept from you that you will give Westminster the material?

(Mr Berryman) We will get something to them, certainly. I am not sure how full it is.

11820. We do not want the back of an envelope. Has it been done properly?

(Mr Berryman) It has certainly been looked at properly, yes. Whether it has been worked up into a fully designed scheme, I doubt.

11821. **Mr Clarkson:** We wait with interest and I make it quite plain I shall be asking the Committee that there be an undertaking of the sort. That is all I have, sir, thank you.

11822. **Mr Liddell-Grainger:** Thank you, Mr Clarkson.

The committee suspended from 4.00 pm to 4.11 pm for a division in the House

Re-examined by **Ms Lieven**

11823. **Ms Lieven:** Mr Berryman, could I ask you to look at paragraph 5 of the Promoter's response document, which is dealing with the impact at Paddington operational railway and the link to the Hammersmith and City Line.³⁰ "A number of options have been considered to reduce this travel time. A direct low level subway link between the Crossrail station box and the Hammersmith and City Line was rejected because of a number of reasons including (a) the difficulty of providing adequate vertical access . . . (b) the engineering difficulties of constructing a low level subway beneath the throat of Paddington station . . . (c) although this option would provide the quickest and only paid side route, it would still involve a journey of around three minutes . . ." At paragraph 6, over the page, it says, "Consideration was given to the use of the disused subways . . . but this was rejected."³¹ Do you see that?

(Mr Berryman) I do.

11824. So far as you are aware, thinking about what is said in paragraph 5, sent to Westminster six weeks ago, have they carried out any engineering appraisal that you have seen as to the validity of the point made in 5(b) about engineering difficulties?

(Mr Berryman) Have they carried out any?

11825. Yes.

(Mr Berryman) If they have, I have not seen anything.

11826. So far as you are aware, have they come back to us, in respect of that paragraph, and asked for any further detailed information since they got that six weeks ago?

(Mr Berryman) Not to my knowledge.

11827. Stepping back from that, in your expert engineering opinion, given matters that you gave in evidence in chief on this link, is it worthwhile to carry out further engineering appraisals of this proposal?

(Mr Berryman) We certainly would not think it was worthwhile, no.

11828. I think you made a slip in evidence in chief—there is some division within the team as to whether you said it or not but I think we need to be really clear about it—so far as PRM accessibility from Crossrail to Hammersmith and City Line. Under the current proposals, although there is a lift up to a footbridge across the tracks, is there any PRM accessibility onto the Hammersmith and City Line?

³⁰ Crossrail Ref: P99, Promoter's response document to the Petition of the City of Westminster Council, p8, para 5 (SCN-20060621-003).

³¹ Crossrail Ref: P99, Promoter's response document to the Petition of the City of Westminster Council, p9, para 6 (SCN-20060621-004).

 The Petition of the Westminster City Council

(Mr Berryman) No, there is not at the present time. I understand that part of the reconstruction of the Hammersmith and City Line which we have been talking about already—that is the new platforms and so on—would include putting PRM lifts down from the concourse to the platforms for that station, but there is certainly nothing there at the moment. Indeed it is a very unsatisfactory arrangement for people with restricted mobility at the moment, as I think was seen yesterday by the Committee members.

11829. Would putting lifts down all depend on the Hammersmith and City Line platforms being rebuilt?

(Mr Berryman) Yes, it does.

11830. **Ms Lieven:** Thank you very much.

11831. Sir, we could produce a note on planning station guidance on the escalators, the point which Mr Hopkins was asking about: two escalators or two escalators and a staircase and run-off distances and so on. It is quite technical but there is detailed guidance on that which we could produce if that is helpful.

11832. **Kelvin Hopkins:** I am sufficiently reassured from what has been said. If this is not physically possible, I will accept that.

11833. **Ms Lieven:** I do not want to go into the detail if it is unnecessary but the offer is there.

11834. **Mr Liddell-Grainger:** Now, closing statements.

11835. **Ms Lieven:** Sir, I was going to call Mr Anderson on the batching plant. I can deal with it in closing.

11836. **Mr Liddell-Grainger:** If you are happy to deal with it in closing, I am happy.

11837. **Ms Lieven:** I am happy to deal with it in closing if you are happy, sir.

11838. **Mr Liddell-Grainger:** We are both happy. This could not be better

11839. **Ms Lieven:** I should say it is important that the rest of the Committee are happy too.

11840. **Mr Liddell-Grainger:** Indeed. We are not taking away the gravity of the situation and we know perfectly well that Westminster and others have concerns about this. This will be explored in great detail over the next couple of weeks.

11841. **Ms Lieven:** Sir, I am conscious that there is a danger, in short petitions, of hearing the same thing said four times. I am quite happy that I say it. If the Committee feels it needs further evidence, we can call Mr Anderson at some point.

11842. First of all, as far as information is concerned, yes, we accept the scheme has changed, but it is important to emphasise that it has changed in order to meet stakeholders' concerns and aspirations, and, in particular, Westminster's aspirations about the taxis, and to try to shorten the distance for the Hammersmith and City Line.

11843. It is possible to see those changes in a positive rather than a negative light. Yes, there has been some late information, but I would suggest, with respect, that perhaps Westminster's position has been slightly overstated. They did get the current proposals on 26 April; they did comment on them after that—it was given to them at a meeting and they commented later; they did not seem to have any significant residual concerns about them (except the Hammersmith and City Line); and, so far as things like listed buildings and detailed design issues are concerned, they will be subject to Westminster's agreement in Schedule 7 anyway. I acknowledge late information but I do ask the Committee not to see it entirely as Crossrail's fault or entirely as Westminster being disadvantaged.

11844. On the Hammersmith and City Line, you have just heard Mr Berryman's evidence, and he has always put it far better than I could. First of all, major engineering problems; secondly, highly disruptive to Network Rail Services; thirdly, you cannot make an appropriate link on to the Hammersmith and City Platforms; and, fourthly, it does not make very much passenger benefit in any event—although it is slightly shorter, it involves a seven-metre vertical rise which most people would not be very happy about. There just are not the benefits that justify this level of disruption. In the 1994 scheme there was a partial underground link, but that does not mean it was a good idea. Of course that scheme never got approval. It was not PRM accessible because you could not get off the bridge. It had to be served by lifts—query: How many people would wait for the lifts anyway? There is a real problem with ticketing now, because you would get people getting on to the Network Rail platforms from the unpaid side. Mr Berryman's expert view is that he would not think that scheme, now or then, was in any way satisfactory. The fact that it was in the 1994 Bill is neither here nor there.

11845. Heathrow, Mr Anderson was going to deal with. The key point is that going to Heathrow is an integral part of Crossrail. There is no issue about that. But it would be—in my words—crazy not to be able to open parts of the project which have already been built in order to wait for Heathrow link to have been built. Secondly, it would be wrong in principle to tie down the Secretary of State in relation to the service at a future date in potentially very different circumstances. It is very important the Committee understands this is subject to very sensitive and difficult negotiations with BAA and the last thing the Promoter wants at this stage is to be tied down in a particular way.

The Petition of the Westminster City Council

11846. I do not want the Committee to have any misunderstanding. Going to Heathrow is fundamental to the project and the Committee will be well aware that the hope is that a significant part of the Crossrail cost will be met by the business community, for whom going to Heathrow is fundamental. The chances of it being dropped, in my submission, are really not ones which the Committee needs to worry about.

1847. Great Western Studios. I have to admit, I am not quite sure what Westminster actually want. We have agreed to set up an agency to assist displaced business and help them find alternative accommodation. But we are not prepared to provide accommodation at below market rent or subsidise the rent. These occupiers—and we will hear from them tomorrow—have effectively had a windfall for years. Because the property has been safeguarded for Crossrail and therefore, in non-technical terms, blighted, they have been able to rent it below market rent. I would suggest to the Committee that to require us to continue to subsidise the rent, if that is what Westminster are after, first of all, would be contrary to the National Compensation Code, but also would be blatantly unfair. Why should these people have their good fortune continued by the public purse, particularly when they have always known that this property will ultimately be required for Crossrail? One has every sympathy for them. Of course, if you have had the marvellous situation of having subsidised rent for ages, you are happy, but that is no reason for Crossrail to continue it for the indefinite future.

11848. As far as the batching plant is concerned, there is very little between us, as I understand Mr King's evidence. Westminster accept the principle of reinstatement of the batching plant. That is clearly required by the planning policy, otherwise it is inevitable that more aggregates and cement would have to be carried by road. The reinstatement of a rail-served facility is an integral part of the scheme and planning permission should be granted through the Bill with conditions set through the Bill process. There is really no issue of substance here. Mr King says that the planning conditions were generally acceptable; details will have to be discussed further. Under the proposals that will be brought forward in AP3, Westminster will enforce the conditions—so it stands in their hands—and there will be reserved matters under the condition that will be set by Westminster in any event.

11849. So far as the temporary facility is concerned, Mr Berryman just gave evidence that the precise details of its location are yet to be set. Nobody suggests that it can be rail-served. It cannot. But it is clearly desirable to have a temporary facility on the site because otherwise the simple truth is that the concrete will have to travel further by road to get to the construction sites in Central London. There may be winners and losers. Possibly the people on the Brunel Estate would have two years without a concrete batching plant, but somebody else will have

more lorries going past them somewhere else. There is an overwhelming case to have a temporary batching plant, even though it is road-served. Clearly the lorry movements which come out of it, which are fundamentally, I assume, Westminster's concern, can be subject to appropriate limitations. An important point to realise for next week is that the trains have to come in sometimes at night, but the lorries do not, so that can be subject to appropriate limitations to minimise environmental concerns.

11850. Sir, as always, I have skimmed through it, but I hope those are the key points and I have given the Committee the information they need.

11851. **Mr Liddell-Grainger:** I am sure you have. Thank you very much.

11852. **Kelvin Hopkins:** While I accept the argument that has been made about the artists' studios, have they been told on an annual basis that this is a short-life situation: they are low rents because they are, effectively, blighted and one day they will be required but they do not have to move and they can go on using them? Secondly, if Westminster is very keen to promote such local business, and indeed it might be that the Mayor of London, the GLA, is keen to do that as well, it should be their responsibility to provide alternatives for these business premises or these artists. If I were a member of the GLA, I would certainly propose that as an alternative. That is not the responsibility of Crossrail because Crossrail has no moral or legal responsibility.

11853. **Ms Lieven:** Sir, may I come back to that tomorrow when we have the studios here? So far as your second point is concerned, I obviously agree, but, in so far as what they have been told, they are coming tomorrow and will be in a much better position to answer that. I am also going to call Mr Smith tomorrow to deal with compensation, the agency scheme and all that information. Could we come back to that tomorrow when they are here?

11854. **Mr Liddell-Grainger:** Yes.

11855. **Mr Clarkson:** Sir, in the sense that there are minuses and pluses of the scheme, Westminster seeks an overt consultative process by which their support is adequately justified.

11856. In respect of the interchange, they want to know what the issues are; they want the details of what they see as the quick underground link. We are not comfortable that this has been thought through sufficiently. If we do not receive detailed material soon, we will invite the Committee to assume this has not been thought through properly.

11857. If London Underground do upgrade the Hammersmith and City platforms, we ask that there should be an undertaking required of Crossrail to link in, whether by a new AP or whatever, by way of

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

a subterranean link. Perhaps I could pick up Mr Hopkins' point, that at the end of the day you can link in with the platform at London Underground end of it by compromises. It does not have to be three escalators wide, and the very worst case that Mr Berryman would argue against would be partial closure for two months. We say something must beat this wholly inadequate process currently of arriving onto platform and then over the bridge. It was thought appropriate in 1994 in some way and it was thought appropriate in the document you got yesterday.

11858. Turning to Heathrow, this major project must, if it is to come to Paddington, link to Heathrow. That is obvious and necessary. The scheme fails if it does not. We ask the Committee to require that. Any ducking and weaving in the future—and I am not saying it is being suggested now—will be avoided if the Committee requires it.

11859. Next, Great Western Studios. Of course Mr Hopkins and others are right that there is a historical circumstance where people have set themselves in a building that since 1944 was moribund or redundant and was going to disappear. But so be it. They are there. In this area of deprivation they are thriving. That is a social issue. It is a social issue exacerbated by this project and must be addressed.

11860. All the Promoters are doing is saying we will have a quasi agency that will help. They could go to Foxton's for that—and that will not do them much good. What is required, we say, is something extra, by which there is an energised approach, whereby all of us working together provide something, and we have yet to have any suggested provision. You will hear about that from the people themselves who are affected. As I say, it is a social issue.

11861. The batching plant is the last issue, and we are anxious that, one way or another, we, as the planning authority, deal with this properly. I appreciate that this is an AP3 matter to some extent, so that there will be the supervision by Westminster, but we were looking, first of all, for planning supervision with the plan, so that we can apply conditions. If the Committee does not think that is right, we do insist, through the Committee, that the City of Westminster is the planning authority that not only supervises it but can enforce any breach of condition. There are, again, social issues and environmental issues of a batching plant in an area that is in the context of homes, noise and environmental pollution. It is a live issue. It will be addressed, I think, by AP3 to some extent, and we keep our powder dry to that extent and hope that in due course it will be satisfied.

11862. Mr Liddell-Grainger: Mr Clarkson, thank you.

The Committee adjourned until 6.00 pm.

Ordered: that Counsel and Parties be called in.

The Petition of the Paddington Residents' Active Concern on Transport.

The Petition of Rodney Fitzgerald.

The Petition of Katie Black.

The Petition of John Shepherd and others.

Mr John W S Walton appeared as Agent.

11863. **Chairman:** We are now going to deal with the Paddington Residents' Active Concern and the petitions of Rodney Fitzgerald, Katie Black and John Shepherd represented by Mr John Walton. Mr Walton, are you going to take all four together or are you going to deal with them separately?

11864. **Mr Walton:** All four together.

11865. **Chairman:** Thank you very much.

11866. **Mr Taylor:** Perhaps I can briefly introduce the petitioners if I might. Mr Walton is representing as you just said the Paddington Residents' Active Concern and Transport group and other residents in the vicinity of Paddington station, Mrs Black, Mr Fitzgerald and Mr Shepherd. Mr Walton very kindly passed his opening to me earlier today so I will not steal his thunder but essentially his concerns relate to three matters. He has concerns about the long-term solution for taxis serving the area, concerns relating to bus routing and the location of stands and stops during the construction of Crossrail and matters relating to noise. That is a very brief overview of the points which are going to be made.

11867. **Chairman:** My apologies for getting you mixed up with Mr Mould.

11868. **Mr Taylor:** There was reason for it.

11869. **Chairman:** Mr Walton, would you like to present your cases.

11870. **Mr Walton:** Thank you, Sir. My name is John Walton. I live at 70 Gloucester Terrace, W2 3HH which is in Bayswater, and is two blocks away from Paddington station. I am the secretary of Paddington Residents' Active Concern and transport usually known as PRACT and they have appointed me as their agent. PRACT is a consortium of four major Paddington residents groups and its objectives cover major transport projects such as this one. May I say also that we are grateful to the committee for hearing us on the second evening and you must have had a hell of a week!

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

11871. **Chairman:** You would not believe how hectic it has been.

11872. **Mr Walton:** I was here this morning but not this afternoon. I hope you bear with us after what has been a long day. It is evident that I am not a lawyer so I hope that you will bear with me on matters of procedure where I go wrong. I am not an engineer either, however, I did hear in Mr Murchie's evidence this morning there was mention of matters which rather set the scene for traffic around Paddington, mainly the Heathrow Express Rail Bill and the public inquiry into the opening of terminal five at Heathrow and I represented PRACT in both Houses on the Heathrow Express railway project and at the terminal five inquiry. You mentioned the three individual petitioners who have appointed me as their agent. I intend to call only one witness, Mr John Zamit, who is the chairman of one of the four major community societies which formed PRACT and this is the one area closest to Crossrail.

11873. We have distributed two maps taken from the Environmental Statement, I think both are on the system. We have added numbers from one to 19 on these which I hope will assist you to identify on the maps the points which we will be mentioning. I am very glad that the Committee was able to visit Paddington yesterday nevertheless it does not necessarily need to know exactly where Praed Street is, for instance. The maps which we have distributed cover much the same area as the two maps in the submission documents for your site visit yesterday. They are called PRACT one and two and there is an index called PRACT three.

11874. **Chairman:** For the record this is A131.³²

11875. **Mr Walton:** If I may there is a fourth document, Chairman, which press cutting, which we will come to in the evidence of Mr Zamit. The route of Crossrail going from east to west passes through PRACT's area from the Northern boundary at Hyde Park which is point number one on the first map, two, a footbridge over the mainline railway which you saw yesterday which is about half way between Royal Oak Station and the Paddington New Yard site.³³ All these route sections are within the City of Westminster. PRACT's area includes a tunnelled section beneath a quiet residential area, the underground station of Crossrail at Paddington, the western portal and a section of surface railway. Taking the route in this order, there is first for us the question of groundborne noise and vibration from trains in tunnels. I know you have a lot of evidence about this and I do not propose to call a witness on this question but I will, if I may, make a brief

statement on behalf of residents in support of the position of the London Local Authorities including Westminster City Council on this matter. Now seems a better time for me to do this than in my closing statement so the promoters have a chance to respond if they wish. I have read the transcript of the expert evidence given to you on February 8 and 9 and also that of your hearing on 30 March of another group of residents who live in Bathurst Mews. Bathurst Mews is point three on the first map. I hope I am correct in saying that this evidence reveals a number of key points. First the local authorities seek a more stringent base standard. There is some disagreement about the additional cost of the local authorities counter-proposal but their position is that the additional costs are relatively small. Their position is also that site specific measures, when there are special needs or problems, should start from this more stringent base standard. Second comes the important question of maintenance of the track so that the initial level of noise transmission is adhered to. I understand that there is common ground on the importance of this but we do seek an assurance that the operators of the railway will be legally bound to keep noise levels below the agreed standard at all times.

11876. Third comes the question of how all this applies to the Paddington/Hyde Park area. The stretch of tunnelled railway between the Crossrail station at Paddington and the point where the underground railway passes underneath the edge of Hyde Park, again that is point number one on the map, is a very short stretch less than a half a kilometre long. This area is also very quiet and is virtually wholly residential. The tunnels are relatively shallow. We submit therefore that the transmission of noise and vibration needs to be kept at a very low level there. I note that on 30 March you, Sir, assuming that you were the Chairman on that day, summed up in paragraph 6307 by asking the promoters to continue efforts to come to an agreement with the petitioners from Bathurst Mews on the question of a letter of comfort setting out the Secretary of State's position so that there should be no misunderstanding leading to unnecessary blight. I hope, Sir, that the promoters will also approach the other affected petitioners whom I represent with a letter of comfort and indeed any other residents who are affected in the same way.

11877. That brings me to the end of an attempt to outline the import for Paddington petitioners of the evidence already given to you, which I hope has not been too tedious. Now comes something which perhaps is in the nature of new evidence of a site-specific kind. It appears to us that there is a technical reason for greater protection from the impact of the tunnels in this short section of railway. I represent Mr Fitzgerald and he lives on the northern side of Sussex Square, which is point number two on the first map. He tells me that this is a modern block of flats and it was "built on stilts". I take this to mean

³² Committee Ref: A131, Exhibits of Paddington Resident's Active Concern on Transport (PRACT), Rodney Fitzgerald, Katie Black and John Shepherd.

³³ Committee Ref: A131, City of Westminster Plan—Paddington to Hyde Park (PRACT1) (WESTCC-1205-001).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

that it is built on what is often called piled foundations. Thus the transmission of vibration could be a particular problem. I believe that it is agreed that measures such as floating slab track are necessary in special circumstances, including buildings with piled foundations.

11878. Before calling Mr Zamit, may I please raise a procedural matter. In our main petition we have made representations about the footbridge across the railway which I have referred to and these representations have been overlaid by the Amendment of Provisions number two of May 2006 and in the accompanying Environmental Statement there is reference to a new proposal to lengthen that footbridge. PRACT have recently submitted a petition against the additional provision and I was initially uncertain at what point I should address the issues raised in the petition against the additional provision. I believe, however, we are now asked to address the situation including the Amendment of Provisions number two. Assuming that this is right I will ask Mr Zamit to cover this matter in his evidence. One of our troubles and this touches on ---

11879. **Chairman:** Sorry to interrupt you but in response to your query as I understand it, it has just now concluded the timescale. You have had your response, is that correct?

11880. **Mr Walton:** That is correct.

11881. **Chairman:** You can deal with it now if you so wish.

11882. **Mr Walton:** I think our intention is to deal with it now to save your time, Sir, it is not necessarily the case with the most recent changes such as the proposals at the lower level of Eastbourne Terrace. Again, we will seek to assist you by referring to the current proposals insofar as we know what these are but since the information about the proposal to lower the level of Eastbourne Terrace was only conveyed to us yesterday, it may be that we will need to come back to you on this.

11883. **Chairman:** We are well aware of that and that would be quite correct.

11884. **Mr Walton:** The only other thing I would like to say is that I was listening this morning and we certainly support the position of Westminster City Council on all four subjects which were raised this morning but I would like in particular to refer to the problems which residents face from the concrete batching plant, both its temporary replacement and its permanent reinstatement. I am not introducing evidence on this and you will be hearing from a number of residents groups on this matter later but I wish to make the point that we support the position of Westminster City Council on this matter. Thank you, Sir. Unless there are any questions arising from my initial statement I propose to call my only witness, Mr John Zamit.

Mr John Zamit, sworn

Examined by **Mr Walton**

11885. **Mr Walton:** Mr Zamit, would you please tell the Committee who you are and where you live.

(Mr Zamit) I am John Zamit and I live at 2 Claremont Court, Queensway, W2 5HX, which is in the northern section of Queensway in Bayswater and I have lived there for a considerable number of years. I am the Chairman of the South East Bayswater Residents' Association, SEBRA for short.

11886. SEBRA is one of the four founder members of PRACT?

(Mr Zamit) Yes, SEBRA's area runs westwards from Paddington station into Bayswater. SEBRA was founded in 1970 and is recognised by Westminster City Council as the amenity society for the area. The alignment of Crossrail from Sussex Gardens, point number four on the first map, up to the footbridge over the mainline railway runs underneath or at the edge of SEBRA's area.

11887. What is the general attitude of SEBRA to Crossrail?

(Mr Zamit) Along with the other founding members of PRACT, we support Crossrail for the benefits it will bring to the local community and to London's economy.

11888. But do you know of concerns about the impact of construction and operation around Paddington?

(Mr Zamit) Yes, we support the concerns set out in PRACT's Petition. On the 8th of this month I attended a useful meeting with Crossrail as a result of which our concerns, apart from the questions of groundborne noise from the trains and tunnels and the footbridge, we are left with five main topics which I would like to draw to the Committee's attention.

11889. Would you like to give headings of these five areas of concern before coming on to them in detail?

(Mr Zamit) Yes, the first one is "surface noise and disruption during demolition and construction". By "disruption" I mean in particular dust, traffic diversion and problems with heavy lorries as they pass through residential streets. The second heading is "disruption, traffic diversions and other impacts during excavation of Eastbourne Terrace to construct the underground station at Paddington and during the necessary diversion of a sewer and other utilities in preparation of the excavation". Eastbourne Terrace is point 6 on the first map, PRACT 1. Third, "the adverse effect of construction on pedestrian access to Paddington Station lasting three years or more". The fourth matter is "the impact of Crossrail when completed upon permanent arrangements for vehicular access to Paddington Station", and, fifth, "the rebuilding of the footbridge across the surface railway".

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

11890. Let us turn to the first topic which is surface noise and disruption during demolition and construction.

(Mr Zamit) Our principal concern is the impact of work especially that which has to be done at night including lorry movements. Turning to the parts of the site which cause us most concern, one is the western portal and the ramp which leads down to the deep tunnels, point 16 and 17 on PRACT 2.³⁴ We are told that this work must be done at night because of proximity to the tracks of London Underground's Hammersmith and City Line. The ramp leading down to the deep tunnels will be constructed, we are told, by cut and cover. My understanding is that the acoustic screening is not at present proposed. We think it is essential to pull in full acoustic screening to protect the sleep of residents who live in the western most parts of Gloucester Terrace on either side of point 18 on the second map and also along Westbourne Park Villas, number 19 on the second map. All these residents live opposite the site, many in family-size flats or houses. Trains do not run at night which allows people some peace for sleep. In consequence, I understand these flats and houses are not double-glazed. Other works which cause concern for potential noise and disruption are the demolition of 14 Bishop's Bridge Road, point 13 on the first map, and 147–149 Praed Street, point 5 on the first map. In particular, the first of these sites is also close to the railway so works may be done at night, but it is also immediately adjacent to a large block of family flats known as Brewers Court at the junction between Westbourne Terrace and Bishop's Bridge Road, point number 14 on the map. All of these flats are approached by open walkways facing the railway at the rear of the block.

11891. What about your concerns on lorry movements?

(Mr Zamit) Obviously, there will be numerous heavy lorries moving along a long period and contractors may wish to move some at night. For instance, on the site visit yesterday I understand the Committee saw the proposed lorry route through the residential Chippenham Road and Elgin Avenue, which is apparently needed to keep a banned left turn at the junction between Harrow Road and Great Western Road which supports a pedestrian crossing. We understand that the ultimate authority for the routing and house operation is to be delegated to Westminster City Council. However, we hope the Committee would support the principle that controls should be based primarily on limited disruption and maintaining the amenity of residents so far as possible.

11892. Could we turn now to your second topic, traffic diversions and other impacts on work in Eastbourne Terrace both in connection to the diversion of underground utilities and later during the main works.

(Mr Zamit) Eastbourne Terrace is a major bus route carrying seven bus routes, soon to be eight, and three night buses. Of two of the daytime routes, the buses terminate their routes at Paddington Station so the bus stand is unneeded. The stands are now situated in Eastbourne Terrace. We greatly welcome Crossrail's adherence to the long-standing proposal to keep Eastbourne Terrace open for one lane of traffic in each direction at virtually all times during the main excavation and construction phase which will last at least five years. The only question that remains, therefore, is how to prioritise traffic in this period. In PRACT's submission, there should be the following order of priority: emergency vehicles, such as ambulance and fire engines, should come first, then buses in both directions, then taxis and, lastly, other traffic. If capacity is insufficient for all traffic, it is better, in our submission, that all buses should remain on Eastbourne Terrace and taxis should also have priority there. The Promoters' title traffic diversions during main works—

11893. If I may interrupt for a moment, this is one of the packages of exhibits which was delivered to us yesterday. I do not know if it can be found. It is called "traffic diversions during main works".³⁵

(Mr Zamit) This exhibit indicated that from next year Eastbourne Terrace will become a boundary, extending the Congestion Charge Zone, but we consider it is unlikely that Transport for London will wish to maintain the boundary there during the time it becomes a building site. Their stated principle is to aim for three running routes along the boundaries. Our view about bus routes is in contrast to the proposal in Crossrail's Environmental Statement which is shown in the exhibit. The proposal for Crossrail is that buses on all eight routes going in one direction, those going south or east, should be transferred throughout these many years to the residential Westbourne Terrace which is point 8 on our first map, parallel to Eastbourne Terrace, the next street over. This is disruptive to residents in terms of noise and pollution. It will disturb their sleep at night because there are six buses an hour at half hourly intervals on the three night routes. Putting the buses heading south and east on to the residential Westbourne Terrace will cause severe practical problems and delays, we submit, particularly at the sharp left turn into the narrow Craven Road at point number 9 on our first map. I know this area very well. Craven Road is a heavily used, two-way road. The narrow pavements at the junction between the two roads are heavily used by residents and visitors finding their way from Heathrow Express at Paddington Station to many local hotels. Many of the tourists I have watched looking to find their hotel and where they are going on this busy junction and already at that junction taxis and other vehicles clip the pavement turning into Westbourne Terrace. The turning buses would include one route of bendi buses. As shown in the Promoters' exhibit called "The bendi bus swept

³⁴ Committee Ref: A131, City of Westminster Plan—Westbourne Terrace Villas (PRACT2) (WESTCC-1205-002).

³⁵ Committee Ref: A131, Paddington Station: Traffic Diversion Diagram—Main Works (WESTCC-12004-030).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

path", the buses would have to occupy the outside of two lanes at the approach in Westbourne Terrace and traffic lights and will be turning left across the path of traffic on the inside lane.³⁶ Also the stop line for the traffic on Craven Road coming towards this junction would have to be set back considerably to allow for the buses turning. This will reduce capacity at this junction considerably and we wonder—I do not wonder, I am not sure—whether will be safe. Also to keep Eastbourne-bound buses on Eastbourne Terrace would also enable the stop on Bishop's Bridge Road, point number 15 on the first map, to be retained. PRACT has also suggested in its letter of comments on the second supplementary Environmental Statement, which is often referred to as SES2, that the present bus stands for routes which terminate at Paddington should be transferred from Eastbourne Terrace to the adjacent new bridge rather to Westbourne Terrace, as Crossrail propose. Two large bus stands on Westbourne Terrace are shown on the Promoters' exhibit entitled "traffic diversions during main works" including a stand or stands for the bendi bus route which terminates at Paddington. These matters would delay other traffic and so cause noise, pollution and disruption. A space will be available on the bridge which is now being used as a taxi rank and will be vacated when vehicular access to the station is transferred to the station's eastern side. We were told at the meeting of 8 June with Crossrail, which I have mentioned, that the routing of buses is also a matter to be delegated to Westminster Council. We welcome this but hope that the Committee would support our proposal that the diversion of eight bus routes to the residential road for a five-year period should be avoided. I may, lastly, on this topic briefly mention the question of utility diversions upon traffic and other respects. Proposals for these were set out in SES2. We do not object to the diversion of buses and other traffic for short periods of no more than a month or so, as proposed in the phasing diagram to be found in SES2, so we have no comments on that aspect. However, we are deeply concerned about the impact of possibly diverting a sewer from Eastbourne Terrace and putting its effluent into the ancient sewer in Westbourne Terrace. We received confirmation that this is environmentally unacceptable as a long-term solution. We also ask that the work on the residential Westbourne Terrace would not take place at night or on Sundays.

11894. Let us return to your third topic, the impact of construction on pedestrian access to Paddington Station.

(Mr Zamit) Yes, we are greatly concerned about the proposal to close all pedestrian entrances to the station on its side bounded by Eastbourne Terrace, that is from the pavement of the station's departure route, point 7 on the first map, for as long as three years. At present, these entrances are much used by residents, office workers, tourists and by the many

people who transfer on foot between Paddington mainline station and Lancaster Gate Station on the Central Line which is nearby on Bayswater Road. They do this on their way to and from work. The only pedestrian entrance to the station, it seems, would be on the eastern side using the ramp leading from the station to Praed Street, which many years ago was the taxi exit route. This is point 10 on the first map.

11895. The Committee walked down this ramp yesterday after leaving the minibus.

(Mr Zamit) All those who presently enter or leave the station by way of the pavement on Departures Road will have to transfer to this sole means of access and this, we believe, will add greatly to the congestion of people which already exists on the narrow pavements on both sides of the section of Praed Street. The southern pavement is where the entrance to the Circle and District Line station and the main bus stop are located; it is a very busy stretch of pavement. On the northern pavement there is congestion again near to the entrance to the Bakerloo Line, which is adjacent to the ramp at the junction and it gets very busy in the rush-hour times. We would like the entrance from the pavement of Departures Road which is nearest to Praed Street, the one which is close to the Sainsbury's store inside the station, point number 11, to be kept open at all times if possible. If closure is absolutely essential, it should be for as short a period as possible and should not overlap with the period when the pedestrian subway under Praed Street which will connect the Crossrail and the Circle/District Line stations is being constructed. That is because the method used will be "cut and cover" and will require one half of Praed Street to close and so one of the two pavements will also be closed.

11896. Thank you. May we now turn to the fourth topic, which is the impact of Crossrail once completed upon permanent arrangements for vehicular access to Paddington station.

(Mr Zamit) This is a very complex matter which has both temporary and permanent aspects, which interact with each other. On the temporary aspects the proposal in the Bill, and in its Environmental Statement, is to put in temporary vehicular access on the site of the Red Star parcels depot which lies between the station's easternmost Span, number 4 and the canal basin. This is fine by us so far as vehicular access is concerned but it has an environmental cost. It would delay, by ten years or more, a highly desirable and approved development of the station on its eastern side, which would open up the station to Paddington canal basin, Saint Mary's hospital and the new major developments all around the canal basin. This project, known as Network Rail's phase two project, requires demolition of the station's Span 4 and would also use the space now occupied by the Red Star parcel depot. Span 4 is only a copy of Brunel's station of three spans and was erected in 1915. The project would use the space at one level for a large transport

³⁶ Committee Ref: A131, Westbourne Terrace/Craven Road Bendi bus sweep path (WESTCC-12004-032).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

deck above repositioned railway tracks, where taxis and other vehicles would set down and pick up passengers. Later, other buildings would be constructed over the transport deck. This major project was recently given planning permission and listed building consent, subject to the completion of legal agreements. If the transport deck were put up soon, it would remove the present need for temporary vehicular access to the station on the site of the Red Star parcel depot. We understand that construction of Crossrail cannot now start before 2009 at the earliest. We urge therefore that every effort should be made to take the Network Rail project as far as completion of the transport deck before of Crossrail starts. We may be told that achieving this is outside Crossrail's hands but we would note nevertheless that it would save Crossrail a very large sum of money which is now necessarily allocated both to the construction of the temporary vehicular access on the eastern side of Span 4 and later to reinstate that the vehicular access in the station's Departures Road on its western side. It has been said that construction of Crossrail may have to be delayed until after the Olympics in 2012. For instance, Mark Field, the member for the Cities of London and Westminster was recently reported in a 'freebie' newspaper as having this opinion. I am referring to the press clipping which we have distributed and have called document PRACT four.³⁷ We would deplore such a postponement but it is clear that if it were to happen the Network Rail project could easily go ahead first. Our submission is that it seems practical to do it by 2009.

11897. Can we now turn to what you have described as the permanent aspects of the present proposals for vehicular access to Paddington station?

(Mr Zamit) In the Bill and its Environmental Statement, the proposal is to reinstate the vehicular access in the station's Departures Road on its western side once construction for Crossrail has been completed. I am sorry to have to take up the Committee's time by explaining why there is a problem with this. Reinstatement of vehicular access in the station's Departures Road in 2015 would be essential if Network Rail's postponed phase two project, or indeed any other development on the site, of the station's Span 4 were to go ahead after completion of Crossrail. In order to explain this problem I fear I must now give a very brief description of the arrangements for vehicular access in the station's Departure Road. They will take advantage of the opening of the splendid new Bishops Bridge just to the north of the station, point 12 on the map. This traffic scheme known as the long-term vehicular access, LTVA for short, was designed to implement undertakings made in Parliament in 1991, I believe at the time of the passage of the Heathrow Express Railway Bill. The undertakings were to design a traffic scheme which

would "focus station traffic onto the strategic road network to the north east of the station and away from the residential areas to the south and west of the station". As originally designed, LTVA was truly long-term because it was found to be able to cope with the predicted traffic levels as late as 2016.

11898. I am sorry to interrupt Mr Zamit, but this is a point that was raised in Mr Murchie's evidence this morning.

(Mr Zamit) This year happened to be the terminal dates of the projections made much later, at the time of the public inquiry into the effect of opening the fifth terminal at Heathrow airport. These predictions were made because the fifth terminal would increase substantially the usage of the Heathrow Express which terminates at Paddington. Originally the plan was to create a tunnel below Eastbourne Terrace to serve as an exit for taxis from the Departures Road into Eastbourne Terrace, all heading north in the direction towards the bridge.

11899. Sorry to interrupt for a moment. It might be helpful if you could bring up the promoter's exhibit entitled "long-term vehicular access, options taxis routes" on an A4 sheet with some arrows in red³⁸.

(Mr Zamit) This is called option two in the promoter's exhibit entitled "Long-term vehicular access options—taxi routes". This option is not feasible in combination with Crossrail so the revised scheme is that taxis leaving the station should enter Eastbourne Terrace on the surface, which will probably work but will reduce long-term capacity quite substantially, we think. This scheme is called option three in the Promoter's exhibits. Capacity is reduced not only by losing the tunnel but also by the loss of road space equivalent to two lanes taken up by the light spine for the Crossrail station. This can be seen in the promoter's exhibit entitled "Lowering Eastbourne Terrace", where the top half of the diagram, which is in plan, shows the light spine in blue. Its position is not affected by the question of lowering or not lowering Eastbourne Terrace, so we have been told. To date, the 2016 date has not been revised but work is now in hand we have been told. There is a *prima facie* case, we submit, that in 2015 or 2016 the capacity what be insufficient under the system now proposed by Crossrail. Until it can be demonstrated by the properly revised predictions, that would not be the case. It is unsafe, we submit, to pass the Bill in its present form. All these difficulties would be avoided of course if the Network Rail phase two scheme were built so far as its transport deck before construction of Crossrail starts.

11900. May we turn lastly to the question of the footbridge over the railway?

(Mr Zamit) I know this footbridge very well, I use it a great deal. The footbridge is in a shocking state and we think it should be replaced completely. It is known locally as a muggers' paradise. To replace

³⁷ Committee Ref: A131, Crossrail Link's Six Year Delay, West End Extra, 9 June 2006 (PRACT4) (WESTCC-1205-004).

³⁸ Committee Ref: A131, Westminster City Council Long term vehicular access options—Taxi Routes (WESTCC-12004-031).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

and extend only the northern end, as proposed in the Amendment to Provisions of May this year, leaves the rest of the bridge in its current terrible state. We consider that it is pointless to put in disabled access at only one end. The bridge needs to be replaced completely with disabled access to both ends, with better lighting and a CCTV system. I believe that if this is not done the present situation, which is totally unsatisfactory, would be made even worse by the extension of the bridge on the northern side. An upgrade of this important connection which is much used by residents and will be used by pupils and staff of the Westminster Academy, which is presently being built, would at least give a small amount of community benefit.

11901. Thank you, Mr Zamit, is that the end of your evidence?

(Mr Zamit) Yes.

11902. Please stay where you are for the time being as there may be other questions.

(Mr Zamit) Yes, Sir, I am happy to assist the Committee as I can.

Cross-examined by **Mr Taylor**

11903. **Mr Taylor:** I think I have got one or two questions for Mr Zamit, if I may. Mr Zamit, if we might begin with the concerns that you raised in relation to Brewers Court at the building next to Bishops Bridge Road.

(Mr Zamit) Yes.

11904. I take it that PRACT is aware of the content of information paper D9, the proposals for noise mitigation being put forward by the promoter?³⁹

(Mr Zamit) Yes.

11905. And you will be aware I take it that a supplementary Environmental Statement is going to be prepared and produced in relation to the works on Bishops Bridge Road that will assess the likely significant impacts as a result of those works and will identify those properties that may qualify under the noise and mitigation scheme.

(Mr Zamit) Yes.

11906. You do not suggest do you that there is anything defective about the noise mitigation scheme put forward by the promoter in information paper D9?

(Mr Zamit) I await to see the detail.

11907. You were sent that information with the promoter's petition response document. Have you had a chance to review that as a group?

(Mr Zamit) We looked at those documents at the weekend and I do not recall that.

11908. You take no points on that here today?

(Mr Zamit) No.

11909. I think you raised some concerns about whether or not there would be hoardings provided on the work site?

(Mr Zamit) Yes, screening.

11910. I take it that you are not aware that the Paddington New Yard site is proposed to have a 3.6 metre high hoarding on a certain side for a significant length?

(Mr Zamit) What is the length? What is the extent of it?

11911. I will ask Mr Rupert Thornely-Taylor to address that in detail but I take it you were not aware of that?

(Mr Zamit) No.

11912. We will leave that then. Can we turn then to address your concerns relating to bus routes and the use of Eastbourne Terrace. As I understand it, you are contending that Eastbourne Terrace should continue to be used by buses and bus stops and stands should be provided within Eastbourne Terrace during the construction work of Crossrail, is that right?

(Mr Zamit) I do not believe we have said that. We have indicated that the stands can be relocated on the new bridge where the taxis are presently standing and queuing so that can be accommodated. We have not suggested that the present stops in Eastbourne Terrace have to remain. We understand the traffic would have to flow one way each way. We have not in our evidence asked for the bus stops to stay as they are. What we have said is that we want the buses in both directions to use Eastbourne Terrace rather than these southerly and easterly buses to use Westbourne Terrace. We pointed out that there would be a loss of a bus stop by Brewers Court and Bishop's Bridge Road under the proposals for sending buses down Westbourne Terrace, but we would obviously understand that the bus stops in Eastbourne Terrace would be removed.

11913. I see. Thank you very much for that clarification. So far as the potential use of Eastbourne Terrace by buses, that is a matter which no doubt Westminster City Council would have an interest in?

(Mr Zamit) Yes, we have mentioned that. I mentioned that. The concern I had when I had the meeting on 6 June was there had been discussions, it appears, with Crossrail and TfL on the proposed bus routes, but they did not seem to have involved at that stage local residents or users, but in particular had not involved, as we understood it, Westminster City Council. This proposal to run the buses down Westbourne Terrace seemed to be after discussions just with the parties of Crossrail and TfL and not with anyone else. We want to point out the disadvantages, in our opinion, with our local knowledge of that proposal.

³⁹ Crossrail Information Paper D9 Noise and Vibration Mitigation Scheme, <http://billdocuments.crossrail.co.uk>

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

11914. Westminster City Council are perfectly aware, are they not, of the proposal to divert buses down Westbourne Terrace?

(Mr Zamit) They may be aware of them at this late stage. I do not know when they were advised of that, but I am not aware they have been in discussions or have given agreement to that.

11915. Have you raised the matter with Westminster City Council?

(Mr Zamit) As soon as we found this out, we sent out an email to the Director of Transportation, Martin Lowe, explaining the situation, telling him our concerns and asked to have an early input into any discussions with TfL on the diversions of bus routes.

11916. Westminster City Council appeared earlier today in relation to Paddington issues and they have not raised the concerns with the Committee regarding the routing of buses, as proposed by the Promoter, down Westbourne Terrace, have they?

(Mr Zamit) I was not here to hear what they said. I did not appreciate they had given their approval. I thought it was a matter still to be discussed and decided.

11917. Can we look at the Promoters' exhibit, page 32, the swept path just for a moment.⁴⁰ Here we have a swept path for one of the bendi buses—I had not realised bendi was spelt with an "i" but you learn a new thing every day—and you raised concerns about how traffic is going to flow down Craven Road where a bus turning the corner takes up so much of the space of the carriageway on the opposite side of the road as it makes the turn.

(Mr Zamit) Yes, we raised concern that the bendi bus and, I believe, others will also strain the outside lane of Westbourne Terrace when they turn left. Their movements will necessitate the stop line of Craven Road to be set back considerably. We believe all these movements down Westbourne Terrace and then into Craven Road will have repercussions of delaying and causing traffic queues in Westbourne Terrace, which at the moment without the buses, a busy road flows very well. We believe the buses and the bus stands will create traffic delays and congestion backups which will have resulting pollution.

11918. So far as the bus making the turn is concerned, the issue about traffic on the other side of the road is addressed by moving the stop line, is it not?

(Mr Zamit) Yes, but that would mean it takes more time to get from the stop line across the junction that will have a knock-on effect in delaying the traffic in this busy junction.

11919. You raised a concern as to the Congestion Charge Zone. Obviously when the Mayor takes a decision about changes to the charging zone boundary, he has to undertake a particular procedure, does he not?

(Mr Zamit) Yes, that is correct.

11920. It starts off with him publishing, as I understand it, a draft order and taking representations on that draft?

(Mr Zamit) Yes, we have experience with that. We must say ours and others' representations seem to be ignored by the Mayor, but we would make representation, as we have on many aspects. Generally, they still go through as they were proposed normally.

11921. If changes were proposed, there would be a procedure that would be followed that would enable PRACT to object to any potential changes?

(Mr Zamit) Yes, I agree with that. All I am saying is when we have made other representations, it falls on deaf ears in the Mayor's office.

11922. Now let us turn and deal with the taxi issue, if I can call it that. You are aware, are you not, of the proposals to use the Red Star deck, if I can call it that, the land to the east of Paddington, to provide a point for the setdown of passengers by taxis and those taxis access the Red Star, as I understand it, via the bridge?

(Mr Zamit) The new bridge, that is right.

11923. If that were to remain permanently, that would meet your concerns about taxis, would it not?

(Mr Zamit) If that was to remain permanently, that would address our concerns, but at the moment, as I understand it, they may be contemplating that, but that is not the matter before us at the moment.

11924. Let me explain the position. I am not being critical here, but the proposal at the moment now is to keep taxis on the Red Star decking indefinitely.

(Mr Zamit) We were informed of that on 6 June when we went to this meeting. It was the first we heard about it. If that has now been replaced in the Bill in front of us, then that is an advantage. That scheme is now being replaced?

925. That is indeed the position.

(Mr Zamit) That does not go out for any more consultation?

11926. As I understand it, that is going to come forward in an additional provision. I am being corrected, there is no need for an additional provision. The scheme has just been changed so the taxis are kept on the Red Star deck indefinitely.

(Mr Zamit) There is no public consultation?

11927. We already have the powers to do that within the Bill. So far as Span 4 is concerned, I think you raised concerns about the inter-relationship between Red Star decking and Span 4.

⁴⁰ Committee Ref: A131, Westbourne Terrace/Craven Road Bendi bus swept path (WESTCC-12004-032).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

(Mr Zamit) Yes.

11928. Is it your understanding that Span 4 and the Red Star deck scheme are mutually exclusive, that you cannot have both together?

(Mr Zamit) I would think that if Crossrail have changed it, it is going to be a permanent position on the east side by the Red Star parcel. I cannot imagine that the construction of a deck with the proposed buildings above it could take place while that arrangement is in hand. It seems to me that if the Span 4 development is going to go ahead by British Rail, for the period of construction of the lower parts of the development, the taxis would have to revert back to the west side.

11929. Yes, and so the potential importance from the Committee's point of view of the Span 4 development would be a temporary impact during the construction of Span 4 during which a solution for taxis at Paddington would have to be found?

(Mr Zamit) Yes, and I do not know when that would be, but if it was going to be in several years' time when the taxis went back to the western side, until we have the revised traffic forecast and figures, I am not confident that the arrangement for the taxis to exit on the west side going up Eastbourne Terrace are sufficient.

11930. One of the things we would need to take into account when thinking about what the potential solution for taxis would be is whether or not Crossrail was already operating at that time. That would be relevant, would it not?

(Mr Zamit) Yes.

11931. Because Crossrail, once operating, will significantly reduce the demand for taxis at Paddington, would it not?

(Mr Zamit) That is why we are looking for further forecast to May. Although that may make sense, until Crossrail is in operation, we really do not know what effect there will be on the taxis; there may be reduction. We do not know. Paddington may still prove to be a popular place to alight and take a taxi from. We are asking for additional information figures to be ascertained to see what effect it has had on previous forecast figures.

11932. I see. You do not accept necessarily that the introduction of a Crossrail route that runs from Heathrow through Paddington and into the West End and the city will reduce taxi usage at Paddington?

(Mr Zamit) I am not in a position. I have not got the figures to say that would necessarily happen. I can see it may happen, but I still think Paddington is a very popular stopping destination now and for places to go to the north of Westminster and places to the south. Paddington could still be, particularly with the taxi rank, a more convenient place to get a taxi than stopping at another stop on Crossrail. Because most people who come in by Crossrail or from Heathrow, if they have got luggage, will still

want to take a taxi to finish their journey. I still think it will be a very popular stopping-off place, the main stopping-off place, as you enter into London.

11933. People who want to go to the West End or the city will get off Crossrail at Paddington and get a taxi rather than staying on Crossrail?

(Mr Zamit) Not necessarily the city, but certainly for the West End. I do not know how easy it is going to be to get a taxi on the stop-off places past Paddington in the West End. It is not easy to get a taxi now and I am not sure how easy it will be when you get off a Crossrail train in the West End at Oxford Circus or Tottenham Court Road.

11934. **Mr Taylor:** Thank you very much indeed. I have no further questions.

Re-examined by **Mr Walton**

11935. **Mr Walton:** Mr Zamit, could we have the bendi bus swept path.⁴¹ Westbourne Terrace in the southbound direction carries traffic coming off the motorway?

(Mr Zamit) Yes, that is right.

11936. And does that traffic proceed down Westbourne Terrace in one lane or two lanes?

(Mr Zamit) At present traffic goes from Westbourne Terrace and Bishops Bridge Road or from the A40, previously the motorway, and it goes down in two lanes in a southerly direction, most of it going down to the end of Westbourne Terrace to join up with the direction system for the Bayswater Road and across the park.

11937. At the approach to the traffic lights at the intersection between Westbourne Terrace and Craven Road, is the traffic in one lane or two lanes?

(Mr Zamit) I walk this road almost every day. The traffic comes off the A40 or down and the way the lights are sequenced is they are using both lanes. There are banned left and right turns and it flows pretty well now. The lights change, it is a steady movement and it continues through, but any introduction of bus stands, bus stops and in particular buses having to go, will severely restrict this free-flowing traffic movement. I believe it will cause significant traffic delays and backup, as I have said before, with resulting noise and, in particular these, days pollution by the introduction of a bus service which necessitates having to turn left slowly into Craven Road. The number of bus routes this is going to use is going to cause a major backup which will stretch, in my opinion, quite a long way up, probably past Chilworth Street up Westbourne Terrace.

11938. Could I just ask you to look at the swept diagram. It appears from that diagram the path of the bendi bus is not in the inner lane of Westbourne Terrace.

⁴¹ Committee Ref: A131, Westbourne Terrace/Craven Road Bendi bus swept path (WESTCC-12004-032).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

(*Mr Zamit*) No. I think they proposed a bus stop near there. They are having to manoeuvre into the outside lane in order to enable them to do a left turn. That will cause, as I say, considerable backup because it is a difficult but necessary manoeuvre for them to get into that outside lane.

11939. Could I turn to the announcement that the Network phase of the scheme is not going to go ahead.

11940. **Chairman:** We are going to suspend the Committee whilst we take this vote. *The Committee suspended from 6.03pm to 6.19pm for a division in the House*

11941. **Mr Walton:** I will try to be brief. On the question of the Network Rail Span 4 development Mr Zamit, there is a planning approval still open, is there not?

(*Mr Zamit*) Yes, after long consultation, they have been approved and English Heritage have also approved that there are some legal documents to sign off but it is now a fully approved and granted scheme.

11942. It is not your understanding that Network rail have withdrawn any information that suggests that Network rail have withdrawn?

(*Mr Zamit*) None whatsoever. On talking to various people in the council about the scheme only the other day, my impression was that it has now been granted permission and there is no reason why it could go ahead.

11943. If we turn to the access or taxi access on the site of the Red Star parcels depot. What is PRACT's position about that being done on a temporary basis?

(*Mr Zamit*) On a temporary basis, as proposed in the Bill, we welcome the proposals put in there and our concern is when it will move back on to the western site.

11944. Should it turn out that the Span 4 development is delayed or does not go ahead after the completion of Crossrail, what do you think would perhaps be the attitude to a continuation of taxi access on the site?

(*Mr Zamit*) We welcome it staying on the eastern side but we would be concerned that if the development Span 4 went ahead, that arrangement would have to revert back to the west side for several years while the construction was started so they could carry on building but we have already put our concerns to the committee about the capacity and the effect on traffic in the area by putting it back on to the western side for seven years.

11945. Thank you. That is all, Chairman.

The witness withdrew

11946. **Chairman:** Mr Taylor, do you want to sum up?

11947. **Mr Taylor:** Thank you, Sir. We are going to call Mr Anderson and Mr Berryman. I was also considering calling Mr Thornely-Taylor if the Committee would find that helpful.

11948. **Chairman:** I think we have had quite enough experts for the day. We have other matters which are going to have to be explained so there will be a point at some time in the future, that is if you want to go home tonight!

11949. **Mr Taylor:** I am always enthralled by the proceedings that go on, it is quite painful sometimes.

Mr David Anderson, recalled

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

11950. **Ms Lieven:** We are calling the two witnesses together to try and expedite things and I have got a few questions for Mr Berryman to pick up on. Can we put up exhibit 23 and can you explain very briefly to the Committee why it is we need to reduce capacity on Eastbourne Terrace during the works and therefore remove the buses?⁴² Start talking before the slide.

(*Mr Berryman*) As you know the station at Paddington is the box station underneath the Eastbourne Terrace Road. In order to build that we want to do it in two halves by putting down diaphragm walls into the ground and then half of the roof of the station, diverting the traffic into that part of the roof and then building the other half. We have got a drawing here which shows approximately the space that will be left when we are doing that. The centre line of the box is about here it more or less directly under the existing curve on the east side of Eastbourne Terrace. To allow ourselves working space to build this half of the roof, we need to have that space cleared plus a little bit of working space between where the deck is being constructed and the hoarding. The hoarding is for the section of station which is being constructed here, shown there and there. That leaves this space here as the road. You can see the total dimension from there to there is 27 meters, that is about 7 or 8 meters, it is just enough for two lanes of traffic and that is as much as we can get in during that stage of construction and it is proposed to maintain the two lanes of traffic in that area.

⁴² Crossrail Ref: P99, Paddington Station Cross Section of Existing Eastbourne Terrace profile (WESTCC-32104A-023).

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

11951. Can we then move on to pedestrian exits and perhaps we can have 001 exhibit. Mr Berryman, can you explain why there may well be a point at which both of the pedestrian accesses on to Eastbourne will need to be closed and can you give some sense of the likely duration, obviously it is all subject to detailed design.

(Mr Berryman) Indeed. As members of the Committee who were here yesterday will appreciate there are two entrances for pedestrians from Eastbourne Terrace into the station, one is here, this is the Clock Arch, which we stood under next to the statue of I.K. Brunel and the other one is down here, near the Sainsbury's store which is known as the Horse Arch and do not ask me why. The intention would be to try and keep one of those entrances open as much of the time as possible but of course with major construction works going on all the way along this road, along Eastbourne Terrace, it is quite difficult to maintain access to both of them all of the time and on occasions it will be difficult to maintain access to one. We do expect that there will be shortish periods when both of these accesses are closed but the issue really is something which can only be resolved in detailed design and when construction planning has been done.

11952. If they do have to be closed for periods, where will pedestrians coming along Praed Street, in particular those coming up from Lancaster Gate station, access into the station be?

(Mr Berryman) It will be down here, I think it is called the arrivals row but when we were on the tour yesterday we walked down here alongside the Hilton Hotel.

11953. **Ms Lieven:** Very briefly, Mr Zamit raised a point about moving the sewer from Eastbourne Terrace to Westbourne Terrace and whether that was environmentally acceptable, can you give any comfort on that?

(Mr Berryman) Yes, indeed. Incumbent with all the other services we propose to move, the arrangements for this were made in discussion with the relevant authority, in this case Thames Water, and it was certainly with their approval I think from memory it was their suggestion, proposed that this alteration would be made.

11954. **Ms Lieven:** The final thing I want to ask you about is the footbridge over the railway further to the west. Can you explain, very briefly, what Crossrail is doing to that footbridge and why we are not upgrading the whole of it?

(Mr Berryman) The short answer is as little as possible. The problem with the footbridge is that the clearance between the ground underneath it and the footbridge itself is not quite sufficient to allow for the electrified railway to pass underneath it. We would need to raise slightly one span, the span of the north end of the bridge, it is shown on this plan and I think it is just there at the moment. The principle is that we will not be doing anything to the bridge other than raising the north span by about 200 or 300

millimetres. We are not putting any people over the bridge. The fact that increased numbers of people are coming over the bridge is due to the development of the academy which is going on at the north of the bridge. The connection to the north of the bridge will be made by the academy, we are not planning to do anything to it at all other than this issue of raising it slightly to allow the electrical clearance underneath. In a perfect world we would jack it up, put some jacks under each end and jack the bridge up and put packing underneath it. It may be that we cannot do that because of the general state of the bridge and we may have to replace the span but the principle of it is that we will put back what is there now.

11955. **Ms Lieven:** I will hand over to Mr Taylor and Mr Anderson.

Examined by **Mr Taylor**

11956. **Mr Taylor:** Mr Anderson, I have two matters, firstly the Red Star deck. Can you confirm that the promoter is now proposing to keep taxis on the Red Star deck indefinitely?

(Mr Anderson) Yes, that is correct.

11957. Do you have any information as to whether or not the Span 4 development will now go ahead?

(Mr Anderson) Our understanding is it will not in the foreseeable future. That is part of the reason why we have ended up in the position where we are suggesting the taxis stay on that deck indefinitely.

11958. Where does your information come from in that regard?

(Mr Anderson) It would be from Network Rail.

11959. What is the likelihood then of the Span 4 development coming forward before Crossrail is constructed?

(Mr Anderson) That would seem unlikely at the moment.

11960. If Crossrail is constructed and the Red Star deck brought into operation at taxis point and Span 4 came forward after that point, then obviously the construction of Span 4 will have an impact on the taxis upon the Red Star deck?

(Mr Anderson) That is correct.

11961. In that situation, is it for Crossrail to identify the solution for taxis during the construction of the Span 4 development or is it for Span 4?

(Mr Anderson) It would be for the developer, Span 4.

11962. It would be for the developer of Span 4. In relation to buses, you have seen the points that PRACT have raised in relation to buses. What do you have to say to the Committee about that?

(Mr Anderson) Obviously in the matter of diversion of buses, we would discuss with Transport for London and TfL buses in particular. The suggestions that have been put forward to them have

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

been put to TfL and they were, I think it is fair to say, not at all keen on them. The suggestion that we locate the bus stands on the new bridge was not one they were keen on at all. The reason for that was the effect on their operation: a number of the buses in this area turn around and that is why we need the stand capacity, but for them to do so on the Bishop's Bridge Road would entail them travelling all the way up to Harrow Road, turning around and coming back again. They were also very keen to attain a stop in the eastbound direction for all services, including the through services, and the location to do that is on Eastbourne Terrace.

11963. **Mr Taylor:** Thank you very much indeed.

11964. **Chairman:** Mr Walton?

11965. **Mr Walton:** Thank you. Mr Berryman, you have mentioned the technical nature of extending the footbridge. Our submission is there is a contribution to community benefit, that the entire bridge should be replaced. It is correct, is it not, that in extending them, as under additional provision, it will need to be closed for a period?

(Mr Berryman) It will need to be closed for a very short period, probably a couple of weeks at the most, which we will obviously arrange to do during the school holidays. To put you straight on one point, we are not proposing to extend this bridge at all. As I said in my evidence, we are proposing to merely raise it by about 300 millimetres, one span of it by 300 millimetres.

11966. There was mention of a raised walkway.

(Mr Berryman) The raised walkway is being built as part of the Academy by the Academy. It is not being built by us.

11967. Would you accept the position of the residents is they would much prefer to see this bridge completely replaced as a contribution to the community benefit?

(Mr Berryman) I could certainly understand the residents would wish to see the bridge replaced. All I am suggesting is the need for its replacement does not arise as a result of the Crossrail scheme. It is a need which exists anyway and it should not be part of the Crossrail scheme because it is not anything to do with the works that we are doing.

11968. If it were to be replaced completely, the work of raising the span which you say is necessary on the Crossrail scheme and the rest of it could be taken together, I presume?

(Mr Berryman) It could be but, as I have explained already, the basic works to raise the span up would be relatively minor. It may prove we have to replace the span depending on the condition, of course, but it would be replaced on a like-for-like basis. Bearing in mind this is only one span on a multispan bridge. We are not talking about replacing the whole bridge, even in the worst situation.

11969. You do understand, I am sure you do, that residents, when dealing with ordinary planning procedures, are accustomed to the idea that there is some community benefit or "planning gain", as it is called, and that is what we feel we are lacking in the case of this bridge.

(Mr Berryman) The community benefit arising from the construction of Crossrail, I think you said in your opening remarks, is the benefit to the local area and to the economy of London which will be produced. We are not a developer who is trying to make use of public assets to service our development. The project is part of the general public benefit which will accrue from the works.

11970. I turn to the bus part of TFL and their attitude to keeping buses on Eastbourne Terrace. Will they be presenting evidence to this Committee on this matter?

(Mr Anderson) I do not believe so, no. What I was reporting in my remarks was the outcome of the consultation on this matter.

11971. Will Westminster City Council be involved in more detail in the future than they appear to have been in the past?

(Mr Anderson) Clearly, the detailed highway arrangements would be a matter for discussion with the authority, yes.

11972. **Mr Walton:** Thank you.

11973. **Chairman:** Mr Taylor, would you like to sum up?

11974. **Mr Taylor:** Yes. So far as noise issues are concerned, you have already heard in evidence from Mr Thornely-Taylor about matters relating to groundborne noise and, indeed, you have been to the site as well. I am not going to go over that ground. You have also had the benefit of the Promoters' Information Papers D9 and D10 setting out what is proposed in relation to groundborne noise and, indeed, to construction activity.⁴³

11975. So far as bus routes are concerned, the proposed diversions into Westbourne Terrace are appropriate for the operational reasons that Mr Anderson has just explained to you. The turn into Craven Road can be carried out acceptably albeit the stop line needs to be moved. You have no expert evidence that any environmental impact will arise from the diversion of buses into Westbourne Terrace.

11976. On the Red Star deck, the Red Star deck is proposed to accommodate taxis indefinitely. That proposal meets PRACT's concern about taxi provision in the Paddington area. The only issue is if the Span 4 development comes forward, and there is

⁴³ Crossrail Information Papers D9 Noise and Vibration Mitigation Scheme; and D10 Groundborne Noise and Vibration, <http://billdocuments.crossrail.co.uk>

The Petitions of the Paddington Residents' Active Concern on Transport; Rodney Fitzgerald; Katie Black; John Shepherd and others

no evidence that it is likely to come forward before Crossrail. If it does come forward, the impact that would arise would be a temporary one during the construction of the Span 4 development. A solution would have to be found by the applicant for Span 4 for provision of taxis at Paddington, so it is simply not a matter for Crossrail to solve.

11977. So far as pedestrian access is concerned, what is proposed is entirely satisfactory and Mr Berryman has just explained it is a matter for detailed design to try and keep open the western entrances as much as possible. For the short periods that cannot be done, there is an appropriate access available on the ramp to Craven Street.

11978. **Mr Taylor:** Lastly, so far as the footbridge is concerned, there is no reasonable basis for requiring Crossrail to replace the entire footbridge given the nature of the works needed as a result of the Crossrail project. You have heard from Mr Berryman it was simply a matter of jacking up one span to accommodate the electrification. That addresses the points. Thank you very much indeed.

The witnesses withdrew

11979. **Chairman:** Mr Walton, would you like to sum up your case?

11980. **Mr Walton:** I think I have two points of a generic kind and maybe four or so which are specific to Paddington, but, of course, the generic points are viewed from the point of view of their impact upon Paddington.

11981. Generic point one is we support the local authorities on the question of the 35 decibel threshold.

11982. Number two, we ask that controls upon lorry movements should be based on the principle of maintaining the amenity of residents so far as possible.

11983. On the site-specific point, we seek fully effective acoustic screening of all works around the portal and cut and cover ramp when these are done at night and the same in regard to the demolition and the other works which are being done at the site of 14 Bishop's Bridge Road.

11984. The next one is we hope that the Committee will support the principle that buses in both directions will be kept on Eastbourne Terrace without stops during the main works. We have suggested moving the bus stands to the bridge, but we have not seen any detail about why this is not practical so we maintain our position that we think the buses should stay on Eastbourne Terrace in both

directions during the main works or for as long as possible. The question of moving the bus stands to the bridge should be looked at again or at least the reasons for not doing should be communicated out of the City Council or to the Committee as appropriate.

11985. We have been told that the Network Rail phase 2 project is unlikely to go ahead, but the position, as we understand it, is that there is an outstanding planning permission and listed building consent. Nobody in PRACT has heard anything about a proposal to abandon this project and, therefore, it is reasonable, in our view, to raise the question that the diversion of traffic to Departures Road and Eastbourne Terrace after Crossrail is completed, which would be needed if the Span 4 development or any other development on that site goes ahead, should be considered. I say "considered" which means a properly worked-out scheme with predictions such as was produced for Terminal Five inquiry. We have not seen these and until such time they have been seen we suggest that the Committee should not regard passage of this Bill as being safe.

11986. We would accept if the Span 4 development does not go ahead that the taxi access on the site of the Red Star parcels depot should remain. I would point out that if the Span 4 development does not go ahead which is matter for Network Rail, who I believe are going to be giving evidence to this Committee, the community will lose a lot of social benefits because this development opens up the station to the canal basin and to St Mary's Hospital. If that is not proceeded with and we have taxi access on the site above the Red Star parcels depot, then the station will remain isolated from St Mary's Hospital and from the canal basin development which is a loss of social benefit. Now this is a matter for decision of Network Rail and you will be hearing evidence from them. I think I would like to say residents would be very sorry if this scheme does not proceed.

11987. On the pedestrian access at the Sainsbury's store, there may have been a misunderstanding, I distinctly recall seeing a document saying that it was proposed to keep both the Horse Arch and the Clock Arch entrances closed for as long as 36 months. If, on the basis of the evidence we heard today, that it is only for short periods then we are content. That completes my case.

11988. **Chairman:** Thank you very much indeed. The Committee does appreciate when local groups do take the time to come forward and make representations on behalf of the people. Thank you very much for that. That concludes today's evidence. We will next meet in this room tomorrow morning at 10.00am to hear further petitioners.

Thursday 22 June 2006

Before:

Mr Alan Meale, in the Chair

Mr Philip Hollobone

Mrs Linda Riordan

Ordered: that Counsel and Parties be called in.

The Petition of the Royal Borough of Kensington and Chelsea Council

Mr Neil Cameron appeared on behalf of the Petitioner.

Sharpe Pritchard appeared as Agent

11989. **The Chairman:** Today we will hear the Petition of the Royal Borough of Kensington and Chelsea Council. Mr Taylor.

11990. **Mr Taylor:** Good morning, sir. Today we are going to be turning away from the usual technical subjects that I deal with towards an even drier subject, namely that of dust. The Royal Borough of Kensington and Chelsea's Petition relates specifically to a request for dust monitoring of worksites at the Royal Oak portal and also within route window W2. They are, in essence, asking for the monitoring of dust to be carried out during the construction phase, the threshold levels to be identified and steps to be taken on the worksites if those threshold levels are exceeded. I will hand you over to Mr Cameron.

11991. **Mr Cameron:** Sir, I hope—but I am not sure—that you have a copy of these exhibits, and if you do not I would ask that they be distributed. As we know, the Petitioner is the Royal Borough of Kensington and Chelsea

11992. **The Chairman:** This will be A132.¹

11993. **Mr Cameron:** Thank you, sir. The Crossrail proposals in the borough are shown on page 6 of the document you have just been handed and they include part of route window C1, route window W1 and route window W2.² Significant works are proposed in those route windows; and in particular route window C1, with which you will be familiar, includes the Royal Oak portal and the Royal Oak worksite west. The construction, fitting out and commissioning of the Royal Oak portal and the Westbourne Bridge shaft will take approximately four years, so it is an extended period of time over which works are going to be carried out in that area. The construction of the Westbourne Park reversing facility will take place over a period of about one year and 11 months, commencing after completion

of the tunnel drives. Changes of the track in route windows W1 and W2 include track widening from four to six tracks, installation of crossovers, and it is anticipated that works in route window W2 will take place over a period of about seven months.

11994. Golborne ward, which is the council's area, includes or lies adjacent to route window C1, W1 and W2, and you will see from the plan that route window C1 also lies in the adjacent council area, Westminster.

11995. The particular concern of the council is about the effect of construction on the community and environmental well-being of the residents in the vicinity of the proposed works; that is why they are here today before you. The Promoter's Environmental Statement identifies a high potential dust nuisance in route window C1—that is the Royal Oak worksite—and the dust risk score of the Royal Oak worksite, which lies just to the east of the council's area, is the second highest dust risk score for the whole project. Medium potential for dust nuisance is identified in route window W1 and medium potential for dust nuisance in route window W2.

11996. The council's concern is that the approach taken to mitigating potential dust impact is inadequate, and it is inadequate for two main reasons. First, the Promoter does not intend to carry out a baseline study before work commences; second, the Promoter does not intend to monitor dust impact during the course of the works. The reason given for not establishing baseline levels is this—and I read an extract from the relevant technical report—“Establishing a baseline of dust deposition rates is not considered practicable for this assessment, primarily due to the significant extent of construction activity within London. A risk-based approach has been developed to ensure that construction sites are identified where dust deposition nuisances have a greater potential of being an issue.”

11997. The council, as one would expect, has experience of seeking to control dust emissions to minimise adverse impact, and has experience of responding to complaints from residents and others affected by dust, and it is their view that some objective assessment of the dust impact attributable to the Crossrail project and the ability to take action in the event that unacceptable levels of dust deposition take place will be greatly enhanced if dust monitoring were carried out. To put it simply, if you

¹ Committee Ref: A132, Exhibits of Royal Borough of Kensington & Chelsea.

² Committee Ref: A132, Crossrail Proposals in Royal Borough 1—Route through the Borough (KENS RB-31405-007).

 The Petition of the Royal Borough of Kensington and Chelsea Council

carry out a baseline study you know what conditions are before you start; and if you have monitored during the works you know precisely the dust deposition attributable to those works.

11998. The approach suggested by the council is not some whim of their own; it is consistent with the emerging GLA Best Practice Guidance, which guidance is in draft but is at an advanced stage of preparation. It is consistent with the approach taken by the council when dealing with major planning applications, and it is consistent with the approach taken on large infrastructure projects, including Channel Tunnel Rail Link and the Docklands Light Railway Extension. The council's essential question for the Committee is why should not that well established approach apply to Crossrail, if it would make the quality of people's lives better? What we are asking is for you to direct the Promoter to give various undertakings—those undertakings are set out in the document you have been given, A132, at pages 49 and 50.³ In essence, what we are asking for is baseline monitoring for route sections C1 and W1, onsite monitoring for route sections C1 and W1 during the works, a mechanism to enable the borough and Crossrail to agree a trigger point for action—and we are not suggesting a specific trigger point now, we are suggesting a mechanism so that a trigger point can be agreed—and, fourthly, we are asking for action to be taken in the event of an exceedance. So it is a modest request, it has modest cost implications, but if acceded to would make a real difference for the quality of life of those living within the vicinity of the proposed works. If I may, I will call Mr Denington, who is my only witness today.

Mr Guy Denington, Sworn

Examined by **Mr Cameron**

11999. **Mr Cameron:** Mr Denington, can I introduce you to the Committee? You are Guy Denington?

(Mr Denington) That is correct.

12000. Your qualifications and experience are set out at page 1 of the exhibit, but at the moment you are the Acting Head of the council's Commercial Division and have been so for the past two years, and that division incorporates the Environmental Quality Unit, is that right?⁴

(Mr Denington) Yes.

12001. Can I ask you to turn to page 2 in your bundle of exhibits, and can you explain to the Committee the scope of the evidence that you are going to present?⁵

(Mr Denington) The scope of the evidence is to consider whether the air quality control procedures proposed by Crossrail will provide adequate control

for existing residents and others and whether it will provide adequate protection for those in the vicinity during the construction phase of the development, and it is the view of the Royal Borough that the measures currently proposed are inadequate.

12002. That is what you are going to tell the Committee about, and I will come on to the detail in a moment. At page 3 you record the Royal Borough's position on Crossrail in general, and can you just summarise that for us?⁶

(Mr Denington) Yes. It is that in principle the council welcomes the Crossrail scheme because of its benefits, particularly its reduction of traffic on the roads through the borough, and that it will relieve congestion on the Central Line Underground. This was actually confirmed last year, on 22 June, and throughout the period of negotiations a number of issues have already been resolved with the Crossrail team and an example of that is the concerns we had over the contaminated land

12003. Turning to page 4, what is it that you are asking the Committee to request that Crossrail does?⁷

(Mr Denington) The council is requesting the Select Committee to require Crossrail first to carry out a baseline survey for dust monitoring before the work starts; secondly, to carry out dust monitoring within route windows C1 and W1, which have been ranked as either medium or high risk of causing a nuisance

12004. That is what you are asking for and we will now turn to why. On page 5 you identify Golborne ward in your borough, and can you identify for the Committee where Golborne ward is and where the proposed works will be?⁸

(Mr Denington) Golborne ward is the most northerly ward in the borough at the top of the shaded area on the left-hand map, and the current Paddington mainline runs through the ward, as can be seen by the dark line that runs through the ward from east to west, and that is the railway corridor through which Crossrail will pass. We would like to add to that that in fact Golborne ward is the most deprived ward in the Royal Borough, but more than that it actually falls within the worst ten per cent of wards within England because of the deprivation which its residents suffer. It also has above average levels of poor and overcrowded housing and 68 per cent of that housing is council or housing association owned, and there is a very stark difference between the life expectancy between Golborne and wards in the south of the borough, and that difference is in fact a 12-year difference in the life expectancy. Perhaps I should also say that 65 per cent of those residents have no access to cars or other vehicles, and that again is the highest for that statistic in the borough

³ Committee Ref: A132, Specific undertakings requested 1 (KENS RB-31405-050 and -051).

⁴ Committee Ref: A132, Guy Denington (KENS RB-31405-002).

⁵ Committee Ref: A132, Scope of Evidence (KENS RB-31405-003).

⁶ Committee Ref: A132, The Royal Borough's position on Crossrail (KENS RB-31405-004).

⁷ Committee Ref: A132, Undertakings for unresolved issues (KENS RB-31405-005).

⁸ Committee Ref: A132, The Royal Borough (KENS RB-31405-006).

The Petition of the Royal Borough of Kensington and Chelsea Council

12005. So those are the characteristics of the ward. If we turn to page 6, the Committee has already seen that and it shows the route windows C1, W1 and W2. If we now turn to what it is that Crossrail are proposing to do in those route windows. At page 7 can you help to identify from that page—not to read it all out—those works which are likely to have an impact on dust?⁹

(Mr Denington) On page 7, looking at route C1, this is where a significant amount of work will be carried out, in providing a reversing facility beyond Paddington Station and that will have quite a large area providing the platforms and the tracks to enable the reversing. It will also be where the western portal of the tunnel is located. There is also a shaft to the twin-bore tunnels, the location at which the tunnel boring will start, and the tunnels themselves eventually run something like 15 to 20 metres below street level and that is east of the Royal Borough, obviously, after the tunnel moves towards the centre of London.

12006. So one of the main construction works at the Royal Oak portal is within route window C1?

(Mr Denington) That is correct

12007. We turn to the next page, which is headed route window C1, sensitive receptors.¹⁰ What is it that you ask the Committee to look at on this page?

(Mr Denington) We would like you to consider on the left hand map in route window C1 two examples, particularly of sensitive receptors, in that route window area, and we in fact show an aerial photograph of one of those, which is the Portobello Day Nursery, and I think you will see from the aerial photograph that the day nursery actually is situated right next to the railway tracks at Paddington mainline. That obviously means that the children using that nursery are directly exposed to whatever is going on in the railway corridor.

12008. So a number of what you describe as sensitive receptors, including a day nursery and other educational facilities?

(Mr Denington) That is correct.

12009. W1 on page 9, what are Crossrail proposing in W1?¹¹

(Mr Denington) In summary we understand that they are proposing to alter the track work, so that they will be laying new track, crossovers and turnouts, and they will also be putting in new signalling. We understand that there is also a possibility that the work may include some alteration of the overhead electrification equipment, and the work will be done during the possessions of 16 or 52 hours, although I believe on one particular

occasion they will actually block the line entirely in order to carry out heavy work. And there will also be, I believe, quite a lot of alterations to the Portobello junction so that Crossrail services can interconnect with the other railway services using that corridor.

12010. That, in very broad outline, is what they are proposing to do. If we turn on a page, sensitive receptors in W1.¹² What are the characteristics of the area in route window W1?

(Mr Denington) Route window W1 is literally a corridor. The track passes between residential dwellings, which are very close to the track on both sides. There are also two specific sensitive receptors there, a Church of England primary school, St. Thomas Church of England Primary School, and to the south of the tracks the Kensington and Chelsea College, the Waddington Road campus.

12011. Turning over the page, more sensitive receptors, W1, page 11.

(Mr Denington) Yes, this slide perhaps just illustrates what I was saying about the tight packing and the density of the housing on either side of the track and just how close they are actually located to the trains passing, which you can see in both pictures.

12012. If Crossrail are going to carry out track laying works and rearrangement of the track how close is that going to be to residents such as those whose homes are shown in the photograph on the left at page 11?

(Mr Denington) Those works will be a matter of metres away from the windows and balconies that you can see on the left hand side, and in fact the mast shown in the foreground, were that to be moved there would have to be excavation to put in the new foundation for the mast which, as I say, will be happening within a few metres of the façade, in this case, of Pepler House.

12013. Can we move on to route window W2, page 12, what are Crossrail proposing with this window W2?¹³

(Mr Denington) In this window we are informed that the track layout will be significantly altered. This will allow the movement of Crossrail trains into Old Oak Common depot, and I believe a number of the trains will be stabled. Again, as well as the track being removed, it is likely to require further the railway's infrastructure to be altered and this would involve excavations. In terms of structure, it will involve bulldozers, mobile cranes and various other types of equipment, including drilling equipment.

⁹ Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C1: Works proposed (KENS RB-31405-008).

¹⁰ Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C1: Sensitive Receptors (KENS RB-31405-009).

¹¹ Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C1: Works proposed (KENS RB-31405-010).

¹² Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C1: Sensitive Receptors (KENS RB-31405-011 and -012).

¹³ Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C2: Works proposed (KENS RB-31405-013).

The Petition of the Royal Borough of Kensington and Chelsea Council

12014. Page 13, sensitive receptors in route window W2, less of them than in C1 and W1, is that right.¹⁴

(Mr Denington) That is correct. The density of settlement there is much less, as can be seen perhaps from the map. The number of sensitive receptors themselves are considerably fewer than in route window 1.

12015. We then turn onto page 14, we are now moving from two aspects of what Crossrail propose to do with what is there at the moment to Crossrail's own assessment of air quality impacts.¹⁵ What conclusions have Crossrail come to in the Environmental Statement as to the potential of dust nuisance in the route windows, starting with C1?

(Mr Denington) Route window C1, they have identified Royal Oak worksites as a very high risk area for the likelihood of dust nuisance and possibly a medium potential for dust nuisance nearer to the Westbourne Park bus depot.

12016. What about their assessment of W1 and W2?
(Mr Denington) Their assessment of route window W1 is that there will be a medium risk of dust nuisance.

12017. W2?

(Mr Denington) Again, a medium risk.

12018. Then we turn to the next page on page 16.¹⁶ I think we are going to go into slightly more detail as to how they have arrived at that risk assessment. Is my understanding correct?

(Mr Denington) Yes. We understand that Crossrail have assigned a score to each of the worksites, and that takes into account the specific activity proposed for the site, the time level which the activities will take place and, on the other hand, the proximity and nature of receptors and each of those factors have been weighted. The score is then calculated by multiplying the total weighted dust raising potential of the activities with the total weighted property count. The score determines whether the site is rated as a high risk level, and that would be scores of over 200,000, whether it is medium, which would be scores of between 10,000 and 200,000, or low when the score would be less than 10,000, as a potential for dust nuisance. These scores also go on to determine the level of proposed mitigation, and there are three matching categories of tiers attributed to each of those particular risk levels.

12019. Before turning to precise scores, just to summarise that point, it is what they are going to do on the site, how long they are going to do it for, and the nature of the surrounding area in very broad terms?

(Mr Denington) That is correct.

12020. We turn on to page 17.¹⁷ I think there is the score for route window C1, is it?

(Mr Denington) Yes, it is.

12021. We know that if it goes over 200,000 it goes to high risk. What was the score they worked out for route window C1?

(Mr Denington) This score is to be very high indeed. It is 926,064, so far in excess of the 200,000 which is the threshold for high risk.

12022. This is a potential cause for dust risk and nuisance arising from dust risk. Can we get a feel for how that score compares with other sites? If we go on to page 18 one can read the diagram, there is a comparison.¹⁸ I think you have got a helpful note, because it is rather difficult to see what the sites are, which indicates that the second R from the left shows the impact on the Royal Oak Portal and that is route window C1, I think.

(Mr Denington) That is correct. It shows potentially all the sites likely to be affected and, as you will see, the left-hand of the diagram, the second bar, the left is route window C1 which we are very concerned about.

12023. On Crossrail's own assessment, it is the second highest risk still?

(Mr Denington) That is correct.

12024. Then we turn on to W1 on page 19.¹⁹ What was the score for W1?

(Mr Denington) The score for W1 is 20,783. This puts it at a level which is twice the threshold for medium risk, the medium risk threshold being 10,000.

12025. You produced it with W1, you have not produced the score for W2?

(Mr Denington) No, we have not.

12026. Are you less concerned about W2 than about W1?

(Mr Denington) Relatively, yes, we are less concerned.

12027. The following pages are extracts from the Environmental Statement, volume 6(a). You produced extracts which show the measures that Crossrail propose to take in relation to the three tiers offsite, is that right?

(Mr Denington) That is correct. In fact, we would regard these as fairly typical measures, but certainly represent good practice in trying to minimise the impact of dust.

¹⁴ Committee Ref: A132, Crossrail proposals in the Royal Borough—Route Window C1: Sensitive Receptors (KENS RB-31405-014).

¹⁵ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures (KENS RB-31405-015).

¹⁶ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust assessment methodology (KENS RB-31405-017).

¹⁷ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Extract from technical reports (KENS RB-31405-018).

¹⁸ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Significance of works at C1 (KENS RB-31405-019).

¹⁹ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Extracts from technical reports W1 (KENS RB-31405-020).

 The Petition of the Royal Borough of Kensington and Chelsea Council

12028. Just so the Committee have a full understanding of this, page 20, 4.2.2 begins: “The standard dust controlled procedures, Tier 1, will include, as appropriate, site controls to:—” and there is a list.²⁰ If a site is in a particular tier, does it necessarily benefit from all these measures?

(Mr Denington) No, we understand that they will be applied at the discretion of the nominated undertaker as the undertaker saw fit, given the conditions that they were presented with.

12029. Is there any guarantee that all these measures will be taken?

(Mr Denington) We do not think there is any guarantee that these measures will be deployed.

12030. Turning around, we can see Tier 1 and then a long list under Tier 1. If you go to page 24, on 4.2.4, those are the two procedures, the same words used, “—will include, as appropriate, site controls to—” and then a list.²¹ That is in addition to Tier 1, is it not?

(Mr Denington) That is correct.

12031. Then on page 26, we get onto Tier 3.²² On Tier 3, which is a high risk site, what are the additional measures that are to be taken or considered?

(Mr Denington) These are chiefly to deploy all the techniques that have been set out in Tiers 1 and 2, but also additional measures, which I do not think are stipulated, were giving an example that these might include having on site personnel monitoring and managing the dust emissions or other techniques, such as total enclosure of certain operations to protect vulnerable receptors.

12032. In 4.2.5, does Crossrail contemplate some form of monitoring?

(Mr Denington) We would have imagined that would be almost essential, that they would have to have as a minimum some kind of handheld monitoring device.

12033. Just so we can put this in perspective and that is the risk approach, can I ask you to go back in your exhibits to page 18, please.²³ You produced page 18 which is, in my copy, very difficult to read, the sites are listed at the bottom, but one site has a higher dust risk score. Can you help us as to what that is? You may not be able to read it.

(Mr Denington) I am not quite sure how to answer the question. Is this the high risk site?

12034. Yes, the one site which gets a higher risk score than C1, is that Pedley Street?

(Mr Denington) Yes, I believe it is.

12035. The Committee will have heard about the changes to the scheme in that area of Mile End and Whitechapel. Whether that Pedley Street score stills holds good following the changes or not, what we do know is route window C1 is at the higher end of the risk scores. Have I understood that correctly?

(Mr Denington) That is correct.

12036. Sorry to interrupt you there. Can we go back to page 27, please, and this is where you highlight your council’s concerns.²⁴ Can I ask you to tell the Committee what your concerns are?

(Mr Denington) We have a two-fold concern. The council is concerned that dust from the proposed works may exacerbate adverse health effects, for example asthma, or become a dust nuisance to nearby sensitive receptors. Furthermore, we are also concerned that the Promoter does not propose to monitor dust levels prior to the commencement of any works. We are contending that a baseline study should be undertaken, otherwise it will be more difficult to assess the significance of dust levels arising during the work and then subsequently to manage them. We accept that Crossrail have drawn up a comprehensive set of dust control procedures, which have just been displayed, and those are to be applied according to the risk of dust generation, but the dust monitoring during the construction phase is missing, in our view. We request that this should be carried out in route window C1 and W1 during the construction phase where the risk of dust nuisance has been classified as “high” or “medium” respectively.

12037. I would like to ask you a question about point 1 on page 27, the extent of your concerns. What is it that gives rise to the concern that those works may exacerbate adverse health effects or become a dust nuisance?

(Mr Denington) Dust is something of a catch-all term, and we are aware that it can have a number of different components. It will certainly have very fine particles as well as the courser kind of materials, the very course material being bricks. As far as the finer particles, these are the ones which we found to have adverse health effects, not only for those suffering from asthma but on anyone who suffers from any kind of respiratory condition. There is a dual concern about the effects of dust.

12038. Turning on to page 28, can I ask you to outline the adverse consequence which you consider may happen if this monitoring does not take place?²⁵

(Mr Denington) We believe that without monitoring it will be very difficult to evaluate the effects that construction works will have on air quality. Baseline monitoring provides an objective means of establishing conditions prior to the works starting, and on site monitoring during the construction

²⁰ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust mitigation measures Tier 1 measures (low risk sites) (KENS RB-31405-021).

²¹ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust mitigation measures Tier 2 measures (medium or high risk sites) (KENS RB-31405-025).

²² Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust mitigation measures Tier 3 measures (high risk sites) (KENS RB-31405-027).

²³ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Significance of works at C1 (KENS RB-31405-019).

²⁴ Committee Ref: A132, Royal Borough of Kensington & Chelsea’s concerns (KENS RB-31405-028).

²⁵ Committee Ref: A132, Royal Borough of Kensington & Chelsea’s concerns (KENS RB-31405-029).

 The Petition of the Royal Borough of Kensington and Chelsea Council

phase will give on objective means of determining whether the works are having an impact. This should give the contractor clear criteria to work to and enables the local authority to work proactively so that the dust levels should not give residents reason to complain. The data will also be used to alert both the contractor and the local authority to when levels require impacts to be mitigated further and help keep residents informed about the steps that are to be taken to mitigate the impacts of dust.

12039. I am going to ask you in a moment about what the practical benefits of this monitoring will be. Before doing so, you produced some correspondence. I am not going to ask you to read it all out. The essential question is has Kensington and Chelsea asked Crossrail to undertake to do this monitoring?

(Mr Denington) Yes, I believe the correspondence shows that on a number of occasions we have put the possibility of monitoring to Crossrail and they have consistently declined to carry out any monitoring at all.

12040. Page 30, the part highlighted in red, under further comments, section 2.1, you are specifically asking for monitoring?²⁶

(Mr Denington) That is correct.

12041. We go to page 31, on the bottom of that page, on the right hand side, what did Crossrail say in response?²⁷

(Mr Denington) Crossrail continue to say that dust monitoring is inappropriate and they believe it is impractical. They repeat their contention that it is sufficient to deploy the methods that are laid out in the Construction Code.

12042. If we look at 2.1, further comments, at the bottom of page 31, in relation to baseline assessments they say, this is the second sentence and is not a bold: It was concluded that, primarily due to the significant extent of construction activity within London, measurements would be of limited use". They are saying that baseline monitoring would be of limited use. What about monitoring during construction? Can we go on to page 32 and look at the main paragraph, not in bold, in the middle of the page which begins, "After detailed consideration", what did they say about monitoring during construction?²⁸

(Mr Denington) They said that they have decided not to carry out dust monitoring during construction. They felt that this was in part due to the comprehensive nature of the dust risk assessment that has been produced and the difficulty of providing an effective dust monitoring regime. Their

contention is that it would not provide an effective control mechanism for further dust emissions from the site.

12043. I do not think I need to ask you about the rest of the correspondence, but there were no meeting of minds on this issue?

(Mr Denington) That is correct.

12044. We will go to page 36 and the issues that remain in dispute.²⁹ You quote from a letter of 27 March 2006. Crossrail's position is?

(Mr Denington) That, in their opinion, carrying out a dust survey before starting the works will not be appropriate and that the Council has not been able to find anything, as far as we are concerned, that justifies this, so Crossrail's position, as we understand it, is that they refuse to carry out on-site monitoring.

12045. Then we turn to page 37, your Council's approach to air quality issues.³⁰ How do you deal with these issues when you have control?

(Mr Denington) Well, this takes us to the more general situation that local authorities are in. We are obliged by the Government to review ambient air quality right across the Borough and, where levels of air pollution exceed the national air quality objectives, boroughs must take action and declare air quality management areas, and that is what the Council has done. The whole of the Royal Borough is an air quality management area due to the exceeding of the air quality objectives for nitrogen dioxide and particulate matter. The Council has published an air quality action plan and I would just like to draw your attention to action 10 of that plan, that it is "intended to reduce the air quality impact of new developments", and we have produced supplementary Planning Guidance which, amongst other things, gives examples of planning conditions and Section 106 agreements. One example is "requiring the developer to fund schemes for air quality monitoring", and this of course can include dust.

12046. So that is the approach that you take to a developer wishing to promote proposals in your Borough. Can we turn over the page to page 38 and here you have provided some extracts from the GLA Code of Practice.³¹ This document is in draft, I think. Am I right about that?

(Mr Denington) Yes, it is. It is at an advanced stage and has been consulted on.

12047. When is it expected that this document is going to be adopted by the Mayor?

(Mr Denington) Later this year, probably after the summer.

²⁶ Committee Ref: A132, Correspondence between Royal Borough of Kensington & Chelsea's and Crossrail, 27 May 2005 (KENS RB-31405-031).

²⁷ Committee Ref: A132, Correspondence between Royal Borough of Kensington & Chelsea's and Crossrail, 6 September 2005 (KENS RB-31405-032).

²⁸ Committee Ref: A132, Correspondence between Royal Borough of Kensington & Chelsea's and Crossrail, 6 September 2005 (KENS RB-31405-033).

²⁹ Committee Ref: A132, Issues in dispute (KENS RB-31405-037).

³⁰ Committee Ref: A132, Royal Borough of Kensington & Chelsea's approach to air quality issues (KENS RB-31405-038).

³¹ Committee Ref: A132, Existing Good Practice—Extracts from the GLA Code of Practice (KENS RB-31405-039).

The Petition of the Royal Borough of Kensington and Chelsea Council

12048. What were the procedures followed to arrive at this best practice document?

(Mr Denington) Wide consultation and, as far as the local authorities were concerned, a number of meetings which also included the local environment group called ‘Apple’, which our Council helped to form and which includes members of the academic community and the Association of London Government.

12049. Then we turn to page 39 and there is a specific extract from the guidance.³² There is paragraph 6, ‘Site monitoring protocols’, and that reads, “If best practicable means identified in Sections 4 and 5 are followed correctly, then formation of dust and harmful emissions from construction sites should be minimised as much as possible. However, continuous site monitoring is still an important way of helping contractors manage dust and PM10 emissions from construction and demolition. This section specifies monitoring protocols that should be followed according to the identified risk of the site”, and I do not carry on reading. What is the approach recommended in this Code of Practice?

(Mr Denington) Well, it certainly recommends baseline monitoring, and monitoring, as it says there, along a transect, a straight line, across the site in the direction of the prevailing wind. This is to allow the contractor to take into account the background levels of dust and particles.

12050. Is there any reason that you know of why Crossrail could not or should not follow this good practice?

(Mr Denington) Yes, I can think of one reason, particularly looking at the railway corridor where it might be impractical to site strictly in scientific terms a transect across the site because of the restrictions of the railway, but I cannot see any reason why monitors could not be positioned on boundaries which would largely monitor the conditions in the same way.

12051. So the answer to the question, “Can it be done?” is what?

(Mr Denington) I believe it can be done.

12052. Is there any reason why it should not be done and that the good practice guidance in draft should not be followed?

(Mr Denington) I cannot see any reason and there are certainly monitoring devices that would provide this data very adequately and in fact would provide it by various means which do not rely on the downloading of the data and would allow email alerts and various other ways of communicating the data very quickly both to the nominated undertaker and to the local authority.

12053. So the recommendations are different, I think, for medium-risk sites and high-risk sites at the bottom of page 39 and page 40.³³ What is the essence of the difference?

(Mr Denington) I think the difference here is the calibre of the monitoring and where we would have been looking for a less sophisticated device, something like a light-scattering device, to monitor the emissions and in this case we would be looking for something called a ‘TEOM’ which monitors particulates, but which is more expensive and a little bit more difficult to manage.

12054. You say you would be looking for. Are you referring to what the guidance says?

(Mr Denington) Yes, this is what the guidance recommends rather than the Council’s position.

12055. Rather than your position in this case?

(Mr Denington) That is correct.

12056. Turning from the good practice guidance, if I can call that the ‘theory’, to what people actually do in practice, at page 41 are you able to give some examples as to where this monitoring has in fact been carried out before and during major construction projects.³⁴

(Mr Denington) Yes, this example of good practice is drawn from the London Borough of Newham and there were two instances, one concerning the Channel Tunnel Rail Link where dust monitoring was not routinely carried out, but it was found that dust was not being dealt with adequately resulting in complaints from residents and dust monitoring has now been carried out since 2001, collected on a weekly basis. A further example concerns the Docklands Light Railway, also in the London Borough of Newham, where a baseline survey was carried out before the work started and this provided the background information for the subsequent works. There is also actually a third example, or the same example, but it is the Docklands Light Railway extension into the London City Airport where they used a fairly simple system of sticky pads along the site boundary to monitor the dust levels, and it was found to work well and it did reveal when the weekly average had exceeded the trigger level and that in fact corresponded to the level of dust complaints that they were getting.

12057. So those are specific examples and I think that you are able to produce an example of a document drawn up in order to ensure that this dust monitoring is carried out, are you, in relation to the Docklands Light Railway?

³² Committee Ref: A132, Existing Good Practice—Best Practice Guidance: Extracts from the GLA Code of Practice (KENS RB-31405-040).

³³ Committee Ref: A132, Existing Good Practice—Best Practice Guidance: Extracts from the GLA Code of Practice (KENS RB-31405-041).

³⁴ Committee Ref: A132, Existing Good Practice—London Borough of Newham (KENS RB-31405-042).

 The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Denington) Yes.

12058. I think it was being photocopied. Yes, perhaps we can circulate that just so that the Committee can get an idea of the type of monitoring that was actually carried out and the agreement which caused it to be carried out.

12059. **Chairman:** This will be A133.

12060. **Mr Cameron:** I think the only page we need to look at is page 19.³⁵ This was part of a Code of Construction Practice for the Docklands Light Railway extension and we can see there at the top of page 19, “The contractor shall propose and agree with the local authority a protocol for dust monitoring before and during construction. This protocol shall include . . .” and there are then four bullet points as to what the protocol is to include. Is that similar to, or different from, what you are asking Crossrail to agree to?

(Mr Denington) In principle, that is very similar to what we are asking Crossrail for.

12061. So you are asking for something which the Promoters of the Docklands Light Railway extension signed up to?

(Mr Denington) Yes, that is correct.

12062. Can we turn back to your main bundle of exhibits, page 42, where I think you give some other examples of where dust monitoring has either occurred or it is agreed that it should occur?³⁶

(Mr Denington) Yes, we have had information of three very large developments: T5, Terminal 5 at Heathrow Airport; the proposals for the Thames Gateway Bridge; and the development that is under way at the moment at White City in the London Borough of Hammersmith and Fulham.

12063. Those are other examples. If you go to page 43 and following I think we find an example of where the Council had a chance to insist on such monitoring at the Kensal Green gas works site which is in fact within route window W2, is it not?³⁷

(Mr Denington) Yes, it is. It is a large, former gas works site adjacent to the tracks in route window W2 and we obtained an agreement under the planning legislation under Section 106 which effectively obliged the developers to have approved an amelioration strategy, the approval coming from the Council.

12064. If you turn over the page to page 44, it is just your two bullet points if you could concentrate on them please.³⁸

(Mr Denington) Yes, in the amelioration strategy agreed before the works began, we required dust samples to be taken on a weekly basis and it was also agreed that there should be a baseline survey undertaken before works started.

12065. And the type of monitoring, on page 45, you have got eight permanent monitoring stations located on the boundaries of the site with directional dust monitors using frisbee-type gauges used on site and weekly sampling.³⁹ Is that right?

(Mr Denington) That is correct.

12066. Then if we turn to page 46, you have had this information, but what was it used for?⁴⁰

(Mr Denington) It was in fact used in two ways. Firstly, we could review on a weekly basis the progress of the works in relation to any dust that had arisen and, secondly, it enabled us to compare the incidence of receiving complaints with the actual record of the monitoring results, and these were reviewed in on-site weekly meetings with the consultants appointed for the contractors and, importantly and in a practical sense, enabled us to adjust the dust management options when it was necessary to provide greater mitigation. There were occasions when ‘exceedences’ were found and we did insist that a greater level of mitigation was imposed, such as damping down, shrouding of materials, cleaning some of the roadways more thoroughly and so forth.

12067. So monitoring equipment is in place. If the monitoring indicates that there is an exceedence, you take action. What did the contractor actually have to do and how did it make life any better, or worse, for the people in the area?

(Mr Denington) Well, after a site meeting at which a dust problem had been identified, the contractor was then obliged to, usually it was a matter of stepping up the measures rather than bringing in new measures, but it was usually more damping down of roadways and dusty excavation and, as I say, shrouding of materials, and this we checked on by witnessing the actions taken to make sure that they were effective.

12068. We turn on to page 47 please which is still on the Kensal Green gas works site.⁴¹ Did dust monitoring help the contractors as well as local residents?

(Mr Denington) Yes, we do feel that it helped and I think for several reasons. Firstly, it provided an objective record to refer to. Simply relying on the level of complaints is not always reliable for various subjective reasons. It enabled the contractors to proactively take action which on several occasions they did before being prompted by ourselves. There

³⁵ Committee Ref: A133, Code of Construction Practice for the Docklands Light Railway extension, p19 (SCN-20060622-001).

³⁶ Committee Ref: A132, Existing Good Practice—Examples from other developments (KENS RB-31405-043).

³⁷ Committee Ref: A132, Case Study in the Royal Borough—Kensal Green Gas Works Site (KENS RB-31405-044).

³⁸ Committee Ref: A132, Case Study—Kensal Green Gas Works Site, Extract from remediation strategy (KENS RB-31405-045).

³⁹ Committee Ref: A132, Case Study—Kensal Green Gas Works Site, Monitoring (KENS RB-31405-046).

⁴⁰ Committee Ref: A132, Case Study—Kensal Green Gas Works Site, Dust management and complaints (KENS RB-31405-047).

⁴¹ Committee Ref: A132, Case Study—Kensal Green Gas Works Site, Dust management and complaints (KENS RB-31405-048).

 The Petition of the Royal Borough of Kensington and Chelsea Council

were occasions when we still had to insist on further action, but where they had already taken action as a result of receiving the data. I would have to say in addition to this that, because of the method we used, we were not able to review the results immediately and this was obviously a disadvantage because there was a lag between the time perhaps that dust levels had risen and when we could point this out and have action taken.

12069. So at the fourth bullet point on that page you say, "We will consider a different approach next time", so briefly the approach that time and the different approach you would like to consider next time?

(Mr Denington) The approach we took then, I suppose, was according to available technology, but it was essentially using something called a 'frisbee monitor', shaped rather like an upturned frisbee, if you are familiar with those, and it simply collects a sample over a period of time and then the amount collected is analysed. It has to be taken away and analysed for the result to be fed back to the developers and ourselves, so, as I say, there is a problem with the delay factor in that. We would in the future, as things stand at the moment, be looking, as I say, for some kind of real-time monitoring with an electronic communication of the result, so that at the moment if the levels rose to either a threshold or to a point which concerned us, either the developer could take action on their own initiative or we could contact them quickly to see whether further measures could be used to reduce the dust.

12070. So the type of equipment you envisage, real-time monitoring, does that mean that if a particular level is exceeded, a message can be sent electronically directly to you and the contractor?

(Mr Denington) Yes, there are devices available that would do exactly that.

12071. We turn on to page 48 where Crossrail falls short.⁴² You repeat the point that they say they will not do any monitoring. You say that you need a baseline survey and on-site monitoring, and I would like to just ask you about that second point. Firstly, can you give us some idea of the type of equipment that you have in mind and, secondly, the cost?

(Mr Denington) Well, we have in mind something that relies on the light-scattering principle, so it is a device that can be set up in several positions and, as I say, it then can relay the data it is recording. The cost of these does vary between the model and the various facilities that are offered, but our information is that one of these devices may cost somewhere in the region of between £5,000 and £8,000 to buy, as I say, depending on the model.

12072. How many would they need for C1 and W1?

(Mr Denington) We believe that the minimum requirement would be for two devices for each site, so a total of four devices.

12073. So that is the type of equipment you envisage, a rough estimate of the capital cost of acquiring it, and then your third bullet point, can you just explain that to the Committee please, page 48, the third bullet point?

(Mr Denington) Yes, we feel that otherwise, without any monitoring at all, we will be entirely dependent on the contractor to control dust emissions. It will be at their discretion when they deploy the various measures that have been displayed earlier and, in the absence of any objective data, generally in these situations it falls back on relying on the level of complaints. This is notoriously difficult to judge the real extent of the problem because of the subjective nature of complaints. Complainants often complain about a number of things and it is very difficult to tell which particular problems are actually the worst for them purely on their advice. There is a further difficulty with a project of this kind that is being carried out on railway land in that normally where we monitor dust potentially coming from a development site, we have reasonable access at most times of the day and night, and that means we can enter the site, we can identify quite often if there is a serious problem what is the source of the problem and we can, therefore, deal with it more easily. In a railway corridor, that access is denied for obvious safety reasons, so we cannot simply turn up and get on to the site to see what is happening. In actual fact, and I am sure Crossrail would be able to advise, but I understand that any of our officers attempting to do that would actually have to have a significant training session to be able to enter the site and even then would not be able to enter on demand, so that would mean that identifying the source of the problem is very difficult. There is a further problem because, even if we try to identify the problem from beyond the site, in other words, beyond the site boundaries, as, I think, was shown on the slides, particularly with route window W1, it is actually very difficult to approach even the boundary of the railway because it is completely hemmed in by development, so then it would be a matter of getting access to people's accommodation again with delay and possibly also not with an unobstructed view of what was going on.

12074. So there are difficulties. Then the next page gives what it is you are asking for in undertakings. You have explained to us the high-risk and medium-risk assessment on the two sites, you have explained to the Committee the theory, you have explained to the Committee the good practice and you have referred to other examples where large construction projects have carried out monitoring before and during the works. What I would like you to do finally please is to explain to the Committee how, if this monitoring is carried out, it is likely to make life better or less bad for the people who live near these construction sites, not only live, but the educational establishments as well.

(Mr Denington) I believe that to have this data available will give us a much more immediate way of controlling the dust with the contractor, so, if a problem arises, we can deal with it more quickly. I

⁴² Committee Ref: A132, Where Crossrail falls short (KENS RB-31405-049).

The Petition of the Royal Borough of Kensington and Chelsea Council

think also, as we found before, in tracking the record on a regular basis, we may even be able to some extent to anticipate if a problem is likely to arise, particularly where the dust levels are rising and perhaps rising beyond the background profile. As far as the residents are concerned, we would hope both in a practical sense that this reduces their exposure to dust, particularly those residents and schoolchildren who live or go to school virtually next to the trackside, and it would also, and again this is from experience, provide residents with some assurance that the problem was being dealt with in an active management sense rather than the situation being left to a point where they were suffering considerably from nuisance and possibly some health effects as well before obtaining any response either from ourselves as the local authority or the contractor.

12075. How does the contractor know whether or not the measures that he is taking are effective if there is no monitoring?

(Mr Denington) This is very difficult, I think, because then it relies on visual methods of monitoring and, from the contractor's point of view, they are obviously anxious to assure the progress of the work and perhaps they are not as sensitive to the potential problems as either we or certainly the residents would be.

12076. **Mr Cameron:** Thank you very much.

12077. **Chairman:** Just before you rise, Mr Taylor, I would like to ask one or two questions. You relayed at the start of your evidence the fact that there are parts of the borough which are very wealthy indeed, but that does not matter in terms of chest illnesses. I wonder if you could provide the Committee with a population distribution map of the borough, how many people live there and how many properties there are in it. It is a vastly populated area, so perhaps you could just give us some idea of the scale. It is a small geographical area with a large amount of property.

12078. Secondly, you will have in the Council's records age profiles within the borough and, along with that, perhaps you could give us also some numbers for schools and hospitals in the borough and any specialist housing, in particular for elderly people.

12079. There must also be in your environment department some health statistics for Kensington and Chelsea, in particular, in relation to illnesses like TB and asthma, perhaps emphysema, bronchitis and all the rest. I am fairly convinced that your borough will have these or your environment department will have access to them.

12080. Finally, could we have a copy of your air quality maps for your borough which will show areas of great concern, particularly transport thoroughfares and so forth. That, I think, might determine our approach towards this issue about

whether monitoring is immediately needed, as well as the simple request as to whether it is the right or the wrong thing to do, whichever perception one has. That kind of information very strategically placed in front of the Committee might help us in our endeavours. Is that possible, Mr Cameron?

12081. **Mr Cameron:** Sir, I am sure it is possible. The issue is when. I suspect it is not possible this morning. Can we send it in later?

12082. **Chairman:** I fully understand that, but if we could have a note from you or Mr Denington about that, that would be extremely helpful for Committee members.

12083. **Mr Cameron:** Of course, sir.

12084. **Chairman:** Mr Taylor?

Cross-examined by Mr Taylor

12085. **Mr Taylor:** Mr Denington, am I right in saying that essentially the concern that the Council has is to ensure that the measures that are to be taken on site to control the emission of dust are effective?

(Mr Denington) Yes, I think I said during the presentation that the measures that have been laid out by the Promoter of the Bill are likely to be effective and they are considered to be largely best practice. Many of them I would recognise as being drawn from existing codes of practice.

12086. You have set out indeed all the measures, I think, on pages 21, 22, 23, 24, 25, 26 and 27 of your exhibits to the Committee. If we look at page 27 just for a moment where we see about tier 3 dust control procedures, there is reference to having personnel on site, is there not, with a responsibility to monitor and manage dust emissions?⁴³

(Mr Denington) Yes, there is.

12087. In your view, in terms of ensuring that dust control procedures are effective, what is better—to have a person on site with responsibility for that or to use a machine to analyse the data?

(Mr Denington) In my view, both are in fact useful, but the problem with just on-site monitoring by somebody nominated to, say, have a hand-held device is that these are effectively taking snatch samples, very short-term samples, which may not actually reflect the averages that are being experienced over a period of time and it is probably true to say that it is the averages over an hour, perhaps even every day, which are just as significant as a very fleeting instance which might or might not be picked up by a monitor. The other thing with personnel on site with hand-held monitors is that it very much depends how many of them there are, how quickly they can reach particular problem areas and so forth as to how effective that kind of monitoring is.

⁴³ Committee Ref: A132, Royal Borough of Kensington & Chelsea's concerns (KENS RB-31405-028).

The Petition of the Royal Borough of Kensington and Chelsea Council

12088. Can a monitoring machine identify which particular technique is not being carried out properly on the site?

(Mr Denington) Not necessarily, no.

12089. Can a man on site identify which technique is not being carried out effectively?

(Mr Denington) I would argue there again that if the man on site cannot get to the point on the site where the problem is quickly enough, that may not be particularly effective either.

12090. Can a machine tell you, of the dust that it measures through the light scatter, where the dust is coming from?

(Mr Denington) Not unless it is a directional device.

12091. Can it identify, for example, whether dust arising from the portal site is actually the dust that is causing the elevated level or whether it might be dust from, say, works carried out on the operational railway by Network Rail and its contractors?

(Mr Denington) Of itself, probably not, no.

12092. Can a man on site make that distinction?

(Mr Denington) Again I would argue that it would depend on what access that person has and the nature of his device, but just returning to the automatic devices we were referring to, if we do a baseline survey, we will have some idea of what dust is being generated by the railway in ordinary operation and, as I say, that background can then be used to compare with what is actually happening during the construction phases.

12093. You have handed round this morning the revised Code of Construction Practice for the Docklands Light Railway (Stratford International Extension) Order. That sets out on a single page the measures identified to prevent dust from arising. Do you accept that the measures identified in the draft Code of Construction Practice for the Crossrail project are considerably more extensive?

(Mr Denington) In the way that they are set out, they may be, but I am not absolutely familiar with this particular piece of work because it falls within the London Borough of Newham.

12094. Are you aware that within Schedule 7 of the Bill local planning authorities have powers to approve dust correction measures for construction operations?

(Mr Denington) I was aware of that, but I believe that this particular issue should be addressed as early as possible.

12095. In relation to the Royal Oak portal site, am I right in thinking that that site is not actually within the Royal Borough of Kensington and Chelsea?

(Mr Denington) That is correct

12096. So in your undertakings that you seek, where you ask for monitors to be located within that particular worksite, you are actually asking for

monitors to be placed outwith the boundary of Kensington and Chelsea, but you want to see the results, do you?

(Mr Denington) Yes, that is correct because in fact the worksite lies very closely adjacent to part of the Royal Borough of Kensington and Chelsea.

12097. Westminster City Council, within whose administrative boundary the portal site lies, have not raised concerns regarding the need for dust monitoring with the Committee, as I understand it.

(Mr Denington) Yes, I understand that is the case, but I am here to speak for the Royal Borough of Kensington and Chelsea.

12098. That would suggest that Westminster are content with what is being proposed by the Promoter, would it not?

(Mr Denington) I would not wish to comment.

12099. As far as the reason for your concerns about dust is concerned, you have set out on page 37 of your presentation that, "Every local authority is obliged . . . to review ambient air quality in their borough. Where levels of air pollution exceed national air quality objectives, boroughs must take action and declare air quality management areas".⁴⁴ Yes?

(Mr Denington) Yes, that is correct.

12100. Is there a national air quality objective for dust?

(Mr Denington) Not specifically for dust. There is for particulate matter.

12101. There is for particulate matter, PM10, that is to say, dust with a diameter of less than ten microns?

(Mr Denington) Yes

12102. So it is not right, is it, to say that the local authority is required to monitor dust levels and to take action in respect of dust within their administrative areas, but they have to monitor PM10?

(Mr Denington) That is correct. I do not think we have claimed that we are obliged to monitor dust levels in this particular context.

12103. Now, the monitor that you propose, the light scatter technique, that does not monitor PM10, does it?

(Mr Denington) It very much depends on how the device is calibrated. We are looking at dust or we believe we are looking at dust in a general sense here that includes both fine particles, those less than PM10, and the coarser particles. These devices are capable of monitoring both those fractions.

12104. There are prescribed methods for measuring PM10, are there not?

⁴⁴ Committee Ref: A132, Royal Borough of Kensington & Chelsea's approach to air quality issues (KENS RB-31405-038).

 The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Denington) Yes, there are.

12105. The light scatter technique is not one of those techniques, is it?

(Mr Denington) No, because those measures are generally used at permanent monitoring stations, such as the one we have in the north of our own borough. The TEOM, as it is called, which is a generally accepted device used in the national monitoring network, is, as I say, both more sophisticated and a great deal more expensive, and it also only is measuring the particulate matter less than ten microns rather than that and the coarser dust fraction.

12106. So the technique you are proposing will monitor dust levels, but it will not monitor PM10 levels and it is PM10 that is monitored in relation to health—is that right?

(Mr Denington) Yes, PM10 is monitored for health reasons, but we believe that the light scatter devices would act as a proxy in that if there are excess levels of dust, as I say, they are likely to contain both fine and coarse particles and the alert, if you like, would be provided by the light scatter devices.

12107. The measurement which would be taken by the light scatter technique would not be justified on the basis of health concerns, but it would only provide information that is of relevance to dust nuisance. That is right, is it not?

(Mr Denington) No, I do not believe that is right. I believe that, as I say, the device has the capability of monitoring the entire spectrum of dust particles, albeit it would not be the device of choice if we were simply monitoring PM10.

12108. It would not be the device that you would be allowed to use under the Air Quality Management Regulations to measure PM10, would it?

(Mr Denington) That is quite correct.

12109. Yes, thank you. Now, in relation to establishing a base line I would like to refer you to some paragraphs in the *Assessment of Atmospheric Conditions in Air Quality Impacts Technical Report*, volume 1, page 23, at the bottom of the page.⁴⁵ Here we see that construction dust has the potential to increase dust deposition rates and explains that due to variations in emissions from a wide variety of sources, for example, the effects of wind and rainfall, dust deposition rates fluctuate widely. Do you accept that?

(Mr Denington) Yes, I do.

12110. It then goes on to explain, “Establishing long term mean dust deposition rates particularly requires a minimum 12-month monitoring study with short term peak deposition rates being several factors greater than long term mean”. Do you accept that?

(Mr Denington) Yes.

12111. And the reason that the short term peak deposition rates are several factors greater than the long term is due to variations in meteorology and other activities, such as running construction sites, quarrying, which is probably pretty unlikely in this location, and traffic. Do you accept that too?

(Mr Denington) Yes, I do.

12112. It then goes on to explain that there are a number of techniques available, and none of those techniques mentioned there is the one that you have identified. The conclusion of this paragraph is that establishing a base line for dust deposition rates is not considered practicable for this assessment due to the significant extent of construction activity in London. I take it there is construction activity in this particular part of Kensington and Chelsea.

(Mr Denington) Yes. Well, it is typical of any other part of London. There is construction activity. As it stands at the moment there are no major construction sites that I am aware of in the immediate vicinity of windows C1 and W1. However, there is the likelihood that the old Kensal Green gasworks site that I mentioned before as part of the case study will be redeveloped in the near future.

12113. So we have got to a position, I think, that we have agreed that long term rates need to be identified over a 12-month period as a minimum. Short term peak rates will vary considerably from the long term mean level. How do you identify a base line standard to be used as the criterion for determining whether or not further action has to be taken in that context?

(Mr Denington) First of all by establishing a base line profile, which to some extent would reflect the variation in climatic conditions. It would also identify the general background perhaps caused by, if you like, average domestic levels of construction and it would then be probably averaged over a week, possibly a month, in order to level out the extreme fluctuations.

12114. You level out the extreme fluctuations, so a particularly dry period that might be particularly dusty would be averaged out and the level reduced?

(Mr Denington) Not necessarily, no, because if it was being averaged out over a week and it was a particularly dry week that would be likely to force the average up.

12115. How would you know that the factors that go to identify the base line period, the meteorology and the other factors we have identified in the passage I have just read out, will be the same year on year from the base line that you have studied, to the next year, to the year after that, to the year after that?

(Mr Denington) There is, of course, no guarantee of that but I think it is a reasonable indication.

⁴⁵ Crossrail Ref: P101, Assessment of Atmospheric Conditions in Air Quality Impacts Technical Report, Volume 1, Para 2.3.3 Construction Dust (SCN-20060622-002 and -003).

12116. Is there a UK standard for dust deposition rates above which nuisance is caused?

The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Denington) There is no standard figure that is used. There are a variety of figures that are used.

12117. What figure are you proposing?

(Mr Denington) This was, as shown in the undertaking, going to be a matter of agreement over methodology.

12118. When standards are exceeded what steps are you asking the nominated undertaker to take?

(Mr Denington) They have been concentrating on those areas which have been left at the discretion of the contractor where it is mentioned that measures would be used as appropriate or where alternatives would be considered or perhaps where they would step up the relevant intervention from certain measures to improve additional measures.

12119. If we do not know the standard we cannot determine, can we, whether or not, in order to meet that standard, we would have to alter the significance of the activity, for example, on the portal site?

(Mr Denington) I do not quite understand the question. What I explained was that if you establish a base line and if we agree beforehand what the trigger levels are then we have something to go on.

12120. Supposing you are doing everything in tiers 1, 2 and 3 and the standard is still being exceeded. What would be required then?

(Mr Denington) I think it would rather depend on the level it had reached, whether it had reached an absolute level or a trigger level. With a trigger level we would examine very carefully whether the techniques were being effectively deployed. If it reached an agreed absolute level there would have to be some consideration, if it was work not being carried out as an emergency or on a very short term basis, as to whether it should be halted while there was an examination of what was causing so much dust.

12121. You understand that the work at the portal is the reception of the materials being dug out by the TBMs?

(Mr Denington) Yes, I do.

12122. And so the cessation of work at the portal would require the TBMs to stop moving?

(Mr Denington) We can speak from experience. We have discussed with contractors the nature of the work which may be causing any kind of nuisance, whether it is noise, dust, fumes or any other problem, and we take into account, as I said, the situation. If it is a matter of safety or an emergency or if there is a compelling reason to complete a piece of work as quickly as possible, we would take that into account. Invariably we would not insist on stoppage and even on some occasions we might be prepared for the suspension of a particular kind of mitigation measure if it enabled that work to go ahead quickly and be completed.

12123. So would the council be asking for the work to stop within the tunnels if the trigger level was exceeded?

(Mr Denington) I think this is something we would wish to discuss with the contractor well before that kind of possibility arose.

12124. So you do not know whether that is the case or not?

(Mr Denington) It is very difficult to predict. As I say, I think it would be a matter of discussion. I am not aware that the driving of the tunnelling machines themselves would necessarily give rise to a great deal of dust. The dust that we are concerned more about is for the activities that are going on around the portal site and along the railway corridor where there will be excavations.

12125. **Mr Taylor:** Thank you. Those are all the questions I have.

Re-examined by Mr Cameron

12126. The first point you were asked about was the difficulty of obtaining base line information. Did that difficulty prevent you obtaining sufficient information for the Kensal Green Gasworks site?

(Mr Denington) No, we had no difficulty with that.

12127. Did that difficulty prevent the approach of gathering base line information from being taken on the other sites where you have given examples, such as the CTRL?

(Mr Denington) No. As far as I understand it was not a particular difficulty.

12128. You were asked about standards and trigger levels and you agreed that there is no UK standard. Does the GLA draft guidance give such a standard?

(Mr Denington) Yes, it does.

12129. Is that a comparative level, ie, it compares what is happening now with the base line, or is it an absolute level, or both?

(Mr Denington) It refers to both. The absolute level I believe it quotes is 250 micrograms per metre cubed.

12130. Do you anticipate any difficulty in arriving by agreement at an appropriate trigger level?

(Mr Denington) No, I do not anticipate any difficulty if we look at experience elsewhere and the relevant codes of practice.

12131. In terms of action to be taken, if there was an exceedance what would be the first step to be taken if it was not the case that all the measures set out in tiers 1, 2 and 3 had already been taken?

(Mr Denington) If all the measures had not been taken then we would be looking to see what were the most appropriate measures to deploy next.

12132. Thank you very much. Those are all the questions I have for you.

The Petition of the Royal Borough of Kensington and Chelsea Council

12133. **Chairman:** Thank you very much indeed, Mr Denington.

The witness withdrew

12134. I am now going to suspend the Committee for 15 minutes so that people can have a cup of coffee.

After a short break

Mr Matthew Ireland, recalled

Further examined by **Mr Taylor**

12135. I am going to ask Mr Ireland to give a little bit of evidence on four short matters. Mr Ireland is already known to the Committee. Mr Ireland, we have seen the long list of dust pressure measures that are set out in the agreed Code of Construction Practice. What additional benefit would be gained from monitoring of the type suggested by the Royal Borough of Kensington and Chelsea?

(Mr Ireland) When managing to minimise an impact I think it is important to remember that there is a need to monitor and to carry out additional measures above and beyond what has been done already and to assess the impact of those measures and determine whether they are sufficient, and that is the assertive line of management. The method of monitoring really has to be effective in determining how effective the management measures are, the mitigation measures, so if the monitoring does not tell you how effective the mitigation measures are then the monitoring is not sufficient. In my mind, in terms of dust from construction sites, the best method of monitoring is by visual inspection and by determining whether the mitigation measures which are promised by the contractor are being employed.

12136. So in terms of the way I put it before to Mr Denington, the difference between man and machine, which is preferable in your view?

(Mr Ireland) In my view it would be man, or indeed human, every time.

12137. In terms of establishing a base line what difficulties are there in identifying a base line through monitoring?

(Mr Ireland) This is really the crux of the first point I made regarding the use of monitoring techniques. Particulate levels, and by "particulate levels" I mean those ranging from very fine particles which are known to cause health impacts to much larger particles which can have nuisance effects through leaving deposits on cars or windows or washing --- the ambient concentrations and the ambient deposition vary considerably. They vary by time of day, by time of year, whether it is a dry day or a wet day or whether there have been a preceding number of wet days or dry days, or indeed location. The dust levels, if you like, would vary significantly. For example, if I was walking round with a light scattering device I would record even in a single hour very different levels seen by just walking round.

12138. If you took measurements over a year and used those as a proxy for the base line for the next year and the year after that and the year after that, how could you be sure that the base line in the end that you were using was a representative proxy of the following years?

(Mr Ireland) There is an interesting parallel there in the air quality strategy which requires local authorities to review and assess air quality, and one of the things they have to look at is particulate matter with a mean diameter of less than 10 microns. The technical guidance refers to different base line years because the base line concentration of PM10 is different in different years, and indeed different from different pollutants.

12139. For example, if you took as a base line year a year which was particularly wet through the summer, and then the next year you had a particularly dry summer but you were using the base line from the year of the wet summer as establishing the base line, what difficulties might that present?

(Mr Denington) Clearly, rainfall has an impact on dust levels. Rainfall is one of the mitigation techniques available but rainfall varies week from week, month from month, year from year. If you read the papers at the moment, they say we are heading for a drier spell in the future rather than a wetter spell, but that will change. The impact of climate change will vary our understanding of rainfall. Rainfall patterns will change. They will not necessarily be drier or wetter but different.

12140. Is there a recognised standard for dust deposition rates that represents the onset of dust nuisance in the UK?

(Mr Ireland) There is not. I was employed about 12 years ago by what was then the British Coal Board, looking at what was the effect of dust from mineral workings, and we undertake a literature survey of all the various dust assessment techniques and assessment criteria that were around at the time, and I have kept a general eye on how the science has changed over the last 12 years. Twelve years ago there was no one agreed assessment criterion. That position remains the case.

12141. The last point I have relates to the technique proposed by the Royal Borough of Kensington and Chelsea, the light scattering approach. Can you confirm that that approach measures dust rather than PM10?

(Mr Ireland) The light scattering device typically measures particles smaller than PM10 and that is really to do with protecting of the light source of the instrument. It does not measure the full range of particles sizes, light experience in any location. A light scattering device works by measuring the scatter of light but also, by inference, the absorption of light by the particles themselves, so you might imagine the particles associated with diesel are generally very sooty, and black absorbs more light than the particles associated with cement, for example, which is a lighter form of dust. Therefore,

The Petition of the Royal Borough of Kensington and Chelsea Council

without specifically calibrating specific sources of dust the light scattering device is a rather crude instrument.

12142. Given the answer to that question, what use is the output of the technique proposed by the council as a proxy for PM10, which obviously is relevant to human health?

(Mr Ireland) The light scattering instrument is not an approved technique for the assessment of health impacts of particulates.

12143. So could you use the output of that technique as a proxy for PM10 levels and so therefore determine whether or not the dust emissions from, say, the portal site, were having an impact on human health or not?

(Mr Ireland) No.

12144. Thank you. Those are all my questions.

Further cross-examined by **Mr Cameron**

12145. Mr Ireland, you tell the Committee that there is a need to monitor and that is a need to monitor emissions from a construction site. Is that right?

(Mr Ireland) No. What I said was a need to monitor the management of dust at the site.

12146. So the difference between us is this: you say that there is a need to monitor the actions that are taken in order to manage dust as distinct from monitoring dust deposition rates arising? Is that right?

(Mr Ireland) Yes.

12147. If we look at the measures that are proposed, if you have Mr Denington's bundle at hand, page 23, and I am going on the actual page numbers rather than the green ones, if you go to the third bullet point under tier 1, what you are suggesting is in line with that, namely, to "carry out site inspections regularly to monitor compliance with dust control procedures set out above".⁴⁶ That is your type of monitoring?

(Mr Ireland) Yes, that is correct.

12148. But if you do that all you find out is what are the steps being taken, you do not find out if they are effective; do you?

(Mr Ireland) The assessment that we have undertaken has led to the conclusion that the application of these dust mitigation measures will be effective, so therefore that leads to the further conclusion that if these mitigation measures are applied they will be effective, so clearly it is monitoring the compliance for the application of these mitigation measures that enables that conclusion to be drawn out.

12149. But, Mr Ireland, that is theoretical, is it not? What you do is you go on to the site, you check whether somebody is using a water douser to damp

it down or doing whatever else that they are meant to be doing, but what it does not tell you is whether Mrs Jones along the road is suffering dust deposition outside her house. It does not give you an answer to that; does it?

(Mr Ireland) I would argue that application of dust mitigation measures would prevent Mrs Jones down the road experiencing dust emission.

12150. The answer to my question is that if you go on site and check whether somebody is damping down, it does not tell you whether or not it mitigates the impact offsite on a sensitive receptor, Mrs Jones or anybody else, does it?

(Mr Ireland) The corollary to that would be that if you measure dust off the site that would not tell you whether dust was coming from the site or not.

12151. So the answer to my question is that it does not tell you about dust deposition rates offsite, does it?

(Mr Ireland) It does not, but it does not need to.

12152. Can we just agree a number of points? There is no dispute that in route window C1 there is a high potential for dust nuisance, is there?

(Mr Ireland) That is correct.

12153. If you take off Pedley Street, which I think goes now with the revised proposal, is the highest risk score for any site on the Crossrail project, is that right?

(Mr Ireland) Yes, that is correct.

12154. It is the number one site where there are likely to be dust problems?

(Mr Ireland) That is correct.

12155. Or, put more fairly to you, rather than dust problems it is the highest dust risk score of any site on the Crossrail project, is a fair way of putting it.

(Mr Ireland) It can be put several ways, I agree.

12156. As far as the measures that have been taken, there is the long list of measures at page 23 and so on, but the Promoter is not saying that all these measures will be taken on every site, is he?

(Mr Ireland) To be fair, I am not sure I should be cross-examined on the application of environmental management.

12157. Can I ask you this—and you can tell me whether it is the right question for you or not—if you go to the bundle, to page 20, you have this very long list and Mr Taylor compared this list in the DLR Extension document. 4.2.2, "The standard dust control procedures, Tier 1, will include, as appropriate, site controls to . . ." It follows from those words that it does not necessarily include all those measures, just "will include"; you could take one of them and you would have met that statement.⁴⁷

⁴⁶ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust mitigation measures Tier 1 measures (low risk sites) (KENS RB-31405-024).

⁴⁷ Committee Ref: A133, Code of Construction Practice for the Docklands Light Railway extension, p20.

 The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Ireland) That is correct. I am slightly uncomfortable about answering questions about the actual application of the environmental management part of the Construction Code of Practice, but my understanding is that reference was made in the Bill that says that the Code of Construction Practice management plan will be developed in liaison with the relevant local authority involved.

12158. I think that was a reference to paragraph 7 of Schedule 7, and you will probably tell me that you are even more uncomfortable if I start asking you about the application of that paragraph.⁴⁸ Is that best dealt with in submissions or shall I ask you about the level of control available to the local authority?

(Mr Ireland) I think it is probably best if you ask the correct witness.

12159. And that is not you?

(Mr Ireland) In terms of the application of the management plan that is right. I can talk about the specific dust mitigations that could be applied and the effect of those mitigation methods but I cannot talk about the legal application of the imposition of the mitigation as a whole.

12160. **The Chairman:** So it is not you!

12161. **Mr Cameron:** So it includes those measures—and tell me if I should not ask you this—and on a practicality, if I am the contractor working on the site I have to decide which measures are appropriate for that site at a particular time; have I understood that correctly?

(Mr Ireland) That is correct.

12162. How, without some kind of baseline information, without monitoring, can an independent observer tell whether the measures taken have been effective or not?

(Mr Ireland) First of all, the mitigation measures available will have been agreed with the local authority; the mitigation measures available would have been matched against the construction programme, let us say, for the following month, and that would have been agreed, and consultation with the local authority. Therefore, whether the mitigation measures have been effective would be assessed by whether they had been applied correctly and appropriately

12163. Mr Ireland, that is all very well and good but if I am worried about my theoretical Mrs Jones, who lives up the road, and she makes a complaint to the local authority, “I am suffering from dust,” how can either the local authority or the contractor tell whether the measures that the contractor has chosen to take have been effective? It is all very well saying that you have done what you said you would do, but how do you check that it actually worked?

(Mr Ireland) Because there will be a documented procedure for site inspection and recording of the observations made by the responsible person.

12164. That all sounds very good, but can I just have an answer to my question? How can you tell whether the contractor’s choice of measures adopted has been effective or not for those living, working and children playing off the site?

(Mr Ireland) The application of dust mitigation measures would have been agreed with the local authority. The mitigation measures that we have identified would have been considered comprehensive and would actually not result in impacts on Mrs Jones, as in the photo here, and really it is a question of making sure that those mitigation measures were applied properly rather than assuming that there is going to be an impact.

12165. I think the answer to the question is that you cannot tell, can you? Without monitoring you cannot tell whether the steps chosen by the contractor have been effective or not; is that a fair summary of your answer?

(Mr Ireland) That is a fair summary, but I would easily argue that monitoring does not tell you whether there has been an impact on Mrs Jones’ property. That could be related directly to a specific activity such as the construction works that we are referring to here. It could easily be the result of other activity. As I referred to in previous evidence given here, it could be the result of a dust storm in the Sahara that has led to the incident at Mrs Jones’s property.

12166. In terms of the practical difficulties that you raise about baseline monitoring, if your arguments were accepted it would apply to any construction project anywhere in London and you could never carry out baseline monitoring because of the uncertainties that you referred to.

(Mr Ireland) There are examples of major construction sites in the UK where the type of dust monitoring that we have proposed here, ie. based on site inspection and measured by monitoring the application techniques rather than measuring dust *per se*—there are examples of the application technique in the UK.

12167. And there are examples of baseline monitoring in the UK, are there not, and I give you the example of Kensal Green gasworks site, which is right within window W2, and the short point is that if it can be done for that why can you not do it?

(Mr Ireland) I would argue that if it can be done without dust monitoring, why can it not be done without dust monitoring?

12168. In terms of the approach that you are recommending, can I ask you about the GLA Draft Good Practice Guidance, page 39?⁴⁹ I fully acknowledge that this is draft guidance, “If best

⁴⁸ Crossrail Bill, Bill 1, 18 May 2005, Schedule 7— Planning conditions, Part 2— Development in the area of a unitary authority, www.publications.parliament.uk

⁴⁹ Committee Ref: A132, Existing Good Practice—Best Practice Guidance: Extracts from the GLA Code of Practice (KENS RB-31405-040).

 The Petition of the Royal Borough of Kensington and Chelsea Council

practicable means identified in Sections 4 and 5 are followed correctly, then formation of dust and harmful emissions from construction sites should be minimised as much as possible,” and that is your point, is it not? If the measures are adopted you should minimise the effect?

(Mr Ireland) That is right.

12169. What the guidance goes on to say is, “However, continuous site monitoring is still an important way of helping contractors manage dust and PM10 emissions from construction and demolition. This section specifies monitoring protocols that should be followed according to the identified risk of the site.” And the simple point is: why will Crossrail not follow this good practice guidance?

(Mr Ireland) I would argue that if the first point is adhered to then the second point is redundant. Working with contractors, they would rather apply proper management techniques to control the issues at source rather than dealing with issues outside the site which has uncertainty attached to it. As I said earlier, there are examples where contractors at major construction sites in the UK have limited their management to measurements of monitoring the application of techniques within the site, and that has been sufficient.

12170. So you disagree with the guidance and you will not recommend to Crossrail that they follow it; is that right?

(Mr Ireland) I believe that the first point made in the guidance is sufficient.

12171. In terms of practice followed on other sites, if the Docklands Light Railway can manage to enter into a protocol with the local authority, which includes the document we put in—it does not have a number, and I do not think it needs one. Do you have that document that we put in this morning?

(Mr Ireland) No, I do not.

12172. It is A133, page 19.⁵⁰ This is a Code of Construction Practice, revised as recently as February 2006, the Docklands Light Railway Extension, and there it requires, at the top of page 19, that, “The contractor shall propose and agree with the local authority a protocol, which includes everything that the borough are asking for, baseline monitoring, trigger levels and arrangements for monitoring, analysis and reporting of dust, and handling public reports of incidents and complaint.” So if they can agree to it it indicates that they disagree with you that it is impracticable, do you agree?

(Mr Ireland) Taking a scientific analysis, I would argue points 1 to 3, but clearly bullet point 4 is using techniques and practices that are available and readily used at present.

12173. But in terms of a procedure this demonstrates practicality, and again the question is: why will you not recommend to Crossrail that they follow the practice followed by the Docklands Light Railway? **(Mr Ireland)** Because personal experience of working on construction sites and working on, if you like, on both sides to the fences, the setting of trigger levels firstly is very difficult. Agreement on a monitoring technique, which is both robust and reliable, is also difficult and what generally happens is that more time is spent arguing over the results and whether the data are robust or not, than actually managing the problem, and in my mind it is far best to focus resources and time and focusing on managing the problem when it arises rather than wasting effort on arguing other matters.

12174. I think you say to concentrate on the management of the problem that we are back to where we started, how can the local authority or other body which receives complaints concentrate on the management of the problem if they have no data upon which to act?

(Mr Ireland) I refer again to the documentation of the site inspections that would be available as made by the contractor.

12175. In terms of techniques or equipment you made some comments about the capabilities of the light scatter device. You do not foresee, do you, any difficulties in managing dust deposition rates; your criticism relates to monitoring poor health effects, is that right?

(Mr Ireland) The monitoring of suspended particulates—this is the particulate matter that we breathe—the monitoring methods are actually more robust than they are for the measurement of dust emission. There are a number of techniques which have been proposed for the measurement of dust deposition. We referred earlier to the inverted Frisbee; there is also the glass light technique, which was actually developed within London, and there is the sticky pad technique. Each of those techniques has limitations, mainly to do with practical limitations of installation of the equipment, and each of them is prone to very wide margins of error, and as such I would argue are not sufficiently reliable as a method of monitoring.

12176. My last point. If you and Crossrail had concerns about the nature of the equipment to be used, the undertaking proposed by the borough would allow you to express those concerns because the methodology to be adopted is to be agreed. So the suggestion of a light scattering device is not a reason to fail to enter into discussions, is it?

(Mr Ireland) If we talk about particulate matter as a health matter to begin with, there are significant monitoring efforts undertaken within London and indeed the UK as a whole, looking at PM10 and indeed PM2.5. What we have to remember is that the health impact of particles increases as the particle size reduces, but also as the particle size reduces the atmospheric chemistry element of the particulate matter becomes more important. Therefore, the

⁵⁰ Committee Ref: A133, Code of Construction Practice for the Docklands Light Railway extension, p19 (SCN-20060622-001).

The Petition of the Royal Borough of Kensington and Chelsea Council

source of the particulates becomes more widespread. So what happens, as the particle size becomes smaller the localised effect is much less reduced, and we tend to get much more smearing of particulate concentration across a wider area. There is significant monitoring of PM10 across the UK, and I would argue that that is sufficient for the purposes of air quality management. With regard to larger particulates, the light scattering technique has not been proven and my understanding in discussions with manufacturers of such devices over the years is that they do not work well in environments with different types of particulates—particulates from diesel engines, from traffic or from construction sites. Once you have a heterogeneous mixture of particulates the effectiveness of a light scattering device is significantly reduced.

12177. But going back to the question, if you have concerns about the equipment to be used you can specify other equipment and agree it with the local authority, do you agree?

(Mr Ireland) No, because I am not aware of any equipment which is available of sufficient robustness that it would be valuable beyond the site inspection monitoring techniques that have been proposed.

12178. So what type of equipment would be used by your people if Tier 3 is adopted and monitoring takes place on site?

(Mr Ireland) In one particular example we have referred to using a TEOM and that was related to the Smithfield Market, where there were concerns with the food handling aspects of particulates.

12179. Tier 3: that is going to be monitoring onsite. A simple question: what equipment will be used?

(Mr Ireland) No specific equipment is referred to; it will be the site inspection records that would be available.

12180. If there is no equipment how are records going to be made up?

(Mr Ireland) Use of tick-box checklists, recording of observations on site.

12181. So no equipment used, no monitoring, just somebody on site seeing whether it is a bit dusty? Is that what you are offering?

(Mr Ireland) That is a rather crude . . . It is not just someone on site saying, “It is a bit dusty,” we will have a protocol to work to, which will record whether the mitigation measures that should be applied have been applied in practice. That is a technique applied in health and safety practices on construction sites across the UK for many years.

12182. It may be my shorthand. It specifically says on page 26: “This may include having personnel on site to monitor”.⁵¹ What you are saying is no specific equipment will be used, it will just be somebody on site ticking boxes, those were your words.

(Mr Ireland) Monitoring does not imply equipment

12183. Thank you very much.

Questioned by the Committee

12184. **Chairman:** Mr Ireland, I have one or two questions. What you basically said there—and it has been very eloquently described by Mr Cameron—is it is ticking the boxes, it is checking to see if certain traditional methods, as you describe, are carried out, and if they are, you tick the boxes.

(Mr Ireland) That is right, but if we refer back to the Health and Safety Work Act, there were a number of points. We all accept that there are health and safety issues on construction sites, but a different level of importance than dust nuisance. The method and first step for checking whether health and safety practices are applied correctly to a construction site is ticking boxes.

12185. Can I inform you, I was the Health and Safety Minister, I know about the Health and Safety Commission and its activities. What you talk about there is good practice. It is not specific monitoring other than you have got good practice. You said also that if these other monitors were used off-site, there is no way to determine whether or not what was identified was definitely from the site in question.

(Mr Ireland) That is the problem. If it is the particulates arising from something that does not have a label, you cannot ascribe them to a particular site.

12186. Is it not true that you could possibly see that it was likely to be from the site? It depends how far away from the site it is, I accept that, but if it is near the site, then the ingredients from that might make it likely to ensue by monitoring that it may be from the site, not that it is definitely from there, but it might be likely.

(Mr Ireland) We could argue over the uncertainty of whether it is more likely or not to be from that site. I would argue it would be better from a practical basis to be focusing on what to do to address the issue.

12187. I see monitoring as being a precautionary measure, not a prudent measure. I do not want it to be used in a court of law, but I want it used that if something has occurred then it gives you the possibility of trying to identify where it has come from, a possible guide towards that rather than proof. You talked about dust from Africa lining the cars in the UK, but the fact of the matter is that most dust, when it goes up, lands in the near vicinity, so it is likely that if dust is going up in the near vicinity of the site and it falls near the vicinity of the site, it is likely that the effects of that will be felt by people in the area. The only precautionary measure you have got is traditional methods which you can check to see if things were done correctly, but that will not stop things going up in the air.

⁵¹ Committee Ref: A132, Impacts on air quality and proposed dust mitigation measures—Dust mitigation measures Tier 3 measures (high risk sites) (KENS RB-31405-027).

The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Ireland) I would agree. I think it is important that there are measures in place to deal with that. It is right that the application of the mitigation measures needs to be proven, but I do not see how if there is a document offered on site inspections that should prove that mitigation measures have been applied.

12188. To go back to another point you made which was about health and particulates, some of it drops in the same area. It would be nice to think that particulates may take off and drop in the deserts of Africa somewhere safe where it would be away from the people there, but it is likely that it would go outside of the immediate area to other parts of London, for example, or if it goes high enough in the stratosphere it could be taken and deposited elsewhere in Europe.

(Mr Ireland) That is what will occur. As a particle size reduces its propensity to be dispersed within the atmosphere increases.

12189. That stuff which goes up high enough in the air only represents about eight per cent of things. If that percentage is correct and it is deposited, you are aware that we all have responsibilities in good practice wherever it may be. If that is likely to be deposited somewhere, you are aware of the health figures which you referred to, that 155,000 people could die in Europe every year from these particulates and have an effect on their health.

(Mr Ireland) If you do not mind me correcting that last bit, it is 150,000 people died slightly earlier rather than later.

12190. They still die whether it is earlier or not.

(Mr Ireland) The statistic in the UK is that between 22,000 and 26,000 people die between one and three days earlier than they would have done in the context of the 58 million, so it is a very marginal effect.

12191. It is a marginal effect, but the reality is it does have a serious effect on people's health, that is a scientific fact. Do you accept that? These are Who Health Organisation figures, they are not mine.

(Mr Ireland) Yes, and figures are quoted from the Department of Health, so we would not argue with them. The point is there is obviously a relationship between air quality and health, but we have to accept that air quality is not simply particulate matter, for example, it relates to other components of the air as well.

12192. You accept that the majority of pollutants that rise land in the near vicinity of the area?

(Mr Ireland) It depends on the particulate size. If the particulate size is above PM10 then as the particulate size increases it will be deposited closer to the source, yes.

12193. I understand that the particulate size which would come from the site is of the heavier variety rather than the lighter variety.

(Mr Ireland) It will include all fractions.

12194. Then there will be a wider area where other deposits may find themselves falling into.

(Mr Ireland) I would argue that beyond 150 metres of a construction site the particulate matter will be sufficiently small not to be deposited, it would just become entrained within the general atmosphere.

12195. You accept that things will go in the near vicinity of this site, and some of them will be distributed, in other words, outside that, including the eight per cent that disappeared off the near vicinity altogether?

(Mr Ireland) I am not sure where the eight per cent comes from but, certainly, some of the particulate matter from the site will end up being part of the general background which is measured across the UK.

12196. That still means an awfully large percentage of particulates in general will be re-deposited in and around the immediate area and also a widening area nearer to the site?

(Mr Ireland) I think we need to think about the proportion of particulates that we are talking about. For example, if we go along Parliament Square and we stand next to the taxi rank or the bus rank, where you would expect there to be higher levels of particulates, the contribution made from a very, very busy road to annual mean concentrations is typically between ten to 20 per cent.

12197. You accept that particulates go in the near vicinity?

(Mr Ireland) Yes.

12198. You accept that some particulates will go to a wider area but will be distributed more widely?

(Mr Ireland) Yes.

12199. You have accepted all of that, but how do you monitor it, other than going back and looking at the properties? If it is out there—you have tried good practice to stop it getting out there, but it is out there—how do you know?

(Mr Ireland) Going back to the busy road example—I will answer the question—annual mean concentrations of particulate matter is generally around 20 to 25 micrograms in the UK in urban areas. Next to a busy road it might be one or two micrograms higher. The measurement techniques that we use in the UK, the TEOM which was referred to earlier, the accuracy of that measurement instrument is in the order of one microgram. We are very much on the edge of the accuracy on the instrument to measure the changes, even going from an urban background site to a very busy roadside site. TEOM is a very expensive piece of equipment and it requires significant efforts in terms of maintenance.

12200. I am less concerned about the type of equipment.

The Petition of the Royal Borough of Kensington and Chelsea Council

(Mr Ireland) What I am saying is even using the very best equipment we were only able to discern quite large changes in concentrations in particulates. When we referred to the particulates which you say would go off the sites and become part of the general atmosphere, you are talking many, many fractions of a microgram, which would not be measurable well beyond the limited measurements.

12201. Mr Taylor

12202. **Mr Taylor:** I do not have any questions for Mr Ireland.

The witness withdrew

12203. In closing, dust control is addressed in detail in the Construction Code in information paper D1, as the Committee is already aware.⁵² Dust management plans will be produced for each worksite. Dust management plans will identify the mitigation techniques to be employed and, indeed, the relevant local planning authority has control over what measures go into the plan within Schedule 7 of the Bill.⁵³

12204. So far as the portal site is concerned, Tier 3 is to be adopted, that results in the highest standard of dust control reasonably achievable. In addition, emergency control measures will be adopted to address any pollution incidents arising in relation to dust.

12205. You will have seen already that site inspections will be undertaken. It may be that a person will be identified to be responsible for examining the efficacy of the techniques on each site.

12206. There are a large number of measures that can be utilised to control dust on site, as you have seen. Indeed, those proposed by Crossrail and the Promoter in the Construction Code are much more significant than those that have been adopted in relation to the document of Light Railway. The real issue here is whether or not monitoring via a machine will add anything in terms of making control more effective. You heard from Mr Ireland that he preferred to have a person on site rather than to rely on a machine. The reason for that is quite straightforward. A machine cannot tell you what the source of the dust is, a machine cannot tell you which particular management technique needs to be used more effectively or what alternative technique should be introduced to cater for the particular problem which might be arising.

12207. So far as the particular undertakings proposed by the Royal Borough of Kensington and Chelsea are concerned, they firstly asked for baseline monitoring. You have heard from Mr Ireland as to the difficulties of establishing a baseline. It cannot be

done on any reliable basis because of the seasonal fluctuations in levels, day on day, week on week, season by season, and year on year.

12208. So far as identifying a particular standard to be applied above and which action should be taken, the Royal Borough of Kensington and Chelsea has failed to put forward to you a particular standard that it proposes. It has not identified that there is any UK standard for dust deposition rates, above which—which is accepted—a nuisance will arise. The undertaking seeks further discussion on that.

12209. In my submission, it is a hostage to fortune to require an undertaking that requires this to be agreed in the future, because there is no means of discerning now whether the project can meet that threshold without further measures being required to be taken which may affect the delivery of the project as a whole and may have implications for the particular tunnelling techniques concerned and the way worksites will be managed.

12210. The technique proposed by the Royal Borough of Kensington and Chelsea does not have any relevance in terms of the protection of human health. It measures dust and cannot be used as a proxy for PM10. The monitoring proposed will not help in the provision of information in relation to the impact of dust on human health.

12211. The proposal put forward by the Royal Borough of Kensington and Chelsea therefore cannot be justified by health concerns. The fact that health concerns are mentioned in the Petition, in my submission, is misplaced and misfounded when what is actually being measured is dust, not PM10.

12212. The reality is that Westminster City Council has control over the measures that will be introduced on the portal site and it has not raised any concerns. I am instructed that the Secretary of State will ensure that Kensington and Chelsea will be consulted in relation to the dust management plan.

12213. So far as the other site is concerned in route window W1, obviously the Royal Borough is the relevant planning authority, so the controls that are in Schedule 7 will apply.

12214. To summarise, there is no reliable basis for discerning a baseline. There is no agreed basis for identifying a threshold, and there is no means of determining whether the project can meet the as yet identified threshold without further measures to be taken which might affect the delivery of the project.

12215. Monitoring adds nothing that will assist in the day-to-day control of dust and it is unnecessary.

12216. **Mr Cameron:** I would like to make my submission under five points within the time available. The first point of issue is can I say that the borough welcomes the measures set out in Tiers 1 to 3. Mr Denington described them as comprehensive.

⁵² Crossrail Information Paper D1—Crossrail Construction Code, billdocuments.crossrail.co.uk

⁵³ Crossrail Bill, Bill 1, 18 May 2005, Schedule 7, www.publications.parliament.uk

The Petition of the Royal Borough of Kensington and Chelsea Council

That is not the issue. The issue is should the Promoter be required to carry out dust monitoring before and during the works to see whether or not those measures have achieved their intended objective. That is the issue. Point 2 is risk and nuisance attributable to dust. There is very little dispute between the parties that the area which concerns Kensington and Chelsea, C1 and W1, is either high, being the highest risk score of the whole project in C1, or medium, W1, and therefore on point 2 there is a high risk.

12217. The third point is the need for dust monitoring. Mr Ireland specifically said that there was a need, and the dispute between the parties is how you go about it. What the Promoter suggests is on-site inspection or what I characterised as the tick-box exercise, no equipment referred to, a person on the site checking whether measures have been taken. That is on the one hand, and on the other hand there is the suggestion made by the council that there is scientific equipment used on or on the boundary of the site to monitor conditions before and during operations. That is the choice. Which is to be preferred? The council's suggestions are consistent with GLA good practice guidance, past experience, giving the example of the Kensal Green Gasworks site, and experience elsewhere in London, and that is Channel Tunnel Rail Link, Docklands Light Railway Extension, which are examples given on Mr Denington's page 41.⁵⁴ In my submission it is clear that need is agreed. The dispute is as to the method and the council's method is far to be preferred because it is consistent with good practice guidance and is far superior to some person on the site ticking boxes.

12218. My fourth point is to examine the Promoter's reasons for resisting the request. The first reason raised is the practicality of obtaining base line information. That really is not a good reason because it has been done elsewhere in London. It has not only been done elsewhere in London; it was also done on the Kensal Green Gasworks site which is route window W2, so that really is not a sufficient answer. The second point under this heading is to look at paragraph 7 of Schedule 7 to the Bill, which Mr Taylor refers to in his submissions. What that enables a local authority to do under suppression of dust is to refuse to approve dust suppression measures on specific grounds. Those grounds are the same as those found in paragraph 6 in the table at page 131 of the Bill, and they are that the arrangements ought to be modified to preserve the local environment or local amenity and are reasonably capable of being so modified, so all they can do is to say that the arrangements have to

change.⁵⁵ They could impose conditions but that is not of great assistance to them because they can only impose conditions, and it is paragraph 7.5 of Schedule 7, "The district planning authority may only impose conditions on approval for the purposes of this paragraph with the agreement of the nominated undertaker", so if the nominated undertaker does not agree to a condition requiring base line monitoring and monitoring during the works, there is nothing the local authority can do. If the Promoter wanted to rely on paragraph 7 of Schedule 7 all he has to do is stand up here through Mr Taylor and say that he will procure that the nominated undertaker will agree to a condition for base line monitoring and monitoring during the works. You have not heard that and therefore the reference to paragraph 7 of Schedule 7 does not provide the council with sufficient comfort. It does not allow the council to say, "You must monitor the base line. You must monitor during the construction period."

12219. My fifth point, in conclusion, is this. As I said in opening, it is a modest request at modest cost which, if acceded to, could make a real difference to people's lives in the vicinity of this potentially dusty work site. All we are asking is that there should be some means of independent verification to determine whether all the measures taken by the Promoter are effective or not. So much more effective it would be if there was monitoring rather than the man or woman with the sheet ticking boxes.

12220. Sir, that is what we are asking you to direct and it will have a practical purpose. To answer your question, sir, it is not so that it is proved in some court of law. The purpose of this exercise is that the message goes to the contractor and to the council which says, "There has been an exceedance", then steps can be taken immediately to solve it by taking an additional measure. It is practical, cost effective and makes people's lives better. Those are my submissions, sir.

12221. **Chairman:** Thank you very much. Mr Taylor?

12222. **Mr Taylor:** Sir, could I just clarify one aspect of my submissions in relation to paragraph 7 of Schedule 7 of the Bill? The position is that the local planning authority has control over the arrangements for the suppression of dust under paragraph 7 because they can refuse to grant the necessary consent on the basis that the arrangements for the suppression of dust ought to be modified to preserve the local environment, the local amenity, and are reasonably capable of being so modified, so if there is some particular suppression technique which the local authority wishes to impose upon the

⁵⁴ Committee Ref: A132, Existing Good Practice—London Borough of Newham (KENS RB-31405-042).

⁵⁵ Crossrail Bill, Bill 1, 18 May 2005, Schedule 7— Planning conditions, Part 2— Development in the area of a unitary authority, www.publications.parliament.uk

The Petition of the Royal Borough of Kensington and Chelsea Council

nominated undertaker there is a mechanism for doing so because if the nominated undertaker does not agree to that then the local authority can refuse. That, I hope, clarifies the position on that particular point.

12223. **Chairman:** That concludes today's Petitioners and evidence. I understand the business scheduled for later today has now been rescheduled for next Wednesday. The Committee will next meet next Tuesday at 10.00 am. Have a good weekend.

Tuesday 27 June 2006

Before:

Sir Peter Soulsby, in the Chair

Mr Brian Binley
Kelvin Hopkins

Mr Philip Hollobone
Mrs Linda Riordan

In the absence of the Chairman, Sir Peter Soulsby was called to the Chair.

Ordered: that Counsel and Parties be called in.

12224. **Sir Peter Soulsby:** The Committee this morning will be hearing several petitions but I think it would be convenient for us to begin as we normally do by asking Mr Mould to set the scene for us.

The Petition of Maidenhead Civic Society and others.

Mr Nigel Cockburn appeared on behalf of the Petitioner.

Mr John McIntosh appeared as Agent.

12225. **Mr Mould:** Can I start by indicating what my understanding is of the state of the Petitioners that are on the list. We are going to begin by hearing the petition of Maidenhead Civic Society; they are already primed and ready to go on my right. Axa Sun Life plc I understand we have settled with. Villiers Park Properties we are well on the way to settling with. We do not expect them to be here. The same is the position with the BBC. The Royal Borough are here and they will be appearing. Laing Homes we have settled with. Boyne Valley Property again are not appearing. We have not quite settled with them but we are well on the way. I understand that Mia Forbes Pirie is not to appear. I think she has withdrawn her petition. Thames Reach Residents are appearing this evening. We expect Joanne Bainton may appear. We are not entirely sure about that but we are working on the basis that she will. I think you already know that Westbourne Park Villas residents will be appearing. They were to appear last week but they were deferred until today.

12226. **Sir Peter Soulsby:** So those last three are all for this evening ?

12227. **Mr Mould:** Yes, and they are all effective as far as we know. Today's business is essentially concerned with Maidenhead, so we are going west. This evening we chop and change a bit but we will come to that later. Because you are going to hear from the Civic Society and from the Borough Council and then this evening from Thames Reach residents, it seems to me it would be convenient to open in a little more detail and try and set the scene in relation to all of those Petitioners. I hope the Committee will find that helpful.

12228. I can say straightaway that my understanding is that in relation to Maidenhead there are two principal areas of debate. The first of those is the adequacy of parking provision following

completion of the Crossrail scheme and I think more generally the station proposals themselves to meet anticipated demand for passengers at and beyond the date of opening Crossrail in about 2016. That is the first issue. Mr Taylor is going to be dealing with that issue as and when it arises.

12229. The second issue is concerned with Crossrail's proposals for the overhead electrification of the Maidenhead railway bridge which is a fine Brunel designed railway bridge which carries the Great Western main line and the relief lines at that location over the River Thames at Maidenhead. It is listed Grade II*, reflecting its architectural and historic value. That is one part of that issue, and the second is, in relation to that the proposal of Crossrail, to commission a small worksite compound at Guards Club Park, which lies on the west bank of the Thames at that point, to serve overhead line electrification works to the western side of the bridge. That is the second main area of concern and debate that you are going to be hearing about during the course of the day.

12230. Turning first of all to Maidenhead station, can we put up please document 14604D-012?¹ This is a plan which we can look at very briefly just to give you an overview of the proposals at Maidenhead station. As you know, Maidenhead is the western terminus for Crossrail and what we see here is a stabling and turnback facility which is proposed to serve the terminus, and that is in this location here, and then Maidenhead station itself, which is the subject of works in order to enlarge the ticket hall at this point, to provide a new bay platform to serve the Marlow branch line at platform six, to extend the existing island platform which will serve Crossrail trains, to adapt the eastern subway of the two subways beneath the platforms broadly in this location, proposing to adapt and enlarge the eastern subway so as to provide access both by stair and lift to the platforms which serve Crossrail and passive provision for lift access to serve platform one which will exclusively be serving the main line service. Also proposed are works to the western subway in order to make full access to the station from the south, so there will be access both from the north and from the south. The town centre is broadly to the north-east, so the pedestrian route is through the station approach and then across broadly in this location, which will give access to the town centre to the

¹ Crossrail Ref: P102, Maidenhead Station—Transport and Access (WINSRB-14604D-012).

The Petition of Maidenhead Civic Society and others

north-east of the station area itself. We have shown on this plan various worksites which are proposed in order to serve the construction phase. I will not say anything more about that. I am not sure that any particular issues arise in relation to those but you will be hearing more about those later on.

12231. Can we please put up the computer generated image of the new station?² For those who have it this is to be found on page 11, volume 3, of the Environmental Statement. I am going to show you this because I want you to see what the station proposals are in visual. There you have it. There you have the main line. There you have the relief line which will serve the Crossrail service. There is the Marlow branch line. The station buildings are to the north of the station itself. Here we have the proposals for a new substantially enlarged ticket hall facility. I mentioned the new bay platform, platform six, to serve the Marlow branch with extensions to platforms two and three to serve the Crossrail service, the island platform, and I mentioned the eastern and western subways. The eastern subway, as you can see, has stair access to all the platforms and lift access for full accessibility to the island platforms two, three, four and five, and passive provision for a lift to serve platform six. There is a proposal to provide southern access into the ticket hall via the subway as well as access from the main station forecourt area to the north. Those are the basic proposals in relation to Maidenhead.

12232. Turning to the question of car parking, can we put up 14604D-001?³ We have been aware of the concerns of the Royal Borough in particular about the impact of Crossrail on car parking at the station during the construction phase and beyond and we have been working on minimising the loss of parking spaces during those periods. What I have put up before you here briefly is just an indication of the phased approach that we are proposing, set out in correspondence and petition response documents to the Royal Borough. The construction phase is proposed to comprise six phases. You have the first three phases on this series of plans. The green area is existing available car parking at the forecourt car park, the Silco car park here, and the Shoppenhanger car park which is here. Then as you pass through the phases what comes out as a bright purple keying is parking temporarily lost during the phase and then the lighter blue or mauve colour is car parking reinstated or new car parking provided during each phase. Because the issue is about what the permanent position is following the construction works I will not take up time on this now, but you can see this is the proposal. What I can tell you is that until the final stage of the work we are confident that we can maintain car parking at its existing level. It is only at the final phase and permanently that there is a net loss, we think, of a minimum of ten spaces. If

we go to 002 we can see that this is the final arrangement here and you can see a reduced area of car parking in the forecourt area and the car parks to the south as existing but an enlarged car parking area in this location, the Silco car park, compared to the existing, which compensates for the reduction in car parking elsewhere save for the ten spaces that I mentioned a minute ago.⁴ Our current position is set out in a letter to the Royal Borough of 22 June, which is at document 604-008 in your files. I will not ask for that to be put up but that explains the position.

12233. The particular issue that we understand falls to be considered today is whether further provision should be made as part of the Crossrail proposals for additional car parking to accommodate passenger growth. That is the particular matter that the Royal Borough places before the Committee for consideration.

12234. That is all I propose to say at this stage about the Maidenhead station issues. Turning to the Guards Club Park and Maidenhead Bridge can we put up please 604D-005?⁵ This is an aerial photograph taken from the north. Here is the Brunel railway bridge passing in an east-west direction carrying the two main lines and the two relief lines. This is Windsor and Maidenhead on the western side of the river and South Bucks District Council on the east. This is the Guards Club Park itself, access is down Oldacres, which is this residential road here. This is a public park and you see here an island. This is the Guards Club island, and just going back here is a rather attractive Victorian footbridge, also listed, which gives access from the park to the island.

12235. Put up please 006.⁶ As the Committee is aware, Crossrail is to be an electrified railway and most of the existing overground Network Rail infrastructure that is to be used by Crossrail is electrified at 25,000 volts AC. The only exception to that is the section of the Great Western line between Stockley and Maidenhead. The proposal is to extend the existing 25,000 volt AC overhead electrification system to Maidenhead to accommodate Crossrail to its western terminus. That is consistent with the industry standard which has been in place since 1960. It is also consistent with the requirements of European Community interoperability standards and with Health and Safety Executive safety principles which favour overhead line electrification facilities over third rail at 750 volts direct current. That is the broad basis for the proposals that we put forward.

² Crossrail Ref: P102, Visualisation of new layout of Maidenhead Station, billdocuments.crossrail.co.uk (LINEWD-ES11-011).

³ Crossrail Ref: P102, Maidenhead Car Park—Staging Drawing: Existing, Stage 1 and 2 (WINSRB-14604D-001).

⁴ Crossrail Ref: P102, Maidenhead Car Park—Staging Drawing: Stage 3, Stage 4 and Stage 5 (WINSRB-14604D-002).

⁵ Crossrail Ref: P102, Maidenhead Railway Bridge—Aerial view looking South (WINSRB-14604D-005).

⁶ Crossrail Ref: P102, Maidenhead Railway Bridge—Proposed Overhead Electrification Works (WINSRB-14604D-006).

The Petition of Maidenhead Civic Society and others

12236. Maidenhead Bridge presents the need for sensitive handling of the overhead line extension equipment. The reason for that will be self-evident to the Committee. It is an important architectural and historic structure, but it is, of course, and has always been a fully functional part of the railway infrastructure. It was designed and built by Brunel for that purpose and it remains so, and so, whilst its architectural and historic value is properly recognised by a listing at Grade II*, it is entirely consistent with that in our case that sensitive proposals for the adaptation of the bridge to meet the modern requirements of the railway network can be properly accommodated. Our proposals are for a bespoke arrangement here. The usual arrangement for overhead line electrification to serve the Crossrail is a portal frame system which involves a mast on either side of the track with a cross beam. You will be familiar with that; it is a very familiar sight on railway lines throughout the country. Here we are proposing a more sensitive and bespoke system which is shown on the plan in front of you, which involves five rows of three masts which will be located in existing recesses in bridge parapets and a centre mast to carry the electric lines. These will be lightweight structures, circular steel hollow sections, and you can see these shown on the plan. First of all, looking at the long section on the bridge, you can see the location of the five mast gantries which are spaced at about 50 metres, which is consistent with what is required under prevailing industry standards, and in cross-section you can see an example of the two side masts here and then the centre mast, the double mast, each one on a cantilever arrangement which will obviously carry the overhead electric line to serve the railway.

12237. The bridge structure itself is rather an unusual one. Ordinarily you would expect the interior of the bridge above the arches to be made up by solid fill, by ballast and so on. Here we have a series of longitudinal brick walls which run along the bridge and then overlaid on those are slats and so the track is running on that rather strange voided structure, and that creates its own challenges from an engineering perspective. What is proposed in a nutshell is that concrete bases will need to be located at each of the recesses to foot the masts themselves and that will be the first stage of the works, preparing those foundations. The second stage will be the installation of the mast structures and the electric lines. The second stage will be carried out entirely from the railway, so there will be no land-based works in the second phase. It is the first stage which requires the provision of small works compounds to the east and to the west of the bridge and it is the western one which is proposed to be located in Guards Club Park. The duration of that worksite is expected to be of the order of 13 months.

12238. Just before I turn to say a little bit more about the worksite proposals themselves, I have explained in brief the arrangements for providing overhead line electrification. Mr Berryman will explain that in more detail later. Perhaps I can just put up 604D-007

because we want to impress upon the Committee, with respect, that the arrangements we propose have recently been carried out successfully on another very important historic bridge structure on the Great Western line.⁷ This is the Wharncliffe Viaduct. This is Grade I listed and you can see that this was recently fitted with overhead line electrification equipment as part of the Heathrow Express service and essentially the same physical infrastructure was provided. You can see that this is an example of the side mast. You can see on the photograph shown on the screen in front of you the side masts and the centre mast here and you can see spacing broadly in accordance with that which is proposed at Maidenhead, and so there is a clear precedent for this. This was an approach which was agreed between the Promoters of that scheme and English Heritage and the responsible local authorities. Negotiations have been continuing between ourselves, English Heritage and the Royal Borough of Windsor and Maidenhead and South Bucks District Council just in the same way in relation to the Maidenhead Bridge with a view to adopting a similarly sensitive and appropriate arrangement here. It is important that the Committee is aware of that precedent.

12239. I turn finally to the construction arrangements in relation to that first phase that I mentioned a minute ago, and that is the installation of the foundations. Can we please put up 604A-001?⁸ Here we have a plan looking down on to the bridge. There is the bridge, here is the Guards Club Park, here is the island and here is the Victorian footbridge. There are proposals to site two worksite compounds, first, to serve the eastern side of the bridge a compound here on Network Rail land within the area of South Bucks District Council, and to serve the western side a compound here, just in the area of the existing public car park for the Guards Club parking, just straying slightly into the park itself, and access to the western worksite via Oldacres as I show down here, retaining five public parking spaces shown highlighted in yellow.

12240. What is proposed in relation to this worksite is that it should serve as a storage area, an area which will accommodate staffing facilities in accordance with legal requirements, and will provide a delivery area for scaffolding poles and other scaffolding equipment which will then be used to erect scaffolding towers which are required to be located during the first phase of the construction, the foundation construction phase, adjacent to each of the mast locations. I am just pointing out those scaffolding locations that will be served from the Guards Club site. There is also a need for two scaffolding towers to serve the central pier. These will be accessed from the island and in order to get to the island it will be necessary to go by foot

⁷ Crossrail Ref: P102, Maidenhead Railway Bridge—Wharncliffe Viaduct and Close up of mast (WINSRB-14604D-007).

⁸ Crossrail Ref: P102, Maidenhead Railway Bridge—Compound Locations (WINSRB-14604A-001).

The Petition of Maidenhead Civic Society and others

carrying the scaffolding equipment over the bridge and then down the existing path through the island to the worksite locations. Those to the west will obviously be served by the worksite of the Network Rail land on the western bank. That is what is proposed.

12241. In order to get a flavour of the existing environment of the park, I will show the Committee one or two photographs. First of all O4D 018.⁹ Looking from the west, looking down on to the bridge and the park, we have the bridge, the island and the park, the access road Oldacres and the park entrance. In the south-western corner of the park, you can just see the existing parking area through trees. That is the area within which the small worksite compound is proposed to be located.

12242. Could we turn, please, to O4D 008.¹⁰ This is a view within the park, standing adjacent to the riverbank looking northwards. We can see the existing pathway which we propose to use in order to gain access on foot to the bridge. There are two views of the footbridge, and the photograph in the bottom left-hand corner is a view from broadly the same location but this time looking somewhat to the east, and you can see the bridge just giving access to the island on the right-hand side of the photograph. There is then a photograph looking south, where you can see the main railway bridge beyond the footbridge in the foreground.

12243. Could we turn, please, to 604A 002.¹¹ I am going to show you the layout proposals for the worksite. This shows the south-western corner of the park, the existing car-park, giving access to Oldacres. It is proposed that there should be a fenced compound, which will accommodate three site huts, and will provide storage for materials, small tools, scaffolding and so on. To gain access for Crossrail vehicles via the access way we will need to take out the posts—and they will be replaced following the removal of the worksite—to allow full access to HGVs. It is proposed as far as possible to use the existing path through the park itself to gain access on foot to the footbridge. There are some steps which need protection, which will be provided for, and there are proposals to create short lengths of new hard surfacing to allow access to the southern boundary of the park, where access will be gained to the western piers of the bridge. It is a matter for the Royal Borough, for the Civic Society and so forth, but these new areas of hard surfacing could be retained or removed, as desired, at the end of the process.

12244. Could we turn finally to O4D 003.¹² This sets out the proposals for controlling access on foot over the footbridge. This will be required simply to enable us to take the scaffolding equipment that is required to erect the scaffolding towers to serve the central pier of the bridge—hand-carried scaffolding poles and other scaffolding equipment. In order to protect the structure of the bridge, which is clearly sensitive, from any risk of damage during the process of carrying these scaffolding poles to and from the scaffolding area on the island, we have given an indication of some of the protective measures that might be appropriately employed. Of course, that is a matter for discussion and agreement with the local authority, but just to give the Committee an indication of the work we are doing in relation to that issue.

12245. The final document to draw to the Committee's attention at this stage is a letter that we wrote to the Royal Borough on 21 June. It is document 604A 004.¹³ I should say that this is a letter that we have written in broadly similar terms to the Civic Society and to the other petitioner this evening, just giving some further details on our proposals for minimising and mitigating the impact of the presence of the worksite within the park.

12246. At page 004, we have given an undertaking that we will limit the worksite to ten per cent of the park, not including the use of the footbridge on the island. That is subject to any agreed changes required by the borough council for environmental mitigation purposes, so that is designed to give the opportunity (a) of reducing the impact of the presence of the worksite and (b) to enable users of the park to continue to use it throughout the period of construction.

12247. We have set out at page 005 the purpose for which the site is required: "... a small amount of storage of scaffolding and associated materials, a small quantity of site accommodation and physical access to the site of the works (ie, Maidenhead Railway Bridge itself)." I have already explained how that site drawing shows an indication of the layout of the compound and the proposals for using existing and small extensions of hard surface paths through the Guard's Club Park. I have drawn attention to the fact that our intention is, subject to those requirements, that the park should remain useable by existing users.

12248. Under duration of the works, I have mentioned the two phases. We would wish to impress upon the Committee that we recognise that the island itself has ecological sensitivity, in particular in relation to bird breeding. We are committed to avoiding any access by Crossrail personnel to the island during the bird breeding

⁹ Crossrail Ref: P102, Maidenhead Railway Bridge—Aerial view looking East (WINSRB-14604D-018).

¹⁰ Crossrail Ref: P102, Maidenhead Railway Bridge—Guards' Club Park and Footbridge to the Island (WINSRB-14604D-008).

¹¹ Crossrail Ref: P102, Maidenhead Railway Bridge—Guards' Club Park Compound Layout (WINSRB-14604A-002).

¹² Crossrail Ref: P102, Maidenhead Railway Bridge—Site Access via Listed Footbridge (WINSRB-14604D-003).

¹³ Crossrail Ref: P102, Correspondence from CLRL to Royal Borough of Windsor & Maidenhead, Guards' Club Park, 21 June 2006 (WINSRB-14604A-004 to -006).

The Petition of Maidenhead Civic Society and others

season in order to maintain and to safeguard that. That does mean, of course, that the duration of the works may be somewhat extended, and that is why we have said that we think 13 months would be required, but I would wish to stress that, for obvious reasons, for a substantial part of that time there is little or no activity within the compound.

12249. Over the page, please, to 006, I mention the limited use of the footbridge to transport scaffolding materials and the fact that that would be undertaken by workmen on foot. I have shown you some indication of the protective proposals that we have in mind to safeguard the bridge from damage during that period. We expect the use of the bridge for taking scaffolding to and from the tower locations to take no more than a few days at either end of the first phase of the construction, the foundation construction phase.

12250. There is also mention there of the protection of the birds.

12251. If we may turn to the alternatives, we have considered a number of alternatives to the arrangements for Guards Club Park and they are set out. The one to which I would draw your attention is river access. I think it is going to be suggested that we might site a barge or a pontoon in the river to accommodate the worksite. I will ask Mr Berryman to say why that is not a suitable or sensible alternative arrangement. We have considered that and we do not think that is something which comments itself to the scheme.

12252. The only other point I would make at this stage is that there has been concern about works traffic accessing the worksite at the Guards Club Park via Oldacres and I would set out our current position on that. It is a residential road and obviously it accommodates heavy goods vehicles, John Lewis lorries and that kind of thing. In terms of the frequency of lorry journeys, during the peak period of activity at the worksite, which we estimate to be no more than about one to two weeks, we estimate up to seven lorries a day accessing the worksite. Otherwise, during the construction period, it will be about three lorries a week. The peak period will be that short period of a few days when the scaffolding is being set up, and then, at the end of the process, when the scaffolding is being removed.

12253. The issues are concerned with those environmental impacts that I have touched upon and the question as to whether there is an alternative which commends itself to the Committee to the arrangements that I have just outlined.

12254. I have taken a little longer than I normally would. I hope that is helpful to the Committee. I will hand over to the Civic Society.

12255. **Sir Peter Soulsby:** Thank you.

12256. **Mr McIntosh:** Mr Chairman, I would like briefly, if I may, to introduce Maidenhead Civic Society to you, of which I am Chairman. I am supported today by Mr Nigel Cockburn, Mrs Tina Sell and Mr Robert Dawson.

12257. The society is a registered charity and such is apolitical. We are all volunteers and unpaid. The society's purpose is to make Maidenhead a better place by improving what is generally referred to as "amenity"—which equals roughly to the quality of life. It is also something which does not come free and, unfortunately, rarely figures in costings or accountancy.

12258. The society has been in existence for about 40 years. One of the things we have done is the creation of Guards Club Park and the repair of the bridge. Top show that we are not fly-by-nights, we have published a Strategic Review of Amenity for Maidenhead, which covers things like transport, housing, town planning, et cetera.

12259. In principle we welcome the arrival of Crossrail. It is something which potentially should bring benefit to the town, but, as presently proposed, it is feared that it is going to do the reverse and threaten us with a raft of problems both during and after construction. The purpose of us being here today is to try to convert that to a positive result so that Crossrail is an opportunity for making the town a better place and improving its amenity, rather than leaving us with a lot of difficulties afterwards. That is the reason why we are here today.

12260. May I now ask Mr Nigel Cockburn, who is the Chairman of our planning group, to present our response to Crossrail's reply to our petition.

12261. **Mr Cockburn:** I must apologise, Mr Chairman, if we seem to be a bit naïve in our select committee procedures, particularly with a hybrid Bill, although, as you can probably judge from our ages, all four petitioners have a long experience of life. Would it help you and the Committee if I were to run through, very briefly, each of the five points that support our petition. If we do that, we could have questions, if there are any, after each point.

12262. **Sir Peter Soulsby:** That would be sensible.

12263. **Mr Cockburn:** Thank you. Our five issues are, first, if I can go back to the beginning, the justification for choosing Maidenhead for the western terminal; secondly, the disruption to the town from the provision of the associated infrastructure which is going to be necessary for the terminal; thirdly, the use of the Guards Club Park and the island; fourthly, the gantries on the Grade II listed bridge; and, fifthly, the train service.

The Petition of Maidenhead Civic Society and others

12264. **Sir Peter Soulsby:** It would be helpful if you were to point out to the Committee what you want of us in terms of the alternatives or changes that you would like to see included in the Bill.

12265. **Mr Cockburn:** I will attempt to do that, Chairman.

12266. Can I check that you have some pieces of paper: a three-page document from Maidenhead Civic Society dated 27 June; a package of seven exhibits which includes some of the maps and pictures you may have seen before; and, lastly, a sheet with some photos.

12267. **Sir Peter Soulsby:** There seems to be some doubt as to whether we have those. As you have seen, if you have copies, they can be displayed on the overhead projector, and we can give them numbers and ensure they are circulated to the Members of the Committee afterwards. This first document will be known as A134.¹⁴ We will give numbers to the others as you refer to them.

12268. **Mr Cockburn:** The document starts at page A015.¹⁵ Perhaps we can hold that picture in our minds. We will not get to it quite yet.

12269. Our first point is that we do not believe there is any justification for choosing Maidenhead for the western terminus. The evidence that has been provided to support the choice of Maidenhead as the western terminal is inadequate and unconvincing. There appears to have been no research or opinion survey on passenger levels to justify the choice, or to support the assertion that Maidenhead is the first stop that will generate extra passengers. Crossrail's information paper provides no evidence, except to say that the analysis is based on their own projections, which are merely their own forecasts, which are not independent evidence based on specific work that has been undertaken or scientific studies.

12270. Simply, we do not believe the case for Maidenhead as the western terminal has been made. Paper A6, which Crossrail produced, even suggests that Crossrail may later be extended and Maidenhead may not be the final terminus.¹⁶ Anybody who lives there knows that Maidenhead cannot be a transport hub. We understand that there is a better case for Reading, which already has that designation with its multiple rail links and extra facilities. Part of the Promoter's reluctance to extend west appears to be based on cost, but no comparative costs have been given. What about the cost to Maidenhead in terms of the impact on the environment and its amenity? If cost is the issue, why not have the terminus at Slough?

12271. We are amazed that such an important decision on such a major project is based on such scant evidence and that so little work has been to investigate the most appropriate site for the terminus.

12272. Sir, that is our first point. Do you have any questions?

12273. **Sir Peter Soulsby:** Perhaps you would present your five points and then we will see if there are any questions at that stage.

12274. **Mr Cockburn:** Certainly. The second point is the disruption to the town and the provision of the associated infrastructure.

12275. The existing infrastructure in Maidenhead certainly would not support such a major development. The imposition of such a facility without substantial restructuring and the funding to do that would fundamentally change the character of the town and impact adversely on the lives of its residents. The proposal is for the terminal to be on a site which is not big enough and which lacks the necessary infrastructure. This can be seen from the first photo, and the map which is now showing on the screen, page 015, and also, on the following page, 016, figure number 1.¹⁷ You can see the station and the small station forecourt in the middle of the picture and on the map. If we look at the next page, figure 2, page 017, we can see the surrounding roads and houses and the proposal is for the available land to the north as stabling sidings for Crossrail in place of a car park and some light industry.¹⁸ There is not a lot of space to be used and it is all going to be used for Crossrail. This is shown more clearly on the map on the screen.

12276. The loss of the space to Crossrail will restrict the plans for a badly needed integrated bus station and transport interchange at the railway station. Crossrail's proposals will not only add to the amount of traffic but will take away the means for dealing with it. Terminal or no terminal, redevelopment of the station requires a more imaginative solution and serious investment to cope with the knock-on effects on the local infrastructure, on the roads, the car parks, bus station and so on.

12277. The Crossrail proposals, for example, show a reduction in the number of existing car parking spaces at the station: a net loss of 10 rather than an increase. This is totally unrealistic, given that the current provision at the station now is inadequate.

12278. Maidenhead is a small town, as you can see, with a tight-knit town centre, bounded in the east by the River Thames, and to the north, west and south

¹⁴ Committee Ref: A134, Royal Borough of Windsor & Maidenhead—Proof of Evidence.

¹⁵ Committee Ref: A134, Maidenhead Station—Aerial view from West (WINSRB-12205-015).

¹⁶ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

¹⁷ Committee Ref: A134, Maidenhead Station: Corridor 3—Hybrid Bill Proposals Infrastructure Location Plans (WINSRB-12205-016).

¹⁸ Committee Ref: A134, Maidenhead Station: Corridor 3—Hybrid Bill Proposals Maidenhead Proposed Stabling (WINSRB-12205-017).

 The Petition of Maidenhead Civic Society and others

by green belt. As you can see from the first map we saw, there is no room at the station to accommodate any further expansion. The impact of Crossrail and their undertaker will either choke the town to death or put pressure on the green belt.

12279. We are not here to argue the case for locating the terminus in Slough or Reading, but they should also be properly assessed and considered. There is no proof of evidence offered that it should be Maidenhead and no assessment of the potentially damaging effect on the town and its people of the extra passenger traffic, car traffic and parking that the terminal will lead to.

12280. Our concern is that Crossrail threatens to impose a transport hub status on a small riverside town which simply could not cope.

12281. Our third point is: Why use Guards Club Park and Island? The use of Guards Club Park, island and the listed footbridge connecting the two, we submit, is unnecessary and environmentally unfriendly. We suggest that there is a golden opportunity here to use the natural facility, the River Thames, for the transport and storage of materials which would minimise the impact on the environment.

12282. Could we turn to photo number 2, page 021.¹⁹

12283. This looks south showing Guards Club Park on the right, as we have seen it before, the elegant Edwardian footbridge in the foreground and the island and Brunel's railway viaduct behind. If we then look at the map on the next page we see the same thing from above.²⁰ The next photo shows the bridge looking at it from the south.²¹

12284. We would like to see the Promoter give proper consideration to alternative sites to store materials and to access the bridge. We suggest it would be as economic and more environmentally friendly, for example, to use barges on the river for transport storage and as a work platform. As you can see from the two left-hand pictures on this separate sheet, if you look at the two pictures on the left, this is looking from Guards Club Park south towards the bridge.²² There is space there to moor barges between the island next to the bridge and Guards Club Park, so we are between the island and Guards Club Park, and just by the water there is some open space where you could moor some barges. This is on part of the River Thames that is not part of the main channel.

12285. If we look at the Ordnance Survey map at the back of our pack, page 26, there are some sites where the barges could be loaded and some materials stored.²³ There is a slipway and boatyard just north of Maidenhead road bridge. There is the main bridge, there is the road bridge and just north is the slipway and boatyard. There is some land and a wharf which is for sale across the lane from the gas holder a little further north. That is the gas holder there and just north of it is a piece of land there with a wharf in front of it, and that is for sale.

12286. Also there is a rowing club here with a big car park just opposite the island, but I do not suggest we use that or there will be even more objections.

12287. The use of the barges would have less impact on the area and avoid the need to use the park and surrounding narrow roads. The wildlife would be less affected and the contractors would not have to use the unsuitable Grade II listed Edwardian footbridge to the island.

12288. Our fourth point is why do we have to have gantries along the Grade II listed Brunel bridge? We believe that more work should be done to explore the alternatives to overhead gantries or cantilevered supports, which, however you disguise them, will deface this elegant, listed landmark. We note that the proposer has shifted position after some reconsideration and it is now possible to locate the gantries within the internal width of the bridge rather than bolting them to the outside of the bridge. The Civic Society remains convinced that the insulation of overhead electrification would be to deface this historic bridge. We urge further consideration to explore alternative solutions for electrification, such as an electrified third rail. Again, there is no evidence offered that alternative solutions like this have been investigated or costed. If you look at photo three, which is the picture of the bridge from the towpath, the gantries will deface this world famous bridge on a picturesque part of the River Thames with one of the longest brick spans in the world that was immortalised in William Turner's great painting.

12289. We are encouraged that at this stage the design has not been finalised. However, it is not considered acceptable to us for the Bill to be passed without it being specified as subject to separate planning approval. Ways must be found to remove the visual impact of any electrification gantries.

12290. Finally, and lastly, why should Crossrail's proposal result in a worse train service from Maidenhead? Crossrail threatens to replace what is already an inadequate service with an even worse one. Their proposal will take up 50 per cent of the rail track from Maidenhead into Paddington and provide a slower service. Again, no evidence is provided to justify demand for a service that stops at

¹⁹ Committee Ref: A134, Maidenhead Bridge—Aerial view from North (WINSRB-12205-021).

²⁰ Committee Ref: A134, Maidenhead Bridge: Corridor 3—Hybrid Bill Proposal Infrastructure Location Plans (WINSRB-12205-022).

²¹ Committee Ref: A134, Maidenhead Bridge—View Looking North from East Side (WINSRB-12205-025).

²² Committee Ref: A134, Maidenhead Bridge and Grade II listed Edwardian footbridge—Views from Guards' Club Park; (SCN-20060627-001).

²³ Committee Ref: A134, Ordnance Survey Landplan, Plot centre coordinates 490120 181493, 21 June 2006 (WINSRB-12205-026).

The Petition of Maidenhead Civic Society and others

every station whereas commuters to London we know, as we found this morning, that there is a demand for a fast train service into Paddington. Thank you.

12291. **Sir Peter Soulsby:** Thank you, Mr Cockburn. Do you intend to call witnesses?

12292. **Mr Cockburn:** No, we do not.

12293. **Sir Peter Soulsby:** In which case, Mr Mould?

12294. **Mr Mould:** Sir, what I would like to do is to call Mr Berryman to deal with the first, third and fourth of the issues which have been put before you by the Petitioners and then Mr Taylor proposes to call Mr Anderson to deal with the second and fifth issues. We will do it in that order if we may.

12295. **Sir Peter Soulsby:** That is fine. Mr Cockburn and Mr McIntosh will have an opportunity to question the witnesses.

Mr Keith Berryman, recalled

Further examined by **Mr Mould**

12296. **Mr Mould:** Mr Berryman, the Committee have seen and heard from you many times, but just for the benefit of the Petitioners can you remind us of your position in relation to the project?

(Mr Berryman) I am managing director of CLRL, which is the company established by the Department for Transport and Transport for London to promote the Crossrail scheme.

12297. Thank you. The first point raised by the Petitioners was the lack of any established justification for choosing Maidenhead as the terminus for Crossrail. I think the logic of their argument is that the case should be made as to why the service should not continue to Reading. Can you please explain to the Committee why is it that Crossrail does not plan to serve Reading? I think you have got five points in relation to that.

(Mr Berryman) Yes. I think the issue with serving Reading is a combination of operational issues, costs and engineering issues, passenger numbers, passenger attractiveness. Crossrail is planned substantially as providing a stopping service for commuters into London and a Crossrail service which ran from Reading would take about 45 minutes to reach London compared with the current express train services which take about 26 minutes for the same journey. Moreover, the Intercity expresses are very frequent from Reading. We would expect the attractiveness of passengers going to London from Reading on Crossrail to be minimal. In fact, our forecasts show that there would only be a net increase of about 100 passengers for the Crossrail service from Reading. The cost of doing it is significant. Our current estimate is that it would be about 370 million at first quarter 2002 prices. The number of passengers attracted and the benefits are disproportionate to each other.

12298. Can you please explain what physical and operational alterations would be required at Reading Station if Crossrail was to be accommodated at Reading as its western terminus? **(Mr Berryman)** The first thing, of course, is that it is not just at Reading Station, eventually we would have to electrify the line from Maidenhead to Reading, including raising bridges and other physical alterations such as we are proposing on the section to Maidenhead. There would be substantial remodelling required at Reading Station itself. Reading Station, as I think has already been mentioned in previous evidence, is a bottleneck on the Great Western Main Line and it needs some restructuring before it can work. There are no possible turn-round platforms which could be used by Crossrail at the moment, so there would need to be extensive modification to Reading Station. In addition, we would need to provide additional sidings there. We would need probably an additional ten or so trains to serve the extra service.

12299. Thank you. Although the current scheme is proposed to terminate at Maidenhead, what is the position in relation to extending to Reading at some future date?

(Mr Berryman) It would be physically possible to extend to Reading. The layout is designed so that it is extendable. There are a number of precedents for that on other projects. I think one of the ones which are freshest in my mind is the electrification to Cambridge. Initially train services were only electrified as far as Royston and, I think, Bishop's Stortford and at a later date they were extended to Cambridge, so a similar kind of thing could be done here if circumstances changed and it became clear that there was sufficient demand for a Crossrail service to Reading to justify it.

12300. Do you want to say anything more about the operational problems arising from an extension to Reading in so far as the proposed metro service is concerned?

(Mr Berryman) The further out you go the more chance there is of disruption to services when they get into town, so the more difficult it is to keep accurate time keeping and keep trains presenting within the very narrow window we have available for them to do so.

12301. That is Reading. Let us go the other way now. Can you just help the Committee with the possibility of terminating the service before Maidenhead, for example at Slough?

(Mr Berryman) The problem if we went to Slough would be the difficulty of providing sufficient trains to service the area beyond Slough, those are the small stations of Maidenhead and Twyford, which would mean we would have to operate a much more intense residual diesel service to serve those stations and it would mean that we would be short of capacity as we would get into London because we would have our Crossrail trains and in addition we would have the extra trains required to serve the demand between Slough and Reading. At the

The Petition of Maidenhead Civic Society and others

moment we only have a relatively small number of those trains because we are effectively servicing only one station, which is Twyford, but if we were to stop at Slough and have ten more of those that would lead to capacity problems and also certainly a requirement for additional tracks as we got into the centre of London.

12302. As the Petitioner mentioned, we have set out the selection of the western terminus and the process whereby that was undertaken in Information Paper A6.²⁴ I wonder if we could put that up, please. If we could turn to page five you can see at the bottom of the page the Maidenhead to Heathrow option and the summary position in relation to that that begins at the bottom of the page. If we turn to the next page, page six, the assessment of the option is dealt with in summary in paragraphs 5.17 to 5.20 and the conclusion in section 6. Do you want to say anything about the point made that there does not appear to have been any investigative assessment of Maidenhead in terms of the benefits it would bring to passengers accessing that station and, indeed, at other stations to the east along the western section of the route?

(Mr Berryman) Yes. There was a significant amount of work done on the various options out on Great Western before we arrived at this decision. Effectively there were three things looked at together: first of all the options, how a timetable would work and how sufficient services could be provided; secondly, the passenger numbers which were based on analysis using the standard model used for all our passenger analysis; and, thirdly, the infrastructure and costs required. This is covered not only in this Information Paper but in the Environmental Statement there is a short section on this topic.

12303. Thank you very much. If the Petitioners would like help in that section we can point the relevant section out to them during the adjournment. I think we have covered points arising under topic one. The next topic I would like you to deal with relates to Guards Club Park and island. Can you help us with the suggestion that the more appropriate means of serving works at the Maidenhead Bridge would be from a barge located adjacent to the bridge on the River Thames?

(Mr Berryman) Yes, I can. The reason Mr Mould has asked me to give evidence on this point is I have had experience of a similar project. I am sorry to say it was as long ago as 1968 when we were building the M6 motorway when we had a similar situation with a bridge pier on an island. Regrettably it was a bridge which had not reached the architectural elegance of the Maidenhead Bridge, and was never likely to, I am sorry to say. Using barge access to islands is practical and if the scale of works is appropriate it is a sensible way to do it, but where the scale of the works is relatively modest the effort required to create the barge landings on the island and to handle materials on and off the barge is

disproportionate to the amount of work that is involved. I think that would be the case in this instance because the works, as evidence will be given later, on the island are very minor. We are actually talking about carrying equipment by hand in maximum 25kg loads. It is just not commensurate with the effort that would be required to build a landing stage on the island and to arrange for barges and the inconvenience that it would involve, which would be very considerable.

12304. I do not think that the Petitioners' concern was limited to the use of the island, I think the suggestion was that a barge would be a complete alternative to the need for a worksite to be located within Guards Club Park itself. Do you want to say anything about the practicality of that as an alternative to that part of the construction proposals?

(Mr Berryman) Yes. There are two piers which will require scaffolding to be erected on them in Guards Club Park, so even if you have a barge to access the island you would still have to get into Guards Club Park one way or another, material would still have to be delivered. I cannot think that it would be sensible to deliver it other than by road in that location because you are on the service and you have access to roads. Again, it is the scale of the works that is important and they are very modest works.

12305. I showed the Committee earlier the layout of the plan which showed four scaffolding towers required just to the south of Guards Club Park itself on the western bank of the river, is that right?²⁵

(Mr Berryman) That is correct, yes, two on the north side and two on the south side of the bridge.

12306. In relation to those scaffolding towers, if you assume for the purpose of this question that proposal for Maidenhead Bridge stands on overhead electrification, can the overhead electrification equipment that I showed the Committee earlier be installed on the bridge without the need for those scaffolding towers?

(Mr Berryman) Just to make it clear, the actual installation of the equipment, the delivery of the masts, the erection of them, the putting up of the wire, will be done from an electrification train, it will not be done using these scaffolds for access. The reason for needing to have the scaffold is to allow manpower access to get at the foundations which will be required for the masts. It is the construction of the mast foundations rather than the masts themselves which require this access. We may have to do some very, very minor works to the parapets, we are not clear yet because we have got further work to do on that, but we may need to dismantle a very short section of the parapet and replace that afterwards with the same materials. We are talking about access for men only, not delivering any substantial equipment by this route for the obvious reason that the maximum load they can carry is 25kg.

²⁴ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

²⁵ Crossrail Ref: P102, Maidenhead Railway Bridge—Compound Locations (WINSRB-14604A-001).

 The Petition of Maidenhead Civic Society and others

12307. **Mrs Riordan:** It could be women.
 (**Mr Berryman**) There actually are, yes.

12308. **Mr Mould:** That is the first phase of the process I have described, that is the foundation structure phase, as opposed to the second phase which is where you are installing the equipment itself.

(**Mr Berryman**) Yes, that is correct. Actually, if you like, there is a preliminary phase where there are some high tension cables on the bridge which will need to be moved. Most of that operation will be done from within the bridge but, again, it remains for manpower or womanpower access up to it.

12309. Just a small point. In relation to the possibility of using a barge at least to serve part of the works, in practice how would one get men on the barge in order to work from it?

(**Mr Berryman**) You would have to have a loading stage somewhere. You would still have the issue of where the barge was loaded. The scale of the works is such that a single barge load would probably take everything you need across. I cannot emphasise enough that we are talking about equipment which is handled by people, it is not big mechanical plant or anything of that sort.

12310. That is the fourth issue. The fifth issue was the question of why gantries at all on the Maidenhead Bridge and the suggestion was a more appropriate alternative to safeguard the bridge's sensitive architectural and historic value would be third rail electrification. Can you help the Committee with that, please?

(**Mr Berryman**) Yes. The third rail electrification system exists mainly on the old southern region of British Rail. HMRI have taken the view for many years that new third rail systems will not be permitted. Extensions of the existing system are allowed but new third rail systems are not permitted. The reason for this is to do with the safety of the track workers. It goes without saying that a third rail system with an exposed high voltage rail grounded at foot level is intrinsically more dangerous than an overhead system which can be touched by accident. There was a Royal Commission in the 1930s which initially decided that there should be no more third rail. Subsequently in the 1960s there was a further study which reinforced that decision. I do not think we would get consent for this even if we wanted to propose it. It would be extremely dangerous to have a short length of third rail in the middle of what would otherwise be an electrified overhead line system because track workers who are working there would be less familiar with that system. It is a pretty solid rule of safety that you keep things consistent, and this would not be consistent. For that reason we would strongly oppose the third rail.

12311. Is there a European dimension to this?

(**Mr Berryman**) There is indeed. As you mentioned, there is an Interoperability Directive which does apply to Great Western Main Line which calls for 25,000 volt electrification of railways.

12312. If one was to contemplate seeking to depart from that standard, what would be involved? How would one go about that?

(**Mr Berryman**) These things are ruled by documents called Technical Specifications and you would have to get a derogation from that. It is a major operation to get a derogation. It is usually only granted where there is absolutely no possibility of complying with the regulations.

12313. I showed the Committee the example of the Wharncliffe viaduct.²⁶

(**Mr Berryman**) Yes. I think there is the Royal Border bridge in Berwick-upon-Tweed which is a similar kind of structure, I think it is Grade I listed, where similar kinds of masts have been used. There are many precedents for this on Grade I and Grade II listed structures. The key thing is to try and make the design look as if it is an integral part of the whole structure, not just plonk it on top but try and treat it sympathetically and make the appearance of the overall structure, including the masts, satisfactory. You can see on this picture they have done it on the Wharncliffe by making sure that the masts are over piers and give the sort of symmetrical appearance to it. That is the normal process adopted.

12314. That is what we are proposing in this case.

(**Mr Berryman**) It is indeed.

12315. **Mr Mould:** Thank you very much.

Cross-examined by **Mr Cockburn**

12316. **Mr Cockburn:** Dealing with the question of Reading, if at some stage in the future it is intended to extend Crossrail to Reading, would it be cheaper to do that now rather than wait until later?

(**Mr Berryman**) Not materially. Indeed, it could be cheaper to do it later because there are re-signalling proposals for Reading station and the area between Reading and Maidenhead. If that was done that would reduce the cost of the works to us. There are no significant savings in doing all this at the same time, other than those which are caused by not having to mobilise twice and so on, which are relatively minor.

12317. So it is only Crossrail costs that you are looking at; it is not anybody else's costs that you are taking into consideration here.

(**Mr Berryman**) Well, the costs which will be incurred for re-signalling are part of the normal re-signalling process which goes cyclic through the railway network.

12318. Are you aware that Reading is already a transport hub with all the necessary facilities, services and connections of a transport hub?

²⁶ Crossrail Ref: P102, Maidenhead Railway Bridge—Wharncliffe Viaduct and Close up of mast (WINSRB-14604D-007).

 The Petition of Maidenhead Civic Society and others

(Mr Berryman) Yes, it is a transport hub. It has a very, very good service to central London, as you will be aware, provided by the Intercity trains. It is for that reason we think that we would not attract very many passengers on to Crossrail.

12319. Are you aware that the people of Reading are calling for the terminus to be at Reading?

(Mr Berryman) Yes, they are.

12320. You say all the costings were presented in your paper. I have read your paper and found it somewhat confusing. Can you give us the costs for the terminus being in Maidenhead and, perhaps, also, the costs of the terminus being at Slough? You mentioned £370 million for Reading.

(Mr Berryman) Three-hundred and seventy million additional costs for going to Reading, yes—additional to the costs of the scheme as it stands at present. For Slough there would obviously be some reduction in costs of electrification, but as I said in my evidence-in-chief there would be additional track work required to provide for the necessary residual services to serve the intermediate stations between Slough and Reading.

12321. Have you not costed that out? Can you not tell us what that is?

(Mr Berryman) We have not fully designed that. That is one of the options. Like all these things, one takes each option to a certain level to see if it is going to be viable or not and, at that point, you do not do any work on it; you just establish it is not viable.

12322. How do you decide it is not viable without having done the costings?

(Mr Berryman) The primary reason for deciding whether a railway system is viable is whether it is operable or not. Irrespective of the cost, there is no point in building a system that you do not think will work and will not be able to deliver the trains required for the passengers on offer.

12323. That is where I find your whole case set out in a way which is incomprehensible. Many of the costs are going to be exactly the same, whether it is Maidenhead or Reading or Slough, in terms of all the work—

(Mr Berryman) Not at all. As I said a moment ago, if you terminate Crossrail services at Slough you have to provide for passengers who live beyond Slough, and that means putting extra services on, and that would involve extra track work. It is at that point that one makes a decision: “Are we going to start designing extra track work or are we just going by line inspection?” It just does not work.

12324. We have got the four lines going from Reading into London and Crossrail will take two of them.

(Mr Berryman) Crossrail is not going to take two of them; Crossrail is going to use two of them. They will be shared, as we will be hearing evidence in the next couple of weeks, with other passenger operators providing services to Reading and, also, with freight

operators. So it is not just a question of two tracks that pass over to Crossrail, it is an integrated timetabling operation for the whole system.

12325. It currently takes 45 minutes to get to Paddington from Maidenhead most of the time. It does not seem as if that is going to be improved. Is that correct?

(Mr Berryman) That is not quite correct. There are some faster trains in the peaks, as you will probably be aware. Under the proposed Crossrail timetable there will be some faster trains at the peak as well. I think, from memory, and I do not have the figures in front of me, there will be fast trains which are in the 22-23 minute range which run in the peak. There will be, all day, a service going into Paddington at high level which will take about 32 minutes and there will be a Crossrail service which will take about 38 minutes, but will go into different tunnels I do not have the figures in front of me but from memory those are the times.

12326. **Mr Mould:** Mr Anderson is going to be able to deal in more detail with those service questions.

12327. **Mr Cockburn:** On the barge, if it is just a simple matter to use a barge why not do it? Have you costed what it will take?

(Mr Berryman) I did not say it was a simple matter; I said the effort required to create a landing for the barge and the other ancillary bits and pieces you have to do to do it, just make it -- if it was bigger works then it might be a more realistic option but the scale of the works involved here is so small that it just is not justified to start creating barge landings.

12328. You are going to cause all the other disruption to the Guards Club Park and local roads.

(Mr Berryman) I do not think we will be causing very much disruption to either of those things, but we will be hearing evidence on that.

12329. Again, it may not be a direct cost to Crossrail but to the people of Maidenhead.

(Mr Berryman) I do not think there will be any significant costs to the people of Maidenhead. I cannot emphasise enough: the scale of the works is very small.

12330. Lastly, on electrification of the gantries on the bridge, is it technically possible to have a third electrified rail? I get the impression it is, from what you said

(Mr Berryman) Is it technically possible?

12331. Yes.

(Mr Berryman) It is technically possible but it does not mean you would be allowed to do it. Most emphatically, you would not be allowed to do it because of the safety hazards and the general long-term policy issues that that would raise for the operation of the railways.

12332. How easy is it for somebody to actually get up on to that bridge?

 The Petition of Maidenhead Civic Society and others

(Mr Berryman) Track workers would be up on that bridge all the time. They walk backwards and forwards along the track.

12333. How easy is it for a member of the public who should not be up there to get up there?

(Mr Berryman) It is not very easy, but I am not quite sure what the relevance of that would be.

12334. If the only people who can get up there are people who are track workers, then would they not be used to dealing with electrified rails and be aware of the inherent dangers?

(Mr Berryman) That is my very point: track workers in this area would not be used to dealing with a third rail because there is no other third rail in the area on the western region. They would not be familiar with it. So that is why the risks to them would be greater than it is, perhaps, on the southern region, and that is not very clever, I can tell you.

12335. I am clearly not an expert on technical issues, but it does seem a great shame. I think Brunel would be rather disappointed we could not do better.

(Mr Berryman) It is very hard to imagine what another person might think. I imagine Brunel was a person—I do not imagine, I know—who was quite happy to innovate, and I have no doubt he would not have had any worries about this at all.

12336. **Sir Peter Soulsby:** That is as far as we need take that!

12337. **Mr Cockburn:** Thank you.

Re-examined by Mr Mould

12338. **Mr Mould:** I am going to see if we can hire the services of a medium and ask the great man what his thoughts would be. We will report back. Just one point, Mr Berryman, arising out of the questions on the alternatives to Maidenhead as a western terminus. You were asked points about Slough. Do you want to say anything to the Committee about the impact of a terminus for Crossrail at Slough on the quality of the service to Maidenhead and to its branch lines which are served by Maidenhead if Slough were to be the Crossrail terminus?

(Mr Berryman) I suppose that is another way of putting what I was trying to get at before. If you made Slough the terminus and you had to have Crossrail trains running from Slough, plus the diesel services which would still be required to serve stations outside Slough, you have two options: you can either seriously deteriorate the service provided by those diesel services because they are sharing tracks with more trains and more stops are being made, or you can put more track work in, and that is the issue which rules against Slough. You need to put either more track work in or, as you have just described it very well, allow for a deterioration of the service for trains beyond Slough.

12339. **Mr Mould:** Thank you. Sir, that is the only question I had in re-examination. I do not know if the Committee has any points arising.

The witness withdrew

12340. **Sir Peter Soulsby:** I understand from what you said earlier on, Mr Mould, that Mr Taylor will, in a little while, be calling Mr Anderson.

12341. **Mr Mould:** That is right; to deal with the remaining two points.

12342. **Sir Peter Soulsby:** I think it would be convenient, before we hear Mr Anderson, for us to take this opportunity to suspend the Committee for 15 minutes to have coffee and tea in the upper waiting hall. I therefore suspend the Committee. After a short break

12343. **Mr Taylor:** Thank you, sir. I am going to call Mr Anderson.

Mr David Anderson, recalled

Examined by **Mr Taylor**

12344. **Mr Taylor:** Mr Anderson, can I ask you to explain your relationship to the project, for the benefit of the Civic Society?

(Mr Anderson) I am the Head of Planning for Crossrail.

12345. There are two issues for you this morning, Mr Anderson. Firstly, the implications of Crossrail for changes in services from Maidenhead and, secondly, aspects relating to the current infrastructure at the station. Can we turn, please, to exhibit D 025.²⁷ Here we have got a series of four tables, Mr Anderson, headed service frequencies and journey times from Maidenhead. Can you explain to the Committee what these tables show?

(Mr Anderson) Yes, I can. Beginning with the table at the top, that table shows the difference in train service frequency and the average journey time with and without Crossrail in 2016. So we can see, in the second column, that the total number of trains running into Paddington is the same in both cases and we see that the journey times are also very similar. We have then broken down the train frequency into journey time bands so we can see how many fast trains there are and how many trains in the bands of 30 to 35 minutes. This is the detail behind what Mr Berryman was saying. So we can see, broadly speaking, there are 5 fast passenger trains with Crossrail and 3 to 4 in the other columns. There are more in the brackets 31-35 minutes and so on. I would suggest there is a broadly comparable spread of services over that range. The table below takes the middle peak hour—i.e. the hour from 8

²⁷ Crossrail Ref: P102, Promoter's Exhibits: Service Frequency and Journey Times from Maidenhead (WINSRB-14604D-025).

The Petition of Maidenhead Civic Society and others

o'clock to 9 o'clock—and again we can see the frequency and the journey times are comparable in the middle of the peak.

12346. To meet the point the Civic Society makes that the service from Maidenhead would be worse with Crossrail compared to without Crossrail, what would you say to that?

(Mr Anderson) I would suggest, on this basis it would not be; it would be comparable.

12347. In terms of the effect Crossrail might have upon people beginning and ending their journeys at Maidenhead station, comparing the with-Crossrail situation to the without-Crossrail situation in 2016, what effect will the change in the nature of the service have on passenger numbers?

(Mr Anderson) It is very little. We do use these assumptions in modelling and forecasting the effect of Crossrail on the number of passengers using the station and we get very similar numbers with and without Crossrail in our forecasts for 2016.

12348. Turning to parking aspects, can you just explain to the Committee briefly what is the general policy with regard to shifting the mode people currently use for transport into the future?

(Mr Anderson) In terms of the work we have done, we have generally assumed that parking provision will stay roughly at current levels, and that, therefore, would constrain the ability of people to drive to a station and park up. We also take into account, obviously, local factors, but at places such as Maidenhead where we see very similar numbers with and without Crossrail we are not going to see a particularly big change in that position. So the parking provision with or without the project would be similar, as are the passenger numbers.

12349. If it were contended—I believe it is—by the Civic Society and others that additional parking should be provided with Crossrail, what assistance would additional parking provide in meeting the general policy objective with regard to the shift of transportation mode used by members of the public?

(Mr Anderson) Well, we take the policy presumption to promote low-cost alternatives to the car. Clearly, further parking provision, particularly where there is no obvious increase in demand with Crossrail, as here, would allow more people to drive to the station.

12350. Would that accord with that policy or conflict with it?

(Mr Anderson) Generally not.

12351. The Civic Society, and I believe others, raise concerns about the effect of Crossrail on potential proposals in future for a transport interchange on the forecourt of the station. Start, if we may, with the position as it is at present and without Crossrail. What is the forecourt currently used for?

(Mr Anderson) It is a car park at the moment. There is, obviously, a pick-up and set-down facility and taxis pick up passengers as well.

12352. So if a transport interchange were desired on the forecourt without Crossrail, what would have to occur?

(Mr Anderson) There would be, presumably, displacements of those facilities, particularly for parking, I would imagine.

12353. Would displacement of parking spaces accord or conflict with policy that seeks to take motorists away from the private car?

(Mr Anderson) Clearly, if one was to take the parking away and, therefore, reduce the attractiveness of driving by car that would accord with that policy.

12354. So if we then turn from that position to the position with Crossrail, what effect does Crossrail have on the ability to provide a transportation interchange at the station?

(Mr Anderson) The general proposition is that we put the parking back, broadly, at the same level as before. Clearly there would be an opportunity to develop the facility there if the Borough so wanted to do, and there would be additional take-up for that irrespective of Crossrail.

12355. Can we just turn lastly to exhibit F-016 please?²⁸ This is an extract from the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004. We can see under the heading “Maidenhead” five paragraphs. Paragraph 10.3.3 explains, “The combination of future forecast traffic growth and proposed developments within the town centre are likely to result in a deterioration of traffic conditions in terms of increased congestion and delays. In order to manage these predicted future conditions an effective parking strategy must be developed as a demand management tool.” We see at 10.3.4 the guiding principles, “1. To ensure that parking and loading restrictions are effectively introduced to ensure an effective turnover of spaces for short-stay parking. 2. To use a pricing mechanism to reduce the demand for long-stay parking within the town centre and increase utilisation of spaces for short-stay parking . . . 3. To direct demand for long-stay parking to locations on the outer edge of the town centre.” 10.3.5 says that the fundamental elements of the strategy are, “1. Introduce effective enforcement of on-street parking controls. 2. Introduce tariff structures that support the objective of redistributing long-stay parkers to edge of town car parks. 3. Introduce residential parking schemes on the edge of the town centre to manage the potential effects of displacement.” If the parking was constrained at the station in accordance with that particular parking policy what other constraints might one expect the council to be bringing forward in order to restrict the opportunities for people to park and ride at Maidenhead station in the future?

(Mr Anderson) My immediate impulse here is that it is part of the overall approach for managing traffic conditions in the town centre. Obviously, parking

²⁸ Crossrail Ref: P101, Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004, Paras 10.3—10.3.5 (WINSRB-14604F-016).

The Petition of Maidenhead Civic Society and others

controls are one aspect of that. Improving public transport and accessibility to public transport services might be another aspect of that.

12356. And if there were concerns that people might be displaced from the station to park on residential streets what does this policy indicate the step would be that the council would take?

(Mr Anderson) There is a clear indication that they would seek to introduce on-street parking controls.

12357. **Mr Taylor:** Thank you very much indeed, Mr Anderson. Those are all the questions I have.

Cross-examined by Mr Cockburn

12358. Thank you for producing the schedule which shows that the train service would be comparable in the future but what I do not really understand is that you also said that passenger numbers would be comparable. Is that right?

(Mr Anderson) Yes, that is right.

12359. My fundamental question is, if the passenger numbers are going to stay the same what is the point of having Crossrail come to Maidenhead or Slough or anywhere else? Why extend it out?

(Mr Anderson) To answer that question we need to look at Maidenhead in the context of the overall Great Western service and Mr Berryman has explained some of the operational reasons why we are serving Maidenhead, so that would be the first point Secondly, although the passenger numbers may be similar it does not necessarily mean that is not a good reason. Clearly, the passengers from Maidenhead will have a choice. Those who wish to take the fast train into Paddington will still be able to do so. Those who might want to take advantage of the Crossrail service to continue their journey more directly into central London will also have that opportunity.

12360. But is it not true that they have that choice now?

(Mr Anderson) They do not have the choice of Crossrail now.

12361. In terms of trains to catch into London they have a comparable service now.

(Mr Anderson) In terms of frequency and journey times to Paddington, yes, it will be comparable.

12362. I take that to be a yes.

(Mr Anderson) Yes.

12363. In terms of guaranteeing the new train service in 2016, is that something that Crossrail will guarantee or is it something that the train operator is going to have to guarantee and, if so, what steps have you taken to ensure that that will be guaranteed?

(Mr Anderson) I am not in a position to guarantee any particular service specification. It is obviously a separate process that will be in place to deal with that.

12364. Is that a no?

(Mr Anderson) In terms of what I can guarantee, no, I cannot guarantee a specific service pattern, but clearly what we have got here in this timetable is the integrated timetable that we produced showing how Crossrail would be introduced into the Great Western service pattern. What it does not say is that there will definitely be a specific train of the type that we get in here.

12365. On the parking and the transport infrastructure, again I just find it very difficult to comprehend that you consider that there is going to be no additional requirement for very much of that and that your proposal is that you reduce the car parking spaces by ten. Are you aware where the bus station currently is in Maidenhead?

(Mr Anderson) No, I am not.

12366. It is about a quarter of a mile up from the train station. Would it help the transport to have the bus station at the train station as an integrated facility from a transport point of view?

(Mr Anderson) Yes, clearly there are bus stops outside the station at the moment but if we want to develop a transport interchange there, yes, clearly it would be helpful to add to those facilities.

12367. So we are agreed that having a bus station there would be a good idea for Crossrail, but in any event, if we would like to have it there now, it does need a more imaginative solution for how you deal with the whole transport operation, and is that part of your plans for this station?

(Mr Anderson) No, it is not part of our plans. I see that as principally being for the borough to take forward.

12368. **Mr Cockburn:** I have no more questions.

Re-examined by **Mr Taylor**

12369. Mr Anderson, you have agreed that the service to Paddington was comparable with and without Crossrail. Is the service beyond Paddington into central London, for example into the City, comparable with and without Crossrail?

(Mr Anderson) I think that indicates that for those people making that sort of journey there should be an advantage with Crossrail because they will be able to take a train directly to their destination.

12370. And so in terms of people from Maidenhead who, for example, might be stockbrokers working in the city, will Crossrail provide an advantage or a disadvantage compared to the without Crossrail service?

(Mr Anderson) Plainly it will provide an advantage.

12371. So far as the question you were asked about guaranteeing a particular level of service is concerned, is there a guaranteed level of service into the future without Crossrail from Maidenhead?

The Petition of Maidenhead Civic Society and others

(*Mr Anderson*) Not that I am aware of.

12372. The proposal mooted by the Civic Society for relocating the bus station to a site in proximity to the train station, are you aware of any proposals to bring that forward at the moment?

(*Mr Anderson*) I am not aware of any firm proposals, no.

12373. **Mr Taylor:** Thank you very much.

12374. **Sir Peter Soulsby:** Thank you very much indeed, Mr Anderson.

The witness withdrew

12375. Are you making a closing submission, Mr Mould?

12376. **Mr Mould:** I am in your hands but it seemed to us that it might be more convenient if we were to hear the three Petitioners who are really concerned with Maidenhead and then we close at the end of the day.

12377. **Sir Peter Soulsby:** I am just aware that Mr Cockburn perhaps may wish to make a closing statement and it may be useful to have the benefit of yours in advance. Mr Cockburn, are you planning to make a closing statement?

12378. **Mr Cockburn:** If I may.

12379. **Sir Peter Soulsby:** I think, Mr Mould, it would be helpful to the Committee if you brought together the main points of the Promoter's case.

12380. **Mr Mould:** Sir, if you do not mind we are going to have this division of labour between Mr Taylor and I, so I will deal with the three issues that I have addressed with Mr Berryman. First of all, why Maidenhead? Mr Berryman has explained to the Committee the reasons why not Reading at this stage and why not Slough. Those are on the record. I will not repeat what he said, but I will just draw attention to one overarching point, an important point of context, that the Committee will wish to have in mind in considering why Maidenhead, and it is perhaps convenient to have up on the screen information paper A6.²⁹

12381. The Committee will recall that the first question that arises logically in relation to where Crossrail should extend its service to west of London is why does Crossrail serve the Great Western corridor? The strategic imperatives which give the answer to that question are there set out: "Tackling existing overcrowding", a point Mr Taylor touched on in his re-examination just now, and I will not read out what he said but the Committee will have that in mind. Secondly, "Providing capacity for growth in London", and in particular strategic proposals for encouraging growth in the area of west London

around Heathrow, West Drayton, Hayes and Southall. "Providing capacity for growth outside London". "... the transport strategy for the 'Western Policy Area', which includes the section of the GW corridor outside London, aims to improve strategic rail links within and to this policy area. Crossrail is identified in the strategy as a priority scheme for achieving this continued economic growth by providing additional capacity on the Great Western Main Line and by improving connections between London and the important regional centre of Slough." Then, finally, "Improving international connections", and the Committee has already touched in the course of the proceedings upon the justification for a further rail link to Heathrow.

12382. The Committee may think that those underlying strategic arguments to a degree reflect similar points that were being made in relation to the justification of going to Shenfield in the north east, and so the question of why Maidenhead, the more localised questions, needs to be considered in that context. As Mr Berryman explained, the arguments against Reading or Slough and the positive arguments in favour of Maidenhead tell convincingly in our submission in favour of Maidenhead and we have summarised the case in relation to that on page 6 of this information paper at passages that I asked Mr Berryman to comment on. Paragraphs 5.17 to 5.20 indicate that Maidenhead would be the first station on Great Western mainline where Crossrail would attract a significant number of passengers. The service extending out to Maidenhead from Paddington would permit all stations between those two points to be served, spreading the benefits of the project over a wide area, including those in strategic growth development areas that I mentioned a few moments ago and at the same time, as Mr Anderson pointed out, the service to Maidenhead customers would be comparable and they would have the added advantage of the improvement in their journey if they were commuting into areas of central London, as Mr Taylor mentioned a few moments ago. That is the strategic context. That explains why Maidenhead and we commend those points to the Committee.

12383. In relation to the issues arising in respect of Guards Club Park and the Maidenhead Bridge, the case against extending the existing overhead line electrification system on the Network Rail services to Maidenhead is one which we say lacks any obvious merit whatsoever. We have explained that the standards militate clearly in favour of providing an overhead line extension at the standard voltage. We have explained that that is an imperative that derives support also from European interoperability requirements and the safety case against the third rail alternative in this particular location is one that Mr Berryman has explained to you, so in our submission the balance falls very firmly against that as an acceptable alternative. It is one which we would submit is simply not justified in order to save

²⁹ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

 The Petition of Maidenhead Civic Society and others

the historic and architectural value of the bridge. The bridge's qualities are properly recognised through its listing as a Grade II* structure but, as I said in opening, this is a functional part of the main line railway and the Great Western railway generally. It has always been so and it is entirely consistent with its sensitive qualities that it should have a sensitively designed overhead line electrification system installed and we rely upon the precedent not only of the Wharncliffe Viaduct but Mr Berryman also mentioned the Berwick River Bridge as an indication of the acceptability of that and the ability of those who are charged with controlling these matters, English Heritage and so forth, to come to sensible solutions.

12384. In so far as the use of the park is concerned and the suggested alternative of the barge to the use of the park as the works compound, Mr Berryman has explained that that would be a disproportionate and unjustifiable solution. We very much emphasise that the compound within the park is a small scale facility. Its impact on users of the park is expected to be limited. Of course, its detailed provision and operation would be subject to the usual controls under the construction code and other environmental controls in which the borough council, of course, have an important stake.

12385. We would submit, for the reasons given by Mr Berryman, that the alternative of the policy is not one that the Committee should recommend.

12386. **Sir Peter Soulsby:** Thank you, Mr Mould.

12387. **Mr Taylor:** So far as the level of service is concerned, in terms of trains to and from Maidenhead, there is currently no guaranteed level of service to and from Maidenhead, it is a matter regulated by the Rail Regulator. Whether or not the service level that currently exists will continue into the future is therefore an unknown matter. The impact of Crossrail has been examined against the existing timetable. Mr Anderson has explained that what it provides will be a comparable service in relation to services to Paddington. Crossrail has the added advantage, however, that it goes beyond Paddington, and so those who currently have to change from the train to the underground would no longer necessarily need to do so, particularly if they work in the West End or in the City. So far as the impact of Crossrail upon passengers at Maidenhead is concerned, Mr Anderson explained that it is unlikely to have any significant effect on passenger numbers, with or without Crossrail, who start and end their journey at Maidenhead.

12388. Turning to deal with issues relating to the station itself, parking and transport interchanges, the general policy on modal shift is to promote greater use of modes of transport other than the car. The provision of additional parking in the context of an overall increase in passenger numbers at Maidenhead would conflict with that general policy and would encourage greater use of the car.

12389. So far as a transport hub or transport interchange is concerned, there are no specific proposals for such an interchange put forward at present, and certainly no proposal about relocation of the bus station, as Mr Anderson explained. Crossrail would not prevent any such scheme from coming forward. If a scheme came forward without Crossrail being in place, it would result in the displacement of parking spaces, just as it would with Crossrail in place. The particular issues relating to the consequences of parking related to such a scheme do not arise as a result of Crossrail. In any event, the displacement of car parking would promote greater use of non-car modes in accordance with policy. Parking controls can be used to assist that goal, and such controls are already proposed by the council's parking strategy. In relation to that last issue, the simple response is that Crossrail makes no difference. That is all I have to say. Thank you.

12390. **Mr Cockburn:** First of all, could I apologise for John McIntosh's absence. I am afraid he had another urgent appointment that he had to go to and so he had to leave.

12391. As John said at the outset, in principle we are not against Crossrail. We would like it to come to Maidenhead: we would just like it to keep going to Reading, or even the South West.

12392. May I deal with the point about the bus station. There are proposals, I understand, from the Royal Borough to develop an integrated transport hub with a bus station at the relevant station. That is part of the local development framework process that they currently going through.

12393. If we look at overcapacity and growth, we seem to be doing this on the one hand to deal with current overcapacity and crowding, and on the other hand to allow future growth, and then we are presented with statistics which show that passenger numbers were the problem. I still remain confused about the case for Crossrail to the west of London. We have not heard anything to justify the choice of Maidenhead. No independent evidence has been presented apart from various assertions that people from Crossrail have made this morning. They have not produced independent proof in support of their argument. The only reason for choosing Maidenhead seems to be that there are more problems with Slough or Reading. That does not seem to make the case for Maidenhead.

12394. We are seriously concerned about the impact that having the terminus at Maidenhead will have on the town. Again, it seems that Crossrail are just looking at the costs of putting the station in and the line. They have not taken any responsibility for any investment and additional infrastructure that is going to be required in Maidenhead in terms of what we see as definitely being additional traffic from passengers, from cars, however people come. I understand what government policy is, but I do not

The Petition of Royal Borough of Windsor and Maidenhead

believe there will not be an increase in the number of people using the station and I believe that a large proportion of them will come by car.

12395. When I started out, you asked me if I would give you suggestions for things that you as a Committee might consider. We talked about a third rail, and I understand there are issues about a third rail. We think that putting the masts on the bridge would be an awful defacement of the bridge. What price can you put on protecting that sort of heritage? We are saying that more work is needed to see if there is a better alternative solution.

12396. We talked about the use of the park and where to store materials. We suggested that a barge would be a much simpler, more economical and environmentally friendly way of doing it, but all we hear is that it would cost more money for what we want to do. Again, there is a price that the people in Maidenhead are going to have to pay as a result of that, not Crossrail.

12397. In relation to the service into London, I accept that it will be quicker for people to get into the West End and into the City, but I submit that, largely, those benefits are rather marginal. If the numbers are going to be comparable in terms of people travelling anyway, I do have to question whether this whole extension is worth all the effort and money that is going to be spent on it. That is what I would like to say. Thank you.

12398. **Sir Peter Soulsby:** Thank you very much indeed. That concludes our hearing of the petition from the Maidenhead Civic Society. Could I thank those who presented the submission for the clarity of their presentation.

12399. I was considering whether to start the submission of the Royal Borough before lunch. As we are going to have to come back after lunch anyway, it might be more convenient to suspend now and then to begin after lunch with that presentation. Does that cause any logistical problems for anybody involved?

12400. **Mr Mould:** It does not cause any logistical problems. My only concern is that I suspect the presentation of the Royal Borough's petition is going to take rather longer than the two hours that are available to you after lunch. Would you want to take the time you have available to you now at least to have Mr Stoker present his opening. It is entirely a matter for the Committee.

12401. **Mr Stoker:** May I indicate, as you might have heard from your clerk, my difficulties in standing before you without robes.

12402. **Sir Peter Soulsby:** That has been covered. Do not worry.

12403. **Mr Stoker:** We have produced the evidence in the form of slides. They distil the bullet points and I am confident that we can make progress in going through them. Are you going to reconvene earlier?

12404. **Sir Peter Soulsby:** We are being pinched at both ends, unfortunately. It is going to be convenient to the Committee to suspend now and to reconvene at 2.30. We will have to do our very best to make sure that the petition is properly dealt with in the two hours that are available to us then.

12405. **Mr Stoker:** Certainly.

12406. **Mr Mould:** May I foreshadow one way in which we might do that. I was not proposing to ask Mr Berryman and Mr Taylor to go over ground they have already covered. We will of course make them available for cross-examination.

12407. **Sir Peter Soulsby:** Thank you very much indeed. We will now suspend the Committee.

After a short adjournment

The Petition of Royal Borough of Windsor and Maidenhead.

Mr Graham Stoker appeared on behalf of the Petitioner.

Sharpe Pritchard appeared as Agent.

12408. **Sir Peter Soulsby:** Mr Mould, do you have anything to say before this Petition?

12409. **Mr Mould:** Sir, I was not going to because we opened in some detail this morning.

12410. **Sir Peter Soulsby:** In which case, Mr Stoker, would you like to start?

12411. **Mr Stoker:** Thank you, sir. If I may, can I just introduce myself. I am instructed by Sharpe Pritchard, they sit on my right. I am calling three witnesses in this order: firstly, Mr Stephen Reed from Mouchel Parkman, who is primarily going to deal with questions of car parking, design of the station and capacity matters; secondly, Mr Peter Hitchen, he is the head planner at the Royal Borough, he has got an overarching proof of evidence which will be summarised; and, finally, Mr Haitham Ayoubi from Jacobs Babtie. He will deal with the worksites and programmes of work and whether there are alternatives. There are a number of technical appendices which we have provided to the Promoters. You will find that our evidence has been formatted in the file format so one can put it up on the screen and hopefully follow it and make productive use of the afternoon.

12412. What I have chosen to do now is to drastically reduce my opening, and then I have got an opportunity to close in due course. I just want to make a few points to deal with outstanding matters.

The Petition of Royal Borough of Windsor and Maidenhead

You see from our Petition that we raised over 30 points. Many of those points have been dealt with either by discussion and agreement with the Promoters or are being pursued by other lead authorities, so can we, if we may, write in to the Committee comprehensively in due course just to let you know the state of play on those matters.

12413. **Sir Peter Soulsby:** That is fine, thank you.

12414. **Mr Stoker:** This takes me to the two main issues before you this afternoon. The first one is what I will call the station issue, although it is broader than simply the station. It includes consequential car parking in and around the station and also the question of the transportation interchange opportunities. That is the first point. The second point, a separate point, is the implications and impact of the worksite in the vicinity of the Maidenhead Bridge, the Grade II listed bridge.

12415. Turning to the first point, I simply want to make a number of short points by way of opening. The first point is by way of the design of the Crossrail scheme to the west Maidenhead is being singled out as really not only the terminus but the gateway to the network. As a consequence of that particular role it has the benefit of a redesigned and improved railway station, but we have concerns that when you actually look at the growth figures that railway station that will be built out, we anticipate, in around about 2008-09 may well be at capacity within no more than four years, perhaps by 2013. It is really the approach one takes to projects like this, certainly in all other major projects around the country, that one looks to a design period of ten years, and we would say 15 years is appropriate. So at capacity within four years is not good enough.

12416. When one turns to other matters that are going on as a consequence of the terminus one always has to use stabling and turn-around facilities. So we are absolutely clear, that is built on one of the railway station car parks known as Silco Road. That goes completely if stabling facilities are built over it and a replacement is provided but that replacement is located farther to the west. If one works out the distance one has to walk from that particular provision to the railway station it comes out at between 450 and 600 metres, so we are talking about a replacement car parking provision with half a kilometre to walk to the railway station. We say that is not good enough. We say that will not be used. We say that is an inadequate replacement facility. In the round here the Promoters have gone for the minimum option. With this major national project we say this is a missed opportunity. It is unfair to design it and provide it in this way and then leave the Royal Borough in the future to try and pick up and deal with the problems. That is the first point concerning the railway station.

12417. On the worksite, if I can then turn to that, the approach there seems to have been that the Promoters have gone for the option which is

probably most convenient to them. We do not think that they have paid proper regard to the impact on the conservation area and also the listed heritage assets in that area. In particular one has got the Grade II listed bridge out to the island. We say that with some confidence because if one looks at their Environmental Statement there is nothing in there about adverse temporary impacts. I do not know if the IT experts could put up W24(ii), which is a map.³⁰ It is in volume 4B, W24(ii). This really deals with the point relatively simply because you are familiar with looking at these maps, you are familiar with the colour coding exercise. When one looks at this map you will see although there is the pink notation “permanent adverse impacts” noted there, and although the worksite is noted with the hatched notation, which includes the bridge out to the island, there is no recognition of any temporary adverse impact at all. We do not think this was picked up in the Environmental Statement exercise, we think this was missed. It is a matter we will explore in due course. We say that there are alternatives available if one just looks out of the window and looks at some of the vessels out on the river. One can use barges, one can use delivering by vessels on the river as an alternative to using residential roads with lorries and building a worksite in a much favoured and attractive local park. That is our point on the worksite.

12418. If I can pause there, as I have got an opportunity to close in due course, I will deal with my witnesses. I propose to call Mr Reed first, if I can ask him to come forward. If those IT experts can access his evidence, which is in the format of a succession of slides, “Mouchel Parkman Impact of Crossrail”, I would be grateful.

Mr Stephen Reed, Sworn

Examined by **Mr Stoker**

12419. **Mr Stoker:** You are Stephen Reed?
(**Mr Reed**) I am, sir.

12420. Just tell me your position at Mouchel Parkman and also tell us your relevant qualifications.

(**Mr Reed**) Good afternoon, Committee. My name is Stephen Reed. I am a transport planner and divisional manager for Mouchel Parkman. I am a chartered civil engineer and member of the Institution of Civil Engineers. I have been practising transport planning since 2002, but before that general engineering and advice.

12421. **Sir Peter Soulsby:** Thank you for introducing yourself. For the benefit of the record, the slides that you will be referring to will be numbered A137.³¹

³⁰ Committee Ref: A137, Maidenhead Railway Bridge—Project Works and Impacts, Map W24 (ii), billdocuments.crossrail.co.uk (LINEWD-ES17-016)

³¹ Committee Ref: A137, Mouchel Parkman Report—Impact of Crossrail at Maidenhead.

The Petition of Royal Borough of Windsor and Maidenhead

12422. **Mr Stoker:** I am grateful, sir. If we can go to slide two, this picks out the main points in your evidence.³² One has got a comparison of train services and if one looks at the last two bullet points, one is concerned with the capacity at the rail station and also questions of car parking. The second, third and fourth bullet points underpin the question of demand, do they?

(Mr Reed) They do.

12423. Those are the issues you look at by way of outline. We then turn to slide three, first of all looking at the comparison of services.³³ This is existing Maidenhead compared with what would be proposed under Crossrail. We pick out, do we, at current averages some 5.7 examples of rolling stock per hour with an average journey time of 33 minutes, although the fastest service is 18 minutes?

(Mr Reed) That is correct.

12424. Within that there are, as I understand it, much favoured and much used local branch line services, is that right?

(Mr Reed) There are. There are services from Marlow and Bourne End, and stations at Cookham and Furze Platt that feed into Maidenhead but also have two fast services that link Marlow and Bourne End via Maidenhead.

12425. Although the 18 minutes might be a direct journey straight through, there are also limited stopping services that have a relatively short journey time.

(Mr Reed) There are. There are a number of services that operate in the mid-20 minute group.

12426. If you then compare that slide four, which is one example of what is said will be provided, compared to the existing 5.7 services per hour average, Crossrail is providing some four trains per hour with a journey time of 41 minutes compared with the existing average of 33 minutes, is that right?³⁴

(Mr Reed) That is correct.

12427. As I understand it there is going to be a keeping of the residual diesel service, and that is a limited stopping service.

(Mr Reed) That is right.

12428. If one then turns through to slide number five, this is the Promoter's response to the Petitioner's documentation as to what is said by way of service.³⁵ We have got the four Crossrail trains per hour and we have got a peak hour fast train from Maidenhead which arrives and departs from London Paddington and that runs on the main line. You have got a concern about that which we will

come to in a moment. The peak hour fast train to and from Maidenhead which arrives and departs London Paddington on the relief lines, that goes, that is going to be withdrawn, and then one has got an additional limited stopping service on the relief lines between Reading and London Paddington and that will run every 30 minutes. In overall terms thus far, I think the way it was put this morning by Crossrail's witnesses was that the service would be comparable, it is not said to be conspicuously better but comparable. Is that the way you judge it?

(Mr Reed) Yes, it is comparable. There are slightly more trains in the peak hours, about six an hour. Accepting that the journey time is slightly longer under Crossrail to Paddington there are the benefits you have heard from others about the extension into London City and the West End, et cetera.

12429. Back to that second service on slide five. This is the peak hour fast train to and from Maidenhead on the main lines. If we turn over to slide six, tell us about your concern about whether that service will in fact be permitted to operate or not in the light of, as I understand it, the Route Utilisation Strategy.³⁶

(Mr Reed) The SRA that was undertaken a Route Utilisation Strategy, which is an examination of capacity on Great Western, and under their published document in 2005 they suggested quite strongly that in the peak hours in the morning the main lines east of Reading should be reserved for 125 mile an hour Intercity stock. They have shown some improvements in that they have increased capacity for those long distance journeys. The concern is that in the Promoter's response we have been told the turbo-diesels, which are 90 miles an hour, would still be able to run on the main lines but we have got conflicting information from the Great Western RUS that those lines should be reserved for the 125 mile an hour trains only.

12430. Do you hazard a guess as to how that inconsistency might be resolved?

(Mr Reed) To hazard a guess, I would assume at some point it would depend on the overall strategy that DfT Rail want to put forward. My assumption is that at some point in the future under the new timetabling the 125 mile an hour services will get priority over the main lines into London Paddington for capacity reasons.

12431. If one turns to slide seven you list the issues to be resolved.³⁷ Just take us through these, if you can, by way of taking stock.

(Mr Reed) I think the Royal Borough welcomes the benefits that Crossrail will provide in direct access into Central London. The thing that we have not yet resolved with the Promoter is the anticipated service patterns under Crossrail. We have heard a lot about them but there seems to be some general confusion in there which needs to be ironed out. This issue of track access arrangements over the main lines

³² Committee Ref: A137, Outline of Evidence (WINSRB-14605C-002).

³³ Committee Ref: A137, Comparison of Services (WINSRB-14605C-003).

³⁴ Committee Ref: A137, Comparison of Services (WINSRB-14605C-004).

³⁵ Committee Ref: A137, Comparison of Services (WINSRB-14605C-005).

³⁶ Committee Ref: A137, Comparison of Services (WINSRB-14605C-006).

³⁷ Committee Ref: A137, Comparison of Services (WINSRB-14605C-007).

 The Petition of Royal Borough of Windsor and Maidenhead

between Maidenhead and London Paddington are something that not necessarily the Crossrail project team can deal with but it is in the hands of their co-Promoter, DfT Rail. One of the things we are concerned about is the guarantee regarding the future Bourne End, Marlow branch services. If the two through services are lost that might have an impact on patronage of those routes.

12432. I think you have seen letters that have gone backwards and forwards and there are discussions under way and, as I understand it, what we are being told is this is a matter for future agreements to be negotiated between the various parties and at the moment there cannot be any guarantee or certainty.

(Mr Reed) Yes, that is our understanding. Fairly soon Network Rail and others will be coming to the Committee to give their indication on track access options, et cetera but, unfortunately, that information is not available for us to look at and examine and see what the implications might be.

12433. If we then turn to a separate point on slide number eight, because this is a question of forecasting future growth.³⁸ Let us go through this in stages. In terms of slide number eight, we are looking at the work of Crossrail that flows from their Transport Impact Assessment, is that right?

(Mr Reed) That is correct.

12434. If one looks down in terms of boarders, those getting on to trains going into London, one sees without Crossrail and with Crossrail it is the same figure, 2,300.

(Mr Reed) That is correct.

12435. Which indicates no growth at all. That seems to flow from some form of computer model that has been utilised under the TIA. Do you want to comment on that in terms of the realism of that situation: a major new project introduced, and whether there is going to be no growth is a realistic scenario?

(Mr Reed) We understand the models that have been used following our discussions with Crossrail and with what is called the Rail Plan and LTS, they were journey times, comparison journey times. We received no information to indicate whether—we have asked the question—they take account of human behaviour. They take account of, perhaps, the time it takes to interchange and include that but where the perception on interchanging, whether it is easier to get on up ahead on the line and how will people change their habits, other than just looking at journey times, we are not sure. We have not been given the information that indicates that the models take account of those other human behaviour attributes.

12436. Just picking out what you see might be underpinning growth in the future that the model does not take account of, what about people who

drive now who choose in future to move from their car on to Crossrail? Does the model seem to deal with that?

(Mr Reed) We are not sure and it is unlikely that the models will deal with, effectively, forecast demand in the future—people's change of habits to change on to the rail network from using their car. That is something we have asked Crossrail to provide to us. The main point is that once Crossrail is in place we believe the benefits that direct access into London will give will become very attractive to people, which may not have been taken account of within the model itself.

12437. Just so one understands how that attraction might be manifested, can you talk about the question of demographics and moving to take advantage of rail services?

(Mr Reed) Yes, sir. What we feel is that—and there are some slides we will come to later in the presentation about the type of people who use Maidenhead station currently—once a new rail system is in place people will start to look at that system when they are making the choice. They might use the schools that are in that area and therefore want to live in that area because the schools are good. Others will be making choices about where they want to live on the basis of how easy it is to access central London. Now, if they compare what they have got now with what they could have under Crossrail they will be able to say: "I can travel in directly to central London, and therefore I can live in the green belt just outside London and travel into London". That would form part of their decision making process.

12438. Let us go to slide 9.³⁹ Concern is being expressed over this computer model, which seems to show no growth. You have been commissioned to carry out a survey, as I understand. Is that right?

(Mr Reed) That is correct.

12439. Take us through slide 9, which is the work of your survey. I think there should be a correction made to this.

(Mr Reed) In advance of receiving the Transport Impact Assessment from Crossrail we were commissioned to undertake a rail user survey at Maidenhead to, effectively, update to some extent the work that was done back in 2001 by the SRA under what was called the LAT survey. We undertook surveys from 6 o'clock in the morning until 7 o'clock/8 o'clock at night, and that was quarter-of-an-hour counts and interviews, questionnaires, etc. In order to give a comparison with what was presented in the TIA by Crossrail, we have selected the 7am to 10am peak period of boarders and alighters getting on to go into London. There is a correction I need to make on the boarders number. That figure is not 2527: could we note it is 2327. I was advised this morning that there was a misread by the count people.

³⁸ Committee Ref: A137, Forecasting (WINSRB-14605C-008).

³⁹ Committee Ref: A137, Forecasting (WINSRB-14605C-009).

The Petition of Royal Borough of Windsor and Maidenhead

12440. Revealed by empirical survey carried in 2006 (just flicking back to slide 8)⁴⁰ compared with 2300 for 2016.

(Mr Reed) That is correct.

12441. Then slide 10.⁴¹ You sought here to offer a range of predicted working tools as to what the annual growth might be and I just wondered if you could go through them explaining how you arrived at them. First of all, you have derived an annual growth figure from the Crossrail information, which you think is of the order of 1.4 per cent per year. How do you derive that?

(Mr Reed) That is correct. The count that was undertaken on the base figures on slide 8 show 1900 boarders in 2001 and show 2300 boarders in 2016 with Crossrail. The percentage uplift is 400 in that time period.

12442. It is the uplift of 15 years and you have expressed that as a percentage. That is common ground.

(Mr Reed) It is just an average percentage over that time.

12443. That is the first one on their figures. The middle one has the source of the London Travel Report.

(Mr Reed) That is correct.

12444. That is published and advocated by whom?

(Mr Reed) Transport for London.

12445. Who are whom?

(Mr Reed) The co-promoter.

12446. Their figure is what?

(Mr Reed) They are saying for all routes growth to and from London is 3.1 per cent a year.

12447. Average?

(Mr Reed) Average, yes.

12448. Finally, your figure—although I think we need to make an adjustment on this.

(Mr Reed) We do. The growth that we have experienced you have seen. Obviously, we did not have a comparable survey in 2001 so we based our information on Crossrail's as provided. From 2001 to 2006 we have experienced this 4.5 per cent growth.

12449. Having looked at that spread of growth figures, how realistic is the suggestion that with Crossrail and the substantial national project costing billions there will not be any growth?

(Mr Reed) I would consider it unlikely there would be no growth.

12450. Slide 11 picks out some additional factors that might underpin the question of growth.⁴² The first one is known in the rail industry as the “sparks effect”. Tell us about that.

(Mr Reed) My understanding is that this is new electrification of long lines. The implication is that by bringing in electrification you are bringing in new rolling stock, it has got new standards, the electrical services are more reliable; there is more capacity with them and therefore they recognise this has contributed to growth. If they have got longer trains—if the Crossrail trains are 10 coaches and the existing diesel coaches are 3 coaches—there is significant additional capacity that is being provided there on smoother services. The only other example that we have of similar experience in recent time is when Thameslink was opened—not Thameslink 2000 but the original Thameslink in the mid-80s. The information that we have had from discussion with managers of that area at the time was that they had somewhere between 8 and 10 per cent growth per year once it was opened; that they did have immediate abstraction from other parallel routes and that it was incremental growth over time as people understood the journey patterns better.

12451. That abstraction of passengers from parallel routes, also the increasing understanding of journey opportunities. Would that have been picked up by Crossrail's model?

(Mr Reed) It is unlikely. It would have dealt with journey times but whether the model formed journey patterns that people would make and people's natural ability to use the timetable to their best advantage may not have been fully examined.

12452. Slide 12, if we can go to that.⁴³ Having looked at the question of growth, the next question is the forecast period that one deals with when addressing questions of growth. Tell us about the 15 years that you advocate?

(Mr Reed) The Committee has already heard information from Greenwich about the need to look further than just the year of opening. That comes from the Institution of Highways and Transportation and is used widely by authorities and developers to look at the implications a number of years after opening. We believe that that should be undertaken at Maidenhead to give indications on growth and the impact that could have on Maidenhead.

12453. On that 15-year horizon, have you contacted Crossrail to find out whether they have any information on the 15 years but, also, perhaps opening years?

(Mr Reed) We have had discussions with the Royal Borough and with Crossrail on looking at the future assessments. I know Greenwich were provided with

⁴⁰ Committee Ref: A137, Forecasting (WINSRB-14605C-008).

⁴¹ Committee Ref: A137, Forecasting (WINSRB-14605C-010).

⁴² Committee Ref: A137, Forecasting (WINSRB-14605C-011).

⁴³ Committee Ref: A137, Forecasting (WINSRB-14605C-012).

The Petition of Royal Borough of Windsor and Maidenhead

some sensitivity tests to 2031, and at a recent meeting I know Crossrail gave their best endeavours to see if they could also provide similar information to us.

12454. Have they?

(Mr Reed) It has not arrived as yet, sir.

12455. You then build the growth figures into the horizons to come up with some conclusions on passenger numbers. Take us through slide 13.⁴⁴ Again, regretfully, we are going to have to make certain changes to these figures.

(Mr Reed) Apologies for that.

12456. On the left-hand side, first of all, if one looks at the first two, the Crossrail figures, that is on the 2001 base.

(Mr Reed) That is a 2016 base. So it is assuming year-on-year growth of 1.4 per cent from the 2016 base, which is 2300 boarders.

12457. Then the Royal Borough base is what—2006?

(Mr Reed) It is 2006, which is our survey base. We have run that forward 25 years.

12458. Take us through each calculation if you can and explain the changes that are necessary.

(Mr Reed) On the table, as we have just indicated, the Crossrail base is 2016 and without any further information we have just taken 1.4 per cent per year on top of 2016, which gives numbers of 3256. You will appreciate that they are the same figures because the bases are the same. What we have then done is just given an example of where growth could be starting from the Royal Borough survey base, and the first figure for 1.4 per cent growth to 2031 should read 3340. We have then taken growth at 3.1 per cent per year from 2006 to 2031, and that figure is 4841. Again, the Royal Borough, we used growth experienced to date, which was 4.5 per cent, between 2001 and 2016 and just provided that forward. That is 6994.

12459. And the 5.9 per cent?

(Mr Reed) That should be 4.5 per cent.

12460. That gives us an indication of forecast of growth in passenger numbers. Turn then to slide 14, if you can, because what you do here is you try and assess the design capacity of the railway station comparing it to the forecasted passenger numbers and reach a conclusion as to when it is at capacity and when it exceeds capacity.⁴⁵ Just take us through that exercise, if you can.

(Mr Reed) In the information that we have so far in the design statements for Maidenhead station we have not been able to ascertain what the design passenger movements are for the station. We have made an assumption of a 20 per cent increase over base as a design capacity for the station.

12461. Has that been mentioned at all in discussions?

(Mr Reed) I think we have asked for an indication of what the station would have been designed at. That gives a figure of 2760—that is just boarders—and alighters of 1140. We wanted to put that in context, so the survey that was done in May showed 2327 boarders and 1771 alighters. We have taken a median growth range of 3.1 per cent and run that forward six or seven years, and that takes you to 2796 in the boarders column and 1941 in the alighters column. All that was indicating was that if growth continues at 3.1 per cent from current levels it would potentially be above the Crossrail design level by 2012. If we receive revised information from Crossrail about the design capacities for Maidenhead, we will quite happily sit down with them and look at those figures again.

12462. Just so one takes that in context, what were you being told about the possible build dates for the station?

(Mr Reed) Our understanding is that the station could be built any time between 2009 and 2013. I am not exactly sure of the timetables, and obviously the timetables move depending on construction programmes elsewhere. On that basis, at some point, the capacity of the railway station could be already exceeded.

12463. If we use 2008/09 it could be at capacity and exceeding capacity within four or five years.

(Mr Reed) Potentially.

12464. Is that satisfactory?

(Mr Reed) I would not have thought so.

12465. When it is at and exceeds capacity and disbenefits flow from that, and Crossrail have done their work and moved on, whose responsibility is it then to try and deal with these problems?

(Mr Reed) A lot of the problems on the station would be left with the train operating company to handle, and obviously outside the station, the way it has been put at the moment is that anything offside the rail side has to be dealt with by the local authority

12466. Let us look at the implications of that level of burden on the Royal Borough in due course. Slide 15 deals with the information in respect of forecasting by way of a summary.⁴⁶ Just take us through that, and then we will go to car parking.

(Mr Reed) The Royal Borough's contends that the forecast provided by Crossrail are not sufficiently accurate for the assessment of the impact of Crossrail at Maidenhead; that the Crossrail forecast underestimates the amount of boarders in the peak hours, given that the current passenger surveys are higher than Crossrail's predictions in 2016. The Crossrail forecasting does not take account of passenger growth beyond 2016 and that the new Crossrail station design would not have sufficient capacity to deal with even modest growth.

⁴⁴ Committee Ref: A137, Forecasting (WINSRB-14605C-013).

⁴⁵ Committee Ref: A137, Forecasting (WINSRB-14605C-014).

⁴⁶ Committee Ref: A137, Forecasting (WINSRB-14605C-015).

The Petition of Royal Borough of Windsor and Maidenhead

12467. If you turn to slide 16 and modal split issues.⁴⁷ The relevance of this is, is it, that in order to generate, for instance, car parking demand you have to find out in respect of those who use the trains what mode of transport they use?

(Mr Reed) That is correct.

12468. Therefore, you have to reach a judgment on what is called modal split.

(Mr Reed) That is correct.

12469. Looking through these modal split figures, first of all, what are we looking at here in this table?

(Mr Reed) These are the modal splits of boarders between 7 o'clock in the morning and 10 o'clock in the morning—so the peak three-hour period. The first line, which says CLRL 2001 Base, was provided in the Transport Impact Assessment of the modal split of arrivals at Maidenhead station. The second row is what was surveyed and deduced from the questionnaires that were undertaken in May this year by the Royal Borough. What you can see is that there is a difference between the two rows. The notable ones we have pulled out are the other category in the Royal Borough survey, which is shown as 5 per cent, which seems to come mainly from rail interchange in Maidenhead and the other issue was the bus use increase to 7 per cent in the Royal Borough's survey, but also the car use is reduced for car drivers from 29 per cent to 20 per cent.

12470. Picking those out, are we looking now at all journeys here?

(Mr Reed) We are looking at all journeys, so this will be all passengers arriving at Maidenhead and the destinations that they are going to each way, so the destinations westwards and eastwards, so it is all journeys to all destinations.

12471. Going then through to slide 17, can you address the question of whether one should look at all journeys and be more specific?⁴⁸ Just take us through slide 17.

(Mr Reed) I think there is an over-simplification in the work that has been done on those particular issues. What we have looked at is that Crossrail from Maidenhead is an eastbound service. When you are comparing Crossrail with Maidenhead you really ought to be comparing like with like, so the modal split for people currently going eastbound with the modal splits under Crossrail. We have requested but have not received that modal split eastbound for the Maidenhead eastbound Crossrail so we deduced the eastbound modal splits from the survey information that was undertaken by the Royal Borough and we believe that that is a better comparison than taking all journeys.

12472. Just so we are clear, on the previous slide those figures are all journeys. You think that within that there are modal splits going east and modal splits going west. You have asked for that but you have not got that information?

(Mr Reed) That is correct.

12473. You have done the work. Slide number 18 shows, as I understand, the modal split for eastbound.⁴⁹

(Mr Reed) That is correct.

12474. And you have broken it down to eastbound all destinations to the east and eastbound London passengers only.

(Mr Reed) That is correct.

12475. If we could just pick out the characteristics of those two classes, eastbound all destinations first of all, just pick out if you can what we should be looking at in respect of their use, starting with bus at ten per cent, which seems a high figure.

(Mr Reed) These destinations will be journeys from Maidenhead to Burnham, Taplow, Slough and all destinations into London from there. What we have found is that the people who make those types of journeys have a much higher bus use, ten per cent, and they have a higher walk use. They also have lower car driver and lower car passenger levels. They also use taxis more and also "Other" is four per cent which is again rail interchanging. There are passengers who get on at Maidenhead that have eastbound London only destinations, so, of course, that is Paddington and then further into London. You can see the main issue here is that there is significantly higher car driver use.

12476. Thirty-nine per cent.

(Mr Reed) Thirty-nine per cent, and car passenger use at 28 per cent, and almost two per cent bus use. Those are the types of passengers we believe are going to be much more attracted to Crossrail. Crossrail is much more attractive to the London destinations and therefore is attractive to those people that predominantly use their car.

12477. Just pick out in terms of those destinations, first of all eastbound all destinations, if you are designing a railway station and you ask the question, "Should you have regard to bus interchange?", looking at those figures what is your conclusion?

(Mr Reed) Absolutely. We believe that Maidenhead serves a number of different journey purposes. It serves passengers into central London and it serves passengers that go to the intervening stations. Without getting into social demographics, a lot of people that are using the bus are travelling to central London and travelling to Slough, et cetera. The people who are using central London are using their cars. Therefore, you need to cater for both types of journey, so the bus interchanging and also the car use.

⁴⁷ Committee Ref: A137, Modal Split Issues (WINSRB-14605C-016).

⁴⁸ Committee Ref: A137, Modal Split Issues (WINSRB-14605C-017).

⁴⁹ Committee Ref: A137, Modal Split Issues (WINSRB-14605C-018).

The Petition of Royal Borough of Windsor and Maidenhead

12478. Turning to car park spaces provided for that site: car parking spaces should be adjacent to the railway station, in policy terms is there anything wrong with that?

(Mr Reed) No, there is not. The parking policy for Maidenhead town centre is in respect of long-term parking within the town itself. It does not really relate to rail station parking. Since the parking strategy was produced the Regional Transport Strategy by the Government Office of the South East was published last year and that recognises that rail station parking can be acceptable for encouraging rail use, so in the wider context long-term parking for rail use can be acceptable.

12479. Slide 19 summarises those matters.⁵⁰

(Mr Reed) From the work that we have done so far we believe that Crossrail's assumptions for growth basically are wrong, that the assumed modal split for Crossrail use is incorrect, so you are using a simplified model to basically push down the car use and the car parking demand will be or can be significantly higher than that predicted under Crossrail.

12480. You then turn to another factor that might underpin growth, that is, the question of rail heading, slide 20.⁵¹ Tell us what rail heading is.

(Mr Reed) We could not find a rail heading definition but we have defined rail heading as the use of a more distant rail station to the start of the journey in preference to nearer rail services to access more frequent or faster rail services. We believe that rail heading can also occur where passengers make use of the benefits of accessing the rail network very close to its starting point. This provides a perceived benefit of getting a seat on a crowded commuter line, and I am sure we have all done that, but may also be for cost or other convenience or standards of service factors, like the need to reduce interchanging. We do not believe there is any information within the Crossrail documentation which discusses the potential for rail heading at Maidenhead and we believe their modelling relies purely on a comparison of journey times and the train service factors.

12481. Slide 21—you asked about this particular characteristic in your survey.⁵²

(Mr Reed) We did. What we asked people to indicate was could they use a rail station closer to their starting point and the rail stations we asked them about were Bourne End or Furze Platt or Cookham, et cetera. What we found was that around 20 per cent of the rail station boarders could have used a rail station closer to their point of origin but instead they chose to go to Maidenhead. Of that sample around a quarter were rail headers into London.

12482. Slide 22.⁵³ You say 73 per cent of rail headers are going to London and then we have the reasons from the questionnaire as to what they were doing. Take us through that.

(Mr Reed) What we found was that of those people who were rail heading, especially into London, the majority were using their car to do that. We do accept that as you start to break the pieces down the sample gets smaller and smaller but what we were trying to indicate was that these things are occurring. What we found was that the reasons people were giving for rail heading were the access to more rail services at 64 per cent, to avoid changing trains, and also the availability of parking at the rail station.

12483. Going to slide 23, you see some of these other rail stations they could have used but they chose to come to Maidenhead, and they are listed on the left hand side with the percentage coming to Maidenhead, so rail heading.⁵⁴

(Mr Reed) That is right. Obviously, it was no good asking people if they were rail heading from Reading and things like that. We asked them, "Which stations could you have used?", and we have indicated there Twyford, Marlow, Bourne End, Cookham and Furze Platt, and Marlow, Bourne End, Cookham and Furze Platt are on the branch line. You can see that a reasonable percentage of people are choosing to use Maidenhead instead of their own service. Bourne End is at ten per cent. Because, again, it is at the head of the line they are probably coming from Bourne End into Maidenhead simply because it is another head of the line and you know that there are two fast trains from Bourne End and you can go there specifically for those trains to go straight into London.

12484. Slide 24—just pick out if you can the Bourne End-Marlow branch line figures in there.⁵⁵

(Mr Reed) There are currently two through services from Bourne End to Marlow in the morning. In 2001 the survey was undertaken under LATS which is mentioned in there, and that registered 172 boarding passengers at Cookham and 155 boarding passengers at Furze Platt. Unfortunately, we do not have figures for Bourne End and Marlow because they are in Buckinghamshire County council area and we had only asked for the Maidenhead area figures. Our concern and the borough's concern is that with no through services proposed from those branches, only connecting services into Maidenhead, people will say, "No, that is not acceptable. We are going to jump in our cars and drive to Maidenhead", and we believe that if you add into that figures for Marlow and Bourne End, even if you took 50 per cent of those figures that is another 150 cars coming into Maidenhead to gain access to the rail network at a convenient point.

⁵⁰ Committee Ref: A137, Modal Split Issues (WINSRB-14605C-019).

⁵¹ Committee Ref: A137, Rail Heading (WINSRB-14605C-020).

⁵² Committee Ref: A137, Rail Heading (WINSRB-14605C-021).

⁵³ Committee Ref: A137, Rail Heading (WINSRB-14605C-022).

⁵⁴ Committee Ref: A137, Rail Heading (WINSRB-14605C-023).

⁵⁵ Committee Ref: A137, Rail Heading (WINSRB-14605C-024).

The Petition of Royal Borough of Windsor and Maidenhead

12485. Slide 25 is about some of the journey time consequences and how that might underpin rail heading.⁵⁶

(Mr Reed) We do not have access to the same level of modelling information that the Promoter has, but just to give you a comparable route, there is a line from Reading to Waterloo that goes through Wokingham, Bracknell and Martins Heron, et cetera. The journey times from those stations, from Wokingham --- perhaps I could ask counsel to bring up map number RBWM/MP1, tab G; it is in the supporting evidence.

12486. **Sir Peter Soulsby:** Tab G, document A136.⁵⁷

(Mr Reed) That is the Great Western there, and this is the Reading to Waterloo line. That is Wokingham station, that is Bracknell station and that is Martins Heron, and journey times from these stations on this line for the fastest train are 68 minutes, 62 minutes, and 59 minutes from Martins Heron. If you live in those areas there, which people do, with Maidenhead here, you are being offered 42 minutes into Paddington and then direct connections to the City. On this line you have to go to Waterloo and change and get the underground to get into the City and that obviously adds to your journey time. On here the direct service into the City is around 55 minutes. On this line you are starting to get up into the 90 minutes' journey times. We believe that that is an additional fact, that people in these areas will start drifting across to Maidenhead because they are getting the benefit of extra time with less interchanging. People do not perceive the time they take in the car. If they have to drive from these areas to get to these areas it is the same. Also, with Maidenhead the station is on the southern side of Maidenhead and therefore it lends itself to being able to be accessed from this side.

12487. Thank you for that. You indicate at the end of 25 that that will lead to rail heading and also, of course, we have got the cars coming in that have to be parked, so you then turn to the car parking demand on slide 26.⁵⁸ You first set out what one has actually got there at the moment. One has got the forecourt with some 80 spaces and Shoppenhangers with some 172, so 252 total spaces there for the rail user. Silco Drive is 407 metres' walking distance away.

(Mr Reed) Yes, from the pedestrian access point to the entrance to the station.

12488. And then Stafferton Way—is that meant to be a rail parking facility?

(Mr Reed) No. It is a long-stay car park that serves Maidenhead town centre.

12489. So that is really the town centre provision of a car park. That is what is there at the moment. Just to give us a feel, Silco Drive is 407 metres away. At present do you see that as a convenient distance to walk when one is accessing a railway station?

(Mr Reed) No, we do not believe so. The surveys that were undertaken show that Silco Drive is never used all the time full; it is probably 75 per cent full. In the TIA undertaken by Crossrail, Silco Drive is not even mentioned. They only mention the forecourt and Shoppenhangers Road.

12490. **Sir Peter Soulsby:** These are distances from the entrance?

(Mr Reed) These are from the pedestrian entrance/exit. There are some photographs.

12491. Some of the car parks are quite long.

(Mr Reed) Yes, that is right. These are from effectively where you come out of the pedestrian gate to the actual entrance. I have not included the distances to walk from the car park.

12492. **Mr Stoker:** It may be convenient if one could look at the supporting documents.

(Mr Reed) You can do. In the supporting documents at A136 there is MP2.⁵⁹

12493. Could you just point out to the Committee the journey one would take?

(Mr Reed) This is Maidenhead station, as you know, and that is the forecourt as it is at the moment. That is Shoppenhangers Road and that yellow square there is Silco Drive as it is at the moment. This multi-storey here is Stafferton Way. The blue area is the goods yard and, to be fair, we coloured that whole because it is easier to do that than it is to try and indicate --- part of that site is where the additional car parking has been offered. The pedestrian exit is about there on Silco Drive and you have to go down under the railway to Grenfell Road, along Grenfell Road, and there is a little alleyway between a new commercial building and one that is being built at the moment. There is a narrow alleyway there, I think it is called Grenfell Walk, and a narrow alleyway there, and that brings you up by the side of the cycle sheds and then you can turn and go into the forecourt. That distance is 407 metres from door to door. The entrance into the car park here, the goods yard, on that same route, is 450 metres and we estimate that the car park that is being provided is somewhere in the region of 100–130 metres long, so the total distance you travel is something in the region of 450 metres if you are lucky and park there first thing, and getting on for 600 metres if you have to park right at the back, which is over half a kilometre. With regard to the distance from Shoppenhanger, you come out on to the main road, down to the forecourt which is just under 200 metres, and Stafferton Way, across the road into the station forecourt, is 300 metres.

⁵⁶ Committee Ref: A137, Rail Heading (WINSRB-14605C-025).

⁵⁷ Committee Ref: A136, Overview of Rail Service and Rail Station Locations (SCN-20060627-003).

⁵⁸ Committee Ref: A137, Car Parking Demand (WINSRB-14605C-026).

⁵⁹ Committee Ref: A136, Location of Maidenhead Station and Royal Borough of Windsor & Maidenhead Long Stay Parking (SCN-20060627-004).

 The Petition of Royal Borough of Windsor and Maidenhead

12494. Could you just give a flavour from a few photographs in appendix A?

(Mr Reed) Yes, document A136, appendix A.

12495. Start with photos 1 and 2.⁶⁰ Just take us very quickly through those.

(Mr Reed) Photograph 1 is a view from the goods entrance, so the blue area. I was stood on the entrance into the goods yard looking down and that shows you the car park at Silco Drive you can just see on the right, and the rail over-bridge is single-way working, so that is why there is a traffic signal there, so that you have to go through the traffic signals to get into Silco Drive. The second photograph shows the pedestrian access from the current Silco Drive car park and that is the measurement point effectively, so where that barrier is on the side you go down the walkway and along there. If we can change to photograph 3, there is a footpath on the right hand side that goes underneath the bridge and along the road, and on photograph 4 that is a view backwards which shows the steepness of the ramp coming out of the pedestrian route from Silco Drive.⁶¹

12496. **Sir Peter Soulsby:** I think we are going to have to take your word for it.

(Mr Reed) Yes. I think we can skip the next few photographs. If we could go to photograph 7, you have to travel along the road basically.⁶² You get to a point which I believe is called Grenfell Walk and what you have got is a narrow footway. On the left hand side is a commercial building and on the right hand side there is a commercial building being built, so from what I can see from where the columns are on the building that footway is not going to be significantly improved. It is quite narrow and obviously at the moment there is lots of sky but once that is built that alleyway will become quite overbearing. It is quite dark. Then on the next plate, photograph 8, at this point here, effectively out of shot, the footway does a 90-degree bend and then continues along the side of this commercial building and at this point, just up here, there are the cycle sheds and you turn and go into the forecourt. One of the issues, if you go to photograph 9, which is part way along this road here, which is on the next page, is that there is a recessed emergency exit from the building which is part way along that walking route, so early morning and late at night there is no CCTV camera footage on there at the moment.⁶³ Clearly, under future proposals that might be added but at the moment that is the route you have to take.

12497. Back to slide 27.⁶⁴ Tell us about what your views are about the filling up of these car parks.

⁶⁰ Committee Ref: A136, Silco Drive Car Park (SCN-20060627-005 and -006).

⁶¹ Committee Ref: A136, Railway bridge and Silco Drive Car Park access (SCN-20060627-007).

⁶² Committee Ref: A136, Grenfell Walk (SCN-20060627-008 and -009).

⁶³ Committee Ref: A136, Fire Exit and Cycle Parking on Grenfell Walk (WINSRB-14605A-008).

⁶⁴ Committee Ref: A137, Car Parking Demand (WINSRB-14605C-027).

(Mr Reed) What was reported in the transport assessment was that the forecourt itself was full before eight o'clock in the morning and that Shoppenhangers Road car park was full by about ten o'clock, and that was in March 2004. What we found was that the car parks had filled up much earlier two years later. The station forecourt is full by seven o'clock in the morning and Shoppenhangers is full by eight o'clock in the morning. As I say, in the transport assessment Silco Drive was not mentioned by Crossrail's consultants but during the day it is probably only 75 per cent full. The point we are trying to get across here is that in order to get a car parking spot people are travelling earlier to the station. If they want to park at the railway station they are travelling much earlier; we are seeing that trend.

12498. Also, Silco Drive is only 75 per cent full. Where are people parking? If we go to slide 28, this gives us an indication of where people are parking on a percentage basis, looking at all the rail users parking in the peak period of seven till ten.⁶⁵ Just take us through this.

(Mr Reed) What we asked people was, "If you drive where do you park?", and we gave them a number of options, as you can see on the left hand side. One of the things that we wanted to do was try to establish how many people were not using the rail car parks to park but were still accessing the rail network. You can see that there are two columns of numbers. One is for effectively all rail users whether you are going east or west, and those in the second column are those percentages of rail users who travel into London. What you can see, effectively borne out by the previous slide about people travelling earlier, is that the popular car parks, the forecourt and Shoppenhangers, have a higher percentage of London-bound people going to those because they travel early and therefore take up the capacity there. The remainder of people have to find other places to park, so they park at Stafferton Way, they park on the street, and there are a number of other locations as well, whether church car parks or other locations. People are ingenious about where they can find to park the car.

12499. Homing in on those on-street and other locations, with 17 per cent going to Paddington and 31 per cent being rail users, do you think that is a satisfactory situation, to have that amount of people parking on the street and at other locations?

(Mr Reed) No, it is not. We all accept that rail use has grown, but other parts of the infrastructure on the rail network have not kept pace. The car parking provision is one of those. The demand to use rail services is over-spilling into other areas. We are finding that the demand for rail service and car parking is already impacting on residents. It is impacting on the long-term parking that has been provided for access into Maidenhead itself and use in Maidenhead.

⁶⁵ Committee Ref: A137, Car Parking Demand (WINSRB-14605C-028).

The Petition of Royal Borough of Windsor and Maidenhead

12500. At slide 29 we are now calculating, in numerical terms, some idea of what the demand might be.⁶⁶ Take us through these figures and explain how you calculated it. The 524, I think, should be . . . ?

(Mr Reed) 480.

12501. How do you derive that? It is obviously modal split times.

(Mr Reed) We looked at the number of people accessing the station, which we found was 2,300. We knew that the demand for car parking at Maidenhead was around 20 per cent from our survey. Therefore, we have taken 20 per cent of that 2,300 boarders, to give us the 480 cars that we estimate want to park in Maidenhead to access rail services.

12502. So 480 is the predicted demand and there are 355 available spaces, so one has over 100 cars parking on the street.

(Mr Reed) Either on the street or at Stafferton Way, in the long-stay provision provided by the Royal Borough.

12503. Then one carries out a prediction on the basis of growth. Take us to that, if you would.

(Mr Reed) We indicated earlier that we had taken a modest growth of about 3.1 per cent. If you run that forward—and that number will be slightly different—we would expect the parking provision for rail use to be exceeded by about 350 spaces in 2016.

12504. If we are looking in 2016 to be providing 600 to 700 spaces.

(Mr Reed) Of that order.

12505. Where would they go?

(Mr Reed) At the moment, there is only provision for 355. The remainder would have to find other locations to park. We know already that cars use on-street parking and the multi-storey car park. We would expect them to find places to park that are not rail service car parks. In the long term, it is the Royal Borough's contention that, as a developer, effectively, Crossrail should consume its own parking. Rail services should consume their parking demand.

12506. At slide 30 we see what is being proposed by Crossrail.⁶⁷ One has the maintenance of some car parking on the station forecourt. There is the loss of some, is there not, because of the construction of the new building?

(Mr Reed) That is correct.

12507. The maintenance at Shoppenhangers Road car park is as surface only. The existing Silco Drive has the stabling built over it.

(Mr Reed) It does.

12508. Then there is the new Silco Drive, created at the old goods yard, which you say is half a kilometre away. Do you think that is satisfactory in terms of the proposals for meeting, as it were, the disbenefits that flow from the proposal?

(Mr Reed) No, we do not. We believe that the replacement Silco Drive car park will not be used, where it is situated, in significant numbers that will provide for the demand that could be found for car parking there. For some parts of the district to access the new goods yard car park, you have to drive past existing car parks to get to it. People will not do that. They will go into their nearest car park or use an alternative parking location.

12509. Slide 31 is the Royal Borough's objections to those proposals.⁶⁸ The forecourt itself is subject to long-term local plan policies, dealing with a spar to a transport interchange, as in the merging policies.

(Mr Reed) That is correct.

12510. There is a failure to provide for new growth at Shoppenhangers Road. That obviously features as the prime town centre car park.

(Mr Reed) Shoppenhangers is the rail service car park. We have indicated to the Committee that we believe Shoppenhangers is a viable location for a multi-storey car park to deal with rail demand.

12511. If we are going to accommodate the 600 figure we mentioned a moment ago, we would be looking at something built on the existing Shoppenhangers site but with multi levels.

(Mr Reed) Yes.

12512. I am grateful to you. You have dealt with the question of pedestrian access and safety issues. You have taken us through the photographs, and we take those as read. Then one goes to the counterproposals of the Royal Borough at slide 32.⁶⁹ Would you take us through those, please.

(Mr Reed) We believe the Royal Borough's contention is that the forecourt should be redesigned as the transport interchange and that the long-term car parking should be moved. We have had those discussions with Crossrail. You can see that there is an increase of bus use to access the rail station, and that is to be encouraged as far as possible. Also, there needs to be improved provision for taxi access and drop-off, waiting areas, kiss-and-ride for dropping off commuters, and improved pedestrian access. The pedestrian routes into the station are very narrow, the car fronts and backs overhang the footway so that they are narrowed even more. Getting the priorities right—that the forecourt should be for interchange modes, basically.

⁶⁶ Committee Ref: A137, Car Parking Demand (WINSRB-14605C-029).

⁶⁷ Committee Ref: A137, Car Parking—Crossrail Proposals (WINSRB-14605C-030).

⁶⁸ Committee Ref: A137, Royal Borough Objections to Revised Car Parking Proposals (WINSRB-14605C-031).

⁶⁹ Committee Ref: A137, Royal Borough—Counter Proposals (WINSRB-14605C-032).

 The Petition of Royal Borough of Windsor and Maidenhead

12513. Then you have the postulated multi-storey car park at Shoppenhangers Road. On that basis, one would not need the Silco Drive replacement.

(Mr Reed) Yes. We do not believe that Silco Drive is viable. Purely in highway control terms, if you were looking at this as a planning application it is too far from the rail station entrance, between 450 and 600 metres. People will not walk that distance if there are alternative car parks that are significantly closer. Therefore, if multi-storey car parking was provided at Shoppenhangers, we believe there would be no point in providing the surface car park at Silco Drive—other than for staff parking, which is part of its use.

12514. Turning to slide 33, would you tell us about the policy background briefly.⁷⁰

(Mr Reed) The Royal Borough accept that Crossrail does meet the Government's "green" sustainable transport objectives. This morning you were presented with evidence about the long-term parking strategy from Maidenhead. That was drafted in 2004. The local transport plan which was drafted and submitted to government this year accepts that there is a need for improving long-term parking on the edge of the town to support car commuters to Maidenhead and rail commuters. More importantly, the regional transport strategy, which has been published by the Government Office does accept that long-stay car parking close to rail stations is acceptable in encouraging rail links itself.

12515. Slide 34, the transport interchange aspirations.⁷¹ Tell us what is there, if you can.

(Mr Reed) There are photographs within the evidence. At the moment there are cycle storage facilities on Grenfell Walk, which I am sure you have seen several times. There is some cycle parking directly in front of the forecourt entrance which is barriered off. There are some taxi waiting facilities, but we were advised that Maidenhead Station does form the main taxi waiting drop-off area, so taxis do use that as their main point of pick up and drop off in the town. There are two bus stops on Shoppenhangers Road, but there is only one bus stop underneath the bridge, leaving Maidenhead town centre rather than coming in, so there are no bus facilities within the forecourt. The pedestrian routes from the station forecourt are very narrow and constrained by parked cars as well.

12516. We do have two photographs, photograph 11 and 12 and perhaps you would tell us about these as an ideal plan for interchange facilities in front of a railway station.⁷²

(Mr Reed) This is the overspill cycle parking directly in front of the station itself. You can see that there are temporary barriers that have been put in to provide for additional cycle parking directly in front

of the station entrance. This small area here is where the taxis are allowed to wait. Generally, you will find that taxis continue to queue in front of the long-term parkers on both sides of the entrance into the forecourt area. Photograph 13 would show that in more detail.

12517. Could we go back to slides 35 and 36, and your summary. Would you just take us through your conclusions.⁷³

(Mr Reed) To summarise, the Royal Borough contends that Crossrail's forecasting is too simplistic and does not really take account of current commuter levels and behaviours or long-term changes in demographics which a new rail service could bring; that the modal split of London-bound commuters is significantly more car-orientated and that Crossrail will inevitably increase this, as that is more attractive to them; and that the revised car-parking proposals by the Promoter are not acceptable as it is located even further from the station than the current car parks.

12518. Slide 36.⁷⁴

(Mr Reed) The Royal Borough believes that the car parking provision should be significantly increased, with the need for a multi-storey car park on Shoppenhangers Road, catering for around 600 to 700 spaces, for current and future rail commuters; and that this parking should be managed in partnership with the Royal Borough so that you can get that demand management; that the design of the forecourt should be for the provision of interchange modes (bus, taxi, kiss-and-ride) and long-term parking moved to a more suitable sites or subsumed into the Shoppenhangers multi-storey.

12519. **Mr Stoker:** Thank you very much.

12520. **Sir Peter Soulsby:** Thank you.

Cross-examined by **Mr Taylor**

12521. **Mr Taylor:** Mr Reed, when were you instructed by the Council?

(Mr Reed) Mouchel Parkman were instructed by the Council either in May or June—I think it was May—of 2005.

12522. Have you produced a report for the Borough of your analysis of the Crossrail position?

(Mr Reed) We provided a report to the Borough in June 2005, which was an assessment of all the Crossrail communication at that time.

12523. Have you or the Council provided that report to the Promoter?

(Mr Reed) I do not believe that we had, as it was a summary document really for the understanding of councillors and officers at Maidenhead, but it was a summary of existing Crossrail information.

⁷⁰ Committee Ref: A137, Car Parking Demand (WINSRB-14605C-033).

⁷¹ Committee Ref: A137, Transport Interchange at Maidenhead Station (WINSRB-14605C-034).

⁷² Committee Ref: A137, Cycle and Taxi parking at Maidenhead Station (WINSRB-14605A-009).

⁷³ Committee Ref: A137, Summary (WINSRB-14605C-035).

⁷⁴ Committee Ref: A137, Summary (WINSRB-14605C-036).

 The Petition of Royal Borough of Windsor and Maidenhead

12524. Thank you. In determining what Crossrail should provide for, would you accept that it is not right that Crossrail should be asked to address transportation problems that would arise even if it were not provided?

(Mr Reed) No, not necessarily. That is why I indicated in my comments that historically the rail industry has been very good at catering and dealing with demand on services but has really lacked the provision of car parking elsewhere and other infrastructure. Therefore, this is really almost a catch-up situation. The car parking demand is already overspilling into the surrounding area and, therefore, with Crossrail coming along—and, as we have outlined, we expected to provide additional growth and demand there—all these issues need to be dealt with in one go.

12525. Imagine if you were in a world where there is no Crossrail being proposed and we have growth into the future of Maidenhead. Who would cure the difficulties in relation to station capacity that might arise? Who would cure the difficulties in relation to car parking that would arise?

(Mr Reed) I think in that world the local authority and the train operating companies and Network Rail would work together, as partners, to look at solving that situation together. I do not think the local authority would necessarily lead on finding additional car parking for rail use without going through that with the train operating companies.

12526. If it were the case that rail growth forecasts were to indicate that those problems in relation to station capacity and car parking were to arise, or are already arising, prior to the introduction of Crossrail, why should it be Crossrail that has to cure those problems and not Network Rail and the council?

(Mr Reed) As we have indicated, without Crossrail we would expect the train operating companies and Network Rail, DfT Rail and the local authority to work together to solve the transport interchange problems at Maidenhead, and that may include additional car parking. We are saying that we believe when Crossrail comes along there will not be any change. You have seen from the evidence they are saying that there will be no change in growth at Maidenhead with and without Crossrail. We contend that will not be the case, and, therefore, under that scenario, the car parking should be provided, but it should be an opportunity to solve the problem not just for Crossrail but for the whole of the rail industry at that point—as would be good practice with any transport interchange discussion between the operators and Network Rail, the Government, and the local authority.

12527. Could we look at your slide 10, please, the prediction of growth rates.⁷⁵ Three areas are identified there. The growth rate of 1.4 per cent per year arises from the CLRL forecast from 2001-2016.

(Mr Reed) That is an average growth rate based on the 1900 boarders in the 2001 Crossrail information and the 2,003 boarders in 2016—so, yes.

12528. That is their growth rate without Crossrail.

(Mr Reed) That is a growth rate without Crossrail and with Crossrail.

12529. The next point is on rail growth to and from London from the 2005 London Travel Report: 3.1 per cent per year. That, I think you explained, is an average for London as whole. Is that right?

(Mr Reed) That is my understanding.

12530. When we are looking at growth forecasts on the rail network, what is it that drives growth?

(Mr Reed) There will be a number of issues that drive growth: population, employment, and there could be changes in service pattern, improvements in capacity—any number of factors.

12531. Let us start with change in population. You, as I understand it, are advocating a growth rate of greater than 1.4 per cent would be experienced over the years to 2016. As a result, passenger usage at Maidenhead Station would be greater than is forecast by CLRL. What population information have you produced to the Committee to demonstrate that the population would continue to grow in Maidenhead?

(Mr Reed) We have not provided any population information to the Committee to show that would go to 3.1 per cent.

12532. Could we have a look at the exhibit E-001.⁷⁶ This is an extract table from a document entitled *Population in Berkshire Report—2001 Review* (Joint Strategic Planning Unit).

(Mr Reed) That is correct.

12533. We can see, if we look at the population forecasts in the second column, that from 2001 there is a total population of 136,863 identified. If we look at 2016 we can see 135,107.

(Mr Reed) Yes.

12534. That indicates, does it not, that in Windsor and Maidenhead the population has fallen over time, if not remained static.

(Mr Reed) That is what those figures represent, sir, yes.

12535. If we look at the right-hand side of the page, we see average household size in 2001, of 2.44 people in each household, falling to 2.25.

(Mr Reed) That is what the figures show, sir, yes.

12536. We can see a trend, can we not, of household size decreasing at the time, which would indicate that additional dwellings are being provided not to

⁷⁵ Committee Ref: A137, Forecasting (WINSRB-14605C-010).

⁷⁶ Crossrail Ref: P102, Population in Berkshire Report—2001 Review (Joint Strategic Planning Unit) Summary for Windsor and Maidenhead (WINSRB-14605E-001).

The Petition of Royal Borough of Windsor and Maidenhead

deal with increases in population but to deal with the fact that average household sizes are increasing into the future.

(Mr Reed) You could draw that assumption from that information.

12537. That indicates, does it not, that, into the future, the population that we are concerned with in relation to Maidenhead Station is likely to be static or falling, notwithstanding that there might be the provision of additional housing?

(Mr Reed) Again, I think this comes back to the point, Mr Chairman, that this is a very simplistic view. Population itself, the numbers of people, yes, that is one factor that is taken account of within the forecasting which is provided. What is not taken account of is how the people within that 135,000 might change, how their journey patterns might change and how their access into Central London might change under Crossrail. Just simply taking the numbers and running them forward is not all the picture. The picture is that people will change their journey habits within that demographic and that is the point we were trying to get across to Crossrail. The population might go down, but people might make different journey choices. They come into an area simply because of: "Right, I have a fast access into Central London now," therefore it becomes a nicer place to live. Some people move out, some people move in. The journey patterns are different. The overall numbers might go down but the journey pattern within that will change.

12538. Let us stick with population for a moment. When we are having regard to 3.9 per cent per year, figures for London as a whole, we need to take into account, do we not, that there are substantial changes in population forecasts for areas such as the London gateway area, the M11 corridor?

(Mr Reed) Yes. But the 3.1 per cent is a measured growth. It is not what is predicted into the future; it is what has been measured in the last four or five years.

12539. Right. We need to bear in mind, do we not, that measures of percentage growth in London will reflect the population changes in and around London as a whole? Those are not necessarily representative of population changes in and around Maidenhead. That must be right, must it not?

(Mr Reed) Could you repeat the question, please, sir.

12540. Yes. The population changes for London as a whole will be different from the population changes into the future of the area around Maidenhead.

(Mr Reed) Possibly. They will be, but I think the issue here is that under the London plan the Mayor is predicting—and I know it has been reviewed—600,000 new employment positions and 800,000 new residences. The issue is that those 600,000 new jobs are not necessarily filled by 800,000 new people. The jobs could be filled by anyone travelling in and out of London. Although there is growth in London, the employment opportunities that may arise in London

could still be serviced by people out in Maidenhead, especially if the opportunities for journey differences are better.

12541. Where is the major expansion in population in Maidenhead going to occur?

(Mr Reed) There are only a number of locations. Maidenhead is constrained by the Green Belt.

12542. It is surrounded by the Green Belt entirely.

(Mr Reed) Under the South East Plan my understanding is 5,000 dwellings are to be built and they will generally be in the areas surrounding Maidenhead town centre, the urban areas and Windsor.

12543. **Mr Taylor:** But, as we have seen, increases in total dwelling numbers does not necessarily lead to an increase in population.

12544. **Sir Peter Soulsby:** I think the Committee is getting the point that there are different ways of predicting the population in this particular part of Windsor and Maidenhead. I do not think you need labour it.

12545. **Mr Taylor:** I apologise if I was. Can we turn back to A137 and slide number ten, and the third aspect of growth that you have identified there for your forecasts.⁷⁷ That is the growth between 2001 and 2006 in boarders at around, I think it is now, 4.5 per cent?

(Mr Reed) Yes.

12546. As I understand it, that figure is derived from comparing the LATS survey carried out in 2001 and the survey that you conducted.

(Mr Reed) That was conducted on behalf of the Royal Borough, that is correct.

12547. Over how many days was the survey conducted on behalf of the Royal Borough?

(Mr Reed) It was conducted over one neutral day, which was a Tuesday in May which was taken as a neutral time. Over one day.

12548. Just one day?

(Mr Reed) That is standard. There is no reason to believe that is unacceptable.

12549. Are there fluctuations in daily flows from stations?

(Mr Reed) There could be, which is why we tend to take a neutral day like a Tuesday, which is not a Monday or a Friday, and we take a neutral month, which tends to be March, April, May or September, October, so we are getting a neutral period to take out those ambiguities.

12550. What is the degree of fluctuation on a daily basis at Maidenhead?

⁷⁷ Committee Ref: A137, Forecasting (WINSRB-14605C-010).

The Petition of Royal Borough of Windsor and Maidenhead

(Mr Reed) I am afraid I could not tell you.

12551. You have not investigated that?

(Mr Reed) Within the constraints of time we had, we have not gone back and done further survey work. In the information that has been provided within the TIA we have not been given any fluctuations on daily information, we were just given one figure, so it was comparable like-for-like.

12552. Have you asked for information about daily fluctuations?

(Mr Reed) We have not, sir. It would be helpful to receive that.

12553. The figures that were identified in the survey on the single day that was conducted for the council of boarders, you said the figure needed to be reduced to 2,327.

(Mr Reed) Yes, 2,327.

12554. So there is a 200 difference?

(Mr Reed) Yes, apologies. I checked with the survey company this morning and they had identified that they had mis-put a number into the spreadsheet. They put in the number of 347 and it should have been 147.

12555. Does the 2,327 include boarders who are undergoing train-to-train interchange?

(Mr Reed) Only if they cross between platforms 4 and 5a and platforms 2 and 3 because they are counted at the top of the stairs going down into Maidenhead.

12556. So there is potential double-counting even in the 2,327 number?

(Mr Reed) Potentially, but it is very small.

12557. Do you know how large?

(Mr Reed) I do not know how large but we could estimate it. Effectively you are talking about a difference of 400 between the 1,900 and 2,327. I would say 50 or 60 or 50 to 100. It would be a small amount.

12558. I have to put it to you, Mr Reed, that the use of a growth figure derived on the basis of a survey carried out on a single day which includes double-counting, without any investigation into seasonal or daily fluctuation, is not a sensible basis for forecasting growth to 2016 or 2021.

(Mr Reed) Absolutely, sir, and you will appreciate what we did do was give a range of growths between 1.4, 3.1 and 4.5. We have reported on all of them but we have said 3.1 would be a more realistic figure to take forward.

12559. In respect of these growth figures that we can see in front of us on the screen it is right to say, is it not, that there is no differential effect as a result of Crossrail. Whichever percentage you use Crossrail is not making a difference in terms of what the figure would be at 2016.

(Mr Reed) No, it is not.

12560. So any problems that are identified as a result of applying any of these percentages would occur whether or not Crossrail comes forward.

(Mr Reed) I think the point is we were not using the percentages as a definition of what is occurring in 2016 without Crossrail. What we wanted to identify was there is growth and in 2016 with or without Crossrail for there to be no indicated growth we felt that was unreasonable because there is growth on the network anyway.

12561. So if we turn to A137 and slide 14 where you set out your findings in relation to station capacity.⁷⁸

As I understand it, what you have done there is to assume that the capacity of the station is the 2016 CLRL forecast plus 20 per cent, yes?

(Mr Reed) Without any other information we have taken that as a proxy but, as we said in evidence-in-chief, we would be happy to receive what Crossrail has used as a design standard.

12562. I will come back to that later, if I may. If we look at the bottom row, 2006 at 3.1 per cent per annum for three years. That is the growth rate from the London average that we have seen before which is unrelated to whether or not Crossrail comes forward. As I understand it, you have identified that on your assumption Crossrail would fail to meet existing capacity at 2012, but the fact is what you are demonstrating is that without Crossrail, on the basis of your assumption, the station would not meet capacity at 2012.

(Mr Reed) No. I think what we were using this information to demonstrate was that without any other information the design of the Crossrail station could be at or over capacity already once it is opened under existing growth scenarios. We know the existing station already has problems but we were trying to demonstrate that in planning for the future the Crossrail station already could be, under the assumptions we had made or the information we had, already at capacity as soon as it is opened.

12563. So far as your assumption about capacity is concerned, the Crossrail forecast plus 20 per cent, what work have you done to determine that assumption is correct?

(Mr Reed) Recently we met with Crossrail and the Royal Borough and as part of those discussions the figure of 20 per cent was discussed as what is normally used as a design uplift. We have used that as our assumption. Clearly without knowing what the exact figures are we have had to make that assumption.

12564. So you have not been able to identify whether it is the gates that could cause a constraint in the future or whether it is the platform sizes or the stairwells?

⁷⁸ Committee Ref: A137, Forecasting (WINSRB-14605C-014).

 The Petition of Royal Borough of Windsor and Maidenhead

(Mr Reed) I think within the design statements the stairwells and entrance areas on to the platforms were identified, but I am not an expert in that area so we would have to be guided by Crossrail and others as to where the actual point on the station at capacity would be the pinch point.

12565. So your assumption is just that, an assumption without any work to support whether or not that is a correct assumption?

(Mr Reed) That is correct but, again, I would say what we are trying to find out from the Promoters is are those assumptions correct and within the short timescales of receiving the information we had to make assumptions as to what could be the growth as we continue discussions with Crossrail to find out exactly what the design of the station is.

12566. Let us deal with the sparks effect, slide number 11 of A137.⁷⁹ You give an example with Thameslink opening and a growth of eight to ten per cent per annum as a result of the immediate abstraction of passengers from parallel routes with inferior services. Where is the parallel route with an inferior service here?

(Mr Reed) We have indicated that the Reading to Waterloo service has very long journey times on that and that was provided at slide 25.⁸⁰ In that slide we have tried to indicate that during the time of the last survey, which was in 2001, bullet point two, the journey time of the fastest commuter service on the Reading to Waterloo service had increased by seven minutes. In actual fact, the journey times from those outer areas, and as we show on the map the hinterlands around them could about the Royal Borough, have continued to decrease over time. What we have found is that it is actually faster for people to go from Wokingham to London Paddington via Reading for comparable times.

12567. In terms of the comparable times between Wokingham, Bracknell and Martins Heron at present and a journey time from Maidenhead at present, which is the quickest?

(Mr Reed) Depending on what service you use, Maidenhead into Paddington.

12568. So to the extent that Maidenhead is already providing a quicker service then people will already be driving to Maidenhead to take advantage of that service, will they not?

(Mr Reed) Not necessarily, because what you are indicating is that it is just the journey time basis but clearly the benefit Crossrail brings is not the need to interchange at Paddington. If you add on the journey times from Maidenhead and the interchanging penalties at Paddington you will probably get terrible times, but the difference that Crossrail will bring is that you can go to Maidenhead and direct into the City, therefore the overall journey time comes down. That is our belief.

⁷⁹ Committee Ref: A137, Forecasting (WINSRB-14605C-011).

⁸⁰ Committee Ref: A137, Rail Heading (WINSRB-14605C-025).

12569. But I thought you said that the quickest journey from the Wokingham, Bracknell and Martin Herons direction is via Reading and into Paddington already.

(Mr Reed) If people choose to do that but then you have got the interchanging penalty as well.

12570. Back to slide 11 of A137 for the next point on the Thameslink which you rely on: incremental growth and increasing understanding of journey opportunities.⁸¹ The Great Western Corridor has been in existence in terms of providing journey opportunities for a considerable period of time, Mr Reed.

(Mr Reed) Correct.

12571. What greater understanding would there be to be derived in the future with Crossrail?

(Mr Reed) I think in terms of that slide it is our understanding that obviously when Thameslink opened that provided through routes under London and our understanding from discussions with managers in that area at that time was over time people became more aware and had a better understanding of the journey opportunities. I think it is the only other comparable service in respect of Crossrail. As you said yourself, at the moment you have to go into Paddington and change but under Crossrail you will not need to change if you have got destinations within the City and West End. That is the information that Crossrail provided to us as a benefit in time for those passengers. What will happen over time is that people will become more aware of those journey patterns. They will not necessarily go as soon as Crossrail opens but over time people will become more aware of those opportunities. I have no doubt that you will see estate agents' fliers saying Maidenhead is a good place to live because you can get direct access into London in the same way that schools in Maidenhead are very good and that is another reason for coming to Maidenhead. People will become more aware of it. Also, as I am sure you will appreciate, when Crossrail opens it will open with a fanfare, there will be a lot of publicity, a lot of benefits shown why Crossrail was built and people will pick up on that and say, "There is another journey opportunity". Word goes around in offices. People will work that out for themselves over time. We will not necessarily see it immediately but we think it will happen over time as people become more aware of the services.

12572. Let us move on to changes in journey patterns. The train to London already provides a quicker means into London than the private car.

(Mr Reed) Yes, certainly.

12573. A much quicker journey into London than the private car.

⁸¹ Committee Ref: A137, Forecasting (WINSRB-14605C-011).

The Petition of Royal Borough of Windsor and Maidenhead

(Mr Reed) Yes.

12574. You have explained in your evidence that Crossrail will provide a comparable service into London.

(Mr Reed) No, Mr Anderson's evidence this morning indicated that Crossrail would provide a comparable service into Paddington and London compared to the base now, and we have repeated that in evidence today.

12575. Given that the service will remain comparable to the current level of service, if that is the intention, it is unlikely that Crossrail will be attractive to those currently driving to work from the Maidenhead area, because they are already using the train.

(Mr Reed) I am not quite sure what point you are trying to get at here, counsel. We have not, in our evidence, indicated that we would be trying to draw people off the M4 or other routes who drive into Maidenhead. What we are saying is that people will see Crossrail as offering them benefits locally in access to London Paddington and services to stations within London, and therefore they will chose to drive to Maidenhead, but I do not think we have contended that people will come off the motorway.

12576. So far as rail heading is concerned, you have analysed the results of your survey. As I understand it, there are two branch lines in the vicinity of Maidenhead: there is a branch line to Henley and a branch line to Marlow. Is that right?

(Mr Reed) Yes, there is a branch line from Henley that runs into Twyford, which is the next station west of Maidenhead, and there is the Marlow and Bourne End branch that goes into Maidenhead.

12577. In your analysis of rail heading, you have not identified any rail heading from the Henley branch. Is that right?

(Mr Reed) No, we have not.

12578. So far as the Marlow branch is concerned, you explained on slide 24 of A137 that with Crossrail there is no through service proposed on that branch.⁸²

(Mr Reed) As far as I understand, sir, there is no through service from the Bourne End branch directly into London Paddington, but there would need to be a change at Maidenhead.

12579. Let me bring up D 030 of the Promoter's evidence and just deal with that point briefly, if I may: the Marlow branch timetable summary.⁸³ Here we have the times of various trains on the Marlow branch and we have got the current timetable in table 1, which shows two London services, 7.13 and

7.53. Underneath that we have table 2, the Crossrail working timetable, which has one through London service. Do you see that?

(Mr Reed) Is that the 7.18?

12580. It is indeed. That will get somebody from Marlow to Paddington in 46 minutes, compared with the through service on the current timetable of 62 minutes and 65 minutes. A considerably quicker journey.

(Mr Reed) Yes, sir.

12581. Given that if we compare these timetables we can see that currently the Marlow branch has five trains in the peak period, two through to Paddington and with Crossrail there are five trains in the peak period with one through to Paddington. Yes

(Mr Reed) Yes.

12582. The journey times will obviously change, but I understood your evidence to be that journey times would change only marginally. Indeed, if we look at these tables, I would suggest there is generally a one or two minute increase in the trip from Marlow to Maidenhead.

(Mr Reed) Yes.

12583. In terms of people interchanging from the Marlow branch at Maidenhead, the only material change is the loss of one through service to London.

(Mr Reed) There is a loss of one service but, also, currently trains that come into Maidenhead from Bourne End and Marlow come into platform 5A and 5B which is immediately adjacent to the London-bound platform 4. Under the Crossrail proposals the trains from the branch line will come into a separate platform and there rail passengers from the branch line will have to go underneath and change, physically come off the platforms, go under the subway and come back up again, to get to platform 4. So there is an increased interchange time at Maidenhead station itself.

12584. **Sir Peter Soulsby:** Mr Taylor, fascinating though these timetables are, I think we are beginning to lose sight of the bigger picture.

12585. **Mr Taylor:** I am intending to come back to the bigger picture in submissions.

12586. **Sir Peter Soulsby:** I hope you will soon come back to the bigger picture.

12587. **Mr Taylor:** If rail heading is to occur, Mr Reed, people have to have somewhere to park at Maidenhead.

(Mr Reed) Yes, they do.

12588. If a parking constraint is imposed in and around the station and the number of parking spaces limited, they will not be able to railhead because there will be nowhere for them to park.

(Mr Reed) That is not necessarily correct, sir. What we have found is that commuters who would choose to railhead can travel earlier to the station and,

⁸² Committee Ref: A137, Rail Heading (WINSRB-14605C-024).

⁸³ Crossrail Ref: P102, Marlow Branch Timetable Summary (WINSRB-14604D-030).

The Petition of Royal Borough of Windsor and Maidenhead

therefore, use the car parking earlier, and then they can overspill into on-street parking or other long-term parking.

12589. In terms of on-street parking, that can be controlled by the introduction of a controlled parking zone.

(Mr Reed) It could be, sir, but then you would have to find car parking available for those people to go into, if you displace them from on-street.

12590. So you have to meet the demand for car parking wherever it arises, do you?

(Mr Reed) I think the regional transport strategy recognises that there is a benefit in providing car parking at stations.

12591. Is not the benefit of providing car parking at stations to ensure that people take the train for long distance travel and commuting rather than driving their cars?

(Mr Reed) That is correct.

12592. You have already accepted in cross-examination, Mr Reed, that people currently are unlikely to be driving from Maidenhead into London because the train service is so much better.

(Mr Reed) I have, but I think what I indicated was that that will not stop people driving to Maidenhead station to access the rail services, and that would increase with Crossrail.

12593. **Mr Taylor:** Thank you very much.

Re-examined by **Mr Stoker**

12594. **Mr Stoker:** Just very briefly if I may. Slides 10 and 11. There was agreement with my learned friend on a span of examples of general growth of 1.4 to 4.5 per cent. Why should Crossrail not enjoy similar growth? Why should it be a special case and not see any growth?

(Mr Reed) We do not believe it will not get any growth. We believe that, from what we have seen, there will be real growth, but what we have seen is that it will open up a number of opportunities that people will start to take advantage of and, therefore, we will see growth.

12595. Slide 11, on the short point of the understanding of journey opportunities, just to take stock with Crossrail. New stations, new services. The underlying concept of Crossrail. What about that?

(Mr Reed) The underlying concept is, obviously, to provide for additional growth in that area. If you would not mind bringing up policy paper A6, and if we could go, initially, to bullet point 2.1, obviously, part of the underlying promotion of Crossrail is the third bullet point in 2.1 which is providing capacity for growth outside London.⁸⁴ Halfway through that paragraph it says: "Crossrail is identified in the strategy as a priority for achieving this continued

economic growth by providing additional capacity on the Great Western Main Line and by improving connections between London and the important regional centre of Slough."

12596. **Mr Binley:** May I ask a question, Mr Chairman? I think there is a general view that, of course, there will be a need for more car parking. Very crudely and very generally that seems to be agreed. Can I therefore ask, if you were in a position, whether you could advise the Royal Borough and the Promoters to get together on this issue?

(Mr Reed) I think we have several times discussed this with the Promoters and I think there is a continued need for these negotiations on car parking demand at Maidenhead.

12597. **Mr Binley:** Given that situation, are we not premature with regard to the evidence we are now putting forward? Why can there not be some sort of agreement on that basis? Can I ask both of you?

12598. **Mr Stoker:** I am certainly in a position to answer on our side, which is that we have come up with a figure and we see a need which should be met. It has been rejected.

12599. **Sir Peter Soulsby:** I think, perhaps, looking at the time, if you just finish with re-examination and then, clearly, we are going to come back to this and make some remarks before we finish this afternoon.

12600. **Mr Stoker:** A very simple point: just looking at understanding of journey opportunities, having looked at that and realised the new service, the new stations and the concept of Crossrail, how good a candidate is it for an increased understanding of journey opportunities?

(Mr Reed) I think there needs to be some more thought involved in looking at the journey opportunities and what that might mean on the forecasting. If we could just go to the next points, which are 5.17 and 5.18, I made a note here that Maidenhead would be the first station on the Great Western Main Line where Crossrail would attract a significant number of passengers. I appreciate that is "attract" and not necessarily "generate", which is I am sure what counsel will point out. I think the other point here is that in 5.18 there is a statement that Crossrail will increase capacity between London and the western policy area, so a significant increase in capacity between London and parts of the western policy area. Perhaps if I could, in the time we have left, just draw a parallel with the M25? Every time we add an extra lane to the M25 the amount of car traffic goes up. If you add a new rail service with 10 trains and lots of capacity, I think it would be unrealistic to expect that there would be no growth beyond with and without Crossrail, and certainly over a period of time that that would occur.

12601. Just one factual point. Mouchel are exceedingly experienced in taking these surveys. Is

⁸⁴ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

The Petition of Royal Borough of Windsor and Maidenhead

there anything unusual about the one you have just undertaken, in the light of your experience?

(Mr Reed) No. There is no indication within the Crossrail transport assessment—their assessments were done in one day.

12602. **Mr Stoker:** That is all I have.

12603. **Sir Peter Soulsby:** Thank you very much, indeed, Mr Reed.

The witness withdrew

12604. **Sir Peter Soulsby:** It is very clear that we are coming towards the end of our session. The continuation of the consideration of the Petition of the Royal Borough of Windsor and Maidenhead will need to be heard later in our programme. It is obviously not possible, for a number of reasons, to continue it this week. I say that with some regret, but clearly it is the fact of the situation.

12605. If I can just summarise and build on the point that Mr Binley was making, there is clearly a difference of perception between the Petitioners and the Promoters about the likely predicted growth in usage of the station and, indeed, in car parking and to what extent such growth might or might not be attributable to Crossrail. It is also clearly the case that there is a difference of opinion about whether the proposals for the station design and the car parking have adequately addressed the levels of usage and demand that might result from Crossrail. It seems to me, and I expect to other Members of the Committee, it might be helpful if there might be some other discussions on these matters before the Petition comes before the Committee at whatever later date it comes back. I will say no more at this stage. It may be that the matter will be clearer when we come back to the Committee.

12606. That concludes our session for this afternoon. We do return for the consideration of other Petitions at 6 pm, so the Committee stands adjourned until that time.

Adjourned until 6pm

In the absence of the Chairman, Sir Peter Soulsby was called to the Chair

Ordered: that Counsel and Parties be called in

12607. **Sir Peter Soulsby:** Mr Mould, would you like to set the scene for us for this evening's Petitioners?

The Petition of Thames Reach Residents' Association.

Mrs Pat Fairbairn appeared on behalf of the Petitioner.

12608. **Mr Mould:** Sir, what I will do, if you will allow me, is I will set the scene for the Thames Reach Residents' Association, who I think are first up this evening, by simply reminding the Committee that I opened in some detail this morning in relation to Maidenhead and the Guards Club Park in particular, and I believe that the issues that those Petitioners are going to raise are very much to do with the use of the park as a worksite. Given that I am sure you want to make progress, I was not proposing to repeat that, if that is convenient, and just hand over to the Petitioners straightaway.

12609. **Sir Peter Soulsby:** We did have a very full presentation this morning about the general issues so we do understand what they are.

12610. **Mr Mould:** Ms Lieven is going to take over from me and she will deal with the other Petitioners this evening.

12611. **Sir Peter Soulsby:** Thank you very much indeed.

12612. **Mr Mould:** Mrs Patricia Fairbairn.

12613. **Mrs Fairbairn:** I am aware that you have spent some considerable time today already with regard to this but the Residents' Association were very keen that we should actually present our case as, if you like, the general public and people who live very near the park. I have organised what I want to say so I promise I will not waste your time at all.

12614. My name is Pat Fairbairn and I represent the Thames Reach Residents' Association. This is approximately 200 houses surrounding Guards Club Park or in close proximity to it. Of course, Guards Club Park is a public park and so it is obviously important to people who generally live in Maidenhead, not just the residents.

12615. The park is tiny. If I could just show you a slide that I know you have seen already, it shows very well how small the park is.⁸⁵ That is very useful, thank you very much. And it illustrates also, understandably, why Crossrail should see this area of land as the easiest and most convenient way to carry out the electrification of the central columns of the Brunel Bridge. I do not know whether the Select Committee have had the opportunity to visit the site, if you have please bear with me whilst I show you only a few photographs. If you have not visited the site, I think you might find it helpful. I know you will have seen some but this gives you a picture of the

⁸⁵ Committee Ref: A137, Aerial View of Maidenhead Bridge from South (WINSRB-12005-010).

The Petition of Thames Reach Residents' Association

park, particularly its size. It is a very beautiful park. The park is so small that the whole of it can be seen from wherever one is standing—at either of the two gates or within the park. Residents' houses overlook and come right up to the edge of the park.

12616. If you could go through, there are just eight photographs I want to look at, please. This one, first of all, shows the road called Oldacres and you can hardly see where the park gates are.⁸⁶ There is a chap on his bike and then there are some brick pillars and that takes you straight into the park, so you can see the residents' houses go straight into the park. Thank you. The next one is the car park and you are looking across to the other side of the park near where the house is, the other gates, and the photograph limits you but you can see the whole park.⁸⁷ Thank you. You are standing in the middle of the park, a little pagoda there, and the next one please.⁸⁸ That is the listed Edwardian footbridge that there has been a lot of discussion about and the River Thames and, again, you are in about the middle of the park there.⁸⁹ Thank you. This is a particularly good one of the footbridge and you can see Maidenhead Bridge just on the left-hand side there.⁹⁰ Thank you. This one shows the path beside the river which I would like to come back to later on.⁹¹ Thank you. That one is the Brunel Bridge and it shows where you will get on to the footbridge to the left there just at the bottom of the picture.⁹² Thank you. This is looking to the area that Crossrail are looking to actually use for the portacabin site offices and storage of material.⁹³

12617. **Sir Peter Soulsby:** I guess those are the posts that we are told will need to be removed temporarily during the construction phase?

12618. **Mrs Fairbairn:** Absolutely, yes. When this petition was submitted we were aware that 50 per cent of the park was within the Bill's limits. In the latest information to us from Crossrail last week we do note that there has been a considerable move to reassure the local authority and us that in fact Crossrail is now prepared to undertake to limit the worksite to 10 per cent of the park. That is excluding the use of the footbridge and the island. However, because the park is so tiny, any worksite portacabins and storage materials would be highly visible and intrusive for people visiting and spending time in the park. The Residents' Association and Maidenhead

Civic Society met with Crossrail a year ago in June and put forward a suggestion that Crossrail might like to look into using the river, ie using barges, for transporting equipment and as a site office. If this could be effected then there would be no need to use Oldacres which is very much a family estate road or to gain access to the island via Guards Club Park and that listed footbridge.

12619. However, in the latest information from Crossrail received this month Crossrail say that they do not consider the use of the river an appropriate option because there is "a relatively small amount of construction activity over a relatively short duration of time." If there is a relatively small amount of activity over a relatively short duration of time perhaps one could argue that it is even more feasible to use the river.

12620. If I could go on to the next photograph please.⁹⁴ In the final analysis, if it is deemed necessary to use land on the Guards Club side of the bridge there is a large area of land beyond this fence that you can see on the photograph which belongs to Network Rail. This photograph shows the fence, the perimeter of the park at the car park end where Crossrail wish to position their site offices, et cetera. This land belonging to Network Rail stretches right down to the river and it is possible to just make out, if you are lucky, the arches of the Brunel Bridge on the bit that is on land. It is a sizable area. We believe that it may be sufficient land for the "small amount of storage" and the "small quantity of site accommodation" required. Those are Crossrail's words. This would mean the Guards Club Park would not need to be used for these purposes.

12621. If I could return to photograph 7 please.⁹⁵ This shows the path beside the river in the park. The far end of the park is right next to Network Rail's own land so they would have easy access on to their path. If it is deemed that the river cannot be used for access to the island, access would still be needed along Oldacres for lorry traffic. Crossrail assures us that there will only be a small amount of lorry traffic which we can only believe "a very small amount" means different things to different people, and the people living on that road do have concerns.

12622. Also access to the island along the path that we see by the river and via the footbridge would be needed. The footbridge on the photograph, as I said, could easily be accessed from Network Rail's own land just by the bridge there.

12623. Finally, if the Select Committee decide Crossrail should be allowed to use the park, we would really like to be assured that the site will be cleared immediately the work is finished and returned to its original state within six months and not kept as a convenient, useful site for Crossrail to

⁸⁶ Committee Ref: A140, View of Oldacres, Maidenhead (WINSRB-12005-001).

⁸⁷ Committee Ref: A140, View of Guards Club Park (WINSRB-12005-002).

⁸⁸ Committee Ref: A140, View of Pagoda at Guards Club Park (WINSRB-12005-003).

⁸⁹ Committee Ref: A140, View of listed Edwardian footbridge at Guards Club Park (WINSRB-12005-004).

⁹⁰ Committee Ref: A140, Alternate view of listed Edwardian footbridge (WINSRB-12005-005).

⁹¹ Committee Ref: A140, View of footpath and listed Edwardian footbridge (WINSRB-12005-006).

⁹² Committee Ref: A140, View of Maidenhead Bridge (WINSRB-12005-007).

⁹³ Committee Ref: A140, Alternate view of Guards Club Park (WINSRB-12005-008).

⁹⁴ Committee Ref: A140, View of boundary to Guards Club Park (WINSRB-12005-009).

⁹⁵ Committee Ref: A140, View of Maidenhead Bridge (WINSRB-12005-007).

 The Petition of Thames Reach Residents' Association

continue to use when it moves further along the line towards Maidenhead Station. 13 months is the latest estimate from Crossrail for the Brunel Bridge work and that is taking into account the nesting season on the island, which we are pleased to see acknowledged. Normally there are gates at either end of the footbridge from the end of January until the end of June so that is a considerable length of time. During that time these site offices would be sitting in the Guards Club Park—just sitting not used very much presumably. Work invariably takes longer than estimated and we are worried that occupation of that site should just go on and on.

12624. So, in summary, we would ask the Select Committee to consider: if this small and beautiful park should be used at all for this project; if serious consideration should be given to the use of the river for the purposes that have already been mentioned; and if the river is not judged to be a viable option then that Network Rail's own land beside the park should be used for site offices and storage materials, not Guards Club Park. Thank you for listening to me.

12625. **Sir Peter Soulsby:** Thank you very much indeed. Mr Mould?

12626. **Mr Mould:** I wonder if we could put up 04A002.⁹⁶ Sir, whilst that is being put up, all I want to say really in response is this: as the Petitioner has fairly pointed out, we have given an undertaking that we will limit the use of the park as a work compound to ten per cent of the total area. We have explained to you through Mr Berryman's evidence this morning why we do not consider that river access by using a barge is an acceptable alternative to the works compound to serve the west side of the Maidenhead Bridge. I do not propose to repeat that now. That point has been made.

12627. So far as the second suggested alternative, which is the Network Rail land in the area immediately to the southern boundary of the park, the position is that we have looked at that area and the minimum requirements for the works compound that we propose in the south-western corner of the Guards Club Park, and I put up again for the Committee's convenience the layout that I explained to the Committee this morning, those facilities, small and limited as they are, we have looked at the Network Rail site and there simply is not enough space within that area of Network Rail land to accommodate the facilities that we require. So that is not, I regret to say, a suitable alternative.

12628. Turning to the final point that was made by the Petitioner, I can certainly give an undertaking to the Committee that once that first phase of work to prepare the Brunel Bridge for overhead line electrification has been completed (and you will recall I mentioned there were two phases and the first phase involved creating foundations) the site will

then be cleared and it certainly will not be used, as it were, as a site in later stages of the Crossrail programme to serve other remote works within the Crossrail project. I can give that undertaking.

12629. As to the more detailed merits of the points that I have just outlined to you, the Committee will be aware that we have dealt with some of those points this morning. We are going to be returning to the issue of Guards Club Park in more detail when the Committee hears the resumption of the petition of the Royal Borough, and I think Mr Stoker indicated that that would be the second issue on which he would be calling evidence. We will come back to the points in more detail in response to that petition but in the meantime we have, as the Petitioner indicated, written recently to explain in a little more detail what our proposals are for this works compound and for the works on the river. What I can tell the Committee is this: I shall make sure that we write further to the Petitioners because we have got some further details that we can provide in relation to what is proposed and we will do that to give them some more details about our proposed arrangements for the operation of the worksite and environmental mitigation and so on and so forth, if that is convenient to the Committee.

12630. **Sir Peter Soulsby:** Do you have at this stage a plan from which we can see the relative position and size of the Network Rail land?

12631. **Mr Mould:** Do I have a photograph of that?

12632. **Sir Peter Soulsby:** Either a photograph or a plan. If you do not obviously we could return to that when we come to the other Petitioner. I think it would be very helpful for us to see just how big that site is and quite where it is in relation to this.

12633. **Mr Mould:** I do not think I have a plan that will give you any great assistance. 04A001: the area of land in question is—and I will be corrected if I am wrong—this area here.⁹⁷ It is an embankment and it has a substantial amount of tree coverage and it is an area that for the reasons that I have given is simply not suitable and available to accommodate the works compound that we need.

12634. What I propose to do is to provide the Committee with a better scaled plan to be able to compare the alternative locations that have been put before it for consideration and provide that to the Committee as soon as possible and also provide a copy of the plan to the Petitioners.

12635. **Sir Peter Soulsby:** I think that will be very helpful. Obviously the Committee, as has been remarked, has heard considerable evidence about the difficulties and possibilities of using barges earlier in the day. What we did not hear was any evidence about this particular site, and whether this was perhaps an alternative. I think it would be very

⁹⁶ Crossrail Ref: P102, Maidenhead Railway Bridge—Guards' Club Park Compound Layout (WINSRB-14604A-002).

⁹⁷ Crossrail Ref: P102, Maidenhead Railway Bridge—Compound Locations (WINSRB-14604A-001).

The Petition of Westbourne Park Villas Residents' Association

helpful for us to see some detailed plans of that when we return to that issue and perhaps some photographs of what is on that site and what might in whole or in part be an alternative to the proposal you have got at the moment.

12636. **Mr Mould:** I can tell the Committee that on my reading of the Royal Borough's presentation, the material we have from them, that is a site that they will raise as well so we can come back to that point.

12637. **Mr Binley:** Through you, Chairman, could I ask looking at this area of land it seems to extend under the line and on to the other side. Is that so?

12638. **Mr Mould:** It is difficult for me, Mr Binley, to see precisely where you are talking about.

12639. **Mr Binley:** If you look at the area of land you are talking about and then you look at the railway line and then you cast your eye down a bit you will see another similar piece on the other side of the railway line. Is that okay? Are we together now?

12640. **Mr Mould:** We are always together.

12641. **Mr Binley:** I am delighted, Mr Mould, that is excellent! Does it go underneath or are there arches or whatever?

12642. **Mr Mould:** There are, indeed.

12643. **Mr Binley:** Secondly, does the land extend down towards that side? You see there is a strip of land on either side extending down by the railway line. You did mention embankment, but I wondered if all of that is embankment?

12644. **Mr Mould:** I am told that the land to the west is private land.

12645. **Mr Binley:** Okay, that is that.

12646. **Mr Mould:** Just allow me a minute.

12647. **Sir Peter Soulsby:** At this stage all we need to say is that the Committee would clearly benefit from having some further illustration of the ownership and topography and possibilities of the alternative sites and then have a rather better-informed discussion than is possible this evening.

12648. **Mr Mould:** When I get beyond here I am beyond what I know but I will certainly make sure we write.

12649. **Sir Peter Soulsby:** Fortunately, this is an issue that we will be able to return to when we return to the other petition we are considering this evening.

12650. **Mr Mould:** I undertake that we will certainly write to the Committee. I had intended to write to the Petitioner anyway because we wanted to explain more of our thinking on this issue, so I will do that.

12651. **Sir Peter Soulsby:** Thank you very much. That is probably as far as we need take that petition this evening unless you wish to come back.

12652. **Mrs Fairbairn:** No thank you.

12653. **Sir Peter Soulsby:** Thank you very much indeed. In which case we can move on to the two remaining petitions in front of us this evening and Ms Lieven I think you are next.

12654. **Ms Lieven:** If it is Westbourne Park Villa Residents it is me; if it is Joann Bainton, I do not know if she is here—

12655. **Sir Peter Soulsby:** Is Joann Bainton with us this evening? From that silence we can guess she is not, in which case it is you Ms Lieven.

The Petition of Westbourne Park Villas Residents' Association.

Lady Margot Bright appeared on behalf of the Petitioner.

12656. **Ms Lieven:** Thank you very much. Sir, as is our usual form I start with a short opening. Sir, the issues that the Westbourne Park Villas Residents' Association have were touched on in some detail last week with Westminster City Council, so I am going to try not to repeat myself too much, although I am conscious that some members of the Committee were not here last week.

12657. If I can have up our plan 001 relevant to this petition and use that as a way of orientating the Committee.⁹⁸ Westbourne Park Villas—and Lady Margot will tell me if I am wrong—is this street here and we walked along it on the site visit, some members of the Committee will remember. These are the existing railway lines, including the mainlines going to Paddington. Paddington is over here and obviously this is the mainline going out west. So Westbourne Park Villas is a street adjoining the existing railway line. There is a wall on the north side of the road between the road and the tracks. As I understand it—and obviously Lady Margot will tell you more—the Residents' Association's primary concern is about the noise from the project. There are two primary aspects of that, although I am sure there are more that Lady Margot will go into in more detail. As I understand it, the two primary issues are, first of all, the noise from the Crossrail trains, which Mr Taylor will deal with, and, secondly, the slightly more complicated issue of the concrete batching plant at Paddington New Yard, which is here which those Members who came on the site visit will remember we went into New Yard and saw the batching plant.

⁹⁸ Crossrail Ref: P101, Westbourne Park—Existing Concrete Batching Plant and Network Rail Title Boundary (WESTCC-32104B-001).

 The Petition of Westbourne Park Villas Residents' Association

12658. It is the batching plant I am just going to focus on for a brief moment because there are quite complicated issues around the batching plant which I did explain last week, if I can give the Committee the reference. It was in my opening on Westminster on 21 June at paragraph 11532. I do not intend to repeat all of that because I set out there in some detail our position on the batching plant.

12659. In essence, the existing concrete batching plant is a rail-served facility leased to Tarmac who bring in aggregates by train, unload them on the site and turn them into concrete and then the concrete is taken, I cannot quite remember, anyway the concrete is taken out by road to central London construction sites. I made the same mistake last week and I promised myself I would remember and then I have got confused again! Anyway, the aggregates come in by train and go out by HGV on the road network to construction sites in central London.

12660. Crossrail, the project, needs to remove the batching plant, for two reasons. If we can put up the next plan so we can see properly the Crossrail proposal.⁹⁹ The batching plant is being removed for two reasons. One is that we need sidings here to turn around Crossrail trains that are terminating at Paddington so that they can terminate at Paddington, get the passengers off, come in here, turn back, and then go back to the central section. So it is an essential part of the Crossrail operational proposal.

12661. We also need the site of New Yard for a construction site during the construction period because the Committee will recall that the portal for the tunnel is down here, it is a little to the east, and this is a major construction site for the portal and what is going on there into the main central tunnel. So we need to take the concrete batching plant out.

12662. However, there is a strong planning policy imperative that I went through last week for replacing a rail-served batching plant or similar facility at this location because the Committee can see easily that if we take out a rail-served batching plant then the central London construction sites will need to get their concrete probably from further away and possibly from a non rail-served facility, so the London Plan and also the regional policy are very strongly in favour of not removing rail-served facilities such as this. That policy imperative, as I understand it and I asked Mr King from Westminster Council questions about this last week, is accepted by the Council.

12663. In those circumstances, it is part of the Bill scheme that a concrete batching plant is replaced at Paddington New Yard. It needs to be slightly differently configured. The Committee will remember from the first plan that effectively the

existing batching plant is squarer and is there and in order to fit this one in next to the sidings it has to be longer and thinner so it is a different shape and the power to do that is contained in the Bill. There are quite technical complications here because in the Additional Provisions 2 we have extended the sidings so that the trains that Tarmac need to serve the facility can get in. In the original Bill, according to Tarmac, the sidings were too short so the sidings have been extended in AP2.

12664. It is also proposed by the Promoter that planning permission for this facility will be granted by the Bill. There will be a deemed planning permission in the Bill because this is an integral part of the scheme and in AP3 we will seek power to impose conditions on that planning permission so that the entire planning process can be dealt with through the Bill process. We went through that in a little detail at the last hearing on this matter. As I told the Committee, and as I think Mr King from Westminster agreed, we are very close to agreement on the terms of those conditions. Obviously the intention is that the conditions make the operation of the batching plant environmentally acceptable. The batching plant that is there at the moment was built under a 1982 planning permission and I understand—and Mr Taylor will give evidence on this if the Committee wants to know—that there is great scope to improve the environmental impact of the batching plant by making it a more modern facility with more closure around it rather than open hoppers and the noise associated. Both noise levels from the batching plant and hours of HGVs coming and going will be dealt with by conditions which will be set by the Secretary of State but which Westminster and the residents will be consulted upon.

12665. There is one final point I should just outline in opening which is so far as the trains on sidings coming into the batching plant are concerned—and if we need to we can explain the movement of trains in more detail—that will take place on what is largely existing railway operational land and which under the Bill, the small part which is not existing, will become railway operational land, and in those circumstances the movements of the aggregates trains will not be limited by conditions. The Committee may be aware that Network Rail train operations on railway operational land are never constrained by planning conditions. They are part of general development and to do so would significantly constrain the railway industry. So there is a distinction between the plant itself for these purposes and the sidings. I hope that is all I need to say at this stage. I appreciate that some members of the Committee are already completely up to speed on this and others have not been through this once before, so if there is anything more I can help the Committee with at this stage, I am more than happy to do so.

⁹⁹ Crossrail Ref: P101, Westbourne Park—Proposed Concrete Batching Plant and Network Rail Title Boundary (WESTCC-32104B-002).

12666. **Sir Peter Soulsby:** I think we can go straight on to Lady Margot.

The Petition of Westbourne Park Villas Residents' Association

12667. **Lady Bright:** Firstly, I should introduce myself: Margot Bright, Lady Bright. I do not know how I got to be Lady Margot, it somehow happened, if you know what I mean, so I am here under false pretences on that score but I represent the Westbourne Park Villas Residents' Association and we have letters of support from the rest of the Westbourne Conservation Area, those streets that are behind us. We are the frontier against the railway, as it were.

12668. We are not against this railway or the principle of the Bill, far from it, however we do think that we are going to bear the brunt of it in noise terms in particular, and we do have grave concerns about the level of protection and mitigation that Crossrail, the Promoters, are so far suggesting.

12669. We are speaking tonight rather than last week because we were not given correct information from Crossrail about this rather complicated series of issues that Ms Lieven has been talking about. Chairman, your alternate, as it were, was kind enough to say we could come back this week, having discussed the matter with residents, who were pretty knocked back, frankly.

12670. Now I have heard this morning that the acoustic barrier that Crossrail offered us alongside that brand new 350-metre siding, is no longer on offer. They have not sent me an alternative proposition. I do not know what they might be offering instead but they did just talk to Network Rail, probably last night, who said, "You can't do it. There is no room for it. There are health and safety issues." So we are once again in disarray and here I am once again representing residents without being able to inform them first of what is actually proposed for them. So I hope you will forgive me for doing this in a slightly muddled fashion. It is not, I know, the first time you have heard complaints about consultation and information and I am afraid you will even hear a few more from me.

12671. If it is alright with you, because the concrete batching plant and the various issues are fresh in everybody's mind, I shall go straight to dealing with that and then, if I may if there is time, revert to a bit more general noise context and, as it were, noise talk. We are all noise experts in that street but not in the technical sense, if you see what I mean, not in the decibel sense.

12672. There were two ministerial statements, one on the 14th and one on the 15th of June which we think—and I will say it straightaway—mean that the turn-back facility, far from being an essential part of Crossrail's operational proposal, is a complete nonsense in that site. The first notice is that the depot for the Crossrail trains, rather than being a very expensive and contentious £80 million one from Romford, is going to go one mile down the track to Old Oak Common. I do not think anybody has ever met anybody in the railway business who could explain a turn-back facility so close to the depot. It

does not appear to make any sense in railway terms. If the depot was at Romford, yes, that is a different matter, but this does not seem to be justified in operational terms.

12673. I am not setting myself up as an expert here. Lord Berkeley, who was in here a bit earlier, has made it public for years ever since this proposal was made that he thought it was potty to have a turn-back facility right there. Now that the Old Oak Common site is to be the depot, surely it must be even pottier?

12674. I know that Crossrail has not discussed or considered in any detail the possibility of going and turning the trains round at the depot. I did last week have a brief conversation with one of the Crossrail engineers who was trying something on the back of an envelope and he did say that he could not prove it was impossible, but that is rather Crossrail speak for, "Oh dear, we had not thought of that, "is it not. We are glad to hear that Crossrail and Network Rail have been having much more dialogue recently. I think that is where this ministerial statement came from and why the turnback facility could be moved and why the depot could be moved down there. If it is a bit technically tricky they do have an extra £80 million to play with.

12675. This is our proposition, if we take the turn-back facility out of that very congested patch there. Congestion is a very dangerous theme on the Great Western Railway. We had congestion not much further down the line which did involve freight and passenger trains and we all saw the level of road traffic. So let us try and get it a bit less congested, shall we?

12676. What about that concrete batching plant and its siding? Well, the siding was going to have this 3.6 metre concrete barrier we were told (and there seems to be some confusion about where exactly 3.6 metre barrier was going to be) and it was going to be an acoustic barrier. When we had our meeting with Crossrail they were desperately keen to persuade us to accept without any specification that this would solve our problems of the very, very noisy freight train delivery of aggregates which went on, not only affecting everybody in Westbourne Park Villas but people on the other side of the railway in Maida Vale and immediately where the batching plant is, the little roads, because they have to put up with the trucks as well. We were not actually playing that game, which is just as well, and I would like to put it on record that we would have been offered something supposedly to protect us and we would have been very badly let down because this morning I was rung to say they had finally discussed it with Network Rail who said there was no room for it. There would not be, with the turn-back facility and the batching plant and everything else.

12677. You will not be surprised to hear that we do not believe that there should be a concrete plant in this location at all. We also believe that the

The Petition of Westbourne Park Villas Residents' Association

Committee has been somewhat misled about the need for having one as close to central London as this. This is the closest one and much is always made of that by the company that operates it, Tarmac. Tarmac have, as you will recall from reading their petition, been trying to drive a very hard bargain indeed with Crossrail. We do take the view that for them it is a very good deal to have that batching plant but we do not see why public money should be used to provide a giant corporation with a 350-metre siding, at very considerable cost in terms of the disturbance to people in a very densely populated residential area, where, quite frankly, if that plant were not there purely as a hangover from 1971 planning operations, there is no chance that it would be built now.

12678. I say that despite what Ms Lieven said about Westminster City Council's position on planning. Westminster have, I understand, reserved their position on a lot of these related issues for later. They are talking about "keeping their powder dry". They are putting in a very difficult squeeze by a kind of card game on planning imperatives. I believe the London Plan trumps local plans basically, and the London Plan says that we do not want to lose batching plants on a rail link because we want to move freight by rail as much as possible. However, this is where I think you have been a bit misled. It also says that we want to move freight sustainable by rail, and the word "sustainable" these days does not mean just going on doing something, it does imply sustainable development; that is allowing cohabitation between different species, humans and trains in this case.

12679. The other factor which is very important in terms of misleading is that I think you have been told that concrete goes off in half an hour. That is the central London plant business. It actually does not. Even the British Standard says you have got two hours. I do not know quite why this half an hour figure came into things but I notice that the petition from Hanson, and I have not read the other manufacturers' petitions, also claims it goes off within half an hour and therefore you have got to be within five miles of your customers. Remember the British Standard says you have two hours and if you add a retardant that makes the concrete stronger and harder and it can be extended to four hours.

12680. The only thing I can think of, since I did try and check this out with the British Cement Association because it sounded so implausible, is the PR officer said "Ah, gosh, that really stretches credibility. There is only one sort of concrete that this might be true of and that is a specially made one for airport runways which has to be very, very hard and has to be ready very, very quickly but this is not for the generality of building projects." So we have a concrete plant there which we believe should not be there. I do have expert papers on concrete hardening if you want me to send them to you at any stage. That is important because of the distance. There are quite a few plants rail-served not very far away.

There are three at King's Cross, for example. Crossrail initially said they were not going to put in a temporary concrete batching plant when they had to close this one down. They said they were going to put it out to tender and other suppliers nearby such as the three at King's Cross could obviously try to get this very lucrative and important government contract. I thought that they were already obliged to do under the rules on tendering for government contracts, however, it turned out last week that they are going to put in a temporary plant and Tarmac have done the design for it because I got a copy of it from Tarmac, I rang Crossrail and they said, "Oops, it's out, is it? I do not the detail but I just mention it to you. Deals are being done.

12681. We are looking at three concrete plants. We are looking at the old one we have got now, the temporary one that is going to be squeezed in the top left-hand corner of the drawing there, and which Tarmac's Area Operations Manager thinks gives rise to considerable dangers with vehicle turning movements because it is very small, and then we will get this much larger plant which has a much bigger footprint than the current plant. That will be slipped in, so to speak, under the false pretences of concrete setting time and distance issues through to what I take to be the slight misrepresentation of the London Plan, and it will add considerably—and I am steering clear at this point of the noise and pollution considerations—to the congestion at that point where there will not, you remember, even be room for an acoustic barrier against the freight trains.

12682. Just to give you an idea, leaving aside for the moment pollution and the dangers to the children in the school who are going to be right next door, of what noise problems residents have here, the aggregates freight trains, which as you know can only travel at night or in the small hours when the passenger trains are not running, are the only freight trains that come down our way as close to Paddington as that. There is a massive great track to the west but most of it stops at Old Oak Common. These trains come in the small hours and the noise they make peaks at 100.8 decibels in the small hours, as measured by Crossrail's own engineers for the Environmental Statement. That is like having a pneumatic drill a metre from your ear. That measurement was taken outside number 93 Westbourne Park Villas, which is a little group of houses on the other side of the road that is virtually sitting on the tracks.

12683. Other residents and I have been down—and Tarmac have been quite open about their operations—and spent the better part of a night observing that congested business there with the old dilapidated plant that is still going and the freight deliveries, and I can only say it is a terrifying sight. It is jammed in against the Westbourne Park bus garage, which we have not even mentioned yet, which will be tucked up there in a rather clever plan that is going to go on two levels. It is very expensive

 The Petition of Westbourne Park Villas Residents' Association

and because of all this other stuff going on in front of it they are having to do this with piling, causing people to write letters and exchange correspondence in the engineering press. It is going to have The Westway as the roof as its upper tier and then underneath will be the second lot. That is at the moment just a wrap really and not enough space for the 150 buses they are going to have to accommodate. That all has to squeeze in there with the concrete plant.

12684. There have been fatal accidents already. Buses are forever slipping their brakes backwards down that ramp. A bus company employee was killed. You probably heard about the fire at the Westbourne bus garage in January or saw the smoke that lay over London for two days. Noxious smoke of course. A young local teenager has been charged, I know, with torching those places. The scariest one of all has not been reported and it happened in November. A bus slipped its brakes again, slid down the ramp and stopped that far from the fuel tanks belonging to the old concrete plant. It was just held by the fence that just did not give way. That would have been a real disaster.

12685. If Crossrail is delayed as we believe, most people believe (everybody believes?) it will be, and certainly our local MP believes it will not even begin until after the Olympics, we shall be stuck with that very old concrete batching plant which the Operations Manager knows he cannot keep going for that long. It is just falling apart. It is already in breach of certain rules. They can just about get away with it and they do what they can to patch it up and bring it in line with modern standards. This is a nonsense. Nobody is going to get out of this in a sensible way. I know for a fact that the Metropolitan Police, the SO13 Anti-Terrorist Branch, have not been consulted on this and I also know they have given a presentation at the King's Cross batching plants to say how frightened they are having a cement mixer under a flyover, next to a school, just down the road from Paddington Green Police Station where terrorist suspects are held, and a hop and a skip away from where pretty much all the suspects arrested after the 21 July London bombings live. It is a big issue for them and we do think that that one should be put into the pot as well.

12686. I am not sure that you want to hear a lecture from me about how awful concrete batching plants are for children's health because I think you can probably work that one out for yourselves. I am sure you all know David Lammy, the Culture Minister, had a massive campaign in his constituency on this subject. Let me know if you want to hear about it but you can see that it is a major issue. In addition, by the way, all this is going to pinch a playing field from the new school which is nearly finished. So you have a school with a concrete plant alongside it. Okay, with conditions to be an all-singing all-dancing modern one but still noxious and all the other objections. And guess what is just one mile down the road, with a rail head? Old Oak Common. Old Oak

Common is an extensive site. The turn-back facility is small obviously. The concrete batching plant is bigger but guess what else is down the road at Old Oak Common? EWS, the freight movers, the biggest of the freight companies, which is the one whose wagons wake us up and shake our houses to bits in the middle of the night. They are being moved as of next year to North Pole depot which is on this side and Old Oak Common is the big patch of land above it. We do not seem to have a picture of that, unfortunately, but it is only a mile down the way. I see absolutely no reason why, bearing in mind that it will be positively dangerous and very difficult for us all to avoid a disaster if Crossrail is delayed and this old plant has to stay on, I see no reason why it should not be considered as an over-site development down there where I am quite sure there will be less of a conflict in planning terms because it is not a residential area, it is a large area of railway land and there is an adjacent brown field site which the Minister mentioned in his statement last week.

12687. I am sure it will cost something. I know that Tarmac can get around to some extent the problem of bringing lorries by road. It is not very far. We will still get it. It will not be much advantage to us because it will have to come on The Westway, the A40, but at least that is better than having great big concrete mixer lorries—I am having the same problems—going through the little streets in Alfred Road between the school and the block of flats, I would have thought because it is a main road. Also I know that there are technical ways of dealing with having to have large shipments of cement on the road. They do have much bigger cement mixers on the Continent and we can get hold of those. We do not have to have 100 little ones, if you see what I mean. I have gone on a little bit about that. The residents really do feel very strongly about it. If we could get clearer that whole congested area it would be safer for everybody.

12688. It would match up to what our local authority, Westminster, made very clear. There has been huge change of use in that site which once upon a long time ago, yes, was an old railway yard with freight sidings but which for long years now have been artists' studios and small businesses. Now that land is needed for the very fast-growing population of young children with the nursery and the Westminster Academy, which is going to be three new schools in that estate, and there is a tremendous pressure for residential amenity in the form of green space. To lose a playing field on a school site like that which is very tight indeed --- I do not like the idea that the London Plan somehow trumps national policy on children, exercise and obesity, for example, but it seems perhaps it does. There is your concrete batching plant, I hope, transferred down to Old Oak Common.

12689. Perhaps if you have not seen it, it would be alright if I read you a brief statement under the heading "Sustainable Distribution Fund" from the

The Petition of Westbourne Park Villas Residents' Association

Transport Minister last week.¹⁰⁰ This was a separate statement from the one about making the depot at Old Oak Common. Here is my favourite word “sustainable” again.

12690. **Sir Peter Soulsby:** If you would like to put it on the overhead projector.

12691. **Lady Bright:** Whenever anybody suggests changing anything everybody always says it costs too much and is the money available in this statement? Is it readable?

12692. **Sir Peter Soulsby:** I do not think you need read it out. We note it is the Minister of State making the statement on the Sustainable Distribution Fund.

12693. **Lady Bright:** Obviously the important thing about it is that it is a fund set up to deal with precisely what we are talking about to secure the benefits of reduced pollution and congestion on the railways, and we are talking freight here, sustainable distribution. It seems to me that it really is all there.

12694. **Sir Peter Soulsby:** I think we understand the point entirely but thank you.

12695. **Lady Bright:** I do not know if anybody wants to come back on this.

12696. **Sir Peter Soulsby:** Thank you very much Lady Bright. Ms Lieven?

12697. **Ms Lieven:** I do not know if that is all of Lady Bright's points or she was just concentrating on the concrete batching plant.

12698. **Lady Bright:** I wanted to take them first but I am sorry I am not good at procedure.

12699. **Sir Peter Soulsby:** In which case we will wait and take the remainder of your points, Lady Bright, and then we will come to Ms Lieven.

12700. **Lady Bright:** Thank you very much. I just did feel those things needed to be tackled first while everybody had it fresh in their minds. Is it possible to put up that picture of the site?¹⁰¹ It is actually quite green, not that it looks it there. You can see exactly where we are along the railway but we are probably the most exposed site in the whole Crossrail project, we think.

12701. The other residents' associations are supporting us because the noise comes off The Westway and off the various railways and through into everybody's gardens and back green bits and really it is not just us, though we obviously have *locus standi*, it is really rather a large population and

a very mixed one at that, this whole huge Brunel Estate who are, we feel, not able to have our legal right to peaceful enjoyment of our property. We do feel it is already being infringed by the noise levels from the overhead road and various railways and we do feel that if Crossrail comes along and tells us, as it appears to be telling us, that it can run 48 trains an hour on top of what we have already got and we will not notice it, is not very plausible where the noise levels are as high as they are there. Remember in the small hours it goes up to 104 at peak. I am not claiming at all that it is the norm, but you get these peaks with trains that come along during the day.

12702. We rather look to the Committee to find some way of redressing the balance between these two cohabiting species that I was telling you about, humans and trains. If we were bats or crested newts we would have a lot more protection, I can assure you of that.

12703. We also believe that this project ought to be taking account of the European Union Environmental Noise Directive of 2002. It will very soon begin to bite and the UK is very much behind on it. Everybody else is a bit ahead and we are going to get into trouble if we do not catch up. The one bit that I know has been completed is the noise level map, which Mr Taylor was involved in doing, and the result, you probably will not be surprised to hear, shows that we are pretty noisy. I can put it on the projector if anybody wants to see that.¹⁰² An interesting thing about this noise map—

12704. **Sir Peter Soulsby:** For the record, the picture we just had is A142 and this will be A143.

12705. **Lady Bright:** This map has been produced, as similar maps have been produced all over the European Union, to show noise hotspots. The Directive is particularly targeted at preventing and reducing environmental noise in larger conurbations and adjacent to major railways, roads and airports. Certainly all our European neighbours expect them to include mitigation of railway noise. This map shows as you can see, along that corridor, the A40 Great Western mainline corridor, it is pretty much as noisy as it can get, the red and pink. The orange and the brown is normal inner city noise really but it is that bit that is high. The interesting thing about this is that apparently it only measures road noise. It has not even got the railway noise superimposed upon it. Mr Taylor might be able to explain how that was done. I cannot imagine how you could just get The Westway noise and not get the railway noise. We are talking about an area that badly needs tackling.

12706. Just also to put some context on the residents' complaints, we cannot blame Crossrail for everything that is there already, that is not the point. We are simply saying that the Crossrail project should have been conceived in the same spirit, say, as the Kowloon-Canton Railway Corporation's

¹⁰⁰ House of Commons *Hansard*, Written Ministerial Statement, Columns 75-76WS, 15 June 2006, www.publications.parliament.uk

¹⁰¹ Committee Ref: A142, Aerial view looking north across the Great Western Main Line and the Westway (SCN-20060627-011).

¹⁰² Committee Ref: A143, Defra London Noise Map of Westbourne Park Villas (SCN-20060627-012).

The Petition of Westbourne Park Villas Residents' Association

Westrail project in Hong Kong which was also going through inner city areas where everybody is living cheek by jowl, very similar, only they said at the outset, "We want to make this the quietest railway in the world," and they found ways of doing it because that was what they set out to do. We believe in the Crossrail project the noise is an add-on, and just about meets the lowest standards that we can because noise costs and our main priority is to do this project without costing too much money.

12707. I have one example just to show how powerless residents are in this situation. I could have brought all the piles of letters which have been written to the chairmen, PR directors and environmental directors, or whatever they all called themselves at the time of Network Rail, Railtrack, British Rail, the guardians of our national rail structure. 1998 and 2000 letters to the two chairmen at that time, got lovely responses "Oh, yes, we want to be good neighbours" and then absolutely nothing in response to the particular points raised. One neighbour, Adrian Cole, who is an experienced builder, had to wait six years almost before a misaligned rail was put back into alignment. That may not sound like much but it meant that this builder who had put the highest specification acoustic glass into his house, which is one of the houses that is close to the railway line, it was completely vitiated by the effect of this rail which in normal maintenance should have been mended. He wrote to them every year because every year they said "We have other priorities: safety, congestion, et cetera, but we will do it next year" and then it did not happen so he had to write again and it did not happen and he had to write again. Meanwhile every time a train went past—and there are an awful lot of trains going past on the Great Western Railway Main Line—the house shook. It is an awful lot of shaking of a house when you think about it.

12708. I would like to just point out that we are not on any old London clay but pure London clay, nothing else. These were clay pits where Westbourne Park Villas lie. They dug them out and used the clay to build the bricks to make the houses.

12709. **Sir Peter Soulsby:** Lady Bright, I do not want to cut you short entirely but I think perhaps if we just stick to the particulars of your concerns about Crossrail it might be helpful.

12710. **Lady Bright:** Sorry. I beg your pardon, you are quite right. The clay pits point is important because the clay does carry the noise and vibration further. It does accentuate the effects of the freight trains going by and that vibration has implications, obviously, for settlement but this is not the place to deal with the settlement issues.

12711. We would like to close here on the noise point because we realise we can reserve our position on some of the others for later. Can we say, please, where the Committee is able to do so can it try to

resolve some of these conflicts between imperatives for the different species, the trains and human beings. Thank you.

12712. **Sir Peter Soulsby:** Thank you very much indeed, Ms Leiven.

12713. **Ms Lieven:** Thank you very much, Sir. I think the best thing is if I call very briefly Mr Walters to deal with one or two of the engineering points, in particular turn-back facility and then Mr Taylor will call Mr Taylor on noise because I will get the figures wrong. I think that is probably the best way to deal with it.

12714. **Sir Peter Soulsby:** That is fine.

12715. **Ms Lieven:** If I can ask Mr Walters to go forward. While he is doing so can I just explain one point, Sir. Lady Bright referred to EWS going to North Pole next year. Now that is a surprise to us because we are in negotiations with EWS about a number of sites and I can assure the Committee there is no agreement at this stage they will go to North Pole Road.

12716. **Lady Bright:** It was mentioned in the ministerial statement.

12717. **Ms Lieven:** There are discussions going on but at this stage I can absolutely assure the Committee there is no certainty on that move. EWS are coming next week or the week after so if there are any concerns we can pick it up with them.

12718. **Sir Peter Soulsby:** We will have an opportunity then to explore that issue. Can I just say, Lady Bright, that after Ms Leiven has finished questioning Mr Walters you will have an opportunity to question him as well.

12719. **Lady Bright:** Is it possible to call a witness myself?

12720. **Sir Peter Soulsby:** Yes, it is, but we need to do that first.

12721. **Lady Bright:** I am so sorry.

12722. **Sir Peter Soulsby:** I am sorry, I should perhaps have asked you whether you wanted to call a witness. If you do, let us go back and do that and enable you to call your witness.

12723. **Lady Bright:** I am so sorry.

12724. **Sir Peter Soulsby:** Can you stand down for a little while, Mr Walters, and allow Lady Bright to call her witness. I do not think we were aware of this so it may be we need to swear your witness in.

 The Petition of Westbourne Park Villas Residents' Association

12725. **Lady Bright:** Yes. It may sound a bit irregular because the witness is my husband but he has got much more relevant expertise than I have as a former Chairman of London Transport. This is not a criminal case, is it, so presumably it is all right.

12726. **Sir Peter Soulsby:** I am sure it is.

Sir Keith Bright, sworn

Examined by **Lady Bright**

12727. **Lady Bright:** Perhaps you could introduce yourself.

(Sir Keith Bright) I am apparently required to tell you my qualifications and experience so I will do that very quickly. I have a degree in physics, maths and chemistry, followed by another bachelors degree in honours chemistry, followed by a doctorate in surface science. My experience is as one of a merchant banker in Hill Samuel a long time ago; two, I ran a giant company in the Far East called Sime Darby; three, running London Transport as Chairman for seven years and, finally, running Chelsea and Westminster Health Care NHS Trust as founder chairman for another seven years. I have spent most of my time between the public and private sectors.

12728. **Lady Bright:** Residents are very keen to have a noise barrier across the wall which Crossrail have told us they do not want to give us, a permanent noise barrier to be introduced before the works begin. Could you perhaps explain why you disagree with Crossrail's view that it cannot be done?

(Sir Keith Bright) There are a number of aspects to this. First of all a noise barrier depends on the height, the surface and the type of materials that are used before it can work effectively. At the moment we have a wall between Westbourne Park Villas and the railway. It is a slightly curved wall in as much as it is not quite vertical on one side, it is pretty vertical on the other side. There is a rule of thumb which says if you cannot see the origin of the noise you cannot hear it. It is a very trivial thing because it is clearly nonsense because you can obviously hear lots of noise which you cannot see the origin of. It is a first approximation. The other thing is that if you want to live at the top of a house and you are looking down at a railway, essentially if you cannot see where the noise is coming from then it is not a factor that will be taken much into consideration by a wall between you and the sound. If you want to prevent the sound from reaching you, the rule of thumb says you need a very high wall so you cannot see where the sound is coming from essentially. From where we are the wall would have to be increased vertically to an enormous height, almost to the height of the house itself. That is actually nonsense because you can get curve barriers which are parabolic or in an arc in the circle which can actually increase the effective height of the wall. The other thing is to say that I think nothing has been done at all at any time since the railway was built to constrain the noise coming from the railway. We have tried very hard to

get attention drawn to this but to no avail at all. The second thing is the type of surface that is used is just common bricks so all sorts of absorbent surfaces can be used to minimise the noise. The point also about noise is it is not just the ambient noise that worries anybody very much it is the peak noise, as Lady Bright said. It is all very well, you can live in Dartmoor, if you like, and be very quiet but when the Express goes by at 3.30 in the morning it makes your hair stand on end and jumps you out of bed, that is the point I think we want to make. It also been said by Crossrail that the trains that they will supply will be very, very quiet indeed, and I am sure they will. They will be on continuously welded rail, unlike the rail we have at the moment, and I am sure the rolling stock will be modern and pretty quiet. However they will make noise, it is nonsense to think they will not make noise and it will add to the noise we have already which is quite high. 48 trains an hour is rather a lot of trains to add to the peaks of the noise we get and the more trains there are the more likelihood of peaks being heard.

12729. **Lady Bright:** Do you think there are any specific noise reduction measures which can be taken?

(Sir Keith Bright) There are a lot of noise reduction measures that can be made on all railway lines but very few are used. If you can attack the noise at source then you do not need barriers at all. If you have the noise at source from trains essentially it is the noise between the wheels and the rail. When you get above a certain speed I am told by an expert the engine noise tends to be very low and the noise between the wheel and the rail is very high. You can have small barriers which will impede the line of vision, if you like, between the eye and the wheels, it need be no more than three or four feet high but when it is the right material it would impede the noise greatly.

12730. **Lady Bright:** Is there anything else of that sort?

(Sir Keith Bright) Yes, there is a company called Corus, I am sure everyone in business will know about Corus, they are a steel company, they have been working on noise reduction measures. They have developed a product which can be attached to the rails which kills enough sound to be the equivalent of something like six decibels. If you remember the noise levels double, each three decibels. These particular products they have developed which are now in situ in Holland and Sweden and are now being used in Germany will reduce the noise enormously from the rail itself and the vibration from the rail which of course stops the transmittent noise under the ground as well as overground. That is something I have not heard from anybody dealing with the project at all. Perhaps I can just add to this one that in California they spend one million dollars a mile on sound insulation; in Europe they average 600,000 euros per kilometre which is roughly the same amount and here in Paddington they do not spend a bean. We feel it is a very good point to use and if I understand it

The Petition of Westbourne Park Villas Residents' Association

£80 million is saved moving from one place to another, from Romford to Old Oak Park. A good deal of that would be very useful to insulate the sound in the area that we are talking about.

12731. **Lady Bright:** Is there anything you are burning to suggest which may work well?

(Sir Keith Bright) Just one thing, I do not know whether this project will go ahead or not, I have heard various views about it and I read the submission by Mr Michael Schabas which I was deeply impressed by. If this project at all falls by the wayside might I suggest that everybody goes back to the report of Mr Schabas and re-reads it and looks up this whole project from scratch again because I do believe it is a wrong route in the wrong way. I think Crossrail is an extremely good thing to have and I think we need more than one Crossrail in London but I do believe that we have got so far down the line now that this project should not stop but I do not think it is the most optimal one you will find. One final thing is this turn round discussion. I think two-thirds of the train will go to Paddington and be turned around and go back again, out of the remaining one-third, one-sixth I think will go to Maidenhead and one-sixth will go to Heathrow. One wonders why you need Crossrail at all. There is a perfectly good scheme there already in the Heathrow Express which is running at fairly low capacity at the moment. That could be increased enormously, they have a train every quarter of an hour but it could be doubled. It would carry all the people you need to carry and if the Crossrail project were to stop at Paddington, you could whiz up by escalator on to the Heathrow Express and then you would not need to extend it to Heathrow or Maidenhead and you will save an awful lot of money. These are rather technical points, I know. Earth has to be removed from the tunnels and you need a way in for that. Finally, when we talked about the steady state of Crossrail once it is finished, say 48 trains an hour, what I have not mentioned is the immense engineering project to make it. That will be terribly noisy and it will be dusty. I think that is something we have to look at very much from the point of view of noise and we want noise barriers whilst it is going on. Since the noise barriers we hope will be put up while the work is going on they might as well remain permanent noise barriers to make the life of people who live locally much more civilised than has been. Thank you.

12732. **Sir Peter Soulsby:** Sorry, Ms Leiven, did you want to cross-examine.

12733. **Ms Lieven:** No, I think the sensible way forward is for me to call Mr Walters and then Mr Taylor.

The witness withdrew

12734. **Sir Peter Soulsby:** Just let me double check: Lady Bright, you do not have any other witnesses do you?

12735. **Lady Bright:** No.

12736. **Sir Peter Soulsby:** Back to Mr Walters.

12737. **Ms Lieven:** Sir, can I explain, I do not think the Committee has heard from Mr Walters before, in the excitement of introducing a new witness to the Committee I did not mention that Mr Walters is the chief engineer for Cross London Rail Links Limited. He has many, many years' experience, 30 years in the design and construction of major civil engineering infrastructure; examples such as Channel Tunnel, Docklands Light Railway to Bank, Channel Tunnel Rail Link and various Metro schemes in the Far East. He works with Mr Berryman on the engineering and we thought it would be fun for the Committee to have a new face tonight as well as fun for Mr Walters to give evidence.

Mr Anthony Walters, Sworn

Examined by **Ms Lieven**

12738. **Ms Lieven:** Fortunately there is very little I want to ask Mr Walters. The principal point is that of why we are having a turn back facility at Paddington given the change in the depot strategy from sending the trains on to Old Oak Common. Can you just explain the thought process behind that, please?

(Mr Walters) First, if I can just explain what the turn back facility does and then go on to the reason for its location. As has been outlined by previous witnesses we have 24 trains an hour in the peak going through the tunnels in each direction and ten of those continue on to destinations such as Heathrow, Slough and Maidenhead. We have to turn 14 of them back close to Paddington. The turn round facility, in order to operate efficiently, needs two through lines and we have chosen to take those lines round the north and the south of the facility and then the two sidings where the trains stop and are checked before they go back into service are in the centre. The turn back facility needs to be wide enough to accommodate four tracks and for the platforms for people to be de-trained if they go beyond Paddington for the drivers to inspect the train, walk through the train and so on. We had to find a location that was wide enough for the four tracks and the platforms and we also wanted it to be close to Paddington because the idea was to turn the trains around at Paddington not half way down towards Heathrow. We did look at Old Oak Common and indeed the new depot strategy, as you know, has increased our use of the land at Old Oak Common. We looked again when we revised the depot strategy to see whether we could come up with a different solution. Old Oak Common is some two kilometres beyond the Westbourne Park turn round facility so should anybody be unfortunate not to get off the train at Paddington they would be whistled away to Old Oak Common should we use that. Perhaps more importantly to get into Old Oak Common without having conflicting moves is for the trains coming from the West into London having to

The Petition of Westbourne Park Villas Residents' Association

either wait or for the trains going into the depot from Paddington having to wait to go across the lines, we would have to build quite a substantial dive under to take either the main lines for Crossrail underneath the tracks going into Old Oak Common or vice versa. There would be quite a considerable expenditure to construct a dive under at the throat of Old Oak Common depot which of course is operational at the moment and will continue to be operational while they are constructing Crossrail. We really reconfirm our view that we have the width at Westbourne Park to provide the turn round facility there.

12739. **Ms Lieven:** You mentioned the dive under to get to Old Oak Common, how easy would that be to construct.

(Mr Walters) I think it would be very difficult because, as I say, Old Oak Common is an operational depot at the moment. It is quite constrained on the entry and exit anyway. A dive under would have to start before the entry to the depot and then come up in the depot. We will be looking at constructing part of that under operational tracks similar to the sort of arguments that we have rehearsed here about constructing tunnels underneath the throat at Paddington Station. Constructing underneath switches and crossings is a much more sensitive activity than constructing under straight main line track such as we might have done at Romford for the Romford depot.

12740. **Ms Lieven:** Okay. I think that deals with that and then the only other thing I wanted to ask you, so you can confirm the position, Lady Bright referred to us taking a playing field on the Westminster Academy site which the Members who were here last week—which I think is everyone now except for Sir Peter—heard about. The Westminster Academy site is shown on this plan.¹⁰³ It lies on the other side of the Westway, the A40, from the batching plant and it is a tiny slither of land along the edge of the railway which is being taken but are we taking a playing field off the Academy or making a playing field unusable for the Academy?

(Mr Walters) Certainly from the discussions we have had with the Academy that is not the case. As is shown there under our additional provision, we are moving their retaining wall back over a length of some 140 metres, moving it back to take the triangular site and it really is a slither of land there, maximum of 20 metres wide, 140 metres long.

12741. **Ms Lieven:** Thank you very much, Mr Walters. Those are all my questions. Lady Bright may well have questions for you. I am going to ask Mr Taylor questions about acoustic barriers and so on.

12742. **Sir Peter Soulsby:** I noticed we still have that one to come.

12743. **Ms Lieven:** Yes, I have that in hand but I will ask Mr Taylor.

12744. **Sir Peter Soulsby:** Okay. Thank you. Lady Bright, would you like to cross-examine.
Cross-examined by Lady Bright

12745. **Lady Bright:** Yes. The turn back facility, let us just deal with the cost of that dive under first. Would you like to put a price on it?

(Mr Walters) It would be very much an estimate at the moment. I would think it would be £50 million.

12746. **Lady Bright:** Comfortably within the 80 so that is a good thing. I know nothing about the cost of these things. It is good to know there is some spare in the back pocket. It is interesting also about the width available to you at Westbourne Park. That is a very congested corner. Why would the bus garage have to be built on stilts like that if there was space for the concrete bund and the turn back facility? You did tell us that we were going to have an acoustic barrier which there now is not room for.

(Mr Walters) I believe we have talked about the changed operations for the batching plant in that rather than having a moveable conveyor the new batching plant would have a fixed conveyor and a fixed hopper and the train would move over that. We have said that that hopper will have noise insulation. It is very abnormal, in fact I do not think it happens, to provide noise insulation to Network Rail sidings. We would never have talked about that.

12747. **Ms Lieven:** Might it be helpful if I clarified this? I have plans which show an acoustic barrier for the temporary construction phase and that has always been proposed and continues to be proposed. It has never been part of the Crossrail project to have an acoustic barrier in relation to operational railway land. There is intended to be much more acoustic housing around the permanent batching plant. That is not the kind of acoustic barrier which I believe Lady Bright is referring to but it may be that there is confusion because there are these different things going on. So far as my instructions are concerned, the acoustic barrier along the side has always been related only to the temporary construction phase. Mr Taylor can explain the reasons for that when he gives evidence.

12748. **Lady Bright:** That was not at all what we understood. It has to be our mistake but we did not understand it.

12749. **Sir Peter Soulsby:** That is fine. It is certainly clear what is being proposed now.

12750. **Lady Bright:** Yes. I would say Old Oak Common is not really half way to Heathrow, Mr Walters, would you?

¹⁰³ Crossrail Ref: P101, Westbourne Park—Additional Provision Plan (SCN-20060627-013).

 The Petition of Westbourne Park Villas Residents' Association

(*Mr Walters*) No. It is two kilometres down the line.

12751. **Lady Bright:** On the playing field, we are talking about 2,800 square metres being temporarily taken and nearly 800 square metres permanently I think. It is a 65 metre strip, it is a lot. Other people's maths not mine.

(*Mr Walters*) We are taking the same amount of land both temporarily and permanently. We will be building a revised retaining wall which is shown in red. That will go in as the permanent structure. We are taking a little bit more temporarily I guess for the works site and for safety in the Academy which will be the shaded bit above that but that is purely to enable the wall to be constructed and then we move back out and down to the lower level of the depot.

12752. **Lady Bright:** This is different from what was proposed in AP2. It looks different to me, it must have changed.

(*Mr Walters*) I think that will be the same with LLAUs and LADs as AP2.

12753. **Lady Bright:** I beg your pardon.

(*Mr Walters*) Sorry. I think the red line will be the limit of deviation for the permanent works and the shaded upper portion will be within limits of land to be acquired and used purely for construction purposes.

12754. **Lady Bright:** Fine. I do not think I can go further on the detail of that because it does keep changing. Thank you.

12755. **Sir Peter Soulsby:** Thank you. Ms Lieven, did you want to re-examine.
Re-examined by Ms Lieven

12756. **Ms Lieven:** Just one point to make clear, Mr Walters. The plan that is now before the Committee, is your understanding that that is the AP amended provisions plan 2?

(*Mr Walters*) That is my understanding.

12757. **Ms Lieven:** I will leave it there, Sir.

The witness withdraw

12758. **Ms Lieven:** We will call Mr Taylor now and Mr Taylor is going to ask Mr Taylor the questions on the basis that I cannot be trusted with noise.

Mr Rupert Thornely-Taylor, recalled

Examined by **Mr Taylor**

12759. **Mr Taylor:** Mr Thornely-Taylor is obviously well known to the Committee and is the noise consultant to the project. I think we are going to need to refer to the noise technical report in a number of places, Mr Thornely-Taylor.

(*Mr Thornely-Taylor*) Yes, that would be helpful.

12760. **Mr Taylor:** Let us start with base line noise levels if we may. Lady Bright referred to various peak noise levels and the noise monitoring that has been carried out in the vicinity of the area of London we are concerned with here is set out in table 7.1 in volume 2 of the noise technical report.¹⁰⁴

(*Mr Thornely-Taylor*) Yes, it is. There is a plan, I do not know whether we can have that on the screen, which shows the location of the noise monitoring points as well which might be helpful.

12761. **Mr Taylor:** We will come to the plan after we look at the table first. Table 7.1 in volume 2. Mr Thornely-Taylor can I take the copy that you have there in front of you from you and we will put it on the overhead projector. We need to focus on the top row, the site is WE01 93 Westbourne Park Villas.

(*Mr Thornely-Taylor*) Yes. This is the terrace of houses in Westbourne Park Villas that is very close to the railway. There are two rows of houses as we have seen on previous plans. WE01 is very close indeed to the railway. Among that mass of numbers, I will try and simplify it a little bit, we are looking at the first line, the first five columns are giving us numbers in terms of the index which I explained on Day 8—a long time ago—called Leq, that is the energy average, the daytime and night time periods. It is quite noisy there, the daytime Leq is 74 to 75 and at night time, if you take the normal night time period, it is 68 to 69 for noise insulation eligibility purposes. There is a shorter night time period used which is why there is a midnight to 0600 column, and the figure there is 66. If we then move further across the page we get some additional information about what went on during the survey. We can ignore the next three columns. The interesting ones are towards the right, the wider columns, which are headed—it is quite hard to see—LA max F for fast. These are the highest values that occurred momentarily, they need only have occurred for one-eighth of a second during the whole of the measurement period concerned and the night time measurement period is there, eight hours. Indeed it got up for a moment to 100.8 during the night and 106.4 during the day. That is by no means unique to Westbourne Park Villas and I do not think I need trouble the Committee by looking at other pages for sites along the Great Western Railway, but that is quite a common thing to find. All sorts of things cause high LA max values in locations where noise is made but the thing which is very obvious about facades which immediately overlook the Great Western is the high noise levels from high speed trains and high speed diesels.

¹⁰⁴ Crossrail specialist technical reports— Assessment of noise & vibration impacts, Table 7.1: Noise survey results summary for 7-day monitoring sites—Central Route Section, billdocuments.crossrail.co.uk

The Petition of Westbourne Park Villas Residents' Association

12762. If we put up the plan, we can see the measurement location and that might assist the Committee.¹⁰⁵

(Mr Thornely-Taylor) The measurement location is, as I mentioned earlier, the façade very close indeed to the railway, WEO 1 there. I believe I am right in saying the Brights live about there but I am sure they will correct me if I am wrong.

12763. So when we see those very high peak measurements which are indicated during the night time period, Lady Bright said those were caused by the batching plant. What is your view about that?

(Mr Thornely-Taylor) A batching plant is certainly a noise source and I am sure, having met Lady Bright on more than one occasion and had it described to me, I am sure it is a significant noise source, but one does notice, as I mentioned a moment ago, further along this railway similar LA max levels remote from the batching plant.

12764. Let us deal with the matter of the hoarding, and if we can use the particular plan we have on the overhead it is taken from the Noise Technical Report and indicates what is proposed during construction. It is quite difficult to see on the screen. What is your understanding about the position for hoarding the worksite during the construction period?

(Mr Thornely-Taylor) It is intended there will be a 3.6 metre high hoarding starting there and running all the way along to the eastern end of the worksite.

12765. Let us turn on and look at the operational impact of Crossrail. Is that a matter you considered in relation to the properties in Westbourne Park Villas?

(Mr Thornely-Taylor) Yes, indeed, in the process of preparing the environmental statement normal predictions of railway noise were made. Because the Crossrail lines are on the far side of the many operational lines of the existing railways, the effect of adding Crossrail noise to the existing railway noise environment is quite small. By day the increase is just a fraction less than 1 dBA and by night it is just a fraction more than 1 dBA increase using the LA increase scale.

12766. What effect will that have on somebody in the vicinity of the turnaround for Crossrail in terms of their perception of the noise environment before and after Crossrail?

(Mr Thornely-Taylor) It is too small an increase to be classified as, and certainly not, a significant increase and in pure noise terms it is a barely noticeable increase.

12767. Bearing in mind that answer, we have had the suggestion that a curved wall should be provided as I understand it along the length of Westbourne Park Villas curving over the Great Western Railway in order to mitigate, I believe it was, existing ambient

noise rather than the noise associated with Crossrail. What is your view of the necessity for that in the light of the answer you have just given?

(Mr Thornely-Taylor) The question related I think to the existing noise climate and it is noisy, as we have seen from the figures, and if it were a practical proposition to do the variety of measures that Lady Bright and Sir Keith have referred to for all the railway lines running out of Paddington there may be some opportunity to reduce the total railway noise, but doing something to Crossrail on its own could only reduce noise by the very small amount I have mentioned that represents the contribution of Crossrail to the total noise environment at that location, even if it were practicable.

12768. Mention was made of the use of a particular kind of rail manufactured by Corus, are you familiar with that particular product?

(Mr Thornely-Taylor) Yes, I am. The first thing to be clear about is that noise from electric trains comes in equal measure from the wheels and the rails, and going back again to my generic presentation on Day 8, taking one of two equal noise sources away only drops the noise level by 3, so however good the rail was it would not be possible to reduce the train noise by more than 3. Sitting here as a Crossrail witness and unable to speak for Network Rail, we can only discuss doing that to Crossrail track. The reduction again would be even less than that 3, it could never be more than 1 or so which Crossrail will contribute to the whole railway noise environment.

12769. Let us turn to deal with the batching plant. You have heard mention of the proposal to bring forward planning conditions to control the operation of the batching plant, what can you say to the Committee about conditions that might control the noise impact of the batching plant operation?

(Mr Thornely-Taylor) It is proposed to include a noise condition of the same kind that you would find on a planning permission through the conventional planning process. I understood from Mr King that the condition as he would expect to see it, in fact to recommend to the Committee, is based on the normal approach to limiting noise from a new industrial site which affects residential areas. Numbers have been proposed for the condition which would fully accord with the British Standard approach to predicting the acceptability of noise from industry affecting residential areas and accord with the advice in Planning Policy Guidance PPG 24 on noise. Although it would mean a substantial amount of noise reduction work to be included in the new batching plant, there would have to be an acoustic enclosure for the conveyor that is proposed, for the silos which are proposed, storing the materials, in order to achieve the noise levels required, and it would fully comply with normal modern practice in the control of noise from new industrial development in residential areas.

12770. With those sort of conditions in place, what sort of impact would there be on local residents if the operation of the batching plant was reconfigured?

¹⁰⁵ Crossrail Ref: P101, Crossrail Noise Technical Report—Plan Noise Monitoring/ Royal Oak Worksite West & East (SCN-20060627-015).

The Petition of Westbourne Park Villas Residents' Association

(Mr Thornely-Taylor) Noise from the batching plant would not have an impact on them at all.

12771. Those are all the questions I have.
Cross-examined by Lady Bright

12772. **Lady Bright:** Mr Thornely-Taylor, the peaks are the peaks of noise you referred to from the environmental statement. I know they are not being caused by Crossrail, but they are very disturbing, would you not accept?

(Mr Thornely-Taylor) I have no doubt in accepting the railway noise along Westbourne Park Villas is currently disturbing.

12773. I quite understand why you are preserving Crossrail's very, very, very narrow vision of this—it is not our decibel, it is somebody else's decibel—but do you not think having read the Ambient Noise Strategy which is specifically for London and also specifically mentions Crossrail as an opportunity to make positive adjustments to the noise climate in line with that policy, do you not think some of these possibilities like the barrier we are talking about are worth doing?

(Mr Thornely-Taylor) The possibilities would be worth doing for all the railways affecting Westbourne Park Villas. If we were able to do things for all those lines—and they would have to be quite dramatic things because the main noise source is on top of the diesel locomotives pulling the high speed trains and it is a considerable height above the railway—if we could do something to all the railways coming out of Paddington to reduce noise, there would be less noise for Westbourne Park Villas.

12774. Are you familiar with legal actions being prepared by Kensington & Chelsea under the Environmental Protection Act to get London Underground to put in noise mitigation for some of its tube lines? Do you think perhaps the Heathrow Express would be a good candidate for that sort of treatment?

(Mr Thornely-Taylor) There have been a number of legal actions brought by local authorities, or sought to be brought—they have not always succeeded because of course underground railways operate under powers granted by an Act of Parliament—but there have been in many parts of London pressure put on London Underground to do things to reduce noise and where there has been something which could be done, such as grinding rails to reduce roughness, that has been done and it has been beneficial. Where there is something particularly of that nature and maintenance work can be done to reduce noise, then of course it should be brought about by whatever pressure can be put on the operators of the railway.

12775. I wonder if it is possible to suggest or see if you could suggest a reliable mechanism, because we clearly do not have one now, and you have worked for a representative of all the railways in your time as a noise expert and the freight companies and

everybody else, can you think of a suitable mechanism you could suggest to the Committee for ensuring that that maintenance is undertaken?

12776. **Sir Peter Soulsby:** I think, Lady Bright, that is going beyond the matter in front of the Committee, which is of course the Crossrail Bill rather than the very real problem you clearly have with noise from railways more generally.

12777. **Lady Bright:** Under the Ambient Noise Strategy in the EU Directive we thought perhaps—

12778. **Sir Peter Soulsby:** I am afraid not.

12779. **Lady Bright:** Just one final question about the hoardings. I know this is going to sound silly because you are going to specify, I am sure, it is a hoarding coated with the right kind of material to absorb and reflect noise, but we did have a problem in the street with advertising hoardings which were wooden and actually reflected noise and increased it very dramatically. Have you thought about the specifications for them?

(Mr Thornely-Taylor) The essential thing not to lose sight of is that this will all be part of the process which on previous occasions I have explained applies to all worksites, which is to seek consent from Westminster which will cover everything including the design of the hoarding. They can require in that consent anything which is reasonably practicable to reduce noise and if that includes putting some sort of face on the railway side of the barrier, and they can demonstrate it is practicable to do that, they have the power to require it through the procedures of section 61 of the Control of Pollution Act.

12780. **Lady Bright:** Thank you, that is very helpful.

12781. **Sir Peter Soulsby:** Do you want to re-examine, Mr Taylor?

12782. **Mr Taylor:** I have no questions, thank you very much.

Examined by the Committee

12783. **Kelvin Hopkins:** The noise in the area is considerable but it is from the existing railway, Network Rail, GWR, and it arises because of very noisy 125 diesel sets and jointed track?

(Mr Thornely-Taylor) There is some jointed track. A substantial part of the mainline is continuous welded rail. There have been times in the past when there have been rail roughness problems in that area which have been rectified and they may occur again, but the jointed track tends to be in the sidings.

12784. At that point they are clearly accelerating out of Paddington as well, which means they are even more noisy?

The Petition of Westbourne Park Villas Residents' Association

(*Mr Thornely-Taylor*) Yes.

12785. The noise from electric trains—and I travel on them every day—is negligible by comparison, you have suggested?

(*Mr Thornely-Taylor*) Yes, the high speed diesels predominate without any doubt.

12786. And the residents would have a very strong case in my view against Network Rail and the train operators to mitigate noise emanating from existing trains but it would not be a case to try to mitigate that noise against Crossrail because it is not Crossrail's responsibility?

(*Mr Thornely-Taylor*) Indeed, Crossrail has no powers, no opportunity, to go to work on Network Rail's noise sources.

12787. The noise I recall from electric trains is traction motors making a noise when they are high torque, low speed, accelerating; when they are slowing down; braking noise to an extent, and there is a generator noise I think—when they are static they make a generator noise, I think largely generating batteries. Those are the noises which come from electric trains and they are the noises one would expect?

(*Mr Thornely-Taylor*) They are in general. The modern approaches to the procurement of new trains put noise limits both on the train accelerating from rest as well as passing at stated speeds. The noise you referred to which you do hear from existing types, particularly Networkers on the Southern Railway, will in future train designs probably be less through more prescriptive specification of noise levels when procuring new trains.

12788. Would there be any other serious noises from the track? I am not suggesting there should be but would there be a case for floating slab track or something like that?

(*Mr Thornely-Taylor*) Floating slab track is beneficial for reducing noise transmitted through the ground and via the ground into buildings, it actually increases noise radiated directly from the track and would not be beneficial here.

12789. Is it the case that noise has always been historically loud from there, even before diesels? When they had steam trains the noise was considerable?

(*Mr Thornely-Taylor*) Yes, this has been a very noisy railway location since Brunel's time.

12790. Could we not then simply suggest to the residents, and even help them, to persuade Network Rail to electrify Paddington and change the whole environment?

(*Mr Thornely-Taylor*) I am sure pressure of that kind would be something they would think was a good idea.

12791. But Crossrail is already doing its bit in a sense by having electric trains not diesels?

(*Mr Thornely-Taylor*) Crossrail will certainly be running trains in the quietest manner it is possible to run trains.

12792. I think you have made the point but the big noise is not to do with Crossrail, it is to do with other operators and they have a very strong case against them but not a very strong case against you, is that fair?

(*Mr Thornely-Taylor*) I am not the person to talk about the opportunities that people have to bring actions against existing railways; they are very limited indeed. But, as has already been said, pressure was put on London Underground to do some things to reduce noise from their railway and certainly when there are things which can be done by railway operators, particularly in the form of maintenance, pressure can sometimes bring that about.

12793. I think I have made my points. Thank you.

12794. **Sir Peter Soulsby:** Thank you very much.

The witness withdrew

12795. **Sir Peter Soulsby:** That brings to a conclusion the Committee's deliberations of the Westbourne Park Villas Residents' Association petitions. There is an opportunity for closing submissions which I hope will be quite brief at this time of night.

12796. **Ms Lieven:** Yes, it will be brief, Sir. I am going to take the opportunity because otherwise there is nothing on the transcript for your colleagues when you come to make the determination. I will try and keep it to three minutes; that is my aim.

12797. Dealing first with the concrete batching plant, I am putting a document up which I will come to in a second. Lady Bright emphasised the existing problems with the plant, I cannot emphasise too much whether those points are correct or incorrect the existing operation of the plant has nothing to do with Crossrail and there is nothing we can do about it until the Crossrail construction starts. Tarmac are coming next week and if the Committee have concerns about existing operations then, with great respect, I can only suggest that Tarmac is asked about them.

12798. So far as the proposal for the replacement of the batching plant is concerned, because obviously Lady Bright would prefer it was not in place, I put up the policy which I put up last week just so Sir Peter can see it.¹⁰⁶ The policy is completely clear. This is from the London Plan and the penultimate bullet point says, "UDP policy should protect existing railhead capacity to handle and process aggregates", and that is what we are seeking to do by replacing the batching plant.

¹⁰⁶ Committee Ref: A130, London Plan, Policy 4.5(a) Spatial policies to support better use of aggregates (LINEWD-LPLN04-007).

The Petition of Westbourne Park Villas Residents' Association

12799. Lady Bright referred to sustainability. Sustainability is one of those phrases which means lots of things to different people, but one thing it clearly means is not losing a rail-served facility so that more aggregates have to go by road. On anybody's analysis that is an unsustainable situation.

12800. The replacement plant will be both quieter, less dusty and if there are any safety issues on the existing plant, which I do not in any sense accept but which I am not in a position to comment on in any detail, then the new plant by the very fact it is new will be safer. So, Sir, the position for replacing the plant is overwhelming.

12801. As far as Old Oak Common is concerned, and therefore not having the turn-back facility, first of all, as Mr Walters explained, it involves crossing the relief lines to get there, which would be massively expensive and difficult to construct, and also involves taking trains further away to turn them around which is much less efficient.

12802. Can I put in a plea now on the record, it is completely the wrong approach for the Committee to think, "Oh well, Crossrail saved £80 million-odd by relocating the depot, therefore we have it to chuck at some other problem." As we emphasised very strongly on the Woolwich issue, the Secretary of State is very keen to push down the costs of what is already a very, very expensive project. So I do urge the Committee not to take the view that there is £80 million in some slush fund to be thrown around.

12803. So far as impact on the Academy is concerned, the impact on the Academy from putting back the batching plant is really very, very slight. In terms of dust and noise the Academy is on the other side of the West Way so the impact is likely to be minimal. So far as the land-take is concerned, we simply are not removing any sports facility from the Academy. If we were, doubtless Westminster and Mr King would have made that extremely clear. So that is simply not correct.

12804. As far as noise is concerned, and you have just heard the evidence, this is an extremely noisy environment, as Mr Taylor took you through, and has been—I am glad Mr Hopkins made the point because I was going to make it as well—a very noisy environment for well over 150 years. Every resident there knows this is a noisy environment when they come there. The Crossrail trains will make no perceptible increase in noise at these locations, just above or below 1 dB. The very noisy environment is coming from the fast trains and, in terms of the background, probably even the West Way, not from Crossrail trains.

12805. So far as the acoustic barrier is concerned, we have never suggested it would be appropriate to put up an acoustic barrier for the operational phase, the noise just does not justify it. If one was going to try and put up a noise barrier to deal with the entirety of the noise problem at that location, ie that from fast trains which is really the problem, it would have to be enormously high and completely unrealistic. So it is both not necessary for Crossrail and completely unacceptable.

12806. So far as the batching plant is concerned, the evidence is entirely clear, that the noise coming from the operation of the batching plant itself will be less from the new batching plant because it will be a newly constructed facility with increased hoarding and therefore more containment of the noise.

12807. It is brief, Sir, but I hope that summarises the main points.

12808. **Sir Peter Soulsby:** Thank you, Ms Lieven.

12809. **Lady Bright:** The old plant, which we are going to get stuck with, we are genuinely worried about being stuck with for years. It is not appropriate. We think the local authority would be also very glad if you could make some observation on that and get them out of a hole.

12810. You would not be losing railhead capacity at all in aggregate batching if you moved the concrete plant down to Old Oak Common where it would be rail-served. I think they have got that one slightly wrong.

12811. Mr King did make it clear in Westminster's petition against the additional provisions that there was loss of playing fields. Maybe I have that wrong but I was under the impression that was there.

12812. The fact you move into a nuisance does not mean it is not a nuisance and you lose all your rights against it if it gets worse.

12813. The final point is that I do not want us to get mesmerised by the noise emanating from a modern highly conditioned concrete plate which I am almost certain will never be built and ignoring the freight trains which, as Ms Lieven said earlier, can go as loud as they like, as late as they like and anywhere they like without let or hindrance.

12814. Thank you very much.

12815. **Sir Peter Soulsby:** Thank you very much indeed. That does bring the Committee's consideration of that petition to a conclusion.

Wednesday 28 June 2006

Before:

Sir Peter Soulsby, in the Chair

Mr Brian Binley
Ms Katy Clark
Kelvin Hopkins

Mrs Linda Riordan
Mr Philip Hollobone

In the Absence of the Chairman, Sir Peter Soulsby was called to the Chair

Ordered: that Counsel and Parties be called in.

The Petition of Theresa May, a Member of House.

12816. **Sir Peter Soulsby:** As usual for a Wednesday, I will inform the Committee that it is my intention to suspend at some point after 11.45 so that those Members who wish to attend Prime Minister's Question Time can and those who do not can have a cup of coffee in that time. There are several Petitioners to be heard. Ms Lieven, would you like to set the scene for us.

12817. **Ms Lieven:** Sir, is it more convenient if I set the scene of each Petitioner as we get to them?

12818. **Sir Peter Soulsby:** I am not quite sure to what extent the themes are related.

12819. **Ms Lieven:** I will give the Committee an overview. The first Petitioner is Mrs May and, as I understand it, she is going to raise three issues: Crossrail going to Reading, the level of service to Maidenhead and Guards Club Park. The Committee heard from us about all of those yesterday, so I am not going to open on them again. I am going to call Mr Berryman so that Mrs May has an opportunity to ask her questions, and I will ask him to summarise the point on going to Reading and the service to Maidenhead very briefly so Mrs May knows what our case is.

12820. The next three Petitioners, the Association of Councils of the Thames Valley Region, East of England Regional Assembly, and Jean Lambert, MEP—I am not sure if Ms Lambert is here but we believe she is coming—raise two sets of issues. One is specific issues about, for instance, going to Reading, where again I will call Mr Berryman so that he can be asked questions. They do also raise issues about timetabling and access to the lines. Those are issues that we are intending to deal with next week. We can have a triumphant moment tomorrow when we come to the end of the site specific part of Crossrail and we move on next week—at least we can feel we are getting somewhere—to the generality of rail access issues and freight.

12821. Mr Elvin is coming in on Tuesday to give you an opening on the Railway Act 1993 and rail access issues, so I would buy your tickets now! Mr Mould and I were discussing going to Rio de Janeiro this morning! We are calling Robert Watson, who is the Chairman of the independent Crossrail Timetable Working Group, to explain the work which is being

done on timetabling and for operators to get access to the lines. I do not want to steal their thunder nor am I capable of doing so this week. I have explained to the representatives of the first two Petitioners, Thames Valley and East of England, that I do not intend to respond on those big picture issues this week. Of course, everything that we say next week will be recorded on the transcript and, indeed, if they raise issues which were not going to be dealt with already next week, we will deal with them next week and make sure that they are written to about any relevant points. I hope that is a sensible way to deal with it.

12822. So far as the specific issues, shall we go to Stansted, are concerned, I will call Mr Berryman to deal with that. I hope that gives an overview of how I intend to deal with this morning, and I hope that is acceptable.

12823. **Sir Peter Soulsby:** It seems very helpful. Thank you very much indeed.

12824. **Ms Lieven:** In those circumstances, I will hand straight over to Mrs May to explain her points.

12825. **Sir Peter Soulsby:** Welcome to the Committee.

12826. **Mrs May:** Thank you very much indeed, Chairman. I have prepared a brief response to the Promoter's response to my Petition, and perhaps it might be helpful if I go through those specific points.

12827. **Sir Peter Soulsby:** It probably would. Is it in written form?

12828. **Mrs May:** It is and I can provide a copy to the clerk.

12829. **Sir Peter Soulsby:** That would be very helpful.

12830. **Mrs May:** As Ms Lieven indicated there are three key issues, in fact there are two other issues I would like to address. One is the question as to why Maidenhead should be the western terminus and why not Reading, the second is the impact on services for both Maidenhead and Twyford stations, both of which are in my constituency, Twyford being the station between Reading and Maidenhead, the

 The Petition of Theresa May MP

use of Guards Club Park and Island, the impact on the Brunel Bridge and a general comment about Maidenhead itself.

12831. **Sir Peter Soulsby:** Just to re-emphasise a point, we did have considerable evidence on this yesterday, I am not suggesting that should inhibit you in any way or in what you are going to say but I am just making you aware of it.

12832. **Mrs May:** Indeed, Chairman, and I suspect that what I have to say is very similar to what has been said by others, and, indeed, I hope the Committee would take a clear message from that the Civic Society, Thames Reach Residents Association, the Royal Borough of Windsor and Maidenhead and I are all making very similar points about the impact on Maidenhead. Would you like me to go through this?

12833. **Sir Peter Soulsby:** I do not think you need to go through every single paragraph and every word for it to be part of the record, perhaps just a summary would be helpful.

12834. **Mrs May:** The first question is why should the western terminus be at Maidenhead? I think the Promoter's response is very disappointing in this. It is quite clear that Maidenhead appears to be the default option after all other options have been considered. There is no independent research that proves that Maidenhead is the best option for the western terminus.

12835. Reference is made to the need to address strategic objectives, which includes promoting economic growth in the Greater Western corridor by providing additional capacity, but, of course, for Maidenhead there will be no additional capacity provided as a result of Crossrail. It will take over existing capacity and provide a reduced level of service which I will go on to.

12836. The Promoter's response also refers to the fact that terminating at Maidenhead would not prohibit an extension to Reading in the future. I would argue that frankly why are they suggesting that there should be an extension to Reading in the future if they are appearing at this stage to say that Reading should be ruled out as western terminus. They cannot have it both ways, either it is a good place for the terminus for Crossrail to go to or it is not. Reference is made to the cost of works at Reading station, but, of course, there has been for some time on the list of schemes for Network Rail improving capacity at Reading station, and that is needed regardless of whether or not Crossrail goes ahead. There is no evidence as to why Maidenhead should be the western terminus. Maidenhead Station is a small site and although it could accommodate the works as proposed it would have an impact on the rest of the town, and if economic growth and additional capacity is the aim then I argue that it would be much better for it to go to

Reading which is an area of considerable economic growth and it already is a transport hub for other good transport links elsewhere.

12837. Terminating at Maidenhead reduces the service to Maidenhead passengers. It means that the service would be a slow stopping service. The benefit of Maidenhead today is that people are able to get fast and semi-fast services into Paddington.

12838. The potential benefit of Crossrail is that they could get on a fast or semi-fast service at Maidenhead, go to Paddington in 25 minutes and then be able to stay on the train to go through to the rest of London. What is being proposed is a slow stopping service which would be at least 41 minutes, that is the figure that Crossrail have identified. The length of time that it would take to get into Paddington would be a considerable increase. We already have many people locally concerned at any suggestion of increasing the length of time that it takes for their trains to get into Paddington. One of the reasons they live in Maidenhead is because of the fast service into Paddington. This would destroy that fast service, it would mean that Maidenhead, a key station on the Great Western line, would become the end of an underground line which is an entirely different approach.

12839. The Promoter's response makes very little mention of the impact on Twyford. I am concerned about Twyford, it is in my constituency between Reading and Maidenhead. Again, it is a key station on the Greater Western line at the moment. What the Promoters say is that a residual service would operate out of Reading to stop at Twyford. This would significantly reduce again the level of service to Twyford passengers. It is a busy commuter station and this would have a significant impact on it. Again, one of the reasons many people live there is because it is a good service with good rail links. These will disappear under Crossrail and Twyford would be very badly hit by the Crossrail proposals.

12840. As I say, if people in Maidenhead and Twyford can get on a fast and a semi-fast service to Paddington and stay on without changing through to the rest of London, that would be a considerable benefit. The proposals today do not provide that benefit, and I believe it will reduce service to my constituents.

12841. Extending the line to Reading would enable Crossrail to provide those fast and semi-fast services stopping at Twyford, Maidenhead and Slough into Paddington and then through the rest of London.

12842. I am also concerned about the access option being proposed for Crossrail. As I read it in H2, it says that once the option is agreed access rights conflicting with Crossrail would not be granted. As I read it, this suggests that it would not be possible for cross service link which would suggest any improvements to the current service from Maidenhead or Twyford in the intervening years.

 The Petition of Theresa May MP

12843. I am sure you have heard a great deal of evidence on the impact on Guards Club Park and Island. It will affect residents in that area and it will have an environmental impact. Very simply, I do not think the Promoter has looked properly at alternatives. It seems absolutely crazy when we are trying to encourage people to use more environmentally friendly forms of transport that when Guards Club Park and Island is by the river that the use of the river to bring materials in and the use of barges as a working platform has not been properly considered. I suggest that the Promoter's response, where they said, "Because this was only a short duration, lorries were more appropriate", was frankly just a dismissive response and showed that they had not really thought through the issue of the use of barges. I think much more attention should be given to the use of waterborne transport. It seems to be obvious, the river is there, why not use it. That would reduce the impact on residents and the environment impact generally locally.

12844. The Brunel Bridge, the further response that I had from the Promoter following their initial response which suggests that it will now be possible to locate all of the electrification gantries within the internal width of the bridge is good news but, again, it looks very much as if there has been no real attempt by the Promoter to look at alternatives including a third electrified rail. This is a world famous bridge, it is a Grade II Listed bridge. It was immortalised in William Turner's painting. We are talking about the fact that putting the gantries would significantly affect the view down through the river and across the bridge.

12845. I am also disappointed that at this stage design is still under discussion. I suggest the Bill should not be passed unless this has been specified or unless clearly it would be subject to further specific planning approval by local authorities and English Heritage.

12846. Finally, just to comment on the impact on Maidenhead Station. There is limited space at the station. Bringing Crossrail in with Maidenhead as the terminus would mean it would not be possible to develop a transport hub at Maidenhead Station which is desperately needed. There is no consideration given to the impact on increased traffic through the town. If Crossrail were to attract more passengers, people would be accessing Maidenhead Station, the majority of those at the moment would be by car, there is no possibility for a bus hub. There is limited space at the station for buses already, so there would be no possibility in the proposals that we see for that to be provided there.

12847. That, again, I believe, argues for Reading being the terminus rather than Maidenhead. As I say, Crossrail could be of enormous benefit to my constituents. As it is currently proposed, it will not be.

12848. **Sir Peter Soulsby:** Thank you very much indeed. That was very clear. Do you intend to call any witnesses?

12849. **Mrs May:** No.

12850. **Mr Binley:** Forgive me, why do you think the terminus is not going to be Reading, but rather Maidenhead? What are the real reasons?

12851. **Mrs May:** I think the real reason is cost.

12852. **Mr Binley:** Why specifically?

12853. **Mrs May:** Because it will require improved capacity at the station, changes to the single box, as I understand it, is one of the things at Reading station. I think that is the reason that appears to be stopping the Promoter from going to Reading, which is why it is disappointing that there is not any real analysis of the cost in the Promoter's response. I suggest the cost of those works against the total cost of Crossrail is going to be a very, very small proportion. As I said earlier, there is work due to be done at Reading Station anyway to improve capacity, so some of that may very well have been done by the time Crossrail came in.

12854. **Mr Binley:** Are you saying that the signalling problems could well be resolved and will have to be resolved anyway irrespective of whether Crossrail goes to Reading?

12855. **Mrs May:** There are obviously issues of electrification which Crossrail would bring in, but in terms of Reading Station, it has long been on the list of schemes for Network Rail that they need to improve the capacity on the entrance to Reading station which, as I understand it, would include work on the signals to Reading station.

12856. **Ms Lieven:** If I can call Mr Berryman.

Mr Keith Berryman, recalled,

Examined by **Ms Lieven**

12857. Given that Mrs May is the local MP, I think it is quite important that Mr Berryman goes through each of those points quite briefly explaining what our response is, even though I do beg the Committee's indulgence for that because I know the Committee will have heard most of it, if not all of it, before. I will keep it short. Mr Berryman, can we go through each of Mrs May's point very briefly. First of all, can you explain again why the terminus is at Maidenhead and not at Reading?

(Mr Berryman) This is set out in information paper A6, which sets out of arguments for the various alternatives which it considered.¹ As I mentioned yesterday, a number of alternatives were considered. The principle ones I guess were Reading, Slough and Maidenhead, although we also looked at the

¹ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

 The Petition of Theresa May MP

possibility of stopping at Ealing Broadway. The point I made yesterday was that going beyond Maidenhead would be quite expensive, it is quite a long way from Maidenhead to Reading, it is almost as far as it is from Airport Junction to Maidenhead, it would be doubling the amount of electrification than we do with the Great Western. With that goes all the raising of bridges and so on. Mrs May mentioned the re-signalling at Reading, in fact, our estimates of £370 million for doing that work does not include the re-signalling at Reading, it does include an element for immunisation of signalling against the 25k of the overhead electrification and it does include an element for new platforms to allow Crossrail trains to turn round at Reading. We would expect the number of passengers from Reading to be very small simply because they have a very good frequent and fast direct service into Paddington, which would make the attractiveness of the Crossrail service quite limited. It would be quicker for passengers to catch a fast service into Paddington and change to a Crossrail train there if they are going to Central London.

12858. **Ms Lieven:** The next issue is services to Maidenhead and Twyford. So far as services to Maidenhead are concerned and the impact of Crossrail, can we put up exhibit O25 from yesterday which summarises the service frequency and journey times from Maidenhead.² Can you remind us what is the impact of the fast and semi-fast services running from Maidenhead to Paddington?

(Mr Berryman) It is set out quite clearly in these tables. Table one sets out the peak three-hour period, the number of trains in each band based on what we think the 2016 timetable would look like with and without Crossrail. Of course the timetable without Crossrail is substantially based on what happens now, and that may well change between now and then, timetabling is subject to annual review. The route utilisation strategy may lead to changes in the way that the timetable is drawn up. That is what we expect to be the case, the top line there, 2016 base, and that is what we expect to be the case without Crossrail. The line below sets out the situation with Crossrail. I have to say, if you draw the line at 25 minutes, 24 minutes or 26 minutes you get a slightly different breakdown, but this is just to give an overall picture of what the services would look like. Table 2 sets out the peak one-hour period where you can see there will still be a fast service to Paddington, although there will be some redistribution within the time boundaries. We do have two sheets which show what we expect the actual services to be which I think would be quite interesting to see.

12859. Yes, I was going to take you to those. I think that is 33 and 34, or at least I hope it is.³

² Crossrail Ref: P102, Promoter's Exhibits: Service Frequency and Journey Times from Maidenhead (WINSRB-14604D-025).

³ Crossrail Ref: P102, Train service from Maidenhead to Paddington 0400 to 1100 Monday to Friday from 12 June 2006 (WINSRB-14604D-033).

(Mr Berryman) You can see here a breakdown of what we understand to be the timetable which is running now and you will notice that there are a number of fast-line trains, six, which are marked "ML", which stands for "main line". The fastest of these is a 20-minute service, not, as was stated in evidence yesterday, 18 minutes. It is 20 minutes, and you can see that there are two 23s, two 26s and a 28-minute service. The average journey time is just over 36 minutes, but you can see some quite long times in there. For example, the 9.21 takes 49 minutes and that is because it stops at every station, the 7.51 takes 48 minutes and so on. Could we put up the chart for what will happen after Crossrail happens.

12860. That is 34.⁴

(Mr Berryman) You can see now that there are five mainline services, five fast services offering 22- and 23-minute services, so they are still reasonably consistent with what was before. The main difference is that the 8.03 service which is currently run as a fast-line service would actually become a Crossrail service and would go into Paddington high level. That could conceivably become a mainline service as well and that would give a faster journey time, but you can see that the sort of maximum journey time we have got there is 42 minutes and we have got quite a number of 32s, so, on balance, the service remains roughly the same to Maidenhead. Twyford, the current situation, as I understand it, is that there are in the peak hour seven services running into Paddington and five of them are fast or semi-fast, but, of these five, two of them are on the main line, so they are not affected by Crossrail in any event. We will be replacing the three remaining services with two semi-fast services, so there will be a loss of one train service from Twyford in the morning peak hour. There will, however, also be a service which is a diesel service which will go as far as Slough and turn back at Slough. The reason for this is the significant inward commuting into Reading from the Twyford and Maidenhead direction and we would expect to provide at least four trains an hour to take people into Reading from that direction.

12861. When you say "we", that will not be a Crossrail service, but you mean that the capacity will be there for that service?

(Mr Berryman) The capacity will be there for that service. It will probably be First Great Western or their successors at the time and those trains will of course go beyond Reading, so we expect, for example, the semi-fast services we are providing from Paddington high level to form an onward service to Oxford, as is the case now with the current timetable, so that will stay as is.

⁴ Crossrail Ref: P102, Projected Train service from Maidenhead to Paddington 0400 to 1100 Monday to Friday with Crossrail (WINSRB-14604D-034).

 The Petition of Theresa May MP

12862. Guards Club Park, again we heard a lot about this yesterday. Just explain in a couple of sentences why your view is that taking materials in by barge to the bridge rather than from Guards Club Park is not a frightfully sensible idea.

(Mr Berryman) Well, I mentioned yesterday the difficulties that that causes and I think one important point I ought to make in response to what Mrs May said is that, even if we were to use a barge for delivery, we would only be using it for the last 100 yards or 100 metres of the journey. We will be still having to deliver the materials to that barge at some other point on the riverbank by lorry, so the difference it would make in terms of environmental impact would be minimal in the extreme. It is also worth pointing out that there are two piers actually on the edge of Guards Club Park which would have to be served by lorry in any event and we are really only talking about whether the island should be served or not. As I kept saying yesterday, the scaffolding works on the island are of a domestic scale and they are not massive works. We are not talking about great big deliveries of scaffolding at all.

12863. Can you just remind us how long the delivery of scaffolding will take?

(Mr Berryman) Well, we think, including the delivery of some site caravans, that it will take about six days to get the whole lot into place.

12864. Impact on the Brunel Bridge—remind the Committee why a third rail is not a preferred option here.

(Mr Berryman) Again I gave evidence on this point yesterday. It is a very longstanding policy that there would be no third-rail railways other than extensions to existing systems in the UK. It is primarily for reasons of track safety to track workers and also to members of the public who are in these places, trespassing, but having isolated a stretch of third rail in what is otherwise a 25kV railway would be even more dangerous than having it in the southern region where everyone is used to dealing with a third rail.

12865. A final point was a general one, the impact on Maidenhead and more particularly on the aspirations that the Council has for a transport interchange at Maidenhead Station. To some degree, this is an issue we are going to come back to with the Royal Borough when they return because they did not finish yesterday, but is it your understanding that Crossrail is preventing the provision of such a transport interchange at Maidenhead Station?

(Mr Berryman) I cannot see how it is, no. The works we are proposing are to expand the station somewhat to improve it more than anything else and substantially in the same site as is occupied by the station now.

12866. **Ms Lieven:** I think that is all I need Mr Berryman to cover at this stage.

12867. **Sir Peter Soulsby:** Mrs May, do you want to cross-examine?

Cross-examined by **Mrs May**

12868. **Mrs May:** Am I right in thinking that, when Crossrail was originally proposed, Reading was going to be the western terminus?

(Mr Berryman) A good question—when was Crossrail originally proposed? Yes, Reading has been in and out from time to time. Certainly the scheme which was brought forward in 1992 did have Reading as the western terminus.

12869. If I could ask about the timetable which was shown, the timetable I had previously seen had a 41-minute journey time from Maidenhead to Paddington and I think we have now got a journey time of 32 minutes. I wonder if you can tell me what has changed.

(Mr Berryman) Of course we are working with a timetable as will be put up next week. The 22-minute services first of all are trains which are going to Paddington high level, as are the 32-minute services. Generally speaking, the range of 39 to 40 minutes are trains which will go down into the Crossrail tunnels, so there will be two kinds of service running to Maidenhead. There will be a diesel service not dissimilar to what is there now, although all of the slower trains will be taken out of that timetable, and the slow trains will be subsumed into the Crossrail network.

12870. You are talking about Crossrail trains taking 32 minutes as opposed to 41 minutes?

(Mr Berryman) No, the 32- and 22-minute trains will be going into Paddington high level.

12871. So it will still be the case that all the Crossrail services from Maidenhead will be taking 41 minutes?

(Mr Berryman) I think the fastest is 38, but in that range, yes.

12872. So that is longer than many of the services today.

(Mr Berryman) No, there are a significant number of slower, all-station services from Maidenhead now. If you put the previous chart up, we can see that some of those go to 49 and 50 minutes.

12873. They do indeed, but not many people would actually choose to take those.

(Mr Berryman) No, indeed, but passengers from other intermediate stations between Maidenhead and London would choose to use those.

12874. Could I ask about the decision that Crossrail would be a slow, stopping service from Maidenhead and what consideration was given to the possibility of a fast and semi-fast service on Crossrail from Maidenhead to Paddington as against, say, Slough with intervening services which are slow and stopping services?

 The Petition of Theresa May MP

(Mr Berryman) Well, because of the need to serve Twyford, which you have drawn attention to, and the inward commuting into Reading, it is necessary for us to provide some services beyond the limit of our electrification at Maidenhead and those obviously need to be diesel services. It makes sense that train services which are serving Twyford, which is quite a long way out, should form the fast services. You could do it the other way round. You could say that we will make all the trains from Twyford slow and make the trains from Maidenhead fast and put them down to Crossrail, but that would not appear to me to be very desirable for your constituents. What we have been trying to do throughout the timetabling exercise is not materially make anyone worse off than they are now. That is the whole starting point of how the timetable was drawn up and of course for people going to central London to significantly improve their position.

12875. I am sorry, but I may have misunderstood. Setting aside the mainline services, the diesel services, which currently exist and might be expected to continue in the future, was any consideration given to the Crossrail services, some of those services being fast and semi-fast into Paddington because it seems to me that the whole point of Crossrail is that it benefits people? If all you are saying is that, at best, people will get the same service as they have got at the moment, then there is no benefit, so why disrupt Maidenhead for no benefit? What consideration was given to some Crossrail services being fast and semi-fast into Paddington?

(Mr Berryman) We had this argument, I guess, over Shenfield in the east. The terminus station on the line is always going to be difficult to give it a big improvement, particularly when that terminus already has a reasonably good service. The idea of the service is not just to serve Maidenhead, but to serve all people who travel in on the Great Western line from as far out as Maidenhead and to do that we need to provide a mixture of fast, semi-fast and slow, all-station services. It makes sense to have the fast services coming from further out because that is where people want the quickest journey time. When you get further into London, the convenience of not having to change at Paddington becomes much more significant because the overall journey is shorter in any event. If you were to make the Twyford and Maidenhead diesel services into the slow services and the Crossrail services into the fast services, that would be materially disbenefiting your constituents.

12876. I am not suggesting that, Mr Berryman. I am sorry if you are maybe misunderstanding here my questions. The benefit of Crossrail to passengers in Maidenhead is the ability to get fast into Paddington, but not to have to change a train in order to access the rest of London. Would you agree that for somebody in Maidenhead the benefit of Crossrail should be that they can get into Paddington at the same time as they do today, but then not have to change trains in order to access the rest of London?

(Mr Berryman) In an ideal world, if we could do all things for all men, yes, but if you think about your constituents making a journey from Maidenhead to, say, Liverpool Street or Canary Wharf, their way of doing that would be to get a semi-fast train as far as Ealing Broadway where all the semi-fast trains stop, get out of the train there, get on the next train which will be following a minute or two behind, and then be taken straight through to Liverpool Street, Canary Wharf and the like, so they would have a very much improved service compared to that which they have now where they have to get to Paddington and go through what can only be described as a very unsatisfactory London Underground interchange and a very indirect service to get to destinations in the City or east London.

12877. So they would get on to the diesel mainline service from Maidenhead and change on to Crossrail?

(Mr Berryman) They would get on what we call the 'residual diesel service', the semi-fast trains which go from Maidenhead, and change at Ealing Broadway.

12878. So what is the benefit of Crossrail for Maidenhead passengers?

(Mr Berryman) It speeds his or her journey to and from the City or from the eastern part of London.

12879. But not if you use Crossrail from Maidenhead?

(Mr Berryman) If you use Crossrail from Maidenhead, that would be another alternative. It would be a slower journey, but you would not need to get on and off trains. That is the advantage.

12880. So the potential benefit that you could not have to change trains at Paddington or somewhere else is not going to be available to my constituents?

(Mr Berryman) Well, they have got a choice. They can either go on a semi-fast train into Paddington or they can go on a slower train and have a through-journey. I live on the Midland main line and I have the choice of catching a Midland mainline train into London or a Thameslink train. It is exactly the same situation. The Midland main line is quicker and, many would argue, more comfortable, but it gets me into St Pancras. The Thameslink trains are somewhat less comfortable and more overcrowded, but they get me right into the centre of London and I have the choice of making the journey either way. In fact the timescales are probably very similar to those which your constituents would face.

12881. If I can come on to the issue of the bridge and the changes to Brunel Bridge, as I said, the further response that was given was welcome in what it said, but am I right in thinking that the plans to the bridge are essentially, with that one difference, the same as those which were produced in 1992?

(Mr Berryman) I am not actually familiar with the 1992 scheme. I did not work on it at all, certainly not on the design side of it. As I understand it, the scheme that we now have is based on precedented events on other railways with bridges of similar

The Petition of Theresa May MP

historic interest where electrification has already been carried out where the design is kept as light as possible and is designed to fit in with the architecture of the original bridge so that it looks as if the thing was designed as a complete structure.

12882. I quoted 1992 because the plan attached to the further response on Guards Club Park actually says that all the dimensions and so forth were based on the 1992 survey.

(Mr Berryman) The 1992 survey—it will not have moved.

12883. True.

(Mr Berryman) We rely on a lot of survey information which has been collected over the years, most of it published by Ordnance Survey, but special things like Maidenhead Park would have been surveyed by the 1992 team and we have access to that information.

12884. What consideration has been given to the visual impact of the electrification of the bridge and to finding a scheme which has minimal visual impact?

(Mr Berryman) For most of the electrification of the Great Western main line we plan to use gantries. A gantry is a portal frame structure with a mast on either side of the tracks and a kind of bridge across the top, if you like, a very lightweight bridge of course.

12885. **Sir Peter Soulsby:** Mr Berryman, it might help you to know that yesterday in the evidence we received we did have some very helpful photographs shown to us of comparable schemes on other bridges, so the Committee is actually able to make a reasonable judgment, I think, as to what it would look like on this particular bridge.⁵ I think I am right in saying that we also heard in evidence yesterday that there have been modifications to bring them within the parapets rather than, as I think was originally suggested, a bolt-on solution on the outside of the parapets.

(Mr Berryman) That is correct and, instead of using gantries in this area, we will be using the kind of gallows brackets that you see here much closer to the mast which is a much lighter structure than the circular hollow-section mast.

12886. **Mrs May:** Could I just come back to the issue of Guards Club Park. I accept that if you are going to use a barge at some point, then there has to be access to that barge and that materials have to be put on the barge, but the benefit of the use of the barge would be that it would not be necessary to take the lorries through the residential roads, notably Old Acres, leading up to Guards Club Park. As I understand it, although you talk about the delivery being six days, of course the use of Guards Club Park would be for a significantly longer period of time as there would be some storage and

Portakabins in the car park of Guards Club Park, albeit the materials might be stored there or under the railway arches.

(Mr Berryman) Yes, that is right. As we gave in evidence yesterday, the works to the bridge will take quite a long time basically because there are different things to do and we have to start by removing some high-voltage cables which are within the bridge, we have to avoid the bird breeding season, we have to be careful when we cut branches off trees and things like that to get access and so on, so the works will take quite a long time, but most of the access for the works, most of the heavy stuff will come in on the railway and it will not come in through the Guards Club Park. The thing which will come in through Guards Club Park is basically scaffolding to provide access to the external faces of the bridge. The maximum weight of anything that we can get across the island is 25 kilograms, so that will give you an idea that there is no heavy equipment or heavy plant to be brought in by rail.

12887. **Sir Peter Soulsby:** Again it might help you to know that at the end of our discussions yesterday on this use of the Guards Club Park, the Committee did note that we would be returning to the issue, particularly the issue of whether it was possible in whole or in part to use the adjacent Network Rail land and yesterday there was an absence of any photographs of that area or indeed any plans, so that is an issue we will be returning to. Ms Lieven, would you like to re-examine?

Re-examined by Ms Lieven

12888. **Ms Lieven:** There is only one issue I want to come back on, sir, and perhaps we can put up the Great Western corridor.⁶ Mr Berryman, it was in relation to Mrs May's questions that if you ran the Crossrail service fast or semi-fast from Maidenhead through to Paddington, then obviously that would be of benefit to passengers from Maidenhead, it is self-evident, but how would that affect the passengers at intermediate stations and particularly perhaps those in the growth areas of Hayes, Harlington and Southall?

(Mr Berryman) It is difficult to give you a straight answer to that question because timetabling, as the Committee will be hearing next week, is a very complex issue. What it would mean in the generality is that some stations somewhere else would lose functionality of their service. In other words, they would lose some Crossrail services to be replaced by non-through services, so it is difficult to say what the impact would be on an individual station without actually doing the whole timetabling exercise, but there would be some winners and some losers, as there always are in any kind of redistribution.

12889. While we have that plan up, it does quite clearly show the distance from Maidenhead to Reading, but I am sure the Committee have that well in mind. Those were the only questions.

⁵ Crossrail Ref: P102, Maidenhead Railway Bridge—Wharncliffe Viaduct and Close up of mast (WINSRB-14604D-007).

⁶ Crossrail Ref: P102, Great Western Corridor (SCN-20060628-004).

 The Petition of Theresa May MP

Examined by the Committee

12890. **Mr Binley:** I, first of all, want to understand what £360 million means in terms of Reading. As I understand it, it is the combined total cost for a station to be created for Crossrail in Reading.

(Mr Berryman) No, sir. It is mainly the cost of electrification between Maidenhead and Reading, including the raising of bridges and the other works which will be needed to do that.

12891. But there is no detraction of commensurate saving in Maidenhead?

(Mr Berryman) There would not be very significant savings in Maidenhead. What we would have to do, I think, would be pretty much what we are doing now. I cannot really think of any big savings that we could make in Maidenhead.

12892. Would you come back to us and let us know because this debate will take place in another Chamber on another occasion and I think there is interest in the Reading terminus.

(Mr Berryman) Yes.

12893. **Sir Peter Soulsby:** I am sure that is the case, that the net additional cost of Reading will be of interest elsewhere, if not here.

(Mr Berryman) Yes, we will certainly get that figure.

12894. **Kelvin Hopkins:** Is there a long-term plan for electrifying the Great Western line through to Reading?

(Mr Berryman) These things change so often that it is hard to keep track. The direct answer to your question is no, there is not, as far as I know. My personal opinion is that there should be, but that is a different matter entirely.

12895. Presumably one of the reasons that you cannot have fast and semi-fast trains or semi-fast and stopping trains is because there is no capacity for overtaking on Crossrail unlike, say, the Thameslink where the semi-fast will overtake the stopping service.

(Mr Berryman) Well, the reason is that the fast lines on the Great Western are much more intensively used than the Midland main line fast lines.

12896. So you are planning to electrify two lines?

(Mr Berryman) No, we are planning to electrify all four tracks. We do intend to use all four tracks. In normal running, other than in emergency situations, at weekends and during maintenance periods, we do intend to use all four tracks.

12897. So in a sense you could run semi-fast and stopping trains as far as London before you get to the tunnels?

(Mr Berryman) I think the problem there would be crossing over before you get to London. The whole Great Western is a much more intensively utilised railway than Thameslink and we are both aware of course of the problems at West Hampstead junction and so on which are caused by that flat junction now

for Thameslink which would be three or four times worse for the Great Western simply because of the much higher intensity of traffic. I think I am right in saying that there are 11 fast trains in the peak hour out of Paddington and that compares with four out of St Pancras.

12898. You seem to be making a bit of a case for having Ealing Broadway as the terminus because there is a possibility of most people switching from the stoppers coming in at Ealing Broadway and changing on to Crossrail.

(Mr Berryman) If you were to make Ealing Broadway a terminus and if it was to be a useful terminus, what one would have to achieve would be a cross-platform interchange for Great Western services similar to what we have achieved at Abbey Wood for the south-eastern branch. We did look at a scheme to go just as far as Ealing Broadway in the very early days and it was very sketchy, but that would have involved six-tracking all the way through to Ealing Broadway for a start and, secondly, it would have been impossible there because of the layout and you are aware that there is the District Line service and the Central Line platforms as well, so it would be difficult, if not impossible, to make a suitable cross-platform interchange between Crossrail trains and other trains. What we are talking about now, what I was explaining to Mrs May, is a same-platform interchange where you get off the train and you get back on the next one. If you had an interchange where you had to go over a bridge or something like that to change trains, it would be much less attractive and, as I say, it is very expensive because you would have the six tracks all the way through to Acton and Ealing.

12899. Given the size of Reading and the fact that it is a significant junction as well, would it not generate fairly considerable additional passengers for Crossrail?

(Mr Berryman) We do not believe it would and not many people use the semi-fast train services from Reading now. It is much quicker for them to use the Intercity trains which are quite frequent there, as I have already mentioned, and we think they will continue to do that. You are right of course to say that Reading is an important railway junction, that is the case, but the kind of service that Crossrail is providing is probably not particularly relevant to the kind of traffic that you are talking about there which is interchanging on to other routes and other lines. I think going to Reading looks nice when you sort of draw maps of where train services run, but if you start looking at passenger numbers, it does not look that attractive for a Crossrail-type service, certainly not attractive enough to spend £370 million on.

The witness withdrew

12900. **Sir Peter Soulsby:** Ms Lieven, do you want to sum up?

The Petition of the Association of Councils of the Thames Valley Region

12901. **Ms Lieven:** Sir, if I sum up, I will say the same thing to the Committee which I think it has now heard five times and I am sure the Committee would be delighted to hear me again, but I do wonder whether it is going to assist. I think Mrs May understands what our case is and I am not sure she wants to hear me saying it all over again.

12902. **Sir Peter Soulsby:** In which case, I think the Committee will allow you not to do it again.

12903. **Ms Lieven:** Perhaps I can just say that the document we have put up is A6 and unfortunately the heading in this case has been cut off.⁷ It is the reasons for not going to Ealing Broadway. It is the same case Mr Berryman has just made, but set out and you can see them there.

12904. **Sir Peter Soulsby:** Thank you very much. Mrs May, would you like to summarise your case?

12905. **Mrs May:** Thank you very much, Chairman. I will try not to be too lengthy in repeating the points which I suspect the Committee has heard from others. I would just make one point, picking up from Mr Berryman's last response to a question from Mr Hopkins, which was that one of the reasons for not going to Reading was that actually it was not attractive to passengers there because they wanted to get fast and semi-fast services into London and there was no point in them getting on a Crossrail stopping service. It is exactly the same argument for passengers in Maidenhead. There is very little reason for somebody in Maidenhead getting on a Crossrail stopping service. As I said earlier, Crossrail, I believe, could give very real benefits to Maidenhead passengers if it were the case that it was possible to have fast or semi-fast Crossrail trains to Paddington and then through to the rest London without having to change trains.

12906. I believe that the Promoters have still not properly looked at the alternatives to Guards Club Park bridge and I hope that they will look again at the issue of barges or alternative use of land because of the impact on the residents in that particular area and the impact not just on the Guards Club Park, but of course the footbridge over to the island which is going to be significant and I am not sure of the benefit of using a footbridge which can only accommodate a weight of 25 kilograms when we are talking about materials of this sort.

12907. My overall points remain the same. I believe that, as I say, the benefit of Crossrail will be if it provides a fast and semi-fast service. I think that the obvious route is to extend it to a western terminus at Reading, provide semi-fast services stopping at Twyford, Maidenhead and probably Slough as well into Paddington and then carrying on through London as a real, genuine alternative service to passengers, my constituents, which would benefit them significantly. As currently proposed, I do not

believe that the Crossrail scheme will bring benefits to passengers in Maidenhead. It will certainly disadvantage significantly my constituents in Twyford and it will have a significant impact on Maidenhead town which I believe we should not go through without getting benefit in terms of improved services. Thank you.

12908. **Sir Peter Soulsby:** Thank you very much indeed. That concludes our consideration of your Petition. We will move on to the other three that we have listed for this morning.

The Petition of the Association of Councils of the Thames Valley Region.

Mr Barry Deller appeared on behalf of the Petitioner.

12909. **Mr Deller:** Perhaps I could just seek some clarification on procedure. I wish to make a short opening statement, to call a witness and then to make some comments on the timetabling issue.

12910. **Sir Peter Soulsby:** Yes, I see no problem in doing it in the way in which you suggest. Ms Lieven, is there anything you need to say in advance?

12911. **Ms Lieven:** I do not think so. I have made some comments in opening already and I am happy to leave it there.

12912. **Sir Peter Soulsby:** Mr Deller?

12913. **Mr Deller:** I am representing the Association of the Councils of the Thames Valley Region, otherwise known as ACTVaR. We wish to put to the Committee our concerns about the impact of Crossrail services on existing and future rail services from the Thames Valley into London. When we talk about the Thames Valley, we are meaning all of Berkshire, Oxfordshire and Buckinghamshire. We are the local government association covering those three counties and we speak for the interests of those authorities and the communities within this significant sub-region. On that point, we are the fastest-growing sub-region in the country and our economy requires fast, frequent and reliable rails services to London. We are supporting the concept and objectives of the Crossrail scheme, but in our Petition we raise related issues relating to the genuine concerns we have on a number of fronts.

12914. On one of these, I might say, we do believe the Promoter has pretty well dealt with and that is in respect of rail access to Heathrow Airport, of where the trains are taken. We were very concerned that Crossrail would dominate the rail services into Heathrow to the detriment of other future services, particularly Airtrack which we fully support. We are satisfied with the statement from the Promoter in their response document, but, generally speaking, Crossrail trains will go to Terminal 4 and Heathrow Express to Terminal 5, and there is a very clear statement which we draw attention to from the

⁷ Crossrail Information Paper A6—Selection Of Western Termini, billdocuments.crossrail.co.uk

 The Petition of the Association of Councils of the Thames Valley Region

Promoter that “this would leave sufficient capacity at Terminal 5 to cater for a future Airtrack service and would not prejudice the safeguarding for that service”. Therefore, in that respect, assuming that those comments are actually delivered, then we would be assured at least on that aspect of our concerns about Heathrow Airport.

12915. Our principal areas of main concern, and these are very real issues for us, do of course in part relate to the previous Petitioner’s points, and this is the capacity for the Great Western main line to accommodate our existing services and the new Crossrail services.

12916. At this point I would like to call my witness, Councillor David Sutton, who is Chair of our Association and, also, Leader of Reading Borough Council, to inform the Committee of the overall position of ACTVaR on Crossrail, to confirm the unanimous position of local politicians on this scheme and to outline the issues on which we remain to be satisfied.

Councillor David Sutton, Sworn

Examined by **Mr Deller**

12917. **Sir Peter Soulsby:** Do you intend to question Mr Sutton or just to enable him to make a statement?

12918. **Mr Deller:** In effect, if he can outline for us the position of the Association, the position of the local authorities in the area and the issues on which we remain to be satisfied.

(Mr Sutton) I just want to start by emphasising that every single council in the Thames Valley, every council in Berkshire, every council in Oxfordshire, every council in Buckinghamshire, is represented and is participant in these views, so I am speaking on behalf of all of those councils. Their unanimous view is one of general support for the principle of Crossrail but a deep and continuing concern about the detail of this scheme and its adverse effects on public transport in the Thames Valley, principally because this scheme takes inadequate account of the critical role of Reading station as the hub station serving the entire Thames Valley. As ACTVaR has discussed this scheme, over the last two years and more, we have identified the four principal areas of concern which are brought out in our Petition. Those four areas of concern relate to, firstly, connectivity to Heathrow, secondly, the principle of the slow, stopping service as opposed to the semi-fast, which you have just heard discussed, thirdly, the impact on existing services into Paddington, and, fourthly, the choice of Maidenhead as the western terminus—again, about which you have heard quite a bit but I would like to add a perspective on that. In respect of connectivity to Heathrow, as has been said, the question of keeping options open for future links to Heathrow has been covered by the Promoter’s response, although you will hear next week from my friend Martin Salter, MP, about the

strong desirability of a western link into Heathrow as part of Crossrail, but I will not refer to that today. Similarly, in respect of the slow, stopping service, although this is a point that is very strongly felt by ACTVaR councils I feel that Mrs May has made all the points that you need to hear this morning. So I will focus instead on the interlocking issues of the impact on existing services into Paddington and the choice of Maidenhead as the western terminus. I want to be clear that it is the unanimous view of every council in the Thames Valley, including the Royal Borough of Windsor and Maidenhead, that the choice of Maidenhead as a western terminus is arbitrary and makes no sense except in financial terms. The argument seems to be: “It is not a very good solution but it is all that we can afford”. That is not, really, a sufficient justification for choosing a terminus on such an important scheme. As far as we are concerned, the choice of Maidenhead as a western terminus is potentially positively harmful to the Thames Valley in terms of connectivity. The Promoter’s paper says that the proposed Crossrail services will “subsume or alter existing local services”, but of course that only applies to services east of Maidenhead. By adding a Maidenhead mini-hub to the existing Reading main hub Crossrail, as proposed, would oblige many local Thames Valley travellers who presently change at Reading—Reading being the network hub—to change again at Maidenhead. So on a journey such as Basingstoke to Slough or Woking to Langley, any existing service that comes into Reading where people change and then run on to other local destinations on the western line, the Maidenhead additional mini-hub will be a positive nuisance, disincentive and extra change for those travellers, and I believe they would probably take their cars and cease to use the railways, rather than changing twice. The proposed Crossrail service might improve some local services east of Maidenhead, although Mrs May has argued very strongly the case in respect of the semi-fast, but it would certainly worsen local services to the west of Maidenhead within the Thames Valley. Because that west of Maidenhead area includes the Reading hub, that means that most of the station points within the wider Thames Valley would experience a worsening of connectivity and service, and that is the principal reason why every council in the Thames Valley is opposing the present scheme. We believe that the only sensible western terminus for Crossrail is Reading, and we believe that that is demonstrated by the fact that an extension to Reading is being allowed for. It is a recognition that that is the logical ultimate terminus but we believe that, in the meantime, the interim Maidenhead solution, has a potential negative effect. If the Reading terminus is not practicable for financial reasons then we believe that either the western terminus should be in west London—the Ealing Broadway solution you have discussed—or there should be extra tracking on the line into Paddington to ensure that existing Reading to Paddington local services are not adversely affected, or both. An interim Maidenhead western terminus, as proposed, makes no sense in terms of connectivity, it potential worsens the existing local

The Petition of the Association of Councils of the Thames Valley Region

services and is potentially a backwards move for public transport in the Thames Valley. So we find ourselves in a position where a scheme which we would really like to support—our position is actually very similar to Mrs May's—we have to oppose because in its present form it has so many negative aspects for all those councils whom I am here to represent.

12919. **Sir Peter Soulsby:** Thank you, Mr Sutton. Mr Deller, do you have any questions? Of course, Ms Lieven, if you wish to—

12920. **Ms Lieven:** Sir, I would have thought, with an issue like this, it would be more straightforward to just proceed to call Mr Berryman to deal with that one point that he has not already dealt with. I will, of course, cross-examine if you want me to but I do not get the impression that that is generally what the Committee wants. I am trying to pick up the message here.

12921. **Sir Peter Soulsby:** Mr Binley does want to ask a question.

12922. **Mr Binley:** I am very impressed with the unanimity of so many councils, quite frankly. Having been in politics, as you have, for some time, I recognise how rare and how important that particular point is. Can I ask if there were ever any difficulties: whether you had a row and agreed to have a vote which other people accepted, or is this unanimity absolutely genuine and total? It is a deep plus point for me, in terms of supporting local democracy.

(Mr Sutton) It is 100 per cent genuine and 100 per cent total. The one question that we had in our minds was whether the Royal Borough of Windsor and Maidenhead would balance potential local economic advantages against the negative transport aspects of the scheme as we see it, but they have not. The Royal Borough of Windsor and Maidenhead has been represented at all the ACTVaR meetings where we have discussed this scheme and they are part of the unanimity. There is no doubt about that.

12923. **Mr Binley:** Then I give notice to Mr Berryman that I have another question for him, in relation to local democracy, which he might want to think about.

The witness withdrew

12924. **Mr Deller:** I would like, at this point, to make reference to the Crossrail Timetable Working Group report which I understand the Committee is going to discuss next week. This was only published by the Department for Transport on the website on Monday, so we, as a Petitioner, have had less than 24 hours to consider this, and we have not had the opportunity to seek specialist advice in respect of that. Our concerns remain in respect of the proposed timetable arrangements.

12925. Work on this timetable has been modelled, understandably and properly, on the 2004 timetable. However, I do ask the Committee whether you are aware that a completely new timetable has been put in place from December 2006. We would like to know the impact of Crossrail services on this new timetable. At this point in time it is probably impossible to answer that—

12926. **Sir Peter Soulsby:** The document you are referring to is not something I am aware of. Whether it is something the Committee will be receiving—

12927. **Ms Lieven:** The Committee will be receiving it. It is the report drawn up by the Timetable Working Group, which Mr Watson chaired, on which he will be giving evidence next week. It has not been put before the Committee at this stage because it is not a straightforward issue and we thought the sensible thing was for Mr Watson to produce it and explain it with Mr Elvin. The Committee is more than welcome to have it now but, as I explained in opening, what I am going to do is take careful note of these points and Mr Watson will come back to them next week. I know there are copies of the document floating around, so we can give it to the Committee at this stage, but I think my preference would be that the Committee notes these points now and comes back to them next week in their entirety. I did talk to Mr Deller about this outside, and I think he is happy to deal with it in that way.

12928. **Sir Peter Soulsby:** I think that does seem to make good sense.

12929. **Mr Deller:** Yes, it was explained to me earlier. Our frustration was that because the document was published on Monday we were expected to raise matters today.

12930. **Sir Peter Soulsby:** I think, Mr Deller, if you can make the points you wish to make, noting it is an issue that we will be returning to in more substance.

12931. **Mr Deller:** The crucial thing about the new timetable is that ACTVaR and our constituent councils have had to lobby extremely hard to preserve our existing fast train services, the train services that Mrs May talked about and are listed as fast services in the evidence you have before you. I ought to point out that—the Department for Transport and Network Rail are the element here—those services potentially were at risk already, and we pressed hard for those to be preserved. We are told that they will be preserved in the new timetable. However, our concern is that these fast services, the fast services that Mr Berryman referred to earlier, will not exist and will be lost completely with the introduction of Crossrail. So that all the services from these three towns we have been talking about, Twyford, Maidenhead and Slough, will be lost.

12932. We are further concerned about the branches serving Henley and Bourne End and from Bourne End on to Marlow, and those services have a direct

 The Petition of the Association of Councils of the Thames Valley Region

service to Paddington. We want to know what is proposed for those particular branches and direct services to London. Our fear, and this is really what Mrs May was saying, is that everything east of Reading becomes a slow service, and the economic advantage of fast services to London will be lost by all of those towns.

12933. Our belief, by talking to our professionals, is that following the introduction of the December 2006 timetable the fast tracks will be restricted to 125 miles-per-hour HST non-stop trains after Reading, non-stop trains from Maidenhead and Slough using the relief tracks will be eliminated with the introduction of Crossrail and journey times from stations east of Reading will be significantly increased. Mr Berryman earlier said that from Twyford there are seven services in the peak hour—five fast and two semi-fast—and the two on the mainline are not affected by Crossrail. They are. From December, those fast services will not be on the fast lines, they will be on the relief line. That is the new arrangement. When everything on Crossrail is on the relief lines there is no room for those services

12934. My understanding is that Twyford, as the particular example, currently has seven or eight services (I took it from looking at the timetable last night—between 7am and 8am there are eight services, five to Paddington, the fastest being 25 minutes) but post-Crossrail what is proposed is two services only per hour to Paddington and two services on this shuttle Reading to Slough. In the words of one railway professional: if this happens Twyford will become a desert as far as railway services are concerned. Twyford's problem, of course, is that it is beyond Maidenhead in the Reading direction.

12935. I have not got the detail because the Timetable Working Group does not provide the detail to know what is happening to our branches to Henley and Bourne End and Marlow because they interconnect with those services. So when you see the Crossrail Timetable Working Group, which has a high concentration on freight issues (which, quite clearly, are very real issues), frankly, the conclusion I reach is that it is very dismissive of our concerns because broadly it is going to be all right. It depends on how you define "broadly" and it depends what you mean by "all right". It clearly is not going to be all right, almost certainly, in Twyford, highly unlikely in Henley, highly unlikely in Bourne End and Marlow and you have heard the MP for Maidenhead with views about Maidenhead.

12936. I ought to say, in relation to Slough, we are very concerned about fast services. They had a major campaign over this recent timetable consultation to secure fast trains into London. That included ministerial meetings. The difference with Slough, I believe, would be to make your own points in the fullness of time to this Select Committee and take it

as absolutely key to have those fast services for their economic success and benefit and positioning as a major town in the Thames Valley.

12937. So our position on this is that the work will be examined in the weeks ahead on the timetable but we ask you to give very close attention to that in detail as opposed to the bland, broad statements which, I think, are in this report. Can you particularly look at the impact of the post-December 2006 timetable, because that is the one that is taken into account in the franchise, which will run for seven to ten years, and the Regional Strategy for Network Rail? So it is going to be a pattern for ten years, so it is as good a position as you can judge it on. 2004, yes, of course, they modelled on that because that is the only one they had but it is about to radically change, and the relationship between the fast line and the relief tracks is changing. I do ask the Select Committee to really dig into this issue about which trains are going to be on which tracks from December 2006.

12938. **Sir Peter Soulsby:** Thank you, Mr Deller. Ms Lieven?

12939. **Ms Lieven:** Can I call Mr Berryman, sir?

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

12940. **Ms Lieven:** The first thing I want to ask you, Mr Berryman, before we come to the "what trains go where and where the benefits are" point, can you just explain the nature of the service planned by Crossrail, and the relevance of it being a metro-style service?

(Mr Berryman) Yes, I think it would be useful to do so. I have explained several times, that the service into central London is intended to be a very intense service with at least 24 trains an hour. We actually expect to go above that in the future. What that means is that the dwell time—the time that the trains spend on platforms—is a very crucial issue, and in order to keep the dwell time down the normal way of designing trains is to have as many doors as possible and as few seats as possible. We expect a very large proportion of passengers on Crossrail to be standing. It will be more like the District Line than the Midland mainline, say. This has to be borne in mind when thinking about how far it is appropriate to ask people to travel on the Crossrail train-type service. It is an issue I think we have covered when we talked about Shenfield, some time ago, but it is also relevant to the west. One needs to consider that people making a journey from Reading or Twyford, whether that kind of standard rolling stock is what they would seek in their journey. So that is an important consideration as well as this issue about line capacity.

12941. Can we then look—and we will probably come back to some of the detail of this next week and the week after—at the benefits to passengers using

 The Petition of the Association of Councils of the Thames Valley Region

Reading of getting on to Crossrail? Assume that Crossrail is going to Reading. I want to deal with the point Mr Sutton made, which is that Crossrail is disbenefiting people because there will have to be two changes. This is not the perfect map for it but, I am afraid, we have not got the perfect map.⁸ If you are coming off one of the lines coming into Reading and, at the moment, you need to change at Reading to get into central London—let us take the City as an example—if Crossrail serves Reading would there be any benefit in you changing at Reading on to Crossrail?

(Mr Berryman) If you were going into central London there would be no benefit in changing on to Crossrail as compared to changing on to one of the fast services from Reading into Paddington. I think, from memory, the best journey time we could offer if you did go from Reading is about 45 minutes, and that compares with 20-odd minutes on the HSTs. So there would be no benefit to passengers using the Crossrail services from Reading, if they were going into central London.

12942. Now assume the service that we are proposing, stopping at Maidenhead. If you were that person coming into Reading from Oxford, say, and at the moment you change at Reading to go on to Paddington and into the City, would there be any reason for you now to do two changes instead of one, which was Mr Sutton's point, and go Reading/Maidenhead or Reading/Ealing and then change on to Crossrail?

(Mr Berryman) No, there would not. The situation would be exactly the same; you would still change on to a fast train from Reading and you may change at Paddington on to a Crossrail train, but that is no different from the situation where you change at Paddington to the underground.

12943. Forget Paddington for a moment. If your destination is one of the intermediate stations served by the semi-fast service, such as Slough, Hayes and Harlington and Ealing Broadway, would there be any reason to do two changes from Reading to go to those stations?

(Mr Berryman) No, you would be in exactly the same position as you are now; you would still catch one train.

12944. What stations might you be in a situation of there being a benefit for two changes?

(Mr Berryman) If you were going to Langley or West Drayton there would be two changes. If you were going to Hanwell and Southall or West Ealing, you may have to do two changes. The number of passengers who will be going from origins beyond Reading to those destinations will be very, very low indeed. The number of passengers in total who use Langley and Iver is very small.

12945. I should have picked this up before. Let us take you to the specific example Mr Sutton took. You are going from Basingstoke to Slough. So you

are coming up from the south of Reading. At the moment you are going Basingstoke/Reading/Slough. Would Crossrail make that journey more difficult?

(Mr Berryman) No, it would be exactly the same.

12946. I do not know how far you can go on this, but Mr Deller raised issues around the proposed timetable, as I understand it, in December 2006. Do you want to give your understanding of the situation there and its relationship to Crossrail?

(Mr Berryman) When we started this project off, Sir Richard Bowker, who was the Chairman of the Strategic Railway Authority, when he heard we were planning to have routes along the Great Western line gave us a bit of a warning; he said: "The issue of the Great Western timetable is the most sensitive issue that I have had to deal with in the whole of my chairmanship of the Strategic Rail Authority". The reason it is sensitive is because of this balance between fast services going beyond Reading to destinations in the west country and so on and services in from Reading. The issue of which train uses the fast lines and which trains do not is a politically sensitive issue that has been politically sensitive for many years. We are not going to change that issue; we are not going to make it any worse and we are not going to make it any better; it is to be exactly the same as it is now. In other words, if a policy decision is made that only 125 mile-an-hour trains can go on fast lines and they will not stop between Reading and London, that will affect all existing services, it will affect Crossrail services as well—the services that run out to Crossrail—but the fact that we are there or not there will make absolutely no difference whatsoever to that situation.

12947. **Ms Lieven:** I am going to leave that there, sir, and next week we will come back in far more detail on how that political judgment can be made.

12948. **Sir Peter Soulsby:** Mr Deller, these are issues we are coming back to and we have heard your concerns. I do not want to stop you from questioning Mr Berryman—please do—but bear in mind we will be coming back to this.

12949. **Mr Deller:** A prelude to your consideration next week.

Cross-examined by Mr Deller

12950. **Mr Deller:** There are two points, if I may. On that last point about December 2006, which I presume, hopefully, you will go into in greater detail in the weeks ahead, you said it was a politically sensitive issue. Absolutely right. You said Crossrail will not change this. I think you will because as a result of the real concerns of our area—councils and the like—in the new timetable there is to be, we understand from a First Great Western press release, a service to be put in with six carriages and around 500 seats which will operate from Twyford to London Paddington arriving at around 7.30,

⁸ Crossrail Ref: P102, Great Western Corridor (SCN-20060628-004).

 The Petition of the Association of Councils of the Thames Valley Region

calling only at Maidenhead. That train, I believe, will go on the relief tracks from December 2006 because only HSTs can go on fast lines. They have found a window for that train, as I understand it. As soon as Crossrail comes there will be no window for that train. There are 500 passengers a day commuting from Twyford on that train alone, and there is a real, real issue. We have been following *The Maidenhead Advertiser* during this, not about Crossrail but about the December 2006 timetable, and it is a real, real issue. You tell us it will not change it but I suggest it could change it.

(Mr Berryman) The whole basis of our timetable operation is that it should not change it, and we will be hearing evidence next week on that point. The fact of the matter is that there are slow and semi-fast trains on the relief lines on the Great Western, and they preclude, effectively, the operation of non-stopping services. It is just not physically possible to get them in. It is already a very congested timetable. It may be that a path has been found on the fast lines. I do not know.

12951. A slow one?

(Mr Berryman) We will wait and see. That is certainly not the information we have.

12952. Can I ask one other question on the point about trains from Basingstoke to Slough. You told us it would be exactly the same service. Would you tell us the timetabling difference because it may be the same service in terms of the number of stops but I would suggest that it would be a longer service?

(Mr Berryman) I am sorry, from where?

12953. Basingstoke to Slough, which was the route that Councillor Sutton referred to.

(Mr Berryman) It should be exactly the same timing as now from Reading. In drawing up our timetable we use the standards rules, which are that it should not be any different.

12954. Again, I would suggest that post the 2006 timetable—

(Mr Berryman) I see what you are getting at. We have used some information from the current 2006 timetable, but what happens when it changes I could not answer straight away. I do not think it will change very much, because you will understand the timetable is drawn up in accordance with a thing called Rules and Planning, which sets down the time between each station, so any two trains which stop at the same stations will take the same length of time to do their journey.

12955. **Sir Peter Soulsby:** Thank you. Ms Lieven, I guess there is nothing to add?

12956. **Ms Lieven:** So far as there are points to add, we have made notes, we will pass them on to Mr Elvin and Mr Watson and I am sure they will come back to them next week.

Examined by the Committee

12957. **Mr Binley:** Your description of the metro service reminded me a little bit of the cattle trains going into Chicago in the mid-west, quite frankly, and was quite horrifying, but that is by-the-by. My real concern is that your dwell time is a crucial issue, which is the phrase I think you used. Is it not so because your argument is that they cannot stand from Reading to central London and they will need seats, but they will be the first people to get on the train, so is your logic not rather dubious in that respect?

(Mr Berryman) Yes, you are right, of course. If a train starts from Maidenhead, people from Maidenhead will get a seat because they will be the first people on the train. If the train starts from Reading (although it is suggested not many people will get on there) and some people get on at Twyford, by the time it gets to Maidenhead people will probably still be getting seats. By the time the train gets to Slough, whereas before they would have got a seat, now they will not get a seat. So it is just a question of that point where people can get a seat moving to—

12958. Sir John Betjeman said: “Come friendly bombs and fall on Slough . . .”

(Mr Berryman) Indeed.

12959. Can I just follow that up because, again, I am concerned about what seems to be a slight illogicality in your argument, because you say very few people are getting on at Reading, and that is one of the reasons why it makes the journey to Reading a non-viable option, to your mind. Yet you are now concerned about them taking up seats. I am concerned about the balance there.

(Mr Berryman) I said I did not expect many people to get on at Reading—some people will get on at Twyford, of course. I think it is worth bearing in mind, of course, that our trains will be much longer than trains on the route now. So it may not be an issue but it will move the point at which all the seats are taken further out of London, to some extent.

12960. My final point is the one I gave you warning of. I am a proud defender of local democracy, and it seems to me that this is quite an unusual situation where so many councils have got together in such a unanimous way. I think that is a very important point, and there is a balance of interest between you, the professionals, and that local democratic view, and I understand that. However, I am concerned that it may be rejected quite so sharply as you seem to have rejected that unanimity. It bears massive weight with me. Does it make you change your mind at all? Does it make you stop and think in any sense whatsoever?

(Mr Berryman) It certainly does. I think, if we appear to be putting the argument forcefully now, this is because we are in the process of promoting a Bill and we have spent a lot of time thinking about these issues and considering what we should do. The Secretary of State is the Promoter of the Bill, not me;

The Petition of the Association of Councils of the Thames Valley Region

it is my job to give him advice on what I think is possible or not possible, and I think there are probably Members on the Committee who are far more competent than I to comment on the relationship there.

12961. **Kelvin Hopkins:** It seems to me that the problem with Reading is that it is a stopping train, it is slow and it would not appeal to people coming from Reading, if it was going to Reading.

(Mr Berryman) It is always going to be slower than the fast line services or the non-stopping services.

12962. If, for example, Crossrail trains were made semi-fast trains to Reading, Twyford, Slough to Paddington, cutting out ten stops on the way would transform its appeal in terms of timing, I would have thought, and would overcome almost all the problems that we have been talking about. Is that not a logical solution?

(Mr Berryman) What you will be doing, in fact, is substituting our diesel service with an electric service. The diesel service needs to keep the same times. So it would about the same time. The difference would be that the diesel trains would go into Crossrail tunnels instead of going into Paddington high level. So in terms of journey time to Paddington it would not make any difference to what we are proposing now. We would still expect the diesel service which would be coming from Reading to Paddington not to pick up too many passengers, in the situation where the railway is open. We still think that the Intercity service will be much more attractive.

12963. At the moment you have got the Intercity at one level and then you have got the semi-fast and then you have got the stoppers.

(Mr Berryman) Yes.

12964. Instead of replacing the stopping trains, why not replace the semi-fast trains, making it much more appealing for people on the stoppers who wanted to get through central London and change at Ealing Broadway or even if they connected to Paddington?

(Mr Berryman) You would have to make the stoppers and the semi-fast go down Crossrail because the fast and Heathrow Express trains already fully occupy the main lines, so you could not put more trains on the main lines. Moreover, to make the crossing movement from the main lines to the other side of the network to get into the Crossrail tunnels would require additional flyovers and that sort of thing. The works would be quite complex to do it in the way you describe. What you could do is replace the residual diesel service that we have been talking about which stops at Reading, Twyford, Maidenhead, Slough, Hayes and Harlington and Ealing Broadway with an electric train which would then go down into the tunnels. What I do not think you could do is put fast line trains to go into Crossrail tunnels.

12965. **Kelvin Hopkins:** We will come back to it at some point. I think I know what I mean but I do not know enough of the detail.

12966. **Sir Peter Soulsby:** We will have an opportunity to come back to it.
(Mr Berryman) Indeed.

12967. **Sir Peter Soulsby:** Thank you very much, Mr Berryman.

The witness withdrew

12968. **Sir Peter Soulsby:** Unless there is anything you want to say by way of summary?

12969. **Mr Deller:** Very briefly, if I might. Thank you for your time this morning. You have heard our concerns about congestion on this particular piece of railway, the principles of slow, stopping services and the impact of Crossrail on our existing fast and semi-fast services. You have heard about the importance of Reading as a railway hub in the view of councils as far as the western service is concerned.

12970. At the end of the day, what we believe is being promoted is a London metro service—a London service. We are here to look after the interests of the Thames Valley railway and Thames Valley residents' access to London and all points in London. Clearly, it is about securing a balance, in our view, between these conflicting demands. We do not believe that the balance, at the moment, is right.

12971. It is interesting what Mr Hopkins' approach to drawing that balance was. There will have to be compromises. At the end of day, more people will travel on the railway than there is capacity for which is why in the longer term we do not think four tracks is sufficient, six tracks will be required, it is just a matter of when and ultimately Reading Station improvements will happen. We have to deal with what is likely to happen in the next ten to 15 years. We are very concerned about some of the towns that I have mentioned, and we have had mentioned in the evidence of my presentation. We have not talked at all today in detail about branches, for example, the Henley branch, and how they impact in all of this. If we do not get that balance right between London and its internal interest and the wider regional interests at Thames Valley, then our economy will potentially suffer, our residents will suffer and in that sense perhaps London will suffer. We are asking the Select Committee to take account of all these considerations and arguments to ensure that the balance is correctly drawn because and we do not believe it is at the moment.

12972. **Sir Peter Soulsby:** Thank you very much indeed. For the time being, that concludes the consideration of that Petition, but as you will recognise it will be returned to at a later date. We now have the East England Regional Assembly and Mr Nelson. Can I check, on behalf of Jean Lambert MEP and others, it is just a warning, Francis, I said

The Petition of the East of England Regional Assembly

earlier on that we will be suspending before 12 so it may well be that it will be early afternoon before we get to your Petition.

12973. **Ms Lieven:** Sir, can I mention one thing which I did mention yesterday to your clerk which is that we do have a time constraint this afternoon on the evidence on people with reduced mobility because one of our witnesses on it is disabled and simply has to leave by a little before five o'clock. If I can put that marker down now as an absolute time constraint that we need to bear in mind.

12974. **Sir Peter Soulsby:** We will try to find some way of making sure that is accommodated appropriately. In which case, Mr Nelson.

The Petition of the East of England Regional Assembly.

Mr Graham Nelson appeared as Agent.

12975. **Mr Nelson:** Thank you very much and good morning. My name is Graham Nelson, and I am acting as an agent for the East of England Regional Assembly in relation to the petition against the Crossrail Bill. Can I inquire on a couple of procedural issues? In the course of making this brief presentation, which I think will last about 15 minutes or so, I just want to refer to Crossrail's response to EERA's Petition, which is one of the documents that you have available, and two other documents. The first one we heard about a moment ago, which is the report of the Crossrail Timetable Working Group Report and also mentioned yesterday by the Department of Transport relating to funding from the Productivity Transport Innovation Fund. I brought sufficient copies of both of those documents with me today to be circulated, but on the basis of the discussion which took place earlier and the fact that you will, I suspect, be debating both of those in much more detail, it would be much better to have qualified people to debate them next week. I am more than happy for those not to be circulated if you think that helps.

12976. **Sir Peter Soulsby:** I think most of our members now have both of those papers in front of them. As that is the case, we will number them at this stage. The Crossrail Timetable Working Group Report will be document A145 and the letter from the Department for Transport dated 27 June will be A146.

12977. **Mr Nelson:** Thank you very much. By way of general introduction, can I outline some of the background to EERA's Petition, how matters have changed and update the Committee on how we would like the matters raised in our Petition to be taken forward. I will try and structure this into three very brief sections. Firstly, the background to EERA's Petition, secondly, to address the matters of principle raised in EERA's Petition, which strongly relate to the matters debated this morning, and

further to raise some matters of detailed operation, which we will be talking about in more detail next week.

12978. By way of background, East of England Regional Assembly is a voluntary association comprising 54 county, unitary district and borough councils in the East of England and a wide selection of stakeholders. Geographically, it covers the counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk. It is designated as the regional planning body for the East of England for purposes of the Planning and compensation Act.

12979. As the Regional Planning body, EERA prepared a draft Regional Spatial Strategy, which we know as the East of England plan, and we submitted that to the Secretary of State in December 2004. This sets out a long-term strategic spatial plan for the region covering a period of up to 2021. It includes proposals for housing, the economy, and the environment and incorporates the Regional Transport Strategy. The Plan sets out proposals for a very significant level of housing and employment growth across the region, responding to the Government's Sustainable Communities Plan.

12980. Within the Regional Transport Strategy, Crossrail was identified as a scheme on the strategic transport network which was supported (although some of the background material did note that EERA was pressing for express through trains to be provided on the service).

12981. Following the submission of the East of England Plan to the Government, EERA, in reaction to what it perceived as the Government's grossly inadequate funding of transport infrastructure, suspended its endorsement of its own plan.

12982. The Examination in Public into the emerging East of England Plan sat from November last year until March this year. The Panel who conducted the Examination in Public submitted their report to the Secretary of State last week, and it was published on 22 June. It is hard to summarise that report very briefly, but it should be noted that the Panel have endorsed many of the proposals in the East of England Plan but, in particular, have increased the level of additional housing to be delivered in the period up to 2021 from 478,000 homes, as proposed in the submitted plan, to 505,500 homes. They have also increased proposed additional jobs over the same period from 421,500 to 440,000.

12983. On transport matters, they have recommended deletion of reference to particular schemes from the transport strategy and have proposed the inclusion of an objective-based approach which highlights the importance of providing for the efficient movement of passengers and freight. They have also recommended the inclusion of a policy seeking to increase the

The Petition of the East of England Regional Assembly

proportion of the region's freight movements carried on rail and by water and giving high priority to measures for improving freight capacity on routes leading to the region's ports.

12984. Turning to the matters of principle, which are raised in EERA's Petition, these relate to the matters which are raised in paragraphs seven to 12 of our Petition.

12985. It is worth reiterating that EERA strongly supports the principle of providing additional rail capacity to relieve the congested rail and underground network in London and the provision of a rail tunnel linking East and West London. However, EERA would like it clearly understood that it is disappointed that, with the development of Crossrail, the opportunity is not being taken to address the need for an express rail service to connect several important East of England locations with the heart of London, Heathrow and destinations to the west. Effectively, paragraph seven of the EERA Petition presents the view that to design Crossrail exclusively as a Metro style of service and incorporating no features of a Regional Express service will lose the opportunity to maximise the potential of centres, such as Norwich, Ipswich, Colchester, Chelmsford, Harlow and Southend, as places to live, work and enjoy leisure issues. In particular, EERA is concerned that this lost opportunity will create difficulties in meeting the challenging employment targets contained within the emerging East of England Plan.

12986. There seems to be only brief discussion of this fundamental issue in chapter 6 of the Crossrail Environmental Statement. Paragraph 6.2.13 of that statement notes that a Metro Scheme was chosen rather than an Express Scheme following the LEWS study. Section 4.1.6 of the LEWS study noted that a Metro scheme had greater operational robustness, greater sustainability and consistency with the Mayor of London's Transport Strategy. EERA regrets that there was not a more thorough testing of these conclusions through the development of the Crossrail scheme and wishes to make clear that it retains these fundamental concerns about the nature of the Crossrail scheme before you.

12987. Notwithstanding this outstanding concern, EERA accepts that decisions have been made to concentrate Crossrail on the Regional Metro concept and EERA have no wish to undermine or delay the project before this Committee, so it does not wish to see fundamental change proposed to Crossrail at this stage.

12988. EERA notes and accepts the response of the Promoter as set out in paragraph three on page four of ten, the response to the EERA Petition, that the Regional Express concept would "... be a fundamental change to the nature of the scheme". Accordingly, EERA no longer wishes the Committee to follow the action requested of it in paragraphs seven to 12 of its petition. The Crossrail

infrastructure must, however, be viewed as an asset that should be flexible in its application and capable of satisfying different needs of circumstances or opportunities that will arise in the future. EERA does not accept that provision cannot be made to facilitate the evolution of the services, using the same infrastructure, into catering for longer distance trains at some point in the future.

12989. Unless provision is made within the infrastructure at this planning and design stage, it will be more difficult and expensive in the future to allow longer distance (Inter City) trains into the tunnel under London to connect with destinations to the west.

12990. Thus, EERA would like positive assurance that the new tunnelled sections are to be capable of handling longer distance trains and that a connection between the fast lines on Great Eastern Mainline and the tunnelled section east of Stratford is not precluded.

12991. Turning to Matters of Detail, those which were raised in paragraphs 13 to 18 of our Petition, the EERA Petition also raises very significant concern over the preferential treatment than clause 22 of the Bill would give to Crossrail to the disadvantage of other train operating companies and freight operations in the allocation of capacity on the lines used by Crossrail.

12992. EERA is aware, however, that this issue has also been raised as a concern by several other Petitions including the Association of Train Operating Companies, Network Rail and several freight companies whose Petitions are scheduled for next week.

12993. These petitions are generally better placed to present the details of these concerns to the Committee.

12994. EERA is also aware that this issue is still the subject of discussion between the relevant parties through the Railway Stakeholders Forum and that, apparently, good progress is being made towards an equitable outcome. Thus, EERA is content to allow that process to run its course. It appreciates that it would not be right to commence such a discussion before this Committee until the outcome of the negotiations is known.

12995. In relation to this matter, EEFA has noted the recent publication of the Crossrail Timetable working Group Report. It has yet to be able to study this in detail but in particular it welcomes the clarification (given near the bottom of page five of 31 of the document) that CLRL now consider a freight ban is not essential on the Great Eastern line and has proposed, or will be proposing, that the Access Option be amended such that the established industry process and the existing regulatory process for applying for paths would be applied. However, it remains very concerned about the impact of

The Petition of the East of England Regional Assembly

Crossrail on freight services and views any worsening in the availability of paths for freight between Stratford, Forest Gate Junction and Shenfield, as described in the conclusion of the Timetable Working Group Report on Page seven of 31, as unacceptable.

12996. For the purposes of today, however, EERA wishes only to place on record that it is not content with clause 22 as currently drafted and asks the Committee to note that EERA supports the petitions of those objectors such as ATOC, Network Rail and the freight operating companies on the issues of track access for other passenger services and freight movement.

12997. Finally, and on a positive note, EERA wishes to welcome and bring to the attention of the Committee the announcement yesterday by the Department for Transport that the Nuneton-Peterborough rail gauge enhancement and the Gospel Oak to Barking rail gauge enhancements are to be taken forward for business case development and appraisal for potential funding from the Transport Innovation Fund.

12998. However, it should be stressed that these schemes, although important, will not resolve rail freight capacity issues faced by the East of England, and it is important that such improvements are not seen as a justification for negative impacts of Crossrail.

12999. In conclusion, EERA would like to ask the Committee to note EERA's disappointment that locations such as Norwich, Ipswich, Stansted and Southend will not be able to be served by Crossrail;

consider seeking an assurance from the Promoter that design of the scheme will not preclude the operation of longer distance trains into the tunnel; and note EERA's concern over the provisions of clause 22 of the Bill and their support for the Petitions of others on this matter. Thank you for your time.

13000. **Sir Peter Soulsby:** What you are asking really is that the considered views of EERA be possibly kept in mind as we look at a number of Petitions that will come in front of us in the next couple of weeks. That is the purpose of what you have presented to us today rather than more specific issues for us to take a view on at this stage, am I right in that?

13001. **Mr Nelson:** Indeed, that is a remarkably succinct summary.

13002. **Sir Peter Soulsby:** With that in mind, Ms Lieven, do you feel any need to question Mr Nelson?

13003. **Ms Lieven:** I think the more expeditious way to deal with this is to look at those issues next week, many of which sum up possibly cryptic things which were said today, it will all become clear next week as you hear about Gospel Oak to Barking and such matters.

13004. **Sir Peter Soulsby:** All will become clear, no doubt. In which case, as I indicated earlier on, one of the Petitions which we had hoped to deal with this morning is one which will have to be put back until this afternoon. It is my intention now to suspend the Committee until 2.30 this afternoon.

After a short adjournment

In the absence of the Chairman Mr Binley was called to the chair

13005. **Mr Binley:** I now ask Ms Lieven if she will kindly give us a short description of the Petition which we are about to deal with, which is Great Western Studio's management. I understand Mr Adam Widdington was due to be present?

The Petition of Great Western Studios.

Mr Simon Kirkham appeared on behalf of the Petitioner.

13006. **Mr Kirkham:** That was changed last week.

13007. **Mr Binley:** Can you very quickly tell me who you are and your connections, please?

13008. **Mr Kirkham:** I am Company Director and a co-founder of business effectively.

13009. **Ms Lieven:** Sir, very briefly, the Great Western Studios occupies a large redbrick building next to the batching plant we were discussing yesterday, that is the position of the studio the

batching plant is there, and Paddington is over by the window somewhere.⁹ Those who went on the site visit will remember it is a very large redbrick building which was the British Rail lost property store for many years. It is on railway operational land. Since the late 1980s or possibly the very early 1990s it has been safeguarded for Crossrail.

13010. During most of that period it has been let by what is now Network Rail to the Great Western Studios management company and it is occupied by a number of artist's studios. The site like the batching plant site, is required, as I explained last night, for the turnaround facilities and the relocation of the batching plant, but specifically for the sidings at the point. Therefore, the building will have to be abolished and the studios will be relocated. The property has been let to the company by Network Rail and its predecessors for many years on what are very low rents. The reason for that is

⁹ Crossrail Ref: P101, Location of Great Western Studios Ltd (WESTCC-34203-001).

The Petition of Great Western Studios

simply the site has been safeguarded for Crossrail and that has obviously affected the rent that the owners can get for it.

13011. I will let Mr Kirkham describe the concerns in detail, but in essence, the concern of the studios is to achieve some form of relocation, and obviously in commercial terms that is not necessarily easy at the kinds of rents which they are willing to pay.

13012. I have Mr Smith here who will give evidence later. The position of the Promoters is that we will do what we can to help. We have said that at the appropriate point we will effectively set up a property agency to help look for these businesses and other property. We will work actively with the LDA to assist but as Mr Smith will explain, what we will not do, the step too far, is subsidising the rent outside the terms of the National Compensation Code. I will come back to that in closing, Mr Smith can deal with it as well, but I think that is a summary of the issues which Mr Kirkham wants to put. I hope that is sufficient.

13013. **Mr Binley:** That is very helpful, as usual. Can I call upon Mr Kirkham? Are you going to call any witnesses, Mr Kirkham, or just present your evidence?

13014. **Mr Kirkham:** No, I am just presenting my case.

13015. **Mr Binley:** Then do so as you see fit.

13016. **Mr Kirkham:** My name is Simon Kirkham. I am the co-founder of Great Western Studios, which was a building, as we have already heard, a former railway lost property building. My brother was a sculptor and the reason that we basically compartmentalised the building back in 1994 was because we knew that there was a great need for studio spaces, work spaces for people within the arts and creative industries. The issue is that many are down on the east side of London and there is very little space west. One of the key areas was that we basically converted it into 75 spaces, ranging from 250 square feet up to 1,100 square feet. Many of the occupants have left college, recently finished their degrees and are coming out into the real world wanting to effectively create a living.

13017. There are also people in there who have been there for many years, who are happy at their level of where they are at in terms of what they make. In terms of the various disciplines, we have everyone from painters, visual artists, jewellery makers, ceramicists, stone carvers, photographers and fashions textiles. The important of that mix is that people really work together and can effectively cross-fertilize in terms of their business technique. One of the key elements in terms of assisting with their growth is the affordability issue and flexibility.

13018. In terms of the building itself, we allow people and have allowed people to stay and be on monthly agreements so they can move out and grow when they need to.

13019. In terms of the wider context, effectively people at the grassroots end in terms of our studio holders, is there many businesses in London, particularly the creative industries, which is one of the biggest contributors, 26 billion of the GDP in London is based on the creative industries, with the creative industries the biggest values are in film, media and advertising businesses.

13020. A lot of those ideas in terms of thought processes come from coming round, seeing the artists themselves effecting, dare I say, copying what they see in terms of innovating and creating, so it is a really key part in terms of keeping the small business in the locality. Unfortunately in terms of the proposal of Crossrail, we have to go, and many of those people will not be able to find other locations in the locality and will certainly be displaced further afield.

13021. In terms of the postcode, it has five times higher the unemployment, which I know is a bit of a surprise when it is in Westminster, but that is the case, and in terms of the local economy, it is one of the key components for that. In terms of the people within, 80 per cent of them live within two and a half miles of the building. Again, it is an important part for them.

13022. We, as a company, help to promote them as well in terms of the work by effectively creating directories of open studios. We, as a business, lose our business but the reality is these people will lose theirs.

13023. One of issues which I have a problem with in terms of understanding is that the lease which we are on is until 2016, and the adjoining site, which is effectively on the railway side of Great Western Studios, is a bus storage area. The buses on there were on the less lease terms than ourselves in terms of a three-year tenancy with a six month break and effectively TfL, via Crossrail, are spending £20 million building them a new depot under the westway. Effectively First Buses, who are based there, are a private company, therefore, I appreciate they will be paying rent, but they will certainly not be paying rent based on the cost of the works.

13024. From our part, as an organisation, I think that is very important in terms of the cultural and creative identity of this particular area, it is quite hard to understand why the disparity in terms of compensation which is available to someone like themselves who are a private company and us as also a private company but doing something which is important for London's cultural identity.

The Petition of Great Western Studios

13025. **Mr Binley:** Thank you very much. I shall now call on Ms Lieven to make the case for the Promoters?

13026. **Ms Lieven:** Thank you very much, Sir. If I can proceed to call Mr Smith, who the Committee has heard from before.

Mr Smith, recalled,

Examined by **Ms Lieven**

13027. Mr Smith, first of all, can you explain what you understand about the current arrangements of the Greater Western Studios and the relationship with the property to be?

(Mr Smith) I believe they hold a lease for 15 years, until about 2016, but that is a traditional railway lease which can be broken at any time at six month's notice for railway purposes, that is operational reasons or for redevelopment.

13028. Does that include breaking it for Crossrail?

(Mr Smith) That would include that it could be broken for Crossrail.

13029. Is that lease covered by—I suspect the Chairman today is certainly familiar with this -the 1954 Landlord and Tenant Act?

(Mr Smith) So far as I am aware, it is not. It does not have Landlord and Tenant Act tenancy protection as would be the case in many commercial cases.

13030. Can you explain what compensation the Petitioner can claim?

(Mr Smith) Obviously the Petitioner can claim compensation for the value of their lease, but bearing in mind it can be broken at six month's notice, then it has very limited values. I do not try and hide the fact that their compensation would be limited. As we understand it, these are let on weekly licences to the occupiers. Similarly, the occupiers could claim for some removal costs perhaps and things of this nature, but, again, they do not have a long-term interest of any value, so there would be very little compensation payable.

13031. I think it is better to be clear about that so there no confusion. Mr Smith, what do you perceive the real difficulty to be here?

(Mr Smith) The difficulty has almost been caused by Crossrail here in a way because this land has been safeguarded for Crossrail and over the years British Rail and Network Rail have been involved and we have to work carefully with them because we are going down their lines, so they have been keen to make sure this is safeguarded with us. That safeguarding has effectively led to Network Rail making this land available on quite generous terms to the Petitioners than perhaps in the normal course they would have enjoyed. If Crossrail were not there then I suggest that probably Network Rail would be looking to either this for some form of railway use

or, as they have done elsewhere, maximising the value of their assets and disposing of it for some form of commercial or residential development.

13032. Can you explain to the Committee what assistance Crossrail can give the Petitioner and the individual occupiers, and what assistance we can give?

(Mr Smith) What we can give, and we will do, as we have already said to this Committee, we will set up an agency to help these people look for alternative premises. Naturally, we would do that after Royal Assent, because obviously this House has to consider whether they approve of the Crossrail going forward. If the Bill is enacted and the scheme goes forward, we will then be looking for alternative premises. We will give Great Western Studios that help in looking for alternative premises. What I think the problem here is—I am sure we can find alternative premises, but whether we can find it as big as this—that we cannot do is find the premises at no cost. Where Crossrail are coming from, and where I have to say the Compensation Code is coming from, is there is a provision for them to be subsidised thereafter by the Promoters, that is the difficulty.

13033. Are there any other bodies which they could look to for assistance in those circumstances?

(Mr Smith) Yes, there are. We are in discussion with both Westminster and the London Development Agency. Westminster Council, I read, have given a lot of support to these people, in this Committee they said how important it was, so as a local authority, if they wish to do so, they have the ability to assist local industry in their area insofar as they want to and they are able. The LDA, London Development Agency, the Regeneration Agency, it is the English Partnerships in London, as I understand it, and we have been in discussion with them. The LDA have proposed to assist the financing of some form of alternative premises for the Petitioner through a joint venture. They are looking to assist the creative industries here. They have not done so yet, they have given no unconditional commitment but they have given a firm intent to do so. Obviously we will push them to assist, and we will use all our reasonable endeavours to work with them and try and get the links to ensure that our agency and the LDA are working together so through their good offices we can help and that will hopefully help the funding link for these people.

13034. Do you think the Committee might be able to help in terms of encouraging the LDA to keep involved?

(Mr Smith) If the Committee agrees with the Petitioner that it is important to keep the local industry and businesses going I am sure if the Committee were to stress that they felt it was important and would urge these bodies to assist, that would help both ourselves and more particularly the Petitioners.

The Petition of Great Western Studios

13035. The only other thing I wanted to ask you about was the bus garage because Mr Kirkham has raised it. One can see the words “depot” Can you explain what the position is with that?

(Mr Smith) Bus operations in London are a little different from outside, they have been privatised but they are still regulated. What happens here is the garage and buses are run by First Bus in this area. We took the yard back in about the late 1980s and it was originally taken as overspill. If you cast your mind back to the late 1980s, usage on the buses was falling; this was taken as overspill but was seen as short-term. Over the years the bus usage in London has been increasing and increasing since 2000, it has really taken off, and now, although that was taken on a short-term lease, which he is quite right about, it is exactly the same as supervisions for break as the Great Western Studios, the problem now is that strategic site, that is needed now with the volume of buses that are used in London. I do know that Crossrail and Transport for London have been looking for alternative sites for two to three years. They have not found a suitable one that they can have long-term in the area because this governs a lot of the routes, right down to Victoria, so it really is a strategic bit of infrastructure. The Petitioner is right, it is a costly debt, but it is strategic infrastructure and it is needed.

13036. I will leave that there, sir, if Mr Kirkham wants to ask Mr Smith any questions.

13037. **Mr Binley:** Can I ask first, it does seem to me that the Committee would need to know of the London Development Agency’s possible help before making a decision in this respect. Are you suggesting that if we made a statement of some encouragement in the way that you have said that that would help you to get that sort of understanding?

(Mr Smith) Yes, I think so. Yes, I think it would. I am not suggesting that the London Development Agency will not help—they have given every indication—but it is my experience that people change, people move on, and words written down are perhaps better.

13038. The second point I wish to confirm with you is that there is a clear sense of community about this operation which sets it apart and, to my mind, elevates it somewhat from the general community’s perspective. That is generally accepted by the Promoters, I assume, it seems to me, from what you have said.

(Mr Smith) Yes, it is.

13039. **Mr Binley:** Thank you. Mr Kirkham, would you like to cross-examine?

Cross-examined by **Mr Kirkham**

13040. **Mr Kirkham:** Just on the point that we know that there is another building coming up that is safeguarded by Crossrail which is known as Enterprise House, which is about 200 metres up, and

that building has been empty for seven or eight years. We have talked about it but nothing has ever—

(Mr Smith) No.

13041. That seems a very natural area whereby Great Western Studios would be able to move into that building because it is of the same size and ilk and is empty and is, also, blighted and will not be used until the far side of Crossrail.

(Mr Smith) Yes. It is a very good suggestion and we have talked about this. Provided Network Rail do not have any other uses for it we shall be urging them to look at this for a longer term facility, but we are in discussion with Network Rail generally on issues relating to Crossrail, and this will be one of them. We can urge them but we cannot force them.

13042. I have had experience with London’s schemes in terms of being a commission member for the creative industries, and unfortunately lots of things are said and things are never delivered on. These are people’s livelihoods that are at stake, and the timescales are saying we have got to wait until the Bill comes through. Because this is one of the first areas to, effectively, be knocked down, the lead-in time is only six months, so it is an impossibility; it is just not going to happen if the Bill gets passed and we know we have six months to get out; no negotiation is going to occur in that timescale that will allow people’s livelihoods to know that there is a safeguard there. So all I would ask is, I am being simplistic but it does not seem problematic, to actually start those negotiations now, make it subject to the Crossrail Bill and as soon as that is passed, if it is passed, we are then able to take that forward. We can also prove the rental figures that are achievable from that building. It is not only, also, as you know, safeguarded but the Church Commission has a covenant on it that it cannot be used for any other use than railway use. So its market value is massively affected. There is a very good opportunity in terms of negotiation there.

(Mr Smith) I do not think there is any disagreement between us.

13043. The only other thing I would say about the studio and work space, in terms of the country, is that the thing that amazes me is that we have affordable housing, and that is in terms of housing corporations, that protects the rent that people pay for that. In terms of micro and small businesses there is nothing of the same, other than saying, even through section 106, that there is an affordability aspect, but no one has suggested what that is. All I would say is that certainly at our grass roots end it is imperative that there is some protection there.

13044. **Mr Binley:** You have my complete sympathy in that respect, not as a small business but as a rather fat one. So we do sympathise. I think the general point of the sense of community is well taken. I think we do need to get some understanding from the London Development Agency before we can come

 People with Reduced Mobility

to a final decision. There is time for us to do that. I assume that we may well write to them—is that possible—or do the Promoter's write to them?

13045. I am always delighted to have my very learned Clerk at my side! I will make an announcement to the effect that we would very much like the London Development Agency to communicate with us on this basis, and we would very much like them to do it as a matter of urgency, bearing in mind what seems to me to be special considerations that are necessary in this particular matter. Can I just check? My colleagues are happy if we can do that and proceed on that basis.

13046. **Mr Kirkham:** Also—I am sorry to interrupt you—Network Rail as well, because they are the key. LDA, yes, they have got to do it but Network Rail have to negotiate to allow that to happen.

13047. **Mr Binley:** The Promoters, I think, have taken that on board and I see them nodding. You have their clear appreciation and support. I think you have got some good things going for you, so let us hope we can come up with a happy solution. We are very grateful to you for coming along.

13048. **Mr Kirkham:** Thank you very much for hearing me.

13049. **Ms Lieven:** That is very helpful, sir. If I can just say, on behalf of the Promoters, that once we have the transcript tomorrow morning we will write to the LDA and Network Rail quoting those words and ask them to write to the Committee, copying us, as to what steps they intend to take, and then perhaps we can take the matter forward from there.

13050. **Mr Binley:** We are very grateful to you, thank you. We will now move to the issue of provision for people with reduced mobility in relation to Crossrail. I think, Mr Mould, you are going to open in this respect.

13051. **Mr Mould:** I am, sir. Can I just explain very briefly how I propose to take this presentation? I am going to lead from the counsel team, but Ms Lieven and I are going to act as something of a double act, if that is convenient to you, and one or other of us may, if there is a need to do so, provide information to the Committee throughout the presentation. That said, this is not about us, this is about the Committee hearing from Miss Alice Maynard, who is going to make a presentation to you in a few moments' time and, also, from Mr Berryman who is going to sit with her as a panel. If there are any particular questions about aspects of the scheme in relation to the provision for persons of reduced mobility then Mr Berryman will be able to answer those questions as the Committee chooses. Both witnesses, of course, are expecting there may be cross-examination from Petitioners as well as questions from the Committee. That is how we propose to play it, if that is convenient to you.

13052. **Mr Binley:** We are perfectly happy with that. Can I say, before we start, that the document that Miss Maynard submitted will be known as A147.

13053. **Mr Mould:** By way of opening, all I propose to do is just to outline to the Committee what we say in our latest information paper on provisions within the scheme for people with reduced mobility, which is Information Paper E5.¹⁰ It is on the screen. What I am going to do is take you through this very briefly—it is a couple of pages—and it sets the scene, I think, very neatly, and then I will hand over to Miss Maynard and Mr Berryman.

13054. The scheme will significantly improve accessibility to key locations in London for those with reduced mobility. Twenty-three existing stations across the route, including all those in the central tunnel section, will be made step-free from street to platform. The result of this is that we estimate that 93 per cent of all passenger trips on Crossrail will start and end at a station with step-free access from street to platform.

13055. The paper that you have on the screen before you outlines the physical works that the Promoter will carry out to provide that level of access and describes other measures that would be adopted to cater for people with reduced mobility throughout its service. So, firstly, dealing with access to Crossrail platforms, since we published the Bill scheme we have given further consideration to the number of stations to be upgraded to provide step-free access in the light of the Department for Transport's *Access for All* initiative. The result of this is that an additional four stations, namely Forest Gate, Goodmayes, Gidea Park and Harold Wood, all on the north-eastern section of the line, have been added to the list of stations which were originally proposed to be upgraded and which were set out in the original version of the Bill.

13056. The effect of this is to increase the proportion of accessible journeys from 82 per cent to the 93 per cent that I mentioned a moment ago. In terms of the process, we will be bringing forward proposals for making those four stations accessible in addition to those already included in the original Bill scheme as part of the AP3 process that is to come before the Committee, I think, in the autumn of this year and we will be carrying out an environmental assessment in relation to that as part of the supplementary statement that will be provided in conjunction with Additional Provision 3.

13057. So Crossrail will now provide independent, step-free access from street level to platform in both directions at 27 of its stations. All new stations and the majority of existing stations served by Crossrail will provide independent, step-free access from street level to Crossrail platform level.

¹⁰ Crossrail Information Paper E5—Provisions for People with Reduced Mobility, billdocuments.crossrail.co.uk

People with Reduced Mobility

13058. Turning, then, to the selection criteria, existing stations have been selected for upgrading based on the projected passenger numbers at the station, the capital cost to upgrade to step-free and the distance to the nearest accessible station. I am going to ask Mr Berryman to elaborate a little on that in relation to those stations that are not proposed to be upgraded when we come to hear the presentation. We have also taken into account as part of that exercise the incidence of disability in the population surrounding the station. Where step-free access is not available, the proposal is that dignified, alternative arrangements or auxiliary aids will be employed. If the Committee would like further information on that we can provide that during the course of the presentation.

13059. **Mr Binley:** Will you be able to tell us what it means?

13060. **Mr Mould:** Exactly, sir. I will leave it to those who are better placed to explain these things than I am. A route map showing those stations that will provide step-free access and the complete list of Crossrail's provision for people with reduced mobility is attached to this information paper, but more particularly Miss Maynard is going to show you the map which demonstrates that when she comes to make her presentation, so I will not steal her thunder in that respect.

13061. There will still be nine Crossrail stations which will not provide full step-free access. These are stations with very low usage by all passengers and where the criteria set out (as I set out above) are not met. We do not consider that it will be a good use of public funds to carry out further work to these stations.

13062. Turning to the question of interchange, step-free access between Crossrail platforms and other railway and London Underground platforms will be provided where reasonably practicable. Much of the rail and Underground network was built at a time when transport infrastructure was not designed to allow access for persons with reduced mobility or to allow modification to improve access at a later date. In some cases, which we set out in Annex 2 to this paper, severe engineering constraints or obstructions, and the very significant disruption to existing services that would result during construction, mean that it is not, in our judgment, practicable to provide step-free interchange with existing railway and London Underground services. There may be opportunities for further accessibility gains to be made at these stations when London Underground work unconnected with Crossrail takes place in the future.

13063. I wonder if I can ask Mr Fry if we can find the first page of Annex 2 to the paper and just show you the position in relation to Paddington as an

example.¹¹ You can see we have set out in detail the degree to which there is to be interchange in relation to Paddington and other services at that station. I will not run through that now but the information is there.

13064. Going back to the text, turning to the issue of platform to train access, level access (which is defined as the gap between train and platform not exceeding 50 mm vertically and 75mm horizontally) from platforms to Crossrail trains will be provided at platforms in the central underground stations and at Heathrow. Where other train services share platforms with Crossrail and where freight trains also pass through (on the outer sections of the route that will operate on existing lines) Crossrail will not be able to provide level access in the same way, but will ensure that a means of access is provided. This is because freight and other trains require greater space to pass by a platform. This is a problem that faces the whole rail network, not just Crossrail, and which therefore needs a network-wide solution. No acceptable solution has been identified yet, but Crossrail is committed to working with the rail industry in an attempt to find one. Crossrail will pursue discussions with the rail industry and will use all reasonable endeavours to procure the most convenient means of access from platforms to trains at all stations, subject to HMRI approval.

13065. Extensions to other existing Network Rail platforms to accommodate the longer Crossrail trains will be constructed in accordance with HMRI requirements for maximum stepping distances between platform and train.

13066. Then, turning to other matters briefly: train facilities. All trains for Crossrail will be constructed in accordance with Rail Vehicle Accessibility Regulations and they will have dedicated spaces for wheelchair users with tip-up seating. In terms of staffing, Crossrail staff will be required to provide assistance for persons with reduced mobility in accordance with the relevant policies in force at the time. They will be linked into the national disabled assistance and telephone helpline system. All staff will be required to receive disability training in accordance with the code of practice in place with the Department for Transport.

13067. Then, in terms of safety, which I think is the point you raised earlier, the emergency evacuation of people with restricted mobility from subsurface Crossrail stations will be by fire-protected lifts under the supervision of station staff or fire service staff which accords with the London Underground and HMRI provisions.

13068. Sir, that places on the record a summary of our up-to-date position in relation to the provision for people with reduced mobility. I shall now ask

¹¹ Crossrail Information Paper E5—Provisions for People with Reduced Mobility, Annex 2—Proposed Crossrail Works and Accessibility by Station, billdocuments.crossrail.co.uk

People with Reduced Mobility

Miss Maynard to make her presentation. Before she does, I wonder if Mr Berryman would like to take up his position and form the panel. The Committee now has the pleasure of not hearing any more from me and hearing from Miss Maynard.

Miss Alice Maynard, Sworn, and **Mr Keith Berryman**, recalled

Examined by **Mr Mould**

13069. **Mr Mould:** Miss Maynard?

(Miss Maynard) I have been asked to talk about the provision that Crossrail has made for people with reduced mobility. I am going to tell you a bit about myself shortly, so I will introduce myself properly in a moment. I want, first of all, to talk about terminology. "People with reduced mobility" is a European term that Crossrail has adopted, and it includes not just disabled people but anyone else who may have difficulty using, in this particular instance, the rail network because they are in some way encumbered, as London Underground describe it—so they have small children, or shopping or luggage or something like that. Having said that, the presentation is essentially about people with reduced mobility. The terms that I am going to use may actually vary because sometimes it will be appropriate to address the needs of disabled people specifically as a whole and sometimes the needs of people with specific impairments, whether that is mobility impairments, visual impairments, hearing impairments, learning difficulties or whatever, and sometimes the needs of people with reduced mobility is a kind of class, if you like, so I will try to use the right terms and perhaps you can try and keep up.

13070. A key focus of the presentation is going to be on step-free access. This is because at this stage in the design, it is appropriate to address step-free access; this is the point to address it. It benefits some disabled people and also those who are encumbered. It is particularly important for wheelchair users and for some people with walking difficulties amongst disabled people to whom steps present an absolute barrier. Crossrail realises that not all disabled people are wheelchair users, and I apologise for reinforcing the stereotype, and I am going to talk a bit more about the other issues at the end of the presentation.

13071. I have been asked to tell you a bit about my background and to introduce myself. From 1998 to 2003 I was Head of Disability Strategy at Network Rail, which was obviously Railtrack when I first started. I was responsible for developing a strategy to make the rail network accessible and this involved working with industry regulators, the train operators, disabled people and their organisations in order to achieve that. Since 2003, I have been running an organisation called Future Inclusion and I have been working extensively in the transport industry. Our clients include organisations such as Transport for London, London Underground, Network Rail, the Strategic Rail Authority and Arriva, amongst others, and we have undertaken a

range of projects for them, many of which focus on the inclusion of disabled people specifically in mainstream transport provision. My own public transport experience incorporates most modes, but, in particular, rail, bus, tram and underground.

13072. In relation to the knowledge base that I have and that I contributed to in the industry, I was involved in developing good practice guidance for rail in relation to the European action, COST 335, which was about accessibility to heavy rail systems. I was a member of the stations working group there and, in relation to the report which they produced, I wrote the chapters on stations, information and training. I also had a large amount of input into the Strategic Rail Authority's own Code of Practice during my tenure with Network Rail. Since then, I have been involved in the good practice guidance for bus and rail operators in Ireland, jointly developing the Irish National Disability Authority's guidance document. Lastly, as part of my doctoral studies at Cranfield, I am researching the value of disabled access in the appraisal process in major transport projects.

13073. My role in Crossrail is as broad inclusivity adviser, so across all of the inclusion strands, if you like, and that includes disabled people, old people and women, the three groups that have particular difficulty for various reasons on the transport network and for whom step-free access is quite useful. I drafted the inclusion policy and I now have a watching brief over the implementation of the policy as the project develops, but I have a particular interest in accessibility obviously because of my background in the transport industry and especially in the rail environment. In relation to accessibility, I complement the work of David Bonnett Associates. David's company are architectural access consultants, so they get involved in the detail of the design work.

13074. To the rail industry's position then. The rail industry is making progress, I think, in relation to access for people with reduced mobility in general, but in particular for disabled people. In the past, disabled people were not considered when vehicles or infrastructure were designed. If you wanted to participate in the community as a disabled person, and in this case if you wanted to travel, you had to fit in to the system; you had to adapt yourself to whatever provision was made for the travelling public. As a result of that, many disabled people did not actually bother to travel. Just as a small anecdote, I myself was once refused access to the guard's van because I did not have a permit to travel with the post signed by the area station manager. I am getting old, but I am not that old, so things are actually changing! Now, what is happening is that there is a much greater focus on the problems being associated with the poor design of the system and the solution being the removal of barriers in the system to enable disabled people to travel. Unfortunately, because of the position in the past where disabled people were not accounted for and actually if you

People with Reduced Mobility

were carrying your shopping, it was tough, we are left with some very sizeable barriers in the existing network and many of those barriers are very costly to remove. Actually some of them do present design engineering problems that are extremely difficult and on very rare occasions, and I emphasise very rare occasions, impossible to solve without rebuilding. I think the difference, however, is that now the will is there to solve these problems and, in particular, to the betterment of everyone with reduced mobility.

13075. The law in relation to disabled people—I just want to talk quickly about the law which applies in the rail environment and, therefore, applies to Crossrail. The Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 together applied to infrastructure and to vehicles. Stations are covered under Part III of the 1995 Act and have been since the various Part III elements of the Act were enacted between 1995 and 2004, and the physical features element of Part III came in in 2004, the Big Bang of 1 October. The vehicles are covered under the Rail Vehicle Accessibility Regulations, as Tim mentioned earlier, under Part V and although in the rail industry we often talk about compliance with the DDA, compliance is something that is actually only possible with the Rail Vehicle Accessibility Regulations because there are no clear standards in relation to station infrastructure with which you can comply, there is nothing to comply with, so the industry has to grapple with the somewhat amorphous concept of good practice in order to conform with the requirements that the DDA places upon it. The level of service for disabled people has always been covered for stations, but, because of the original rather strange split in the DDA in relation to transport, it was not covered on vehicles, but thankfully it is now covered on vehicles as well, so you cannot just be refused access on to a train simply because you are disabled.

13076. **Mr Binley:** Ms Maynard, at this point we will have to suspend the sitting for 15 minutes.

The Committee suspended between 3.18pm and 3.38pm for a division in the House

13077. **Mr Binley:** Ms Maynard?
(*Ms Maynard*) We were getting bogged down in the law, so I think I might move on actually and talk about the law as it is in theory. If we look at the more interesting bit, which is the policy intention behind the law in relation to transport, it is to remove the disadvantage which disabled people experience and to make travel easier for them and it should move us towards a seamless journey where disabled people can leave their homes, travel on public transport and reach their destination without experiencing barriers. It should also remove the need for additional assistance, ie, the assistance that a disabled person might receive for independent living, but, on the other hand, it should not

overburden the provider of services, and this is where the concept of reasonableness comes into play.

13078. I think it is important to recognise that the way to achieve the removal of disadvantage is almost certainly not going to be through equal treatment. If you, for example, provide a visually impaired person with standard print information, they have equal treatment, but it does not actually achieve an equal outcome. Most visually impaired people need alternative forms of information, so that is unequal treatment, in order to achieve that equal outcome. Likewise, if you have steps with no ramp or a lift, that disadvantages wheelchair users and some people with walking difficulties, but if you have a ramp with no stairs, that disadvantages some people who prefer to use steps with a handrail. Therefore, there is no absolute solution to the provision of good access. What is important is that disabled people are not disproportionately disadvantaged by whatever provision is actually made.

13079. If we look at the way the law is working in practice, the approach to implementing the law in the rail industry has been somewhat patchy, we say, but it is improving. In the national rail network, major industry changes over the past ten years have shifted the focus away from accessibility several times in fact and it has taken time and political will to shift that focus back again. In the early 1990s, British Rail had begun to implement accessibility measures, so they put wheelchair spaces on the Mark 4 trains, but privatisation then sidelined that for a few years and then Railtrack took up the cudgels again, but then in 2000, Hatfield and resultant industry changes and the Transport Act 2000 stifled the development of an industry strategy at that point. It is only recently that the Strategic Rail Authority have revived the development of that strategy and that has been taken over by the Department for Transport and with the advent of Access for All, the Department's own programme of works across the rail network, it is certainly to be hoped that accessibility is now firmly entrenched in the national rail network's plans.

13080. Elsewhere, there is some good evidence of good practice, in particular, in light rail and that is partly because it is actually easier to provide good access in a newly built, closed system and most often it is actually the legacy of existing infrastructure which I spoke about a bit earlier that causes the problems. That is kind of nicely demonstrated if you take the Sheffield Supertram, for example. That was almost a totally accessible system with the exception of the link to the mainline station. The mainline station was existing infrastructure, so when the Sheffield Supertram was built, you could not get from the Supertram stop to the mainline station if you needed secondary access. That has only now been implemented ten years, give or take, after the opening of the Supertram. That demonstrates the problems that you get when you compete against existing infrastructure. If you look at Crossrail,

People with Reduced Mobility

effectively the central part of Crossrail is a new build, so achieving access there is reasonably straightforward and cost-effective.

13081. The DDA has certainly focused attention on accessibility and things are now improving, as I say, but one of the things is that the current appraisal system for transport projects tends to militate against good practice because projects have to jump the value-for-money hurdle first and the value of disabled access is not effectively accounted for in that value-for-money hurdle. I think it is a positive thing that Crossrail has managed to move past that hurdle and with the decision to address access issues at the four extra stations, it has effectively jumped the hurdle, if you like.

13082. Crossrail has actually taken a proactive approach to the issue of inclusion in general. It is being integrated into the design at the appropriate stages, so straightforward layout and step-free access are being addressed now and other issues will be addressed as the design matures. Broadly, there are four types of station. Firstly, you have new build, such as Farringdon and that provides 100 per cent step-free access and will be 100 per cent accessible in other respects, except where this is impossible, as in the example of the connections to the Thameslink platforms because of the uncertainty around Thameslink 2000. Secondly, there are rebuilds, such as Ealing Broadway which provides 100 per cent step-free access. Thirdly, there are upgrades, like Southall, where step-free access is going to be provided as far as possible. Then, fourthly, there are places where only platform extensions will be done, and that is at places like Burnham and Manor Park.

13083. The diagram which you can see on the screen shows where step-free access is currently available at the locations where Crossrail is going to fall.¹² Just to explain it, a filled green blob indicates 100 per cent step-free access at that location, so you can get to all the platforms, a half green blob indicates 50 per cent step-free access at that location, and in most cases what that means is that you can get to one side of the station, but when you come home you are a bit stuffed and you cannot get back the other side. An empty red blob means that there is no step-free access at that station to any of the platforms, so very few of the locations that you are looking at on the map, as you can see, are accessible to people with reduced mobility who actually need step-free access.

13084. If we look at the next diagram, you can see the effect that Crossrail is going to have on the ability of people who need step-free access to get to and from these locations.¹³ There are still a few locations where Crossrail does not provide step-free access, but we believe that the negative effect on people with reduced mobility will be fairly small because of the proximity of Crossrail stations where step-free

access is being provided. Many of the stations where it is being provided are interchanges with other transport modes, such as the bus terminals at Ilford and Romford. Other locations provide better ticketing facilities, other better facilities, more staff assistance and that is extremely important, particularly for disabled people, but in general for people with reduced mobility. Generally these stations, because of their larger size and greater importance to the network, are better stations to use and many people prefer to use them, and you can tell that from the footfall figures that we have for those locations.

13085. **Mr Mould:** Before you move on, I would like Mr Berryman just briefly to explain to the Committee, first of all, as part of the review that is mentioned in the information paper which I referred to in opening, have we looked at the case for making provision for step-free access at the remaining stations which are shown in red on the diagram in front of us?

(Mr Berryman) Yes, we have and I think, as you explained in your opening, the criteria which we have used are the number of passengers, the difficulty and complexity of making step-free access available and the proximity to other stations where step-free access is available, and it is on those bases that the choice has been made about which stations should be treated.

13086. So, in a nutshell, the Promoter's position is that in those cases the benefits really of upgrading to step-free access would be pretty limited?

(Mr Berryman) Yes. If I can give you an example, Maryland Station, which would be very expensive to alter, is only 700 metres from Stratford Station, so any person who is accessing by car or cab or whatever to the station would not find it much more difficult to get to a nearby station which has full step-free access.

13087. We ought to make it clear of course that the position you have just described relates to the stations which are shown with the red circles, but also to those, I think it is, two stations in the western section, Taplow and Langley, where there is only partial step-free access. Those are treated for those purposes as being in the same category as the red.

(Mr Berryman) Yes, we treat these as non-accessible because frankly having access in one direction only is of limited use.

13088. **Mr Binley:** Perhaps I could just ask a question in relation to that. It does seem to me that, whilst it might be easier to deal with Stratford Station than Maryland, if the journey to somebody's home is more difficult from that station, then there is an impact and I just wonder if any work has been done on that. I am not suggesting it should have been, but it is a question that I think we ought to ask.

(Mr Berryman) No specific work has been done on that point other than a general appreciation of the direction from which people come to access the station, the bus routes that go to that station, the

¹² Crossrail Ref: P103, Step free access to platforms (LINEWD-GEN12-010).

¹³ Crossrail Ref: P103, Step free access to Crossrail stopping platform (LINEWD-GEN12-011).

 People with Reduced Mobility

disposition of the main roads in the area and, as Ms Maynard said, one of the other criteria that has been considered is the incidence of other transport modes which are going to that station. For example, Romford and Ilford, which have quite powerful bus services, are themselves being provided with step-free access and that is an important consideration in selecting which stations to take forward.

13089. **Mr Mould:** I think, Ms Maynard, you were making that point, as I understood you, in your commentary to this slide a minute ago.

(Ms Maynard) Yes.

13090. Can I turn to you before we move on and pick up a point which Mr Binley raised when I was introducing the information paper in opening. It was the point, if you recall, as to what arrangements were proposed in relation to those stations where step-free access is not available, and what the information paper says is that dignified, alternative arrangements will be employed. Can you just give an indication of what in practice that might entail?

(Ms Maynard) Yes, at the moment the practice on the national rail network is to provide alternative accessible transport to the station that someone wants to travel from. Sorry, if they want to travel from a station which does not have step-free access, they get alternative accessible transport to the nearest accessible station from which they can then travel, and obviously it is difficult to get to 2016 and see whether there will be any more innovative solutions by then, but certainly the provision of a taxi to the nearest accessible station would be quite common.

13091. Thank you. Please continue with your presentation.

(Ms Maynard) I just wanted to give some examples of some of the issues that we have come across in Crossrail. Two examples of major infrastructure upgrades will give you an idea of the way that Crossrail has approached access provision. One of these is a successful example and the other is actually an unsuccessful example. If you take Tottenham Court Road, Crossrail has worked with LUL to provide a station with fully accessible ticket halls with accessible links to the Central and Northern Lines from street to platforms and with interchange between all three lines, so that was a plus point. However, if you take Paddington, in fact Mr Mould showed the interchanges at Paddington and if you were quick to spot it, you would have noticed that the step-free access from Crossrail to the Bakerloo Line is not currently proposed to be available and it is going to have to wait until modernisation of the Bakerloo Line releases space to insert a lift underground, and that is the problem. You saw that on a visit, I believe, if you were there and if you remember.

(Mr Berryman) I did point that out to members of the Committee.

13092. **Mr Binley:** I am getting to the stage when I do not remember if I was there!

(Ms Maynard) It is very hard to look at something which does not yet exist. So that is an example of a slightly less than successful attempt at providing access, but hopefully in due course when something else happens it will trigger the provision of access. If you take building improvements, at Paddington again alteration of the LU station building has allowed a step-free link between Crossrail and the Circle and District Lines. Then if you take the platform improvements where the platforms are improved, not only will extensions be built in gauge, which was mentioned in the information paper, but tactile paving will be provided to the whole of the platform which, as you know, is very important to people with visual impairments. This is an example of the creative approach that Crossrail has taken to the issue because it is easy to put the tactile paving on the extension, but putting the tactile paving in in a way which is not disruptive on the main part of the platform, I can tell you having worked at Network Rail, is not a straightforward issue. Crossrail has found an innovative solution with hard-wearing plastic studs which are very quick and cheap to install.

13093. **Mr Mould:** We have brought some samples, I think.

13094. **Mr Binley:** Free samples?

13095. **Mr Mould:** If it would be helpful, we can certainly just give you an indication of them. (Same handed). Perhaps, Mr Berryman, you can explain what we are looking at.

(Mr Berryman) They are very simple to install. I understand it is an Australian invention, which always seems a contradiction in terms, I think! What you do is you cut a longitudinal saw-cut with a diamond saw in the platform and then just bash them in. They are straightforward things to fit.

13096. **Mr Binley:** You could not put some of these around my golf course, could you!

13097. **Mr Mould:** Ms Maynard, please continue.

(Ms Maynard) Making a journey experience seamless for people with reduced mobility does involve working with partner organisations, such as London Underground and Network Rail. As you can see from the situation at Tottenham Court Road, that is an example of partnership working. It also requires a level of investment by them. One of the issues is that it is not always clear at this stage how much partners are going to have achieved by the time that Crossrail completes, so Crossrail has to base its plans on the existing strategies that those partner organisations have. Meanwhile, it is taking a proactive approach to partnering so that where there are solutions to be had, it can happen, as it were. This is an example. Ealing Broadway Station is going to be rebuilt and if you take a look at these two photos, you can see that it is riddled with steps.¹⁴

¹⁴ Crossrail Ref: P103, An Example Ealing Broadway (LINEWD-GEN12-013).

 People with Reduced Mobility

If we then take a look at the artist's impression of what it will be, actually perhaps Keith could describe this.¹⁵

(Mr Berryman) For those of you who are familiar with Ealing Broadway Station, this is the existing building which I believe is occupied by the BBC (indicating), the existing office block we have there, and this is the existing London Underground station (indicating), and this is the new station structure that we are proposing to build (indicating). What we are proposing to do is to have a level concourse from the street level coming right through to here (indicating) with bridges distributing passengers to various lines and lifts at each point where there is a station platform which people would need to access shown in the red structure, so the Crossrail project will be providing access not only to the Crossrail platforms here and here (indicating), but also to the London Underground District and Central Line platforms, so there will be quite a significant upgrade resulting from the Crossrail project at this location.

(Ms Maynard) Access has been quite a long time coming at Ealing Broadway, as someone I know who lives there will tell you, but it is Crossrail which is going to make a difference there and I think that is an important point to consider. If we take a look at the difference that Crossrail is going to make in London as a whole when it opens in 2016, I wanted to take a comparison with London Underground. Going back to the point I made about working with people's strategies, London Underground has a clear strategy for 2013 which is going to result in 21 per cent of journeys beginning and ending at a step-free station, but they have not yet firmed up their figure for 2016. They have two possible directions they can go in, and that is either that 50 per cent of stations are accessible, which gives 50 per cent of journeys, or 60 per cent of stations which gives 33 per cent of journeys. I know that sounds very strange, but I think that is about sharing the same pot of money around a series of different stations and, therefore, putting different stations into the mix, as it were. On Crossrail, 93 per cent of journeys will be step-free since the four additional stations have been incorporated. This tells us two things. The first is it tells us that London underground has an extremely aging infrastructure. The second thing it tells you is Crossrail will make a difference to people with reduced mobility in London in 2016. When I started, I talked about it not being all about step free access, and I want to come back to that to finish with because that is a really important issue. It is not just about wheelchair users' difficulties and step free access, except that today it kind of is because the fundamentals of the design at this point are straightforward layout and step free access, so straightforward layout in absolute new builds. That is very important, for example, for people with learning difficulties and vision impairments, but we can only do it with new builds. Step free access is also key at this point because it can only be designed from the outset, it can be done later, but it would be extortionately expensive. Essentially in design terms,

we are at the outset, so in due course, as the design matures, Crossrail is going to need to look at things like the colour of materials and those people with visual impairments. Towards the end of the project, as the provision of information, including signage, is considered, the needs of people with sensory impairments and learning difficulties are going to become particularly paramount. There are different needs at different points in the design. Crossrail has an involvement and consultation that is going to be key throughout the project to engage the right people at the right time, to provide good advice where there are no standards or accepted good practice. Obviously where there are standards Crossrail will follow the standard, and where there is accepted good practice Crossrail can do that, but in many cases, particularly with some of the issues for people with hearing impairments and people with learning difficulties, there is very little clearly accepted good practice. We will need to look at those issues then. Crossrail will be contributing to the development of good practice as long as it is operating at the cutting edge of design for disabled people in the transport environment. Lastly, access is not just about hard things, it is also about things like good management of station infrastructure. You can have the best step free access in the world and if you then put a cleaning sign in the middle of the route, it is not very helpful. Good management is important, also training is important, effective co-ordination with other operators is important and journey planning and assistance is important. As the specification for Crossrail's operation is developed this must be borne in mind

13098. **Mr Binley:** Can I thank you for your comprehensive and professional presentation. We are most grateful.

13099. **Mr Mould:** If there are any questions from Petitioners, then obviously my panel will answer those, and any questions which you and your colleagues may have?

13100. **Mr Binley:** I know there is a question from one of the Petitioners. Would you kindly state your name and the Petition.

13101. **Ms Skelton:** My name is Marybelle Skelton, I live out at Hanwell near one of the stations which is not going to have any disability access. I understand that Crossrail is doing very well in giving disability access to other stations, but I would like to ask what are the points being looked at? How difficult were the stairs at the stations for people in making their decisions? At Hanwell we have three flights of stairs to go up, about ten stairs each, and yet there is going to be no looking at the disability access there. I think that is very important in making your decision.

13102. I wondered if that was one of the points you had looked at. Some stations with a few steps have accessibility for wheelchairs but with our station it would not be possible for people with pushchairs or elderly people because there are so many stairs. I

¹⁵ Crossrail Ref: P103, Ealing Broadway as it will be (LINEWD-GEN12-013).

 People with Reduced Mobility

think this should be a big factor in making your decision about which stations you make usable for disability access.

(Mr Berryman) There is a fairly general rule with stations, which is that the access from one side to the other has to be either above the tracks or below the tracks, whichever way you do it, you have got a flight of stairs which go the full height of a subway or the full height of a footbridge. At Hanwell it happens at the passageway underneath the railway. The railway is on embankments there. As the Petitioner says, there is a difficult flight of stairs to get up to the platforms, but this is the case with all the stations we have looked at. There is either a difficult flight of stairs down, which when you are coming home is a difficult flight of stairs going up, or vice versa. The rise as Hanwell is not significantly greater than it is at other stations. It is probably three or four steps greater than the average. The reason for not considering Hanwell was two-fold. First of all, the relatively low footfall at the station and, secondly, the engineering difficulties there are quite severe. It is a listed building and it is on an embankment and would involve sinking shafts through the embankment or providing some rather more complex structures. Those were the reasons for taking it forward.

13103. **Mr Binley:** You did make the point about that very footfall at Hanwell, and they are talking about a project which is relatively far-reaching and will service the area for many, many years, 60 years. Indeed, footfall can change quite dramatically, as I know from my constituency in Northampton, in ten years, let alone 60 years. How do you assess that?

(Mr Berryman) I think it is quite unlikely that the scale of development in Hanwell would approach anything near that which is taking place in Northampton. I am familiar with what is happening there, it is a massive development. Hanwell is a fairly built-up area already and there are a number of stations quite close together. Hanwell and West Ealing are under a kilometre apart, and Ealing Broadway is not that far away. I think there are quite a number of stations there. There is a large area of parkland which is very unlikely to be ever developed. They will be growth, of course, but I would not envisage it being on a massive scale.

13104. **Mr Binley:** You have considered that?

(Mr Berryman) We have considered it. Indeed, Mr Anderson is not here today but the whole planning of the railway takes account of the London Development Plan and the way the population is growing.

13105. **Mr Binley:** Thank you for that. I do not want this to be a free-for-all, but I am happy to take one more question.

13106. **Ms Skelton:** I just feel this is a kind of community issue. Elderly people do not use those steps because they cannot. I have met people who find it very difficult to come down them and also people with pushchairs. I think it would increase the

use of the station if it was available to people. I feel fairly strongly because I am going to have my garden destroyed by the train, yet I am not going to be able to use it. That is a personal issue.

13107. **Mr Mould:** We will be hearing from that particular Petitioner later.

13108. **Mr Binley:** Do you have a response.

(Mr Berryman) Yes, the point is a general point and that is that step free access is a community point, there is no getting away from that. As with so many other things on this project, we have to draw the line somewhere.

13109. **Mr Binley:** Can I ask a question of Mr Maynard because I guess you have a special interest in this. Can you put your hand on your heart and say, "Yes, I think they have done enough"?

(Mr Maynard) As a disabled person, I would like everywhere to be accessible yesterday, and 2016 certainly qualifies as yesterday for London. I work in the rail industry and the transport industry in general, and there is a limited amount of resource; it is public resource. If it gets spent in one place it does not get spent in another. To an extent, you have to spread it about a bit and that involves making some pretty tough decisions. It involves making decisions that result in some people not getting access. If I lived in Hanwell, I would not be using that Hanwell station, that is pretty obvious, and I might well feel a bit annoyed about it. If I could get on a bus and go to West Ealing or Ealing Broadway, then I might find those more convenient anyway. I do not know much about Hanwell Station. If it is not staffed there are many reasons why somewhere like Ealing Broadway might not be a better place to go.

13110. **Mr Mould:** Unless there are any other questions from the Committee, that concludes our presentation on this issue.

13111. **Mrs Riordan:** I think the Petitioner has a very valid point. If people are excluded from using that station, it will reduce the use of it. If we can do anything to make everybody accessible then this is an opportunity to do it. I think if we can look at this again, I would be extremely grateful.

(Mr Berryman) I feel bound to say, sir, that in Hanwell it is not just a question of money, there are some serious engineering problems at that particular station.

The witnesses withdrew

13112. **Mr Binley:** The point has been made and Mr Berryman is a compassionate man to take it on board. Would any other Petitioner like to ask a question? No, then thank you very much, Mr Mould. Can I ask now if Jean Lambert MEP and others are here?

The Petition of Jean Lambert MEP and others

The Petition of Jean Lambert MEP and others.

Mr Francis appeared on behalf of the Petitioner.

13113. **Mr Francis:** I am representing Jean Lambert, sir.

13114. **Mr Binley:** You are Mr Francis.

13115. **Mr Francis:** I am.

13116. **Mr Binley:** Ms Lieven, would you like to present the background to us?

13117. **Ms Lieven:** I think for once the answer is “no”. The Petition is enormously wide-ranging, it raises a station at Woolwich going to Ebbsfleet, using the North London line, a whole gambit of issues. I think for once the best thing would be to hear the points the Petitioner’s Agent wishes to highlight, and then to see what is the most appropriate way of coming back on that.

13118. Some of the issues are the ones to be dealt with next week in the railway big picture evidence. I am obviously not going to deal with those today, but if there are specific parts of the Petition about going to specific places, I may call Mr Berryman. I really need to hear what Mr Francis says in order to make any sensible response at all.

13119. **Mr Binley:** If I might point out, Mr Francis, Petitioners may, according to the constitution of this Committee, only bring up issues where they are directly affected within a given locality. To range over a sizeable portion of the line would not be acceptable to us. That is not my fault, it is the way the Committee is constituted and it is my duty to make sure that that is pursued. I have no wish to curtail you, so please do not think that. We have got 16 minutes and because we lost time, I will ask the stenographers if they would be willing to stay an extra 15 minutes. We would be very grateful, and that would give us half an hour. Can you make your presentation and carry out the business in that time?

13120. **Mr Francis:** I think so.

13121. **Mr Binley:** You are very kind, and I am very grateful to you. If you would like to make your presentation. Are you calling witnesses, Mr Francis?

13122. **Mr Francis:** No.

13123. **Mr Binley:** Thank you very much.

13124. **Mr Francis:** I am the transport speaker for the Green Party of England and Wales. I am here today representing Jean Lambert, who is the Green MEP for London, Jenny Jones and Darren Johnson who are members of the London Assembly and for local residents who are concerned with the area near their houses. We have got them on board to cover the issues which you mentioned earlier.

13125. I do not propose to talk about Hanbury Street or the Romford Depot which were in our Petition, the situation has changed because of the proposed changes. Our aim is not to oppose Crossrail but it is to protect existing and future services on the Great Eastern and Great Western mainlines for both passengers and freight.

13126. If Crossrail and the existing services cannot be accommodated on the existing four track railways in those areas then we think there is a need to increase capacity by adding a fifth or possibly sixth track in some sections in order to accommodate the existing services and Crossrail trains.

13127. We also objected to the Secretary of State being given powers to direct the Office of the Rail Regulator to give Crossrail either exclusive or guaranteed use of the slow lines, because that could be disadvantageous to other services using those lines. We do not wish to see existing passengers and freight services being pushed off those lines or slowed down because of the introduction of Crossrail trains. We think Crossrail should be treated the same as any other train operating company, and the Secretary of State should not be given extra powers.

13128. I mentioned that we want to see existing services continue. Theresa Maynard, in her presentation to you this morning, was talking about services which would be reduced by the proposals for Crossrail because some of the services serving Maidenhead would be terminated in Slough instead of going all the way through to Paddington. This would be an inconvenience to passengers because they would have to change and, even worse, they would be changing to a slow four station service to continue their onward journey.

13129. Again, we believe capacity needs to be provided so that those trains from Reading can continue all the way into Paddington rather than terminating at Slough.

13130. It is important to keep existing freight services, to encourage more services and ensure that there is capacity for them. The Government’s ten year plan forecasts that there will be an 80 per cent increase in rail freight by the year 2010, and we think, again, capacity needs to be made available for that to happen. That capacity must not be used by Crossrail.

13131. In our Petition we have suggested places where a fifth or sixth track may be added. I am not going to go through that here, you have it in front of you, but that is to say that we believe it is technically possible to add extra tracks, certainly on the Great Western mainline, everywhere except perhaps Wharmcliffe via Ealing Broadway Station, otherwise there is an existing railway line that could be largely used to add to the existing tracks.

The Petition of Jean Lambert MEP and others

13132. On the routes at the western end, we support the principle of a London Metro service as opposed to a regional Express service. Obviously we would like to see both, but if one has to give priority to one or the other, then we support the shorter distance commuting because that has less environmental consequences than long distance commuting. However, what we do not support is the terminating of over half of the westbound trains at Paddington during the peak periods. This is a waste of resources and will cause the removal of a freight facility in order to make space for a turn back and will cause operational difficulties because the train will not be turned back at the passengers' station where it is at its sidings at Westbourne Park.

13133. Any passengers carried into that turn-back siding will have to return to Paddington, which is also an inconvenience. What we would like to see is more branches of the railways in West London being served by Crossrail to take advantage of the capacity that Crossrail will create for cross-London journeys, and it is a waste of that capacity to have over half of it not going west of Paddington. Again, we have suggested four possible routes which we think should be investigated; they are not amongst the routes investigated in the earlier Crossrail studies. They are: Uxbridge via South Ruislip, the Castle Bar Park loop, the Windsor branch and Richmond via Willesden Junction. They would all be existing railways but with the odd extra connecting line being required. Again, we have submitted some details with the Petition.

13134. We also support the idea of a western access to Heathrow. This could be done by a new line extending west out to Terminal 5 using current freight lines and then rejoining the Great Western main line here to Iver.

13135. **Mr Binley:** Mr Francis, I am awfully sorry. That is not within our remit, I am afraid. We are not able to make a recommendation of that kind at this stage to the House.

13136. **Mr Francis:** I thought that you had been given leave to consider issues regarding Reading.

13137. **Mr Binley:** My advice is not to Heathrow Airport. That is a special exemption, I am told. I do apologise. If I am proved wrong you can stick pins in me afterwards, but I am told that is the case.

13138. **Mr Francis:** It was simply that it helps to justify the case for going to Reading.

13139. **Mr Binley:** I understand that and I know the point you are making.

13140. **Mr Francis:** As I said, those routes were not evaluated as part of the selection of the western termini, and we believe that they should be evaluated and considered, hopefully, by the Committee because they would provide an excellent public transport service to hundreds of thousands of people

in West London who, if it only goes to Heathrow and Maidenhead, will not be able to take advantage of Crossrail.

13141. The next point was allotments at Knowle Road and the Great Western allotments in the Acton area. We think that allotments are important for the local provision of good quality and affordable vegetables and fruit, and healthy for people to go and use the allotments and that, therefore, the allotments should be retained as allotments and other space for the worksite should be found within the adjacent Acton Yard area. We believe that there may be some forthcoming statement from the Promoters on that, but we have not seen it yet.

13142. **Mr Binley:** You have got them thinking.

13143. **Mr Francis:** As I say, on Hanbury Street we are broadly satisfied with the revised tunnelling strategy, and for Romford depot we are awaiting sight of the alternative proposals for Old Oak Common. Obviously, we may have some comments on that when we receive the statement. On Woolwich station, we support those others who are petitioning for Woolwich station to be constructed. At the very least we think that the station box, the wider tunnel below ground, should be constructed during phase 1 even if the surface station entrance is not constructed, because to go back later, once Crossrail is in operation, and then build the below ground station box, would be extremely expensive and extremely disruptive to the operational railway

13144. At Custom House we think that the layout of the station there should be changed. Currently the proposal is for one platform to serve the DLR trains in both directions and another platform to serve Crossrail trains in both directions. We were hearing earlier on about the advantages of cross-platform interchange. If the layout there is changed to have Crossrail tracks in the centre and the DLR tracks outside, we would then have a cross-platform interchange between DLR and Crossrail services, and DLR Becton and the proposed Dagenham branches would, in effect, be acting as feeders into the Crossrail service.

13145. Coming towards the end, the south eastern branch was originally proposed to go all the way to Ebbsfleet. However, it was then truncated to Abbey Wood. We think it should be reinstated to serve Dartford and Ebbsfleet as well as Abbey Wood. This would improve access to parts of south east London and North Kent. Crossrail trains should serve the new Channel Tunnel Rail Link at Ebbsfleet station, not the nearby Northfleet station on the North Kent line. Crossrail has said that they do not want to get delay "pollution" from the North Kent line services, but we think that that could be largely avoided if some extra tracks are provided on the section between Abbey Wood and Dartford. Not all that

 The Petition of Jean Lambert MEP and others

necessary but some of that because that would remove many of the conflicting moves which the Promoters were very concerned about.

13146. I think our final point is that we would like to see the two eastern branches linked together by a line from Romford to Ebbsfleet which would run largely on existing railway lines. It would require a new tunnel underneath the River Thames, but that would provide local links within the Thames Gateway area linking the south and north banks of the River Thames. The Channel Tunnel Rail Link there does provide a link but it is not local links because you have only got one station, Ebbsfleet, on the south bank and the next station on the north bank is Stratford. So we want to see a local link there between the north and south banks and the Thames Gateway area which can form a sort of loop service with Crossrail

13147. I think that has covered, very briefly, the points in our Petition which we would like to draw to your attention.

13148. **Mr Binley:** Mr Francis, thank you very much. Those points are clearly now on the record. I do want to thank you for your brevity, you have been very helpful to us and it is much appreciated.

13149. **Ms Lieven:** Sir, what I propose to do is I will call Mr Berryman to deal with the three or four issues that the Committee knows nothing about that have just been raised. While Mr Berryman is coming forward—being conscious of time—can I just go through the ones that have been raised or are going to be dealt with next week? If that is acceptable.

13150. **Mr Binley:** Of course.

13151. **Ms Lieven:** As far as the access option and the capacity for freight is concerned, those are both issues that the Committee is going to hear lots about next week, and I will leave that for next week. So far as Acton Yard allotments are concerned, sometimes known as Knowles Road allotments, that is subject to AP3 and there will be Petitioners who may come back on that when AP3 is dealt with, so I do not intend to say any more about that.

13152. Woolwich station the Committee has heard lots about and I do not think there is any benefit in revisiting that. Ebbsfleet was dealt with when the Committee dealt with the Bexley Petition some weeks ago, so I do not need to revisit that.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

13153. **Ms Lieven:** Mr Berryman, Can you just explain why we are not promoting a fifth and sixth line on the Great Western?

(Mr Berryman) Yes. The reason, really, is two-fold: availability of land and cost. One of the main points is that in order to build additional lines it would be

extinguishing a number of freight terminals which are on that line. I think evidence has not been heard yet but will be heard next week about the importance of the Great Western freight lines to London in terms of delivering aggregate and building materials and so on from the West Country. That would become extremely difficult if the fifth and sixth lines were added. It would also be extremely expensive, as I said earlier today. That would be really the main reason for not having the fifth and sixth lines.

13154. Staying on the western side of London, can you explain why, approximately, half of our trains are terminating at Paddington?

(Mr Berryman) Yes. The residents of Maidenhead and the various supporters of the issue of going to Reading made the point yesterday about the passenger train services along the Great Western line. In order to provide a mix of semi-fast and stopping services on the Great Western routes there has to be some thinning out of the train services. If we wanted to send all 24 trains down to Maidenhead in procession then we could do that, of course, but it would give everyone the same journey time and everyone the same number of station stops, so it would be quite difficult to do. So we have to thin the train service out to allow a meaningful train service for the people who live on the Great Western line.

13155. I think what Mr Francis was suggesting was: do not necessarily send them all to Maidenhead, and he had four alternative lines that we could send our trains along: Uxbridge via South Ruislip, Richmond via Willesden, the Windsor branch and Castle Bar. Just explain the problems that come with that.

(Mr Berryman) I wonder if we could put up the section from the Environmental Statement which was published some time ago.¹⁶ You can see that most of those routes were considered in some depth. The route down to Richmond and Kingston is marked there as “F”, the route down to Uxbridge is marked as “D”, and so on, and you can see them all there. These routes were what we called the long list—or the short list (I cannot remember). We had a very long list of routes where we looked at everything that could possibly be done. We narrowed it down into a short list and then we did a detailed appraisal of each of the routes on the short list. These routes here are the routes of which we did a detailed appraisal, and we established that none of them had a particularly strong business case to justify the costs and the disruption to other services which would be involved in putting them in. That is why none of them have been taken forward. It may be possible, of course, for our heirs and successors to add another branch to Crossrail in the West, and depending on the form of development of west London—the issue you mentioned earlier, sir—it may be appropriate to do that at some future date,

¹⁶ Crossrail Information Paper A1—Development of the Crossrail Route: Appendix 1—Western Route Options, billdocuments.crossrail.co.uk

 The Petition of Jean Lambert MEP and others

but there is nothing that really stands out at the present time.

13156. Is there an operational problem in adding more limbs to the Crossrail octopus?

(Mr Berryman) There are always issues about adding more limbs to a service pattern, simply because of the opportunities that that gives for performance to deteriorate due to trains running out of course and one train waiting for another at a junction, and so on.

13157. The next one is the proposal that Mr Francis had at Customs House. I have to warn you, sir, that Mr Berryman has just told me that he was the design engineer at the DLR at Custom House and he can give the Committee chapter and verse on the subject. No—that was rather my impression. Perhaps a short verse, Mr Berryman.

(Mr Berryman) Yes. I could probably go on all day about this topic. It would be, from an engineering perspective, extremely difficult. In particular, the difficulty of keeping the DLR running while the work was done—and the DLR is an important limb—it would probably have to close for a period of years to enable such a connection to be made. This is because of the viaducts at each end of the section.

13158. Finally, Mr Berryman, the proposal that we should run an additional service from Romford, north of the Thames to Ebbsfleet, south of the Thames.

(Mr Berryman) This is an innovative and new suggestion. I think it is something that we did not consider. These are the routes which form the long list to the east of London.¹⁷ There would be little demand for such a service, certainly on the kind of intensity of service that Crossrail offers and the kind of service that we are proposing. It would not be justified over the route.

13159. Obviously, you have not looked in any detail at all but, completely off the top of your head, would it strike you as a cheap thing to do?

(Mr Berryman) No. It would be not that easy to find a route over some sections of it. On some bits of it there are easily available routes that you can see just by inspection, but I think it would quite difficult and it would require another Thames tunnel, of course, which would be quite a costly and expensive thing to do.

13160. **Ms Lieven:** I will leave it there, sir.

13161. **Mr Binley:** Mr Francis, would you like to cross-examine?

Cross-examined by **Mr Francis**

13162. **Mr Francis:** Mr Berryman, you claimed that the western route selection had considered the four routes that we were suggesting. I do not believe that you considered any of the ones we have suggested. Could we have the western routes map up again?¹⁸

(Mr Berryman) With the exception of the loop line round Greenford and Castle Bar Park I think all of them were covered.

13163. The line which is shown as D, to Uxbridge, is taking a different route to the one we are suggesting. That one is going via Harrow whereas we are suggesting that it goes via South Ruislip, so it is a combination of your routes D and C.

(Mr Berryman) Yes, we did look at that. It was on the very long list. There is a problem there with making that connection; it is not an easy thing to do, as reconnaissance would show you. It would require quite a major engineering operation to do that.

13164. **Mr Binley:** Might I ask: these are technical questions, Mr Francis, and I think it is very valuable for us that you raise them, but it does give an opportunity for you to have a more in-depth answer than maybe this body can give but you still have the ability to come back to us if you wish once you have received that rather technical answer. Would that help in this respect or not? If I am being totally out of order I am sure Mr Mould or Ms Lieven will jump up and smack me down, but it does seem that if there is a difference of viewpoint as to whether these things have been dealt with, then it might be worth looking at it and coming back, Mr Francis.

(Mr Berryman) There is an engineering resource issue, just at this moment in time.

13165. There is. So it would cost a great deal of money.

(Mr Berryman) It is not that, it is actually having the engineering resource available. You can probably imagine, during the course of these proceedings lots of things have to be prepared—

13166. I just thought it might be an easier way of dealing with this that would give better information to Mr Francis than, maybe, we are able to do over the next eight minutes or so.

(Mr Berryman) I would certainly be happy to undertake to write to Mr Francis on these points, but it would be unlikely that such a letter could be prepared quickly enough for him to come back before this Committee.

13167. **Mr Binley:** I just feel you would get a better answer, Mr Francis.

13168. **Mr Francis:** I could go into more technical detail about, for example, how I think that the line through South Ruislip would connect to the line at Uxbridge, with a connecting line 200 to 300 metres

¹⁷ Crossrail Information Paper A1—Development of the Crossrail Route: Appendix 2—Eastern Route Options, billdocuments.crossrail.co.uk

¹⁸ Crossrail Information Paper A1—Development of the Crossrail Route: Appendix 1—Western Route Options, billdocuments.crossrail.co.uk

The Petition of Jean Lambert MEP and others

in length. I do not think it is hugely technically difficult. I am sure that Mr Berryman and I could debate this but probably not at much relevance to your Committee. I think you are more interested in principles, I assume, rather than engineering detail.

13169. **Ms Lieven:** Sir, if I can try and assist. These are proposals which are outside the principle of the Bill, so technically outside the consideration of the Committee.

13170. **Mr Binley:** I was trying to be very gentle about this.

13171. **Ms Lieven:** So am I, sir. We have clearly got a policy approach not to take *locus* points. I am very conscious that the engineering team at Crossrail is pretty much, as you can imagine, at the end of its tether, but we will undertake to write to Mr Francis in pretty broad terms within the next three to four weeks about these proposals. If he wants to write to us in advance telling us what he is proposing we will come back to him, but I want it put on the record it is not going to be a detailed engineering report but just a brief consideration of them.

13172. **Mr Binley:** Mr Francis, I just feel you might get more out of that at this stage, bearing in mind that this Committee has a specific role and there is still further debate in the House of Commons. That is really the connection I am trying to make.

13173. **Mr Francis:** Indeed. The principle that I would hope the Committee would adopt was making good use of all of those trains through central London and not terminating them at Paddington. We suggested four possibilities. I am not saying they are the only four and there may be things I am not aware of, but it is the principle of not terminating those trains at Paddington that is the key part of our statement. The detail about whether they go to Uxbridge or to Castle Bar Park—clearly, they could not serve all four of those anyway; there would not be enough trains to do that. It is the principle of using them all to serve West London as well as the centre and East London.

13174. **Mr Binley:** I understand that, and that is very laudable. Let us keep Ms Lieven's offer on the table. (**Mr Berryman**) May I say that a line going to Uxbridge or any of those destinations using, basically, the South Ruislip line, the impacts would be commensurable to (*inaudible*). We did cast a fairly wide net on these options.

13175. **Mr Binley:** Mr Francis, I do take your point, and it is outside of our remit—that is the truth of the matter—but I think that you have made the point so I think to have some answer to it is right and proper, not least because the debate continues in this place, and that is important, I think. You are able to come back to us as individual MPs or, indeed, in a more formal way. What I want to do is to help you in that respect, while not making this out of order, if you like, so would you be willing to write and have Ms Lieven come back to you in that respect?

13176. **Mr Francis:** I would, yes, sir.

13177. **Mr Binley:** Let me give you a personal undertaking that if you wanted to write to me thereafter, I would be delighted, as an individual MP, to receive that.

13178. **Mr Francis:** Thank you very much.

13179. **Ms Lieven:** Thank you, sir. We will leave it in that way.

13180. **Mr Binley:** Any other questions?

13181. **Mr Francis:** No, thank you.

13182. **Mr Binley:** Then thank you very much.

13183. **Ms Lieven:** Sir, I think you have got our position on all of Mr Francis's proposals and, given the time, the fact that I would have about ten seconds and that it is on the record, each of the individual proposals, we will come back on the four options or why we cannot run more trains west of Paddington to other places in writing to Mr Francis.

13184. **Mr Binley:** I am very grateful to you. The Committee now stands adjourned until tomorrow morning at 10am.

Thursday 29 June 2006

Before:

Mr Alan Meale, in the Chair

Ms Katy Clark
Kelvin Hopkins

Dr John Pugh
Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

The Petition of the Corporation of London with British Land.

Mr George Laurence appeared on behalf of the Petitioner.

Ms Lieven and Mr Mould appeared on behalf of the Promoter.

13185. **Chairman:** Good Morning. As usual on days of hearings we will suspend for ten minutes around about 11.30 so that people might get a cup of tea or coffee. Today we are going to hear from the Promoter's and the Corporation of London and British Land's responses to the Committee's requests on Liverpool Street Station. Ms Lieven?

13186. **Ms Lieven:** Sir, can I start by saying that there is a certain symmetry today because we may remember six months ago we started at Liverpool Street and today is the last day that we are doing the route tour of Crossrail, the site specific part, because next week we move on to railway and access issues, and we are back at Liverpool Street. We have gone all the way around London and come back.

13187. Sir, as you just mentioned, you did write to us asking us to progress matters in respect of Liverpool Street, and since then we have had many meetings with British Land and the City. We have produced reports, and effectively we are here today to explain how far we have got. I am going to make a relatively short opening to explain where we have got to and what the options that are being considered are. I am then going to call Mr Berryman to explain the engineering issues which arise, and I am then going to call Mr Anderson to explain the passenger and modelling issues.

13188. Can I say now, sir, so that everybody on the Petitioner's side is conscious of this, we have learnt much in the last six months about how to present this case and we hope we are now doing it in a way which is more helpful to the Committee than it was six months ago. I am not going to engage in a lengthy cross-examination of Petitioner's evidence. What we intend to do is put our case positively through our witnesses. If there are any crucial issues which have not been explained, I may cross-examine a little, but I can assure the Committee now that we are not going to have the kind of lengthy trawl through the evidence from our side that we had six months ago.

13189. Can I then start by putting up the axonometric of Liverpool Street to remind the Committee; it is fresh again in our minds, but

possibly not in the Committee's.¹ This is the Liverpool Street Station end of the Crossrail Liverpool Street Station. You will remember there is a Moorgate end as well, but it does not arise today. These are the Crossrail passages down platforms down here, and for those passengers who want to come up into Liverpool Street, they go up this escalator here and then they come into this passageway where they come out past the Central Line. That is the spot which became known as the "hole in the wall", although it is not really a hole in the wall, it is a spacious area, but for the benefit of memory at least, it is the hole in the wall. Then you come through into ticket hall B here. You will remember ticket hall A is over here.

13190. While we have this up, can I ask the Committee to mentally note, for future reference, this area here. This is an existing LUL sub-station which becomes relevant to one of the options. Up here, of course, is the Network Rail concourse which is, again, relevant in ways that we will see. It is the box immediately to the north of the Crossrail passage. Mr Mould explains it better than I do, as always.

13191. We have discussed a number of options with the City and British Land and a lot of them have fallen by the wayside. What we are left with is effectively five options. If I can put up exhibit 001.² There were five options, of which we say there are really only two that Mr Berryman is prepared to recommend to the secretary of State. I am going to take you through them in a minute, but the reason I put them up now is to say the numbering is thoroughly confusing, to be frank, because options have fallen away. You do not need to worry about 1, 2 and 5, and you do not need to worry about various As and Bs, those are all things which we have looked at and nobody is progressing any further. Please do not be concerned about the strange numbering.

13192. We say there are two which are realistic, and I will explain precisely why in a minute, British Land may have their own preferences and they will explain that.

13193. Before I come to describe the options, we did make—this is both sides, there is no criticism here—a heroic effort to agree a joint statement on the facts

¹ Crossrail Ref: P2, Liverpool Street Station—3D Axonometric View of Liverpool Street Ticket Hall (LONDLB-2604-023).

² Crossrail Ref: P104, Liverpool Street Ticket Hall Options—Cost Estimate Summary Sheet (LONDLB-20504A-001).

The Petition of the Corporation of London with British Land

of these options. We have come very close to agreeing it, but it is not finally agreed. What I have had circulated to the Committee, and perhaps we can flash it up for a moment, is the track-changed version that was going backwards and forwards last night. I think the key facts are agreed, and then, as always in these documents, once you let lawyers loose they start fiddling over the details of who prefers what, but this document sets out the basic facts about the options, and the Committee, for that purpose, can use it as an *aide-memoire*.

13194. Can I then turn to going through the various options very briefly so the Committee has them in mind before Mr Berryman gives evidence. If the Committee keeps this summary sheet as an *aide-memoire*, because I have certainly found it is difficult to pin the numbers down, that is the summary sheet.

13195. **Chairman:** Can I say for the stenographer, that is A148.³

13196. **Ms Lieven:** I am very grateful, sir. If we can then turn on to exhibit number 9, what we see there is option 3B.⁴ The infrastructure of ticket hall B has stayed exactly the same inasmuch as the walls of the post office vault are exactly the same and everything else there is exactly the same. What changes is the configuration of the gateline here to fit in—on this drawing—21 gates. It involves moving one shop unit here. Mr Berryman will explain exactly the right place.

13197. All I want the Committee to understand at this stage is that is option 3B. It focuses around changing the gateline. Mr Anderson will explain that passenger modelling shows that that option works not only at 2016, which the Committee will remember is the design year, but at +35 per cent, which the Committee will remember is the LUL increase to take into account future growth.

13198. It works in 2016 and it works on a 60-year planning horizon. I have a kind of catch phrase for it, “It is cheap, it is simple, it is unexciting, but it does work”. That will be Mr Anderson’s evidence.

13199. Can we then move on to exhibit 10.⁵ This is option 4C. This option, together with both of the option 5s, involves going into this area on the east, which is the existing post office railway vaults, so it extends the ticket hall into this area. Mr Berryman will explain his extreme reluctance to do that work, and the engineering problems that arise. I am not going to try and explain it because I will get it wrong, and I do not want to even attempt to steal his thunder. This is the issue on option 4C and 5A and

5B and the significant problems that that raises. There are no modelling issues on this, Mr Anderson can explain, it works, 2016 and +35 per cent.

13200. **Sir Peter Soulsby:** Can I interject for a moment, all of these are assuming the relocation of the station control?

13201. **Ms Lieven:** Sir, can I come to that when there is a specific issue about that. I am going deal with it, if I may, at that point because it arises on all the options.

13202. The next one is option 5A, which is exhibit 12.⁶ Again, it is the same work on the vault, so it is exactly the same issue there, but 5A involves building escalators from the London Underground ticket hall directly up to the street. The additional issue there is the construction problems of doing that in an operational ticket hall within the same construction process as you are doing the work in the post office vaults as well.

13203. 5B, which I think is 13, is the same work in the ticket hall as 4C, so you go into the post office vaults but instead of putting escalators into the London Underground ticket hall, you add two escalators onto the existing Network Rail escalators.⁷

13204. This is a photomontage which is too good because for ages I kept looking at it and thinking it was the existing, but it is not, two escalators. You can see at the top of the photomontage the barrier which has not been taken out. That is where the two new escalators would be inserted into the Network Rail ticket hall. Again, all the same problems as 4C, but then there are particular issues about those escalators.

13205. Can I then turn to option 7A, which the Committee was referred to in passing as a possibility at the last set of hearings on this but not in any detail, and that is exhibit 14.⁸ If the Committee thinks back to when I was showing the axonometric and the LUL sub-station, this is the Crossrail passage coming up from low level this is the Central Line, and that is the breakthrough into the existing infrastructure. Along the Crossrail passageway we would break through a wall into the existing sub-station and put a free-standing ticket hall up to surface level there. It is completely off line from ticket hall B, but the good bit is that it is built within existing infrastructure. It involves moving the infrastructure, and Mr Berryman can explain where that would go and how much of a problem it may be,

³ Crossrail Ref: P104, Liverpool Street Station—East Ticket Hall Options

⁴ Crossrail Ref: P104, Liverpool Street Station—Option 3B—Test 4, LUL MIP Addition—(21 Gate lines)—Ticket Hall Level (LONDLB-20504A-009).

⁵ Crossrail Ref: P104, Liverpool Street Station—Option 4C—Test 2, Eastern Ticket Office—Post Office vaults/shafts removed—LUL MIP Addition (24 Gate lines)—Ticket Hall Level (LONDLB-20504A-010).

⁶ Crossrail Ref: P104, Liverpool Street Station—Option 5A—Test 2, Ticket Hall Level—Additional Escalators (24 Gate lines) (LONDLB-20504A-012).

⁷ Crossrail Ref: P104, Liverpool Street Station—Option 5B—National Rail Concourse—Photomontage of Additional 2 Escalators added to Existing 2-way bank (LONDLB-20504A-013).

⁸ Crossrail Ref: P104, Liverpool Street Station—Option 7A—Test 2, Substation Ticket Hall Options—Western Escalators (24 Gate lines) Ticket Hall Level (LONDLB-20504A-014).

The Petition of the Corporation of London with British Land

or not be as the case may be, and this involves coming up to street level in front of the UBS building, which British Land is the freeholder of. One can see the building line up here. The Committee may remember, although they may not, that we walked along past that building on a site visit. It was the very 1980s, slightly fortress-like building, with quite an extensive forecourt. There are specific advantages to that, which Mr Anderson can take you through.

13206. Can I then say a word so everybody is clear about how we have tested the options. We have tested them all through two computer models, Pedroute, which the Committee saw before, and Legion, which is a model that allows one to watch the movements of the individual passengers, and it, therefore, as Mr Anderson will explain, has some benefits over Pedroute. When Mr Anderson gives evidence, we have agreed with the clerk that we will suspend sitting for a short period so that you can see the movie clips of the relevant bits of the Legion modelling. It is a very good graphic way of explaining what is going on and, also, I have to say, is quite fun, which cheers things up a bit occasionally. The Committee will see that when Mr Anderson gives evidence.

13207. I really want to avoid getting back into all the passenger numbers today, but the Committee may recall the British Land figure of 42,000, which we say is a high base because it is 40 per cent above the observed level in 2001. We took that as the base for 2016 and we added 35 per cent. There is a dispute with British Land about whether we should have added another 15 per cent. Mr Anderson will explain to you briefly why we feel that is just too far. I will leave that for him.

13208. Another issue as to the testing that went on, I anticipate British Land will say that option 3 does not meet certain LUL station planning guidance in terms of the static calculation for the number of gates. The Committee will remember they heard an awful lot about that the last time. Mr Berryman can explain where static calculations come into the analysis, but we do have a note from LUL, which I think would be helpful to point the Committee to at this stage. I understand it has been ingested, but I do not have a number for it. Sorry, I do, it will be A149.⁹ This deals with two matters. First of all, demand estimation, I do not want to read through all of this, but if we can look at paragraphs 4 and 5: “A key issue for Liverpool Street is the split of Crossrail entries and exits between Liverpool Street and Moorgate. The project team have allocated traffic by using small disaggregated zones and choosing the station entrance with the shortest route”. This approach gives a reasonably accurate allocation between the stations. You will remember a huge amount of time was spent on that in January.

⁹ Committee Ref: A149, Liverpool Street Station—Demand Estimation and Passenger Flow Modelling—LUL Commentary on approach of Crossrail Project (SCN-20060629-002 to -004).

13209. “There are, in theory, a number of other factors which can affect the accuracy of the forecasts. In LUL’s judgment these are second order compared to the factors already considered. Given that the 35 per cent covers the very large uncertainties around long-term growth, statistically these second order effects are virtually absorbed within the 35 per cent contingency. LUL are therefore content with the demand forecasts for Liverpool Station used for testing the design”. That is their position on that.

13210. If we can go over the page to passenger flow modelling, they say a number of options are being considered and then end: “One of them, option 3, revises gateline within the existing ticket hall. This has been modelled using Pedroute and Legion. Both models show that even with 35 per cent growth from 2016, the gateline will handle the peak 15 minutes flow, albeit with short periods of queuing, following the arrival of trains, particularly the Metropolitan/Circle platforms. The peak 15 minute queue at the gateline is only 15 seconds at the +35 per cent. The modelling has assumed the full complement of gates. Should a gate be out of action, LUL, as operator, would ensure that the number of existing gates would be maintained and an entry gate sacrificed. If this leads to excessive queuing on the entry side, LUL would encourage incoming Central Line passengers to use ticket hall C”.

13211. This is the point about the SPSG, the guidance: “The number of gates would fall potentially slightly below standard in the very long run. Should the addition of further gates require a major step-up in construction costs, it would not be unreasonable for the Promoter of Crossrail to seek a concession against the standard. This would be on the basis that a safe work-around could be demonstrated which has only minor impacts on customers’ journey experience or LUL’s operating costs relative to the extra construction costs. The standards are designed to give a first order calculation of space and gateline requirements to ensure safe and customer convenience but economically efficient solutions. Detailed modelling and design may demonstrate solutions that are more efficient than the raw standards would indicate”. That is the LUL on that.

13212. Can I then turn to the station operations room briefly and put up exhibit 15.¹⁰ At this point, sir, I have to make an apology because, albeit inadvertently, I think I may have somewhat misled the Committee at day 8, paragraph 2170, for which I can only apologise. I did say that Crossrail would remove the station operations room. Strictly speaking, that is true, but I should have made clear to the Committee, what was not clear at the time, that the station operations room is here and behind

¹⁰ Crossrail Ref: P104, Liverpool Street Station—Option 7A—Test 2, Substation Ticket Hall Options—Western Escalators (24 Gate lines) Ticket Hall Level (LONDLB-20504A-014).

 The Petition of the Corporation of London with British Land

it are a number of structural elements. Mr Berryman can explain this in detail but, in effect, we have to keep a structure here because it is keeping up the ceiling above. We can remove a part of the station operations room. This shows the part, and I think Mr Chapman is suggesting for British Land that we could remove more, and I think that is right. This is a conservative analysis of how much we could remove. We cannot remove the whole lot, there has to be a fairly solid wall behind here to keep the ceiling up. Mr Anderson can explain how in terms of passenger movements that is not a problem, but I am sorry that I suggested to the Committee, albeit implicitly, that the whole thing could go last time.

13213. Can I then finally turn to the Promoter's preference on all this. I would normally do that in closing, but I think it might help the Committee, Mr Laurence and his clients, to understand exactly where we are on this. Our position is that based on expert advice from Mr Anderson and his team and Mr Berryman, option 3B performs perfectly satisfactorily at both 2016 and at +35 per cent, so it operates satisfactorily on a 60-year design period. We do not see any need to do anymore than that, and that is our clearly preferred option.

13214. If, because we have to take this into account—we want to give the Committee as much helpful guidance as we can—the Committee are not satisfied with that, then we say there are two further stages that need to be gone through. If any further expansion of ticket hall capacity is required, then the Promoter, on the absolutely clear engineering advice of Mr Berryman, has an unequivocal preference for option 7 over any of the other options that have been considered, obviously other than 3B. That option 7 has clear engineering advantages over going into the post office vaults and thus has a significantly lower engineering risk, as well as passenger benefits.

13215. Mr Anderson will show you the passenger benefit figures. It is really important to emphasise at this stage—we have drawn up cost figures—that the preference for option 7 over options 4, 5A and 5B are not cost-driven, they are engineering-driven and passenger-benefit-driven. We are not asking the Committee to say, “You might save £3 million by doing it this way rather than that way”, we simply say that option 7 is the best option in engineering and passenger terms over 4 and 5.

13216. The Promoter's view is that if, and, of course, we do not accept this, the Committee think there are any problems with option 3B, that is extending the gateline, then they on any analysis will only arise well into the future and, indeed, may never arise. There are a lot of unpredictables in all this about economic growth and so on. Therefore, it is quite unnecessary to require us to do option 3 and option 7 now—I should explain, if you do option 7 then you would almost certainly expand the gateline at some point in ticket hall B as well—and to require us to do both will simply waste money at this stage.

Therefore, if the Committee do have a concern about ticket hall B capacity, beyond option 3B well into the future, then what we would ask is you indicate that in your report and require a commitment, which we would work out, as to how that issue would be dealt with if and when the problem arises. There is really no case to require us to do option 7 now. I felt it was helpful to go through those stages now so the Committee and Mr Laurence are under no misunderstanding.

13217. Sir, I am sorry to have gone on a little bit. Unless there are any questions to me, at this stage, I will proceed directly to call Mr Berryman.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

13218. **Ms Lieven:** If we can go directly to option 3B.¹¹ Can you explain what it entails and what its benefits are?

(Mr Berryman) Option 3B is the one which is already on the screen. It involves no structural alterations to the ticket hall to what is holding it up. It would require the installation of new gates and limited building works associated with that, and the shop units just here would need to be removed. The works of a relatively minor nature can be undertaken during night shifts or with the changeover of the position of the gatelines probably during the holiday period, at Christmas or Easter or something of that sort. It is worth mentioning, as Ms Lieven drew attention to it, that the *Station Planning: Standards and Guidelines*—a document produced by London Underground which is used for planning of all the elements of the station, the gatelines, the escalators, ticket halls and other things—unfortunately was written by engineers and planners and not by lawyers, so it does not necessarily meet the exacting standards which you would expect of a document which was written by lawyers and a certain amount of interpretation of this document is required. However, if you use the formula to get in, you get to what we call the static figure for the facilities that are required, but that does not fully take into account passenger behaviour. It is important to undertake dynamic analysis to test the result of the static calculation. I think this will be referred to later when my colleague Mr Anderson gives evidence on this point. This is a very good example, because the number of gates in this gateline is lower than could be achieved by putting a zig-zag gateline in. The static calculations would have indicated that a zig-zag line with more gates in it would have worked better but the modelling that we have done in the dynamic analysis indicates that having a straight gateline and an unobstructed route gives you a much better throughput than the alternative.

¹¹ Crossrail Ref: P104, Liverpool Street Station—Option 3B—Test 4, LUL MIP Addition—(21 Gate lines)—Ticket Hall Level (LONDLB-20504A-009).

The Petition of the Corporation of London with British Land

13219. Could we now look at option 4C, please.¹² (*Mr Berryman*) Option 4C involves removing the vault structure above the Post Office railway shafts. These shafts go down to the Post Office railway and we need to remove the head of those shafts. When we spoke about them in February, we felt it would be a fairly simple matter to cap the shafts off. Since then, we have had discussions with the Post Office and have been able to go down there and inspect the area and the Post Office still wish to maintain access to those shafts. In slide 5 we see the existing arrangements for the shaft and the ticket hall.¹³ The shafts come up into the vaults at this level, and the street level is above. Can we put up slide 8, please.¹⁴

13220. It sounds obvious, but is the railway at the bottom?

(*Mr Berryman*) Yes. The Post Office would require us to provide a connection from this shaft, so that they can still get out into the open air without going through the ticket hall. In practice, that means that we have to build a layer underneath the existing vaults. That is quite a complex area. Above, there is the McDonald's store and the piazza outside the station, and we would need to underpin all that whilst we were doing the work, so it is rather more complicated than we initially thought. It is quite difficult doing this kind of work on a small site and constrained by the London Underground operational area. I feel bound to say that London Underground, as you would expect, are a very safety conscious organisation—as we all are. Their particular concern is the safety of passengers. That means that the way you can work in ticket office halls is naturally somewhat constrained and this makes life quite difficult for the people doing the work. Since the 30-year PPP contract has come into place, that difficulty of access has become even more difficult than it was before. The point about this lot is that it is a mass brickwork structure. I would not argue that it is not possible to do the works set out here—it certainly is possible—but I would suggest that the risks involved in that are greater than we would be happy to take on in such a sensitive location.

13221. Shall we go to 5A, slide 12.¹⁵

(*Mr Berryman*) This is an option which takes escalators up from the concourse level directly to the street. To achieve this, the vaults have to be removed and the gateline is positioned further forward than it was in the previous slide. These escalators are currently non-compliant with this document and we

would have to get a derogation from that in order to install them. It is probably not impossible to get such a derogation—and I do not think we would be overly worried about that—but we still have this problem of what to do with these vaults and how to deal with the additional level of tunnelling required underneath. There are also significant issues involved with moving the station facilities, the booking offices and machines and so on, away from that area.

13222. In terms of disruption, while the work was going on, how do you feel about having the new escalators going in on the west side of the ticket hall and the work going into the Post Office vaults on the east side?

(*Mr Berryman*) This will make it even more difficult. As I said a moment ago, London Underground, as you would expect, have very exacting standards for passenger safety and for allowing throughput of passengers while work is going on. Complying with those standards, I think it is common ground amongst all engineers who have had to do it, is not easy and doing this kind of thing does not make it any easier.

13223. Then option 5b, which is the one with escalators out of Network Rail.¹⁶

(*Mr Berryman*) This is the same as option 4 but with additional escalators provided from the British Rail concourse up to the existing exit from Liverpool Street Station. This is simpler and much cheaper to do than the previous option we looked at and provides some additional circulation. We have not modelled the Network Rail concourse. There would need to be the removal of one leg of the staircase. Network Rail are not hugely enthusiastic about this because they suggest this would attract more passengers to an area of the concourse that they do not want you to use, but that is the next option. The point here is that it has all the same risks as option 4 in requiring the removal of the vaults and so on.

13224. Then option 7A, exhibit 14.¹⁷

(*Mr Berryman*) This uses the existing area, which is currently a sub-station, in the forecourt of Liverpool Street. I understand that this was previously part of the ticketing concourse arrangements for Broad Street Station when that existed, but it has been in use for many years as a sub-station. We think there is an opportunity here to return some of the structure but in our cost estimates we have assumed that the roof and basement slabs and much of the walls would need renewal. Clearly on the side where the escalators would go, we would need to build a new wall and a new shape of wall. All the work could be done from street level. However, it would need to be phased to follow construction of the passageway

¹² Crossrail Ref: P104, Liverpool Street Station—Option 4C—Test 2, Eastern Ticket Office—Post Office vaults/shafts removed—LUL MIP Addition (24 Gate lines)—Ticket Hall Level (LONDLB-20504A-010).

¹³ Crossrail Ref: P104, Liverpool Street Station: Ticket Hall B Post Office Vaults—Existing Condition Section AA through vaults (LONDLB-20504A-005).

¹⁴ Crossrail Ref: P104, Liverpool Street Station: Ticket Hall B Post Office Vaults—Proposed Extension of Ticket Hall Concourse Section AA through vaults (LONDLB-20504A-008).

¹⁵ Crossrail Ref: P104, Liverpool Street Station—Option 5A—Test 2, Ticket Hall Level—Additional Escalators (24 Gate lines) (LONDLB-20504A-012).

¹⁶ Crossrail Ref: P104, Liverpool Street Station—Option 5B—National Rail Concourse—Photomontage of Additional 2 Escalators added to Existing 2-way bank (LONDLB-20504A-013).

¹⁷ Crossrail Ref: P104, Liverpool Street Station—Option 7A—Test 2, Substation Ticket Hall Options—Western Escalators (24 Gate lines) Ticket Hall Level (LONDLB-20504A-014).

The Petition of the Corporation of London with British Land

underneath, otherwise there would be no room for pedestrians to walk along the road. There is a building adjacent, which we can see indicated by the dotted line. As far as we are able to ascertain there is no physical connection between the two buildings. 100 Liverpool Street does not rely on the sub-station for support, so it would not require any underpinning. There is a canopy, I believe.

13225. Would you put up exhibit 7, which is the street level, we can see that a bit better.¹⁸

(Mr Berryman) That shows the escalators coming up from below and the structure we are talking about is roughly here. There is a canopy over the top of the entrance to 100 Liverpool Street which would need to be temporarily taken down. That should not be a particular issue and it would be reinstated obviously afterwards.

13226. Can we talk about what we would do with the kit that is in the sub-station.

(Mr Berryman) If we can go back to the previous slide, 14, in the area at the moment are effectively two sub-stations.¹⁹ There is a general power station which provides power for the station and there is a traction sub-station which provides the DC power for the traction of the underground. I understand that the lives of both of these are drawing peacefully towards their close; that is to say they will need renewal in the next few years. We would propose to put the traction sub-station in what is currently an equipment room belonging to London Underground which is in a disused tunnel. We are intending, in any event, irrespective of this, to provide a new sub-station to provide power for the station. That would be in the Bloomfield Street shaft which, from memory, you saw on the visit.

13227. Is the equipment room going anyway?

(Mr Berryman) That goes anyway. The shape of the equipment room is there.

13228. I think it is called CER.

(Mr Berryman) It is, indeed: the communications and equipment room. It will be necessary to relocate the plant and equipment that is in that room in any event. I spoke about the risks in option 4. Here there are some opportunities. We may be able to use some of the existing structure; we should be able to take advantage of the fact that the equipment needs renewal. That tips the balance really quite strongly in favour of this option.

13229. To summarise all that, Mr Berryman, what is your engineering advice to the Secretary of State as to the preferred options?

(Mr Berryman) My advice is that, if we have to build an additional substantially increased ticket hall, this is a better option than going for option 4.

As Mr Anderson will give evidence shortly, I still require some convincing that additional capacity is needed in any event, but, if it is, this would be a much better option than option 4. The other advantage of this of course—and to be fair this applies to option 4 as well—is that this can be done at any time. If at a later period, say in 20 or 30 years time, it is realised that the traffic numbers are getting out of control, this can be added at that stage without undue difficulty. It does not interrupt the flow of passengers into the Crossrail station or anything of that sort.

13230. Finally, may I point out that this is not a cost-driven decision but we have done some cost work. I do not think we need to go into it in any detail at all, but, from the engineering point of view, can you explain your assessment of the relationship between risk and cost on these options.

(Mr Berryman) I would like to make a point generally about design, because it does not just apply to the risk and cost, it applies to the interface between the physical design and the modelling of what is going on. You will notice that some of the drawings which have been used for modelling are marginally and slightly different from the layout drawings you have here. That is because the modelling process is iterative and we are at one stage of the iteration. The result of the modelling would probably be to change marginally some of these layouts. The same thing applies with the costs and risks. At the moment, we have estimated the costs—that is the concrete and the digging of piles and so on—and we have added flat percentages to all of the options to arrive at cost figures. Clearly that is not good practice. Normally we would do what is called a quantified risk assessment, where we make a full assessment of the additional costs that might arise and what the chances are of those arising. We have not been able to do that in the time. Indeed, we would not want to do it just yet because we would need to do a bit more design work before we could do that sensibly. By inspection or by experience, one knows that some things will turn out to be inherently more risky than others. Putting in an additional level, a basement, underneath a set of Victorian brick walls, immediately falls into that category.

13231. Could I point out that 002 is a cost summary: across the top are the options and right at the bottom are the figures.²⁰ At line 5, the contingency, despite what you have just said, you have applied the same contingency to each option.

(Mr Berryman) We have applied a percentage, yes.

13232. It is right, is it not, that if one did option 3B and option 7 together, cumulatively—so you did increase the gateline—and, whether now or in the future, built option 7A, the £30 million would go up, would it not?

(Mr Berryman) Indeed, it would. I would like to draw attention to two points on this chart. First of all, the raw construction costs for doing option 4, the

¹⁸ Crossrail Ref P104, Liverpool Street Station—Option 7A Substation Ticket Hall Options—Western Escalators Street Level Plan (LONDLB-20504A-007).

¹⁹ Crossrail Ref: P104, Liverpool Street Station—Option 7A—Test 2, Substation Ticket Hall Options—Western Escalators (24 Gate lines) Ticket Hall Level (LONDLB-20504A-014).

²⁰ Crossrail Ref: P104, Liverpool Street Station: Cost Summary Comparison of Ticket Hall options (LONDLB-20504A-002).

The Petition of the Corporation of London with British Land

things which tip the balance are £8 million for re-provision of the sub-stations which are in the existing space. As I said a moment ago, there is an opportunity there that may not arise and those costs may go away. If you did that, the costs for this one would go down significantly because the contingency and risk is a percentage which is added to everything. Reducing the figure by £8 million has a much bigger effect on this one and perhaps brings it down by closer to £10 million.

13233. **Ms Lieven:** Thank you very much, Mr Berryman.

Cross-examined by **Mr Laurence**

13234. **Mr Laurence:** Good morning, Mr Berryman. I do not believe we have met each other, although you are obviously very well familiar to everybody else in this room. I have a few questions for you, because what is happening today might not necessarily have been foreseen six months ago, at a time when the evidence that was being put forward on behalf of the Promoter suggested that there was nothing that needed to be done. We need to go through a little carefully to see how we have got to a position where we are now having round two of what is turning into an epic exchange of views between the respective parties. With respect to Mr Lieven, it is not only British Land for whom I appear, as you will appreciate, but also the Corporation of London. Are you an engineer by training, Mr Berryman?
(Mr Berryman) I am.

13235. You are here to tell us, as you have just done, that about the options for enhancing ticket hall capacity at Liverpool Street as a result of Crossrail.
(Mr Berryman) That is correct.

13236. Mr Anderson's function will be to tell the Committee about predicted passenger flows and matters related to that.
(Mr Berryman) That is correct.

13237. Yours is to tell the Committee which option caters best for those predicted passenger flows, is it not?
(Mr Berryman) That is part of my function. It is also to inform the Secretary of State which is the optimum, in terms of risk and general impact, on the rest of the scheme.

13238. I accept that. With that qualification, this has led you to explain why option 3B is in your view sufficient, on one view of those flows, whereas if another view were to be taken, a view the Committee might take, a more extensive option is going to be needed.
(Mr Berryman) If the Committee took that view, that would be the case. Mr Anderson, of course, will be giving evidence on that point shortly.

13239. You recognise, do you not, that the Committee needs to make its mind up about these matters now in case anything needs to be done which requires an amendment to the Bill.

(Mr Berryman) Yes, that is correct.

13240. You accept, in short, that the Committee is here to decide whether our preferred solution—which we know is 4C—warrants such a solution (that is to say, an amended to the Bill).

(Mr Berryman) I am afraid the constitutional duties of the Committee is something which is not my particular area of expertise.

13241. You will have learned something as we have gone along and you realise that is what we are talking about, do you not?

(Mr Berryman) Certainly, in general terms, yes.

13242. I am putting it generally to you. You accept, do you not, as I think you have to, that if the Bill is to be amended now is the time to do it.

(Mr Berryman) It would certainly need to be done within the next few months, yes.

13243. Not at the end of the year but before the summer recess. That is when work would have to start.

(Mr Berryman) That is when work would have to start, yes.

13244. If the Committee's view was that a solution was required that needed an amendment to the Bill.

(Mr Berryman) Yes, that is correct.

13245. It is just a matter of comment, but I will make it, if you do not mind: the Promoter finds himself supporting us, when we argued last time on this issue of providing for needed capacity at Liverpool Street, that a decision as to what the appropriate solution was would need to be taken earlier rather than later.
(Mr Berryman) I think the decision as to whether anything is needed or not is really something which depends on the passenger modelling amendments. I think we have accepted higher figures than we originally put forward, although, as Mr Anderson will explain, I do not think the differences are quite as much as you may be implying in your remark.

13246. I will put it again. The Promoter now does find himself supporting us in the argument we put forward last time when we said that if additional capacity requiring an additional provision to the Bill appears to be provided, now is the time to take a decision about that.

(Mr Berryman) I do not think we would ever argue with that. If an additional provision is required and the Bill is to pass in a timely manner, then we would never have suggested that anything other than this summer is the time to do it.

13247. **Mr Laurence:** I understand, because Ms Lieven was good enough to tell me so, that that, as it were, has been the subject of discussions between the Promoter and your clerk, sir—not discussions to

The Petition of the Corporation of London with British Land

which we have been party—and it is that which has led to the decision to give us our slot now to address this issue rather than at some later stage.

13248. **Chairman:** That is not quite how it is. Following the last hearing, we came to a view that we wanted this matter explored a bit more. We wrote to both parties explaining that.

13249. **Mr Laurence:** Yes, of course you did, sir.

13250. **Chairman:** We have got to the point where I think we have repeated that discourse and I think we should move on a little bit to examine the differences between the options.

13251. **Mr Laurence:** I am very content to do that. My next question for you, Mr Berryman, is just to check that the Promoter continues to argue, as he did last time, that the decision should be that all can be left until later, except for cheap and cheerful option 3B to which the Promoter is happy to commit himself now. That is the position, is it not?

(Mr Berryman) Yes. Whether I would accept your description “cheap and cheerful” is a fine point, but, yes.

13252. It was Ms Lieven’s description from last time. She has added a few more epithets this time, but let us call it that, shall we? Option 3B is the only such cheap and cheerful option, is it not, that the Committee are going to be asked to consider.

(Mr Berryman) Yes. The options which keep the structure of the ticket hall substantially as it is, that is the one which appears from the modelling—and we will see evidence of that later on—to give the best results.

13253. Doing nothing was not one of the options before the Committee any more, is it?

(Mr Berryman) No. It is accepted that we may need to do something.

13254. If 3B is rejected, there simply is not any other cheap and cheerful option that can be commended to the Committee, is there?

(Mr Berryman) No, there is nothing which is in that price range which would give as good or better results.

13255. Now, the Chairman wrote to me and he wrote to Mr Elvin in February and very helpfully he indicated that the Committee required further information about the enlargement of ticket hall B so as to accommodate any potential increase in passenger numbers. You remember that letter?

(Mr Berryman) I do remember that letter, yes.

13256. Sorry, those letters.

(Mr Berryman) I do indeed.

13257. In fact 3B does not involve much enlargement, within the meaning of the word used by the Chairman, of ticket hall B at all, does it?

(Mr Berryman) No, it does not and that is an advantage of it of course.

13258. It is not, however, just to be strict about it, within the four corners of what the Chairman was writing to Mr Elvin and me about, is it?

(Mr Berryman) I think it implies a bigger gateline. It is true, it does not see it in terms of making the ticket hall bigger, but it does provide better passenger flows and improvements to the ticket hall, I would say, more than anything else.

13259. All it involves is, as it now turns out, only partial removal of the station’s operations room.

(Mr Berryman) And far more important than that is the realignment of the gatelines to give very much better flows.

13260. I am just talking about the word “enlargement” as used by the Chairman himself in his letter of February. The only enlargement is achieved by partially removing the station’s operations room, is it not?

(Mr Berryman) And the shop unit just here would be removed to make the gateline slightly longer.

13261. What option 3B, therefore, provides, the Chairman and the Committee will obviously decide whether it matters to them whether that is within the parameters of the request for further information contained in the Chairman’s letters.

(Mr Berryman) I think we have interpreted the Chairman’s letter, not just us, but your clients as well, fairly widely, that what the Chairman was actually getting at was looking at enhancing capacity in this area.

13262. To comply with the Chairman’s request, the information to be provided necessarily had to be in the form of options, worked-up options, such as 3B and 4C, et cetera, did it not?

(Mr Berryman) Indeed, yes.

13263. To comply with his request, any such option must be shown to be capable of accommodating any potential increase in passenger numbers, must it not?

(Mr Berryman) Any potential increase in passenger numbers? No—

13264. I am just using his words.

(Mr Berryman)—it ought to be capable of accommodating any reasonably foreseeable increase in passenger numbers, and you cannot say any increase for ever.

13265. Maybe that is what the Chairman meant. Let us assume it is what he meant. If a particular option is not capable of accommodating any such potential increase, it does not comply with the request, does it?

(Mr Berryman) That is correct, it does not.

13266. To decide whether a particular option will be capable of accommodating any potential increase in passenger numbers involves principally focusing, does it not, on passenger flows predicted to occur in

The Petition of the Corporation of London with British Land

the three-hour morning peak and then subjecting those flows to further analysis to see whether such and such an option would comply with the relevant standards or not?

(*Mr Berryman*) Yes, that is correct.

13267. And the relevant standards to which you have referred are those contained in the quite grotesquely titled, if I may say so, “Strategy and Service Development Standard 2.03001-024—Station Planning” of August 2005.

(*Mr Berryman*) Yes, it does. That is a slightly updated version of the document I have got in front of me.

13268. Can we call that document I have just referred to the “August 2005 standard” because that is when its latest version is dated, I think?

(*Mr Berryman*) I am not that familiar with—

13269. It is complemented, is it not, by the companion document which is by your right-hand side published in November which is the document calling itself the “Good Practice Guide”, entitled “Station Planning Standards and Guidelines”, SPSG?

(*Mr Berryman*) Yes, that is right.

13270. You are familiar with both of those documents of course?

(*Mr Berryman*) I am more familiar with the SPSG. Obviously the depth of detail that I can go into on every single item is—

13271. Let us have a look at that, shall we, because there are one or two things in it which I would just like you to confirm for the Committee. I do not know if it is possible to bring that up on to the screen. It is not one of the documents which has been keyed in and I am still awaiting our completed bundle which I want to put to you. Turn, if you will, to paragraph 1.4 in that document. There are two very simple points about it which I am sure you and I can share with everybody else in the room just for the time being, Mr Berryman. The first passage I want you to look at in paragraph 1.4 is under the heading, “Approvals and Concessions”.²¹ It simply says this: “The standards contained within this document are contained within . . .” and then the reference is to the August 2005 standard which we mentioned earlier, “and are therefore mandatory”. You see that?

(*Mr Berryman*) Yes.

13272. By going through what that same guide, that same document, on the same page describes as the “SQE concession request process”—you see the reference to that lower down the page?

(*Mr Berryman*) Yes, indeed.

13273. You can ask London Underground to grant a relaxation of the standards laid down in the August 2005 standard, but unless and until such a concession is granted, what would otherwise be a breach of standard cannot be permitted, can it?

(*Mr Berryman*) That is correct, yes.

13274. **Chairman:** Mr Laurence, we can put this document down as A151.

13275. **Mr Laurence:** Thank you, sir. I am going to be providing it for you in a file which looks like this, documents to which the Petitioner may wish to refer which I expect will arrive very shortly and will be handed round when it does. Unless and until such a concession is granted, Mr Berryman, you accept that what would otherwise be a breach of mandatory standard cannot be permitted, can it?

(*Mr Berryman*) That is correct, yes.

13276. You recognise, do you not, that the projected passenger numbers which are relevant for present purposes are the numbers of passengers passing through the ticket hall B gateline in and out in the morning peak?

(*Mr Berryman*) Yes, I recognise that.

13277. And the figure that you are asking the Committee to work on is a figure of 42,000 such passengers plus 35 per cent, are you not?

(*Mr Berryman*) That is correct.

13278. Your assumption is that the present gateline can be increased from 16 gates to 21 gates. Is that right?

(*Mr Berryman*) Yes, that is about right. I am not sure how many there are there now, but certainly, yes.

13279. Gateline requirements as laid down in the LUL August 2005 standard are based on peak five-minute entry and exit flows, are they not?

(*Mr Berryman*) They are indeed. It is quite a complex calculation, as you know.

13280. I bet it is. A lot of work has been done between now and last January *inter alia* by your excellent consultants Messrs Mott MacDonald, has it not?

(*Mr Berryman*) Yes.

13281. Just so the Committee can see, this BFD, big fat document, I am holding up as I speak is the results of Mott’s work?

(*Mr Berryman*) Yes.

13282. You recognise it?

(*Mr Berryman*) Yes, I do recognise it.

13283. “Liverpool Street Station,—options for increasing ticket hall provision at Liverpool Street, end June 2006”, and a reference number given. You are familiar with this document obviously.

²¹ Committee Ref: A151, Station Planning Standards and Guidelines, Approvals and Concessions (SCN-20060629-005).

The Petition of the Corporation of London with British Land

(*Mr Berryman*) Yes, I am.

13284. You are not getting a nice bundle, I think, in a blue file, but what you are getting is what Mr McCulloch is going to hand round now, included in which is the November 2005 document that I have just referred to.

13285. **Chairman:** This will be A152.

13286. **Mr Laurence:** Now, one of the principal concerns of Mott MacDonald in preparing that report was the number of gates at ticket hall B, was it not?

(*Mr Berryman*) Indeed it was.

13287. If the Committee will look and if you will look at page 35 in the bundle which has just been handed round, you will see an extract from that report.

13288. **Ms Lieven:** I am sorry, sir, but we have not been given the same documents as the Committee and I do want to complain a little about the fact that there is a clearly set-out rule by now about the exchange of documents 24 hours in advance which we did comply with. Even now we have not been given the same documents the Committee has just had. I have not got page 35.

13289. **Chairman:** I take your complaint and I think it is entirely fair. We have tried to set the standard and this clearly breaches that, but I think we have to press on.

13290. **Ms Lieven:** Of course, sir. It was only a complaint of frustration. Of course we will press on. (*Mr Berryman*) I wonder if I could help the Committee by conceding that the static calculation, which I think is what Mr Laurence is aiming towards—

13291. Wait a moment, Mr Berryman. Mr Laurence is not hearing this rather important point which might spare us a few minutes.

(*Mr Berryman*) I am happy to accept the point which I think he is aiming towards that the static calculation of gate bands as presented in the Mott MacDonald report does not demonstrate compliance with this standard, but I ought to draw attention to something which Ms Lieven put up at the start, which was a note to me in fact from Phil McKenna, who is the appropriate official at London Underground, which says, amongst other things, “Detailed modelling and design may demonstrate solutions that are more efficient than the raw standards would indicate”, and that is the way that London Underground have approached the problem, that is the way we have approached the problem, and I can confirm that the detailed modelling does indicate a better and more efficient layout than the raw standards indicate.

13292. **Chairman:** Has he taken us to where you wanted to get to?

13293. **Mr Laurence:** I am going to carry on, if you will permit me, sir, just to do it in the orderly way in which I have prepared it. I apologise to my learned friend for the fact that the preparation of documents has not complied with your 24-hour rule on this occasion.

13294. **Chairman:** Are there any other documents which you are about to produce which might conflict with the same guideline?

13295. **Mr Laurence:** Sorry, with what guideline?

13296. **Chairman:** Are there any other documents which you might pull from the hat this morning?

13297. **Mr Laurence:** There are in the sense that there are documents that are documents with which the Promoter is much more familiar than we are that we have included in the bundle and about which I just want to ask some questions. If it turns out that an opportunity is needed to consider the material in those documents, then I hope you will be indulgent, sir.

13298. **Chairman:** I accept that, but I would just point out that it really is not good enough for us to scold the Promoter every now and again because of the amount of documents they have to send out that sometimes they are not got to the person who needs them quickly enough and then to have somebody else come along and it turns out that they do not.

13299. **Mr Laurence:** Yes, we need our scolding too, sir, and I am very much here to accept that as cheerfully as I can in the circumstances! Mr Berryman, Mott MacDonald concluded that the number of existing gates could be increased, I think, from ten to 23 by utilising slim-line gates and realigning them.

(*Mr Berryman*) Not from ten.

13300. I am sorry, from 16 to 23. I think it is now accepted that that number of 23 is optimistic and that the number we should be talking about is the number which you have mentioned which is 21.

(*Mr Berryman*) Yes, 23 gates could be installed and the way that that would have to be done is by what we call a “zigzag gateline”. I think we have demonstrated, and, as I say, Mr Anderson will demonstrate in his evidence, that a straight gateline with 21 gates works much better than the zigzag option. I think that is borne out by experience. I do not know if members of the Committee have been to the new King’s Cross Station where a new straight gateline has been installed, but it is performing much better than the previous arrangement.

The Petition of the Corporation of London with British Land

13301. If you look at the table at page 35 from the Mott MacDonald report, that is 2.2.2, and I think you have now got or you should have been given that.²²

(Mr Berryman) I am afraid I do not.

13302. In your left-hand, the yellow one, is the bundle that we originally prepared and which I think has already been factored into the system which serves to enable it to be up on the screen. I have not managed to catch up with the page number of that document, but it is page 49 of 59. That is up on the screen now. Just turn to page 35 of that and that is the table you see on the screen at the moment. What we have managed to do, in other words, is to provide half the documents that have, therefore, been subjected to the process, but the other documents have not. Ms Lieven is berating me quite unfairly. I normally do not mind being berated by her, but I have in my hand a volume prepared by those who instruct her at page 49 of which is the very page that we are here referring to because we complied with the 24-hour rule. Mr Mould tells me we must move on! That table is now in front of you on the table and it is in front of you on the screen, Mr Berryman, and I want to ask you something about it. It is clear from the table that option 3B does not cope with the requirement of 2016 plus 35 per cent because the required number of gates, Mott's say, is 24 and I think it is now accepted that the required number of gates is 25.

(Mr Berryman) Based on static analysis, that is how it comes out.

13303. That is what we are talking about.

(Mr Berryman) We are talking about the static analysis, but I am pointing out to you that static analysis is not the end of the story. Detailed modelling and design can often, very frequently, demonstrate solutions that are more efficient than the static design would indicate. That is why we do this. That is why we have developed these very expensive computer programs and bought them, to try and simulate how people behave, and they do work very, very well. You will see evidence later on to demonstrate how a 21-gate gateline operates even with 2016 figures and a higher assumption than that plus 35 per cent which is a very long-range target for passenger numbers.

13304. Mr Berryman, let me just come back to the table. You will see that the reference in the second line of the table to 2016 figures was 20 per cent.

(Mr Berryman) Indeed.

13305. Nobody is suggesting that the addition of 20 per cent is a justified means of arriving at the relevant figure in this case, are they?

(Mr Berryman) No, it has been agreed between us that 35 per cent will be the figure we use.

13306. So the Committee needs not to be confused by the reference to 20 per cent in that table. You accept that, do you not?

(Mr Berryman) Yes. It is common ground between us that we are working on 35 per cent uplift on the figures. What the significance of that is may not be agreed between us, but 35 per cent, we would say, is to allow for growth from the opening year to cover the 60-year horizon. This is in line with the London Underground's standard on the matter.

13307. We will come to that in a moment, if you do not mind. To cater for the opening year figure of 42,000, what we would call the 'central case figure', plus 35 per cent means, if you are going to do it, putting in the relevant infrastructure now in advance of the increases in passenger flow which make the enhanced facilities necessary, does it not?

(Mr Berryman) Not necessarily. It depends what scheme you put in. If what you are saying were true, it would mean there could never be any enhancement schemes to London Underground stations until the end of time and clearly, by just walking around London, you can see that is not the case.

13308. Another way of putting the point is to say that if, as the relevant standard requires, you need to add 35 per cent to the predicted 2016 passenger numbers, then there is no escape from an alternative solution more extensive than 3B if you are to comply with the standard.

(Mr Berryman) If you were to comply with the standard as far as the statics are concerned, I agree with you. As I keep trying to explain, it would be appropriate in this case, and it would be expected, that we would apply for a concession based on—

13309. I will come to that, if you do not mind. I will ask you about that. The cheapest such alternative, that is to say, putting 3B on one side, to those now under active consideration is 4C, is it not?

(Mr Berryman) It is a moot point. It depends on how you value the risks and the opportunities with the other options, but certainly 4C would be cheaper than 5 and it would be cheaper than 5A or 5B and it would be comparable with 7, I think.

13310. You sound, no doubt unintentionally, as if you are trying to distance yourself from the figures that, as you well know, the Promoter and we have been working on for very many weeks now, as set out in your cost estimate summary issues. Are you trying to distance yourself from those figures?

(Mr Berryman) Not particularly, but I am pointing out that they are at a fairly early stage of development and quantified risk assessments have not been done. There are probably further opportunities and, by inspection, one can see that the balance may change. I am not saying it will, I am just saying it may.

²² Committee Ref: A152, Mott Macdonald Report: Liverpool Street Station, Options for increasing ticket hall provision at Liverpool Street end, para 2.2.2 Summary & Analysis of findings (i) UTS Gateline (LONDLB-20505-049).

The Petition of the Corporation of London with British Land

13311. It is a sustained exercise, I shall be submitting later so you need not answer, in seeking to muddy what have become rather uncomfortably clear waters, is it not, Mr Berryman, what you are now saying?

(Mr Berryman) Well, as you have said I do not need to answer that, I will not.

13312. At £19.8 million, which is A148, Exhibit 1, option 4C cannot possibly be described as involving disproportionate cost in the context of the project as a whole, can it?²³

(Mr Berryman) This issue arises frequently during the course of these proceedings, as I am sure you are aware. The fact of the matter is that a line has to be drawn around the project at some point which represents a reasonable amount of money which the Secretary of State is prepared to pay for a facility of this kind. Individually all of the bits probably are not worth more than £19 million, but if one keeps adding bits worth £19 million, eventually you will get to a project which is not affordable. I am not suggesting that this is that actual £19.8 million which does that, but I am just pointing out that, as a general point, if you keep adding costs to the project, you make it less affordable and less likely to happen.

13313. If you did 4C before the project opened, you would be doing it while the passenger numbers were still relatively low, would you not?

(Mr Berryman) As I understand it, and again Mr Anderson could correct me if I am wrong here, the number of passengers passing through this ticket hall is not very much different before and after Crossrail opens simply because the flows are changed and people who had previously been coming in on the First Great Eastern services would now come in on the Crossrail services.

13314. In January, that is exactly what was being said by, or on behalf of, the Promoter, that Crossrail made very little difference. Can I just remind you of the two figures which were then in play: 2016 without Crossrail, 33,100; and 2016 with Crossrail, 33,300. It is a difference of only 200 and that was the point then being made, was it not, Mr Berryman?

(Mr Berryman) It certainly was. We are now working on higher figures, but the higher figures arise because of the development which we are told will happen in the eastern part of the city. Presumably that will happen with or without Crossrail, so those numbers may be higher than the numbers we were considering in January, but they both ought to go up by the same amount or a similar amount.

13315. You have not actually looked into this properly, have you?

(Mr Berryman) Personally? No, I have not.

13316. If you had, you would know that what you have just said is wrong and that in fact the difference is 3,850 on the figures you are now accepting.

(Mr Berryman) Okay.

13317. That makes a big difference now you know that, does it not?

(Mr Berryman) Well, it makes about 8 per cent difference then.

13318. So the Committee had better bear that in mind when invited to assess how much weight they can place on the answer that you have just given, that it remains the case in June 2006 that the addition of Crossrail makes substantially no difference to the project. That was just a digression. If you did 4C before the project opened, you would be doing it while the numbers were relatively low, would you not?

(Mr Berryman) Of course if one expects growth to take place, the earlier you do it, the smaller the number of people.

13319. You would be doing 4C, not to put too fine a point on it, in order to future-proof your station, would you not?

(Mr Berryman) Yes, you would.

13320. If you do it afterwards when the passenger numbers are higher, you will be, I understand the term is, ‘retrofitting’ the station?

(Mr Berryman) Yes, that is correct.

13321. To retrofit is to be retrograde, is it not, Mr Berryman?

(Mr Berryman) It certainly is not. Retrofitting items of plant equipment is one of the most modernising things you can do. It is very far from being retrograde.

13322. You will be undoing all the 3B works of redoing the gates, enhancing their number, changing the alignment and doing it all under circumstances where the predicted extra Crossrail flows had already materialised.

(Mr Berryman) Some of the predicted extra Crossrail flows. I presume what one would do in circumstances like this is have a threshold, an internally or externally agreed threshold, at which point one said, “Well, we need to do some more work”, and that is the time—

13323. And what a mess! Firstly, you do 3B and then some years later, in breach of what the standard requires, you will be doing, if the Committee requires you, a lot of work in the station with the consequences I have just mentioned.

(Mr Berryman) Yes, but that could be 30 years later.

13324. It is not going to be easy to do, is it? It is going to be extremely difficult.

²³ Committee Ref: A148, Liverpool Street Station—Option 4C—Test 2, Eastern Ticket Office—Post Office vaults/shafts removed—LUL MIP Addition (24 Gate lines)—Ticket Hall Level (LONDLB-20504A-010).

The Petition of the Corporation of London with British Land

(Mr Berryman) That is why we would say that if such an eventuality were to arise, option 7 would be a much better option than option 4C.

13325. I will turn to option 7 in a minute or two, if you do not mind. There is simply no rational justification, is there, for postponing, in breach of the mandatory standard, what your best judgment, and for these purposes the best judgment is going to have to be that of the Committee, tells you is inevitable, is there?

(Mr Berryman) The figures on which this is based are assuming a 35 per cent uplift in passengers from the opening year which, as I already said, is intended by LUL to cover what will happen in 60 years' time. Sixty years is a long time. It is the lifetime of some assets of this kind and it certainly would not be unreasonable to suggest that some time during that 60-year period an upgrade may be required. We would argue that there is no case to say that that uplift is required now.

13326. In the bundle of supplementary documents, which has not been put on to the system, but which has been circulated now, sir, and the copy of which has not got a yellow cover, Mr Berryman—

13327. **Chairman:** That is A152.

13328. **Mr Laurence:**—at page 68, there is a note from London Underground Limited of 26 January 2006 under the heading, “The Operation of Liverpool Street Station and the use of the Pedroute Model”, which was A23 put before the Committee last time, sir. If you turn to paragraph 4.2, the test that you should be addressing yourself to, under the heading “Future proofing Design”, is this, is it not: “Where capacity is not needed in the short term but is relatively cheap to install at a later date, it may be acceptable to defer the additional capacity so long as passive provision is made in the initial design”?²⁴ That is the approach which has to be used, is it not? *(Mr Berryman)* Yes, I would not argue with that statement.

13329. You cannot possibly say of 4C that it is relatively cheap to install at a later date.

(Mr Berryman) It would not be any more expensive to install it at a later date than it would be to install it now. I think the point about that option is that it is well away from the other Crossrail works, as I think you know, and it is almost a separate little engineering project in its own right. Doing it now as part of the Crossrail works or doing it in 20 or 30 years' time would not make any difference to the cost. Obviously it would make a difference because of the inflation during the intervening period, but it would not make any difference to the real cost of doing the works. In any event, we would argue that option 7 would give a much cheaper way of achieving the same objectives and indeed very much

better passenger benefits than option 4, but again Mr Anderson will give evidence on that point in due course.

13330. You have said to the Committee already, or I think you have at all events, that you expect to be able to get a concession from London Underground.

(Mr Berryman) Yes.

13331. The time to get that concession will be when?

(Mr Berryman) When we are in the detailed design stage.

13332. In other words, it would have to be got not many years down the track, but now, would it not?

(Mr Berryman) Within the next 18 months probably, yes. I have to say that the way we work with London Underground is not that we sit in one room and they sit in another room, well, actually that is the way we work, but we do not sit in one building and they are in another one and we pass each other messages. We are in constant dialogue with them. Mr Beattie, who is sitting over there, is the director responsible for Crossrail and he actually works in our office, so all of this stuff is not going to be any surprise to them, but it is something we have been in dialogue with them about ever since we started developing the design.

13333. But the important question for the Committee is whether it can assume that the concession which you are accepting is going to be necessary will be granted.

(Mr Berryman) Yes.

13334. The SQE procedure, referred to in the SPSG document in paragraph 1.4, has not even been started, let alone approaching completion, has it?

(Mr Berryman) No, it has not, but the discussion and the relationship with London Underground is something which is ongoing and is happening all the time. Because a formal document has not been prepared yet does not mean we do not have a degree of confidence that the appropriate concession will be granted.

13335. London Underground has not said that it is acceptable, has it, to be designing for 42,000 plus 35 per cent by installing some extra gates under 3B? Do not look at the other witness and see if he nods at you. They have not, have they?

(Mr Berryman) I cannot recall whether they have written it down at all.

13336. Are you suggesting they might have written it down? I would like to see the piece of paper very much if they have.

(Mr Berryman) Well, they have given us something fairly close to what you are asking for.

²⁴ Committee Ref: A152, Future Proofing Design (SCN-20060629-06)

The Petition of the Corporation of London with British Land

13337. They have, have they?

(Mr Berryman) Yes.

13338. It is not before the Committee though.

(Mr Berryman) No, it is not. It is an internal document.

13339. What document is that, Mr Berryman?

(Mr Berryman) It is a note from Phil McKenna to myself dated June 2006.

13340. Sorry? Something different than has been put before the Committee then?

(Mr Berryman) Was that what you just put up, Ms Lieven?

13341. Ms Lieven: Yes.

(Mr Berryman) Paragraph 8—²⁵

13342. Mr Laurence: Sorry, Mr Berryman. You are referring to what we have already seen, are you?

(Mr Berryman) I am, I am sorry. I temporarily forgot that it had already been put up. I think paragraph 8 there makes it fairly clear where our discussions with them have got to and again this will be presented in evidence by Mr Anderson in due course.

13343. Let me put it to you like this: the fact that you are now talking the language of concessions shows that the Committee is being asked to sanction a solution which represents a departure from the standards, does it not, 3B?

(Mr Berryman) It represents a departure from the standard for static gateline.

13344. Not only that. I will come to that, if I may.

(Mr Berryman) Yes, it does.

13345. Not only that, is it? It is not just the static bit, but it is the Pedroute bit as well.

(Mr Berryman) Well, you can see from Mr McKenna's note—

13346. I could not understand that note very well at all, I have to say.

(Mr Berryman) It says, "Option 3 has been modelled using Pedroute and Legion. Both models show that even with 35 per cent growth from 2016, the gateline will handle the peak 15-minute flow, albeit with short periods of queuing following the arrival of trains, particularly from the Metropolitan and Circle platforms", and you will be able to see on the presentation that Mr Anderson gives how that works and what the impact of that is.

13347. Mr Berryman, instead of a solution which, in the Chairman's words, accommodates any potential increase in passenger numbers, you are asking the Committee to accept a solution, are you not, which

requires LUL concessions because the solution does in fact not accommodate any potential increase in passenger numbers?

(Mr Berryman) On the contrary, the solution does accommodate the increase in passenger numbers. It does require a small concession from the standard.

13348. You are asking the Committee to do that even though it is not at all clear whether, when it comes down to it, the necessary concessions will be granted.

(Mr Berryman) As a matter of law, I am sure you are correct, that we cannot promise or guarantee that those concessions will be granted. However, based on our relationship with LUL, based on their design approach, based on the long discussions we have had with them on this particular point, I am confident that we can achieve the solution that we are proposing.

13349. If you look at the supplementary bundle of documents at page 32A and 32B, perhaps you will just look at the bottom of the page to see the questions that Mr Penfold was asking you by his email three days ago.²⁶ He says at the bottom, "I would like to be absolutely clear about the position of LUL in this matter given that we may not have the opportunity to cross-examine an LUL witness." We are not going to have the opportunity to cross-examine an LUL witness, are we?

(Mr Berryman) We are not, but the document that he asked for is the document I just referred to which Ms Lieven put up.

13350. "I would be grateful if you could respond to the following questions as a matter of urgency. Which versions of options 3 and 4 were LUL shown? Have they seen 4C (not just the variant 3A, 3B etc) but whether the MM", that is Mott MacDonald, "or Legion layouts were shown as these differ in key respects?" Then, "LUL have seen the MM report, showing the original layout", you say, "and the Legion and Pedroute outputs showing the amended gateline layout. They have also seen Legion outputs for option 3 with the MM layout, and have been involved in discussions on the gateline optimisation process." He asks, "Has LUL been given a copy of the MM reports?". "Yes." "Is LUL aware of the costs associated with each option?" "Yes." "Has LUL been shown the Legion and Pedroute results/plots and if so with what sensitivity test assumptions and which drafts of those that we have received from you?" You answer, "As above, we have been issuing the output to LUL. As replacement output is becoming available, it is being provided to both LUL and yourselves." Then there are further questions and they are answered and in addition there is the sheet to be found at pages 32C and 32D overleaf, is there not?²⁷

²⁵ Committee Ref: A149, Liverpool Street Station—Demand Estimation and Passenger Flow Modelling—LUL Commentary on approach of Crossrail Project (SCN-20060629-004).

²⁶ Committee Ref: A152, CLRL Internal Memorandum regarding Liverpool Street Ticket hall Options, 29 June 2006 (SCN-20060629-008).

²⁷ Committee Ref: A152, Correspondence from British Land Company plc to CLRL, 26 June 2006 (SCN-20060629-009).

The Petition of the Corporation of London with British Land

(Mr Berryman) Page 32C and 32D is in fact the document Ms Lieven put up and you have referred to already.

13351. Yes, indeed.

(Mr Berryman) Yes, those were sent back yesterday, I think, to the Petitioners.

13352. There are lots and lots of questions, Mr Berryman, which one would have wanted to be able to put to an LUL witness about this concession procedure if we had had the opportunity to do so which are not answered by the material I have just referred to. Do you accept that?

(Mr Berryman) It is not for me to accept or otherwise. If you say there are lots and lots of questions you would like to ask, that must be the case.

13353. I put it to you—maybe you are not in a position to comment—that it was not just the static gateline requirements that are going to need a concession but also the level of service standards laid down in the August 2005 LUL document we discussed earlier that are going to require a concession.

(Mr Berryman) You are talking about the space standards?

13354. Yes.

(Mr Berryman) Yes.

13355. What I understand is level of service.

(Mr Berryman) Yes.

13356. The table that I have made for myself is that what is required on the paid side of the gateline is a level of service at C and what is going to be available with 3B is D. On the concourse side what is required is a level of service at B and what is going to be made available is C. In both those respects, a concession is going to be needed in relation to the standard there too, is it not?

(Mr Berryman) Yes. The standard is slightly more ambiguous in that area. It describes those as targets but I accept your point.

13357. Does it?

(Mr Berryman) I think so. I do not want to get into an argument about what this document says and does not say.

13358. **Chairman:** I am going to suspend for 15 minutes.

After a short break

13359. **Ms Lieven:** In the hope of expediting matters, I have discussed with the representatives of London Underground sitting behind me this issue of concessions. I can read out what we have agreed. This may help the Committee. I have not spoken a word to Mr Berryman about this because he is in the witness box being cross-examined so this is news to him. "Crossrail will work up the proposal for ticket

hall B on option 3B to a standard agreed with LUL. This will then be submitted to LUL's safety review group which covers all appropriate standards, engineering, operation and planning, in September 2006. We will inform the Committee in October as to whether the safety review group is minded to 'grant' the appropriate concessions based on the design presented." This is not something unique. This is a process which is known by LUL and has approval in principle and which mirrors the process undertaken for the Jubilee Line extension. I hope the Committee can put in mind concerns as to whether a concession is granted or not because, if there is no in principle concession, that is a matter that if necessary we can come back to in October. I think the Committee is by now resigned to the fact that we will still be in Crossrail for at least some parts of October.

13360. If there is any part of that the Committee want defined or explained, I can do so on instructions from LUL.

13361. **Chairman:** The Committee have heard what you say and will come back to you.

13362. **Mr Laurence:** Right in the middle of my cross-examination of you, Mr Berryman, Ms Lieven gets up to make a suggestion which makes nonsense of the answer that you gave earlier this morning that the Committee are going to have to take a decision this side of the vacation, so that you can start putting into the process what needs to be done in order to provide an additional provision for the Bill if their decision is in our favour.

13363. **Chairman:** We may give guidance. We may take a decision before the summer. I do not know yet because we will be reviewing this session with other sessions before the break.

13364. **Mr Laurence:** In that case, Mr Berryman, we are conducting this debate on a basis which may or may not turn out to be hypothetical. If the interim report from the Committee—I am doing this on the hoof so forgive me if I am not as articulate as I would like to be—and if the guidance from the Committee in a few weeks' time is that in order to speed the Bill process such additional provisions as are going to be promoted, the process must begin immediately after the recess, it follows from that that it makes sense for us to be here today so that the Committee can make up its mind whether it accepts our case that option 3B should be kicked into the long grass and some other, more expensive option be put in its place.

13365. **Chairman:** I understand but where I want us to be and the Committee Members want to be today and what we want to know from you is what you want. That may help us in our judgment in the coming weeks and months.

13366. **Mr Laurence:** We will do the best we can having regard to that guidance from the Chairman. What we want is 4C. We want 3B to be rejected. We

The Petition of the Corporation of London with British Land

want 4C and we want the Promoter to be required to promote an additional provision to permit 4C to be constructed.²⁸

13367. **Chairman:** You having said that, we have more than adequately dealt with your opposition to 3B. Could we move on?

13368. **Mr Laurence:** With respect, sir, there is another extremely important point to do with my opposition to 3B which I would like to put to Mr Berryman if you do not mind. It is to do with how you compute the numbers against which you have to apply your standards.

13369. **Sir Peter Soulsby:** I want to take this opportunity to clarify the Petitioners' position now with regard to some of the other options that we considered right at the outset, including options of a completely different access. The Petitioners did accept that it was from this menu of options in front of us that we are now being asked to take a view, not some of those on the original menu.

13370. **Mr Laurence:** The Petitioners, if you remember, were originally arguing for the Eldon Street option.

13371. **Sir Peter Soulsby:** I want to take this opportunity to clarify that those were no longer on our menu.

13372. **Mr Laurence:** That is no longer on the agenda for two reasons. One, the Promoter made it very clear that he regarded option 1 as not buildable. We did not accept that. He made it clear that he would not be favouring option one. Two, even more importantly, the Chairman in his letter to Mr Elvin and to me made it clear consistently with the evidence that had been given last time that what the Committee was looking for was information relating to the subject of providing extra accommodation within ticket hall B to cope with any potential increase in passenger numbers. Something that we would otherwise have done which was to continue to argue the case for option one, the Eldon Street option, we dropped. At the beginning of May, to our astonishment, there suddenly entered the discussions between us and the Promoter what has now come to be called option 7. That is the option which, if you remember, Mr Elvin was putting questions to Mr Chapman about and you, sir, intervened to say, "Hang on a second. What is this option 7 that is not even an option that you are putting forward?" The relevant extract is in the papers I have handed you this morning. Mr Elvin said, "We are not putting forward any options" and the debate ended there.

13373. What has happened is that option 7 has suddenly featured as an option which Ms Lieven made clear this morning the Promoter is not putting forward but which she made clear is being put

forward in the event that the Committee are not wholly satisfied with option 3B. It has been put forward simply on the basis that it will be done at some time in the future. What Ms Lieven has not yet said, although it may be implicit in what she has put forward, and she should have done, is whether the Promoter is arguing for option 7 now in preference to option 4C now, if the Committee comes to the view that something radical has to be done now. Our whole argument is that something radical has to be done now and it is 4C, not 7. I do not know whether that is common ground. I am going to ask Mr Berryman about that if you do not mind so that he can clarify what the Promoter's position is on 7.

13374. **Sir Peter Soulsby:** I have understood the Promoters to be saying that if something more radical had to be done now their very strong preference is for option 7A. I am not clear what position the Petitioners are taking with regard to what I am reminded was described as option 1 and whether it is now their position that is not something which they wish us seriously to consider.

13375. **Mr Laurence:** They oppose the Eldon Street option. We have not worked it up to be in a position to argue about it in front of you. We regard it as unfair frankly that, outside the four corners of what the Chairman said to Mr Elvin and me in February in his letter, we should suddenly be considering an option which is outside ticket hall B. We recognise reality and we recognise we have to deal with reality. If now it is being suggested that option 7 is a serious option we have to accept that. I appreciate of course that Sir Peter wants to know whether we are still putting forward the Eldon Street option in front of you for consideration. We have not come here prepared to do that.

13376. **Chairman:** You have already made a case for Eldon Street. Things have moved on. Can we take it now that your favoured option is 4C?

13377. **Mr Laurence:** It is, sir. Mr Berryman, high level meetings and technical meetings have been taking place between the parties, have they not, between March and May and even beyond?
(*Mr Berryman*) Yes, that is true.

13378. You were not present at those technical meetings and neither was Mr Anderson but you know all about them, obviously, do you not?
(*Mr Berryman*) As you just said quite correctly, I was not there. I have a rough idea of what went on but I could not quote who said what to whom.

13379. They were minuted and the minutes were agreed, were they not?

²⁸ Crossrail Ref: P104, Liverpool Street Ticket Hall Options—Cost Estimate Summary Sheet (LONDLB-20504A-001).

 The Petition of the Corporation of London with British Land

(*Mr Berryman*) Yes.

13380. You saw and read the minutes, did you not?

(*Mr Berryman*) Yes, I did.

13381. You have much better than a rough idea. You have the idea that you get when you read the minutes of carefully minuted meetings, do you not?

(*Mr Berryman*) Yes. One could argue about whether that is a detailed or a rough idea but yes.

13382. You are smiling but this is serious.

(*Mr Berryman*) I am sure the whole matter is serious.

13383. You were well aware, to put it no higher, that SDG thought that there was agreement that the agreed central case figure of 42,000 predicted passenger numbers would need to be increased by an appropriate percentage to reflect the confidence range due to modelling errors.

(*Mr Berryman*) I am aware that that is what they wanted to do, yes.

13384. It emerges from the minutes, does it not?

(*Mr Berryman*) Yes.

13385. I want to show the Committee how it emerges in the yellow bundle, page two. We have the minutes of the first of those meetings.²⁹

13386. **Ms Lieven:** I hesitate to interrupt because doubtless Mr Laurence will not be pleased, but I would suggest this might be a better line taken with Mr Anderson who is dealing with the figures and the 42,000. Neither Mr Anderson nor Mr Berryman were at the meeting. They are both capable of reading the minutes. It may be that Mr Anderson would have more knowledge of the background to this matter than Mr Berryman.

13387. **Mr Laurence:** I take the point that Mr Anderson may be the appropriate witness to ask in more detail but I would like to ask one or two questions. Look at page two, paragraph seven at the bottom, page 16 of 59: "Sensitivity tests to be undertaken were discussed—it was agreed that central estimate (42,000) would be subject to sensitivity testing to reflect confidence range due to model errors (before 35 per cent design life test)."

(*Mr Berryman*) Yes, that is correct. I was aware of that. That sentence in the minutes and the discussion which led on from that did lead to some misunderstanding between ourselves and the Petitioners, as I think you will be aware. Perhaps Mr Anderson could deal with that when he gives his evidence.

13388. **Mr Laurence:** The references in your bundle, sir, are at page 7, page 12, page 16 and page 21. Following those meetings, all of which contain reference to this necessity to add something to the

figure of 42,000, Mr Berryman, at page 23 in your bundle, bottom right hand corner—page 37 of 59—is an e-mail from Mr Price at British Land addressed to Richard Meeks, second paragraph: "I am particularly concerned that you do not regard the revised March 2006 passenger matrices as being agreed as a new baseline—this is contrary to all discussions that we have had over the course of the last three months. We had also agreed with John Landels that the 2016 with Crossrail forecast flows are subject to variation to account for modelling/forecasting errors—a figure of plus 15per cent was agreed as a reasonable high level forecast for the purposes of testing subject to further verification. Any 60-year design test would be additional to this as required by LUL guidelines."³⁰ Mr Anderson replies on that topic at page 25, two-thirds of the way down the page: "2.15 per cent uplift sensitivity. Our data, that has been shared with you, does not support such an uplift. However, we will be very happy to consider any further evidence you had and I understand SDG are preparing a note on the matter. We are, however, running these sensitivity tests as agreed."³¹ Mr Berryman, that is a carefully crafted reply from Mr Anderson but the way I read it is that Mr Anderson seems to be acknowledging there that an increase is necessary to reflect the matters that Mr Price had been talking about; but that he was not necessarily accepting that the uplift should be as high as 15 per cent.

(*Mr Berryman*) I do not see it quite like that myself. Mr Anderson will be giving evidence later on. When you said "fully minuted meetings" obviously these minutes are really notes of meetings rather than full minutes. This did lead to a serious misunderstanding between ourselves and the petitioner. We do not accept that it is necessary to add 15 per cent and then 35 per cent to the high level forecast.

13389. Mr Anderson is there accepting that some uplift is necessary and so should you, should you not, to reflect these factors?

(*Mr Berryman*) He says on the first line there, "Our data . . . does not support such an uplift."

13390. Namely a 15 per cent uplift.

(*Mr Berryman*) Yes. ". . . we will be very happy to consider any further evidence . . .". We did agree that we would run sensitivity tests as agreed.

13391. That is a separate issue. The issue I am putting to you now is that once you arrive at your central case figure, the agreed figure of 42,000 passengers in and out of gateline B in 2016, that is agreed. You are not going back on that, although Mr Price seemed to fear that you were even going back on that. That figure is agreed, is it not?

(*Mr Berryman*) Yes. That is what we have used as a basis for our calculations.

²⁹ Committee Ref: A152, Steer Davies Gleave Meeting Note, Liverpool Street Crossrail, 13 March 2006 (LONDLB-20505-016).

³⁰ Committee Ref: A152, Correspondence from British Land Company plc to CLRL, 25 May 2006 (LONDLB-20505-037).

³¹ Committee Ref: A152, Correspondence from CLRL to British Land Company plc, 30 May 2006 (LONDLB-20505-039).

The Petition of the Corporation of London with British Land

13392. Turn to the other bundle, page 43.³² This is evidence that Mr Spencer mentioned before. The document from which it comes is at page 41: "Station Demand Modelling September 2004", London Underground's guideline document. 5.7: "Sensitivity testing of scheme design." It says at the bottom in the box: "The scheme design should be tested against the high case demand scenario for the future year. The future year (scheme design) will usually be . . . 60 years after the future year (appraisal) . . . 0.5per cent growth should be assumed for each year after 2016, which generates . . . 35per cent after 60 years. Therefore, the total demand level that should be tested is: test demand level = high case demand scenario . . . x 1.35."

(Mr Berryman) Indeed, and that is exactly what we have done.

13393. It is not because what we are talking about is how you arrive at your high case demand scenario within the meaning of that guideline.

(Mr Berryman) Not at all. I am very happy that Mr Anderson takes this when he is giving evidence but the high case demand scenario we interpret as being 42,000 and we have taken 42,000 x 1.35.

13394. As was famously said on one occasion, you would say that, wouldn't you? The reason you would say it is that, if the 42,000 figure has to undergo a further increase by a percentage such as 15 per cent before you times it by 1.35, you are even further out of line in terms of the standards that you have to comply with, are you not?

(Mr Berryman) No. We are complying with the standard in this respect. The standard says high case demand scenario, which we have agreed is 42,000 times 1.35. Those are the numbers we are using.

13395. Let there be no doubt between us. There is disagreement between us as to whether that agreed figure of 42,000 is properly to be regarded as the high case demand scenario within the meaning of London Underground's guideline.

(Mr Berryman) No doubt but that is our position, that that is the high case demand scenario. We have to bear in mind the issue of how many people it is physically possible to deliver to the station because they have to come in on trains and there is a maximum frequency.

13396. What have I to bear in mind?

(Mr Berryman) The number of people who can be delivered to the station by the trains. There is a limit to that. Mr Anderson will give evidence on this. What you are talking about is a very large increase in the number of people who can physically get on the trains to get to the station.

13397. As soon as the Committee is satisfied that there must be some uplift on the agreed, central, ticket hall B peak demand figure of 42,000, the extent

of the concession that London Underground will be required to give becomes even more problematic, does it not?

(Mr Berryman) I am not sure who would decide what the appropriate passenger figures are.

13398. The Committee is going to take a view about what counts here as the high case demand scenario. Its view is going to determine the outcome of these proceedings, given the dispute between us, is it not?

(Mr Berryman) Of course you are right. The Committee's view will resolve the issue but whether the Committee would want to get involved in the exact passenger numbers is something I leave to the Chairman.

13399. It is an unfortunate feature of this debate that the starting point is what the numbers are going to be, is it not?

(Mr Berryman) That is certainly a factor.

13400. You contend that there are certain problems about building 4C but I think you accept that they can all be overcome, do you not?

(Mr Berryman) Yes. I am not saying it is physically impossible, by any stretch of the imagination.

13401. Provision is therefore made by a costing methodology for extra risks and that has been done, has it not?

(Mr Berryman) No, it has not. The risk and contingency figure is a percentage of the total cost.

13402. The Committee is here conducting its deliberations at a relatively early stage in the complex process of designing the ultimate railway, is it not?

(Mr Berryman) It is, yes.

13403. The Committee has no choice other than to do the best it can on the basis of the information that is now available, has it?

(Mr Berryman) The information that is now available and the evidence given by witnesses, yes.

13404. The purpose of the intensive exchanges that have been going over the last five months between the Promoter and those who I represent has been to be able to present to the Committee the best estimate, amongst other things, of the cost that is going to be involved in the different options.

(Mr Berryman) Yes, at the design stage we have reached.

13405. Of course. That is summarised in the table which you have already put before the Committee.

(Mr Berryman) Yes.

13406. It simply will not do, will it, now to say, "Oh well, if and when we get to do the kind of detailed work which I am sure is necessary in order to refine the figures further, we may find that what we project as the cost of option 4C will turn out to be less or

³² Committee Ref: A152, Station Demand Modelling LUL Guideline Document, Para 5.7 Sensitivity testing of scheme design (SCN-20060629-010 and -011).

The Petition of the Corporation of London with British Land

more.” The Committee has a figure and it has to do the best it can with that 19.8 million figure, has it not?

(Mr Berryman) Yes, but I am just pointing out that the risk and contingency which has been added, the same percentage has been added to each one of the options in line with the average which, when we have done the station design, we have quantified the analysis. We have derived an average figure. We have applied that to this. There simply has not been time to do the necessary risk analysis to get to the kind of degree of proof which you are seeking at this stage.

13407. Mott MacDonald did not identify any feature of option 4C which would render it unbuildable and neither have you.

(Mr Berryman) No. There are no features which render it impossible.

13408. They recognise of course that a full structural survey and inspection would be required in the Post Office vaults before a final scheme could be drawn up et cetera.

(Mr Berryman) Indeed. I think they point out the necessity to underpin the McDonalds building and the highway in that area and the various other problems associated with underpinning the vaults. I do not want to over-emphasise this and give the impression that it is completely impossible to build but I think Members of the Committee will see by inspection that it is very much more complicated than we originally thought just to cap the tops of the shafts.

13409. You very properly do not want to over-emphasise it because elsewhere in this project very much more complicated things are having to be undertaken and are being done, are they not?

(Mr Berryman) Yes, they are. Occasionally there is no choice but to do something which is extremely difficulty or awkward.

13410. The Chairman and Sir Peter asked me to clarify what our position was. It becomes clear, does it not, that if 3B is rejected as a solution and if the idea of introducing 3B now and maybe having option 7 later is rejected as a solution, as we say it should be, we get to what the real debate is, do we not? We get to a debate as to whether it should be 4C or whether there is something more that the Committee need to be thinking about. Is there something more the Committee should be concerned about? The question is are you saying, if you lose on both those two points I have just identified, that the additional provision you want to and will promote will be for option 7?

(Mr Berryman) I would need to discuss that with ministers, of course, but that would be my personal inclination, yes.

13411. How can you do that at a time when you have to move lots of facilities from the EdF power station and there are many things to do with option 7 that have not yet been properly investigated; and take a

decision to that if necessary as early as August or September when you are promoting your additional provision?

(Mr Berryman) The equipment in that equipment room is approaching the end of its useful life.

13412. Is it?

(Mr Berryman) Apparently so.

13413. Do you know that that is the case?

(Mr Berryman) That is what we have been told by London Underground.

13414. What do they know about it?

(Mr Berryman) London Underground are the ultimate owners. It is operated by EdF, the power company. It is there to provide the power for London Underground.

13415. Is the Committee to take it that you are not necessarily saying that, if you lose the debate on 3B and the Committee is not prepared to adopt the alternative suggestion of having 7 later in some inchoate way, if the Committee will not buy that, are you saying it is not necessarily the case that the option which the Promoter will be putting forward for inclusion in the additional provision will be option 7?

(Mr Berryman) I could not possibly pre-empt what the Committee are going to say. The Committee will make their ruling and when we receive that we will need to discuss that with ministers and decide how we go forward. There is no other way of doing it.

13416. The Committee are not going to be making a decision which simply leaves the matter in the air. The Committee are going to decide and it will be a lot easier for them, will it not, if the Promoter says, “Whatever happens, we are not going to be promoting option 7 now because in that case we will be left with 4C.”

(Mr Berryman) I am not quite sure what you are getting at. It will depend on what the instruction from the Committee and what the position of the Committee is. We would need to take that into account. We would need to discuss the matter with ministers before going forward. If the Committee gave us a very clear instruction that they want option 4C, we will have to do it but that is not necessarily the situation.

13417. I want to be very clear about this because the answers you are giving are just as important as Mr Anderson’s, if I may say so, on this. This is the Committee’s chance to hear what the Promoter is saying. I am asking you to make two very important assumptions from your point of view that you are reluctant to make. The Committee accepts our evidence that 3B should be rejected, assumption one. The Committee also accepts that it will not do to have 3B now with 7 at some time in the future. That is also rejected. Make that assumption, if you would. Although it is an over-simplification because there

 The Petition of the Corporation of London with British Land

are other options 5A and 5B—forget about them—it then becomes a contest on one view between 4C and option 7A, does it not?

(Mr Berryman) Yes.

13418. I am putting to you that the Committee is entitled to know now, bluntly, whether you are saying, “Oh well, in that event we will be recommending what might cost £13.6 million to put in as option 7 rather than to put in the £19.8 million involved in option 4C” so that the Committee can know that that is your position, if it is.

(Mr Berryman) That would be likely, on the information I have at the moment, to be my recommendation to the Secretary of State. However, I would clearly need to do more work between now and making that recommendation to be sure of that.

13419. The decision about that which is inherent in the very hearing that we are having now you should have had and taken a view about that matter, should you not?

(Mr Berryman) My current position is as I have just outlined it and that has been discussed.

13420. This is a project, is it not, which has been driven to a large extent by the necessity to cut costs down where that can reasonably be done?

(Mr Berryman) Yes.

13421. If you are wrong in supposing that there is a potential £8 million saving on option 7, there is a £10 million difference between option 4C and option 7A, is there not?

(Mr Berryman) It is currently an £8 million difference.

13422. What did I say?

(Mr Berryman) You said ten.

13423. I said, if you are wrong in supposing that there is a potential £8 million saving to be identified in option 7, the figures we are talking about are, very roughly, £20 million with option 4C and £30 million for option 7, are they not?

(Mr Berryman) In round figures, yes.

13424. That is against us. I find it astonishing that you think an extra £10 million is potentially defensible when 4C is a cracking good solution to the problem that I am asking you to assume the Committee has accepted needs to be addressed.

(Mr Berryman) I would not agree with you that 4C is a cracking good solution. There are a number of significant risks involved in it. There are a number of other places on the project where risk outweighs apparent first lower costs, where we are doing things in a slightly more expensive way to avoid risks. There are quite a significant number. As you can imagine in a project of this size, that is the case, because we are dealing not just with raw numbers but with the risk that is associated with those raw numbers.

13425. I do not know if the line of questions that I want to quickly put to you is going to end up impressing the Committee or not. There was an exchange, was there not, if you look at the white bundle, page 55, between Mr Elvin, Mr Chapman and the Committee on day six, concerning what we no know as option 7. The exchange begins at page 52. At question 1698 at the top, Mr Elvin asks, “Can I ask you to look at one of the plans you have produced. Could you pick up your figure 2. I did want just to pick you up on the options which have been discussed. One of the possibilities that has been raised in discussions is the possibility of using the EdF power transformer box, is it not?” Mr Chapman says, “That is correct.”

(Mr Berryman) I recall this discussion.

13426. That is what is now being called option 7 that is under discussion.

(Mr Berryman) Yes.

13427. It goes on for four pages until we get eventually to page 55 and Sir Peter says this at 1735: “If I can come back to your exploration of the EdF power transformer area as a possible further option, I think the Committee would perhaps consider it unfair to continue to press the witness about whether or not it is an option when it is not something that you on behalf of the Promoters have put in front of us as an option.” Mr Elvin says, “We are not suggesting you should pursue any options at all.” Sir Peter: “It is a bit unfair on the witness who, quite reasonably, told us that they have found two options that they think are possible for you then to criticise him for not having found a third which you yourselves have not found.” That is in January.³³

(Mr Berryman) Yes.

13428. There is nothing about option 7 in February, March or April. Suddenly, round about 8 or 10 May, the Promoter puts option 7 back on the table. He does so notwithstanding that Mr Meale, our learned Chairman, in his letter of February to Mr Elvin and me asks for further information about providing extra capacity in ticket hall B.

(Mr Berryman) Yes.

13429. Why must the Committee now be concerning itself with the alleged merits of an option which, until that time, none of us thought was being considered at all and, in particular, when we in the meantime had accepted that any further work on our Eldon Street option 1 should be accepted was no longer appropriate to do?

(Mr Berryman) This arose as work on option 4 developed. You may recall at the time when we were talking about this the very preliminary suggestions that we could move the Post Office vaults and do the job that way. As we went into discussion with the Post Office and looked at the vaults, that became much more problematic and we looked at this option again, the substation option, which had always been on our radar, I feel bound to say. Mr

³³ Select Committee on the Crossrail Bill Evidence, Para 1735, 26 January 2006 (SCN-20060629-010).

The Petition of the Corporation of London with British Land

Elvin raised this at the previous sitting of the Committee, but it had not been worked up at all at that point.

13430. I want to summarise the position in this way, and they are really just four points. The first is we suggest that the Promoter has not played this quite down the middle over recent months and in relation to option 7 that is a very good example of something being introduced at a later stage to muddy the waters of what is already a complex debate. That has been your purpose and object really in putting forward an option which *ex hypothesi* you do not believe is necessary now and may never be necessary.

(Mr Berryman) That certainly is not the case. I think the last point you made is correct, we do not believe it is necessary at this stage. What we have been looking for is something that could be done in the future without disturbing the passenger flows to the Crossrail line or to London Underground, and this seems to offer that possibility in a much more acceptable way than option 4. I certainly would not accept that we have been trying to muddy the water, on the contrary.

13431. Mr Berryman, secondly, has the Promoter done any work in relation to what compensation would have to be paid if option 7 were required to be adopted now?

(Mr Berryman) Yes. We do not think that there would be very much compensation.

13432. You have done the work, have you?

(Mr Berryman) Sorry?

13433. You have done the work?

(Mr Berryman) We have had our property people look at that and do an estimate and that is included, of course, in the chart that you just put up.

13434. You are aware that is potentially very controversial, are you not?

(Mr Berryman) I am aware that British Land do not agree with us.

13435. What do they say?

(Mr Berryman) They say we would have to pay them £40 million or some such figure.

13436. And if they are right about that?

(Mr Berryman) One hesitates to say this but if they want an entrance here which is better surely they should not be seeking excessive compensation, and we do think it is excessive, for the use of their land. Do they want a better entrance or not?

13437. You did not sound as though you hesitated much, I have to say. Mr Berryman, what about the position UBS have taken who occupy 100 Liverpool Street, does that make any difference to you?

(Mr Berryman) In what way?

13438. Along with British Land we are talking about the major land holder, supported by the Corporation of London, who favours 4C and not 7. UBS do not favour 7, do they?

(Mr Berryman) Who, UBS? Did you say UBS, I am sorry?

13439. UBS, yes.

(Mr Berryman) So far as I am aware, no, they do not. They do not want any works to be done outside their office at all actually.

13440. Have you seen the letter that they have written? Obviously you have because you know they have written you a letter putting their concerns very forcibly.

(Mr Berryman) I have seen correspondence from them in the past but I am not sure whether I have seen anything just recently.

13441. **Mr Laurence:** So this letter they wrote to you yesterday has not reached you yet?

13442. **Chairman:** I presume, Ms Lieven, you have not seen this letter?

13443. **Ms Lieven:** No. I was feeling guilty that I had missed something but I do not think it has arrived to us yet.

(Mr Berryman) The Committee knows where I was yesterday!

13444. **Ms Lieven:** We were otherwise engaged yesterday.

13445. **Chairman:** I think we had best not deal with that.

13446. **Mr Laurence:** Exactly why not, sir, sorry?

13447. **Chairman:** This is a letter which has not arrived as I understand it.

13448. **Mr Laurence:** I am just cross-examining the witness about a letter that I thought he would have had because it is addressed to him, but you say you have not had this letter.

(Mr Berryman) I am afraid not, no. It may be sitting on my desk awaiting attention.

13449. As are a lot of other things.

(Mr Berryman) I certainly have not seen it.

13450. The last series of questions I want to ask you about are on 4C itself. It is value for money I want to put to you. Firstly, the gateline constraint that currently exists is removed, that is right, is it not?

(Mr Berryman) Which gateline constraint?

13451. The gateline constraint inherent in the present arrangements.

The Petition of the Corporation of London with British Land

(Mr Berryman) In the present arrangements?

13452. Yes.

(Mr Berryman) Yes. Option 4 would give a better gateline than the present arrangements, but then so would option 3.

13453. The gateline constraints inherent in option 3 would also be removed.

(Mr Berryman) As I have said on occasions too numerous to mention, we think that option 3 works and we can demonstrate that.

13454. It provides 200 square metres of additional concourse, does it not?

(Mr Berryman) Option 4 does?

13455. Yes.

(Mr Berryman) Yes, approximately.

13456. It generates some £6 million of benefit over 3B.

(Mr Berryman) It would generate some modest benefit over 3B. Again, Mr Anderson is better able than I to answer that question.

13457. The £6 million figure comes from a table that you have not put in that we have been provided with by you.

(Mr Berryman) Yes, but if you look further down that table you will see that some of the other options provide very much bigger benefits.

13458. It is just that £6 million sounds to me as if it is £6 million, it is not nothing, is it?

(Mr Berryman) £6 million is very nice. Option 7 provides an order of magnitude of larger benefits.

13459. Option 4C has reserve capacity, does it not?

(Mr Berryman) Yes.

13460. It has greater resilience in terms of operation and, hence, to cope with later expansion.

(Mr Berryman) Than option 3 or than option 7?

13461. I am dealing now with the contrast between 4C and 3B.

(Mr Berryman) Okay.

13462. The merits of 4C, you accept that?

(Mr Berryman) Yes.

13463. It is supported by British Land and the Corporation of London.

(Mr Berryman) Yes.

13464. That is to say, the main landowner around the area and the Corporation both agree that is the viable option.

(Mr Berryman) That is a viable option. I doubt if anyone would say that there is only one viable option.

13465. Will you tell the Committee who makes the judgment in the end as to whether 4C is affordable or not affordable now?

(Mr Berryman) Ultimately the Secretary of State, depending on what the decision of the Committee is, of course.

13466. Have you done your own value for money assessment of these options?

(Mr Berryman) Yes. We have assessed the benefits. We have assessed the costs and we have looked at the risks, as I say, at a very high level at this stage.

13467. No judgment has been made that 4C is too expensive, has it?

(Mr Berryman) No.

13468. **Mr Laurence:** Mr Berryman, thank you very much.

Further examined by Ms Lieven

13469. **Ms Lieven:** Just a very few points, sir. A few moments ago Mr Laurence raised this British Land suggestion that they might get £40 million compensation. I think as he raised it you had better deal with it as to what that is based on, what their argument is in essence and what is your answer.

(Mr Berryman) I think their argument may be that they would be able to develop a building above the site, which is the proposed ticket hall. My response to that would be, yes, that could be with or without the ticket hall being there. We can put foundations in which would sustain a tall development above that site, if necessary, or they could put them in if we had not built the ticket hall then. It is a very common thing to do, it is done with metros all over the world, and it is even done in London. We have just done one at Moorhouse, which is in the City of London, where a very large development is being built making provision for one of the ticket offices in the basement.

13470. In terms of the costings on option 4C in particular, Mr Laurence pressed you on what you would recommend to the Secretary of State and you said that before you got to that stage on cost and risk you would want to do more work.

(Mr Berryman) Yes.

13471. Can you just explain briefly how this issue of contingency risk and what is sometimes called technically "optimism bias" works and what more work you would be looking at?

(Mr Berryman) Optimism bias is an expression invented by the Treasury to describe the tendency of people like myself to underestimate the cost of works because we want to be able to get on with them, so they make us add a percentage to every estimate we prepare, which is called optimism bias. Of course, that is a very broad-brush approach and it is a fixed percentage that is applied to everything. When one is doing a proper risk analysis of something you are going to do, it is based on costs of the various eventualities that might arise and the probability that they may arise, and they are all compounded

The Petition of the Corporation of London with British Land

together in some complicated method which gives you what we call a QRA, a quantified risk assessment. We have not done that yet for any of these options so what we have done is added a fixed percentage to the cost. Clearly that is a very, very broad-brush and high level thing to do. When I am talking about risks, I am talking about my perception of what the risks would be rather than a quantified risk assessment. It is very possible to get carried away with the risk and to apply some spurious accuracy to what risk is and how it is measured, but actually at the end of the day it comes down to the judgment of the engineers and practitioners involved as to how that risk is assessed.

13472. Thank you. Just finally, can we focus in on what is probably the real issue here, which is the substantive merits of option 7 or otherwise. We will leave the long-term operational passenger benefits or disbenefits to Mr Anderson, but in terms of the construction impacts on passengers can you just explain whether there are any benefits of option 7 over option 4C?

(Mr Berryman) The main advantage of option 7 is that it can be built entirely behind hoardings and the hoardings will be just along the side of the corridor which goes up from the Crossrail platforms to the ticket hall. It would not be necessary to do any intrusive works which would affect members of the public using either the underground station or the Crossrail line. That is a big difference from option 4C which I think would be common ground that that is going to involve some works in the ticket office and even if we can control that and minimise it there will still be some disruption.

13473. **Ms Lieven:** Thank you very much, Mr Berryman. I do not know whether the Committee has got any questions.

13474. **Sir Peter Soulsby:** Just one thing that it would be helpful to be reminded on, and it may be something we will be coming to in a moment with Mr Anderson's evidence, but I wonder if Mr Berryman could remind us of the number of gates that each of these options would have. I recognise that is not the only thing that governs capacity but it is something you have focused on this morning. Can you just take us through options 3B, 4C and 7A and the numbers of gates that there would be under each of the schemes.

(Mr Berryman) I can remember 3B is 21, I think. Option 4 is 29, is it? I think it is 29 in that one. Then the combination of 3 and 7 would be, I think it is, another nine or ten, so that would be 31. Could I ask Mr Anderson to confirm those numbers?

13475. **Sir Peter Soulsby:** It is clearly something we are coming to in a moment and no doubt Mr Anderson will bear that in mind in giving his evidence.

13476. **Ms Lieven:** Thank you, Mr Berryman. If we can move straight on to Mr Anderson.

The witness withdrew

Mr David Anderson, Recalled

Examined by **Ms Lieven**

13477. **Ms Lieven:** In the light of the questions to Mr Berryman perhaps I had better introduce you, Mr Anderson. Can you just explain your position at Crossrail and your knowledge of transport planning and modelling in about two sentences?

(Mr Anderson) I am the Head of Planning for the Crossrail project. I trained as a transport planner and have 20 years' experience in that field on major transport projects.

13478. Thank you very much. Can you start by explaining how the passenger modelling of the various options was undertaken?

(Mr Anderson) Yes. I think the Committee will be aware from previous consideration of this issue that we have been using the London Underground Pedroute model to assess the impact of Crossrail and future growth on the ticket hall. However, we have been developing a model of Liverpool Street using software called Legion which works in a slightly different way and we will see that in an illustration shortly. It was agreed in the study brief that for this work we would use both packages to assess the effects of growth of Crossrail on the ticket hall corridors.

13479. Can you just explain what Legion is?

(Mr Anderson) Legion is a micro-simulation model. It actually models individual passengers as they move through the station. Pedroute is a dynamic simulation model as well but it works on flow rates, relationships and so on and gives you on a block structure, as the Committee may recall from some of the charts, which we will see shortly, service factors for various blocks throughout the station. Legion actually plots the passengers throughout the station and comes up with a number of indicators to indicate the performance of the station in their various demand conditions.

13480. Just to remind the Committee—I think I can lead you on this part—was it agreed by all sides that the crucial period at Liverpool Street was the am peak and that is what all the tests have been focused on?

(Mr Anderson) Yes, that is correct.

13481. Can we turn to the level of demand for 2016 and can you explain what level you have used?

(Mr Anderson) Yes. Following discussion with the Petitioners there was an exhibit three.

13482. If we could put number three up.³⁴

(Mr Anderson) A figure of 42,000 through the gateline in ticket hall B has already been mentioned and we alighted upon that figure as the basis of the modelling exercise, and it is shown in the top table

³⁴ Crossrail Ref: P104, Liverpool Street Station Ticket Hall B—Gateline Demand Options (LONDLB-20504A-003).

 The Petition of the Corporation of London with British Land

there as the throughput in 2016 in that three hour period. I have gone on to note the effect of increasing that by 35 per cent, which is the percentage uplift specified in the LUL guidance to cover 60 years' growth, and I have indicated the effect of the 15 per cent put forward by the Petitioner. I have indicated the percentage growth in the right-hand column. The point of tension that we have already heard about is whether that 42,000 represented a high growth forecast in the context of the LUL guidance and I came to the conclusion that I was satisfied that it did and, therefore, we did not need to extend the growth to the bottom line there, the extra 15 per cent. As you can see, that leads to very high growth indeed in the ticket hall and led to some problems when we tried to model it later on.

13483. Without wishing to revisit old wounds, can you just tell the Committee how these figures relate to the London Plan growth?

(Mr Anderson) They would generally be higher. We have got growth of about 30 per cent in the Liverpool Street area. The 42,000 really came from the consideration of material put to us by the Petitioner in terms of development growth in the area and it led us to the figures that are shown there, but it is higher than the London Plan.

13484. So the 42,000, the base, is higher than the London Plan figure, is that right?

(Mr Anderson) That is correct.

13485. Let us focus on the 15 per cent for a moment. First of all, if you did add in the 15 per cent, how does that relate to what has actually been observed in real terms as to be going on at Liverpool Street?

(Mr Anderson) We can see the 2001 figure there. That probably would not be the peak that has been observed at Liverpool Street but it would be a reasonably high figure. From what I have seen from data since 2001 the throughput has not increased above that and, indeed, it might be slightly lower at the moment. In order to get to the 42,000 in 2016 we have to achieve quite significant growth in the next ten years to get the 40 per cent indicated there. To then add on top of that a 60 year growth of 35 per cent is obviously quite significant so we get nearly 90 per cent growth. To then add a further 15 per cent, which when compounded is 20 per cent further, is a very significant piece of growth in its own right, so we are looking at double the throughput observed in the ticket hall.

13486. Just trying to tie that back into a sprinkle of reality here, we can see from your table that is 117 per cent above the observed position in 2001. How does that relate to what the rail network at Liverpool Street, particularly the underground network, can actually carry?

(Mr Berryman) It will certainly be pushing the boundaries, I would expect, on the basis of the modelling we have done. When we tried to model this level of growth we had great difficulty in actually

getting the model to work. It would certainly be beyond recent experience in terms of operating Liverpool Street.

13487. It is probably important to realise that one is focusing on the peak three hours, so this is not empty Central Line trains in the afternoon, is it?

(Mr Anderson) No. Indeed, the guidance from LUL indicates that when you are considering these higher growth rates, even 35 per cent, you should consider increasing assumed frequency on the underground lines to get the right number of passengers to achieve that sort of growth.

13488. Before we leave this topic, Mr Laurence asked Mr Berryman at some length about his minutes of a meeting of March 2006.³⁵ Would you turn to the yellow one, marked page 2 in the right-hand corner. This is the minute in question. The relevant sentence is the one in paragraph 7. Do you have any comment on that?

(Mr Anderson) Clearly, I was aware of the discussions that had taken place at technical meetings. I was concerned to get to a forecast that provided the appropriate basis for the assessment in the context of the LUL guidance, that is the high forecast demand. Even at this stage we were prepared to accept that there might be a case for increasing this further and I think this exchange reflects that. Much later than this, even in May, I was prepared to accept, if a case that was put forward that we could support, that we would consider it even then. There was then an exchange between the Petitioner and ourselves. I sought their justification for a further uplift in demand. I was not satisfied that we prepared a response which we put to them. We subsequently also consulted London Underground on the matter, as I indicated that we would in subsequent meetings, and they have indicated it represents an upside forecast. At that time we were not prepared to consider this further increase and I am not satisfied that it is justified now. That said, we did not want to frustrate progress and we realise the Petitioner is quite keen to see these forecasts, so we did them in any event, even though we did not think it was a realistic demand.

13489. **Ms Lieven:** Thank you. Sir, turning to the question of how did the various options perform, I will ask Mr Anderson to do the oral answers to that and then we will show the Legion clips. Your clerk suggested that at that point we formally suspend the sitting.

13490. **Chairman:** How long will that take?

13491. **Ms Lieven:** Not more than five minutes, sir. We are not doing the whole lot, just selected highlights. Mr Anderson, how do the various options perform?

³⁵ Committee Ref: A152, Steer Davies Gleave Meeting Note, Liverpool Street Crossrail, 13 March 2006 (LONDLB-20505-016).

The Petition of the Corporation of London with British Land

(Mr Anderson) Generally, the options were satisfactory at 2016—what I will call the base demand, if you like—and also at the increased demand level of plus 35 per cent. We have improvements to the gateline under a lot of those options and so we can see the effect on congestion levels compared to what would happen if the existing gateline was retained. All of them performed reasonably well in that case. Clearly, the more gates you put in, the less congestion there will be. We can see as we go through the options from 3 to 7 that the amount of congestion is reduced.

13492. Shall we look at the Pedroute before we look at the Legion. Exhibit 19, Pedroute 2016, option 3.³⁶ Are there any problems there?

(Mr Anderson) No, I am comfortable with that.

13493. Mr Anderson, that answer is given with your normal understatement. In Pedroute terms, given those colours, do you perceive there to be any passenger difficulty at that level?

(Mr Anderson) No. I think this represents a reasonable level of passenger service.

13494. Let us skip on to plus 35 per cent, number 21.³⁷ What is your assessment of that?

(Mr Anderson) We can see from the yellow that has appeared in the concourse some increased level of queuing from passengers. I think we need to bear in mind that we are now looking at the peak 15-minute period in the morning, effectively in the year 2016—so this is predicting in the future, the plus 35 per cent case. On that basis, I would regard this as acceptable.

13495. If we look quickly at option 7, number 24.³⁸

(Mr Anderson) Here we can see a lot of blue, which is the high level service and very little queuing at all. We can note that in the existing ticket hall there has been a significant improvement because we now have the new ticket hall off to the left there.

13496. It is perhaps worth making clear that we have not modelled the Network Rail concourse, have we?

(Mr Anderson) No, not in any great detail. One can see it there, but it has not been modelled in that sense.

13497. The option 7 at 35 per cent, on number 25.³⁹

(Mr Anderson) This is effectively 2016, the peak 15 minute period from 8.45 until 9.00. We can see the existing ticket hall performing perfectly satisfactorily, and so, too, the new option 7 ticket hall. There is a little bit of yellow at the junction and we might talk about that a little more when we look

at the Legion which shows how that has arisen. That is something we could attend to as we take the scheme forward and improve upon it.

13498. **Ms Lieven:** Let us now move on to Legion and hope the technology works. Sir, at this point, perhaps you could formally suspend the sitting.

13499. **Chairman:** It might be better to suspend and come back to this at the beginning of the afternoon session.

13500. **Ms Lieven:** Yes. That is fine. Could I then deal with Sir Peter's question about gate numbers to use up the bit of time before lunch. Mr Anderson, I think you are in a position to explain the different gate numbers for the different options and how they relate to the modelling.

(Mr Anderson) Yes. I will give you the numbers we have assumed in the modelling we are about to see. For option 3 it is 21: 11 gates into the ticket hall and 10 gates out. For option 4 and the two option 5s it is similar. We have 24 gates: 11 in and 13 outbound. A combination of option 3 and option 7 together would give you 33 gates: 18 outbound and 15 inbound.

13501. **Chairman:** We will adjourn now and resume at 12.30.

After the short adjournment

The Legion model CD was shown

13502. **Ms Lieven:** Mr Anderson, that has dealt with how the various options performed. Can you tell us what you perceive the benefits of the various options to be in passenger terms.

(Mr Anderson) There were two types of benefit: firstly relief in congestion that could occur around the gateline in ticket hall B—and I think all the options do that to a degree. Our calculations, which I think we put in an exhibit, suggest the relief there was broadly similar throughout the options. There is then a second category of option which is for those options to provide a direct access to street level. There is a journey time saving in addition to the saving of queuing at the gateline. That is option 5A and option 7, which give a more direct route to street. We have, indicatively, taking those time savings and using rather more economic parameters, converted them into pound notes. Exhibit 4 shows that.⁴⁰ The congestion relief benefits tend to be similar: the more gates you put in, the more relief you get. Option 4 will perform better than option 3 and the figures indicate that. We get of the order of £30 million of benefits throughout each of the options for congestion relief. With 5A we see a quite significant increase and with option 7 a significant increase. Those increases are down to the more direct route that people can take to street level with those options, because they have, in the case of 5A, new escalators directly from the old ticket hall, and

³⁶ Crossrail Ref: P104: Pedroute Option 3—2016 Demand (LONDLB-20504A-019).

³⁷ Crossrail Ref: P104: Pedroute Option 3—2016 Demand + 35per cent (LONDLB-20504A-021).

³⁸ Crossrail Ref: P104: Pedroute Option 7 plus Option 3—2016 Demand (LONDLB-20504A-024).

³⁹ Crossrail Ref: P104: Pedroute Option 7 plus Option 3—2016 Demand + 35per cent (LONDLB-20504A-025).

⁴⁰ Crossrail Ref: P104, Indicative Passenger Benefits (LONDLB-20504A-004).

The Petition of the Corporation of London with British Land

in the case of option 7 from the new ticket hall up to Liverpool Street itself. Those will broadly be the benefits for the various options. It seems that we get good congestion relief benefits from option 3. We get a little bit more with option 4 and probably a bit more with option 7. The big difference comes with option 5A and option 7 in terms of journey time savings.

13503. Finally, can you conclude on your view, primarily, of option 3 in passenger terms.

(Mr Anderson) Option 3 provides significant relief to the gateline in ticket hall B and the benefits are the indicative benefits that are shown there. It does that quite satisfactorily in 2016 and for the period into the future. I think we saw on the animation that we get some queues at the very busiest times in the 2076 case but overall we have an acceptable solution there in terms of relieving the gateline.

13504. **Ms Lieven:** Thank you very much. I have no further questions of Mr Anderson.

Cross-examined by Mr Laurence

13505. **Mr Laurence:** Good afternoon, Mr Anderson. Was there a reason why you did not show option 4C.

(Mr Anderson) There is no reason at all, other than time and illustration.

13506. **Ms Lieven:** Sir, I am sorry, I should have made clear. We do not argue that option 4C does not perform plus 35 per cent, so we did not see any need to show it. We were not asked in advance to show it, but we can do so if anybody wants us to.

(Mr Anderson) It is available if the Committee would like to see it.

13507. **Chairman:** If we are provided with a CD, then it may be put together with that so that we can view it.

13508. **Ms Lieven:** Certainly, sir.

13509. **Mr Laurence:** I do not think we knew until this morning that it was going to be shown at all.

13510. **Chairman:** Until this morning, we did not realise we were going to have two packs or that the letter had not arrived. It happens.

13511. **Mr Laurence:** Mr Anderson, I would like to check one or two things with you and then go into one or two things in a little more detail. Do you accept, with Mr Berryman, that if there is to be amendment to the Bill—and I appreciate that you contend there need not be an amendment to the Bill—now is the time to make that amendment? In other words, before the summer recess is when you will want to know what the Committee's decision is.

(Mr Anderson) Yes.

13512. If 3B is rejected by the Committee, we are necessarily into considering either 3B with 7 at some later stage—which of course is suggested—or some other alternative altogether.

(Mr Anderson) Yes. I think Mr Berryman gave the answers to those questions.

13513. If 3B plus 7 later is rejected by the Committee, the contest, as you see it, is between 4C and 7A. Is that right?

(Mr Anderson) I am not sure I have looked at it in those terms.

13514. Would you mind doing so now, to assist the Committee.

(Mr Anderson) I can only really advise on the passenger modelling of benefits associated with those various options and that is the information we have on the chart there. It would suggest in passenger terms that some of the other options are better than 4C.

13515. Although the decision will be taken by somebody other than yourself, your present inclination would be to say that in the scenario that I have just put to you it is 7 that there will be promoted now rather than 4C. 7A rather than 4C.

(Mr Anderson) If there is a choice between those two, obviously in passenger benefit terms that has to be my preference.

13516. Are you giving that evidence on the footing, as I think you confirmed, that 3B would be done in any event or that 7A would be done independently of 3B?

(Mr Anderson) My view is that option 3 is worth doing first and should be done first, and indeed that is our position. If you did option 7 alone, in passenger modelling terms, by the time you get to 2,076 and you add 35 per cent, you would probably have to do something in the existing ticket hall anyway, so my preference would be 3 first.

13517. You did not quite follow what I was putting to you. If we are into a scenario where the Committee is, in effect, being asked to decide between 4C and 7A—make that assumption in our favour—are you saying to the Committee that if you were driven to that position you would want to do 3B at the same time as doing 7A or whether under those circumstances you would do just 7A at the beginning and something like 3B later?

(Mr Anderson) It would be the other way around. We would not necessarily do them at the same time. I would obviously defer to Mr Berryman in relation to phasing works of that sort. My preference would be for 3 because of the benefits that brings with relatively little disruption.

13518. I know that is your preference, but, if the Committee take the view that is a solution that is ruled out, 3B now with something like 7 later, and want something definitely more radical, such as 4C

The Petition of the Corporation of London with British Land

and 8A—which is what we are asking for—and it may be that you have not thought about this, and I am not meaning to be unfair to you—in that event, the additional provision you would be promoting would be 7A on the evidence you have been giving. Would you be doing 3B as well at that time or not? I think you modelled it on the footing that it would be 7A and 3B together.

(Mr Anderson) Yes, I am saying that you would not necessarily need to do them at the same time.

13519. If you were compelled to do 7A at the beginning, would you do 3B at the beginning as well or not?

(Mr Anderson) I am not sure I could make a decision on that right now. I think that would be a matter for discussion with London Underground and others.

13520. I want to make an assumption against myself for the first time because I have been making assumptions against you up to now. If the Committee reject your alternative of 3B now and 7A later—those two are rejected—but they are not satisfied either that 4C is necessarily the right solution—as between 4C and 7A the Committee are undecided on the evidence which to do—then, given the uncertainties that we have heard about relating to 7A in particular, would the sensible thing then be for the Committee to allow the Promoter to choose whether it allows the additional provision for 4C or whether it promoted an additional provision for 7A? Would that be the sensible way of doing it, to leave the choice to you?

(Mr Anderson) It would be really a matter for the Secretary of State, I think,

13521. It would give you the opportunity on that scenario, would it not, to do more work on both the options. Admittedly, we are assuming now that an additional provision to work on that has to begin as early as August or September. If we make that assumption, it would then give you a little bit of extra time in which to do further work on both 4C and particularly 7A with a view to being able to make up your mind which of the two, having regard to their different costs and so on and so forth, to go for.

(Mr Anderson) I am not sure it would give us that much more time. In terms of the preference, clearly Mr Berryman and myself have expressed a preference for 7 as opposed to 4C.

13522. Our position is that you should be directed to make an additional provision that allows for 4C, but I acknowledge that we may not be successful in that, and I am wanting to see whether you can assist the Committee as to what would then be the sensible thing to do. It seems to me, if I may respectfully put this to you, that the sensible thing to do then would be to leave it to the Promoter to make its own decision between the two—with or without the addition of 3B at the same time as well, which you have said you would need to think about.

(Mr Anderson) I think Mr Berryman has made clear that on engineering grounds his strong preference would be for 7.

13523. You are certainly not going to ask the Committee to direct you to do 7 because you have altogether another view of the matter, have you not?

(Mr Anderson) Correct.

13524. You are working on this figure of 42,000 plus 35 per cent, are you not?

(Mr Anderson) Correct.

13525. It is right, is it not, that under 3B, if you take 42,000 plus 35 per cent, you find yourself in breach of the relevant standard, both in relation to gatelines and service provision—or whatever the expression is that Pedroute or Legion deal with—and you would need a concession in relation to both of those.

(Mr Anderson) I agree with the first one. I am not sure of the position on the second.

13526. Is that because you are not sure of the legal position?

(Mr Anderson) The position in respect of how Pedroute's output would be interpreted in that situation.

13527. Mr Berryman was expressing a similar uncertainty as to whether, as a matter of legality, the standard bit in the same way in relation to service provision as it does in relation to the static calculation of the gateline. Assume in my favour, if you would, that it bites both ways. I put to you that there is a breach in relation to both. The requirement is level C for the gateline and the actual available is D; B for the concourse and the actual available is C. So there is a breach of the standard and you would need to get a concession, would you not?

(Mr Anderson) Yes, I think you are probably right. I just cannot remember the description of the B standard in the guidance document.

13528. I want to go back to the issue of what was going on during March to May when technical meetings were taking place. I want to put to you the passage at the bottom of page two in the yellow bundle: "Sensitivity tests to be undertaken were discussed—it was agreed that central estimate (42,000) would be subject to sensitivity testing to reflect confidence range due to model errors (before 35per cent design life test)." Turn to page seven, just above paragraph eight: "SDG/CLRL will meet to agree sensitivity tests around the revised RAILPLAN passenger matrices to reflect model errors, day-to-day variation etc., before 35per cent design life test is applied."⁴¹ Page 12, near the top, first paragraph: "KS reiterated that he had no desire to unpick passenger forecasts but simply to identify a suitable sensitivity test range based on how much confidence could be placed in model outputs. The hope is that an upper figure could be agreed to

⁴¹ Committee Ref: A152, Demand Sensitivity Testing, Steer Davies Gleave Meeting Note, 22 March 2006 (LONDLB-20505-021).

 The Petition of the Corporation of London with British Land

provide an assessment of the robustness of improvement options. JL will seek further clarification from LUL about the +35 per cent sensitivity test and its relationship to other sensitivity tests.”⁴² That is a clear acknowledgement that there are other sensitivity tests than the 35 per cent sensitivity test. There is no disputing that, is there?

(Mr Anderson) At this point we can see a development in the thinking. We were unclear as to whether the items being put forward as reasons for further sensitivity testing were included within the 35 per cent or not and that is what Mr Landels was referring to.

13529. It could not have been more clearly expressed in the first two passages that I have read to you what the position was and I would suggest that the position remains clear as a result of this. If you go to page 16, middle of the page, just after the first paragraph of seven: “KS has received most information requested from CLRL and as soon as JL returns from leave a decision will be taken on sensitivity test ranges to be applied.”⁴³ That is renewed confirmation that what the debate is about is whether as much as 15 per cent is appropriate. The last passage is on page 21 at six, near the bottom: “Sensitivity testing: KS and JL have discussed opening year sensitivity test and this will be agreed once CLRL has supplied all information requested.”⁴⁴ It is that which leads Mr Price to say what he does on page 23 and I want to ask you about your reply because I have not been able to interpret properly your reply on page 25.⁴⁵ Maybe when you wrote it you did not have in mind that it would be subjected to scrutiny in front of this Committee by a lawyer and I am not holding you to the exact words you use if you tell us you now meant something different. You say near the bottom: “15 per cent uplift sensitivity. Our data, that has been shared with you, does not support such an uplift. However, we will be very happy to consider any further evidence you have and I understand SDG are preparing a note on the matter. We are, however, running these sensitivity tests as agreed.” I read that consistently with the earlier minutes as Mr Anderson agreeing that, yes, uplift is called for but one that is as big as 15 per cent is not appropriate. Tell me if that is right.

(Mr Anderson) No. At this stage I was still prepared to consider an uplift. Mr Landels was in my team at that time and I discussed the matter with him and other members of the team. The position was that we felt that SDG should provide evidence of the

reasoning why we should uplift in that way. When I saw the basis of that, I came to the conclusion that a further uplift was not warranted.

13530. That is extremely fair and decent. Your position is that, when you replied in this way, you were still open to the possibility that some uplift would be required, perhaps as much as 15 per cent, but you needed to be persuaded about that. In the event what Mr Spencer put forward was not enough to persuade you that the uplift should be as much as 15 per cent and he persuaded you that there should be no uplift at all.

(Mr Anderson) Yes. I felt on reflection that the forecast we already had was a high forecast in the context of the LUL guidance.

13531. It is really for the Committee to decide, having heard Mr Spencer this afternoon, whether you were right to take the view that 42,000 represented the high case scenario.

(Mr Anderson) Of course the Committee can take a view on that which is why we agreed to do the test. We did not want to inhibit the provision of information to the Petitioner that they had requested.

13532. It follows from that, does it not, that if having heard Mr Spencer confirming the evidence he gave first time the Committee’s view is that an uplift should undoubtedly be factored into its consideration of the problem, the evidence you have given about getting a concession or, if I am right, two concessions from London Underground has to be viewed against the background that those concessions will not be as readily forthcoming if the numbers that are having to be considered are even higher than 42,000 plus 35 per cent.

(Mr Anderson) Clearly there would be more demand in the ticket hall if Mr Spencer’s view was accepted.

13533. The question whether the Committee could assume or should assume that the relevant concessions would be forthcoming becomes even more acute, does it not?

(Mr Anderson) We have some guidance from LUL on this matter now and we have seen the note from Mr McKenna. Although I have formed my own view on this matter, I did think it appropriate to seek advice from London Underground and we have seen the advice given in the note from Mr McKenna. He is of the view that we have an upside forecast.

13534. Perhaps Mr McKenna’s note could be put on the screen.⁴⁶ It is in the other bundle at page 32C. Mr McKenna’s note no doubt carefully at paragraph five says: “There are in theory a number of other factors which can affect the accuracy of the forecasts. In LUL’s judgment these are second order compared to the factors already considered. Given

⁴² Committee Ref: A152, Sensitivity Tests, Steer Davies Gleave Meeting Note, 28 March 2006 (LONDLB-20505-026).

⁴³ Committee Ref: A152, Demand Forecasts and Sensitivity Assumptions, Steer Davies Gleave Meeting Note, 5 April 2006 (LONDLB-20505-030).

⁴⁴ Committee Ref: A152, Sensitivity Testing, Steer Davies Gleave Meeting Note, 3 May 2006 (LONDLB-20505-035).

⁴⁵ Committee Ref: A152, Correspondence from British Land Company plc to CLRL, 25 May 2006 (LONDLB-20505-037); and correspondence from CLRL to British Land Company plc, 30 May 2006 (LONDLB-20505-039).

⁴⁶ Committee Ref: A149, Liverpool Street Station—Demand Estimation and Passenger Flow Modelling—LUL Commentary on approach of Crossrail Project (SCN-20060629-003).

 The Petition of the Corporation of London with British Land

that the 35 per cent covers the very large uncertainties around long term growth, statistically these second order effects are virtually absorbed within the 35 per cent contingency.” The key word there is “virtually” and we do not have the benefit of hearing from Mr McKenna to ask him questions about the idea that you need to add something along the lines of this 15 per cent sensitivity test for which we have been arguing. Do you follow?

(Mr Anderson) Yes. If it was a very small amount it is not just the 35 per cent we have to consider. We have 40 per cent growth in the figures before we even add the 35 per cent. It would be a very small effect if anything at all was added.

13535. **Chairman:** I think we have the message on your objection to 3B and your promotion of 4C. What we need to do is to move on. The Committee will take its decision on the evidence presented to it today and you do not have much more time.

13536. **Mr Laurence:** Shall I sit down?

13537. **Chairman:** It is up to you.

13538. **Mr Laurence:** I think I will.

13539. **Ms Lieven:** I have no re-examination. That is the evidence I am presenting.

The witness withdrew

Mr Tim Chapman, Recalled

Examined by **Mr Laurence**

13540. You are the same Mr Chapman, are you not, who previously spoke to the Committee on day six about the options for better access to Crossrail at Liverpool Street Station?

(Mr Chapman) I am indeed.

13541. Remind the Committee what you are here to do today as you conceive it.

(Mr Chapman) Do you want me to give my credentials again?

13542. **Chairman:** It is up to you.

(Mr Chapman) I will leave it then. Last time I was here I spoke about two options.⁴⁷ Last time we were here in the depths of winter we were talking about option one at the corner of Eldon Street and Blomfield Street and also option six which was massively enlarging ticket hall B. Option one was because we were very concerned about whether option 6 could happen. If you remember, option 6 was put forward by the Promoter as an option that avoided the need to do option 1 but we were concerned about the effects of building over the Post Office railway and the cost of that. In a way, positions have now reversed. Last time round, the Promoter was saying option 6 was the salvation if more capacity was required. Option 6 as it was called

in January is probably now option 4C. We were doubtful. We have been on the same visit with the Promoter and Mott MacDonald to the shafts in the Post Office railway and I was very encouraged by what we saw. Last time, option 1 allowed the capacity to be sorted. I am happy that option six, as it was then, or the option 4 or 5 series, as it is now, can solve the problem from an engineering point of view within ticket hall B.

13543. **Mr Laurence:** Do you want to say something in the introduction before you turn to look at the different construction issues that arise in relation to the various options? Is there something you want to say about option 3B in paragraph eight of your evidence?

(Mr Chapman) I think it is okay. Given how short time is, I will talk about options 3B, 4C and 7A in detail rather than general points because I am very conscious that time is moving on. Option 3B, if I can go to exhibit two, please.⁴⁸ This is very similar to the information that was presented to you by the Promoter this morning. What we have done on these plans is I have overlaid option 3, option 4 and option 7 on the existing station layout to make a better comparison. What is shown in grey-black is what is proposed and what is shown in green is the current station layout. This is option 3B (same indicated). Green is the current gateline, so there are four gates here, eight gates here and four gates here. What is shown in black is what is proposed would happen. The gateline has moved northwards and there are 21 gates shown along the line. There is some shaving at the side of the SOR. I have evidence which I can go into but basically the current proposals add 1.75 metres to the passageway width only which just about copes with the 2016 plus 35 per cent almost to the millimetre, within about 100 millimetres.

13544. If you wanted to make this passageway more detailed, some of the Legion plots showed that what Crossrail called passageway AP4, this turn here, does become very tight. Mott MacDonald, on behalf of the Promoter, came up with other options. The Promoter is showing option 1C, which is no structural alterations whatsoever in the SOR. If they shave away another layer of structure, what Mott MacDonald calls option 2, and these are different options from the options used at the stations, I know that is confusing, they can achieve three metres' wide extra width on this passageway. They have another scheme where there are columns along the south side which makes the passageway much wider still. I will not go into any more detail on that because I do not believe that it is helpful, it is probably better to stick to the engineering aspects of 3B, 4C and 7A.

13545. **Mr Laurence:** If the Committee want to see the exhibits relating to the shaving of some of the SOR, are they are exhibits 3 and 4?⁴⁹

⁴⁷ Committee Ref: A152, Crossrail at Liverpool Street Station—Original Options 1 and 6 (LONLB-20505-002).

⁴⁸ Committee Ref: A152, Crossrail at Liverpool Street Station—Option 3B overlay (LONLB-20505-003).

⁴⁹ Committee Ref: A152, Crossrail at Liverpool Street Station—SOR Removal Option 1C (LONLB-20505-004).

The Petition of the Corporation of London with British Land

(Mr Chapman) That is correct. If I go back to exhibit two again, there is one issue with achieving 21 gates with option 3 in that it falls foul of a number of LUL standards.⁵⁰ On the right-hand side I have shown the four metre overrun behind the gateline, which is the dashed line. The two gates on the right-hand side hit a solid structure within the four metre zone and also hit the excess fare window. There will be people queuing at the excess fare window who will foul the inbound gates, so people will be coming through the gates and hitting a queue of people. That would normally not be permitted and falls foul of LUL standards and it could impact in a safety way. I suspect the two right-hand gates would not be allowed on most interpretations of LUL standards and it would reduce the number from 21 to 19. The Mott MacDonald original report showed 22 gates and because they went through proper station architecture they avoided the conflict with the windows. The Legion modelling carried out by the Promoters showed those 22 gates would be substandard in terms of capacity. They would meet the standard but be less effective and would be equivalent to about 19 gates. That is probably my major point to make on option 3B. 21 gates have been spoken about but I have concerns that the two right-hand gates might not be permitted and certainly fall foul of standards.

13546. Do you want to turn from that consideration of option 3B to option 4C?

(Mr Chapman) Yes, please. If I could have my exhibit five, please, so skipping over exhibits three and four.⁵¹

13547. Since this is the option for which we contend, and given that it is a little earlier, Mr Chapman, than I thought it might be when you would be giving your evidence this afternoon, perhaps, subject to the Chairman, you would take the time you feel you need.

(Mr Chapman) Option 4C is the area shown here. Once again the green is the structure that would be removed and the grey-black is the structure that would be left. This is the new ticket hall that the Promoter is suggesting.

13548. Just hang on, Mr Chapman. Just start that bit again, please.

(Mr Chapman) As I was saying, this area here is the new ticket hall and this is the end of the gateline. The Promoter has been slightly less ambitious in squeezing gates in here. At this end they have put an extra manual access gate at this location where the guards will allow people through without tickets or, nowadays, let people through who have got small children who do not have tickets. Because this wall here is removed, there is not an issue with the overrun. There is still a window here, so there is still a mild conflict but it is probably a lot less so from a

safety aspect. Mr Berryman made a number of points this morning about the difficulty of constructing in this area and it is very helpful to go over some of those aspects in a bit more detail. The green is the area that gets removed. The two shafts are here. This area is out on the street. The sections that Mr Berryman showed this morning did not make it clear where the building started and where the street was. This wall here is the start of the building and the building runs further north. It is actually very clear on the report produced by Mott MacDonald on behalf of the Promoter. Chairman, would you mind very much if I showed an image from Mott MacDonald's report which is probably clearer than what I have showed?

13549. **Chairman:** While we are waiting for that, we will break for five minutes.

After a short break

13550. **Chairman:** Mr Laurence?

13551. **Mr Laurence:** You were on option 4C, will you continue?

(Mr Chapman) This is an extract from Mott MacDonald's report.⁵² What it shows is this line here is the south side of McDonald's restaurant on the piazza at 100 Liverpool Street. There are steps in front of it and a disabled access ramp here. The two shafts are here and here. It was not clear in the evidence this morning that the shafts are beneath the street, not beneath the building, so to build this, this is the area that is to be removed, the south side of the vaults. Clearly it has got some structure spanning on to it, so a hole would need to be broken in the roof, the pavement part of the street, and the work would need to be done, as Mr Berryman said this morning, to cap off this shaft and fill the shaft. This work would not be beneath the building. In terms of complexity, it is a bit like going into a basement and breaking up part of the basement. It is not supporting any building above. There is the one wall that does support the building above, and I agree entirely with Mr Berryman that it needs to be done with great care, which is this wall here. Fortunately, Mott MacDonald have planned the works very well so this part of the main wall actually stays in place, however they break a hole in this wall and put a beam in and replace this area with a column. I agree with Mr Berryman that it needs to be done with great care but it is similar to the type of underpinning work that takes place under people's houses when rich people in London quite often put swimming pools into their basements and things like that. It is a similar level of underpinning that takes place in those situations. It is complex and difficult but it is relatively common type of work that is carried out. The capping of the shaft is an issue but that can be done from the street and an undercroft would be created beneath the ticket hall floor. Again, it would be done essentially in open air because this part of

⁵⁰ Committee Ref: A152, Crossrail at Liverpool Street Station—Option 3B overlay (LONLB-20505-003).

⁵¹ Committee Ref: A152, Crossrail at Liverpool Street Station—Option 4C overlay, Mott MacDonald/CLRL (LONLB-20505-006).

⁵² Committee Ref: A152, Fig 2.3 Infrastructure at street level supported by shafts/vaults, Mott MacDonald Report (SCN-20060629-013).

The Petition of the Corporation of London with British Land

the road would be broken out. This would be street level, there would be no slab. At basement level there would be a small mini-piling rig that would put in a contiguous border piled wall along the line here to connect into the vaults here. The Mott MacDonald report fully allows for that.

13552. If the Chairman and his Committee take that option 4C is otherwise the best option and the one that ought to be pursued, is your evidence that there is anything about the buildability of 4C which should discourage them from taking that course?

(Mr Chapman) It is a complex piece of engineering but certainly there are other parts of Crossrail that I have seen that are far more complex. If this achieves the solution that is required at the least cost, to my view it appears to be the optimum solution. In terms of the engineering, I agree with Mott MacDonald's report on behalf of the Promoter which says it can be done and explains clearly how the work can be done. I do agree with Mr Berryman that it needs to be done very carefully but it is not unprecedented.

13553. Mr Chapman, I see from your exhibit five, which you had up before, that there were 24 gates in the gateline. I think it is right, is it not, that the Mott MacDonald report showed 20. I think Mr Berryman was right about that, and Mr Anderson was right in referring to 24 gates. What is going on there?

(Mr Chapman) The Mott MacDonald report had a staggered gateline very much similar to the current gateline to squeeze 29 gates in. What this has done is given a long, straight gateline with a very large area on the south side to make sure that people coming from the various railway lines can choose which gate they want to go to and choose the one that is least congested, as they do with a toll bridge or whatever else. There is enough space for them to optimise the gateline by choosing the one that has got the least queue. There are some issues on this. If I could skip to my exhibit nine directly and miss out the intermediate ones.⁵³ There are some overrun issues. The left-hand image is the Promoter's gateline with a few comments about where there are conflicts. Again, this unfortunate small shop here, which gets chopped by both options 3 and 4, does not quite meet the standards, the chopping that has been done, and a longer overrun would normally be required, but that is achievable. On this side there is conflict between people queuing to buy tickets at these ticket windows here and the people who are queuing to come through the gates, and the manual access gate is here. There are a number of conflicts that are inherent in the 24 gateline scheme, but in a way that is forgivable.

13554. What the Promoters have done is they have designed the station twice. First of all, they have designed it from an engineering point of view and done static calculations to maximise the number of gates. Then they have optimised it to make sure that Legion modelling works. What they have not had a chance to do is to go back and get the station

architects back with the scheme again to try to make sure it complies with standards. I have tried to do that on the right-hand side of this image. We have made a suggestion here of how you could actually recreate 29 gates on the line. This is the same number of gates that Mott MacDonald offered. In addition to the first little shop going, the Mobile Phones shop, that also suffers to give you a longer gateline. Achieving 29 gates, or maybe just short of 29 gates, is very feasible with straight gatelines. This is trying to marry up the optimisation that was carried out by the Promoter on Mott MacDonald's original design. We have almost optimised the ticket hall layout so the ticket queues here do not conflict with the people trying to get into the station. We have moved the pay window to the south. We have created a hole through the wall so that the excess fares window here is far south of the overrun from the gates. It just shows that there is an opportunity to play with option 4C that would remove most of the issues and would give a very, very capacious station.

13555. I do not think the Promoter is suggesting, whether it is 29 gates or 24, that option 4C does not cope with the problem though, is he?

(Mr Chapman) No, not at all. As far as I am aware the Promoter is happy that 4C works. I believe their issue is they think 7A works better, albeit at extra expense. We are indicating buying value, I think, and that is probably where the Committee can take a considered view between the use of public money and extra value that is bought.

13556. If 4C were to be adopted you could expect what you have been illustrating in the last minute or two to continue until you arrive at the optimisation of the gateline and the optimisation of the number of gates somewhere between 24 and 29, is that right?

(Mr Chapman) Absolutely. The work that we have done here on the right-hand image is really to show that option 4C can be further refined. It is a very similar extent of engineering to what has been costed, but within simple parameters a 24 gateline can be optimised essentially as far as anybody wants to to give whatever flows are needed and can be optimised to create whatever capacity is foreseeable.

13557. Mr Chapman, would you turn next to say a short word or two about options 5A and 5B?

(Mr Chapman) Before I leave option 4, if I may, I would like to say two words about the cost. The total cost that is allowed by the Promoter is £19.8 million and if I can just give you some of the items that make up that total. The construction cost that they have allowed for is £12.4 million.

13558. Is this their exhibit one or two?

(Mr Chapman) Two, I think.

13559. Perhaps that could be put on the screen. Their exhibit two is up, is that the one you are talking about?⁵⁴

⁵³ Committee Ref: A152, Crossrail at Liverpool Street Station—Improved Option 4C (LONLB-20505-010).

⁵⁴ Crossrail Ref: P104, Liverpool Street Station: Cost Summary Comparison of Ticket Hall options (LONDLB-20504A-002).

The Petition of the Corporation of London with British Land

(Mr Chapman) Yes. It is very difficult. The second column is a 4C column and that has a number of items in it. The cost of all the work, including the complexity issues, has been costed by the Promoters and quantity surveyors Corduroy to be £12.4 million. At the very bottom of it you can see “contingency”. The Promoters are allowing 28 per cent contingency on top of all the figures to guard against this optimism bias that Mr Berryman talked about this morning. In terms of the construction cost, I believe the way the scheme design has been carried out by Mott MacDonald is it has been costed by the Promoters’ quantity surveyors and construction works at £12.4 million and in addition they have allowed £4.2 million for risk, which is intended to address the concerns Mr Berryman had about making sure there is enough money in the pot in case anything needs to be done later.

13560. In terms of Mr Berryman’s view, which I think was his view, the taking of a flat figure for contingencies straight across all the different options being perhaps questionable, what do you say about that?

(Mr Chapman) I agree. For instance, option 3B is just basically realigning a gateline and allowing a £1.6 million contingency for just optimising a gateline, that is more than the cost of actually doing the work almost. A gate costs roughly £50,000, so 25 gates cost just over £1 million, so in terms of the physical work on site, there is almost a 100 per cent allowance for the physical work allowed, so I would agree that option 3B you would expect to be a lot less because the work is much simpler. All of the other options, options 4C, 5A, 5B and 7A, all have complexities and issues which have not yet been fully explored. Option 7A also involves capping over a shaft. There is a shaft in the middle of the EdF substation which I believe is not capped yet. Mott MacDonald’s report talks about having to fill in that shaft and again, if you want, I can show you the bit of the Mott MacDonald report for 7A which shows the shaft which needs to be filled.

13561. Just for the record, what are you putting up again?⁵⁵

(Mr Chapman) This is an extract from Mott MacDonald’s report which shows the works that Mott MacDonald have allowed for under option 7A. Here is a shaft which also needs to be filled beneath the EdF ticket hall, so, to my mind, the risk money that should be allowed for both options should be at least comparable, and I will come on to some of the issues in 7A.

13562. We will come on to 7A in a minute. Right, 5A and 5B?

(Mr Chapman) I think as time is short and as 5A and 5B have not been the subject of controversy, there is probably no point in raising any issues on them.

13563. Let us move on to 7.

(Mr Chapman) Could I have my exhibit 8 please which is page 9 in the party pack.⁵⁶ This shows the works and again it is identical to the image that Mr Berryman showed you this morning. It is the exact same figure which has been scanned by both of us. We spoke about what this zone actually is. It is an EdF power transformer room which is under the forecourt of UBS’s offices at number 100 Liverpool Street. The last time I was before you I explained it was the former ticket hall for Broad Street Station and I have discovered that it actually opened on 10 October 1912, just after the extension of the railway line to Liverpool Street in July 1912, so it was four months or five months later opening. It was remarked at the time that it was the first ticket hall in London to have underground escalators. Escalators had been used in the previous year at Earl’s Court, but this was the first Underground station to actually have tunnels with escalators in. In fact I believe the Broadgate Estate, which is part of British Land, have been approached by London Underground because London Underground wanted to use those escalator tunnels and the ticket hall as part of their ‘Cooling the Tube’ proposals. London Underground are considering using similar space to flush air-conditioning water or air down to the Central Line platform tunnels at the moment. If I can move to my exhibit 10, we did a survey about a year ago within the old ticket hall, within the current EdF power transformer zone.⁵⁷ This is used for providing traction power to the Metropolitan Line and this is actually where the electrical power for the trains comes from as well as where the power for Liverpool Street Station comes from. This just gives you an image and it is some photos actually of inside the ticket hall. I have a report which has a lot more information in, but this shows you the magnitude of the equipment and the headroom available within the space. I have been interested in costs for option 7A because I am a little bit concerned that they are an underestimate of the work that might be required. If we can go to the Promoter’s sheet 2 please, it gives cost estimates.⁵⁸ The second line of figures down is probably the one that I have concerned myself with. It is the construction costs for the various options. I was concerned that the cost for option 7A was low because it shows about an £11.6 million construction cost *vis-à-vis* a £12.4 million construction cost for option 4C when the sort of work being carried out in both areas is sort of similar. They are being used for a disused space or a space that exists with structure alterations, but the 7A area is about 450 square metres of space compared to about 220 square metres of space for the space that has been changed on option 4C, so I was surprised that the cost of doing the work was less for doing more than twice the area. I asked the Promoter for the breakdown of

⁵⁵ Committee Ref: A152, Crossrail at Liverpool Street Station—Liverpool Street Ticket Hall Option 7A using existing Sub-station (SCN-20060629-014).

⁵⁶ Committee Ref: A152, Crossrail at Liverpool Street Station—Option 7A Mott MacDonald/CLRL (LONLB-20505-009).

⁵⁷ Committee Ref: A152, Crossrail at Liverpool Street Station—EdF Equipment Room (LONLB-20505-011).

⁵⁸ Crossrail Ref: P104, Liverpool Street Station: Cost Summary Comparison of Ticket Hall options (LONDLB-20504A-002).

 The Petition of the Corporation of London with British Land

the figures, but I was told that they were unable to provide the figures because they are commercially confidential, so I have not been able to validate the Promoter's figures. I did my own calculations very roughly and they do not stand up to very good scrutiny, but they just give a relative idea of the costs between the different options. I calculated that it is about £6.5 million extra on the £30 million for option 7A. I am not qualified to give cost advice, so British Land procured Cyril Sweet, a firm of quantity surveyors, also to carry out an assessment of the various options. Again they are also without the Promoter's cost breakdown information because that has not been available to us, but they have made an estimate and they have confirmed that my estimate of about £36 million for option 7A was correct, but they actually calculated less money for the other options, so the relative difference becomes bigger. They calculated a difference for 7A, and that is 7A alone, not plus 3B, so this 7A cost is 7A alone because sometimes 7A, we have been told, also includes 3B, so obviously you have to add the two figures if you are going to do both bits of work, so treating 7A alone, and ignoring the 3B part, Cyril Sweet's figures gave a difference in cost of £21.5 million between 7A and option 4C, instead of £10.8 million, as the Promoter has been suggesting.

13564. What about Mr Berryman's point that the figure of £8 million shown in the right-hand column there against the footnote might involve a saving if the substation were to be relocated by LUL as part of their renewal works?

(Mr Chapman) That £8 million, again as yet I have seen no evidence from anybody or even a piece of paper showing that the substation is substandard. I know Mr Berryman well and I trust his words if he tells me that is required, but as yet I have seen no evidence or even a piece of paper from anybody saying that that information has expired. The £8 million to replace it, again I do not know fully what length of the Metropolitan Line that covers, so I do not know whether the £8 million is right, too much or too little. Cyril Sweet's estimate, and again it is only an estimate, they allowed £10 million for the same amount of work, but, without knowing what the electrical equipment is, who has to pay to move it and where it goes to, it is very difficult to be more exact and to know whether it is the right figure or not.

13565. Mr Chapman, the Committee is not going to have evidence from a chartered surveyor in relation to the amount to be paid by way of compensation if option 7 were to be taken, but have you considered whether there is any doubt whether some land of British Land would have to be taken if option 7 were to be pursued?

(Mr Chapman) If I go back to my exhibit 1, and this is very similar to the figures I showed you last January, if you can cast your minds back all those months ago, the light blue line is the actual British Land property boundary.⁵⁹ The actual canopy as

proposed by Crossrail, or it is not a canopy at the moment, but the entrance escalators are in the pavement here on British Land's land and in an area that is not currently used for LUL facilities, so there will be a purchase of land. Also I believe there are concerns about compensation for UBS and UBS's access which the Promoter acknowledges would be very severely affected by this, as will the operation of their building because their front door is here and I think it is acknowledged by all parties that this area here, the lid would have to be broken out, so there would be a major worksite right up against it, partially underneath their building, although I agree with Mr Berryman that it is unlikely that the building actually bears on the ticket hall, so I doubt if there is an issue with a need to underpin the building, but that would need to be discovered later on. The main issue is that UBS would have a very, very severely degraded entrance and other facilities at the front of their building for quite a considerable period of time while the work was being carried out. I do not know what the £1.3 million is meant to cover, whether it is meant to cover the purchase of the land from British Land or it covers the compensation to UBS. I know that British Land are also very concerned that the works might prompt UBS to reconsider whether this is the right building for them and things like that, so there are issues that I am not in a position to give evidence on.

13566. Mr Chapman, before you conclude your evidence, is there anything else about option 7 that you want to say to the Committee?

(Mr Chapman) There are two further things to consider. Firstly, if we go back to my exhibit 8 please, this space here is currently occupied by a large amount of electrical equipment.⁶⁰ I am not an electrical engineer and I get very confused with electrical engineering, so my wife will not let me do any work at home to do with it, but there is a lot of equipment here which needs to be decanted from this space into this space. This space is currently occupied as a communication equipment room which will be moved as part of Crossrail. I have seen no reconciliation between the equipment which needs to be moved and the space here. Mr Berryman mentioned that some of the equipment, the equipment to power the station, would be moved to a shaft just off Blomfield Street, but I do not know if there is enough space here to put the equipment and I have seen no evidence that it has been considered in any detail whatsoever yet.

13567. Did you have a second point you wanted to make about 7?

(Mr Chapman) Yes. At the moment the Promoter is showing no canopy. They have about a 1.2 metre high fence around the escalators. I do not know if that is still the case of what they are promoting. From a safety point of view in terms of actually people throwing things over the side of the fence or just accidentally dropping things over the side of the

⁵⁹ Committee Ref: A152, Crossrail at Liverpool Street Station—Original Options 1 and 6 (LONLB-20505-002).

⁶⁰ Committee Ref: A152, Crossrail at Liverpool Street Station—Option 7A Mott MacDonald/CLRL (LONLB-20505-009).

 The Petition of the Corporation of London with British Land

fence on to the escalators, and especially to do with the weather, I am very surprised they are not showing a canopy. London Underground's standards require a canopy for stairs, so if you go down stairs, London Underground's standards require that you have to have a canopy. They do not require it for escalators, but I think that is probably an oversight in the standards because I can see that the risks of slipping and whatever else are probably a lot more serious with an escalator than they would be with stairs, but that is quite a small issue and one that I am sure could be resolved with time, but it does make the point that at the moment 7A does not allow for the entrance canopy which I think would be required.

13568. Before you come to your conclusions, can I just ask you about two other matters. So far as 4C is concerned, what degree of confidence could the Committee have that 4C is feasible, buildable and could probably be made the subject of an additional provision with a decision being taken in a relatively few weeks from now?

(Mr Chapman) I agree with Mr Berryman that a lot of work would need to be done on all of these options to firm up the costs, but it appears to me, and again I have not seen the cost allowance, but the cost allowance appears to us to be generous, from a quantum point of view because we have not seen a breakdown of the figures. Mott MacDonald are an excellent firm of consulting engineers and I assume they have done the engineering properly, and Corduroy are a respectable firm of quantity surveyors and I am sure they have measured it correctly. Then there is a 28 per cent figure on the total that is allowed or roughly one third of the amount of money allowed as risk money, so I would be surprised if there was not enough money to do the work given the calibre of the people doing the work for the Promoter. A 28 per cent allowance is what is normally allowed by the Promoter for this level of design complexity, and the aim is that as certainty increases as the design process continues, that 28 per cent figure reduces, but it is an allowance at this stage for the level of uncertainty and I believe it is what Crossrail are using across the board for this level of uncertainty.

13569. What about option 7?

(Mr Chapman) Again I have to be careful with what I say because I have not seen a breakdown of the figures, but option 7, in my opinion, is largely as complex as 4C. There is also an old shaft from a 1913 ticket hall to be filled in and this exhibit shows the two escalator tunnels coming up the side which again Mott MacDonald have shown as partially filled in, although that might not happen with the Cooling the Tube project and they may need to use those to provide fresh air for Central Line commuters. Again it seems to me that 7A is less well formed at this stage than option 4C, but I think that is to be expected because 7A has only been considered since 8 May, whereas 4C has been worked on since January when we last met.

13570. Mr Chapman, what concluding remarks do you offer to the Committee?

(Mr Chapman) In a way, we are in a very different situation from that which we were last January. Last January there was a dispute over what was needed to be done and there was no real option on the table of what would be done if something did need to be done. We are now in a different situation and there is agreement that something needs to be done and there are a number of options to achieve it. There are options 3B, 4C and 7A which are being promoted by various parties. All are feasible from an engineering point of view, all have been costed on a more or less similar basis by the Promoter, and sheet 2 gives a comparison of the costs. There are benefits and disbenefits with each and to some extent I think it depends on what criteria are going to be used for choosing the solution. As a taxpayer, I favour something that is reasonably cheap as long as it works. I do not favour something that is cheap that does not work. Mr Spencer, whom I have a lot of respect for, has shown me that option 3B has severe flaws, so, to me, paying to do something that does not work is a false economy. Option 4C is the cheapest one which, I think everybody agrees, does work and 7A has some additional benefits at additional cost, so those are the three options in consideration. Options 5A and 5B also work, I think, but they do not necessarily have people who are pushing them, but all five options, to my mind, work and have been costed on a similar basis.

13571. **Mr Laurence:** Thank you, Mr Chapman.

Cross-examined by **Ms Lieven**

13572. **Ms Lieven:** Sir, I am going to try and keep this as brief as I possibly can. Mr Chapman, option 3, and can we put up exhibit 9 please, you raised a point about the excess fare window clashing with queues going through the gates.⁶¹ The obvious solution to that is to move the manual gate to the other side and then you do not have a problem with the queue coming up against the excess fare window. That is the kind of thing that is done at detailed design. You yourself have referred to an iterative design process. *(Mr Chapman)* Yes. I believe the Promoter has talked about having two gates in there because having a barrage of gates here at this side with an excess fare window, you need a gate here, which I agree with, but there is also concern that people coming out are having to cross over the flow, so I believe that probably by putting two gates in the line, one here as well as the westernmost end, would allow disabled access and children to cross over the flows in. I think the 3B gateline has been more optimised than the 4C gateline which has been presented.

13573. Can we move on to engineering and 4C and 7. You sought to compare the work that would be needed on 4C with the work on 7 in terms of capping the shaft. Now, if we can put up our exhibit 5 rapidly

⁶¹ Crossrail Ref: P104, Liverpool Street Station—Option 3B—Test 4, LUL MIP Addition—(21 Gate lines)—Ticket Hall Level (LONDLB-20504A-009).

The Petition of the Corporation of London with British Land

followed by our exhibit 8, 5 is the cross-section of the post office vaults and 8 is what we need to do.⁶² The crucial point here is that we are not simply capping the shaft. That is what we thought we were going to be doing in January, but in fact we have to insert a new transfer level in there, do we not?

(Mr Chapman) Yes, and that has been fully allowed for by Mott MacDonald and fully costed by Corduroy.

13574. But in comparison with option 7 where you referred to the shafts of the old escalators, all that has to be done to those option 7 shafts is literally to put a concrete cap on them with a manhole cover to let somebody down if necessary. There is no transfer level being put in there, is there, for option 7?

(Mr Chapman) Mott MacDonald's drawings show that they are to be filled, but if you are saying something different now, I will take your word for it.

13575. It is just that there is nothing comparable to the transfer level that we need to put in with option 4, is there?

(Mr Chapman) That option is very simple, but what you are not showing is the fact that at the surface here, that is actually roadway. You can break a hole here and this work is being done basically to ground level, so putting a cantilever of four metres in here which Mott MacDonald have said is very feasible, and I agree with them.

13576. I am going to work on the basis that the Committee has the point and I will move straight on. As far as option 7 is concerned, if we can put up our exhibit 7 please, this shows option 7 at street level.⁶³ UBS's building is here, the one of which British Land own the freehold and UBS are the tenants.

(Mr Chapman) Yes.

13577. There are two concerns of UBS. Construction phase—we have not got to the stage of working out how the construction phase access would be provided, but I do not know if you are familiar with what we are doing at Tottenham Court Road with Centrepoint where we are working on three sides of a building, I think, but it is perfectly possible to provide access to that building throughout the work period, is it not? It is a matter for detailed design.

(Mr Chapman) I know the letter has not reached Mr Berryman yet, but UBS is a bank, I believe, with 2,000 traders and I know they are very, very concerned about security, but that is a matter that would be addressed later.

13578. Mr Chapman, just try and answer the question to speed things along. The fact is that access to that building could be provided throughout the construction works, yes? It is a perfectly standard thing to do on that type of site.

(Mr Chapman) Access to the front door and the issue that I mentioned earlier on, access is one of many, many issues and there is the security and there is fuelling of the building. They have got back-up generators which I believe are fuelled from this side of the building and there need to be large petrol tankers which come here which might not be that near the construction site. There are a number of issues which need to be addressed, but I agree with you, that it is possible to do it, but there is a lot of disruption to people in the building.

13579. As far as once Crossrail opens is concerned, if option 7 is built and there is an access here, then for UBS staff who use public transport, they will have absolutely brilliant access to Crossrail, will they not?

(Mr Chapman) Everyone will have absolutely brilliant access in the area. That is why Crossrail is being built.

13580. No, no, Mr Chapman, it is more than that. They will be in a fantastic position for access to public transport and that will be a genuine benefit to their staff.

(Mr Chapman) I cannot give expert evidence on that, but I take your point.

13581. Sir, as far as cost is concerned, I am going to deal with that in closing, if I may. I think you are probably grateful we have not got a quantity surveyor, but we could call one if you wanted one. I will leave it there, Mr Chapman. Thank you very much.

Examined by the Committee

13582. **Sir Peter Soulsby:** I wonder if I can take you to your exhibit 09.⁶⁴ As I understand it, we have here a comparison between 3B, or you are showing here an improved option 3 as well as option 3B itself.

(Mr Chapman) It is 4C and, as the Promoter suggested, it is just a way of resolving some of the issues that we felt were inherent in it.

13583. Am I right in understanding that the distinct difference between 3B and 4C is that with 4C we would get a considerably better circulation space running up to the barriers and we get three extra barriers, and that is the argument you are putting forward to the Committee?

(Mr Chapman) The argument I am putting forward is also that the number of barriers can be considerably increased as well. At the moment we have had a comparison of 21 with a very squeezed gateline for option 3B and a less efficient gateline layout for option 4C which gives 24. Mott

⁶² Crossrail Ref: P104, Liverpool Street Station: Ticket Hall B Post Office Vaults—Existing Condition Section AA through vaults (LONDLB-20504A-005); and Ticket Hall B Post Office Vaults—Proposed Extension of Ticket Hall Concourse Section AA through vaults (LONDLB-20504A-008).

⁶³ Crossrail Ref P104, Liverpool Street Station—Option 7A Substation Ticket Hall Options—Western Escalators Street Level Plan (LONDLB-20504A-007).

⁶⁴ Crossrail Ref: P104, Liverpool Street Station—Option 3B—Test 4, LUL MIP Addition—(21 Gate lines)—Ticket Hall Level (LONDLB-20504A-009).

The Petition of the Corporation of London with British Land

MacDonald showed 29 with option 4C and we have tried to marry what Mott MacDonald have done earlier with what the Promoter has done to give a better gateline.

13584. That is precisely the point I am coming to. Are you telling the Committee that it is only by adopting 4C as opposed to 3B that those additional five gates can be provided?

(Mr Chapman) Yes.

13585. What is it about 4C that enables the provision of those extra five gates on the left-hand side, as we look at it, which is not possible under 3B?

(Mr Chapman) I am sorry, I take your point. The issue, if I can go back to 3B—

13586. My point is that you appear to be getting those additional five gates by moving the retail units. Those retail units are common to 4C and 3B, so if you are getting an additional five gates, surely that appears—

13587. **Mr Laurence:** Sir, it is not 3B on the left, in case that is what you thought.

13588. **Sir Peter Soulsby:** No, I am right, Mr Laurence. I can assure you, I am right. The retail units are common to 3B and 4C and the significant increase in gate numbers achieved by the so-called ‘improved’ option 4C is by moving those retail units, not by the considerably more extensive works which would be necessary with the capping of the vent.

(Mr Chapman) Your question is exactly right and a similar situation could happen on the left-hand side of 3B. The difference in length is about six metres between the usable space that is actually created on the gateline point, as that shows, between the two options.

13589. So coming back to my initial point, actually the benefits of 4C are such as to give some better circulation space running up to the gateline and to give three additional gates, and the five, which take you from 24 to 29, the ones which are possible, if indeed they are possible at all, are possible under 3B and 4C.

(Mr Chapman) On a comparable basis, it is about six metres longer with 4C over 3B. That is six or seven gates, so whatever comparison you do, we are showing apples and pears on various drawings and I agree it is confusing, but your point is absolutely correct and you could do something similar with 3B, but each of them needs the same level of gates and that is provided on two comparable drawings. If you think that 4C provides six metres more, on a comparable basis, it is about six gates more than 3B.

13590. I think I have probably made my point, Chairman, but it might be summed up by saying that the improved option 4C which shows 29 gates could also be drawn as improved option 3B which shows, what, 26 gates?

(Mr Chapman) It would be 19 plus four or five, yes.

13591. **Sir Peter Soulsby:** Thank you.

13592. **Mr Laurence:** I have no further questions for Mr Chapman, sir.

The witness withdrew

13593. **Mr Laurence:** I am going to call Mr Spencer now. Could I just say that we have been pushed into a position where we are very much under pressure to finish, so what I would like to suggest is that we circulate to the Committee the evidence that Mr Spencer would have given if we had had more time and he will simply summarise it orally. I have given a copy already to my learned friend.

13594. **Ms Lieven:** Sir, we have had Mr Spencer’s proof just since 2.30 and Mr Mould has had a quick look at it. I am happy for the Committee to have it as a written document, but I would like please to put in only a very short note, and I promise it will be short, in fact I give a guarantee of no more than two pages, of the absolutely key points we do not agree with because there are parts in it which we do not agree with. If the Committee is going to see it, then—

13595. **Chairman:** Ms Lieven, please accept that we will allow you to put a note in on it.

13596. **Ms Lieven:** I am very grateful.

Mr Timothy Spencer, recalled

Examined by **Mr Laurence**

13597. **Mr Laurence:** Mr Spencer, you have been here before.

(Mr Spencer) I am the same Tim Spencer.

13598. You have told me that you thought you could do this in 20 minutes, but I reckon you have 22.

(Mr Spencer) I think I have probably got 16 with the summing up.

13599. Even better!

(Mr Spencer) I will try and do it in 16 minutes and finish by quarter past.

13600. **Chairman:** Just for the record, this document is A155.⁶⁵

(Mr Spencer) I do stick to the question, to liaise and provide further information on how ticket hall B might be enlarged to accommodate any potential increase in passenger numbers. The first thing I would like to start on is the concession issue. It is of course horrifying for the City of London to be presented with a proposition when explicitly the solution requires concessions, and significant concessions. The granting of these concessions is no small matter. It is not a question of 3B or any 3 option being better than the existing situation; these

⁶⁵ Committee Ref: A155, Mr Tim Spencer, Steer Davies Gleave, Supplementary Proof of Evidence.

The Petition of the Corporation of London with British Land

proposals should comply with standards. Now, the evidence that has been given so far indicating there is a possibility in three months' time that there may be a direction from LUL to the effect that they may be minded to grant a concession on these proposals is wholly unsatisfactory. Option 3 fails by at least two per cent in terms of static gateline. We are then presented with dynamic analysis which is seeking to overcome the failure of the static gateline but that dynamic analysis itself also requires concessions. There is an enormous irony in this process. Furthermore, the beautiful Legion analysis that you have been presented with is not approved by LUL, so they can take no consideration of legion in their determination of the concessions that would be required. They are limited to Pedroute and the static calculations. The gist of our case is that option 3, however devised and improved, is 20 per cent short of capacity and the proposition that we put is that option 4 delivers 20 per cent more capacity. I will not duplicate the engineering arguments but it is by way of finding a way with intelligent design and sophisticated analysis to provide at least 20 per cent more gates than option 3 and using the benefit of a further 200 square metres. It is a floor area that is equivalent to a large three-storey house. This room is probably half the equivalent of the space gain that is appreciated in ticket hall B.

13601. I move to demand forecasting. Clearly there has been a major shift on the part of the Promoter in terms of accepting the case that I put forward to you six months ago that they had grossly underestimated the demand for Crossrail and ticket hall B, but, putting that into context, I would just like to set out what they have done to reach the 42,000 figure as opposed to the 33,000 figure that they presented previously. Fundamentally, they have followed LUL demand forecasting guidelines which they had not done previously. Those guidelines required the Promoter to consult with the local authority to obtain the best understanding of existing employment patterns and future changes to employment. That is fully incorporated into Crossrail's appraisal at this point in time. It is not the only reason why it has moved from 33,000 to 42,000. Crossrail has also corrected a number of errors that were identified in their original demand forecast. They have also increased the population of people that are seeking to travel to the Liverpool Street area. That has an effect on the modes that people choose and that has had a marginal effect on the extent to which people are predicted to use Crossrail. My next subject area is basically resilience.

13602. We all know—I have been a transport planning consultant involved in demand forecasting for a very long time: longer than I care to remember—that models are subject to error and few are able to forecast future flows within anything even close to plus or minus 15 per cent. The classic example, not a million miles away from Crossrail, because it is touched twice by Crossrail, is the M25. Fifteen year flows were exceeded on day one of operation of the M25 motorway. Why was that? It is

because the limitations that were applied to the demand forecasting did not relate to the reality of the situation that came to pass when the M25 was put in place.

13603. Another failure of the Crossrail demand forecasting is that all they had was an opening year demand forecast: 2016. As every day goes by, the benefits of Crossrail on Central Line and sub-surface lines will be eroded and yet Crossrail will still present a first-class travel alternative. As every day goes by, progressively, over time, more and more people will use Crossrail. That is not built into their analysis one iota. The same proportionality is assumed in 2076 as is assumed in 2016. Quite obviously, the use of Crossrail is going to grow up disproportionately during that time because it is going to offer such a high quality alternative as passengers fill the gaps in the Central Line and the sub-surface lines. The land-use forecast that we have built into the updated rail plan model is still subject to a great deal of uncertainty. London is a very dynamic city. It has changed an enormous amount in the last ten years. As much as one can say, "This is a very good view of the future," one always has to be mindful of the fact that imaginative developers will come along with proposals which will dramatically change the numbers. We have seen that in the city of London over the course of the last two decades and it will continue to happen.

13604. The other thing is that the planning context of the City of London is constantly changing in the context of the Thames Valley which ten years ago was a forgotten place. Now it is the home of the Olympic Games: there are massive residential communities anticipated within the Thames Gateway. This will continue. No doubt in some instances what will happen then will hugely exceed what people currently anticipate in planning terms and those people are going to be travelling to and from Liverpool Street. There is undoubtedly day to day variation. It is ridiculous for anyone to suggest that that is not the case. We ourselves have observed that on a Monday the flows through ticket hall B are 30 per cent higher than they are on a typical week day. That is considerably higher, although the demand forecasts that have been presented to you today as the existing situation. That has to be built in. There are lifestyle reasons. Students come home from staying with their parents, people having been away. People's travel patterns being different on different days of the week. That has to be factored in, in terms of the resilience of ticket hall B to accommodate whatever demand is likely.

13605. In this analysis we have focused very closely in the AM peak situation. We have really done that because we did not have a great deal of time. It is quite conceivable that in the fullness of time there will be an issue related to the PM peak, which is about how people use Crossrail in London in the future. You cannot say that that is necessarily fully anticipated by the demand forecasts and it definitely has not been the subject of any analysis.

 The Petition of the Corporation of London with British Land

13606. The other point that we laboured six months ago is to do with the split between Moorgate and Liverpool Street. Fundamentally, there is a massive imbalance between the forecast for Moorgate and Liverpool Street. This is not just a function of employment; it is also a function of the propensity to use Crossrail. If you are in Moorhouse, a building that has been referred to today, you are two and a half times more likely to use Crossrail as far as rail plans are concerned than if you are in 100 Liverpool Street, another building that we have referred to today. I cannot satisfy myself that that variation is logical. I feel that the likelihood still, albeit we have made a significant movement in the right direction, is that the amount of passengers using Liverpool Street Crossrail station by way of ticket hall B will be significantly higher than estimated by the Promoters. I have also been able to do some further analysis on the extent to which people arrive in Liverpool Street Station on national rail services that do not use Crossrail. On the extent to which they would use Crossrail to gain access to the West End of London, the demand forecasts by CLRL for Crossrail show virtually nobody using Crossrail for a large number of destinations in the West End. They are all said to be using Central Lines and the sub-surface lines of greatly inferior quality. That just does not stack up as far as I can see. I believe the design for ticket hall B should take account of the fact that a far higher proportion of passengers are likely to use Crossrail for travelling to the West End.

13607. In another point I try to provide the answer—and in many respects it is the M25 answer: M25 demands were so high was because you could not make the journey previously. There was trip suppression. That manifests itself in lots of different ways. Wherever you have congestion, you will find that it limits the number of people who try to do something. As you relieve congestion, you are not just letting a redistribution effect happen. There are obviously people who currently do not go to Liverpool Street because there is a problem that is presented to them—people coming out of the Central Line escalators is an example, or people who use ticket hall A which is very congested—and if you provide a better alternative, they will switch in far greater numbers than indicated.

13608. That is my evidence on 3 versus 4 and why I suggest to the Select Committee that they should be mindful that there is a need for a factor to be applied over the base CLRL forecast of 42,000. I believe the 15 per cent that was put forward is an extremely conservative figure. I believe it could be much higher than that.

13609. To support that proposition, I would make two arguments. The first is that Liverpool Street Station has seen something close to 100 per cent growth in the last 20 years in terms of the numbers of passengers going through that station. That is a trend related to the economic success of UK plc but also to the City of London and the companies that are resident in the City of London. If that trend

continues, and it has continued for the best part of ten years, then you will continue to see those sorts of levels of growth. The second point is the capacities for flows through the ticket hall in effect to double, which has been questioned by Crossrail. You have to remember that Crossrail is delivering the equivalent of one and a half times the Central Line in terms of capacity and at the same time is relieving the Central Line and relieving the sub-surface lines. The opportunity is there for people in substantially greater numbers, attracted by the commercial developments around Liverpool Street, to travel through ticket hall B. The capacity is there enormously in excess of 100 per cent. It could be 200 or 300 per cent greater. We are only talking about 8,000 people using Crossrail Station to go to Liverpool Street. There are 25,000 persons, in the peak three-hours, spare capacity on Crossrail alone. That is three times as much, as well as the relief to the Central Line. Again, there is no question of the ability for people to get to the ticket hall in terms of the use of the transport network supporting it.

13610. That is the 4C versus 3B debate.
(*Mr Anderson*) Yes.

13611. What are you inviting the Committee to say about 3B there?
(*Mr Anderson*) The Committee should quite categorically reject 3B as a proposition.

13612. Sir Peter Soulsby's question about somehow solving the problem by increasing the number of gates at 3B.

(*Mr Anderson*) You will not better in operational terms the scheme with 21 gates. There just is not enough space.

13613. **Sir Peter Soulsby:** Perhaps I can clarify that. You are therefore saying that the so-called improved 4C, put forward by Mr Chapman, is not deliverable.
(*Mr Anderson*) On 4C you have seen the Mott MacDonald proposal which had 29 gates in it and you have then seen a non-engineering capacity appraisal which brought that down to 24. I would say that you would recover the larger part of those five gates lost by optimising the layout within 4C as indicated by Mr Chapman. I totally support him on that.

13614. Are you saying that the element of the improved 4C, which shows the removal of the retail units on the left-hand side of the plan as we look at it, is not in fact a practical proposition.

(*Mr Anderson*) No, I am not saying that at all. With proper application, a scheme for 4C can be brought forward which will have 29 official operating ticket gates.

13615. You are saying, whether it is under 3B or 4C, that it is possible to move the retail units and provide five additional gates.

(*Mr Anderson*) Yes. I did not mean to disagree with that point.

The Petition of the Corporation of London with British Land

13616. **Mr Laurence:** If 3B provides 29, 28 or 27 gates, I think Sir Peter Soulsby is saying why not have 3B at a much lesser cost.

(Mr Anderson) I defer to Mr Chapman on this one. He is the engineer. The exercise is about providing the gate capacity and then providing useable gate capacity. I think the issue with option 3 is that the useable gate capacity is constrained by the shape and other uses within the ticket hall, to the effect that you will never really do much better than 21. I do not believe that constraint applies for option 4 where the opportunities are for remodelling extensively to better the facilities in option 3 in every respect in terms of at least 20 per cent more circulating space and more gatelines.

13617. **Sir Peter Soulsby:** You would accept that whether it is 3B or 4C the left hand side of the plan as we look at it is not significantly different and if those five additional gates are of no particular benefit in 3B we might also infer they are of no particular benefit in 4C either.

(Mr Spencer) I do not think I am disagreeing with you. I would be worried that fundamentally the width of the ticket hall in option 4 is about eight metres wider than option 3. That is where you get the difference between 29 and 21, 22 or 23. That is inclusive of the retail unit. In other words, the eight metres is not because of that being taken out. Wall to wall, there is an additional eight metres with option 4.

13618. It is the case that the significant difference between what is possible under the two schemes is the three additional gates and the additional circulation space that would be possible under 4C. The useability or the impracticality of the five additional gates shown in the improved 4C is common to both schemes.

(Mr Spencer) That is quite likely to be the case. I am not being definitive here. I do not think anyone is saying this is the best scheme. What we are bringing forward are two schemes that we can compare, like for like.

13619. The difference between the two schemes is the much improved, as you describe it, circulation space in advance of the gateline and the three additional gates.

(Mr Spencer) I think it is quite likely to be more than three. You are pushing me on three. You can probably put at least five extra gates into option 4 more than you could ever put into option 3 but, apart from that, I agree with you.

13620. What I found particularly useful was Mr Chapman's exhibit 05 where he overlaid the proposal 4C on the existing structures. I found that quite helpful in identifying what was possible as a result of capping those railway vaults. The pillar remains there and it shows three additional gates. There is a little bit of space left but it would be much more than one beyond that.

(Mr Spencer) I do not think we disagree.

13621. I am trying to focus on what the benefits are of 4C as against 3B and it is really in that corner where you get some extra gates. If there is an improved 4C, it is possible there is also an improved 3B.

(Mr Spencer) I am not disagreeing. I am not an engineer and I am certain that there are better schemes that could come forward. I suppose I should say something on option 7. I am not speaking entirely to my brief because you did not ask me to say anything about option 7. It obviously has appeared very late in the day. There is a substantial extent of agreement between the Promoter and the Petitioner with regard to large aspects of the work that has been done. We did get very close to having a substantial agreed statement to present to you today but unfortunately time did not allow that. I built up a box file yesterday of the information that was sent to me regarding this case. A lot of that information relates to option 7. It has not been subjected to any scrutiny by the Petitioners in terms of their demand forecasting and the key assumptions that were built into the Legion model that you have seen today. We have been party to that but please be aware that that is not a jointly conducted piece of work. I would have severe reservations about point M as it has become known with the extent of conflict at that location with passengers trying to get to and from the Central Line as well as the enormous flows that you may generate from the Metropolitan Line, trying to get to street by what is a superb route, as well as all the passengers coming to and from Crossrail. That creates a severe conflict of location and, as we have recognised, the proposal currently as far as the SOR is concerned is only to remove very small parts of it. As far as the facility itself is concerned, I would see almost that the gateline requirements are reversed. There should be 21 gates in option 7 and 12 in the rest of the station in terms of what people want to do. The vast majority of people want to be at street and this scheme does give them that opportunity to get to street very quickly and easily. That is the vast majority of people who come to ticket hall B. They are not catching trains. Thirdly, there is obviously a severe risk with option 7. If it were to be shown that queues will develop back into the Crossrail corridor itself with the additional gates, there are no effective run-offs between those gates and that corridor. As soon as you have any congestion in that corridor, it will prevent people getting to and from Crossrail, which is the whole purpose of it being there in the first place, particularly for passengers going to Crossrail from the National Rail concourse.

13622. **Chairman:** Could you give us a note of your fears over the conflict situation that may arise in relation to 7.

(Mr Spencer) Absolutely.

13623. **Ms Lieven:** I am not intending to cross-examine. On that point you made, sir, there are points on the conflict point and where the

The Petition of the Corporation of London with British Land

development potential is and so on which relates back to the evidence. Perhaps we can respond to Mr Spencer's note?

13624. **Chairman:** We would take note of his fears and we would welcome your responses.

13625. **Ms Lieven:** I will deal with it in that way.

The witness withdrew

13626. In response to some of the questions Mr Laurence has put today, it is worth thinking about why we are here today. Mr Laurence referred on a number of occasions to the letter that you, sir, wrote to us and the petitioners. I am going to assume that the Committee's concern is to ensure that there is adequate provision for passengers at Liverpool Street now and in the foreseeable future rather than that we are constrained to take a very legalistic approach to your letter and we are only looking within ticket hall B physically. Assuming that that is what the Committee is concerned about, the correct starting point is what is the number as a base.

13627. We say that 42,000 is already a high figure. It is 40 per cent above the observed figure in 2001. On our exhibit three you can see that if you take 42,000 and add the 35 per cent we have planned for a total of 89 per cent above the existing use of Liverpool Street. We say that is on anybody's analysis a high case.

13628. Taking another 15 per cent becomes unrealistic. That is 117 per cent above observed and we say it is most unlikely that you would manage to squeeze that many people on the trains in the peak three hour level. I do not know how often the Committee travels on the Central Line in peak hours. I do every day and the idea, even taking the Crossrail capacity, of anything like that increase on existing LUL stock seems pretty unrealistic to me.

13629. I turn then to the options. Option 3, and I cannot stress this too much, achieves acceptable performance at 2016 and at 35 per cent when tested against Pedroute and Legion. We accept, and Mr Berryman accepted it straight off—we could have saved a lot of time this morning—that in terms of the static gate calculation in the standards it does not meet the standards, but that is just one part of the design process. I would simply rely on what Mr Chapman said about designing the static point of view and then optimising the provision, and that is exactly what we have done. As Mr Berryman said, what is the point of all these very expensive models, except to keep me entertained, if it is not that you do your static calculations and then you test against the computer models? If you just did the calculations you could forget the whole modelling exercise. A good example of that, with great respect to Sir Peter, is the point he made a few minutes ago. You could get more gates in. If that is what you want to do there

are ways of optimising the layout at more detailed stages which overcome some of the static problems. These things can all be worked on over the period.

13630. As far as sticking to the statics as they are at the moment and the gatelines are concerned, we have every confidence, after very expensive discussions with LUL about the layout of this station, that we can achieve the appropriate concessions where we need them.

13631. Following on option 3, Mr Laurence, I think intending to be dismissive, says I call it "cheap and cheerful". Actually, sir, cheap and cheerful can be a good thing if it works. That is the question. One great advantage of option 3 is that it minimises the disruption to existing passengers, those very passengers that the City and British Land are so concerned about. It minimises the impact on 42,000 people travelling through here at the design year. It has got to be a very good thing from that point of view.

13632. On option 4C, again I am very happy to rely on Mr Chapman's evidence. He said it is a complex piece of engineering and he went on to say, yes, there are other more complex ones, and we accept that on Crossrail, there are some horrendous bits of engineering going on on Crossrail, but, as Mr Berryman said, that is where we have no choice. Mr Chapman then said it needs to be done very carefully, which is exactly what Mr Berryman was emphasising. Mr Chapman also said it is not unprecedented. No, Mr Berryman has not suggested that it is unprecedented, but it is complex and it is quite unnecessary, and in those circumstances it cannot be recommended. Because it is complex that impacts on cost. The important point about the cost figures is that the same risk or contingency or optimism bias figure has been applied to each. In my submission, on the evidence you have heard today there is no doubt that option 4 is the most complex in engineering terms and, therefore, on any contingency or optimism bias you apply a higher percentage than you would to, say, option 3 which has really got no risk to it whatsoever, or option 7 which has got nothing more than minimal risk.

13633. The other point about option 4C is that it is very disruptive in the ticket hall just at this point where British Land are so concerned about 42,000 people because they are all having to get round what will be a major engineering site. It is not impossible, not unprecedented, but highly undesirable.

13634. Then we come to option 7. It is completely offline. It can be done obviously if it is done at the same time as the rest of Crossrail with no interface with existing passengers, but one of its great benefits is if it is done later then, again, it can be done behind a hoarding and it has absolutely no impact on existing passengers whatsoever. It is important to note that British Land and Mr Chapman have not known said that it impacts on the developability of the site next door at the 100 Liverpool Street site. It has

The Petition of the Corporation of London with British Land

minimal engineering risk because it is in an existing structure and it is not comparable, for the reasons I went through briefly in cross-examination, with the work that has to be done on the post office vaults because of the issues of both underpinning and putting in a transfer level on the post office vaults.

13635. The Committee has to ask itself why we moved to option 7 when we had been discussing, quite rightly—British Land was entirely right about this—options within the ticket hall and post office vaults. The answer to that is precisely because unexpectedly the post office vaults started throwing up these really significant problems and that is why we have moved to looking at the sub-station in more detail and why we see it as a better option.

13636. Can I say something very briefly on cost, because it is clear from Mr Laurence's questions that he is going to make a lot of this. This is a very unusual situation and I hope the Committee will notice that. This is the first time on Crossrail before the Committee that we have said that we should go for a more expensive option and the Petitioner has said go for a cheaper option. That is not because we want revenge on British Land or to be horrible to them or deliberately mess them around. That is because the advice from our engineers, and Mr Berryman in particular, is that the risks attached to option 4 mean that it is a less desirable option in engineering terms, and the advice from Mr Anderson's team is that if you have got to choose between 4 and 7 then 7 has major benefits in passenger terms which 4 does not have. It would be absolutely bizarre for the Secretary of State through this team to be suggesting to you that we want to go for a more expensive option when again and again we have said to this Committee the Secretary of State is deeply concerned about pushing down the costs of Crossrail generally. This is not an exception to that, it is that we have taken the advice of our experts and reached the view that if it has got to be 4 or 7 then 7 is much the preferable option.

13637. I do submit to the Committee, with respect, that the Committee should be extremely wary of overriding Mr Berryman's expert engineering judgment and seeking to force the Secretary of State to undertake an option that he is being advised by his own experts is not a sensible engineering thing to do. That is somewhere where I would suggest the Committee tread very, very warily.

13638. Finally, can I just emphasise, because there is a danger here that we lose sight in the battle between 4 and 7, of the Secretary of State's core point, which is that option 3B is wholly acceptable; not just now and in base year 2016 but in 60 years' time. I would pick up a point that you made, sir, and urge that Members of the Committee who were not here today but who are in the deliberation session do see the CD or DVD of the Legion runs because they do show so graphically that option 3 is absolutely fine. I do not want the Committee to get locked into this "is it 4 or is it 7?" when actually the answer is 3.

13639. Thank you very much, sir. As always, I have done it in a mad rush but I hope I have covered the main points.

13640. **Chairman:** A bit too mad and a bit too rushed really. Can we get the CD for this week? The Committee who are not here today will want to view that during the course of this week's business.

13641. **Ms Lieven:** Absolutely, sir. We have probably got it here now but if we have not we will get it to your clerk.

13642. **Chairman:** If 4C could be added to that.

13643. **Ms Lieven:** It may be that is on. I will check and we will get it to you.

13644. **Chairman:** Mr Laurence, if we could also get Mr Spencer's notes which we will circulate back to the Promoters.

13645. **Mr Laurence:** What shall I do in the minus three minutes that I have got left?

13646. **Chairman:** Actually not a lot really. If you can wind up we can be here as long as we can listen to you really.

13647. **Mr Laurence:** As long as what, sir?

13648. **Chairman:** As long as we can listen to you.

13649. **Mr Laurence:** Sir, it will not surprise you to know that in the helter-skelter of the last few days and weeks in particular, and trying to respond to events as they have unfolded, I have not been able to prepare an orderly closing address to you. Therefore, what I am about to say is very much in the nature of an attempt to respond with intellectual honesty to the issues as I see them having developed in front of you in the course of today.

13650. The first issue is just to stand back for a moment and for the Committee to remind itself what a long distance we have come in the nearly six months since we appeared before you in January, for the Committee just to remind itself that at that time, with a confidence similar to that which Ms Lieven has just shown in her closing address to you, it was being submitted by Mr Elvin that this Committee could rest assured that a do-nothing option was sufficient. That was for the simple and basic reason that Crossrail made no difference. The argument that was being put forward was why should Crossrail in those circumstances shoulder the burden of dealing with a problem that was not Crossrail's problem. The figures that you will remember my mentioning to Mr Berryman were the figures that were being put forward and since that time we have, as I say, come a long way. Instead of talking about a scenario whereby there were 33,000 people in the morning peak going in and out of the gateline without Crossrail and the same number of people going in and out of the gateline in 2016 with

The Petition of the Corporation of London with British Land

Crossrail, the position we have now got is that the figure is acknowledged to be 42,000 in the morning peak with Crossrail, not 33,000, and, as I put to Mr Berryman, the without Crossrail scenario in 2016 is some 4,000 less than that. It is against that background that the Committee is now being invited by the Promoter to say, "Alright, so something does after all have to be done", but what can be done consists of the cheap and cheerful solution that is embodied in option 3B.

13651. British Land and the Corporation of London have no interest in any solution to the problem that they perceive which makes it in any material degree less likely that Crossrail will happen. They have a decided interest in seeing Crossrail happen and, therefore, it is not in their interest to advance any solution to the problem that they perceive which involves disproportionate or unreasonable cost. If British Land and the Corporation of London could have persuaded themselves that option 3B would address the problem that they perceive then they would have been the first to come before this Committee and endorse it, but for the reasons that Mr Spencer has explained to you, albeit briefly but very cogently, and which I invite each and every Member of the Committee who has not been here to read in full, we remain totally unconvinced. When Sir Peter Soulsby, designing the scheme, as I saw it, intelligently towards the close of proceedings today, was making the suggestions that he was making, none of what Sir Peter put forward deflected Mr Spencer from the basic evidence that he was giving, which was that option 3B just will not do.

13652. The way of testing this that has been suggested to me—I do not know whether it is helpful to the Committee or not—is if you go down Sir Peter's route, should the Committee specify a minimum number of gates that would be required to be achieved with this 3B option, say 25 or 26 gates. If they can get that done without removing the vaults that might be okay. We would need to be shown it and to comment on it and for our views to be shown to the Committee. On the other hand, if the removal of the vaults, or part of them, was necessary in order to achieve that extra number of gates with 3B then in effect in that sense we would be back into the territory we have been discussing in urging option 4C on the Committee. Of course, there is always the subject of the amount of space that 4C provides that is unavailable with 3B. Speaking purely as an advocate without having had a chance to take proper instructions on it or anything of that sort, I am bound to say that in my respectful submission Sir Peter's suggestions ought not to be allowed to influence the Committee one way or another in making their final decision as between 3B and 4C.

13653. The key decision, but there is another, is plainly whether, having heard all the evidence, you are satisfied that you cannot take the risk of allowing this great project to go forward with a substandard station at Liverpool Street right from the beginning. My respectful submission to you is that the evidence

is overwhelmingly in favour of saying that option 3B should be rejected and something much more radical put in its place.

13654. It is at this point, sir, that the procedure becomes of the first importance. In saying that something more radical be put in its place I mean to submit to the Committee, but I will spell it out, that the rejection of option 3B involves rejecting not only that 3B done now will be sufficient, that should be rejected, but it involves rejecting also the proposition that 3B could be done now with something like 7 being done in 20 or 30 years' time.

13655. That is just a desperate attempt to rescue the now discredited argument in favour of 3B. If 3B goes that variant of it must also go. The question for the Committee at that stage becomes what to do about the 4C versus 7 debate.

13656. The position on 4C, as Mr Spencer and Mr Chapman said, is that the consideration of that option is far in advance of the consideration that there has been time to give to the option 7 route. Nobody denies that if option 7 could be made to work properly, on the face of it, it has considerable attractions. The question for the Committee is, having listened to the evidence in favour of 4C, whether it is satisfied that that is the solution which it ought now to require the Promoter to adopt and incorporate into the necessary additional provision over the summer so that there can be the further hearings relating to that that may take place in the autumn.

13657. If the Committee takes that route, it can be satisfied that a great deal of work has already been done sufficient to enable the witnesses who have spoken in favour of 4C to say to the Committee that enough work has been done for the Committee to be satisfied that that option can be taken. I am not talking about that option in any finally defined sense. I am talking about an option that involves massively enhancing the capacity of ticket hall B.

13658. The additional provision will make provision for any degree of enhancement that would accommodate 4C, version 1, version 2, version 23 in due course. That is the point and we are urging the Committee to bite the bullet and say that should be done and not to listen to Mr Berryman's tut-tutting about the possible difficulties of building 4C and the risks associated with that in other than a respectful way and then to say that all complex building is something with which risks are associated. That is the name of the game. Mr Berryman did not suggest it could not be built. Nobody has suggested it could not be built. Mott MacDonald have put it forward as a serious option. Mr Chapman has endorsed it. It can be done at manageable cost, only about 12 million more than the option 3B scheme in the context of the project as a whole. Given the stakes that we are talking about, it is something that is surely manageable.

The Petition of the Corporation of London with British Land

13659. Option 7, on the other hand, it is said could cost less than 30 million. You have heard the evidence from Mr Chapman indicating that it could cost a good deal more. The Committee is not in a position to know which of these suggestions is right. One of two possibilities procedurally faces you, sir. The first is you accept what we say about 4C and direct the Promoter to promote the necessary additional provision. The second, less favourable to our position, is for the Committee to take the view that it cannot at this stage decide between 4C and 7A; but that one of those two should be done.

13660. It is possible to take the view that what you should do, if you have not been able to decide in favour of 4C, is to say, "We have heard enough about 7A for that to be the solution which we direct the Promoter to promote an additional provision about." We would caution against that. We would suggest if you cannot accept our submission that 4C be the subject of the additional provision it should be left to the Promoter to promote within a short period of time, by way of additional provision, whichever of 7A and 4C the Promoter in the end thinks is the best option, having taken account no doubt of the views of the Petitioners in the intervening weeks and having done further work especially on 7A but maybe also on 4C.

13661. In that way, we would respectfully submit, you will build into the ultimate solution to this tricky problem a degree of flexibility which is highly desirable, given that nobody can know for sure at this stage that 7A is a preferable option to 4C, despite the advice that Mr Berryman and Mr Anderson said that they would be giving to the Secretary of State on that issue. Both of them were, as you would expect, frank enough to acknowledge

there was further work that needed to be done on that option. It would be ironic if the Committee required 7A to be the subject of the additional provision at a time when the Promoter himself has not had a full opportunity finally to conclude that it is indeed the case that 7A would be an option preferable to 4C.

13662. It comes to three points. Point one: reject 3B and its satellite solution of doing 7A later. Point two: please direct the Promoter to go for 4C and, point three, if you are not prepared positively to direct the Promoter to go for 4C, direct the Promoter to choose between them and to promote the one that he chooses, having taken the Petitioners' views into account beforehand in time to keep the process rolling to ensure that this great project is not imperilled.

13663. **Sir Peter Soulsby:** Mr Laurence referred to the remarks I made earlier. It was not my suggestion that we had additional gates. I was merely observing that if we as a Committee were persuaded by Mr Chapman's evidence that 29 gates were possible in this improved 4C, we ought also to note that 25 or 26 gates would be possible by similarly improving 3B. I am in no position to judge whether it is desirable or feasible to do that in either situation and I certainly was not suggesting it.

13664. **Mr Laurence:** Thank you very much. Is there anything else that any Member of the Committee might wish to put to me that I can assist with?

13665. **Chairman:** No, thank you very much indeed. The Committee now concludes today's business and we will meet again next Tuesday the 4th in this room at 10am.

Tuesday 4 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Philip Hollobone
Kelvin Hopkins

Mrs Sian C James
Mrs Linda Riordan

Ordered that Counsel and Parties be called in.

13666. **Chairman:** I would like to begin the session this morning just to say to those members of the public who have been before that we have agreed to dispense with wigs and gowns today because of the obvious heat-wave that is going on. As usual I would inform everybody in the room that we will suspend the Committee on or around about 11.30 so that people who wish to get a tea or coffee along the corridor may do so. Today we will hear the Promoter's evidence on the timetable; and later today we will hear several other Petitioners. Mr Elvin.

13667. **Mr Elvin:** Can I thank the Committee for agreeing to dispense with robes. I think we would have melted this morning.

13668. Sir, if it is convenient, I was going to introduce the next couple of weeks with an opening and then call Mr Robert Watson, who is the independent Chair of the Timetable Working Group to explain to the Committee what work is being carried out and what agreement has been reached on certain issues. I understand there is at least one set of Promoters, through my learned friend Mr Charles George Queen's Counsel, who propose to cross-examine Mr Watson this morning

13669. Sir, the next two weeks, possibly two and a little more weeks, the Committee is dealing with petitions from the rail industry. Can I draw the Committee's attention to the fact that we have produced four information papers that are of relevance to the issues arising in the next few weeks, and it is the H series of the IPs: H1 which deals with timetabling growth; H2 which deals with railway compensation; H3 which deals with the Crossrail access option; and H4 which deals with the railway powers in the Crossrail Bill

13670. Sir, can I deal just briefly with the railway powers in the Bill, because the main issues raised by Petitioners concern those powers which are set out in clauses 22-44. Sir, you will find those explained briefly in section 6 of H4. The issues relate in particular to the extent to which Crossrail may affect existing passenger and train services and/or perhaps more importantly in the case of some petitions, the capacity for future growth in passenger and freight services; and also issues arise as to the basis upon which compensation should be paid, and the implications of the proposed powers for the existing regulatory regime.

13671. Sir, if I can just set that in context on the question of rail capacity: under the existing procedures, which followed the privatisation of British Rail, there are basically two elements in the rail industry: the first element is the national rail network, with all the infrastructure; and, secondly, there are the operating companies who run the network; and in simple regulatory terms, the Office of the Rail Regulator, ORR as the Committee will know, is responsible for regulatory use of the national rail network through the network rail operator, which is Network Rail, of course; while DfT looks after passenger and train related issues. Train operating companies of course, both passenger and freight companies, run the trains.

13672. The regulatory framework is a complex one and I am not going to attempt to explain it to the Committee now. If the Committee wants further assistance on the issue there are the IPs and I will happily address the Committee at a later stage if it requires further assistance. There are a number of regulations and the principal act is the Railways Act 1993; but, as I say, I will leave that over in case any issue arises.

13673. The important point that we just draw out is that, under the Railways Act, a train operator can only enter into a contract with a facility owner, and that is a contract to give permission to use the facility's own railway facilities—in other words, the track, particularly in this case—if the ORR directs it. Once contracts have been entered into following the direction from the ORR they become access agreements—hence proposed contracts which have been negotiated by the parties seeking access rights require the approval of the ORR. Of course, the ORR is an independent statutory body. It is charged by Parliament with overseeing the fair and efficient allocation of capacity on the network, and other railway facilities which fall within its remit through the approval of the access contracts; and acts as an impartial referee, independent of Government, addressing the competing claims for access to the railway network.

13674. What Mr Watson will explain to you this morning is how the process operates in allocating capacity; what process has been undertaken for Crossrail to produce at least a report which gives a degree of assurance that the proposed operation of Crossrail will operate within a working timetabled framework according to the various parameters which he will describe to you. Of course, the situation is one which has already been under considerable discussion by the Department and

 Railway Industry Issues in the Bill

Crossrail in consultation with the industry. One of the ingested exhibits for today, which Mr Watson will speak to, is the Timetable Working Group's Report of 22nd June, exhibit number 106.¹ Mr Watson's role was, and still is, is as independent Chairman of the body that has produced this report; and I will ask him to explain that to the Committee.

13675. Can I just explain briefly the Crossrail access option, whether by means of an access option or by use of Bill powers, it is essential the Promoter of course can be sure that the Crossrail service, once it has been through its parliamentary process and has full approval, will be operable at the levels that Parliament has been told will be the case; so it is important to ensure that from the access Crossrail is able to operate in the way that Parliament has envisaged that it should. Raising the finance for the project, of course, depends upon there being security of track and station access rights, sufficient to run the level and quality of service necessary to realise the benefits of the project. The security can be provided by obtaining an access option, which it is hoped will be granted during the passage of the Bill, or by Bill powers or a combination of the two.

13676. What the Committee will see with the situation at present is the Bill powers are there in full to secure the provision of the Crossrail services as they have been described to Parliament; but what is intended—and the Minister, Mr Twigg, has already written to the industry to explain this and I will take the Committee in due course during the evidence to Mr Twigg's letter—is if the access option can be resolved during the passage of the Bill at some stage through Parliament, then it may not be necessary to rely on the full Bill powers. The full Bill powers, in a sense, are the fallback position to ensure that the service can be provided as Parliament intends; but it is hoped in fact that it will not be necessary to use the full extent of the Bill powers but to modify the situation if the access option has been resolved. A number of means exist to give the security to Parliament, that the project which is approved will be able to operate as intended.

13677. Many of the rail industry Petitioners from which the Committee will hear over the next few weeks are concerned by the provision in the Bill that proposes amendments to the existing rail legislation in respect of Crossrail. That is dealt with in H3 of the information papers and, as I have said, Mr Twigg recently wrote to the rail industry in a letter dated 29 June which I will take the Committee to later on in the evidence.

13678. I have mentioned the fact that Crossrail is developing an access option, which it is hoped will allow a combination of it and Bill powers to provide the necessary security of services; and, in the light of any access option which is granted, the Secretary of State will then present the position to Parliament, which will set out what is intended by way of

combination of access option and Bill power. Let me make it clear to the Committee that this is important. Once it is approved the access option will be relied on through the normal regulatory processes under the Railways Act and associated legislation to ensure that the applications for access rights which conflict with planned operation on Crossrail services are not granted from that date; but that the intention is not that Crossrail should have any overriding rights over and above those necessary to secure the level of service which Parliament intends it should have. Once Crossrail has secured the access option under the rights which match what it is telling Parliament the level of service will be, the normal regulatory procedures will then come back into play. If at some future date Crossrail wishes to expand its services or to make changes, they will have to be dealt with alongside the demands of all other sectors of the industry by the normal regulatory processes, through the ORR.

13679. In terms of the combined position, therefore, the rail powers contained in the Crossrail Act, once it has received Royal Assent, will only be used if other reasonable means cannot be achieved to secure the mechanism necessary to allow the Crossrail services to be delivered. Once those are delivered, anything beyond that will be dealt with by normal mechanisms.

13680. I have mentioned the Transport and Working Group and Mr Watson's evidence. There is another matter I need to touch on before calling evidence. The timetabling Working Group has reached certain conclusions, that: on the basis of the considerations which have been given to fitting Crossrail in within the likely future growth in the network, it should not be difficult to accommodate Crossrail within expected services for the time of its opening and indeed for growth. There are difficulties within the system which exist already. Mr Watson will explain those to you and, indeed, we will cover it through other evidence, if necessary, during the next few weeks.

13681. In terms of the infrastructure enhancements which may be necessary, can I make it clear to the Committee that the Secretary of State as Promoter is not in a position to commit to those yet because further work and time passing may lead to the prospect of different enhancements being required and different combinations. As the Committee will appreciate, as the Bill progresses and as the detailed design progresses, solutions may present themselves, and it may be that some enhancement currently thought to be necessary will not be necessary and others will come forward. However, the Secretary of State is prepared to make a commitment to the output, the results of the TWG findings, and I am instructed to give an undertaking to the Committee which has already been sent to the industry in writing in a letter dated 30 June. It may not make much sense at the moment because the Committee will not have seen the report yet, but the undertaking is in the following terms.

¹ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Introduction (LINEWD-GEN13-002).

Railway Industry Issues in the Bill

13682. “Appendix A of the Crossrail Timetable Working Group Report lists key infrastructure enhancements to the GWML and the GEML, as provided in the Crossrail Bill, which were assumed to be provided for the purposes of the timetabling modelling work undertaken by the Group.

13683. “The infrastructure enhancements continue to be refined as the Bill progresses: because of detailed design, additional provisions, etc. And now with the benefit of the work of the TWG, it is possible that some enhancements may be found not to contribute materially to capacity.

13684. “The Promoter is not, therefore, committing to the full list of infrastructure enhancements at this stage. What he is committed to instead is to secure the overall level of operational capacity identified in the TWG report on each of the GEML and on the GWML which is achieved with the benefit of the Crossrail works contained in Appendix A of the report. This is based on there being no material diminution in performance from that reported in the TWG Report.

13685. “Any material changes to planned enhancements would be modelled to check that there is no adverse impact overall on capacity available for users as a whole, nor on performance, as established in the TWG report. The TWG would be recalled to review this.”

13686. It is expected, sir, that the TWG will have a continuing role in terms of reporting and giving advice on the levels of enhancements that are necessary. If we could look at the second page of exhibit 13, the second page of exhibit P106, you will see the composition of the Working Group there. It comprises of the Department for Transport, Transport for London, Crossrail, Network Rail, the ORR as observer, and a number of participants from the industry, both passenger and freight.

13687. “Any material changes to planned enhancements [that come forward] would be modelled to check that there is no adverse impact overall on capacity available for users as a whole, nor on performance, as established in the TWG report.” And, as I have said, the TWG would be expected to review this.

13688. On freight issues there are a number of petitioners from the rail freight industry. They are concerned, in particular, about the implications of Crossrail for the capacity for rail freight service now and into the future, and about the potential effect on their depots or strategic rail freight sites. You will hear from Mr Watson about the issues which show already a constrained capacity for freight on the Great Eastern side which will require works to enlarge capacity prior to the date for the opening of Crossrail.

13689. It seems to be common ground, the TWG report notes, that the most effective way of improving capacity on the Great Eastern is considered to be an improvement from Barking to Willesden Junction via Gospel Oak, the Tottenham and Hampstead Line, charmingly known as GOB, in that most trains from North Thameside, including Shell haven and Tilbury no longer have to traverse the Great Eastern at all. So there is a view as to what the solution is—and I suspect Mr Hopkins will be familiar with at least aspects of this already. The GOB improvement has just been included in the shortlist of the transport innovation fund which was published by the Secretary of State last week. It is the fifth on the list. The letter has not been produced as an exhibit yet but I will make sure it is available for the Committee.

13690. A number of freight companies are concerned about the impact of Crossrail on strategic rail freight sites. These are sites held by Network Rail pursuant to an agreement in 1994 whereby train sites with freight potential have to be managed so as not to preclude the useful movement of freight traffic by rail in the future. I am not going to go into any detailed explanation about that now. All I would say is that a number of petitioners are seeking compensation for use of the strategic freight sites. I say that in this context, that those which are claiming compensation at present have no direct legal interest in any of those sites. They are potential sites held by Network Rail.

13691. Finally, there are concerns by some—and you may be hearing some of these concerns later today from the regional assemblies—in relation to the ability for the expansion of longer distance rail passenger services to be accommodated by Crossrail. Particular concerns exist, apparently, from the west of the country into Paddington. The undertaking I have already given to the Committee covers this in part, but I also draw attention to the fact that Crossrail does not generally use the main line on the Great Western but the relief line. Further capacity is released at Paddington, because by building an underground station at Paddington, Crossrail will release platforms for use by other operators and other capacity. Those matters can be explained as and when necessary.

13692. Sir, I am sorry for taking a little time but there are a series of issues and some of them are quite complex, so I thought it was better to give you a short introduction. I will call Mr Watson.

Mr Robert Watson, Sworn

Examined by **Mr Elvin**

13693. Mr Elvin: Mr Watson, can I introduce you to the Committee as this is the first time you have given evidence. You are Robert Watson.

 Railway Industry Issues in the Bill

(Mr Watson) That is correct.

13694. You are a railway timetabling specialist.

(Mr Watson) That is also correct.

13695. For a period you were head of access planning for Railtrack. You were responsible for timetabling nationally.

(Mr Watson) Yes.

13696. Subsequently you worked as an adviser on timetabling matters to various railway organisations and you now run a small specialist consultancy undertaking timetabling tasks at various times at most of the main railway companies and organisations.

(Mr Watson) Yes.

13697. Can you explain what role you have been appointed to and what role you have discharged with respect to Crossrail?

(Mr Watson) In November last year I was asked to chair a group which became known as the Crossrail Timetable Working Group. That Working Group was set up by the Crossrail Rail Industry Stakeholder Group and was required to look at certain timetabling matters. A specific remit was given to me and to the Working Group to look at two things: first of all, to look to develop timetables that accommodated Crossrail services alongside existing services, with existing services that Crossrail replaces of course removed from the timetable, and, secondly, to look to accommodate Crossrail services when the effect of growth in freight and rail passenger services was taken into account.

13698. In terms of the role of the Timetable Working Group, can you explain to the Committee how it sits in respect to the Promoters?

(Mr Watson) It is independent of the Promoters. The purpose of appointing me as the chairman of the group was to ensure that the group was independent. I must say at this point, the railway industry being what it is—I and my company do work for a number of people across the rail industry, including Crossrail, and including a number of petitioners as well—that my understanding is that there was a general acceptance I would and could—and indeed I have—endeavour to undertake the task entirely independently.

13699. I have already shown the Committee briefly the list of members of the Working Group. Perhaps we could look at that again at page 2 of the report.² We there see those who participated. To what extent was there input from national regulatory and commercial organisations into the whole of the process?

(Mr Watson) In terms of the regulatory input, I think it is very important to state, as it says in the report, that the Office of Rail Regulation was

represented as an observer. They are, as the Committee will be aware, very keen to ensure that their discretion is not in any way affected and certainly they fulfilled their role on the group in providing input on the regulatory position. They did not pass in any way a view as to the access option, how the Office of Rail Regulation might deal with that if presented to them. In terms of the membership of the group otherwise, it is important to say at this point that not everybody who wanted to be on the group was on the group, and I take some responsibility for that, although the list of membership, as on the document, was what I was given when I was asked to take on this particular piece of work. In particular, I think some of the freight users felt they would have liked to have been directly on the group, rather than having access to the group via the Industry Stakeholder Group and obviously through looking at our outputs. To extend that, some of the passenger representatives as well would have been interested in being on the group. My view was that this was a technical matter, and I had been given a set of individuals representing these organisations that were, virtually without exception, timetabling experts and that seemed a sensible way to work.

13700. The remit was to develop timetables to accommodate Crossrail alongside existing services and then to look at accommodating Crossrail services when the effect of growth in both the freight and passenger sectors was examined.

(Mr Watson) That is correct.

13701. Were you asked to examine the Crossrail services themselves or was your remit simply to see whether Crossrail could be fitted in adequately with existing services and projected growth of services?

(Mr Watson) The Crossrail services were presented as a given, as they appear in the access option policy paper. The Working Group really started from how that statement of general service level had been turned into a timetable which had been done by Cross London Rail Links and their consultancy advisors. We started with something which was known as a base timetable and we worked from that.

13702. Perhaps we can just see that. We do not need to go through it in detail. Page 3 of P106, please.³ The first element is the base timetable. What was the purpose of the base timetable?

(Mr Watson) As developed by Cross London Rail Links, it was their starting position to demonstrate that the Crossrail services, as proposed, could be accommodated alongside all existing services. I think it is fair to say that at the point the Working Group was set up and I became chair, it was not possible to confirm that all services had been included. In fact, at the first meeting of the stakeholder group I attended, representatives from the freight operators were saying quite categorically that at that point it did not include all of the freight

² Crossrail Ref: P106, Crossrail Timetable Working Group Report, Accommodating Crossrail services alongside existing services (the 'Base Timetable') (LINEWD-GEN13-003).

³ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Performance Modelling of the Base Timetable (LINEWD-GEN13-004).

 Railway Industry Issues in the Bill

services that currently ran, and that was clearly then a starting point for the Working Group to discover whether those services could be included.

13703. On the report, as the Committee can see for themselves, there are then two subheadings. There are the GEML considerations with the base timetable and the GWML. In the situation with the GEML, the base timetable was found to be “largely Rules of the Plan compliant”. For those who are less familiar with the terminology, what are the Rules of the Plan?

(Mr Watson) This report is littered with railway timetabling jargon, for which I apologise. The Rules of the Plan are a set of rules which have been developed over time, which Network Rail now own and are responsible for. They set out the rules for how far apart trains must be when you are creating a timetable. It is probably worth a small recap at this point as to why the rail industry bothers with timetables. I am sure you travel on trains a lot and find that timetables are by no means always adhered to. If we go back to the basic point of what this Working Group is about, perhaps I can start with an analogy. The motorways of the UK are very congested and, as you add more vehicles, the congestion gets worse and at some point the network completely collapses. The same applies to railways. There is the same basic logic: if you add more trains and you add more trains, congestion gets worse. If you add too many, then the network basically seizes up. The purpose of the timetable and the purpose of the train planners who develop the timetables is to prevent the network getting so congested that it will not function. Effectively, it is preplanning what is going to go onto the network to achieve that point. In these circumstances, we therefore have a set of rules, used by the train planners, which sets out, for instance, that one train should only follow another train by three minutes. That is more distance than the signalling system requires but it allows a certain buffer, to accommodate the one train which may be a little bit late before that then knocks on to the next train and so on. It is a base planning set of rules used by the timetables in the rail industry.

13704. Who is responsible for the Rules of the Plan?

(Mr Watson) Network Rail own the rules but they are agreed with train operators. There is a process which enables those rules to be reviewed and changed if they no longer appear to be appropriate. They may no longer be appropriate because something has changed about the trains or about the infrastructure. They may no longer be appropriate because it is clear with the set of planning rules that are being applied at a particular point of time that performance is not good enough, and there is a need perhaps to set up the rules so that the trains are a little bit further apart when they are planned on the timetable so that they can better accommodate the small delays that happen on a day by day basis.

13705. What happens if there is disagreement about how the Rules of the Plan should be applied?

(Mr Watson) If there is disagreement, then there is a process of appeal. The Network Access Code is a document which sets out a number of cross-industry issues. Multi-player issues are dealt with and one section of that talks about the timetabling process. Within that, it sets out an appeals process, which says that if Network Rail and train operators cannot agree about what the rules should be, then first of all it goes to a committee of industry experts, and then, if there is a further appeal, to the Office of the Rail Regulator.

13706. Before we turn to the next phase, the Committee can see at the base timetable stage the consideration of both sections of the main lines that Crossrail will affect, GEML and GWML. We have seen that the GWML situation was “very largely Rules of the Plan compliant, due to additional infrastructure being planned by Crossrail”—and I have already given an undertaking in respect of certain matters, which we will come to in due course. What is the situation on GEML?

(Mr Watson) Before moving on to GEML, I should perhaps refer to part of that paragraph on the Great Western which is to highlight that there is some further work required, with some detailed work about access into specific terminals—the kind of raw detail about how long it is going to take a freight train to back into a particular siding and how that fits with the Crossrail service. While we were able to give a general view on that, there are some minor details to resolve. The situation on the Great Eastern is considerably more complex. It is more complex really in several ways. First of all, it is more complex because Crossrail is intended to run more services, as it is on Great Western, but Crossrail is proposing rather less infrastructure enhancement. Particularly on a key section of the route around Stratford, it is not proposing any more infrastructure at all. That is a key concern for the Working Group. As I think we will come on to, Crossrail is using some capacity that is currently there and it is not replacing it in some other way.

13707. Could we move to the next stage, which we see on the next page of the report, the performance modelling of the base timetable. What does that process involve and what is it for?

(Mr Watson) It is a process by which the rail industry attempts to predict performance—and by performance here we mean punctuality: how late trains are—to predict how late trains will be under certain different scenarios. It uses a simulation package that effectively creates a virtual railway, where trains run around on the screen. The models are looking to get them running around the screen in the way they would run around a real railway on a real day. By using that approach and running that over lots of days, you can, if the model is set up properly, get a reasonably reliable picture of what punctuality will be like. On the screen is an example of the kind of detail that goes into this model.⁴ You will see on the screen a representation of the piece of

⁴ Crossrail Ref: P106, Simulation Model (LINEWD-GEN14-003).

 Railway Industry Issues in the Bill

railway from Stratford, on the left side of that picture, to Forest Gate junction on the right, which is where the freight train specifically turns off the GE main line to head off down to Thameside.

13708. The Committee should have this in paper form as well as on the screen in P107. This is a screen shot from the simulation.

(Mr Watson) That is right. This is a screen shot from the particular software. In a nutshell, the consultants run a virtual railway timetable through the software and that says whether performance is likely to be better or worse with a different infrastructure, with a different timetable. That has been used to assess whether the Crossrail timetable, when overlaid on the existing services, in fact makes punctuality worse. As you know, the whole rail industry is very keen to improve performance punctuality, so the Working Group was looking for this modelling work to demonstrate that the punctuality with Crossrail would be at least as good as punctuality without Crossrail. In terms of where that work has got to, I think the view of the Working Group is that there were some technical modelling difficulties still present in the simulation model, but, with the current level of other trains, particularly the current level of freight, it appeared that there was not going to be a material worsening in the level of punctuality with Crossrail trains and Crossrail infrastructure compared with now.

13709. The Working Group went a stage further and looked at service pattern changes and future growth.⁵ Can you explain what the group did and how it went about it and what its conclusions were, please.

(Mr Watson) Crossrail runs a more frequent service. We were looking at that, not in terms of saying: Is that good from a passenger point of view?—which was for others to do—but from the point of view of: What impact did that have on the other train services? What impact did it have on trains from Oxford into Paddington? What impact did it have on other services currently operated by one into London Liverpool Street? What impact did it have on freight trains going along the route or seeking to cross the route? The exhibit put up gives, graphically, an indication of the kind of increase in service frequency that was being proposed, really just to demonstrate that we have to the west, in the Taplow and Hayes service, an increase in the off-peak, in the middle of the day, going up from six trains per hour to ten, and going up from four trains per hour to eight. On the east side, Forest Gate and Gidea Park Station on the GE main line, while there is an increase in the number of trains, it is not as big an increase as on the Great Western. I have to restate the point that Crossrail are not proposing so much infrastructure enhancement on the Great Eastern either.

13710. You have mentioned in particular respects the Great Western infrastructure configuration and the changes proposed. Can you explain what the position is with regard to the proposed changes to the infrastructure proposed by Crossrail?

(Mr Watson) Starting from the west and working east, there are some quite significant infrastructure improvements being made.⁶ That effectively is increasing the capacity on the relief line. Where you have the blue oblongs, is where there are enhancements being made to the infrastructure. In addition the signalling is being improved at the west end of the Crossrail route. All of these things, as you can see there, make a material difference to the amount of capacity available. The Working Group formed the view that broadly speaking the amount of infrastructure that Crossrail is proposing at the moment is broadly in line with keeping the amount of capacity for other service—and it is particular freight here—comparable with now.

13711. So far as the Great Eastern side is concerned, you said less infrastructure is proposed. Could you just explain why that is?

(Mr Watson) Yes. I think the primary reason is that at the place where you would most want extra infrastructure, between Forest Gate and Stratford, it is extremely difficult to put additional infrastructure there. Basically, it is a very confined piece of heavily developed East London and there is not a good way to actually increase the amount of tracks to increase the amount of infrastructure there. While I do understand the issue, that clearly does have an impact on capacity. I think the other thing to say about that particular piece of the railway is that it is complex for reasons which are nothing to do with Crossrail. It is complex because at the end of the North London Line—have we got another exhibit which shows the railway in that area, the one that shows the various routes round Stratford?

13712. Twelve, I think it is.⁷

(Mr Watson) We have got the particular piece of railway we are talking about here which is so congested, which is Forest Gate to Stratford. I think it is worth highlighting to the Committee that there are a number of other pieces of railway here which are either very congested or have particular problems. The piece of railway that heads west from Stratford and is shown as light green on this map is the North London Line. It already has a lot of freight traffic and a lot of passenger traffic. Transport for London have an aspiration to substantially increase the number of passenger trains on that piece of railway line. One of the issues that creates for us timetablers is actually joining together what we call “paths” or “slots”, if you like, for trains, particularly in this case, freight trains, where you have got to get freight trains coming along the GE main line where they are having to match in with all the passenger trains and then

⁵ Crossrail Ref: P106, Service Frequency Increases (LINEWD-GEN14-004).

⁶ Crossrail Ref: P106, Major works on the surface railways (LINEWD-GEN14-005).

⁷ Crossrail Ref: P106, Cross London freight routes (LINEWD-GEN14-012).

 Railway Industry Issues in the Bill

having to match into a quite different set of passenger services on the North London Line. The other line—really just so you are aware—Gospel Oak to Barking; also known as the Willesden to Barking via Gospel Oak, also known as the Tottenham to Hampstead (one thing the railway industry has difficulty with is having a single name for a line)—

13713. Why have one label when three will do!

(Mr Watson) It is the line which is shown purple, which goes further north, so it is not quite so close to central London. I think at the moment I would have to describe that as something of a Cinderella route. It has limitations on the weight of freight trains it can carry. It is not able to take the largest containers, large boxes, which come in through ports, and it does not have space for that many trains per hour either. What you will see—and perhaps you can see from this—is trains travelling from Thameside needing to go round London to head to the North West and the Midlands and the West. If they were able to use that route then they would not need to go across the main lines between Forest Gate and Stratford. That is why the Working Group has actually suggested a number of ways that deserve further analysis as to how congestion in this area could be eased. It has to point to that as being a particularly good solution from a timetabling point of view, because it actually takes the trains from Thameside completely off the railway from Forest Gate to Stratford. It is not to say that it is problem free—it is not—because Transport for London have aspirations to increase the passenger service on that route as well, and as you will see at the Gospel Oak, to the left of the map, the route ultimately joins up with the North London Line, so any increase in passenger services from Stratford along the North London Line also have an impact on freight capacity. It is a complex problem and Crossrail is only one small part of that overall problem about railway capacity, particularly to accommodate freight growth and aspirations for passenger growth across North London.

13714. So the purpose of GOB is to take out of the existing network those freight services which do not need to go close to London and therefore free up capacity for those that do, essentially?

(Mr Watson) It frees up capacity. It also will improve punctuality. If I can use another motorway analogy, for a moment, if you consider the Great Eastern Line from Liverpool Street down through Stratford and on to Shenfield, as a motorway it is a very, very busy motorway, really, with lots of trains each hour. What we are talking about here is a freight train which is the motorway equivalent of a very slow and heavy goods vehicle, and it has effectively got to look both ways and try and fight its way right across this four-lane motorway. In a motorway situation you would actually find a way to take that traffic, which of course is absolutely essential, over the motorway.

13715. Mr Watson, the position with regard to the need for infrastructure improvement of the Great Eastern side, is that a need which is brought about by Crossrail or is it a need which is already existing? *(Mr Watson)* I think I have already mentioned that Crossrail does take away some of the capacity. That is a fact. I think what is also absolutely clear is that the level of growth of freight by rail from either ports that already exist or the ports which there is a expectation will get planning permission in the near future is such that, with or without Crossrail infrastructure, enhancement is needed to ensure that that freight growth is not constrained.

13716. When is that required? How does that fit in with the timetable?

(Mr Watson) I think that has been an area of some debate, as I guess anything to do with forecasting, looking at ten-plus years head, is. The view of the Working Group is that the infrastructure enhancement on freight growth will be constrained before Crossrail actually came to be opened on its current planned opening date. There are some contrary views—I guess you may well hear them over the next few days—saying: “No, there is enough freight capacity for beyond 2015, beyond 2016”—arguments which will revolve around whether you effectively squeeze more freight paths in and whether you can run more freight paths at night. There is a number of arguments about that which, I guess, Petitioners might come back to, but I think all I can do is restate the view of the Working Group, which is that something needs to be done before 2015 if freight growth is not to be constrained.

13717. Can I ask you to explain briefly (I do not want to get into too much detail and if anyone wishes to take this up it can be taken up in due course) in terms of predicting the impact of freight growth, what sort of considerations feed into the considerations of how the infrastructure will cope with that growth?

(Mr Watson) I think I understand the question—stop me if I am not answering it, please. We are a timetabling group so we have looked at the timetable and we have looked at the extent to which there is space for extra freight paths, so space for extra freight, within the existing timetable. Within the confines of the work we have done over the timeframe we have been working on so far we have not been able to look at a number of things which perhaps we could do. We have not been able to say: “What if we threw away the existing passenger timetable and produced a different passenger timetable to try and fit more freight trains in?” We have not done that. We have not said: “We have not been able to look at the extent to which, paths that we found on a particular piece of railway where Crossrail will be, actually we can find a way of extending that up to Ipswich or extending it round the North London Line and off to Manchester or Glasgow, or wherever”. So I have to be honest and say there are a number of limitations in our work. We were aware of that and we discussed those at

 Railway Industry Issues in the Bill

length, but it does not change our underlying view and our professional judgment that there is not enough capacity there to meet the freight growth.

13718. You said what has not been done. Is there scope for future work and future analysis?

(Mr Watson) I think so. We have endeavoured to set out in the latter stage of the main report a number of areas where we consider further work is required. The further work, perhaps, falls into two general areas. There is more detailed analysis, the kind of analysis that timetablers need to do as you get closer to a service actually operating in ever more detail. Specifically, I have already mentioned, the need to be absolutely clear about access to terminals on the Great Western and to make absolutely certain it is possible to get those freight trains in and out without impacting on the Crossrail service. The second area is to try and make sense of all the interaction between the Crossrail scheme and all the other schemes and aspirations there are into London on the GE main line and its areas—that is freight growth and it is, also, particularly, Transport for London’s aspirations for considerable increases in passenger services there. So there is more work to be done. I think the Working Group is very clear about that and we are really passing those suggested next steps to CLRL and to Network Rail to progress to action, but it does not change our fundamental view about the route. Just to restate: on the Great Western it looks like broadly there is enough infrastructure being proposed by Crossrail to keep capacity for other operators broadly neutral today; on the GE there is a problem with or without Crossrail but Crossrail does make it a little bit worse because it does take some extra paths without putting very much infrastructure in.

13719. Can I turn to the passenger issue? In terms of the concern about passengers and the potential growth in passenger services on the Great Western, what view do the group form?

(Mr Watson) As I say, we are timetablers, and so we sought advice on what assumptions we should be working to in terms of growth of passenger services compared to freight. For passenger services we turn to the Department for Transport as the specifier of franchises and they advised us that we should assume for our work that passenger growth would be met by means other than more trains—ie longer trains and providing trains which had more capacity per vehicle would be the way of actually accommodating further growth in the passenger businesses. So while we did not look to test timetables which had more passenger services, say, from the South West or from Anglia, from Norwich, Ipswich, or wherever, we did however note that taking Crossrail out of the London termini has to be a good thing as one of a number of actions that would need to be necessary to actually accommodate more trains as and when that is necessary from further away from London. Just as a note in the margin, if you like, the Working Group, thinking about the Great Western, said: “It is great, extra capacity is freed up at Paddington”.

13720. Can you just explain what you mean by “capacity”?

(Mr Watson) Basically, by running the current local services through Crossrail it frees up platforms; the platforms will be used less in Paddington when Crossrail becomes live and takes away the local services from Paddington. That leaves platform space in Paddington available for more trains from the South West as and when they are needed. The only problem is, of course, we would notice as people who do know something about the railway generally, that still leaves Reading as a capacity constraint and a bottleneck, so in a sense Crossrail contributes something but it does not provide a complete solution to what, again, as for freight on the Great Eastern, is a wider problem about rail network capacity.

13721. You mentioned Reading, which of course on the Bill scheme lies beyond the western extent of the Crossrail scheme. What are the constraints at Reading at the moment?

(Mr Watson) I think it is fair to say the Working Group did not look—that was outside the brief—at the constraints at Reading.

13722. I just want to know what it is.

(Mr Watson) It is a lack of platform capacity for the number of trains coming through and, also, junctions, particularly at the west end of the station, where you have got trains from Newbury and Basingstoke and the south coast, that have to cut across trains from Bristol and South Wales.

13723. That constraint is a current constraint, of course; it is one which lies beyond Crossrail.

(Mr Watson) That is correct.

13724. **Mr Elvin:** Thank you, Mr Watson. Would you stay there?

Examined by The Committee

13725. **Mrs James:** I am particularly concerned about Paddington, obviously, as a rail user. We have seen displacement at Paddington previously, in previous improvements and during large-scale accidents. We have had a reduction of services and a movement of services from slow lines to fast lines which then displace services, and I think there was a 10% reduction. I am concerned because you have also highlighted that it is a complex railway system there, that it has capacity problems and we have also talked very clearly—and I thought quite blithely—about increased capacity etc., but I am not quite convinced that this is not going to have a larger knock-on effect on services from the south coast and South Wales and the far West.

(Mr Watson) I think the point has already been made that Crossrail services are purely on the relief lines whereas the trains from further away are on the main lines. I think the view is that that is the general principle which will follow, on the basis that long distance trains do not want to be crawling along behind the local service, whether it is a Crossrail

 Railway Industry Issues in the Bill

service or one of the existing services. I guess I am speaking here a little bit outside the Working Group remit but just as an expert opinion on this, the issue for those longer distance services is about Reading, it is about capacity on the main lines, which is how many trains you can get through after each other on the main lines, and then it is about Paddington platform capacity. Taking Crossrail out of Paddington is a good thing. I am afraid it does not give the rail network capacity to get you extra trains from further away, but there is still the issue of capacity on the main line which will need to be resolved.

13726. I think we have to make it clear that it is not at the price of disrupting passenger services, because Paul Lancaster states that clearly in his letter, that Crossrail is helping with certain problems but not at the price of other services.

(Mr Watson) I think that is fair comment. Absolutely.

13727. **Kelvin Hopkins:** I have a very strong personal interest in the rail freight sector and it is right that I would not be participating in the private sessions of the Committee for that reason. That being said, I have one or two questions I should ask—general questions, not specifics. Some of us have experience of railway systems where they will solve problems by throwing money at it and building underpasses and just building something when it needs to be built. As a timetabler, you must see time slots and you must see situations where if Network Rail invested more in building tunnels, building flyovers and underpasses—over-fly and under-fly—it would solve problems. Do you proactively advise Network Rail on what they should do? We have seen an expensive scheme being proposed by Crossrail but there are some things, perhaps, which Network Rail ought to do rather than being loaded on to Crossrail. Do you advise in that way?

(Mr Watson) In terms of do I personally? Yes, from time to time, I do. I think the point, just to restate though, is that timetabling is my area and the kind of things that people like me do with systems like the silver really are to say: “Well, if you had this kind of infrastructure, if you had this sort of flyover, or whatever, how much benefit would that give you? What would that give you in terms of the need for more trains or in terms of improving performance?” It is only right to say that Network Rail use this kind of software as well. In fact, I perhaps should have mentioned that Network Rail are taking over further timetabling work for Crossrail from hereon in. I think that what is quite pleasing is to see that Network Rail is developing a list of where the bottlenecks are and the things they want to do to actually put them right. I guess it was pleasing to see the Gospel Oak to Barking line and other freight schemes appearing on the list of potentially relatively early infrastructure improvements.

13728. The benefits of railway investment in infrastructure are long-term, particularly as we are now seeing a new railway age and a massive increase

in rail traffic which is likely to continue in the foreseeable future. Do you try to emphasise to Network Rail and others that they have to put their money in for the long-term even if it hurts now?

(Mr Watson) I personally believe that to be the case but it is not my role to actually directly say that.

13729. I am told by my railway engineer friends with that modernising sequence you get many more train paths and that again is a cost that can make a real difference, and with the same physical infrastructure on the ground you can actually get more trains through?

(Mr Watson) I think that is right and I guess has been quite long-heralded by the signalling engineers; a view that the system called ERTMS, a train control system which does not require signals on the ground any more and drivers reacting to those signals, actually can increase the amount of capacity, and that is certainly the case. The question is when and how long before that actually can yield real benefits. It will yield real benefits. We have done modelling work which demonstrates that quite clearly; but there are lots of technical signalling engineering issues before it is going to be in place. I guess Network Rail could give you their current plans for the development of that system, but I think it will be a little while before it reaches the Great Eastern or the Great Western Railway.

13730. **Mr George:** I am representing EWS as Petitioner 196, the Freightliner Group Ltd as Petitioner 172, and Mendip Rail Ltd who are Petitioner 157. I have some questions to ask of this witness which are largely exploratory on behalf of those three Petitioners.

Cross-Examined by **Mr George**

13731. If we could just show on the screen page 30 of the Working Group Report we will be able to see the terms of reference of the Working Group.⁸ If we could just go to the section where it says “functions” of the Working Group, the first bullet point there we can see is to “develop and refine robust timetables”, is that not right?

(Mr Watson) Indeed.

13732. “Check the planning assumptions and the robustness . . .” All timetables and assumptions to be robust that means, does it not, that they be fully tested using all the best techniques available?

(Mr Watson) Yes, I would say that.

13733. Fully shared with all the parties on whom there will be consequences?

(Mr Watson) I am not quite sure of your point.

13734. All the relevant train operating companies have full access to the detailed workings and detailed results so they are able to form a view on whether they are robust—all of that is necessary, is it not?

⁸ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Appendix F—Terms of Reference (LINEWD-GEN13-031).

 Railway Industry Issues in the Bill

(Mr Watson) I believe it is has been done as well in terms of the work that has been done to date.

13735. We need full testing and full transparency—that we can agree, can we?

(Mr Watson) I think so. I am not quite sure of the point you are trying to make.

13736. I just want to agree the principle at the start, rather than any point I may be going to make.

(Mr Watson) The Working Group has been open and, to my knowledge, I hope there has not been anything which has not been shared where a train operator has asked for it to be shared.

13737. When you were giving your evidence you said that there was “much work still to be done”. Do you remember that phrase?

(Mr Watson) I do.

13738. Therefore this is really all work in progress, is it not; work which you regard as promising but one has not yet developed any refined robust timetables, has one?

(Mr Watson) I think the important thing to say, as we saw in the conclusion of the main report, is that actually we formed a view as to what the position was for Crossrail as compared with other operators. That is the view which the Working Group agreed, that this was the case, and that is what is in the report. I think what you are saying is that there is more work to do. There is an opportunity to do more robustness testing—there is. There is an opportunity to look at different timetabling assumptions—yes. I think we mentioned last week that the timetable base was December 2004. As of next week Network Rail will be advising operators what the December 2006 timetable will be. The work will need to be updated to take account of that. I think it is very much the case (and those in the railway industry in this room who have been involved in the west coast project for instance will be very aware) that this is an ongoing process.

13739. My point was a simple one, which I think you probably agree with, that until all that work has been done one is not going to have anything which is robust?

(Mr Watson) No, I cannot agree with that. No, that is not true. I think what the modelling work has done is demonstrate against a set of assumptions that the Crossrail timetable performs at least as well as the December 2004 timetable.

13740. That I accept, but we all agree, do we not, that by 2015, when the first Crossrail trains may be running, there is going to have been some growth and, therefore, a very important matter is to see what is the pattern so far as 2015 is concerned as to whether the timetable be robust?

(Mr Watson) I absolutely agree. There will be some other factors to be taken into account when that piece of modelling work is done—not only the extent to which there are additional freight services, but also the extent to which the industry has been able to

fulfil and see the commitment to reduce the amount of failures that lead to delay. In terms of our recommendations for further work, it is not only to look at 2015 by adding more trains into the model, but also it is to review the actual delaying data that is used to feed into the model. I think Network Rail have that analysis in hand at the moment.

13741. Can I just ask you about two matters. You were appointed at the end of November 2005; am I right in saying that at the time the Bill was deposited, that is February 2005, there had been no timetabling done or at any rate published which looked at the position with growth to 2015?

(Mr Watson) I can only say not to my knowledge, but I was not involved in the project at that stage

13742. Secondly, I am told (and I seek your confirmation) by EWS and Freightliner who have been members of this Working Group, that they have still not seen full timetables for 2015 with the growth—that is a full timetable for the full 24-hour period—although they have seen various working documents which would go towards the production of such a full timetable?

(Mr Watson) I think that is true. This is work in progress. I think it was only about a fortnight ago we actually got from one of the Petitioners you are representing the spread of when those paths were needed over 24 hours, and actually how the December 2004 timetable and the Crossrail timetable actually matched with those or not. That is the table in Appendix D4.

13743. I am grateful. Can we go back to certain basics as a starter. It is common ground, is it not, that Crossrail is going to mean additional passenger movement in the off-peak and in the peak shoulders, that is over and above what is running at the present time?

(Mr Watson) That is correct.

13744. Those movements are going to be on lines which to the west of London are going to be shared by the freight trains

(Mr Watson) Absolutely correct.

13745. To the east of London some of those movements are going to be on the electric lines, that is the slow lines, albeit only a minority of those Crossrail movements?

(Mr Watson) The Crossrail movements will be on the electric lines. Only a minority of the freight services will be on the electric lines.

13746. That is why both to the west and east of London the new Crossrail service plainly has an impact on freight services. That is a matter you have been exploring?

 Railway Industry Issues in the Bill

(Mr Watson) Indeed.

13747. So far as the area to the west is concerned, there are a whole number of freight yards, are there not, which you showed on one of your slides, and they are almost all positioned to the north of the railway, are they not?

(Mr Watson) That is correct.

13748. In any timetabling one has got to make sure that the freight trains can access those freight yards and egress those freight yards which, in many cases, will involve disruption to the running of Crossrail on those slow lines. When I say “disruption” it has got to be timetabled so there is not disruption. It has got to be fitted in, in that way?

(Mr Watson) Yes, that is absolutely correct.

13749. For that again I am grateful. Could we now please just go in the report which you have prepared to page 7.⁹ Under the heading “freight services”, at about the fourth line, we see written, “Because the Crossrail Base Timetable contains additional services both in the shoulder peak and off peak and only limited capacity enhancement is currently proposed (and in particular none between Forest Gate and Stratford), Crossrail worsens the availability of paths . . .”. That is a matter you were dealing with, is that not right?

(Mr Watson) Yes.

13750. You understand why it is that the freight companies are troubled about that worsening of the availability of paths for freight in that area?

(Mr Watson) The issue we have already discussed is that there are not enough paths anyway to accommodate all of the freight growth predicted, and so Crossrail taking away some paths makes the position worse.

13751. We can quantify this by going to page 23 of the report, please, where there is a table so the Committee simply has an idea of the scale of what is involved.¹⁰ Looking at that very complicated table which is dealing with the down freight on the Great Eastern line, going down we need only look at the right-hand column, we can see the position that if there were not to be Crossrail there would be a deficiency of eight freight paths; but as we come down a little bit further to the 16 with Crossrail on that stretch, which is Stratford to Shenfield, the deficiency doubles and varies from eight to 16, is that right?

(Mr Watson) I just need to restate, with a number of assumptions that were made about this some of them have already been asked about. For instance, the passenger service has not been amended in any way. There has been no attempt in this to modify the Crossrail passenger service either, to accommodate more freight. This was a snapshot between, in this

case, the December 2005 timetable and the Crossrail timetable and that was the result of that analysis. One of the things we have got to be very careful about here is not to say, “Ah, right, Crossrail is responsible for eight paths, proven by this”. This is indicative. This is indicative of what I have been saying throughout this, which is that Crossrail runs extra trains; it does not provide additional infrastructure to the extent that it compensates for those additional trains; but please, please record that this is indicative work. It proves that point; it does not say categorically Crossrail takes away four paths, eight paths, 10 paths, whatever it is.

13752. It may be better, it may be worse, but it is the best we have got at present?

(Mr Watson) Absolutely.

13753. Sticking to that same table, if we look at the lower part of the table which is the down line between Stratford and Barking, we can see the minus 15 without Crossrail, minus 23 with Crossrail; so another case of the deficit being increased by eight on the present working and present assumptions?

(Mr Watson) Yes.

13754. I just wanted to have an idea of the scale of the matter.

(Mr Watson) I am sorry to interrupt, but in terms of the scale of the matter I think it would be only fair to look at the following page as well where the impacts are not so large.

13755. On the upline you are quite right. By all means go to page 24.¹¹ On the upline there is, between Shenfield and Stratford, a worsening by three between the 18 and the 21, is that not right?

(Mr Watson) Yes.

13756. So far as the up-Barking to Stratford is concerned, there is pretty much no change from 20 to the 19—a slight improvement.

(Mr Watson) Thank you for letting me interrupt.

13757. I was not intending to gloss over that. I wanted to concentrate where it is worse. So far as this growth is concerned, you have begun to look at the position of growth to 2015; normally with a transport project one looks 15 years after opening. Is that not right?

(Mr Watson) I think that is outside my competence to comment on. We work to a remit which we are given by the industry stakeholder group.

13758. What I am asking is in your general knowledge, because you are much involved in types of transport planning and the Committee has heard, for instance, from the witness from Maidenhead the other day saying that in transport planning they usually look and are told to look 15 years after opening.

⁹ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Freight Services (LINEWD-GEN13-008).

¹⁰ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Great Eastern Line downline—Freight train paths/Crossrail freight paths (LINEWD-GEN13-024).

¹¹ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Great Eastern Line upline—Freight train paths/Crossrail freight paths (LINEWD-GEN13-025).

 Railway Industry Issues in the Bill

(Mr Watson) I am sorry, I hope I did not mislead the Committee about the scope of my expertise. My expertise is timetabling planning—not transport planning in the round. I am sorry, I do not feel competent to answer that question.

13759. You were given, were you not, some figures for freight growth 2025, 2030, on the Great Eastern, is that not right?

(Mr Watson) That is correct.

13760. But a decision was taken, was it not, that you would not explore that matter any further?

(Mr Watson) No, I think the view taken was there was a point. You have got the slide still showing, showing there is not enough capacity in 2015. 2025/2030 will show there is not capacity there either.

13761. I just want to identify 10 issues where my clients have got reservations and see if you feel it is right that they should have reservations in those areas. The first is about the Crossrail's maximum service. You have simply been given, have you not, a service level for Crossrail, and that as been a given which you have timetabled?

(Mr Watson) Yes.

13762. At present those I represent have no commitment that that will be the maximum Crossrail service. Is that not right, at the present time?

(Mr Watson) Again, I am not competent to speak for what the Promoters have committed to or not. We looked at that specific set of assumptions.

13763. It would follow—and I think this would be obvious—that if actually the Crossrail service was greater than that which you had modelled you would anticipate there would be a greater impact on the freight services?

(Mr Watson) Yes.

13764. Also related to that matter, you have looked at a particular timetable. There is no commitment by Crossrail to operate in accordance with this timetable; it is simply an indicative timetable, is that not right?

(Mr Watson) We were given this as an indicative timetable to look at, yes.

13765. So far as all your timetabling work which is shown is concerned, the particular effects of freight on particular assumptions, there is no guarantee by anyone that that is the timetable that will operate, even if it contains the same number of Crossrail trains?

(Mr Watson) While I cannot speak for the Promoters on this, what I can say is that I would be astonished if the timetable that we have been working to operate in 10 years' time. The world moves on. It will be different in 10 years' time.

13766. Perhaps we could go to page 29 of the report.¹² One of the options which has come up is that Crossrail might run fewer services to the east of London. Do you remember that matter? It was item 7 in the table at page 29. One of the possibilities being that they terminate some services at Stratford and Maryland or, alternatively, that they run rather more to Abbey Wood and rather fewer to Shenfield. Do you remember that matter?

(Mr Watson) What we did here was, in fulfilling our remit, where we found a bottleneck which appeared to need some action, in this case from Stratford to Forest Gate, we were asked to put back to the industry stakeholder group what they might wish to consider in terms of ways of dealing with that particular bottleneck. I guess it is self-evident, running less trains is a way of easing a bottleneck.

13767. That is therefore a real possibility, something which would improve the position for freight, would it not, if one was to have fewer Crossrail services to the east or a different balance between Shenfield and Abbey Wood; but it something which has not so far been tested, is that not right?

(Mr Watson) That is correct, yes.

13768. Do you feel it would be something which your group would be able to test?

(Mr Watson) It is something that timetabling performance modelling can test; that is undoubtedly the case. Quite what the Promoter would think of that, you had best ask the Promoter.

13769. That is a matter for the Promoter. If one is trying to get the best solution in the public interest, and that is what I think everyone is concerned to do, that is an option which could be tested and has not been tested?

(Mr Watson) That is correct.

13770. The second matter I want to look at is the question of freight running in the peak period. At the present time a certain number of freight services run in the peak period do they not?

(Mr Watson) They do.

13771. That is the peak three-hour period, although in the future Crossrail is going to have a two-hour peak period. There is some freight running in the peak period?

(Mr Watson) Yes.

13772. Your timetabling has assumed, has it not, that that will continue to be the case, that some freight running can be accommodated in the peak period?

(Mr Watson) I think "assumed" is not quite the word I would use. The analysis of the base timetable, one of the things we looked at really as a very first action, was to add in freight services which, when I became involved in this, were not included in the base timetable. Clearly because that was including

¹² Crossrail Ref: P106, Crossrail Timetable Working Group Report, Rules of the Plan/Timetetable alterations (LINEWD-GEN13-030).

 Railway Industry Issues in the Bill

all the freight services which currently operate, that included the services which currently run during the peak period. I guess, therefore, by definition we proved at that point, this assumption, that there is actually the space in the base timetable for those trains to continue to operate in pretty much their current paths, so pretty much the times they operate now.

13773. All your modelling and timetabling has assumed some of those freight trains therefore running in the peak period?

(Mr Watson) That is correct, yes.

13774. If we could just look at page 5 of the report.¹³ Towards the bottom of the page, it says, "Taking account of the above analysis, CLRL now considers that a freight ban is not essential . . .", that is a freight ban in the peak period, is that not right?

(Mr Watson) That is correct, yes.

13775. The fact of the matter is that the access option, which has been tabled (the Committee has not got it but all the other parties have got it) proposes that there be a ban on freight in the peak period. Is that not right? It is 30 March 2006 paragraph 9.16, that there will be a freight ban in the peak period?

(Mr Watson) I am aware than an addendum to that was presented to the industry stakeholder group on 6 June, but I do not know the status of that.

13776. This is the situation—that until there is a commitment from Crossrail there will not be a freight ban; we are in the position that we have got documents pointing in different directions. Is that not right?

(Mr Watson) I think all I can do is re-state the point that I think an addendum was presented to a meeting I attended. What the status is of that, I am sorry, I do not know.

13777. So far as I am aware we have not yet had an undertaking that we will be able to run in the peak period, and you can probably understand why it is that the freight operators are concerned because they have seen a document suggesting there will be a ban. You can understand why, and indeed for your timetabling it is essential, is it not, that there be no ban on freight in the peak period?

(Mr Watson) I can understand the concern. I think what the Working Group has demonstrated, that from a timetabling point of view there does not appear to be a need for a ban, I think it is on the basis of that the addendum was presented.

13778. You can understand why it is that the freight operators require clear assurances on that matter?

(Mr Watson) Perhaps just to amplify that a little. I think the freight operators' representative made it very clear at the Working Group that there were good business reasons why they wanted to retain those trains running in on pretty much the same

paths at the same time as they do now. What the Working Group was able to demonstrate was that the base timetable was not incompatible with those trains continuing to operate in much the times they do now.

13779. May I turn, thirdly, then to what is called the "standard hour methodology". So far as the work you did on the Great Western is concerned, I think I am right in saying, am I not, that you divided the day into four segments: that is the off-peak, the morning-peak, the evening-peak and overnight, and you then took what you describe as a "standard hour" and have looked at the position with freight growth for standard hours. Is that right?

(Mr Watson) Yes, that is correct.

13780. So far as the Great Eastern is concerned, you have done something rather more sophisticated looking at the period throughout the day but I think stopping in the middle of the night; but looking at every hour during the day?

(Mr Watson) Yes, that is right. It is probably worth explaining why there is a difference in methodology. We adopted the standard hour methodology for both the Great Western and the Great Eastern initially. For the Great Eastern it was proving very difficult to actually consider the standard hour as a standard hour because each hour seemed to be a little different. Particularly bearing in mind the capacity issues that were already evident there, a decision was reached that in fact we would move to the analysis which you have already alluded to in appendix D4.

13781. Just two matters arising from that. First of all, I understand why you have used the standard hour approach for simplicity. First of all, what is fairly early established is that there are not really such things as "standard hours" are there, because actually the number of freight movements, certainly at present, between individual hours even in particular segments varies hour to hour?

(Mr Watson) That is absolutely correct. I suppose with 20:20 hindsight if we had the time again we would have adopted the same approach for the Great Western as for the Great Eastern. I think I have to say, I do not believe that looking at it hour by hour would have led to a different conclusion on the Great Western.

13782. Secondly, I am told that as you move from one segment to another, that is in the transition period between the timetable for one segment and the other, there is at any rate a possibility that in the process of adjustment there will be some loss of capacity; and, therefore, that that is an additional weakness of the standard hour methodology?

(Mr Watson) Do you mean by that particularly if you think about the shoulder peak?

13783. Yes. For instance, as you move from peak into off-peak or from the evening peak into the overnight, one simply sees for the hour what is running in each. In the making of the transition

¹³ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Freight Bans (LINEWD-GEN13-006).

 Railway Industry Issues in the Bill

between the two there are going to be some difficulties. You cannot simply move from one to the other without seeing how they interlock?

(Mr Watson) Yes, it certainly is the case that the approach adopted on the Great Eastern is, to a degree, more accurate than the standard hour approach adopted on the Great Western. I think it is probably a good point to highlight at least one other area where there is more work to be done, and that is how to accommodate engineering access, particularly in the evenings, where there the timetabling work so far has not looked at that detail. Network Rail gave an assurance—

13784. I am coming back to that particular matter. The position so far as EWS is concerned and Mendip Rail, who are the operators who are most concerned about the Great Western side, is that they appreciate the work which has been done by the Working Group so far, but what they say is that because the standard hour methodology has been used there is simply a need for further work for further refinement and all that is necessary before the conclusions are robust enough to reach conclusions.

(Mr Watson) I am a little bit surprised by the way you are exactly saying that now because the conclusions of the Working Group were reached and, I think I will say again, if this is a new piece of work that the freight operator is proposing is undertaken, I think it is a sensible piece of further work. There is a need to understand in more detail but I do not think it changes the nature of the conclusions.

13785. **Mr George:** Sir, I know you were going to have a break at about 11.30, we have reached that point and I am about halfway through my questions.

13786. **Chairman:** I will suspend the Committee until 11.45.

After a short break

13787. **Mr George:** The fourth matter concerns TfL's services. We have got the slide up and you identified earlier the North London Line which, of course, runs from Stratford (we can see it in the green) and eventually joins up with the Great Western line at Acton.¹⁴ It has been described to me as something like the North Circular Road is for cars; it is the North Circular for freight in London. Is it not?

(Mr Watson) Yes.

13788. You mentioned that Transport for London have got proposals for that route. The situation is that they are planning to double the service on Silverlink. Is that not right?

(Mr Watson) My understanding is they have an aspiration to do that. I do not know the exact status—

13789. That is the service which runs between Stratford and Willesden, and my understanding is that that is a key element of our Olympic bid proposals and that the strategy being worked up is to have that increased service in operation by 2012. Have you heard of that matter, Mr Watson?

(Mr Watson) Yes, I am aware that certainly during the period of the Olympics they need to operate or they want to operate an increased service. That is right.

13790. On 7 June 2006 they went public that they had short-listed four companies to proceed with the next phase of bidding for that, and that the plan was that they have a successful bidder by 2007 and they have what they describe as a metro service—a higher capacity metro service—in place by 2012. Does that surprise you at all?

(Mr Watson) It does not surprise me, no.

13791. What we can probably agree is that if there is to be a high frequency and a higher frequency service on the North London Line than at present that that is something we could impact on the availability of capacity for freight on the North London Line.

(Mr Watson) Depending upon what TfL's proposals are for infrastructure improvement, then yes.

13792. Also, it has a knock-on effect, does it not, on to freight on the Great Eastern line?

(Mr Watson) Yes. I have already mentioned it makes it more complex to timetable the freight trains both between a higher intensity of a North London Line service and services on the Great Eastern.

13793. Could we put up, please, page 4 of the Working Party report, under the heading of "Passengers"?¹⁵ It is the second paragraph down there. We can see the Working Group is clear that "Many of TfL's plans and aspirations if taken forward would interact with Crossrail and analysis must be undertaken to understand and take account of this interaction, particularly at Stratford." The next sentence says why that is important, because of ensuring that there are appropriate freight paths provided. That work has not yet been done by anyone, has it, in connection with the timetabling for Crossrail?

(Mr Watson) That is, to my understanding, correct, not only for Crossrail but, also, for interaction between TfL's plans and freight, even if Crossrail does not happen.

13794. TfL are a joint Promoter of this Bill but have not, in my understanding, so far, had placed before the Committee any evidence relating to how their metrolink, high frequency service on the North London Line would inter-react with the Crossrail proposals and the freight proposals. Am I right on that?

¹⁴ Crossrail Ref: P106, Cross London freight routes (LINEWD-GEN14-012).

¹⁵ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Growth Forecasts—Passenger (LINEWD-GEN13-005).

 Railway Industry Issues in the Bill

(Mr Watson) I am sorry, I have not been following the detail of the hearing well enough to know. I am sorry.

13795. Provided your Working Group were given details of TfL's plans and confirmation that it was an increase from four trains to eight trains in each direction, that is something that you have the ability and the technique then to model its effects.

(Mr Watson) That kind of modelling is something which most definitely needs doing. I think the question which is not for me to answer is whether this Working Group is the right place to do that, bearing in mind that for a number of these factors—and they are nothing to do with Crossrail at all—there is a wider issue about aspirations and plans in East London, which is a network issue and, therefore, I would be envisaging Network Rail taking the lead on that.

13796. The important thing is that someone does it and does it soon, is it not?

(Mr Watson) Agreed.

13797. If Crossrail is to open in 2014/2015 and if one of its Promoters says it is going to be running a double service on the North London Line by 2012 then that is highly material, is it not, to the sort of matters with which your group has been concerned?

(Mr Watson) I think there is a lot more work to do in that area. That is absolutely true.

13798. Also, TfL, we understand it, have got plans for a passenger service from Liverpool Street to Barking and to Grays, which would involve, again, crossing and using the Great Eastern Line on the way to the Barking. Is that right?

(Mr Watson) A presentation was made to the Working Group by TfL which set out a range of what I would have to describe as aspirations for service enhancement east of London, and certainly a service from Liverpool Street to Grays was one of those aspirations. What we were unable to ascertain at that stage or subsequently—it is fair to say we have not asked the question subsequently—is whether that is an aspiration or whether it is a planning assumption. It is certainly not, at the moment, a committed scheme.

13799. I understand that a four-train per hour movement is what TfL are talking about. Is that a figure which you remember from the presentation?

(Mr Watson) Yes, my recollection is that it was four trains per hour.

13800. If TfL are making presentations to your timetabling group that must mean, must it not, that they are, at any rate, planning towards that objective, having that service?

(Mr Watson) All I can say, again, is it was an aspiration. I really do not know if it is anything that is going to happen or what timescale it might happen in.

13801. I think you will be able to understand why it is that the freight interests I represent are troubled: first of all, that the modelling so far shows a Crossrail effect on freight on the Great Eastern, and one of the joint Promoters has got very clear schemes for one proposal, because they have got them in place for 2012, and less clear proposals but proposals which they are putting to the Committee, and yet none of those, so far, timetabled. You can understand their concern.

(Mr Watson) I understand the point clearly, and really we restate there is work that needs to be done.

13802. More work needs to be done and, we say, needs to be done before the timetable can be described as robust, or any firm conclusions can be drawn on the effects on freight of Crossrail in combination with other schemes.

(Mr Watson) Yes. I think what you are saying is that there are a range of other timetables which need analysis. I understand the point.

13803. You understand the point. I think you accept the point.

(Mr Watson) Yes, absolutely.

13804. The fifth matter is the question of performance modelling or perturbations. You explained to the Committee how that had been done by certain consultants (and they are the firm of Scott Wilson) who produced a report looking at what happened to the railway if conditions were simply real life—less than absolutely perfect. That was done looking at the position if the volume and the number of freight movements was the same as in 2004/05. Is that not right?

(Mr Watson) Not absolutely, no. In fact, they included in their model a little more than the number of trains which typically run today. I think that is actually set out in Appendix D. What I think you are probably coming on to, which is certainly the case, is that that modelling has not, at this stage, included within it a level of freight trains that would be operating by 2015, or subsequent to that, and that is in our list of actions for further work.

13805. It seems to us that that is a desperately important matter, because all the material which is contained in the Working Group report, which deals with the position in 2015 with freight growth, has not yet had performance modelling.

(Mr Watson) Desperately important? Could you just—

13806. We regard it as very important; so important that we think it inappropriate to place reliance on working towards timetabling until performance modelling has been done.

(Mr Watson) I am still not entirely clear.

13807. Those whom I represent are trying to understand what the position is going to be in 2015 with Crossrail and the amount of freight growth

 Railway Industry Issues in the Bill

which your group has been assuming for 2015. It seems to my clients that until performance modelling has been done no safe conclusions can be drawn.

(Mr Watson) I suppose—if I am hesitating it is because I am just a little surprised that the first time that has been suggested is here rather than earlier in the Working Group meetings. I think the observation I would make is that what the Working Group did and what is said in the report is that we were asked to form a view and the view was that the amount of infrastructure being proposed on the Great Western looked broadly appropriate to keep the capacity for other operators as it is now. I do, however, accept the point—and we have said it in the report—that there is further detailed analysis required. I guess, perhaps, if I could use this opportunity to make another point, in the initial statement, a letter was referred to setting out that while the Promoter is not committing to the same level of exactly the infrastructure as we assume, to an output consistent with that established in the report, I think what I would say is that I do not think the report sufficiently provides a statement of what the output currently is to enable an understanding of the point that was trying to be made with that letter. The report does not give a specific output that that commitment could be set against.

13808. Could we put up, please, table D2, page 20 in the report?¹⁶ This is looking at the Great Western. Perhaps we could just bring up into larger scale the notes which are immediately under the table. We can see there that one of the notes is that “Note: that operation of some or all of these paths may not be acceptable due to the performance risk”. That is relating precisely to the point I am putting to you, is it not?

(Mr Watson) Which is that there is more work required. There is more work required. We have made that perfectly clear in the report, I think.

13809. The modelling is there to do it. The modelling system is called “RailSys”, is it not?

(Mr Watson) That is correct.

13810. So you have got the computer programme and it is simply a question of some time is taken and some money, presumably, having to be spent on the modellers, to do performance modelling for the 2015 with growth position.

(Mr Watson) It would require more work, that is true. As I have already mentioned, Network Rail have taken direct responsibility for undertaking that.

13811. What is the timetable for this? How long is it going to take till someone is able to report back on the position of the Great Western and the Great Eastern following performance modelling?

(Mr Watson) I think I understand you will need to speak to the Promoter or to Network Rail about that .

13812. You have no idea at all?

(Mr Watson) There are no specific priorities for that work at the moment.

13813. As I say, my clients are going to say that it is a matter of high priority and, as I say, they simply find it very difficult, if not impossible, to judge the work done so far until that further stage is done of the performance modelling which has not yet been begun for the “with growth” position. You are not surprised, are you?

(Mr Watson) I am not surprised about what? That they are saying they are not prepared to—

13814. You are not surprised that they are regarding it as a priority matter that there should be the performance modelling and that they are deferring conclusions on the results until they have seen the performance modelling.

(Mr Watson) I am not surprised about the first point; I am not surprised that they are saying it is an important piece of work to be done in the near future because it is an important piece of work to be done in the near future. I am surprised by the final comment you make there, though, because I am not aware—maybe I am wrong—that I have had from your clients any objections to the conclusions in the Working Group report—far from it.

13815. We can see it at the top of page 6 of the Working Group report. Let us go to the top of page 6.¹⁷ It particularly says in the second line—put in, I understand, at the request of the freight companies—“Further performance modelling will need to be undertaken”.

(Mr Watson) It will. Absolutely right. I agree, but what I am not quite sure is whether you, on behalf of your clients, are contradicting the conclusions of the report.

13816. So far as the conclusions of the report are concerned, what we are saying is of the work so far done we can understand those conclusions but those conclusions cannot be treated as robust until a number of things are done, one of which is performance modelling. Do you understand that?

(Mr Watson) I see the point you are making.

13817. That is entirely consistent, is it not, with what the report itself is saying when it says that that still needs to be done?

(Mr Watson) What do you mean by “robust”, please?

13818. “Robust” means sufficiently robust that decisions can be made by my clients and by the Committee so that they have sufficient knowledge to know what the effect of this Bill on freight paths and on freight is going to be.

¹⁶ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Table D2: GW Tabulation of Paths in the December 2004 timetable compared with paths in the Crossrail timetable (LINEWD-GEN13-021).

¹⁷ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Performance Modelling (LINEWD-GEN13-007).

 Railway Industry Issues in the Bill

(Mr Watson) I take it that is a caveat that is not written in this conclusion but actually is a caveat that your clients would actually want added now?

13819. It is there in the report; the report says that the further modelling needs to be done and says that these conclusions have been reached without that being done. That is why the last heading of the report refers to further work that needs to be done. It is a caveat and it is there in the report.

(Mr Watson) The question, which must be for the Committee, which needs an answer to is about whether these remaining points are ones on which you simply say: “No, no, we cannot progress with this at all until these things have been done” or whether they are, as described in the further work section, refinements that need to be taken forward.

13820. It seems to us it is work which could be done in the next few months, and this Committee is not going to conclude its business until a few further months have passed. It is, we would say, highly desirable—we would have thought necessary—that this work be expedited rather than being left to you as the witness on this matter to say it is being looked at by Network Rail but, as far as you are aware, it is not being afforded any particular priority.

(Mr Watson) I understand the point.

13821. You understand the point?

(Mr Watson) Yes, I do, absolutely.

13822. I am grateful. The sixth matter is the question of the freight improvements. Could we please put up the plan which is Crossrail Enhancements to Freight Capability?¹⁸ The Bill contains a number of works which are intended to improve the position for freight compared with what the position would be if those works were not included in the Bill.

(Mr Watson) Indeed.

13823. To take a very obvious example, if we look at Acton on that particular plan—it is pretty much in the middle and we can see there the Acton yard—what is proposed is a dive-under so that the Crossrail trains on what I call the slower lines, the relief lines, will be able to go underneath the freight line which will go into the Acton goods yard.

(Mr Watson) Yes, indeed.

13824. That work is very important, is it not, for the proper functioning of Crossrail and, also, for maintaining freight capability?

(Mr Watson) Yes, I would use the word “essential”.

13825. I am grateful. I merely instance it as an example, but at the present time there is no commitment from Crossrail, is there, to carry out any one of the works, the freight enhancement works, which are in the Bill? They are all optional. They will obtain powers to do it but they are not

actually committed to carrying out any of them. That is our understanding, as a matter of law, and I suspect that that is also your understanding.

13826. I cannot comment on that, if it is a matter of law.

13827. You would agree that it would be very undesirable, let us say, that the Acton dive-under should not be constructed.

(Mr Watson) That is correct.

13828. All my clients are asking is for an undertaking to the Committee or to ourselves that the freight enhancement works will be carried out and will be carried out before the first Crossrail trains run. That does not seem an unreasonable requirement, does it?

(Mr Watson) It is perfectly reasonable that an appropriate amount of infrastructure enhancement is undertaken.

13829. All your timetabling has assumed, has it not, that all those freight enhancements are carried out? It has been assumed for all your work, and you have done no work to show what would be the result if some or all of them were left out?

(Mr Watson) That is correct.

13830. What we have been offered, and it was referred to by Mr Elvin in opening, on 30 June, Crossrail have been kind enough to say it is true that they are not committing to the full list of infrastructure enhancements but they are committed to do whatever is necessary to give freight the performance which is disclosed in the Crossrail Timetable Working Group report. Do you remember that matter?

(Mr Watson) I do.

13831. I am not going to bother to put it on the screen at this moment but Mr Elvin has introduced it and read out the undertaking and you have confirmed that. It seems to us that that is a rather meaningless undertaking at present because until the further work is done it has not really got a benchmark to measure the matter against. Do you understand what I mean?

(Mr Watson) I do, and I think I have already mentioned I agree with the point that the report, as it currently is, does not provide a benchmark value—

13832. It may be that the undertaking could be further refined and we would particularly, through the Committee, ask the Promoter to give some consideration to that matter, but I want to place it on the table that the present undertaking does not seem to us to give us anything which is of value, and we believe that all the freight works which are in the Bill need to be done unless there is any evidence to the contrary. You have not seen any evidence that any of those works in the Bill are not necessary, have you?

¹⁸ Crossrail Ref: P106, Crossrail enhancements to freight capability (LINEWD-GEN14-006).

Railway Industry Issues in the Bill

(Mr Watson) I think all I can do is re-state the point you made to me that we have not looked at any option which has a different set of infrastructure enhancements.

13833. I am grateful. Can we now, please, turn, seventhly, to the Hampstead line, or “GOB” as it was called earlier, and if we can put back on the overhead the plan of it.¹⁹ everyone seems to agree that that line, which you described as a “Cinderella” line, has a potential for enhancement?

(Mr Watson) Indeed.

13834. Were it to be enhanced it also has the potential to improve the position for freight on the Great Eastern Line to a quite considerable extent, has it not?

(Mr Watson) Yes, indirectly, because by taking away the trains from Thameside it eases the timetabling issues for trains coming along the Great Eastern, that is absolutely correct.

13835. No one is saying that it is a panacea, that it does everything, but if you could take the trains coming from or going to Barking off the Great Eastern Line they would go across what is an existing bridge at that point, except the bridge would need strengthening and the line needs to be electrified and some gauge improvements are necessary, and if that is done one could take all the Barking freight and simply go over the Great Eastern Line and up GOB?

(Mr Watson) That is correct—sorry, I guess that is not absolutely correct. There are one or two trains that would still need to go through Stratford.

13836. A minority, but the vast majority could go up?

(Mr Watson) They could, absolutely.

13837. Now, that is a matter that the Timetabling Group has not examined in terms of the effect because at present that enhancement of Tottenham-Hampstead has not been given the go-ahead, is that not right?

(Mr Watson) We have not considered it because, as I think is in E2, we list the options for resolving the capacity constraints and it is fair to say we have taken that no further forward than that. I think Network Rail, if they were in the chair rather than me, would be saying that they are undertaking work on that consistent with other aspirations on that route as well because I think, as has already been mentioned by TfL it is one of the areas where they have aspirations for an increased passenger service as well.

¹⁹ Crossrail Ref: P106, Cross London freight routes (LINEWD-GEN14-012).

13838. Looking at page 5 of the Working Group report, there in the second line that improvement is described as “the most effective way of improving capacity”²⁰

(Mr Watson) I think that was definitely the Working Group’s view, yes. Is it worth me expanding on why that is, maybe?

13839. Please do, yes.

(Mr Watson) We looked at what the options were on the GE itself between Forest Gate to Stratford and the answer is there are some small things you can do but you do not get away from the basic fact that these trains are crawling all the way across the main line and electric line to get from one side to the other. Clearly using a bridge and a different route takes that problem away entirely, so from a timetabling point of view that gives it a very immediate visible increase in available capacity between Forest Gate and Stratford for other services.

13840. And at page 27 of the report, and I do not think we need probably to put it up, we are told that order of magnitude costs are to be available by the middle of July this year, (Paragraph 4.3).²¹ So that is imminent, is it not?

(Mr Watson) That is certainly the position that Network Rail briefed the group on. I have to be honest and say I have not checked in the last week or two how they are doing with that analysis.

13841. We have heard about the Secretary of State’s announcement about the transport innovation fund. That was on 27 June when he said that that scheme was a “candidate” for funding there and a business case was to be worked up, is that not right?

(Mr Watson) I think I saw the same press release as you did, yes.

13842. What it seems to those I represent is that it is very important that that matter be prioritised because it is if not the key to resolving the freight issue, at any rate it is a major part of the key, and it should be a priority to work on that, would you agree?

(Mr Watson) I would, yes.

13843. And it seems to us that in that the Department for Transport are the principal Promoter of this Bill, which is why it is a Public Bill, it would be not inappropriate that the Department be giving maximum encouragement to that and to the release of funding, and as far as we are concerned it does not matter whether it be Crossrail funding or other funding but to ensure that the effect on Crossrail on freight is minimised the works to the Tottenham-Hampstead line need to be undertaken and undertaken by 2015, and I think you probably agree with that?

²⁰ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Path Analysis: to what extent can timetabled paths accommodate freight growth? (LINEWD-GEN13-006).

²¹ Crossrail Ref: P106, Crossrail Timetable Working Group Report, W10 gauge and capacity clearance for other Anglia routes (LINEWD-GEN13-028).

 Railway Industry Issues in the Bill

(Mr Watson) I understand your point entirely, yes.

13844. Now, the eighth matter concerns depots. When the Bill was deposited the proposal was to have a depot at Romford, was it not, and Crossrail stabling out on the Great Western line at West Drayton, do you remember that?

(Mr Watson) Yes.

13845. And the works which have been so far explored by your Timetable Group have assumed that stabling and that depot?

(Mr Watson) Yes, that is correct.

13846. And that, of course, involves taking their empty trains and bringing other trains on the line and a whole variety of movements?

(Mr Watson) Yes.

13847. Also, at the present stage, EWS, whom I represent, have their main depot at Old Oak Common?

(Mr Watson) They have one of their depots there, yes.

13848. Well, as you are probably aware additional provisions are planned to be brought forward which is going to have the effect of removing any Crossrail stabling from West Drayton, eliminating the depot at Romford, putting the Crossrail depot and stabling at Old Oak Common and, so we are told, removing us to North Pole. I think you have heard about that?

(Mr Watson) I have heard that has been considered, yes.

13849. Now, none of that has been modelled or timetabled, has it, so far by the Working Group?

(Mr Watson) Not by the Working Group, that is certainly true.

13850. And we can say for certain it will have some effect on movements; whether it will be negative or positive no one can say for certain at present?

(Mr Watson) I entirely agree with that, absolutely.

13851. But we can say that one is going to have a conglomeration of activities at Old Oak Common and North Pole because they are approximately facing one another north and south of the railway at that point, so we are going to have more movements in one place than was hitherto envisaged?

(Mr Watson) Yes.

13852. But it seems to us that there must be a chance that the position is going to be worsened rather than improved and it is very important that as soon as possible someone does the timetable before the Committee is asked to sanction additional provisions in relation to the matter?

(Mr Watson) Clearly there is work to be done on that; I do not really feel it is my place to comment on whether this should be before the Committee sanctions something or not.

13853. Do you see any difficulty in Crossrail or the Department asking your group to look at, model, timetable and performance model those additional provisions which the Committee has been told about?

(Mr Watson) I think really, to re-state, that work needs to be done. It is not for me to say whether it is the Working Group who does it or Network Rail. Again, as with some of the issues on the Great Eastern side, there are issues which are more than just Crossrail which need to be addressed.

13854. It is work which needs to be done?

(Mr Watson) Absolutely.

13855. And work which needs to be done by a group which includes the freight operating companies, I think you would agree. They need to have an input to it?

(Mr Watson) Without a doubt.

13856. I am grateful. Now, the ninth matter is constraints elsewhere in the system. All your timetabling has simply been looking at the area over which Crossrail trains are running, is that not right, and just a little way beyond, but you have not been looking at the wider picture?

(Mr Watson) That is correct.

13857. And in your report the point is made on several occasions that what you are showing is theoretical to the extent that it may be affected by absence of capacity a little bit to the east or to the west of the area you have been looking at?

(Mr Watson) That is correct.

13858. And therefore in due course it is going to be necessary, is it not, to look at a wider network in order to test the work you have done so far and ensure that it is robust?

(Mr Watson) And that is very much the case for freight services where, as the freight operators have reminded the Working Group frequently, just because a path works on a little bit of the GE it does not mean it works through Manchester or into Glasgow.

13859. And on your Working Group the representatives of the freight suggested and it has been included now in the relevant tables so far as the Great West and the Great East are concerned in the footnotes to them, that that is a matter which needs to be further explored.

(Mr Watson) It does. Without a doubt.

13860. Now, the last matter is maintenance and engineering. That traditionally takes place at night, does it not?

(Mr Watson) And at weekends.

13861. The Crossrail service is going to run from 5 am to 1 am, is it not, which is a longer period than the passenger trains have been running at present?

Railway Industry Issues in the Bill

(Mr Watson) That is the plan, yes, certainly.

13862. Therefore one has a reduction of the night time period available to do maintenance work?

(Mr Watson) It means that there will have to be changing to the way Network Rail undertake their maintenance work if they are to meet the commitment, perhaps “commitment” is the wrong word, but the statement they have made where they are looking to ensure there is no degradation of access for their operators as a result of those changes to engineering—

13863. And you referred to this when you were giving your evidence but it is page 6 of the report, that so far Network Rail have simply said that they anticipate that they can achieve their engineering work, it is halfway down the page under “Engineering Access”: “Network Rail anticipates accommodating engineering requirements within existing allowances”, and they say that this will be possible because of continued improvement in engineering efficiency and technology.²² Now, your group have simply taken that as a given, have they not?

(Mr Watson) That is correct.

13864. Now, we do know, do we not, that elsewhere, for instance, in work being done on the Great West main line, Network Rail produced a document called “Efficient Engineering Access” and are, in fact, requiring rather longer time for engineering and maintenance than has been the case in the past?

(Mr Watson) For a period of time I believe that is the case. I think, though, Network Rail have made this statement, and if you do not believe them can I suggest you ask questions of Network Rail?

13865. But it concerns us so far as robustness of the timetable because it seems to us that one ought to be testing alternatives here. One: assume that Network Rail’s anticipations prove justified, but, secondly, assume that is not the position. Crossrail running longer, more wear and tear of the lines, more work to be done, higher standards to be achieved, and should one not be at any rate doing an alternative modelling exercise which assumes they require rather longer, because if that is so it will impact on freight, will it not?

(Mr Watson) If that were so it would either impact on freight or on other operators, or on Crossrail’s ability to run the service it is seeking to, particularly in the late evenings, but not necessarily freight. It would have an effect clearly on the available capacity.

13866. If we could lastly now go to page 7 of the working party report, there is a heading “Further Work” and there are bullet points which run right over to page 8.²³ Those are all matters which the

working party felt were necessary to be taken forward, this being, as I say, rather work in progress at the present time?

(Mr Watson) They are all actions which require to be taken forward without a doubt. I think, as I have said, there will continue to be timetabling details which need to be taken forward right the way through to when Crossrail comes into use, I am quite sure.

13867. And all those matters looking at them would all appear to be matters that either your group, or a Network Rail group, it does not matter, or a Crossrail group, but someone, could take forward and within a period of certainly less than six months—I am not going to say what could be done in two months because I just do not know but certainly in six months—produce something which would be a great deal more final than the report which you have produced. I do not criticise you for your report but that is where you have got to by June, so that further work could have been taken forward, could it not, by December?

(Mr Watson) Clearly subject to resource availability and, as you rightly say, prioritisation of that resource, substantial progress could be made on a number of these items, I am quite sure.

13868. So far as resource availability, given the amount of money which is involved on the Crossrail scheme as a whole, it is positively a flea bite, is it, not to get the modellers and a team of consultants and the others who are involved to concentrate on these matters?

(Mr Watson) Yes. To be clear I was not passing any comment on the financial implications of doing it. I am just conscious of resource limitations in terms of bodies capable of doing this kind of work, which is specialist.

13869. **Mr George:** That is what we shall be seeking. I am grateful. Thank you.

13870. **Chairman:** Might I ask if there are any other Petitioners present in relation to this witness who wish to cross-examine at this point?

13871. Mr Elvin?

Re-examined by **Mr Elvin**

13872. **Mr Elvin:** Mr Watson, have you had a large catalogue of requests and complaints about lack of robustness of EWS, Freightliner and Mendip? EWS and Freightliner we recall were members and are members of your Working Group.

(Mr Watson) Indeed, yes.

13873. And members of the Stakeholder Forum?

(Mr Watson) Yes.

13874. Did the Stakeholder Forum set the terms of reference or assist in doing so for the Working Group?

²² Crossrail Ref: P106, Crossrail Timetable Working Group Report, Engineering Access (LINEWD-GEN13-007).

²³ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Further Work (LINEWD-GEN13-008 and -009).

 Railway Industry Issues in the Bill

(Mr Watson) Yes.

13875. So EWS may be asking through Mr George an hour and a half's worth of questions of clarification, but they were responsible for setting terms of reference for your committee?

(Mr Watson) That is correct.

13876. And they were also participants in the process which led to the report which our Committee has before it today?

(Mr Watson) That is correct.

13877. Other than the reference that the Committee has seen this morning to "further performance modelling will be required", the various caveats you have heard entered today on—Mr George said there were 10 issues, I am going to say more like 150, but the 10 issues you have heard this morning, had EWS or Freightliner clearly made these caveats known and, if they had been made, would they have been reflected in the report?

(Mr Watson) Clearly if they had asked for a further wording change it would have been made. We had to close down the wording of the document just to meet the sensible time for people to be able to look at it, the 22nd. I think, just to be helpful and to move this on, the issue here appears to be one of degree rather than one of absolutes, does it not?

13878. Mr Watson, I am asking you the questions in re-examination; I am not asking for a general thesis. Will you just stick to my questions, please? If the Committee wants to pursue them then no doubt the Committee will pursue them further with them. Can I take up one caveat we discussed about further modelling and further information? Looking at P106, exhibit page 7, page 6 of the report, the sentence Mr George referred you to, what is the significance of what comes after that sentence and the rest of the paragraph: "However at present it has not been possible to demonstrate that the freight rail predictions can be accommodated on the Great Eastern", et cetera?²⁴

(Mr Watson) I can explain that. There is absolutely no point in performance modelling a timetable which is not Rules of the Plan compliant. We were not able to produce a timetable which would actually accommodate all of the 2015 freight growth.

13879. Why is that?

(Mr Watson) Because there is not enough capacity.

13880. And is that absent with Crossrail or with Crossrail?

(Mr Watson) I think to restate the point already made, with or without Crossrail, on the analysis we did, or Freightliner did for the Working Group, shows that with or without Crossrail there is not enough capacity to accommodate freight growth at 2015, therefore there is no point in performance

modelling it because if you just throw trains into a timetable and they are not, to use jargon, "conflict free", they are basically not far enough apart to create a timetable compliant with the Rules of the Plan. If you performance model it all it will say is "this is not a very good timetable", as night follows day.

13881. You were asked about not timetabling for 2015. Has the freight industry come up yet with its timetable for 2015 to allow you to carry out modelling?

(Mr Watson) I do not think the freight industry was specifically asked by the Working Group to provide a timetable for 2015.

13882. Bearing in mind EWS and Freightliner were members of your committee did they say: "We want to model 2015 and we will supply the data if you request it"?

(Mr Watson) They did say they wanted 2015 modelling and that is why it is in the further work. It was clear in the time available before this Committee that we were not going to get that performance modelling done, so the exact detail of how that timetable was put together was not discussed.

13883. You were seeking information from Freightliner, one of Mr George's clients, recently and I think received it two weeks ago but did not put it into the final version of the report, is that right?

(Mr Watson) That is correct.

13884. How long had you been waiting for Freightliner to provide that information?

(Mr Watson) I think—when did they offer? Let's be clear, they offered to do it. I am sorry, this is not an exact date, but I think we had a meeting on probably 31 May or it might have been 1 June at which they undertook to provide that.

13885. What was the information?

(Mr Watson) As I think I have already mentioned under cross-examination, we, the Working Group, found that looking at standard hours was not giving us the kind of certainty we were looking for, therefore we moved to look at individual hours, the whole 0600 to 2300 period of the day, and it was at that meeting, 31 May or 1 June, at which it was agreed the methodology that would be followed to create the spreadsheet which you now see in the appendix.

13886. Can I ask you about a number of these issues? Are these issues in relation to capacity, infrastructure improvements, how paths are allocated and the like, ie how capacity is parcelled out amongst those who are competing for use of the paths, is that something looked at all as part of the access option exercise in the role of the ORR?

(Mr Watson) I should probably say the Working Group has not spent very much of its time looking at the access option—

²⁴ Crossrail Ref: P106, Crossrail Timetable Working Group Report, Performance Modelling (LINEWD-GEN13-007).

Railway Industry Issues in the Bill

13887. I did not ask you that. I said are any of these matters which would be looked at by the Regulator when—

(Mr Watson) I am sorry. Yes, they were, undoubtedly.

13888. So will the industry have further input when the question of the access option is being negotiated with Network Rail and the ORR?

(Mr Watson) If the access option route is adopted, then yes.

13889. And can the access option specify as a condition of getting access option that certain infrastructure requirements should be carried out as part of granting that access option?

(Mr Watson) My understanding is that is the case, yes.

13890. One of Mr George's later questions related to wanting an undertaking about specific works. Now, this is not a matter for you, it is not your role in this exercise, but just looking at the matter generally, from your experience, would it be sensible to set in stone now some years before the timetable is actually finalised, some years before design is finalised, what exact improvements are going to be carried out?

(Mr Watson) The answer to that must be no.

13891. Would the better mechanism in terms of being flexible and meeting the requirements of what is actually going to happen be that the matters be dealt with at this stage or at the stage when the Regulator is looking at the matter?

(Mr Watson) Well, if the access option route is to be adopted it will be looked at at that stage and the Regulator will take the final decision.

13892. **Mr Elvin:** Thank you very much, Mr Watson.

The witness withdrew

13893. **Chairman:** Do you want to outline, Mr Elvin, the next part?

13894. **Mr Elvin:** As I understand it, the next Petitioner is the Association of Train Operating Companies. I have already outlined the industry concerns generally; I do not think I need to say anything more. As I understand it, the sort of concerns that ATOC has relates to matters such as the Network Code and compensation and the question as to the Regulator and the use of Bill powers, all of which I have outlined. I think the only matter I have not mentioned to the Committee is that there was some concern about the wording of the Compensation Code under the network arrangements, which is information paper H2, and that is or is in the course of being amended. Apparently there was concern about lack of clarity as to whether the principle of "no net benefit/no net loss" will apply, which I can confirm will be the case, and H2 is being clarified to make sure that point is picked up. Other than that the concerns that ATOC have will broadly fall within the categories I have already described.

13895. **Chairman:** Mr Thompson?

13896. **Mr Thompson:** Thank you, sir. My name is Paul Thompson, Bircham Dyson Bell, parliamentary agents, and I represent today the Association of Train Operating Companies, ATOC, Petitioner No 49, and also LER, or One Railway, together with C2C and Silverlink railways. Petitioner No 75. I have one witness to call and I would like to proceed straight to call that witness, sir.

The Petition of the Association of Train Operating Companies.

Mr Paul Thompson appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

The Petition of London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd.

Mr Paul Thompson appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

Mr Theo Steel, Sworn

Examined by **Mr Thompson**

13897. **Mr Thompson:** Mr Steel, you are Theo Steel. Would you like to introduce yourself to the Committee?

(Mr Steel) I am projects director for One Railway, with 36 years of railway experience, previously managing director of First Great Eastern and was in charge of the railways in East Anglia in 1980. I have also been involved in project planning for the Channel Tunnel rail links and that Bill and its timetable construction. Today I am representing

both ATOC and One Railway and its associated companies, the petitioners, two in one.

13898. Can you tell us a bit more about ATOC?

(Mr Steel) ATOC is the Association of Train Operating Companies, an association owned by the train operating companies that provide franchise rail passenger services through Great Britain, as well as EWS railway who also operate charter trains and certain non franchised operators like Eurostar. It is

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

the official voice of the passenger rail industry; it also provides its members with a range of services that enable them to comply with conditions in their franchise agreements and operating licences. In particular, ATOC has a role in providing information systems for passenger railway, ticketing support for through or inter-available fares with other operators, including London Underground, and in providing technical input to planning rail services and network enhancements on behalf of passengers. ATOC also has a planning role and capability under which it considers issues beyond the franchise term of its members and to provide professional input to planning by Government and Network Rail on behalf of future train operators. This expertise has been particularly valuable, we think, in considering the implications of the Crossrail project on the national rail network.

13899. And which ATOC members are particularly affected by Crossrail?

(Mr Steel) We believe seven of ATOC's members are affected by Crossrail's proposals. First Great Western, One and Southeastern trains particularly, and c2c, Virgin Trains, Chiltern Railways and Silverlink are affected to a lesser extent. Since the Bill has been deposited it has been determined that Silverlink's North London line services will form part of TfL's North London railway in 2007, so it may well be that their relationship with Crossrail is determined as an internal TfL matter.

13900. I think you have an exhibit just to give a representation of the franchises. Can we display that?²⁵

(Mr Steel) The map shows the interfaces between Crossrail works and the franchises. Just to bring out the fact that of the particularly affected franchises, First Great Western's franchise extends, or could, until 31 March 2016. One Railway is until 31 March 2014 and South Eastern railways until 31 March 2014.

13901. So the predominant impact upon ATOC members at present is in relation to the construction of Crossrail but there is the possibility, when construction is complete, that some of the existing franchises might be affected by the operation?

(Mr Steel) That is correct.

13902. Can you tell us about ATOC and One's position in relation to Crossrail generally?

(Mr Steel) I think it is worth stressing at the outset that we as railway people are firmly in favour of the principle of Crossrail. It would be a major investment for the railway network and, if properly implemented, represents a great opportunity to improve train services in a congested part of the national rail network and to London in general.

13903. So you are in principle in a supporting position but you have some concerns which you are going to tell us about?

(Mr Steel) I am afraid to say we do, yes. First, I would like to stress the previous words mentioned, "if properly implemented". If we are to be honest with ourselves I have to admit that not every rail project over the years has been implemented as well as we might have hoped. Both ATOC generally and One Railway specifically were concerned that the Bill as introduced gave the Department for Transport sufficient scope to prejudice the operation of existing passenger rail services and also the integration of the national rail network. We therefore petitioned against the Bill, setting out both our support for the principle of Crossrail but our concerns about the way in which it might be implemented, in particular about the construction impacts on existing services for passengers, the modifications to railways regulatory regime and the potential for hiving off parts of the national rail network to Transport for London.

13904. Can you bring us up to date with developments which I think continued right up until yesterday?

(Mr Steel) Well, I am pleased to say that there have been a lot of positive changes. There has been a considerable amount of joint working, in particular the Timetable Working Group has carried out some good work, as has the Rail Industry Stakeholders' Forum, and the Government has brought forward proposals that in principle begin to address many of our concerns, including information papers H1-4 dealing with railway matters. There has been agreement on the scope of an access option that would mean the normal railway timetable planning processes could be followed, and that independent rail regulation would be respected. A standard hour timetable as we have just heard has been produced; progress has been made on development of some of the more detailed infrastructure and service planning proposals and depot strategy, and agreement has been reached in principle that the operation of Crossrail should be managed by Network Rail as part of the national rail network, very important to us, overcoming our concern that it could be separated in a way which was incompatible with the overall interests of passengers.

13905. And I think you are referring in particular to a letter, or letters, of 3 July to various interested parties that have now been exhibited by the Promoters, 4904 page 5.²⁶ This is the letter from Derek Twigg of yesterday, and is the first indication that Network Rail are to have the non tunnel element of the infrastructure management, am I right?

(Mr Steel) It is certainly the first that I have seen in black and white to that extent.

²⁵ Committee Ref: A157, Crossrail Route adjacent franchises (SCN-20060704-001).

²⁶ Crossrail Ref: P108, Correspondence from the Parliamentary Under Secretary of State for Transport to ATOC, 3 July 2006 (LINEWD-4904-005).

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

13906. So what is your general conclusion about the position we have reached?

(Mr Steel) I think we have made a lot of positive progress but at the moment we are only at the principle stage and policies and intentions. The detailed terms of the access option have not yet been agreed; the provisions in the Bill that have caused us concern and were highlighted in our petition remain unchanged. If for some reason agreement cannot be reached that Network Rail will be the infrastructure manager for the entire Crossrail route, and that the Network Code will apply, our concerns on independent regulation also remain. What we would like you to do is to recommend to the Department that they follow through and deliver their proposals. In saying this, ATOC and One Railway do understand that there is a lot of refinement that needs to be done to the proposals and it would probably not be helpful to go into detail on many points at this stage, except to say that generally ATOC supports the Department for Transport's current proposals, and think that it should not be looking to change its policy now. The Department for Transport have said for some months that they would seek to resolve these issues by the select Committee in the House of Lords, and if all matters cannot be resolved before then as we are seeking we will hold them to this.

13907. Are there some specific concerns you wish to emphasise today?

(Mr Steel) I think I have to stress the following three issues: the powers in the Bill to interfere with train operating companies' access contracts, the likely extent and impact of the construction period, and the extent of the Crossrail services that are actually planned and what these will mean for growth on the railway.

13908. Let us look for a moment at the first of those, the interference with access contracts. Can you be a little more particular?

(Mr Steel) I run our main concerns relate there to the powers sought in the Bill to interfere with train operating companies' contractual rights and the interference with independent economic regulation through legislation. These powers are predominantly set out in clauses 21-33 of the Crossrail Bill and especially clauses 27 and 28 which give explicit powers effectively to subordinate other access contracts to the needs of Crossrail construction and operation. In our view, these are unnecessary and the principle is unsound. While Crossrail is important, so are Great Western and One Railway franchises, which between them, rather appropriately for July 4 we think, 1776 trains per weekday through the affected area, almost three times as many as Crossrail proposes. Parliament has established rules for altering access contracts which have been used for several other major upgrades to the network, although not admittedly on the scale of Crossrail. These are based on the principles that Network Rail, as manager of the national rail network, is best placed to determine what

restrictions are necessary and when, and that the Office of Rail Regulation, ORR, as independent economic regulator is best placed to determine how these should affect the various users of the railway. While we can also see that the Bill needs to impose some duty on the ORR to ensure that Crossrail gets built, this does not need to override all his other duties in the Railways Acts, as the Bill would require. Instead, the construction and operation of Crossrail can sit along the ORR's other duties so that Crossrail's priorities is determined by balancing all the interests together.

13909. And I think you wanted to say a little more about the prospective access option?

(Mr Steel) Yes. I think these concerns would largely be allayed by the implementation of the access option described in document H3, and the proposed application of the Network Code. However, the access option has yet to be signed and the application of the Network Code depends on the confirmation of Network Rail as the infrastructure manager for Crossrail. We support the statement of principles suggesting that Network Rail should be the infrastructure manager. We believe they are best placed to ensure that Crossrail is properly integrated into the national network, which it needs to be if it is to be constructed and operated successfully and with the minimum of disruption to the travelling public. However, only yesterday has Network Rail been confirmed as the potential infrastructure manager for the non tunnel sections of Crossrail, and the Government has reserved its position on the new build sections or the tunnel sections for the moment.

13910. That is the letter we were looking at a moment ago?

(Mr Steel) It is indeed. I think it is probably sensible just to point out that ATOC and One requested they should follow Network Rail but the Promoter refused, hence we are here rather ahead of perhaps where we would have chosen to be.

13911. You are referring to the programme and our appearance today, are you not?

(Mr Steel) I am indeed, yes. Meanwhile the powers in the Bill to which we objected and which in our view are rendered unnecessary by the access option remain intact. We should like amendment of these to be recommended by the Committee. H3 suggests that an access option could be submitted to the ORR in late summer/early autumn. In our view this gives time for this Committee, likely to still be sitting at that time, to consider the terms of an access option and whether the Bill powers are, in actual fact, needed. As the access option appears to give the Promoters sufficient certainty that Crossrail works will be built, our view is that you should recommend at this stage that relevant powers be withdrawn and the Promoter should move amendments in the House of Lords, or even at later stages in this House, if it is necessary to reinstate any provision, but our view is even at that stage the Promoter should be looking to craft an option acceptable to ORR by

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

agreement, not by subordinating all other rail interests to Crossrail. As an example of how this might work, I would just like to remind the Committee of the case of the Olympics where a large number of works need to be carried out that affect the railways into Liverpool Street. As you know, there is a very finite deadline. These works are being done in accordance with standard industry procedures and only a minor alteration to ORR's duties, section 17 of the London Olympic Games and Paralympic Games Act 2006.²⁷ This gives the ORR "the objective of facilitating the provision, management and control of facilities for transport in connection with the London Olympics." But this is only one of its objectives. It does not override the others in a way that the proposed duties to ensure the construction of Crossrail would do. In our view, the Olympic model is more appropriate because we know it works and it has been quite successful over the time since we have been working with them.

13912. In drawing attention to that example, Mr Steel, what you are essentially seeking to do is to demonstrate that there may be alternative legislative mechanisms short of the substantial detailed regime in the Bill that you are complaining about, is that right?

(Mr Steel) I am indeed, yes.

13913. Can we then look at the impacts during the construction period on franchise passenger operations?

(Mr Steel) While the timescale unfortunately of the Crossrail project means that Crossrail trains are unlikely to start running during the terms of the present franchises, the period of construction will affect existing franchised services. The sheer scale of the works proposed, particularly at Paddington, mean widespread disruption to passengers will be caused. Good progress has been made in discussions with Promoters in identifying and seeking to reduce disruption to passengers, but more does need to be done, particularly to protect essential journeys including journeys to work. Disruption on this scale inevitably means lost revenue and additional cost to train operators as well as criticism from passengers and consequent reputational risk. Our experience is that passengers are not bothered that it is Network Rail carrying out the works; they blame the train operating company. We are sure this will be the case in Crossrail works too. Compensation arrangements are now proposed to be put in place to cover this but we would like you to require that this be done. Further, in paper H2 the Promoter sets out their intention to apply the standard procedures for compensating train operators for any restrictions of use caused by the construction of Crossrail works. There is a reference to "a small number of instances where non standard arrangements will need to be developed". The paper says that "it is intended that this policy will apply should the proposed Access

Option for Crossrail services be agreed with Network Rail and . . . approved by ORR . . . or if the railway"—and I think "if" should be inserted here—"the railway powers in the Crossrail Bill are used instead". I have already expressed our view that the railway's powers are not needed but this paper gives the Department's clear intention that the standard compensation procedures should apply.

13914. I think, Mr Steel, there you are referring to H2, railway compensation—

13915. **Mr Elvin:** If it helps, I am instructed to offer an undertaking that the standard industrial compensation approach will be adopted with Crossrail. So there is no doubt about it. That was the intention of H2. I am happy to give an undertaking to that effect.

13916. **Mr Thompson:** Sir, I think that is helpful, and we may be able to say more after lunch about the significance of that, but possibly if we complete Mr Steel's evidence then we can look at that over lunch.

13917. **Chairman:** Do you wish to go on now?

13918. **Mr Thompson:** Well, sir, I think we can complete Mr Steel's intended evidence in about three or four minutes so it might be convenient to do that and then pause.

(Mr Steel) It will certainly enable us to discuss things!

13919. To a degree. You are the witness at present! Please proceed.

(Mr Steel) We are grateful for this policy statement and we think it should become a commitment, which I think it just has. We believe it will work because, after the Crossrail Bill was introduced, a new franchise agreement was signed with one of the franchises, which will be with Great Western, and I think I can forget the rest of that paragraph.

13920. But I think you wanted to say something about service patterns too.

(Mr Steel) Yes. Ultimately, service specification will be for the Government to determine, as they do now, but train operators have wide experience in this area and should be fully involved in planning services for their passengers. Our main concern here relates to the scope of growth of the Great Western main line and in particular whether running Crossrail services to Reading would be beneficial. We know you have heard a lot of argument about the suitability of Maidenhead as a terminus, and that strictly the extension of Crossrail to Reading is outside your remit because it is outside the scope of the Bill. We do not propose to go into great detail on this; however, we do have a couple of points to make and a request. While there is still scope for growth on the Great Western mainline through running longer trains, there is no capacity to expand the number of services run beyond the area served by Crossrail. This may constrain growth in the Thames Valley and

²⁷ Committee Ref: A158, London Olympic Games and Paralympic Games Act 2006, Section 17—Office of Rail Regulation, www.opsi.gov.uk (SCN-20060704-002).

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

the M4 corridor in the longer term, and I understand that you have heard evidence about the demands of those services last week. In ATOC's view the constraint could be reduced by extending some Crossrail trains to Reading, and possibly introducing a mix of limited stop and stopping Crossrail trains in the Thames Valley corridor, and removing the diesel shuttle service proposed between Slough and Reading. Although the Bill cannot require this to be done, it is important that this option is fully evaluated and that nothing should be done under this Bill to preclude future extension. We would therefore like you to request Promoter's assurance that a full evaluation of a future extension is carried out before Crossrail works commence and that the construction of Crossrail works will not prejudice a future extension to Reading. Ideally we would like to see from the Promoter a future timetable for this extension, but we recognise this is a debate for another day. With these changes and assurances, train operators would be able to support the Bill fully and we believe that Crossrail will bring great benefits to passengers and make a major contribution to meeting the economic needs of London and the south east.

13921. So, in conclusion?

(Mr Steel) In summary I would say that ATOC and One Railway support the Bill but there are still some real issues on regulation. What we want is to see commitments now to replace the railway provisions of the Bill, provide for Network Rail to operate in the normal way as an infrastructure manager, and I think I must thank you for the clear provision for franchised passenger operators to be compensated for their consequential losses.

13922. If that is the undertaking that we think we heard, yes. That, I think, completes your evidence-in-chief?

(Mr Steel) Yes, it does.

13923. **Chairman:** Mr Steel, thank you very much, but stay there because you have to be cross-examined yet and I think we may start that this afternoon at 2.30.

13924. **Mr Thompson:** Can I make one request? Would it be in order for us to speak to Mr Steel over lunch just to clarify the basis of the undertaking?

13925. **Mr Elvin:** I have no objection.

13926. **Chairman:** Yes.

After a short adjournment

13927. **Chairman:** Good afternoon. Mr Elvin, would you like to start?

13928. **Mr Elvin:** I said to Mr Thompson that I would give a clearer undertaking to the Committee about compensation provisions. Just to clarify matters on compensation, we undertake to apply the following principles on compensation, "The industry mechanisms will apply whether the access option or the Bill powers are used". Secondly, "Where an industry mechanism for compensation exists, it will be used" and thirdly, "Where an industry mechanism does not exist and one has to be drawn up, the principle of no net benefit and no net loss will be applied".²⁸ I understand that is satisfactory to the petitioner and in addition we will be amending H2 to make that clear. That was always intended, I am afraid it has not come out as clearly in the Bill as we had intended. I also have a couple of questions for the witness if that convenient. Mr Steel, ATOC has been a member of the timetable working group?

(Mr Steel) Yes, that is correct.

13929. I think you said that it and the stakeholder's forum have done good work. From your point of view, what are the benefits of that work?

(Mr Steel) I think we have got to the point which Robert said we had got to that you demonstrate on Great Western there are a couple of things and on the Great Eastern there is a real problem in terms of getting the proposed levels of services to mould together between Crossrail. That said, you are at a point in time always with the timetable and since the timetable committee last met for instance, we have changed from the depot from Romford to Old Oak Common which has got a really significant change and it demonstrates that even during the last year or year and a half we have had ministerial decisions on Felxstowe Harwich and Shellhaven which have altered the spectrum very considerably.

13930. The view that the Committee have expressed, and I imagine you would not take issue with it, is these are issues to be grappled with in any event, particularly on the Great Eastern side.

(Mr Steel) Yes, indeed.

13931. Crossrail may have some impact on them but nonetheless, a solution has to be found, whether Crossrail does come or does not come.

(Mr Steel) Certainly some solutions are being found in advance of Crossrail in terms of the Olympics, for instance.

13932. Indeed. If the Olympics are to succeed, if Shellhaven and Bathside Bay and any of the other corporate developments to come on stream, a solution will have to be found before Crossrail, will it not?

²⁸ Crossrail Ref: P108, Promoter's undertaking on Crossrail Information Paper H2: Railway Compensation (SCN-20060704-003).

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

(Mr Steel) Yes, indeed.

13933. Thank you. So far as the TfL position is concerned about the North London expansion of services, you suggested that might be done internally because TfL is a co-promoter of the Bill. Can I ask Mr Fry to put up exhibit B106, page 44 which is a position statement from TfL.²⁹ That sets out TfL's current aspirations, does it not?

(Mr Steel) That is how as I understand them, yes, it must do if it is in that document.

13934. It is proposed within the Cross London RUS soon to be published by Network Rail and we see that TfL recognises the importance of the routes to the freight community and expects to work closely with the freight businesses as the strategy evolves so it is clearly work in progress but again work in progress which stands independent of Crossrail.

(Mr Steel) Yes, indeed. Obviously the work stands independent but the freight trains from Felixstowe have to go from Great Eastern or across to the North London line and then to the West.

13935. Finally, I want to touch on the Bill powers issue. The concern that you raised, we know in any event, and the Committee have been told about the Olympic powers, under the Olympics Act, that is the London Olympics Act and Paralympics Games Act 2006, section 17 the office of the rail regulator is put under a statutory duty to include in the list of objectives that he must apply and be objective of facilitating the provision management and control of the Olympics. He has a duty to give effect to those requirements, does he not?

(Mr Steel) Yes, he must do.

13936. Whether you express it in that way or whether you express it as an overriding duty as we have done in clause 22 of the Crossrail Bill, it is much to the same effect, the ORR is given a statutory duty to give effect assuming the relevant objectives of the two statutes. It is page 13.

(Mr Steel) As long as the ORR is involved in the decision then that is the case.

13937. Thank you very much. Thank you, Sir.

13938. **Chairman:** Mr Thompson?

13939. **Mr Thompson:** I think I need not ask any questions, however, I do have a closing statement to make.

13940. **Chairman:** Please do that now.

13941. **Mr Thompson:** Can I begin by thanking Mr Elvin for the further undertaking in relation to compensation which we believe, as he indicated, does meet our concern. It will need to be reflected in the new H2 to replace the second version that appeared yesterday but we will work with the

promoters to achieve that and we believe that deals with the compensation issue so I am not going to say anything more about that. Mr Steel indicated to you, Sir, that ATOC and One's position is that the work in progress which you described is very promising but they do still have some real concerns and our purpose in appearing before you today is to draw attention to those concerns and they were four-fold. Firstly, concern to replace the railway provisions in the Bill now and not at a later stage. Secondly, to provide for Network Rail to operate in the normal way and that ties together with the first one. The third point was the compensation point which we believe has now been resolved and the fourth point was that a request that you encourage a full evaluation of the Reading extension. There are five questions which we would invite you to consider in dealing with ATOC and One's outstanding concerns and they are these. Firstly, are the franchised passenger operators liable to be harmed by the Bill? Secondly, do you the Committee need to be concerned about that? Thirdly, are the powers proposed in the Bill necessary? Fourthly, are the safeguards proposed by Crossrail adequate in relation to those powers? Finally, can this matter be left over, as has been suggested by the promoters, to the House of Lords? In relation to the first of those questions, are the franchise present operators liable to be harmed by the Bill? We believe that there is nothing between the parties because it is accepted that the construction and possibly in some cases the operation of Crossrail will have major impacts on existing train operators. Secondly, we think it is accepted that the Bill requires priority to be given to Crossrail notwithstanding adverse impacts on existing train operators. Thirdly, the application of that priority, without appropriate safeguards, and I will come to that, will necessarily have dire consequences on the existing train operators. We believe you can answer the question, are the franchise passenger operators liable to be harmed in that Bill? In the affirmative, yes, they are. Should you be concerned by that? We say you should and for three reasons essentially. The franchise passenger operators are legitimate interests. Sir, we would say just such interests that this special select committee procedure is designed to safeguard. Thirdly, we would invite you to consider that since the Petitioner's case is all about securing the continuing health of the public railways, there is a substantial public interest as well as the private interest in this of the railway operators. We believe this is an appropriate matter to be addressed now. I turn to my third question, are the powers proposed in the Bill necessary? You heard the Petitioner's position, they are concerned about the over-arching nature of the powers in the Bill which take Crossrail outside normal railway procedure. We say these are not necessary. We say that any need to prevent the petitioners from being able to exercise a veto and thereby frustrate the will of Parliament, and that is the case put by the promoters particularly in their H papers, is not an argument for having no safeguards at all or no adequate safeguards. Equally, any

²⁹ Crossrail Ref: P106, TfL North London Lines Position Statement (LINEWD-GEN13-044).

The Petitions of the Association of Train Operating Companies; London Eastern Railway Ltd (trading as One Railway), c2c Rail Ltd and Silverlink Train Services Ltd

underlying fear that requirements which the franchise passenger operators may wish to make under railway procedures, whether reasonable or not, may be too expensive for the Crossrail budget is likewise, not an argument for having no or no adequate safeguards. The essential difficulty, as we see it, is that the promoters have not yet produced sufficient detail and insofar as outline powers are sought, what essentially are, the reserved methods really do require appropriate definition. Mr Elvin did make the point in his opening of today's session that the petitioners should not be able to frustrate Crossrail once Crossrail has, and I think this is the way he put it, been through the parliamentary process and has full approval. The difficulty with this is that we do not have the full approval as yet and there are left over matters of essential detail. The checks and balances are to be left to a later date. That was my third point. Turning to my last two, are the safeguards proposed by Crossrail adequate? We think there are not. As the promoters concede, the powers proposed in the bill need either to be removed or at least be qualified depending on how access options discussions are progressed, they should not stay as they are ultimately. I think it is conceded that the promoter's position is an expression of intention. These are policy intentions. The Bill remains as a fallback. The information paper, on pages one to four in particular, do not say what will happen so far as the passenger franchise operators are concerned if the access option, which the promoters are trying to agree, is not agreed. Compensation has been covered now, we know, but we do not know what the procedures will be. Can this matter be left to the House of Lords? I do not think there is any question that we do appreciate the ongoing timetabling analysis has to continue for some considerable period of time but my client's position is that the safeguarding of the railway industry ought not to be left at the House of Lords stage and these are the reasons why. Firstly, it is not

unreasonable, we would ask you to conclude, for the petitioners to expect an answer to their concerns in the Commons or for the promoter to be required to bring forward sufficient detail now for the impacts on the petitioners to be clear. Secondly, given the general significance of the railway provision in the Bill you may well feel, irrespective of the weight which you give to these petitioners' concerns that it is only right and proper that the Commons should be able to take a view on these railway provisions. Thirdly, we would ask you to take into account that there is in fact no guarantee that if the matter is left over to the House of Lords the access option issues will be resolved before the Bill reaches the Committee stage at that House. It may be that is the intention, on the other hand, they may not be and nobody denies that it is a difficult process. If it so happens that no changes are made to the railway provisions in the Bill, for example, because an access option has not been agreed or agreed on time and the promoters decide that they must therefore keep the existing railway provisions in the Bill, then it is not at all clear to us that anything will come back on the subject for the Commons to consider. Finally, Sir, we have in mind as Mr Steel indicated that it is likely that this Bill will remain before this Committee for some months yet and will not reach the Lords until some time in 2007. There is therefore no immediate need to defer the issue to the Committee stage in the Lords and we would ask you to take into account these concerns and to see if you cannot conclude that the railway issues ought to be addressed at this stage and before the conclusion of your proceedings in any event. That is essentially is the case for ATOC and One's Railway.

The witness withdrew

13942. **Chairman:** Thank you very much, Mr Thompson. Thank you, Mr Steel. We will now move on to the next petitioners which is the London Transport Users Committee and Rail Passengers Council represented by Rufus Barnes.

The Petition of London Travelwatch and Passenger Focus.

Mr Rufus Barnes appeared on behalf of the Petitioner.

13943. **Chairman:** Mr Elvin, do you want to start?

13944. **Mr Elvin:** I have already opened on most of these points, the number of other members in relation to One's that you have already heard, in particular, they raise a question about why Crossrail is not proposed to go to T5, then there is a letter from Mr Ferguson from the Bill team department which is in P106 and it is exhibit pages 34 and 35 which explains what is proposed.³⁰ Effectively what is proposed is BAA is going to switch services currently going to T4 so some will go to T5 and T4 services from Crossrail are needed to supplement the

loss of services which will go to T5. The overall position, which you will see set out in the second and third paragraphs of this letter, "When terminal 5 opens, BAA plans to service with four Heathrow Express trains per hour. Terminal four would then be served by two Heathrow Connect trains per hour plus a tube train per hour subtle between terminal 4 and terminals 1 to 3. BAA is planning an Airtrack service of up to six trains per hour which would run from terminal 5 westwards via infrastructure to be built and would connect with the South West lines . . ." ". . . Crossrail has been planned on the basis of operating four trains per hour to Heathrow terminal 4 . . .". Those would subsume the Heathrow Connect service, will not effect the level of Heathrow Express service to terminal 5 nor is it the intention to effect the prospects for Airtrack and it

³⁰ Crossrail Ref: P106, Correspondence from Department for Transport to BAA plc, Crossrail—Terminal 5 at Heathrow, 28 June 2006 (LINEWD-GEN13-034).

The Petition of London Travelwatch and Passenger Focus

will improve access to terminal 4, not effect the level of service to terminal five or Airtrack and will lead to overall improvements in access. You will see that access option rights are being negotiated by the DfT with BAA for the four Crossrail trains per hour to terminal 4. Once that access option is agreed then as with the general principle I explained to the Committee earlier, it is intended that the Bill powers should be curtailed. I did mention earlier, and I intended to show the Committee earlier, that the letter which sets out the proposed curtailment of Bill powers, the following two pages, in fact, of P106. It is a letter of 29 June, pages 36 and 37 of the exhibits.³¹ This is a letter written by Mike Fuhr who is the director of major projects in the Department. There is a letter in almost identical language which I will have copied and provide the Committee from the Minister as well. This sets out the principle that I explained in the beginning which is the Bill powers are currently being sought to ensure that the project can be delivered but if the access options are arranged, then, of course, it will not be necessary to rely so heavily on Bill powers and there are a number of options that may then be followed. There are also issues raised by LT and PF with regard to Farrington and PRM proposing matters so far as the promoter is concerned, matters the Committee have already heard and I do not propose to deal with those any further but no doubt the petitioner will explain further what issues remain.

13945. **Mr Barns:** I propose to read out a statement which I think sets out all of our concerns and I will indeed in that statement address a number of the points that Mr Elvin has raised with you. My name is Rufus Barns. I am the Chief Executive of London Travelwatch which is the operating name adopted last October by the London Transport Users Committee and I have been appointed as Parliamentary agent in respect of this Bill by both London Travelwatch and Passenger Focus, the operating name adopted earlier this year by the rail passengers council. The petition was put together before both organisations had changed their names by which there are now generally known but I shall use the new names throughout this session. I am assuming the Committee has the correct version of our petition comprising 21 clauses. An earlier version comprising 20 clauses was erroneous and circulated by the House officials and that version left out our concerns relating to clause 23 of the Bill. I make no complaint about this error and in fact expressed admiration for the way that the officials dealt with the vast amount of paper work during the last few days that the petitions could be submitted. My concern is to ensure that everyone has the same version of our petition.

13946. **Chairman:** Thank you very much for saying that. We are very grateful for that statement.

13947. **Mr Barns:** Give praise where praise is due, Chairman. You will have seen the promoter's response document in respect of the points raised in our petition. That document has been considered by a working party, the London Travelwatch at which Passenger Focus was represented. As a result of that consideration I am able to inform the Committee that it has been decided not to pursue certain aspects of our petition. I shall address these aspects before turning to those issues about which we remain unhappy. We accept the promoter's response in respect of Clause six of our petition which in their response the promoter's clause called into relationships/schemes, Thameslink 2000. I think that dealt with the Farrington issue. We accept the promoter's response in respect of clauses seven and eight of our petition which in their response the promoters call "The level of Crossrail service to Heathrow". Subject to the access option arrangements being formally confirmed, we accept the promoter's response in respect of clauses 11 and 12 of our petition which in their response the promoters call "Priority to Crossrail on GWML". We accept the promoter's response in respect of clause 18 of our petition which deals with the interchange arrangements of people with impaired mobility at Whitechapel. So long as there is an adequately robust mechanism in place to ensure that all the planned enhancements to accessibility are delivered whether or not Crossrail is directly responsible for their delivery, we accept the promoter's response in respect of clause 19 of our petition which deals with accessibility to Crossrail stations for people with impaired mobility. Clause nine of our petition asks that a requirement be placed on the promoters of the Bill to make passive provision for a station to serve London City Airport. We have carefully considered the promoter's response and we are disappointed that no provision is planned for this important new line to serve the airport. We have noted that the promoters believe that the Docklands Light Railway provides an adequate link to the area but we feel that the DLR service is relatively slow and the only interface between Crossrail and DLR will be at Stratford which might not be perceived by passengers from West or Central London as the obvious route to the airport. We do not wish to continue to formally object in respect of this issue but we wish the above points to be formally recorded. Clause 10 of our petition asks that both London Travelwatch and Passenger Focus be specifically included in clause 23(4) of the Bill as organisations the secretary of state must consult before issuing a direction under clause 23(1) or clause 23(3) of the Bill.

13948. We reject the Promoter's response to our concerns and believe that, as statutory organisations representing the interests of rail users, we should have a statutory right to be consulted in line with the Government's declared intent that there should be greater transparency in decision-making processes. The Promoters have instanced the establishment of the Timetable Working Group as evidence that the Secretary of State's desire to consult widely.

³¹ Crossrail Ref: P106, Correspondence from Department for Transport to Office of Rail Regulation, Crossrail Bill—Railway Powers, 29 June 2006 (LINEWD-GEN13-036).

The Petition of London Travelwatch and Passenger Focus

However, when we sought membership of that group to represent the user interest, that request was turned down. It gives us no confidence that our views will be sought under the provisions of Clause 23 as currently worded. Therefore, we ask the Committee to insert a requirement to include our two organisations in Clause 23(4) as bodies that must be consulted prior to any direction being made under Clauses 23(1) or 23(3).

13949. Clauses 13 to 16 of our Petition deal with Clause 36 of the Bill which gives the Secretary of State powers to authorise undefined consequential closures necessary either to enable Crossrail to be built or to be operated. We are somewhat amazed by the Promoter's response to our Petition, which suggests that application of the closure provisions of the Railways Act 2005 should not be applied to this railway because, by so doing, it could undermine the wishes of Parliament in respect of the Crossrail proposals. However, by not defining the extent to which this Clause might be used, the Promoters are preventing Parliament from considering the impact that any such closure might have on existing passengers, exactly the reason over the years that Parliament has chosen to put in place procedures for dealing with closure proposals. The Promoters have said that the Clause they proposed mirrors the clause in respect of closures used in the Channel Tunnel Rail Link CTRL Act, and they have refuted our suggestion that the parallel is unreasonable. They point to the impact of CTRL on the domestic railway at Ashford as justifying their stance. We reject that comparison. The interface between Crossrail and the busy commuter railways to the east and west of central London is enormous and the removal of any link, however short, could have a serious impact on commuting opportunities. We repeat our view that the Committee should, at the very least, require the Promoters of this Bill to specify the maximum extent to which this Clause might be used and, on the basis of that information, consider the impact of such closures on the users of the railways affected. That is my statement, Chairman.

13950. **Chairman:** Thank you very much, Mr Barns. Mr Elvin?

13951. **Mr Elvin:** Sir, I do not think I need to call any specific evidence on the points since there are very few remaining, it is clear, and even on the question of City Airport the point is merely raised to put down a marker rather than to pursue an objection, as Mr Barns made clear.

13952. Can I respond briefly on the remaining points. We think the correct balance with statutory consultees is already set by the Bill. There will be a duty in any event when the access option is negotiated. Network Rail and the ORR will, of course, be looking—because of the various duties that there are to balance the interests set out in section 4 of the Railways Act—at both passenger and freight issues when balancing the requirements of the access option. The needs of the passengers are already protected, we would say, through the independent regulation of the ORR.

13953. In terms of the closure provision, the point is a simple one. First, this is a specific scheme which has been taken through Parliament as a whole project. Parliament has looked at the scheme and approved it in principle and the details are being examined by your Committee, Chairman. This is not a case where it is appropriate that such a massive, multi-billion pound investment, which has been approved by Parliament, should be allowed to be subject to the administrative procedures for closure which are generally applied to other railways. Of course, that does not stop Parliament changing the legislation in due course if there were a different set of circumstances, but it seems a reasonable provision to keep them in the Bill given the massive investment in the scheme and the detailed scrutiny which these proposals are receiving from Parliament. Those are all the points I wish to make in relation to this Petition.

13954. **Mr Barns:** Chairman, may I make just one more point?

13955. **Chairman:** This is your closing statement?

13956. **Mr Barns:** It is indeed my closing statement. The point I wish to respond to Mr Elvin on is that my statement to you this afternoon was not saying that we were bound to be pressing for the administrative closures procedures in the Railways Act 2005. We were saying to you that you, as a committee, should be aware of the extent to which the powers sought in this Bill might be used so that you, as a committee, can consider the impact on other rail users. We might well accept the point that Mr Elvin has made about the potential impact of applying the administrative powers in the 2005 Railways Act, but we think that if you are looking at issues overall, you should be looking at, yes, what Crossrail will deliver but also what might be lost as a result of these powers.

13957. **Chairman:** Thank you very much. That concludes that Petition. We will now move on to the next Petition which is The South East England Regional Assembly and it is represented by Martin Tugwell.

The Petition of The South East England Regional Assembly.

Mr Martin Tugwell appeared as Agent.

13958. **Chairman:** Mr Elvin?

13959. **Mr Elvin:** As far as we are aware, the concerns of the South East England Regional Assembly involve concerns over safeguarding Heathrow for Airtrack and issues on capacity which we have already addressed this morning and rail regulation. Sir, as I have already made clear both in the last Petition and this morning, so far as Airtrack and Heathrow are concerned—it is in the letter I showed the Committee—Crossrail will not prevent BAA's plans if they do materialise for Airtrack from being brought to fruition because the proposal is that BAA will deal with the connections to T5 and then onwards for Airtrack as necessary and Crossrail will not impair those plans if they arise.

13960. So far as capacity is concerned, I have dealt with that and called a witness.

13961. So far as rail regulation is concerned, as we have already indicated, powers exist in the Bill which may be modified depending on the terms of the access option.

13962. So far as the powers to change access contracts are concerned, the only reasons the powers are in the Bill is to make sure the will of Parliament does prevail in due course if an access option were not to be forthcoming. We have already made it clear we do not expect that to be the position, but, of course, we have got to safeguard the position should it happen. I have shown you the letter from the Department and I will circulate the ministerial version of that letter when I have got it.

13963. **Chairman:** Mr Tugwell?

13964. **Mr Tugwell:** Chairman, thank you very much. My name is Martin Tugwell. I am employed by the South East England Regional Assembly as their Planning Implementation Director and an employee of the Regional Assembly, which is the statutory regional planning body for the south-east England region. The Regional Assembly comprises 174 local authority representatives plus a further 37 representatives from stakeholder organisations across the region. It covers areas to the west, south and east of London and, therefore, does indeed cover the extremities of the Crossrail proposal.

13965. The decision to Petition against the Bill was not taken lightly. The Regional Assembly has on record stating it publicly supports the concept of Crossrail. It has said on numerous occasions and, indeed, has set within its draft of the South-East Plan, the regional spatial strategy for south-east England. It has identified Crossrail as being a key piece of infrastructure, recognising the inter-relationship that takes place between the region that we cover and London in terms of movement and activity.

13966. However, there are concerns which have been set out in the Petition that I would like to address. Mr Elvin has made reference to the first of which I wish to refer which is the concern that, under the powers in the Bill, the Promoter would have the ability to override or have access to rights to the Terminal 5 station which would prejudice the ability to run the Airtrack service. I acknowledge and accept the points that Mr Elvin has made and acknowledge the letter has been sent by the Department to BAA in that respect. On the provision that those issues are addressed adequately in accordance with the criteria set out within the letter, then that would appear to address the concerns set out within our Petition.

13967. The issue I wanted to turn and address more substantially was that of capacity on the Great Western Main Line. This is a capacity issue which is of substantial significance for the Regional Assembly as the statutory regional planning body for the South East. We provide the spatial planning framework within which local development frameworks are prepared and within which local transport plan frameworks are also prepared. Throughout the process of preparing the South-East Plan, it is clear the transport system within the western corridor, the Blackwater Valley, a part of our region, is under immense pressure, a pressure that was identified and reinforced in government-backed studies, such as the Thames Valley Multi-Modal Study, which is also clear from the work undertaken as part of the South-East Plan that the growth in passengers and patronage of rail services within the Thames Valley has increased and continues to increase, a point that reflected great concern when the Department for Transport published its forecast underpinning the Great Western franchise, while there is an acknowledgement the Department's forecast was fundamentally flawed and substantially underestimated the growth in passenger traffic on that particular corridor.

13968. The importance of transport and, in particular, the rail corridor in that part of the region is of vital importance to us. It is important to the UK national economy. As a region, the south-east of England contributes the largest net contribution to the UK exchequer, larger in net terms than London, and a significant proportion of that wealth is generated by economic activity within the western corridor and Blackwater Valley area. Therefore, it is important that rail services are maintained and have the capacity to increase.

13969. Therefore, it has been frustrating throughout this process that in terms of understanding the implications of the Crossrail proposals on rail services in this part of the region it has been very difficult to understand, if not impossible to understand, the practical implications of the proposals set out within the access options on train

 The Petition of the South East England Regional Assembly

services within the western corridor and Blackwater Valley. It is particularly unclear to us what the implications are for the connections between Maidenhead and Reading. It is a matter of public record the Regional Assembly has clearly stated on a number of occasions that it believes the termination point of Crossrail should be Reading in the west and Ebbsfleet in the east. Therefore, we see the relationship between Reading and London and Reading and intermediate stations too as being very important. We acknowledge that there has been considerable work undertaken as part of the access options and also we acknowledge there has been work underway as part of the Timetable Working Group. However, it is disappointing that none of that work has been shared, considered or discussed with the strategy regional planning body. At a time when government policy is about integrating land use and transport planning policy, this does seem to be an example of where the planning on the Crossrail proposals has been done in isolation of the spatial planning strategy.

13970. There is one further aspect of the access option paper that gives us particular cause for concern. There is a proposal within the access options paper that makes allowance for potentially the devolution of access rights from the Secretary of State to TfL if that is so deemed appropriate at that point in time. The Department for Transport has recently consulted on proposals to give extended powers to the Mayor of London in respect of specifying London rail services. This only went as far as Slough and only related in respect of services between Paddington and Slough. Were the proposals a part of the access positions option to be transferred to Transport for London, as the access option paper will allow, then this would amount to an extension of the Mayor's powers far beyond that which was consulted on by the Department for Transport and we could give a serious cause of concern in terms of the democratic deficit and accountability for determining capacity on the Great Western Main Line. It is in that context that in respect of the response from the Promoter we remain deeply concerned that the provisions in the Bill in respect to capacity on the Great Western Main Line are not appropriate and we continue to maintain our concern, our objection, to those powers although we do acknowledge that there may be opportunity, subject to consultation on the access options, for those objections to be removed in due course. Thank you very much.

13971. **Chairman:** Mr Elvin?

13972. **Mr Elvin:** Sir, I cannot resist this. This is just dealing with Mr Tugwell's complaint about lack of integrated thinking. Can I show the objection to the South East Plan we had to lodge two weeks ago. You will see Cross-London Rail Link opposes the omission of Crossrail from the implementation plan. SERA has not fully taken on board Crossrail in its

strategic planning.³² Clearly, SERA, as the regional planning authority, produces a regional spatial strategy and might have been expected to do its homework a little better than this. However, there it is. We are making representations and we are engaged clearly in dialogue in terms of the formulation of the South East Plan and that will continue. Clearly, as the regional planning authority, it will have some role to play. Of course, the Committee will understand in terms of questions of investment in the route extensions to Reading and Ebbsfleet, first you have already heard the specific cases for those matters and, secondly, of course, there are other considerations rather than simply pure planning ones that go into those considerations, not the least whether there is a transport case to be made for extending to Reading, given the fast services that already exist from Reading to Paddington. Secondly, you already know the difficulties with Ebbsfleet, the additional cost and the fact that it remains a prime candidate in the future for an extension in contradistinction, perhaps, to Reading.

13973. The question of the Great Western and capacity. This was a matter, of course, that was raised straightaway by Mrs James this morning with my witness and, of course, the answer to this point is that there is no restraint on the capacity of Great Western, as was explained by Mr Watson this morning, and I will make three points.

13974. First, Crossrail uses the relief line not the main line. Secondly, additional capacity will be created by freeing up platforms at Paddington for the Great Western. Thirdly, there are existing constraints on the Great Western capacity which have nothing to do with Crossrail but have got to do with problems at Reading which need to be resolved regardless and outside of the considerations of this Committee and the Crossrail Bill. Our position on the Great Western is we do not adversely affect it. We do provide some benefits, but the main problem with the Great Western Line lies with Reading rather in terms of anything that Crossrail will do. Thank you very much.

13975. **Chairman:** Mr Tugwell, do you want to sum up?

13976. **Mr Tugwell:** I am grateful to Mr Elvin to point out, as we have said publicly in the implementation plan, especially the South East Plan, that is work in progress. I am also grateful to remind me that, as the Head of Regional Transport Planning, I am well aware of the content of the regional transport strategy, which we took through public examination three years ago. I remind the Committee that is a statutory document, it is part of RPG9. Therefore, the importance of Crossrail is very clearly within the statutory planning framework already established. It will be reflected in

³² Crossrail Ref: P108, Crossrail Response to the South-East Plan, Section C (SCN-20060704-003).

The Petition of the South East England Regional Assembly

the revised and refined version of the implementation plan which is going to be submitted for examination in public.

13977. I would also like to re-emphasise the point I made in my opening statement. We have heard throughout this process assertions from Crossrail that there will not be an adverse effect on capacity, there will not be an adverse effect on services. I have to say, and repeat again on behalf of the Assembly, our great disappointment and concern that there has not been a dialogue with the statutory regional planning body and we have not been made aware of what the implications are of the proposed timetable. I understand from your evidence this morning it was made clear this is only an indicative timetable, so in terms of understanding the implications of what this important part of the transport system for the western corridor/Blackwater Valley will be, it is very difficult, as a public body, the public duly appointed

statutory regional planning body, to understand the implications and be able to form a view as to whether or not the assertions made by Crossrail are valid or not.

13978. I also would like to reinforce the point I made in the opening statement about this concern we have got that if the provisions under the access option are allowed to stand whereby the access rights are transferable from the Mayor to TfL, that would be an extension beyond the remit of the sub-committee doing the consultation with the Department for Transport on the Mayor's powers, that will be unacceptable to the Regional Assembly as the statutory regional planning body.

13979. **Chairman:** Thank you. That concludes that Petition. We now move on to our final Petition today and it is that of the South West Regional Assembly and the representative, I understand, is Mr Irwin.

The Petition of The South West Regional Assembly.

Mr Christopher Irwin appeared as Agent.

13980. **Mr Taylor:** Sir, I should be addressing the Petition of the South West Regional Assembly. Unsurprisingly, the Assembly addresses points that we have already heard about today, in particular concerns relating to the potential effect of Crossrail on services to the west and to south Wales. I have to say I have particular interest in that matter having been educated in Cardiff myself and a grandfather from Llanelli, so I have been following that particular issue very closely indeed. I think you have already got a full picture of what the Promoter's case is so I will hand over.

13981. **Mr Irwin:** My name is Christopher Irwin. I am the Agent for the South West Regional Assembly of whose Executive Committee I am a member. The decision to petition against the provisions of the Bill is the decision of the full Assembly. The decision was unanimous, although I should emphasise the underlying principle of the Bill was welcomed. The Assembly is determined to ensure the project is developed in a way that does not threaten the long-term interests of the South West, that sustains its growing contribution to the national economy. If you have already got a text, Chairman, would you mind if I extemporised as we go through it rather than wade through?

13982. **Chairman:** I do not mind at all, but I would like to list the document as A160.

13983. **Mr Irwin:** If I extemporise slightly. I thought we might be very pressed for time, but you might get the football this evening despite this. I really want to make the point that this was an all-party decision. The Assembly is an interesting body which engages actively all the parties and engages the key stakeholders in the region, the trade unions, business community the voluntary sector, education, health,

environmentalists and so on, and when this came up, it was dealt with with a degree of regret but a degree of real concern. The concern was really heightened by the unwillingness by the Department to tolerate the idea of undertaking a wider economic impact assessment of the wider effects of the Crossrail project on not just the south-west region but, in our case, the south-west region. A rejection that seemed rather terse and ill-thought through was from Mr Paul Lancaster who, as you know, is the Railway and Crossrail Bill Interface Manager in the Department, where he said in the relevant part and it is in today's package—forgive me if I read it as it was written—I think you will take from it the actual meaning of what he was trying to get across. Mr Lancaster said: "It would overlap confusingly with the assessments required by, to be undertaken by standing orders of the House of Commons. Moreover, there is no tangible evidence of impacts on which to base any study." I think he was trying to say that to do another impact assessment even if it looked at the wider benefits would cause confusion. He was not quite saying that in the text, but that is what I think the intention of the text was. He went on to say there is no tangible evidence of any impacts of any impacts.

13984. Chairman, I want to run through, if I may, some of the key tangibilities which I think may amplify points made by colleagues, in particular Martin Tugwell, a little earlier.

13985. The south-west region has been going through this great exercise of developing a 20-year regional spatial strategy with associated regional transport strategy, and a ten-year regional economic strategy, and those fortuitously have all come

The Petition of The South West Regional Assembly

together at the beginning of this year; and the regional spatial strategy is now with Government and we are about to go into the EIP process.

13986. The strategies have all very carefully been based on strong evidence. We have gone out of our way to build up a strong evidence base. We have used authoritative parties to advise us on what we should be assuming in terms of our key assumptions.

13987. One of the key bits of work was done was by Cambridge Econometrics, work that was done with the support of the Treasury who, I understand, were party to the figures, looking at what the regional economic growth prospects might be reasonably over the next 20 years; and they came up, as they always would do, with a spread somewhere between 2.4 per cent per annum growth and 3.2 per cent per annum growth in gross value-added over that 20-year period with an assumption of an out-turn towards the higher end of that scale. In those terms that may not appear staggering; but, when you think of it over a 20-year period and the compound figure, one is talking about almost a doubling in the gross value-added of the south west region over that period. That is a lot; it is going to generate a lot of employment; it is going to support a large amount of new population; and it can only be sustained (and everyone would say this, would they not) if there is infrastructure there to sustain it.

13988. In work we have done in the region in preparing for these studies we have gone out of our way to do public opinion surveys, for example, in which the inadequacy of our transport network has turned out to be the prime concern of people living in the South West—amazingly perhaps ahead of crime, ahead of health, ahead of housing and ahead of education issues. The inadequacy of the transport network in the South West is thought to be very great by people living in the South West. It is not just the ordinary citizens who feel that, it is also the business community.

13989. In preparing the Regional Economic Strategy, the Regional Development Agency commissioned DTZ Pinda, who are an established, respected consultancy, to inform the Regional Economic Strategy as to what those things that might lead to greater activity were, and inter-regional connectivity, the links between centres, between the South West, the West Midlands, South Wales and particularly London and the South East, was pulled out as a priority for businesses in the principal growth sectors. People identified key growth sectors like aerospace, maritime engineering and so on. In those sectors, when we surveyed them, the lack of inter-regional connectivity was seen as a great big problem.

13990. We did further work with Halcrow to try and get quantitative understanding of the economic value of the Great Western Main Line, to try and put numbers on what that was worth to help us in our argument with central government. Reliability again

was identified as the top priority, particularly for businesses. 40% of the businesses we consulted warned that the state of the railway network in the South West and its link to London constrained growth. I will come back to the state of that network in a moment.

13991. Finally—another piece of work which is probably more headline, in my personal view, than in absolute substance—the University of the West of England and the University of Bath did research which showed that for every 100 minutes of additional travelling time from London there was a 6 per cent fall in productivity. Connectivity is absolutely vital, not just to this area of growth but to actually deliver that growth, to making sure we can do our own bit for the national economy.

13992. The Cambridge Econometrics work suggested the GVA would increase by something like 75–90 per cent over the next 20 years. I compare that with the data used by the Timetable Working Group which did not take this 90 per cent figure that Cambridge Econometrics came up with, but took a figure of 18% increase in passenger numbers of that time. Immediately you see disparities and wonder where that came from. If I understood Mr Watson correctly this morning that figure of 18 per cent growth was somewhere out of the Department saying, “You’ve got to assume you’re running extra trains in the South West”. Here we have a situation, mammoth increase for gross value-added; minimal increase in anticipated passenger numbers, despite the fact the population and the business community are all expecting transport to play a critical part. This is why it is really important.

13993. If you take the Cambridge Econometric stuff and if you look at it against what one knows to be Department of Transport traditional workings, look at the Transport White Paper 2000; there is a very interesting technical section at the back which explains the basis of economic assumptions. It shows that every 1 per cent in GDP brings a 2.2 per cent increase in non-commuting rail demand. Apply that to our GVA figure from Cambridge Econometrics and Treasury, apply that to the 90 per cent figure and compare it to this 18 per cent figure on which the Timetable Working Group has done its work and you will find the Department has advised the Timetable Working Group to make an assumption that is one-tenth of that which Cambridge Econometrics and others are suggesting.

13994. What I am really trying to get across, Chairman, is that there is an extraordinary gulf between the assumptions used for the Timetable Working Group and what more objective accounts would seem to use for economic planning that will affect not just the Department but all departments of government and people living in the region. I think that is a really fundamental point. Robust assumptions seem to be lacking in that case.

 The Petition of The South West Regional Assembly

13995. In case one does not believe all these academics doing airy-fair things, it seems to me the next thing you do is say, “What happens in reality? What do commercial operators, who have to put their money on the line, say?” One of the fascinating things about the recently awarded Greater Western franchise, a franchise awarded by the Department, is the business case was based on the assumption of annual growth in revenue of eight to 9 per cent. Not 18 per cent over 20 years, but 8 to 9 per cent a year—half coming from improved yield management (that is increased fares to you and me) and the other half coming from passenger growth. Here we have Greater Western saying, “We think we’ll hit that 18 per cent figure in five years, not 20 years”. The importance of this is that it reinforces the problem we have with congestion on the Greater Western Main Line. Anyone who travels it, as I do regularly, will now have what the effects of that congestion are. It is, as you know, the least reliable main line in the country; almost one in four of trains arrive 10 or more minutes late at its destination. That is a major problem.

13996. Network Rail acknowledges that the route is operating at capacity in peaks, and almost at capacity at other times; and we look and see what the remedies have been. Great Western FirstGroup has recently invested with Network Rail in three things: the first thing it has done is announced it is putting money into the improvement of line speeds on the so-called relief lines, the slow lines that Crossrail are actually using which run between Reading and London—that Crossrail would use to put on services between Maidenhead and London. Investment is going in there to try and improve the reliability and capacity of the slow lines, for now.

13997. The second thing it has done is to introduce last month on 12 July a new fare structure, deliberately designed to try to spread the peak load. It is now very much cheaper to travel than it was on a single fare out of peak, and very much more expensive to travel in the peak than it was. Leg two has been to try and use fares to do things.

13998. Leg three is First Great Western have now have now let a contract to reconfigure their high speed trains. The train is the backbone of the fleet on the Great Western main line. In order to ensure greater reliability, firstly, to ensure the trains can run slightly faster than they do at the moment and, secondly, to make sure they do not lose out on the number of passengers, they are reducing the number of passenger carriages on those trains from eight to seven, and then reconfiguring the seating in them airline-style to get more people in. Shorter trains means more likely to arrive on time, they say, because those are lighter trains, but more people in them by redoing the seating. These are the sorts of things, if I have read my Timetable Working Group report carefully, that are being anticipated not for now, as Great Western is doing, but for ten, 15 or 20 years’ time to accommodate this lunatic low assumption about low levels of growth—the 18%

growth thing I mentioned. Another big assumption, seriously flawed, seriously worrying; and with just this little area one says, “What else lies behind this?”

13999. Let me give you another example. Last week I was sent a brochure by a company called Angel Trains. Angel Trains are busy trying to re-lease the Class 180 trains mentioned in the Timetable Working Group’s report as one of the trains not only that they hope to double the number of coaches available to passengers on, but also see as the backbone of their timetable planning for the start of Crossrail services. The truth is Great Western has announced its plans to let those trains go back to the leasing companies this December. There is a desperate attempt at the moment by the leasing companies to get someone else to take them on. Here we have the timetable plan in the Timetable Working Group based on the use of train sets that are not going to be there in 10 years’ time. Then you say, “Well, what about the good old high speed trains? They have been around for a long time, surely they’ll go on?” If you think forward to 2016 these train sets by then will be 40 years’ old. I thought to myself, “You’re planning a timetable like that. How does that look historically?” If you take the Access Option Agreement that Agreement talks about ossifying the present pattern of train services for 30 years from the start of Crossrail’s operation of services in 2016 or whenever, whichever is later. It is talking about access option which guarantees the base December 2004 timetable right through to something like 2046/2050. Think back 50 years, think back 40 years because high speed trains are 40 years’ old in 10 years’ time—I think I am right in saying (because I am that sort of age) the Evening Star was about the last steam locomotive to be turned out of Swindon Works. It is like basing a timetable for now on the technology of the 1960s. You cannot plan Crossrail on that basis.

14000. The remedies suggested in the Timetable Working Group are, first of all, accept 18 per cent and forget about the 100 per cent GDA; secondly, why do we not our up prices and cause people to stand—what I call a “Dick Turpin strategy”; a sort of stand and deliver—travel on the trains if you want to. The other facet of that is the deep freeze strategy. If you cannot force people off the trains by making them stand and pay even more money, the other thing you do is freeze the timetable on the pattern conceived in December 2004.

14001. I do not think any of that contributes to realising the goal set us by Government to achieve greater growth, greater performance, greater benefit for people living in the South West and the South West contribution to the economy as a whole, let alone the West Midlands, let alone South Wales, let alone those other parts served by the services that run to the South West.

14002. I mentioned just now the problems of performance on the Great Western main line—in fact it is the worst performing main line in the

 The Petition of The South West Regional Assembly

country. I did not mention but I will mention it now because sometimes the Department forgets its own PSA targets—I mention the Department of Transport’s number one PSA target, objective one I think they call it, which is about procuring an improvement in railway reliability which you actually quantify and show. That is clearly now going to be achieved. All this is against the background of the Timetable Working Group on the basis of these really rather dubious assumptions, then assuming that you shoehorn in the 25% growth in the number of trains running on these lines. That might be fine, as Mr Elvin says, if you have got a Reading Station problem solved by other people; if you have got the Paddington throat sorted out because the suburban trains are not going into there; and whatever Mr Elvin’s third reason was. I think the truth is that one has to look and see what the impact of this is when things do not go right.

14003. In the paper I have given you I have included some data which is really inspired by listening to Mrs Theresa May last week talking about the problems of her own constituents. I went to the operator and said, “Please can you let me have data for the last year on significant delays on the route”. On the chart you will see data for significant delays which took place on the route in the last 12 months. All these are actually taken from the Theresa May area, as it were. On the righthand column you have got the number of minutes lost.³³ These were minutes lost by the train. To work out the number of passenger minutes lost you have to do a bit of multiplication. You have to multiply it by 300 or 400 because those trains typically would have 300 or 400 people on them. You come out looking at something like 100,000 hours of “angry delay”, as I describe it. That is a line which is over-burdened at the moment; and that is what happens when you have to reduce the tracks from four to two because something goes wrong on one.

14004. This is a situation anticipated in the Access Option paper because that assumes that when things go wrong Crossrail takes priority over the remaining two lines. This is what happens at the moment with something like 65% of the number of trains; add on the Crossrail trains and you have not got the luxury of saying, “Oh we’ll cancel that”, because the Access Option gives Crossrail priority over the other ones; add those on and you are well and truly stuffed if you are trying to run a long-distance service that serves the South West, South Wales and the West Midlands.

14005. Chairman, I have been going on for rather a long time and I apologise for that. Can I just summarise by making a broader and perhaps slightly less technical group of points.

14006. My third theme really is about the case, in terms of public governance, for thinking seriously about providing a wider economic impact

statement. It seems to me there is a body of evidence to suggest (and I am not a lawyer and therefore I am going to avoid trying to play barrack room lawyer) that it is proper practice to carry out impact assessments and wider economic impact assessments, particularly when with places like Cornwall, probably one of England’s poorest areas as a county, a regeneration area with Objective One status, it is almost certainly a requirement in any other circumstances to carry out an economic impact assessment.

14007. In these instances we are being advised by Mr Lancaster it would be confusing; it would be outside the orders of the Standing Orders of the House of Commons and so on; yet we have real issues here that go back to the heart of the prosperity of an important part of the English regions.

14008. Chairman, I would be very reluctant to leave you with the impression that others would regard it as other than a missed duty to require the Promoters to go away and look at the wider economic impact of what they are proposing, even if they come back at the end and say, “We’ve looked and there’s nothing there”.

14009. Chairman, I humbly urge you that the Bill should not be allowed to pass into law without that proviso.

Mr Taylor: Chairman, I am not going to call any evidence; I will just make my closing. I have three points, firstly, dealing with services to the West and capacity on the Great Western mainline.

14010. You have already heard that growth in passenger traffic in the future is constrained before the services even get to the part of the Great Western line that Crossrail operates over. In particular, it is constrained by platform capacity at Reading. The implications of that need to be borne in mind by the Committee when considering whether or not Crossrail is going to have any particular effect on the capacity of passenger services from the West.

14011. The second aspect is, of course, that the fast services from the West use the main line, whereas Crossrail will be using the relief lines. With the greatest respect to the Regional Assembly, they completely failed to explain why it is that Crossrail will constrain services from the West, given the constraints identified at Reading, and given the fact that those services from the West, the fast services, use the main lines and Crossrail will be using a different set of lines, namely the relief lines.

14012. In fact, as we have heard, there is an additional constraint in relation to services from the West existing at the moment, and that is platform capacity at Paddington. What Crossrail will do is remove or certainly alleviate that constraint, because it places the existing local train services into tunnel under Paddington and thereby frees-up platform capacity at Paddington itself.

³³ Committee Ref: A160, Table of Passenger Minutes Lost (SCN-20060704-004).

The Petition of The South West Regional Assembly

14013. The reality is that Crossrail will not have any material adverse effect on passenger services from the West, because they are already constrained by Reading and because the trains run on different lines; and in fact it will remove one of the constraints that would otherwise curtail growth of passenger services from the West, namely, platform capacity at Paddington. The reality is that Crossrail is a good thing for the people who live in the West of England and in South Wales.

14014. The second matter relates to the question of the impact assessment that Mr Irwin just raised. If it is right, and in my submission it is, that Crossrail has no impact upon services from the West on passengers, it will not have a differential economic impact in the regions to the West and in South Wales.

14015. The obligations to carry out assessments under European law are to identify the likely significant effects of a project; and it is planned that, on the evidence that has been presented to the Committee already today, there will be no significant effect economically upon the West and South Wales because the services will not be affected, so there is little point in carrying out that assessment.

14016. The third point, and this in my submission is a very important point, Mr Irwin described the access option that is proposed for Crossrail as ossifying the timetable for the next 30 years. That carries with it, certainly in my submission, a clear understanding on the part of the Regional Assembly that the Access Option that is being proposed for Crossrail will somehow define and restrict the timetable for all services on the Great Western main line for the next 30 years. That is a fundamental misunderstanding of what the Access Option proposed. The Access Option relates on to Crossrail services. If I can bring up information paper H3, page 3, paragraph 5.1 under the heading of “What the Access Option does not cover”, the information paper explains that the access option will not and cannot include the allocation of capacity rights to non-Crossrail services.³⁴ All such allocation is the subject to new industry processes which will need to include consultation with CLRL as a proxy for the CTOC, that is the Crossrail train operating company. What that is explaining is that the normal timetabling process and the allocation of capacity for non-Crossrail services will continue in the future. The timetable will not be frozen in December 2004 for 30 years, because the Access Option does not allocate capacity rights to non-Crossrail services. So it may be—I put it no higher than that—that the Regional Assembly’s real reason for being here is based upon a fundamental misconception of what is being proposed in the Crossrail project and in the Access Option.

³⁴ Crossrail Information Paper H3—Crossrail Access Option, “What the Access Option does not cover”, billdocuments.crossrail.co.uk (LINEWD-IPH3-003)

14017. Lastly, just to deal with one small point relating to the performance degradation, points were raised about that. In my submission that is addressed by the point that Crossrail uses the relief lines whereas the fast services use the main lines. However, in addition, in terms of the regulation of trains during two-track operation, that will be regulated as it is now in accordance with the rules of the route by Network Rail. So Crossrail makes no difference in that regard. Thank you very much.

14018. **Chairman:** Mr Irwin, do you want to sum-up?

14019. **Mr Irwin:** Thank you very much. A fundamental misconception on the part of the Regional Assembly? I suspect that what I have just had mirrored to me is the concern the Regional Assembly has that there is a fundamental misconception on the part of the Crossrail’s planners. I probably was not clear enough in what I said. Let me just try and repeat, very briefly, the three points I was trying to make. Growth is important to the South West. That growth depends on connectivity with London and the South East. Business says the importance of the rail network is vital to delivering that growth. Because the line is at the moment operating at capacity, at times of unplanned disruption—and I thought when I asked for the chart to go up of the disruption in the Twyford/Maidenhead area I was making the point that those are examples of unplanned disruption—the four lines come down to two. There are unplanned disruptions that happen when only two lines are available. If you look at paragraph 12.10 of the Access Option Paper you will see that, at that time, Crossrail trains would have priority over other trains on that route.

14020. I care about this because I care about the South West and also because I use that route most days of the week and I know what happens when things go wrong. I have sat for three hours somewhere between London and Reading waiting for trains to go through. That, I think, is the misconception that the Crossrail team have not addressed but, with respect, sir, they ought to address. While I understand the points about Reading and Paddington throat, and indeed I understand the debate about extending Crossrail to Reading—which I can see has virtues in it—unless those things are seen as a whole and unless the impact of what is planned is seen as a whole, not just in the boundary of the Crossrail territory but in the wider area involved, bad planning will be done.

14021. Sir, I look to you, as a Committee, and we humbly ask you, to take that on and ensure that good planning is put into place, even with the very minimum intervention of an impact assessment on the wider economic impacts of this development on the South West and, in particular, the economic regeneration area of Cornwall.

The Petition of The South West Regional Assembly

14022. **Chairman:** Thank you very much. Can I just say in closing, before Mr Taylor bounces back on his feet, it is always pleasing to hear that people are still pursuing work from Cambridge in this context and the modelling is Treasury modelling and has been so for many, many years. It is a pity that many of those who study it at Cambridge and then come into the Treasury do not keep it up.

14023. **Mr Taylor:** Sir, just one small point and it is in relation to the priority given to Crossrail trains during the two-track operation. I have been instructed that the only reason that priority is to be

given is to enable trains to come out of the tunnel. So that, in other words, where there is a problem that affects the main line so that they can only operate on two tracks, obviously it would be very difficult for those who would be stuck in the tunnel through the central section to be left there for significant periods of time. So the priority that is given is to enable the tunnels to be cleared so that trains are not stuck in that position. That is why that power is there.

14024. **Chairman:** Thank you very much indeed. That concludes today's Petitions. The Committee will next sit tomorrow morning at 10 am.

Wednesday 5 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Brian Binley
Kelvin Hopkins

Mrs Siân C James
Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

The Petition of Mr Robert Wilson MP.

Mr Robert Wilson MP appeared in person.

14025. **Chairman:** Can I first of all start off by saying that at 11.45 today we will suspend the sitting a little bit early for two reasons: Members who wish to go to Prime Minister's questions can get there for that; and also for those other people who cannot or do not want to can get a cup of tea along the corridor.

14026. The second announcement is we decided yesterday that visitors and counsel could dispense with their jackets if they so wish because of the heat. That was before David Elvin's tailor was actually identified, but nevertheless we will stick to what we decided!

14027. So the first Petition we have got today is from Robert Wilson MP. It is presented by Richard James Willis. Is Mr Willis here or is it just yourself, sir?

14028. **Mr Wilson:** Just myself, sir.

14029. **Chairman:** Mr Elvin, do you want to outline?

14030. **Mr Elvin:** Mr Wilson is apparently raising a number of matters relating to, possibly, the selection of the route excluding Reading, service to Heathrow and City Airport and links to Heathrow, and issues relating to the access option. We are not 100% certain which points he wishes to raise in the Committee this morning since numerous attempts to contact him through Mr Willis have failed. However, these are all issues which we have covered to some extent. I will see what Mr Wilson has to say. If I need to call Mr Berryman I will do so and if not I will simply respond in the usual way. Having said that, I have got some brighter ties which I can produce tomorrow if you would prefer them!

14031. **Chairman:** They do not go with your braces!

14032. **Mr Taylor:** They never do!

14033. **Mr Elvin:** I have got some brighter braces.

14034. **Chairman:** Mr Wilson?

14035. **Mr Wilson:** Thank you very much, Chairman. I have prepared a statement that includes a response to the Promoter's response to my Petition, so if it would be helpful I can give this to the Clerk of the Committee when he requires it.

14036. If I might go through a little bit of background before I go to the three key issues, I think it will help the Committee to understand exactly where I am coming from. Crossrail is a scheme that is of strategic importance for London and could have very powerful economic benefits for Londoners. Across the Thames Valley Crossrail is welcomed as having the potential to enhance greatly the transport infrastructure and improve vital economic links.

14037. Public investment in strategic rail infrastructure in the Thames Valley was felt to be a very exciting prospect in a region that has not had any public regional transport structure investment for over 20 years. The Thames Valley is a very wealthy and successful part of the UK economy but it has reached a point where it needs government assistance if it is to continue to be successful it has been over previous two decades.

14038. However, since the detail of the current Crossrail scheme has been unveiled there have been major concerns that are shared by all groups in Reading and the wider region. In fact, it is most unusual that councils and politicians of all parties have come together to present a united front that is supported by businesses and residents' groups across the region. It is certainly the first time in my political memory that I can remember so many different groups arriving at the same conclusion despite their starting point, ideological or otherwise, being different.

14039. My concern and the concerns of my constituents focus on three main areas. The first is the decision to make Maidenhead, rather than

The Petition of Mr Robert Wilson MP

Reading the western terminus; the second is the proposal it should be a slow stopping metro service rather than a fast or semi-fast service; and the third is the lack of integration with other parts of the transport hubs, in particular a direct link into Heathrow from the west as part of the scheme.

14040. I do not believe that the first two points have been adequately addressed in the Promoter's response to my Petition and the third point may in the future be addressed by the AirTrack proposal. I would certainly wish with this third point to ensure that all parties involved in the various transport infrastructure schemes that have been talked about at the moment are co-ordinated so the taxpayer and the travelling public get the best results possible.

14041. Despite the response to my Petition and the other information provided I still cannot see that a convincing case for Maidenhead as the western terminus has been made when so many different organisations—and I have mentioned businesses, residents, political parties and councils—say exactly the same thing. One might assume that somebody making the decision might be getting a message but it does not seem to be a message that is getting through and I am not quite sure why that is. So let me share some of my constituents' thoughts about the western terminus with the Committee.

14042. As you heard last week, my colleague Theresa May MP suggested to the Committee that Maidenhead appears to be the default option after Reading had been ruled out on the grounds of cost. I believe this would be a mistake and I would like to see the basis for the commercial modelling that arrived at that conclusion. I would make two points in this respect.

14043. First, a proposal that puts the western terminus at Maidenhead fails to integrate with the national rail network effectively. Reading Station, which sits at the centre of my constituency, is one of the busiest rail hubs outside of London, second only I believe to Birmingham New Street, and it offers a logical point of integration for Crossrail with the national rail network. Reading is a pivotal hub for Wales, the South West, the North West and stations to the south and is served currently by four major train operators. Secondly, Reading is the centre of economic activity in the Thames Valley. It is a growth area and therefore also represents a logical terminus for Crossrail which seeks to provide a service beyond the immediate confines of London.

14044. Reading's connectivity into the transport network and ability to directly serve the wider Reading conurbation (which stretches from West Berkshire in the west, through Reading Borough into Woking District) is a huge source of strength.

14045. When the commercial modelling took place to look at the cost-benefit of a terminus at Reading were growth forecasts for the town and growth forecasts for rail travel taken into account?

14046. In the Promoter's response to my submission it is suggested that Crossrail would not be an attractive proposition to commuters from Reading because they would use a First Great Western fast train.

14047. I can understand this point of view as it is the view of my colleague Theresa May. She expressed it on behalf of her residents in Maidenhead last week. Similarly, my constituents would be horrified at the prospect of a slow metro service stopping at every station and therefore effectively clogging up the lines west of London with a service few would use.

14048. This is certainly not my vision for Crossrail to the west of London. We need a similar scheme to the RER for Paris, with a fast or semi-fast service serving some stations on the external sections of the route and a slower service stopping at all stations through the city. This is a real and exciting vision for Crossrail west of London and this is the vision that I believe local people in my constituency and businesses want. I believe this would prove an extremely attractive commercial proposition. Reading would be a national railway hub and regional centre able to bring large numbers of people to a Crossrail service that would cater for both commuters and for the local traveller.

14049. But, and as the Promoter says in his response, there is also commercial justification for Reading to be made on the grounds of reverse commuting. Reading is the high-tech capital of the Thames Valley region. It is the international headquarters for household company names such as Microsoft. Each day thousands of people commute for work and school into Reading. Many of these individuals come from villages and towns linked by the railway. Their numbers have grown with economic success and will continue to. An improved service along the lines I have set out above will certainly add to those leaving their car at home, something I am sure we would all agree is a good thing.

14050. Indeed, during his evidence last week to this Committee, Mr Berryman highlighted "significant inward commuting into Reading from the Twyford and Maidenhead direction". Mr Berryman, I suspect, has made the case for me and perhaps the Promoter's response to me should have taken note of this.

14051. I hope Chairman, the Committee can see that by extending Crossrail to Reading the service will be far more attractive to commuters with the right type of scheme. Certainly a Reading terminus would attract far more additional commuters than Maidenhead. There is certainly a return on investment to be made if the service is made relevant to the travelling public.

The Petition of Mr Robert Wilson MP

14052. The Promoter's response does raise two important issues about Reading. The approximate £360 million required for the electrification of the line and, secondly, the substantial cost of redevelopment of Reading Station to accommodate Crossrail's trains.

14053. It is probably true to suggest that cost and return on investment are the real grounds that Maidenhead has been preferred, despite its many drawbacks, over and above Reading. I have looked closely at document A1 in the response to my Petition which outlines—and this is a bit of a mouthful—the Government in Guidance on the Methodology for Multi-Modal Studies (or GoMMMs for short).

14054. GoMMMs has been used as a basis for appraising the Crossrail options. There are five main categories, as the Committee will know: environment, economy, safety, accessibility and integration, and each section has a sub-category. Taking this guidance and comparing the merits of Maidenhead and Reading as the western terminus, under its own terms Reading wins on almost every category, in my view.

14055. Let me deal with the two issues of cost in the Promoter's response document and I would like to raise the following points, and questions indeed.

14056. Does all the electrification have to be done in one go? I understand that there are dual-mode trains that can switch from one mode to another on demand. Has this been considered as a solution or option to keep costs down while introducing the Crossrail service to Reading? Reading Station is already in need of major redevelopment, indeed it is a well-known bottleneck on the national network. Councils in Wales and the west of England are already supporting attempts by myself and Reading Borough Council to do something about these problems! Great Western would love to have the chance of hitting government performance targets which are destroyed by the bottleneck at Reading Station currently.

14057. But Network Rail is engaged in this problem already. There is a major opportunity for Network Rail, Crossrail and private commercial business to come together to bring about wholesale redevelopment of the entire area. Significant proposals for development all around Reading Station are currently under consideration and it would make sense to develop the station and surrounding area in a phased and sensible manner. There is no requirement, as I see it, that Crossrail should take all the strain and cost of the major redevelopment that is required in the area.

14058. Finally, I would add the sums of money we are talking about are small in comparison to the size of the project and in terms of the potential commercial gains.

14059. I have already alluded to Reading's strategic nature as a railway hub, so I do not propose to repeat this. I have also mentioned the business clusters around Reading as a sign of its economic importance. Yet a rail link to Europe's busiest airport does not exist from the west.

14060. I suggested in the Petition on behalf of residents that a direct link to Heathrow from the west would be extremely beneficial for the regional economy.

14061. The Promoter's response was inadequate. The response suggested first that Heathrow is served by the Heathrow Express (which of course is from the east and not the west) and that people could change for Heathrow from the west at Hayes and Harlington. For people travelling from other parts of the UK to Heathrow this would mean several changes of train to reach Heathrow. These people would justifiably choose to take their car rather than take the train if they had to change at Reading, Hayes and Harlington and possibly another station on the route. This is not what I would call modern, integrated transport.

14062. The platforms and the service from Hayes and Harlington are not adequate at present as the Promoter's response admits. A major upgrade is required to "make the interchange much easier". This is clearly the second-best solution to Reading providing a direct link to Heathrow. It would have neither the economic nor environmental benefits that a direct link from Heathrow would have.

14063. The Promoter, however, is right to raise AirTrack as a possible solution and one could argue it does not matter whether Stagecoach or Crossrail provides the service and the trains. However, it is essential that all parties involved in discussions where there are mutual benefits or cost savings to be made in terms of signalling or platform changes or track changes are talking to each other. My feeling is that all these projects are carried out at the moment in isolation and cross-project discussions would be beneficial to my constituents. Chairman, perhaps the Promoter could let us know what cross-project discussions are on-going at the moment.

14064. In conclusion, Chairman, the scheme as presently constituted does not make sense as measured by any of the five GoMMMs. It also does not serve the needs of my constituents and, indeed, could worsen services currently on offer. The project as now constituted to the west of London could be described as "half-baked" by those less charitable than myself.

14065. It is an easy option for the proposers to stop Crossrail at Maidenhead which avoids the need to tackle the long overdue upgrading of Reading Station and the electrification of the line. As a result the project is not supported by a single Thames Valley local authority. There is an unprecedented degree of unanimity across political parties and

The Petition of Mr Robert Wilson MP

between diverse local groups and societies. In short, Chairman, there is a democratic deficit behind this scheme which needs to be addressed. I very much hope that commonsense will prevail and that the united voice of my constituency in Reading East, and others in the Thames Valley and its representatives will be heeded.

14066. **Chairman:** Thank you very much. Mr Elvin?

14067. **Mr Elvin:** Sir, quite a lot of this has been covered already. You had the evidence for Reading in a combination of days 45 and 46, and Mr Wilson has already adverted to one section of what Mr Berryman said.

14068. On the question of inter-connection with Heathrow and other transport, you have got the letter from Mr Ferguson from the Department to BAA which is in the bundle from yesterday, P106, pages 34 to 35, which makes it clear that there are ample discussions going on about integration with BAA over terminals four and five which I read part of yesterday and secondly, Crossrail will not prejudice the AirTrack solution if BAA wishes to promote that, so AirTrack is not impaired by Crossrail.¹ That is a different option which is for BAA.

14069. So far as Reading in general is concerned, you know our position on that and the Committee is well aware of what was said in the instruction debate on Reading. It is outside the Bill's scheme but the Committee may make recommendations to the House vis-à-vis what may happen in future in terms of the Transport and Works Act extension.

14070. I do not know whether there is any assistance I can get further for you from Mr Berryman because I think you probably have the essence of our case. I know Mr Binley raised last week the question of the savings that there might be if the service were extended to Reading. You had a figure of £370 million

14071. **Mr Binley:** £360 million.

14072. **Mr Elvin:** Sorry, £360 million. If you are happy to accept that figure from me, I will just ask Mr Berryman what the maximum saving is that could be had from works at Maidenhead or what the cost at Maidenhead would be. It is in the order of £40 to £45 million. That would assume a service pattern which took every train to Reading, which is perhaps unrealistic given that some of those trains are likely to be empty. However, assuming the maximum savings, you are still looking at a bill for Reading in the order of £320 million. If you would like to hear that from Mr Berryman, I am happy to call him.

14073. **Mr Binley:** I am happy with that.

14074. **Mr Elvin:** Thank you very much. Sir, I have nothing else to say unless the Committee requires any further assistance on any of those issues.

14075. **Kelvin Hopkins:** Just one point on the extra cost of going to Reading. Does that disaggregate what should be paid by Network Rail? Does it separate out what should be paid by Network Rail?

14076. **Mr Elvin:** Can I check with Mr Berryman, please. That does not include the costs that Network Rail would pay for rebuilding the station. That is the infrastructure work that we would have to carry out, so the £360 million does not include Network Rail's costs. They would be on top of that.

14077. **Chairman:** Thank you very much. Mr Wilson, do you want to respond?

14078. **Mr Wilson:** It is not possible for me to ask questions in in my response, is it?

14079. **Chairman:** No, but I am quite sure if you posed them in certain a way that Mr Elvin may respond.

14080. **Mr Wilson:** Let me just touch on the sort of areas that it would have been nice to have had the Promoter's response then. With regard to document A1, which I referred to in my remarks, I made my scepticism clear about whether the judgments made based on that document, weighing up the benefits of Maidenhead and Reading, were as they should have been. In the response on page 4 of paragraph 2 the Promoter does make it absolutely clear through inference that decisions being made to the west of London are clearly based only on London's increasing population and overcrowding. It seems to me that you could draw the inference from that that the concerns of the people west of London are not being taken seriously with regard to things like frequency of trains, speed of trains and where the terminus point should be. It seems that London does not seem to care too much what is happening to the west of it so long as it get its Crossrail scheme across London.

14081. Also in paragraph 4, I think that is on page 5 of the response to me, it talks about the timetable of the working group which has just published a report. I have not seen that report because I believe it was fairly recent, but it does describe the "emerging conclusion that Crossrail services can be accommodated successfully with existing levels of passenger and freight services without detriment to performance". I am a little bit surprised that you would base an answer to my Petition on an "emerging conclusion" that has not had any testing in the fire of public opinion, local councils, and rail groups and so forth. So it does strike me that that response was not misleading but stretching the credibility of that response.

¹ Crossrail Ref: P106, Correspondence from Department for Transport to BAA, Crossrail—Terminal 5 At Heathrow, 28 June 2006 (LINEWD-GEN13-034).

The Petition of Mr Robert Wilson MP

14082. It was also suggested that post Crossrail it should be possible to have more trains on fast tracks. Yet certainly all the councils within the Thames Valley region and so-called experts do not necessarily agree with that line of thinking. It would have been helpful to have had a much clearer answer from the Promoter on that point.

14083. Also it would have been very helpful in some of the responses to the information I have given to understand why Reading suddenly changed from being the western terminus, because for a long period of time Reading was the preferred terminus. I just wonder was that solely made on cost grounds or were there other reasons why the Promoter has come to the conclusion that have not necessarily been given to me or other people in the area?

14084. I would also like to understand whether there is any organisation within the Thames Valley region that supports Maidenhead as the western terminus because, as far as I know, not one organisation, council, business, Chamber of Commerce, whatever it might be, supports Maidenhead as the western terminus. Indeed, I went to a meeting with the Mayor of London yesterday and the Mayor of London said in response to a question that he would also prefer the western terminus to be at Reading and does support the case for Reading. If the Mayor of London, who is providing a third of the funds for the project, is supporting Reading as the western terminus, if all the councils in the Thames Valley are, if all the businesses in the Thames Valley are, if all the residents' groups and all the politicians are, it does seem slightly strange that only the Promoter seems to be convinced that Maidenhead is the right terminus west of London.

The Petition of Martin Salter MP and Reading Evening Post.

The Petitioner appeared in person.

Mr Malcolm Dowden appeared as Agent.

14091. **Mr Elvin:** I see from the Petitioner's notes that the main issues are disruption to existing services, the western rail link to Heathrow, and the question of Reading. Those are all issues we have covered and I do not say any more about them at this stage.

14092. **Martin Salter:** Chairman, I have with me our agent Malcolm Dowden. In August 2005, a petition was launched by myself and the *Reading Evening Post* the local evening newspaper in response to the news of the likelihood that Crossrail, far from not even coming to Reading, would not be considered by this Select Committee. Obviously the terms of reference have changed and you are probably hearing more about Reading than you ever wanted to. The case is strongly supported in the Reading area by leading businesses, Microsoft, Foster Wheeler, Yell and MCI, as well as Reading Borough

14085. I would also have welcomed further evidence of the financial and commercial modelling undertaken for Reading and whether there was any work done on looking at the fast/semi-fast French-style system that I described in my comments because I do understand that just a single slow stopping metro service would not serve Reading well, would not be commercially viable and would not be welcomed by my constituents but a different form of service that could serve both commuters and local stopping services would be welcomed, I think.

14086. So, if I may, Chairman I will finish there. There is a lot of information I hope and some open questions that maybe could be responded to.

14087. **Chairman:** Mr Wilson, I think there are quite a lot of questions there, a variety of questions, and I wonder if we should hold back until after the next Petition because I suspect some of the answers that are sought are going to be repeated in the next Petition, so in the summing up to the Petitions Mr Elvin will be able to address all that and then I can make a judgment on that as to whether or not we need a note from Mr Elvin to cover any of the points you have raised or the next Petitioner may raise to clarify the position. Is that okay?

14088. **Mr Wilson:** That is fine.

14089. **Mr Elvin:** That will be fine. I can answer the substance of those questions when convenient to the Committee.

14090. **Chairman:** Thank you very much indeed. We will move on to the next Petitioner.

Council, the Reading Chamber of Commerce, Transport 2000 and, in a very short space of time, around 250 businesses, residents and commuters.

14093. **Chairman:** Can we list this as A161.

14094. **Martin Salter:** The wording of the petition is as follows: "We the undersigned are concerned that the Crossrail Bill currently before Parliament includes provision for the western terminus to be located at Maidenhead rather than Reading and that no provision is made for a western rail link to Heathrow Airport. It is our view that these two measures would yield significant benefits to the Reading area and enable Crossrail to properly realise its objectives, from the Crossrail publicity, to 'connect the UK'. We also urge Parliament to ensure

 The Petition of Martin Salter MP and Reading Evening Post

that the final Crossrail scheme does not impede the current high speed rail services into Paddington from Reading and the West.”

14095. Crossrail is undoubtedly an ambitious £10 billion-plus scheme. It is a once in a lifetime public transport project. Certainly for myself and many of my colleagues it is matter of regret that in this country we seem to lack the vision to take advantage of all the opportunities that a major public infrastructure scheme like this will provide and it is very disheartening to hear some of the excuses that are offered for not providing much needed rail links into Heathrow Airport or extending Crossrail to somewhere that does connect with the rest of the UK. I am concerned, as are my constituents and businesses in the Thames Valley—and bear in mind that Thames Valley is the economic driver for the South East, which in itself is one of the most dynamic regions in the UK economy—that Crossrail in the end is not so pared down that it comes to represent a series of missed opportunities due to poor planning, lack of vision or foresight.

14096. As Mr Elvin rightly summarised, there are three key points I wish to make in this submission. The first point is that Crossrail must not be allowed to disrupt the existing high speed commuter services into Paddington nor should it be responsible for reducing freight transport by rail, and I understand you will be having substantial evidence making similar points to those I am about to make as to the capacity of the network

14097. **Chairman:** We heard that evidence yesterday.

14098. **Martin Salter:** I apologise if I repeat anything.

14099. The second point is on the need for a rail link into Heathrow. On my third point, I am in agreement with my colleagues Theresa May from Maidenhead and Rob Wilson from Reading East, and of course with David Sutton, the leader of Reading Borough Council, who spoke on behalf of all the councils of different political persuasions in the Thames Valley region. We argue that the case for Reading is the most unanswerable and is certainly not answered by the Promoter’s document.

14100. I believe the Promoter’s response to my petition and other points that were made has been inadequate, to say the least, on a number of these key points. If I may take the first issue, the disruption to existing services, Crossrail, as you know, is proposing a metro-style stopping service, whilst in fact the bulk of journeys into Paddington from the West are on the high-speed train services which take anything from 29 to 32 minutes non-stop to Reading. The majority of regular commuters avoid the stopping services, some of which can take over an hour. I am a regular commuter: I do not have a flat in London. I commute back four days a week. I know over the last nine years—and it is getting increasingly to be the case—of a number of times

that existing high-speed services are forced on to the relief line, and it is frankly not sufficient for the Promoter to say in its response: “it is not the intention of Crossrail to cause displacement of any traffic from the existing relief lines to the main lines”. I am sure it is not their intention but it may well be the effect. It certainly follows that if the existing HST services are using the relief lines far too regularly, which leads to poor punctuality on the lines into London, that introducing or overlaying an additional service, using the relief line that is required by the HST services, is going to exacerbate disruption to existing services.

14101. I have had the opportunity to read the deliberations of the Timetable Working Group which gave evidence yesterday. I would draw the Committee’s attention to their conclusions. They say that the performance modelling simulations are clearly able to simulate some degree of “perturbed working” but more delays such as a train failure or infrastructure failure cannot be simulated without significant manual input at present.” Therefore the modelling itself may not be present the true situation.

14102. They then go on to say, page 3 of 31: “On the GW, the Railsys performance modelling—a computer system that they use—“shows a small increase in delay and hence a small worsenment”—and I am not quite sure what that means, but I think they mean worsening (“worsenment” sounds like a town in Germany, I think)—“in PPM at Paddington for Heathrow Express services.² Again, it is the view of the Group that this is a modelling deficiency rather than a true reflection of the performance to be expected from the Base Timetable.”

14103. My concern is that it may be a true reflection of what is likely to happen, if, by their own admission, on their own modelling, there is a difference between theory and practice that there will be potential “worsenments” of the existing high-speed train service. Are the Petitioners not right to draw this to your attention? Are the Petitioners not right to cite the Promoter’s own evidence against its case? I am afraid, as a regular traveller—and anyone who travels that line will tell you the same—the practice is going to be very, very different from the theory.

14104. That is on the basis of existing capacity, and I am very grateful to First Great Western for providing me with figures at the bottom of the second page of my submission. They have identified that the number of customer journeys/commuter journeys between Reading and Paddington between 2005-06 was 2.3 million—a massive number of passenger movements—but the projected journey growth per annum is 6.6%. Chairman, if we are not

² Crossrail Ref: P106, Crossrail Timetable Working Group Report, The Performance Modelling of the Base Timetable, 22 June 2006 (LINEWD-GEN13-004).

The Petition of Martin Salter MP and Reading Evening Post

at capacity already, which I would suggest we almost are, we are certainly going to be so in the very, very near future.

14105. I also obtained the figures on how many high-speed rains are diverted on to the slow line. A staggering one in two late evening trains are running on the slow line. Siân James, who travels regularly on the First Great Western Railway, sometimes with me on a Thursday night, will be aware of slow running—not at the evening times, but often at the peak times or in the early evening—but one in two trains are already going on the slow line, the same line that Crossrail wants to run on. The capacity issue has not been dealt with by the Promoter and I would suggest that the Promoter's case is fundamentally flawed.

14106. The Committee will note that this is a petition not just from politicians or councillors, but is a petition from the business community in the Thames Valley. A recent report by the Thames Valley Economic Partnership, which represents the major business in the area, made it perfectly clear that the main reason for business investing and, importantly, remaining in the Thames Valley was the proximity to Heathrow Airport and existing fast rail services into London.

14107. I am sorry, Mr Chairman. Could I ask if Mr Elvin could stop talking while I am making these points. I am finding it very distracting and it is also a bit discourteous.

14108. **Mr Elvin:** No discourtesy was intended. I am discussing with my junior the response to the points that are being made for the first time.

14109. **Martin Salter:** Business has made it perfectly clear that they remain in the Thames Valley because of the links with London and because of the links with Heathrow Airport, therefore it is vital that Crossrail improves services and does not worsen them.

14110. I have read some of the evidence carefully that you have received and there is a move to looking at Ealing Broadway as a possible option. If Crossrail is to extend beyond Ealing Broadway to the West, if there is a strong case for a proper western terminus, then, in order to avoid disruption to the fast and semi-fast services into Paddington, some increase in traffic capacity in the network ought to be considered.

14111. Moving on to an important point, Parliament empowered the Committee to consider the use of the Transport and Works Act to deal with an expansion of the scheme to Reading. The Petitioners and I would strongly recommend that the Committee recommend that to Parliament as an appropriate route. I understand, Chairman, you are now in your 50th day of receiving evidence and life is probably too short to use the hybrid Bill process to deal with

any potential expansion of Crossrail. If you looked at the precedent case of the Greater Manchester (Light Rapid Transit System) Order—

14112. **Chairman:** Just for the record, it is 54 days, and we have felt every one of them!

14113. **Martin Salter:** It was 50 days when I wrote this. Your stamina will doubtless result in you receiving some kind of merit award, I am sure. In conclusion, on that particular section, Chairman, I want to make it clear that there is a strong case for using the Transport Works Act. I get the impression that you and your colleagues may agree.

14114. Moving on to the western link into Heathrow Airport, we have a farcical situation. If the existence of Heathrow Airport and the closeness of Heathrow Airport to Reading and the businesses in the Reading area is vital—which it is—and it is only 20-odd miles away, why is it, if you want to go by train to Heathrow Airport, that you have the delightful prospect of a 40-mile ride to London and a 20-mile ride back on the Heathrow Express? You could not make it up: a 60-mile journey to go to Heathrow Airport, yet this Crossrail scheme does not have the vision or the foresight to include a western link.

14115. In fact, it is somewhat worse than that. Mr Elvin made reference to the letter in the exhibit pack dated 28 June 2006, from Mr Ferguson of the DfT Crossrail Bill provision to Mike Noakes of the BAA plc.³ It says: "Crossrail has been planned on the basis of operating four trains per hour to Heathrow Terminal 4 . . . These four trains would subsume the Heathrow Connect service." What added value is there—and bear in mind this is an eastern link, not a western link—in subsuming the current service that already exists? Where is the added value in Crossrail's proposal? I am afraid these are questions the Promoter has to answer.

14116. Let us have a look again at a set of figures I obtained this week from First Great Western. They also operate the Reading RailAir link, a very good bus service from Reading Station: along the M4, a couple of pick-ups and it takes you into Heathrow Airport. Passenger demand is rising. In 2003–04 there were 127,400 journeys; in 2004–05 there were 158,000 journeys. There is projected growth per annum of 5.8 per cent—similar to the 6.6 per cent projected growth using the HST lines. There is a huge demand for surface links into London Heathrow Airport. They are only going to grow, and faster year on year. It is a lost opportunity for us not to look at the western link into Heathrow.

14117. Crossrail puts forward in its response, as my colleague Bob Wilson says, the prospect of a change at Hayes and Harlington. Looking at the figures, I think it is going to be longer to go a shorter distance because of the slowness of the service. Although

³ Crossrail Ref: P106, Correspondence from Department for Transport to BAA, Crossrail—Terminal 5 At Heathrow, 28 June 2006 (LINEWD-GEN13-034).

 The Petition of Martin Salter MP and Reading Evening Post

Hayes and Harlington is not as far as Paddington or the Heathrow Express, in coming back, whilst you may travel less, it will take you longer to get into Heathrow. Again, that is something which has not been addressed.

14118. Another issue is the synergy between AirTrack and Crossrail's proposal or even existing eastern rail services into Heathrow Airport. As I understand it, Railtrack is going to follow the Waterloo line and come in via Staines and Egham, and end up probably at a set of buffers a few yards away from Heathrow Express coming in from the other direction. Transport experts far wiser than me tell me that there is something absurd about having a service coming into London Heathrow which terminates and then goes back the same way and a service coming from the other direction without the ability to provide an efficient circular loop. That is certainly an issue that merits more consideration. I am not an expert. I can only repeat what transport experts have said to me.

14119. In terms of the response that the Promoter has given us in terms of the western rail link, to be fair the Promoter has said that it may ultimately be beneficial, but it is rejecting a proposal on grounds of costs. I think the challenge for this Committee and for Parliament is to extract the maximum potential for our creaking transport infrastructure, particularly in the South East, from the opportunities that the Crossrail scheme gives us. I well remember the costs rose considerably during a similar process for the Cross Channel Rail Link, where other opportunities were bolted on to the scheme. There is a well-established precedent for that, Chairman.

14120. My third point is Reading versus Maidenhead. I will not labour this too strongly because I think you have heard it many times before. The good news is that this week Reading Station, which as you know is the second busiest rail interchange outside of London, was announced as due for upgrading. Within the priority list of network Rail's ten-year business plan this will go before government next year and be considered for funding. There is a partnership team, including Reading Borough Council, working on those proposals and it is certainly good news that the business case is going off to the DfT. I remain fairly confident that we will have a positive response in due course. The original Crossrail proposals boasted of "crossing the capital—Connecting the UK". Without being rude to Maidenhead, which is a fine place, you do not connect to anywhere from Maidenhead. From Reading, trains run to Brighton, Gatwick, Portsmouth, Southampton, Cornwall, Devon, Bristol, Wales, Herefordshire, Birmingham, and then there are cross-country services operated by Virgin which take us up to Manchester and the North. Of course, the link between Birmingham, the busiest rail interchange, and Reading is a direct route. If you want to connect

the service genuinely to the rest of the UK, the Maidenhead case just does not stack up because it has been put there on cost and cost alone.

14121. In my submission we have very strong quotes arguing for a properly constituted and visionary Crossrail scheme to come to Reading, by Geoff Poland, the President of the Chamber of Commerce, by Richard Duggleby, the External Relations Director of Yell, who have their HQ in the Reading area. I firmly believe that the case for Reading as a western terminus for Crossrail is overwhelming and that the Promoter has simply side-stepped the issue in their response, citing the need for the upgrade of Reading Station and cost issues, some of which are already in the pipeline.

14122. In conclusion, I would suggest that the original 1992 case that Crossrail should terminate in Reading is still valid, but only if these issues can be resolved.

14123. I cannot emphasise too strongly that it is not worth trying to extend Crossrail from, say, Ealing Broadway, from the West of London, to a western terminus unless the job is done properly, unless potential is realised. Finance may be an issue. There may be a need to phase. But of course the Transport and Works Act device gives us the opportunity, without going through this process again, to build on a Crossrail project—that is much needed by London, could be needed by Reading and by the thriving and dynamic business communities and the local companies to the West of London—but only if the job is done properly.

14124. My last point, Chairman, is that I have serious concerns—and Mr Binley has quite rightly sought to draw out these figures in his questions—about the figure of £360 million or £36 million—it actually appears as two different figures in the evidence—from the Promoter about the additional costs of coming to Reading. As I understand it, the re-signalling is already in Network Rail's forward plan and I do believe the Committee might want to probe further some of the top-of-the-head figures you have been given today and in previous evidence sessions.

14125. Thank you.

14126. **Kelvin Hopkins:** Has any estimate been made of the likely usage of Reading as a Heathrow flyer service, in effect, should Crossrail be connected that far? The traffic that would come by rail to Reading and then go to Heathrow from Reading rather than going into London and using the Heathrow flyer coming out, and, indeed, the people who might otherwise go by car because they do not want to go into London, has any estimate been made of the amount of traffic that might be generated in that way?

 The Petition of Martin Salter MP and Reading Evening Post

14127. **Martin Salter:** As you can see, I have done a fair bit of homework in presenting this submission but that is the one set of figures I do not have. Obviously it would be within your ability to get that. There are private car hire companies who make their living almost solely transporting the business community from Oracle, Microsoft, Yell and the major companies in the Reading area to London Heathrow. There are contracts that do no more than that. There is a horrendous amount of complaints from the business community about, for example, having to leave the Reading area at 5.55 in the morning in order to get a nine o'clock flight from Heathrow, and having to hang around in Heathrow for 90 minutes, in order to miss the peak-hour traffic. As you know, the morning peak on the M4 is now backing up, sometimes to junction 12 and even to junction 13 at Newbury, from as early as quarter to eight in the morning. It becomes pretty ridiculous to seek to drive to Heathrow from my part of the world at anything approaching peak hours. I am not aware—and I do not think the figures would be available—of the number of passengers that would take, as I do now, the HST services from Reading into London and then buy a ticket on the Heathrow Express, because you are buying two separate tickets and you cannot buy a through-ticket. Those figures are going to be difficult to apply for, but, take it from me, it is a huge, huge issue for people in the area.

14128. I also want to put on record that I do not mean in any way to denigrate the excellent service that RailAir link provides, but you will know that the priority bus measures kick in beyond the airport turnoff from the M4, so that if you are going to catch the RailAir link bus you will sit in the same traffic jam as you would if you were sitting in your own car. That is hardly an incentive for people to use the bus to get into Heathrow airport. John Prescott's bus lane starts beyond the airport, into the Chiswick flyover, and therefore provides us with no advantage at all.

14129. **Chairman:** Thank you very much. Mr Elvin.

14130. **Mr Elvin:** I will not tell you about the couple of weeks Mr Taylor and I spent in Reading promoting a new junction on the M4.

14131. **Martin Salter:** You need to raise your game then.

14132. **Mr Elvin:** We need to speak to the borough council about that one.

14133. I am going to call Mr Berryman because I think it might be helpful for the Committee to hear a bit about Heathrow. I am going to do that with this caveat: the instruction which the Committee has had from the House does not extend to covering an extension from Heathrow to Reading. The instruction which the Commons has given to the Committee relates to Maidenhead to Reading not Heathrow. The issue of Heathrow to Reading therefore falls outside the scope of the instruction.

Nonetheless, so that at least you get the picture from outside, I am going to call Mr Berryman to give you some further information on Heathrow.

Mr Keith Berryman, Recalled

Examined by **Mr Elvin**

14134. **Mr Elvin:** Mr Berryman, of course is sworn and is well known to the Committee. Mr Berryman, can I start by asking you what sort of thing you perceive as the benefits of Crossrail, as proposed, to take it to Heathrow. What is it going to do and why is it beneficial?

(Mr Berryman) The benefits of Crossrail going to Heathrow are to provide a through link from the airport into the city centre and to other parts in East London. As the Petitioner said in his evidence, we are proposing to subsume the existing Heathrow Connect service. Because we have to provide an additional flyover at Heathrow in order to allow that service to still run, because the layout presently is unsuitable for trains going from relief lines into the airport, we are going to upgrade that to four trains a day. This is by agreement with BAA who are obviously very anxious about how people get to and from their airport. We do know, however, that the number of passengers who will use Crossrail to get from the airport to destinations beyond the West End (in other words, to the City and to Canary Wharf) is very small. It is a very noisy group of people. It is a group of people who have constantly campaigned for Crossrail to go to Heathrow. But when you do the traffic analysis the numbers are very low and would not justify a service to Heathrow were it not for the fact that we have to build this flyover in any event to allow Crossrail services to run.

14135. Can I ask you about the number of Connect services there are at the minute.

(Mr Berryman) There are two Connect services an hour and there will be four Connect services an hour when we start.

14136. So there will be an increase in service in any event?

(Mr Berryman) There will be an increase in service in any event, and the other thing is that we will solve the problem which BAA have of how to serve Terminal 4 after Terminal 5 opens because the intention is that the Heathrow Express service will go to Terminal 5 and we will link to Terminal 4. It may be conceivable in the future that we will provide a service to Terminal 5, but that is not the intention at the present time. We know that the overwhelming majority of people who arrive and who use train services from airports, and I know this from my experience, are actually arriving passengers, so it is people who are distant originators who will use public transport. They will tend, most of them, to be going to central London of course. It is very difficult to attract people from the hinterland of an airport to make their way to the airport by public transport and the reason is that they tend to be rather diffuse,

 The Petition of Martin Salter MP and Reading Evening Post

they are spread over a wide area. Mr Salter's evidence mentioned that there are 158,000 people who currently use the RailAir service from Reading Station and that, I reckon, comes to about 530 a day. That would be about 10 per train on the Crossrail network. Even if we accept that those numbers would double or quadruple, the numbers would still not be enough to justify the construction of a dedicated loop for this route.

14137. Can I also ask you, Mr Berryman, whether there are any technical issues with a western connection?

(Mr Berryman) There are indeed. It is quite a complex area. You will be aware of the existence of the M25 and M4 junction immediately to the west of Heathrow Airport, and the Airtrack line is designed to swing to the south to avoid that and avoid those roads and join up with South West Trains' lines. To swing to the north, there are many more obstructions and it is much more difficult. I would repeat my mantra, that nothing is impossible in terms of engineering, but it would cost a lot of money to do that.

14138. **Mr Elvin:** Thank you very much, Mr Berryman.

Cross-examined by **Martin Salter**

14139. **Martin Salter:** I think, Mr Berryman, you seem to have shot your own fox here. You are basically saying you have a very small group of noisy passengers who would travel onwards through London, who have obviously lobbied heavily for this, to the City and the rest of it, so why are you prioritising when we already have a very good Heathrow Express service which you may, by your own admission, run in competition with because you are talking about a time in the future running to Terminal 5? Why are you prioritising the eastern link into Heathrow, which we already have, when in fact the gaping gap in the system is the western link into Heathrow? Do you not think it is a rather bold statement to actually say that the numbers are not sufficient purely citing the RailAir service? I know perfectly well that the RailAir link is inappropriate for business traffic. Do you know better than the business community of Reading? Do you know better than the chief executives of Microsoft or Yale? Do you know better than the chief executive of the Chamber of Commerce when the business community of Reading is crying out for a rail link to the west into Heathrow Airport? We cannot base a case or we cannot knock down a case purely on one method of transport. We would have to look, as Kelvin implied in his questions, at the number of passenger journeys that are coming into Reading and then transferring on to the Heathrow Express to come back out again, we have to look at the number of car parks and we have to look at the capacity for the private hire trade that are providing currently access to Heathrow before we start making very bold statements like that.

(Mr Berryman) The fact of the matter is that in any company the number of people who do international travel tends to be confined to the senior executives and very high-level people in the company, but their numbers tend to be very small. I have not done any work at all on Reading in this matter, but we have certainly done a lot of work in the City and what we found out is that if I go to a meeting of bankers, they will say to me that the most important thing is a link from the City to Heathrow. When you actually dig into it, how many of them would use it? It is penny packets, it is very, very small numbers. Now, I accept that it is very inconvenient for people to have to use private hire cars in these instances, but the fact of the matter is that to justify a railway which has very expensive capital works, you need to have a lot of passengers. I used the RailAir figure merely as an illustration, but we are not talking about huge numbers. Even if there was a tenfold increase, it still would not be a significant amount of people in terms of a railway operation.

14140. Can I just come back on that and ask you to explain why you have bothered to put in your response to my Petition that "a western Heathrow rail link may ultimately be beneficial" when you have actually just said that the numbers do not justify it, but also at the same time you have done no work on the Reading figures whatsoever?

(Mr Berryman) Well, we have done a lot of work on the typical business usage, not specifically related to Reading, I will admit. What happens in the future, what our children or their successors do, I do not know, but the patterns of travel may change, the availability of rail travel may change and there may be all kinds of things which will happen, and that may change the equation over a long period of time, but looking at now, we just do not see a justification for this.

14141. **Martin Salter:** I do not see any point, Chair, in continuing this exchange; I have made my point.

Examined by The Committee

14142. **Mr Binley:** I would like to explore this cost element of the work. It did worry me last week that I thought the costs presented were really rather crude and we have had an answer today that the difference could be in the region of 12 and 25% on the 360. I would like to explore the signalling bit of the work because, as I understand it, that cost was included in the 360.

(Mr Berryman) No, sir. The cost of immunisation is included. That is the cost of the additional works that are needed when you electrify a railway. A diesel-operated railway or even a steam-operated railway, for that matter, does not need the same level of insulation between the power source and the electrical current which are used in the signalling, so there are very substantial costs when you electrify a railway involving the immunisation of the signalling for track services.

 The Petition of Martin Salter MP and Reading Evening Post

14143. Well, there is some further cost saving there on the 360?

(Mr Berryman) No, sir, I am saying that—

14144. So there is no cost saving at all?

(Mr Berryman) The 360 million includes the cost of immunisation of the signalling. It does not include the cost of the signalling.

14145. I see. Just to clear my own mind again, that 360 does not include the amount that Network Rail would contribute to the refurbishment of Reading Station?

(Mr Berryman) It includes the works which would be needed to accommodate Crossrail, that is to say, the additional platforms to allow the Crossrail trains to turn round. What it does not include is the major works which are required to sort out the notorious Reading bottleneck which you have heard a certain amount about.

14146. **Mr Binley:** I recognise that this is outside our remit, but we are going to debate this matter again in the House of Commons and I really do think that I would like to see a proper cost analysis only on an A4 sheet of paper, but I am a businessman and I love to see P and L.

14147. **Mr Elvin:** Sir, I was just going to stand up and offer that. We will put you together a proper breakdown so that you can see, and use it for the purposes of internal discussion and other purposes, exactly how this is put together. If we also explain on that sheet what matters are not included as well, that might be helpful.

14148. **Mr Binley:** Yes, thank you.

14149. **Sir Peter Soulsby:** Mr Berryman, Mr Elvin has just promised us some more information there, and you have talked about the net additional cost of going to Reading, but can I return you to the big question in front of us about the benefits of going to Reading. There is obviously an incredible gulf between the Promoter's view of the potential benefits and the Petitioners' views, which we have heard again today and on previous occasions. Frankly, what is it they do not understand?

(Mr Berryman) I do not know, I really do not know. We have already heard from this Petitioner's evidence that he himself does not use the slow-line or the relief-line services to get into town and he uses the Intercity expresses, and I think he would probably be a fairly typical user of the line from Reading. The services on the relief lines from Reading are relatively slow and relatively unattractive and what Crossrail would be doing would be replicating those trains with electric trains rather than diesel and there would possibly be some very minor improvements, so I am extremely unclear as to what the people of Reading think they would be getting out of Crossrail if Crossrail went there. It looks nice on the map. You join the lines on the map and it looks like it makes a pattern, but I cannot actually see how much use it would be.

14150. We have been hearing a consistent message from all the Members of Parliament and all the local authorities in the area and that consistent message is that if Crossrail were to be extended to Reading, it would bring very considerable benefits. We are hearing something very different now. Can you explain this gulf of understanding?

(Mr Berryman) Well, I just do not know what the benefits are. I can see that there would be some benefits to the residents of Twyford, but as far as Reading itself is concerned, I am absolutely at a loss to see what the benefits are.

14151. **Kelvin Hopkins:** We have touched on this in previous sessions, but bringing a service to Reading which was fast or semi-fast, like the RER in Paris where in the central part it stops at every station and in the outer part it stops only at the main stations, would Crossrail not provide a good commuter service between Slough, Maidenhead, Twyford and Reading and points in London as well? If it was clearly stopping at every station between Reading and London, it would be a slow service and it would be of very little interest to commuters, but if it was a fast or semi-fast service outside of London and a stopping service inside of London, would that not be more attractive?

(Mr Berryman) It would if you could do it, but the problem is that trains cannot overtake on what is effectively a two-track railway. You need to recognise the fact that the main lines are fully occupied by the long-distance train services going through Reading and on to south Wales and south-west England, so we have only got the relief lines available to us. Basically, if trains cannot overtake, the timetable and the number of stops fixes the speed of the fastest train, so if you imagine a stopping train sets off and it is followed after some distance by a semi-fast train, the semi-fast train will run down a stopping train fairly quickly, so the timetable planning has to take into account the way in which those trains are tracked, and it is those trains which fix the speed, if you like, the overall speed, and it is the frequency of the stopping patterns which affects the number of trains that can be provided. Now, in different circumstances, for example, you and I both know the Midland mainline and that the commuter services, what used to be called the Thameslink services, actually have the availability of all four lines during the peak because the main lines are much less intensively used than the main lines are on the Great Western. You have got to imagine how Thameslink would operate if there was a constant stream of Midland mainline trains coming down those main lines and how difficult it would be to provide the existing links on fast and semi-fast services.

14152. **Sir Peter Soulsby:** I wonder, Mr Berryman, if you can then explain why those same arguments do not apply to going as far as Maidenhead? Why go to Maidenhead? Why not just stop at Ealing Broadway?

 The Petition of Martin Salter MP and Reading Evening Post

(Mr Berryman) This is explained in the information papers, but there are really basically four destinations, possible termination points we looked at. There is Ealing Broadway, Slough, Maidenhead and Reading. If you go to one of the other ones, like Ealing Broadway or Slough, you still have got to service all the stations beyond the point at which the Crossrail services stop, so you have to provide more or less of a commuter service, another commuter service. Now, the problem then becomes finding capacity for those commuter trains which go beyond the limits of electrification and the electric trains which are bringing them up out of the tunnels. It is a question of finding the balance. If we were only to go as far as Ealing Broadway, we would have to extend the Crossrail lines, the dedicated lines, all the way to Ealing Broadway, and there are some extremely severe, technical problems in doing that. In order to make it work nicely, you would need to have cross-platform interchange at Ealing Broadway and Ealing Broadway is a very difficult site and not somewhere which is amenable to that sort of construction. The same applies if you go to Slough. You would still have to put additional traffic capacity in somewhere in inner London to allow for those trains which are coming from beyond Slough as well as for the electric trains which Crossrail will be putting on. When we get to Maidenhead, we identified that as the first place where we would not need to provide additional track work coming further into London and the first place where the Crossrail trains would start to pick up substantial numbers of passengers because, as I have said, going to Reading does not give us any more passengers.

14153. **Mrs James:** I just want to go back a step because we have talked about Crossrail being one of the largest projects and I made the point yesterday when Mr Weston gave evidence about the fast and slow lines, which you called the 'relief' and the 'main'. To us, they are just the fast and the slow because it is quite simple, you are either going slow or you are going fast, there is no two ways about it. *(Mr Berryman)* That is absolutely right. That is a much better distinction.

14154. Past experience has shown that the capacity on those lines, given any blockage, given any problems at all, it is the services from the West that suffer. At the drop of a hat, those are the services which will be displaced, and I will give you an example of that. When there was the Paddington rail disaster, and we understand why, the services to south Wales and the West were reduced by 10% going into Paddington and there was absolute chaos. It seems strange to me, and I am afraid I am being a little bit partisan here, but it seems strange to me that on the back of the largest project we are going to see, and I have worked in the rail industry, we cannot address some of the wider issues, and Reading is an issue. For us who travel through Reading on a daily or a weekly basis, we know there are problems there and we also know how busy that railway station is, so it just does not make sense to me when you talk

about it that there is not the interest or there is not the demand because I see that demand on a daily basis, so I am a little bit taken aback by that.

(Mr Berryman) There is a very strong demand for commuting from Reading, but that commuting takes place on the high-speed trains. There is not much demand for the kind of trains which will be on offer from Crossrail which would be the existing slow-line trains replicated by us. The point about Reading needing redevelopment, I could not agree more, that Crossrail, even if we went to Reading, would not be able to sort out all of the problems of Reading and it is much more to do with what happens at the various junctions in Reading. I know there are some schemes, some of them very elaborate, which have been proposed to solve that problem, but certainly it would be well beyond the remit of what Crossrail is there to do. All we would be doing if we went to Reading is providing some platforms for our trains to turn round, and also the trains coming from the Oxford direction, they would also have to turn round because they could not get through to London. On the question of allocation of paths, this will be in the hands of Network Rail. They will be responsible for regulating the service and making the decision as to which trains get priority, exactly as they are now. You will appreciate of course that when it is operating as a two-track railway, some thinning out of the service has to take place, but that would only happen in the case of emergency or when part of the line is out of action. That is exactly as it is now. There is nothing that we could do about that as part of this scheme. It is something that requires much more strategic intervention.

14155. But I think personally the point needs to be registered.

(Mr Berryman) I think the point is well made and we are aware of this issue, but it is well beyond the remit of what Crossrail could do.

14156. **Sir Peter Soulsby:** Mr Berryman, I am sure you will remind me that it is somewhere in one of these many information packs behind me, but can you just humour me by reminding the Committee about the benefits of Crossrail to the stations between Maidenhead and Ealing Broadway? What is intended will be the increase in frequency and journey times for commuters at those intermediate stations?

(Mr Berryman) I do not have the figures ready at my fingertips, but basically what we are looking to have is a four-trains-an-hour service between Maidenhead and London going into the Crossrail tunnels. From West Drayton inwards, there would be an additional two trains an hour and from Hayes and Harlington inwards, there would be an additional four trains an hour, so when you get to Hayes and Harlington, there would be a total of 10 trains an hour going into the Crossrail tunnels. Also there will be two semi-fast services which start at Reading, call at Twyford, Maidenhead, Slough, Hayes and Harlington, Ealing Broadway and then into Paddington high level, so they will get quite an

 The Petition of Martin Salter MP and Reading Evening Post

increase in service certainly from Hayes and Harlington and Southall, I think more or less the same service as they get now from Ealing Broadway, but with much bigger trains. Quite a lot of the trains on the relief lines, the slow lines of the Great Western are very small, two-, three- and four-coach trains, the trains using the relief lines. All our trains would be ten-coach trains, so the overcrowding problems which currently exist on those inner suburban services would be eliminated.

14157. **Martin Salter:** Chairman, Mr Berryman said that I do not opt to use the slow lines, and he is absolutely right, but I do use the slow lines, not by choice, because the amount of time the existing HST service has to go on the slow line and on the relief line, it beggars belief that Crossrail is not going to disrupt that. Mr Berryman actually said in response to a question, I think from Sir Peter, that there will be some thinning out of service. I do not know what he means by some thinning out of service in the context of a system at stress point at the moment. In answer to Sir Peter's question about why do the people in Reading, why do the businesses in Reading, why do the MPs and why do the councils of Reading actually want Crossrail to come to Reading, Mr Berryman said rather glibly, "I don't know". Well, what has changed, Chairman, since 1992 when Reading was already in Crossrail's own case? Has Reading got smaller? Have we got fewer businesses? Have we got fewer people? Have we got fewer people travelling? I am sorry, but that is really not sufficient.

14158. The last point I want to make is in respect of Brian's probing on this cost issue which really is not resolved yet. I cannot see how Mr Berryman can state what is in or what is out of the Reading Station refurbishment plan just announced by Network Rail this week as part of their priorities when in fact it has not even been assessed by the DfT as part of the Government's process.

14159. **Chairman:** Mr Elvin, before Mr Berryman steps down, do you want to ask him any other questions and are there any questions that you want to put to him in relation to one or two points that Mr Wilson raised or will you be dealing with that in the summing-up?

14160. **Mr Elvin:** I was going to deal with those in the summing-up because they largely link into other matters. Perhaps I can just ask some questions of Mr Berryman.

Re-examined by Mr Elvin

14161. **Mr Elvin:** Mr Berryman, the issue of benefits, costs, what services should be provided, the nature of the services, whether it should be a metro service, whether it should be something else, were these considered before the scheme was put forward and, if so, in what form?

(Mr Berryman) Yes, they were. They were the subject of a study carried out by the Strategic Rail Authority in 2000 for the London East-West Study

which was submitted to the then, and still, Deputy Prime Minister at about Christmas 2000. One of the issues which was addressed in that study was the choice which should be made between a metro service, a sort of regional metro service and a regional express service. With the regional express service, the idea was that it would go further afield and have longer-distance trains which are faster, and the regional metro service would be more or less the scheme we have got now. The logic that went into making the selection was to do with reliability and operability and the possibility of importing poor performance by having numerous inter-working with other kinds of service. Therefore, what we have gone for is a service which is as far as possible self-contained. It cannot be 100% self-contained because there is freight on the lines, as we have heard, but as far as possible the service is self-contained for the purpose of ensuring that we can achieve a 2½-minute headway service in the central tunnels and thereby get the maximum benefit out of the huge investment which will be made in that infrastructure. If we were to have a service which was longer distance, sort of mixed up fast and slow services, we would have to have a different kind of timetable with longer periods between trains to allow for disruption to services, very much as is operating currently on the Thameslink service, for example.

14162. What we know from the conclusions of the Timetable Working Group in its latest report, and the Committee heard this yesterday, is that as far as the Great Western service is concerned, there, broadly speaking, the Crossrail timetable will integrate with existing services.

(Mr Berryman) Yes, that is correct. Can I just make the point—

14163. Mr Salter is shaking his head, Mr Berryman. Can you just explain why he is wrong please.

(Mr Berryman) Why we will not integrate with existing services?

14164. Why we will.

(Mr Berryman) Well, we have done a considerable amount of timetabling work to establish that we can do this. I think it is worth making the point that we are now in 2006 and services will not start until 2016, so it would be wrong to say that the detailed design has been done. We are at a level of confidence which I would state is complete confidence that we can achieve the service that we are talking about without disrupting the existing services on the Great Western, either freight or passenger. Can I make a point which is related to that, which is about the thinning out of services? When I am talking about thinning out services I am talking about when some incident happens where some trains have to be cancelled or some trains have to be turned back short, which is exactly what happens now and exactly what happens everywhere on the network in the UK and everywhere on networks throughout the world. It is a fundamental part of railway operation.

The Petition of Martin Salter MP and Reading Evening Post

14165. **Mrs James:** Particularly in the West. **(Mr Berryman)** That is another issue. It is fundamental factor in railway operation that when things go wrong you have to adjust the service to accommodate what has gone wrong.

14166. **Mr Elvin:** Can I ask this: in terms of the work that has been carried out, does Crossrail actually increase capacity on the Great Western in some respects?

(Mr Berryman) In many respects, as I think was mentioned yesterday, there are increases in capacity. I think, perhaps, the most noticeable issue is that immediately adjacent to Ealing Broadway, where we have provided a graded separate interchange to get into the freight yard at Acton yard, any regular user of the Great Western will know that trains are often held at Ealing Broadway to wait for freight trains to come out and go into that yard, and that problem will be solved by the Crossrail works. There are a number of other areas where we are altering or upgrading or lengthening loops, which will make the operation of freight trains much more straightforward

14167. In terms of the impact of creating platform capacity at Paddington, can you consider that?

(Mr Berryman) Yes. I think this point was made similarly yesterday. By taking away the suburban trains from Paddington platform capacity will be released. That would, if that was the only constraint, allow an expansion of services on the Great Western line. As was explained yesterday, there are other capacity constraints, noticeably at Reading, which would prevent that. However, platform capacity at Paddington is one of the limiting factors of capacity for the Great Western, but at least that part of the problem would be solved by Crossrail. It still leaves other problems to be solved but at least it is a step in the right direction.

14168. **Mr Elvin:** Mr Berryman, thank you. Are there any other questions?

14169. **Chairman:** Thank you very much indeed.

The witness withdrew

14170. **Mr Elvin:** Sir, can I just start by reminding the Committee of something which a number of Petitioners seem to be unaware of (Mr Salter as much as anyone), which is that Crossrail cannot be the panacea to all the rail problems in the South East. You have heard Petitioners now from a wide number of locations, both east and west of London, and the core case for Crossrail is one which is set out in chapter 4 of the Environmental Statement, and I explained it in opening.⁴ It is centred on specific transport problems and specific regeneration issues within the Greater London area. It does seek to achieve integration elsewhere but it simply cannot, to be contained within feasible and affordable limits, solve existing problems all over the network.

14171. The issues that arise with regard to Reading arise in any event, as Mrs James has indicated, and having been stuck on trains at Ealing myself, and in similar locations, I well understand the concerns, but those are existing problems. The work that has been done to-date demonstrates two things: firstly, Crossrail will not worsen services on the Great Western; secondly, it will have a beneficial effect in some respects by freeing up capacity, as Mr Berryman has just explained, and providing a degree of benefit to those executives who do not jump in their limousines, taxis and the like by providing a fast service from Heathrow through to the City and Canary Wharf. There are benefits, therefore, to Heathrow, but as Mr Berryman says, one should not overstate them.

14172. However, as I say, it is absolutely essential that if this project is to be built it has to be within affordable and practical limits and we have already said on a number of occasions that simply because this project has a particular price ticket attached to it does not mean you can simply keep adding to it by saying: “£300 million is only a small percentage of £10 billion”, or something like that. I am sure the Committee are well aware of the difficulties of finding that sort of money and the need to keep the scheme practical so it will actually be delivered.

14173. We have set out in detail our case on the selection of route and our selection of termini; they are in Information Papers A1 and A6.⁵ These issues started with the LEWS study some six years ago. They went further, of course, and the Crossrail business case, when it was published, was looked at publicly by the Montague Committee in 2004; it was a public report and the Committee, I think, has copies of it or has access to it. These issues have been looked at over a considerable period of time before the case for Crossrail was adopted by government and received the approval of the House in second reading.

14174. So far, therefore, as Reading is concerned, we have put forward specific reasons why we do not consider Reading is appropriate; why we do not consider the level of benefit that those who argue for Reading say will take place to be on the scale which supporters say they will. We also say that in terms of Heathrow, the Heathrow service is improved but it has to be put in context, and there remains the BAA plans for AirTrack should that be considered necessary to achieve a western connection in due course, but one should not underestimate the difficulties.

14175. So far as support for the scheme is concerned—and this was a point raised by Mr Wilson first of all—and the democratic deficit, I am afraid my point is a simple one: it has the support of the House of Commons in second reading. It has the support of the House for the existing termini in the West. As I have already said, the House has

⁴ Crossrail Environmental Statement, Volume 1, Chapter 4, billdocuments.crossrail.co.uk

⁵ Crossrail Information Papers A Series— Route Development, billdocuments.crossrail.co.uk

The Petition of Martin Salter MP and Reading Evening Post

indicated in its instruction that it is willing to consider within limits, which I have already addressed the Committee on, Maidenhead to Reading but within certain specific limits. The democratic deficit, it seems to me, is very far from being present.

14176. In terms of the issues of cost, I have already agreed on behalf of the Promoters to provide the Committee with a more detailed breakdown, so it has something rather more clear that it can get its teeth into. That will be done. I do not think there is anything else I wish to address you on.

14177. **Chairman:** There was one point which Mr Wilson also raised about particular modelling which had been done.

14178. **Mr Elvin:** Yes. The modelling which has been done with regard to timetabling you have heard discussed at great length yesterday and it was cross-examined on at some length by Mr George for the freight industry, and what is quite clear is that whatever the issue remaining as to where and how much more work needs to be done, which was the main thrust of Mr George's case yesterday for the freight industry, the modelling enjoys the support across a wide number of stakeholders. You have the list of those who took part in the Timetable Working Group, which includes freight and passenger industry representatives.

14179. The modelling is the standard modelling that Network Rail uses and is used to plan transport on rail throughout the country. If we say the modelling does not work then we might as well forget trying to do any form of planning for our railways, because that is the way it is done in this country; it is what Network Rail does, it is what the operators participate in on a daily basis, and you heard from

Mr Watson who has experience in the modelling of railway timetables for many years. This is an established means of trying to integrate new services and growth in existing services into the network. I am sure Mr Hopkins is very familiar with those matters. Therefore, the modelling is standard modelling. It may have some matters which remain to be dealt with, designed and worked up but it has reached a position where the group has agreed, and you heard from others and Mr Watson yesterday, that it presents a picture which shows on the Great Western at least that the base timetable for Crossrail will work without detriment to the Great Western services.

14180. Sir, I cannot say much more than that. The modelling is what it is; it is the standard system. If we give up on Crossrail then we give up on trying to plan our rail transport

14181. **Chairman:** I think you have well covered the queries there. We will have a look at some of the questions that Mr Wilson posed, which were quite a number—

14182. **Mr Elvin:** I think I have covered them fairly broadly, either through Mr Berryman or through what I have just said. If there is anything you require me to address, no doubt you will let me know.

14183. **Chairman:** Martin, do you want to say anything in summing-up?

14184. **Martin Salter:** No, I am very happy with what has been put across.

14185. **Chairman:** Thank you. That ends that particular Petition. We now move on to the next Petition, which is Thames Valley Chamber of Commerce Group, represented by Claire Prosser.

The Petition of Thames Valley Chamber of Commerce Group

Ms Claire Prosser appeared on behalf of the Petitioner

14186. **Chairman:** Mr Taylor?

14187. **Mr Taylor:** I believe there are three issues that the Thames Valley Chamber of Commerce Group is going to raise: extension of the scheme to Reading; Crossrail services to Heathrow and the impact on the Great Western main line.

14188. **Chairman:** Do you know what time you are going to need?

14189. **Ms Prosser:** Only about 10 minutes. I will not be commenting on Heathrow; it has all been discussed previously.

14190. The Thames Valley Chamber of Commerce Group speaks on behalf of nearly 3,000 businesses in the Thames Valley, which encapsulates 178,000 employees equating to 25 per cent of the working

population. The Chamber represents a 31 per cent market share of the large corporate, private sector companies and business people in the Thames Valley. The region covers, as you know, Aylesbury Vale, Bracknell Forest, Oxfordshire, Reading, Slough, West Berkshire, Wycombe & South Bucks and Wokingham. We have also in May opened an accredited Chamber of Commerce in Swindon which will cover businesses in that region and in wider Wiltshire.

14191. The Thames Valley Chamber of Commerce would like to reiterate and to preserve its position for the record this morning. We do acknowledge that a variety of experts have already given evidence on this and that much debate has already been given. During our consultation we received support for our position from the following organisations: Reading Borough Council, Reading MPs (who are here

The Petition of Thames Valley Chamber of Commerce Group

today), Reading City Centre Management (which covers business and public sector organisations), the South East England Regional Assembly, ACTVaR (who I understand gave evidence last week, which Thames Valley Chamber of Commerce endorses), the CBI and FirstGroup, the train operator.

14192. The Thames Valley Transport Group, which is co-ordinated by the Thames Valley Chamber of Commerce, has also been consulted with for our position. The group meets five times a year and discusses important current consultations, including all modes of travel, especially rail.

14193. In a recent survey of members we identified that poor transport infrastructure costs each business an average of £27,000 a year, and 56% of businesses have reported it as a major influencing factor when deciding where to locate. As well as impacting on business operating costs, 46% of our members are convinced that a lack of inward investment in our region is caused by an inadequate regional transport system. We do consider that Crossrail is crucial to maintain and support this region's growing, dynamic and thriving economy. Fast train links are critical for our members and the business community.

14194. On the first point—scheme Development: Reading as the westerly hub—as we have heard this morning Reading is cited as a strategic hub in the most local, regional, national and multi-modal strategies including: Thames Valley Multi Modal Study, South East Regional Transport Strategy, South East Development Agency, Local Transport Strategy and the Strategic Rail Authority. Reading is the second largest rail interchange outside of London and is a strategic hub both regionally and nationally and should be the natural western terminus for Crossrail. The proposal fails to link with national rail services from a recognised hub.

14195. At this stage I would like to refer to the position of Theresa May MP, who last week said, and I quote: “I do not see why it would not consider Reading as a more suitable alternative. Maidenhead is a default choice. It will only disrupt Maidenhead”.

14196. The rail network is an important component of the overall transport system and is used by 66% of our members for business related activities. This Committee, therefore, is an essential opportunity to reiterate the case for Crossrail to choose Reading as its western terminus. The current proposal to terminate the service at Maidenhead is illogical and potentially damaging to the quality of stopping services between Reading and Paddington. Accordingly, the Thames Valley Chamber of Commerce Group believes that if a Crossrail service is to extend beyond Slough it should terminate at Reading as a logical hub and carry appropriate limited stop services. Not to include Reading would be an opportunity lost and could fulfil several long-term strategic objectives and facilitate a national need. The costs of electrification of the line to

Reading from Maidenhead (which is 13 miles) would add, as we have heard today, £300 million to a £10 billion project. Crossrail estimates a 2:1 return on investment.

14197. On specific cases, BT Group is investing in the region substantially, and our submission is backed by BMW, Boyes Turner, PricewaterhouseCoopers, Rockwell Collins and Yell, and you have heard a lot of specific cases this morning.

14198. Some statistics. Approximately 5,000 people travel from Reading to London Paddington daily, Monday to Friday. Reading has approximately 30 million visitors a year.

14199. We acknowledge the Promoter's response in point 1, and I would question the comment: “offer the best prospect of providing transport for London's increasing population and relieving overcrowding.” Thames Valley Chamber of Commerce's emphasis and number one priority must be on supporting the needs of Reading and indeed the Thames Valley. We do acknowledge the Promoter's response point 2: “In January 2006 revised instructions to the House of Commons Select Committee considering the Bill were passed allowing them to consider proposals for extensions of Crossrail to Reading and Ebbsfleet.”

14200. On the particular point of the redevelopment of Reading Station, a clear strategic approach should be a phrased project centred on delivering the core needs of this strategic hub, which are: six tracking into London to deal with the capacity issue; much needed upgrading of the signalling; development of the stations platforms and the surrounding areas. Reading station has been identified and given conditional approval (we have heard from Martin today) for essential capacity improvements because it is a key bottleneck on the national rail network. Such an upgrade would bring with it benefits on an international, national, regional and local scale.

14201. We acknowledge in the Promoter's response point 3 that: “to accommodate Crossrail trains to Reading station without a major redevelopment would involve Network Rail and all the other train operators whose trains run to or through Reading station. Therefore such a project would need to be led by Network Rail, the infrastructure owner, not by an individual operator, such as Crossrail.” Thames Valley Chamber of Commerce would call for joined-up thinking between Network Rail, Crossrail and indeed other partners to ensure improvements to Reading station, as previously stated, and any Crossrail development at Reading station are carried out as one.

14202. Indeed, in a press statement issued by the Chamber of Commerce in November 2005 we urged the Government to deliver £68 million of the investment needed for the core development scheme

The Petition of Thames Valley Chamber of Commerce Group

of Reading station, and added support to October's correspondence sent to the Department for Transport from Tim Smith of Reading City Centre Management. Our Group Chief Executive stated: "Reading Station is already running at capacity. The tracks in the station can only carry 23 trains per hour, whereas the tracks to the east and west of the station can carry 60 trains an hour. It is clear that the capacity of the station needs to be increased in order to utilise the full potential of the transportation links in Reading. Reading is an important economic hub within the Thames Valley, with many national and international links. It is home to numerous international headquarters and has been growing in both size and revenue. The connection at Reading is a vital gateway for the region with connections into London, the City's airports and other towns and cities countrywide."

14203. The press statement highlighted the urgency for this investment as Network Rail's resignalling work, essential for track safety at Reading, is programmed for 2012. "If the core scheme is not adopted by then, this work will go ahead on a like-for-like basis and thus the opportunity to resolve the bottleneck will be lost as, once replaced, the signalling equipment has a 30-year lifespan." It would therefore seem sensible to co-ordinate any upgrading activity in time and in line with Crossrail development with Reading as the westerly hub.

14204. Thames Valley Chamber of Commerce would call on Crossrail to not use the upgrading of Reading station, or lack of it, as a convenient excuse to hide behind or a stick to beat Reading with. In the Information Paper A1, "Development of Crossrail Route" point 5.12, Crossrail states: "Analysis showed that these costs would not be justified by the benefits, as passenger demand on Crossrail services would be low due to the existence of alternative fast rail services to Paddington and Reading".⁶

14205. Thames Valley Chamber of Commerce would question any terminology connecting "low usage" and "Reading station". We are aware of this argument and remain concerned that this information be used against Reading becoming the westerly hub. Surely, once a Crossrail service was available, customers from Reading would have the choice over existing services into London and those of Crossrail. Surely, such analysis has been put together on a hypothetical situation.

14206. Impact on railway services. Post any Crossrail service Thames Valley Chamber of Commerce would want the line protected and fast services retained. The current proposal would adversely affect Reading HST services into London by slowing train speeds. The Thames Valley Chamber of Commerce does not want Crossrail to be merely a Metro stopping service, especially a London Metro service. We feel a balance has not been drawn.

14207. On timetabling issues, Thames Valley Chamber of Commerce Group successfully lobbied to help FirstGroup retain its fast services from Slough, Maidenhead, Twyford, Newbury, Didcot Parkway and the branch lines of Marlow and Henley-on-Thames. In March the Chamber submitted its response to FirstGroup and the Department for Transport challenging the significant timetable changes proposed for December 2006, which could have seen many major rail connections in the region adversely affected.

14208. For Slough to London the threat of this service being pushed above the important 20 minute threshold has been removed. As of the proposed December 2006 timetable, there will be a half-hourly fast service, not just in the peak times but throughout the day. The risk of services always making an additional stop at Ealing Broadway has gone, and Slough fast services will be even better than before. The peak-hour fast services have also been retained for Maidenhead, Marlow, Twyford and Henley-on-Thames, which is crucial for commuters who live and work in these areas.

14209. We fought very hard for this favourable timetabling decision, which we would not want to see compromised or made worse by any Crossrail service. Thank you.

14210. **Mr Taylor:** The Committee has heard last week about Reading and this morning about Reading. The case for the Promoter, put very crudely, is that to extend to Reading poses large additional costs with no overall benefit because Crossrail passenger services simply would not be used because people have the alternative of using the fast trains from Reading into Paddington.

14211. Turning to the matters relating to the impact on the Great Western main line generally, the Committee has already had evidence from the Chair of the Timetable Working Group, and the conclusion of that Group in relation to passenger services was that the Crossrail base timetable does not appear to have any material negative impact on other passenger services, primarily because neither to the east or west of London would Crossrail services use main lines on which other passenger services predominantly run. Crossrail uses the relief lines. That is all I want to say on the Petition.

14212. **Chairman:** Do you wish to conclude, or is that it?

14213. **Mr Taylor:** That was it.

14214. **Chairman:** Ms Prosser, would you like to summarise?

14215. **Ms Prosser:** I think I was just going to reiterate that although we do choose Reading as the western hub—just to reiterate the point—we would want current services protected, as per

⁶ Crossrail Information Paper A1— Development of the Crossrail Route, billdocuments.crossrail.co.uk

The Petition of Thames Valley Chamber of Commerce Group

what I said. I understand the point made but it is crucial that the proposed 2006 timetable is retained.

14216. **Chairman:** Thank you very much indeed. That now concludes the Petition.

14217. **Mr Elvin:** Sir, just before you rise, I promised you yesterday the ministerial letter on Bill powers dated 29 June. I will have that circulated. It will be

P109. It is in the same terms as the letter already in the bundle but I thought you ought to have that from the Minister as well.

14218. **Chairman:** Thank you very much. We will now suspend till 2.30 when we will hear the Petition of Frank Browne.

After a short adjournment

The Petition of Frank Browne.

Mr Stephen Reed appeared as Agent.

14219. **Mr Taylor:** I will introduce the next Petition, if I may. Mr Browne, as I understand, is the leader of Wokingham Council and is here in his personal capacity. The issues that are to be raised are potentially two-fold. The first relates to the impact of Crossrail upon services from Twyford and upon the Henley branch and the second relates to whether or not the Crossrail should be extended to Reading.

14220. I hand you over to Mr Reed.

14221. **Mr Reed:** I am Stephen Reed. I am representing Councillor Browne as his Parliamentary Agent today. Your Petitioner is the leader of Wokingham District Council and is a district councillor for Remenham and Wargrave.

14222. The Bill will adversely affect train journeys to London from Twyford and Wargrave Stations, the area for which Wokingham District Council is the local authority. The Petitioner and his interests and the interests of his constituents and the interests of other residents of Wokingham District are all injuriously affected by the Bill to which the Petitioner objects. As a resident of the area served by Twyford and Wargrave Stations, the personal interests of your Petitioner are injuriously affected by the Bill. However, perhaps because Wokingham and District Council is not within the area covered by the proposed works, it is not fully informed about the impact of the Crossrail project and the transport within its boundaries. The Council did not become aware of the scale of reduction of the through services to London sufficiently early to hold a council meeting to enable it to petition against the Bill, which I understood would have been the more appropriate route. The Petitioner would respectfully request that he also be heard in his capacity as leader of the Council in order to put to the Committee his wider concerns of his council and of residents within his boundaries.

14223. Councillor Browne has asked me to confirm to the Committee the comments made by Councillor David Sutton, in his role as chair of ACTVaR, in his evidence last week. The Wokingham District

Council is part of and fully supports the ACTVaR position that was outlined to the Committee about the 18 authorities within the ACTVaR group.

14224. We have only one witness to call, Mr Lindon, who has been asked by Councillor Browne to look at the impact of Crossrail and the potential service changes that may affect the train services at Twyford. We hope this will help to reinforce the general information and overview provided by previous Petitioners. I would expect our submission, by way of short bullet point presentations, to last no more than about 30 minutes. Can I ask Mr Lindon now to go through his presentation with you.

14225. **Chairman:** The Petitioner is listed as Frank Browne, but is it on behalf of Mr Frank Browne or does he do it in name as leader or on behalf of the Council?

14226. **Mr Reed:** He is asking to be heard personally and in name as leader.

14227. **Chairman:** It is also the view of the district council?

14228. **Mr Reed:** It is, sir.

14229. **Chairman:** Has a resolution been passed by the authority in relation to their support for a petition? In other words, are they joined by a resolution?

14230. **Mr Reed:** I understand they are, sir. I can check that for you, if you would like. The resolution was not made at the time the Petitions had to be made. It was made subsequently.

14231. **Chairman:** We take it that they have a view but the Petition is from Mr Frank Browne individually.

 The Petition of Frank Browne

14232. **Mr Reed:** Yes.

Mr Peter Lindon, Sworn

Examined by **Mr Reed**

14233. (*Mr Lindon*) I would like to start off with the presentation on the screen at the moment. I intend not to cover the Reading issue in any great length because that was covered at fair length this morning, but there are one or two points I would like to elaborate later on. I would like to concentrate on train service issues and the degradation taking place through those services at Twyford at the moment.

14234. Can we move on to slide 2, please.⁷ There you will see the current level of service applicable at Twyford. There are to be some adjustments made in December this year with the new timetable. At the end of the presentation, these are set out in the appendices at the end of the presentation.

14235. May we move forward to slide 3.⁸ According to the Promoter's response, these are the levels of service that Crossrail propose to operate: a limited-stop service (of which we have heard before); the 30 minute interval service to Slough; possibly some trains operating on the main lines and serving Twyford continuing to operate (services that are currently run on the fast line between Twyford, Maidenhead and London Paddington); and also the Henley branch will probably have no through services.

14236. Going on to slide 4, we note the response from the Promoter, but there are a number of questions unanswered and notable questions begged in terms of the future of that particular route and what might come out of it.⁹

14237. On slide 5, the Great Western Main Line Route Utilisation Strategy, which the SRA published in June 2005, proposes that "in the peaks only the 125 mph stock should be deployed on the Main Lines east of Reading."¹⁰ This has been actively considered by the SRA, sufficient that it was in their Route Utilisation Strategy. I am aware that there is a Network Rail Route Utilisation Strategy coming out for the route and I will be interested to see the content of that when it has been established in 2009.

14238. Going on to slide 6, if the RUS is adopted as published, neither the existing Heathrow Express services nor the peak hour fast services from Twyford nor any of the commuter services from west of Reading, currently operated by diesel units, will

be allowed to use the fast lines.¹¹ It is not clear what the process is for "establishing"—as the word used by Network Rail—the RUS, but it seems to me that there is a discrepancy between the proposals of Crossrail—basically to use a substantial amount or virtually take over the relief lines or slow lines—and the Route Utilisation Strategy. We would be very interested to learn the actual proposals here from presumably DfT Rail, Network Rail and anybody else.

14239. Going on to slide 7, in the Crossrail Action Option paper, which the DfT produced in March 2006, they do specifically mention this 30-minute interval, semi-fast service and also the stopping service terminating at Slough.¹² It was confirmed this morning that there are 10 trains per hour proposed to run west of Paddington to Maidenhead, West Drayton or Heathrow Airport. There may be 14 emerging from the Crossrail Tunnel that will terminate at the Westbourne Park facility. It is understood that these trains will operate on a clock-face basis. I assume this is the principle of the exercise. The concern that we have is the pathing of the residual (as it is known in Crossrail circles) limited-stop diesel service on the relief lines between the all-stations Crossrail trains. Mr Berryman made the very apt point this morning that if one has mixed traffic on a line of railway route, line capacity is therefore reduced. That means that if you are operating trains that have a similar stopping pattern, you can put more trains on that piece of route because they are all moving at the same speed. The introduction of a fast service on to a line otherwise used by an all-stations service reduces the line capacity. The Promoter stated the intended journey time of these residual diesels between Paddington and Maidenhead would be 32 minutes. This compares with 41 minutes with Crossrail trains over the same journey. The current required headway (the distance between trains that currently operates on Great Western Main Line out of Paddington) is three minutes. Thus, for the residual diesel service to perform that journey between Paddington and Maidenhead in 32 minutes, without being delayed by Crossrail trains, very careful timetabling would have to be necessary. It would seem that the whole of the end of the Crossrail timetable may well have to be constructed around fitting these residual diesel trains in between the Crossrail services.

14240. I hope I am not losing anybody on this and it is making some sense.

14241. There is a serious issue about timetabling. We would like some comfort that these services can continue to operate, even when additional capacity is needed on Crossrail services, because they are the only services that are going to serve Paddington directly from Twyford—which is another issue I shall come on to in a moment.

⁷ Committee Ref: A162, Impact of Crossrail at Twyford, Comparison of Services, Current (LINEWD-29005-002).

⁸ Committee Ref: A162, Impact of Crossrail at Twyford, Comparison of Services, Promoter's Response (LINEWD-29005-003).

⁹ Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (1) (LINEWD-29005-004).

¹⁰ Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (2) (LINEWD-29005-005).

¹¹ Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (3) (LINEWD-29005-006).

¹² Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (4) (LINEWD-29005-007).

The Petition of Frank Browne

14242. If we move on to slide 8, this is the best case.¹³ This is the most optimistic prediction for a service that Twyford may have, which is possibly one fast service per hour during the peak periods, two of the limited-stop diesel services all day, and two all-station services per hour to Slough.

14243. Going on to slide 9, this could be the worst case.¹⁴ The limited-stop diesels, as I have already explained, do not fit. They are not fitting in with the Crossrail journey at all. There is every possibility that any extra requirement for services on Crossrail to run west of Westbourne Park (in other words, further down the route towards Maidenhead) is going to reduce capacity. This could result in their withdrawal or possible slowing down. The two Reading-Slough services do not really seem to serve a purpose. They are operating all-stations between Reading and Slough but when they get to Slough they terminate. The only onward service available from Slough to London Paddington is actually a service that has come through from Maidenhead. I consider that these services could possibly also ultimately be under threat. If the Route Utilisation Strategy is adopted, as proposed, by the SRA, the fast services from the Twyford and the Henley branch may also be under threat because they will not be allowed to use the fast lines. Of course, another issue is the closure of the Henley branch itself.

14244. I will skip slide 10 and go on to 11.¹⁵ Having made that point, I would like to cover very briefly the Reading issue. There are two issues that are new from this morning. Firstly, it has always been proposed that eventually the Great Western Main Line will be electrified. The fact that the current operator is currently refurbishing 1970s rolling stock would indicate that, at a certain time in the future, there will be a substantial requirement for investment in extra rolling stock, and it would seem that that is the time at which the Great Western electrification could well be considered. If electrification were to be already in place into Reading this would be a step in the right direction. There was talk about passive provision for Crossrail this morning, not only under the Reading development but there is also a re-signalling scheme which could incorporate the immunisation of Crossrail and actually make passenger provision for Crossrail requirements there. So there are, I think, additional elements to the Reading argument, if you like.

14245. I shall skip slides 12 and 13 because these cover what we have already talked about this morning. I would like to move quickly to 14, if I

may.¹⁶ This gives you a feeling for the degradation of service that Crossrail is about to suffer. We have 15 trains an hour arriving at London Paddington in the morning peak period between 0700 and 0959 at present. That drops to 14 in December. By the way, those figures exclude, I hasten to add, any of the very slow services that are subsequently overtaken en route, so they are not the total; they are the ones that people would actually catch. In the last two columns you have the best case and worst case Crossrail scenarios that I have already elucidated. So you can see there is a very real threat to Twyford and its future, in terms of rail services. We take issue with the Promoter's Response Document in which it is stated (and here I quote): "The present service level reflects the fact that most trains are stabled overnight at Reading and, to some extent, the existing provision of service more reflects the operational pattern than the actual demand on offer". Our reasons for disputing that are twofold: firstly, it is really only the first trains in the morning that come out of stabling at Reading. Once the service is up and running these are trains that are coming from other sources or, even, turning round at Reading and going back. Certainly this does not apply to later trains, nor does it apply to the off-peak service. Secondly, a number of trains in the morning do miss the Twyford stop. Now, if there was so little demand for Twyford would these trains be stopping? No, we do not think so, because it costs money to stop trains—wear and tear on brakes, doors and fuel, naturally. If there really was less demand than is "on offer" it is difficult to understand why, then, Twyford should enjoy such an apparently excessive service at present.

14246. I think, in summary, many stations can plead a special case. We feel that Twyford really is a special case. We are the only station between the proposed terminus at Maidenhead and Reading served by Intercity services. Therefore we get neither the benefits from Crossrail, nor do we get the benefits of the Intercity service from Reading. There is also the Henley branch to consider. If services on the Henley branch were to be dropped altogether, as is mooted, then we feel that the through benefits to that branch of having commuter services to London would seriously jeopardise the economics of the service and, if the economics of the service are jeopardised, that would put in jeopardy the whole future of the branch.

14247. I think it may not be in the gift of the Crossrail project team to resolve some of these issues, Mr Chairman, but what your Petitioner would like to see is a mechanism put in place to ensure that Twyford does not suffer should Crossrail proceed as proposed on account of its location. Thank you for your attention.

¹³ Committee Ref: A162, Impact of Crossrail at Twyford, "Best Case" for Twyford (LINEWD-29005-008).

¹⁴ Committee Ref: A162, Impact of Crossrail at Twyford, "Worst Case" for Twyford (LINEWD-29005-009).

¹⁵ Committee Ref: A162, Impact of Crossrail at Twyford, Savings (LINEWD-29005-011).

¹⁶ Committee Ref: A162, Train Arrivals from Twyford at London Paddington, Mondays—Fridays (LINEWD-29005-011).

The Petition of Frank Browne

14248. **Mr Reed:** That closes our evidence.
Cross-examined by Mr Taylor

14249. **Mr Taylor:** I have one or two questions, if I may. I will try and be as brief as possible. Mr Lindon, you did not really introduce yourself to the Committee. Can you explain who you are? Are you a consultant?

(Mr Lindon) I am a consultant working for Mouchel Parkman, I have a Masters Degree in Transport and Logistics Management and I am a Fellow of the Chartered Institute of Transport, and a Member of the Institute of Railway Operators.

14250. Do you have experience of railway timetabling?

(Mr Lindon) I have experience of railway operating, so timetabling is a bit of a black art but, yes, I do understand timetabling.

14251. Have you ever used the Railsyst model?

(Mr Lindon) No.

14252. **Mr Taylor:** There has been some concern from the Promoter's side relating to the extent to which Mr Browne's Petition can be used to represent Wokingham Council's. The indication is there has been a resolution from the council saying Mr Browne can represent the council before the Committee. The Promoter's agents have been asking for some time for a copy of that resolution. Do you think you will be able to provide that to the Promoter and to the Committee?

14253. **Mr Reed:** Yes.

14254. **Mr Taylor:** I have got one or two points arising from your presentation. The first of those arises on your slide 5.¹⁷ I am terribly sorry, I did not write down on my copy the document number.

14255. **Chairman:** A162.

14256. **Mr Taylor:** On slide 5 you quote part of a sentence from the Great Western Main Line Route Utilisation Strategy for June 2005. "In the peaks, only 125mph stock should be deployed on the Main Lines east of Reading".

(Mr Lindon) Yes.

14257. Is it your understanding that that part of that sentence applies to all services on the Great Western main line east of Reading or, in fact, only those that pass through Reading itself?

(Mr Lindon) That is something on which we are looking for clarification, to be honest. It is an area of the route utilisation strategy which seems to run contrary to some of the things emerging from Crossrail in terms of service specified for post Crossrail. That is our concern. We would like clarification ourselves.

14258. If it is to be interpreted as applying to all services it would mean all trains running on the Henley branch and the Marlow branch would have to be 125 stock, and also the Heathrow Express would have to be 125 stock as well.

(Mr Lindon) Yes.

14259. Can 125 stock be used in the underground section of the Heathrow Express railway?

(Mr Lindon) Not, as I gather, at the moment. The service stock does not exist. The point is that I am not saying that we should have 125 stock working on these branch lines. What I am seeking is clarity.

14260. To interpret part of that sentence as meaning that only 125 stock should be used on the main line east of Reading as applying to all services would appear to give rise to anomalous results, would it not?

(Mr Lindon) It would indeed.

14261. Such that we would suggest, perhaps, that that interpretation would be incorrect.

(Mr Lindon) This is what we want the clarification on. This is a fairly recent document and we are looking to make sure that the service to Twyford does not suffer as a result of having the diesel services removed that currently operate on the fast line, and possibly a degraded service operating over the relief line as a result of Crossrail services.

14262. Let us turn to railway timetabling. You are aware, I take it, that a Crossrail Timetable Working Group was set up and issued a report dated 22 June 2006? You are aware of the conclusions of that report?

(Mr Lindon) We received it yesterday. I have not had time to digest it all.

14263. You are aware that a working timetable has been drawn up?

(Mr Lindon) Yes.

14264. Which includes Crossrail services, as I understand it, and the existing passenger services. You are aware the conclusions of the Timetable Working Group were that that timetable does not appear to have any material negative impact on other passenger services.

(Mr Lindon) If that is the case then we shall be very happy with that.

14265. Evidence was presented to the Committee last week in relation to the Petition from the Royal Borough of Windsor of Maidenhead regarding the utilisation of the Henley branch, and you refer to concerns that the Henley branch, it is your slide 7 could become unviable.¹⁸ On slide 9, your worst case, you put "Henley branch closed".¹⁹ Perhaps if we could bring up the Windsor and Maidenhead Petition screen. It is 14604D, page 29, the Henley

¹⁷ Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (2) (LINEWD-29005-005).

¹⁸ Committee Ref: A162, Impact of Crossrail at Twyford, Petitioner's Concerns (4) (LINEWD-29005-007).

¹⁹ Committee Ref: A162, Impact of Crossrail at Twyford, "Worst Case" for Twyford (LINEWD-29005-009).

The Petition of Frank Browne

branch timetable summary.²⁰ We can see here train services from Henley, on the current timetable. There are two London services shown, and the Crossrail working timetable, which is the one which is examined by the Timetable Working Group, in table 2, retains a through London service which enables you to get from Henley to Paddington in 45 minutes.

(Mr Lindon) Yes.

14266. That is a timetable that can be used relating to the access options, and your suggestion that somehow the Henley branch is going to be unviable and closed is not right, because that is not the basis of the timetable that is being sought in the access option from Network Rail.

(Mr Lindon) That is not wholly true. My point was that the combination of the access option with a route utilisation strategy which may actually involve the removal of local services from the main line, albeit at certain times of the day, could be contributory factors to the withdrawal of these services. If what you are saying is that—and we are talking now some considerable years in advance and some considerable number of timetable changes in advance—by the time Crossrail comes along we will have a service on the Henley branch to Twyford which is not worsened by anything that Crossrail may do, or anything the utilisation strategy may do, that is fine. It is these assurances we need to be put in place. We are not very happy with the level of degradation the service is suffering.

14267. Assuming that Crossrail is going to happen, is there any guarantee that the current level of service to Twyford and the Henley branch will continue into the future?

(Mr Lindon) Absolutely not. That is a matter for the Department for Transport.

14268. It would not be right, would it, to ask this Committee to guarantee a particular level of service on the Henley branch from Twyford into the future in relation to the Crossrail scheme?

(Mr Lindon) I am just looking on the screen at the service, which actually talks about a level of service from the Henley branch. So, presumably, this will operate on the fast lines as well.

14269. What you are looking at on the screen is the working timetable which is the basis of the access options being sought by Network Rail.

(Mr Lindon) Yes.

14270. You have set out in your evidence a best case for Twyford and a worst case for Twyford. Are those based on any timetabling that you have undertaken?

(Mr Lindon) Absolutely not. The best case is based on the known factor—what we have been told by the Promoter that we are going to have this service as the best case, which is one fast service, two limited

stopping services and two all-station services. I would add that this falls some considerable way short of what is enjoyed at the moment.

14271. The last point I have got is from your slide 10 of A162, where you set out your counter proposals.²¹ The first bullet point on that slide is that you want to retain two/three trains running between Paddington and Henley in both peak periods.

(Mr Lindon) Yes, ideally.

14272. As you have seen, the working timetable retains one train. Are you asking the Committee to ensure that in perpetuity two to three trains run between Paddington and Henley whether there is Crossrail or not?

(Mr Lindon) I am asking the Committee to provide a mechanism for consultation with the council on this particular issue. I have already explained my reasons behind Twyford and the Henley branch's very special case, and I am concerned that the interests of this one station will actually be overlooked because of its position and because of the fact it falls between two stools in respect of train services.

14273. The level of service on the Henley branch and to Twyford is currently regulated by the ORR and Network Rail. Why is it that the existing regulatory regime is insufficient to provide the consultation mechanism that you seek?

(Mr Lindon) Because we now have a parliamentary Bill going through this Committee and access options which would be reinforced by the passage of this parliamentary Bill. It is our desire to ensure that our interests are safeguarded at this juncture and through this Committee.

14274. **Mr Taylor:** Thank you.

14275. **Chairman:** Mr Reed?

14276. **Mr Reed:** I do not have anything, thank you, sir.

The witness withdrew

14277. **Chairman:** Mr Taylor, would you like to sum up?

14278. **Mr Taylor:** Thank you, sir. I am going to reserve our position in relation to whether or not Mr Browne actually represents the Council until we have seen the particular form of wording of the resolution.

14279. **Chairman:** Perhaps I can just help with that and say that until we receive knowledge of the resolution being passed by the Council, we will take it that it is Mr Browne's Petition.

²⁰ Crossrail Ref: P110, Henley Branch Timetable Summary (WINSRB-14604D-029).

²¹ Committee Ref: A162, Impact of Crossrail at Twyford, The Petitioner's Counter-proposals (LINEWD-29005-010).

 The Petition of Frank Browne

14280. **Mr Taylor:** So far as the issues which have been raised are concerned, there is no guarantee of current services even without Crossrail. That is a matter for the ORR.

14281. So far as the level of service provided to Twyford is concerned, Mr Berryman gave evidence as to what that service would be on Day 46 at paragraph 12860 and following. The Henley branch, as we have seen, has an established working timetable which has been considered by the Timetable Working Group and at present that has two through-trains, but even with Crossrail one through-train is proposed. The material provided regarding the best case and the worst case presented by the Petitioner is not based on any timetabling modelling, so, in my view, should be given little weight as a result. You have the conclusions of the Crossrail Timetable Working Group in relation to the effect on passenger services before you in P106. The suggestion appeared to be that two to three trains to Paddington was something that was to be sought from the Committee in relation to the Henley branch. Apparently that is not the case and what is wanted is consultation. In my submission on behalf of the Promoter, the processes that govern the extent to which services are provided to Twyford and on the Henley branch are already sufficiently regulated by the existing rail regulation systems and the consultation mechanisms are provided within that.

14282. The other issue which was raised, but I did not ask a question about it, was the extension to Reading. You have heard a lot about that already and I will not repeat the points we have already made in that regard. Thank you very much.

14283. **Chairman:** Mr Reed?

14284. **Mr Reed:** I think we have put our evidence to you. I will try and get confirmation to yourselves and Crossrail about the resolution from Wokingham District Council. We do feel that Councillor Browne's position is that we feel that Twyford will suffer under the Crossrail proposals and that there is suitable uncertainty about access rights into London Paddington, of which you have heard evidence. One way in which this resolves itself is by looking at the extension to Reading of Crossrail, again about which you have heard evidence today. I think that we would like to close at that point.

14285. **Chairman:** Can I just outline this a little bit. It is quite important that we make this stipulation about whose Petition it is. It is a valid Petition because Mr Browne has submitted it, there is no difficulty about that, but on the papers which have been delivered, it is specified as that of Wokingham District Council and he is cited as the Leader of Wokingham District Council. We just need to elaborate which is the case or whether it is joint and, if it is joint, whether it has been done previously and legally. Otherwise, we will get mixed up between who actually the Petition is from. If you can get that verification, we would be grateful, but it is a valid Petition, nevertheless, from Mr Browne.

14286. We conclude that Petition and we now move on to the next Petition which is Thames Gateway London Partnership and the representative is Mr Stephen Joseph.

 The Petition of the Thames Gateway London Partnership.

Mr Stephen Joseph appeared as Agent.

14287. **Mr Taylor:** Sir, the Thames Gateway London Partnership is, as I understand it, a body which has a number of local authorities in the east and the south-east of London as members. It was established in 1995 to promote regeneration. There are a large number of points raised in the Petition and I am going to leave it to Mr Joseph to elaborate his case for you.

14288. **Mr Joseph:** Thank you. On the introduction slide, if one looks very carefully, one can see the regeneration agenda moving ahead apace and even accelerating. This is the 1999 aerial photo which is actually used at the beginning of *Eastenders* when they have the drum beat and introduce it.²²

14289. **Chairman:** Can we have this listed as A163.

14290. **Mr Joseph:** You can see that it excludes Excel and Excel actually tried to pay *Eastenders* to put it on and were given a rather high price tag and that is

why *Eastenders* to this day does not have Excel on it, but, even from this distance, one can see the regeneration moving ahead.

14291. I am going to talk a little bit about future-proofing. We are an organisation and, as mentioned, we have 11 London local authorities plus Dartford, we have the Learning and Skills Councils represented on our Board at very senior level as well as the two health authorities that are in our area and all five of the universities from the east sub-region are represented on our Board of a pool of membership, so there are only two active Board members who usually rotate at any one time, so it is not just a local authority organisation and obviously it is very interested in the skills agenda, as well as the health agenda, the higher education and the education agenda.²³ It is an holistic regeneration organisation with a long history of successes in terms of lobbying for transport infrastructure that is necessary as well as other regeneration needs.

²² Committee Ref: A163, Thames Gateway London Partnership: Future proofing Crossrail and supporting the regeneration agenda (LINEWD-21905-001).

²³ Committee Ref: A163, Thames Gateway London Partnership: Who are we? (LINEWD-21905-002).

The Petition of The Thames Gateway London Partnership

14292. If we can flip to slide 3, I will just say who I am, so you know precisely who I represent and how I fit in with that organisation.²⁴ I am the Deputy Chief Executive of the Thames Gateway London Partnership and have been for over four years. I lead within the Partnership on specifically issues of transport and planning and, therefore, the regeneration aspects. I have presented all the Board reports and attended what we call 'task group' meetings, so one of the ways that we work through our member boroughs is to have task groups by theme. We have four different task groups for transport and we have a planning task group, and these are reasonably senior officers that meet regularly over the joint policies they are promoting before they go up to our members and our members are either leaders or the lead member for regeneration for each of those members. We are one of the most active, I would say, partnership organisations in terms of getting on with different levels of councils and different officers of councils where often different bits of a council talk to each other for the first time through a TGLP-organised meeting because they are often quite large institutions in themselves.

14293. My response is in three parts and I do not want to over-emphasise one. We are simply a membership organisation and we have a Board meeting every two months and that signs off all the issues where Crossrail has come back with a response that looks roughly reasonable, but nevertheless we have a formal consultation process to sign off on them. I am going to focus instead on the items where we are content, which is my next slide, and also the items where we are not content.²⁵

14294. It is important to state that we are, in principle, supporters, and this was in our Petition at paragraphs 7 and 13. We support the route alignment and we support the service levels as proposed. We have no quibble with that and we think it would be an excellent addition, an essential addition. We have accepted, and there have been a lot of negotiations with Crossrail on, the local labour clauses and we understand that there are assurances that they will match DLR and East London Line extension standards. There is an envelope that one can push in terms of how far we can go with local labour because of European regulations, and they have promised us that it will be absolutely best practice and our members appear to be satisfied with that, so we do not have a quibble with that anymore.

14295. There are a number of station issues which are specific. Our boroughs have been in written communication as well ourselves on them, and

largely the ones that fall in the London Borough of Newham appear to have been resolved and we can put them to bed.

14296. The key unresolved items, about which you have heard directly from some of our members, I will touch on in this presentation.²⁶ They are: a new station at Woolwich, which is our paragraph 29; the Abbey Wood to Ebbsfleet extension, which is in our Petition at paragraphs 11, 38 and 39; the Abbey Wood Station itself, particularly if there is no extension at Ebbsfleet, and there are a number of problems of attracting traffic and simply there are some local problems around that station; the entrances to Whitechapel Station, which you have heard about from Tower Hamlets, and I understand quite a bit of progress has been made, but it is not quite resolved; and also, and this is one of the key things that I will be speaking to, the overall regeneration benefits and the need to future-proof the proposal in the ways where discretion is still at play.

14297. This slide is a map of the ward-based multiple deprivation index which is a composite of unemployment and other factors.²⁷ As you can see, where Crossrail goes through, once it gets to the east of the City, it goes smack in the middle of what is clearly London's biggest area of deprivation, but also some of these wards score very, very high in terms of the national indices, and one of them is within the top 10 in terms of deprivation, so it is coming through areas which are desperately in need of regeneration and have a very strong regeneration focus. In fact, if you look at the routing, it just about could not be better in terms of being centred in the middle of an area of multiple deprivation and assisting that area. You simply could not pick a better route. That was deliberate. We lobbied hard on the routing in the beginning and tried to help draw it along those regeneration lines.

14298. The next slide shows the public transport accessibility map.²⁸ For those of you not familiar with it, red is good, blue is bad; we did not choose the colour scheme! There are some interesting things that one can see on this. It is a very common map to use, but if you look at the areas that Crossrail will penetrate and help with, a lot of them are deep blue or very close to it. Clearly it is helping to lift the areas which have bad accessibility into areas of good accessibility. This PTAL score does show good bus services, so if one goes to Woolwich Station, it is red. Now, that is not because of the fantastic rail services certainly, but it is because the bus services are connecting to that rail station and connecting to each other in a very effective way. That makes it absolutely ideal for the Crossrail station because you

²⁴ Committee Ref: A163, Thames Gateway London Partnership: Response is in 3 parts (LINEWD-21905-003).

²⁵ Committee Ref: A163, Thames Gateway London Partnership: Key items where we are content (LINEWD-21905-004).

²⁶ Committee Ref: A163, Thames Gateway London Partnership: Key unresolved items (LINEWD-21905-005).

²⁷ Committee Ref: A163, Thames Gateway London Partnership: Multiple deprivation index (LINEWD-21905-006).

²⁸ Committee Ref: A163, Thames Gateway London Partnership: Public transport accessibility for East and South East London (LINEWD-21905-007).

The Petition of The Thames Gateway London Partnership

already have the existing routes to connect to and to pull people away from that Crossrail station into that wider community. Also the extension to Ebbsfleet one can see, and it passes through areas which do not have particularly good accessibility and directly Crossrail will improve that level of accessibility, but also obviously once you get the connecting bus services at the centre, it spreads the benefit out. One can see that a lot of that deep blue, as you have seen in previous evidence, will come up very considerably.

14299. Also on the north side, the Custom House Station is essential because, when linked with the DLR connection, penetrating into Barking Reach and Dagenham Dock Station, a lot of that blue turns to a much friendlier colour in terms of brightness, yellow or even red, so there is quite a large change in that public transport accessibility map with Crossrail in terms of regeneration for east London.

14300. The next slide shows that one part which is often overlooked is that not all parts of the Gateway are profitable to develop.²⁹ We have many sites for various reasons which have negative equity. For somebody who is not familiar with the Gateway, that may sound a surprise, but this photo is of a large site a stone's throw from Canary Wharf, as one can see, which was sold for £1. Our members did give quite a strong response to the planning gain supplement proposal. Their concern was that actually it is quite complicated in the Gateway and you have got a lot of sites which, for various reasons, are quite idiosyncratic, they do not necessarily have positive values and sometimes development is not taking place because of a lack of value, so Crossrail coming in and generally lifting the land values in the area creates opportunities for bringing in private sector development, otherwise you would have to have gap funding from the public sector.

14301. The next slide, again on this point, shows something which is actually quite surprising and, as you get so into it, you forget.³⁰ This is the most private sector-led regeneration agenda of this scale of any I have ever seen of any place in the world. It is truly led by the private sector in that you have nearly all the physical growth and essential utilities investment coming from the private sector. Even the social infrastructure is often funded by the private sector, sensitive to changes in the interest rates, and the affordable housing construction is provided and then handed over to the social landlords, but it is provided when and where the private sector want to build. If you do not have a build programme for the private sector, there is very, very little happening in the affordable housing sector. Also those homes are handed over to the social landlords within the Mayor's and our members' affordable housing policies which are negotiated with 106 agreements.

They are handed over generally at quite a significant cross-subsidy, significantly below market value and sometimes even below the construction cost. That, when you add it up, and there is not a study which has actually given a figure to this, is a very substantial sum. Therefore, the private sector confidence in the growth agenda is actually a key part of delivering a whole bunch of regeneration objectives which, on the one hand, do not seem to have anything to do with the private sector doing well, but actually you do not get your social housing programme and you do not get a lot of things if you do not have that private sector confidence.

14302. The next slide—one thing that we have found with our members is that, even within the existing planning system, they are extremely adept at capturing any land value uplift and getting that back into the community, funding local infrastructure, funding local transport improvements, funding rail improvements and of course, as I have mentioned, funding the whole social housing programme as it is now.³¹ We do not think that any major development has windfall profit left. Most of them are open book, most of them go through three and, therefore, the system, as it is now, in the London Gateway, and I am not speaking for the rest of the country, but the system as it works in the London Gateway is that if additional value is added through some government investment, like Crossrail, there is a mechanism to capture that value in the new development so long as you make that announcement in a credible way early enough in the planning process where our members can actually negotiate that extra value that will be in 106 and capture these benefits for the public purse.

14303. Therefore, it is a fundamental part of not just enabling regeneration, but it is also a fundamental part of funding the community cohesion and the regeneration agenda and funding the sorts of things that make this regeneration agenda work and, to do that, you have to create certainty at the earliest possible date, and the longer there is uncertainty, the more these permissions have to go through this negotiation process and the more that is lost to the public purse in terms of capturing what is actually operating now. Therefore, the key ingredients are obviously well-sited and accessible Crossrail stations, including Woolwich, and an early announcement of the investment and the early announcement of a construction start.

14304. The next slide—there are some other interesting things that happen when you do have the equity in these land developments.³² What is happening in the Gateway is enormously positive in planning terms in terms of social mix. Most of these new developments are pepper-potted, that is, the social housing is actually mixed in within the same

²⁹ Committee Ref: A163, Thames Gateway London Partnership: Lower Lea today (LINEWD-21905-008).

³⁰ Committee Ref: A163, Thames Gateway London Partnership: Private-public sector partnership (LINEWD-21905-009).

³¹ Committee Ref: A163, Thames Gateway London Partnership: Crossrail is fundamental for success of private-public sector partnership (LINEWD-21905-010).

³² Committee Ref: A163, Thames Gateway London Partnership: Social cohesion benefits (LINEWD-21905-011).

 The Petition of The Thames Gateway London Partnership

floor, never mind the same building, with flats which are selling at very high prices indeed. With that pepper-potting also comes communal space, which is jointly managed by all income groups, and it is creating high-quality public realm for residents of mixed social tenure. The photograph on the right shows part of that very high-quality public space created in the Millennium Village which is actually jointly owned by a mixed-tenure group. These opportunities for social cohesion that come with a private sector-led development where a portion of the development is turned over to social landlords and then mixed in with that development is creating a degree of social integration which I think is unprecedented in any country in the world. It is partly the side-effect of it being private sector-led, but if you are going to have a private-sector lead, you have to keep making market confidence work, but there are some very positive side-effects of that.

14305. The next slide—I like to call Canary Wharf ‘still a teenager’.³³ It is a pretty big teenager, but nevertheless in terms of the amount of jobs that Canary Wharf and its surrounding area can provide, it is not even half way. The capacity of the Isle of Dogs Station in terms of jobs, which is Canary Wharf, the wharf and the surrounding area within a short walk of that station, is between 180,000 to 200,000 jobs. Currently, as we speak, it is around 75,000. With the DLR extension or the DLR upgrade to three cars and the Jubilee Line upgrades by 2009, the capacity for jobs there will be something in the order of 110,000 to 120,000. With Crossrail, it goes up to 180,000 to 200,000, so the difference in capacity of that area to take jobs is in the order of 80,000. We have long experience that it is clearly a regeneration node which is highly successful. It is growing at a cracking pace and there is no reason whatsoever to suppose it will not reach, if it is allowed to through the transport capacity being provided, its eventual full capacity which is something in the order of 180,000 to 200,000. Therefore, the evidence which was prepared by Crossrail attributing 40,000 jobs to an Isle of Dogs Station is very conservative and we think it is certainly double that and it may even be slightly more than double that, but it is certainly not down at 40,000.

14306. Canary Wharf is a very interesting node. Planners always try to create these polycentric nodes, which is what they call them, and they are difficult to create. In fact Canary Wharf is really the only nearly polycentric node that we have had in London for a very considerable period of time, but getting those basically city-centre office jobs just a little way out of the City centre and embedding them into a regeneration community has its advantages. If one goes on the weekend to Canary Wharf and one goes on the weekend to the City of London, there is an enormous difference. The shops close on the weekend in the City of London, whereas the equivalent shops underneath these big office blocks

in Canary Wharf are open. They are open long hours, they are open on Sundays and the local community goes to Canary Wharf to shop and to show it off to their visitors from overseas as an example of something that they are proud of. That would not have happened if that polycentric node had not been established at Canary Wharf. It is part of the community and if one looks at who visits it on a Sunday, you will see a very high proportion of ethnic minority groups in Tower Hamlets visiting it on the weekend because that is where they feel they have a sense of place. Crossrail can only add to that and increase its viability.

14307. Also, as Crossrail matures and as the transport links from Crossrail to the east mature, the percentage of workers at Canary Wharf and the surrounds that come from the east sub-region increases. When they started, often it was only 10% and it has risen to over 40% and it continues to rise year on year, but that will stop. The process of east Londoners having access to those jobs will stop if you do not provide additional transport capacity, especially for the workers who come from our three member boroughs to the south of the river.

14308. The next slide.³⁴ You are well familiar, of course, with the growth regions and there is much talk about the Thames Gateway, which I represent, but also the growing importance of -and, certainly, we hope to see some more serious work on this in the next spending round—the London-Stansted Cambridge corridor, because at the lower end the integration with the Thames Gateway corridor has not been fully matured. Crossrail is an excellent start. Crossrail hits the three key nodes at the very fulcrum of those two growth corridors, Stratford Station, the Isle of Dogs and, of course, Liverpool Street Station for a pivot point between those two growth regions. Therefore, once you have that pivot point, you can increase the services on the London-Stansted to Cambridge corridor on top of that pivot and then communicate properly to the Thames Gateway and into the sea. Without Crossrail, any kind of cost-effective strategy to make that northern corridor work properly would be prohibitively expensive, so I say to you you invest in one growth corridor, you great another one for free—clearly it is not quite free, things never are—but it certainly helps very much in the long-term of government plans and making that northern corridor work properly. Clearly, you will be involved in looking at the airports and integrating Stansted and Cambridge properly into the London growth region.

14309. **Mr Joseph:** I have got a bullet point up there which talks about the number of jobs and homes attributable to Crossrail. This is extremely tricky to calculate. One would expect one to hire a consultant and give you a number, and I could present that number to you and it would be credible and cross-examined, but at the scale we are talking about, the

³³ Committee Ref: A163, Thames Gateway London Partnership: Canary Wharf (LINEWD-21905-012).

³⁴ Committee Ref: A163, Thames Gateway London Partnership: London-Stansted to Cambridge corridor and Thames Gateway (LINEWD-21905-013).

The Petition of The Thames Gateway London Partnership

sub-regional scale, it is just simply very tricky to do. It is a little easier on the site-by-site basis; when you talked about the east sub-region, it is difficult. I have mentioned that there are certainly 80,000 jobs at the Isle of Dogs Station alone. There are jobs all along the Crossrail corridor throughout east London, so when I say more than 60,000 jobs, that is an extremely conservative estimate. I have taken the 60,000 jobs, because that is Crossrail's own figure which came out of the 8 January report which they commissioned and, as I have mentioned before, I think that is quite conservative. Even more difficult in calculating the regeneration benefits in terms of jobs for Crossrail is, of course, calculating how many homes it needs extra. What I can say in terms of giving you the correct order of magnitude of what the difference might be, Crossrail or no Crossrail, to the Government's agenda for providing more homes in London and in the Thames Gateway to service this huge growth in business and financial services is many of those jobs in business and financial services will not go to other UK regions. They will be lost in the UK if we do not accommodate in London, so you do not only have to accommodate job nodes, but you have to accommodate regional places for people to live reasonably close to public transport, so that they can be serviced.

14310. When the Government came up with its July 2003 Making It Happen series, it talked about 60,000 new homes in the Thames Gateway without Crossrail being assured; our members wrote and protested that target. They did not want to agree to deliver 60,000 homes without Crossrail, but they were willing to sign up with the GLA to 90,000 homes in the same period with Crossrail. In the mix, at the very minimum, the political consensus is there for a very robust growth agenda for homes if you have Crossrail. That political consensus is off the table if you do not have Crossrail. I do not know what the floor is because we have not looked at it or explored it, but it is a very large difference measured in tens of thousands of homes between the with Crossrail and the without Crossrail scenario.

14311. **Chairman:** I think this is marvellous, the case for Crossrail, but what we need to do is to get to what we want and it would be helpful. Could I warn you that there is a division, so we are going to give you 15 minutes to reflect on that whilst we go away and do our duty.

*The Committee suspended from 3.30pm to 3.40 pm
for a division in the House*

14312. **Chairman:** Mr Joseph?

14313. **Mr Joseph:** Thank you, Chairman. If we could go back to that last slide.³⁵ My final point on this slide is these regeneration benefits of jobs and homes are large numbers. The jobs are probably

more than 100,000 directly attributed to Crossrail, many in the east of the city. On homes, it is a figure measured in the tens of thousands. In traditional regeneration methodology one assigns some sort of figure to those regeneration benefits. In the UK 40,000 per job and these are very good jobs and, indeed, may give a figure of 30 or 40,000 per home and a key piece of infrastructure could be said to offer that benefit. If one multiplies, and I remind you we are talking in billions of pounds, the benefit which is not only cost-benefit ratios neither of Crossrail nor of member boroughs when we talked about the cost-benefit of the station or the extension to Ebbsfleet. These are additional benefits which are down strictly to the regeneration benefits of the scheme.

14314. Next slide.³⁶ I put up the slide for no other reason but to show physically—and I think one of the lines has shifted northside because of the changing from the .pdf—basically with CTRL and Crossrail you have two spines running down the middle of your growth agenda and it obviously provides an excellent integration for that reason. It also distributes the growth throughout the Gateway rather than concentrating it in the inner east, which is what would tend to happen, and also sustainable reverse commutes with the success of Ebbsfleet one can hope that some of our members will be able to commute outwards on empty seats, taking up jobs which take enormous pressure off the system and help the financial viability for the operators.

14315. The next slide.³⁷ This is an interesting slide. There has been modelling done in the Gateway area of what happens with Crossrail and all the growth we are getting. You can see they are taking this to 2026 and they have looked at the modal split. If one looks at the first line which is the 48% by public transport in 2001, rising to 52% with all the investment which includes the Crossrail assumption of 2016 and rising slightly further to 2026 and that is basically all cap. That is providing extra transport schemes, hoping people will use them, obviously many people will, but there is no stick, there is no change in the basic pricing mechanism or in the incentive or disincentive to drive. However, what we are very concerned about in the process of updating our transport strategy for the east London sub-region is that in order to keep the traffic congestion at its current level, you would have to go to 60% on public transport by 2026, so even with a cap on the extra kit, it is not enough to create what we might call "sustainable development". One of the benefits of Crossrail is not only helping to go up to 53%, but there is spare capacity on Crossrail once one gets east of the city if one is minded to change the fiscal incentives to drive, you have got to have some capacity for the transport system for people to be

³⁶ Committee Ref: A163, Thames Gateway London Partnership: Crossrail and Channel Tunnel Rail Link (LINEWD-21905-014).

³⁵ Committee Ref: A163, Thames Gateway London Partnership: London-Stansted to Cambridge corridor and Thames Gateway (LINEWD-21905-013).

³⁷ Committee Ref: A163, Thames Gateway London Partnership: Keeping Congestion at bay (LINEWD-21905-015).

The Petition of The Thames Gateway London Partnership

driven to, otherwise it is simply chaos. With Crossrail you do get some options of looking at that 60% and seeing how perhaps one can get it down, without Crossrail you simply cannot do that.

14316. Next slide.³⁸ Crossrail is vital to the strategy. The jobs are unavoidable because of the nature of the types of jobs coming to London, they are being created at significant distances from homes and, therefore, you have to have efficient medium-distance way of moving people to those jobs. It is essential to provide the capacity for the sustainable public transport share, as I mentioned the demand management measures which clearly we are going to have to consider, would be impossible to do in east London without Crossrail. Therefore, when one looks at the Crossrail benefit-cost ratio, it excludes all of this. Basically, it excludes any consideration using any fiscal means to encourage people to take public transport as a matter of policy using some form of fiscal instrument or other instruments. I think that is quite an unlikely assumption by 2026. There probably will be some additional disincentive to drive by then for the very reason I showed on a previous slide and, therefore, the number of people using Crossrail in the east will rise with these projections you have done and the cost ratio will be better than what has been presented to you for that reason.

14317. Next slide.³⁹ We do have some outstanding member concerns. I do not want to go into any detail on these because they will be presented to you individually. Clearly, Tower Hamlets have some extant concerns about the Whitechapel Station. It is a credit to Crossrail that many of these are, at least, partly resolved. They clearly want the existing entrance kept open and obviously they want it DDA-complaint and still want to do it even if it cannot be. They want the Fulbourne Street entrance opened as early as possible and that is especially critical if the Whitechapel entrance is not DDA-compliant. The McDonald's site, which I understand you know, there is a McDonald's site and they want that included in the Bill. They think that is necessary to ensure place-making, we obviously concur with that. We do have a picture of the McDonald's site that shows it is a very narrow street to access a station behind quite a narrow entrance. We do not think that has the right place-making. Cambridge Heath entrance, at least, is a passive provision, and also we are reserving our position because clearly there are some more details to come on the Isle of Dogs Station.

14318. **Chairman:** There is a McDonald's site there. I find it amazing that this matter should be brought to the Committee. The local authority, Tower Hamlets, has the power to CPO or at least to go to

³⁸ Committee Ref: A163, Thames Gateway London Partnership: Crossrail vital to strategy (LINEWD-21905-016).

³⁹ Committee Ref: A163, Thames Gateway London Partnership: Outstanding Members concerns, Tower Hamlets and Whitechapel (LINEWD-21905-017).

the resident owners and occupiers and ask them if they would do what your organisation is all about, which is partnership. As I understand it, the local authority has never approached the owner or the current lessee. Do you not think that might be a better way? This Bill is a good Bill because Parliament has said it is a good Bill and it is going to cost billions of pounds. Every time we buy something, it puts the price up. I am not sure how many McDonald's we are going to be able to buy or indeed whether we should do.

14319. **Mr Joseph:** May I go quickly to the next slide, and one of the key concerns we share with Tower Hamlets.⁴⁰ I believe Crossrail gave evidence on the width of Fulbourne Street, which they gave, I believe, as 15 metres. Clearly one can see that the width of the carriageway is no more than eight metres, plus the pavements of 1.5 metres, so it is about 11 metres building to building, which is a narrow entrance, perhaps, but I do see your point.

14320. **Chairman:** Could I say that we have visited the site.

14321. **Mr Joseph:** That is fine.

14322. Let us move on to the next slide then and the outstanding concerns from Greenwich.⁴¹ As you know, a station at Woolwich. That is shared by all of TGLP. I believe Crossrail has not contested a B:C ratio of at least 3:1, and it also helps improve the overall Crossrail benefit:cost ratio, helping the whole scheme. There may be some possible financial contribution from 106 and also it helps some of the concerns that both Bexley and Greenwich have mentioned directly to you on the Abbey Wood Station and traffic generations by spreading the load.

14323. The next slide.⁴² The very odd thing about the station at Woolwich is that it would be the only major town centre on the route without a Crossrail station. It already has excellent bus connections which Crossrail would benefit from. It directly helps 4,350 homes and 2,000 jobs, and, also, there is a large hinterland which is penetrable by a long walk or a bus ride which would be enormously improved, and the market there, to help regenerate some of those hinterland housing estates.

14324. The next slide.⁴³ Bexley and clearly Dartford. All the Thames Gateway members clearly want the scheme extended to Ebbsfleet. The evidence given by Bexley—and I believe this is not contested by

⁴⁰ Committee Ref: A163, Thames Gateway London Partnership: Fulbourne Street (LINEWD-21905-018).

⁴¹ Committee Ref: A163, Thames Gateway London Partnership: Outstanding Concerns: Greenwich (LINEWD-21905-019).

⁴² Committee Ref: A163, Thames Gateway London Partnership: Outstanding Concerns: Greenwich (LINEWD-21905-020).

⁴³ Committee Ref: A163, Thames Gateway London Partnership: Outstanding Member Concerns: Bexley/Dartford (LINEWD-21905-021).

The Petition of The Thames Gateway London Partnership

Crossrail—is that there is a B:C ratio which is over 2:1. We have gone through how this could be included in some way and given some sense of certainty, either directly by recommitting on the Bill or by some combination of the Transport and Works Order and some form of parliamentary endorsement. I can go into the details of that, which was given to you by Bexley, but that is also the TGLP position.

14325. The next slide.⁴⁴ There are some remaining Bexley concerns. Obviously the Abbey Wood traffic and parking, the highway works that would be required, loss of parking, et cetera. I believe they have agreed with Crossrail that there will be a new transport assessment which we will all have the benefit of a little bit later.

14326. The next slide.⁴⁵ Generally our members are all concerned about the local labour clause which early on we were not satisfied with. We were encouraged by recent discussions with Crossrail that they would come up to best practice and use the DLR and East London Line as models, pushing the envelope as much as one can, given the constraints of the European Community legislation. We do not want the scheme phased. We are very concerned that, with phasing, you do not ever get around to the second phase. As I mentioned earlier in the presentation, the certainty that the private sector needs is seriously disrupted by phasing. They do not take phasing seriously. They take what is there for a clear commitment to be built, and investors simply discount what is in plans. They believe what has power and money. Many international investors do not even believe that: they only believe the construction start, so phasing would seriously disrupt the regeneration benefits and concerns.

14327. Obviously there are concerns which come up sometimes in individual concerns on stations but a general concern which I would say all our members share is that all the stations need to be built to quite high standards and be future proofed. We expect the passenger volumes to be higher than Crossrail were able to predict using the modelling that they have had access to. We have no quibble with that modelling, it was the best that was available at the time, but the numbers are increasing. There is a considerable shift toward the East since these figures were given to Crossrail of what the demand would be in the future and what that growth would be. With that shifting regeneration agenda towards the East, those stations are going to be more highly used than the original model would predict, and, therefore, when one has a decision at the margins, one needs to err on the side of caution.

14328. The next slide, as a demonstration of this effect of the growth agenda in East London accelerating from when Crossrail had their original figures on which they based their modelling.⁴⁶ This shows Crossrail's own figures they used, which were given to them by TFL. It looks at a population growth of 231,000 for our member boroughs. If the London average for household size is about 2.35—and conveniently you can divide that in—that means the growth in the number of homes is about 100,000 over a 15-year period. You can see also employment growth, including the City of London, quite robust but not as robust as some of the more recent figures coming out, especially when one considers the Isle of Dogs.

14329. Turning to the next slide, this slide shows, if you look at the second column, which is the current target, which is the existing London Plan target, for our members it is 7,600 homes per year.⁴⁷ If one looks at the Crossrail figures from the previous slide and one has 100,000 homes over 15 years, that is about 7,000 per year, so it is roughly the same as the old London Plan. Obviously it had to be compatible with that—that is no surprise—but what has happened is that there has been a recent doubling of the housing target. This has been largely agreed with our member boroughs as an appropriate target. Not only is this doubling of the annual output target from the previous London Plan on which the Crossrail figures were based, but the Mayor wishes this to be a minimum figure, a floor target which should be exceeded. This is not an aspirational target that we might reach; this will be something that our boroughs are going to be under pressure to deliver or they will get hit with planning delivery grant or some other disincentive.

14330. These new figures are very real. If one looks at the right-hand column, the percentage change, this is the percentage change from the figures which Crossrail is required to use to the figures now emerging in the London Plan process, which I must say are not approved. The revisions to the London Plan have just gone through an examination in public which has concluded but the inspector has not made a report. So these are figures which are emerging and are not confirmed. Nevertheless, one would imagine they will be conformed in this order of magnitude. We are not going to be back down to the 7,600 figure per annum that you have in the old London Plan.

14331. You can see the boroughs that have the biggest boost, strongest increase in annual output, are precisely those boroughs bang on Crossrail stations. If you look at Newham, 294% uplift in the number of homes expected to be delivered per year—bang on a Crossrail station. In the London

⁴⁴ Committee Ref: A163, Thames Gateway London Partnership: Outstanding Member Concerns: Bexley/Dartford (LINEWD-21905-022).

⁴⁵ Committee Ref: A163, Thames Gateway London Partnership: Other Thames Gateway London Partnership Members (LINEWD-21905-023).

⁴⁶ Committee Ref: A163, Thames Gateway London Partnership: Crossrail 2001-2016 growth assumptions low (LINEWD-21905-024).

⁴⁷ Committee Ref: A163, Thames Gateway London Partnership: Emerging Thames Gateway London Partnership growth assumptions (LINEWD-21905-025).

 The Petition of The Thames Gateway London Partnership

Borough of Greenwich as well and Barking and Dagenham, as I mentioned, with the DLR extension linking it to Custom House, you also have a potential for quite a large uplift. These are off the table if one does not have Crossrail; they all assume Crossrail. All the London Plan process, it has to be looked at again without Crossrail. Let us go to the next slide.⁴⁸ This is an interesting summary slide. It is straight over the GLA report which was published only in April called the “EIP Process” and it actually splits the uplift in growth by the existing London sub-regions which is ever so slightly different from TGLP membership, and you can see the east sub-region which includes three boroughs south of the river—the old regeneration agenda, basically—and the uplift is 98% change against the figures which Crossrail used in their calculations of ridership towards the east.

14332. You can see these figures are generally helpful to Crossrail’s case: they slightly increase in the central, quite a large increase in west, which also has many Crossrail stations, so the overall effect should increase Crossrail’s ridership throughout London, but particularly in the east. Next slide.⁴⁹ This is appendix A, straight out of the London Plan Further Alterations, published in May of this year. This has not yet reached the point of formal consultation but this is the Assembly version, and you can see a very interesting thing in this table: what is happening and what is expected to be happening post 2016. Crossrail’s figures, obviously, went to 2016. We, in the London Plan process, are starting to look at what happens after 2016. Does the growth stop, because all this infill seems to be going to run out of sites and then quickly runs down, or does this growth agenda, with year-on-year delivery of a lot of homes and a lot of jobs, continue past 2016? This very considerably changes the ridership on Crossrail if the growth agenda continues, but indeed you can see in this graph “London Plan Further Alterations”, which is currently before the London Assembly early consultation document, is looking for a continuation and even a slight picking up of the growth agenda. Therefore, our concern is that the Crossrail proposals into the future were you to have a decision to make about access arrangements, etc, you need to err on the side of caution and make them a more generous provision rather than go to a minimum standard because this growth agenda is accelerating in the east and the eastern stations are going to probably have higher ridership than is currently laid before you in the objections. Next slide.

14333. These two last slides are my conclusion.⁵⁰ We are very adept, our members, at capturing the land value uplift due to Crossrail investment but we can

⁴⁸ Committee Ref: A163, Thames Gateway London Partnership: London Plan alterations sub [en rule]regional growth (LINEWD-21905-026).

⁴⁹ Committee Ref: A163, Thames Gateway London Partnership: London Plan further alterations Appendix (LINEWD-21905-027).

⁵⁰ Committee Ref: A163, Thames Gateway London Partnership: Conclusions (LINEWD-21905-028).

only do it if Crossrail investment is secure before these planning permissions are in the process, and the later it is secured the more investment is lost to the public purse. Also, the community cohesion agenda. East London expects a government with its large growth agenda, which is not always convenient—it means longer waiting lists for doctors surgeries, etc and our members make complaints. However, the counter-balancing argument is that one actually gets—because you are in a growth region—some extra things. Crossrail is the first amongst those extra things that east Londoners expect out of the growth agenda. It also, as I mentioned, in a variety of complex ways, helps the community cohesion agenda and buy-in from the local community to the overall growth agenda. It is essential, as an enabling investment, for two national growth corridors, and also the Government is pumping quite a bit of money, GAP funding, into the Olympics. Again, should you put public money into an area as an uplift that has a surrounding ripple effect on land values, you need to capture that value in the public purse. If you announce Crossrail very late once the Olympics effect is over then, therefore, our ability to capture for the public purse some of the ripple effects of those spending announcements and that upgraded public railway is less. Next slide.⁵¹

14334. The growth agenda is accelerating, one needs to future-proof the proposal. It is an excellent location. It is spinal support for linear growth corridors, smack in the middle of areas in need of regeneration and, also—and this is where you do have some discretion—in a regeneration area one needs to help place-making. In central London perhaps it is less of a need because people who go to Oxford Street, no matter what the design of the station, already have a sense of place. When you are in a brand new regeneration area sometimes the station itself is helpful in creating a sense of place-making and sometimes that means slightly different criteria in terms of entrance design, and also the quality of the fit out, perhaps a little bit of room for art in key locations, that ties in the community and gives it a sense of place-making. So that is a plea for a little bit of flexibility and leadership in those areas. That is all I have to say.

14335. **Mr Taylor:** Sir, with the greatest respect to the Thames Gateway London Partnership and Mr Joseph, I am not going to ask him any questions. I do not think my limited ability in the cross-examination department is going to result in any further information to the Committee on the particular issues that he raised.

14336. If I can just move instead straight to submissions, the Thames Gateway London Partnership, and Mr Joseph, have made absolutely clear the real importance of Crossrail to the regeneration of the Thames Gateway area. If I can read my handwriting, which is always difficult, the

⁵¹ Committee Ref: A163, Thames Gateway London Partnership: Conclusions (LINEWD-21905-029).

 The Petition of The Thames Gateway London Partnership

phrase he used was that it is “vitally important”. However, certain matters are pursued, in particular, the new Woolwich station extension to Ebbsfleet and items such as the McDonald’s site, resulting in what might be termed as a “super size” Crossrail scheme.

14337. It is dangerous, in the submission of the Promoter, to impose large additional costs on a project which is already expensive, because if those costs are imposed it may be that the scheme as a whole would not happen. If that were the case then the vitally important regeneration of the Thames Gateway would not occur in the same way because it would not have the benefits described by Mr Joseph in his evidence—to use his phrase “off the table”.

14338. Moving ahead to the other two matters raised, the Abbey Wood station issues and Whitechapel, the transportation issues relating to Abbey Wood have already been presented to the Committee and have been resolved so far as the Committee is concerned through the provision of undertakings. You will remember I did not get to cross-examine in the way I prepared.

14339. In relation to Whitechapel, all of those matters have already been addressed. I am not going to repeat submissions that have already been made in that regard. Sir, unless there is anything else I can help with, those are my submissions.

14340. **Chairman:** Can you put up the last slide?⁵² One query, Mr Joseph. On the first item “Growth agenda is accelerating”, you talk about the proposal for adopting high standards of station access and interconnectivity to cope. Part of the thing which the Promoters have done is to show a whole series of designs we are going to do about new station layouts and, in particular, they have dealt with the Whitechapel station issue. I find that unusual, because I think a little bit earlier in the presentation you were asking to keep the Whitechapel entrance. We have been to the Whitechapel station and, to put it mildly, the accessibility of the general public is horrendous—one of the worst I have been to, particularly for elderly people and disabled people. How can you match both aspects: one to keep it and (b) to adopt this new, high-profile, future-proof—

14341. **Mr Joseph:** Clearly, Tower Hamlets’ position is there will eventually be three entrances at Whitechapel. Therefore, anybody with a mobility difficulty will be as well served as at any other Crossrail station, but people who are fully able will have that additional option. So it is not intended to take anything away. We do believe that the Cambridge Heath station, because of the regeneration benefits (Sainsbury’s and Safeway it seems reasonable to believe) is very likely to be redeveloped and therefore the station, even if it is passive provision, will eventually be provided. So if

they believe what their position is, that would be conditional and something taken away from people with mobility—

14342. **Chairman:** I am taking a slightly different view because of what I have seen. I think the reason why the layout has been proposed in the way it has is because future investment, which is likely to occur to the main hospital which is directly opposite, is going to be moved considerably. It seems to me the future planning element and where the station and the entrances are is more to do with that rather than what councils sometimes require in terms of their own economic futures. Is that a fair point?

14343. **Mr Joseph:** I think it is a fair point. We are advised by Tower Hamlets that they believe that the existing station at Whitechapel, just in this particular position, especially facing the hospital entrance, is iconic and it is a well-known community focal point, and they would, obviously, like it to be kept open for that purpose. The Fulbourne Street entrance does not front on the street itself, therefore it does not have that same iconic structure. These are arguments which you have obviously been through with Tower Hamlets and we are giving a general endorsement to our members’ position, that it should have a place-making function. How, specifically, one does that is clearly a matter for negotiation.

14344. **Chairman:** But you do agree that there should be a major station there, particularly when you are looking at progress—

14345. **Mr Joseph:** It is absolutely essential that a major station and good interchanges are there at Whitechapel, without a doubt, and that has always been our position. Some of the details on that station design need to be talked about in terms of place-making.

14346. **Chairman:** Mr Joseph, would you like to summarise and say anything else to us?

14347. **Mr Joseph:** As I mentioned, we are supporters and we are very pleased that it has got to this stage. We are concerned that the funding has not been announced but we are optimistic that at some point relatively soon a funding package will be put together, and we would like this to be delivered as soon as possible. I have heard many different days penned in as a delivery date, and it worries me that it slips and slides back and forth and all over the place. Certainly one of the things that can be firmed up is, at least, what is the delivery date that we are all aiming to in order to help us plan and help the private sector also make its own investment decisions.

14348. **Chairman:** Can I mention one thing you said in your evidence? You talked about not wanting to stop and start; you want the whole thing to be done from start to finish. It sometimes takes a President Mitterrand to make a decision like that and I have

⁵² Committee Ref: A163, Thames Gateway London Partnership: Conclusions (LINEWD-21905-029).

The Petition of The Thames Gateway London Partnership

to tell you that this Committee does not have those powers, but certainly we have noted your submissions. Thank you very much.

14349. The Committee is now over for today. We will next meet in public at 2.30 tomorrow in this room.

Thursday 6 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Brian Binley
Kelvin Hopkins

Mrs Siân C James
Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

The Petition of Rail Freight Group.

Lord Berkeley appeared on behalf of the Petitioner.

14350. **Chairman:** Good afternoon. Today we are going to hold a number of Petitions, the first of which is the Rail Freight Group. Before I start on that, can I say that because of the weather people may, if they wish, take their jackets off and expose their ties as Mr Elvin has already done! I presume Mr Elvin, we are dealing with you first. Would you like to give us a summary of the Petition?

14351. **Mr Elvin:** The position is much the same as you have heard with other Petitioners on these issues. Issues are being raised about freight capacity, accommodating capacity, use of existing paths, integration with the national network, timetabling and regulatory issues. It is fair to say that much of what this Petitioner is raising has already been raised in some other form. I do not propose to say anything other than that, but to welcome you to the 50th sitting day of the Committee. It is our golden anniversary!

14352. **Chairman:** Thank you very much for reminding us of that.

14353. **Mr Elvin:** You have felt every day of it!

14354. **Chairman:** Lord Berkley, would you like to state your Petition.

14355. **Lord Berkeley:** Perhaps I can introduce myself first. My name is Tony Berkley. I am a Member of the House of Lords. I am also Chairman of the Rail Freight Group and it is on that basis that I am speaking here this afternoon. We are Petition number 213.

14356. I have been Chairman of the Rail Freight Group for 10 years. It is a representative body of the rail freight industry in the UK. I am also a member of the European Energy and Transport Forum, which is a European Commission funded body to advise them, and I am also an employed member of the European Rail Freight Customer Platform, which is a sort of grouping of rail freight customers. Before that I was a manager for Eurotunnel for 15 years during its construction, which I am not afterwards, I hasten to add. I am now a member of the Institution of Civil Engineers and a fellow of the Chartered Institute of Transport. I hope that is sufficient.

14357. What I want us to briefly do this afternoon is pull out some of the issues that we have put in our Petition. I would like to put on record that I think since we submitted our Petition a good lot of progress has been made on a number of issues but, as the Committee has heard earlier, they have not all been resolved. I would like to concentrate on the unresolved issues. Before I start, can I give the Committee a brief overview of the rail freight industry as it is now. There are four established rail freight train operators, the biggest being EWS which has a market share of 66%.¹

14358. **Chairman:** For the record, can I put that document in as document A163.

14359. **Lord Berkeley:** That shows the split of the four. It is figure one in my papers. There are four operators and it looks as if there may be four new operators starting this year in addition.

14360. The next slide: rail freight volumes moved have increased by 60% in 10 years, and I think that reflects the competition above the rail, better service quality and more competitive prices.² Some of the customers are now saying that the train operators provide 98% on-time arrivals, which I suggest is better than many of the passenger services that this Committee will have looked at. We are entirely in the private sector, apart from some small volumes which get grants from the government for environmental benefits. That small sector is about 10 to 15%. The private sector has invested something over one and a half billion pounds in the last 10 years since privatisation.

14361. If I can turn to government policy, figure three, and that is also in my paper.³ I do not intend to read it out, but it does indicate that the government is keen on rail freight, it recognises that it has a good role to play, it recognises that it is in the private sector and, therefore, it has to ensure that the policies and regulations do not put unnecessary obstacles in the way of future growth, which is key.

¹ Committee Ref: A163, Freight train operators' market share (LINEWD-21305-012).

² Committee Ref: A163, Growth in UK rail freight—tonnes/km (SCN-20060705-002).

³ Committee Ref: A163, Government's rail freight policy (SCN-20060705-003).

The Petition of Rail Freight Group

It wants the private sector to invest. They need certainty about whether they will be able to use their investment having invested it.

14362. If I can now turn to access to the network. As I have said, the government has structured the regulatory regime to provide for the needs of investors and funders to be taken into account when they apply for access rights. As I said, that is to give them comfort and they can use their investment. This started with the 1993 Railways Act, subsequently it changed in the 2005 Railways Act, but the independence of the rail regulator has always been stressed many times by ministers in Parliament. Independent regulation is the key. One has to make the point that private sector investors are always suspicious of the government mind or policy. If one wants private sector investment, that has to be protected, and the protection we get is from the independent ORR.

14363. It is my submission that the government, as a funder of Crossrail, is also seeking to get comfort that it can use its investment when it is complete. In other words, having invested all this money in the new set of tunnels and the works on the surface, it will be able to operate its trains and get the return in both quality of service and the financial return which it will be seeking. In many ways what the government is trying to do is the same as what the private sector is trying to do, which is to get comfort that they can use their investment.

14364. It may seem odd for me to be saying this, but normally any Promoter would go to Network Rail to get access agreements and then get it approved by the ORR, and normally the ORR would not grant an application if he considered that it materially and adversely affected other parties who had access rights and therefore whose business would be affected. Probably the ORR would say in those cases, "If you want to run more trains and there is not enough capacity, you have got to fund the infrastructure necessary for those extra trains". That seems reasonable and that is what one would normally expect to happen in the industry, whether it is a small freight siding or Crossrail or anything else.

14365. Of course, lastly, there is the question of compliance with Article 14.1 of the European Directive 2001/14: allocation of capacity on a fair and non-discriminatory basis in accordance with community law. I believe EWS railway will be speaking about this more when they appear so I shall not go any further, except to say that those are some of the policy issues which I think ought to be guiding the Committee in how they take this forward.

14366. Turning to Crossrail, the Promoters are seeking to apply these principles but they wish to run Crossrail trains over the regulated network. The

trouble is there are others investors already using the line with exactly the same intentions. They do not see why the Promoter's interest should take precedence over their own current or future needs. It is my submission to the Committee that the Promoters are currently trying to side-step the above industry process by a combination of, firstly, removing the ORR powers in clauses 22 and 44 of the Bill, secondly, by saying that they will follow the industry processes but only on the basis that Crossrail gets what it wants—that is my rough interpretation of the letter from the Department for Transport dated 29 June, which I think the Committee has seen already—thirdly, failing to offer enhancements to provide the expected capacity needs either for when the Crossrail services are proposed to start or for a reasonable time thereafter, say 15 years and, fourthly, by failing to commit to build any part of the new capacity at a time commensurate with the forecasts.⁴ That is my submission on the regulatory issues.

14367. Can I turn now to rail freight traffic and our forecasts. If you can put up figure four, please.⁵ Last year the Freight Transport Association and our freight group undertook a major forecasting exercise at the request of the government: what was the likely future rail freight traffic going to be in 2014, which is the end of the next control period.⁶ We subsequently did it for 2030 as well. We consulted 60 or 70 of the biggest companies who use rail freight, or could use it, in the industry, and so it is a considered forecast modelled on a GB Freight Model by MGS Transmodal from whom I think you will be hearing later. You can see quite a growth. We would say this is a bases case, but there will be significant growth by 2030 and quite significant growth by 2014.

14368. If you can turn to the next one, please.⁷ We have also produced route maps which compare the number of paths available in 2005 with the number required in 2014, it should read 2030, I apologise, figure seven. You probably cannot read this on the screen, it is a hard copy and it is very difficult to bring it out. It is something which needs a study. It demonstrates that in some places there is congestion and in some places there is not. These numbers, for the assistance of the Committee, are a sum of both directions, average per day and peak per day, but they do indicate that the two main routes we are talking about, the Great Western and the Great Eastern, are quite challenging.

⁴ Crossrail Ref: P106, Correspondence from Department for Transport to Office of Rail Regulation, Crossrail Bill—Railway Powers, 29 June 2006 (LINEWD-GEN13-036).

⁵ Committee Ref: A163, London forecast freight trains 2005 (mean and maximum per day 2 direction summary) (LINEWD-21305-017).

⁶ Committee Ref: A163, London forecast freight trains 2014 (mean and maximum per day 2 direction summary) (LINEWD-21305-018).

⁷ Committee Ref: A163, London forecast freight trains 2030 (mean and maximum per day 2 direction summary) (SCN-20060705-004).

The Petition of Rail Freight Group

14369. If we can put up figure six, please, which is the forecast for 2014.⁸ Again, it shows the forecast number of trains, significantly more trains on the Great Eastern because of the recent planned growth of both the London Gateway, as it is called, and the Haven port Developments. If we want to look at figure seven, which is the 2030 one, it is assumed that we are going to go on importing goods in the same way as we have done for years. One can only assume all forecasts are probably wrong but these are probably right as with most other ones. This is the kind of growth that we will be expecting 15 years after Crossrail has opened.

14370. If one studies these, we believe that there is sufficient capacity on the Great Eastern and the Great Western to cater for the growth in freight trains, assuming there is no change in the passenger trains, without Crossrail in 2014.

14371. If I can now turn to timetabling. I should say, if the Committee wants some detailed answers on some of these maps it is beyond my capabilities. We have a civil engineer from MDS Transmodal who will be able to answer them later. Timetabling: my contention on timetabling is that when one starts a project, the first thing one should do is try and come up with a timetable which fits not only with what the project has planned but also takes into account the existing or future demands of other users of lines that one wants to use. The worst example of this was the West Coast Main Line when it decided how many trains it was going to run and decided the infrastructure, but when they put the timetable on afterwards it did not work. That is one of the reasons the cost went up through the roof, but they have come down again now. There were some terrible situations in the early days when the government and Virgin Trains and Railtrack, as it then was, agreed a timetable and freight did not fit in at all. Then when the industry made a fuss we said, "We have got rights to use this line", and they said, "Oh dear, but we have agreed they are going ahead". It really is important to do the timetable first, then do a design with enhancements to which will carry the timetable, otherwise I suspect that when the timetable finally gets agreed the design will have to change, the costs will go up and everybody will be rather unhappy.

14372. It is really very sad that the timetable work has only just started this year. We were all asking for it to be done as soon as we realised that the Bill was being posited, it must be 18 months ago nearly. Why has the timetabling work not been done, let alone started. Some work was done last year, but many of the freight trains were omitted from it and that did not go down very well. The timetabling group only started at the end of last year, as we heard earlier, and we were very surprised that, in spite of the many requests, the Rail Freight Group and I think the same applies to the Rail Transport Association were

excluded from it. We have had two consultation meetings with them but we have been excluded from it and frankly we do not agree with their conclusions.

14373. Picking up on the timetabling discussions that the Committee had on Tuesday, I would submit that the logical process on timetabling is to get a robust timetable, discuss all the issues on pages 7 and 8 of the timetabling report, plus the need to include forecast freight traffic in the future and to check that the timetable works on the connecting line, the end of the Great Western, the end of the Great Eastern beyond Shenfield and any other links to make sure it all works. I would argue that this has to be completed and agreed with everyone before serious work can start on an access option. I would urge the Committee to require that to be done before the Committee finishes its hearings.

14374. On the basis that we believe that without Crossrail the 2014 growth in freight traffic can be carried on the existing network, with Crossrail on the Great Western it is less of a problem but on the Great Eastern there is a problem so I would just like to offer two suggestions for providing the capacity on the Great Eastern because I do not believe with Crossrail that it will be able to go on the existing routes.

14375. The first one is London, Tilbury and Southend traffic going to the Thames Gateway projects which needs to go on the Gospel Oak-Barking line. All I would say there is that we have done a little bit of work and talked to Network Rail quite a lot about this and we believe that it could be upgraded to take the capacity, gauge and maybe electrification, maybe not, so taking a line through six boxes for around £20 million capital cost. The problem is that if Transport for London achieve their ambition of running lots of passenger trains on that line through the tunnel there is not a lot of space for freight but at least it will get it off the Stratford and Maryland and Forest Gate connection there. That is a mitigating measure.

14376. We believe that really the solution is for the Haven gateway traffic to reach Harwich—that does not need to go to London to be diverted well away, and if you could put figure 8 up, please, you need not look at the numbers there but, for those who may not know quite where these places are, you go from Ipswich to Peterborough to Nuneaton.⁹ It looks a bit windy on the map but actually it is quite a good route. It gets away from the problems of going through London and, as the Committee will know, Hutchison Ports have already committed to some enhancements between Ipswich and Peterborough, so extending that through Peterborough to Nuneaton at a very preliminary cost estimate from Network Rail is that it could probably be done for about £50 million. That would at least get much of the Felixstowe traffic or Harwich traffic out of

⁸ Committee Ref: A163, London forecast freight trains 2014 (mean and maximum per day 2 direction summary) (LINEWD-21305-018).

⁹ Committee Ref: A163, Route map showing Ipswich to Nuneaton direct from 2014 forecasts (LINEWD-21305-016).

The Petition of Rail Freight Group

London. I would hope that the Committee could consider urging Crossrail to provide some funding for that as well as for the Gospel Oak-Barking part.

14377. In conclusion, Chairman, we are very surprised that the Bill has got this far without a proper timetable. I really am serious about that. I am very surprised that the Government is trying to abolish the independence of the Office of Rail Regulation. I know that they achieved it for the Olympics Bill but it was a very minor thing that they were doing and they were not closing very much and it has not caused a problem but this is very serious. To me it would allow theft of capacity which the train operators and the customers believe they are entitled to from their contractual arrangements or from the planning inquiry results. I think it is wrong that the Government should try and override industry processes for its own ends to the detriment of the private sector operators. I think it is extraordinary that the timetable is not finished. I would urge the Committee to require it to be finished in a robust way before the Committee ceases its consideration and I would hope that the Committee would urge the Promoter to invite the Rail Freight Group and the Freight Transport Association to participate in this, and I hope also, finally, that the Committee will say to the Promoters, "If you want to take capacity from the existing routes over which people have rights then you must commit to funding the necessary enhancements to be completed before the project opens and also to look at what happens for the next 15 years thereafter." I am grateful for your time.

14378. **Chairman:** Thank you very much. Mr Elvin?

14379. **Mr Elvin:** Sir, you have already put in evidence on these matters, sir, so I will combine response and closing submissions if that is acceptable. Sir, as a general principle Lord Berkeley is misconceived because the Promoters are seeking, as you will recall, as a primary means of resolving the capacity issue to use the access option route and, as you heard on Tuesday, we are negotiating an access option with Network Rail in the usual way and that, of course, will be subject to supervision by the independent regulator. As I made clear, I hope, to the Committee on Tuesday, the powers are only in the Bill as a backstop to ensure that the scheme which Parliament thinks is a good scheme does not fail for other reasons, but that is no more than a backstop and if I might remind the Committee—I put it in yesterday late—the Minister's letter, P109, dated 29 June, gives an assurance that the Bill powers will be revisited as soon as the access option is resolved, so it is fully intended that the normal industry processes will be followed with the use of the independent Network Rail and the independent regulator but we do have to have a backstop for the simple reason that Parliament, supported by many interests, commercial, public and otherwise, see the

importance of the Crossrail project.¹⁰ This is not simply the view from one vested interest within the freight industry. This is a general view across the board, and of course there is more to commerce than the freight industry. I do not have to remind the Committee of the strong representations you have received in support of Crossrail from the business sector, the City and the like as to the importance of Crossrail to their sector of the economy.

14380. I am not suggesting for one moment that freight is not a very important part of the economy but it is one of a number of interests which have to be balanced and the way that will be balanced is through the negotiation of the access option with the supervision of the independent regulator. A balance between those interests will be struck in that access option and that access option will also, as I indicated in re-examination of Mr Watson on Tuesday, have the ability to fit pre-conditions for infrastructure enhancement.

14381. Issues as to capacity we have dealt with through our evidence. Lord Berkeley and his group may disagree with the assessment of capacity and the fact that they consider that capacity still exists on the Great Eastern side absent Crossrail. However, that is not a view which is shared by the Timetable Working Group, which has representatives of both the private sector and the public sector. Could I have put up, please, Lord Berkeley's slide A163?¹¹ Lord Berkeley has helpfully given you as figure 1 of his evidence the operators' market share. Representation exists on the Timetable Working Group from Freightliner Group, which is both Freightliner companies, EWS and GB Railfreight, and over 90% of that market is represented on the Timetable Working Group, so to suggest that the freight market does not have representation on the Timetable Working Group just does not hold water in my respectful submission.

14382. So far as others are concerned, if Lord Berkeley or Tarmac or someone else is arguing for specific representation then, as the report itself says, the meetings have agreed it has got to be manageable. The industry, of course, is consulted but the industry is also represented at present through those who already sit on the TWG. No doubt those matters and that membership will be reviewed as time progresses but they are consulted, they are asked their views. They will also have their input through the negotiations over the access option when they can make their representations to Network Rail and to the independent regulator. The suggestion that somehow the freight industry is shut out of this process is palpably wrong in my submission. Clearly it is proper that it be involved and it is involved. As I say, Lord Berkeley's group may take the view that there is sufficient capacity and

¹⁰ Crossrail Ref: P106, Correspondence from Department for Transport to Office of Rail Regulation, Crossrail Bill—Railway Powers, 29 June 2006 (LINEWD-GEN13-036).

¹¹ Committee Ref: A163, Freight train operators' market share (LINEWD-21305-012).

The Petition of Rail Freight Group

it is Crossrail that causes problems to the Great Eastern. That is not the view which the TWG has reached and if I might remind you it is page 7 of the Working Group report. It is exhibit P106, page 8, under the heading "Freight Services" which we went through on Tuesday.¹² Lord Berkeley's view is, of course, a legitimate view no doubt but it is not one that is shared by the group with all those elements of representation.

14383. Paragraph 41 of Lord Berkeley's paper this afternoon says: "The logical process is to complete a robust timetable, include it in an access option paper, and then withdraw the offending clauses . . .". As I have already said, that is the plan. The plan, as Mr Twigg's letter makes clear, is to complete the timetable of work, negotiate the access options and then to review the Bill powers, so what we are doing seems in my respectful submission to comply with the essential thrust of what Lord Berkeley is urging on the Committee.

14384. Finally, I simply remind the Committee again that we are seeking to use the processes which Lord Berkeley says we should use but we do have to protect the very real interests of an infrastructure project which a wide sector of the community and the business sector supports. The public interest does not merely lie in protection of freight interests but also of balancing the various interests together. Parliament has taken a key step in that direction by approving on Second Reading the Bill. The public

interest is therefore undisputed and in my respectful submission the processes which are in train now more than adequately meet the complaints of the Petitioner. Thank you very much.

14385. **Lord Berkeley:** I am very grateful for those comments. I disagree about the timetabling. I think the timetabling will probably feature quite a lot in the next fortnight. I am not going to come back although I disagree with it at the moment. In respect of the letter from the Department for Transport on 29 June, yes, he says he is going to follow the process which I have outlined but he is only going to follow it as long as he gets his own way.¹³ It is subject to Government agreeing that the outcome is satisfactory for all those people who support Crossrail. My argument is that that is fine if there is a genuine discussion but just because there are a lot of people supporting Crossrail it does not mean to say that the rights of other interests, freight interests, should not be taken into account. Why should they be worsened because Crossrail comes along? We are not saying that we are against Crossrail. All we are saying is that if Crossrail is taking capacity away Crossrail should provide it so that freight is in no worse a state than it would have been without Crossrail. That is my main argument. Thank you, Chairman.

14386. **Chairman:** That concludes the petition. We will now move on to the next petition, which is that of the Freight Transport Association Ltd, Dr Andrew Traill.

The Petition of the Freight Transport Association Limited.

Dr Andrew Traill appeared on behalf of the Petitioner.

14387. **Dr Traill:** I do not hold with titles.

14388. **Chairman:** I tend to refrain from titles. We will call you Andrew. Are you dealing with this, Mr Elvin?

14389. **Mr Elvin:** I am, sir. Dr Traill for the Freight Transport Association is raising similar points to the last Petitioner so I do not need to say any more.

14390. **Chairman:** Thank you.

14391. **Dr Traill:** Well, my name is Dr Andrew Traill and I am the Freight Transport Association's Head of Rail Freight, Maritime and Air Cargo policy. For the record, I have been with FTA for nearly 12 years and mostly in that time I have been representing the interests of what we call British shippers, those that actually purchase freight transport services by all modes for national, domestic movement of goods as well as the international movement of goods. I have a particular responsibility within FTA for running

its Rail Freight Council. That is a forum of rail freight operators, all members of course, other rail freight service providers and rail freight customers. I have been representing FTA members' interests in the Crossrail issue and have been involved in the Crossrail stakeholder meetings chaired by the Minister for Transport, Derek Twigg.

14392. A little bit about FTA itself.¹⁴ We have some 12,500 companies in membership, all involved somehow in the movement of freight within the United Kingdom and internationally. These include road haulage and logistics companies, express parcel operators, rail freight companies, port and terminal operators and, significantly, the freight transport customer. Those are retailers, manufacturers, wholesalers and even I would categorise here freight forwarders.

14393. The interests of the freight transport customer lie at the heart of all our policies and our activities, whether we are considering issues relating to road freight transport, air, sea or rail freight issues.

¹² Crossrail Ref: P106, Crossrail Timetable Working Group, Freight Services (LINEWD-GEN13-008).

¹³ Crossrail Ref: P106, Correspondence from Department for Transport to Office of Rail Regulation, Crossrail Bill—Railway Powers, 29 June 2006 (LINEWD-GEN13-036).

¹⁴ Committee Ref: A164, Freight Transport Association Ltd (LINEWD-19705-002).

14394. The origins of FTA go back over 100 years and lay in a group of entrepreneurial businessmen who believed then that a group representing their collective interests was needed to counter the apparent collusion of the railway companies of the day. Whilst road freight has now become the most significant element of logistics today, FTA still claims to represent the interests of companies accounting for 90% of all UK rail freight traffic.

14395. It is with some authority that FTA can therefore speak on rail freight issues as they impact the customers in particular. In the course of this presentation to the Committee I plan to cover off these following issues: the perception of rail freight to industry; the value of rail freight to industry; the importance of business confidence in the rail freight future. Here, having established the background to our concerns, I will cover the threats that we see from the Crossrail Bill in its current form, and that includes the issue of road congestion and we will end with some solutions to propose to the Committee and some brief conclusions.

14396. Before I delve into the particulars of our concerns over the present Crossrail Bill, it is important we feel that the Committee hears the context into which our objections fit, and hence the first three items on this list.

14397. The customer is concerned about two things above all others: the service and the price of the service. For a number of years, the rail freight industry has suffered from a perception of under-performance and high prices compared to the principal alternative mode of transport, road freight services. Much of this perception has had its origins in previous years of neglect of the railways, a poor focus on customer requirements, and the experiences of freight transport buyers that were, in fact, founded on their own experiences and those represented by the media, of passenger rail services, not freight.

14398. Four years ago FTA conducted a survey of rail freight customers and potential customers to ascertain a more precise picture of perceptions about rail freight and where the industry needed to concentrate its efforts to win over existing and new customers, and win back former customers.¹⁵

14399. Unsurprisingly, the main criteria that needed to be met were those of the service, and at the forefront was a need for reliability, especially in respect of delivery on time. Such is the level of competition and pressure on costs and the need to reduce these costs in companies, that unreliability is intolerable as it simply adds to the costs. We should remember that there are really very few companies that would show a great deal of loyalty to any single mode of transport or service provider, their loyalty

is in effect to their customers and their shareholders and, therefore, they cannot afford to stay with a service or service provider that is unreliable.

14400. To quote one of the respondents to the survey I referred to: "Any sign of unreliability and commensurate increases in costs, and the Group's Board could very quickly decide to close down or sell the business—not just the rail distribution!"¹⁶ Remember here that the board referred to may be in another country, perhaps even outside Europe, and that arguably makes it a lot easier for them to sell off or close a part of their business that appears not to be performing, so the stakes are very high for some companies. A further quote to note from a rail freight customer about his freight policy is: "when reliability is threatened we truck it". The point to get across here is anything that inhibits or threatens reliability can have a very serious impact on the rail freight industry. Aspects of the Crossrail Bill that could threaten rail freight reliability will be referred to shortly.

14401. However, it is also important to understand the importance, the value of rail freight to those that actually use it, many of which often rely upon rail freight. In response to the Strategic Rail Authority's proposals back in 2003 to reduce the level of maintenance and renewal work on rural lines, freight only lines and so-called "other secondary lines", precisely the type of lines that so much rail freight uses and crosses every day, FTA felt it was necessary to convey exactly how damaging this policy proposal would be to customers and the wider economy.

14402. FTA took a number of industry sectors and took some case-studies to show the impact of reduced reliability and service that would result if the SRA had had its way, which fortunately it did not.¹⁷ The results can be highlighted as follows: the cost to the aggregates industry in the Peak District alone was estimate at over £100 million per annum; costs from just one retail company that was using rail freight at the time, and indeed still is, was estimated at £1.7 million per annum; the Scottish coal sector could lose £80 million per annum; and the waste sector could suffer additional costs in excess of £10 million per annum. The costs we are referring to here were attributed to a range of factors: re-engineering the supply chain, new shift patterns and employment costs, alternative distribution patterns, building in more stock and inventory into the supply chain, all the sorts of things that could be involved when switching away from rail freight services in order to recover or, indeed, regain some semblance of reliability into their supply chains. If you consider that for inter-modal transport, a train load of containers being disrupted, delayed or diverted is in effect equivalent to having 30 lorries being disrupted, delayed,

¹⁵ Committee Ref: A164, Freight Transport Association—Perception (LINEWD-19705-004).

¹⁶ Committee Ref: A164, Freight Transport Association—Perception (LINEWD-19705-005).

¹⁷ Committee Ref: A164, Freight Transport Association—The value of rail freight (LINEWD-19705-006).

6 July 2006 The Petition of the Freight Transport Association Limited

diverted, and you can soon understand the scale of the problem that would result for the customer affected. The chaos this would cause for the manufacturer would be almost unthinkable: stock-outs, empty shelves, closed production lines, the list goes on. They would only need to suffer such consequences once, I would say, to begin to seriously reconsider ever using rail again. It becomes clear as well—these are specific cases—if you spread this across rail users you end up with a very dim and depressing picture.

14403. Of course, it is one thing to have confidence in the ability of one's service providers to deliver reliable and cost-competitive services, it is quite another to have confidence that the infrastructure will be able to support your business and traffic. It is often a big strategic decision for companies to fully capture the benefits of rail freight. It may mean new distribution facilities, investment in handling systems, wagon leasing, possibly even a change to other business units in the company within the supply chain, new contracts, new logistics partners and so on. Disruption and delay can be very costly, as we have already shown, but discovering that there is no spare capacity on the network to support your traffic and future business strategy is something we would say few businesses could tolerate. Therefore, business needs assurance that they are not throwing their investment down the drain.

14404. That is why we became focused on the need to determine accurately what network capacity there actually was and where the potential problems then might exist. FTA consulted its members, and particularly freight operating companies, to try and identify where the problems lay and where investment in the network should take place most urgently. We referred to these as "Trade Routes", which is the picture you have on the slide.¹⁸ Nevertheless, we were not convinced that these were sufficiently robust to effectively argue the case for government investment, nor were they sufficiently reliable to enable companies to commit to the use of rail freight services in their distribution and supply chain strategies.

14405. So FTA approached the Rail Freight Group for help in producing some more reliable freight forecasts and matching these to existing network capacity. It just so happened that around the same time the Government were also minded to have more robust forecasts of demand and the initiative took on new importance since it became central to the case for investment in the rail network to support freight services. The Committee will recall from the previous petitioner, the Rail Freight Group, details of these forecasts so I shall resist repeating them.

¹⁸ Committee Ref: A164, Freight Transport Association—Business Confidence—Trade Routes (LINEWD-19705-007).

14406. Given this background, the Committee, I hope, will understand why FTA became deeply concerned about the aspects of the Crossrail Bill.¹⁹ Firstly, as we have heard, the Bill introduced powers that enabled the Promoters of the scheme to effectively overrule the authority of the Office of Rail Regulation. This has the effect of making the future unpredictable. Unpredictability makes it difficult to plan and in effect it introduces an element of risk to investments associated with companies' increased use of rail freight.

14407. Secondly, the Bill will reduce the capacity of the network to carry freight, giving priority of course to Crossrail services. Most notably this will affect freight services on the eastern side of London to a greater degree than that on the west, because we have forecasts which predict substantial growth in inter-modal traffic generated by the existing ports and new port developments. The Promoters dispute this but the Crossrail Timetable Working Group report on 22 June 2006 has concluded in the text: "Crossrail worsens the availability of paths available for freight between Stratford, Forest Gate Junction and Shenfield." This is, as you probably already realise, a key section of the rail freight network that supports inter-modal rail freight services. Industry needs to await the final Access Option to see just how great this impact will be and the case has already been put to the Committee that the Timetable Group's work is far from complete.

14408. The Promoters claim, however, that any loss will be compensated, but this excludes any compensation for the freight customer, except those who lose freight facilities and premises to the Crossrail scheme directly. Those others that have committed their supply chains to include rail freight logistics will receive nothing. They will potentially lose their investments and incur further costs re-engineering their supply chains, as I was describing.

14409. Faced with such uncertainty, many companies could walk away from using rail freight or, at best, reduce the scale of their involvement and turn to alternative strategies which are most likely to manifest themselves in the form of road freight alternatives. FTA has forecast recently that for international, intermodal and roll-on roll-off journeys between Felixstowe and the London area, that is using the A12 and the eastern/northern quadrants of the M25 motorway, some 300,000 to 400,000 additional journeys are likely to be generated between now and 2015.²⁰ This is basically a response to the growth in demand for goods being imported through the Haven ports. This is on top of the growth in domestic lorry movements on this route, estimated itself to be in the region of somewhere between 200,000 and 300,000 additional lorry movements compared with 2005 figures. If rail freight demand predicted by the FTA and Rail

¹⁹ Committee Ref: A164, Freight Transport Association—Threats from Crossrail (LINEWD-19705-008).

²⁰ Committee Ref: A164, Freight Transport Association—Road Congestion (LINEWD-19705-009).

Freight Group forecasts is constrained this will just exacerbate the problem further. The A12 in the north and eastern quadrants of the M25 will suffer further congestion to the detriment, we would argue, of the local region and the economy as a whole, but it is not been estimated how many extra lorries would be added to this particular route if they were unable to move by rail since it really is impossible to predict how many would actually choose this route. They could, of course, choose the A14 but that is an already heavily congested route and one which in itself we expect to see in the region of another half a million road movements being generated on it by 2015 anyway.

14410. In summary, we have a situation where shippers, actual and potential rail freight customers, are unsure whether there will be enough capacity to accommodate their traffic and even though they may have services today or in the future they remain unsure whether these will be altered or taken away completely. The situation is far from ideal if you are a company wishing to develop your use of rail freight within the logistics, operation and supply chain.

14411. Solutions. In the Government's review of port policy, recently published, it has established the principle that developers should enhance the transport infrastructure the specific development will actually effect, and I put here a quote on the slide from that discussion document that was issued in May 2006.²¹ "In essence, new developments, which by expanding the amount of port traffic trigger a need for expanding role or rail infrastructure capacity, should be expected to pay for such expansion through developer contributions. Where developers' proposals will create a need for new infrastructure that is not envisaged by these plans, the Government expects them to meet the costs of providing this infrastructure."

This principle is being applied to the port of Felixstowe, for example, which is expected to contribute towards the costs of enhancing the rail infrastructure between Felixstowe and Peterborough and also, beyond that, on to parts of the East Coast main line. Now, FTA believes the same principle should therefore apply to the Crossrail scheme. Rather than divesting themselves of any obligation or responsibility for impacts felt beyond the western and eastern extremities of the Crossrail project, the Promoters should practise what they preach to others and contribute resources to those schemes in and around London and even outside London that would resolve the capacity problems that are being forecast. In relation to identifying the location and scale of those capacity problems, I respectfully suggest the Committee await the evidence to be given later by further Petitioners and witnesses appearing today.

14412. What I would advocate to the Committee, however, is that they seriously consider amendments to the Bill that would build in the obligation on the

Promoters to consider the impacts of the Crossrail project on the transport infrastructure beyond the Maidenhead, Shenfield, Abbey Wood boundaries of the scheme, and to contribute towards the costs of those schemes that would ensure capacity shortfalls did not arise as a consequence, directly or indirectly, from Crossrail.²²

14413. FTA reminds the Committee of the consequences on business from uncertainties over the rules of granting access to the network shared between Crossrail and other services, in particular the effects on freight services. The powers given to the Promoters to effectively overrule the decisions of the ORR in cases where the access rights of others conflict with those the Promoters wishes to have for Crossrail, represents an element of uncertainty that restrains development of rail freight services. FTA recognises and welcomes the recent move by the Promoters to accept the authority and jurisdiction of the ORR in respect of determining access rights once the access options have been determined. Nevertheless, we feel in the interests of instilling business confidence and not setting a worrying precedent for any future projects, the Promoters should go further and make it impossible within the Bill for the Promoters to override the normal functioning of the ORR in considering and awarding access rights to the network.²³

14414. Business needs predictability. It enables better planning, reducing the elements of risks associated with business strategies. The reliability of the logistics elements within a supply chain are crucial to maintaining business control, reducing costs, increasing efficiency, keeping customers happy and growing the business. The road network is under considerable pressure from increased demand and, as we have seen, traffic is forecast to grow even further over the coming 10 years and this will reduce the reliability of road freight services. Business is looking for reliable alternatives to road freight transport; they are looking at rail freight. If we introduce Bills such as this one that seems to ignore or fails to fully understand the impact of such schemes on businesses, we will effectively be limiting the freight transport options that are available to them. I put here a quote from Professor Goodwin of University College London from the report on The Future of Rail Policy that he gave to the All-Party Parliamentary Rail Group in November 2003. "It seems very likely that demand growth both of passengers and freight markets would have been higher if capacity had been there".²⁴

14415. The point here is clear, I think, that if you put in the capacity, the growth in rail freight will be larger than without it. So if you, or the Government, want to see more growth, then you must cater for it.

²¹ Committee Ref: A164, Freight Transport Association—Solutions (LINEWD-19705-010).

²² Committee Ref: A164, Freight Transport Association—Solutions (LINEWD-19705-011).

²³ Committee Ref: A164, Freight Transport Association—Solutions (LINEWD-19705-012).

²⁴ Committee Ref: A164, Freight Transport Association—Conclusion (LINEWD-19705-013).

 6 July 2006 The Petition of the Freight Transport Association Limited

The numbers may be disputed, but the principle should be upheld. The country cannot afford to remove capacity from the rail network where reliable forecasts, the best we have available today, suggest there will be demand from industry to use that capacity. The Bill in question today should be amended appropriately, establishing the principle that ensures the Crossrail Promoters contribute towards the infrastructure schemes and maintain the availability of much needed capacity to support rail freight services and future growth.

14416. Thank you for your time.

14417. **Chairman:** Mr Elvin?

14418. **Mr Elvin:** Sir, can I just firstly remind the Committee in respect of page 8 of Dr Traill's presentation that he has significantly misunderstood the position of the TWG. We see on page 8 that Crossrail worsens the availability of paths.²⁵ If we look at page 8 of exhibit P106, which is the actual paragraph, you will see that that is acknowledged but it is in the context, under the heading of "Freight Services", that that is against the Group agreeing that the capacity has already been constrained before Crossrail comes on-stream, so there is insufficient capacity with or without Crossrail.²⁶ Yes, Crossrail will worsen the situation but it has already gone beyond the point of being free capacity prior to that stage, and one of the oddities of this presentation is that although he mentions Felixstowe, which is only a port expansion, of course an entirely new port is under consideration at Shell haven. A decision has yet to be announced but there has been a "Preliminary minded to" letter from the Secretary of State, but it remains to be seen whether the industry puts its money where its mouth is, and makes equivalent contributions to upgrading the Great Eastern line to take away the capacity which they will undoubtedly impact upon in terms of freight and, indeed, apply the principles that Dr Traill says ought to apply to Crossrail. The problem here is that this Petitioner, like others, expects Crossrail, and that is opposed to other aspects of the DfT absent its role as Promoter, to correct capacity issues which already exist.

14419. I have already given a general assurance to the Committee at Day 48, paragraphs 13682-13685, as to infrastructure improvements. As I have already said, we cannot give specific ones because the detail is likely to change but they are matters which will be looked at as part of the conditions on the access option, and we have already given the Committee a

general assurance about ensuring that capacity is not worsened as shown in the report by Crossrail. So I hope that at least gives the Committee assurance that we accept, up to a degree, reasonable requirements to ensure that Crossrail does not make capacity worse than the Group's report already says it will be at the relevant time, but to go as far as this Petitioner is suggesting is both unrealistic and, given the principles this Petitioner espouses, is somewhat perverse.

14420. On the other issues with regard to timetabling and the like, I simply repeat what I have already said in response to Lord Berkeley and his particular group. I do not want to repeat myself.

14421. Thank you very much.

14422. **Mr Traill:** I think, respectfully, that given the various disputes over the issues relating to the Timetable Group and their apparent conclusions, this demonstrates that there is still an awful lot of work to be done here to clarify what is going on, and, indeed, again I refer you to a witness I believe who is appearing shortly who will also be able to shed light on some of the forecasts we are looking at, and hence our dispute on what the conclusions are thus far in the Working Timetable Group.

14423. As far as the Shell haven port proposal is concerned, people fully expect that that same principle will be put in to any planning approval that may be granted, that they will have to put in some contributions, or will be asked to put in some contributions towards road and rail network enhancements because that is the policy that is being pursued by the Government at this time. To say it is perverse that Crossrail should do the same—well, I would say what does that sound like? That it is all right for everybody else to do it but not for the Promoters of the Crossrail scheme. If this were a dedicated freight railway line being put in you would expect, I am sure, to have seen that scheme consider all the access, all the services that are running on the network currently, and make sure that its plans, its design, did not adversely affect those services. So all we are saying is let's have a level playing field here. Just because this is a passenger scheme does not mean you should not be considering other users and other service providers, freight or passenger for that matter, unequally.

14424. **Chairman:** Thank you very much. We will now move on to our third petition today, Tarmac Limited, represented by Martin Kingston QC.

The Petition of Tarmac Limited.

Mr Martin Kingston QC appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

14425. **Chairman:** Before we start on this particular section we have been dealing with timetabling today quite considerably and one of the things we have outlined continuously in the course of all of our hearings is that we do not want repetition. As I understand it, you have three expert witnesses all dealing with timetabling, and they want quite considerable periods of time allocated to them singularly on the same subject.

14426. **Mr Kingston:** If you have been told we have three witnesses dealing with timetabling, I am sorry. At least two of them will be very surprised by that suggestion!

14427. The three witnesses are firstly, Mr David Cole, employed by Tarmac, who will be seeking to explain to you how important from Tarmac's point of view rail freight is, rail access, and how important and in the public interest it is that Tarmac should have the opportunity to get its essentially aggregate freight into London. The second witness is our timetabling witness, Mr Michael Garratt who is a specialist. He will tell you about his experience and explain to you why he thinks he has some useful information for the Committee. The third witness, Mr Peter Dixon, is not a timetabling witness. He will be dealing with the consequences of essentially environmental impact assessment following on from what Mr Garratt has said, so our case seeks to move through a company perspective, timetabling and the consequences of the timetabling issues in environmental assessment.

14428. May I say that if at any stage in what we are telling you you have heard it before and you want us to move on we are not precious about it and will do so, but we have read what has been said, we have done our best to keep up with what you have heard by looking at transcripts, and are aiming not to repeat ourselves.

14429. **Chairman:** You have given us some assurance. Good. Could I ask Mr Elvin to summarise?

14430. **Mr Elvin:** You have heard what Mr Kingston is going to say so I do not think I need to say anything more! I do not know whether this will short cut things but certainly it is no part of the Promoter's case to suggest that the proper supply and aggregate into London by rail freight is not important. Clearly it is so, I am not sure how much the Committee needs to hear of it. Certainly I am not going to suggest that Mr Kingston should not call his witness but certainly it is not going to be in dispute.

14431. **Chairman:** Mr Kingston?

14432. **Mr Kingston:** Thank you. Can I open shortly just to make really two points? First to explain that Tarmac's petition raised a number of specific property issues. We have got concerns in three locations, Hayes, Bow and Paddington, and those matters, in a process which has been very helpfully contributed to by the Promoter's attitude, we are resolving. We are hoping we are not going to need to trouble the Committee at all on that and all of that can be resolved.

14433. But that leaves us effectively with the issues we want to deal with today and I can put those into two types of issues. First, what I call the rail capacity issues; that is the effect of Crossrail on the rail network and, in particular, on freight interests. You have heard the generality of that already this afternoon and we are not going to seek to repeat that.

14434. You have had it explained to you by the Promoter from the aggregate's perspective how imperative it is in policy terms that the aggregates transport by freight into London should be preserved. Those are matters which are dealt with in national policy, regional policy and local policy. You have just heard it said there is going to be no issue about it: that is very reassuring.

14435. Tarmac has a substantial business interest, clearly one which it is anxious to protect, but it recognises, as the Committee has been reminded this afternoon, that there is here a substantial public interest in the promotion of a scheme which has undoubted benefits. We are not here to tell you, as far as Crossrail is concerned, that it does not have significant public benefits. What we are going to suggest to you is that it would be entirely inappropriate to effectively achieve those benefits on the back of significant public disbenefit arising from a threat to rail freight, and specifically to rail freight with regard to aggregates, and that is the nub of what we want to say to you about the impacts in rail freight terms. So we are not at issue with the public benefits: we hear that there is no issue about public benefit of aggregates and aggregates into London; it is the balance of how that is achieved which is important here, and one of the ways in which that balance can be properly achieved is by ensuring that, where a scheme like this is promoted, it effectively and in a reasonable way picks up its own costs, and so does not seek to arrogate to itself all sorts of benefit at somebody else's cost or some other cost in terms of the public interest.

14436. Mr Garratt, as I said, will deal with the timetabling issues as they arise in detail, and you heard quite a lot of evidence about that on Tuesday. We are not aiming to repeat that, we want rather to

²⁵ Committee Ref: A164, Freight Transport Association—Threats from Crossrail (LINEWD-19705-008).

²⁶ Crossrail Ref: P106, Crossrail Timetable Working Group, Freight Services (LINEWD-GEN13-008).

The Petition of Tarmac Limited

amplify some aspects of that with the hope we might interest you to some degree not in the finer detail of rail timetabling but in the consequences of that and the way they have been approached in this instance.

14437. We are doing so here, of course, from a customer perspective. If you like, in the way in which the Timetable Working Group has been set up we are almost at the bottom of the food chain there. Mr Elvin is keen to convince you that everybody has been represented but the customer's interests we would suggest have not been effectively represented there and that is something we shall want to comment on.

14438. The second general issue is the consequence of what has been assessed in terms of the impact on rail freight. It will be our submission to you when you have heard the evidence that it is absolutely clear that Crossrail comes at a cost in terms of rail freight capacity which is thus far not effectively acknowledged in the environmental assessment process. The consequences of that, we say, are quite clear. If there is a significant impact which has not been acknowledged in the environmental assessment process, then the project which has been subject to environmental assessment should not get its development consent. That is the objective of the legislation. The objective in European legislation and in domestic legislation is to ensure that projects only get their development consent if we have been able to see that there has been a proper assessment of environmental impact, those impacts have been identified and, to the extent that they need mitigation, the mitigation has been identified and secured. What we shall attempt to persuade you of in these circumstances is that the impact has not been properly identified, as a consequence there is no effective mitigation, and without effective mitigation there is not a project which ought to achieve what it seeks to by way of this Bill, that is a development consent.

14439. I have identified who the three witnesses are, and I would like to move to them straight away. First Mr Cole.

Mr David Cole, Sworn

Examined by **Mr Kingston**

14440. **Mr Kingston**: Mr Cole, you are David Cole, is that right?

(Mr Cole): That is correct.

14441. And you are the commercial director of Anglia and South East Area of Tarmac Limited; between 2003 and 2005 you were the general manager of Tarmac's ready mixed concrete operations in London, is that right?

(Mr Cole): That is correct.

14442. So you are familiar with the company's operations in this area?

(Mr Cole): Yes.

14443. Just generally, please, with regard to aggregates, that is essentially sand, gravel, crushed rock, some recycled materials, how important is the supply of them and the steady supply of them in the context of the construction industry and any development that takes place in this country?

(Mr Cole): Absolutely essential, from our point of view, in London. It is critical.

14444. And are you expressing a view there which is in any sense out of accord with government policy with regard to the supply of aggregates?

(Mr Cole): I am not, no. It is actually recognised by government policy guidance on aggregates.

14445. And what about the quantities that we are talking about within London? If we are looking at the Greater London Authority area 2000–03, have you got figures you can give in order to give some indication of the scale we are talking about?

(Mr Cole): Yes. The latest available figures were 2000-2003, as you say, and it is approximately 15.2 million-tons of aggregates annually.

14446. To what extent is rail freight important in the context of the movement of those materials?

(Mr Cole): About one third of these sales rely on rail freight for delivering aggregates into London.

14447. So how important is rail freight?

(Mr Cole): It is essential. Absolutely vital.

14448. What about Tarmac's interest, that is in essence the broader public interest? How much material have you got moving by rail freight and how important is that from your point of view?

(Mr Cole): Tarmac's business in London is reliant on rail freight for delivery of aggregates to the company's network of concrete and asphalt plants, and Tarmac expects to use rail for the delivery of more than one million tons of aggregate for each year.

14449. And to what extent is that material coming, please, into central London?

(Mr Cole): We have tried to simplify it and explain where our aggregates come from. In general terms the million tons is delivered from the Mendips, Herefordshire, Leicestershire and Essex, and we also bring in sea-dredged material into Angerstein which is then rail-fed into the concrete plants in central London.

14450. So Angerstein is, in essence, sea-dredged aggregates, is that right?

(Mr Cole): It is, yes.

14451. Now, on this next document we can see "Rail deliveries to concrete plants".²⁷ It also covers, I think, the plant at Hayes, does it?

²⁷ Committee Ref: A165, Tarmac Ltd—Rail Deliveries to Concrete Plants (LINEWD-33005-005).

The Petition of Tarmac Limited

(Mr Cole): It does, indeed. Hayes is an asphalt plant. Hatton Cross and Sipson are concrete.

14452. And the quantities we are seeing going into central London we can see into King's Cross, where we are seeing 200. That is 200,000 tons per annum?

(Mr Cole): It is.

14453. Into Paddington 100,000 tons per annum, and Battersea is the same, is that right?

(Mr Cole): Yes.

14454. Thank you. In terms of transportation of minerals of this sort of quantity and the efficiency of movement in London, how significant is it to have access to the railways and be able to achieve reliable delivery?

(Mr Cole): Again, it is essential. Transport is a major consideration in the delivery of materials to ourselves and rail is practically the only way of getting aggregates into London for our operations.

14455. We do not need to intrude into matters which hopefully we are not going to need to trouble the Committee with here, but looking at your Paddington plant, for example, as a plant the Committee will know it, broadly speaking, and there has been a site visit, I think, so members will have seen that, looking at the location of that plant, road network in that area, just in general terms from a practical point of view, from the company's point of view, deliveries to and from there?

(Mr Cole): From a practical point of view Paddington represents one of the shortest delivery distances we operate in. The congestion and road traffic movement in there is very congested and we operate in a very limited area.

14456. Let's try and root those difficulties in some sort of practical figures. One can imagine you cannot carry concrete around for ever and expects it might not set and present you with some difficulties when you are trying to get it to the customer?

(Mr Cole): Indeed not.

14457. In Paddington, what sort of radius have we got for deliveries out of that plant in order to respect the time needed to get the concrete to where it is needed and then avoid it being unusable?

(Mr Cole): From the point of manufacture we have approximately two hours with which to get the material to site and for that material to be finished with by the contractor. That means in essence we have to travel no more than 2 miles from our depot, two mile radius from around our plant, and we can see that.

14458. What does this next diagram show, Mr Cole?²⁸

(Mr Cole): This shows the four operating units that we have that deliver concrete in London. You can see the Paddington one in the centre has the 2-mile radius and we have Park Royal to the west, King's Cross to the east and Battersea to the south.

14459. Obviously from your point of view it is a commercial, perhaps more than a commercial, convenience to have the plant at Paddington, but to what extent is the existence of that plant and its supply something which contributes in terms of the public interest with regard to the transport of materials within central London?

(Mr Cole): I am sorry, could you repeat the question, please?

14460. How important is Paddington in the context of maintaining supplies within central London?

(Mr Cole): Very, very important.

14461. What sort of tonnage are we talking about in terms of concrete out of there, please?

(Mr Cole): Paddington will produce in the region of 60,000 cubic metres of concrete per year.

14462. Moving to aggregates and deliveries by rail and water, Mr Elvin tells us there is no issue about these matters. In terms of the stance that Tarmac has taken about their importance, is there any distinction between your view and the Government policy view about these matters?

(Mr Cole): There is not.

14463. The Committee has been told, I think by Ms Lieven at an earlier stage, what the London Plan says in policy terms about aggregates, suitable plant and the like. You have a record of the London Plan policies there already before you. You indicated in relation to Paddington that it was important. In terms of market share, how much of the market share for ready-mixed concrete does Paddington have, please, in that two mile radius area?

(Mr Cole): We believe that we supply 60% of the market in that area, from our Paddington depot.

14464. So that is within the circle on the diagram?

(Mr Cole): It is, yes.

14465. Clearly it is very satisfactory to have the plant there. What view do you take about the possibility of not being able to maintain rail access to it, not because the actual plant site is threatened because we are resolving those difficulties, but because of difficulties about capacity on the rail network and getting trains into it?

(Mr Cole): The continued availability of adequate rail train capacity to provide supplies of aggregate is of vital importance to Tarmac's business, and the sustainable supply of construction materials to the market.

14466. What about substituting road for rail here?

(Mr Cole): Our evidence would show that road materials cannot keep up with the supply of materials for our product.

²⁸ Committee Ref: A165, Tarmac Ltd—Paddington and surrounding Concrete Plants (LINEWD-33005-004).

 The Petition of Tarmac Limited

14467. You have some concerns as a company about the Timetable Working Group. Mr Garratt is going to deal with those and we will not ask you to repeat these matters. Let's have a conclusion from you, please, Mr Cole, in terms of the practicalities here, the realities of the position with regard to, from the company's perspective at the moment, the need to maintain adequate rail capacity. How would you put that to the Committee, please, as to its importance?

(Mr Cole): Well, our concerns are that the practicalities need to be resolved. What we are trying to do is run a business which relies totally on aggregates being delivered by rail in order we can supply concrete to our customers in the London market.

14468. And in that respect, the company's interest and the public interest, do they coincide?

(Mr Cole): They do indeed, yes.

14469. **Mr Kingston:** Thank you very much indeed, Mr Cole.

14470. **Mr Elvin:** It will not surprise the Committee to hear that I do not have any questions.

The witness withdrew

Mr Mike Garratt, sworn

Examined by **Mr Kingston**

14471. Mr Garratt, I am going to introduce you to the Committee. You are Michael Garratt; is that right?

(Mr Garratt) That is correct.

14472. You are formally qualified as a member of the Chartered Institute of Transport. You have a BA Hons degree in Economics, a Masters degree in Transport Design and you are the Managing Director of MDS Transmodal, which is a transport consultancy specialising in the freight industry. Is that correct?

(Mr Garratt) That is correct.

14473. You have been a consultant and lecturer in the field of freight for some 20 years.

(Mr Garratt) Yes.

14474. Your company I think has been responsible for the preparation of rail freight forecasts for both the Freight Transport Association and the Rail Freight Group. Is that right?

(Mr Garratt) Correct.

14475. And you utilise something which is called the GB freight model. Is that correct?

(Mr Garratt) That is correct.

14476. In July 2005 the Secretary of State, and I think at the time it was Mr Darling, asked that the industry should make forecasts with regard to rail freight and asked that they should be robust. Is that correct?

(Mr Garratt) That is correct.

14477. As far as the GB freight model is concerned is that a model which is, as it were, forgone the expression, but of your invention and only audited by you or does it have some wider credibility and, if so, what?

(Mr Garratt) It is about the development but has been validated by the DfT and is incorporated in the National Transport Model.

14478. So when we are talking about material which has come from the GB freight model are we talking about material which for all practical purposes has been taken into other transport planning when looking particularly at freight issues?

(Mr Garratt) That is correct.

14479. To what extent therefore would you suggest that it is appropriate for the Committee to rely on that in looking at what the consequences might be in any particular situation pertaining to rail freight?

(Mr Garratt) I believe it is appropriate in that it is the basis for the exercise that Lord Berkeley just described.

14480. Can I ask you about port forecasting and in particular port forecasting with regard to rail freight. Have you been involved in that?

(Mr Garratt) I have.

14481. To what extent has your work featured within any Government forecasting or consultation with regard to ports and rail freight capacity?

(Mr Garratt) It is the basis for the forecasts within the current port consultation exercise currently out for consultation by the Department for Transport.

14482. So when, as we are going to in a few minutes, we are talking about the amount of freight traffic that is coming from the ports and the figures in that context, are those figures as far as you are aware figures which from the Government's point of view are regarded as uncontroversial?

(Mr Garratt) I would hope so, yes.

14483. Let us move from those general matters to things more specific. The Committee obviously is familiar with what is involved in Crossrail. Can you tell me please as far as your evidence is concerned this afternoon what is the overall plea that you want to make to the Committee, the overall message that you want them to take away?

(Mr Garratt) Very simply that there be joined-up thinking so that Crossrail does not create other problems which themselves could have a wider impact, that is, that the act of authorising Crossrail and proceeding with it does not create problems in the rail freight area which would have added impacts, including on the ports industry and on the aggregates industry.

The Petition of Tarmac Limited

14484. Those two particular industries, aggregates and container ports, how important is rail freight in terms of the amount of material that is moved by rail?

(Mr Garratt) A very substantial proportion. We have heard a few minutes ago that rail freight plays a very important role in the aggregates field, something like 30 or 40% of all aggregates coming into the capital. In so far as maritime containers are concerned, around 25% of all maritime containers coming into the UK use rail and all that is through south east ports.

14485. What about growth in those markets?

(Mr Garratt) There is growth in both markets. The construction industry will obviously play a major role in some of the developments in the south east, particularly Thameside, and as far as maritime containers are concerned forecasts are that that volume will triple over the next 25 years, and clearly rail is expected to play a major part in that.

14486. **Chairman:** Is that because the ports transfer of container goods is having to increase because of shortages in the container industry or is it general?

(Mr Garratt) There is no question that we are in the process of globalisation so the volume of port traffic is to a certain extent dictated by a great deal of substitution of domestic production by imports.

14487. Clearly if it is produced elsewhere in the UK then it will not be transferred by freight elsewhere in the UK. Is that tripling coming in because we are running out of aggregates in the UK?

(Mr Garratt) Oh, no, I am sorry; I was referring to containers at that point. As far as aggregates are concerned, we are not talking about the ports industry at all.

14488. The growth is not important?

(Mr Garratt) Correct.

14489. **Mr Kingston:** Mr Garratt, we know that we have different traction suppliers in terms of rail freight, four, I think. Is that right?

(Mr Garratt) Four and more on the way.

14490. A competitive environment there?

(Mr Garratt) A highly competitive environment, yes.

14491. And how important is that competitive environment from the point of view of achieving growth in the use of freight, something which we understand to be a Government objective for rail freight?

(Mr Garratt) I think it is extremely important and the evidence is there to see. Since privatisation rail freight has grown by about two-thirds and you could say that the most important aspect post-privatisation is the creation of a competitive environment.

14492. In brief what happens to the competitive environment if there is not enough capacity to satisfactorily accommodate freight on the rail network?

(Mr Garratt) That level of competition clearly declines because the parts controlled by the resident operator, as it were, would stay with that operator and the level of competition, the degree of new entry level, would decline.

14493. If competition declines what happens to prices?

(Mr Garratt) They rise.

14494. And what happens to usage if prices rise?

(Mr Garratt) I would expect it to fall.

14495. And if rail freight falls what happens to road transport?

(Mr Garratt) Road freight will grow.

14496. And how is that consistent with Government policy to diminish rail and increase road?

(Mr Garratt) It is not consistent with Government policy for sustainable distribution.

14497. We had a reference earlier this afternoon and therefore do not need to repeat it to the Minister's policy statement on 19 July 2005. Do you recollect that?

(Mr Garratt) I do.

14498. Just highlight for us, but not repeating the policy statement, those bits of it which from your point of view seem particularly important that the industry wants to put before the Committee please.

(Mr Garratt) I think the most important aspects are that the Secretary of State's statement reiterated that Government recognises and wishes to encourage the important environmental and economic benefits that rail freight can bring and that it expects the industry to bring forward robustly based forecasts on which capacity would be based in the future. One aspect I would like to read out is. "In order for rail freight companies and their customers to invest in the uncertainty about where and when they run their trains on the network the Government will work with industry to develop robust demand forecasting and modelling tools and to ensure that it understands the needs of the freight industry when developing its high level outward specification and other key policies. We would ensure that our appraisal methodologies treat freight and passenger interests equitably".

14499. "To ensure that appraisal methodologies treat freight and passenger interests equitably", what do you understand that to mean in practical terms? Does it mean that freight should give way to passengers?

(Mr Garratt) I think the reverse. I think freight and passenger interests should be considered in parallel and that existing freight interests should be recognised.

 The Petition of Tarmac Limited

14500. What is a high level output specification when it is translated for us please?

(Mr Garratt) It is the specification which Government is expected to give to Network Rail in order to determine and ensure that Government policies are pursued when issues of capacity and other matters are taken into account. That process is in a sense under way because Network Rail is currently out to consultation on something called the freight utilisation strategies which take into account the forecasts we referred to earlier.

14501. We have got the Government wishing for and anticipating rail freight growth. We have got the intention that there should be network capacity and we have got the expectation of consultation with the rail industry. Against that background let us look at your first slide please, which is figure 1.²⁹

14502. **Chairman:** That is document A166.

14503. **Mr Kingston:** Headlines only please.

(Mr Garratt) Simply looking at the tables at the bottom, 118 million tonnes rising to 146 million. You can see on the top line maritime containers growing from 13 to 31 million and aggregates and other minerals growing from 22 to 30, so we see growth in total and in the fields we are interested in.

14504. To those growths of traffic you apply the GB freight model?

(Mr Garratt) We do.

14505. In order to assess what that might mean, is that correct?

(Mr Garratt) Yes, that is right. We turn these into increases in freight trade movements which is clearly what we are interested in in terms of capacity.

14506. **Mr Kingston:** Let us have a look at your figure two please.

14507. **Mr Binley:** If I can just understand the question, if you go back to that figure 1, is the argument you are making that because of capacity constraints you are not going to get the expansion in the market place between 14 and 30 that you would expect and so your forecasts are related to the resource rather than to the market?

(Mr Garratt) These are unconstrained forecasts.

14508. **Mr Binley:** They are unconstrained? I am surprised because you have got a very sizeable growth between 2005 and 2014 and yet a very limited one for the next 16 years.

(Mr Garratt) If you look at the second line, the explanation almost entirely lies in coal. The forecasts you see in front of you at the moment are based upon the policies that the DTI was putting forward a couple of years ago in terms of energy policy prices and so forth which anticipated a gradual reduction in coal. More recent experience is that that is unlikely to take place, so these are

extremely cautious forecasts. Personally I would expect the coal figure to be substantially higher. It is an area of the rail market which is in effect dictated by Government policy on energy.

14509. **Chairman:** Taking this point, though, even if you continue the same forecasting on coal in 2014 and 2030 it would still be a drop.

(Mr Garratt) I am sorry.

14510. If your explanation on coal is there, but if you contribute coal again in 2014 and 2030 it continues at more or less the same figure of 14 million tonnes and the 146 at the bottom still would be considerably less growth.

(Mr Garratt) It would still be growth.

14511. It would still be growth but it would not be anywhere near—

(Mr Garratt) That is right. As far as the aggregate estimate is concerned, because we are looking at aggregates in containers here really, the aggregates forecast for 40 is to a certain extent predicated on growth in constructions in the south east and the maritime container traffic that you see we expect to carry on growing very considerably.

14512. **Mr Binley:** Sorry, but when you are presenting this it impacts on the credibility of other figures.

14513. **Mr Kingston:** Certainly.

14514. **Mr Binley:** So I still have not had a satisfactory answer as to why we have had very sizeable growth in the next nine years and yet in the remaining 16 years of the period you have got in truth hardly any growth at all. I just wonder whether you think the world is going to stop growing in about nine years' time and then we are going to go along at a reasonable level.

14515. **Mr Kingston:** We certainly do think the world will not carry on growing but it is a question of which part of it will grow. As Mr Garratt has explained, with regard to maritime containers, if you look at the top line you can see very significant growth. That reflects what is anticipated to happen both with regard to port capacity and levels of import, and Mr Garratt can enlarge on that. With regard to coal, as has been explained, significant reduction based on current DTI forecasting. I have to say that, as Mr Garratt as indicated, that may all change, who knows, next month maybe, when we are—

14516. **Chairman:** But your aggregates figures are in contrast with what your previous witness said and indeed what Mr Garratt said that aggregates are going to grow in the south.

14517. **Mr Kingston:** No, with respect. We are going to grow in terms of rail freight tonnages through to 2014. There is then, as you can see, a decline of two million tonnes. Why is that, Mr Garratt?

²⁹ Committee Ref: A166, Figure 1: Rail Freight Tonnages, Actual & Forecast (LINEWD-33005-002).

The Petition of Tarmac Limited

(Mr Garratt) Because by 2030 the amount of house building in total in the south east will be expected to tail off. What we are talking about is the programme of construction and expansion in the next 25 years.

14518. **Chairman:** I think I disagree on some of that figure because the forecast is for further future growth in the housing market. I accept that there are certain people who doubt whether that should take place but the forecasts are not for restriction from 2014 onwards but are for continued growth.

(Mr Garratt) Let us say these are very cautious figures.

14519. **Mr Kingston:** These are not intended to be figures to impress you on the basis of being incredibly optimistic, that is, producing very high figures with regard to what happens with rail freight. They are modelled on the basis which, as Mr Garratt has told you, is effectively DfT audited, so what has gone into the modelling exercise is something we do not understand to be contentious. What that means in terms of house building in the south east and how the aggregate requirements are met may be another matter. We all know what the predictions are with regard to levels of growth through to 2021 and indeed to 2025.

14520. **Chairman:** But if you present figures it gives any member of the Committee an opportunity to say, “Why is that there?”

14521. **Mr Kingston:** We are very happy to turn Mr Garratt over, if I can put it this way, on any of the figures because they represent from the Petitioner’s point of view robust estimates, that is, these can be relied upon as not overblowing the case in terms of what is required in rail freight terms.

14522. **Kelvin Hopkins:** I am sorry I missed the very beginning of your evidence, Mr Garratt, but the table here talks about tonnages but it does not mention mileages. Tonne/miles is a normal measure of volume of freight.

(Mr Garratt) I completely agree. We can certainly provide for you columns of figures without any difficulty. I was simply trying not to make this a lecture on rail freight.

14523. **Mr Kingston:** Mr Garratt, we have got your figure 1. Going on to figure 2, that is looking at London; is that right?³⁰

(Mr Garratt) Yes, that is right. That is 2005.

14524. Let us have a look at the figures. Headlines please from these figures.

(Mr Garratt) Yes. Of those 118 million tonnes we saw in the previous line 20 million tonnes are to, from or through London, of which half are construction, 10 out of 20, and you can see if we look specifically at the traffic to and from Greater London as opposed to through Greater London 7.6 out of 10.3, about three-quarters, are construction.

14525. In that context therefore how significant in the broadest sense of customer is aggregates traffic for rail freight capacity in London?

(Mr Garratt) Most important.

14526. In the same context the consequences therefore of inadequacy of capacity with regard to knock-on effects in terms of road transport?

(Mr Garratt) They would be serious and, as we discussed before, would have environmental impact.

14527. We ought then to move from those figures with regard to the tonnages to what that might mean in train movements and you have, I think, figures 4, 5 and 6 to help us with that.

This form of diagram may appear at least a little familiar as something we saw earlier this afternoon, and now you know the source of it.

(Mr Garratt) That is right.

14528. Mr Garratt, frankly it looks bewildering presented in this form. Can you please give us the message from this figure

(Mr Garratt) I apologise for that. It is quite difficult to get across. The small numbers you see on each of the different legs, the first number shows the actual number of freight trains on average running along that section of the track and the second number shows the maximum number because there is clearly a variation during the week between average and maximum. That, if you like, is the demand which the network is trying to deal with. The colour coding is self-evident, it conveys those routes that are busier than others. If we look to the red line pointing off towards about 11 o’clock, that is the West Coast Main Line, and as far as the Crossrail route is concerned it is the green line to the left, if you like, coming in from Berkshire through Central London. We see the red section in the middle of London which is the North London Line and moving eastwards towards, as it were, two o’clock the green line towards Ipswich.

14529. This figure, figure 4, is current rail freight train movements in 2005, is that right?³¹

(Mr Garratt) Correct.

14530. The overall message, please, translating the colours and the like?

(Mr Garratt) The overall message is that this is a busy part of the railway network.

14531. Currently in 2005.

(Mr Garratt) Yes.

14532. Let us have figure 5.³² This is forecast to 2014, what has happened, please? What is the difference?

(Mr Garratt) What you see here is much more red. The colours begin to change as demand grows particularly from the east and in the centre on the North London Line.

³⁰ Committee Ref: A166, Figure 2: London Freight Rail Traffic—million tonnes 2005 (LINEWD-33005-003).

³¹ Committee Ref: A166, Figure 4: Current rail freight train movements (2005) London (LINEWD-33005-005).

³² Committee Ref: A166, Figure 5: Rail freight train forecasts (2014) London (LINEWD-33005-006).

The Petition of Tarmac Limited

14533. And number 6, please, the same question: what has happened now we have moved to 2030?³³ *(Mr Garratt)* It has got busier and busier in all directions, particularly influenced by the increase in maritime containers, and what we see is a London railway network with very heavy rail freight demands.

14534. You have already told us what the consequences of restricted capacity would be likely to be: restricted choice, restricted competition and the potential, therefore, for less rail use.

(Mr Garratt) Yes.

14535. Let us have figure 7 then, please.³⁴

(Mr Garratt) What we saw before was demand and this is current supply. These are the freight paths currently available. We have only to see that some of the legs which are red in the later years are no longer red so we can see that demand is likely to exceed supply.

14536. Then figure 8, please.³⁵ This is forecast path utilisation in 2030. What should we be looking at here, Mr Garratt, in terms of what you want the Committee to understand from your evidence?

(Mr Garratt) If we take, for example, table one, the top line where we see an actual volume of 49 trains, this is via Shenfield to reach the North London Line at Stratford on the Great Eastern. We see 40 today growing through 75 and 90 with only 53 paths available, so we see a high level of utilisation, ie demand is 170% of supply and so on and so forth.

14537. The same applies in the third table here looking at the west of West Drayton, is that right?

(Mr Garratt) Table three deals with Great Western and we see, using the same approach, that utilisation would reach 98%.

14538. And the message from that, please?

(Mr Garratt) 98% is unrealistic. It presumes every train runs on time, is there and available and so forth, and the rail freight industry cannot work to that level simply because demand, particularly on the aggregates side which is largely Great Western, does vary day by day and week by week.

14539. Figure 9.³⁶ This is forecast shortfall on paths along the network, busiest day.

(Mr Garratt) This is assuming that every path is used, which is a wildly optimistic view, and even then comparing supply and demand for paths we see a shortfall of paths in 2030. The colour coding is the same and the numbers reflect the shortfalls.

14540. In terms of capacity we have been talking about “paths”, is paths an effective way of defining capacity for us?

(Mr Garratt) I think so, yes, although one has to remember looking into the future that the working timetable is in fact built up incrementally, that is when an operator or a customer wants an extra path what happens is the procedure is to see if an extra path can be found in what is usually known as white space amongst all the other trains and, therefore, you can find extra paths in the working timetable up to a point.

14541. The Committee has had explanations already of the rules of the plan and how those matters impact on looking at capacity.

(Mr Garratt) Yes.

14542. Crossrail services are planned to be more frequent than other services, is that right?

(Mr Garratt) Yes.

14543. What is the effect in terms of the gaps available on the network with regard to pathing and capacity?

(Mr Garratt) The particular problem for rail freight is that it moves along what are generally passenger routes and then has to turn off and on to these routes either to cross, as I say, at Stratford on to the North London Line or to access terminals over Great Western, so it is crossing on the flat between other trains. If the frequency of other trains increases the challenge of finding adequate gaps increases as well. The Crossrail services being more frequent, the challenge is that much greater.

14544. That is an impact in terms of gaining access to terminals. What happens in terms of having higher frequency services running at different speeds and the effect of those on other services?

(Mr Garratt) Clearly, where the routes are shared that also squeezes out rail freight capacity. For example, any rail freight trains on Great Western using the current electric lines, the slow passenger lines, would suffer as well.

14545. On Day 48, that is Tuesday of this week, Mr Watson at paragraph 13718, among other things, told the Committee: “I have already mentioned the need to be absolutely clear about access to terminals on the Great Western and to make absolutely certain it is possible to get those freight trains in and out without impacting on the Crossrail service.” Do you agree with that in terms of the importance of access?

(Mr Garratt) Yes, absolutely.

14546. Let us have figure 11, please.³⁷ What is this intended to communicate to us, please, Mr Garratt?

(Mr Garratt) It is intended to communicate the national consequence and role of the Crossrail route. What this is showing is all those trains on a daily basis which currently pass along the Crossrail route but obviously have origins and destinations

³³ Committee Ref: A166, Figure 6: Rail freight train forecasts (2030) London (LINEWD-33005-007).

³⁴ Committee Ref: A166, Figure 7: Existing freight paths (20058) London (LINEWD-33005-008).

³⁵ Committee Ref: A166, Figure 8: Forecast path utilisation 2030 (LINEWD-33005-009).

³⁶ Committee Ref: A166, Figure 9: Forecast shortfall in paths along Crossrail corridor (busiest day) (LINEWD-33005-010).

³⁷ Committee Ref: A166, Figure 11: Rail freight trains passing along Crossrail corridor (LINEWD-33005-012).

 The Petition of Tarmac Limited

elsewhere. You can see that Crossrail is having an impact in East Anglia, in Scotland, in South Wales, over a very wide area.

14547. One of the things Mr Watson told the Committee on Tuesday at 13858 in answer to a question from Mr George, was “. . . in due course it is going to be necessary, is it not, to look at a wider network in order to test the work you have done so far and ensure that it is robust?” and Mr Watson said: “And that is very much the case for freight services where, as the freight operators have reminded the Working Group frequently, just because a path works on a little bit of the GE it does not mean it works through Manchester or into Glasgow.” Is that correct?

(Mr Garratt) That is correct, yes.

14548. In terms of impacts on the network, is that figure informing us about how far those impacts might spread?

(Mr Garratt) Absolutely.

14549. The most critical paths on the Crossrail network for freight, where are they?

(Mr Garratt) The most critical stretch is probably at Forest Gate.

14550. Why?

(Mr Garratt) The forecast volume of traffic is likely to grow more considerably there and there is conflict with high frequency Crossrail services being proposed crossing on and off the Great Eastern.

14551. Let us go back to your figure 8.³⁸ You have told us what this is showing in terms of the busiest days for 2004, 2014 and 2030, is that right?

(Mr Garratt) Correct.

14552. The forecast growth rates in train movements to 2030, what are they, please, at Forest Gate and east of West Drayton?

(Mr Garratt) The compound annual growth rate from 2015 to 2030 is 3.9% a year for the Great Eastern at Forest Gate and, I think, 1.9% growth rate on the Great Western.

14553. Realistic growth rates or fantastically optimistic? How would you put it, please?

(Mr Garratt) Particularly given the conversation we have just been having these seem to me to be relatively cautious growth rates.

14554. In terms of any expectation that they might actually occur?

(Mr Garratt) I think there is a very good expectation of their occurring because if we look at the performance of the rail freight industry over the last 11 years since privatisation the compound growth rate nationally has been 4.8% a year, so these are forecasts which assume a decline in the growth of rail freight.

14555. What do you say about the position as far as Crossrail is concerned and the importance or otherwise of Crossrail respecting those growth rates and providing the ability for them to occur?

(Mr Garratt) I would say the normal process in any such assessment, any new infrastructure development, is to take into account both organic or underlying growth and growth as a consequence of committed schemes before considering the impact of its own traffic development.

14556. Does the Department for Transport give us any means of assessing the importance or value in environmental terms of rail freight as opposed to road freight?

(Mr Garratt) Yes. There is a measure which was developed a few years ago, initially by the Strategic Rail Authority and adopted by the DfT which is known as sensitive lorry miles.

14557. How does that work?

(Mr Garratt) Basically the environmental impact of an HGV on a range of different road types is quantified according to emissions, noise, accidents and so forth, so that one can then determine the environmental cost of that road movement.

14558. Have you been able to undertake any sort of exercise here which would give the Committee an indication of the sort of values that arise from applying that methodology?

(Mr Garratt) I have. We applied that methodology, we can do that through the GB freight model, and the figure we arrived at at 2030 traffic levels was a cost of £168 million per annum in terms of sensitive lorry miles. That is the value at which sensitive lorry miles would measure the transfer of all that rail freight along the Crossrail corridor on to road.

14559. Let us have your figure 13 and see whether or not we can make that clear.³⁹ First of all, this is an exercise which is undertaken using DfT methodology, is that correct?

(Mr Garratt) That is right.

14560. It is done in this specific instance using the GB freight model, which is audited by DfT. On that basis, how reliable are these figures?

(Mr Garratt) I would hope that they would be reliable, yes.

14561. In terms of potential impacts of Crossrail, how significant is what we are looking at here?

(Mr Garratt) I would say that figure is very significant. If you consider that annually the Department is planning to spend something like £25 million a year on measures or, if you like, environmental subsidy to the rail freight industry then to see a figure of £168 million a year is high relative to such expenditure.

³⁸ Committee Ref: A166, Figure 8: Forecast path utilisation 2030 (LINEWD-33005-009).

³⁹ Committee Ref: A166, Figure 13: The environmental value of rail freight traffic on the Crossrail corridor (LINEWD-33005-014).

 The Petition of Tarmac Limited

14562. Let us move from that to the working timetable. First of all, as far as the working timetable is concerned, would it be appropriate to regard the number of freight paths defined in the working timetable as an absolute definition of capacity?

(Mr Garratt) No. As I explained before there is the scope for finding further paths within the timetable in white space.

14563. How does the industry work with regard to freight paths? Do you keep them forever whether you use them or not?

(Mr Garratt) No. There is a “use it or lose it” principle so that if an operator has a path but does not use it, he loses it.

14564. With regard to looking at a working timetable and seeing the extent to which there is or is not available capacity, can we learn anything from the exercises that were undertaken in relation to the Bathside Bay and Felixstowe South Port development proposals?

(Mr Garratt) Yes. That illustrates what I was describing really. What happened in the case of the Felixstowe and Bathside Bay proposals—I go back to what was said a few minutes ago—the Promoter, Hutchison, did commit to railway works related to the amount of rail freight traffic it was expected to generate on the route between Felixstowe, Peterborough and on to Yorkshire. In the case of traffic through London, the timetable was examined and further freight paths were identified and that was taken as a given in the context of the inquiry.

14565. Both terminals together providing, I think, about 2,800 metres of additional container per quay, is that right?

(Mr Garratt) That is right.

14566. When you said there was an exercise undertaken to examine the extent to which the working timetable could offer additional capacity, was that an exercise just by the Promoters of the port proposals or did it involve other people?

(Mr Garratt) No, it was known as a statement of common ground between the Strategic Rail Authority, the Promoters and the relevant local authorities.

14567. The conclusion of that work involving the Strategic Rail Authority and the Promoters, with assistance from Network Rail, what conclusion was reached with regard to accommodating that additional port related rail traffic through London, please, to 2015?

(Mr Garratt) The conclusion that was reached was that for that year there would be adequate capacity. That was an exercise in which Network Rail was also engaged. Hutchison will be putting some more evidence to the Committee.

14568. Hutchison, I think, are coming before the Committee a little later in July.

(Mr Garratt) Next week.

14569. We know Crossrail has issued a freight operations information note, it is E6, is that right?⁴⁰

(Mr Garratt) Yes.

14570. That has told us, among other things, that they would ensure that adequate capacity was available for existing rail freight making no allowance, we understand, for underlying growth or growth from the ports such as the ones you have spoken of. Is that correct?

(Mr Garratt) That is correct, yes.

14571. And that, in broad terms, freight services will continue to operate at broadly existing levels is what we have been told, is that right?

(Mr Garratt) That is correct. That is what the note said.

14572. The process the Committee has heard about, we do not need to recite it at any length. There was, I think, an outline timetable issued in relation to Crossrail, is that correct?

(Mr Garratt) That is correct.

14573. Subject to criticism?

(Mr Garratt) Subject to considerable criticism.

14574. Then the Timetable Working Group was set up in the way that has been described and Mr Watson was its chairman, yes?

(Mr Garratt) Correct.

14575. The Working Group and the representation on it, Mr Garratt, to what extent, as it were, were the customers, people like Tarmac, represented on it?

(Mr Garratt) They were not.

14576. Why, if at all, does that matter?

(Mr Garratt) I think the interests of the train operators and their customers, and particularly the terminal owners, are likely to be different, not necessarily in conflict but certainly different. I think terminal owners and operators particularly because in a sense they cannot go anywhere else, their assets are totally fixed to the network.

14577. **Chairman:** Mr Kingston, before you move on I am going to have to stop you there. It has been a most informative session. We will have to choose another day. I understand there is a day being set for you to come back in the future, as yet to be confirmed. I am going to end the session for today. This Committee will next sit at 10am next Tuesday morning with another petitioner.

⁴⁰ Crossrail Information Paper E6—Freight Operations, billdocuments.crossrail.co.uk

Tuesday 11 July 2006

Before:

Mr Brian Binley

Mr Philip Hollobone
Kelvin Hopkins
Mrs Siân C James

Mr Ian Liddell-Grainger
Dr John Pugh
Sir Peter Soulsby

In the absence of the Chairman, Mr Liddell-Grainger was called to the Chair

Ordered: that Counsel and Parties be called in.

The Petition of Network Rail Infrastructure Ltd.

Mr Robin Purchas, QC, appeared as Counsel.

14578. **Mr Liddell-Grainger:** Good morning. Can I inform the public that because of the hot weather counsel have disposed of the gowns. As usual, I will inform the Committee that it is my intention to suspend for 15 minutes on or about 11.30 so that everybody has an opportunity to have a coffee in the upper waiting corridor. The Committee will hear several Petitioners. Would counsel like to set the context of the proceedings?

14579. **Ms Lieven:** Sir, the first Petitioner this morning is Network Rail. I am going to set the context extremely shortly because we have been in very extensive discussions with Network Rail, as you can imagine given the amount of interface. Those discussions have very nearly come to a happy conclusion. There are a few outstanding issues which Mr Purchas, Queen's Counsel for Network Rail, will explain, for which, as I understand it, we are not asking the Committee to determine today. If agreement cannot be reached in the very near future it is possible that Network Rail will want to come back, but I will leave Mr Purchas to deal with that or otherwise. So far as the majority of what Network Rail is going to raise today, I suspect it is non-contentious and I am not going to waste the Committee's time by opening on it if that is acceptable.

14580. **Mr Liddell-Grainger:** Mr Lieven, thank you very much. Mr Purchas.

14581. **Mr Purchas:** That is a charming introduction, I am very grateful. I hope I do not disappoint. As I said, I am appearing for Network Rail which is Petition 216. On my right hand side is Saira Kabir Sheikh as my junior. We have produced a little bundle of exhibits.

14582. **Mr Liddell-Grainger:** That will be A167.

14583. **Mr Purchas:** What I had in mind to do, subject to the Committee's guidance, is to briefly open to tell the Committee where we are and then call Mr David Ward, who is our Crossrail Programme Director. Can I have up NR1 which is the extract from Network Rail's Petition, paragraph

7 and 8.¹ The Committee have it in what we have shown are our formal duties under our licence which is to secure renewal and the replacement of the network, the improvement, enhancement and development of the network, in each case in accordance with best practice and in a timely, economic and efficient manner so to satisfy the reasonable requirements of persons providing services. In addition to that you will see our duties as to safety. That is all rather unattractive legalese for explaining that we are here owing a public duty to secure the improvement and enhancement of the rail network to satisfy, as far as we reasonably can, those providing railway services for the public. As infrastructure controller of the network we have very important duties as to safety. All of that is subject to the control of the Office of the Rail Regulator.

14584. It is in light of those duties and responsibilities which we set out that we were considerably concerned not at the principle of the Bill which we support but the manner proposed for its implementation. Can I ask for the second document, which is NR2, the extract from Network Rail's Petition, paragraph 11.² There are essentially five matters to be summarised there but if I can take them in turn. Item A, fragmentation: fragmenting the planning and operation of the national rail network. What we seek from the Committee on that is support for the integrated operation and control of the network through us as the Infrastructure Manager and to resist fragmentation. I will say a word or two more about that in due course. Can I deal with B and D together. That is compromise independent regulation of the network; and adversely affect, during operation of the scheme, our undertaking, the operation of the network, and the rail industry generally. We would ask that the Committee should support the application of the industry processes through the Access Option under the control of the official rail regulator. In that respect, either the railway Bill powers should be

¹ Committee Ref: A167, Extract from Petition of Network Rail, paragraphs 7 and 8, page 3, Network Rail's Roles and Responsibilities (LINEWD-21605-001).

² Committee Ref: A167, Extract from Petition of Network Rail, paragraph 11, page 4, Network Rail's Concerns (LINEWD-21605-002).

The Petition of Network Rail Infrastructure Ltd

modified or an embracing undertaking should be given by the Secretary of State in that respect. I am bound to tell the Committee that we are concerned by the absence, as yet, of any Access Option from the Promoters and as a result the absence of any detailed modelling without which it is effectively impossible for this Committee to be given any confident idea as to whether the proposal is operationally viable. I will come back to that in due course. We say that the Committee may want to consider revisiting this later in the Committee's proceedings when the Access Option has been produced and examined.

14585. As to C, that is the adverse affect during the construction and, including particularly Paddington. A protective provisions agreement has been under negotiation for many months. We thought it was agreed last Wednesday, to our intense regret at 6.30 on Friday evening we had another swathe of amendments. We tried yesterday and late into the night to resolve it, but regrettably that has not been done. I will come to the way forward on that in due course.

14586. We are also without assurances specifically in respect of Paddington, which is of considerable concern to us and of some interest to the Committee. I hope that shortly states our position, but can I say two other things in introducing the Petition. I hope it is fair to say that we have throughout been proactive in seeking to assist the Department to find ways in which this important scheme can be implemented satisfactorily and that remains our attitude. Our support is not passive, we are proactively behind the scheme.

14587. Lastly, I would ask that NR3, which is a Statement of Principles, be shown on the board.³ As part of our proactive support, last November we entered into a Statement of Principles with the Promoters. At this stage I draw attention to 4 paragraphs. The first paragraph is paragraph 8 which may be on the second page. Without reading it extensively, this deals with the Access Option: "The DfT has prepared a draft Access Option Policy Paper . . ." which we may look at briefly in due course, "The parties will work together with any third party, (including the ORR, and having regard to both the Crossrail Rail Industry Forum and Crossrail Timetable Working Group)". I think the Committee heard from Mr Watson last week "to verify that the train services specified in the Access Option Policy Paper and those of the remaining passenger and freight train operators are operationally viable. Network Rail will confirm that it is able to meet Crossrail train service requirements subject to verification that the proposals are operationally robust." It is those two key words which is the important stage in the Access Option.

14588. Paragraph 9 is the second paragraph which I would like to refer to: "The parties acknowledge that in the event of being unable to verify the

acceptability of the Crossrail train plan, other potential measures will be considered including alternative infrastructure enhancement proposals". In other words, if they are not operationally viable then either the Access Option has to be adjusted or of course more infrastructure or other measures have to be taken.

14589. Paragraph 11: "The parties agree to work together and with any third party to validate the technical and operational viability of the Crossrail train service proposal. The parties will also collaborate on the development of an optimal solution This work will include understanding the technical feasibility of the physical operation and control of each section of the Crossrail route on an independent basis during periods of severe service disruption". Again, that is matter of acute importance in the operation of a rail network.

14590. The last paragraph I would wish to refer to is paragraph 24 of the last page. This is dealing with construction: "The parties agree that all works on and around Network Rail's rail network be undertaken under the terms of a collaboration agreement between the sponsors and Network Rail on the following basis.

14591. Works to Network Rail's critical assets, ie modification or replacement of operational systems or infrastructure will be undertaken by Network Rail or through its directly engaged contractor structure.

14592. Network Rail will determine what assets it regards as critical. The determination of scope, planning, execution and integration of this work will be conducted in a transparent and agreed manner". We are responsible for works affecting our critical network.

14593. "The execution of other works on Network Rail's network that are not critical will be agreed. The sponsors will seek to agree and meet appropriate costs with Network Rail"

14594. Compulsory purchase powers will not be exercised over operational property already in the ownership of Network Rail except where existing interest conflicts with Crossrail. Those are important features of the protection that we would seek in the normal case. It is that, to our intense regret, which has not been secured.

14595. For our part, we have stuck to those principles and we trust that the Promoters will do likewise.

14596. Can I elaborate briefly on those three outstanding points, if I may. Fragmentation: I think it was Mr Watson, the Chairman of the Timetable Working Group, who compared the railway network with a congested motorway. If I may say so, it was an apt analogy and nowhere more apt than in the congested London area. In recent years,

³ Committee Ref: A167, Statement of Principles (LINEWD-21605-003 to -005).

The Petition of Network Rail Infrastructure Ltd

however, there has been enormous progress in securing the coherent management and control of the system to ensure that it works as best as it can for all of us, that includes incidents of breakdown and failure.

14597. Can I ask that NR4 be shown on the board, which is the White Paper, the Future of Rail.⁴ If we can go to the executive summary.⁵ This was the reformed structure which the Secretary of State introduced in 2004 on the arrival of Network Rail. If I can read it: “With no one organisation clearly in charge, improvements in reliability have been sluggish, and the railway has not delivered the performance that passengers expect. The changes outlined in this White Paper will give Network Rail a strengthened role as operator of the network with overall responsibility for its performance. Government will set out what Network Rail is expected to deliver for the public money it receives and on that basis Network Rail will lead industry planning, set timetables and direct service recovery. Too often under the current system companies have been able to pass the buck for poor performance. Under the new structure Network Rail will be held accountable for ensuring that the network delivers a reliable service for its customers through an agreement with the Government”. That is when we say the word fragmentation we believe that runs directly contrary to the policy that has indeed been successful of the Secretary of State.

14598. I remind the Committee that Network Rail, when it set up in 2003, was not strictly non-profit making but its profits are all ploughed back into improving the infrastructure of the network. That policy of the Secretary of State was confirmed by Parliament in the Railways Act 2005 and has also been subject in the Railway Safety European Directive now transposed in the Railways’ Safety Regulations 2006, under which we are the Infrastructure Manager for the network. It has got a capital “I” and a capital “M”, that is a formal role to attach to the person who is required to be responsible for the overall operation of the network. We hope and believe that Crossrail should be part of that network.

14599. Can I ask NR12, which is Promoter’s response document to our Petition, be put up. If I can ask you to go to the first page of the text, three pages in, please.⁶ It is under “principles” and refers to the Statement of Principles: “The parties have worked jointly on an operations and control strategy to establish the principles under which the Crossrail route will be managed on a day-to-day basis. The principles recognise the need to manage Crossrail in a manner which is integrated with the national rail network and envisage co-location of command and

control facilities with Network Rail to the extent that this is possible. The principles also recognise that timetable planning for the entire route be undertaken by Network Rail—our responsibility—in order to integrate with the national rail network”. We are heartened to see that. It has been unfortunately late in the day, a letter 3 July 2006 which I have shown, that is NR5, a letter from the Department.⁷ I do not want to seem ungrateful for the crumbs that fall, but what we have got so far is in the first sentence of the second paragraph: “We are agreed that only Network Rail can act as Infrastructure Manager for those parts of the Crossrail route that will run on the existing Network Rail network”. So far after all this time what we have is an acknowledgment from the Department that we are the only people who can be the Infrastructure Manager to that part of Crossrail which is on our own network. They have not said that we will be the Infrastructure Manager. We believe that it is time for decisions to be made on this for the confidence of the industry who support us as the Infrastructure Manager and we think it is a continuing concern not only that there is no express agreement of that, but there is as yet no commitment that the tunnel sector will also be managed as part of the overall network under our control, a sort of Polo mint approach. We really have a concern about whether the Promoter’s position here is one truly driven by securing what is in the best interest of the railway network or by other motives. We hope this Committee will firmly endorse the importance of integrated management of our railways and we believe, and I use this word with consideration, that this is critical to the joined-up way of the railway network of which Crossrail should be part. That is all I am going to say on fragmentation.

14600. Can I come to B and D, which is the independent regulation and the industry processes. Regulation of the network is closely linked to the efficient and effective management and operation of the network as a whole. As the Committee will no doubt appreciate, the examination and modelling of the effects of the change or new services on the network are highly technical and detailed, but critical. We, Network Rail, are ultimately responsible for that under the Government’s new structure. The effects on the London network in particular can have implications far afield across the national network, including our main rail arteries such as the Great Western, the West Coast Mainline and the Great Eastern.

14601. The rail industry has developed highly sophisticated and proven procedures for dealing with these considerations under the expert supervision of the Office of the Rail Regulator. It is a system which allows for and encourages investment and changes in the network which itself has to be organic. Equally, one cannot expect investment to take place without assurance as to future access

⁴ Committee Ref: A167, Department for Transport, The Future of Rail, July 2004 (LINEWD-21605-007).

⁵ Committee Ref: A167, Department for Transport, The Future of Rail, Executive Summary (LINEWD-21605-012).

⁶ Committee Ref: A167, Response to Network Rail Petition, Principles (LINEWD-21605-011).

⁷ Committee Ref: A167, Correspondence from Department for Transport to Network Rail, 3 July 2006 (LINEWD-21605A-012).

The Petition of Network Rail Infrastructure Ltd

rights, thus we have urged, and the Promoters now propose, that they should apply the established industry procedures and seek an Access Option. One thing that we believe is clear is that the detailed modelling would be wholly inappropriate for examination of in this Committee. It is essential for the Statement of Principles, which we have looked at, that we, Network Rail, should have that responsibility in the first place for examining whether the proposed services are operationally viable. That will depend upon the detailed modelling of the Access Option when it is provided by the Department. In fact, they have not yet provided it, although we have been expecting it for some time now. As a result, we have not been able to start our detailed modelling work considering its operational viability in discussion with the industry.

14602. However, I can say that following the completion of the Timetable Working Group in June the Promoters have now released a model to us and we have been able to make progress on validation and the Committee can be assured that there will be no delay on that account once the Access Option is finally provided to us.

14603. I must emphasise to the Committee that it is a process which may take some time. A particular issue is what is required to make the proposed access rights operationally viable.

14604. Can I ask if NR6, Crossrail Access Option, a Policy Paper, be put on the board. If we can go to paragraph 8.6 on page 29 of the Committee's bundle, but on page 12 and 13 of the document itself.⁸ I have one final sentence to draw out and this is dealing with service levels. The Committee will see the end of paragraph 8.6: "The Access Option will, however, need to contain specific conditions precedent in relation to infrastructure provision. Given that not all design work will have been completed by that stage, these conditions will need to provide flexibility for the Secretary of State to vary the infrastructure provision to something of equivalent performance overall". One of the key matters we have to consider is what is required for operational viability. If it is not operationally viable as proposed, then steps will be required to be taken, either to secure the infrastructure or vary the Access Option. We believe it is of fundamental importance that this proposal is based on an operationally viable basis. Or, at least if it is not, that the Committee knows that that is the basis on which the proposal is proceeded with.

14605. Once the process of verification is complete then the access option is to be submitted by the Promoters to the Office of the Rail Regulator for consultation with the industry and final decision. All of that we firmly support. The problem is, as I have said, that we have yet to see the Access Option itself.

14606. I should just add in parenthesis the Timetable Working Group work, of which we were part and supported, was not that examination. It simply looked to see if there was an "in principle" potential.

14607. Our concern is to an extent increased by the absence of clear assurances from the Promoters. The letter from the Minister dated 29 June 2006—can I have that shown; I know the Committee has seen it before—this is NR11, page 53.⁹ I was not going to read it again but it expressed in broad terms dealing with the general intent of the Minister to follow the Access Option route. However, we wrote to the Promoters on 28 June 2006 seeking specific clarification of the status of assurances in the response to our Petition. On 3 July we had a meeting with the Department, and on 7 July our agents again sought confirmation of what had been discussed at the meeting from the Promoters. It is a matter of concern to neither matter have we had a reply. It is not a matter of semantics.

14608. To give an example, in a response paper (and I do not show you; it is the example I am interested in) it is said, importantly, that in periods of disruption the fast and slow lines will be managed together, and that Crossrail will not have absolute priority. It is an important principle to ensure that the network is used to its best ability. That principle, to ensure that the network is operated for the public as a whole, is one we want to be clear about. That is why we have asked for the Department to state what its position is in that respect. As I say, at present we have not had an answer. In short, therefore, we believe the Committee does not at present have the assurance of a service that is operationally viable; and that the industry processes are essential to resolve that issue.

14609. Because the Department has not yet provided the Access Option there will inevitably be delay in our being able to provide any guidance as to the position. So, in the first place, we raise the question as to whether the Committee would wish to have evidence on this once the Access Option is produced and some examination has been able to take place. However, in any event, we would submit that as far as the Access Option route is concerned that either the railway powers in the Bill should be adjusted, or the Promoters should be required to give far more specific assurances as to their use than at present the Committee has.

14610. Can I finally and shortly come to the effect of construction. This project has a seven-year construction period, to be taking place on the live rail network. Both to the east and the west of the tunnel portals there are plainly critical implications for the operation of our network. We believe it is essential that we are provided with appropriate protective provisions in that respect.

⁸ Committee Ref: A167, Department for Transport: Crossrail Access Option—A Policy Paper, Para 8.6 (LNEWD-21605-029).

⁹ Committee Ref: A167, Correspondence form Department for Transport to Network Rail, 29 June 2006 (LNEWD-21605A-006).

The Petition of Network Rail Infrastructure Ltd

14611. I have explained the unfortunate history of the negotiations, and particularly having moved from a position of agreement last Tuesday to a disagreement at 6.30 last Friday. I would like just to state formally our understanding which my learned friend, I think, can confirm and that is, that it is now agreed that all the clauses are agreed except for three clauses: one is clause 2(7) and the others are clauses 2(9)-2(11). They are dealing with the question of transfer and our position, as I have indicated, is that we are a non profit-making body who looks for funding and, therefore, our concern is that the requirement for us to pay should be limited to that extent at the relevant time. Schedule 2, as to the manner in which disputes as to the undertaking are given to this House or to Parliament are to be adjudicated, and the enforcement in particular we should have directly of those undertakings.

14612. Subject to the Committee's view and to avoid troubling the Committee unnecessarily the Promoters and we have agreed that a period two weeks to resolve the outstanding matters should be provided—if they are not we may need to trouble the Committee again, but we would not intend to trouble the Committee today.

14613. Can I briefly turn to Paddington and finally. The Committee has already received evidence on this and will be well aware of the difficulties. We have been working with the Promoters for many months to seek ways in which closure of the terminal can be avoided, having regard to safety and other considerations.

14614. I would ask you to look at NR14 which is a letter of 16 June 2006, page 66, and that has attached to it a position statement in full and up-to-date terms of what we are seeking. I do no more than summarise very briefly.¹⁰ “As presently proposed it is likely that many essential station services and some station facilities will, at the very least, be severely compromised and at worst, may not be able to function at all”. Then it goes on in the document and if we can turn over to the next page, this deals with the situation in the station and its importance—matters which the Committee will be familiar with.¹¹ If we go to the next page again it sets out the particular interface of Departures Road, paragraph 2.8, and the essential service that that provides. Secondly, over the page again, it deals with Macmillan House and provision made there.

14615. On the following pages we consider the effects of the works setting out assurances that we require. If I can go to paragraph 3.7 this deals with our requirement with the effect on taxis and disabled persons parking. 3.8 deals with the effect on station servicing. 3.9 the effect upon station parking, that is

operational parking. 3.10, of acute importance, is station emergency arrangements. Departures Road is the principal evacuation routine in times of emergency. “[It] is a fundamental requirement to maintain route station operations and unless Network Rail is able to demonstrate that it can evacuate users at all times it may be necessary to close part or all of the station”. On that we want and we look for firm assurances.

14616. 3.11 is the effect upon Macmillan House. If we go to 3.11.3, what we have done is look for the key operations and sought assurances in that respect. 3.12 deals with the ticket office operation. 3.14 is left luggage.

14617. That letter was sent explaining in full what our requirements were. We have still not received any open commitment or assurance to give us the confidence that this essential portal to our city capital is able to be kept operational and otherwise to minimise the disruption to the network. I am bound to say we regard that at this stage as clearly unsatisfactory and we look for a response in the form of the assurances or a convincing explanation why they cannot be given.

14618. Unless I can assist the Committee further, that is all I wish to say in opening.

14619. **Mr Liddell-Grainger:** I am slightly confused insofar as you have obviously made it clear you are negotiating still with the Promoters, I cannot quite see what you want us to do at this precise moment. What we are trying to ascertain is what you want this Committee to do now. If you feel it would be more useful to continue your deliberations and come back, would that be helpful or not?

14620. **Mr Purchas:** Can I just take instructions on that. I think on some elements we may need to trouble the Committee today.

14621. **Mr Liddell-Grainger:** Yes, the reason being that if we are going to hear this all again let us start afresh. We are more than happy as a Committee to see you again once you have had time over the next two weeks to talk to the Promoters at greater length.

14622. **Mr Purchas:** A number of matters occur to me. I would be very grateful if I could just have a few moments.

14623. **Mr Liddell-Grainger:** Could I suggest I suspend the Committee for five minutes.

14624. **Mr Purchas:** Would it be possible to have ten?

14625. **Mr Liddell-Grainger:** I can tell you are a learned gentlemen! I therefore suspend the sitting until 10.45 am.

¹⁰ Committee Ref: A167, The Impact of Crossrail at Paddington Station— Network Rail Assessment (LNEWD-21605A-015).

¹¹ Committee Ref: A167, The Impact of Crossrail at Paddington Station— Network Rail Assessment (LNEWD-21605A-016 to -025).

 The Petition of Network Rail Infrastructure Ltd

After a short break

14626. **Mr Purchas:** We are very grateful for the Chairman's suggestion. We think there would be a real advantage in having additional time for us to consider with the Promoters. Subject to one matter, we would ask that this be put back later in the Committee's proceedings for a time convenient to the Committee and by arrangement with your Clerk if that would be acceptable.

14627. The one matter is this, I have asked my learned friend just to confirm our understanding that it is those group of clauses, 2(7), 2(9)-2(11) and Schedule 2, which are the outstanding matters at issue between us. We do not want to go back to the drawing board when we continue our negotiations. If my learned friends would just be kind enough to state the position on that, then we would invite the Committee to stand us down until a future date.

14628. **Ms Lieven:** Chairman, I am happy to say, subject to those three points on the clauses Mr Purchas has referred to, that the rest of the protective provision agreement is agreed between the parties. I should make it clear those three clauses are important, but that is what is at issue between us at the present time. I hope that gives Mr Purchas and his clients the comfort they need.

14629. **Mr Purchas:** I am grateful.

14630. **Mr Liddell-Grainger:** We will allow you to stand down today and will see you again in a couple of weeks, or would you prefer extra time?

14631. **Mr Purchas:** What I have got in mind, for reasons I have indicated, we do think it is of some interest that this is operationally viable, and it may be of advantage to the Committee if the Access Option is to be produced in the near future, as we believe it to be, to enable us to have a look at that and to assist the Committee in that respect. There will be advantage if the Committee's proceedings are going to go into the autumn in any event. There might be advantage in dealing with all of these matters at that time.

14632. **Mr Liddell-Grainger:** We are more than happy that you should come back in October to give yourselves time, with Ms Lieven, to try and resolve this. It will be better for all of us given that Mr Hopkins has just had an experience of Network Rail and needs to calm down slightly!

14633. **Mr Purchas:** I think Mr Ward is very lucky he has not been called this morning!

14634. **Kelvin Hopkins:** Somebody had a heart attack; it was not the Railway's fault.

14635. **Ms Lieven:** I am very happy with that, Chairman.

14636. **Mr Liddell-Grainger:** Thank you very much indeed. Could I therefore call English Welsh & Scottish Railway Ltd.

14637. **Mr George:** Could we just have five minutes to organise ourselves.

After a short break

The Petition of English Welsh & Scottish Railway Ltd.

Mr Charles George, QC, appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

14638. **Ms Lieven:** Sir, I, together with Mr Taylor, am dealing with this Petition. I was going to make an opening on this one just to explain where we had got to, although a lot of the issues are ones that the Committee dealt with last week.

14639. English Welsh & Scottish Railway are very significant freight operators and they are making a number of different points. It could just go through them one by one.

14640. First of all, they raise site-specific points about a number of depots largely on the Great Western line but a couple on the Great Eastern, and the interference that Crossrail will have to those. As I understand the point, what EWS are seeking is specific undertakings that specific work will be carried out at those sites.

14641. As was explained last week, design work is still continuing on individual sites to try to ensure, firstly, that we minimise the impact on the operations at all; and, secondly, that we ensure that existing occupiers can continue their operations through as much of the construction period as possible. Mr Berryman and Mr Morris, who is with Mr Berryman, the joint Managing Director of Crossrail with particular responsibility for operations, can give evidence in relation to each site, why we need it, what we are doing there and the arrangements at the site.

14642. So far as specific undertakings are concerned the general position, as was explained last week, is that as there is design work still continuing it would be inappropriate to make specific undertakings at this stage, because it may be that some of the work in the Bill is not necessary in order to ensure that

The Petition of English Welsh & Scottish Railway Ltd

freight operations can carry on. We are not prepared to give undertakings for work that may prove to be unnecessary.

14643. There is one exception where we are prepared to give an undertaking because we are absolutely confident that the work is necessary, and that is in relation to the Acton Yard Dive-under, subject to flows of traffic remaining at equivalent levels.

14644. Sir, we have only very recently got approval to give an undertaking on that. What I would suggest is that in relation to that specific issue we discuss it with EWS over the lunch adjournment.

14645. So far as the other sites are concerned, the Promoter has been and continues to negotiate with EWS with a view to minimising the land take both permanently and temporarily.

14646. The second aspect of what I describe as “property issues” or EWS themselves describe as “property issues” are strategic freight sites—another matter that was raised last week when Mr Elvin was dealing with the case.

14647. Strategic freight sites are sites which have been earmarked for freight but which have not as yet been taken over by actual freight operators. There are two issues on strategic freight sites. As far as compensation is concerned, the first issue, the very nature of these sites is that EWS are not the occupier of them at the present time and have no legal interest in them in terms of land interest; and therefore it is our case that it would be quite inappropriate to give them financial compensation. I believe that EWS accepts that.

14648. The second issue is whether there should be some general compensatory pool of alternative sites being brought forward. Very briefly, sir, there are three sites in issue: Paddington New Yard, where the strategic freight site will itself become the new concrete batching plant so there is no loss of freight sites; Bow Midland Yard East, which is being taken by the Olympics and not for Crossrail works, so really has nothing to do with Crossrail, the impact on that site; and Plumstead Yard which is needed for work relating to the Plumstead portal. Sir, as far as Plumstead is concerned, and Mr Berryman can give evidence on this, it will continue to be used as a railway site, albeit not a freight site. It is a site that has been unused and unclaimed for a very long while and the claim which has now been made was only made after the Crossrail safeguarding.

14649. So far as the general principle is concerned, if we take a strategic freight site, such as Plumstead, should we be returning the strategic freight site somewhere else? Just in very brief outline, there is no requirement in either the agreement that created strategic freight sites or the Railway Act that compensatory land should be given. The Committee may be aware that when open space is compulsorily purchased, it is a statutory requirement that

compensatory land be given, but that is not the same for strategic freight sites, and our position is that there should be no requirement to provide an alternative site while there are a number of sites held by the British Rail Residuary Board which are being marketed for freight and if EWS wishes to take other freight sites, then it should do it through the normal market mechanisms, so that is a brief outline on that.

14650. Capacity, which is one of EWS’s main points, was dealt with comprehensively last week and I do not think there is any point my saying any more about it at this stage. It is all going to be dealt with through the access option and through the normal Network Rail processes and we have just heard from Network Rail that that is what they want and, in our view, that is the appropriate way forward.

14651. Regulation of the network—again a matter explained last week by Mr Elvin and again being dealt with through the access option, and we say that is the appropriate way forward. Just to pick up a point on that which emerged also from Mr Purchas’s opening, it is anticipated that the access option will be granted in sufficient time for amendments to be brought forward in the House of Lords if any of the Petitioners here are not happy with it, so the way this is to be dealt with is that if Petitioners, through the Crossrail Bill, remain concerned about access option issues after it has been considered by the ORR, then they will have the opportunity to raise that in the House of Lords Committee. I do, therefore, say that it would be both premature and probably pointless to spend time on that at this stage.

14652. One of the specific points about the access option that is raised by EWS and which I do not think was touched on in any detail last week is that they have arguments relating to the access option and European Union Directives relating to the railway network. Again, sir, we say that is a matter that would be dealt with through the ORR mechanism and if EWS are still not happy, they can bring it back in front of the House of Lords Committee and ultimately it is probably a matter for the public stages of this Bill rather than the private stages.

14653. Finally, sir, there are points about compensation and the compensation mechanisms. Our basic position was set out by Mr Elvin last week on Day 48, paragraph 13928, somewhat inspiringly, which is that we will follow the industry mechanisms and if there is anything which is not covered by the industry mechanisms that arise on Crossrail, we will follow the principles of the industry mechanisms, so, rather like compensation for normal land interests, we say that this Committee should not be changing the national structures which have been set up through the public acts and so forth.

14654. Sir, that is, I hope, a brief overview of the main points that EWS are going to raise. As I say, in respect of Acton Yard, it may be possible to at least make the majority of that issue go away.

The Petition of English Welsh & Scottish Railway Ltd

14655. **Mr Liddell-Grainger:** Thank you very much, Mr George?

14656. **Mr George:** That was a most helpful introduction. Sir, I am Charles George. I hope that the Committee has a bundle of the exhibits to which we are going to refer.

14657. **Mr Liddell-Grainger:** Yes, we will take them as A168 please.

14658. **Mr George:** For the time being, the only one that I want to refer the Committee to is EWS40 which is the final exhibit which shows exactly what it is we are seeking from the Committee. At a later stage we will be going through it, but we are in an entirely different position from Network Rail. As I understood it, today they were not seeking anything specifically from the Committee, whereas we are seeking a number of very highly specific matters from the Committee. As I say, I do not ask the Committee at this stage to read it through, just to note that it is there.

14659. If I then come back to the position of EWS, they are the largest national rail freight operator and they have significant concerns relating both to the construction and the operational effects of Crossrail both on the Great Western Line into Paddington and on the Great Eastern Line and some of what we say complements the sort of matters which Mr Purchas was referring to earlier this morning. In opening, I am not going to summarise the evidence you are going to hear, but I just want to headline six issues which we would ask the Select Committee to have in mind when weighing our evidence with a view, so we would hope, to amending the Bill or seeking undertakings from the Promoter.

14660. Sir, the first matter is excessive land-take. The Committee will be familiar with two matters: first of all, that land should only be taken compulsorily where there is a compelling need in the public interest; and, secondly, the Committee will be aware that in the Bill there are two distinct Schedules, Schedule 5 and Schedule 6, and that Schedule 5 deals with land for which Crossrail has only a temporary need to use or occupy and Schedule 6 deals with land which is to be permanently acquired. The nub of our complaint is that EWS have a number of freight yards lying largely to the north of the Great Western Line, all of which appear in Schedule 6 when we have not seen a jot of evidence that, so far as the majority of them are concerned, there is any need for permanent acquisition at all. Most of those sites should be in Schedule 5, not Schedule 6. Furthermore, the only parts that should be in Schedule 5 are those parts which Crossrail can prove to the Committee that they need for the construction of Crossrail, so that is our first point.

14661. The second point is the need for a close examination of the effects of Crossrail on other commercial interests and, in particular, the interests of rail freight carriers and their clients and on the

wider general public in terms of commercial and environmental consequences. This is the same sort of point that Tarmac were beginning to make last Thursday when they ran out of time. We do not in any way challenge the importance of the Crossrail project in terms of the economic and social well-being of London, but it does appear to us that the interests, other interests, have not properly been taken into account and mitigated so far as possible.

14662. The third interest we raise is the need for further timetabling work before the Select Committee reports to the House. Here there is an overlap with the matters which Mr Purchas was referring to and which he is going to be coming back on, but what we are concerned about is that the Timetabling Group should be reconvened. Some members of the Committee were present last Tuesday when that report was put in to the Committee and explained by Mr Watson and when I asked certain questions. We do not understand why that committee has apparently been disbanded. At any rate, its members have not been given the date for any forthcoming meetings. There was a meeting in May when it was agreed there would be a meeting in June, but that meeting was not held. What we seek is an undertaking from the Promoter that that working group will be reconvened to deal with a number of matters which Mr Watson agreed were outstanding.

14663. The fourth matter which we seek is a commitment from the Promoter in respect of the infrastructure enhancements which were assumed in the timetabling work. We can see no reason why there should not now be a commitment to those works going far beyond just a commitment to the dive-under at Acton, and we welcome the suggestion that there may be an undertaking forthcoming on that matter, but it seems to us that if the Promoter comes to Parliament seeking powers for various infrastructure works and if the Promoter has the timetabling done and all the modelling done on the basis of those works, then they ought to commit to doing those works unless they can in due course satisfy, we suggest, the Chairman of Ways and Means that those works are no longer necessary. We see no reason to suppose that any of them will not be necessary, but plainly there should be a reserve clause, an ability to come back if any of them are found to be unnecessary, but so far there has been no evidence that any of them are other than absolutely necessary.

14664. The fifth matter is that we say that full compensation should be paid to railway operating companies for all losses incurred as a result of the construction of Crossrail, and I will be calling a witness on that matter to explain our concerns.

14665. Sixthly, we join with Network Rail in saying that the railway clauses are in need of drastic amendment and, for the most part, we say that they are unnecessary in any event. Of course we have listened to everything that Mr Elvin said last week

The Petition of English Welsh & Scottish Railway Ltd

which has been repeated by Ms Lieven this week, but it seems to us that now is the time for the Select Committee to grapple with that matter.

14666. The focus of our evidence is going to be on the Great Western Line, whereas the evidence of Freightliner, which the Committee will be hearing either later today or tomorrow, will be focused on the Great Eastern Line, and I shall be calling four witnesses. First, I will be calling Mr Graham Smith, who is the Planning Director of EWS, and he is going to deal with property and capacity matters and the railway clauses, and he will be by far my longest witness. Secondly, I will be calling Mr Nigel Oatway, and he is the Access Manager of EWS and he will simply be dealing with the question of compensation during construction. Thirdly, I will be calling Mr David Knapman who is a consultant dealing with the role of rail freight in relation to the London aggregates market. Lastly, I will be calling Professor David O’Keeffe who will be dealing with the railway clauses from a European regulatory perspective.

14667. Sir, unless at this stage the Committee has any questions, I propose to go straight away to the evidence of my first witness, Mr Smith.

Mr Graham Ernest Smith, sworn

Examined by **Mr George**

14668. **Mr George:** You are Graham Smith. Is that right?

(Mr Smith) That is correct.

14669. Could you just tell the Committee what your employment is.

(Mr Smith) I am the Planning Director for English Welsh & Scottish Railway, a job I have had for 10 years. I have been in the railway industry for 27 years, 23 of which I have been working in the rail freight industry. I am also Chairman of the Rail Freight Operators’ Association, which is the association of all the UK rail freight operators, and Director of the European Rail Freight Association and of the Rail Freight Group. I am a member of the Freight Transport Association’s Rail Freight Council. Within EWS, I am responsible for the company’s relationship with the Department for Transport, Transport for London, the Office of Rail Regulation, the strategic and contractual relationship with Network Rail and leading the company’s development in mainland Europe.

14670. So far as the principle of the Bill is concerned, that is supported by EWS. Is that right?

(Mr Smith) That is correct.

14671. If we could put up Exhibit EWS1, you set out EWS’s concerns and can you just summarise what are those principal concerns.¹²

(Mr Smith) They fall into four areas: property; capacity; regulation; and compensation. As far as property is concerned, we have eight sites on the Great Western Main Line, two on the Great Eastern Main Line, one on the North Kent Line and two strategic freight sites, all of which are affected by the Crossrail proposals. In particular, with strategic freight sites, we have a right to call down these sites from the pool of sites provided at privatisation.

14672. We will come back to that matter in a moment, but that is dealing with Plumstead and Paddington West Yard in particular, is it not?

(Mr Smith) Indeed.

14673. Then capacity?

(Mr Smith) We have deep concerns about whether Crossrail will provide sufficient capacity. We believe that on the Great Western, it is not yet proven that existing and future rail freight services can be accommodated once Crossrail services are introduced and on the Great Eastern Main Line, Crossrail will cause to worsen an already difficult situation, and we wish to deal with both of those issues. On regulation, even if the property matters are resolved and even if the capacity issues are resolved, we still feel that the railway powers in the Bill provide a constant and permanent threat overhanging us, our customers and everybody involved in the rail freight industry. We desperately need stability and certainty to build rail freight, and the railway powers in the Bill remove all of that certainty.

14674. Before we come to those four individual points, and actually you are not going to be dealing with compensation, but only with the first three, I think you have some general observations about the role of rail freight.

(Mr Smith) Yes, starting with EWS, we are the largest UK rail operator. We came into being in 1996. We have invested over £600 million in the rail freight industry since our existence and we, together with other rail freight operators, have made rail freight a success story in transport in the last 10 years. Although Crossrail is limited to the routes between Maidenhead and Shenfield and also to Abbey Wood, we are a national operator and we are extremely concerned that, given the importance of these routes, the ripple effect of Crossrail on freight services on the Great Western and the Great Eastern will affect everything that we do elsewhere in the United Kingdom. The railway network is linked in many places, but no more importantly than in London, and Crossrail services are clearly going to affect how we operate those services throughout the United Kingdom.

14675. If we put up EWS2, what is the message of EWS?¹³

¹² Committee Ref: A168, Summary of EWS’s principal concerns with the Bill (LINEWD-19605-001).

¹³ Committee Ref: A168, Current EWS freight flows into/through London, with relevant terminal locations (LINEWD-19605-002).

 The Petition of English Welsh & Scottish Railway Ltd

(Mr Smith) It reinforces the point I have just made, that our services that operate on the affected routes stretch far and wide throughout England and Wales, the West Coast Main Line, the Midland Main Line from Leicestershire and Kettering, the Great Western Main Line as far as to south Wales and also draw attention to the aggregates trains that come up from the Mendips and down from Leicestershire. All of these will be affected by Crossrail's services because of their impact on the Great Western and the Great Eastern Main Lines.

14676. On the right-hand margin, there is the key. It is an indication, is it not, that the width of line reflects the tonnage which is carried?

(Mr Smith) Yes, and, as the Committee can see here, we do not anticipate a significant effect on services between Norwich and Cromer, there being no red line there, but just to point out that the thin lines represent minimum tonnage and the thick lines represent the maximum volumes that we are moving on key routes.

14677. If we put up EWS3, we see the position in London itself.¹⁴ What have you shown on EWS3?

(Mr Smith) Those are all the routes on which rail freight travels into and around London. London is a major centre of consumption. It is also a major part of the railway network necessary for through-services. This shows all the sites which are affected by the Crossrail proposals and it shows the routes on which we run freight trains which are also affected by the Crossrail proposals.

14678. We are going to be coming back to the sites in due course, but we can see the various sites with which you are going to be concerned, Slough, Langley, Southern Yard and so forth as the line goes into Paddington. Those are the particular freight yards you are going to be coming back to?

(Mr Smith) They are.

14679. What about growth of rail freight?

(Mr Smith) I said earlier that rail freight has been one of the success stories of the last 10 years in the UK. Rail freight has grown by 70% in that time and we anticipate significantly more growth given government policy and environmental concerns to transfer traffic from road to more environmentally friendly modes, such as rail.

14680. Let's put up EWS 4 please.¹⁵

(Mr Smith) That represents the growth graphically. The firm red lines up to 2006, which is 2005/06, show the growth from a low point in 1994/95, which was 13 billion tonne kilometres, and in the last full year we moved 22.2 billion tonne kilometres. The Rail Freight Operators' Association, which I mentioned earlier on that I am the Chairman of, and

Freightliner, GB Rail Freight and DRS are also members of that, have forecast further growth and that is reflected up to the year 2014/15.

14681. That deals with the approximate date of the opening of Crossrail. Is that right?

(Mr Smith) That is correct, and I believe Mr Watson, in giving his evidence last week, acknowledged that significant rail freight growth was anticipated. We have worked hard to achieve what we have done so far and we have invested heavily. I would just make the point that rail freight operators are not franchises, but we are in this for the long term, recognising that building growth is part of our basic business plan. It is our livelihoods that are on the line if we cannot build rail freight growth.

14682. So, at the least, when Crossrail is introduced, is it your case that it ought to be able to accommodate 2015 anticipated freight levels?

(Mr Smith) There will be significant growth between now and 2015. To pretend that growth is not going to happen, not to take account of that, effectively to ossify and set in stone the network now in anticipation of Crossrail coming in 10 years' time is unacceptable. Crossrail and these routes have to accommodate the freight growth that we are expecting.

14683. What about after 2015 because your graph stops in 2015?

(Mr Smith) There are a number of public policy statements in the public domain, including the national ports policy which extends to 2030 which shows even further growth built on the fact that the UK economy will continue to grow, built on the fact that we will continue to be an importing nation which will bring in traffic from the east coast ports and built on the fact that, in order to meet our environmental objectives, we actively want to encourage freight to move from road to rail. All of those add together to even more growth beyond 2015.

14684. What is the position so far as discussions and negotiations with the Promoter are concerned?

(Mr Smith) Well, we have sought to have a number of discussions and negotiations with the Promoter. It has not been the easiest of exercises. After considerable pressure by the industry, we were pleased that the Railway Industry Stakeholders' Forum was formed which involved all the railway interests and was chaired by the Parliamentary Under-Secretary. At that forum, after a particularly tense meeting, we pressed very hard for the industry Timetable Working Group to be formed, about which you have heard much, and I am glad to say it was. We have been talking about timetabling capacity, it seems, for a long time, although perhaps not with the progress we had hoped. On the property side, there have been discussions with the Promoter on the properties, but we are still some way from any conclusion. There have been heads of terms proposed in a general way, but there are still an

¹⁴ Committee Ref: A168, EWS locations affected by Crossrail (LINEWD-19605-003).

¹⁵ Committee Ref: A168, UK Rail Freight Volume Growth (LINEWD-19605-004).

 The Petition of English Welsh & Scottish Railway Ltd

awful lot of issues between ourselves and the Promoter to give us and, more importantly, our customers the comfort that we are still going to be able to operate rail freight to and from these sites.

14685. Could we please put up EWS17, taking it a little out of order.¹⁶ This is a letter sent to EWS last week on 4 July at a time when Crossrail and the Department knew of your concern on the temporary against permanent acquisition point, as we can see from the heading to the letter. Is that right?

(Mr Smith) That is correct.

14686. There is some explanation of their thinking here, but is there anything by way of positive reassurance or commitment in this letter?

(Mr Smith) There is not because, irrespective of the words in the letter, the compulsory purchase powers still remain in the Bill and we have to face that fact, that, whatever letter is written of general comfort or suggestions or hints of what might happen, in practice we have to deal with what is on the paper and on the paper are compulsory purchase powers.

14687. Mr Smith, you have set out a series of undertakings which you require from Crossrail on these property matters. Have you any reason to suppose that if they gave those undertakings, there would be any problem in the Promoter constructing Crossrail and the various works in the Bill?

(Mr Smith) It would clearly depend on the form of the undertaking and the undertaking would need to be in the form that we require. Once we have those undertakings and see the form of them, then perhaps we can come to an agreement, but we are not there yet.

14688. But so far as the undertakings you are seeking are concerned, are they in any way in conflict with the construction of Crossrail or do you think that if they gave those undertakings, they could perfectly readily construct Crossrail?

(Mr Smith) We believe they could construct Crossrail with those undertakings. They relate to purchase, they relate to temporary versus permanent occupation. We recognise that you cannot build something like Crossrail without having a little impact, but not the scale that is in the Bill at the moment.

14689. As far as the advantages of rail freight are concerned, to some extent these were mentioned in evidence last Thursday. What would you like to draw to the Committee's attention on this?

(Mr Smith) I would like to reinforce the point that rail freight has grown significantly. A variety of commodities are moved from stone from the Mendips and Leicestershire to containers from the east coast ports. Rail freight is not just about moving coal, although we move a significant volume of that,

it is about servicing all of the UK industry, whether it is supermarket goods, manufactured goods, cars, or imported goods through the Channel Tunnel.

14690. If we can put up EWS5, you have put the various commodities in the first column, which I do not think we need to read out, and then what have you done in the flow column?¹⁷ That is where it is coming from, is it not?

(Mr Smith) That is where it is coming from and going to and this shows the traffic and the flows that impact on the Great Western Main Line and they draw out what this traffic is used for. There is a significant amount of construction material of various kinds, but I just would like to focus on the bottom rows, which draw out steel, petroleum, cars and components and manufactured products which are also all part of the freight traffic on the Great Western Main Line.

14691. How important is the Great Western Main Line for freight traffic to and through London?

(Mr Smith) It is absolutely critical. It is the primary route linking Somerset and south Wales with London and the home counties. It is a line that had high capacity. It is a line that rail freight has used for many years from the days of the Great Western Railway until today. Without the Great Western Main Line, we would not be able to bring these kinds of freight into London.

14692. We go to EWS6 please.¹⁸

(Mr Smith) This draws out the importance of rail freight when compared with road haulage. At one end of the spectrum, a car train of 240 cars moving from Oxford would be the equivalent of 12 road vehicles. At the other end of the spectrum, a train of nearly 4,000 tonnes of aggregates coming from the Mendips into Acton for onward distribution throughout London is the equivalent of 128 lorries which would otherwise be not just on the A4 and the M4, but also on the minor roads in west London, seeking to access the construction materials distribution sites.

14693. Here you are really anticipating what Mr Knapman is going to develop later today.

(Mr Smith) That is correct.

14694. Any other benefits you want to refer to?

(Mr Smith) I am sure that the Committee will be aware of this, so forgive me for repeating some of the basic statistics about rail in general. Although not directly freight related, in 2005, 3,201 road users were sadly killed on Britain's roads. There was not a single fatality caused by a train accident during that same year. Rail freight produces around about one tenth of the emissions that are produced by road freight for every mile that one tonne moves. It is

¹⁶ Committee Ref: A168, Correspondence from Department for Transport to EWS, Temporary versus permanent acquisition for freight yards and depots (LINEWD-19605-061).

¹⁷ Committee Ref: A168, Crossrail: typical commodities moved by rail on the Great Western mainline (LINEWD-19605-005).

¹⁸ Committee Ref: A168, Moving freight: the lorry equivalent of typical freight trains using the GWML (LINEWD-19605-008).

The Petition of English Welsh & Scottish Railway Ltd

particularly efficient and effective in terms of carbon dioxide and global warming. Moving freight by rail produces about 40% more fuel efficiency than the equivalent volume moved by road, which is particularly important when oil prices are high and oil products at a premium.

14695. If we put up EWS7, this shows some European Commission figures, does it not?¹⁹

(Mr Smith) Yes, this takes Europe-wide the comparative external costs of road and rail and other modes. External costs are the costs relating to emissions, safety, pollution and congestion, and it draws out that whereas rail will cost, and I apologise to the Euro-sceptics here, 19 euros per 1,000 tonne kilometres, road will actually create an external cost of 88 euros per 1,000 tonne kilometres. It is probably a good job we are not debating an aviation bill here.

14696. And the policy context please.

(Mr Smith) Well, this is where it is really rather curious because the Government is extremely supportive of freight by rail and so is the Mayor of London.

14697. Perhaps we can put up EWS8 and if we could go to the sidelined passage in the Government's document on rail freight, a very recent statement of 19 July 2005, what we are seeing there is a substantial commitment to freight.²⁰ Is that right?

(Mr Smith) That is correct, a statement by the then Secretary of State for Transport which replaced the previous freight strategy issued by the now defunct Strategic Rail Authority. This document which runs to about three pages is a resounding statement about the importance of rail freight and the Government's commitment to work with the rail freight industry to grow freight on rail.

14698. If we can just scroll down to the next highlighted passages and in particular if we go to the bottom bullet point there, we can see that the Government wants to work with the industry and Network Rail to establish how freight growth can be accommodated in the network, and that is all you are seeking, is it not, precisely what is government policy?

(Mr Smith) It is government policy and it applies throughout the United Kingdom, England and Wales, and the Scottish Executive have similar policies. We have up to now worked extremely well together, private sector interests, growing rail freight and investing heavily, the Government being very supportive, and it is only now that we seem to be facing a clash of those interests.

14699. Later on in that same exhibit, EWS8, you have extracts from the Mayor's Transport Strategy and that is a strategy which has got a specific section

on freight delivery and servicing and I think I can summarise it by simply saying that it is highly supportive of freight and rail freight in particular.²¹

(Mr Smith) Yes, the Mayor and his officials and the elected Members are very supportive of rail freight and have gone out of their way to publish documents emphasising the importance of freight coming into London by rail and identifying locations where, for example, it would be possible to bring international freight via the Channel Tunnel Rail Link into the London area for distribution rather than in by road.

14700. **Mr Liddell-Grainger:** Mr George, we will now break for 15 minutes.
After a short break

14701. **Mr Liddell-Grainger:** Mr George, carry on please.

14702. **Mr George:** Mr Smith, you have been dealing with various safety and environmental issues in relation to the advantages of rail freight. Your conclusion please?

(Mr Smith) My conclusion is that there are strong arguments for developing rail freight and growing rail freight and those arguments are strongly supported by the Government and by the Mayor. Our concern, I suppose, is really this: that there are a significant number of issues in the Crossrail Bill which conflict with that and, in particular, the argument by the Promoter that freight will not be displaced from rail to road, effectively reversing what we are trying to achieve. We just cannot agree. We fundamentally disagree with the Promoter about that for all the reasons we are going to go through. There are so many issues outstanding. It is not correct to say that rail freight is untouched and will not be displaced because of the Crossrail Bill.

14703. Now we move to your specific property concerns. We have already looked at EWS3 which showed the location of the sites and we go first of all, therefore, to EWS9/1 which is a plan for Slough and I think you have got some introductory remarks you want to make in relation to property issues.²²

(Mr Smith) The major problem with property is that the Promoter seems to want far more than is actually needed. We will use the word 'draconian' later in respect of other parts of the Bill, but their demands for property seem to be insatiable. It is a draconian approach to just grab everything whether it is needed or not, not just Slough, but other sites as well, and what we have got to do is to pull Crossrail back to agreeing that they take primarily on a temporary basis just what they need in order to do the work that is required.

14704. So far as all the sites we are going to consider are concerned, has EWS got a long leasehold interest?

¹⁹ Committee Ref: A168, Rail freight—the environmental benefit (LINEWD-19605-009).

²⁰ Written Ministerial Statement on Rail Freight, House of Commons Hansard, Cols 72-74WS, 19 July 2005 (LINEWD-19605-010 and -011).

²¹ Committee Ref: A168, The Mayor's Transport Strategy, 4K freight, delivery and servicing, www.london.gov.uk (LINEWD-19605-013)

²² Committee Ref: A168, EWS Site 1[en rule] Slough (LINEWD-19605-016).

The Petition of English Welsh & Scottish Railway Ltd

(Mr Smith) It does have a long leasehold interest for each of the 11 sites generally for 125 years from a start point in 1994 at railway privatisation, so that is a very long tenure on which we want to rely, and our customers need to have that certainty that we have got the sites available for them to use.

14705. Is there anything special about these sites?

(Mr Smith) Well, the issue with running a railway is that you want your land next to the railway. It is quite difficult to serve railway land that is not next to a railway. When we talk about sites in general conversations, “Oh, well, there’ll be another site here or another site there”, we have this rather particular need that the land we need for loading or unloading freight from our trains has to be adjacent to the railway line. They are not like ordinary yards, builders’ yards or other issues that might be dealt with with developments, where you can replace one thing with another. We have a particular need that our land is and must continue to be adjacent to the railway line. It seems obvious but somehow I think it is a point that has been missed.

14706. Let us turn to Slough which is shown on that plan. In red there is your leasehold boundary. In blue there is that part of the site which Crossrail propose to acquire permanently under schedule six of the Bill and that is the area which lies to the west, is it not, on the left hand side of the plan?

(Mr Smith) That is correct.

14707. What is the position so far as that site is concerned? If the Committee want further details they have them in EWS10.

(Mr Smith) The site is used for unloading and loading military vehicles for the Ministry of Defence, to store commercial waste. It also represents a site of significant potential for rail freight. Our understanding is that the Promoter only requires the site for construction purposes in connection with electrification and signalling works. We think that the Promoter accepts that it is only required for construction purposes. The Promoter is said to be examining the present proposals to see whether the works proposed can be avoided or whether they need to take any of the site.

14708. That we get from their reply to our petition which they supplied a few weeks ago when they said that they were examining the matter.

(Mr Smith) That is correct.

14709. On the assumption that they only want it temporarily, can you see any reason why it should be in schedule six?

(Mr Smith) I can see no reason whatsoever that you would need to compulsorily purchase land that is merely needed for temporary construction purposes.

14710. Have you seen any evidence that they require the entirety of the land that they are acquiring—that is the western part of the site—for construction purposes?

(Mr Smith) It would have to be a remarkably large piece of construction work to need the entire site. Our understanding, as far as it goes, is that that is not the intent of the Promoter, that a very limited amount of land is needed and then only on a temporary basis.

14711. If they would identify the area that they require and explain why they require it, would there be any difficulty in your entering into an agreement with them?

(Mr Smith) No difficulty whatsoever.

14712. Have you been asking them to do that?

(Mr Smith) We have been asking them to do that for some considerable time.

14713. Have you seen any document from them which says precisely why they need any part of the site and precisely how much is the maximum amount they need?

(Mr Smith) We have seen general comments about, “We may only need some of the site. We are not quite sure. We are still designing it.” I am afraid there is not the kind of precision that you describe. As with any land issues, until one has that precision and clarity, it is very difficult to reach an agreement.

14714. What do you ask the Committee to do about the Slough site?

(Mr Smith) Two things, please. The first is to remove the relevant land from the powers of compulsory acquisition.

14715. That is from schedule six.

(Mr Smith) And, where necessary, bring as much of it as is required within the Bill powers of temporary occupation.

14716. That is schedule five.

(Mr Smith) In a manner that causes minimal interference to EWS’s access to and use of the site. Alternatively, we ask that the Promoter should be required to give to the Committee or to ourselves an undertaking to that effect.

14717. EWS 9/2 is Langley.²³ We are going up the line towards Paddington. There is the same system for showing your leasehold boundary. Again, we can see an area of the land being taken. What is the position about Langley?

(Mr Smith) This is absolutely infuriating. Langley is a good size site. We had strong interest from developers and rail freight operators to use the site as a rail freight terminal. I am afraid the planning blight created by Crossrail has frightened these people off. That is all the more annoying when you subsequently think you have discovered that the Promoter only wants a little bit of the land adjacent to the operational railway. As one can see from the Bill limits here, it takes our entire access to the site which would make it pretty useless as a rail freight site. Once again we have a Promoter seeking to take

²³ Committee Ref: A168, EWS Site 2—Langley (LINEWD-19605-017).

The Petition of English Welsh & Scottish Railway Ltd

far more than is needed and in so doing it has meant that we are not hauling rail freight today that we could otherwise have been doing.

14718. Is it only for construction purposes that any part of the site appears to be needed?

(Mr Smith) That is what we understand, a perfectly sensible construction relating to the capacity of the Great Western Main Line. Again, those Bill limits seem to suggest a rather large work site, far bigger than is needed.

14719. What you seek is precisely the same as in respect of Slough for this particular Langley site?

(Mr Smith) Yes, to remove the relevant land from the powers of compulsory acquisition and, where necessary, bring as much of it as is required within the Bill's powers of temporary occupation and in a manner which causes minimal interference to EWS's access to and use of the site. Alternatively, the Promoter should be required to give to the Committee or to EWS an undertaking to the same effect.

14720. Could we come to site three where the position is both more complicated in some respects and, in others simpler?²⁴ There we can see the yard. What is that site used for?

(Mr Smith) It is used by Lafarge Aggregates. It is a major point of construction and material distribution for west London, an important site for us because Lafarge do not use all of the site and there is potential for other rail freight uses on this property.

14721. This matter is complicated by proposed additional provision number three, is it not?

(Mr Smith) Yes.

14722. What is the position if the Committee approves proposed additional provision number three?

(Mr Smith) Additional provision number three sees the Crossrail depot that was planned for Romford moved to Old Oak Common. The space at Old Oak Common will be sufficient for stabling Crossrail's trains such that the current intention, which is to stable Crossrail trains on this site at West Drayton, will no longer be necessary.

14723. If additional provision three is approved, the site should be able to come out of the Bill altogether. Is that right?

(Mr Smith) We hope so, yes.

14724. We may have to come back on that matter when we see additional provision three and whether it is accompanied by removal of our site. Let us assume for the moment that additional provision three is not approved. Is there any need for the taking of all that land which is shown on the plan, on the overhead?

(Mr Smith) Our understanding is that Crossrail require about 60% of the site. We believe this would allow Lafarge Aggregates to continue their operation on the site but would remove all the other land which otherwise we could use as a rail freight facility.

14725. That 60% would be taken for stabling in the original proposals?

(Mr Smith) That is correct.

14726. Your comment on that?

(Mr Smith) We do not take kindly to having land on which we rely to develop our rail freight business taken away from us. What we need is land that is therefore instead suitable for handling rail freight. It is all very well speaking of compensation and financial issues but in the end we want to run trains. We want to grow rail freight. That is what we do for a living. We need replacement land. That land has to be suitable and adjacent to a railway line if we are to continue in business.

14727. If the Bill is not amended you require an alternative site; if the Bill is amended it should come out of the Bill altogether?

(Mr Smith) That is correct.

14728. There is one other matter relating to the Colnbrook branch line which relates to West Drayton?

(Mr Smith) Yes. The Colnbrook branch line is the one that curls around the site and heads off south. This site is important to provide access to that branch line which serves rail freight facilities along it. If access to that branch line is disrupted, again it undermines our ability to move rail freight on the branch line. What we are seeking is an undertaking, consistent with what the Promoter said in the response document, that the Promoter will consult EWS on the programme for track layout changes and, as far as reasonably practicable and taking into account the interests of other users, attempt to programme them in a way which minimises the impact on EWS's traffic and access to the Colnbrook branch line.

14729. Is that something which Crossrail have said they will do in their response to our petition but have not committed to?

(Mr Smith) That is correct. There are lots of general comments, conversations and notes but they do not have a lot of value until there is a cast iron commitment to conduct themselves in this way.

14730. We may seek to come back to the Committee when additional provision three comes forward. Southall is plan 9/4.²⁵ This is a very simple one, is it not?

(Mr Smith) This is Crossrail's mystery site because they do not intend to use the site at all. We thought, "What is that about?" It turns out that this site is to be used as a sort of reserve site when Crossrail is

²⁴ Committee Ref: A168, EWS Site 3—West Drayton Yard (LINEWD-19605-018).

²⁵ Committee Ref: A168, EWS Site 4—Southall (LINEWD-19605-019).

 The Petition of English Welsh & Scottish Railway Ltd

undertaking the works around Acton so that we can as far as possible keep operating and minimise disruption to our services. It would appear that Crossrail's method of allowing us to continue to operate on the site is to compulsorily purchase it and instruct us to keep using it. It seems simple but it seems a rather convoluted way of giving us assurance and comfort to carry on doing what we are doing already.

14731. It is your site and you intend to retain reasonable siding capacity in any event at this site?

(Mr Smith) Of course we do because it is fundamental to developing our business on the Great Western Main Line, particularly the aggregates business but not limited to that. Having these sites for stabling sites, for marshalling, for running the engines from one end to the other is absolutely critical.

14732. That land therefore should come out of schedule six and should not be in schedule five either. Is that right?

(Mr Smith) Absolutely.

14733. Could we turn to EWS 9/5 which is Hanwell Bridge?²⁶ I think this is again a rather simple one, is it not?

(Mr Smith) Yes. The site is used to hold trains clear of the Great Western Main Line. It is described as a safety valve that enables us to run the trains into customer terminals when they want them, which is quite good if you are working with customers.

14734. First of all, does the Promoter need this land permanently?

(Mr Smith) We believe the Promoter does not need this land permanently.

14735. What does the Promoter say it needs it for?

(Mr Smith) Apparently they want to use part of the site temporarily to alter the layout of the Great Western Main Line in the vicinity of the site—not that we are sure they need it but maybe that is for further discussion—so it appears to be something to do with construction works and stabling of freight trains, not quite precise. There is a certain lack of clarity. The one certainty is that it is not required on a permanent basis and therefore there is no reason for it to be in schedule six for compulsory purchase. We ask that it is taken out of schedule six to therefore bring as much of it as is required within the Bill's power of temporary occupation in a way that causes minimal interference to EWS's access to and use of the site.

14736. It is like Slough and Langley. Move it from schedule six to schedule five if they can justify it going into schedule five at all?

(Mr Smith) Correct.

14737. Site six, Acton Yard: how important to the rail freight industry is Acton Yard?²⁷

(Mr Smith) In Great Western speak, Acton is our Paddington. This is the primary centre of rail activity for freight on the Great Western Main Line used for multiple purposes. It is used as a terminal, for converting one 4,000 tonne train to smaller trains, to then move off around London for onward distribution. It is a site where we base a number of our operating managers. It is a site used not only by EWS but also by other freight operators to weight piles in the timetable and to change train crew. It is a very important site.

14738. The Committee will hear a little more about this site tomorrow. I think it is common ground, is it not, that Crossrail do require permanently some part of the southern part of this site?

(Mr Smith) They do. We heard earlier on about the Acton dive under. We are pleased at the suggestion that there is going to be an undertaking on that matter. We have another issue we need to come back to as to whether freight trains can use the dive under. The principle of the dive under which would separate out passenger and freight trains crossing into the yard is a sound one.

14739. We also know that they say they need their compulsory purchase power to redistribute the interests and uses on the land.

(Mr Smith) Yes. The land that will be taken for the dive under will intrude on certain of our tenants. We have tenants on our site that provide a rental income stream as well as customers who do likewise. There are going to have to be some rearrangements. Our understanding is that compulsory purchase of a very small part of the site is needed to facilitate those rearrangements.

14740. Could you explain what you are seeking from the Promoter through the Committee in respect of Acton Yard?

(Mr Smith) We ask that the Bill should be amended or that the Promoter should be required to give to the Committee or to EWS an undertaking to the effect that, point one, the Promoter's powers of compulsory acquisition are restricted to that part of the site that it needs to the south; and to acquire Lafarge Roofing's interest—which is one of our tenants—and to rearrange our other tenants and revert the superior interests in EWS. Essentially, compulsory purchase rather than this entire area which even extends beyond our leasehold boundary, just to be limited to that to make the arrangements and to provide the land for the dive under. Point two is at the north end of the site where the Promoter is looking to compulsorily purchase. We believe that is only needed temporarily to provide temporary road access and therefore that part of the site should be moved from schedule six to schedule five. All the rest

²⁶ Committee Ref: A168, EWS Site 5—Hanwell Bridge (LINEWD-19605-020).

²⁷ Committee Ref: A168, EWS Site 6—Acton Yard (LINEWD-19605-021).

The Petition of English Welsh & Scottish Railway Ltd

of the site not affected by either compulsory or temporary purchase, which is the vast majority, could be excluded. It could just be taken out.

14741. Site seven is Old Oak Common.²⁸ The Committee has heard about Old Oak Common in connection with it as a possible depot site and the additional provision relating to that matter. What is the present position at Old Oak Common?

(Mr Smith) It is the largest of our sites. It is virtually a freehold interest. We have six sub-tenants. It has significant potential for rail freight growth but its primary use at the moment is for the maintenance, repair and stabling of locomotives and carriages. This is our service station for the western part of London.

14742. What are Crossrail now planning for this land?

(Mr Smith) They want to take it all away from us.

14743. The Minister has announced that that is to happen, has he not?

(Mr Smith) The Minister has announced the intention that Crossrail will occupy this site and that EWS will move to another site which is perhaps slightly premature as we have not had any detailed discussions on the subject with Crossrail, but that is politicians for you.

14744. To be fair, Crossrail have written to you apologising about the Minister's premature statement?

(Mr Smith) Yes. It was a perfectly understandable mistake at a busy time. It was a slight embarrassment because it led to the customers that we serve on this site waving bits of paper and saying, "What is all this about?" We had to apologise and say that the whole thing was a bit on the premature side.

14745. The Minister said that you would be moving to North Pole. Is that right?

(Mr Smith) That may be the Minister's view. We have some detailed, comprehensive discussions to be had with the Promoter before, and if at all, that becomes a reality. North Pole is to the south of the line here.

14746. If we turn to EWS 11, you have listed certain comments about the suitability or unsuitability of North Pole as a replacement site for EWS.²⁹

(Mr Smith) The North Pole depot was designed and built for the use of Eurostar. You may be aware that Eurostar are moving from this depot to Temple Mills as part of the Channel Tunnel Rail Link development. North Pole was designed for maintaining very long trains that use quite complicated electrical equipment. Although it is adjacent to the Great Western Main Line, those

trains never go on it. They just need to get to and from Waterloo. This is a maintenance depot but it is not a depot that is suitable for what we need in this area. The list of issues here is lack of access to the Great Western Main Line, lack of overhead crane. You may think turntables are something out of the past. We do run steam locomotives for charter trains out of Old Oak Common. More importantly, the turntable is used for moving a number of Network Rail's on track machinery around. It cannot handle the emissions. There is a lack of proper carriage cleaning facilities for our sorts of vehicles and a lack of fuelling point and road access. It is very close to residential housing, leaving aside Wormwood Scrubs Prison. It would be very expensive to operate and maintain this depot.

14747. How important is the Old Oak Common land for EWS at the present time?

(Mr Smith) It is fundamental for our service station for the west of London. Without that depot there we would have to run our locomotives many miles to keep them maintained. We would have to stable our carriages elsewhere. Our servicing contract for the passenger operators would have to be moved somewhere very inconvenient for them and in addition it is a site with very good road access which is developable for rail based warehousing and transshipment facilities. Old Oak Common, if it was not being touched by Crossrail, would be an ideal facility for developing and building rail freight in London.

14748. **Mr Liddell-Grainger:** Is this part of AP3?

14749. **Mr George:** I am told it is.

14750. **Mr Liddell-Grainger:** We have not been petitioned on this.

14751. **Ms Lieven:** This has nothing to do with what is before the Committee.

14752. **Mr Liddell-Grainger:** This has been petitioned in the summer. We do not have any of this.

14753. **Mr George:** I will not pursue that matter further.

14754. **Mr Liddell-Grainger:** I do not want anything of AP3 mentioned now because this is going to come back in the autumn. If I come across AP3 again, I will stop you.

14755. **Mr George:** I am grateful for the indication. We will simply reserve our position to come back. Let us stick with the Bill as it is before the Committee because that still involves, does it not, Crossrail acquiring Old Oak Common for stabling trains?

(Mr Smith) Taking a significant proportion of our site to the point where the remaining work on the site would be unviable and we would have to move anyway.

²⁸ Committee Ref: A168, EWS Site 7—Old Oak Common (LINEWD-19605-022).

²⁹ Committee Ref: A168, The Eurostar International Depot at North Pole: suitability as a location for EWS (LINEWD-19605-041).

The Petition of English Welsh & Scottish Railway Ltd

14756. Leave aside altogether AP3. At the present time, what would you be seeking in respect of Old Oak Common?

(Mr Smith) We need a suitable replacement site that enables us to continue to maintain our locomotives, maintain and service carriages for our own services and for the passenger railway.

14757. Let us come on to site eight, Paddington New and West yards.³⁰ This is concerned with additional provision two which has already been introduced to the Committee on 15 May and therefore is formally before the Committee. Could you explain the position in relation to these yards?

(Mr Smith) Paddington New Yard is very close to central London. It is one of the very few rail terminals in central London. The site is required as part of the Crossrail works. Therefore, the Promoter wishes to move us and our customers to another part of the yard.

14758. That is to the area marked green on this plan?

(Mr Smith) That is correct. In moving us to another part of the yard and enabling the concrete batching plant to continue, we welcome additional provision two.

14759. What do you seek in respect of this proposed transfer?

(Mr Smith) This impacts on the existing strategic freight site. There is going to be a strategic freight site taken to allow a relocation of our facility so that Crossrail works can be put in place on a permanent basis. Otherwise we might have had an expectation, along with the other rail freight operators, to use this strategic freight site to develop our rail freight business. Instead, it is just going to be used to replace one that already exists. We seek that the call of strategic freight sites that is held by Network Rail on behalf of the rail freight industry should have added to it a site that rail freight can call down in the future as a replacement for the strategic freight site that is lost.

14760. In your EWS 12 you produce a copy of the Railtrack transfer scheme. If we go to page 32, schedule seven, that is your contractual entitlement, is it not, to call down the strategic freight sites?³¹

(Mr Smith) Yes. The rail freight operators were privatised in expectation that strategic sites would be available to us when we had a customer of rail freight potential. Therefore we have the expectation that this land will be available to us and continue to be available to us until called down for rail freight purposes.

14761. What is the specific undertaking you seek?

(Mr Smith) We want an undertaking from the Promoter that EWS's leasehold interest in New Yard will be replaced by an equivalent proprietary interest in West Yard. That is the first requirement.

Also, that the Promoter will also provide to Network Rail for Network Rail to hold strategic freight sites on behalf of EWS and the rest of the rail freight industry a strategic freight site as a replacement site for Paddington West Yard.

14762. EWS 9/9 is Bow Midland Yard West.³²

(Mr Smith) This site we have now moved from the Great Western Main Line to the Great Eastern Main Line. It is very close to London. It is a busy aggregates and concrete batching site. It is the only existing and continuing rail freight yard that could be used for bringing building materials for the Olympic facilities that are being built adjacent to it for the 2012 Olympics. We understand that the Promoter's intent is to use part of the site during construction for the storage of tunnel segments and spoil from the excavation of the tunnel.

14763. **Mr George:** Can you see any reason why the land should be in Schedule 6, that is for permanent taking?

(Mr Smith) There is no reason whatsoever that the land should be in Schedule 6.

14764. **Mr George:** What is it that you seek in respect of this land?

(Mr Smith) That the Bill should be amended or the Promoter should be required to give the Committee or the EWS an undertaking that the Promoter's powers of compulsory acquisition are restricted, and this is a little like Acton, the powers need to rearrange tenants on the site and to re-vest the superior interest in EWS, and that the Promoter has powers of temporary occupation only in relation to that parts of the site required by the Promoter for construction purposes. Again, to limit the limits in the Bill to just what the Promoter needs rather than having a footprint over the entire site.

14765. **Mr George:** To the simplest of them all, site 10, Bow Midland Yard East, is this site required any longer by Crossrail?³³

(Mr Smith) We understand that it is not required by Crossrail, instead it will be used as a warm-up track for the 2012 Olympics, and after the Olympics it will be restored for rail freight use.

14766. **Mr George:** What undertaking do you seek?

(Mr Smith) We consider the Bill should be amended by the Committee to remove the land from the Bill powers, or that the Promoter should give the Committee or EWS an undertaking to the same effect.

14767. **Mr George:** The last site, Plumstead, which is 9 of 11, EWS 9/11.³⁴ Can you explain the position there?

³⁰ Committee Ref: A168, EWS Site 8—Paddington New and West Yards (LINEWD-19605-023).

³¹ Committee Ref: A168, Railtrack Transfer Scheme, Schedule Seven—Strategic Freight Sites (LINEWD-19605-042).

³² Committee Ref: A168, EWS Site 9—Bow Midland Yard West (LINEWD-19605-024).

³³ Committee Ref: A168, EWS Site 10—Bow Midland Yard East (LINEWD-19605-025).

³⁴ Committee Ref: A168, EWS Site 11—Plumstead (LINEWD-19605-026).

 The Petition of English Welsh & Scottish Railway Ltd

(Mr Smith) Plumstead is a strategic freight site, part of which is being called down for a customer for the storage and distribution of aggregates. It is a site which is being taken to Crossrail for the tunnel portal. The same argument is applied to Paddington, which is if a site that the rail freight industry might have been led to expect it could use at some point for rail freight purposes is taken for a non-rail freight use, then the Promoters should ensure that Network Rail has an alternative site which the rail freight industry can draw down to use in the future for rail freight business.

14768. **Mr George:** After that lengthy traverse through your sites, I think you have got a concluding comment?

(Mr Smith) I mentioned earlier in several instances that our requirement is for alternative sites. I have explained why our sites are vital to our business and our operations and how our sites are not typical. They have particular characteristics, in particular being adjacent to rail land. Just being paid off does not work for us, we need land to continue in business. If we do not have land, we do not have terminals, and if we do not have terminals we do not have rail freight. If we do not have existing rail freight then we do not have the potential for rail freight growth. We believe that the Promoters and our colleagues in the industry, Network Rail, do have sites adjacent to the railway network. We have talked about North Pole, there are other sites as well, and we are asking the Department for Transport to engage with us about ensuring that once Crossrail is constructed and settled that we have got land that we can use for rail freight rather than just having compensation in the bank.

14769. **Mr George:** Now we turn to an entirely different topic altogether, leaving aside conventional land issues, to the question of capacity for freight. What is your concern?

(Mr Smith) There is not sufficient capacity for freight on the routes that are being affected by Crossrail. The Crossrail services will undermine freight activity and will displace it from rail to road. The issue here is not about existing rail services, it is also about freight growth. It is about the amount of freight that we could anticipate operating by 2015. We are aware that senior representatives from Crossrail have expressed confidence that the Great Western Main Line will be able to accommodate existing freight services, but that cannot surely be what the debate must be about, it must be about the potential for growth and it must be about being sure that there is in place a timetable and infrastructure enhancement works which are sufficient to provide for that freight growth in the future.

14770. **Mr George:** We have already looked at EWS4 which showed freight growing.³⁵ Is there anything further comment you want to make on that matter?

(Mr Smith) There we were talking about tunnel kilometres, essentially the weight lifted by the distance moved. I talked about the growth from 13 to 22 today, up to 26 and beyond in 2015. In terms of capacity, these have to be converted into trains and into piles. Our view is that by 2015 we will see at least a 30% increase in the need for piles on the Great Western Main Line and 100% on the Great Eastern Main Line, the latter because of the port developments in the increasing use of the East Coast port to bring goods into this country. My colleague from Freightliner will develop that point in detail.

14771. **Mr George:** Can we put up EWS13, please.³⁶ Can you briefly explain what we are seeing here?

(Mr Smith) This demonstrates that the freight timetable is not like a passenger timetable that you get from the station or from the railway bookshop. We run our freight trains to meet our customers' particular requirements. They may not run every day and they may not run one week to the next because unlike the passenger railway, which will run its train irrespective of whether there are passengers, passenger services operate in anticipation of demand, freight services operate in response to demand. This shows the different types of trains. In this case, travelling eastbound from Reading into London, the key is at the bottom, different colours for different commodities, it shows the reporting identity of the train. On the left-hand-side one equals Monday to Tuesday, and so forth, to show what days the trains run. It is a very complex exercise fitting the freight trains into the passenger service and vice versa, but what you have there is a picture of how rail freight operates in one direction on the Great Western Main Line.

14772. **Mr George:** We previously looked at EWS2 and I do not think we need to put it up again, that shows the quarries and the freight terminals at either end of the Great Western, does it not?

(Mr Smith) Yes, and to reinforce the point that the terminals and the locations which would be affected by Crossrail are not just the receiving points within London but also the source points in the West Country; Leicestershire and Northamptonshire, these are terminals which will suffer if our services are disrupted and we are unable to move stone and other manufactured goods from outside of London into London and vice versa.

14773. **Mr George:** What is the way forward as you see it?

(Mr Smith) First of all, the effect of this disruption has an environmental impact. This environmental impact has not been assessed in the Environment Statement. The Promoters believe that there is no impact on freight. We are firmly of the view as the Bill currently stands that there is an impact on freight and therefore there is an environmental consequence. In order to make sure that Crossrail, freight and of course all the other passenger services can co-exist there are two solutions. One is to adjust

³⁵ Committee Ref: A168, UK Rail Freight Volume Growth (LINEWD-19605-004).

³⁶ Committee Ref: A168, Trains per day: Reading—London (LINEWD-19605-051).

The Petition of English Welsh & Scottish Railway Ltd

the timetable so that there is an interaction between freight, Crossrail and other passengers services works and works effectively and, also, that there needs to be works to enhance the infrastructure to create capacity so that all users of the network can be accommodated.

14774. **Mr George:** Insofar as that first suggestion which is to reduce the service, that is a matter which was referred to in the report of the Timetable Working Party?

(Mr Smith) Yes, on page 29, item 7.³⁷ Crossrail stated it would consider running fewer services in the East, either terminating at Stratford, Maryland or running more services to Abbeywood. We are not aware of whether that issue is being considered or being considered seriously.

14775. **Mr George:** Is it something which you think should be considered seriously?

(Mr Smith) It should because, as we will come onto, the work of the Industry Timetable Working Group is far from finished, many things remain unproven. It has not yet demonstrated, and our colleagues from Network Rail indicated this morning, that all the users of the network can be fitted on either now or in 2015. Looking at service changes and service patterns, it is one of the solutions which must be examined.

14776. **Mr George:** Can we come to the Industry Timetable Working Group, the Chairman of which gave evidence to the Committee last Tuesday on day 48.

(Mr Smith) The Working Group was set up in response to concerns expressed by all parts of the rail industry, freight passenger and Network Rail. The timetabling which had until that time been done solely within the Crossrail team was neither transparent nor accurate. The working Group was set up. I suppose you might have thought given that this is an extremely important part of proving works, it could have been done earlier, but it was set up. There have been numerous meetings, many of which had nothing to do with timetabling at all, it was rather about the terms of reference. It has continued to meet and the last meeting was on 22 May under what we understand were extreme pressures to produce a report for consideration by this Committee. Although they had hoped to continue to meet because there are a number of issues unresolved there have been no further meetings since 22 May. There is more work to be done, matters of fundamental importance. The report that the Committee saw last week can only be regarded as an interim report. It is only a statement of where the Working Group has got to so far, highlighting issues of concern and issues which need to be dealt with. Any suggestion that this is a final report with all the solutions is unacceptable. What was particular curious was that the independent Chairman of the Committee, Robert Watson, for whom we have very high regard, seems to be under the impression that

his job is done, that he is not required to lead the Industry Working Group and is not required to follow-up on all these unresolved issues. I can only presume that Robert is under a misapprehension because there is still a significant amount of work to be done. Until we have got this work done on both the Great Western and the Great Eastern, it is impossible to say, particularly in 2015, that freight, Crossrail and other passenger services can co-exist. It is difficult to see how Mr Berryman can have reached the position as he told the Committee last week that he has a level of confidence which he would like to state as his complete confidence that we can achieve the service we are talking about without disrupting the existing services on the Great Western on either freight or passenger. This is not yet proven for reasons we will come onto and it is certainly not proven in respect of the position at the start of the Crossrail services in 2015.

14777. **Mr George:** You have listed your concerns in an exhibit EWS14, are those largely matters which need further modelling and timetabling work to be done on?³⁸

(Mr Smith) They are. They draw together each of the concerns that we have relating to whether the Working Group is looking at the maximum number of services, whether it is looking at the final service pattern, whether the timetable includes or excludes a freight ban during peak hours, to what extent the process of taking one single hour on the Great Western saying, "That is okay folks, that one works so therefore all the others must do", is acceptable. As I demonstrated earlier on with a colour graph, no one hour is the same, there are different services to different originating and terminating points.

14778. **Mr Smith,** for the convenience of the Committee, I think items 1-10 are the same items on which I on your company's behalf cross-examined Mr Watson last Tuesday, Day 18? Those were the 10 matters, 1-10?

(Mr Smith): That is correct. Under issues relating to the relationship with an increased level of passenger services specified by Transport for London; the modelling of perturbation when the railway is not working 100%; can you still run an effective and deliverable timetable; the issue relating to capacity enhancements that we will come back to; and whether planned improvements on alternative routes are sufficient to relieve congestion on the Crossrail railway lines; whether the effect, and I hesitate to mention this, but if the current plans were changed, what impact that would have on the timetable; the whole issue of engineering access, where this route, which should be very intensively used, will need a lot of maintenance and renewal and trains will need to be able to use the network at that time, but will be squeezed from four lines into two or, perhaps in the event of a total blockade, into alternative routes. All

³⁷ Crossrail Ref: P106, Crossrail Timetable Working Group, Timetable Alterations (LINEWD-GEN13-030).

³⁸ Committee Ref: A168, List of unresolved issues with the timetable for the only likely scenario: 2015 including freight growth (LINEWD-19605-052 and -053).

 The Petition of English Welsh & Scottish Railway Ltd

of these things need to be dealt with by the Timetable Working Group. There is a lot of detail; it is quite complicated; but it is doable.

14779. Can I bring you back to the position of the West Coast Main Line. What happens there about timetabling?

(Mr Smith): I recall that the West Coast Main Line was the subject of a lot of scrutiny five or six years ago, with extensive plans by the passenger rail industry to develop services, both high speed services and more frequent services. The West Coast Main Line is also a route critical to freight—as important as the Great Western and Great Eastern. We appeared to have an impasse; we could not solve it. What happened? The industry got together. All of the representatives of all of the operators got together to work out a timetable in detail. This was through cooperation, not compulsion. There were not Bill powers; there were no instructions; there were no issues of interference by anybody. We were just asked to get together and produce a timetable that worked, and allowed passenger and freight interests to coexist, and we did it. It took two years. It could have been quicker, but it was done by the industry working together, not by instructions, not by compulsion.

14780. What is it you are really seeking in respect of the timetabling matter? What do you seek from the Committee?

(Mr Smith): The Committee need to be convinced that the timetable not only works like clockwork when everything is fine, but also works when there are problems or delays. Of course there is a lot of interaction between services that will use the Crossrail routes and other parts of the network; and that applies to passenger as well as freight trains. It is not just that trains can run non-stop without being held-up and delayed, but also that freight trains can access terminals; they have to slow down, turn left and turn right; that takes time and the timetable allows this.

14781. I think we can put up EWS 15.³⁹ This is a very simple exhibit in which you set out your concerns. Where there is a tick then something has been done adequately. The first column deals with the 2004 freight levels, and the righthand column deals with the position with 2015 freight growth, which I think you say is the only realistic scenario. Is that right?

(Mr Smith): That is correct.

14782. We see a whole series of question marks in the righthand column, as well as some in the centre column?

(Mr Smith): Yes. At a very simple level, it has been demonstrated that Crossrail can exist with other passenger services and freight trains that were operating in 2004. Mildly interesting: given there is an 11-year gap between 2004 and 2015, it is slightly academic, but even that has not yet been proved that that timetable can operate when the line is blocked

for engineering; and it has not yet been proved whether that timetable can operate where there is a freight ban in place during the peak hours of operation.

14783. I just want to pause for a second and ask you about two matters. First of all, the second column there: “Is access to freight terminals and branch lines possible?” The answer is probably pretty obvious, but is that an important matter in any timetabling?

(Mr Smith): Absolutely critical. Again, we do not run trains just for the sake of it; we need to call at terminals; stop at stations on passenger railway; turn off to a connecting route. Unless that quite complex interaction with other routes is proven then the timetable is not proven.

14784. That is something that the Timetabling Group still has not reached. Is that not right?

(Mr Smith): That is correct. They grappled with and got to those conclusions on 2004; 2015 as far as the Great Western is concerned still remains unresolved.

14785. Performance modelling and whether it could operate under perturbed running conditions, again a question mark which is something that the Timetable Working Group did not have time to consider?

(Mr Smith): That is correct.

14786. The last matter I want to ask about is the peak hour freight ban. Can you just explain to the Committee what this is about. It may be Ms Lieven is going to be able to help us with an undertaking about this matter.

(Mr Smith): At the moment a few freight trains run during the passenger peak hours, morning and evening—some in the direction of the flow of passengers and some contrary to the flow of passengers. It is inevitable if a train is running 100, 200 and 300 miles it will at some point hit a peak period of passenger activity. To meet our customers’ requirements, particularly for delivery at the gate in the early morning for onward distribution, there need to be a few trains that continue to do that. We are not looking to, as it were, steal the space of the passenger railway. We understand the need to move passengers to and from London, but we do need certain space on the network for moving freight trains during the peak. There they are and it works fine; but our understanding is that Crossrail propose to ban the freight trains during peak hours. Information Paper A3, paragraph 3.6, which is still current, still refers to restricted operation of freight services during the peak hours which will continue.⁴⁰ We understand last week that Mr Elvin said that this was not the intention to continue the freight ban. There have been a number of discussions about it but, as of today, we have not as the rail freight industry received a commitment from the Promoters that the ban will be lifted.

³⁹ Committee Ref: A168 Industry Timetable Work Group progress (LINEWD-19605-054).

⁴⁰ Crossrail Information Paper A3—Capacity on the Great Western Main Line, bilddocuments.crossrail.co.uk

 The Petition of English Welsh & Scottish Railway Ltd

14787. I have got in front of me an addendum to the policy paper on the Access Option, which was NR 6 in the bundle of papers which Mr Purchas put in, and that says, and it is a Crossrail Department of Transport document, that there is no longer a need for the proposed absolute restriction on freight in the peak; and that the policy paper is amended accordingly. Is all you are seeking is an undertaking that there will not be a ban on freight in the peak?

(Mr Smith): That is very encouraging but, of course, this is something which is being connected to an Access Option policy paper which itself has not yet been formally committed or agreed by the industry. While that is encouraging in that it shows the Promoter's intent, I think we are looking for something a little more substantial, a little firmer, to provide certainty that we will still be able to operate freight trains during peak passenger hours.

14788. Coming back to what you are seeking from the Committee here in respect of timetabling, what precisely is it you are seeking?

(Mr Smith): We want the Timetabling Group to be reformed under an independent chairman; that Timetabling Group has got to tackle all the unresolved issues highlighted both by the Group itself and its interim report, and by Petitioners; it has got to tackle issues, such as engineering access; it has got to tackle the fact that Transport for London is planning, in some cases, to treble the level of passenger services on some alternative routes; and it has got to look at timetabling away from the Crossrail routes I repeat the point: just making something apparently work on the Crossrail routes, both as a freight operator and long-distance passenger operator as well having services operating 100, 200 and 300 miles interacting with the West Country and with the Midlands, we need to model the "on the Crossrail routes" to prove that the network can still operate—a point that was made by Mr Purchas with some vigour this morning.

14789. Mr Watson seemed to say that matter could be done in some months, providing resources were devoted to it. Would you want the Promoters to be committed to ensuring that that work is done?

(Mr Smith): It is eminently doable—that is why I referred to what we did on the West Coast Main Line which is exactly the same issue. Yes, we would like that commitment. Yes, we would like the Working Group to be reconstituted. Yes, we would like it independently chaired. I am confident that working together we can solve all of the issues that have been raised.

14790. What about the frequency and pattern of Crossrail services? We know what was assumed by the Timetable Working Group. What do you say about that matter?

(Mr Smith): Our understanding is that there is no commitment to either the level of service or the pattern of service—both of which are absolutely critical for effective timetabling. There is no point in doing a load of timetabling work on a published pattern of service level and then in a year's time

finding that has all changed; because if it is changed then the timetabling work is nullified. Somehow we have to nail down what the level and pattern of Crossrail services is going to be. Alternatively, we would like the Committee to require an undertaking from the Promoter that the frequency and pattern of Crossrail services will be such that the capacity for rail freight will be no worse on the opening of Crossrail services than if there had been no Crossrail services; and that the anticipated level of freight growth by 2015 (which you have already advised the Timetable Working Group) had occurred. It is effectively saying as far as freight is concerned, and it may be that passenger operators have the same need, that we want to be in a position as if there had been no Crossrail services in terms of the capacity and performance of the timetable on the network.

14791. Those are all quite technical matters. The next capacity matter is one which concerned physical works. Could we please have up EWS16—this is the capacity enhancements in the Bill.⁴¹ Are there there shown, Mr Smith, a whole variety of works in the Bill for which powers are sought?

(Mr Smith): Yes and no; because we think they are but, as you review the exhibit, one finds that some works appear in some documents and not in others. So some documents and some working groups assume there were certain works going to be undertaken, and other documents do not mention them at all. We will work on the assumption that each of the works there is going to be undertaken and that the Timetabling Working Group is going to work out a timetable that works on the basis that those pieces of infrastructure exist.

14792. As Mr Watson told us last week, all the timetabling that has been done has been on the basis that these works are carried out?

(Mr Smith): Yes, absolutely. So far we have only proved that 2004 timetable and the Great Western works at least in part, and that presumes that all of those works are completed.

14793. What is the significance of the asterisk in the righthand column of EWS16?

(Mr Smith): As can be seen, we only have mentions in some documents; we have had a very clear statement last week from Mr Elvin, repeated again this morning by Ms Lieven, that the Promoter does not commit to undertake the infrastructure works. If the Promoter does not commit to undertake them then we cannot be certain that the timetable will work. It is a bit like a house of cards—remove one card, remove one piece of the infrastructure, and you have got to start the timetabling all over again to see whether it works. The asterisked works are those that we believe are necessary to ensure that the freight trains can be accommodated on both the Great Western, Great Eastern and, in addition, on the Abbeywood line, the North Kent line, to produce a timetable that works.

⁴¹ Committee Ref: A168, List of Bill capacity enhancement and other enhancements mentioned in Crossrail documentation (SCN-20060711-001 to -004).

The Petition of English Welsh & Scottish Railway Ltd

14794. Can you just tell the Committee precisely what it is that you are seeking by way of undertaking in respect of these freight works?

(Mr Smith): We request that the Committee requires, through an undertaking, that the Secretary of State be obliged to build each of the relevant enhancements, ie those marked with an asterisk, before the Crossrail service is commenced.

14795. What if there is a change of circumstance?

(Mr Smith) We understand circumstances change but we want this commitment. We also recognise that there needs to be a method of amending that. If upon a subsequent application made by the Secretary of State to the chairman of ways and means after the Bill has received Royal Assent a particular enhancement is found by the chairman of ways and means to be no longer necessary, that is acceptable, but there has to be a very rigorous process to move away from the commitment to provide the enhancement necessary to make the timetable work.

14796. You remember last Tuesday Mr Elvin suggested that the whole matter should be dealt with through the access option. That is the improvement. Is that a satisfactory mechanism?

(Mr Smith) No, it is wholly inadequate because essentially you are then leaving enhancements to be a matter for the Office of Rail Regulation. That creates uncertainty, particularly as, even if we have an access option, the railway towers will remain at least in part. That makes the ORR subject to direction by the Secretary of State and therefore we want the commitment on amendments to enhancements to be a matter for this House, not a matter for any other part of the process.

14797. It was suggested that it was perfectly normal for an access option to be made conditional on certain capacity enhancements. Is that something which is normal and precedented?

(Mr Smith) The last time a company entered into a series of promises on access rights with a promise to upgrade the infrastructure after it had committed to those rights, the company went bankrupt. That company was Railtrack. The passenger upgrade two proposal was fundamental where Railtrack committed to do one thing. It then found it could not and then it found it had a major contractual obligation to a passenger operator. This related to the West Coast Main Line. On the West Coast Main Line we are now seeing that the infrastructure enhancements are being put in place. There is remodelling and additional tracks between Rugby and Stafford. Once those enhancements are in place and the timetables is operating, then the passenger operator will enter into long term access rights in accordance with the guidance laid down by the Office of Rail Regulation.

14798. Do you see any problem in the Promoter committing at this stage to the asterisked works?

(Mr Smith) I can see no problem whatsoever. These are fundamental to making sure there is capacity on the network. The Promoter has spent many months, if not years, telling the rail industry and the rail freight industry that these are the works that are needed. These are the works that they are going to do. These are the works we have come to terms with and it is these works that are causing all of the changes and disruption to our property that we described earlier. We presume that everybody wants and needs them and they will create a result for the whole industry at the end of the day.

14799. Can we move to the Great Eastern Main Line and the problems there?

(Mr Smith) The Great Eastern Main Line is very busy. It is used heavily by passenger services. It is also used heavily by freight services, domestic services for aggregates, construction materials and also in particular for the movement of containers from the east coast ports. The government has recently approved the expansion of ports and indicated it is minded to approve a further expansion to another port on the River Thames. That is going to increase the amount of freight using the route. The particular issue on the Great Eastern Main Line is the length of line between Forest Gate junction in east London and Stratford further west.

14800. Can we put up EWS 18, please?⁴² This is the area Mr Watson conceded last Tuesday was the real problem. Can you explain to the Committee the nature of the problem and existing layout?

(Mr Smith) Passenger trains, both commuter services to Essex, Southend, Chelmsford, Colchester and Clacton and Intercity services to Norwich and Yarmouth and inner London commuter services, use the route that travels from left to right and right to left. Freight trains coming from Felixstowe and Harwich wanting to get to the West Midlands and the north west also use this route but turn right at Stratford and go on to the north London line. Services coming from Thameside, mainly containers but also petroleum products, will come from the route in the bottom right hand corner. A couple will use the route that goes over the Great Eastern Main Line, the Barking to Hampstead line, but most will turn left on to the Great Eastern Main Line and right on to the north London line, thereby having to cross the commuter routes which are to the south, at the bottom of this diagram, and on to the fast lines.

14801. We can see the lines which show the crossings as the trains go across to get on to the north London line?

(Mr Smith) That is correct, yes.

14802. What is required? I think it is common ground between both sides as to what is required.

⁴² Committee Ref: A168, Map showing route currently taken by freight trains between North Thames Side and the North London Line and beyond, and the route of the Barking to Hampstead Line, proposed for enhancement (LINEWD-19605-063).

The Petition of English Welsh & Scottish Railway Ltd

(Mr Smith) The route is busy. Freight will make it busier. The Timetable Working Group stated in its interim report that Crossrail will make it even busier and even worse. We are not as a freight industry hung up on using a particular route if another one is available and does not lead to a significant deterioration in journey time or the amount of goods that we can carry. We believe that an enhancement that allows our freight trains to cross the Great Eastern Main Line, to avoid it essentially, to go on the Barking to Hampstead line and then to reach the north London main line and on to the West Coast Main Line via Gospel Oak would be beneficial to all parties, freight and passenger.

14803. That way, the containers from the Thameside ports could come straight up across an existing bridge and on to the Barking and Hampstead line and would not interfere with the Great Eastern line at all.

(Mr Smith) That is correct, although this is only the first solution. There is a second solution which keeps freight away from London altogether that is coming out of Felixstowe and Harwich.

14804. To see that we need your EWS 20.⁴³ This is a matter which Freightliner are going to come back to. Could you explain it?

(Mr Smith) By using the cross country route from Felixstowe, Ipswich, Bury St Edmunds, Ely, Peterborough and then to Nuneaton, freight trains carrying containers from the east coast ports can avoid using London altogether. At the moment that route does not have the capacity or the signalling. The loading gauge of the route, which is the width and height of the vehicles on the trains, is inadequate to enable containers to be carried on that route. If that route were to be enhanced, that could take traffic from the east coast ports. If the previous route we described, the Gospel Oak to Barking route, could be enhanced that could take traffic from the Thames ports and avoid conflict with not only Crossrail services but the commuter services into Essex and the long distance services to Norwich.

14805. EWS 19, please.⁴⁴ You set out the works that are required on the Barking to Willesden via the Gosport Oak route, the gauge enhancement, electrification, bridge strengthening and capacity improvements and, for Felixstowe to Nuneaton, gauge enhancement and capacity improvements.

(Mr Smith) I should mention electrification. It is a policy of the Mayor that freight should be encouraged to use the Channel Tunnel Rail Link to bring freight traffic in from mainland Europe through the Channel Tunnel, onto the rail link, joining the existing network above the East London line. The traffic then needs to move beyond Barking on the classic network. Because these trains will be electrically hauled, which is necessary to achieve what is necessary on the Channel Tunnel Rail Link,

we would then continue electrically hauling those trains. To avoid using the Great Eastern Main Line, we would need to use the Barking to Willesden route with our international services. That is why the route needs to be electrified.

(After a short adjournment)

14806. **Mr Liddell-Grainger:** Mr George?

14807. **Mr George:** Thank you, sir. Mr Smith, looking at EWS19 which was on the screen before the adjournment, you have dealt with the first item, Felixstowe, Nuneaton, the second item, can we turn to Acton and there are two separate matters I want to ask you about. The first is the Acton dive under which is works 317A to B in the Bill. That is the dive under so the freight can enter the Acton goods yard on top of the Crossrail service proceeding up towards Paddington. Is that right?

(Mr Smith) That is correct, whereas Barking to Gospel Oak, Felixstowe up to Nuneaton are succinct with the operation—(inaudible). On the east coast and on the Thames the active dive under simplifies the operation in the Acton area and therefore benefits traffic on the Great Western Main Line coming from South Wales and the West Country.

14808. **Mr George:** Last Tuesday, Mr Watson said that was essential and this morning Mr Lieven virtually gave an undertaking about it. Do you recall, she said it would be constructed provided freight levels at the time when the decision had to be made were as high or higher than they are at the present time? Do you have any comment upon that reservation?

(Mr Smith) It would be interesting to see how freight levels are to be measured as in tunnel kilometres, trains, number of piles and it would be interesting if there was one train less than there is now whether that would impact on the undertaking. Presumably if the dive under was built it would then be removed later if there was any change in freight activities. We do really need to understand the detail of that caveat. I am very confident as I have described throughout this that freight will continue to grow in line with the economy in London. I would very much hope that is an unnecessary caveat.

14809. **Mr George:** Can we turn to the creation of an up freight line which is the bottom line of EWS19. Can you explain to the Committee what you are referring to there?

(Mr Smith) This would be a freight line that would avoid the dive under, I will explain why it is necessary. The dive under, which is used by Crossrail trains going to Paddington, is likely to be built with a gradient of one in 38. That is a very demanding gradient, particularly of freight services. Not all freight trains stop at Acton. At the moment we have at least 30 trains a week, and there may be more in the future, that carry on straight past Acton and would not be able to use the dive under because of the restrictions on the trading load given the steepness of the gradient. Avoiding the dive under by

⁴³ Committee Ref: A168, Nuneaton to Felixstowe Line (LINEWD-19605-065).

⁴⁴ Committee Ref: A168, Offline/additional capacity enhancement details (LINEWD-19605-064).

The Petition of English Welsh & Scottish Railway Ltd

going out of the relief sidings in Acton yard is unacceptable because it would disrupt the operation of the yard. Whilst welcoming the dive under, we do need to have a facility that allows freight to continue non-stop past Acton, either before it continues into Paddington or in most cases then proceeds to the North London line.

14810. **Mr George:** I referred to a representative of Crossrail, a Charles Devereaux gave to you the gradients for the dive under and told you, did he not, that it would be unsuitable for freight trains?

(Mr Smith) Yes, at the meeting at Acton on 9 March where we had an internal vote—and I am not sure whether there are any formal minutes of the meeting—Mr Devereaux made a statement about the gradient and expressed the view that freight trains would be unable to use the dive under given that gradient.

14811. **Mr George:** I think he made a reference to the possibility, it is no more than that, of providing an up-bypass freight line to allow freight to use the upper relief line crossing the inward and outward Acton yard access lines agreed?

(Mr Smith) During discussions at that meeting on 9 March that was one of the options discussed. Certainly in our view it is the best solution to the problem that is faced by gradient within the dive under.

14812. **Mr George:** Have you heard anything more back from Mr Devereaux or Crossrail on that matter?

(Mr Smith) I am not aware of any formal communication from either Mr Devereaux or Crossrail on the subject.

14813. **Mr George:** Is that essential?

(Mr Smith) It is essential for the reasons I described. Without it freight trains that do not need to call at Acton will have to stop there because they will not be able to go on the dive under and will congest the yard.

14814. **Mr George:** Turning to those three matters which are on EWS19, again, what is it you are asking the Committee to do in respect of them?

(Mr Smith) EWS asks the Committee to require the Department for Transport to undertake that it will provide funding to enable these enhancements, that is Barking to Willesden via Gospel Oak; Felixstowe to Numeaton in the up freight line at Acton, to enable these enhancements to be carried out by Network Rail, and in the case of Acton up-freight line to bring forward for the Committee's consideration an additional provision so that necessary works for the up-freight line can be added to the Bill.

14815. **Mr George:** I think it is our understanding that no additional land-take would be required for that up freight line, is that correct?

(Mr Smith) That is correct.

14816. **Mr George:** That brings to an end the points on capacity. The last part now which is the question of the railway clauses and the question of regulation. Again, can you briefly explain to the Committee your concerns?

(Mr Smith) Even if EWS's property and capacity concerns are met in the way we have been describing, unfortunately that is not the end of the problem. EWS and other rail users have entered into long-term access contracts, framework agreements, approved by the Office of Rail Regulation which gives us the right to use railway tracks. These are known as railway access contracts. They allow us to use stations, known as station access contracts and other rail facilities, known as facility access contracts. They in turn guarantee the connections from EWS's freight terminals to the rail network. These are known as connection agreements.

14817. **Mr George:** In connection with this matter of regulation, are you concerned about the private interests of EWS as a rail freight operator?

(Mr Smith) That is my primary concern. Essentially an excess contract is just that, it is a private interest. It is a property right to use the network to access a terminal to use a station. Our concern is that the railway powers of the Bill undermine the stability and certainty that we have through these very essential contractual private rights to use the network.

14818. **Mr George:** How long do these access contracts last for?

(Mr Smith) Several years at a time. In the past they have been for five years, but recently the Office of Rail Regulation has issued policy guidelines saying that the Office of Rail Regulation would expect to approve contracts for up to 10 years. This is in accordance with European Directives now transcribed into UK legislation, but no more than 10 years because there is a concern about discrimination. We have a track access contract which when added to the one that we currently operate will together give us rights to the network for the next 10 years.

14819. **Mr George:** How essential to you is it to be able to rely on those contractual rights?

(Mr Smith) It is fundamental. The access rights are the only way that we know we have access to the network. Without those rights we cannot offer long-term access to our customers, we cannot invest because in terms of the access rights it gives the certainty that we, EWS, other freight users and users of the network can use the network. They are a fundamental property right more important than anything that we have.

14820. **Mr George:** What does the Bill do in this respect?

(Mr Smith) I am afraid the powers in the Bill in relation to access contracts, for all the types I mentioned, networks, track access facilities,

The Petition of English Welsh & Scottish Railway Ltd

connections, are particularly draconian. Exiting contracts will be cancelled if they are considered to prejudice the operation of Crossrail, that is clause 26, new access contracts will be modified or refused, that is clause 30, new facility contracts to allow Crossrail to use facilities can be forced on facility owners, that is clause 31, and the whole scope of clauses 22 to 32 effectively make all trains and facilities on the shared lines used by Crossrail subservient to Crossrail and at risk of being extinguished by Crossrail.

14821. **Mr George:** We should not forget, should we, clause 24(1) which provides that the Office of Rail Regulation shall have an overriding duty to exercise its functions in such a manner as not to impede the performance of any development agreement and the over-riding duty.

(Mr Smith) The Office of Rail Regulation has a number of duties under section 4 of the 1993 Act as amended to allow users to plan with a reasonable degree of assurance, to have regard for the needs of operators of the network and to have regard for Network Rail. It seems to balance those duties, but unfortunately the duty which is now proposed on to 24(1) pushes all those other duties aside and makes Crossrail the over-riding duty and the others have no power whatsoever.

14822. **Mr George:** Can we go to EWS22.⁴⁵ It is a very recently enacted piece of legislation of the London Olympic Games and Paralympic Games Act 2006. Can you blow up section 17 of that which is at the top. You are referring to this because Mr Elvin last Tuesday prayed that provision in aid?

(Mr Smith) That is correct. Mr Elvin seemed to say that this was very similar to the powers within the Crossrail Bill and would have the same effect. We do rather see it differently. We like what is here in 17, it is something which was agreed by the rail industry at the time that the Olympics Bill was being discussed with the industry. It adds a duty to the regulator's existing duties and he has to have regard for the needs of the Olympics and the Olympic Delivery Authority. That is perfectly understandable to make the Olympics happen.

14823. **Mr George:** Can we have on the screen the very next page of that exhibit, please, which is an extract from the Railways Act 1993, section 4, the general duties of the Secretary of State.⁴⁶ Those are the general duties of the Office of Rail Regulation. What the Olympics Act has done is to add to them an additional objective mainly facilitating the provision of the London Olympics. Is that right?

(Mr Smith) That is correct.

14824. **Mr George:** That you regard as wholly acceptable?

(Mr Smith) It is. It is a duty that the ORR has taken into account but has to be balanced with all the ORR's other duties.

14825. **Mr George:** What do you suggest should be done to the railway clauses in respect of those provisions?

(Mr Smith) Mr Elvin last week seemed to suggest that the previous clause that we saw in the Olympics Act and clause 22 of the Bill had much the same effect. If that is the case, then we would ask that a clause similar to clause 17 of the Olympics Act is put in place, Crossrail clause as it were, which becomes a duty on the regulator to have regard for Crossrail but does not override all the other duties, it sits alongside them. That would be perfectly acceptable.

14826. **Mr George:** What is your objection to the priority which is given to Crossrail by the existing wording of clause 24 and indeed also clause 22?

(Mr Smith) It gives no certainty to EWS or any other rail freight user or rail users who could lose their private access rights at any moment through the operation of clause 24 and other clauses within the railway powers part of Bill.

14827. **Mr George:** What is the effect going to be on freight operators?

(Mr Smith) It is simple, we lose customers and business because we cannot provide the certainty to our customers that we can use the network. If you are using a road haulier the motorway is always open for business, it may be congested but it is open for business, what happens here is someone can step in and say, "You, EWS, may not use the railway network in these circumstances or at these time or locations". It destabilised the network and our operation and quite frankly what might otherwise have been a level playing field becomes about as unlevel as the Acton dive under. It is not acceptable that such powers can be in place to upset and disturb the stability and certainty that we seek to protect. In their response document the EWS Petition, Crossrail have drawn attention to the Channel Tunnel Rail Link and say that is a precedent for a clause like clause 24 of the Bill. What do you say to that?

(Mr Smith): Two very different schemes. Channel Tunnel Rail Link was built primarily on a greenfield site with very little interaction with the existing network and the existing services, and essentially has been built without affecting them, except in very small ways at either end. In contrast Crossrail affects so many operators, so many services and it is a very different prospect and very different project. There are some European law issues associated with this. I just make the point that the CTRL Act was of course enacted before the directives were introduced into UK law but we will come to that later. CTRL and Crossrail are two very different beasts.

14828. Now to the Access Option which we are told may be, as it were, the panacea for the matter What do you say about the proposed Access Option solution?

⁴⁵ Committee Ref: A168, Office of Rail Regulation, London Olympic Games and Paralympic Games Act 2006, www.opsi.gov.uk (LINEWD-19605-068).

⁴⁶ Committee Ref: A168, General duties of the Secretary of State and the Regulator, Railways Act 1993 (c. 43), www.opsi.gov.uk (LINEWD-19605-069).

 The Petition of English Welsh & Scottish Railway Ltd

(Mr Smith): The Access Option has been welcomed by a number of people as an alternative to the railway powers. We have a number of concerns about the Access Option, and we have lodged those in detail with the Promoters on two occasions; but we do not as yet have a formal response to those concerns.

14829. Could we just put up EWS23.⁴⁷ This is a summary, is it not, of matters which were contained in your letter of 30 March to the DfT to which you are still awaiting an answer?

(Mr Smith): That is correct.

14830. Rather than read out the entirety of that exhibit, can you just summarise your concerns?

(Mr Smith): The Access Option in practice will have exactly the same effect as the railway powers existing currently in the Bill. They may be by agreement with the industry, but of course unless the industry agrees then the railway powers will be exercised. The Access Option provides for a very long term, far in excess of that which is normally expected with access contracts as I commented earlier on. It assumes that a certain amount of infrastructure is provided but we have no commitment that that will happen. Further, the Access Option brings in additional services on both the Great Western and the Great Eastern which will consume capacity; and it presumes a timetable which is merely illustrative in nature to demonstrate that the Option works. This morning Network Rail referred to the fact that there is a big difference between the Access Option policy and the Option itself which provides detailed timetabling. As I said before, until we understand that the timetabling works, then any commitment even by the Promoter that relates to that timetabling has limited value. In addition, although the ORR has a greater role with the Access Option, again it is quite clear that unless the Access Option that is agreed provides Crossrail with the certainty of services that it needs, then we are no further forward. It is still not clear in the Access Option what the maintenance regime will be for the network As I mentioned before, two or four lines can be blocked and it is not yet clear exactly how the timetable will work in those circumstances, particularly important given the number of freight trains operating at night. Also the Access Option has yet to deal with issues relating to perturbation and performance. The Access Option may be a step forward from the railway powers, but essentially it still has the same effect.

14831. Finally on this topic, what it is you are seeking from the Committee? Could we please go to exhibit EWS24.⁴⁸ In the lefthand margin there is the clause of the Bill, and then there is a summary of its present effect, and then in the righthand column is there your requested amendments?

⁴⁷ Committee Ref: A168, The proposed Access Option as set out in the Access Option Policy Paper, DfT, 30 March 2006: EWS objections (LINEWD-19605-073).

⁴⁸ Committee Ref: A168, Summary of EWS's requested amendments to the *Railway Matters* Clauses 21 to 32 (LINEWD-19605-074 to -076).

(Mr Smith): That is correct.

14832. Although you have not done the drafting you have indicated the sort of matters you are seeking, and you are suggesting that the Committee require the Promoters to bring forward amendments along these lines?

(Mr Smith): That is correct. Only with those amendments will our private access rights have some degree of certainty, and we will have some degree of confidence that they can be operated.

14833. I think we can just highlight three matters. First of all—so far as clauses 25 and 26 are concerned, which are dealing with what I may term as “pre-Act” existing rail network access contracts—you are accepting that there is a need for a provision to deal with it; and you are content with what is provided as long as there is a compensation provision?

(Mr Smith): That is correct.

14834. Secondly, so far as clauses 22 and 24 are concerned, you are suggesting that one uses the Olympic Bill formula, that is adding to the objectives of the rail regulator rather than the formula which is used at the present time. Is that right?

(Mr Smith): Yes, we would see the Olympic clauses replacing 22; clause 23 would then follow suit; and clause 24 would not be needed.

14835. Finally, so far as clauses 28 and following are concerned, it seems to you that they are unnecessary and suggest they be removed?

(Mr Smith): That is correct

14836. The very last of all matters, Mr Smith, now that you have dealt with your three concerns, is to go to your final schedule which is exhibit 40, which is your request for decision.⁴⁹ So far as 1-14 are concerned, those are all concerned with specific sites, are they not?

(Mr Smith): They are.

14837. You have already dealt with that matter and we will not take any more time about that. So far as paragraph 15 is concerned, can you just explain that one?⁵⁰

(Mr Smith): This relates to access sites and it is about being able to plan our operations with a reasonable degree of certainty. What we wish to have is a protocol agreed with the Promoter, and I imagine other operators want the same, so we get reasonable notice about interruptions; than we can then plan around those interruptions; and that the Promoters have an obligation to limit those interruptions to the minimum.

14838. So far as paragraph 16 is concerned, that is dealing with the outstanding work to be done on timetabling. Whether it be done by the ITWG or

⁴⁹ Committee Ref: A168, Requests for Decision (LINEWD-19605-096).

⁵⁰ Committee Ref: A168, Requests for Decision, Property and Capacity (LINEWD-19605-099).

The Petition of English Welsh & Scottish Railway Ltd

someone else is incidental, is it not, as long as the rail freight gets confronted; but the precise mechanism of how it is done matters not but the important thing is that the work be done?

(Mr Smith): It is crucial that the work is done because there are a number of commitments and undertakings that are floating around which appear to rely upon a positive and agreed outcome from the working groups. Clearly that timetabling work has to be done and agreed by all parts of the industry before these commitments can have any effect.

14839. So far as paragraph 17 is concerned, that is a matter you have already referred to—the undertaking about the capacity?

(Mr Smith): That the capacity of the work for rail freight by 2015 is such as if there were no Crossrail services, and that the freight growth we advised the Timetabling Group had come to pass.

14840. In paragraph 18 this is dealing with the various freight enhancement works which have been mentioned and which are relied on in the timetabling?

(Mr Smith): Yes. Throughout the timetabling process there has been an presumption that the enhancements that have been advertised by the Promoter will take place, and we identified the relevant ones for freight in exhibit 16 and we asked that they actually be put in place.

14841. There are two matters to note about paragraph 18. In the second line where it says “listed in Exhibit EWS16” it should say “asterisked in Exhibit EWS16”, should it not?

(Mr Smith): That is correct.

14842. It is only those which have an asterisk which you were requiring to be in place?

(Mr Smith): Yes.

14843. The second matter is that so far as the Chairman of Ways and Means as the arbitrator is concerned, frankly EWS does not mind who the person is as long as it is not the Secretary of State. As long as there is an independent person answerable to Parliament to adjudicate, if there is to be a withdrawal of any of these works you do not mind whether it is the Chairman of Ways and Means or what is the relevant procedure?

(Mr Smith): I agree.

14844. **Mr Liddell-Grainger:** Mr George, I think you will find we have no mechanism in this Place for that. The Chairman of Ways and Means unfortunately, as you are well aware, is a parliamentarian and has no power to do that.

14845. **Mr George:** In which case it would not be beyond the powers of the Committee to say that there should be an independent arbitrator set up to determine the matter. Again, it can be done. The crucial thing is to have a way out for Crossrail?

14846. **Mr Liddell-Grainger:** You have made your point clear.

14847. **Mr George:** I am grateful. So far as paragraph 19 is concerned, that is the further enhancement which you have referred to, this is Gospel Oak, Nuneaton—⁵¹

(Mr Smith): Barking to Willesden via Gospel Oak; Felixstowe to Nuneaton and the Up Freight line at Acton.

14848. Paragraph 20 is the matter about the regulation clause EWS24 which we have already looked at?

(Mr Smith): That is correct.

14849. So far as 21, 22 and 23 are concerned, those fall to another witness to deal with?

(Mr Smith): They do.

14850. **Mr George:** Thank you, Mr Smith.

Cross-examined by **Ms Lieven**

14851. **Ms Lieven:** Sir, can I explain what I am and am not going to cross-examine on. I am not going to cross-examine on issues that have already been dealt with in detail last week, or those that Mr Elvin is coming back to cross-examine the Tarmac witness on in detail about, matters such as Felixstowe to Nuneaton, otherwise we will end up with a massive amount of repetition which I do not think will assist the Committee.

14852. Can I briefly explain the position on site specifics. I am going to call Mr Berryman to go through what we need at this stage on what sites and to explain what degree of comfort we can give EWS and the Committee as to what land we will and will not take. I think it will be a waste of time to cross-examine site by site when Mr Berryman will give you the information. I hope that is an acceptable way forward.

14853. **Mr Liddell-Grainger:** I think that is ideal. I think we have heard quite a lot about site specifics.

14854. **Ms Lieven:** It never helps to hear it four times. That leaves a very few questions of Mr Smith, if I may. As far as capacity is concerned, capacity on the route network is an issue that Network Rail and then the ORR will consider during the determination of the Access Option, is it not?

(Mr Smith): That is part of their responsibilities.

14855. During that consideration by those two bodies there will be expensive further timetabling work carried out by Network Rail which will then feed into the Access Option determination?

(Mr Smith): That is a piece of information of which we are not aware, but thank you for that.

⁵¹ Committee Ref: A168, Requests for Decision, Capacity and Regulation (LINEWD-19605-100).

 The Petition of English Welsh & Scottish Railway Ltd

14856. But that is what one would normally expect in working up an Access Option such as this—to be timetabling work carried out by Network Rail?

(Mr Smith): One presumes so, except of course there has not actually been an Access Option let on the UK rail network, so we are establishing precedent here. That is very useful if Network Rail are going to do that.

14857. As far as you are concerned, I think you said in answer to a question from Mr George a few minutes ago you do not mind who does the timetabling work, whether it is the Timetabling Group, CLRL or Network Rail. Your concern is that that timetabling work be carried out before an Access Option is set, is that right?

(Mr Smith): I think we would want any timetabling work to be carried out by someone who had an independence in the process, rather than being carried out solely by one party that had a vested interest in the outcome.

14858. You would be quite happy with Network Rail carrying it out?

(Mr Smith): Network Rail would have to carry out timetabling in accordance with industry processes and in accordance with the ability of any operator to review and challenge that timetabling.

14859. Finally so far as capacity is concerned, you raised issues relating to engineering hours and maintenance of the system.⁵² That again is something that Network Rail and the ORR will take into account when setting the Access Option, is it not?

(Mr Smith): Engineering access, as we found with the West Coast Main Line, is the Achilles heel of any timetable. One can produce perfect timetables which operate Monday to Friday during the hours of daylight, but the amount of engineering access that the infrastructure manager requires depends on the activity level, depends on materials used, depends on services that will operate on the route. Engineering access is a very complex issue which is currently being considered by the industry. At the moment Network Rail are saying that they actually want more engineering access to the network rather than less and are currently planning blockades of 100 hours Monday to Friday, for example, on the Great Western Main Line. Obviously blockades of that kind would deeply concern us, particularly operating at night, so I think engineering access is a fundamental issue for the whole industry that needs visibility now rather than at some future time.

14860. Maybe I did not make the point clear enough, Mr Smith. The point I was asking you about was that those very issues, which we quite accept are terribly important, will be considered by Network Rail and then by the ORR in determination of the access option.

(Mr Smith) I am glad to hear that.

14861. Well, you are the expert, Mr Smith, not me, but those are my instructions. Does that contradict your understanding?

(Mr Smith) I would just repeat myself, that we have not actually timetabled an access option in this industry before. The process for doing that has not yet been agreed, but if the instructions you have are that Network Rail will do this and the ORR will review it and take a decision on the access option even if it runs contrary to the interests of the Promoter, we will watch that with interest.

14862. Then as far as timetabling is concerned, I want to ask you a couple of questions. The Timetable Working Group, of which Mr Watson was the independent Chair and he gave evidence last week, EWS were on that Working Group, were they not?

(Mr Smith) We attended that Working Group, yes.

14863. Can we have up a copy of the Timetable Working Group Report, which is P106. Do you have a copy of that, Mr Smith?

(Mr Smith) I do not think I do, not within the myriad papers on my desk.

14864. If we could turn to page 14 of it, first of all, as far as freight growth is concerned, and I am sure you are far more familiar with this document than I am, so hopefully I will not have to read out great chunks of it, but it is correct, is it not, that the Timetable Working Group did take into account forecasts for freight growth up to 2015?⁵³

(Mr Smith) They were advised of those figures, yes.

14865. And they took them into account in their timetabling work and conclusions, did they not?

(Mr Smith) The issue with the freight growth is that the only thing the Timetable Working Group have been able to prove is that the timetable that exists in 2004 operates with Crossrail services. They may have had the freight forecasts for 2015, but, as I said earlier on, they did not demonstrate and were not able to come to the conclusion that the 2015 timetable would work either on the Great Western or on the Great Eastern.

14866. Can we just focus on the question please, Mr Smith, and look at the top paragraph. What that says, and I am not asking you about the conclusion, I am just asking you about what they took into account, the second line of that says, “The initial stage of the freight route utilisation strategy work has been to take forecasts from rail freight users”, presumably including yourselves, “and potential users together with the rail freight operators and to put these together to create a single forecast for different route sections of the network”, so those forecasts were taken into account, were they not?

(Mr Smith) Those forecasts were advised to the Industry Working Group.

⁵² Crossrail Ref: P106, Crossrail Timetable Working Group, Engineering Access (LINEWD-GEN13-015).

⁵³ Crossrail Ref: P106, Crossrail Timetable Working Group (LINEWD-GEN13-014).

The Petition of English Welsh & Scottish Railway Ltd

14867. That was the appendix and then, as far as the scope for growth is concerned, if we go back a few pages into the body of the report itself at page 8 of the exhibit.⁵⁴ We can see there in the small paragraph above “Further work”, that so far as the Great Western is concerned, the conclusion of the Freight Working Group was that, “On the Great Western the view of the Group is that the capacity enhancement provided as part of the Crossrail scheme is, with some minor tweaking, adequate to accommodate predicted freight growth”.

(Mr Smith) That was without any testing of the engineering access or freight ban.

14868. Well, that brings us on, I think, to the last point on capacity which is the freight ban. Perhaps I can ask the Committee to look at Network Rail’s exhibits, page 47.⁵⁵ This is the addendum to the access option policy paper. I assume you have seen this before.

(Mr Smith) We have not seen this before. The first time we saw that was this morning when we were handed a copy of the Network Rail exhibits.

14869. What this says, in essence, is that there is no longer intended to be any freight ban by reason of Crossrail. Yes?

(Mr Smith) That is what it says.

14870. There is no equivocation about that, is there?

(Mr Smith) Correct.

14871. **Mr George:** Is that a commitment?

14872. **Ms Lieven:** Yes, that is what it says, that the document is a commitment. Access option—your EWS23, which is page 73 of your exhibits, this is where you have set out a number of points about the access option, most of which, I think, have already been dealt with and I can come back to them in closing, but there is one point I wanted to ask you about under “Duration”.⁵⁶ You say here that the access option would confer rights of capacity for 30 years, whereas other train operators have been permitted track access contracts only over a much shorter period, and 10 years in the case of EWS. You say, “This conflicts with European law which prohibits the granting of access agreements greater than 10 years unless there are exceptional circumstances, which is not the case with Crossrail”. Do you see that?

(Mr Smith) Yes.

14873. I think the provision that you are referring to is paragraph 18 of the Railway Infrastructure (Access and Management) Regulations 2005 and the

relevant provision is 18(9).⁵⁷ I am sorry to burden the Committee with a matter such as this. It is quite important to understand the context of the words “exceptional circumstances”. What that says is, “The framework agreement for a period in excess of 10 years may only be made in exceptional circumstances”, so far so correct, Mr Smith, “in particular where there is large-scale and long-term investment and particularly where such investment is covered by contractual commitments”. Now, can we agree that the Crossrail project is both a large-scale and a long-term investment?

(Mr Smith) That is a subjective comment whether it is long-term or large-scale and also there is a mile of difference between 10 years and 30 years, quite a few years in between.

14874. Yes, there is an element of subjectivity in it, Mr Smith, but I would have thought we could agree that a £10 billion project was a large-scale project, could we not?

(Mr Smith) There are large-scale projects throughout the railway network, including, for example, the upgrading of the West Coast Main Line which cost in excess of £10 billion, but I am not aware that the operator there was seeking a 30-year access agreement.

14875. So you would not be prepared to agree that Crossrail was a large-scale and long-term investment?

(Mr Smith) I am saying that there are many large-scale and long-term investments and that the length of contract associated with those varies considerably.

14876. Finally, Mr Smith, site specifics. I am not going to go through the sites, but it is a fact, is it not, that EWS and Crossrail have had a number of meetings about particular sites and, in particular, two meetings in March and April where we went through with you site by site what we needed to do on each site and what interests we needed to take?

(Mr Smith) You did that up to a point, but, as you were saying earlier on, a number of designs are not yet completed, so you were unable to be absolutely specific about the works on each site.

14877. No, but it would be quite wrong for the Committee to go away with the impression that until you came here today you had no idea as to what parts of the sites we wanted and how long we wanted them for, would it?

(Mr Smith) It varies from site to site.

14878. I will ask Mr Berryman to give further information on that. Thank you very much, Mr Smith.

⁵⁴ Crossrail Ref: P106, Crossrail Timetable Working Group, Further Work (LINEWD-GEN13-008).

⁵⁵ Crossrail Ref: P106, Crossrail Access Option—A Policy Paper: Addendum, May 2006 (LINEWD-21605-047).

⁵⁶ Committee Ref: A168, The proposed Access Option as set out in the Access Option Policy Paper, DfT, 30 March 2006: EWS objections (LINEWD-19605-073).

⁵⁷ Crossrail Ref: P106, Framework agreements, Railway Infrastructure Access and Management Regulations 2005 (S.I., 2005 No. 3049), www.opsi.gov.uk (SCN-20060711-005).

The Petition of English Welsh & Scottish Railway Ltd

Re-examined by **Mr George**

14879. **Mr George:** Mr Smith, if I take Langley and Slough, have you and EWS the slightest idea what precisely is required, which part of the sites and for how long?

(Mr Smith) They are two of the sites where we do not have an idea of what is wanted and for how long or where.

14880. Next could we put up EWS15 for a moment please.⁵⁸ In the right-hand column with the question mark, you show your concerns about the position in 2015 with freight.

(Mr Smith) Yes.

14881. Do you recall from last week any cross-examination on any of those issues by the Crossrail team, them cross-examining any witness in relation to any of those matters?

(Mr Smith) I am not aware of that.

14882. Could we put up please, from the Timetable Working Group Report, page 24 which those of the Committee who were present last Tuesday morning may recollect.⁵⁹ Looking here at the Great Eastern and in the down position, ie, going east, first of all, that shows the breakdown hour by hour. Has such hour-by-hour work been done for the Great Western at all?

(Mr Smith) It has not.

14883. If we look at the hatched columns on the right-hand side, we can see the deficiency of eight going up to 16—do you see that—on Stratford to Shenfield?

(Mr Smith) I see that.

14884. That is a worsening with Crossrail of eight freight paths and at the lower part of the table on Stratford to Barking going from 15 to 23, another worsening of eight paths. Do you see that?

(Mr Smith) I do.

14885. Are you concerned about those matters and should the Committee be concerned about those matters?

(Mr Smith) I am extremely concerned because a situation where we already have a busy railway and a high demand for passengers and freight is going to be made even worse by the introduction of Crossrail services to the point where it will be impossible for Crossrail, other passenger services and freight to co-exist.

14886. If it was considered appropriate for the Committee to hear from Mr Watson about the progress so far made by the Timetable Working

Group, can you see any reason why the Committee should not have information also on the matters which are on the right-hand side of your EWS15?

(Mr Smith) There is no reason at all. Mr Watson is an independent Chairman who is respected throughout the industry and his evidence, I am sure, will throw some light on these issues.

14887. Whoever does the timetabling, do you require to be consulted and involved and able to have an input and to monitor it?

(Mr Smith) We have to be as heavily involved as we are with other timetabling of the network, including the West Coast Main Line example I gave where our timetablers were involved day by day for a period of nearly two years in producing a timetable that was acceptable to all parties. It is not acceptable for one party, whoever they are, to do timetabling in a darkened room and then to come out and hand it around for comment. Everybody has to participate so as to produce a timetable which every operator on the network is content with. We have a precedent for that and I am sure we can do that again.

14888. **Mr George:** Thank you, Mr Smith. Sir, I have no further questions.

14889. **Mr Liddell-Grainger:** Mr George, thank you very much indeed. Mr Smith, you may step down.

The witness withdrew

14890. **Mr George:** Sir, my next witness is Mr Nigel Oatway.

Mr Nigel Oatway, sworn

Examined by **Mr George**

14891. **Mr George:** You are Nigel Oatway. Is that right?

(Mr Oatway) I am.

14892. What position do you hold with EWS?

(Mr Oatway) I am EWS's Access Manager.

14893. Can you briefly explain to the Committee what that involves you in?

(Mr Oatway) Yes, I am responsible mainly for managing our track access agreement with Network Rail for running our freight services on the network. I am also heavily involved in regulatory matters and I am also involved in any matters dealing with the Network Code which is the industry set of rules that is incorporated by reference into every track access agreement which all operators have to abide by and Network Rail.

14894. I think you are only going to deal with one matter and that is compensation for temporary disruption. Is that right?

(Mr Oatway) That is correct.

14895. Could you explain your concern to the Committee?

⁵⁸ Committee Ref: A168 Industry Timetable Work Group progress (LINEWD-19605-054).

⁵⁹ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-024).

The Petition of English Welsh & Scottish Railway Ltd

(Mr Oatway) EWS is seriously concerned that it will not be adequately and fairly compensated for the building of Crossrail, the effects of the building of Crossrail on its services, both its current and future services.

14896. Why are you so concerned?

(Mr Oatway) Mainly we are concerned because there are certain items which we would not be compensated for under the industry standard procedures which we believe Crossrail has said that they would expect to be followed in the cases of compensation for disruption due to the building of the project.

14897. So that we are absolutely clear, you are not dealing at all with land compensation, are you?

(Mr Oatway) I am not dealing with land compensation at all, no.

14898. Can you explain what you understand to be the Promoter's position and why you regard it as unsatisfactory and leaving EWS exposed?

(Mr Oatway) Firstly, I understand that the industry mechanisms will apply whether or not the access option or the railway Bill powers are used, secondly, where there is a standard industry mechanism, that mechanism will be used and, thirdly, where an industry mechanism does not exist at present, one will be drawn up and used to provide compensation in those circumstances.

14899. Are you content with that arrangement?

(Mr Oatway) No. Paper H2 that Crossrail has issued as part of its consultation package basically says that there are only two examples where they believe that a bespoke compensation regime would need to be adopted and drawn up.⁶⁰ The first one would be in the case of where pre-existing access rights of train operators conflict with Crossrail's proposed access rights, in which case those access rights would be either extinguished or amended in some way and there would be compensation paid in those circumstances. The second mechanism would be for the removal of a train operator's right to veto what is known in the industry as a 'network change proposal' if Crossrail sought to use the Bill powers to remove a train operator's veto, in which case compensation would be payable in those circumstances as well.

14900. You welcome those two concessions, but what you say is that there is a need for further bespoke adjustments to the compensation system?

(Mr Oatway) That is right and that is to meet Crossrail's intention, as I understand it to be, that operators will be compensated on a no net loss, no net gain basis for the building of the project and that is the criterion that certainly we would support.

14901. Why is it that you consider that the standard industry compensation regime is inadequate for the Crossrail project?

(Mr Oatway) I believe there are five points I want to raise here quickly. The first one is that the standard industry mechanism, known as the 'network change procedure', where train operators are compensated for enhancements to the network, this does not include changes of a temporary nature, of an operational nature which do not last for longer than six months in duration. We believe that the Crossrail project would involve many of these types of operational disruptions and, as they are not compensated under the industry standard procedure of network change, we will not receive compensation for those temporary disruptions.

14902. Were the standard railway industry compensation regimes drawn up having in mind schemes such as Crossrail?

(Mr Oatway) The normal standard industry mechanisms are enshrined in our track access agreements, known in the railway industry as the 'Schedule 4 possessions regime' and the 'Schedule 8 performance regime'. As far as freight is concerned, those regimes were designed to ensure that freight operators would only receive compensation for planning failures by Network Rail, so if they planned possessions at short notice and that caused disruption to our services, we would get liquidated damages for those, not full costs and losses, just liquidated damages. Therefore, those types of issues where under Crossrail the possessions would be planned a long time in advance, ie, they would be pre-planned, as we would expect with a project the size of Crossrail, EWS and other freight operators would not receive compensation for those possessions under the standard industry possessions regime.

14903. You set out this matter in some detail in EWS25 which I am not going to take you through in detail, but, for instance, you have just been referring to Schedules 4 and 8 and that matter is all explained, is it not, in EWS25?

(Mr Oatway) Yes, that is correct.

14904. If we could put up EWS26 please, you are showing there, are you not, some of the heads of claim, ie, some of the areas of loss which you might suffer and which you are anxious to make sure that compensation is provided for?⁶¹

(Mr Oatway) These are typical areas of heads of losses that a freight operator would expect to incur where there is disruption or planned disruption of the network.

14905. I think there are five areas you have mentioned. Can you quite briefly just explain to the Committee the five areas where you feel that EWS is threatened and ought to be given special protection?

(Mr Oatway) The first one I went through just now which is disruptions of a temporary operational nature which are not compensated for under the network change procedure as it stands at the

⁶⁰ Crossrail Information Paper H2—Railway Compensation, billdocuments.crossrail.co.uk

⁶¹ Committee Ref: A168, Non-Compensatable Disruption Losses (LINEWD-19605-081).

The Petition of English Welsh & Scottish Railway Ltd

moment. The second one, which is in some respects the most serious, is that under the network change procedure there is a provision known as 'G5'.

14906. Just pause there because this is not familiar to everyone. Could we put up EWS27 because, as you say, this is one of the most important points and it is a point where we are hoping that Ms Lieven, on behalf of Crossrail, may be able to give some assistance.⁶² There we have condition G5, "Changes imposed by competent authorities", and where Network Rail implements a network change as a result of any change of law, then compensation is not payable. Is that right?

(Mr Oatway) That is correct, yes. Costs and losses lie where they fall.

14907. The issue is whether the Crossrail Bill becoming an Act is going to be any change of law for condition G5. Now, what have you been told so far by Crossrail?

(Mr Oatway) So far we have received a letter from the Department basically saying that they would not expect G5 to be activated or invoked.

14908. That is a letter of 20 June sent to Mr Smith from a Mr Anthony Ferguson of the Crossrail Bill Division saying that the Department would not expect clause G5 to be exercised, but that is their expectation. What is it you are seeking?

(Mr Oatway) Well, we are seeking a strict undertaking that it will not be invoked because an expectation just falling some way short of that and given the seriousness of if G5 is invoked, it would imply that EWS would not receive any compensation at all for the implementation of the building of the Crossrail project which leaves us very, very concerned indeed.

14909. What is the third area?

(Mr Oatway) The third area is another one that is very concerning. It is the implication that Crossrail could invoke the Bill powers to change in some way Part G, ie, the network change procedure, to amend its effects. It has basically got powers or it is seeking powers to be able to do that, so it could, through those powers, change some of the abilities for EWS to be able to object to the detail of such schemes which obviously have not been drawn up yet.

14910. And the fourth matter?

(Mr Oatway) The fourth matter is one I touched on earlier which is basically about pre-planned possessions. Unlike franchise passenger operators, freight operators are only compensated, and only then with a liquidated sum, for short-notice possessions. Crossrail possessions are likely to be planned well enough in advance to mean that EWS would not receive any compensation through its Schedule 4 regime in its track access agreement which is the standard industry mechanism.

14911. And the fifth matter?

(Mr Oatway) The fifth matter is about compensation for access into our depots, sidings, access to stations and to other facilities along the network. Again we do not believe the standard industry mechanisms are sufficient to be able to give us full compensation on a no net loss, no net gain basis.

14912. Those are the five areas. Can we just come back to the third area which is the intention to prevent operators from blocking a Crossrail-related network change. Why do you find that objectionable?

(Mr Oatway) Well, basically Crossrail, as I understand it, have said that they do not believe that operators should have the veto to block any Crossrail network changes because of the parliamentary procedure that is currently taking place, ie this procedure, being part of that and, therefore, once Parliament has said that Crossrail should go ahead, then it should go ahead. Now, we do not dispute that once that process is gone through, the principle of Crossrail going ahead is not something that we would find we would need to veto. However, the concern we have got is the fact that there are more ways to implement things than just one and there will be lots of individual network changes no doubt coming out of this project and if some of that detail is not of sufficient comfort to us, then we would seek to rely on our current right under the standard industry mechanisms of being able to challenge that and having any disputes independently arbitrated.

14913. Your conclusion then on the application of standard industry compensation entitlements for freight?

(Mr Oatway) My overall conclusion is that basically we are satisfied that compensation on a no net loss, no net gain basis, which Crossrail has indicated in page H2, is sufficient for our purposes. What is not sufficient is the fact that the current standard industry procedures for freight do not compensate freight operators on a no net loss, no net gain basis and, therefore, we are seeking to have a bespoke measure to be able to top up that compensation so that we are held blameless for the effects of Crossrail.

14914. Do you see a potential for really quite considerable losses as a result, for instance, of temporary speed restrictions and the like?

(Mr Oatway) Yes. As Mr Smith said earlier on, our trains travel across the whole network, across the whole country and just a small delay on one part of the network can have a domino effect by the time that train reaches other parts of the network. If there are many disruptions in the London area, that will ripple across the whole network and eventually our customers will be very concerned and angry that EWS is not providing the performance and timings of the trains that it is committed to, which could then lead to loss of customer confidence and loss of contracts.

⁶² Committee Ref: A168, Condition G5—Changes imposed by competent authorities (LINEWD-19605-082).

The Petition of English Welsh & Scottish Railway Ltd

14915. Mr Oatway, is there anything unusual in legislation making special provision for the compensation consequences of work such as this?

(Mr Oatway) No, I do not believe there is. There are a couple of examples that have occurred in the past which I would like to touch upon and bring the Committee's attention to. The first one is to do with the CTRL project. When the CTRL project was being put through back in 1996, a bespoke provision was inserted into all affected operators' track access agreements which would enable those operators to receive full compensation for any disruptions that the CTRL project would have on their services that affected Network Rail's network. That would take out any dubiety over whether any disruption would last less than six months or over six months. You would be satisfied and confident that you would be fully compensated for any of those disruptions.

14916. So far as the CTRL Act—we know that those works are now getting towards completion—what was the position about when you had a temporary speed restriction lasting for not less than six months? Was compensation paid?

(Mr Oatway) Yes. It enabled EWS to claim compensation for the effects of that speed restriction on similar terms to what the network change procedure would have given had they constituted network change.

14917. That is the sort of provision which you think ought to be put into this Act as well?

(Mr Oatway) I believe so.

14918. Secondly, you refer to the East London line extension, exhibit EWS 28.⁶³ The East London Line is a new extension of a railway in London. It is done under a Transport and Works Order under the 1992 Transport and Works Act rather than a Bill but it includes, does it not, provisions such as you would seek to be inserted into the Crossrail Bill?

(Mr Oatway) It does. The East London line is typical of these types of third party schemes affecting Network Rail's network.

14919. The next page of the exhibit should be schedule 11.⁶⁴ There is a black line against paragraph 1(2) against relevant costs. We can see that the relevant costs are the costs, direct losses and expenses reasonably incurred by each train operator. Is EWS a train operator?

(Mr Oatway) Yes, it is.

14920. If we go to pages on to clause 19, it needs to be read with clause 17 above and that is the provision which enables Railtrack and the relevant

train operators to obtain payment of their relevant costs which we have seen previously defined. Is that correct?⁶⁵

(Mr Oatway) That is correct.

14921. It is simply a provision either as in CTRL or as in the East London line to protect you in the circumstances you have identified?

(Mr Oatway) That is right.

14922. Turning to EWS 40, explain to the Committee the three undertakings which you are seeking on page five.⁶⁶ 21 is an undertaking by the Promoter to the Committee or to EWS that network code condition G5 will not be invoked in consequence of the Crossrail Act. That is the legislative change point, is it not, which you have already explained?

(Mr Oatway) That is correct.

14923. It seems that is what the department intends so you are merely asking them to commit themselves to it?

(Mr Oatway) That is right.

14924. Could you explain 22? The first thing is that there are some words that need to be added. After "is entitled" in the penultimate line, we need to add the words "or the method by which it is calculated."

(Mr Oatway) That is correct.

14925. Could you explain that undertaking to the Committee?

(Mr Oatway) This goes back to what I touched on earlier. Currently, when network changes are drawn up and formally proposed in detail, there are many different ways of implementing something. We want an undertaking—we are looking for the Committee's help here—in trying to ensure that Crossrail will not be able to override or remove the ability for EWS as a train operator to be able to object to the detail of the scheme rather than the principle; or to object if there was any dispute over the amount of compensation which is another right we have at the moment; or the method by which that compensation is calculated. We currently enjoy that right and we would like an undertaking from the Promoter that they would not seek to overturn that right, as we believe they have implied so far.

14926. So far as independent adjudication, would that also be part of the matter?

(Mr Oatway) Absolutely, yes. As Graham Smith mentioned earlier, it is crucial to confidence within the industry that any disputes can be resolved by an independent arbitrator rather than somebody who has an interest in one party or the other.

⁶³ Committee Ref: A168, The London Underground (East London Line Extension) (No. 2) Order 2001 (S.I., 2001, No. 3682), www.opsi.gov.uk (LINEWD-19605-083)

⁶⁴ Committee Ref: A168, Schedule 11, Protection for Railtrack, The London Underground (East London Line Extension) (No. 2) Order 2001 (S.I., 2001, No. 3682), www.opsi.gov.uk (SCN-20060711-006)

⁶⁵ Committee Ref: A168, Schedule 11, Protection for Railtrack, The London Underground (East London Line Extension) (No. 2) Order 2001 (S.I., 2001, No. 3682), www.opsi.gov.uk (SCN-20060711-07)

⁶⁶ Committee Ref: A168, Requests for Decision, Compensation for temporary disruption (LINEWD-19605-100).

 The Petition of English Welsh & Scottish Railway Ltd

14927. That is the position under the ordinary code and you are simply asking that it be maintained for Crossrail?

(Mr Oatway) That is correct.

14928. Undertaking 23 goes to the CTRL and the East London line point, an undertaking by the Promoter to the Committee or to EWS that the Promoter will develop and operate a bespoke compensation regime covering all other losses freight train operators may suffer in line with the precedent given in EWS 28—ie, those losses not covered by network change or the other existing mechanisms—such that the freight train operators receive compensation for all other costs, direct costs and expenses including loss of revenue reasonably incurred by them as a consequence of any restriction of the use of Network Rail railway network as a result of construction of the Crossrail works.

(Mr Oatway) That is right. We believe that undertaking is essential to enable EWS to be compensated on a no net cost/no net gain basis as was intended by Crossrail's H2 paper.⁶⁷

14929. You are not seeking any sort of double compensation, are you?

(Mr Oatway) No, absolutely not. I can categorically say that we are just looking for compensation on a no net cost/no net gain basis—ie, we are looking to be held harmless for the effects of Crossrail on our services.

14930. Undertaking 21 was about G5. What is the possibility that Network Rail might invoke condition G5?

(Mr Oatway) This is the other concern we have because obviously when network changes are proposed they are normally proposed by Network Rail in most cases. If the department gives us an undertaking or the Promoter give us an undertaking that they will not implement G5, we would hope that Network Rail would give the same undertaking because without that we would still not have the same confidence that it will not be invoked when the time comes.

14931. What is G5 aimed at? When it refers to legislative change, is that a change like a health and safety change under the Act or something like that?

(Mr Oatway) That is correct, if there is a proposal, for example, which affects the whole industry network so it includes changes to trains and track and operators. Network Rail are instructed by the Health and Safety Executive—now the ORR as they have taken on that role—to implement safety procedures. We would expect that each operator or Network Rail would cover the costs of that in their own respect.

Cross-examined by Ms Lieven

14932. So far as your first point is concerned that the compensation provisions for enhancements do not include temporary changes for less than six months,

as I understand it, what you are seeking compensation for is over and above that which you would get under normal industry processes.

(Mr Oatway) Yes. We want compensation on a no net cost/no net gain basis.

14933. It is compensation that you would not get if works were carried out by Network Rail under normal powers.

(Mr Oatway) If they came under the definition of an operational change of less than six months, that is correct.

14934. For instance, works on the West Coast Main Line which your own witness, Mr Smith, was keen to say were as extensive and more expensive than Crossrail. If that project was done again by Network Rail your clients would not get any compensation for network changes that interrupted services for less than six months.

(Mr Oatway) If it was done by Network Rail, but one important point is that under the normal industry processes any disruption that gets proposed through the industry procedures we have a right to object to and have it independently arbitrated; whereas in this particular case of Crossrail under the Bill powers it looks like those rights and concerns will be overridden.

14935. So far as the second point is concerned, invoking G5, can I say to the Committee it is not the Promoter's intention to invoke G5. I hope that gives some comfort on that point because there seemed to be some confusion.

(Mr Oatway) If that is as good as an undertaking—

14936. **Ms Lieven:** It is a statement to the Committee which the Secretary of State can be held to so I suspect it is as good as an undertaking.

14937. **Mr Liddell-Grainger:** I think the point is taken on board.

14938. **Ms Lieven:** So far as the third point is concerned, do you have a copy of our information paper on railway compensation, H2?⁶⁸

(Mr Oatway) I believe I have.

14939. In the appendix at page five we deal with standard industry compensation arrangements. I assume you have read this?

(Mr Oatway) Absolutely.

14940. At paragraph six of the appendix we come to the network change procedure. In the box at the bottom, 6.2, we set out the compensation provisions that are payable as a result of a network change. As a train operator, without reading it all through, you will be entitled to compensation for a network change that lasts for more than six months.

⁶⁷ Crossrail Information Paper H2—Railway Compensation, billdocuments.crossrail.co.uk

⁶⁸ Crossrail Information Paper H2—Railway Compensation, billdocuments.crossrail.co.uk

The Petition of English Welsh & Scottish Railway Ltd

(*Mr Oatway*) Yes, there is no dispute about that.

14941. So far as the other points are concerned, I will deal with them in submissions, if I may.

Re-examined by Mr George

14942. If special provision was appropriate for the CTRL, can you imagine any reason why it should not be appropriate for Crossrail?

(*Mr Oatway*) Not at all, given the last paragraph of H2 which I believe says something like, "In all cases compensation should be payable on a no net cost/no net gain basis."

14943. When the network change provisions were negotiated which anticipated no compensation for interference of less than six months' duration, did they have in mind major infrastructure projects?

(*Mr Oatway*) Not that would be carried out by third parties at the instigation of third parties, which is why I believe there are all these protective provisions and thing like the East London Order, CTRL, *et cetera*.

The witness withdrew

Mr David Knapman, Sworn

Examined by **Mr George**

14944. You are David Knapman and could you explain to the Committee the position you hold?

(*Mr Knapman*) I am an economist and I hold the position of technical director in the Environment Group at Capita Symonds Limited which is a consultancy. I have worked for Capita Symonds and its predecessor company since 1998 and during that time the main focus of my work has been on environmental policy, environmental sustainability assessment, aggregates, waste and energy. Prior to working for Capita Symonds I worked for 13 years in the general commercial sector.

14945. **Mr George:** Can we put up on the screen EWS 30.⁶⁹

(*Mr Knapman*) This covers the principal points which I shall cover in my evidence. They are essentially the consequences for two very important groups of clients of the rail freight industry, namely the producers and users of construction aggregates. In the exhibit I have listed the points to be covered which are three. Firstly, that rail transport plays a central role in supplying London with a full range of aggregate materials, and users of aggregate cannot generally substitute one material for another because they fulfil very different roles. Secondly, that the Great Western Main Line is crucial to aggregate supplies, not just in West London, but throughout the rest of London and the Home Counties. Thirdly, I shall touch on the point that the powers in the Crossrail Bill relating to access have been ignored in

the assessment of scheme impacts, which goes directly against relevant guidance from Government.

14946. **Mr George:** We are going to come back to that in a moment, but can you indicate straightaway what is the relevant guidance you are going to be referring to?

(*Mr Knapman*) I shall refer in particular to the guidance on regulatory impact assessment because whereas environmental impact assessment is an established procedure, regulatory impact assessment is less known to an awful lot of people, but it is directly relevant to this case.

14947. **Mr George:** Has there been a so-called regulatory impact assessment done by the Promoters for Crossrail?

(*Mr Knapman*) Yes, there has.

14948. **Mr George:** Is the whole topic of regulatory impact assessment one in which you have had personal involvement?

(*Mr Knapman*) I have had involvement in this. I have undertaken what is called the business impact assessment for the European Commission on the proposed Mining Waste Directive and I have also undertaken a regulatory impact assessment at the preliminary stage for Government departments in this country on secondary legislation matters.

14949. **Mr George:** To what extent is this concerned with the protection of individual's rights?

(*Mr Knapman*) Essentially the principle is to look at who may be affected by a piece of either regulation or legislation or some other business of that type. The purpose being to see who will be affected and whether their private rights will be adversely or positively impacted by the legislation concerned, and to look at building the considerations of how that is effected into the choice of options when working out how objectives shall be attained.

14950. **Mr George:** We will come back to that in a moment. Can we turn now to the question of flow volumes and the overall market for construction aggregate in London?

(*Mr Knapman*) If I can, can I ask for exhibit EWS2 to be put up briefly again, please.⁷⁰ This has already been shown by Graham Smith during his evidence. The point it makes, because it is dealing with tonnage rather than tonne kilometres, is the fact that the largest flow of freight into London is construction aggregate and associated construction materials. There are other important flows, as have been mentioned: Fuel, cars, car components and waste leaving London for treatment and disposal at remote sites. West London in particular relies extremely heavily on having freight capacity on the Great Western Main Line in order to manage its household waste. What Graham Smith was saying in relation to this was to emphasise the extent of the

⁶⁹ Committee Ref: A168, Issues relating to aggregates (LINEWD-19605-084).

⁷⁰ Committee Ref: A168, Current EWS freight flows into/through London, with relevant terminal locations (LINEWD-19605-002).

 The Petition of English Welsh & Scottish Railway Ltd

freight network and the relative importance of the different links in network for all freight carried by EWS over the last three years or so. It also shows the very wide area over which any disruption to the Great Western Main Line would be felt or the threat of such disruption. The reason why that disruption would be so widespread is that such a significant proportion of the total freight which enters London, and not just from the West, is handled at Acton yard. Some aggregate is distributed to customers by rail through Acton as we have heard, but most is carried on to rail depots elsewhere in London and the Home Counties. The amount of aggregate which is used in London varies from year to year, and this is obviously influenced by the particular state of the economy and the stage reached by major construction projects, such as Heathrow Terminal 5 or Wembley Stadium or the Channel Tunnel Rail-link or Stratford City or the 2012 Olympics or works on the M25. These will all affect where the materials are going and in what volumes at any particular time. Quite a lot of primary aggregate is used to manufacture concrete and concrete products and coated road-stone or alternatively to assemble aggregate mixtures which are effectively defined by industry-wide standards. Each manufactured product requires a different balance between the different size fractions of coarse aggregate, such as crushed rock and sand, and some applications require very specific types of stone or sand. The key point being that there is limited scope for substituting, for instance, crushed rock for sand or vice versa. As the Committee will no doubt be aware, these days much of the less demanding applications for aggregate are satisfied by recycled aggregates, particularly within London. It is true to say that almost all of the demolition waste arising in London, which is of a quality suitable for processing back into aggregate, is already recycled and used in that way, so there is very little spare capacity for replacing materials which are currently brought in as primary aggregate. We have carried out a series of discussions with leading aggregate companies, the Quarry Product Association, Mendip Rail and others, and confirmed that in a typical year roughly 6.6 million tonnes of aggregate associated with construction materials is mostly unprocessed aggregate, ie unmixed loads of stone or sand or mixed sand and gravel and is carried into and around London by rail. Very close to 5 million tonnes of that is used within London itself. Can I have exhibit EWS31, please.⁷¹ There are two bars charts here which comprise this exhibit. They show where the current flows of constructing aggregate come from and where they go and the extent to which London's construction industry presently relies on the Great Western Main Line. Can we have the whole of the exhibit showing because the first key point to make is that whereas the upper bar chart shows the total supply, the lower bar chart shows what would happen if aggregate could not have access to the Great Western Main Line. That lower

bar chart is the sum total of material which is carried without touching on the Great Western Main Line at some point in its journey. That is about 940,000 tonnes as opposed to the 6.6 million tonnes in the upper chart. That is a very important point to start with. If we can move to exhibit EWS32, that is a larger version of the upper bar chart which has more information on it.⁷² This basically represents the current situation, and what you will see is the green section of each bar there is showing the 61% of total aggregate coming in by rail which comes from the South-West and we are talking here primarily about the Mendip bit but not solely. In the blue section, you can see that 17.2% of the total aggregate used in and around London comes from the Thames Gateway and most of it from wharves in East London. The yellow and red sections, we have got 16.1% from the East Midlands and 5.2% from Wales and the West of England. You will recall that you have got aggregate coming all the way down from places in north Wales. The four central bars flanked by the suburbs are the four areas of London which draw on aggregate coming into London and the five million tonnes of aggregate by rail used in London itself is dominated by 3.1 million tonnes used in West London. Those other outer bars are showing that you have got depots throughout the Home Counties which rely on the railway industry to deliver aggregate. We have got material going down to Kent and elsewhere which cannot get there without going along the Great Western Main Line. There are two specific flows which I picked out with the associated text boxes to illustrate the extent to which we are talking about the integrated system here. You have got 700,000 tonnes a year of crushed rock from the Mendips for use in East London. You have got very close to an identical tonnage coming the other way in the form of dredge sand and gravel landed at wharves in the Thames Estuary and then carried by rail across the east in West London, this is the point saying that you cannot do everything with crushed rock, you cannot do everything with sand and gravel, and you need a mixture of the two. We rely upon the rail system in order to achieve that balance in different spacial areas within London. None of those flows could reach their destination by rail without having access to the Great Western Main Line. If I can have exhibit EWS33.⁷³ I shall pay a little more attention to the eight depots which are specifically serving West London. What we have shown here are the entire rail served aggregate depots in London, particularly the eight in West London. As you will see, those eight going from West to East are Colnbrook, Thorney Mill, two at West Drayton, Hayes, Brentford, Acton and Paddington. Three of those are not on the Great Western itself but you cannot get to Thorney Mill or Colnbrook or Brentford without using the Great Western Main Line, they absolutely rely on access to

⁷¹ Committee Ref: A168, Origins and destinations of current rail-borne aggregate flows into/through London (LINEWD-19605-085).

⁷² Committee Ref: A168, Origins and destinations of current rail-borne aggregate flows into/through London (LINEWD-19605-086).

⁷³ Committee Ref: A168, Current freight routes into/through London, with relevant terminal locations and aggregate processing plants (LINEWD-19605-087).

The Petition of English Welsh & Scottish Railway Ltd

the Great Western in order to get material there. These particular depots not only provide dry aggregate, which it is called, to their customers, they are also associated with manufacturing plants, four of them being associated with manufacturing plants for coated road stone. You may recall from the Petition which you received that there is another plant which has the benefit of planning approval for another site so that will produce a fifth location out of Colnbrook. Seven of the eight depots have directly associated concrete plants. If we turn to exhibit EWS34, we can see some of the key contributions made by these depots.⁷⁴ I do not want to read word for word through each of those, I want to pick out a couple of key points from there. These eight depots which are entirely reliant on the Great Western Main Line represent close to a quarter of the entire primary aggregate supply infrastructure of London. Four of them, coating plants, have a combined output of over a million tonnes a year of coated road-stone, the M25, the London section of the M4 and effectively the rest of West London's rail infrastructure depends on these. You will see that there are only a few other coated road-stone plants elsewhere most of them being in East London. Seven of the depots have concrete manufacturing plants which between them convert something half a million tonnes of aggregate a year into 275,000 cubic metres—

14951. **Mr Liddell-Grainger:** Can I ask, EWS delivers to all these parts?

(Mr Knapman) EWS currently delivers to most of these plants. One of the companies has recently switched its supply agreement from EWS to Freightliner, in fact they may still be being supplied by EWS, if not still, then until extremely recently they were, yes.

14952. **Mr Liddell-Grainger:** All the ones you were talking about are being supplied by EWS?

(Mr Knapman) Correct.

14953. **Ms Lieven:** Sir, I hesitate to interrupt, and please tell me if this is unwelcome, but it might be worth saying that Mr Berryman informs me, and it is certainly my instructions, that we agree with every word Mr Knapman has said so far about the importance of rail freight on the Great Western and indeed we are spending a million pounds to help. Of course, if the Committee needs to hear the evidence and Mr George needs to present it, we quite understand, but this is all agreed and it might be possible to short-circuit matters a little.

14954. **Mr George:** We are going at a very fast speed and we are going to only detain the Committee for a very short while, but it is essential to one of the points which I opened with in my Petition. In my submission it is appropriate that the Committee have some evidence but not too much evidence. That is why I say we are taking it very briefly and we are going to be through this topic in just a moment.

14955. **Mr Liddell-Grainger:** I do accept what you are saying, but I also accept Ms Lieven's point but we have the Freightliner Group and Mendip Rail represented by yourself coming next. I hope you are not going to go over this again.

14956. **Mr George:** Certainly not That is why the witness, who is dealing with this matter, is particularly dealing with it in the context of EWS and, therefore, it will not be necessary for the same evidence to be given again by Freightliner who, in any event, are very much less concerned with aggregates; they are into containers; and therefore the Committee is not going to be troubled by the same matter a second time.

14957. **Mr Liddell-Grainger:** Given that is the case and Ms Lieven agrees with everything that has been said, what is new; what is going to be the difference?

14958. **Mr George:** I did not know until we had given some evidence that Ms Lieven agreed. I agree, that is splendid and Ms Lieven will not have to cross-examine on it, but it is not a reason for not leading evidence. It may be that Crossrail then say, "We agree with your evidence on that matter"; but until I have led the evidence we cannot tell.

14959. **Mr Liddell-Grainger:** I think the Clerk is quite right. Exactly what do you want? We are delighted to hear that stuff is coming from the Mendips, that is rather personal to me, and long may it continue. What actually do you want?

14960. **Mr George:** What we want is the matters which are in the undertakings which we have already sought through Mr Smith. The importance of the undertakings which he sought in respect of both the land matters and in respect of the capacity matters are integrally linked to their importance not just to EWS but also to their particular customers and suppliers who, in the end, provide the income of EWS.

14961. **Mr Liddell-Grainger:** Mr George, I think we have got the point very clearly. Unless there is something more you want to add, I think the undertakings are before the Committee.

14962. **Mr George:** Very well. Then we will move, if we may—

14963. **Mr Liddell-Grainger:** If that is alright. One thing we do know is that we do not like people repeating, and I know Mr Knapman has not done that, in that respect. If we have covered this part, shall we move on?

14964. **Mr George:** Yes. Can we now move on to the commercial, environmental and sustainability implications of the loss of freight capacity. Again, we will take this as quickly as we can.

(Mr Knapman): The point I would like to make is that the evidence which I have been presenting is intended to demonstrate the degree to which

⁷⁴ Committee Ref: A168, The GWML-served aggregate depots (LINEWD-19605-088).

The Petition of English Welsh & Scottish Railway Ltd

London and the Home Counties rely on the Great Western Main Line. Of course we are agreed on that point. The point on which the Promoters are not so agreed is the fact that the adverse commercial, environmental and sustainability impacts which flow from any significant disruption to the rail freight system have not been adequately addressed, because none of these consequences were even acknowledged in either the Environment Impact Assessment or the Regulatory Impact Assessment carried out in February 2005.

14965. Can we just pause there. On second reading it was said that the Committee should report back on evidence related to any criticisms of the Environmental Statement. Can you just expand the point, then the Committee will have it and we can move on?

(Mr Knapman): When carrying out an Environmental Impact Assessment it is normal to look at both direct and indirect impacts of a project. The assessment which was undertaken was clearly an assessment of the physical scheme which is proposed. I am sure that the professional team which carried out the assessment were given the drawings and looked at what impacts they might have, both direct and indirect, on the people who were going to be immediately affected by the works; but they did not look at the underlying clause in the Bill which effectively allows Crossrail to take rail freight off the map entirely. Whereas one might understand that in the context of an Environmental Impact Assessment, because the Department would, I expect, keep these things under its hat until probably a later stage, there is no excuse at all for the Department failing to take that into account when carrying out its Regulatory Impact Assessment, because they are, after all, specifically enjoined to look at the impacts of whatever they are proposing may have on different groups. The Cabinet Office guidance helpfully puts businesses at the top of the list of groups who should be considered, and tells whoever is proposing legislation or regulation that they should consider how they may be affected, both directly and indirectly, and advises that a helpful approach to take at an early stage is to have informal or even formal consultation with interested groups. I would respectfully submit that the number of Petitioners that you have had from the aggregates industry is a pretty clear indication that no such discussions were held because, as soon as anybody looks at the possibility of being excluded from the network, they can see the ripple effects, the environment, social and economic impact, are going to go very wide indeed. These were not considered at all in either of the assessments.

14966. Mr Knapman, we know—I think it is common ground—that so far the Timetabling Group have looked at the impact of trains going into and out of the various goods yards in the 2015 “with-growth” scenario. You will remember that particular matter?

(Mr Knapman): Yes

14967. If that be the situation, how does that impact on the whole issue of the Regulatory Impact Assessment?

(Mr Knapman): The Regulatory Impact Assessment would normally consider the ways in which certain things are to be achieved, and look at the different options which are on the table, whether they be regulatory or non-regulatory, or by agreement, or by different mechanisms, and see how they are going to have an impact and who is affected by them. You would expect that to inform the choice of mechanism which is put forward. Since that modelling work has not been completed, clearly no-one is in a position really to say what the impacts are going to be. Not only did they not address the fact that there were going to be impacts but they clearly are not in a position so far to say how severe those impacts will be.

14968. Can we turn to the provisions in the Bill. What is the provision in the Bill which has this consequence?

(Mr Knapman): It is the ability of Crossrail to effectively banish freight from the railway. My appreciation of the issue is that it makes Crossrail a much more commercially attractive proposition. Unfortunately it does precisely the opposite for the user of the rail freight service; because if you have this Sword of Damocles hanging over your head you are not going to invest any significant resources in that supply network and this will, in turn, have an impact on customers of that network. Every lack of investment in an established supply network means that the adverse environmental impacts and social impacts which might be brought about by exercising that right are actually brought forward because you are failing to invest in the supply network which supports the rail infrastructure at the moment.

14969. Shall we go to Exhibit EWS36, so we press on, which is the sustainability implications which you have summarised.⁷⁵ What would you like to draw out from this exhibit?

(Mr Knapman): For one thing, I think it important for the Committee to understand that there are very few if any realistic options for switching supplies of crushed rock from the Mendips and East Midlands, which have an established rail network and supporting infrastructure, to alternative sources closer to London. If you lose that supply chain you are not going to find an alternative anywhere more convenient. Historically the Thames Valley was a major supplier of sand and gravel but those reserves have mostly been either worked out or built upon. There is also no other rail route which can come from existing supply points into the Great Western Main Line served depots and their established manufacturing plants by rail. Whereas it might be possible to find alternative ways of doing some of the crushed rock which currently passes through Acton

⁷⁵ Committee Ref: A168, Sustainability implications of a loss of rail freight capacity on the GWML (LINEWD-19605-090).

The Petition of English Welsh & Scottish Railway Ltd

to other parts of London and the Home Counties without passing along the Great Western Main Line, for instance capacity on the South West Main Line is already heavily constrained, even if you were to do this any such rerouting it would have its own environmental and sustainability impacts. Although it is undoubtedly unduly simplistic to say that if the Great Western Main Line was no longer accessible to freight trains all suppliers of aggregates of the west London market would simply switch from rail to road, it is nevertheless likely to be how much of the market will be supplied, with either materials being trucked in direct from quarries or possibly delivered from other less convenient rail heads. Either of those options would boost road congestion and pollution in London. The companies have already looked at the options of hauling aggregate by rail from the Mendips to Theale, which lies as you will know to the west of Reading, with onward transport by road; but the unfortunate fact is that the cost of double-handling makes that a deeply unattractive option. Once the material is on the truck and heading towards London it might as well travel the whole distance. What this means is that in practice the delivered price of aggregate will rise. This, of course, will encourage a shift from the use of aggregate towards other construction materials like steel, wood, glass and so on; but there would also be a general rise on building costs and all of this would impact on London. The principal environmental impacts of a significant switch from rail to road—as we have heard there has been an increase in fuel consumption, matching emissions, greenhouse gases and emissions of other pollutants and noise and vibration. To get a feel for the amount which is involved, every million tonnes of aggregate which is currently delivered by rail, if it was switched to road (and we are talking after all about five million coming into London each year and 6.6 passing through London) each million tonnes would mean if you put it into trucks of 27 tonne payloads, that would be 37,000 two-way truck journeys each year. If you were able to work 52 weeks a year, five days a week, 12 hours a day that is 12 trucks each way—

14970. **Mr Liddell-Grainger:** Mr Knapman, I think we have covered that earlier.

14971. **Mr George:** If we then move on. You have dealt with the consequences of the local shift and the environmental consequences. I think then that brings you to your conclusion. Can I just ask you to address the question of the wider public interest.

(Mr Knapman): The wider public interest is obviously that it affects the users of aggregates throughout London. As it happens the public interest and the private interest coincide in this particular case, because EWS would like to keep carrying materials and their customers would like to keep receiving them; but the public interest would clearly be primarily felt by those who live in the road networks immediately surrounding the quarries and the surrounding aggregate depots as the number of road movements increased.

14972. **Mr George:** Thank you, Mr Knapman.

14973. **Ms Lieven:** I will not counter, sir, but just to say no cross-examination.

The witness withdrew

14974. **Mr George:** Sir, I will now call Professor David O’Keeffe.

Professor David O’Keeffe, Sworn

Examined by **Mr George**

14975. **Mr George:** Can I just introduce you to the Committee. You are Professor David O’Keeffe. Are you a Professor of European Law Emeritus in the University of London; and Professor at the College of Europe, Bruges; and are you Counsel to the Hammonds law firm?

(Professor O’Keeffe): That is right.

14976. What experience have you got with the European Commission?

(Professor O’Keeffe): I have been a member of a high level panel on the implementation of the internal market in the European Commission; and I have also advised various European institutions on European Union law.

14977. If we could put up Exhibit EWS 37, the top part of it, and the top two bullet points, these are the two issues which you are addressing.⁷⁶ Can I, first of all, right at the beginning ask you this: how does this relate to private interests?

(Professor O’Keeffe) I think it is very important to make a distinction between the public law interest and the private law interest because, as I understand it, the remit of the select committee is to discuss the private law interest essentially. Therefore, what we are looking at here is the rights which the operators get directly from European Community law via the channel of the European Communities Act 1972. We are looking at the rights which the operators would be able to enforce before a British court as part of their acquired rights.

14978. Can you introduce the Committee to Directive 2001/14 and why it is relevant to private interests—in this case, the private interest of EWS and other train operators?

(Professor O’Keeffe) The Directive which is amongst the documentation you have—

14979. EWS 38.⁷⁷

(Professor O’Keeffe) It tries to set out the golden rule of what we would call in this country a level playing field—that is to say, transparency, access to infrastructure and a non-discriminatory, neutral type of approach.

⁷⁶ Committee Ref: A168, Compatibility with EU Law (LINEWD-19605-091).

⁷⁷ Committee Ref: A168, Directive 2001/14/EC of the European Parliament and of the Council

The Petition of English Welsh & Scottish Railway Ltd

14980. Can you summarise your comments about the railway matters clauses of the Bill as they are currently drafted?

(Professor O’Keeffe) The problem with the railway matters clauses of the Bill at the moment is that they confer a clear privilege in favour of Crossrail and in particular the overriding duty to exercise access contract functions in such a manner as to facilitate the operation of Crossrail services and the obligation to consider whether precommencement access contracts prejudice the operational principle of Crossrail passenger services appears to run counter to the principle of fair and non-discriminatory access to infrastructure. The real problem as far as I can see is that the starting point of the railway matters clauses—that is to say, to give a privileged position to Crossrail—is already a problem looking at the Directive.

14981. You take five points and they are set out under the heading of “Obligation of Transparency and Fair and Non-Discriminatory Access to the Infrastructure.” The Committee has this slide as 38 and it has the Directive as EWS 39 but we are going to look at your EWS 37. Can you take us through it? **(Professor O’Keeffe)** the first problem arises with recital five of the Directive which sets out what I regard as the golden rule of the Directive to ensure that, when decisions are made on issues such as allocation, priority and so on, it is done in a transparent way and is non-discriminatory and gives non-discriminatory access to rail infrastructure for all railway undertakings. In other words, there should be a complete level playing field. The recital to the Directive is important which, as you know, gives the intention of the legislator when establishing the Directive. Article 5.1 of the Directive starts the substantive obligations.

14982. Let us put up EWS 39, Article 5, 75/34.⁷⁸

(Professor O’Keeffe) The point about Article 5 is it is looking at the services which are the subject of the Directive. What it tries to do is to ensure that railway undertakings shall on a non-discriminatory basis be entitled to the minimum access package and train access to service facilities that are further described. The problem I have with this is that neither the access option nor the Bill appear to guarantee or ensure the minimum access required by Article 5.1 of the Directive.

14983. Turn to Article 14.1.⁷⁹

(Professor O’Keeffe) Article 14.1 is on the capacity allocation. It is one of the crucial points of the Directive. It sets out that infrastructure capacity shall be allocated on a fair and non-discriminatory basis. My problem here is that I find it very difficult to work out how one can say that this is the *a priori* intention of the Directive, that there shall be a fair

and non-discriminatory allocation of infrastructure; whereas at the same time you already have a predisposition in favour of Crossrail.

14984. Can we come to Article 17.2?⁸⁰

(Professor O’Keeffe) Article 17.2 sets an obligation that the framework agreements shall not be such as to preclude the use of relevant infrastructure by other applicants for services. In other words, the whole emphasis on access to the infrastructure. Until we see more, my concern is that at the moment that provision does not appear to have been respected.

14985. The fifth point is Article 30, paragraph two.⁸¹

(Professor O’Keeffe) Here the problem is that we are dealing with the right of appeal to the regulatory body. The whole independence of the regulatory body is one of the key features of the Directive. On the one hand the Directive tries to set up open access, neutrality, et cetera. Obviously a very important counterpart to that is the notion of the independent regulatory body. The problem as I see it is that Article 30, paragraph two of the Directive places quite a lot of emphasis on ensuring a right of appeal to any applicant who has been unfairly treated or discriminated against. This confirmed this whole notion that you find in the Directive of ensuring transparency and fair and non-discriminatory access to rail infrastructure. It seems to me that whereas the right of appeal to the regulatory body is to be found in the Directive and in the UK 2005 regulations implementing the Directive, as far as I can see, it is largely ignored in the Crossrail Bill.

14986. Article 22 has been prayed in aid by Crossrail in relation to the Directive. I think you have some observations on it.

(Professor O’Keeffe) I do not want to become too technical on this but may I refer to the scheduling clauses of the Directive contained in Article 20?⁸² Article 20 says that it does allow for priority to be given but under paragraph two of Article 20 it says that the infrastructure manager may give priority to specific services within the scheduling and coordinating process but only as set out in Articles 22 and 24. When Mr George asked me about Article 22 I wanted to show where we were coming from.⁸³ I think it is quite important to point out to the Committee that we are dealing with a closed list of exceptions and therefore we can only rely on those exceptions. When we look at Article 22 which has been prayed in aid in order to justify derogating from the obligations of the Directive, the problem is that Article 22 has been relied upon but Article 22 concerns a very particular situation, where “After coordination of the requested powers and

⁸⁰ Committee Ref: A168, Directive 2001/14/EC, Article 17.2, Framework agreements, europa.eu.int (SCN-20060711-010).

⁸¹ Committee Ref: A168, Directive 2001/14/EC, Article 30.2, Regulatory body, europa.eu.int (SCN-20060711-011).

⁸² Committee Ref: A168, Directive 2001/14/EC, Article 20, Scheduling, europa.eu.int (SCN-20060711-012).

⁸³ Committee Ref: A168, Directive 2001/14/EC, Article 22, Congested infrastructure, europa.eu.int (SCN-20060711-013).

⁷⁸ Committee Ref: A168, Directive 2001/14/EC, Article 5.1, Services, europa.eu.int (SCN-20060711-008).

⁷⁹ Committee Ref: A168, Directive 2001/14/EC, Article 14.1, Capacity allocation, europa.eu.int (SCN-20060711-009).

 The Petition of English Welsh & Scottish Railway Ltd

consultation with applicants, the infrastructure manager must declare that element of infrastructure on which this has occurred to be congestion. The infrastructure manager would carry out a capacity analysis to deal with congestion. Following such a capacity analysis, the infrastructure manager may employ a priority allocation to allocate infrastructure capacity.” In other words, the Directive does allow a form of priority allocation but the problem is that in this case what the Directive is trying to achieve is a neutral form of consultation. Even if we go through the steps and the consultation, nevertheless the problem remains that Crossrail has the advantage because it is already nominated as the preferred undertaker to be granted priority access rights. In this sense it seems to me that the whole fairness of the consultation procedure which is required under Article 22 of the Directive is called into question because it seems difficult to go through the steps of the consultation procedure and then to say that everyone has been treated equally when the law has already provided that Crossrail is to enjoy a privileged position. Paragraph four of Article 22 specifically underlines the non-discrimination principle here in relation to Article 22.

14987. **Mr Liddell-Grainger:** We will recess now and resit at six o'clock this evening.

Adjourned until 6pm

In the absence of the Chairman, Mr Ian Liddell-Grainger was called to the Chair.

Ordered: That Counsel and Parties be called in.

14988. **Mr Liddell-Grainger:** Mr George?

14989. **Mr George:** Thank you, sir.

Professor David O'Keeffe, recalled

Examined by **Mr George**, continued

14990. Professor, we have on the screen Article 22 which we had been looking at just before the short adjournment and you were dealing then with Article 22(4). Have you concluded all you wanted to say on 22(4)?

(Professor O'Keeffe) I just want to say, sir, that Article 22(4) of the directive highlights again the importance of the principle of non-discrimination in establishing priority criteria when there is a case of congestion.

14991. We ought to look though at 22(5), ought we not, which is also on the screen at the present moment?

(Professor O'Keeffe) Again, sir, I think there is a problem here because the directive is quite clear, number one, in setting up the consultation procedure we discussed before the adjournment, but then we come to paragraph (5) of Article 22 which sets a consideration which must be taken into account when determining priority criteria, and that

is that the importance of freight services and in particular international freight services shall be given adequate consideration in determining priority criteria. Again, the problem here seems to be that, although the directive sets out a very clear procedure for consultation and then states that this must be one of the criteria to be taken into account in determining the criteria, the priority access given to Crossrail predetermines the result of this and because of that it seems very difficult to say that the directive will be complied with when the thrust of the Bill seems to be that the priority in fact is Crossrail.

14992. We come to the last matter on this particular point with Article 22. You took us to Article 20 and showed us that Article 22 was one of the exceptions. Do you believe that Crossrail can fall within the Article 22 exception?

(Professor O'Keeffe) In my view it is very difficult to accept that Crossrail can fall within the Article 22 exception. The reason for this is again that, in light of the whole thrust of the directive which we talked about before that there should be a transparent procedure, open access, basically a level playing field, Article 22 tries to establish priority criteria in line with those principles but the problem is that, even if one goes through all the motions of Article 22—consultation procedure, et cetera, the result seems in a sense to be predetermined so that one cannot adequately take account of the different criteria of paragraph (5). In short I would say that it seems very difficult in the current state of the Bill to say that it adequately carries out the intention of the directive.

14993. Now could we please go back to exhibit EWS37?⁸⁴ You have worked through those three bullet points on the first page. If we turn to the next page you have worked through the other two bullet points there, and so we now come to the issue of “no compelling evidence of exceptional circumstances to justify duration of the framework agreements”. For the purpose of this particular matter we need to have up Article 17(5) of the directive, do we not?⁸⁵

(Professor O'Keeffe) Yes, sir.

14994. Professor O'Keeffe, I give you your head.
(Professor O'Keeffe) Article 17(5) of the directive, which we can see, says that framework agreements shall be in principle for a period of five years. It then goes on to say that the infrastructure manager may agree to a shorter or a longer period in specific cases. I think the relevant part for you, sir, is the third and successive paragraphs which say, “Any period longer than five years shall be justified by the existence of commercial contracts, specialised investments or risks”, and then I would draw particular attention to the last part of paragraph (5) which says that any period longer than five years should be possible only in exceptional cases, in

⁸⁴ Committee Ref: A168, Compatibility with EU Law (LINEWD-19605-091).

⁸⁵ Committee Ref: A168, Directive 2001/14/EC, Article 17.5, Framework agreements, europa.eu.int (SCN-20060711-010).

 The Petition of English Welsh & Scottish Railway Ltd

particular where there is large-scale, long term investment and particularly where such investment is covered by contractual commitments.

14995. May I add for the sake of completeness that there is currently draft legislation before the European institutions, on which there has already been political agreement, to the effect that the standard maximum duration of a framework agreement would be raised from 10 years to 15 years. The way I read this is that if the standard maximum duration is proposed to be increased to 15 years this confirms in my view that the 15-year period will be considered when the new directive comes into force to be a reasonable benchmark and therefore any period exceeding the 15-year period (or under current legislation the ten-year period) needs to be particularly well justified.

14996. Sir, I wonder if it would be helpful to the Committee if I could explain why the directive allows in exceptional circumstances for a duration of longer than 10 years. This is essentially to allow a reasonable but limited period of time to enable investors to obtain a satisfactory return on their investment. Without such an exceptional duration it might be difficult and probably would be difficult to obtain private sector finance in many cases. However, the fact that there is an exceptional duration which may be permitted in exceptional cases is also dictated by what is strictly necessary under normal market conditions. Very importantly, the onus is on the Member State which wants to introduce such an exceptional period of time to show that this is necessary. My experience of the European Commission is that they can be terribly difficult on this and can insist on page upon page of Excel Word sheets to show that a Member State has got it absolutely right. Why I mention this is to show that the Commission does believe that the onus is on the Member State and if one is going for a period of time which is longer than 10 years or, under the proposed new directive, longer than 15 years, there is a very strong burden of proof on the Member State to show that this is necessary having regard to Member conditions, in other words, that the project would not be able to be done without such an excessive duration. This period, obviously, has to be as precise as the market can show.

14997. The problem as I see it is that the access option would grant in favour of Crossrail priority access rights for 30 years. The Crossrail access option does not provide exhaustive figures to justify those 30 years so in that sense what one would be looking for if one were the Commission would be an extremely detailed breakdown on much more advanced figures than are available currently of why 30 years was necessary. There is also a bigger problem. Apart from the 30 years of the access option the bigger problem as I see it is that the Crossrail Bill itself does not contain a clause limiting in time the privileges conferred on Crossrail which are of unlimited duration, and I think that the unlimited duration in the Bill granting the priority to

Crossrail is a clear contravention of Article 17(5) of the directive and undoubtedly is incompatible with the directive. I believe also that the 30-year duration of the access option would be incompatible with the directive unless it is objectively justified and proportionate, as evidenced by the sort of exhaustive market analysis of the incentive or return required to attract private investment.

14998. **Mr George:** Professor O’Keeffe, there is a reference to exceptional cases. What do you say about that?

(Professor O’Keeffe) The reference to exceptional cases is to allow a duration of longer than 10 years or, under the new directive, longer than 15 years in order to allow private investors to obtain a reasonable return on their investment, but again this duration and the return which the private investors can obtain must respect the proportionality principle. One cannot give too much. That would be a form of state aid which is illegal. One cannot give too little because obviously the project might not get done. In other words, what the legislator is looking for here in the directive, and certainly what the European Commission will be looking for, is proof that this was a figure arrived at, the 30-year figure, as a result of convincing evidence to show that such a duration is absolutely necessary, taking account of all market conditions. In particular the Commission would want to know what the financial arrangements are for the participation of private investors, and indeed all other contractual arrangements. I think the Commission would not be content merely with a ball-park figure. The Commission would want to have a real business plan to see what would be the projected return, to see what would be the projected risks, in other words to see whether this is absolutely necessary to attract investors to this project. The point that I wanted to make is that normally when one sees an exception to a rule in a directive one has to provide a detailed justification and so far I have not seen such detailed justification.

14999. Can you just pause there? We understand that the proposal is that Crossrail or the Government applies for this access option some time soon or this autumn. At the present stage are there any contractual commitments?

(Professor O’Keeffe) The problem that I have is that I saw the written statement to Parliament by the Secretary of State for Transport on 27 June 2006 in which he stated that the Government was keeping open the possibility of a contribution to the costs of taking forward Crossrail but that the Government was reserving decisions on the funding of Crossrail until Sir Michael Lyons’s report on the funding of local government finances was concluded. In these circumstances I find it very difficult to come before you and say that enough information is there. If we do not even know what the public financing is going to be and therefore we cannot even guess what the private financing is going to be, we simply cannot tell whether the 30-year duration is justified or not.

 The Petition of English Welsh & Scottish Railway Ltd

15000. Let us now go back to EWS37.⁸⁶ The final bullet point here is independence requirements contained in the directive. For this purpose we need Article 30(1).⁸⁷

(Professor O’Keeffe) And Article 30(2). I mention this as part of the general requirements in relation to fair and non-discriminatory access but also to show that the directive is setting up its own system of appeals, and this is all in the interest of creating an independence which applies between the regulatory body and the regulatory undertaking. The requirement of having such a regulatory body is set out in Article 30(1). As regards Crossrail, Crossrail itself was set up as a Government vehicle, as we know, for the purposes of building the infrastructure and providing the railway services in question. Therefore, it seems to me that the discretionary powers given by the Bill to the Secretary of State would call into question the compatibility of these powers with the independence requirements of the directive. In any event it seems to me to be very difficult to argue that the regulatory body in particular (and also to another extent the infrastructure manager) can comply with their functions in an independent way when these bodies are already tied, if you like, by the priority access rights to be granted to Crossrail. It seems to me that the possibility to appeal and the ability of the regulatory body to make a neutral ruling, which is the whole purpose of Article 30 of the directive, are undermined because the regulatory body in effect is already bound by the Crossrail regulations.

15001. So your final conclusion in respect of compatibility with the directive is what?

(Professor O’Keeffe) My final conclusion is that the Crossrail Bill, and indeed the access option if the Bill were approved as currently drafted, would be incompatible with the requirements of the directive.

15002. Have those matters already been raised with the European Commission?

(Professor O’Keeffe) These matters have already been raised with the European Commission by a number of operators, as I understand it. Because it is pending legislation, obviously, the European Community to a certain extent uses an economy of procedure and wishes to make sure that it has, if you like, a semi-final text or a final text before it goes in with the big camps. On the other hand the European Commission is keeping an eye on the matter. Obviously, it is in the European Commission’s interest, and indeed in the interests of everyone, that the legislation complies with the directive which, as we said, is to have this notion of a level playing field and open, non-discriminatory access. It is here that we have the real problem with the priority access given to Crossrail. Obviously, in the future the European Commission could come back on all of these arrangements.

15003. If we could go back please to EWS37 and the second page of it, we come to “EU Competition Rules”, and I think there are two points you want to make and they are the two bullet points, the heavy black ones there.⁸⁸ So far as “abuse of dominant position” by Crossrail is concerned, I think you want to take us to Article 82; is that correct?⁸⁹

(Professor O’Keeffe) That is right, sir.

15004. And we have Article 82 in EWS39. The point is, Professor?

(Professor O’Keeffe) Article 82 forms part of the EU competition rules and in particular Article 82 seeks to avoid an abuse of a dominant position by an undertaking which is by a company, let us call it for simplicity’s sake. The problem I see here is that under the arrangements which have been made there is the possibility of abuse of a dominant position by Crossrail. As I said, Article 82 prohibits companies from abusing their dominant position in the market where this will adversely affect competition. Crossrail, because it is engaging in an economic activity, is considered to be an economic operator and therefore it is covered by Article 82. Crossrail would be dominant in its market because of the Bill and the access option would effectively make Crossrail a quasi-monopolist with regard to the relevant rail network where it is running. The services to be provided by Crossrail will be of pivotal importance. The problem I see is that Crossrail is being put into a situation where it has a quasi-monopoly situation and that could have the effect of closing the market for transport along the routes where Crossrail is present. I do not want to go into the technical details here but the problems that could arise would be that Crossrail could abuse its dominant position if, for example, access is not allowed to competitors on an equal, transparent and non-discriminatory basis. That is a real worry in view of the priority given to Crossrail. Other forms of abuse could include the application of dissimilar conditions or excessive, discriminatory or disproportionate fees to be charges for access. They are the problems I see on a straightforward reading of Article 82 where Crossrail comes, if you like, to the market enjoying a quasi-monopolistic position and is not in the same position as the other operators.

15005. Can we go back please to EWS37?⁹⁰ We are going to need the page we were on a moment ago, and we come now to the last point here, “Infringement of the EU Competition Rules by the UK”.

(Professor O’Keeffe) Here we need to look at Article 86(1) of the European Treaty, which is on the screen.⁹¹ Article 86(1) of the treaty provides that in the case of public undertakings and undertakings for

⁸⁶ Committee Ref: A168, Compatibility with EU Law (LINEWD-19605-091).

⁸⁷ Committee Ref: A168, Directive 2001/14/EC, Article 30, Regulatory body, europa.eu.int (SCN-20060711-011).

⁸⁸ Committee Ref: A168, Compatibility with EU Law—EU Competition Rules (LINEWD-19605-092).

⁸⁹ Committee Ref: A168, EU Competition Rules, Article 82 (LINEWD-19605-095).

⁹⁰ Committee Ref: A168, Compatibility with EU Law—EU Competition Rules (LINEWD-19605-092).

⁹¹ Committee Ref: A168, EU Competition Rules, Article 86 (LINEWD-19605-095).

 The Petition of English Welsh & Scottish Railway Ltd

which Member States grant special or exclusive rights Member States shall neither enact nor maintain in force any measure contrary to the rules contained in this treaty, and in particular to those provided for in Article 12, which is the non-discrimination clause, and Articles 81-89 which we can sum up as being competition related. The problem as regards Article 86 is that Article 86(1) regulates the actions of a Member States, in this case the United Kingdom, where it intervenes in an economic activity through undertakings which it controls, essentially public or publicly owned undertakings, or where it intervenes through undertakings which have been placed in a privileged position, that is to say, undertakings which have been granted special or exclusive rights. According to Article 86(1), as we have seen, Member States are not allowed to maintain in force any measure contrary to the rules contained in the treaty and in particular contrary to the competition rules. To sum up on this point, my worry is that Article 86(1) would be violated if the measures adopted by the United Kingdom, which could be either the Crossrail Bill or the access option, had the effect essentially of endorsing a violation of the competition rules by Crossrail, so that Crossrail, acting perfectly legally under United Kingdom law, in fact is endorsed by UK law in violating the competition rules.

15006. The very last matter in EWS37 relates to the “cocktail” argument. I think you can take this point very quickly indeed. It sounds fascinating.

(Professor O’Keeffe) The cocktail argument is simply this. It is in a sense where an undertaking is placed into a situation where the Government essentially has placed it in a situation where it is caught by the application of the competition rules, and essentially we can break this down into three areas. First of all the United Kingdom could violate the competition rules if Crossrail is put into a situation where it cannot avoid abusing its dominant position. Secondly, Crossrail could be placed in a situation in which it is induced to commit such abuses and, thirdly, where the UK endorses any abuse of a dominant position. I am mindful, sir, that I should be brief here, but perhaps I can just say that the legal basis for this is Article 3(1)(h) of the treaty, Article 10 of the treaty which requires Member States to co-operate loyally with the Union in order to achieve the results sought to be achieved by the treaty, and Article 82.

15007. Can I just stop you for a second? If we go back to Article 3, you said 3(1)(h) and I think it is 3(1)(g).

(Professor O’Keeffe) 3(1)(g), I beg your pardon.

15008. You mean 3(1)(g), Article 10 and Article 82, and the Committee has all those Articles in EWS39 and therefore we probably need not pause on that matter.⁹² What about Network Rail?

(Professor O’Keeffe) Again, the problem with Network Rail is that because of the legislation or if other Government arrangements such as the access option were to come out, Network Rail, like Crossrail, could be put into a situation where it literally has no choice but to avoid its dominant position, and this is the essence of the cocktail argument. Essentially the national rules are such that the operator has no choice but to abuse its dominant position so, just like Crossrail, in a way Network Rail could also be in that situation. Under the access option or the Bill, therefore, Network Rail, for example, could be forced to apply dissimilar conditions in that it may simply have no alternative but to apply dissimilar conditions by granting priority access to Crossrail to the detriment of other competitors.

15009. At the end of this illuminating tutorial, if I may put it that way, have you any final remarks?

(Professor O’Keeffe) I have been very mindful of the procedure here and I simply wish to make this point, that what we have been discussing today is rights which operators enjoy under the directive and because these are individual rights they may in fact give rise to rights of these individuals who then can pursue them before national courts and before the European Court by complaints to the European Commission. I also have to mention again, because they have not formed part of this particular petition but they may be of interest, of course, to other operators, that there are areas of possible incompatibility with European law which we have not dealt with here, such as the state aid rules, which could be of great importance here, possibly the procurement rules, and then also perhaps EU rules such as on the general principles of law, legal certainty, legitimate expectation and human rights in the European Union context. I have already mentioned that there are possibilities of following this up by the individual operators who are concerned because, as I want to stress, these are rights of the individual operators and not public law points, though they are obviously slightly connected.

15010. Professor, do I understand it correctly that your view is that if the Bill is enacted in its present form there is a substantial chance that the matter will either be challenged in the domestic courts or referred to the European court by the Commission itself for incompatibility with the directive?

(Professor O’Keeffe) I am afraid that I see that that is the likely possibility, that it would give rise both to a complaint to the European Commission and also to litigation in this country or before the European Court of Justice on a preliminary ruling.

15011. So what is your recommendation?

(Professor O’Keeffe) My recommendation is that the Promoter should amend the railway matters clauses of the Crossrail Bill or undertake not to exercise them and should instead rely on the existing powers available to regulate the sector so that one can have transparent, fair and non-discriminatory

⁹² Committee Ref: A168, EC Treaty—Articles 3 (g), 10, 82 & 86(1) (LINEWD-19605-094).

The Petition of English Welsh & Scottish Railway Ltd

access to the network. This is completely in line with the directive. I have seen the Olympic Games example, if I may put it like that, which has been suggested and, as I understand it, that simply adds yet another obligation to the ORR when the ORR is taking a decision on establishing priorities. It seems to me that this formula is a very happy one because it reduces the risk of conflict with European law. At the same time it ensures that the project goes ahead. It also ensures that all the operators are operating in a way which accords with the aims of the directive, that is to say, that it is fair and non-discriminatory, that there is no priority access but instead the ORR has a set of criteria which they may apply and if the Committee were to adopt the suggestion of an Olympic Games-type criterion this would also, I think, help in this context.

15012. Professor, I think it is right that you are giving this evidence not only on behalf of EWS but also Freightliner. You are not intending to reappear on the Freightliner petition but the evidence is given on behalf of both; is that right?

(Professor O’Keeffe) That is right. May I just conclude by saying that in my view if the current Bill were to go through as currently drafted I do not think the access option would cure the problems that I have tried to identify for your Committee because I think that the access option raises an awful lot of the same problems—I am not saying exactly the same problems but an awful lot of the same problems—raised by the Bill in its current form as regards the railway matters.

15013. **Mr George:** Thank you, Professor.

Cross-examined by **Ms Lieven**

15014. I have very few questions. I am going to resist the not very enticing temptation to cross-examine on European law. Professor O’Keeffe, can I come to one of your very last answers? You said that your recommendation was that the Promoter should amend the railway clauses and rely on the existing powers.

(Professor O’Keeffe) Yes.

15015. Do you understand that it is our intention to apply for an access option under the existing powers?

(Professor O’Keeffe) Yes.

15016. And then, depending on circumstances, to consider the railway clauses in the light of that access option?

(Professor O’Keeffe) Yes.

15017. So far so good. So far as the access option itself is concerned, when the ORR is setting the access option it will have a free-standing obligation to act in accordance with domestic and European law, will it not?

(Professor O’Keeffe) I do not know. The ORR obviously is, like every national organisation, going to be looking first at what the national legislation is

going to be doing. This is one of the big problems of national legislation because naturally national regulators assume that national legislation is correct. It would take a very brave ORR to go out on a limb and say that the national legislation, which comes from Parliament, is not valid. I suggest that it is expecting an awful lot from the ORR to suddenly decide not to apply UK legislation even if it is convinced that the national legislation may at some point fall foul of European Community law.

15018. Sorry, Professor, I think we may be at cross purposes. In terms of the access option the proposal is that the ORR will set the access option before the Crossrail Bill becomes law.

(Professor O’Keeffe) Yes.

15019. So it will not be driven to reach any particular conclusions on the basis of the Crossrail Bill because it will not be law, will it? That is right, is it not?

(Professor O’Keeffe) Yes.

15020. Are you suggesting—in the light of your answer a moment ago I have to ask this question—that the domestic regulations have mis-transposed the directive?

(Professor O’Keeffe) No, and I think this is a very important point. I think the UK regulations of 2005, if I may call them that, have absolutely correctly transposed the directive.

15021. Can I come back to my question? When the ORR is setting the access option it will have to act in accordance with domestic and European law, and you are not suggesting there is any difference between domestic and European law on this point. In other words, it will have to act in accordance with the Railway Infrastructure Access and Management Regulations 2005 which correctly transpose the directive, yes?

(Professor O’Keeffe) In order to answer the question which has been put to me, and it is a very fair question, can I just make the following point? The UK regulations which Ms Lieven has just cited are, I would think, a perfect transposition of European law. The problem is that when one mixes together the UK implementation and adds to the mix something which can distort what the Community legislator intended in the first place, such as by including a priority access where instead there should be a level playing field, at that stage the worry is that the European Commission would consider that the global implementation of the directive has not been complied with even though the formal implementation, if you like, in the UK regulations is perfect but then the addition of administrative or other procedures, other documentation or other regulations can (and this is proven by the case law of the European Court) have the effect of harming the correct transposition of the European directive. I think the point you make is a very fair one.

The Petition of English Welsh & Scottish Railway Ltd

15022. I am really sorry, Professor O’Keeffe. It is probably a combination of the hour and my lack of expertise on EU law, but I do not understand, at the stage where the ORR is setting the access option, what it is that you suggest is added to the mix that causes any breach of EU law because there is no Crossrail Act at that stage. There is no regulation about Crossrail.

(Professor O’Keeffe) I am trying very much to assist Ms Lieven on this and if I am missing information hopefully Ms Lieven will tell me what I am missing. If I understand the question correctly, what would still be put before the ORR is that the ORR should give a priority to Crossrail and if that is the case then we are still back in the situation where we started before.

15023. Just one final question, Professor O’Keeffe. If the ORR accepts the access option and your fears are correct, and EWS think that the access option is contrary to EU law, then it is open to EWS to challenge the access option by way of judicial review in the High Court, is it not?

(Professor O’Keeffe) Yes, indeed.

15024. **Ms Lieven:** Thank you very much. That is all I wanted to ask.

Re-examined by **Mr George**

15025. I have only one matter by way of re-examination. Could we please put up Article 17(5) again and the little bit which is over the page as well?⁹³ Professor O’Keeffe, the situation you are asked to envisage is an application for the access option now before the Bill has been enacted but for a 30-year period. Can you see any way in which, on the materials you have seen, that could be compatible with Article 17(5)?

(Professor O’Keeffe) On the materials I have seen, no.

15026. **Mr George:** Thank you very much.

15027. **Mr Liddell-Grainger:** Thank you very much, Professor O’Keeffe.

The witness withdrew

15028. **Ms Lieven:** Can I call Mr Berryman, sir?

Mr Keith Berryman, recalled

Further examined by **Ms Lieven**

15029. I am going to keep a number of matters for closing, sir, rather than going through them with Mr Berryman. I am sorry, Mr Berryman, I think everybody in the room must know who you are so I am not going to introduce you again. The first matter I want to cover is Mr Knapman’s evidence about the importance of Great Western Mainline for

aggregates freight. Can you say to what degree you agree with what Mr Knapman was saying and what Crossrail is doing about it?

(Mr Berryman) I agree with him completely. We fully understand the vital importance of the aggregate traffic into London and we understand the need for that to continue on the Great Western Mainline. We are proposing to spend, subject to this Bill ever becoming law, about a billion pounds on improving rail services down the Great Western and improving the lines generally. Much of that money will go on improving facilities for freight so we have absolutely no hesitation in supporting what that witness said.

15030. One other point Mr Knapman made was about modelling. He suggested—and I do not want to deal with any other point on modelling or timetabling—that we had not put into the timetabling work the time needed to get freight trains in and out of these various sidings; we would only have them trundling up and down the lines. Can you explain the position on that?

(Mr Berryman) Yes. He was correct in saying that we have not actually modelled the trains going into various sidings. What we have done is identify that there is space in the timetable for those movements to take place. The reason we have not identified them is that at this stage it is not necessarily quite clear which train will be going into exactly which siding. Remember, we are looking a long way ahead and we are looking at freight patterns which will inevitably change between now and then.

15031. Before we come to the detail of site specific can you explain to the Committee why we do not think it would be sensible to give an undertaking at this stage to do all the enhancement works for freight which were assumed in the timetabling work and which are dealt with in the Bill?

(Mr Berryman) The work which was assumed in the timetabling represented, if you like, a first stab at the kind of detailed railway works which we thought would be necessary to allow the timetabling to work. As further work on timetabling and further modelling is done it may prove that some of those items are not needed, and indeed some of them may need to be changed somewhat. The significant items which require powers, which are the Acton dive-under and the flyover at Stockbury Junction, will be needed in any event. Some of the others may need to be varied as the modelling is developed and the timetable model is developed, so it would be foolish to give an undertaking to do all of those things just as it would be to give an undertaking not to do anything else.

15032. What I would like to do quickly is go through the various sites. I do not know if you have got EWS’s requests for decision.

⁹³ Committee Ref: A168, Directive 2001/14/EC, Article 17.5, Framework agreements, europa.eu.int (SCN-20060711-010).

 The Petition of English Welsh & Scottish Railway Ltd

(Mr Berryman) Yes, I have.

15033. **Ms Lieven:** Let us go through it in the order that they have set them out there and let us do it with the aerial photos, so perhaps we can start with Slough number 12.⁹⁴

15034. **Mr Liddell-Grainger:** Ms Lieven, which is the other document which Mr Berryman has?

15035. **Ms Lieven:** It is EWS exhibit 40, which is at page 96 of the exhibits. We cannot have them both on the screen at the same time but we will use that as a check list if we may. Mr Berryman, can you explain what we are doing at Slough, how long we want it for and why we are not prepared to give it all back to EWS now?

(Mr Berryman) The situation at Slough is that we would require some of this site is the part which is being talked about here. Mr Smith said earlier that we would be taking the site and not doing any works on it. That is not quite true. Along this edge of the site we will be doing works to provide a centre framing between the up and down relief lines. It is something which will require us to acquire some of the site. What we can do is perhaps make it clearer than we have done how much of the site we need to acquire. We can define that more closely and perhaps within the next six or eight weeks we could resolve that with them.

15036. Using Slough as an example, have we talked to EWS about what we need to do there and given them information on it?

(Mr Berryman) Indeed we have. We have had quite a number of meetings with them. I have got minutes with me of meetings which were held on 20 March and 12 April and there have been several discussions with them over time. It was made clear in a meeting on 20 March just what our plans were at Slough and I was rather surprised when the evidence was given that EWS did not know about that.

15037. That is Slough. The next one is Langley which I think is photo 14.⁹⁵ Can you explain what we are proposing there?

(Mr Berryman) We are not proposing to take any land at Langley. The site is rather large, as Mr Smith showed on his plan. The boundary is like that, I think.

15038. Langley is quite a stark example. Can you explain why the boundaries have been drawn so wide in the Bill?

(Mr Berryman) In all cases throughout the Bill we have drawn boundaries around land ownerships and the land ownership in this area goes right round like that. That is effectively the boundary of the Network Rail freehold, I think. We took those powers so that we could be sure we could acquire the land we need. In some cases we do not need all that land. Of course,

in other cases we do but in this particular one we do not. We may need to slightly alter the track level just up here but generally speaking we are not proposing to do anything on that site although we do need access through it, and we are prepared to agree with the proposed undertaking that was tabled by EWS for that site.

15039. Will we write to EWS?

(Mr Berryman) We will.

15040. Mr Taylor asks me to ask you to clarify which undertaking, although I am not sure you are in a position to do that.

(Mr Berryman) It says that we will remove the relevant parcels of land from the power of compulsory acquisition and bring as much of it as we require into Bill powers of temporary occupation, so in other words change it from permanent acquisition to temporary occupation.

15041. And we will write to EWS on this one as on all the others, setting out precisely what we are prepared to agree; is that right?

(Mr Berryman) Yes, that is right. It is interesting that here there was talk about a customer that had been frightened off from investing in this site. It is worth mentioning that at the meeting that we held with EWS on 20 March, where this matter was discussed, apparently a note of that meeting was made by EWS and they record that Charles Devereux, a member of my staff, confirmed that a freight deal that had been put on hold could go ahead and he would undertake the necessary discussions, so there have been very positive efforts to make sure that EWS, or indeed any other landowner, is not disadvantaged by the existence of the plans.

15042. Thank you. West Drayton I think is one of the sites that is affected by AP3; is that right?

(Mr Berryman) That is right. This is number 17-005.⁹⁶

15043. Do you want briefly to explain what the position of that is under the Hybrid Bill?

(Mr Berryman) Under the Hybrid Bill we would have been taking this section of the land here which is, you can see, occupied by a variety of users. A great part of it is taken with coach parking but there are also heavy lorries parked there and it is used as contractors' compounds and that sort of work. It is not rail related at the moment. That would be taken over to use as stabling sidings. There is a rail site here which is used by Lafarge for the handling of stone and we are in the process of making sure that that can continue to work even if we have to take this piece of land. However, I should point out that under the AP3, which we will be depositing later in the year, we will not need this piece of land at all. It will just stay as it is. There are a number of undertakings there which EWS have asked for. One of them is to give an alternative piece of land to

⁹⁴ Committee Ref: P112, Slough sidings—oblique view looking east (LINEWD-GEN17-012).

⁹⁵ Committee Ref: P112, Langley Sidings—oblique view looking east (LINEWD-GEN17-014).

⁹⁶ Crossrail Ref: P112, Lafarge West Drayton Yard oblique view looking east (LINEWD-GEN17-005).

The Petition of English Welsh & Scottish Railway Ltd

replace this piece of land and we would not be able to agree to that. It is not in use as a railway served site at the moment, but we would be prepared to consult with EWS and other rail operators on the proposed track layouts in this area. This is the beginning of the Colnbrook branch which Mr Smith explained. It runs round here like that. It goes down to tunnel 5 down there. We would be happy to give an undertaking to consult with EWS and other operators on the construction works that we require just there.

15044. The next one is Southall which I think might be photo 2, although I always have a lot of difficulty finding Southall.⁹⁷

(Mr Berryman) We have got a lot of photographs of Southall.

15045. I thought it was number 2. Is it that one, Mr Berryman?

(Mr Berryman) Can we put 23 up?⁹⁸ There we are: that is Southall yard. Southall yard is this area here. It is used by EWS and I believe another freight operator at the moment. It has a number of functions but one of them is to allow trains from the Brentford branch which goes off down there to some aggregate terminals to turn around and we would want it to continue to be used for that during and after the period of construction of Crossrail works. We also need to use this during the time that Acton yard works are being done when trains cannot get into Acton yard. This is a possible site for braking and joining trains which I think you have heard already is an important activity that goes on at Acton yard. What we do not want is anyone to sell this off for building and that is why we have taken powers over this site. In case you think that that is an unlikely thing to happen, you can see that the area is substantially residential and we have already been asked and given consent for part of the site to be sold for non-railway purposes. We would be prepared to state quite categorically that we have no plans to build anything on this site but we need it to be maintained in railway use.

15046. The next one is Hanwell sidings or Hanwell Bridge, which I think might be photo 13.⁹⁹

(Mr Berryman) Indeed it is. What we propose to do here is to provide an additional loop between the main lines and the relief lines so that trains which are crossing over from Southall yard and cross over the main lines rest in the middle before crossing over the relief lines.

15047. To give the Committee a bit of light entertainment shall I put up the plan that explains it?¹⁰⁰ Would that be helpful?

⁹⁷ Crossrail Ref: P112, Southall Yard oblique view looking east (LINEWD-GEN17-002).

⁹⁸ Crossrail Ref: P112, Southall Yard oblique view looking east (LINEWD-GEN17-023).

⁹⁹ Crossrail Ref: P112, Hanwell Sidings oblique view looking east (LINEWD-GEN17-013).

¹⁰⁰ Crossrail Ref: P112, Hanwell Bridge Sidings—Proposed Layout (SCN-20060711-019).

(Mr Berryman) Yes. I do not know whether the Committee would regard it as light entertainment. That is the current rail. A train coming out from here, and there are a number of trains every day which do this, has to move right the way across the whole network, the main lines and relief lines, and to do that a path has to be available on each of the four tracks. What we are proposing to do is put that centre loop in here, which means that a train coming out of here only has to cross over the main lines to get into there and it can then wait for a path across the relief lines, and that should improve performance for that junction quite significantly. This is one of the many measures that we are taking to improve freight flows on the line. We are happy to agree and we will write to them with EWS on not acquiring land which will not be permanently necessary.

15048. The next one is Acton Yard and the dive under. We have got plans and photographs of that.

(Mr Berryman) I think the photograph is the easiest one. That is number 20.

15049. Can we put photograph 20 up, please?¹⁰¹

(Mr Berryman) Sorry, can I put photograph 19 up?¹⁰² This is Acton Yard. This space here is a very large site, it is a very important site in the way that the freight operations work in London. This is where we are proposing to build a dive under, here. What that will do is allow Crossrail trains to pass underneath trains going into and out of the yard. That will be a substantial piece of permanent work. We will write to EWS giving them an undertaking not to unnecessarily acquire parts of that site but there are a number of tenants on this site and we do need to take powers so that we can rearrange the tenants and maybe make the site work properly with this new rail. Can I mention one other point because it is relevant to this moment—and I do not want to come back to it—which is the suggestion for a loop at Acton Yard which is one of the infrastructure enhancements which the petitioner has requested. What they are really talking about is that as well as the dive under, which cannot be used by freight trains because it is too steep, that a surface line should be kept in place along more or less the line of the existing relief line.

15050. Does it help to put up the plan on this one?

(Mr Berryman) I would not bother because what I am going to say is that we will certainly look at that idea. At first pass it looks feasible, it does not require powers, it is within the railway line, and it is in fact an existing line which could be maintained so we will look at that and see what we can do.

15051. The next one on EWS's list is Old Oak Common but I am not sure that there is any benefit in dealing with Old Oak Common now because it is intimately related with AP3.

¹⁰¹ Crossrail Ref: P112, Acton Yard existing sidings layout view looking east (SCN-20060711-020).

¹⁰² Crossrail Ref: P112, Acton Yard existing sidings layout view looking east (SCN-20060711-019).

The Petition of English Welsh & Scottish Railway Ltd

(Mr Berryman) It is. They have made two requests, one is for what happens if AP3 happens and the other one is what happens if AP3 does not happen. They are seeking us to provide an alternative piece of land. I do not think that we could agree to that at this stage. That would be something that we need to get a bit further down the road with, what we are going to do with that yard, that is picture 06.¹⁰³ The bit we propose to take is this piece at the back here.

15052. Let us not say anything more about that. Moving onto site eight, Paddington New Yard and West Yard, I think the Committee are already pretty familiar with this one.

(Mr Berryman) This is 007.¹⁰⁴ West Yard is currently occupied by the Great Western studios, as this Committee have already heard, the tarmac batching plant, about which we have heard a little bit and are about to hear more, this area here which is used as a bus park at night by London buses, we propose to provide additional siding so that this can continue to be a rail serve site and to reposition this batching plant still within the site boundary but in a slightly different position. It is worth mentioning at this point that there may be some interruption to rail service at this site while construction is going on but this is the only significant rail freight site which we will be interrupting for any period of time. During that period, the site may have to be served by road. It is unlikely that things will come by lorry all the way from the West Country, they are more likely to come from one of the other sites.

15053. Bow Midland Yard, photograph three covers west and east.¹⁰⁵ Do you want to deal with east first?

(Mr Berryman) Can I say something about Paddington New Yard. We will write to the petitioner on re-providing for the rail access site but not for the strategic freight site. This is Bow Midland Yard West here which is within our limits to be taken and this is Bow Midland Yard East. Unfortunately the Olympics have taken that and they are going to build some nice warm-up tracks there which will get in our way.

15054. For orientation, show us where the Olympic Stadium is?

(Mr Berryman) The Olympic Stadium will be here. Our line is here. This is looking out towards Shenfield and Stratford station is there. This side here is used for rail freight. We are proposing also to use it for rail freight to deliver materials for our tunnels and to take away the spoil which arises from the tunnels. It is a rail freight site now, it will be a rail freight site, it will be used by us as a rail freight site, it will give lots of custom to the rail freight operators. We will also try and keep all the people on here going and again, we are happy to write to the petitioner explaining about Bow Midland Yard West.

¹⁰³ Crossrail Ref: P112, Old Oak Common oblique view looking east (LINEWD-GEN17-006).

¹⁰⁴ Crossrail Ref: P112, Paddington New Yard/Westbourne Park oblique view looking east (LINEWD-GEN17-007).

¹⁰⁵ Crossrail Ref: P112, Bow Midland Yard oblique view looking east (LINEWD-GEN17-003).

15055. Finally, Plumstead, photograph 11, which is a strategic freight site?¹⁰⁶

(Mr Berryman) What we are proposing here is to take a big chunk of this site for the construction of what is effectively the tunnel portal and a dive under. At the time when we designed this, this site was not in use as a freight site. I understand that subsequently a claim has been made on the strategic freight site principle. We will look again as to whether a freight site can be re-instated here after we finish. I doubt it *prima facie* because it does not look that practical but we will look at it again. In any event, the site will be used for railway purposes as it will be part of the Crossrail network.

15056. Thank you very much, Mr Berryman. That is all the sites. You have mentioned writing to EWS in respect of all of these sites. What is the timescale in which you will be able to write to them setting out precisely what land we need?

(Mr Berryman) I would hope to do that all by the end of September. Obviously, it is a busy time just now and we need to reflect on one or two things but hopefully we should be able to get that timetable by the end of September.

15057. Finally, to reiterate one point, if EWS has potential purchasers, lessees or occupiers who want some of these sites and who are concerned that they are blighted by Crossrail, what can Crossrail do to help?

(Mr Berryman) We are very happy to give the necessary assurances that might be needed by potential purchasers. There is a parallel in the safeguarding directions for Crossrail which have been maintained for the last 10 years whereby we have the power of direct refusal to anyone who applies for planning consent on the route of Crossrail. What we do is we negotiate with those applicants, we come to arrangements which is satisfactory to both us and them and then we settle it with a legal agreement and we can do exactly the same thing in terms of any freight customers who want to use these sites. I hope that when we have written to EWS by the end of September that that problem should go away in any event.

15058. Thank you very much, Mr Berryman, if you can stay there.

Cross-examined by **Mr George**

15059. **Mr George:** I apologise at this late hour, I am going to take some time but you will appreciate the importance to us and I will go as fast as I can. Mr Berryman, do you agree that you have to show a compelling case in the public interest before you can acquire land?

(Mr Berryman) Yes.

¹⁰⁶ Crossrail Ref: P112, Plumstead oblique view looking east (LINEWD-GEN17-011).

 The Petition of English Welsh & Scottish Railway Ltd

15060. Do you agree that applies to the entirety of the land thus if you can do with a small outfit of land you should not be given a compulsory power for the larger bit?

(Mr Berryman) Yes, I agree with that.

15061. So far as safeguarding which you referred to, it is rather different, is it not, because if land is safeguarded, the owner of the land can put in a planning application and a planning appeal and at the appeal the matter will get argued out and if the land is not needed he will get his planning permission but there is an appeal procedure, safeguarding is not an absolute control.

(Mr Berryman) It is not an absolute control but in the last 15 years I do not think we have lost a case on that point.

15062. Can we now please turn to Slough. Can I ask that Crossrail's response document dealing with Slough be put up on the screen.¹⁰⁷ This is the response to EWS of a few weeks ago and looking at the response there we say, "The site would be required to allow the electrification and resignalling to take place". There is no mention there, is there, of any requirement to acquire any part of the land or take any part of the land?

(Mr Berryman) No, it is not specifically mentioned there.

15063. You said when you were giving your evidence "Some of the land would be required for a freight loop". Are you at all sure that you are going to require any part of the site for your freight loop?

(Mr Berryman) We have been in discussion with EWS for some time about these issues, as your client has probably told you. The issue really is whether the particular freight route at that point adds anything in terms of functionality to the railway for freight. EWS would be one of the beneficiaries if it does add functionality, if it does not we will not do it.

15064. What we cannot understand is why that freight loop requires any part of our land. It seems to us, having looked at the plans that it can be achieved without taking any part of our leasehold.

(Mr Berryman) I think it requires a very narrow strip along the edge of it.

15065. You are going to come back within six to eight weeks time and you have known our concerns and you have known, have you not, that we were incurring money in preparing evidence relating to this but now you say give another six or eight weeks and you will know more precisely what you need, is that right?

(Mr Berryman) Yes, that is right.

15066. At that stage, will you enter into an agreement to acquire no more than such strip as you need?

(Mr Berryman) To acquire it, yes, but we will also, of course, need some of the area for access, as I think you will appreciate.

15067. So far as you need any bit of land we are not disputing you taking it but so far as land which you will only need for access, that is a matter which is dealt with by a different code for compensation and differently and in the agreement that matter would be dealt with separately?

(Mr Berryman) Yes, that is right.

15068. I am grateful. Coming to Langley for a moment, you said that you were prepared to meet us on Langley. Can I take it that so far as the land which you may need temporarily that you will restrict yourself only to such part of the land as you do need temporarily?

(Mr Berryman) We certainly will, yes.

15069. I am grateful. I will not ask you about West Drayton because we may be coming back on additional provision three on that. So far as Southall, you have heard what Mr Smith said today that he planned to keep some siding there? Did you hear him when he was dealing with that matter? That deals with your concern, does it not?

(Mr Berryman) It certainly does and we would obviously, subject to a formal written commitment to that, be happy to go along with that.

15070. If you safeguard that bit you will be able to use your planning powers which you have spoken about. The likelihood is that any planning application for houses on a bit of land which was safeguarded simply would not receive the consent, is that right?

(Mr Berryman) Yes, that is right.

15071. Therefore, you do need the compulsory power. You are seeking compulsory power over our land when your position could be preserved simply by safeguarding it in respect of that instance?

(Mr Berryman) In respect of that instance it could.

15072. That is the way forward, is it not, and indeed that is the only way forward which has complied with human rights, is it not?

(Mr Berryman) I am not sure about human rights but it is certainly a way forward. As long as some satisfactory arrangement like that, or something similar to that, is made that will be perfectly acceptable to us. I am not sure whether it is safeguarding or some other way but something similar to that.

15073. Coming to Hanwell, again, there you say that you may need some land temporarily for construction purposes, is that right?

(Mr Berryman) Yes, that is right.

15074. Again, will the agreement provide that you take no more land temporarily than you need and will that be defined on a plan?

¹⁰⁷ Crossrail Ref: P111, Slough—Alternative Locations, Location of works (other sites)— Justification of land required, unable to relocate (SCN-20060711-020).

The Petition of English Welsh & Scottish Railway Ltd

(Mr Berryman) I think that is a general rule that you can assume for all sites, that we will not take more than we need.

15075. I am grateful. Acton, we are grateful for the progress there. So far as the up relief line, you say, "We will look at it," but you have known about the problem since last March, have you not, when your Mr Devereaux told us that there was a problem with freight at that point?

(Mr Berryman) He told you that the freight would not be able to use the dive under because it is too steep. There are, as you probably know, alternative routes to get further into London for freight, but certainly I will look again at that issue of maintaining the surface level relief line.

15076. This is very important, is it not? Mr Smith gave evidence about the difficulties of freight, unless this up relief line was built. I think there is no dispute between you about its importance as such?

(Mr Berryman) It would be a useful link. As I said a moment ago, there are other ways round, but it would certainly be a useful link.

15077. Paddington New Yard, you said this is a place where there will be a period where access by rail will be interrupted and you would envisage aggregates coming in by road, do you remember that?

(Mr Berryman) I do remember that.

15078. I do not think that matter is anywhere referred to in the Environmental Statement, is it?

(Mr Berryman) It is not. I think I am right in saying the Environmental Statement talks about the batching plant being closed and we have brought forward already a P2 which covers some additional land which we require in that area.

15079. That is going to have its own environmental statement, is it?

(Mr Berryman) I believe it already has.

15080. Does that deal with the question of temporary, extra, additional road use, because that is precisely the sort of matter in its implication which ought to be in an environmental statement, is it not?

(Mr Berryman) Yes. The environmental statement for that site covers a very substantial number of lorry movements into and out of the site, some of which could be used for providing aggregate. You need to bear in mind that, irrespective of how it is served, there will be a batching plant on that site, if nothing else, to serve the Crossrail ones. Crossrail will use a phenomenal amount of concrete, as I am sure you realise.

15081. Mr Berryman, that may be so. My simple point is you are now accepting that there will be some additional road movements which are an environmental impact which has thus far not appeared in the Environmental Statement?

(Mr Berryman) No, I am not saying that. I am saying that there will be lorry movements required for that. That will be within the total number of lorry movements which are assessed in the environmental impact statement.

15082. This is something which is still to be done, so to speak, this environmental statement?

(Mr Berryman) No, this was in the original environmental impact statement.

15083. That does deal, does it not, with aggregates coming to the site by road?

(Mr Berryman) No, it does not. It does not deal with the concrete coming to the site by road or how it deals with coming to the site by road. It just deals with the total number of lorry movements into the site.

15084. Bow Midland East, I just want to be clear on that. That is going for the Olympics and am I right in saying that, therefore, can come out of the Bill and you can give the undertaking we seek in respect of it?

(Mr Berryman) Yes, I think so.

15085. You say you think so, these matters are important to us. We do not want to know whether you "think" you can give an undertaking. You do not need the land for Crossrail, therefore it should not be in the Bill anymore, is that not right?

(Mr Berryman) Yes, that is right. Obviously there is an issue of timing, what happens to the land after the Olympics is finished. If it is going to be reinstated as a freight site it may be useful for us and for your clients that we should have access to it, so I would like to think about that issue a little bit more.

15086. One last matter which is on the timetabling matter. So far as access and egress to the freight sites, I am right, am I not, in saying that so far as the 2015 with-freight growth position there has as yet been no modelling of access in and out?

(Mr Berryman) As I just said a few moments ago, yes, that is correct.

15087. So far as 2004, there has been limited but not complete modelling of the in and out position?

(Mr Berryman) Yes, there has been some modelling done on that. As I said earlier on, there is a major problem with doing this sort of thing, particularly for the 2015 timetable, because you just do not know exactly what the freight timetable is going to look like in 2015.

15088. You may not know exactly but you can make an attempt, you can use your best estimates, which is precisely what traffic engineers do normally. It simply has not been done for the 2015 with-growth, that we can agree on?

(Mr Berryman) No, we cannot agree that. We have used our best estimate and we have identified sufficient space for the timetable to allow.

The Petition of English Welsh & Scottish Railway Ltd

15089. There has been no modelling of individual movements into and out of the sites in the 2015 with-growth position, has there?

(*Mr Berryman*) We can agree on that.

15090. We can agree on that. Let us end on that happy note of agreement. Thank you.

15091. **Mr Liddell-Grainger:** Ms Lieven?

15092. **Ms Lieven:** No re-examination, sir.

The witness withdrew

15093. **Mr Liddell-Grainger:** Thank you very much. Would you like a second attempt?

15094. **Ms Lieven:** Yes. Sir, what I thought I would do is do the closing by reference to EWS's request for decision as an *aide-memoire*, EWS 40, page 96 of our exhibits, and deal with the first 14 together which are site specifics.¹⁰⁸ You have just heard Mr Berryman's evidence, I am certainly not going to repeat that. The crucial point, sir, is that we are happy to undertake that by the end of September we will have written to EWS on each and every one of these sites, setting out precisely what land we need, how long we need it for, whether temporary or permanent, and a short justification for why we need it. That will be done before the end of this Committee but, perhaps even more importantly, before the House of Lords, so if EWS are still not content and cannot enter into an agreement with us, then they have the opportunity to come back on that. So far as I suspect Mr George will say, "Well, that is all very well, but why was it not done before?" we have had meetings with them, we have set out in detail what we wanted. The suggestion that this is all coming as a terrible surprise at the last minute really is not accurate in my submission and it perhaps was not entirely necessary to come here and fight through every site given the tone of the meetings and the large element of agreement on the substance of what was needed or otherwise. In my submission, sir, it would be extremely dangerous to take land out of the Bill at this stage before Mr Berryman has entirely satisfied himself as to precisely what he needs and does not need. What is more, to do something at this stage is likely to be unhealthy to EWS because we would have to say that we needed more land until we were absolutely certain by the end of September. So without going back through each of the individual sites, I would suggest, sir, that they would all be dealt with in that way together.

15095. So far as the strategic freight site issue is concerned, I dealt with that in opening. I think Mr Elvin touched on it last week. We can see no case for providing compensatory land to EWS—it would not be to EWS—it would be compensatory land to Network Rail in terms of strategic freight sites; Network Rail have not asked for it. There is nothing in the Railways Act or any other legislation which

would suggest that is something we should do. Sir, I rely, as on many occasions, on the general railway processes for that.

15096. I turn then to paragraph 15 which is access and a request for an undertaking that we give reasonable notice to EWS for any plan of interruptions.¹⁰⁹ That matter is dealt with through the rules of the road. If there were going to be interruptions by Crossrail construction, then that is dealt with under the industry process of rules of the road and, in my submission, there is no need to do any more.

15097. Then capacity, paragraphs 16 to 17. As the Committee well know by now, the intention is that capacity and timetabling will be dealt with through Network Rail and the ORR and through agreeing an access option that meets the Petitioner's concern that the timetabling work and the option access should be set by an independent third party, it meets their concerns that it be done under normal railway processes and it involves the further work that they are so concerned is taking place. If the access option is satisfactorily completed, then the Secretary of State will reconsider the railway clauses; if it is not, then it is a matter that can come back to the House of Lords. In my submission, it is both premature and a waste of time for the Committee to get into lots of hypothetical situations at this stage.

15098. Paragraph 18, capacity enhancements. Mr Berryman has just given evidence on this. We are not prepared to commit to build all the enhancements when further design work may show some of them are unnecessary. We can commit to construct the dive under at Acton because we are absolutely certain that is necessary as long as freight traffic remains at roughly the levels of the present day. Interestingly, Mr Smith himself said that until the timetabling work was completed, one could not know what infrastructure was needed, and that is precisely our point. There is some inconsistency, I would suggest, with EWS arguing that there is a need for more timetabling work before they can understand the impact on freight but at the same time trying to force Crossrail to commit to doing infrastructure work that may not be necessary. As far as capacity on the Great Western is concerned—it is worth touching on this—Mr Knapman's evidence on the importance of rail-worn aggregates in the West Country is entirely accepted. There is absolutely no intention to decrease freight capacity, quite the contrary. There have been a few things said by EWS witnesses that really just do not seem to have taken on board the reality of the situation at all. There is no intention nor any likelihood of there being a massive modal shift from rail to HGV, nor is there any intention, as Mr Knapman seemed to suggest, to use his words, "to banish freight from the Great Western". As Mr Berryman said, we would not be spending a billion pounds on freight enhancements if that was the intention. Finally, sir,

¹⁰⁸ Committee Ref: A168, Requests for Decision (LINEWD-19605-096).

¹⁰⁹ Committee Ref: A168, Requests for Decision, Property and Capacity (LINEWD-19605-099).

The Petition of English Welsh & Scottish Railway Ltd

on Great Western, you will remember that the timetable working group, at page seven, said there was sufficient capacity for growth on the Great Western.

15099. Paragraph 19 deals with the further afield enhancements, that is, in effect, Gospel Oak, Barking and Felixstowe to Nuneaton. That is a topic that Mr Elvin will return to next week when Mr Barrett is recalled for Tarmac, so I am not going to say much about it. All I would say at this stage is we accept that there are issues about capacity at Forest Gate in 2015, but it is our case that is largely, if not wholly, unrelated to the Crossrail project, so that is a matter that the Committee will hear more about later.

15100. Paragraph 20, amendments to the railway clauses. Sir, Mr Elvin dealt with what we are intending to do on the railway clauses at paragraph 1, 3, 6 and 7 (6) to (8) and I am not going to repeat it, you know about the access option; Day 48 Mr Taylor tells me. All of that will be dealt with by the time of the House of Lords, so if EWS are not content, they can come back. I am not going to get into the rights and wrongs of the railways clauses, because I would not ever wish to waste the Committee's time, but particularly not at half past seven.

15101. First, so far as Professor O'Keeffe's points on EU law are concerned, three simple points. First of all, I do not understand how this Committee is supposed to determine tricky issues of EU law. That does not, with great respect to the Committee, seem quite the right forum for that, but in any event, secondly, in determining the access option Network Rail and the ORR will have to make decisions in accordance with domestic and EU law. With great respect to Professor O'Keeffe, I simply did not understand how he was saying that the ORR would not be under that obligation and if they gave leave of their senses and departed from EU law, then EWS have a perfectly good remedy to go to the High Court and judicial review and doubtless the High Court would tell them where the ORR had gone wrong if it had. There is a remedy there, it is just not a matter the Committee needs to be concerned with. Finally, if there is a lingering concern in the Committee's mind, in my submission, it is crystal clear that Crossrail is an exceptional case, both within the regulations and the Directive, and it is quite clearly a long-term, large-scale investment—it did not do Mr Smith much credit to be disagreeing with that, in my submission—£10 billion at 2002 prices, there probably are not any larger railway projects in the EU. It is perfectly obvious, again with respect to Professor O'Keeffe, is that those who invest parts of that £10 billion will need a considerable assurance about the level of service of Crossrail continuing for longer than 10 years. Sir, in my submission, you do not need to be too troubled about the EU law points.

15102. Paragraph 21, an undertaking that network code condition G5 will not be invoked. I am tempted to say, as I said to Mr Oatway, the Promoter does not intend to invoke G5. 22 and 23 on compensation, the simple point is that we propose that compensation be given in accordance with normal industry practice. I do suggest that it is a bit inconsistent for EWS to say that they want normal industry practices on the access option but they want special provision when it comes to compensation. They will not get compensated for network changes of less than six months but they would not get compensated for such work for any other project on the railway. Mr Smith was keen to say that West Coast Mainline was a project of commensurate size to Crossrail and in a project like that there would be no compensation for interference less than six months. If there are lacunae, and there may be and the industry mechanism does not cover compensation, then we, the promoters, will provide the compensation provisions and check those with the ORR to make sure that they are fair and lawful and so on and we will do so on a principle of no net benefit and no net loss as set out, I think by Mr Elvin, at paragraph 13928 on Day 48. Sir, as always a quick whiz through but I hope that covers all the crucial points.

15103. **Mr Liddell-Grainger:** Thank you very much indeed. Mr George?

15104. **Mr George:** Thank you, Sir. I go back to the points that I made in opening and I will simply expand on them. The first was excessive land-take. As a matter of domestic law re-enforced by the European Convention on Human Rights, compulsory purchase power should never be conferred unless there is a compelling need in the public interest. It does seem to those who I represent that it is now perfectly plain that Crossrail, and indeed the Department, have applied the complete reverse of the ordinary presumptions. They have said, "We do not know whether we need the land so we will put it in but give us lots of time because we might eventually leave it out". That is wholly the wrong approach. The Secretary of State has certificated on the cover of the Bill that it complies with the convention. It plainly does not when it includes within schedule six substantial areas of land which it has conceded are not required. The Committee has got the evidence about the various sites. We are now told, "Oh well, give us another six to eight weeks", there is no explanation whatsoever for delay and we would ask for undertakings in the form in which we have sought. Where there has been movement, it is helpful that it has been at the very last moment and inadequate.

15105. So far as the second point I raised, which was the importance of the commercial interests, aggregates, the environmental consequences and so forth, that all seems to be common ground. What is not at all common ground is Ms Lieven's statement which is there is not going to be any effect on rail freight. We simply do not accept that, it has not yet

The Petition of English Welsh & Scottish Railway Ltd

been demonstrated that the 2015 with growth freight can be carried and until that work has been done, it is quite impossible for the promoters to make those statements. That is a matter which the Committee is invited to bear in mind and bear in mind even more strongly in that the importance of aggregates on a Great Western line is so readily accepted by the promoters.

15106. The third matter is the need for further timetabling work. There was some nice footwork here by Crossrail. First of all, they say it is necessary to have a timetabling group and that it is necessary for it to report to the Committee because the Committee needs to know the position. Then, when it becomes clear that in fact the position is very unsure they say, "It is not necessary anyway because the work will be done by Network Rail in connection with the access option". They cannot have it both ways. If it was necessary to set up the timetabling group and to have that group's Chairman reporting to the Committee then where deficiencies and work outstanding has been identified, and it has in a large number of areas as shown in our exhibit—and you will remember the exhibit with the question marks—then the Committee should require that work is done before the Bill proceeds and goes back to the House. We see no problem in that but if the Committee is doubtful on that matter can I remind them of what the then secretary of state said on the second reading on 19 July 2005, column 1132 of Hansard, that he wanted "to make it abundantly clear that we must ensure that we regard Crossrail as part of the national network and that it does not squeeze out to any unjustified degree other services that are equally necessary". Part of your remit is to be satisfied that freight will not be squeezed out. You simply have not got the material. As Mr Watson said you could be supplied with the relevant information, either yea or nay, provided that the department commissioned the work now, it could be available in some six months so we would invite you to require the promoters to carry out that modelling work.

15107. Fourthly, the question of commitments to the infrastructure enhancements. I am bound to say, Sir, it does strike us as wholly extraordinary that the promoters include specific works in the Bill, require the timetabling group to assume that they have been constructive and then to say, "We may not construct them at all". It is even odder when they then give an undertaking, as they did last Tuesday through Mr Elvin, that the works done would be based on there being no material diminution in performance from that reported in the timetable working group report given the fact that report provides no benchmark for the 2015 with growth scenario as Mr Watson confirmed when I was cross-examining him. You have got a meaningless undertaking given to the Committee and that is a matter which calls for investigation. For our part, we see no reason why this Committee should not require the construction of the freight works upon which the timetabling has been done. We are grateful for what was said about the Acton dive under. It is very significant that we

are going to do that one because that one is so important for the Crossrail trains to go fast. We welcome that, though it would be rather absurd if in the year before Crossrail opened there was one freight train less a week and then Ms Lieven would be able to advise that our undertaking is limited to a situation that freight was the same as had been anticipated. We say that even the Acton dive under should plainly be constructed.

15108. Fifthly, the matter of compensation. You have heard a very considerable expert, Mr Oatway, on the point. We are grateful for the concession made on G5 so it is rather curious the way in which Crossrail word it. "We do not intend to do something". In our view that is not an undertaking. The purpose of an undertaking is so that if a promoter goes back on his words he can be taken back before a parliamentary Committee as, I regret to say, it has been necessary to do on a number of promotions. If the promoter merely says that we intend to do X, they cannot report back before the Committee and then maybe say, "We did intend to do it then but, we did not undertake to do it". There is a world of difference and you will have noted how carefully Ms Lieven chose her words when on a number of occasions she said, "We intend" and declined to give an undertaking. It is an undertaking that we say that we are entitled to. In respect of compensations, Mr Oatway has identified a number of matters and you will have noted that there was no cross-examination of his assertion that so far as the CTRL Bill was concerned, then Act, a special compensation regime was introduced. If that was the case for that Act, why not for this Act? After all, they are two works being conducted under parliamentary powers and one would have expected the same provisions for that matter.

15109. Sixthly, the railway clauses. Here, there is another bit of clever footwork which says, "Mr Elvin last week made a short statement on the matter we will not go into it". What we say is that the promoters are quite unable to justify the inclusion of the railway clauses in their present form. We say that they plainly conflict with European law but more importantly perhaps we say they are simply unnecessary. We have a code in the railway industry and that would be sufficient to deal with the matter. In a way the promoters accept that when they say, "When we have got our access option we may come back" but they keep saying, "We will keep the clauses in reserve". We say that this Committee should simply say that the case for those clauses has not been made out. We say that particularly offensive are clauses 22(1) and 24 which include the overriding duty on the regulator to exercise its access contract functions so as to facilitate the operation of Crossrail and that it would be vastly preferable to have the equivalent of the Olympic Act power. You will recall that Mr Elvin said last week that "There really was not any difference between the two", if that is so then as was said by Mr Smith why can the promoters not be content with the lesser option.

The Petition of English Welsh & Scottish Railway Ltd

15110. Finally, one more general comment. I am bound to say we do feel rather prejudiced. We call evidence of an expert nature on timetabling matters and we also call evidence on the effect of the scheme on aggregate production and we are told so far as the first, "That was dealt with by Mr Elvin last week". That is quite untrue, there was no cross-examination of any witness last week on any of the 10 key concerns we have on the timetabling process. That matter will go wholly uncross-examined. In the case of Silverlink these matters were not raised and there has been no one appearing before the Committee raising these particular concerns. So far as the other matters, we were told Mr Elvin is going to cross-examine someone else later, he will deal with tarmac on that. It does not seem to us that that meets the point. The context there is the Nuneaton link and the Gospel Oak link. We were told Mr Elvin is going to cross-examine Mr Garrett on that. With all due respect to Mr Garrett, he is not appearing for a railway operator. We are the railway operators who are calling the evidence and to be told that a third party is going to be cross-examined on the matter at some stage in the future is, we would say, very odd. The normal order of evidence is that evidence is called and not contradicted and either is it taken as being compelling or at any rate has great weight attached to it. We would ask you to approach that matter because, in effect, the views which have been expressed to the Committee by my witnesses were, for the most part, not a challenge for what we say are not very convincing reasons. I am very grateful to the Committee for hearing the petition and I do not have any further submissions to make.

15111. **Mr Liddell-Grainger:** Thank you very much, Mr George. Can I ask one question of both of you. How many meetings did you have between EWS and the promoters? Can you tell me roughly?

15112. **Mr George:** It is difficult to say because it varies as to quite what they were on. There were some on site specific issues and some on the modelling group we were attending.

15113. **Ms Lieven:** Sir, Mr Devereaux tells me that in total over the last three years or so we had in the region of 60 meetings covering lots of different issues.

15114. **Mr Liddell-Grainger:** Thank you very much. It being quarter to eight, Mr George, can you do anything in that quarter of an hour? If you cannot, I will call order.

15115. **Mr George:** Yes, I think we could deal with it in a quarter of an hour.

15116. **Mr Liddell-Grainger:** I will stop you at 8 o'clock on the dot.

15117. **Mr George:** Sir, if the Committee would rather that we did not do it, we will stop now.

15118. **Mr Liddell-Grainger:** I call order and we will do it tomorrow morning. The Committee now stands adjourned until tomorrow morning.

Wednesday 12 July 2006

Before:

Mr Brian Binley

Kelvin Hopkins
Mrs Siân C James
Mr Ian Liddell-Grainger

Dr John Pugh
Mrs Linda Riordan
Sir Peter Soulsby

In the absence of the Chairman, Mr Liddell-Grainger was called to the Chair

Ordered: that Counsel and Parties be called in.

15119. **Mr Liddell-Grainger:** As usual, I inform the Committee that it is my intention to suspend at about 11.45 so that we have a chance to attend PMQs, which, as you are well aware, are quite interesting at the moment.

15120. I will ask Mr George to speak on behalf of Freightliner Ltd.

15121. **Mr George:** Sir, there is one preliminary matter I would like to raise with the Committee. Later on today, Foster Yeoman Ltd and Yeoman Aggregates Ltd (Petition 224) and Hanson Quarry Products Europe Ltd and Pioneer Willment Concrete Ltd (Petition 52) are programmed to be heard. I have had some discussions with Ms Lieven this morning. In the light of what Mr Berryman said

yesterday evening, in relation to the matters concerning Acton Yard, that there is progress anticipated on that matter by the end of September, and in the light of the fact that Crossrail are going to bring forward a supplementary environmental statement which deals with their concerns (which will be part of additional provision 3, which is not yet before the Committee), we have agreed that there would be sense in that matter not taking the Committee's time today but for it to come back sometime after October if there are still live concerns. I would simply seek the agreement of the Select Committee to that course.

15122. **Mr Liddell-Grainger:** That is fine. Please carry on.

15123. **Mr George:** I am grateful.

The Petition of Freightliner Group Ltd.

Mr Charles George QC appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

15124. Sir, the Freightliner Group is the second largest rail freight operator with particular concern for the continued operation of its expanding container traffic to the east coast and the Thameside ports and the interface with Crossrail on the Great Eastern Line. I am not going to summarise the evidence you are going to hear solely from their head of rail strategy, Lindsay Durham, but it may help if I indicate that they are not raising their own property issues—so those matters of specific sites which came up yesterday are not going to be before the Committee again—although they share EWS's concern that those yards should remain with EWS and be as minimally affected as possible. They are concerned about the "strategic sites" point—and we will come back to that in due course—but could I indicate on that issue that we find entirely unconvincing the argument advanced, that: since they are going to be used for railway purposes that is in accordance with their being strategic sites. The strategic sites were set aside in the early 1990s to cater for freight growth. If Network Rail, now the owner of them, wishes to take any of the strategic sites for a non freight purpose, then they have to provide an alternative site. All we are saying is that, in that Crossrail are effectively taking two of these sites (the Paddington West Yard and the Plumstead Yard—both of which are being taken as a result of the Crossrail works), the pool needs to be topped up.

15125. The particular concern of Freightliner is with the threat posed to freight operations on the Eastern line. I would ask, please, if there could be put on the screen an extract from the transcript: Day 48, paragraph 13715. This is Mr Elvin to Mr Watson, the Chairman of the Timetabling Group: "Mr Watson, the position with regard to the need for infrastructure improvement of the Great Eastern side, is that a need which is brought about by Crossrail or is it a need which is already existing?" Answer: "I think I have already mentioned that Crossrail does take away some of the capacity. That is a fact." This is common ground here, that there is taking away of capacity on the Great Eastern line. There may be disputes about the Great Western line, but here there is no dispute at all. As you can see from the answer at the end of the next paragraph, Mr Watson agreed that "something needs to be done" in that area. That is the matter which Ms Durham and Freightliner are going to be underlining.

15126. The position is going to be made worse when account is taken of Transport for London's plans for an enhanced passenger metro-service on the North London Line, with downstream effects at Stratford and further east—again, all matters agreed by Mr Watson (Day 47, paragraph 13792). These are

The Petition of Freightliner Group Ltd

matters about which, thus far, the Promoter has been very coy, about which there has certainly been no cross-examination, and which we say need to be explored and, we would hope, resolved with expedition.

15127. The various matters I raised yesterday on behalf of EWS are equally applicable to Freightliner's case, in particular Ms Durham was personally a member of the Timetabling Group (which Mr Smith was not) and you may find her comments of particular assistance, given Mr Elvin's statement on Day 49, paragraph 14178, that "... the modelling enjoys the support across a wide number of stakeholders." We say that is a gloss on the true position and Ms Durham will make the position absolutely plain.

15128. Furthermore, Mr Elvin suggested on Day 48, paragraph 13877, that the rail freight companies were raising new issues at a late stage without raising them at the proper and earlier time. That this is not so is clear, for example, from the fact that as long ago as 19 December 2005 Freightliner requested that further work be done on the timetable, which included the expected growth of freight by rail until 2015 and beyond, and that performance modelling was necessary.

15129. Finally, you are going to hear from Ms Durham about the scope and need for railway enhancements—enhancements which everybody seems to agree are necessary—and that something should be done, but we say that a steer is needed to the DfT, the Promoter of this Bill, to move from encouraging noises to funding commitments and a specific programme and timetable. Such works would satisfactorily replace a lack of freight capacity caused by Crossrail, and, unless this Committee is given certain assurances on that matter, the position will be quite other than that which the Secretary of State apprehended on second reading, in the passage to which I referred the Committee yesterday, 19 July, column 1132, that there would not be any squeezing out to any unjustified degree of other services that are equally necessary.

15130. Sir, with that background, I will call Ms Durham. Sir, there is a bundle of exhibits to which I suspect the Committee will wish to allocate a number.

15131. **Mr Liddell-Grainger:** A170.¹

Miss Lindsay Durham, Sworn

Examined by **Mr George**

15132. **Mr George:** You are Lindsay Durham. What position do you hold with the Freightliner Group? **(Ms Durham)** I am the head of rail strategy for the Freightliner Group, a post I have held for 15 months. I have worked in the rail industry for 23

years and in rail freight for 17 of those 23 years. I am deputy chairman of the Rail Freight Operators' Association which represents EWS, Freightliner, DOS and GBS, a director of both the Railtrack Group and the European Rail Freight Association. I am also a member of the Freight Transport Association's Rail Freight Council. My responsibilities to Freightliner include the management of our relationship with Network Rail, the rest of the rail industry and the Government.

15133. Would you explain who Freightliner are? **(Ms Durham)** The Freightliner Group incorporates Freightliner Ltd, who specialise in moving containers from ports to inland terminals, and also Freightliner Heavy Haul Ltd, who transport mainly bulk goods, such as coal, aggregates, cement, oil and waste. Freightliner Group is the UK's second largest rail freight operator and currently we carry some 28% of the rail freight in the UK.

15134. You were here yesterday and heard the evidence of Mr Smith. Do you have any comment on that matter?

(Ms Durham) Yes. I support the evidence given by Graham Smith of EWS. I will not duplicate what Mr Smith said. However, I do ask the Committee to note in particular the issues regarding land, capacity, regulation and compensation which Graham Smith described. These issues also seriously affect Freightliner's business and our ability to compete with road freight. I would like to set out today the particular concerns of Freightliner which have not been covered by EWS, in particular issues relating to the carriage of deep sea containers from the western ports.

15135. I think today we are mainly going to be hearing about Freightliner Ltd and containers. Is that right?

(Ms Durham) That is right. Freightliner is a specialist in the deep sea container market, as well as being considerable player in other freight markets. Indeed, in other freight markets, we have recently won new contracts to transport aggregates into Bow in the East of London, which Mr Smith discussed with you yesterday, and also to Thornley Mill in Brentford, west of London, which are also potentially affected by Crossrail. EWS have already dealt with matters affecting land issues, so I shall not repeat them, however Freightliner could have an interest in these land issues in the future, as, in principle, if a contract to run freight into these sites is won by another operator, the 125-year leasehold from Network Rail also transfers to the new operator. Indeed, much of the lease for the site discussed yesterday, Bow, Midland, West Yard (EWS site 9) should be assigned to Freightliner in the near future as a result of Freightliner taking over the movement of the aggregate industry traffic into that site from April 2006.

15136. In short, you do carry aggregates and you might in the future use these sites.

¹ Committee Ref: A170, Proof of Evidence of Freightliner Group Ltd.

The Petition of Freightliner Group Ltd

(*Ms Durham*) That is correct.

15137. I think we can then move on to the question of containers and the new matters.

(*Ms Durham*) Containers are those large metal boxes of standard sizes that can easily be transferred between different modes of transport. Exhibit FL1 shows the largest ports in the UK deep sea container business, which are currently Felixstowe, Southampton and Tilbury and Thamesport, and it is the ports of Felixstowe and Tilbury which are affected by the Crossrail proposal.² The lines in dark blue on the map are the lines that are affected by Crossrail. You will note that many of these trains travel long distances, as many as 400 miles from Felixstowe to Glasgow.

15138. What are the green diamonds?

(*Ms Durham*) They indicate the new ports at Felixstowe South and at Bathside Bay which have been approved by the Secretary of State, and also the port at Shellhaven which has provisional approval by the Secretary of State. These new ports are required because existing UK ports are operating at near capacity.

15139. Basically, the containers which are going by rail from those three ports are all going to be converging on this key stretch of the Great Eastern Line and that is your concern.

(*Ms Durham*) Yes.

15140. The market background, please.

(*Ms Durham*) Container rail to port traffic is becoming increasingly important to the UK and over the last 20 years the UK has seen a trend to move away from manufacturing within the UK to manufacturing within developing countries. As a consequence, efficient transport of goods is as important to the success of the UK economy now as efficient manufacturing was 20 to 30 years ago. Continued growth in the movement of freight and particular freight moving increased distances, alongside increased people movement, has led to congestion of the UK transport infrastructure, both on rail and on road.

15141. I think you then come to deal with a study, with which the Committee may well be familiar, the Eddington Transport Study.

(*Ms Durham*) Yes. Freightliner has input into the Eddington Transport Study, which was initiated by the Chancellor and the Secretary of State last autumn to provide advice to the Government on the long-term links between transport and the UK's economic productivity, growth and stability. It is now expected to report in November this year. It is expected that this report will address the issue of inland transport of containers in the UK from and to ports and how this is linked to the growth of the UK economy. Related to that, recently the DfT have published *Ports Policy—your views invited*.

² Committee Ref: A170, UK deep sea container routes (LINEDW-17205-001).

15142. That is FL3.³ This was published by the Government this summer, is that right?

(*Ms Durham*) That is correct, yes.

15143. It is a consultation document, hence “your views invited”. At paragraph 3.9 we can see the point being made that there is anticipated a “sustained growth of imports in manufactured goods” and that that matter is linked to economic growth.

(*Ms Durham*) That is correct, yes.

15144. Looking to paragraph 4.1, there is concern that there should not be “serious impediments at a national level to the provision of port capacity required to secure the gains from international trade.”

(*Ms Durham*) Yes.

15145. **Mr Liddell-Grainger:** Mr George, take it as read that the Committee understands.

15146. **Mr George:** Fine. The same is true of paragraphs 5.1 and 5.2. That is therefore the context.

15147. **Sir Peter Soulsby:** Chairman, may I help. I think the Committee is probably persuaded that rail freight is important. I think it is probably also persuaded that it ought to grow and, given a fair wind, will grow. I do somewhat feel we are going over ground that has already been well covered.

15148. **Mr Liddell-Grainger:** Mr George, can we know what you want? We went over a lot of freight yesterday. I think the Committee will agree with me that we would like to know exactly what you as the Petitioner want. If it is to do with replacing the yards in London, I would like to know.

15149. **Mr George:** It is very clearly set out, sir, in our FL11.

15150. **Mr Liddell-Grainger:** Why do we not then go to FL11, Mr George, and take that as our starting point. You are obviously looking for something specific. If it is the Paddington West Yard and West Plumstead sites, shall we talk about that?

³ Committee Ref: A170, Extracts from Ports Policy—your views invited, DfT's discussion document for the Ports Policy Review, May 2006, www.dft.gov.uk (LINEDW-17205-003).

The Petition of Freightliner Group Ltd

15151. **Mr George:** Yes. Let us do that. Let us go, therefore, to FL11. ⁴Paddington West Yard is going to be transferred, is it not, to a freight use because the Paddington New Yard is being taken by Crossrail. **(Ms Durham)** Yes, that is right. I understand it is going to be transferred to EWS.

15152. Plumstead is another strategic freight yard which is going to be taken for the tunnel portal. **(Ms Durham)** Yes, I believe so.

15153. You are taking undertakings in respect of them. Can you very briefly explain why you seek those undertakings? **(Ms Durham)** Yes. We are not asking for compensation. We are asking for compensatory land. The purpose of strategic sites is that a land bank for freight sites is available, and if, for instance, Railtrack, now Network Rail, remove sites from this land bank, they have to replace these with an alternative site. These sites are needed to grow. Rail freight cannot grow unless it has new sites. Just because the sites are currently empty does not mean they will not be required in the future. Indeed, only in the last two years, Freightliner has called down the sites at Hitchin and Luton that were previously empty for many years.

15154. Do you find it any answer that Plumstead, for instance, is going to be used in connection with Crossrail and therefore that is a rail use? How does that deal with the intended function of these strategic sites? **(Ms Durham)** I do not think it deals with it at all. These sites should be reserved for rail freight. Just because they are being used for other rail matters, that is not the purpose for which they were reserved. They were reserved for rail freight and we need an alternative to replace them.

15155. Let us move on then to the capacity point, which is number 3. The Committee will recall from yesterday the 11 points mentioned in EWS 14. Were you a member of the Timetable Working Group? **(Ms Durham)** Yes, I was.

15156. Does that mean you personally or was Freightliner Group just represented? **(Ms Durham)** I personally attended the majority of the meetings.

15157. Did you at an early stage raise the need for timetabling and detailed work in relation to the 2015 position with freight growth to 2015? **(Ms Durham)** Yes, I did. I believe I raised it at one of the first meetings in December.

15158. The various matters which have been raised about, for instance, the fact that there has been no performance modelling in respect of 2015 with freight growth or an access/egress to freight terminals and the like, are those new matters or are those matters which were raised during these working group meetings by the representatives of the freight train operators?

(Ms Durham) They were not new matters at all. Indeed, all of our items in the list of 10 were raised regularly at the meetings. I particularly advise you, for example, with regard to the performance modelling of the timetable, including the 2015 growth, that this was discussed at a meeting on 20 March. I quote from the minutes: "Resilience modelling will be undertaken over the next two to three weeks." We have never received that work.

15159. Could page 24 of the Crossrail Timetable Working Group report—a page we looked at yesterday—be put on the screen, please.⁵ This is the down service. We looked particularly at how the minus 8 in the right-hand column grew to a minus 16, and the minus 15 to a minus 23, therefore a worsening in each case of eight so far as freight paths in 2015. Is that right?

(Ms Durham) Yes.

15160. Is there any reason why performance modelling should not have been done of the maximum number of freight trains that can be accommodated? There may be a shortfall, but of the number which can be accommodated along with the proposed Crossrail service.

(Ms Durham) No, I know of no reason why performance modelling could not have been done on this timetable, including all the paths that could be accommodated in the timetable.

15161. Mr Watson said that those matters could be done if a timetabling group worked on them and were given some resources. How important is it that the Committee knows what the effect on freight will be and whether it will work with the proposed Crossrail timetabling?

(Ms Durham) I think it is essential that we understand how any timetable will react to perturbations that we all know will happen. It is not just the effect on freight services; it is also the effect on passenger services. It is the whole integrated timetable that needs to be looked at to make sure that it is robust.

⁴ Committee Ref: A170, Freightliner Requests for Decision (LINEDW-17205-012).

⁵ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-024).

The Petition of Freightliner Group Ltd

15162. Could we then please go back to exhibit FL2.⁶ The Shenfield Line is the line on the right which is going out to Felixstowe.

(Ms Durham) Yes.

15163. The Barking line is the line that goes south, is it not, to Shellhaven ports?

(Ms Durham) Yes.

15164. They converge on this key stretch between Forest Gate and Stratford.

(Ms Durham) That is correct.

15165. That is where your particular concern is and where there is shown up by the provisional timetabling work this deficiency in freight paths.

(Ms Durham) Yes, and also between Shenfield and Stratford.

15166. Can we come back then to your FL11.⁷ Is there any other point you want to make about the timetabling before we leave your request three.

(Ms Durham) Yes, I would particularly like to raise the issue of how the Crossrail timetable is going to be integrated with the TfL enhanced metro timetable that has to be in place before the Olympic Games before 2012. Both this new TfL metro service and Crossrail service uses capacity at Stratford. Also particularly the TfL service affects capacity.

15167. **Sir Peter Soulsby:** Mr George, I would like to get an understanding of the context and significance of the concerns that your Petitioner has. I wonder if we could go back to document which shows the deficiencies.

15168. **Mr George:** That was page 24 of the Timetable Working Group report.⁸

15169. **Sir Peter Soulsby:** I would like to understand the context of these deficiencies against the scale of your business. Are we talking here of a significant proportion of your business being detrimentally affected? Can you give me some idea of what sort of percentages these figures represent in terms of the number of trains that will run on a particular day?

(Ms Durham) The number of trains we currently run on this particular route is 22—on both of the routes combined in each direction.

15170. That is 22 in each direction. How many do you run across the whole network?

(Ms Durham) That is nearly half our trains. We run 85 single journeys—approximately 22 each way.

15171. You are talking about detrimental effect, in broad terms, to what sort of proportion of your trains?

(Ms Durham) Can I make it clear that it will affect growth. However, the point I am trying to make is that, although this work has been done, it does not yet include how our services are going to interact with the TfL services on the North London Lines. It is key that the two timetables join together and they join together at Stratford, and it is not clear how we are going to get from Stratford. Until that work has been done, I do not really think we can make absolute judgments on the work that has been done so far by the Timetable Working Group.

15172. **Mr George:** It is an important question you are being asked. Am I right in saying, therefore, that this deficiency, by any standards, affects a significant part of your business and its potential for growth.

(Ms Durham) Yes.

15173. **Mr George:** Does that answer your question?

15174. **Sir Peter Soulsby:** It does for now. We can come back to it.

15175. **Mr George:** We are up to the area of about 28 trains and we have a shortfall of 16 trains shown in the down direction. Can we go to FL9 to pursue this TfL point.⁹ This is a press notice put out by TfL a week or so ago about what is happening on the North London Line. They announced that they are going out to seek a concessionaire to run the passenger railways on the North London Railway. Is that correct?

(Ms Durham) Yes.

15176. They say that there is going to be a substantial upgrade. If we can go to page 2 of the document, in the third bullet point we can see that there are going to be extra train services running on those lines; that, in the next bullet point, there are going to be service frequency improvements on all routes; and, in the final bullet point, that they are planning a new TfL high[en rule]frequency, metro-style train service. That is your concern, is it not?

(Ms Durham) That is our concern. We do not yet know how that service is going to integrate with our service and the Crossrail service.

15177. Could we put up the TfL position statement, which the Committee, assuming they have been extremely diligent, will recall was referred to on Day 48, paragraph 13933, when Mr Steel was being cross-examined.¹⁰ This is the TfL position statement which shows what they are planning. Initially I think you believed it was going to be an increase from four trains per hour to eight trains per hour but now it appears it is going to be an increase from four to twelve on some parts of the North London Line. Is that right?

⁶ Committee Ref: A170, North London Line, Crossrail and the Willesden—Gospel Oak- Barking Line (LINEDW-17205-002).

⁷ Committee Ref: A170, Freightliner Requests for Decision (LINEDW-17205-012).

⁸ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-024).

⁹ Committee Ref: A170, Four bidders on TfL London Rail Concession shortlist, TfL Press Notice, 7 June 2006, www.tfl.gov.uk (LINEDW-17205-009 and -010).

¹⁰ Committee Ref: A170, TfL North London Line Position Statement (LINEWD-GEN13-044).

 The Petition of Freightliner Group Ltd

15178. (*Ms Durham*) That is right. Between Dalston and the Camden Road there are currently four services an hour and this proposal shows there are going to be 12, which was the first time we were aware of this.

15179. It says the East London Line to Caledonian Road and Barnsbury. Had you be informed about that proposal until this document appeared last week?

(*Ms Durham*) No, we had not.

15180. Did the Timetable Working Group take any account of the enhancements of capacity of the TfL services on the North London Line?

(*Ms Durham*) No, it did not. We did discuss at the meetings that this was work that needed to be done on many occasions. In fact we discussed that, but the work was never done, and there was never a detailed TfL timetable that was available to compare and coordinate with the Crossrail timetable. We are very concerned that this TfL timetable will have a huge effect on freight paths through the North London Line, in particular, because of the increased service of 12 services an hour between Dalston and Camden Road, there is nowhere for the trains to sit between Stratford and Dalston, so the timetable must be coordinated through Stratford.

15181. Could we please put up FL2.¹¹ Let us look at the North London Line. It has been described as the North Circular Road for freight. It runs from Stratford across and you can either go across on the Gospel Oak Line or you can carry on. That is the line which, at present, your freight uses, is it not? It comes along the Great Eastern and then up the North London Line.

(*Ms Durham*) That is correct. It is the blue line on the map, traffic from Felixstowe and Tilbury company. In the future, Felixstowe South, Bathside Bay and Shellhaven will have to use that route because it is the only gauge cleared route.

15182. If you are coming from Felixstowe, you come along to Shenfield, along to Stratford and up the North London Line, and if you are coming up from the Barking Line you come up to Forest Gate, you wend your way across the Great Eastern Lines, and then at Stratford you turn off and go up the North London Line. Is that right?

(*Ms Durham*) That is correct, yes.

15183. That is the most congested part of the Great Eastern Line and the provisional timetabling work shows that that is where the main pinch point is.

(*Ms Durham*) I think that point was acknowledged by Robert Watson in his evidence last Tuesday. He said one of the issues that creates for us timetablers is actually joining together what we call 'paths' or 'slots', particularly in this case for freight trains.

15184. Ms Durham, what happens, what is the effect on your freight of this enhanced TfL service which no doubt is a thoroughly desirable project, this enhanced TfL passenger service which is to start in a few years' time and be up and running by 2012? What is its effect on your freight?

(*Ms Durham*) We do not yet know what the effect will be because the timetabling work has not been done, but we do have grave concerns that the effect will be severe and it is a combination of the two timetables.

15185. **Mr Liddell-Grainger:** Mr George, I think the message has been well made. From the Committee's point of view, I think I can say that we would like to know more about this timetable. If there is a problem, as the Committee, we would like to know what it is. I think, Mr George, you must stop with this point. I think it is probably well taken on by the Promoters that there is deep concern from EWS and Freightliner that there is a problem with this timetabling and I would be interested to see what the Promoters say because it is well taken on board.

15186. **Mr George:** I am grateful, sir. Then if we go back to FL11, item 4, the present position is that Crossrail and the Secretary of State have mentioned a particular frequency and pattern of Crossrail services and that is what the Timetable Group looked at.¹² Is that right?

(*Ms Durham*) That is correct, and we have concerns that, although this is a sort of sample timetable that has been looked at, the Bill gives powers that this timetable could be changed and the number of services could be increased. Even if the number of services was set, the pattern is very important and, having overseen this detailed timetabling work, even if you move a Crossrail service or another service by, say, two minutes, it could mean that there is no space in the timetable where there previously was space; the timetable is that tight.

15187. What we have put forward is an undertaking as set out there which would protect the position of rail freight, so it would be no worse on the opening of Crossrail than if there had been no Crossrail services. Another way of doing it would be to limit Crossrail to a particular level, as might be the case if there was a planning permission, but do you see any problem in your undertaking?

(*Ms Durham*) No, I do not. I think this undertaking will still allow Crossrail to make some changes, but it would be an undertaking which would protect rail freight.

¹¹ Committee Ref: A170, North London Line, Crossrail and the Willesden—Gospel Oak- Barking Line (LINEDW-17205-002).

¹² Committee Ref: A170, Freightliner Requests for Decision, Capacity, Industry Timetable Working Group (LINEDW-17205-012).

 The Petition of Freightliner Group Ltd

15188. I think we can then move on—I think that is obvious, the results—to number five.¹³

15189. **Mr Liddell-Grainger:** Mr George, I think we will take number five from my comments of yesterday to you which were that we have no power, but that you would like somebody in the House of Commons to look at this.

15190. **Mr George:** Either in the House or it can be an agreed arbitrator or it could be the rail regulator, provided he was not constrained to give preference, or simply an independent arbitrator, best if it was within the House, but we leave that to the House as to what the mechanisms would be.

15191. **Mr Liddell-Grainger:** Mr George, you can take it that that is now on the record.

15192. **Mr George:** I am grateful. Can I just say that in the second line, for the word “listed”, one needs to put “asterisked” because the Committee will recall that in that particular exhibit the matters were asterisked. If we then move on to item six, this is the further enhancements and it relates to EWS19, and I want you please to deal with three matters, first of all, the Acton up freight line. Yesterday the Committee heard at approximately 7.15 from Mr Berryman about the Acton up freight line and he said that that was going to be seriously investigated by Crossrail because, unless it was put in, it is very difficult for a freight train to go east of Acton without going into the Acton Goods Yard. Is that correct, Ms Durham?

(Ms Durham) That is correct, and we would be very concerned if we were forced to go into the Acton Yard because it is an EWS yard and it is already a very, very busy yard. As a competitor to EWS, we would not want to be compelled to put our services into their already busy yard.

15193. Ms Durham, for anybody who was not here yesterday evening, the position is that there is a dive-under, is there not, which allows the Crossrail train to go under the freight line into the Acton Goods Yard, but that the gradients of the dive-under are such that a freight train cannot get up. That is common ground and, therefore, either freight has got to stop at Acton Goods Yard or, if it is to go east, it has to negotiate with EWS to go into their yard, suffer delays in their yard and then go out of that yard and proceed further east in the Paddington direction. Is that right?

(Ms Durham) Yes, that is correct. We obviously do not want to go into our competitor’s yard. I was also slightly confused yesterday. Mr Berryman indicated that there was an alternative route to access the North London Line across London, but we are not aware of what this route is and the only alternative we know is through the Acton yard.

15194. So it is a situation of no freight beyond Acton, except by paying to go into the EWS yard. Is that the position?

(Ms Durham) As far as we know, yes.

15195. There again you have emphasised the importance of that point, and I think Mr Berryman was not really disagreeing that it was important. He was going to investigate it and he told us it did not need an additional provision because it could be done within the capacity of the railway and you want a commitment to construct the Acton up freight line. Is that correct?

(Ms Durham) That is right. We welcome that Crossrail are going to seriously consider it and we are pleased that it can be done without additional provisions, but what we really need is a commitment.

15196. Can we now come back please to FL2 and to a matter which was briefly touched on by Mr Smith, but which is, I think, an even greater concern to you and that is the Willesden-Gospel Oak-Barking line, the green line shown there, that that should be improved.¹⁴

(Ms Durham) Yes, it is, and perhaps I could just briefly explain to the Committee about the change in the container market, and this is a worldwide market, the container market. Because more finished goods are moving by container, the standard size of container across the world is being heightened to nine foot six, instead of the current eight foot six. We estimate that by 2015 approximately 49% of the boxes moved in this country will be the high, cubed boxes and it is for this reason that it is essential, in order to satisfy our customers, that we can offer them a route which enables us to move nine foot six high containers. The route from Barking to Willesden via Gospel Oak is not currently clear for nine foot six containers.

15197. Now, what needs to be done to that Willesden-Gospel Oak-Barking line to make it capable of accommodating your containers coming from Tilbury and Shellhaven?

(Ms Durham) Well, as I mentioned earlier, the gauge needs to be raised and this involves work to tunnels and bridges, et cetera. In addition to that, some track and structures may need to be strengthened to enable additional freight trains to move on that route and also the route needs to be resignalled potentially to allow more freight trains because it has got a very old signalling system at the moment.

15198. **Mr Liddell-Grainger:** Ms Durham, can I just ask you, have you ever had any conversations at all with the Promoters?

¹³ Committee Ref: A170, Freightliner Requests for Decision, Capacity Enhancements in the Bill (LINEDW-17205-013).

¹⁴ Committee Ref: A170, North London Line, Crossrail and the Willesden—Gospel Oak- Barking Line (LINEDW-17205-002).

The Petition of Freightliner Group Ltd

(*Ms Durham*) Yes, we have had conversations. In fact I first met them last July.

15199. And you have come to no agreement whatsoever on any of this?

(*Ms Durham*) No. I think the Promoters felt that it was not their role to enhance this or alternative routes.

15200. I am beginning to get that feeling myself and I am a little interested to hear what the Promoters say about this. I think it is slightly outside our remit, but I am interested to hear what they say.

15201. **Mr George:** Sir, can I interrupt. The approach seems to have been taken that this is highly desirable and that the likelihood is that it will be done in any event, but the unsatisfactory feature is that no one is committing the money or putting forward a timetable as to when it will be done and it is being shuffled off, and that is our complaint.

15202. **Mr Liddell-Grainger:** Then I take your point on board, that you would like this done and I think the Promoters will have heard you again, Mr George.

15203. **Mr George:** Could I just ask that we put up on the screen the same page from the examination of Mr Watson which went up in my opening because at the top of that page, and it was paragraph 13714, we have got Mr Elvin, "So the purpose of GOB is to take out of the existing network those freight services . . .", and Mr Watson said that, and that was all in the context of it being improved. Then if you look down to the further discussion, it is that there is a need for it and what is required, so all we are asking, Ms Durham, I think, is for the Committee to indicate the concern that there is and the importance that something is done about this enhancement of the Willesden-Gospel Oak-Barking line so that freight is safeguarded. Is that not right?

(*Ms Durham*) That is correct and the cost of this scheme or parts of this scheme could be very little indeed. We have been asking Network Rail if they could give us approximate costs of this scheme and we first asked them last July and we have not been able to get the costs, but we have an indication that, for instance, the gauge clearance work could be as little as £5 million and the track and structures work another £5 million.

15204. **Mr Liddell-Grainger:** Ms Durham, I think you have made your point.

15205. **Mr George:** So you regard it as not a very expensive improvement, but an essential one?

(*Ms Durham*) Yes.

15206. What is its relation to Crossrail?

(*Ms Durham*) Its relation to Crossrail is that it will enable the traffic from Tilbury and Shellhaven to completely avoid the Crossrail route.

15207. Therefore, that reduction in freight capacity brought about by Crossrail which we saw on that table will be reduced?

(*Ms Durham*) It will be reduced, yes.

15208. Now, the other matter which you want to speak about is the Felixstowe to Nuneaton line and can you just say a few words about that because that is a particular concern to you, an even greater concern than to EWS.

(*Ms Durham*) Yes, it is. If we could go back to FL1.¹⁵ The traffic from Felixstowe and Bathside Bay will not be helped by the upgrade of Gospel Oak-Barking because you cannot get from the Great Eastern route actually on to the Gospel Oak-Barking route, not until you get past Stratford in any event, so although capacity on the Great Eastern is eased slightly by the Tilbury and Shellhaven track diverted away from this route, in order to allow the growth at Felixstowe and Bathside Bay, it has, in the decisions made on those ports, been indicated by the Secretary of State that, I think it was, 26% for Felixstowe and 22.5% of traffic for Bathside Bay should go by rail. In order to reach those figures by rail, we also would need the route from Felixstowe to Nuneaton via Ely, Peterborough, Melton Mowbray and Leicester to be upgraded and this allows freight services from Felixstowe and Bathside Bay to completely avoid London.

15209. So there is another enhancement and it is mainly gauge enhancement again, is it not?

(*Ms Durham*) Yes, it is mainly gauge enhancement, but I think the capacity would also have to be looked at because again it is quite an antique signalling system on that route.

15210. Again is it the same link to Crossrail that, if you could go across by that route, you would not need to use that bit of the Great Eastern and, therefore, Crossrail would not be reducing your capacity?

(*Ms Durham*) That is correct. The majority of the services from Felixstowe and Bathside Bay which go to the Midlands, the North West and Glasgow could be completely away from the Crossrail route.

15211. Given that TfL are now going to run these extra services, and indeed it appears that is now a commitment that they are going to run those and run them by the Olympics, does that make it the more important that these two schemes you have identified, the Gospel Oak one and the Felixstowe/Nuneaton, are prioritised?

¹⁵ Committee Ref: A170, UK deep sea container routes (LINEDW-17205-001).

 The Petition of Freightliner Group Ltd

(Ms Durham) Yes, it would seem absolutely sensible, if the Government and TfL want to enhance services through London, which is absolutely understandable, that you try, if possible, to divert freight so that it does not have to come through London.

15212. I think the Committee have probably heard enough about that matter and are seized of the point. That, I think, then deals with your undertaking six. If we move to undertaking seven, yesterday Mr Smith and Professor O’Keeffe explained deficiencies of the existing railway clauses and you do not intend, I think, to traverse that ground again.

(Ms Durham) No, I do not.

15213. Is there any point on that though which you wish to refer the Committee to?

(Ms Durham) Yes, I would just like to think about the compensation and—

15214. We will come to compensation in a moment, but is there anything on regulation and undertaking seven that you want to say or can we just leave it as per the evidence yesterday?

(Ms Durham) I think it is as per the evidence yesterday.

15215. Let’s move on then to compensation for temporary disruption. Undertaking eight is an area we went through yesterday, Network Code Condition G5 and you remember at the end of the day that the position is that Ms Lieven says that Crossrail do not themselves intend to invoke Condition G5. You remember that matter?

(Ms Durham) Yes, I do and I do not quite understand why an undertaking on this point cannot be provided, and I seek clarification about what was said yesterday because I think what we need is an undertaking that Network Rail will not invoke this clause.

15216. The key thing with Condition G5 is that the people who would invoke it would be Network Rail to deny you compensation because of a legislative change. Crossrail and the Department regard that as being unfair and what you want is an undertaking that, in the context of Crossrail, Condition G5 will not be invoked by any regulatory authority. Is that right?

(Ms Durham) That is correct.

15217. Then we need not say any more about that. Then insofar as condition nine is concerned, as yesterday, we need to write some words in, do we not, in the penultimate line and after the phrase “is entitled”, as yesterday, we need to insert the words, “or the method by which it is calculated”. Is that right?

(Ms Durham) Yes, it is.

15218. Yesterday Ms Lieven dealt in her closing with eight and 10 and I think on nine you still have concerns and that matter was rather bypassed yesterday. Do you understand any reason why an undertaking in the terms of nine should not be given?

(Ms Durham) No, I do not.

15219. All you are asking is that the existing system, whereby you are entitled to compensation, should not be changed. Is that right?

(Ms Durham) Yes.

15220. Since the Promoters say that they are content that railway industry procedures prevail, it does not seem very difficult to give that undertaking, does it?

(Ms Durham) Yes, we do not understand why the current regime cannot be used for this project.

15221. Then if we can turn over the page to condition ten, this is about the losses in the period less than six months and the issue is whether it should be as on the East London Line and as on the CTRL or whether it should be as per the Great Western Main Line.¹⁶ That appears to be the situation, does it not?

(Ms Durham) Yes, it does, and it is not just about changes over six months, but it is also possessions that might be required that are not actually a network change, but come under the auspices of the project. I think Crossrail really has to be regarded as a special case, that it is a third-party project of an exceptional size and that very large and long possessions that might be required are not what is normally envisaged or what we had envisaged under the Network Code. The Network Code does not really deal with those issues very well. A precedent has been set with the CTRL Bill and, as I understand it, in this Bill there are many aspects to this which are similar to the CTRL Bill and modelled on the CTRL Bill and we cannot understand why similar provisions as were used in the CTRL Bill could not be used here.

15222. When you say the CTRL Bill, you mean the access agreements negotiated under the Bill. Is that right?

(Ms Durham) Yes.

15223. If we turn to FL12.¹⁷ You have set out the mechanism in the access agreements under the CTRL Bill and they do provide compensation in certain circumstances and, therefore, there is a tailor-made code and it is simply a code similar to that which you seek if you suffer losses as a result of Crossrail during disruption. Is that right?

¹⁶ Committee Ref: A170, Freightliner Requests for Decision, Compensation for temporary disruption (LINEWD-17205-014).

¹⁷ Committee Ref: A170, Channel Tunnel Rail Link (CTRL) Compensation (SCN-20060712-001)

The Petition of Freightliner Group Ltd

(Ms Durham) Yes, that is right. This is a summary of what is included in the CTRL provisions in our existing unlimited track access agreements.

15224. I am just looking through your exhibits to see whether the Committee has those and I do not think there are any other matters there which I need take you to. Ms Durham, we have gone about your evidence in an expedited form, so is there any other area which you feel important and wish to draw to the Committee's attention at this stage?

(Ms Durham) I think there are just a couple of small issues I would like to mention. One is that there have been statements made by Network Rail that the enhancement scheme should be solely dealt with in the Route Utilisation Study for across London. We do not really agree with that because Crossrail is not being considered in detail by this study because it is outside the ten-year horizon and also it is not a committed scheme yet.

15225. That is a rather important point, that you have got these studies being done, but, because Crossrail is so far in the future, it is not included in them. Is that the position?

(Ms Durham) Yes, it has certainly not been included in detail in the work that has been done in those studies and I believe that that document is out at the end of August, the final version.

15226. Arising from that, do you see, as a modeller, a timetabler, any problem in simply sitting down and looking at what would be the position with all those services and what would be the effects?

(Ms Durham) I think the key is that everything needs to be taken into account, Crossrail, TfL, freight and any changes to passenger services. It needs to all be co-ordinated.

15227. **Mr Liddell-Grainger:** Given, Ms Durham, that a week in politics is a long time, 10 years is a lifetime! I have a feeling that we will be looking at this again. I think that point is taken on board.

(Ms Durham) There is just one other point I would like to reiterate with the Committee and that is the point of investor confidence. We understand the principal reasons why there are such draconian measures in the Bill because Crossrail is looking to get security for its potential investors, but I would also like to point out that Freightliner and other rail freight operators are also privately owned companies and we have our own investors. A small company like Freightliner has invested £250 million in new locomotives and wagons since 2000 and these investments allow us to improve our product to our customers which ultimately means more traffic moving by rail instead of by road. What we are just seeking is that there is a more balanced and regularised view of the Bill that takes into account that it is not just Crossrail that has private investors, but that the rail freight operators also have private investors and if they do not have confidence, they will not invest.

15228. It is now on the record, Ms Durham.

15229. **Mr George:** Are there any other matters?

(Ms Durham) No, thank you.

15230. **Mr Liddell-Grainger:** Mr George, thank you very much. Ms Lieven?

Cross-examined by **Ms Lieven**

15231. **Ms Lieven:** Ms Durham, can we start on the strategic freight sites quite briefly and I am afraid there is going to be a bit of hopping around between documents, but I will try and make sure that we all know where we are. Could we go to the Promoters' generic exhibits, GEN17-030.¹⁸ Ms Durham, I am sure you are familiar with this document. This is a part of the original Rail Privatisation Transfer Scheme that deals with, amongst other things, strategic freight sites. Is that right?

(Ms Durham) That is correct.

15232. If we go to exhibit page 37 and clause 4, this is dealing with circumstances in which strategic freight sites remain on the list of such sites ready to be called up by operators.¹⁹ Yes?

(Ms Durham) That is correct.

15233. What it says in the second part of clause 4 is that, "Strategic freight sites shall remain on the list unless it is agreed that: (1) there is no longer a reasonable likelihood of the site being used for rail freight purposes in the foreseeable future . . . ; (2) Railtrack are able to offer suitable alternative property; or (3) sites shall be removed when they have been returned to freight use or compulsorily acquired". Yes?

(Ms Durham) That is what it says.

15234. As far as I can see in this document, if a site is compulsorily acquired for whatever purpose, there is no requirement in this document that an alternative site be provided, is there?

(Ms Durham) There is no requirement, but the whole purpose of having strategic freight sites is that there is a land-bank of land available and I think it is disappointing that Crossrail do not feel able to offer us alternative sites to keep within the spirit of having strategic sites.

15235. I will leave that there and deal with it in submission. Then capacity issues and, first of all, can we look at exactly what Mr Watson did say in evidence on Day 48. Perhaps we could have the transcript for Day 48, paragraph 13715 and 13716. I am sure unintentionally, Mr George read the beginning, but not the end of 13715. Mr Watson is asked about the position on the Great Eastern side, ". . . is it a need which is already existing?", and Mr Watson says, "I think I have already mentioned that

¹⁸ Crossrail Ref: P112, Railtrack Transfer Scheme, Agreement for Leases, Site Demarcations, Connection Agreements and BRT Easements (LINEDW-GEN17-030).

¹⁹ Crossrail Ref: P112, Railtrack Transfer Scheme, Strategic freight sites (LINEDW-GEN17-037).

 The Petition of Freightliner Group Ltd

Crossrail does take away some of the capacity. That is a fact. I think what is also absolutely clear is that the level of growth of freight by rail from either ports that already exist or the ports which there is an expectation will get planning permission in the near future is such that, with or without Crossrail infrastructure, enhancement is needed to ensure that the freight growth is not constrained". Do you see that? Then in the following paragraph, and I do not want to read through it all, but it again makes the same point, that, even without Crossrail, freight growth is constrained on the Great Eastern without infrastructure enhancement.

(Ms Durham) That is true, but I think it is also acknowledged and agreed that Crossrail makes it worse and also, without wishing to go over the same point again, the work is not complete and critically does not include the TfL timetable.

15236. Well, I will come to TfL in a moment, but I should say, sir, that this is the matter about which the Committee will have the pleasure of hearing Mr Garrett for Tarmac being cross-examined by Mr Elvin in detail next week, which is much to be looked forward to, sir, and I am not going to make the slightest attempt to steal Mr Elvin's thunder, but can—

15237. **Mr George:** Perhaps I can interpose. This arose yesterday. Mr Garrett is not a railway operator, nor are Tarmac railway operators. It is wholly improper of the Promoters to say, "We will not cross-examine a Petitioner who is a railway operator because next week we intend to ask someone with an entirely different concern about the matter".

15238. **Mr Liddell-Grainger:** Mr George, thank you for that. Ms Lieven, I think you will take that on board.

15239. **Ms Lieven:** I will take that on board, sir. It is right, Ms Durham, is it not, that Mr Garrett is a timetabling expert? I assume you know Mr Garrett. It is a fairly small world.

(Ms Durham) I do know Mr Garrett quite well. I do not actually believe he is a timetabling expert, no, I think he is an expert in transport forecasting.

15240. Well, I will leave that to Mr Elvin. Can I just, partly to placate Mr George, put one detailed document to you. It is the Transport Working Group document, which is P106, exhibit page 24.²⁰ It is a document we looked at earlier, Ms Durham, but this is just so the Committee see the point. The first section of this table is dealing with the situation without Crossrail. Is that right?

(Ms Durham) Yes, the first approximately six lines.

15241. And the next block is with Crossrail, yes?

(Ms Durham) Yes.

15242. Just to put the point very, very simply, if we come over to the right-hand corner without Crossrail, we see that there are insufficient paths on this part of the Great Eastern without Crossrail for rail freight to grow.

(Ms Durham) Yes, that is correct. It is already a congested piece of line, but Crossrail makes it worse.

15243. Crossrail may make it worse, but ultimately if freight is to grow on the Great Eastern without Crossrail being involved at all, there have to be enhancements, do there not?

(Ms Durham) I think that is true, there will be.

15244. Then turning to the TfL point and whether that makes the situation worse, TfL have an aspiration to increase passenger services on the North London Line, and that is clear from the documentation. Before they can make such an increase, they will have to get an access option, will they not, from the Office of the Rail Regulator?

(Ms Durham) An access option or an access agreement, yes.

15245. And the ORR, in determining what access option or agreement, if any, they get, will take into account the impact on freight, will it not?

(Ms Durham) It will, alongside the impact of the Olympics.

15246. Mr George made the point when asking you the point that Freightliner were concerned that the matter be dealt with by an independent person. The ORR is clearly an independent person in those terms, is he not?

(Ms Durham) Yes, the ORR is important, but also I think what is of concern to us here is that the ORR will also have to give precedence to Crossrail, so yes, if it was just TfL and freight, he would act under his normal duties, but here he is also, on top of those, being asked to give precedence to Crossrail and I think that would change his judgment.

15247. But you understand, do you not, Ms Durham, that the intention is that, as far as Crossrail's own access is concerned, that will go to the ORR to consider and, we hope, to determine an access option, yes?

(Ms Durham) Yes, I understand that to be the case, but if in the access option process Crossrail do not get what they require, they can later use the powers in the Bill to get what they require.

15248. Finally on the TfL position.²¹ If we look at the TfL position statement which Mr Fry has helpfully put up, we can see underneath the intended usage of the route that the document expressly says, "The RUS recognises the need to undertake further

²⁰ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-024).

²¹ Committee Ref: A170, TfL North London Line Position Statement (LINEWD-GEN13-044).

The Petition of Freightliner Group Ltd

development work to deliver further enhancements and it would be the intention of TfL to do this through the normal industry processes". Then just above it says, "The train service levels proposed are consistent with the cross-London RUS soon to be published by Network Rail, and TfL recognises that, in order to deliver the aspirations which are set out below, route enhancement will be required", so in order for the TfL service on the North London Line to be provided, TfL accept that there will have to be route enhancement.

(Ms Durham) Yes, I think there will have to be a route enhancement, but what is not down here in this position is how that timetable is going to be co-ordinated with the Crossrail timetable. Also, I would like to point out that I think the service shown on the East London Line going to Caledonian Road and Barnsbury has not actually been discussed with Cross London RUS. Cross London RUS does not include detailed work on Crossrail.

15249. I will come to one point on timetabling in a moment, but just to finish off on this point, if we could put up your exhibit 002, the route enhancement which is necessary in order for TfL to achieve the level of service that they want.²² I do not know how familiar the Committee is with the detailed railway network of North London, but it involves four-tracking a section of the North London Line which is approximately where I am putting the pointer here; changing it from three tracks to four tracks between Barnsbury and just before Camden Road.

(Ms Durham) It may be but I think until the timetabling work is done to work out what effects it will have on capacity I do not think anybody can conclude whether that is sufficient enhancement or not. It still does not deal with the integration strategy of the two services.

15250. Thank you. I will stop there on the little trip round north London, if I may. While we are on the rough area of north London, Gospel Oak to Barking. I can take you to the document if we need to but that is one of the projects that has been brought forward very recently in the Transport Innovation Fund, is it not?

(Ms Durham) Yes, that is correct, and we certainly welcome the statement made by Douglas Alexander that that scheme is going to be taken forward to look in more detail at the business case. We welcome the statement but it is not yet a commitment.

15251. And Felixstowe to Nuneaton, which is the other major route enhancement you wish the Committee to consider, is also a Transport Innovation Fund statement, is it not?

(Ms Durham) Yes, that is also going to be taken forward to look at the business case.

15252. The final thing I would like to ask you about is timetabling. Your concern, as I understand it, is that we have not written a timetable for 2015, so you cannot know precisely how it will affect your train service. Is that right?

(Ms Durham) I think my concern is that, as previously discussed, there is further work to be done on that timetabling.

15253. I do not know whether you were here yesterday but I assume you understand that through the Access Option it is intended that Network Rail will do further timetabling work.

(Ms Durham) Yes, I was here yesterday and I think, as Mr Smith explained, there has not yet been an Access Option that has been approved by the regulator, so the process is unknown. If the process is that Network Rail are going to do further timetabling work then we, of course, welcome that but we would like to be involved in detail in that timetabling work.

15254. As far as what happened in the Working Group is concerned, my instructions are that the Working Group considered this matter and everybody agreed, including yourself, that the Working Group could not carry out full timetables because the freight industry could not give us the times of the trains for 2015, so everybody agreed that we use some kind of indicator of capacity by paths per hour.

(Ms Durham) Yes. It was never suggested that freight operators were going to provide a detailed timetable for 2015. It was always agreed that paths per hour were going to be looked at but, in fact, the detailed work on paths per hour was never completed on the Great Western routes; there were only some paths looked at.

15255. **Ms Lieven:** Thank you very much.

15256. **Mr Liddell-Grainger:** Mr George, this timetable situation—I am getting deeply confused. You had a Working Group, you have had an enormous amount of meetings about this timetable and I would like to know exactly what is going on here, because if there is a timetable problem it is going to have to be sorted out. We seem to have problems with crossovers with Crossrail and all the rest of it. The easiest thing is to go away and sort this out or we are going to have to determine it with a lack of information. So somebody, along the line, is going to have to come up with a definitive answer as to the timetable and I am afraid it is going to have to be the Promoters.

15257. **Ms Lieven:** Sir, can I just say, that, with respect, we do not think it is that choice; we think there is a third way, which is that the body that should sort this out is the ORR because, with the greatest respect to Parliament, I would suggest that the ORR expertise in this matter was perhaps greater and, also, that they might have more time and resources to get into the detail of timetabling. I can call Mr Morris, who is on the Working Group, to

²² Committee Ref: A170, North London Line, Crossrail and the Willesden—Gospel Oak- Barking Line (LINEWD-17205-002).

 The Petition of Freightliner Group Ltd

explain why we have got to where we have got, but in my submission, in terms of sorting it out, then the appropriate thing to do is send it off with the Access Option to the ORR. If they cannot sort it out for some reason then, I suppose, ultimately, it might have to come back, but that is a very unlikely situation.

15258. **Mr Liddell-Grainger:** Can we leave it that that is what will happen? I want to know exactly where we are going. The plus and minus trends, and all the rest of it, is all very good and well but we want to know, in fact, what the situation is. That is how we will leave it and we look forward to having the earliest possible response on this situation.

15259. **Ms Lieven:** Sir, I do not want to raise unmatched expectations. The expectation on our side is that the Access Option will be determined by the time this Bill gets to the House of Lords. It takes, you can imagine, some time. I do not know if you remember but Network Rail produced a flowchart of access options. We will very shortly be sending the Heads of the Access Option to the ORR, they then have to consider it and consult on it, it goes round a process, and all of that takes time. There is no getting away from that. Whether or not it will be done in order for it to come back here depends very much on how long we all have to continue to meet.

15260. **Mr Liddell-Grainger:** Then, Ms Lieven, we will leave it like this: that this Committee would like an updated report as to how we get this timetable. It is an area in which we have no expertise and we do need to inquire further about this very, very carefully.

15261. **Mr Binley:** We are talking about two very important matters in the national interest here. We are, secondly, talking about a Promoter's scheme which impacts upon the freight people. You want to do something that is new and different; they are already there in existence and have an existing business. I think the nation expects to see a slightly more pragmatic approach than I have felt from reading the minutes of yesterday, and I feel today, quite frankly. I think that for a group of Promoters who will bend over backwards on almost every other issue I am not quite getting that there is the sort of understanding to solve the problem that we would expect to see. Now, that may sound harsh but it is what I think, and I am delighted to be in a position to be able to think that. You might be kind enough to go away, rethink how this can be done with the freighters and if you people are happy then I think we ought to make progress and we ought to make it, really, rather quickly, quite frankly.

15262. **Ms Lieven:** Sir, can I just make one comment on that, and then it would be very helpful for us to understand the Committee's position on this. Our view is that yes, this is a vitally important matter—I cannot begin to stress how much time on our side has been put into it. We have come to the conclusion,

over the months, that the best way to sort this out is through the ORR because it is the ORR that has the statutory function, the expertise and the support.

(Ms Durham) I think there are two points. We would be happy to do it through the ORR as long as there was a commitment in the timetabling work that was done that we were involved at all stages. Mr Smith you heard yesterday for West Coast Main Line timetabling work, and that in the end produced a very successful result, and that is because all the parties worked closely together. I think that is what is needed here. However, our other concern, as I mentioned earlier, is that if Crossrail do not get what they want out of the Access Option they are then going to have another opportunity with the Bill to overpower it.

15263. **Ms Lieven:** Can I respond briefly on that? As far as a commitment to do the timetabling work is concerned, unless I get grabbed from behind, we have a clear commitment to work with the ORR to produce the necessary timetabling information so the ORR can carry out its normal functions. So far as “if we don't get what we want we will come back and have a sulk” is concerned, sir, I would suggest we cannot make any judgment on that until we have been through the ORR process.

15264. **Mr Liddell-Grainger:** Ms Lieven, the Committee will privately discuss this and I think we will come back to you if we feel we need to take this any further. Thank you for that. Mr George, as far as timetabling is concerned, we will follow that through. Have you any comments?

15265. **Mr George:** Sir, the particular comment I have is this: the Department, the Promoter of this Bill, thought it appropriate last autumn to set up a Timetable Working Group so that this matter could be thrashed out and so that the Select Committee could have information—it may not be down to every single moment of the hour but a picture in which the various options have been looked at, refined and studied. It is common ground that that Working Group has not finished its set task. There were a number of delays. It was never said at that stage: “It is a waste of time having this committee because the Access Option and the regulatory will sort it out”; it was thought a useful task. There was to have been a meeting in June; it was cancelled and no further meetings have been arranged.

15266. Our case is that there is a very good forum there, that Working Group; it includes the Department for Transport, Transport for London, Crossrail, Network Rail and the Office of the Rail Regulator—a whole series of bodies. Why not have that body hold several further meetings (and the Committee is going to be here for a few months more) and let them come back and give you the updated position?

The Petition of Freightliner Group Ltd

15267. **Mr Liddell-Grainger:** Mr George, I think we have made our position very clear. We will wait to hear from the Promoters. If we feel there are further issues on the timetable I can assure you, Mr George, you will be the first to hear the case. Would you like to continue?

15268. **Mr George:** Then, sir, I do not think I have any questions arising.

15269. **Mr Liddell-Grainger:** Ms Durham, thank you very much.

The witness withdrew

15270. **Mr George:** Sir, I do have a brief word in closing but I do not know whether Ms Lieven comes before me. I have no further witnesses.

15271. **Mr Liddell-Grainger:** Ms Lieven, do you have anything further to say?

15272. **Ms Lieven:** Sir, I was going to close briefly. I am equivocating, to be frank with you, about whether or not to call a witness. I think, as far as any site-specific issues are concerned, the Committee heard Mr Berryman yesterday. I could call Mr Berryman to explain the position on Gospel Oak to Barking and Felixstowe to Nuneaton, and all that stuff, but I think I have probably explained it already.

15273. **Mr Liddell-Grainger:** I take the points on board, which were very ably put by Mr George.

15274. **Ms Lieven:** I do also have Mr Morris here who could give more information about timetabling and the Timetable Working Group, but my submission would be that given the exchange we have just had it would be better to leave that.

15275. **Mr Liddell-Grainger:** I want the Promoters to come back, Ms Lieven, as discussed.

15276. **Ms Lieven:** Certainly, sir. So, sir, completely off the cuff, if I can just find the Freightliner exhibits, almost all the points that they raise in FL11 are matters that we dealt with yesterday, so I am not going to repeat them. If I can just say, so that it is pulled together on the transcript, on strategic freight sites, Paddington West Yard, or New Yard, is going to be used for freight, so there is no loss of strategic freight site there, we would say. It is being used for its very purpose.

15277. Plumstead. I do rely on the fact that in the very agreement that gives rise to these strategic freight sites it is perfectly clear that if they are CPO'd no replacement site has to be given. Ms Durham ends up saying that it is disappointing we have not provided other sites but BRB and Network Rail have other sites if EWS want them.

15278. As far as timetabling is concerned, I think enough has been said and we will come back on that. Capacity enhancement. The point that Freightliner have focused on, rather than what we looked at yesterday in detail, was these two major capacity enhancements: Gospel Oak to Barking and Felixstowe to Nuneaton. In my submission, it is quite clear from the evidence—and we will come back to this next week—that the pinch point at Stratford to Forest Gate, which everybody accepts is a pinch point, is a pinch point because of what is going on on the ports development and general freight growth. If freight is to grow on that section then something has to be done on that well before Crossrail and is nothing to do with Crossrail. That is being taken forward through the Transport Innovation Fund. So, in my submission, it really has little to do with this project. Mr Elvin will come back to that next week.

15279. So far as TfL making the position worse is concerned, first of all the ORR will have to consider that through the Access Option. If the North London Line proposals do make it worse for freight then that is a matter the ORR will consider and doubtless require certain enhancements. Also, it is plain from TfL's own statement that they accept there will have to be an enhancement and my instructions are it is the enhancement I referred to in terms of four-tracking, and that is perfectly doable. So, in my submission, those capacity issues have nothing to do with this Bill.

15280. On regulation, paragraph 9, there is a slightly trickier point but it is probably appropriate for me to deal with in closing, because Mr George is right I did not deal with it in detail in closing yesterday because of the hour.²³ It is necessary to focus on what paragraph 9 is seeking, because it is seeking three things: "An undertaking by the Promoter to the Committee or to Freightliner that the Promoter will not seek to change the Network Change process by using his powers in the Bill (or otherwise) to reduce in any way Freightliner's entitlement to compensation for Network Changes." That part is perfectly acceptable and we will write to Freightliner in those terms.

15281. There is a complication in the next clause: "or to remove the ability of the train operators to object to the detail of a Network Change . . ." On the face of it, that looks fairly innocuous because you think "object"—there is no problem with that. But if I can ask the Committee to look at H2, which is the IP on railway compensation, what comes out of that (and I will read from the paragraphs, it is paragraph 3.3) is that the power to object is, in reality, a power to veto.²⁴

²³ Committee Ref: A170, Freightliner Requests for Decision, Regulation (LINEWD-17205-013).

²⁴ Committee Information Paper H2—Railway Compensation, billdocuments.crossrail.co.uk

The Petition of Freightliner Group Ltd

15282. If we can just go through, starting at 3.3. This is dealing with blocking rights under Part G of the Network Code. “In certain circumstances in accordance with the terms of Part G of the Network Code operators may be able to block a network change which is required in order to undertake the Crossrail works.” Then we say that they will have the opportunity to raise things during the passage of the Bill. Then 3.3.3: “arrangements will need to be in place for the payment of compensation where necessary to the affected operators in this case. The Department proposes to work with the ORR to develop arrangements for the payment of compensation to affected operators” (and I touched on that yesterday). “It should be noted that whilst operators will not be able to block a Crossrail-related network change the Department proposes that the standard industry arrangements for information exchange and consultation provided for in Part G of the Network Code should apply in respect of a Crossrail-related network change.”

15283. What all that means is that Freightliner et al will be consulted and will have the opportunity to make representations, but what they will not be able to do is stop Crossrail doing certain work, having certain changes. For the reasons we went through yesterday, it would be quite unacceptable to investors to bring forward Crossrail and then have freight operators being able to block necessary changes. So that second clause of paragraph 9 of the Freightliner proposed undertakings we cannot agree to.

15284. I can get Mr Lancaster, who is dealing with this in the Department, to write to the Committee in more detail on that point because, obviously, it involves quite complicated understanding of the railway industry processes. Effectively, what it comes down to is that we cannot allow freight operators or anyone else to hold us to ransom.

15285. **Mrs James:** What about the freight operators’ commitments? What about their guaranteed paths? They have got a business to run as well. There are two sides to everything.

15286. **Ms Lieven:** Absolutely, madam. That is the balance that the ORR sets through the Access Option. We are trying to get some kind of equity here between the needs of Crossrail with this massive long-term and major investment and the needs of the freight operators, who—an absolutely valid point, and a point Mr George made yesterday—have also made investments and they have to be able to make investments on the basis of a fair future system. Our view is that a balance is to be struck here and the balance is struck through the ORR, but not by allowing one side to hold the other side to ransom.

15287. **Mr Liddell-Grainger:** Ms Lieven, I think we have taken that as read, but I can assure you we will be looking at this very carefully indeed. EWS and Freightliner do have the right to operate on these lines, and so does Crossrail, and as a Committee we

will look at this in great detail. I take your point on board but we will reserve our position on this because I think there is a fundamental difference between blocking and being destructive. I do not think that is what Mr George or any of the—

15288. **Ms Lieven:** No, sir, I am sure they are not suggesting, but that is the power. What is clear from these paragraphs in H2 is that that is the power underlying Part G, and it may be necessary, rather than for me to deal with it in a rather on-the-hoof and, I have to say, not desperately expert, way, for Mr Lancaster to write to the Committee in detail about how these blocking powers arise. I do not know whether that would be helpful.

15289. **Mr Liddell-Grainger:** Yes, it would. I think this needs to be explored much further. I do not like the idea of commercial companies being browbeaten by anybody. I am not suggesting that is what you are saying but what I want is clarification of the position. We have had a lot of evidence in the last two days which shows that these companies have a concern over timetabling access, sites and all the rest of it. If there is a compensation issue we want to know what it is and we want to see it in the way that you, as the Promoters, are putting it forward. Is that understood?

15290. **Ms Lieven:** That is understood, sir. Within the next three or four days we will write you a detailed letter on this point explaining precisely how it works and we will obviously copy it to EWS and Freightliner.

15291. **Mr Liddell-Grainger:** And it will be put on the record.

15292. **Ms Lieven:** Yes.

15293. **Mr Binley:** Just for clarification, we also need to know why “object” and “block”, which seem to me to be two very distinct English words, should be considered to have the same meaning, because they do not to my mind. If they do to your much more refined legal mind then I would like to understand that.

15294. **Ms Lieven:** No refinement at all. It may be, sir, that we are being excessively cautious on this and all Freightliner want is the power to make representations, which of course is no problem. However, if they are relying on these powers in Part G then that is what we object to. We will talk to Mr George about this in detail and we will write to the Committee in detail.

15295. **Mr Liddell-Grainger:** I look forward to that, Ms Lieven, and I look forward to hearing exactly what the companies—

15296. **Ms Lieven:** The final part of paragraph 9: “or to object if the amount of compensation to which the operator is entitled is not agreed, and to have those objections adjudicated independently”. On the face

The Petition of Freightliner Group Ltd

of it, that is acceptable—it sounds fair—but we need, again, to understand what the consequences of “objecting” are because if under Part G the objection then becomes a block, then that would, again, be unacceptable. So it is the same point arising on this last one.

15297. **Mr Liddell-Grainger:** I am sure Mr George has heard that.

15298. **Ms Lieven:** Thank you, sir. Then, finally, on paragraph 10, the bespoke compensation scheme, this comes to the same point I addressed the Committee on yesterday.²⁵ We believe that compensation should be in accordance with normal industry processes. If it is not covered by normal industry processes it should be in accordance with the underlying principles behind the ordinary industry processes, which is no better, no worse.

15299. **Mr Liddell-Grainger:** I think you can be safely assured the Committee will take that into consideration

15300. **Ms Lieven:** Thank you very much, sir.

15301. **Mr George:** Sir, I can be extremely brief. If I can ask the Committee to turn to FL11, so far as strategic sites are concerned, we are under-impressed by the argument that there is really no change at Paddington because the Paddington West Yard is to be taken and used for freight. It is only being used for freight because the Paddington New Yard is being taken from a freight use; it is in a freight use at present by EWS and it is to be taken for Crossrail. So there is a net loss of freight sites. What we say is that the total package of strategic sites is being reduced and it needs to be topped up. It is, I am afraid, subterfuge to say that there is no change.

15302. So far as capacity is concerned, sir, could we reserve our position to come back when the further information on timetabling is presented to the Committee, because otherwise we will not have an entitlement to see it? We simply reserve our position in that respect.

15303. **Mr Liddell-Grainger:** Mr George, I can assure you that if we want you to come back we will let you know. I am not going to allow that at the moment. We are being pushed to the wire, at the moment, to hear all the witnesses. I can give you this guarantee: that as a Committee we will be very interested to see what does come back on this timetable. It is of fundamental importance, I know, to your clients and we will take that into consideration.

15304. **Mr George:** Could I just say one more thing on that matter? When the Working Group was set up there was never any suggestion that it was an unnecessary body; it was a matter of it being dealt by the ORR through the Access Option group. It served a useful purpose, it could still serve a useful purpose and you need the information. I say no more about those matters.

15305. So far as undertaking 5 is concerned, the capacity enhancement of the Bill, you know how important those matters are. So far as undertaking 6 is concerned, I think this morning has been helpful to clarify really that these are outstanding matters which need to be progressed, and you have seen yet again today it said: “It is all right; those will all happen.” Will they happen? That is the question. That is what needs to be investigated and any pressure which can be exerted the better.

15306. So far as regulation is concerned, the position remains that in their back drawer the Promoters seek to retain the railway clauses. “If you, regulator, do not give us this Access Option we will, in effect, hit you over the head with the railway clauses”. That is the position. This Access Option is being brought forward in that situation. It is a potentially unfair situation. One hopes the independent regulator will stand up for all the interests but one does appreciate the difficulty it is being put in, but what is unsatisfactory is that those railway clauses should be there at all. This Committee should report in the strongest terms that those railway clauses are not necessary; they should be amended in the way set out in EWS24.

15307. So far as the compensation clauses are concerned, you understand the point on 8, and there is a need for some movement on 8. So far as 9 is concerned, with due respect to Ms Lieven she is simply taking a bad point. They should be able to give us the entirety of 9. We are not seeking to block, we are seeking a power to speak up and explain deleterious consequences. We can be overruled. We are not saying we will block anything. It is very important that we have all parts of 9. In my submission, the Committee has no evidence to the contrary. Again, if a paper is put in—quite why these papers are coming in after we have appeared and we have been raising these matters for weeks—could we be informed, and we may be making representations to come back on the issue—

15308. **Mr Liddell-Grainger:** Mr George, I think that is clearly understood. You will be informed. One of the reasons papers are coming in is because the Committee is asking for them. That is the role of the Committee. If we feel there are areas we are unsure about or we do not understand we ask for papers. Mr George, when it does come you will be on the list and it will be on the record.

²⁵ Committee Ref: A170, Freightliner Requests for Decision, Compensation for temporary disruption (LINEWD-17205-014).

The Petition of Freightliner Group Ltd

15309. **Mr George:** Sir, I am extremely grateful for that. On 10, we have still not heard any explanation as to why the situation should be different from that on the East London Line or on the CTRL. It remains a mystery to us why freight should lose out. No explanation has been given.

15310. Sir, can I just end with a homely comparison? Assume a superstore operator was seeking planning permission and he was near a very busy and rather overloaded roundabout. He is going to discharge a lot of traffic at the roundabout and let us say the Highways Agency, or a county highway authority, are responsible for that roundabout. It is inconceivable that they would say: "Of course you can have planning permission. It is desperately overcrowded at present; we just accept you will make it a bit worse, absolutely fine." The minimum requirement of that superstore operator would be that he would make the position no worse than it would be if the superstore were not permitted. That is fundamental to our whole approach. We are simply saying do not make the position for freight worse than it would otherwise be. It does seem to us that the Department are applying a double standard here from the standard that they would adopt if through the Highways Agency they were reviewing a proposal such as that. Sir, those are our submissions and we are very grateful for the attentive hearing we have received.

15311. **Mr Liddell-Grainger:** Mr George, thank you very much indeed.

15312. **Ms Lieven:** Can I just deal with one point because it may be that I did indeed take a wholly bad point, and I was being overly concerned about the interests of my client. If, in relation to paragraph 9, all Mr George is seeking is the right to make representations as strongly as he wishes about the needs of his client in relation to any proposed network change then that is a matter that is dealt with in H2 at paragraph 3.3.4 where it says: "It should be noted that whilst operators will not be able to block a Crossrail-related network change the Department proposes that the standard industry arrangement for information exchange, consultation provided for in Part G of the Network Code should apply in respect of Crossrail related network change." That appears to meet the concerns that Mr George has. We have generally taken the approach in this Bill—and I would submit it is a sensible one—that rather than giving lots of people undertakings all in slightly different terms, we have relied on the information papers which are effectively an undertaking to the Committee that we will do things in this way. If Mr George's point is as limited as he suggested in closing then it does seem to me that 3.3.4 covers the concern. If he wants a minor tweaking of it to make it say they can make their representations as vociferously as they like then we would be more than happy to do that.

15313. **Mr Liddell-Grainger:** We will wait to see your paper and we will then deliberate on it as a Committee, and if we have any further information we want to take from you we will do so. Mr George, the paper will come to you and to your clients, so you have an opportunity to have a look at it. Unless there are any further matters we will re-convene at 2.30.

After a short adjournment

15314. **Mr Liddell-Grainger:** Ms Lieven, do you have anything to say?

15315. **Ms Lieven:** Mr Laurence will explain the position with his clients, sir.

15316. **Mr Liddell-Grainger:** Mr Laurence. It is nice to see you back.

15317. **Mr Laurence:** Thank you very much, sir. Good afternoon to the Committee. I appear, as you will know, on behalf of Petitioner 78, Aggregate Industries (UK) Ltd, Petitioner 79, Plasmor Ltd, and Petitioner 90 London Concrete Ltd, all in connection with those Petitioners' interests at the Bow Midland Yard West. The yard forms part of a worksite for Crossrail, as I think the Committee is already aware, in the vicinity of the Pudding Mill Lane portal for the tunnel. The Promoter seeks compulsory powers over the whole of the yard. My clients were intending today to ask you to require the Promoter to give to them certain undertakings, the effect of which would have permitted them to continue in business on certain parts of the yard with Crossrail using another part for spoil disposal. Three matters have recently arisen, however, causing us to wish to take a different course, subject to your view, before the Committee today.

15318. The first of those is this: we are aware from certain matters to which reference was made yesterday that over the next month or two the Promoter's precise requirement in relation to this yard are likely to become defined more precisely than they are at the moment. Secondly, we also understand that there will be a further supplementary environmental statement and consequential amendment to the Bill, the effect of which will be to permit London Concrete's concrete batching plant to be displaced from its present location to a different location on the same site. The third matter to mention, sir, is this: there has been an evident willingness on the part of the Promoter to come to an agreement for co-existence with the tenants on the site. Over previous months there have been discussions. These discussions are ongoing. There is a hope—and I put it no higher than that—that they may be successfully concluded over the next few months, thus obviating the need for an appearance before the Committee.

The Petition of Freightliner Group Ltd

15319. I have had the opportunity to discuss all these matters with Ms Lieven over the adjournment as well as with those who instruct her. There is accordingly agreement between us, subject of course to you, sir, and to the Committee's will, that my clients' petitions be adjourned to a suitable date in the autumn, in the hope that our discussions in the meantime will have borne fruit, with the result, if they do, that we will not need to trouble the Committee. If they do not, the consequence will be a much more focused case than would otherwise be possible. In those circumstances, subject to anything my learned friend may wish to add, my application is for the matter to be adjourned on that basis.

15320. **Mr Liddell-Grainger:** Thank you, Mr Laurence.

15321. Ms Lieven?

15322. **Ms Lieven:** Sir, I entirely support the application. I think I would perhaps be slightly more optimistic than Mr Laurence in terms of it being a good hope that we will be able to reach agreement on this and in those circumstances it would seem sensible to leave it to the autumn.

15323. **Mr Liddell-Grainger:** We will wait to hear from you after you have had your deliberations. Provided you are happy, we are quite relaxed.

The Petition of The Quarry Products Association Ltd

Mr Richard Honey appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

15324. **Mr Liddell-Grainger:** Ms Lieven, is there anything more you want to say on this Petition?

15325. **Ms Lieven:** Having looked at the Petition of Quarry Products Association and their exhibits, it raises almost precisely the points about the great benefits and desirability of moving aggregates by freight and the concerns that we went through at great length yesterday. I do not intend to call any evidence on it but perhaps it is worth putting down a marker now that Crossrail, the Promoter, is entirely supportive of the importance of freight in general and the importance of moving aggregate by freight in particular. I said that yesterday and I say it again today so that Mr Honey can hear. Beyond that, sir, at this stage I do not intend to call any evidence.

15326. **Mr Liddell-Grainger:** Mr Honey, I will pull you up if any evidence is repeated from yesterday. I know you have the transcript and you will see the evidence presented by Mr George and his clients.

15327. **Mr Honey:** Yes, sir.

15328. **Mr Liddell-Grainger:** Would you like to proceed, Mr Honey.

15329. **Mr Honey:** Thank you. I appear on behalf of the Quarry Products Association, whose concerns, like other Petitioners, are the extensive rail powers contained within the Bill and the effect that they will have on the transport of aggregates by rail and indeed on those who depend on aggregates. The Quarry Products Association is the trade association for companies engaged in providing aggregates. We accordingly represent almost all aggregates business which will be affected by the Bill. We are keenly aware that you have heard evidence from other Petitioners with related but particular interests and we will seek to avoid repeating that evidence. You may well be pleased to hear that we will not deal with the importance of aggregates and their transport by rail, given that that is not disputed. We will seek to

deal in evidence with points where the Quarry Products Association can add to the evidence that has already been given to the Committee and there are a few points where we think that is the case. You will be pleased to hear that our evidence has been considerably cut back from that which was originally proposed to be presented, given yesterday's proceedings.

15330. There are four areas where we can add something and I will be calling one witness, Mr Jeremy McLaughlin to deal with those. They are, firstly, the long-term future of the aggregates industry at 2015 and beyond. That, sir, I do not think has been canvassed before the Committee, not least because it is difficult for the freight companies to predict that, whereas for the aggregates companies it is more possible. Secondly, the effects on aggregates business overall rather than the particular interests of the Petitioners before this Committee. Thirdly, the QPA has carried out some research on the environmental impacts of the proposals in the Bill, and we will deal with those very briefly because that is an area where we can add, given the research there has been. Fourthly, of course, are QPA's particular concerns and what we are seeking in relation to the Bill. We will confine ourselves to those four areas and I hope not to repeat anything that has been raised before.

15331. **Mr Liddell-Grainger:** Thank you. Your evidence is A171. On your second point about the future of the aggregates business, I am not sure we as a Committee can steer you too greatly on that, but we will listen to what you say. If it seems to me to be slightly tangential, I shall stop you.

15332. **Mr Honey:** Thank you, sir. It is relevant in as much as a view on that has to be taken in order to form a view on the robustness of the Crossrail timetabling exercise.

 The Petition of The Quarry Products Association Ltd

15333. **Mr Liddell-Grainger:** Thank you for clearing that up.

15334. **Mr Honey:** There are essentially two concerns that we have with the Crossrail railway provisions. The first is that it is possible to override existing track access rights and secondly there are powers to prevent the new track access rights. The result of that for our members is that there is a very significant reduction in the business confidence that aggregate businesses can have in the future of rail as a means of supply, and that obviously has business planning consequences for the QPA's members. As well, it has practical consequences of cutting down their ability to serve their customers. In presenting the evidence with you today, we are moving down a level, as it were, in the supply chain from the interests of Freightliner and EWS to looking at how aggregates are delivered to end users.

15335. There is one important point, sir, that I would like to make in opening, which is that beyond the practical effects which may well arise from the use of the Bill powers, the mere existence of the Bill powers and the threat that they would be used effectively to force some freight off the rail will have an effect on the business planning of aggregates companies because of that hanging over them. They will look for alternative means of supply into London rather than rely on the railway line. We also support the position that has been taken by others for the need for infrastructure enhancement and we believe there must be a clear undertaking in that respect. As far as the position with the Bill is concerned and what we are seeking by way of remedy, the QPA's position is that the broad Bill powers are not necessary and that there is enough in the circumstances at this stage to give sufficient comfort to the Promoter without the need for those Bill powers being retained at this stage. Secondly, we say, sir, in any event that the proper approach here is for the balance to be struck between competing interests by the Regulator and not to be included in the Bill. Those are ultimately, sir, where we are hoping to leave this. With that by way of introduction, I will call if I may our witness, Mr Jeremy McLaughlin.

Mr Jeremy McLaughlin, Sworn

Examined by **Mr Honey**

15336. **Mr Honey:** I would ask you first, please, briefly to explain your role at the Quarry Products Association.

(Mr McLaughlin) I am the Director of Economics at the Quarry Products Association. I have held that post for two years. Before that I worked in the aggregates business for 20 years, including marketing issues and information issues. Prior to that I worked in civil engineering and steel industry.

15337. Can you briefly sketch out what the QPA's membership comprises and therefore what interests your members have in this Bill.

(Mr McLaughlin) Yes. We cover 90% of the industry, which covers all aspects of supply from recycled materials to primary materials. Our industry covers all the companies who have petitioned the Committee and we cover a range of suppliers into London.

15338. How many members are there approximately of the QPA overall?

(Mr McLaughlin) Around 150.

15339. I am going to ask an additional point on policy which has not been canvassed before so far as you are aware. Would you explain to the Committee briefly, please, what the Government's position is on rail freight and road transport substitution?

(Mr McLaughlin) It is basically following the 2004 White Paper which stated that they will continue to encourage freight traffic to be shifted from road to rail where that makes sense. That is the policy which the aggregates industry has taken into account in its operations since that time.

15340. What do you anticipate in the future, even without any growth in the aggregates business itself, in respect of rail freight?

(Mr McLaughlin) We anticipate a significant level of growth. I think my concern here in terms of the discussions the Committee has already had is that I suspect the assumptions which have been made in terms of the potential growth in aggregates demand and the potential for rail freight of aggregates in London are probably significantly understated. If we start from the position that there is a process of Government planning which involves forecasting the aggregate volumes, these forecasts currently assume that aggregates demand in London will increase from 13 million tonnes in 2003, the base year, up to 17 million tonnes in 2010. That forecasting process has not yet taken account of the Olympics or the wider development plans for Thames Gateway. I think we are looking at a steeper growth pattern over a period of, say, 10 or 15 years. The difficulty we have with the process to date is that as a customer of freight companies we have not been directly involved in the timetabling work. We are not timetabling experts but I am concerned that the assumptions made for aggregate growth are significantly too low for a number of reasons. The Crossrail assumption seems to be that the intention is to leave other operators' access to the line really at a similar rate to now when Crossrail is built. I think it has also been pointed out yesterday by the Crossrail counsel that there is in fact some scope for growth in the timetabling exercise. It has been described to me as organic growth which I guess means 1 or 2 per cent per annum. It seems to me looking at the potential for growth in the Thames Estuary, Thames Gateway and London that that could be a significant under-estimate of the potential for the growth of construction aggregates in the region. The knock-on effect is that the demand for rail aggregates could be considerably underestimated I think. Our secondary concern is that this, in effect, forecasting exercise only goes up to

 The Petition of The Quarry Products Association Ltd

2015 when Crossrail starts. What we are interested in is what happens after Crossrail starts, because it is after Crossrail when concern arises about the potential expansion of Crossrail services and the effect on other freight users. I think the process should take full account of the longer term rather than drawing the line in 2015. The other issue I am concerned about is that the process does not appear to have included any sensitivity analysis about the forecast options. It may well be assuming that there is so-called organic growth in the increase in the demand for aggregates, but to the best of my knowledge there has not been an assessment of what happens, say, if aggregates demand for rail increases by 5 per cent instead of one or 2 per cent per year. That is the kind of exercise that one would expect in most forecasting processes. I am surprised it is not part of the exercise we are dealing with here today. The net result is I think the underlying demand for aggregates to travel by rail could be significantly higher than is forecast and hence we are extremely concerned about our long-term access to the rail network.

15341. **Mr Honey:** I will ask you about the other side of the equation now, if I may, which is whether there are any limitations on the future supply of aggregates in reality.

(Mr McLaughlin) There is a planning system which determines the release of reserves. There is no particular constraint at the moment. There is, to the best of my knowledge, in the Mendip area, about 30 years' worth of reserves. That is the principal source of aggregate into West London. So there is significant capacity in terms of the existing sources of the rail borne aggregates.

15342. Can you say overall what levels of aggregates growth you anticipate there being beyond 2015?

(Mr McLaughlin) I think, if we are looking at the development of Thames Gateway and London as maybe currently anticipated, we should be looking at a long-term trend growth which would lead to, certainly in terms of the rail demand, a doubling over the levels we see at the moment, possibly more.

15343. Can I ask you to deal with the apparent approach of Crossrail, which is timetabling, and to say how you consider the Crossrail proposals will affect the supply of aggregates into London by rail?

(Mr McLaughlin) I think what we are trying to do is bring this back to a kind of practical proposition. What we are concerned about is if I am a rail aggregates freight operator with a depot in West London and we fast forward five years, and Crossrail is under construction, I think looking at the Crossrail powers as set out in the Bill or subject to the discussions with the Committee, as an operator I am going to require infrastructure improvements to maintain my access to rail freight. I need that access because the way the aggregates business works it is supplying construction sites on very much a just-in-time basis. Construction sites do not have stocks; they need materials as and when they are required. Therefore, unless I have got a

reliable supply of aggregates—in this case by rail—then, really, in business terms I have got real commercial problems. Now, if we look five years ahead we could be in a situation, in terms of the infrastructure proposals, where Crossrail have given a commitment to supply infrastructure that is necessary to meet demand, without being specific about the individual projects. What concerns me about that is that that leaves the door open, I think, for prevarication and delay in the provision of the infrastructure. The way development and construction projects proceed, I think what one needs to do is nail down those commitments as clearly as possible. I think that is the fundamental concern we have about our operating environments as the project goes forward. In addition to which, of course, we have got the ongoing concern about the difficulty in maintaining a long-term business when there is the provision for Crossrail to supersede existing arrangements. That is a very difficult process to manage in terms of the investment the industry might like to put into London depots.

15344. Dealing with the effects of Crossrail on aggregates businesses, can you outline the practical effect that will arise given the nature of the agreements your members have with freight providers?

(Mr McLaughlin) As was described yesterday, there is a process whereby an aggregates business will have a supplier and access agreements with a freight operator, and under the powers of the Bill these can be cut back as Crossrail requires, or perhaps, in terms of a new arrangement, the capacity cut back. That creates huge uncertainty. It is very difficult to plan a long-term supply business in London if you have not got a guarantee within the normal commercial environment of a supplier. The concern is that if that is not the case, and bearing in mind the potential supply of aggregates and other sources, such as marine material and such like, which is limited, you will then effectively force the companies to look further at road movements rather than rail movements. That is the bottom line.

15345. If the Bill powers remain as they are at the moment, what certainty can your members have that those powers will not be used at a later stage, no matter what is said now?

(Mr McLaughlin) I do not think we can have any certainty. I think it creates a huge area of uncertainty which will be very difficult to deal with commercially.

15346. So is it only the actual exercise, as it were, of the Bill powers about which the QPA is concerned?

(Mr McLaughlin) No, I think, even if they are not exercised, if there is a threat of them being exercised it has a material effect on investment intentions.

15347. How likely do you think it is that there will be a deterrent effect arising simply from the mere presence of these Bill powers?

The Petition of The Quarry Products Association Ltd

(Mr McLaughlin) I think, given the very significant investment that could be required to enhance and develop the depot capacity and the supply infrastructure around it, it would clearly have a negative effect on the investment intentions.

15348. What does that mean in the real world? What will actually happen?

(Mr McLaughlin) It means more trucks and less trains.

15349. I would like to move on now to deal briefly with the environmental effects that might arise as a result. Please can you tell us what effect a reduction in rail capacity would have for aggregates businesses in terms of the environment?

(Mr McLaughlin) I will not dwell on this because I know that the Committee had a presentation yesterday from Mr Knapman which went into detail. The observation I would make is that we commissioned the Centre for Sustainability, which is part of the Transport Research Laboratory, towards the end of last year just to do a very simple analysis of what would happen if there was significant transfer of aggregates being delivered into London from rail to road. We did ask them to look at the worst case, and the worst case has some very significant effects. In particular, bearing in mind the current concern about carbon emissions, that transfer from rail to road would generate an additional 230,000 tonnes of carbon annually, as well as the significant traffic effects that one would have in the vicinity of the quarries along the motorways in West London, particularly. I do not think I will say any more than that, as I am sure the point was put across yesterday. There is a very significant potential environmental impact.

15350. Was there an exercise within that research to attempt to quantify in financial terms what those environmental costs might be?

(Mr McLaughlin) Yes, there was an exercise looking at established means of environmental costing, and that suggested the costs would be in a range of between 7 and 10 million pounds per annum.

15351. I am going to move on now just to deal with the last main topic, which is to ask you to sketch out what the QPA wants, and begin by asking you what is the Quarry Products Association position on whether these Bill powers that are sought are really necessary?

(Mr McLaughlin) We struggle to see how they are necessary, in terms of the powers, if only because, as Crossrail intend to produce an Access Option, if there is a satisfactory conclusion to that process I am not entirely sure why the Bill powers are needed. I think we are also concerned that in going through that process, because there is the threat of enacting the Bill powers that perhaps makes it difficult to have full confidence, shall we say, that the Access Option would give us, as a freight user, the same consideration as it would to Crossrail. So we are

concerned about what we see as potentially inequitable treatment of our interests compared with those of Crossrail.

15352. Given that everything seems to be moving in the direction of an Access Option, what does that mean for whether it is reasonable or not to retain the Bill powers?

(Mr McLaughlin) We can see no reason why the Bill powers should be retained.

15353. Looking at things in operational terms, given what you have heard of the Promoter's case on capacity and timetabling, do you think there is any operational need to retain these Bill powers?

(Mr McLaughlin) Not as far as I am aware.

15354. What then is your position on how the various interests, particularly those of aggregates and those of Crossrail, ought to be balanced in this case?

(Mr McLaughlin) Our view is that the interests should be treated in an equitable manner, and as an existing user of the rail network, and a very significant user of the rail network, that our access to the network should not be subsidiary to access from Crossrail. I am just asking, really, for a fair crack of the whip in terms of access to the rail network in the same manner that is currently the case.

15355. What does that mean as far as Crossrail is concerned in order for them to be subjected to that normal process?

(Mr McLaughlin) I think we feel that the Bill powers should be removed and we feel that there should be an absolute commitment to proceed with the infrastructural improvements that are specified, certainly, in the timetabling work rather than have a sort of rather loose proposal that work will be done as and when is necessary. I think infrastructure improvements absolutely need to be nailed down.

15356. Who, in your view, should be responsible for seeking to strike the balance between the competing interests in this case?

(Mr McLaughlin) It just needs to go through an independent process. I would not really add to the comments made by Freightliner and EWS in that respect.

15357. What are your ultimate fears if there is not that independent process?

(Mr McLaughlin) That we will be commercially and practically disadvantaged and we will be prevented from making reasonable use of the rail network.

15358. Can you see any justification for that in this case?

(Mr McLaughlin) No, absolutely not.

15359. **Mr Honey:** Thank you very much.

The Petition of The Quarry Products Association Ltd

Examined by The Committee

15360. **Mr Binley:** I have two questions, Mr McLaughlin. They are relatively simple. We are facing some very sizeable projects over the coming years: the Olympic Games, Sustainable Communities, Crossrail itself—to say nothing of the airports. I wondered whether you feel that aggregates supply is going to be capable of keeping up with that size of project.

(Mr McLaughlin) I do. Aggregates are being used increasingly efficiently, due to a number of reasons: design of construction projects are being less material-intensive, if I can put it that way (for example, we build thinner roads now and use less aggregates) and I think there is an increasing use of alternative materials such as recycled materials.

15361. I wondered if you would mention that. Do carry on.

(Mr McLaughlin) Consequently, we believe that there should be a supply that is satisfactory to meet demands. There is a mineral planning process which is under review at the moment, as it happens, and that is about trying to ensure that the mineral planning process provides a reasonable and balanced supply of materials to meet future needs. One would hope that that would meet that objective. In terms of recycling (just picking that point up) the industry has doubled its recycling rate in the last 15 years or so. We are now probably not far off the practical maximum of recycling; we are using nearly 70 million tonnes of recycled materials a year and I expect the maximum might be about 80. We have got the highest recycling rate of any country in Europe.

15362. Second question: because there is a growing reaction to ruining river valleys and so forth, people want to protect their environment, more particularly when they see recycling as a possible answer. It is reckoned, depending on which expert you choose, that we could recycle between 30% and 70% of our requirements, and certainly more than we are doing at the moment. We are being hindered by a lack of investment rather than a restraint brought about by recycling itself. I just wonder how much the industry really considers local recycling of aggregates and how much that would impact upon your need to shift aggregates the number of the miles you are talking about.

(Mr McLaughlin) First of all, as a matter of policy, we, in our statements to the erstwhile ODPM on planning policy, have always made the point that recycling is the primary source of supply, and that the supply of new aggregates, virgin aggregates, comes in after that. That is government policy. So the way the planning system works, it looks to maximise the supply of recycling materials and kind of fill in the gap with new materials. Clearly, with recycled materials one can only use them as they arise, and as they are largely construction and demolition based it very much depends on the amount of construction and demolition that is happening. I think, as I said, we are not miles away from getting pretty close to a maximum on that; if

one looks at the activities of the Government's recycling agency, WRAP, which has an aggregates arm, it is interesting they are now looking more at projects which actually improve the quality of the recycled material rather than the quantity. In terms of relationship to the London market and Crossrail implications, recycling is actually a very mature activity in London, because obviously it is an urban area and things have been knocked down for years, and so there is quite an infrastructure, including an infrastructure operated by our members. Also, in terms of the Crossrail supply, the sources of aggregates into London are principally rock which is principally coming from Somerset and, to a lesser extent, from the East Midlands and Leicestershire. The sources of those materials are regarded as strategically important, hence I believe those will be protected, as it were, in terms of the planning system, but certainly it has to coincide with a maximum use of recycled material.

15363. **Mr Liddell-Grainger:** Thank you, Mr McLaughlin. You have made the point. Ms Lieven?

Cross-examined by Ms Lieven

15364. **Ms Lieven:** Mr McLaughlin, have you seen the transport working group report, the one carried out for Crossrail?

(Mr McLaughlin) By the "working group", do you mean the—

15365. The Timetable Working Group.

(Mr McLaughlin) I have seen extracts from it, yes.

15366. Can I have it put up please at page 14 because, so far as growth is concerned, if we just look at the top paragraph on page 14, and I think the Committee has already seen this passage, it says, "The initial stage of the freight RUS work has been to take forecasts from rail freight users and potential users together with the rail freight operators and to put these together to create a single forecast for different route sections".²⁶ The fact is that we have taken into account growth and freight growth in particular in reaching the conclusions in this report, have we not?

(Mr McLaughlin) What levels of freight growth have you taken into account?

15367. Well, the railway operators, including EWS and Freightliner, were on this Working Group, yes?

(Mr McLaughlin) They were, yes.

15368. They fed into the growth forecasts which were then used in the work, yes?

(Mr McLaughlin) Yes.

15369. So presumably they will know the likely levels of freight growth.

(Mr McLaughlin) Well, I think they forecast what has been described to me as "organic growth". Now, I am not quite sure what organic growth is other

²⁶ Crossrail Ref: P106, Crossrail Timetable Working Group (LINEWD-GEN13-014).

 The Petition of The Quarry Products Association Ltd

than an assumption that it is 1 or 2% growth per annum, but certainly there was no request for us to put information into that exercise directly. My concern is that in a forecasting exercise one does not just want a central forecast, but one wants a degree of sensitivity to assess what happens if the forecast in this case is higher than anticipated.

15370. Just so the Committee can understand, are you producing any evidence that the growth forecasts in this report were wrong or are you just generally saying that you have a concern that there is going to be a lot of aggregates growth and it has got to be taken into account?

(Mr McLaughlin) I have not done a precise forecast, but, as I say, we did not feed information directly into this exercise and my concern is that it does not take sufficient account of the potential growth.

15371. You say it does not take sufficient account, but I am sorry, Mr McLaughlin, can you just help me as to where your evidence for that is because I have a report which says that it has taken into account growth, it is a group that includes EWS, Freightliner and other train operators, and it concludes that there is sufficient capacity for growth on the Great Western and we know that a lot of the freight on the Great Western is aggregates, and you come along and say, "There's not enough capacity for growth", so I need something to look at in a bit more detail if you have it.

(Mr McLaughlin) What I have said is that there may well be a central forecast of organic or modest growth and that is a central forecast which is based essentially on the assumed growth of the aggregates market. The point I am making is that if one looks at the development potential in the Thames Gateway and London which has not been the subject of a detailed forecasting exercise, I have some concern that the demand will be higher than that forecast and what I would like is for that to be tested in a forecasting exercise so that we can get some idea about where the constraints actually happen, if the constraints are going to happen. If I could take the point that forecasting is uncertain, if the economy falls off then clearly all the forecasts are not going to come to fruition anyway, but I would like to see some evidence of this sensitivity analysis so that we can have some reassurance as to at what point we will have constraints on our ability to use the network.

15372. I understand your concerns, Mr McLaughlin, but it is not possible for the Committee to test those concerns, is it?

(Mr McLaughlin) No.

15373. You are not producing anything which says, "The Timetable Working Group has presumed 3% growth, but we think it will be 6% growth", or any such evidence which the Committee could base a conclusion on, are you?

(Mr McLaughlin) No, but I think it might be reasonable in my presentation to the Committee to make the point that we are concerned, as the

development process and the information about the Thames Gateway are developing, that there may be an underestimate of demand. I am not saying that that will definitely happen, but I think it is reasonable that the exercise actually looks to see where the constraints might take place.

15374. Have you done any analysis in relation to the Timetable Working Group conclusions as to what proportion of the growth that was taken into account was aggregates growth, so how your concerns that there will be greater aggregates growth relate to the Timetable Working Group conclusions?

(Mr McLaughlin) I have been informed that there was an aggregates growth assumption of organic growth.

15375. As far as the capacity for growth of aggregates is concerned, the Timetable Working Group Report is looking at paths, is it not?

(Mr McLaughlin) It is indeed, yes.

15376. In terms of whether there is capacity for more aggregates to go on the railway, it is necessary not just to look at whether there is capacity for more paths, but also whether the paths that are there at the moment are being fully utilised.

(Mr McLaughlin) Indeed.

15377. Because it is a fact, is it not, that at certain times quite a high proportion of potential paths for freight are not actually used? It is obviously going to depend from time to time and from route to route.

(Mr McLaughlin) I am not the expert on timetabling and the way in which paths are calculated, but my understanding is that there is spare capacity because the supply of trains is not consistent. It is not like a passenger service where your trains are timetabled every quarter of an hour. The supply of trains on a weekly basis reflects the demands. The trains only travel when they are full up, they do not wait for passengers, hence you need a bigger level of spare capacity or headroom than you would do with the passenger network.

15378. If, for instance, one discovers on a particular route, at a particular time of year or whatever that there is only 60% usage of the paths that are available, then that 40% is available for growth, is it not?

(Mr McLaughlin) I am not sure that it is. The relationship between paths and absolute volumes is something I am not entirely competent to comment on.

15379. I am sure you are not confused about this, but I am keen that the Committee are clear about this. As far as the suggestion that there is an impact from the Olympics is concerned because obviously the Olympics will take a proportion of aggregates, and one hopes a high proportion will be recycled, but some will not, the Olympics obviously happen in 2012 at a fixed point—

The Petition of The Quarry Products Association Ltd

(Mr McLaughlin) Indeed.

15380.—and Crossrail is not anticipated to open until 2015—

(Mr McLaughlin) No, I appreciate that.

15381.—so the impact of the Crossrail operation will not in any sense have to take into account the Olympics' aggregates movements.

(Mr McLaughlin) No, but the point I was making in terms of the Olympics is that the Government's forecasts of aggregates demand in London do not yet fully take the Olympics into account and when they are reviewed, they may well be higher as a result. Looking at the Olympics as one part of a wider development project throughout east London and the Thames Gateway, it is the wider issue we are concerned about.

15382. Thank you very much, Mr McLaughlin.

Re-examined by **Mr Honey**

15383. **Mr Honey:** First, Mr McLaughlin, you have exhibits which have been provided to you and can I have up please an extract of Information Paper E6 which is in the exhibits, I believe. It is page 15 of the exhibit, and page 2 of the paper E6.²⁷ It is headed, "E6—Freight Operations". Mr McLaughlin, if you could just look at that last sentence at the very top, at the end of paragraph 3.3 and also what is said in paragraph 3.5 about the level at which freight services will continue to operate, what is your understanding of the extent to which Crossrail say they have taken into account future growth in their timetabling commitments, Crossrail's own commitments?

(Mr McLaughlin) I believe, as I say, that the timetabling exercise has taken into account the total organic growth of services which is a modest growth over the period.

15384. I am going to come on to the Timetable Working Group in a moment. My question is: what are Crossrail themselves saying in terms of the level at which freight services are going to be operated?

(Mr McLaughlin) Well, they are saying clearly that they are planning so that freight services operate no less than at the present level once Crossrail is operational.

15385. I would like to go back to the Timetable Working Group Report which was up on the screen a little earlier and go back to the page we were on a moment ago. You were asked about your source for the level of growth that had been factored into the Timetable Working Group Report. Can you have a look at the third paragraph. What level of growth does it appear that the Timetable Working Group took into account?

(Mr McLaughlin) Well, I guess it depends on your definition of "organic", but that suggests to me that it is just a continual growth perhaps reflecting growth in aggregates demand, whereas we suspect that the growth of rail traffic may be higher because the rail network may take a greater share of the deliveries into London.

15386. Are you aware of the level of growth taken into account being set out in any more specific terms than just that reference to organic growth?

(Mr McLaughlin) No, I am not.

15387. Can we go to page 2 of the Timetable Working Group Report which is probably page 3 of the exhibit as there is a cover sheet, and the penultimate paragraph, towards the end of that paragraph.²⁸ I know you are not a timetabling expert, but looking at this document at the end of that paragraph, what does it appear the Timetable Working Group based their assessment of freight train levels on?

(Mr McLaughlin) I am not sure. It is based clearly on an existing 2005 timetable.

15388. If we go over the page to page 3, the paragraph just before the heading "Consideration of Future Growth", again what there does it appear that the timetabling exercise for the Great Western Main Line was based on?²⁹

(Mr McLaughlin) Again it is based on the operation of the current timetable, whereas of course our concerns are the implications from 2015 onwards.

15389. **Mr Honey:** Thank you, Mr McLaughlin. That is all I have.

15390. **Mr Liddell-Grainger:** Mr Honey, thank you very much indeed, and thank you, Mr McLaughlin, you can stand down.

The witness withdrew

15391. **Mr Liddell-Grainger:** Ms Lieven, we are now waiting, are we, for the Thames Gateway presentation?

15392. **Ms Lieven:** Yes, sir, but shall I close on this one?

15393. **Mr Liddell-Grainger:** I believe that Mr Pout is not going to be here until 3.45 anyway, or at least he had better be here by 3.45, otherwise he is going to be standing outside a locked door! Yes, please close, Ms Lieven.

15394. **Ms Lieven:** If I could, sir, very briefly because I think they are all points we have been through before, but just so that there is something on the record pulling them together on this Petition.

²⁷ Committee Ref: A171, Crossrail Information Paper E6—Freight Operations, billdocuments.crossrail.co.uk (LINEWD-20005-015).

²⁸ Crossrail Ref: P106, Crossrail Timetable Working Group Report, The Base Timetable, (LINEWD-GEN13-003).

²⁹ Crossrail Ref: P106, Crossrail Timetable Working Group, Consideration of Future Growth (LINEWD-GEN13-004).

 The Petition of The Quarry Products Association Ltd

15395. The single most important thing to emphasise is that the balance between freight users and Crossrail is, under our proposal, to be dealt with by Network Rail and the Office of the Rail Regulator through the Access Option, so there is a wholly independent process to carry out that balancing exercise. Every Petitioner has put it in a different way. Mr Honey puts it as “a fair crack of the whip”, and they have an entirely fair crack of the whip before the ORR, and that is, as I have already said a number of times, but I will just put it on the record again, through the normal industry processes balancing everybody, not with Crossrail having any overriding powers or anything like that. Then, as Mr Elvin explained last week at paragraph 13676, assuming the Access Option is granted, then the railway clauses will be considered and, if appropriate, modified in the light of that Access Option. If the Access Option is not modified, then we will have to come back in the House of Lords and consider this situation again.

15396. Now, so far as growth is concerned, Mr McLaughlin, with all respect to him, and this is probably another example of why this is not perhaps quite the right place to argue these points out, has raised an extremely generalised concern that we are not taking into account enough growth. I do not want to sound tedious, but it is very difficult to respond in a sensible way to that kind of argument unless there is some kind of analysis of how the growth taken into account by the Timetable Working Group relates to the level of growth that Mr McLaughlin is asserting should be correct. Now, he has not put forward any levels of growth to which we can then say, “No, that’s too much”, or “That can be dealt with on spare paths”, or “Well, actually that’s the level of organic growth that the Timetable Working Group was taking into account”, nor has he given any specifics on what proportion of total freight growth this alleged higher level of aggregates growth will be. Just to give one example of why it is really not a point that can be dealt with in this generalised way, there will be all sorts of other constraints of aggregates growth, such as the capacity of freight yards, planning permissions on the very quarries that are churning out the aggregates, all sorts of constraints, it is not some unconstrained free-for-all which then all ends up on the Great Western, so, in my submission, these kinds of generalised concerns are really not a matter which the Committee can take any further forward.

15397. It is important to emphasise in respect of the Timetable Working Group Report that they did take into account freight growth. I am not quite sure what Mr Honey thought he was achieving by pointing to page 3 of the Timetable Working Group Report and the section on accommodating Crossrail services alongside existing services because what we have here is a two-stage process. First of all, you look at base and then you look at growth, so of course when you look at base, you do not take into account growth, that would be nonsensical, but when you come to the second stage, it is absolutely

apparent that organic growth was taken into account on the Great Western and that includes aggregates growth. The distinction between the Great Western and the Great Eastern, to put it in very crude terms, is that on the Great Eastern there are quite possibly, and I do not say in any way fettering the Government’s discretion, going to be two planning permissions for massive new container ports to deal largely with freight coming from the Far East, and presumably going to the Far East, which will have a major impact on freight services. That is completely different from the amount of stone one can get out of Watley quarry and other quarries in the West Country. It is quite apparent from this report that in terms of domestic growth, such as aggregates growth, that was taken into account in the Timetable Working Group.

15398. There is only one other thing to touch on again, because I am not sure whether all the Committee were here yesterday when I dealt with this. The suggestion that, for all the infrastructure proposals that are in the Bill on the Great Western, we should be required to give an undertaking to do them all, Mr Berryman explained yesterday, and I do not want to repeat it—

15399. **Mr Liddell-Grainger:** Ms Lieven, I think we will take that as already on the record. I know exactly what you are going to say. I was here yesterday and I can assure you that it is well documented.

15400. **Ms Lieven:** Thank you very much, sir, and I am sorry to have said the same thing over.

15401. **Mr Liddell-Grainger:** It is on the record again. Mr Honey?

15402. **Mr Honey:** Sir, there are essentially three points to make which I will take in turn as briefly as I can. The first is that the starting point has to be a recognition that the Bill powers, as far as railways are concerned, are strong. The Promoters have described them in their Information Paper H4 as “broad” and Mr Elvin, in opening to the Committee on Day 48, described the powers as giving to the Promoters “overriding rights to secure the level of service sought”.³⁰ Now, it is clear that the Promoters accept that the appropriate route to secure their access rights is through the Access Option, and in fact the Bill powers have been described as “no more than a backstop” by the Promoters. Ms Lieven has said again today that the Promoters intend these matters to be dealt with through the Access Option and has described that as the appropriate way forward. That was both yesterday and today.

15403. The result is that there will ultimately be no need for the Bill powers. The Promoters accept that, when a certain point in time is reached, those Bill powers will be cut back and moderated. The QPA’s case is that we have already reached that point where

³⁰ Crossrail Information Paper H4—Railway Powers in the Crossrail Bill, billdocuments.crossrail.co.uk

The Petition of The Quarry Products Association Ltd

there is no justification for the strong powers that are included in the Bill. The Promoters have said they are looking for a sufficient degree of comfort that they will have enough access to capacity, but, in my submission, if you accept the Promoters' case, there is sufficient comfort already at this stage.

15404. The first point is that if the Promoters are right in the timetabling work that has been done and there is enough physical capacity to accommodate the required levels of freight, whilst the Quarry Products Association does not accept that that is right, but if, as the Promoters contend, there is enough capacity, then the Promoters have nothing to fear in that respect.

15405. Secondly, there is no reason to doubt that ultimately an Access Option will be agreed and certainly no evidence to that effect has been given by the Promoters, and we heard from Network Rail yesterday that the Access Option is to be produced in the near future and the Promoters clearly anticipate that the Access Option will be the outcome.

15406. Thirdly, when we turn to the ORR, there is no suggestion at all that there is anything which is going to go awry when the Access Option reaches the Office of the Rail Regulator, so comfort can be taken from that point as well.

15407. Therefore, we say first that, if Crossrail are right, they have nothing to fear in terms of capacity and certainly nothing which would justify the retention of these draconian powers left in the Bill when they are described by the Promoters as "no more than a backstop".

15408. The second point, sir, is that in any event the normal regulation process should apply here. The position of the ORR was described by Mr Elvin on Day 48 as being the independent statutory body with the role of overseeing the fair and efficient allocation of capacity and acting as an impartial referee in addressing competing claims. Sir, we agree with that. In the normal course of events, any other operator would have their claims to access balanced by the ORR against other important access needs, but here the Promoters are saying that, unless they get what they want through the Access Option, they will use the Bill powers to secure it. What that means in practice is that there will be no balancing exercise and Crossrail will get everything that they want one way or another and that will be at the expense of other rail users. Therefore, in my submission, it is worthless to say that they are submitting to the normal industry processes, whereas in fact they are reserving their position, as they have made clear to this Committee, that if the Access Option does not deliver, they will seek to use the Bill powers.

15409. It is, in my submission, clear that, no matter what the Timetable Working Group has taken into account, the Promoters' position is that they will only seek to preserve the current levels of capacity available for aggregates and other rail freight, and

that is clear through the Information Papers which have been put forward to this Committee, and we have seen E6, paragraphs 3.3 and 3.5, and it is also repeated in the Information Paper H1, paragraph 1.2.^{31 32}

15410. The issue that Mr McLaughlin raised of future growth was to put before the Committee evidence that, absent any constraints and in particular those presented here by Crossrail, the growth would be substantially greater than that which has been taken into account by the Timetable Working Group. There is a distinction to be drawn between the growth of aggregates, about which Mr McLaughlin was giving evidence, and freight growth which has been taken into account by the Timetable Working Group to an extent and that is because freight operators only look at a certain time horizon, whereas those who are in the work of aggregates are looking beyond, say, a ten-year time horizon that the freight operators are. The Timetable Working Group has not taken into account, on Mr McLaughlin's evidence, a sufficient level of growth in aggregates. The reality is that the likely level of growth in aggregates demand, a proportion of which would be transported by rail at 2015 and beyond, is very significant and has not been factored into the equation. The levels of growth, the unspecified levels which, we are told, is no more than organic growth which can be taken on the Great Western Main Line, according to the Timetable Working Group, they are not specified anywhere and we simply cannot tell whether they are good enough, and indeed Mr McLaughlin has told you that he suspects that they are not for all the reasons that he gave.

15411. The result of this is that no reliance can be placed by the aggregates industry on even existing levels of the use of the railway continuing, and certainly they can have no confidence that in the future existing access rights will not be cut back below where they are at the moment. The effect this will have on the aggregates businesses is that their businesses will be similarly cut back and there will be a knock-on effect of development in London, particularly at a time when the regeneration of areas, such as east London and the Thames Gateway, will be under way at 2015 and beyond.

15412. Sir, you have heard an important point from Mr McLaughlin which was that even the mere presence of these Bill powers will have an effect on the business-planning of aggregates businesses. The threat of their use will force aggregates businesses to look for alternative means of supply. We have heard evidence from EWS, for example, that they will not seek to invest to the same degree in their infrastructure if they cannot have faith and the same thing, but more so, applies to the aggregates businesses. When faced with this uncertainty, they

³¹ Committee Ref: A171, Crossrail Information Paper E6—Freight Operations, [billdocuments.crossrail.co.uk \(LINEWD-20005-015\)](http://billdocuments.crossrail.co.uk/LINEWD-20005-015).

³² Crossrail Information Paper H1—Timetabling and Growth, billdocuments.crossrail.co.uk

The Petition of The Quarry Products Association Ltd

will look for alternative routes. There is no guarantee as well, no matter what is said at the moment, about the extent of Crossrail's current intentions as to capacity and the extent to which they will run the services will ultimately persist if these powers come forward, so for all of those reasons we say it is necessary for the balance ultimately to be struck by the regulator in this case and that, therefore, the railway powers in the Bill should be moderated now in order to allow that balance to be struck by the rail regulator.

15413. Thirdly, and just briefly, sir, we say that the Promoters' position on capacity and timetabling and all the evidence has been premised—

15414. **Mr Liddell-Grainger:** I am afraid we have to suspend.

*The Committee suspended from 3.37 pm to 3.58 pm
for a division in the House*

15415. **Mr Liddell-Grainger:** Mr Honey?

15416. **Mr Honey:** Thank you, Sir. I was coming towards the end of the second point to say that the proper approach in this case is not simply to give Crossrail all capacity that it asks for but to have the balance struck by the rail regulators. Aggregate businesses will suffer, they will be forced off the railway if Crossrail presses ahead in the manner that they are seeking to do and a balance ought to be struck which protects aggregate businesses just as much as Crossrail. For that reason, the railway

powers in the Bill should be moderated in any event. The third point was that the infrastructure improvements which are proposed by Crossrail as the basis for the timetabling exercise and their position on capacity must be carried out. They rely on those infrastructure enhancements as part of their case to show that there will be no problem but without at least a commitment to carry out those works, the aggregate industry cannot rely on having any level of capacity available to it at all. In conclusion, the Quarry Products Association's case is that it is not right to give the promoters draconian railway powers when it cannot be shown that they are necessary. On the promoters own case sufficient comfort exists already and in those circumstances Crossrail should not be empowered to force other users off the railway but should be required to follow the normal industry regulatory processes and in addition to commit to providing the infrastructure improvements they are relying on within their case. In terms of what we are seeking from the Committee, we would support the amendments to the railway powers in the Bill that have been put forward by EWS and also support them in the undertaking which they are seeking that the infrastructure improvements be carried out. That is the QPA's position.

15417. **Mr Liddell-Grainger:** Mr Honey, I am sorry that we had to cut you off in the middle. As you can see there was a slight mess in the House, the House has now collapsed, there is no more business. Thank you for your patience and I am sorry we cut you off. Thank you. Mr Pout?

The Petition of the London Thames Gateway Forum

Mr Richard Pout appeared as Agent.

15418. **Mr Liddell-Grainger:** Mr Pout, if you could do it before 4.30 p.m, we would be obliged. If you do not then you will have to come back at 6.00 p.m. It is totally up to you.

15419. **Mr Pout:** I am well familiar with your problems because this time last week I was giving evidence literally next door to Mrs Dunwoody's Committee and exactly the same thing happened.

15420. **Mr Liddell-Grainger:** We are kinder than Mrs Dunwoody, I can assure you of that. Ms Lieven, have you anything to start with?

15421. **Ms Lieven:** Mr Taylor is handling this petition.

15422. **Mr Taylor:** I am going to let Mr Pout introduce his petition.

15423. **Mr Pout:** We have circulated our petition to the secretariat. It is about three and a half sides of notes which cover the core issues which remain outstanding and these are now up on your screen. First of all, to introduce the situation fairly

generally, London Thames Gateway Forum is supporting Crossrail in principle. I had the pleasure a few weeks ago of sitting through the presentation of the MP for Bethnal Green and Bow and listening to his very eloquent comments about problems relating to Whitechapel. As a community organisation we are not entirely in agreement with that position. We are aware of a great many concerns of the community and hence our petition appears. I would like to start off first of all with the problems of the consultation and if you look at the first action of that paragraph we each sponsored a meeting in Toynbee hall on 11 October 2004.³³ Keith Berryman attended as did a couple of his colleagues and I am in no doubt that they were very taken aback, as I was, of the extremely hostile reaction. What I was worried about at the time was that there was this complete lack of understanding among a great number of local people about what the project was. It was a lack of understanding for all of the communities and it was very clear that there had not been an appropriate communication for the communities in that area although there had been an

³³ Committee Ref: A172, London Thames Gateway Forum—Several issues remain unclear (LINEWD-35105-001).

 The Petition of the London Thames Gateway Forum

exhibition and a presentation. I think a lot of people had misunderstood. Having listened particularly that one evening three for four Wednesdays ago I appreciate that a lot has been done to take that forward. At this stage, we still see that there are a great many people for whom it is not a case of English is their second language, they do not speak English and they may not be able to fully understand the issues and how to deal with complaints and issues around their daily lives. That is an issue which we raise in a number of the points. Certainly, as a community organisation, we do recognise the benefits of the Whitechapel Station.

15424. **Mr Liddell-Grainger:** Mr Pout, I am going to stop you for a moment. We covered this exhaustively, in fact, I think I was in the Chair. We were very concerned, as a Committee, that this had been the case. We made very clear, as a Committee, that we did not accept that the full consultation in all the different languages and all the people who have spoken across the Crossrail area have been taken into consideration. Certainly, we are still concerned that is not the case. Therefore, I feel that has been taken into consideration. I accept exactly what you are saying and from the Committee's point of view our concerns were made.

15425. **Mr Pout:** In that case, I can leave that issue on the table with your good selves. Our notes therefore stand as written and we can move on. One particular issue that we were concerned about is the location of works at Hanbury Street. Again, I sat through one of sessions—I think Mr Liddell-Grainger was in the Chair—when there were three people representing issues in a block of flats. This was a very good example of nuisance, which was dealt with that afternoon. The issue that concerns us, as a community organisation working together, is that will there be a clear standard about ensuring maintenance of the roadways and cleaning of the roadways because I sat with my calculator during that session and I came to the conclusion that we could be looking at 11,250-odd depending on how the timing goes, 9,259 lorry movements in that patch. That is a very rough ballpark figure and I accept that it might change but that is still a heck of a lot of heavy lorry movements which will cause a considerable amount of dust and dirt and it is ensuring that the local community have the mechanisms to deal with problems. Again, you appear to have dealt with that so I rest that issue.

15426. **Mr Liddell-Grainger:** I am very grateful that you brought it again to our attention, thank you.

15427. **Mr Pout:** Obviously, there is the issue about moratorium around schools and I think that has been dealt with. One specific issue, which we are concerned about and I go to our last sentence in that section which is on the next sheet page two of our note, is who will be responsible for monitoring and checking the suitability and competence of lorry drivers? One hopes we are not going back into the realms of that dramatic 1960s film *Hell Drivers* but

it is a case of making sure that there is adequate and competent supervision of drivers. The last thing I want to see, and I am sure the same goes for Mr Berryman and his colleagues, is a four-year old child walking to school and knocked down by a Crossrail HGV lorry. Again, I am sure you have covered that.

15428. **Mr Liddell-Grainger:** I think that also has been covered. I seem to remember there were assurances given that all lorry drivers would be more than competent, please carry on.

15429. **Mr Pout:** The next one is the location of the shaft and I believe there are still discussions going on.³⁴ Again, we have been sent a diagram of the number of locations. I think the most popular location is still the car park next to Britannia House. I leave those thoughts with you because I believe that they have been covered by many others. I do not think there is a great deal that we can add but there are issues that crop up when one is preparing one's petition to a deadline.

15430. **Mr Liddell-Grainger:** I think we understand that totally.

15431. **Mr Pout:** I feel I should formally advise you that my colleague advising me is our full-time Chief Executive. We were particularly concerned about issues relating to noise and again to ensure that there is an adequate process when dealing with complaints about noise at the time of that community.

15432. **Mr Liddell-Grainger:** I think that was dealt with.

15433. **Mr Pout:** I think you will almost certainly have dealt with that.

15434. **Mr Liddell-Grainger:** The ladies and gentlemen of the flats exhaustively looked at the noise issue for obvious reasons.

15435. **Mr Pout:** There may be many cases because we have a couple of members who live in adjacent streets. There is one in particular, one I know in the next street. The issue is ensuring that the lorry route is the right one, the one that produces the least noise and the least intrusion.

15436. **Mr Liddell-Grainger:** I think the point is taken well on board.

15437. **Mr Pout:** Thank you. I will move on. Romford Depot was an issue which I think a number of us who have knowledge of railway issues phoned up the Crossrail team about and said, "There is now an empty Eurostar Depot" and they said, "Yes, we have noticed". I understand that has now been resolved and that there is to be a new depot at Old Oak Common for Crossrail. They will be making use of Ilford Depot which is an excellent idea. I am one of the many who thought about it and suggested it.

³⁴ Committee Ref: A172, London Thames Gateway Forum—Location of the Shaft (LINEWD-35105-002).

 The Petition of the London Thames Gateway Forum

Obviously, on that matter we are waiting to see the full Environmental Impact Assessment and if there is anything which emerges as a concern out of that, we will send a note back to the Committee or possibly raise the issue when it goes to their lordships House.

15438. **Mr Liddell-Grainger:** Please feel free to do so.

15439. **Mr Pout:** Otherwise, we are very pleased with Romford Depot and we will leave that. Provision of cycles and cyclists, again, I think you will probably have had representations from cycling organisations on this but it is an issue which involves me because a couple of months back we were dealing with the Docklands Light Railway transfer for the North London Line, this is one of the links into the Stratford area and it is part of the Olympic package. One of the concerns that we had on that occasion is that it would not be possible to take a bicycle on the DLR at all. At least on the conventional national rail service somebody can get on with a bicycle as far as Liverpool Street to take their journey forward. Under the Crossrail scheme, I think that you will have to detrain at the last service station which will now be Stratford, you cannot take it any further into Central London.

15440. **Mr Liddell-Grainger:** I think we will let Mr Taylor answer that when he sums up, I am sure he has got a perfectly good answer to it because it is question we have not asked but I think you have posed the question.

15441. **Mr Pout:** Fair enough. I understand there is an issue around what is the safety case for the operation of a railway sub-service with a bicycle on board. The same goes for mobility access. We were concerned at the number of stations that are to be modernised and renovated but will not necessarily have mobility access, one is Maryland Station. That will be at each alternative station along the route on the East Line which is where our community follows through on work with the local authorities. I also know, from my personal experience of living for four years in Hanwell, that that station is not going to be included and I looked at it and thought why can these stations not be upgraded or be part of a programme so that by the time we reach the completion of Crossrail, which we are now talking in terms of something like 2017 and the DDA requirements are I think on schedule for completion by 2020, then really we should be looking at full mobility access. As a professional with a transport background, I am aware of the fact that there are constraints on this.

15442. **Mr Liddell-Grainger:** My colleagues have told me that in fact one of the times I was not here the disability people came in and—

15443. **Mr Binley:** A disability consultant spoke about these four particular stations and I am sure Mr Taylor will be referring to that. I wanted to assure you that it was well covered and I am sure you would have been satisfied.

15444. **Mr Liddell-Grainger:** I can assure you we will come back to it but I rely on my colleagues.

15445. **Mr Pout:** Thank you for that. Next, I will go into a little bit more detail on Maryland Station.³⁵ Going back to the original private Bill, which came before Parliament in the 1990s and was sadly rejected, Maryland Station was to be included in the original project. Maryland is at the far end of Stratford Broadway.

15446. **Mr Liddell-Grainger:** Could we see a map of Maryland Station, just to refresh our minds again. Please, carry on.

15447. **Mr Pout:** It is just to the east of Stratford Broadway. To use a colloquial expression, it is a bit of a grotty end of town, but, nevertheless, it is a district called the Grove, where there is some regeneration in progress, and it is a very useful point where people can access the east side of Stratford Town Centre, particularly on journeys from out of London. If somebody is coming in from Ilford or Romford, it may be more practical for them to use Stratford Station.

15448. I am particularly concerned about inner city regeneration. I am one of the people who have lobbied for a long time about the orbital railway network and how important it is for the business railway, which is a long-distance commuter railway, to serve the inner cities as well, and this is a classic example. As I say in my paper, we feel there would be significant benefits from the provision of a new and accessible entrance from the Grove as a long-term aspiration but, even for the time being, to ensure that that station is improved and modernised, to ensure that it is part of the full stopping pattern for services on the Sheffield line with most of the services stopping there.

15449. We would like to know what the additional costs are and why in the 1990s scheme it was justified to include Maryland but now it is not, because there are social and economic benefits. Okay, this is going to come in after the Olympics, and that will be rather sad, but, nevertheless, Stratford is an area that is going to grow and the addition of that additional facility, close to Stratford, will take a lot of traffic for many journeys off a main-line station and mean particularly that people may be able to have an easier journey to work.

15450. Item 8 is the Eleanor Street travellers' site. Again we have summed that up in a sentence. I believe that is substantially resolved and therefore hope that can now be laid on the table.

³⁵ Committee Ref: A172, London Thames Gateway Forum—Maryland Station (LINEWD-35105-003).

The Petition of the London Thames Gateway Forum

15451. **Mr Liddell-Grainger:** I am sure Mr Taylor has heard what you have said and will respond.

15452. **Mr Pout:** A diagram has now come up on the screen for Maryland Station.³⁶

15453. **Mr Liddell-Grainger:** I just wanted to make sure I knew where it was. Thank you.

15454. **Mr Pout:** It is the area around the Grove, on the east end. There is a lot of housing around there. There is some new development, particularly on the corner, on the north-east side, on Leytonstone Road and so on. It is a very useful location. It is slightly away from the town centre but it is an important area.

15455. **Mr Liddell-Grainger:** Thank you. I would like you to move on.

15456. **Mr Pout:** Fine. It would similarly be helpful to have the diagram of Woolwich Station on the screen.³⁷ Again, you have had a lot of arguments in favour of Woolwich Station.

15457. **Mr Liddell-Grainger:** We have, I think, exhausted Woolwich Station. The Committee was vocal over Woolwich Station, as Mr Taylor and Ms Liven will remember. You can safely say what you have put in your arguments will be taken well on board by this Committee.

15458. **Mr Pout:** Right. Bus interchange, crucially important and the benefits of the additional linkages. My colleague has also put in the notes about the growth and overcrowding in traffic on the existing North Kent line. If it is going to grow, then obviously we need to look at alternative capacity there.

15459. We are certainly aware of the fact that it is away from the existing station. The green square next to the existing Woolwich Arsenal Station is where most of the buses terminate, around that square, and it is ensuring that there are linkages between those buses and the new station, should it go ahead. I hope it will.

15460. **Mr Liddell-Grainger:** I think you can safely say Mr Taylor will have taken that well on board.

15461. **Mr Pout:** We have made point 10 as an observation. We have not been part of the many people who have objected to that but have put it as an observation to ensure that the station design of Abbey Wood is such that it can be later extended.³⁸

15462. **Mr Liddell-Grainger:** I am sorry, we can take it as an observation but it is not within the auspices of the Bill. We work between the stations we have got.

15463. **Mr Pout:** Even a full understanding of the layout of the station—

15464. **Mr Liddell-Grainger:** I thought you meant an extension of the line. The station, of course we do. I am sorry; I thought you meant that you wanted it to go to Dover or somewhere.

15465. **Mr Pout:** No. I have been told by a couple of local authority officers that they believe that there is design capability.³⁹ Our concern is that that design capability is there for Abbey Wood, so that, at a future station, if additional works were required beyond Abbey Wood, then a T&W Act application can go in to extend the route beyond—as far as it need go: Dartford, Ebbsfleet or wherever.

15466. **Mr Liddell-Grainger:** The observation is taken on board.

15467. **Mr Pout:** Lastly we are concerned about the protection of local street trees and whether construction activities may affect trees in the vicinity and what mitigation is being taken to ensure that if trees are removed they are replaced, and to ensure that the take of mature trees is minimalised.

15468. **Mr Liddell-Grainger:** In relation to Shenfield, we had great representation about trees. It did strike the Committee that it was pretty well answered by the Promoter, but, again, Mr Taylor will have taken that on board.

15469. **Mr Pout:** Thank you, Mr Liddell-Grainger.

15470. **Mr Liddell-Grainger:** Thank you very much indeed, Mr Pout. Thank you for your briefing paper. It is A172.

15471. **Mr Taylor:** Sir, I am not going to call any evidence but I will respond as briefly as I can, going through the headings that the Thames Gateway Forum have put in before the Committee in the document you have just referred to.

15472. In relation to consultation on the Whitechapels and Spitalfields area, we would agree with the Gateway Forum that the Crossrail team were somewhat taken aback by the hostile reception they got back in October 2004. It is difficult not to be somewhat taken aback when people are throwing biscuits at you!

15473. In relation to the concerns about the extent to which there has been consultation in that area, the Committee has already had a large amount of evidence on that. In particular, I would refer you to

³⁶ Crossrail Environmental Statement, Volume 4b, Stratford Station, Key Environmental Features—Map NE1(i), billdocuments.crossrail.co.uk (LINEWD-ES17-069).

³⁷ Crossrail Environmental Statement, Volume 4b, Arsenal Way Shaft, Key Environmental Features—Map SE5(i), billdocuments.crossrail.co.uk (LINEWD-ES17-117).

³⁸ Crossrail Environmental Statement, Volume 4b, Abbey Wood Station, Key Environmental Features—Map SE8(i), billdocuments.crossrail.co.uk (LINEWD-ES17-125).

³⁹ Committee Ref: A172, London Thames Gateway Forum—Extension of route beyond Abbey Wood (LINEWD-35105-004).

The Petition of the London Thames Gateway Forum

Day 1, paragraph 71 and following, where documents were referred to which examined the extent to which there had been penetration and knowledge about the project in that specific area, and to Mr Elvin's closing on Day 43, paragraph 11682 and following, on that specific issue.

15474. Turning to Hanbury Street, the Committee is of course aware that there is ongoing work in relation to the assessment of the environmental impacts of Hanbury Street. It is a matter on which further information is going to be provided. In relation to lorry movements, that will be included in that assessment. So far as the implications of traffic are concerned, it is proposed in the Crossrail Construction Code to produce traffic management plans, but there is a specific section, 4.5 in the Code, relating to street cleaning, and all reasonably practicable measures will be taken in that regard. So far as other impacts of construction, such as noise, the Committee is already well aware of the mitigation scheme proposed in information paper D9.

15475. I shall not say anything about Romford Depot. That is a matter that you will be hearing more or less about in relation to AP3.

15476. In relation to cycles and cyclists, the position has already been addressed in information paper E2, which the Committee has.⁴⁰ I would refer the Committee to Section 4 of the information paper E2. "Crossrail will be consistent with the London Underground policy on cycle carriage"—because of course there is an interface between the two systems. Of course it is not possible to take cycles on the London Underground at the moment for obvious safety reasons, and similarly, in relation to Crossrail, where it is in the tunnelled section through the central section the same thing is proposed. Those who want to use Crossrail on the outer limbs will have to change their trains at stations before they get into the tunnelled section.

15477. So far as mobility access is concerned, that was addressed, as Mr Binley may have mentioned or whispered to you before, on Day 46, paragraph 13069, in some detail and I will not repeat the points that were pursued there.

15478. The Eleanor Street travellers' site is going to be a matter that is pursued through AP3.

15479. On Woolwich and the extension to Ebbsfleet, you have heard a great deal of evidence from us on that and I am not going to repeat it. You know very well what our position is in relation to those matters.

15480. So far as the protection of trees is concerned, I would say that trees will be adequately protected by the safeguards that are set out in the Construction

Code.⁴¹ Section 10.4 is an entire section on the protection of trees and that makes it abundantly clear that protective measures will be taken in accordance with the relevant British standard to protect trees during the construction process.

15481. **Mr Liddell-Grainger:** I think it was also said in relation to Shenfield that there would be a policy of trying to replace trees where practically possible. Is that still the case?

15482. **Mr Taylor:** That is still the case.

15483. **Mr Liddell-Grainger:** You would be trying to replace like for like if possible on all sites.

15484. **Mr Taylor:** Indeed.

15485. **Mr Liddell-Grainger:** Thank you very much, Mr Taylor. Mr Pout?

15486. **Mr Pout:** Thank you very much indeed. That is very useful. There is one issue that I would therefore like to raise, if I may—and looking at the time, I realise it is pressing. It would be very helpful to have a few moments of examination of Mr Berryman to clarify a couple of issues around Maryland Station.

15487. **Mr Liddell-Grainger:** I am not sure we can do that because he has not been called as a witness by the Promoter. I suggest, Mr Pout, that you tell me, as the Chairman of the Committee what your feeling is. If we have to ask Mr Taylor just to have thoughts on it, then we shall do so. Would you like to fire away.

15488. **Mr Pout:** Okay. Thank you very much. That is very useful guidance. The original Crossrail project of a decade or more ago included Maryland Station. At that stage, Crossrail was going to be designed to operate mega-length 12-car trains. The current scheme is for slightly shorter trains of 10 carriages. Initially the proposal was not to incorporate Maryland at all, but, if there was a residual service during the peaks, these trains could stop at Maryland, but off-peak and at weekends probably others would not. I only identified that as a problem, because at that stage I said, "What trains are you going to use because the existing trains will be over 30 years old and you have a new fleet of Crossrail trains and if they have been sued even out of Liverpool Street you cannot stop them because they are too long."

15489. They came up with the idea of what is politely known as selective door opening, which means that you use an electronic or satellite system which says that you do not open the end-most doors of the outer coaches of each train, so that the existing platform length will accommodate those doors that are open. What I am wondering is why they made this decision

⁴⁰ Crossrail Information Paper E2—Cycle Carriage and Cycle Parking, billdocuments.crossrail.co.uk

⁴¹ Crossrail Environmental Minimum Requirements, Annex 1—Crossrail Construction Code, billdocuments.crossrail.co.uk

The Petition of the London Thames Gateway Forum

to exclude Maryland this time—Maryland was considered so unimportant—but it had been included in the previous scheme, and some assurance that there will be a decent level of service to Maryland.

15490. At the present time the latest operator now actually ensures that all of their off-peak services stop there, whereas until a couple of years ago our old friends First Group did not stop their trains there. I think that is the issue around Maryland: to ensure that it is adequately serving that community and that its business will grow.

15491. **Mr Liddell-Grainger:** This is a bit unconventional because you have gone slightly round the wrong way, it is 4.30 and the House has adjourned, but I am feeling very generous. Mr Taylor, would you like to address us?

15492. **Mr Taylor:** I would. In fact, I intended to address this matter and skipped over that part of my notes, unintentionally. So if you will forgive me, and I am very grateful to Mr Pout for drawing it to the Committee's attention that I failed to deal with that matter. I think probably the best way is if I deal with it, and we will see whether that is satisfactory from Mr Pout's point of view.

15493. I am instructed that the earliest scheme in the early 1990s was a scheme not for 12-car trains, as Mr Pout suggested, but for 8-car trains. Eight-car trains can stop at Maryland without the need for any platforming. The current scheme before the Committee is a scheme for 10-car trains and the reason that Maryland was originally left out was because that would have required platform extension works which would have been very extensive because they would have affected a road bridge. So there was a disproportionate cost.

15494. The matter is being pursued by the London Borough of Newham, as the Committee may recall, and undertakings were given to them on Day 28, paragraph 7494. The position is that the undertaking provided is that trains will stop at

Maryland because selective door opening will be used, but that is subject to the approval of the Railways Inspectorate.

15495. So far as the level of service is concerned, that is a matter on which we are continuing to discuss undertakings with the London Borough of Newham.

15496. **Mr Liddell-Grainger:** I look forward to hearing how those deliberations get on, especially as I certainly know all the interested parties. Once you have that information, Mr Taylor, would you let us know? Mr Pout?

15497. **Mr Pout:** I think I would disagree with Mr Taylor—

15498. **Mr Liddell-Grainger:** I am not having ping-pong played in this Committee.

15499. **Mr Pout:** Twelve-car coaches—neither here nor there, but we will worry about that outside the room. I think that covers most of the issues we are concerned about, and obviously we are now being given regular updates from the team and if there are any other matters which come to our concern before this Committee concludes—may I ask how much longer you are likely to be—

15500. **Mr Liddell-Grainger:** Mr Pout, no, you may not but thank you—

15501. **Mr Pout:** You are in the next session after the—

15502. **Mr Liddell-Grainger:** Yes. I am so sorry, I thought you meant this evening. We are reconvening after the summer recess but I cannot tell you how long it will be after that because I do not know.

15503. **Mr Pout:** That is fine, thank you.

15504. **Mr Liddell-Grainger:** Thank you very much, Mr Pout. The sitting is now suspended until 10 o'clock tomorrow.

Thursday 13 July 2006

Before:

Kelvin Hopkins

Mrs Siân C James
Mr Ian Liddell-Grainger

Mrs Linda Riordan
Sir Peter Soulsby

In the absence of the Chairman, Mr Liddell-Grainger was called to the Chair

Ordered: that Counsel and Parties be called in.

15505. **Mr Liddell-Grainger:** As usual, I inform the Committee that it is my intention to suspend the Committee at a convenient point after 11.30 so that the public can have the opportunity of tasting the House of Commons coffee in the upper hall way. I should also add that Commander Yates, who is in

another Select Committee I am meant to be on today, may be joining us, having arrested Levy yesterday. We might have to adjourn to get our noble and learned friends across to the other side to help out! We have several petitioners today and I would ask them to be as concise as they can. Normal rules apply: I will stop you if there is any repetition.

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd.

Mr Tim Straker QC appeared on behalf of the Petitioner.

Howard Bassford appeared as Agent.

15506. **Ms Lieven:** May I make a very brief opening on these petitions. They all concern the ports on the east coast, known I think—although I am no port expert—as the Haven ports. On this plan, 012, which you saw before with Mr Watson, the freight routes which Mr Straker's clients are concerned with are coming from off the screen to the east, to the Haven ports, and coming down the Great Eastern Main Line to Shenfield and then beyond.¹ I am going to call Mr Berryman to deal with this Petition and it will be his evidence that the impact of Crossrail on this particular freight route is really minimal to non-existent.

line and does not have to cross the relief lines which Crossrail is on in order to get to the North London Line. Mr Berryman will tell you also about certain benefits to freight on this particular route from Crossrail, but I will leave that up to him.

15507. If we could put up the next plan, 013—and it is a little bit difficult to explain and Mr Berryman will do it infinitely better than I—the crude point is that freight on the Great Eastern, in the vast majority of cases, moves down the main lines.² Crossrail, the Committee will remember, on the Great Eastern, is running down the electric or relief lines or slow lines. The important point to make right at the outset is that in terms of the freight traffic that Mr Straker's clients are concerned about, that is coming down the main lines and then, in order to get to the West Coast Main Line, turns off at Stratford on to the North London Line. The Committee will remember that there is an issue about a pinch point at Stratford/Forest Gate for freight, but that is not a pinch point which primarily concerns this freight route, because it is on the main

15508. In terms of the specific point that these Petitioners are raising, we say that really the impact of Crossrail is very, very minimal, if at all, and then there are all the generic points, which the Committee has heard about at great length already, by which we rely on the fact that we are going to seek an access option and those matters. Also, sir, we rely on the general point that, to the degree that there are pinch points on the network for freight, they are not because of Crossrail. There are lots of problems on the British network for freight, but they are not caused by Crossrail and therefore they are not a matter for this Committee and they are not a matter for this Bill.

15509. **Mr Liddell-Grainger:** Is there any part of that line where Crossrail crosses the freight line?

15510. **Ms Lieven:** No, sir.

15511. **Mr Liddell-Grainger:** Is there any reason that there will be—where the Crossrail trains will cross over the freight line?

15512. **Ms Lieven:** No. I am glad you asked that question. I asked this morning for a plan that showed the answer to that question. I have not seen it yet, but the crucial point is that Shenfield is out

¹ Crossrail Ref: P112, Cross London Freight Routes (LINEWD-GEN14-012).

² Crossrail Ref: P112, Stratford—Forest Gate Junction (LINEWD-GEN14-013).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

here and the relief lines/the electric lines are to the north, and there is a bridge at Ilford. At Ilford, the Crossrail trains cross over the main lines and come to the south. There is no point where there is a crossing of the main lines and the relief lines on which Crossrail impacts because of that bridge.

15513. **Mr Liddell-Grainger:** There is no reason a freight train should be slowed or in any way stopped because of a Crossrail train.

15514. **Ms Lieven:** No. The only issue, sir—and I might as well front up to this now—is that you do get the occasional freight service on the electric lines and where there are those well known “perturbations”—in other words, there is a problem with the line: what we all know as delays but what in the industry are perturbations—the freight will, in those circumstances, sometimes come on to the electric lines. That is why we accept there is a minimal impact. But Mr Berryman will give evidence that that is balanced up with the fact that at Chadwell Heath we are providing a new loop for freight which is a clear benefit for freight. Yes, there is some minimal impact because of the small amount of freight that gets itself on to the electric lines, but that is balanced out by the benefit from Chadwell Heath. Overall, we say there is residually no impact or no detriment for this line of freight.

15515. Can I say, sir, to be absolutely clear, that there is a different issue about Thamesport’s freight coming from Shellhaven and places like that. If one looks at this plan, they are coming up from the south-east, and their problem is that they have to get across these congested lines in order to get up onto the North London Line. There is a different issue for them, but Mr Straker is not representing those people.

15516. **Mr Liddell-Grainger:** Ms Lieven, I understand. Thank you very much.

15517. **Mr Straker:** Sir, I will be calling two witnesses before the Committee in a moment. Before I do so, can I say that our understanding of the position as outlined a moment or two ago by Ms Lieven is to the contrary, in fact, of what she says—namely, that there will undoubtedly be places where Crossrail will impede freight trains—and so you will be hearing about that in a moment or two.

15518. It ought to be mentioned that it appears already to have been accepted before your Committee that Crossrail will make matters worse as far as freight trains are concerned. What I have to say at this stage is in very short compass, because what we have to say before the Committee depends upon a proposition which we would suggest is accepted in every sensible walk of life; namely, that when you are planning for something to happen, you take account of the circumstances as they will be when that thing happens. In other words, when you are planning for Crossrail, you consider what the circumstances will be when Crossrail is up and

running. In that circumstance, you do not as a matter of fact, therefore, need to place particular weight on what the situation is going to be in 2004 or 2006, because that is not what Crossrail is going to affect.

15519. The approach which I have mentioned, which is merely common sense, is followed by the Government in its everyday consideration of development proposals. However, in the case of Crossrail, something rather different appears to have been done: when asking what will be the effect of Crossrail trains running on the limited tracks that we happen to have, what has been considered is the present level of railway use in particular, not the level of railway use when Crossrail comes into being.

15520. Sir, the ports which I represent find that particularly surprising in this respect. As you will hear in a moment or two, very substantial inquiries have been conducted in relation to both Felixstowe and into a prospective new container terminal, the Harwich International Container Terminal, which involves substantial work relating to railways which does not appear to have been taken into account in the exercise which Crossrail have undertaken, despite it being put before the Secretary of State and approved by him. We say, sir, there is in fact a double vice in the assessment of Crossrail trains in which they have been deficient—and you have had evidence about that already and it appears in large measure to be accepted—namely, that they have not taken certain matters into account. Furthermore, the assessment has been largely conducted for the wrong time, and, further, it ought to be noted that the exercise which has been undertaken does not appear to have taken into account, as far as a timetabling exercise is concerned, the users of the railways.

15521. One sees that the railway operating companies and the freight operating companies have been involved but that is not the same as asking those who use it—namely, in this instance, the ports—what the consequences are. The consequence which is apparent from the matters as presently supposed, is that Crossrail will bear to the ill upon the movement of freight. The movement of freight is in the national interest. The displacement of freight carries both environmental and economic consequences which ought to be recognised. We are saying that Crossrail is imposing, and undoubtedly imposing, a burden upon the railway network and that that burden ought to be met accordingly; because, if they are to have the benefit of the railway network, they ought properly to take the burden.

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

15522. Having said that, can I call Mr Harston before the Committee.

Mr Andrew Harston, Sworn

Examined by **Mr Straker**

15523. **Mr Straker**: There is a set of slides which we are going to show and to which Mr Harston will speak.

15524. **Mr Liddell-Grainger**: Mr Straker, the Committee does not seem to have a copy of this evidence.

15525. **Mr Straker**: Sir, can we provide those as soon as may be. I am so sorry.

15526. **Mr Liddell-Grainger**: Thank you very much. The Committee number is A173.

15527. **Mr Straker**: Thank you very much, sir. Mr Harston, introducing you to the Committee, you are Andrew Harston, Port Development Director for Hutchison Ports UK Ltd.

(Mr Harston) That is correct.

15528. We note from the first slide your responsibility for the development of new and existing HPUK ports. Could we go to slide 2, please, and could you help us about the first matter that you note there.³

(Mr Harston) We are not a railway undertaking, we are a port undertaking, but we are an important generator of traffic that goes on to the railway network. In our current port operations at Felixstowe and Thamesport we generate significant numbers of daily trains that are carried by the main inter-modal operators, Freightliner, GB Rail Freight and EWS. The ports are vitally important rail users which provide cargo that travels to the whole of the national network.

15529. We will come to the figures in due course. We see on this slide your role in relation to Crossrail. We know there has been an environmental statement, were you consulted about that?

(Mr Harston) No, we were not.

15530. So far as rail operators and ports are concerned, have you had an opportunity to consider whether that is addressed in the environmental statement?

(Mr Harston) We have, and we have no comments, but it was not considered.

15531. What about your role in the Timetable Working Group, to which reference has been made?

(Mr Harston) Again, because we are a non-railway undertaking, we were not included.

15532. Did Crossrail meet you?

(Mr Harston) No, they did not.

15533. Can we then go to the next slide.⁴ On the top of this slide there is a quotation: "Ports are critical links in the logistics chain." Where does that come from?

(Mr Harston) It comes from the recently published Government document: *Ports Policy Review*.

15534. It is 2006, is it?

(Mr Harston) It is. It is very recent. It is within the last eight weeks.

15535. Help us with the figures we see on this slide, please.

(Mr Harston) With the exception of the last line, which is not included, they are all from another Government publication, the Department for Transport's *Focus on Ports* which was published earlier in the year. Really it is just to set the scene. "Ports are critical links in the logistics chain" is a handy strap line, but what does that mean? Trade contributes 30% of gross domestic product in the country and, because we are an island (with the exception of the Channel Tunnel), 95% of the UK trade by volume is transported by sea and moves through the nation's ports. We understand that represents 75% by value of total UK trade and therefore around £330 billion worth of business. Importantly, from my perspective, 42% of that volume—and we are talking here principally about the containerised and roll-on/roll-off goods—42% of the nation's volume, moves through ports which are operated by my company.

15536. That is a very large proportion of the UK container trade goes through HPUK ports. Do we see where those ports are on slide 4?⁵

(Mr Harston) Yes. Our interests in the UK are in Felixstowe, which is the UK's principal deep sea container port, and we are also the owners and operators of Harwich International Port and Thamesport on the Isle of Grain in Kent—the three which you can see circled in the red circle.

15537. The penultimate bullet point identifies that there are two substantial new port projects. Are they the ones I have mentioned as Felixstowe and Harwich?

(Mr Harston) They are indeed, Mr Straker, and they were recently approved by the Secretaries of State and represent the two major new deep sea port schemes for the UK.

³ Committee Ref: A173, HPUK and Crossrail (LINEWD-11705-003).

⁴ Committee Ref: A173, Extracts from Ports Policy—your views invited, DfT's discussion document for the Ports Policy Review, May 2006, /www.dft.gov.uk (LINEWD-11705-004).

⁵ Committee Ref: A173, HPUK's Ports (LINEWD-11705-005).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

15538. If we go to slide 5, do we there see the situation as it is today, in 2006, where the trains get to, goods having come into Felixstowe?⁶

(Mr Harston) Yes. That was really just to give the Committee a flavour of the national importance of Felixstowe, in that we are handling 24 trains each and every day of the week, Monday to Friday, and Saturday services in addition. This year we will move 369,000 containers to and from the port of Felixstowe by rail and that is approximately 10 per cent more than we moved last year. It is very important in the overall mix of business that we handle and the service that our customers look for.

15539. Plainly there will be businesses which will depend upon the import and export via rail throughout the United Kingdom.

(Mr Harston) That is very much the case. You can see the very strong presence of the North West: Manchester, Liverpool and the Midlands in that context, but also Scotland and Wales.

15540. Then if we go to the next slide, please.⁷ We can see the Port of Felixstowe is identified and you recorded certain details about it, identifying that it is the fifth largest container port in Northern Europe. As a port does it compete with other ports in Northern Europe?

(Mr Harston) We do compete, particularly with the ports in Rotterdam and Antwerp who also are expanding very rapidly and are always looking to secure a greater share of UK trade.

15541. As far as generation of freight by rail is concerned, can you help the Committee as to the largest single generator of freight by rail in this country?

(Mr Harston) In terms of containerised trade, it is by far the port of Felixstowe.

15542. Then you record on those slides in detail about the volume. We can pass on to slide 7 where we see Felixstowe South reconfiguration.⁸ This provides for some additional, nearly a kilometre of quay?

(Mr Harston) Very much so.

15543. It increased the capacity to 5.29 million, and those are called 20 foot equivalent units. That is effectively half a container as we might recognise it, is it?

(Mr Harston) It is. If you look at the 40 foot containers that you see on the public highway, those are two TEUs—I am sure you have been burdened with lots of railway buzzwords but that is one of our industry terms. It is how we measure our throughput, 20 foot equivalent units.

15544. This records what happens by way of the application having been made, the inquiry beginning, planning permission coming to be granted and a resolution to make a Harbour Revision Order. The work is still to be undertaken, of course, physically to construct that?

(Mr Harston) Yes.

15545. That is recognised and permitted by the Secretary of State. If we go to the next slide, can you help us there, please, as to these quotations?⁹

(Mr Harston) Yes, in the context of Felixstowe South because we are actually reconfiguring the existing port—that is why it is a “reconfiguration” rather than a “new development”—it was recognised by the first Secretary of State that the Felixstowe South reconfiguration would make a contribution to meeting an urgent and recognised national need, as the slide says; but, importantly, while achieving improved safety on the roads and increasing the share of goods by rail. Obviously the Secretary of State for Transport said there is a pressing need for additional deepwater container facilities in the UK and that Felixstowe South is suitable for meeting that need and would do so.

15546. You also record what the Secretary of State for Transport records, namely a pressing need for additional deepwater container handling facilities in the United Kingdom with Felixstowe being suitable for meeting that need and would do so and the source of the relevant decision letters?

(Mr Harston) Which is very recent—February 2006.

15547. **Mr Straker:** Then if we go over to slide 9, please.¹⁰

15548. **Mr Liddell-Grainger:** Mr Straker, you have made the point very eloquently. We know this is important and know you have done a lot of work. What I want to know is what you want us to do. We cannot give you an extra kilometre of landing space at Felixstowe. I am sure you have come to us with something to do with Crossrail. Perhaps we could move on.

15549. **Mr Straker:** Most certainly, sir. For clarification can we just glance at slides 9 and 10.¹¹ The particular reason why it is important to have that in mind is because the Secretary of State, in deciding to say “Yes, you can have your new container terminal at Bathside Bay”, which is shown in slide 9 and then spoken to in slide 10, was because

⁶ Committee Ref: A173, Rail Share 2006 Distribution: Felixstowe—Trains per day (LINEWD-11705-006).

⁷ Committee Ref: A173, Port of Felixstowe (LINEWD-11705-007).

⁸ Committee Ref: A173, Felixstowe South Reconfiguration (LINEWD-11705-008).

⁹ Committee Ref: A173, Felixstowe South Reconfiguration (LINEWD-11705-009).

¹⁰ Committee Ref: A173, Harwich International Container Terminal at Bathside Bay (LINEWD-11705-010).

¹¹ Committee Ref: A173, Harwich International Container Terminal at Bathside Bay (LINEWD-11705-011).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

you were saying this is a matter of imperative reason of overriding public interest that it should be there, with the freight to go by rail, or a given proportion?
(*Mr Harston*) Yes.

15550. We then go to slide 11, and we see the rail performance in 2006.¹² That identifies, does it, what is happening at the moment?

(*Mr Harston*) It does. Again, it is the figures we talked about—slightly over 24 trains at the moment but, importantly, 18 of those trains, or 36 paths daily, requiring the transit of the Great Eastern Maine Line, the railway works that we talked about earlier

15551. Thank you. Then if we go to slide 12, please.¹³ You will see the situation in 2014.

(*Mr Harston*) At that stage our forecasts, which are in the public domain, predict 30 train departures from Bathside Bay, and Felixstowe at that stage (because Bathside Bay, the first stage, will be developed) generates 677,000 containers annually; but again, importantly in the context of the debate here, 22 trains a day via the Great Eastern Main Line, or 44 paths.

15552. We can note, can we, that this was all agreed with the Strategic Rail Authority and the Highways Agency at the public inquiries?

(*Mr Harston*) It was indeed, at both public inquiries—Felixstowe South and for the Harwich International Container Terminal.

15553. The public inquiries have taken something in excess of six months?

(*Mr Harston*) That is correct.

15554. Then you have the position at slide 13 for Haven Ports rail requirements 2023.¹⁴ You have done on this slide a similar picture but of course with different numbers by this stage, where you are looking at 47 train departures from the Haven Ports each day in 2023?

(*Mr Harston*) That is correct. Again, this was our transport assessment, our own planning forecasts and the 15-year period that we considered in terms of traffic generation from our ports, and the impact that those volumes would have on the national network; but also the requirements of the Highways Agency and the Strategic Rail Authority to increase the modal share and get more goods on rail through Felixstowe and in turn, importantly, that would then take us in excess of a million containers annually moving by rail from the two developments; and, very importantly, 34 trains daily via the Great Eastern, or 68 paths.

¹² Committee Ref: A173, Current 2006 Felixstowe Rail Performance (LINEWD-11705-012).

¹³ Committee Ref: A173, Predicted Haven Ports Rail Requirements 2014 (LINEWD-11705-013).

¹⁴ Committee Ref: A173, Predicted Haven Ports Rail Requirements 2023 (LINEWD-11705-014).

15555. How did it come to pass that 2023 was looked at?

(*Mr Harston*) Because that was 15 years from the date of implementation of the works, which was the period we agreed to consider.

15556. Then you refer at slide 14 to a joint study/ statement of common ground.¹⁵ Can you help us about this document, please?

(*Mr Harston*) I have got a copy here; it is not a document that we are intending to submit but it is publicly available on the planning inspectorate website. The joint study approach and statement of common ground was the way, through our own public inquiries, we approached the issue of future rail and road capacity. In terms of railways the joint study and the statement was produced in conjunction with the Strategic Rail Authority, Suffolk County Council and Suffolk Coastal District Council. The findings that came out of the joint study and the recommendations of works to be undertaken were verified by Network Rail and, importantly, the Strategic Access Planning Team, the SAP team, within that; and that the conclusions, very briefly stated there, were that the Great Eastern Main Line, in combination with the North London Line (and you have heard a lot about railways and roads, this is the M25 around London as far as our trains are concerned) can provide enough capacity for a 25% share in the Felixstowe South only scenario, and that until 2017 there are enough paths.

15557. **Mr Liddell-Grainger:** Mr Straker, we understand; you have made your point; the Committee has got it. Can we move on? We are delighted about the roads in Suffolk but we want to know what you want us to do for you?

15558. **Mr Straker:** Of course, sir. Can it just be noted there, that last point in evidence being given, that there is presently sufficient capacity which has been identified as present until 2017 as recorded there, and until 2018. Can we just glance through slide 15, because there we see what it was that HPUK actually did by way of works to the national railway network and how that was dealt with and has been reported to the Secretary of State, and similarly on slide 16.¹⁶¹⁷ Slide 17 records the importance of non-displacement of rail traffic; and that is verified again in slides 18 and 19 and what actually happens.¹⁸¹⁹²⁰

¹⁵ Committee Ref: A173, Joint Study/ Statement of Common Ground (LINEWD-11705-015).

¹⁶ Committee Ref: A173, HPUK Rail Works to National Railway Network (LINEWD-11705-016).

¹⁷ Committee Ref: A173, HPUK Rail Works (LINEWD-11705-017).

¹⁸ Committee Ref: A173, Displacement of Rail Traffic (LINEWD-11705-018).

¹⁹ Committee Ref: A173, Displacement of Rail Traffic (LINEWD-11705-019).

²⁰ Committee Ref: A173, Displacement of Rail Traffic—Environmental Consequences (LINEWD-11705-020).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

Then if we just go on to slide 20, please.²¹ We can see there the approach that was followed at HPUK public inquiries. The design year taken; committed developments must be included in assessment; wider impacts must be considered. Pausing there, for example Doncaster, how far do the works that you have been asked to undertake extend?

(Mr Harston) Doncaster, for instance, is approximately 180 miles from Felixstowe, and we are required to consider works and impacts through to what was termed the “South Yorkshire terminals” The impact of the Port of Felixstowe and Harwich developments, located as they are in Suffolk and Essex, were considered to have an effect as far afield as Selby, Doncaster and Leeds. We as Hutchison Ports were required to provide a solution; importantly to fund those works, which one of the earlier points on slide 15, I think, noted—that, Crossrail aside, I think we do probably represent the largest private sector investment in the railway network. My company will be paying something of the order of £75 million for railway works, for which it is very important that we secure this capacity to support our schemes, and for which my shareholders (like some of the other Petitioners that have been before you) are looking for the certainty and security, so that investment achieves the return it was designed to.

15559. Then we go to slide 22, please.²² Here we see the problem. Can you just take us through this, please?

(Mr Harston) Indeed, notwithstanding the points that were made at the opening today, I think Mr Watson’s work of last week did identify that Crossrail worsens capacity on the Great Eastern by a further eight paths in 2015. From our point of view we do not believe that the forecasts we could have provided were taken account of in any shape or form, nor the statements that had been made previously by at least the Strategic Rail Authority with work provided by the SAP team which identified that our work had sufficient capacity until at least 2017. We do believe that Crossrail worsens the available rail capacity, specifically on the Great Eastern but, importantly, therefore on the route through the North London Line and connectivity for the rest of the country; that Crossrail did not consider committed, nationally important developments such as our own; and that there appears to be no certainty about the real impact of Crossrail specifically as far as our own freight impact on the network is concerned.

15560. Then we come to this solution as far as this matter is concerned. This is particularly “what we want to happen”. Can you help us please on this solution, slide 22?²³

(Mr Harston) Yes, and I know that Mr Garratt is also going to comment on a number of these matters subsequently. Validation of the timetable study—and I think a point that has been made previously is the robustness of that timetable study; and, from our perspective, the inclusion of generators of rail traffic and, importantly, the ports in any of that work in validating the study, of identifying the real capacity that is available and then deciding how that can be used; and our track access option, with which we are also in negotiation with ORR and NR in the context of this, to secure capacity for HPUK ports. Very importantly, we cannot see how the traffic that today is able to traverse the Great Eastern Main Line will be catered for in the future without improvements to the Felixstowe to Nuneaton route; and the work that we have done with the SRA and subsequently with Network Rail including the studies and works we are currently involved with, with Network Rail, have identified solutions for HPUK’s port traffic; but we want to see work done through the timetabling study to guarantee that their solutions are robust in light of the Crossrail proposal. That the improvements of the Felixstowe to Nuneaton route, much of which were undertaken ourselves between Felixstowe and Peterborough, but the further works then that go through to Nuneaton, would allow new port developments to continue to use rail. A benefit is that it will take freight away from London, particularly the aspirations of TFL that have been discussed; and benefits for passengers, residents and the environment—

15561. **Mr Liddell-Grainger:** I cannot take that into consideration but it is nice to hear it. Thank you for doing the work but it is not relevant to us.

15562. **Mr Straker:** Just so I have got that clear, that was the third bullet point?

15563. **Mr Liddell-Grainger:** Yes.

15564. **Mr Straker:** Costs then.

(Mr Harston) In terms of the works on the Felixstowe to Nuneaton route, there have been many costs talked about over the last number of years, but we believe that a cost of the order of £48-50 million has been proposed for gauge clearing, which is to create track suitable for carrying 9’6” containers, which will be vitally important to allow that route to be used; but for a sum which in outside terms has been discussed as up to £400 million; that the route could be provided to create much more capacity to deal with many of the issues we considered in terms of a shortage of capacity which is exacerbated by Crossrail on the Great Eastern.

15565. Then the penultimate point touches upon the value if one has forced traffic from the rail onto the roads, which is then identified and work has been done. Then you record Crossrail cost, which is presently forecast?

²¹ Committee Ref: A173, Approach at HPUK Public Inquiries (LINEWD-11705-021).

²² Committee Ref: A173, HPUK—Problem (LINEWD-11705-022).

²³ Committee Ref: A173, HPUK—Solution (LINEWD-11705-023).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

(*Mr Harston*) Indeed.

15566. That all derives, does it, from the proposition that given the imposition of Crossrail trains onto the network the capacity to carry freight trains is reduced?

(*Mr Harston*) Yes, it is.

15567. Then if we go over the page, please, we have put in summary form and do not need to go through all these particular legal powers which are identified, but they enable Crossrail, so to speak, to secure its position on the railway, and to secure the necessary access for Crossrail?²⁴

(*Mr Harston*) Yes.

15568. Then if we go on to slide 24, we can see what the consequence of those particular provisions is.²⁵ Can you help us on these matters, particularly the third matter, because you have identified the legal powers to enable Crossrail to seize rail capacity, and that therefore has a threatening effect on freight services to ports. No protection—can you help us as far as that matter is concerned?

(*Mr Harston*) HPUK, as an important generator of rail traffic, are not a railway undertaking; so it is our understanding that in terms of the provisions and the powers being sought, there is no protection for HPUK or other non-railway users. Yet we are very important in terms of the generational traffic, and the railways are extremely important to how we are able to perform our business. The difference I think between ourselves and freight operating companies is that our investments are fixed. When we make those investments we cannot pick them up and take them away. We are where we are by dint of our geography and the business that we operate, and that is very different from the freight operating companies who, ultimately, could actually provide traction to other businesses elsewhere in the country; but our location is fixed and our need for it is absolute.

15569. You touch upon access options, and the point you are there making is what?

(*Mr Harston*) In essence the access option powers that are being sought effectively give Crossrail still that ability to seize rail capacity which, in many respects, has the same effect as the powers that they are seeking under the Bill anyway

15570. Then we see the capacity cannot be solved by access options and the solution is Felixstowe to Nuneaton and the HPUK option. We put up again on slide 25 the solution which we have seen before?²⁶

(*Mr Harston*) Yes.

15571. **Mr Straker:** It repeats those particular matters and secures that one should have study, the option and the improvements to the Felixstowe-Nuneaton line consequential upon—

15572. **Mr Liddell-Grainger:** Mr Straker, we have had representation. Mr George very kindly brought this up before. I think you can safely say we are well aware of it.

15573. **Mr Straker:** I am gratified to hear that, because plainly it is a matter of huge importance for the single most important generator of rail freight, and the capacity to carry should be present. That is all I wanted to ask Mr Harston by way of examination-in-chief, unless you want me to deal with any other particular matter at this moment?

15574. **Mr Liddell-Grainger:** No. Thank you very much. Ms Lieven?

Cross-examined by Ms Lieven

15575. **Ms Lieven:** I have one question so the Committee understand what is going on. Could you look at your slide 16, which is page 17.²⁷ This is work that you are being required to pay for under section 106 agreement, the planning agreement, consequential upon your two planning permissions extending Felixstowe and Bathside Bay?

(*Mr Harston*) That is correct.

15576. In the second bullet where you talk about W10 gauge clearance, cross country between Ipswich and Peterborough, that is the first part of what has become known in this hearing as Felixstowe to Nuneaton, is it not?

(*Mr Harston*) It is, yes.

15577. And so, as I understand it, you have been required by the Secretary of State, I think pursuant to an agreement largely between yourselves and the strategic rail authority as was, to pay for extensive work to allow your containers to use the cross-country route that goes Felixstowe, Peterborough and Nuneaton?

(*Mr Harston*) We have been required to do that but only following extensive study that identified with timetabling where the capacity requirements were in order to carry the traffic which we generate through our ports and then provide the necessary infrastructure throughout the national network to deal with that effect. Those were works that were identified to meet the model share that we had agreement with parties.

15578. I understand. You made reference to Doncaster. Perhaps not totally surprisingly, given this is a hearing on the Crossrail project, I cannot find a rail drawing that takes us to Doncaster in detail, but can we agree the reason you have been required to pay for works at Doncaster is because your containers are going on trains through that bit of the rail network at Doncaster?

(*Mr Harston*) Yes, that is correct.

15579. You are having a direct impact on the rail network at Doncaster?

²⁴ Committee Ref: A173, Legal Powers of the Bill (LINEWD-11705-024).

²⁵ Committee Ref: A173, Rail Regulation and Access Option (LINEWD-11705-025).

²⁶ Committee Ref: A173, HPUK—Solution (LINEWD-11705-026).

²⁷ Committee Ref: A173, HPUK Rail Works (LINEWD-11705-017).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

(Mr Harston) Doncaster and many other parts of the rail network, but it was identified that the works at Doncaster were required because they did not come under any of the plans that were being pursued by Network Rail.

15580. One final question on a subject that the Committee know an awful lot about by now. Slide 24, exhibit 25, it is something I feel impelled to pick you up on, the fourth bullet point "Access options give exclusive rights to Crossrail".²⁸ I must say that came as a massive surprise to us. Are you saying that Crossrail is seeking exclusive rights on the Great Eastern through the access option? That is certainly not our understanding of what we are doing.

(Mr Harston) Exclusive rights to the access options you were seeking.

15581. Exactly in the same way that any train operator who seeks an access option gets exclusive rights to their own access option?

(Mr Harston) I cannot argue with that, but the points I have seen made in the transcripts is that standing on its own, that is fine, but with the powers currently sought under the Bill there is no certainty that the access option will only relate to those tracks.

15582. The point in that bullet point is not really about the access option, it is about the railway clauses in the Bill, is that fair?

(Mr Harston) It has the same effect as powers.

15583. **Ms Lieven:** Thank you very much.

15584. **Mr Liddell-Grainger:** Mr Straker, anything else?

Re-examined by **Mr Straker**

15585. **Mr Straker:** Can I ask this, you were asked about questions that touched on Doncaster and the fact that trains go through Doncaster. Help the Committee, please, in this way, as far as trains from the Haven ports going anywhere throughout the United Kingdom is concerned, do they travel through London?

(Mr Harston) I think it is a very important point, Mr Straker, and the reason that we are undertaking the works or are required to undertake the works between Felixstowe and Peterborough is the timetabling work and the capacity work, which we undertook with the strategic rail authority and the Network Rail Strategic Access Planning team verified, validated and the agreed the number of paths that are available to us, is because ordinarily that traffic would do the same as road traffic, it would go via the north London lines and up the west coast mainline or the east coast mainline to be distributed nationally. Having identified the number of paths that are available on those routes, it was identified that there would be a shortfall and that shortfall could be met by carrying out the works across country so the east coast mainline could be joined at Peterborough and effectively create a

bypass for the north London line, but that was on the basis of the capacity being made available to us, from which Crossrail undoubtedly takes away a significant part of that capacity.

15586. **Mr Straker:** With Crossrail taking away that capacity, what difference is there between the situation which confronted you at Harwich and Felixstowe in terms of the trains on the line crossing through London and Crossrail deflecting trains from London?

(Mr Harston) I do not think there is any difference.

15587. **Mr Straker:** Thank you very much, sir. That is all I want to ask by way of re-examination.

15588. **Mr Liddell-Grainger:** Mr Harston, please stand down.

The witness withdrew

15589. **Mr Liddell-Grainger:** I think you have a second witness?

15590. **Mr Straker:** Yes, that is correct, sir. The second witness, sir, I think has already at least started in another context to give evidence to your Committee. Mr Mike Garratt.

Mr Mike Garratt, Sworn

Examined by **Mr Straker**

15591. **Mr Liddell-Grainger:** If I may make a point to Mr Straker and Ms Lieven, I think Doncaster and Nuneaton can stay off the menu for the rest of the afternoon. I think the point has been well made in three days. We accept the points. There is nothing we can do. The point is understood.

15592. **Mr Straker:** I am very grateful, sir, for that indication. The essential point we very much want the Committee to have in mind is that the consequences of putting something into a railway network are felt beyond the need of the present.

15593. **Mr Liddell-Grainger:** The Committee has already accepted that. Thank you very much.

15594. **Mr Straker:** Can I then simply reintroduce Mr Garratt to the Committee. Mr Mike Garratt, you are the managing director of MSD Transmodel and you, likewise, have produced some slides and, once again, I suspect, sir, you will have the slides as soon as may be. You record your experience. We can pass on to slide two the questions which you were asked and we can deal with that, I suspect, at pace because you were asked questions to help, we trust, the Committee in its consideration of this matter. Can we then look at slide three, please, or number three.²⁹ You here identify, do you, what happens when one decides whether or not to grant permission or planning permission?

(Mr Garratt) That is so.

²⁸ Committee Ref: A173, Rail Regulation and Access Option (LINEWD-11705-025).

²⁹ Committee Ref: A173, Rail Capacity and Planning (LINEWD-11705A-004).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

15595. A route and looking ahead rather than the situation as it is currently. If we go to slide four, please.³⁰ What will things be like when the development is operating? Has Crossrail asked that question?

(Mr Garratt) In this context it appears not, no.

15596. Slide five and I take this quickly, sir, with your leave, you record the growth in port container traffic with the need to accommodate that and figure one continuing gives the container volumes once again in TEU 20-foot equivalent units up to 2020.^{31,32} You have done in a forecast of train movements, figure two, for Felixstowe.³³ Bathside Bay, sir, is also known as “Harwich International Container Port”.

15597. Let us look at figure three, please.³⁴ I want your help, Mr Garratt, about this one. If we look at all rail freight in 2005, we have got something in the order of 20 million tons?

(Mr Garratt) That is correct. What this slide is attempting to show is there are currently about 20 million tons of rail freight in, at and through London of which about half, 10 million, pass through. Of those 10 million tons passing through, the majority, 5.7 million tons, is contained traffic and, therefore, in the long run and is available to bypass if you like. They do not necessarily have to be there.

15598. Ten million tons passing through London with the capacity, therefore, to be affected by other trains within London?

(Mr Garratt) That is correct.

15599. Then we have the Haven port rail traffic, please, which records where that goes and one can take this, I suspect, to some degree of speed as well.³⁵ That records where it comes from and what is presently the position. We get to slide seven, please, where you have recorded certain rail volumes going through Forest Gate?³⁶

(Mr Garratt) Yes, if I can make a small correction here. The first bullet should read “27 paths in each direction on the Great Eastern through Shenfield to accommodate up to 24 trains in each direction”.

15600. Your 24 paths available, is that something which stands?

(Mr Garratt) No, the next bullet stands. The path exercise, which I am about to describe, describes 14 paths available from Haven on the great eastern line

and these were identified in a separate exercise by Network Rail last year. That is shown in the footnote at the bottom of the slide.

15601. The Network Rail report, and that is also known by some other name, is it?

(Mr Garratt) It has been done by the SAP team, the Strategic Access Planning team.

15602. Very well. That enables one to identify what the volumes are and then you come, please, to slide eight and we should take this slightly more slowly, I suspect. Principal rail logistics issues, you identify the principal bottleneck at Forest Gate with most westbound freight trains heading for the west coast mainline at Willesden?³⁷

(Mr Garratt) That is correct. I think this has been well discussed already before the Committee, but to make a point that was made earlier today. There is, I would argue, interaction between the Crossrail tracks between Forest Gate and Stratford in a way that does affect traffic from the ports.

15603. Ms Lieven said, when she made her opening remarks, that Crossrail were not going to interfere with freight trains or at least freight trains from the Haven ports here or hereabouts. Can you help the Committee as to what the true position is there?

(Mr Garratt) It surprised me, so I had to think about this quite quickly. First of all, there are freight trains on the central electric tracks, the slow tracks, and the slide coming up in a little while coincidentally describes that. Secondly, there is bound to be interaction between the freight trains running through the Haven ports and those coming from the Thameside ports simply because the more passenger trains that are on the slow tracks, the harder it will be for trains to run through the Barking line and find gaps and in such a way that will reduce flexibility, it is bound to have an impact on the Haven port traffic. It seems to me, this has already been demonstrated by the Timetable Working Group committee report. That is why I am surprised to hear that comment this morning. On page 23, I think it is of that report, there is a table which has been quoted a few times.³⁸ I have to say I am quite critical of the methodology that was used to arrive at this table. On page 23 of that report, it distinguishes between the routes via Shenfield and the routes via Barking and it shows, as has been said several times, a worsening, if we look at it as a consequence of Crossrail. If we look at the two top parts of that table and looking at the figure in the final column, we see a shortfall of -8 without Crossrail and -16 with Crossrail which seems to suggest that on the evidence from the Timetable Working Group committee there is an impact. Eight paths in one

³⁰ Committee Ref: A173, Rail Capacity and Planning (LINEWD-11705A-005).

³¹ Committee Ref: A173, National Port Container Demand (LINEWD-11705A-006).

³² Committee Ref: A173, Forecast Container Volumes GB Ports (excluding 3rd country transshipments) (LINEWD-11705A-007).

³³ Committee Ref: A173, Forecast Container Train Movements/day (LINEWD-11705A-008).

³⁴ Committee Ref: A173, London Rail Freight Traffic: million tonnes 2005 (LINEWD-11705A-009).

³⁵ Committee Ref: A173, Haven Port Rail Traffic (LINEWD-11705A-010).

³⁶ Committee Ref: A173, Base Line Rail Volumes—Forest Gate (LINEWD-11705A-011).

³⁷ Committee Ref: A173, Principal Rail Logistics Issues (LINEWD-11705A-012).

³⁸ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-024).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

direction is quite serious given the evidence Andrew Harston just gave. What was being looked for was 11 or 12 extra paths as a consequence of the Haven port development, eight is a big number.

15604. **Mr Liddell-Grainger:** Mr Garratt, can I cut in just a second. I do not know if you have seen the transcripts of the last few days; we have had an awful lot of timetabling problems. The Promoters are going to come back as quickly as they can with the timetabling situations and we know that as a committee because we are confused as well. What I would like you to do is to allow the Committee to come back, and then come back to us if you feel you want to. Things may change. You obviously have not heard that.

(Mr Garratt) I have heard that and I appreciate that. I can only answer the questions.

15605. **Mr Liddell-Grainger:** I accept that. What we will do now is to move on because I want to see what they come back with as much as you do because we are confused as well, so do not worry. We are both trying to find out exactly what the future would be. Is that okay?

15606. **Mr Straker:** That is perfectly acceptable, sir, because we would very much like to. I hope the request is related to us as well as Mr Garratt. We would very much like the opportunity.

15607. **Mr Liddell-Grainger:** It extends to all.

15608. **Mr Straker:** I am much obliged, sir, because it is of such a critical matter, the question of timetabling, which so far, as I have said, we have not played a part. Could I, with that in mind, move on and we can pass over, therefore, what is called figure four, “The quail map of Forest Gate and Stratford area” which reveals the multiplicity of tracks and the scope for one train to impede another.³⁹ We can note at your slide nine, please, Mr Garratt, we have got the railway capacity which was agreed in sense?⁴⁰

(Mr Garratt) That is correct.

15609. And then the pathing exercise which was done in relation to that figure five, I suspect I can pass over much of this in the light of what you have said, sir, at pace because that bears upon the timetabling questions. Would that be right Mr Garratt?

(Mr Garratt) If I can make just one very short point which I think is relevant and that is to draw attention to the exercise of the Hutchison Commission last year from Network Rail which, to Network Rail’s satisfaction, showed that the available paths were there and that needs to be taken into account.

15610. Thank you very much. Passing in the light of what Mr Liddell-Grainger has very kindly said, passing over that and the opportunity to come back,

³⁹ Committee Ref: A173, Quail Map of Forest Gate and Stratford Area (LINEWD-11705A-013).

⁴⁰ Committee Ref: A173, Rail Capacity Agreed in Consents—Felixstowe and Harwich International Container Terminal (LINEWD-11705A-014).

we can mention, I suspect, for the purpose of the exposition of figure six, which deals the container trains per day without the Haven ports, where you are looking at that and showing the works which are being done and recording the sufficiency of paths available via London at present?⁴¹

(Mr Garratt) That is correct.

15611. And then you have done a series of figures which I am simply going to ask to be flicked through, if I may, 7, 8, 9 and 10 which demonstrate the character of the work done and how the paths have become loaded in consequence of the increased use of the railway, is that right?^{42,43}

(Mr Garratt) That is correct and the Committee has seen similar points before.

15612. Can we then pass over number ten, which deals with a timetabling point, and we pass over 11 and go to figure 11, please, where you have shown in graphic form the problem of Shenfield and Stratford because of the multiplicity of trains trying to work their way through.⁴⁴

(Mr Garratt) What I was trying to do in this apparently very complicated graph is to illustrate a relatively simple principle and it again seems like a criticism of the Timetable Working Group committee work. The exercise which we just had on the screen there, the page 23 exercise, was only looking at Shenfield to Stratford and we plotted on the existing working timetable in a pale blue line what the extra paths identified. I am trying to illustrate here the weakness of an approach like that, because there is no confidence or surety that the train could reach there. I show with the blue dotted line that, in fact, the other trains would squeeze that train out before it even arrived there. It is really important to do a timetabling exercise from origin to investigation, otherwise we would not be able to.

15613. We can pass from that then. That was figure 11. You then mentioned the Transport for London’s plans which I know have already been spoken to before the Committee.⁴⁵ These bear upon the North London Line where Transport for London obviously want to increase substantially the amount of passenger trains. We then, I suspect, go to slide 13 where you record what is happening on the Crossrail scheme and certain matters of accommodation.⁴⁶

⁴¹ Committee Ref: A173, Container trains per day without Haven ports (LINEWD-11705A-016).

⁴² Committee Ref: A173, 2005 WTT Trains Paths—South East (LINEWD-11705A-017).

⁴³ Committee Ref: A173, All Trains 2005/2014/2030—South East (LINEWD-11705A-018 to -020).

⁴⁴ Committee Ref: A173, Drawback of TWG approach to pathing Shenfield—Stratford in isolation (LINEWD-11705A-023).

⁴⁵ Committee Ref: A173, Transport for London plans (LINEWD-11705A-024).

⁴⁶ Committee Ref: A173, Crossrail Scheme (LINEWD-11705A-027).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

Can we simply note here the third bullet point: “Crossrail accommodates merely rail freight volumes—‘Train plans . . . are being prepared on the basis that . . . freight services will continue to operate at broadly existing levels’”.

(Mr Garratt) That is right. That is the fundamental problem we have with these paths.

15614. Then 14 deals with the timetable which I leave over, and 15 touches upon the impact of Crossrail and can we just look at that for a moment please, where you describe it and perhaps you can take us through these points.⁴⁷⁴⁸

(Mr Garratt) This is really, as I think the Committee are now aware, that the impact of the Crossrail services is to reduce the gaps available between passenger trains in the Forest Gate area and making crossing movements that much more difficult, reducing flexibility and reducing capacity. I am aware that the TfL plans were discussed yesterday. It seems to me most important that these are seen together with the Crossrail plans and indeed, as they precede Crossrail, they should be taken in a sequential fashion in the timetabling evaluation.

15615. Then 16 please, the solution of the cross-country route.⁴⁹ Can you help us with this slide please.

(Mr Garratt) Not wishing to bore the Committee further, but this seems to be the obvious solution. The decision by the Government to grant consent to the Haven port development on grounds of overriding interest was, I think, very important in the context and I think the Crossrail plans threaten to confound that, and the impact of Crossrail can be readily overcome by removing that through-London traffic, which I mentioned at the beginning of the presentation, to the cross-country route.

15616. Then I can take you, I think, to the solution on 17 which you record of Felixstowe to Nuneaton and we can just glance at that, and you record at 18 the benefits of that.⁵⁰⁵¹ Then we get, do we, at 19 the summary in relation to your material where we see the offer to plan only to cater for existing rail freight and you spell out the situation there?⁵²

(Mr Garratt) That is right. Even that may not be deliverable as a consequence of the TfL plans.

15617. Thank you very much. Sir, I can leave those matters there. I have dealt with that, I confess, apace in the light of your observation and I hope that was all right.

15618. **Mr Liddell-Grainger:** I would just say, Mr Straker, that if I had seen anything, I would have stopped you.

15619. **Mr Straker:** I am very much obliged, sir. Therefore, on that basis, sir, we would very much like to come back on the timetable matter, as you have indicated, and we would like actually HPUK to be on the Timetable Working Group.

15620. **Mr Liddell-Grainger:** If there is a case for you to come back, we will look at it and have a think about it, but it will be for us to decide.

15621. **Mr Straker:** Yes, of course, sir.

15622. **Ms Lieven:** I think, sir, before I cross-examine, it may be just important to clarify this a tiny bit. What we are intending to do is write to the Committee explaining where we have got to on timetabling and something about the conclusions that are reached and how they are going to be handled from here on. We do have a desire to bring this Committee to a halt one day and not to keep coming back on issues because there is quite a long shopping list by now of people who are coming back generally wholly appropriately, but we would not want to raise the expectation that everybody who is concerned about freight and timetabling, which is in truth all the Petitioners in this two-week slot, are going to get some other slot by which we will call evidence on timetabling and they will come back and make their case again. We are going to write to the Committee in the terms discussed yesterday. I hope that is acceptable, sir.

15623. **Mr Liddell-Grainger:** I totally accept that.

15624. **Ms Lieven:** I think Mr Straker may have expectations which we were not intending to meet, unless the Committee directly instructed us to.

15625. **Mr Liddell-Grainger:** We will wait until you come back to us, Ms Lieven. As you are well aware, by the end of the year it will not be our problem, but the House of Lords’, so Mr Straker may get a second bite of the cherry.

15626. **Ms Lieven:** He will undoubtedly get a second bite of the cherry in the House of Lords and about that there is no issue.

15627. **Mr Straker:** Sir, I am more than happy obviously to be entirely in your hands about this matter. The point I do make, if I may, and emphasise is the single importance of Hutchison Ports in connection with this given the volume of material actually carried and, sir, in that regard we stand differently maybe from others as to our need to be involved, at the very least, in the working of the Timetable Working Group because one of the deficiencies, it may well be thought, is the inadequacy of those who have presently been involved in terms of the list of those involved.

⁴⁷ Committee Ref: A173, Crossrail Timetable (LINEWD-11705A-028).

⁴⁸ Committee Ref: A173, Impact of Crossrail (LINEWD-11705A-029).

⁴⁹ Committee Ref: A173, Solution: The Cross Country Route (LINEWD-11705A-030).

⁵⁰ Committee Ref: A173, Solution: Felixstowe to Nuneaton (LINEWD-11705A-031).

⁵¹ Committee Ref: A173, Cross Country Route: Benefits (LINEWD-11705A-032).

⁵² Committee Ref: A173, HPUK—Summary (LINEWD-11705A-033).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

15628. **Mr Liddell-Grainger:** I think your learned colleague Mr George made that very clear.

15629. **Mr Straker:** I am sure he did, sir. He makes matters very clear.

15630. **Mr Liddell-Grainger:** Ms Lieven?

Cross-examined by **Ms Lieven**

15631. **Ms Lieven:** There is just one thing I want to ask you, Mr Garratt, because as I have, I think, said on a number of occasions, you are coming back on Tuesday to have the pleasure of locking horns with Mr Elvin on some of these matters and I will not, therefore, engage. There is just one thing which is very specific about the Haven ports on your exhibits which I wanted to ask about. Could we put up exhibit page 11 of your exhibits.⁵³ I do not have the slide numbers, I am afraid. You refer at the second bullet point to the point that the pathing exercise identifies 14 further paths available from Haven to the West Coast Main Line. Do you see that?

(Mr Garratt) I do.

15632. And that is coming down the Great Eastern and then getting on to the North London and then skipping round to the West Coast Main Line.

(Mr Garratt) Yes.

15633. How many of those paths are on the electric lines during the day? Just so the Committee understand the question—

(Mr Garratt) I understand the question, but—

15634. Well, you may, but the Committee may possibly understand less. The point I am trying to get at is to establish how many of those paths are affected by Crossrail because a large proportion of freight paths are generally at night and the vast majority of freight paths on this route coming in from Shenfield are, as I have already said, on the main lines and not the lines being used by Crossrail, so I just wanted to know whether you knew the answer to that, Mr Garratt.

(Mr Garratt) I can provide the answer, I have it in front of me, so perhaps people would care to wait for a couple of minutes while I check that.

15635. I am quite happy for you to come back to us informally and then Mr Elvin can come back to this on Tuesday if he wants to.

(Mr Garratt) Yes, okay, but can I just make another point which is that I am not sure I agree with the statement you made that there is no interaction between the services from the Haven ports and the electric lines. You made that point in opening this morning and I am not sure I agree.

15636. I do not think I said there was no interaction, and Mr Berryman will give evidence on that in a minute. Could we put up Mr Watson's exhibit page 31 which we saw before. As far as the trains from the

Haven ports are concerned, coming in from the east, they are coming in on a two-track line as far as somewhere just a bit east of Shenfield, yes?

(Mr Garratt) They are.

15637. There are very significant constraints, are there not, on how much more freight you can get coming down the line before you ever get to Shenfield?

(Mr Garratt) Yes, there is an issue here. They are sharing tracks with the passenger trains, without question, and there certainly is a limit. That limit is dictated by the speed and the stopping patterns of those passenger trains. We saw only in the last few days how that sort of relationship can be changed. On July 7, so only a few days ago, Network Rail produced a conclusion, if you like, on their East Coast Main Line reanalysis of the timetable at the ORR's instruction and found an extra 10 paths a day per direction specifically because precise timings had been adjusted with the co-operation of other train operators once it was taken that maximising capacity was the prime objective, so these are not absolutes and there is definitely an opportunity here to make some changes. I personally think that until that sort of exercise has been done on the Great Eastern, we cannot really have a proper baseline from which to start arriving at different conclusions. We are all the time making and amending, if you like, but yes, I would be happy to agree with your point.

15638. **Ms Lieven:** Thank you very much. That is all, sir.

15639. **Mr Liddell-Grainger:** Mr Straker, that evidence is A174.

15640. **Mr Straker:** Thank you, sir. That is all I wanted to call by way of evidence.

15641. **Mr Liddell-Grainger:** Mr Garratt, you may stand down.

The witness withdrew

15642. **Ms Lieven:** Sir, can I call Mr Berryman.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

15643. **Ms Lieven:** Mr Berryman, you are well known to the Committee. Can you just start by explaining the general approach of Crossrail to this issue of pinchpoints on the network for freight?

(Mr Berryman) I think anybody who starts looking at freight capacity in the UK generally will quickly recognise that there are a number of serious pinchpoints and they are scattered in various parts of the country. Lord Berkeley was sitting in here a few moments ago, he has left now unfortunately, but

⁵³ Committee Ref: A173, Base Line Rail Volumes—Forest Gate (LINEWD-11705A-011).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

if he was still here he could give you a list as long as your arm of pinchpoints which exist for freight. In London there are several, some of which you have heard about in evidence already. This was recognised when we first started planning the Crossrail project and is mentioned in the London East-West Study Report which formed the basis of the scheme going forward. The scheme based on the premise that there should be no worsening of the present position as a result of Crossrail. In other words, the present capacity plus existing growth capacity should be provided for by the scheme. The design is based on that starting point.

15644. Then if we take that down to the next level of specificity, how does the situation differ between the Great Eastern and the Great Western?

(Mr Berryman) There are several differences in what is going on here and there are two main areas which we focused on dealing with freight in the design of the scheme. The first thing on the Great Eastern was to make sure that capacity for container traffic coming from the east coast ports is maintained at the level now plus maintaining the existing potential for growth, and that is very significant traffic and very important to the country, as I think you have heard already. The other thing was to maintain capacity and also the freight terminals on the Great Western where the issues are very different. It might be worth just talking about the issue of organic growth here and non-organic growth. On the Great Eastern we were and are aware that there are a number of port developments which have taken place which will lead to step changes in the amount of containers being shipped through this route, whereas on the Great Western we expect the pattern of freight to more or less as it is. It may wax and wane as the economy changes and goes up and down, but we do not see any big step changes coming which would have a sudden impact on the level of freight on that side. What we can do in providing the Crossrail infrastructure is to provide the capacity for developments which would not have been there absent Crossrail. In other words, if something could not be done before Crossrail was built, we are not able to provide the capacity to do those things as part of the Crossrail scheme. This was recognised again in the London East-West Study by suggesting various upgrades which should take place. One of these is the Gospel Oak-Barking line which we have heard a lot about which I think is generally agreed between all parties in the rail industry, including Network Rail, that this needs to be upgraded, but this does not need powers, it does not need a Bill or even a transport Works Order. It is an existing line, so all it needs is to be made to work properly and that will be taken care of by other industry processes, for example, the Transport Innovation Fund where a decision has recently been announced that this scheme will be shortlisted for improvement.

15645. I think the last point on the generality, before we come to the issue of Forest Gate, is just on timetabling. Does it make sense to be going down the line being suggested by this Petitioner and others to timetable in detail for 10 or 15 years in advance?

(Mr Berryman) I does not, and I can give you a couple of examples. My wife, Mrs Berryman, is woken every morning at 2.30am by a freight train which comes into Luton. That is a freight train which is delivering aggregate and stone for the widening of the M1 motorway. That traffic did not exist 10 years ago and there would have been no way anybody writing the timetable 10 years ago could have forecasted that that traffic would exist. Traffic, as we have heard, on the freight trains runs when there are loads available and it does not just run willy-nilly. If I take another less happy example, although Mrs Berryman being woken up at 2.30 in the morning is not very happy, but anyone planning the timetable 10 years ago would have included Post Office traffic in the timetable, and that traffic has been lost to rail. Therefore, freight traffic goes up and down according to the economy and according to the vagaries of the business climate. What we can take into account, and what we have tried to take into account are the, if you like, overall trains, so if you take the evidence given by the aggregates industry gentleman yesterday, he is forecasting a growth in the rise of aggregates and yes, we can take that into account, but not the exact terminals to which it will go. Similarly, with containers, we can take an overall view that container traffic will grow and we are prepared to accept that, but we cannot design the timetable to the minute detail which would ultimately be needed.

15646. Can we move from there to the very specific point at what has become the Forest Gate pinchpoint, and I am sorry, sir, to have to trouble you with this drawing, but, Mr Berryman, can you explain what this shows?⁵⁴

(Mr Berryman) Yes, the top drawing here shows the layout as it now is.

15647. Just orientate us a little, would you?

(Mr Berryman) This is Stratford and this is the route towards London and this is the route towards Shenfield. The bottom diagram shows what will happen. Now, the interesting thing here is that it shows the lines which will be used by Crossrail marked in red and you can see that the electric lines, which are on the north side of the layout here, cross over by a flyover and are now on the south side. This is where the conflicting movement we have heard so much about takes place on the Forest Gate junction just here. A train coming down the main line, and most of the freight trains on this route do come down the main line and we only think there are about six or eight a day which use the relief lines, but coming down this line here, if it has to be held for any reason, it has to be put away in a loop which runs round the back here and it waits then for another train to overtake it. When that train comes out of the loop, instead of going back on to the main lines, which are

⁵⁴ Crossrail Ref: P112, Hybrid Bill Proposals: Single Line Diagram—Stratford to Seven Kings (LINEWD-GEN15-002).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

the lines it wants to be on, it goes on to the electric lines and it then has to make that crossing movement at Forest Gate which the trains coming from Barking have to make. If we could look at the layout that we have proposed to build further out.⁵⁵ You can see that this is Shenfield and this is the route going out towards Ipswich and in this area here in the Shadwell Heath area, it is proposed to provide a loop. These are the fast lines, these are the main lines which freight trains use, so as the train is put away to allow another train to pass, when it comes back, it comes back on to the main lines, so avoids that complicated crossing movement which we have heard so much about. We would say that this increases capacity on the main lines compared to what is there now. Moreover, even because Crossrail trains are using the electric lines, the limited number of freight trains which do use those electric lines, which are in a form of looping out, a form of putting them away so that other trains can overtake them, they can still continue to do that after the Crossrail scheme is built. Is that making sense?

15648. **Mr Liddell-Grainger:** Yes.

15649. **Ms Lieven:** It is a pity Mr Hopkins is not here or we could get into the detail! Mr Berryman, I think that is everything I have to ask you. Thank you very much.

Cross-examined by **Mr Straker**

15650. **Mr Straker:** Can I just ask you a few questions, Mr Berryman, please and, first, this: it is right, is it not, that on any account Crossrail will worsen capacity for the ability to carry freight east of London?

(Mr Berryman) It will certainly have some impact on freight which is going off towards Barking. I would not think it would have any impact on freight which is going out towards the Haven ports.

15651. The timetable study records, does it not, that the position is going to be made worse by Crossrail?

(Mr Berryman) Primarily because of the reason I have just mentioned.

15652. So Crossrail will make matters worse and making matters worse, Mr Berryman, means, does it not, that some trains which otherwise would have been able to go and carry freight will not be able to go?

(Mr Berryman) Yes, if nothing else changes, yes.

15653. So somebody will be losing the benefit of capacity which would otherwise be available by the worsening which occurs?

(Mr Berryman) Yes—

15654. And at the moment, Mr Berryman, the position is one, is it not—I am sorry?

(Mr Berryman) I had not quite finished.

15655. I do beg your pardon.

(Mr Berryman) The position at the moment is that, even with Crossrail, significant growth can be allowed for, but it is insufficient to allow for the growth which is forecast not from your clients' ports, but from the Tilbury and Thameside ports. As I have already explained in my evidence, that has long been recognised by everyone in the rail industry and there are rail industry procedures for dealing with that problem and, as mentioned earlier on, the TIF process is part of that process.

15656. If we can just travel back for a moment, Crossrail making matters worse, as we have seen, loses the ability for somebody to run a train which otherwise would be run.

(Mr Berryman) For somebody, but not for your clients. From your clients' perspective, the matter is not made any worse and it remains exactly as it is now.

15657. We can come to that if needs be and it may be that the matter finds expression in the timetabling work, but, as far as the situation which we have just described is concerned, Crossrail making matters worse and displacing someone who would otherwise be on the railway, there is no present proposal, is there, that if that benefit of capacity is lost that Crossrail is going to mitigate that loss of capacity?

(Mr Berryman) Crossrail is part of the whole railway industry. It is not something which stands in isolation. We have a Secretary of State for Transport who is responsible for judging and making decisions about these points. If the whole rail network did not change and the conflicts were introduced at Forest Gate, yes, there would be some worsening, but that is not something which I think the Secretary of State or the Department for Transport would just leave to lie.

15658. Am I right, Mr Berryman, that if someone is driven off the railway in consequence of the worsening which is agreed would occur, there is no present proposal by Crossrail to mitigate that effect, is there?

(Mr Berryman) No. That is not what Crossrail is about.

15659. Then, as far as my clients are concerned, you will have seen, will you not, that there were substantial inquiries which took place both into Felixstowe and into Harwich International Container Terminal?

(Mr Berryman) Yes.

15660. And you will have seen, will you not, that substantial work took place at those inquiries and before those inquiries into railway capacity?

(Mr Berryman) Yes, I am aware of that.

15661. It is right, is it not, that that position which was adopted at the inquiries finds expression in the decisions of the Secretary of State?

⁵⁵ Crossrail Ref: P112, Hybrid Bill Proposals: Single Line Diagram—Seven Kings to Shenfield (LINEWD-GEN15-003).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

(Mr Berryman) Yes, that is correct.

15662. It is right, is it not, that those decisions and the work which was done led to the conclusion that there was capacity for that which was proposed at Bathside Bay, Harwich and Felixstowe?

(Mr Berryman) Yes, I would not disagree with that. Our contention would be that that capacity still exists and we are not affecting it.

15663. Am I right in supposing that that statement of common ground which was made at the inquiry was not, and has not, been taken into account by Crossrail in its work so far?

(Mr Berryman) No, you are completely wrong in saying that. As I have said several times already, our intention is to maintain the existing capacity on the Great Eastern for trains coming down from the Harwich direction. The whole design of the scheme is based on doing that.

15664. Am I right in supposing that, having recognised that work and taken account of that work, the position was adopted that if Hutchison Ports impact upon the capacity of the railway, they were going to pay for that?

(Mr Berryman) No, I do not quite see what that has got to do with this at all. We are suggesting to you, in fact I am telling you, that the design of the scheme is such that it will not have any impact on the trains coming from that direction.

15665. My question was directed towards your understanding of the position that Hutchison, Bathside Bay and Felixstowe, that if they had impacted upon the capacity of the railway network, Hutchison Ports were being made to pay for that impact on capacity. That is right, is it not?

(Mr Berryman) I assume that is through the planning process, through a Section 106 agreement.

15666. Yes. You have studied the material, have you, Mr Berryman?

(Mr Berryman) I regret to say, I have not studied the actual Section 106, but I am aware of its existence.

15667. Why, can you tell the Committee please, should Crossrail stand in a different position from Hutchison? If Crossrail cause a loss of capacity, why should they not meet the burden which they have created?

(Mr Berryman) It is an academic question because Crossrail will not cause a loss of capacity on this route, as I keep saying.

15668. And that is going to be established, is it not, at least in part, by timetabling work to come?

(Mr Berryman) I think that has been established as far as this route is concerned. There are a whole range of other issues about what happens on the North London Line, what happens on other parts of the network which affect the pathing of trains from your clients' ports to their destinations. All we are saying is that the works which are being done for Crossrail will not affect those paths and those paths will be provided just as if Crossrail had never happened. All the other issues about what happens

on the North London Line and all that sort of thing are completely irrelevant to this scheme and that has to be sorted out separately as part of that scheme. All we are doing is providing infrastructure which would allow your clients' trains to run exactly as they do now.

15669. Mr Berryman, can we just get this right please: that the position so far as far as Crossrail is concerned is that some timetabling work has taken place?

(Mr Berryman) Yes.

15670. And further timetable work is going to take place?

(Mr Berryman) Yes, of course.

15671. One does not need to explore before this Committee why that is so.

(Mr Berryman) Well, I can tell you that the timetable work will probably be a continuous piece of work which goes on until the railway opens because that is the nature of railway planning.

15672. Well, the timetable work, at least in part, is going to reveal, is it not, what the situation is as far as capacity is concerned?

(Mr Berryman) Yes.

15673. So it is impossible for you to say, is it not, that you do not bear upon the potential capacity of the railway to take freight traffic from the Haven?

(Mr Berryman) No, it is perfectly possible for us to say that because we are providing exactly the same capacity as is there now. We are taking nothing away from those routes coming in from the Haven. If you were arguing for another client about Tilbury and those lines, then that would be a different argument, but for the purposes of what your clients want to do, we are not having any impact at all.

15674. **Mr Liddell-Grainger:** Mr Straker, it is 11.30 and coffee time, so I suspend the sitting for 15 minutes.

After a short break

15675. **Mr Straker:** Mr Berryman, I wonder whether you could look at, and we could have put on the screen, slide 13 from Mr Garratt's evidence just given.⁵⁶ This is in the context of your consideration of rail freight volumes. There we see the third bullet point which cross-refers to an information paper produced by Crossrail—do you see that—E6?

(Mr Berryman) Yes.

⁵⁶ Committee Ref: A173, Crossrail Scheme (LINEWD-11705A-027).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

15676. "Crossrail accommodates merely existing rail freight volumes", and then there is a quotation from the Crossrail information paper, is there not? You see that?

(Mr Berryman) Yes.

15677. How it refers to, "... on the basis that freight services will continue to operate at broadly existing levels". Yes?

(Mr Berryman) It says that train paths are being compared on that basis. That was the initial stab at a train plan. Of course you have to start with something which exists. As you know from the Timetable Working Group, a lot of work is done beyond that.

15678. And there is a lot of work still to be done.

(Mr Berryman) I would not deny that for a second.

15679. So we see there that it is right, is it not, that you have not thought about what is going to happen as per the decisions which have been made for Bathside Bay, Harwich International Container Terminal and Felixstowe?

(Mr Berryman) No, it is wrong to say that. We have actually, as I think you will know already, looked at freight growth which will happen over the period for which we have information available and we have worked out the standard hours for those flows. For the reasons that I gave earlier, it is impossible to do a detailed timetable at this stage and we can only do something which is fairly generic for looking 10 years ahead.

15680. Do you say that you, Crossrail, have no effect at all upon that which is forecast to grow and has been agreed to grow in the Secretary of State's decisions for the container terminal ports?

(Mr Berryman) Yes. As far as I am able to see, we have no impact at all on that.

15681. Are you prepared for Crossrail to undertake that you will not displace any of that freight traffic both present and forecast to 2023?

(Mr Berryman) I do not know what better undertaking I can give you than I already have to say that our system has been designed to allow for the uninterrupted flow of freight from that direction. Proving the kind of statement that you have made or measuring it would be an impossible task. You would have to have two identical railways, one which was running some traffic and one which was not.

15682. Well, we have your answer. Can you just look please at page 24 of 50 of the Crossrail Timetable Working Group, which is P106.⁵⁷ We have seen this before and the Committee have seen this before, so we are familiar with it.

(Mr Berryman) Yes.

15683. The right-hand column, Stratford to Shenfield, at the top is what we are concerned with. That of course is a line which affects my clients, is it not?

(Mr Berryman) It is indeed, yes.

15684. We see there, do we not, that we have got a worsening of the situation, minus 16 compared to minus eight.

(Mr Berryman) Yes, compared to the forecast demand in 2014, but how many of those trains could be accommodated now? The point I am trying to get across to you, and obviously failing, is that what we are doing is not making the situation any worse or any better than it is now. We are saying that you can run 35 trains a day on this route in one direction and, I think, 27 in the other. I would be prepared to wager that that is no different from what can be accommodated now. You are making a much more general point that the possible growth in your traffic cannot be accommodated by the railway. What I am saying to you is that that may well be the case, but that is not because we are making the situation worse, but it is because the situation is as it is.

15685. You say that, despite the fact that the Committee has had evidence that Crossrail is making it worse.

(Mr Berryman) Well, they have had evidence which we are responding to in writing in due course.

15686. **Mr Liddell-Grainger:** I think, Mr Straker, this is a little unfair. We are waiting for a response from the Promoters. I take the point on board, but I think until we get that response, we cannot deal with it.

15687. **Mr Straker:** Very well, sir. I am very happy with that and we have obviously the transcripts available. Can we then touch upon one or two other matters please, Mr Berryman, because you say that you cannot think about these matters ahead because your wife wakes up in the morning with a freight train going past.

(Mr Berryman) It is very disturbing.

15688. Can we just see that a little bit further. Have you spoken to, for example, Hutchison Ports in connection with how they organise the carriage of freight by rail?

(Mr Berryman) No, I do not think we have.

15689. Have you spoken to any port or operator as to whether in fact there is a programme involved with a forward consideration of traffic movements which might depend upon precise timetabling and working out?

(Mr Berryman) No, we have not and neither have we spoken to any supermarket operators who are freight-users or steel suppliers who are freight-users or coal miners. The only people we have spoken to are people who actually have premises on the railway, which is mainly the aggregate carriers obviously, and the people who operate trains and we

⁵⁷ Crossrail Ref: P106, Crossrail Timetable Working Group, Great Eastern line Freight Train Paths (LINEWD-GEN13-025).

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

have relied on the operators of the trains to tell us what their customers would be doing. It would be an impossible task to go round the entire freight industry and establish at customer level what everyone is doing. All we can do is take the overall economic forecast which we have referred to in the past and then talk to individual train operators about how they would work, and we have had many, many meetings with those train operators. We totted up yesterday that we had had over 60 meetings with EWS, for example, and I would be surprised if we had had less than 30 meetings with Freightliner who I think are the main carriers from your clients' ports.

15690. As far as my clients are concerned, am I right in supposing that you have read and agreed that my clients' proposals are of vital national importance?
(Mr Berryman) I do not doubt that for a second.

15691. Am I right in supposing that you have read and agreed that my clients are the single biggest contributor to rail freight carried on the railway?
(Mr Berryman) Yes, I have no reason to doubt that.

15692. Just tell me please, Mr Berryman, why it is that you have not spoken to my clients about the impact of Crossrail upon their services.
(Mr Berryman) Because the people that we deal with are the train operators, the people who operate the trains on the network. They are the people who will, together with Network Rail, set the timetable and work out how the trains are going to move and the whole operation of the railway. The fact of the importance of the ports of course is accepted and no one would deny that for a second, but it is not something that is appropriate for us to go to any ultimate end user to find out why they are using the railway. That would be an absolutely impossible task.

15693. Mr Berryman, did I ask you to go to every end user?
(Mr Berryman) No, you did not, but I think there would be a precedent set, would there not, if we went to your clients and not to other end users.

15694. Sir, I am going to leave matters there because plainly we are going to touch back, as far as timetabling matters are concerned, which are critical, as this witness has agreed, to the question of capacity. Sir, you have a variety of material on capacity and I will be making some observations in a moment.

Re-examined by **Ms Lieven**

15695. **Ms Lieven:** There is just one point, Mr Berryman, and I am sure the Committee has got it, but let us just make it absolutely clear. Staying on that table, this worsening that Mr Straker keeps going on about for freight, what we see on this table is that the first set of figures comes down to a figure of minus eight, yes, and that is without Crossrail?
(Mr Berryman) Yes.

15696. The second block comes to minus 16 with Crossrail.
(Mr Berryman) Yes.

15697. Can you just explain what that means in practical terms? Does it mean that Crossrail is actually practically in 2015, when it comes on line, stopping any freight trains running or have they been stopped effectively already, or constrained, to use the jargon?
(Mr Berryman) They have been constrained already, yes.

15698. So in real rather than theoretical terms, does Crossrail make any difference to the ability of freight to grow on the Great Eastern?
(Mr Berryman) No.

15699. **Ms Lieven:** Thank you very much.

15700. **Mr Liddell-Grainger:** I think the timetabling is going to come back and haunt us again and again. I would ask you, we would like to see this response, Ms Lieven, when they are ready and I accept that you want to keep coming back to it and, if we can, we will reserve judgment until we have seen that.

15701. **Ms Lieven:** Yes, and we are still, I hope, aiming for a timetable of producing a letter to you by Monday and setting it out.
(Mr Berryman) I can confirm that that will be done by Monday.

15702. **Mr Liddell-Grainger:** The Committee looks forward to seeing that.

The witness withdrew

15703. **Ms Lieven:** I will do a very, very short closing, sir. Sir, there are just two really important points coming out of Mr Straker's opening. Crossrail has not accepted that Crossrail will make the position worse for freight. The crucial point is the one I just took Mr Berryman to and there are two crucial points as far as Hutchison is concerned. First of all, as Mr Berryman said at least six times, so I hope Hutchison understand this, we are not, even in theoretical terms, making the position worse for the freight coming from the Haven ports because they do not cross the Crossrail lines. It is as simple as that.

15704. So far as the worsening that Mr Watson made reference to is concerned, that is completely theoretical because the constraints that exist at Forest Gate at the moment mean that we cannot get those extra paths in there, so when Crossrail comes along, it is not making that any worse in real terms because until somebody removes the blockage on the constraint that already exists, Crossrail are saying that you cannot get 16 theoretical paths rather than eight theoretical paths makes precisely no difference in the real world. As Mr Berryman said, the solution is probably Gospel Oak to

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

Barking—although I do not want to pre-empt other people's decisions—and that is being dealt with through normal Department of Transport mechanisms.

15705. The other point to pick out from Mr Straker's opening and his own witnesses' evidence is that we have considered future growth. It is considered in the Timetable Working Group report in detail. Mr Straker refers to E6. If you look at the very small print at the bottom of E6, you will see that it was written months before the Timetable Working Group reported. It may be that the paragraph has not set out the whole story but, having got the Timetable Working Group report, it is quite apparent that we have considered and catered for future growth.

15706. I would like to make completely clear, on Mr Harston's evidence, that we are not seeking exclusive rights through the Access Option. Through the Access Option we are seeking to be treated like any other train operator, through the independent adjudication of a third party, the Office of the Rail Regulator.

15707. I have two points on the specifics of Hutchison. There is no doubt that Hutchison, through its two planning permissions, is going to create a very significant increase in freight—as Mr Berryman described it, “a step change”—but really the simple point is: Why should that be the responsibility of Crossrail? As we have seen in their own evidence, the major solution to that is Felixstowe to Nuneaton and that was taken into account through the planning process. To put it very crudely, Felixstowe to Nuneaton is really nothing to do with Crossrail whatsoever. It is not only geographically divorced, it is practically divorced. That is an upgrade that is required because of Hutchison's step change, not because we are building a railway through London.

15708. Finally, on the facts of the case, we just do not impact on their interest. One really does not need to take it any further than that. Thank you very much, sir.

15709. **Mr Straker:** Sir, what has been said, to be perfectly blunt about this, and what has been put forward by Crossrail, is quite extraordinary. For it to be said that Crossrail does not impact upon Haven Ports and does not affect the trains which emerge from the Haven ports and carry the freight which is so important, as my learned friend Ms Lieven has just done, is frankly ludicrous. The evidence that you have before this Committee shows a considerable volume of trains, cross-country trains, which come and go through London and are impacted by the fact that more trains are going to be run in London courtesy of Crossrail. You will recollect the evidence given by Mr Garratt this

morning, in which one of his figures showed that effectively half the material has to go through London at the moment.

15710. Likewise, it is extraordinary that it is said now by Crossrail that Crossrail does not make matters worse when they have themselves called a witness who said expressly to this Committee that it makes matters worse—see the transcript, day 12, page 48, paragraph 13718, and subsequently, in cross-examination by my learned friend Mr George, who has absolutely expressed they make matters worse.

15711. That being the position and it being ludicrous to suggest that Crossrail does not affect trains which run across London at the moment, it should next be noted that the position as far as Crossrail is concerned has been made perfectly explicit. I showed you that slide in conjunction with Mr Berryman a moment or two ago which reveals that they have looked at the position now for freight. If you have an opportunity hereafter, you may care to glance at the transcript of today's proceedings and the questions and answers of Mr Berryman, when, time and time again he put it in terms of “now we have considered the freight”. You will think it important, no doubt, that, when I asked Mr Berryman whether or not Crossrail were prepared to undertake, bearing in mind the nationally important position of the Haven ports, that they would not affect the capacity which had been agreed to by the Secretaries of State in the relevant decisions, he declined effectively to do so, saying, “Well, I just said the position is what it is.”

15712. The whole system here, in my respectful submission, and bearing in mind the timetabling work which is to come, seems something, if I may respectfully say so, of a shambles. The situation as far as the timetabling work is concerned is that a great deal, plainly has to be done. The timetable affects and bears upon the capacity, and that work still has to be done, and yet you are presented today with evidence which seeks to respond to serious points made by the largest port operators in this country by saying, “Well, my wife is woken up at 2.30 in the morning and therefore we cannot sensibly deal with your plans and aspirations for Felixstowe and Harwich.” This is a ridiculous way, frankly, to proceed.

15713. What, therefore, is the position that I would invite you to—the Chairman, correctly, if I may respectfully say so, having observed once or twice in the course of the morning: “What is it that you want us, the Committee, to do?” We want from this process, if I may describe it in that way, first, that the Timetable Working Group should be properly done and should involve Hutchison Ports (UK). Secondly, we want the ability of Hutchison Ports to access the railway in accordance with the decisions which have been made in the national interest to be recognised and provided for. We want the Bill to be

The Petition of Hutchison Ports (UK) Limited (HPUK), the Felixstowe Dock and Railway Co, Harwich International Port Ltd and Maritime Transport Services Ltd

amended so that the position is one whereby people cannot, when they have made proper arrangements to enter on to the railway, be forced off at the behest of Crossrail. We would wish, also, if there is a timetable which is properly prepared so as to secure that the freight can be carried, that commitments can be made to it.

15714. If the position is one whereby no undertaking is going to be given that the freight can be carried from the Haven ports, notwithstanding its national importance, then, sir, the answer is obvious. What ought to occur is this simple exercise: you ought to say that there ought to be works carried out elsewhere on the network—it happens to be Felixstowe to Nuneaton—which relieve that capacity and therefore put Crossrail in precisely the same position as Hutchison Ports were put; namely,

“You are bringing forward this effect on the capacity of the system, therefore you should bear that consequence.”

15715. Sir, in simple terms, Crossrail are here saying, “We have a present rail network and we want to take the benefit of being able to go onto that network. Going onto that network is going to displace others, but we do not wish to take that burden, despite the fact that everybody else in the real world has to take that burden.” I simply ask that that matter be corrected and that the burden cast upon the network by Crossrail should be borne by Crossrail.

15716. That is the tenor of the remark which I wish to make. Unless I am reminded of anything, that is all that I would wish to observe to you, sir.

15717. **Mr Liddell-Grainger:** Thank you, Mr Straker.

The Petition of Maersk Co Ltd.

Mr Charles George QC appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

15718. Mr George, good morning.

15719. **Mr George:** Good morning, sir. It is a pleasure to be back. The Petition of Maersk parallels evidence and arguments that other petitioners have already made to the Committee but does so from a different perspective, that of one of the largest shipping companies in the world were somewhat taken aback that the project has advanced thus far without apparent appreciation of the potential impact on rail freight and its role in the national economy.

15720. Can I say at once, sir, that Maersk use both what is to be known as the Barking Line to the Thameside ports to Tilbury and the line with which you have been concerned earlier this morning, so that we are not going to get too concerned in the argument as to whether one of them is not affected. I make it absolutely plain that our position, along with other evidence, is exactly the same as that put forward by Mr Straker, that there is an effect on that line as well, but we also are involved very much in Tilbury and therefore are concerned there. In short, as I suspect the Committee is already aware, there is a major problem about this bottleneck between Stratford and Gospel Oak, and something has to be done about it. That is really the nub of what most of the petitions concerned with the eastern part of the line are about. We keep hearing from the Promoter: “Yes, there is a problem, it is an existing problem, Crossrail does not affect it.” We say two matters: one that Crossrail does affect it, but that, in any event, something has to be done quickly about it.

15721. As we see it, there is a fairly simple choice: either Crossrail goes ahead without amendments to the Bill or further undertakings, in which case Maersk and its customers will increasingly turn from rail freight to road freight, with the environmental

consequences and costs that means, or something must be done to provide more capacity for freight and/or to constrain the ability of Crossrail to sterilise potential freight paths on the Great Eastern Line.

15722. There are just two other matters. It is commonplace, when one is seeking a planning permission—which in effect is what is being sought here by Crossrail: by parliamentary means they are seeking permission to construct it—for a condition to be imposed that the scheme shall not generate traffic until something has happened. The position is exactly the same here. The Committee has no powers to compel, let us say, Gospel Oak/Barking works to be done or to compel the upgrade to Nuneaton, but it has a perfectly good power to say to Crossrail: “You shall not implement your powers to the extent of running trains until something has been done about those matters.” That is perfectly within your powers.

15723. If you feel that is to go too far, there cannot be any dispute that you could report back to the House, and in that way to the Secretary of State, that this is a very major concern and that the one person who has the power to unlock it is the Department for Transport, the one power who is promoting this Bill.

15724. **Mr Liddell-Grainger:** Correct.

15725. **Mr George:** You keep being told it is all being dealt with through the Transport Innovation Fund and other processes, but all that has happened is that these two schemes have been put forward as preliminaries for the preparation of business cases,

The Petition of Maersk Co Ltd

with decisions to take place at some unidentified time in the future. That is simply not enough. It is a question of shuffling it off. The important message to go back is: No Crossrail, until something has been done. It is not as though we are saying: Put off Crossrail. Crossrail is not going to happen for many years, because of the funding arrangements, so there is plenty of time, but there is only plenty of time providing something is happening during that time, because there is a very real danger that the view is taken: Crossrail is some way off; let us just let everything drift.

15726. That is the first very important matter. The second matter is that Maersk is not at all reassured by being told: “If there are any problems, the other House remains”—that is the Committee in the House of Lords—“and they could look at those matters.” This Bill has, as is entirely proper for a scheme of this importance, been introduced in your House. Whether the scheme is acceptable is primarily a matter for this Committee and that involves this Committee being satisfied of the timetabling matters. Their Lordships will go into the matter, they may have more time than you, but the buck simply cannot be passed and it is only being passed because Crossrail say: “It is all going to take some time to do these matters, and we do not want to keep this Committee waiting for it.” But really that is Crossrail’s own fault, if they have not got the work done yet, and they have to get a move on. It will be very interesting to see what they do say next Monday. We hope that it will not simply be saying, “We are sorry, we cannot give you the information yet, but, don’t worry, in a year or so’s time their Lordships will have it.” That is simply not enough. If that is the position, we would ask the Committee to take strenuous steps to avoid that happening.

15727. With that by way of introduction, I am going to call Mr Friis. There is a very small bundle of exhibits, two exhibits, and I anticipate that the Committee would wish to give a number to those.

15728. **Mr Liddell-Grainger:** MK:1 will be A175/1 and MK:2 will be A175/2.

15729. **Mr George:** Thank you, sir.

Mr Soren Friis, Sworn

Examined by **Mr George**

15730. **Mr George:** You are Soren Friis, is that right?
(Mr Friis) That is right, sir.

15731. You are from Denmark, is that right?
(Mr Friis) Yes.

15732. You are the General Manager of Operations and Planning with the Maersk Company Limited, is that right?

(Mr Friis) Yes.

15733. That is the agent of Maersk Line in the United Kingdom and Ireland.

(Mr Friis) Yes.

15734. How long have you held your current position?

(Mr Friis) I have held my current position for 13 months.

15735. How long have you worked within liner shipping?

(Mr Friis) Twelve years.

15736. What is your responsibility within Maersk Line?

(Mr Friis) My responsibility is the strategic planning of capacity and operations within the UK and Ireland.

15737. First of all, tell us about Maersk’s business briefly.

(Mr Friis) We are predominantly concerned with moving deep sea containers on a worldwide basis. Within the UK we have 10,000 UK staff operating at land and sea. In Felixstowe Terminal alone, we have about 250. We are the largest ship owner in the UK, with 49 vessels under the UK flag. Together with the parent company Maersk Line, we operate 500 container ships and 1.4 million containers. Further, we have companies worldwide, in 120 countries worldwide.

15738. I think you have been able to attend the Committee in the last few days. Do you support the concerns which have been raised by petitioners this week?

(Mr Friis) We do indeed. We support the concerns expressed by Freightliner and Hutchison Ports.

15739. Could we put on the screen your first exhibit.⁵⁸

(Mr Friis) In 2006, 130,000 containers by rail is what we expect to move. We have outlined on the first exhibit those that move on routes that are affected by Crossrail, which come to just under 100,000 in 2006.

15740. When you say they are impacted by Crossrail, that is potentially impacted.

(Mr Friis) Yes, potentially impacted.

15741. You are not suggesting that they will all be unable to be carried.

(Mr Friis) No, these 100,000 containers are moved on rail routes that Crossrail will affect.

15742. I said in opening, and you were able to confirm that you are as much concerned about Tilbury, that is the Barking line, as you are about the line out to the ports which Mr Straker was representing?

⁵⁸ Committee Ref: A175, Maersk—Deep Sea Container Potential Impact by Crossrail (LINEWD-21505-001).

The Petition of Maersk Co Ltd

(Mr Friis) Certainly, yes.

15743. Now could we please turn to your exhibit MK2, and we can take this matter very swiftly indeed.⁵⁹ The Committee will be very familiar with some of these matters. So far as capacity is concerned, item 1 deals with the timetabling work. You have heard from the Chairman that he is very anxious that the Committee have a report from Crossrail on the timetabling. Is that a desire that you share?

(Mr Friis) We do indeed. It is very important that work is continued so that we can see whether or not we can grow uninhibited between now and 2015.

15744. I do not think we need say any more about 1 and 2, they are on the record. So far as your item 3 is concerned, network enhancements, I think in the second line for the word “listed” we need to put “asterisked”, and that refers to the exhibit Mr Smith produced; and you are supporting the view that the freight enhancements ought to be in place, are you not, at the earliest opportunity?

(Mr Friis) Certainly, yes.

15745. We have heard this morning about the loop at Chadwell Heath which is mentioned, which is one of those matters which can be one of a series of matters which you require to be in place before the Crossrail trains are running?

(Mr Friis) Yes.

15746. So far as your item 4 is concerned, that is the further enhancements. That primarily is the Gospel Oak and Felixstowe/Nuneaton works, is it not, about which the Committee have heard a great deal, and I think about which you do not want to say any more yourself. Is that right?

(Mr Friis) That is correct, yes.

15747. **Mr Liddell-Grainger:** Thank you!

15748. **Mr George:** It does not mean they are not very important.

15749. **Mr Liddell-Grainger:** I accept they are important, Mr George. I think we have heard that.

15750. **Mr George:** Item 5: regulation. The Committee have heard a great deal about amendments sought to the railways clauses bill Can you just say why this is a matter of concern to you as a shipping company?

(Mr Friis) Our concern is really a concern on behalf of our customers, in the sense that they expect a level playing field between rail and road. They expect that we are able to move containers on their behalf. Many of our customers expect that we move them by rail because it is the preferred mode for many of our customers. They are quite happy and prepared, as are we, to move these onto road should we not be able to move them by rail. It is a more expensive solution but they would prefer that rather than see interruptions to their cargo flow.

15751. What message is sent to your clients and to yourselves so long as the railway clauses, in what has been describe as their “rather Draconian form, stay in the Bill?

(Mr Friis) The message really comes that there is no security for the future of rail. It may be that we will only be impacted in 2015, or some point in time between now and 2015; but we see it as a signal that investment in rail and in terminals handling rail volumes is really not safeguarded.

15752. So far as item 6 is concerned, you are not seeking compensation for yourself; you are simply joining in the appeal made by the freight operators that they should be compensated in the way in which the Committee has already heard in considerable evidence yesterday and the day before?

(Mr Friis) That is correct, yes.

15753. You have taken the matter very quickly. Is there any additional matter you wish to draw to the Committee’s attention?

(Mr Friis) No, I believe we have covered most of the things.

15754. **Mr George:** Thank you very much.

15755. **Mr Liddell-Grainger:** Mr George, thank you. Ms Lieven?

15756. **Ms Lieven:** These are all matters that we have covered already, and I do not think there is any benefit in going back over them again; but just to acknowledge on the record, yet again, we completely accept the importance of this business and the general freight business.

The witness withdrew

15757. **Mr Liddell-Grainger:** Mr George, is there anything else?

15758. **Mr George:** I do not think that it would be useful for me to make a formal closing here. I do not think Ms Lieven intends to.

15759. **Ms Lieven:** No, sir. There is no point in closing—the Committee know it all.

15760. **Mr George:** I am prepared to leave it there—reminding you of the matters I said in opening. I am wholly satisfied that the Committee is aware of the urgency which is involved and the importance in these matters. Thank you, sir.

15761. **Mr Liddell-Grainger:** I would just make one comment, Mr George. Thank you for pulling me up on the relationship between the House of Commons and the House of Lords. I can absolutely assure you that we will do the job as given the timetable we have. I can also assure that the conversations we have between this House and the House of Lords are

⁵⁹ Committee Ref: A175, Maersk—Requests for Decision (LINEWD-21505-002).

The Petition of Maersk Co Ltd

always full and very frank. The noble Lords miss very little. You are very well aware that many of your esteemed colleagues sit there. I can assure you if you feel that anything may be “got past” by Crossrail, it will not. We do not have the time but our noble friends next door certainly will. I can assure you we will not be allowing them to miss a point.

15762. **Mr George:** I intended no criticism of their Lordships’ House. I am merely anxious that your Committee should perform its full task

15763. **Mr Liddell-Grainger:** Mr George, thank you very much. Could I now call Mr Andrew Newcombe.

The Petition of the ExCel Centre.

Mr Andrew Newcombe QC appeared on behalf of the Petitioner.

Bircham Dyson Bell appeared as Agent.

15764. **Mr Liddell-Grainger:** By way of opening, Ms Lieven, would you like to say anything?

15765. **Ms Lieven:** Sir, I would. This has come on a mite faster than we had expected so there is a bit of desperate looking for the plan to show to the Committee. This is the Petition on behalf of what is known colloquially as the ExCel Centre.⁶⁰

15766. The Excel Centre is a very large exhibition centre in Docklands which members of the Committee may be familiar with, which is adjacent to the existing Custom House DLR station. In this location the Committee may remember (although in truth we have had very few petitions on this section before the Committee, so I do not know to what degree this will come as new material) that we are taking over this portion of the North London Line, a line the Committee has become very familiar with but in a slightly different bit of the North London Line; and Crossrail is emerging from a portal somewhat to the left of Custom House, taking over the North London Line and then running east past Royal Victoria Dock and off towards Abbey Wood. At the vicinity of ExCel, which is here, we need to do works in order to take over the North London Line and push the DLR lines very slightly to the south. The issue that arises in relation to the ExCel Centre, which is before this Committee (there have been other issues but those have all been agreed), is the impact on ExCel of those works pushing the DLR line to the south. Just so the Committee understand, one can see that it is a very constrained area, because the main road runs to the north of the tracks there. We obviously have the centre to the south. There is not very much room for manoeuvre at this location.

15767. If I can put up our exhibits 17304A-002 we will get to the heart of the matter.⁶¹ Sir, this is the centre. This is the existing position. There are three lorry areas, if I can put them like that. That is the lorry queuing area. The next one to the left is also a lorry queuing area. It is the blue one which is the existing lorry park which is in issue today. That is the existing situation.

15768. If we can go on to 003, focussing in on the western area, the lorry holding area.⁶² What this plan shows in the mustardy-yellow section is the area that Crossrail requires temporarily for worksite and working area related to the movement of the works here. The dark purple area is the permanent land-take that Crossrail requires. The reason we need permanent land there is because of the shifting of the DLR tracks to the south. There are three issues relating to this area which ExCel bring before the Committee.

15769. The first is the temporary impact; the second is the permanent impact; and the third is compensation. So far as temporary impact is concerned, we will obviously hear from Mr Newcombe and his witnesses, but I believe we are very close to agreement on that (or perhaps not), but I will tell you what Crossrail has offered.

15770. So far as the temporary situation is concerned, Crossrail have offered to ExCel, for the duration of the authorised works, that the Promoter agrees to use reasonable endeavours to procure provision for the temporary relocation of parking facilities to accommodate up to, and then the number of vehicles will be agreed with ExCel as to the number impacted.⁶³ Then the Promoter agrees, in consultation with LIEC, which is ExCel, to use all reasonable endeavours to limit the duration of its temporary occupancy and use of so much of the lorry park as is not to be permanently acquired, and to arrange for so much of the lorry park, as is not to be permanently acquired, to be reinstated to ExCel’s reasonable satisfaction following completion of the works.

15771. To put it colloquially, on temporary loss there are a number of sites in the vicinity of ExCel which we will work with, the key player, the London Development Agency to find and assist ExCel to use for the temporary period. We will obviously start by looking to see if there are sites on their own land.

⁶⁰ Crossrail Environmental Statement, Volume 4b, Custom House Station, Key Environmental Features—Map SE2(i), billdocuments.crossrail.co.uk (LINEWD-ES17-111).

⁶¹ Crossrail Ref: P111, Existing Lorry Parking Areas (NEWMLB-7304A-002).

⁶² Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

⁶³ Crossrail Ref: P111, Temporary acquisition of the Lorry Park as a worksite (SCN-20060713-001 to -003).

The Petition of the ExCel Centre

15772. The position is more difficult in relation to the permanent loss—we say it is perfectly straightforward but it is more difficult inasmuch as it is more difficult to find alternative sites.⁶⁴ The permanent loss the Committee will remember is this small, thin purple slither. The area is obviously much smaller than for the temporary loss. I have to say, we are not convinced at the moment (although we will obviously listen carefully to what Excel say in evidence) that there is going to be much, if any, material impact on parking here.

15773. In any event, the issue seems to be something like parking for 16 HGVs, large HGVs. I think that is the maximum that ExCel themselves are in issue with. We say, we believe that there are a number of ways that ExCel could overcome that loss, if there really is a loss here, by using their existing spaces perhaps in slightly different ways.

15774. Sir, if we can pan out on that plan for a moment so we see the whole thing. It is worth noting at this stage two points: one is, ExCel have an outline planning permission for what is known as “ExCel 2” over to the east; but even taking that into account, we still believe that, through the slight re-jigging of surface level car parking, there really is a concern about spaces for 16 artics but on the land we are taking there is space to put them in, on existing surface level parking even after ExCel 2.

15775. The other point to make strongly in opening is that, if one goes back to Crossrail and Custom House station, the advent of Crossrail at this location will result in what we have come to know this morning as a “step change” in public transport provision for the ExCel Centre. At the moment it is served by DLR, doubtless a marvellous service, but nothing on the scale of Crossrail nor on the geographic scope of Crossrail. Once Crossrail arrives here there will be the ability of people to travel to ExCel by public transport from all over the South East with very great ease; and the station itself is being rebuilt for Crossrail. The Petition should be seen in the context of the truly enormous benefit to the ExCel Centre that Crossrail will bring, if one looks at the matter in the totality.

15776. Sir, that is a brief outline. I am sure we will see much more detail of the car parking spaces. I hope that is all the Committee needs at this stage.

15777. **Mr Liddell-Grainger:** Thank you, Ms Lieven; at this stage, yes.

15778. **Mr Newcombe:** Sir, good afternoon. It is a privilege in three ways to appear before the Committee. Firstly, to be here; secondly, to follow my pupil master, Mr Charles George; and, thirdly, I am most honoured for the first time ever in my career he has allowed me to use his lectern. I thought I ought to record that on the parliamentary transcript.

15779. **Mr Liddell-Grainger:** If you break it, Mr Newcombe, you will never hear the end of it! You need to be careful!

15780. **Mr Newcombe:** If I break it, sir, I shall go outside and fall on my Swiss army knife in mortification!

15781. Sir, Mr George introduced his Petition earlier by saying that this is a “not until” petition. Ours is similar in that respect, in that it involves new subject matter as Ms Lieven has very helpfully explained. I will give you a little bit of the background, but the nub of the issue is the impact upon the parking and throughput of vehicles both permanently and temporarily. The impact of that is because the ExCel Centre as it presently exists, and as imminently to be extended pursuant of a Phase 2 development to which the Committee has just been referred, is essentially an empty box.

15782. It is an internationally important exhibition centre. Indeed members of the Committee will certainly be familiar with it, I anticipate, and may well have visited it. Imminently the Motor Show is opening there next week. In terms of the attraction of business to this country, it is already estimated of the order of some £600 million per annum, going up to of the order of a £1 billion with the advent of Phase 2. It is not in dispute that this is important. There is an additional element of importance which may be of assistance to the Committee. The Excel Centre will also be one of the venues for the 2012 Olympics, housing such matters as the boxing and the judo.

15783. The empty box to which I referred is exactly that. It is a stage to be set as a business showcase. Its success or failure in that respect is wholly dependent upon the ability to bring in and set up in attractive form whatever is the product or service being showcased. That is wholly dependent upon the throughput of significant traffic in terms of articulated lorries and smaller vehicles in the place management. They are presently in the existing situation, even before Crossrail, very tightly constrained in two important respects.

15784. Firstly, as Ms Lieven has already identified, and this is common ground, the existing space is extremely constrained. One can see from the exhibit that remains on the screen that the access has to be through a narrow corridor, sandwiched between the northern end of the site and the existing rail corridor.

15785. **Mr Liddell-Grainger:** Mr Newcombe, could you orientate us. When you say “the north”, it is the road on the right-hand side, above the yellow? That is the access road, is it?

⁶⁴ Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

 The Petition of the ExCel Centre

15786. **Mr Newcombe:** It runs along the front. Yes, you can see the north arrow, top left-hand corner and the access road runs roughly east-west along it.

15787. **Mr Liddell-Grainger:** Okay, thank you.

15788. **Mr Newcombe:** If I can invite those who operate the machine to bring up ExCel 5, the Committee will there see the London dome in the Greenwich loop, and away from the left of that we are looking from the west essentially towards the east.⁶⁵ The red light has been helpfully put on the existing centre, so one can see the Royal Victoria Dock immediately to the right and south of that and London City Airport just beyond the runway. If you go back to ExCel 4.⁶⁶ You can see a slightly closer view from the same direction, identifying the existing Phase 1 development and the Phase 2 development, which was granted permission under exactly the same permission back in the 1990s as the Phase 1 development, and at the moment is actively being pursued in negotiations so the final details can be agreed and a start made in the very near future will take out virtually the entirety of the land beyond the existing Phase 1 just between the existing Phase 1 centre and that large building just above where the red light is, which is the Ramada Hotel. I will come back to that in a moment.

15789. In terms of the access, sir, we can then move to ExCel 8.⁶⁷ If the facility exists, it would be helpful if we can blow it up slightly to move in to concentrate on the corridor to the north of the existing Phase 1 side. One can see there, marked by coloured blocks, the sequencing. It is not helpful for me to go through with the Committee at this stage the detail of this. If questions arise, my witness in due course can deal with it, but, essentially, the box which is Phase 1 and the enlarged box which is Phase 2 are wholly dependent upon stage management, and I deliberately use the theatrical metaphor. The key person in all of this is my witness to come, Mr Melrose. He and his team, with the constraints which exist, namely space and time, have to bring in significant amounts of kit, not just what is on display but the display stands, the lighting, everything to garnish the empty box to make an attractive centre. They are always up against the stops and the bottom line is that the land-take proposed, both temporarily and permanently, for the Crossrail project has so adversely impacted on this as to materially affect the ability of ExCel to perform its given function. That is not to say it will shut up its shop and go home, but given its international importance, we say the effect will be sufficiently adverse. The tensions between the present operation of ExCel and the Crossrail

proposal are such that we are saying to the Committee respectfully that Crossrail should not be allowed to progress until certain matters have been identified. Ms Lieven helpfully referred the Committee to the undertakings which presently have been put forward but, with respect, they go nowhere to give any certainty or comfort to your Petitioners today for two reasons.

15790. If we take the temporary situation, the undertaking presently on offer does not even condescend to the number of vehicles available or to be serviced. That of itself is sufficient to fundamentally flaw the Promoter's provision in that respect.

15791. As regards the permanent position, Ms Lieven did not show you the undertaking there on offer, but what Crossrail presently proposed, to those who might want to know, is that they, "Crossrail, will use their reasonable endeavours" in consultation with us. Parenthetically, that is extremely helpful to consult us, to identify within the existing ExCel site mitigation for permanent acquisition. I deliberately read that slowly because, essentially, Crossrail is saying to us two things. Firstly, "We do not know what the solution is, but we are not really very fussed about providing one at this stage", and, secondly, perhaps even more interestingly, implicit in the explicit with the undertaking presently on offer is a contention by Crossrail that "We do not know our business sufficiently but do not worry in due course, we, Crossrail, will come along, we will look at your problem and we will help you with it". For reasons, I hope the Committee will appreciate, that is simply not sufficient. Not until, we urge upon the Committee, is set out in a position statement which we have had prepared, because it occurred to us it is always helpful to have the matters set out in writing so there is no dubiety about what is being asked for. If I can invite that position statement to be put up. Unfortunately, we have not had this ingested as yet, but hopefully people will be able to read it and see it sufficiently.

15792. **Mr Liddell-Grainger:** That will be A 177.⁶⁸

15793. **Mr Newcombe:** Thank you very much, I am grateful. I am not going to read it all, sir, I am going to give you the gist of it. The Promoter should undertake, to the extent it exercises the power to acquire any of our land compulsorily, before doing so, to provide the Petitioner will alternative land in substitution. Of course, all sides accept here that the area we presently use for this most important servicing is going to be materially reduced. It is our evidence that we cannot manage without it. In the case of the land to be taken permanently, we clearly want it on appropriate terms, otherwise it is of no use to us which is why we put in slight legalese, for which I make slight apology, on the terms which it comes.

⁶⁵ Committee Ref: A176, Site 2 and 3—North Dock Road: Alternatives to preferred site for temporary and permanent marshalling area (NEWMLB-17305-005).

⁶⁶ Committee Ref: A176, Beckton—Preferred site for temporary and permanent marshalling area (NEWMLB-17305-004).

⁶⁷ Committee Ref: A176, Excel London—Lorry Management Venue Overview (NEWMLB-17305-007).

⁶⁸ Committee Ref: A177, Position Statement on Matters Not Agreed with the Promoter (SCN-20060713-004 to -006).

The Petition of the ExCel Centre

15794. The third point, for which we ask, is in the case of the land proposed to be taken temporarily. Firstly, if it is only to be temporarily used by the Promoters, there is no justification for them acquiring it on a permanent basis. A perfectly good provision is available here for the identification powers to enter on land temporarily for the purposes of construction or whatever and then there are various other safeguards proposed under paragraph 1.3. Paragraph 1.4, in the case of both those scenarios, sets the criteria of the land which we need, we say, to allow us to continue to perform a function that everybody accepts is important.

15795. Then point number two, to the extent the Promoter is neither unable or, as presently appears, unwilling—I will come back to whether or not it is unable, at the moment it is certainly unwilling—to promote an additional provision. In that case and the “Promoter fails to secure”—I am reading from paragraph 2.2—“in the inclusion of the Bill such additional powers”, then we seek additionally such a clause to be included to enable us to claim compensation. Again I make a slight apology to the Committee, I anticipate this point may well have been raised by other Petitioners. The Committee will be familiar with the compensation code and, put shortly, whilst it is an admirable tool albeit complicated for quantifying the value of land, it is, on any analysis, defective in providing adequate compensation for such matters as business loss. As you will hear from Mr Melrose, there is no question that if this acquisition temporarily and permanently proceeds on the basis presently proposed by Crossrail, there will be business loss and it will appear that the compensation code will be inadequate to cover it. In my closing submission, sir, I will return to that, I am simply flagging the point at this stage.

15796. Sir, then point three comes back precisely to the ‘not until’ provision. I promise I will come back to the question of whether or not the Promoters here are able to promote an additional provision because, clearly, if they are unable to do so, then I am wasting my time and I am wasting the Committee’s time, but it is a matter of common ground between us and the Promoters that there are alternative sites available. Therefore, the only sticking point is that presently the Crossrail team are not prepared, as we understand it, to countenance an additional provision. It may be, in due course of the evidence, sir, that we have to take the Committee to a report commissioned by Crossrail itself, by Mott MacDonald, reputable engineers, which looked at the question of alternative sites. They identified seven. They did not consult us in advance of that report, so we were not able to have an input into it. Indeed, as Mr Melrose will tell you in due course, that report was delivered to us in slightly unusual circumstances, rather like a volume of the Yellow Pages left on the doorstep without a covering letter. Nonetheless we got it, we have read it and are grateful for it. There are two of those sites which we think have some promise and there are additionally two other sites, one of which is on the third site, which are on lands available elsewhere. It, therefore,

follows, unless we fundamentally misunderstand the evidence already produced by the Promoters including their minutes of a meeting with us on 26 June, that they themselves in those minutes identified the possibility of bringing forward an additional provision. They themselves in those minutes identified these sites which are available. They themselves have indicated that promoting an additional provision is perfectly possible. The only sticking point, therefore, sir, is will they or will they not? It is for that reason in a nutshell why the Petitioners come before you today and, in the nicest possible sense, invite the Committee in tactful and gentle terms to encourage those who promote this Bill to re-think this in terms of the additional provision. This is not simply a case of a petitioner coming forward, saying, “I have a business. I do not want to lose money. I do not care how nationally important this is, my business is very important”. Nobody is denying that Crossrail is a massively important and laudable project. Although I have been slightly rude about the Crossrail team, having been on the other side myself in promoting bills and I entirely understand the difficulty of attending to all the various and disparate matters raised by the Petitioners and I anticipate this may very well be a welter of petitions and insufficient time to concentrate sufficiently on one particular aspect. There comes a time and this tension is clear and we invite the Committee in those terms to take the course we have set out in legal terms in our position statement and encourage Crossrail to do that which we seek. Of course, the Committee retains the element of sanction because we say “not until, not unless”.

15797. Sir, those are the matters which I would indicate to you in opening. There is only one other point which I could usefully draw to your attention here, because I am deliberately seeking to sketch matters as briefly as I can here, so I can take less time in due course with Mr Melrose so you do not hear the same thing from both of us.

15798. Could I ask for ExCel 6 to be put up.⁶⁹ To orientate the Committee again, we can see the north point. It is exactly the same as the orientations we have seen before, we have got the dock to the south and the red block is the existing Phase 1. This exhibit has the advantage of having blocked off in blue the already consented Phase 2, already consented under the 1990s permission, but which presently simply requires approval of certain matters reserved under conditions. This identifies in graphic and clear form the fundamental incompatibility between the only solution, as we understand it, that the Crossrail team could promote, and the Phase 2 development. Additionally, sir, I should note that this solution shown there by the green outline, and, indeed, Ms Lieven took you to an earlier version of one of the

⁶⁹ Committee Ref: A176, Excel London Plan—Phases 1 and 2 (NEWMLB-17305-006).

The Petition of the ExCel Centre

Crossrail exhibits showing it as well. This is a very recent innovation by the Crossrail team, it did not feature in the Mott MacDonald report and it is only in the lead-up to this Committee hearing today that this has emerged. Those are the matters which I would wish to summarise for the Committee in opening. I am just looking at the time. I am entirely in the Committee's hands.

15799. **Mr Liddell-Grainger:** No, given that there are three minutes to go, we will have lunch and come back to Mr Melrose. You are finished at this stage?

15800. **Mr Newcombe:** I am finished my opening. The only thing I need to do is call my witness.

15801. **Mr Liddell-Grainger:** Then we shall do so after lunch. This Committee is now in recess until 2.30.

After a short adjournment

15802. **Mr Liddell-Grainger:** Mr Newcombe, you were about to call Mr Melrose, would you like to do that?

Mr Stephen Melrose, Sworn

Examined by **Mr Newcombe**

15803. **Mr Newcombe:** Thank you, Sir. For the purpose of Mr Melrose's evidence I am going to seek to avoid repeating those matters which I rehearsed in opening. Mr Melrose will tell the Committee if I have got anything wrong in that. We will be going, as far as the exhibits are concerned, partly to the ExCel sequence and partly to the exhibits helpfully provided by the Promoters and I will give you references as we go through. Mr Melrose, would you state your full name, please?

(Mr Melrose) Stephen Gerald Melrose.

15804. In terms of your proper job title, you are Service Director of ExCel but in opening I referred to the question of "front of house" and "behind the scenes" in theatrical terms. Can you summarise, for the purposes of the Committee, what is your role in the functioning of ExCel.

(Mr Melrose) To put it in context, my role is to direct and manage all the services for the ExCel Exhibition Centre. The key element of that is to ensure that all the services which we provide for our clients operate efficiently and they receive the best services they can.

15805. I want to take you straight to the way in which your team provide the back office powers which enables the front of house to perform so successfully and could we have ExCel 8 on the screen.⁷⁰ Can we focus on the northern corridor

between the railway line and ExCel. Mr Melrose, there are some coloured areas there. The drawing identifies, for instance, area one in the extreme right, the lorry holding area. Without going into too much detail please, could you identify the way in which you and your team bring in the new exhibits to put in place a new exhibition and then in due course break it up and bring in the next one.

(Mr Melrose) It is very simple. We recognised when we opened the venue that one of key elements of this space which we have got is the constraint of how we operate. A considerable amount of work goes into operating the lorry marshal area and it is structured very similar to a core operation where we determine that all vehicles come in from the east entrance and that is because it connects directly to all the major motorway and road networks. They go into area one where they leave their vehicle, go into our marshalling office and give the details about the event they have come for. They are given a security pass to go to our lorry bay. Once they have received that, that is displayed in their windscreen and they then move into area two which is the lorry queuing area. Once a delivery slot becomes available they move out of this area and they are marshalled up onto the lorryways and you can see the blue arrows there determining which way they are going. They access the lorryway and make their deliveries. Once they finish their delivery they can then either leave the site or, as commonly happens, a lot choose to use the lorry park for reasons that they need to remain on site.

15806. Can we now move to Promoters' exhibit 002.⁷¹ Looking at that exhibit, Mr Melrose, could you concentrate on the purple and what appears to be a lime green colour on the screen. Do you see that immediately to the north of the ExCel arena?

(Mr Melrose) Yes, I do.

15807. Concentrate precisely on what is shaded there and go now to Promoters' exhibit 003.⁷² You see there the "During construction" and then "Post Crossrail regime". Those two areas, which we concentrated on before, have suddenly grown and morphed into a large purple area. Does the fact that the shading has become brighter and extends further reflect any meaningful demand on the land as far as you are concerned?

(Mr Melrose) I wish it did, it does not. It has taken the key through road on the north side of the venue.

15808. Go then to the left of that to the west and look at the area which is being helpfully displayed to show firstly the dark purple area which will be lost through the slowing of the DLR, do you see that?

(Mr Melrose) Yes, I do.

⁷⁰ Committee Ref: A176, Excel London—Lorry Management Venue Overview (NEWMLB-17305-007).

⁷¹ Crossrail Ref: P111, Existing Lorry Parking Areas (NEWMLB-7304A-002).

⁷² Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

The Petition of the ExCel Centre

15809. Then, as a guesstimate but no more than that for this reason at this stage of the temporary loss areas. The precise figures matter for the purpose of my next question. I want you to assume an extreme form. Assume that the Crossrail land take temporarily and permanently reduces, you do that for the purposes of breaking up exhibition A and installing exhibition B. You can only get one articulated lorry on site at a time. Do you understand the absurd extreme I am asking you to assume?

(Mr Melrose) Yes, I do.

15810. Thank you. Even on that absurd extreme, would that mean that ExCel would have to pack up its bags and stop performing?

(Mr Melrose) No, not in that absurd extreme but it would certainly compromise the efficiency of our operations and in terms of our commercial operation and the number of shows that we could host.

15811. Having identified the quantity of parking and lorry provision is not absolute, concentrate now on what is possibly going to be the real world if Crossrail passes it into law and it is implemented on the ground, a much more modest scale of land was involved there. Again, what impact will that have on your operations and I will take it in stages. Firstly, in terms of permanent land loss, I will come back to construction in a moment, what do you say in terms of the permanent land loss?

(Mr Melrose) That will have a significant impact. The lorry park, as I have said previously, is critical to the operations for two reasons. Obviously the health and safety of drivers when they are looking at their tachographs and everything like that, they could be out of time, if that very part in any form is not available that causes problems. Secondly, we have a considerable number of international deliveries that park up at the venue and the contractors work from the vehicles, they take deliveries and will then go back and repeat their deliveries because they can only deliver in a stage process. If those spaces are not available that will hit our operation considerably.

15812. In opening, I referred to constraints on your operations in your area, the behind the scenes element. Firstly, the time element. Secondly, the physical constraints of the land available. Let us take those in reverse order. Is there anything more we need to say about the restriction in terms of the physical area available for the Crossrail proposal?

(Mr Melrose) I am sorry I did not catch that.

15813. Insofar as the Crossrail proposal reduces the area of land physically, is there anything else we need to say about that or do you stand by your earlier answer?

(Mr Melrose) I would completely emphasise what I said. The impact of that land take will be significant in our operation.

15814. Now I come to the question of how long it takes to break down exhibition A and set up exhibition B. Again, what impact will Crossrail's proposals have in that respect?

(Mr Melrose) It would slow down the operation. We will have to transfer that lorry parking operation to the marshalling area which means that we will not have sufficient space to be able to deal with the events as we currently do which means it will add time to the events themselves and then obviously commercially that then becomes a difficulty that we, as a venue, would have to absorb the net effect of. Clients may well choose to go to other venues.

15815. What does it do in terms of the number of events that ExCel has showcased during the year?

(Mr Melrose) It would certainly have a detrimental effect on firstly the size of the shows which we can host and secondly and just as important the number of shows which we can host. I think it is important to highlight to everybody that ExCel is a venue that is able to host multi-tenancies and indeed on one occasion we have had 10 events operating at the same time. With the impact of this proposal, we would not be able to do that?

15816. Thank you. Finally, on this exhibit if you look to the right of the ExCel building, do you see the lime green area?

(Mr Melrose) Yes, Sir.

15817. In terms of that as we understand it -and it will be confirmed in due course that we have understood correctly—that is a Crossrail proposal presumably in a permanent scenario to ease and solve your problem and I identified in opening the conflict between that and phase two of the existing planning permission. Can you give the Committee your opinion on the feasibility and appropriateness of that as a solution?

(Mr Melrose) Yes, I think, as has been mentioned previously, ExCel when it received its original planning permission our ambition was always to extend the venue and to have something that would compete with all the international venues and it is our intention to build phase two. We will be submitting papers to you by September of this year and building shortly thereafter and certainly the area highlighted in green would compromise that phase two building.

15818. It may assist the Committee if I mention by way of an aside, I have had an advantage over the lunch adjournment to have marked the Promoters' exhibits. I had the ones before but I have now got the numbered version. The planning permission, should anybody wish to refer to it, is in there. What is not in there is a further application to extend the time in which the details for phase two could be submitted and approved. It all goes back to the same outlying permission. Mr Melrose, can we move the Mott MacDonald Report which is a report produced on behalf of the Promoters. Please go to the conclusions of that report, which is on Promoters' exhibit 062.⁷³ With your assistance, Mr Melrose, I want to identify the extent of which there is any ground between us

⁷³ Crossrail Ref: P111, Conclusions, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-062)

 The Petition of the ExCel Centre

and the Promoters. Do you see the top left of the left hand column, this is the conclusion section of that report.

(Mr Melrose) I do.

15819. Go down if you would please to 12.1 “Temporary loss of land for work sites”. Would you read, for those who have not got it immediately available, the first paragraph of that?

(Mr Melrose) “During the course of construction of Victoria Dock Portal and Custom House station the use of land for worksites varies considerably over time. At each of the 14 stages, from the start of the advanced works through to the completion of systems installation, the size and configuration of the worksite areas change. In relation to the use of the ExCel lorry parking area at the western end of the site, the amount of land occupied varies from as little as 15%, up to 70% in the worst case scenario.”

15820. You have already indicated that your view as to the impact of the 70% give or take spread. Could you also read the third paragraph of 12.1 which starts at the top of the right hand column?

15821. **Chairman:** Mr Newcombe, we can zoom in on that if that would be helpful. It saves Mr Melrose reading.

15822. **Mr Newcombe:** I am very grateful. Can I direct your attention, Mr Melrose, to the last sentence, “From the site observations outlined in this reports it is considered that there is sufficient spar capacity within the existing site to facilitate the displaced vehicles if adjustments to the existing management system were to be made.” Do you agree or disagree?

(Mr Melrose) I totally disagree.

15823. Why?

(Mr Melrose) Because of the constraints that we are working under at this moment in time. Any reduction in land would have a serious impact on us.

15824. Going on, please, in 12.3, again in the right-hand column, the Promoter notes, in the context of any permanent impact from the sale of the DLR, that no mitigation has been identified.

(Mr Melrose) Correct.

15825. So far as other land that is available, could we please put up Promoter’s exhibit 17304-008.⁷⁴ In the paragraph where there are the bullet points, without reading through it, would you please confirm that those seven sites identified there as possible alternatives are, as I understand it, the sites identified by Mott MacDonald in their report.

(Mr Melrose) That is correct.

15826. We can see from that that ExCel, when you were consulted on this, identified that sites 2 and 3 had possibilities.

(Mr Melrose) Correct.

15827. In the next paragraph, we see reference to two other sites, one at Beckton Park and one at Carlsberg. Could you deal with each of those, so that the Committee understands their relevance.

(Mr Melrose) Yes. Beckton Park and Carlsberg are sites that we currently use for offsite parking. Beckton Park is a very close distance. It feeds off the main east entrance—indeed, we are currently using it for the build up of the motor show. It has been our recommendation to the Promoter to consider making certainly some of this area available. Also we felt that the Carlsberg site, at the west end of the site, was an area where, if we had offsite parking, that would be useful as well.

15828. The final element of this, is, as I indicated, from a meeting—the Promoter’s own notes of the meeting with the ExCel team on 26 June.⁷⁵ In the paragraph beginning: “JBaggs said . . .” without reading it, we can see that the Promoter adverted to the possibility of an additional provision but indicated that at the moment they are not prepared to consider it or endorse it as an approach. Do you see that?

(Mr Melrose) Yes, I do.

15829. In terms of financial losses, I referred to this in opening, and again identified that part of that which we seek from this Committee is endorsement of a compensation provision which has been handed to the committee and to the Promoter. In terms of loss, were the Crossrail proposal to be implemented and you to take the land loss to which you have spoken, with the effects you have identified, what would that do in your estimation in broad terms so far as revenue is concerned for those who employ you?

(Mr Melrose) I believe it would certainly impact on the timescales to which we can operate the event. To put that in context, to take 20 of our biggest events, major events, we would expect to have to add a day-and-a-half to their tenancies, which would give us roughly 30 days’ extra tenancy on the venue that we would not be able to sell, so we would essentially lose one-twelfth of our revenue. We put that figure at £3.5 million.

15830. Of necessity, that is a simplistic calculation. Let us assist the Committee as to how you reached it. Can you identify the approximate turnover of ExCel last year?

(Mr Melrose) Yes, it was £32 million.

15831. How have you then proceeded from that turnover figure to derive the £3.5 million figure you have identified?

⁷⁴ Crossrail Ref: P111, ExCel Centre— Proposed Traffic Management Stages 1-6 (NEWMLB-17304A-008).

⁷⁵ Crossrail Ref: P113, Minute of Meeting between CLRL and ExCel, 26 June 2006 (NEWMLB-17304-008).

 The Petition of the ExCel Centre

(Mr Melrose) As I just said, we would have to add one-and-a-half tenancy to our major shows because we would not be able to operate under the same efficiencies that we currently can. We could not ask the clients to absorb those extra costs because that would disadvantage us commercially, so we would have to absorb that. That would represent one-twelfth of our revenue.

15832. Put on one side entirely the commercial loss to ExCel and its shareholders—ignore that for the present purposes—what is your assessment of the importance of the ExCel facility as a showcase for world trade?

(Mr Melrose) Since ExCel has opened, we have now hosted, on average, 440 events a year. We attract now nine of the top 10 London shows. We attract most of the major blue chip shows. We are now having considerable impact on the international market. Certainly in terms of those shows that we can attract, we are now contributing, as I said earlier, £600 million to the London economy, and with our phase 2 development and continued growth we would expect that to grow to over £1 billion. Certainly any consent under the land requirement would have an impact on that.

15833. Finally, we have identified from the Promoter's own documents that there would appear to be common ground as to the availability of other sites which could be used. As a matter of law—please take it as an assumption from me: if I am wrong there will be submissions—ExCel cannot go out and acquire the acquisition of other land elsewhere just because it needs it. In those circumstances, assuming the additional provision is the appropriate way to proceed, so far as you are concerned are you aware of any reason why the Crossrail proposal should not incorporate an additional provision to secure one of the alternative sites which it appears to be common ground exists?

(Mr Melrose) No, I have no reason.

Cross-examined by **Ms Lieven**

15834. **Ms Lieven:** Mr Melrose, could we deal first with temporary loss and permanent loss please. So far as temporary loss is concerned, we are talking about something in the region of 31 HGV spaces.

(Mr Melrose) Roughly, yes.

15835. In your draft undertaking which Mr Newcombe put in this morning, you said you needed an alternative site within 500 metres.

(Mr Melrose) Yes.

15836. Can I put up the minutes of a meeting which you attended on 10 July, this Monday. You are Steve Melrose (SM) on that.⁷⁶

(Mr Melrose) Yes.

15837. In the penultimate paragraph on page 1: “BP questioned whether the lorry holding site was required to be close to the exhibition halls or if it was worth looking at off-site locations. SM”—that is

you—“agreed it would be useful to explore these options though the site would need to be close enough to shuttle contractors in—a 10 minute turn around time was acceptable and Galleons Reach was as far out as ExCel would consider practical.”

(Mr Melrose) Yes.

15838. On Monday you said to us a 10 minute drive time.

(Mr Melrose) The 500 metres was put forward, and the question to me was how far would I consider going further—which was an open question. In the interest of compromise, geographically I had Galleons in my mind. The point of a 10 minute drive is significantly important, in the sense that, if I am asking contractors to go to a lorry park that is 10 minutes away, leave their vehicle there and then spend 10 minutes coming back, we are losing 20 minutes working time.

15839. Thank you. Turning to the alternative sites that are being considered, could we look at ExCel 4, an aerial photo.⁷⁷ I understand that the red splotch area on this is what we have described as Beckton Park.

(Mr Melrose) It is.

15840. That site itself is more than 500 metres from the ExCel building, is it not?

(Mr Melrose) From the ExCel building. I am working from the site perimeter, which you will see is from the hotel, and we also use the back road that runs just underneath DLR. It is fairly close to the 500 metres.

15841. I think we may be agreed on this, but, so far as finding alternative available sites for the temporary situation, there is no dispute, is there. If I can put up the document from your own website relating to the motor show—and it is not terribly easy to read—that shows under parking that for the motor show you managed to find 11,000 satellite spaces for people to park.⁷⁸

(Mr Melrose) We did.

15842. Some of those would not be appropriate for your artics, I quite understand.

(Mr Melrose) Certainly not.

15843. But the reality is that there is a lot of available space in the vicinity of the ExCel centre, is there not?

(Mr Melrose) 3,000 of those spaces are actually in Beckton Park.

15844. Sir, the minutes I put in are apparently P113. Mr Melrose, so far as the permanent position is concerned, we are there talking about the loss of space for something in the region of 16 articulated HGVs, is that right?

⁷⁶ Crossrail Ref: P113, Minute of Meeting between CLRL and Excel, 10 July 2006 (SCN-20060713-007).

⁷⁷ Committee Ref: A176, Beckton—Preferred site for temporary and permanent marshalling area (NEWMLB-17305-004).

⁷⁸ Crossrail Ref: P113, Excel London website, www.excel-london.co.uk (SCN-20060713-008)

The Petition of the ExCel Centre

(Mr Melrose) Yes.

15845. I would like to check out what Mr Mould and I heard in evidence in chief. As I understood it, you said that the permanent loss would have significant impact for two reasons: you needed the area because of effectively the health and safety consideration for drivers.

(Mr Melrose) Yes.

15846. For them to have downtime, fill in their forms, perhaps have a snooze—have the break that European law requires.

(Mr Melrose) Yes.

15847. And you needed it in order to be able, effectively, to stage deliveries to the front door.

(Mr Melrose) Yes.

15848. As far as the first is concerned, the drivers could have that downtime anywhere. It does not need to be in the vicinity of ExCel. It does not have to be outside the front door for that consideration, does it?

(Mr Melrose) I would not agree with you on that. If you think that the drivers are coming internationally, they are being brought to ExCel through the Channel Tunnel, they could arrive at five in the morning, do their delivery and then they have to have their downtime. In terms of the nearest next lorry park that we operate, we would have to send them to Thurrock, if we did, down on the M25, which is a considerable distance.

15849. If you had another space within 10 minute drive or whatever, that would be perfectly acceptable for that purpose, would it not?

(Mr Melrose) Potentially. I could not answer for the drivers.

15850. Equally, in terms of staged deliveries—

(Mr Melrose) I am sorry, can I just ask what you mean by “staged deliveries”?

15851. As I understood this second point, it was about trying to make sure the drivers were somewhere where they could unload part of the kit that you need and then unload a second part reasonably expeditiously.

(Mr Melrose) Yes.

15852. You could effectively interrelate the parking area to get your kit in through the front door in an efficient manner.

(Mr Melrose) Yes.

15853. I can see that, if you cannot do it in an efficient manner, you may need extra time to set up your shows—which I think is what you are talking about.

(Mr Melrose) Yes.

15854. You can achieve that result within a reasonable vicinity of the site by communicating with the drivers on mobile phones, for instance, saying: “Right, come in now” and five minutes later they arrive, send them off on a 10 minute drive, and five minutes later they come back.

(Mr Melrose) Yes. However, having said that, not all lorry drivers have mobile phones. Certainly in terms of the operation we have significant issues (a) in terms of language and (b) in terms of communication. Mostly, if we operate something like that, as we currently are, all the vehicles go to a holding point and then we operate a system from our own marshalling staff.

15855. Could we move on to how we might mitigate the permanent situation. First of all, can we put up our 003, just to show the area in question.⁷⁹ We are talking about the loss of the thin purple strip to the west?

(Mr Melrose) Yes.

15856. In a permanent situation, as opposed to the temporary, you will still be able to echelon-park HGVs, articulated HGVs, along the lorry parking area?

(Mr Melrose) We will but there will have to be significant changes to the way that we operate. We certainly will not be able to manoeuvre as we currently do. As you will see, that south side of the lorry park borders the through road. To allow lorry access and to operate as they do with that strip of land gone, we will have to take out all the kerbstone, and all the protective barriering, and then the vehicles would have to drive front-nose in and then reverse out into a single carriageway. It would certainly change the way that we operate and certainly from an operating point of view I would seriously consider whether I would have to move that whole operation.

15857. Can I just look at what is going on at that site at the moment. Can we have the Mott Report, page 54, please.⁸⁰ That is a photograph of the area in question, is it not?

(Mr Melrose) Yes.

15858. What you are losing is a strip of land on the righthand side of that where we can see a large number of transit vans parked?

(Mr Melrose) Yes.

15859. I am sure it is sometimes used for artics but is it also used—

(Mr Melrose) Could you zoom in again, and you will see that there are number of trailers there without the actual cabins.

15860. What we see there, on the left, are artic HGVs without their cabins and, on the right, a number of transit vans?

(Mr Melrose) Yes.

15861. That is a fairly fair reflection of what, from our observation, is quite often going on on that site, with a mixture of parking?

(Mr Melrose) I will just challenge that, because that is certainly not a reflection of how it operates. Certainly at this moment in time that area is

⁷⁹ Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

⁸⁰ Crossrail Ref: P111, View of the Lorry Park, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-054)

 The Petition of the ExCel Centre

absolutely full for the Motor Show, it certainly is. By the document that you have got here, the Mott Report, it shows that it was 90% full for the World Travel Market; and 70% full for the Caravan Show. Those shows are shows that are independent stand-alone in the venue. What this document does not take into account are multiple tenancies. To put it into context, in between June 2005 and July 2006 we processed, just through our marshalling yard, somewhere in the region of 40,000 vehicles. 10% of those will be artics; 50% will be transits; and the rest made up of cars and 12.5 tonne trucks; and a significant amount of those will use that area.

15862. Can we look at the position as you put it forward in the permanent scenario. Can we put up ExCel 10, please.⁸¹ This is a drawing produced by you?

(Mr Melrose) Yes.

15863. It says “post-DLR realignment”, but that is post-Crossrail?

(Mr Melrose) Yes.

15864. It is the DLR that impacts directly on you. What that shows is a significant amount of remaining articulated echelon parking, does it not?

(Mr Melrose) It shows an amount; but I would also suggest that shows a significant amount of loss of parking.

15865. We can see that if we go from ExCel 10 to ExCel 8 and focus in on the pink area to the left.⁸² It takes some pretty good eyesight. That is the echelon parking as it exists at the moment according to your plan?

(Mr Melrose) Yes.

15866. That is a comparison between those two. Can we look at the situation post-ExCel 2. First of all, you have made something of a complaint that we proposed a solution, both I think in meetings and then a plan, that failed to take into account ExCel 2 Can I put up exhibit 6 but in the minutes bundle, the 17304 bundle, page 6.⁸³ This is a minute of a meeting of 26 June this year. It is right, is it not, that we have a minute with representatives of ExCel?

(Mr Melrose) Correct

15867. You yourself were not at that meeting?

(Mr Melrose) Correct.

15868. It is right, is it not, that we had previous meetings with ExCel in September and December of 2005?

(Mr Melrose) Yes, that is right.

15869. The proposals for parking solutions came out after those September and December meetings?

(Mr Melrose) I have not seen any solutions after those meetings.

15870. Can we look at the bottom of this page, paragraph 3, “ExCel’s Phase Two development. J Baggs [who is the Crossrail representative managing this] noted that at the scoping meetings in September and December 2005, with Paul May and Steve Melrose, ExCel had not drawn attention to their Phase Two development and as such the Mott MacDonald studies had not taken these plans into account. PD [Philip Dowson, who is the Chief Finance Officer of ExCel]—

(Mr Melrose) Yes.

15871.— said this was not surprising, since the development proposals had moved rapidly since late last year. ExCel had outline planning permission to extend the exhibition centre which would run out on 1st November. . . .” At the meeting in late September 2005, I think it is clear from this minute, you yourselves were not pointing us to the ExCel 2 development or suggesting there was any issue with it?

(Mr Melrose) There was no solution or recommendation by Crossrail to use the east car park; so I would not understand why that would come up. We were scoping out the lorry park. In those meetings we had made it perfectly clear that the lorry park was critical, and all of our discussions focussed on that end of the building.

15872. Can we just focus on the situation post-ExCel 2, please. If ExCel 2 is built, what is the total number of car parking spaces that will be provided by the ExCel Centre, both in the under-croft and immediate adjoining surface level car parks?

(Mr Melrose) Probably in the region of 5,000 spaces.

15873. How many of those will be surface level, adjoining the centre?

(Mr Melrose) Very few.

15874. How many?

(Mr Melrose) Probably about 200.

15875. I think the closest we have got to the situation is likely to be ExCel 9, which is one of your plans?⁸⁴

(Mr Melrose) Yes.

15876. The blue is ExCel Phase 2, and there will continue to be, it would appear from this plan, surface level car parking over here? We have surface level car parking here. There is some issue that you might want to put a casino here?

(Mr Melrose) There will be a further build-out; there will be a Phase 3 development of ExCel that will include further hotels, casinos and other regeneration that would take up those areas of land—

15877.— where you will decide for your own interests to lose surface level car parking?

(Mr Melrose) For the interests of the whole estate, yes.

⁸¹ Committee Ref: A176, Impact on Lorry Parking Post DLR Realignment (NEWMLB-17305-009).

⁸² Crossrail Ref: P111, ExCel Centre— Proposed Traffic Management Stages 1-6 (NEWMLB-17304A-008).

⁸³ Crossrail Ref: P113, Minute of Meeting between CLRL and Excel, 26 June 2006 (NEWMLB-17304-006).

⁸⁴ Committee Ref: A176, Excel London Plan—Phases 1 and 2 (NEWMLB-17305-009).

The Petition of the ExCel Centre

15878. So far as the impact of the Crossrail is concerned, the arrival of Crossrail at Custom House will very significantly improve ExCel's accessibility by public transport, will it not?

(Mr Melrose) It will certainly complement the good service we get from DLR.

15879. I will take that as a yes. The effect of that very significant improvement is that there will be potential for a significantly increased modal share by public transport, as opposed to car drivers?

(Mr Melrose) I am not sure that is the case. I think that certainly since we have opened the venue we statistically have worked very closely with DLR and we can show that we have stayed at a very static 70%/30% car parking split, DLR split; obviously the higher 70% in favour of DLR public transport. Certainly in terms of domestic shows, it is slightly less than that but it fairly static.

15880. Can I ask to have circulated a letter written on behalf of ExCel by a Mr Bob Parker, who is a Division Director of Peter Brett Associates, who is writing to the London Borough of Newham on your behalf in respect of the ExCel Phase 2 development. This is P114. If I read the first paragraph just to set the context of this letter. It is the second page I am interested in. It is written to the Transport Planner at the London Borough of Newham and it says: "Excel Phase 2—Transport and Highways Support: ExCel is proposing to implement a second phase of the exhibition centre and will accordingly be submitting a Reserved Matters Application in early autumn 2006". Then it sets out various facts about that application. It is a letter seeking Newham's agreement as to what work has to be done on Reserved Matters. If we look at the second page and the first full paragraph: "It is also anticipated that in the future the implementation of the Crossrail Scheme plus other schemes to upgrade the DLR will further increase the accessibility of the site by public transport and allow an even higher public transport mode share to be achieved. The original projections anticipated that 50% of people were likely to travel to and from ExCel by car. In practice for most shows about 70% of people have travelled by public transport and the target with Crossrail is to increase this proportion to around 80%."⁸⁵ What your own transport planners are saying to the local planning authority is the consequence of Crossrail is a modal shift of about 10 per cent of your visitors?

(Mr Melrose) Yes.

15881. It is very crude, but if one assumes that what you are saying to Newham for the benefit of your Reserve Matters Planning Permission is correct, a modal shift of about 10 per cent would free up the need for about 500 car parking spaces? Ten% of 5,000 in very crude terms?

(Mr Melrose) I am not sure how you get 500 spaces. If we take our visitor footfall, which is 1.5 million, and we are saying 20% of those come in by car, which

is 20,000 [sic], 25,000 [sic], whatever, if we are looking at a car split of 2.2 passengers per car that may be significantly less.

15882. That is fine. Free up about 200 car parking spaces, yes?

(Mr Melrose) Yes.

15883. The consequence of that is as a result of Crossrail you would need that much less car parking space and, in order to make up for the loss of 16 artics HGV spaces, you would designate a part, only a part, of your surface level car parking to artics instead? You would have to re-jig your car parking a bit but you would have that space, would you not?

(Mr Melrose) No, I do not see us having that space, because our car parking is going to go under the venue

15884. We agreed a few minutes ago, Mr Melrose—I completely accept there will be a significant amount of under-croft car parking but on your own plans it is clear that there will continue to be a proportion of surface level car parking on the Phase 2 scheme to the east of the ExCel Centre. You may in the future chose to sell it for some other use—

(Mr Melrose) But that would compromise our future plans.

15885. If you choose to sell the land for some other use or develop it for some other use, that is not really Crossrail's problem, is it?

(Mr Melrose) I do not see why as a venue our operation, our business, should be compromised in the future as to how we wish to develop the site, when actually we have a system that works at this moment that supports our business.

15886. **Ms Lieven:** Thank you, Mr Melrose.

15887. **Mr Liddell-Grainger:** I am going to suspend the Committee for five minutes.

After a short break

15888. **Ms Lieven:** I am sorry, sir. Could I have a moment for Mr Berryman to be brought back?

15889. **Mr Liddell-Grainger:** Yes, that is no problem. Mr Melrose, I am going to let you know your evidence is A 178. It is a single sheet, just to remind you. I am sorry I should have done it before, apologies.

15890. **Mr Newcombe:** I should have reminded the Committee. I am grateful.

15891. **Ms Lieven:** It is all right, Mr Berryman is back.

15892. **Mr Newcombe:** Mr Melrose, a couple of points which arise, please. Firstly, you were taken to the minutes of the meeting of 26 June and the proposition being put to you was essentially, "Why did not you tell us about Phase 2 at an earlier stage?" Do you recall that?

⁸⁵ Crossrail Ref: P114, Correspondence from ExCel to London Borough of Newham (SCN-20060713-009)

 The Petition of the ExCel Centre

(Mr Melrose) I do.

15893. Could we have up, please, the MacDonald report, Promoter's page 011.⁸⁶ Can we close in, please, on the first complete paragraph in the right-hand column. I am going to read to you there a short extract, Mr Melrose. It refers there to the ExCel having parking for 4,000 cars, do you see that?

(Mr Melrose) I do.

15894. It refers to other matters within the ExCel complex including several hotels, that is on the third line. Do you have that?

(Mr Melrose) Yes.

15895. The parking areas are identified as ranging in size from small vans and cars to the largest of lorries?

(Mr Melrose) Yes.

15896. Then the sentence to which I want to direct your attention: "Mott MacDonald identifies significant development is underway through the site in accordance with the Urban Framework Plan. This includes construction of new residential dwellings, et cetera". Do you see that?

(Mr Melrose) Yes, I do.

15897. What do you understand Mott MacDonald had in mind as regards the development proposals of ExCel at the time they were writing their report?

(Mr Melrose) The long-term development of the ExCel site which includes all the residential units, the hotels, and references the Phase 2 development is all detailed in the urban framework plan.

15898. Thank you. Can we then, please, have Promoter's exhibit, this is in the 17304A sequence. In the plans of diagrams, 003, please.⁸⁷ Just look at the rather Linda Barker lime green area there. Do you see that?

(Mr Melrose) Yes.

15899. That is what, as we understand it, Crossrail is now proposing as some form of a solution. Is that a solution which Mott MacDonald identified?

(Mr Melrose) No, it is not.

15900. Thank you. Now just sticking with that plan, in so far as we can use this one to save changing too much. If we need to go to another one, please say so and take us to the relevant exhibit, but I think we could probably do it on this. A number of questions were put to you, the gist of the argument of which was: "Okay, there is lots of carparking around at the moment. Crossrail is going to come along, throw lots of offal over the site and you are going to be able to turn some existing carparking spaces into parking for articulated vehicles" and the like. Do you recall those questions?

(Mr Melrose) I do.

15901. Where are those additional carparking places at the moment, please, Mr Melrose?

(Mr Melrose) On this drawing?

15902. Yes.

(Mr Melrose) From when I understood the question, it is to the right of this roundabout area.

15903. Okay. Now you also referred to some under-croft parking, just confirm so nobody is under any illusion about where we find that. Where is this under-croft parking?

(Mr Melrose) The under-croft parking, which we have just opened as a commitment to our Phase 2 development, sits underneath the ExCel building venue, as you see it, and that provides 1,600 spaces and that is to compensate for the spaces that are lost when we build Phase 2.

15904. There are additional phases of the development, outline planning permission and there are negotiations yet to be had with the London Borough of Newham, but let us move on from the proposition, the basis, the matrix of Ms Lieven's questions to the future situation. What is happening in terms of development as regards the ExCel site?

(Mr Melrose) Certainly, as we have discussed with Phase 2, we then have a number of considerations for the further east end of the site in terms of a casino, as I have said, hotels et cetera, a number of opportunities to support the business. These are services that are critical again to attracting major shows. One of the key difficulties that ExCel had when it opened was the lack of hotels on site. As the venue gets bigger, we host more events, the density of the site becomes more populated, so we are going to need more services to support these events.

15905. Given the importance, which we understand is common ground, of the ExCel centre, would you help us with this, please: what do you regard as being the advantage or disadvantage of sterilising future development proposals for the purposes of remedying the adverse impact of Crossrail? Could you draw that balance for us, please?

(Mr Melrose) I think if we put in context what we are trying to achieve strategically as a venue, London is in a position where it has a 21st-century venue. Its ability to attract major events from all over the world, bringing in conferences, key events, consumer events, all of our services—and if you want the expression "back of house"—are pushed to the north, so the visitor experience, the arrival experience is all about what people see, what they feel. That is a passion that we at ExCel hold true. If then we are talking about a blighting of one end, the east end, of the site we are going to potentially put a marshalling yard at what is the front door to ExCel and potentially blight one end of it.

15906. So far my re-examination has been directed to on-site matters, but we know again, as a matter of common ground, there are places off-site where alternative parking can be located. I am going to ask you a couple of questions about that. Firstly, Ms Lieven was suggesting to you a combination of looking around and seeing at any given time, when you are breaking down show A and putting up show B, just going around doing a tour of the local area,

⁸⁶ Crossrail Ref: P111, Overview of the Existing Transport Infrastructure at ExCel, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-011)

⁸⁷ Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

The Petition of the ExCel Centre

finding what parking is available and using that on a hand-to-mouth basis and setting up an *ad hoc* communication service, which no doubt will bring deep joy to the shareholders of Vodafone, using mobile phones. Do you recall that line of questioning?

(Mr Melrose) I do.

15907. Clearly, those are matters which probably could be done. Help us with this: given what ExCel is, its importance, its 21st-century status and practicality, what do you say about that? Is that a sensible solution or not?

(Mr Melrose) I think it is unrealistic. What we are trying to achieve is a system of working that operates efficiently, that delivers key services that can attract major events and to keep moving services and re-deploying them I think would be an absolute nightmare, certainly for repeat shows when one year a truck marshalling yard happens to be at the east end

of ExCel, and then the next year we move it to the west end, and then maybe the year after that we move it to the south side. I think for consistency and continuity, that would bring disruption certainly to the local area in terms of these trucks driving around trying to find where we are parking one year to the next.

15908. I want you to imagine you work now for Ford. Coming to the motor show you have got a large area of floor space which you have taken. It is an important international showcase for your goods. What is going to be your reaction if you are told, "Please, will your driver turn up here. We will then give them a piece of paper as to where to go in the local area and we will call him by mobile phone if he has got one"? What view would you form as Ford?

(Mr Melrose) I cannot see that happening. I think there would be complete frustration on the part of the supplier in terms of asking to change the process. You have to remember when we talked before, we talked about one company. They employ significantly a number of different contractors so they have to manage this piece of information out to all their suppliers. We are just complicating the whole process for them rather than simplifying it.

15909. You have now heard Crossrail's case put to you in cross-examination. I am going to repeat to you a question I put to you in chief. We know there are sites available with the ExCel area, where alternative provision can be made. We know that as a matter of law and practice it is an obligation on Crossrail to bring forward an additional provision. Are you now in any better position to understand why such an additional provision should not be brought forward having now heard the case put to you?

(Mr Melrose) No.

15910. **Mr Newcombe:** Sir, thank you very much indeed, that concludes my re-examination and that is the case on behalf of the Petitioners subject to my closing.

15911. **Mr Liddell-Grainger:** Thank you very much.

15912. **Ms Lieven:** I will call Mr Anderson very quickly. I am not going to call Mr Berryman in the light of the way the matter has gone. There is no need to explain why we need to have scope either in temporary or permanent terms.

Mr David Anderson, Recalled

Examined by **Ms Lieven**

15913. **Ms Lieven:** Mr Anderson, you are well known to the Committee so I am not going to introduce you. The only matter I want you to deal with in evidence is the benefits to the ExCel centre from the Crossrail project.

(Mr Anderson) Yes, as we have already heard, there will be new direct services to Custom House Station adjacent to the site from a range of destinations across London, west of London, central London, Canary Wharf and also in the Kent area. I think we mentioned in opening there will be a significant change in the accessibility of Custom House

 The Petition of the ExCel Centre

following the construction of Crossrail. To give a couple of examples of that, if you are looking at west London, accessing the site, we would be looking at a reduction of journey times of about 50 minutes down to less than half an hour. Similarly, looking at journeys from the north Kent area to Custom House, again we see a similar pattern, a journey of 50 minutes reduced to about 30 minutes. It is that effect, that change in accessibility that is likely to lead a change in the pattern of mode share to the site, leading to the shift away from car access to public transport use that we just heard about.

15914. **Ms Lieven:** Thank you. I am so sorry, I said it was the only matter but there is one other matter that we ought to clarify. Can we put up 003, the proposal on carparking areas.⁸⁸ Mr Newcombe in re-examination of Mr Melrose went to this lime green area and suggested that was Crossrail's proposed alternative parking area. Is that correct?

(Mr Anderson) No, I think we mentioned in opening that the undertaking suggests that we will be looking for other areas away from the site and I think we will be mentioning in discussions with the LDA to identify those.

15915. **Mr Liddell-Grainger:** Mr Newcombe?

Cross-examined by **Mr Newcombe**

15916. **Mr Newcombe:** Mr Anderson, good afternoon. We have not met before, as far as I am aware. As I understand it, you are a planner and a member of the Institute of Highways and Transportation. Have I understood that correctly?

(Mr Anderson) I am afraid not.

15917. Can you explain to me, please, what your area of expertise is?

(Mr Anderson) My background is in transport planning. I am mostly responsible for the environmental assessment of projects. I am a fellow of the Institute of Civil Engineers.

15918. Thank you very much. When did you most recently visit the ExCel site for the purposes of this Petition?

(Mr Anderson) I could not give you an exact date.

15919. When did you visit the site?

(Mr Anderson) I visited the site on several occasions since I joined Crossrail.

15920. When?

(Mr Anderson) I could not give you an exact date. Some months ago.

15921. Have you read the Mott MacDonald report?

(Mr Anderson) I have read parts of it.

15922. When did you first read those parts? Last night?

(Mr Anderson) No, it was not last night. Some weeks ago.

15923. I may be somewhat hampered in asking questions of you on the Mott MacDonald report if you have only read parts of it, but let us see what progress we can make. All the references I am now giving you, Mr Fry, until I tell you differently, will be the pages in the Mott MacDonald report. 003 to start with, please.⁸⁹ This is the executive summary of the report. Mr Anderson, do you see on the right-hand column a section headed "alternative sites"?

(Mr Anderson) Yes.

15924. And we see the exercise which was carried out here was a preliminary survey. Do you see those words?

(Mr Anderson) Yes.

15925. All right, so far as I am aware there is no evidence before the Committee of anything other than a preliminary survey on behalf of the Promoters. Have I understood that correctly?

(Mr Anderson) I believe so.

15926. Thank you. If you go down to traffic assessment, it says: "It is possible but not confirmed that ExCel holds events that create different levels of lorry and parking demand to those observed on the site during the World Travel Market Exhibition". Do you see that?

(Mr Anderson) Yes.

15927. You have no reason to disagree with that, have you?

(Mr Anderson) No.

15928. The last sentence identifies Mott MacDonald's keynote, executive summary conclusion: "Mitigation would have to be achieved by using areas of land that are not currently identified for car or lorry parking". Do you see that?

(Mr Anderson) Yes, I do.

15929. Do you take a different view?

(Mr Anderson) Can I just be clear, are we talking about the temporary situation here or permanent situation?

15930. I am hampered because this is a report prepared on behalf of those who instruct you. You are the only witness, so I rather assumed you would be able to help me. If you do not know, then simply say, "I do not know".

(Mr Anderson) I think on the basis of what I have said about the prediction in the potential growth for accessing the site by car and the permanent situation, I think we have got to review that sentence.

15931. Sorry, you want to review it. Did you say that?

⁸⁸ Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

⁸⁹ Crossrail Ref: P111, Executive Summary, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-003)

The Petition of the ExCel Centre

(Mr Anderson) Clearly, I have identified there are improvements in accessibility arising from the Crossrail project and that will lead to a situation where fewer people can travel by car and that could result in areas that are currently used for carparking as being identified as potential uses to this situation.

15932. I see. To that extent you disagree with your own consultants' report and the highest you put it at is it could result and you want to review it. Again, have I understood that correctly?

(Mr Anderson) Yes, I think that is the position.

15933. Thank you. Could we then have, please, O10.⁹⁰ This is the site. Does this form part of the report you have read or not, Mr Anderson?

(Mr Anderson) I could not say I have read every word in detail on this.

15934. Let's see whether we can jog your memory. In the left-hand column, the final paragraph, it starts, "The ExCel Centre . . .". Do you see that?

(Mr Anderson) Yes.

15935. "The ExCel Centre has been a key contributor to the commencement of regeneration of the area . . ." et cetera. Do you have any reason to disagree with that?

(Mr Anderson) No.

15936. The ExCel Centre is of material and huge importance in the regeneration and redevelopment of this area, is it not?

(Mr Anderson) It is an important part of the regeneration, yes.

15937. Can we go on please to page 054 which is in section 8.⁹¹ The first paragraph in the right-hand column immediately following the bullet point and the first sentence, "A common element of the possible mitigation described above is the need", and you will understand that I deliberately stress the word "need", "the need to utilise other areas of land within our outside the ExCel site to provide alternative parking for lorries and/or cars". Again can I take it that you agree with that?

(Mr Anderson) Yes.

15938. Let me move on to the conclusions which is page 062.⁹² I can take this quickly. I have already looked at the temporary loss situation with my own witness, Mr Melrose, and I do not need to reconsider it with you. You will understand, Mr Anderson, I

am deliberately exercising a self-denying ordinance as the Committee now, I am sure, understand the areas in dispute and I am being selective in the points I am putting to you. If you look at 12.3, your consultants' conclusion was that the loss of the land in the permanent situation, ie, post the slewing of the DLR, is an impact for which no mitigation has been identified.

(Mr Anderson) Correct.

15939. That remains the position save insofar as we go off site, does it not?

(Mr Anderson) All I would say is I think that impact needs to be viewed in the context of the benefits which I alluded to earlier.

15940. But if you look at the benefits, if am Mr Bugatti and I want to bring my new Veyron on the site for the purposes of displaying it because everybody goes, "Ooh, aah!", I am not going to be able to put that on the roof-rack of a Crossrail train, am I?

(Mr Anderson) No.

15941. In other words, Crossrail will assist with people getting to it, the visitors, the public, but it does not directly address the key problem of getting the exhibitions set up and broken up, does it?

(Mr Anderson) I agree that it would be an indirect effect if land currently used for the visitor car park became available. It would be an indirect effect.

15942. I am now going to go back to that section of the Promoters' exhibits which includes the meeting notes and could we go please to the meeting note of 26 June, page 006 to start with.⁹³ How many of these meetings did you attend, Mr Anderson?

(Mr Anderson) I do not believe I was at any of them.

15943. May I ask why, therefore, you are giving evidence on this when to date, as far as I can see, you have played no material part in the discussions on this particular Petition which is one of detail? Why are you giving the evidence?

(Mr Anderson) I was asked to give evidence on the benefits of Crossrail serving Custom House, which I have done.

15944. I see, so you were asked to give evidence on the benefits of Crossrail, but it follows, I assume, on your own admission, that you are not particularly with the details of this site, are you?

(Mr Anderson) That would depend on what you describe as "details". I am familiar with the site and the permanent effects of Crossrail.

15945. But you have not had the opportunity in a meeting to have it explained to you precisely how this site works in terms of setting up and breaking up exhibitions, have you?

(Mr Anderson) I have not had that first hand from ExCel, no.

⁹⁰ Crossrail Ref: P111, Royal Victoria Dock, Aerial Photograph, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-010)

⁹¹ Crossrail Ref: P111, View of the Lorry Park, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-054)

⁹² Crossrail Ref: P111, Conclusions, Crossrail Corridor South Eastern Route, April 2006 (NEWMLB-7304B-062)

⁹³ Crossrail Ref: P113, Minute of Meeting between CLRL and Excel, 26 June 2006 (NEWMLB-17304-006).

The Petition of the ExCel Centre

15946. Could we go on to page 008.⁹⁴ I will not reprise the matters which have already been discussed. We know that there are four sites potentially offering alternative off-site provision and if you look at the paragraph towards the bottom of the page, “J Baggs said that there should be an alternative site . . .” et cetera. Do you see that?

(Mr Anderson) Yes.

15947. That is the one which identifies the possibility of an additional provision, does it not?

(Mr Anderson) Yes, it does.

15948. But it then goes on to set out that that is not presently something which Crossrail is prepared to contemplate.

(Mr Anderson) Correct. I think Mr Baggs was here setting out what the process would be if there was an additional provision.

15949. I can entirely understand that policy matters are matters for civil servants and the Government and not for Ms Lieven and Mr Mould. Wearing your transport planner hat, can we just see whether we can reach a measure of agreement. There are available sites which could be prayed in aid to compensate for the land-take, are there not, off-site? They are set out in this report?

(Mr Anderson) Yes.

15950. It ought to be possible, take it from me, as a matter of law please, and if I am wrong, I will be corrected, to provide the certainty which the Petitioners seek for their important facility, and we have agreed about the importance, by additional provision and, therefore, there is a balance to be drawn, is there not?

(Mr Anderson) If that is a matter of law.

15951. Insofar as you are a transport planner, are you able to advance for this Committee any cogent reason why in transport planning terms there is a disadvantage in the additional provision to give the certainty which is sought by these Petitioners? In transport planning terms, is there any reason at all why an additional provision should not be promoted?

(Mr Anderson) Because I think when you are exercising that judgment, you need to take into account the benefits as well which I have spoken about and on that basis I would not consider that an additional provision on those grounds would be necessary.

15952. Well, let's test this. If an additional provision is promoted, the benefits are not going to alter one jot or tittle, are they?

(Mr Anderson) No, the benefits would be there.

15953. It, therefore, follows, does it not, that you are not able to advance any reason, so far as lies within your area of expertise, why an additional provision should not be promoted, are you?

(Mr Anderson) Well, there could be an adverse impact on others of course from acquiring the land.

15954. Yes, but you are not in a position to give us any information on that, are you?

(Mr Anderson) No, I am not.

15955. Going to the foot of that page, do you see there is a reference to “MH”? If I have understood the notes correctly, these are your, Crossrail's notes of the meeting which we had not seen before we were sent them yesterday. That is a Mr Max Henn, is it not?

(Mr Anderson) I believe so, yes.

15956. Who is Mr Henn?

(Mr Anderson) He is a Crossrail employee.

15957. According to the bit at the beginning, he is the Senior Design Manager, Surface Rail East, so presumably he knows about railway lines, parallel bits of steel. Is that correct?

(Mr Anderson) Yes.

15958. Mr Henn noted three options for solving the parking issue, the parking losses. Do you see that?

(Mr Anderson) Yes.

15959. Can we go over the page to the bullet point right at the top of 009.⁹⁵ One of the things which, as at 26 June of this year, less than a month ago, Mr Henn identified was a “reworking of the railway layout to accommodate ExCel's minimum parking requirement”. Do you see that?

(Mr Anderson) I do, yes.

15960. I have gone through the exhibits you have produced with some care and I can find no evidence whatsoever of that review having taken place. Are you able to assist the Committee?

(Mr Anderson) Not on that point, I am afraid.

15961. But we can agree, can we not, that clearly as at 26 June, Mr Henn was still considering that these matters which you say are set in concrete—forgive me, no pun intended—were still susceptible to review, were they not, even the alignment of the railway lines?

(Mr Anderson) I think the point has been made there by Mr Henn himself.

15962. So although Crossrail advance this on the basis of, “We are where we are and it is too late to change”, we can see that one of your own experts is clearly envisaging, it is perfectly practical, and he would not say it otherwise, a review of even where the railway lines were, was he not?

(Mr Anderson) I was not at the meeting, so I am not quite sure what was behind that statement, but it is possible that the area taken could, subject to detailed

⁹⁴ Crossrail Ref: P113, Minute of Meeting between CLRL and Excel, 26 June 2006 (NEWMLB-17304-008).

⁹⁵ Crossrail Ref: P113, Minute of Meeting between CLRL and Excel, 26 June 2006 (NEWMLB-17304-009).

The Petition of the ExCel Centre

design, be slightly less than what has been indicated. I am sure there will still be a need to take some of that land.

15963. **Mr Newcombe:** Mr Anderson, I am very grateful. You have very fairly identified the limits to which you were able to assist me and you have been very patient with me even though my questions have necessarily taken you beyond the areas you were prepared for, so I am very grateful. I have no further cross-examination.

15964. **Mr Liddell-Grainger:** Ms Lieven?

15965. **Ms Lieven:** I have no re-examination, sir.

The witness withdrew

15966. **Mr Liddell-Grainger:** Do you want to wind up.

15967. **Ms Lieven:** Sir, there is just one point. Mr Newcombe's last question about that minute from Mr Henn and whether or not it is possible to move the tracks to minimise the land-take, that is a matter for Mr Berryman and not Mr Anderson. It is no criticism of Mr Newcombe. I was not going to call Mr Berryman, I did not think that point would be taken, but I think, in the light of that question, we probably need Mr Berryman to reassure the Committee, or I can reassure the Committee, but it is probably better if it comes from the engineer, that the permanent land-take we think there is virtually no scope to change. The temporary, we will do everything we can at detailed design.

15968. **Mr Liddell-Grainger:** Ms Lieven, it is up to you to call the witnesses.

15969. **Ms Lieven:** I will call Mr Berryman, sir.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

15970. **Ms Lieven:** Mr Berryman, could you just explain to those representing ExCel who you are and why you are giving evidence?

(Mr Berryman) I am the Managing Director of CLRL which is the company set up by the Government and Transport for London to take this project forward.

15971. So far as the issue of the land-take is concerned, let's deal first with the temporary land-take for worksites. To what degree may there be scope, as design continues, to take less land at this location?

(Mr Berryman) Of course you will appreciate we are a very long way from letting contracts yet for this work. The method which the contractor chooses to use, the kind of plant he chooses to use and the method of work he chooses to use will to some extent determine the amount of land that he will take. What

we will do is bear down very heavily on them during the negotiation stage when we are letting the contract to make sure that they do take a reasonable minimum amount of land and that as much as possible of the lorry park is left for the temporary use. However, I feel bound to remind everyone that we have already said that, as far as the temporary situation is concerned, we are prepared to use all reasonable endeavours to find alternative sites off-site to accommodate the parking.

15972. Can we put up 003.⁹⁶ So far as the permanent land-take is concerned, the thin, purple sliver, to what degree is there any scope to take less land permanently?

(Mr Berryman) Obviously, as detailed design goes on, one of the things we will do, as is done in any form of design, is to try and make sure we take the minimum amount of land and there may be a little bit of scope to reduce that somewhat, but certainly not enough to make it go away, so there is always going to be a narrow strip of land along there which we will need to take for the purpose of realigning the DLR. To explain why that is, as I think members of the Committee will know, we intend to take over the North London Line in this location, but just at that point is where our tunnel portal is, where the track descends into the ground, and the tracks have to be splayed so that they can get into two tunnels, so we need to take a bit more land than is there now. We are talking a matter of single metres, I think, in that case.

15973. In relation to the amount of land that is being taken, as the Managing Director of Crossrail, in your view, is there sufficient justification to seek an additional provision to CPO the other land off-site for the replacement of that?

(Mr Berryman) I do not think so. I think the point to be made is that all the other land in the area which is a potential car parking site belongs to somebody. It is all development land. As has been said already, the ExCel scheme has been a major contributor to the redevelopment of this area and the regeneration. The coming of Crossrail will be an additional regeneration and it is not appropriate to be taking someone else's land which is development land for the purposes of repaying ExCel with their development land, particularly bearing in mind the very small size of this site. If we were to provide an equivalent area of land for the ExCel company, the site would be a very small site and it would not be big enough to be usable on its own account and, for that reason, I do not think it could be justified.

15974. Thank you very much, Mr Berryman.

15975. **Mr Newcombe:** Sir, much as it would be perfectly delightful to talk to Mr Berryman, I am satisfied that the Committee has a sufficient grasp of the issues between us. We do not agree, but no purpose would be served by cross-examination.

⁹⁶ Crossrail Ref: P111, Proposed Lorry Parking Areas (NEWMLB-7304A-003).

 The Petition of the ExCel Centre

The witness withdrew

15976. **Mr Liddell-Grainger:** Ms Lieven?

15977. **Ms Lieven:** First of all, sir, and most importantly, this is a case where it is really important to keep things in perspective. I ask the Committee to compare ExCel's exhibit 008 with ExCel's exhibit 010 as far as permanent land-take is concerned and then to compare that impact with the benefit of Crossrail to ExCel.⁹⁷⁹⁸ Let's just take a breath and see this in context. Having taken that perspective, one should then see the rather forensic criticism of Mr Anderson in cross-examination about his knowledge of the Mott MacDonald Report. Can I deal first with temporary, then with permanent and then with compensation.

15978. Temporary—we have given an undertaking that we will work with ExCel to find off-site alternatives. We have given an undertaking that we will work at the detailed design stage to minimise the duration and area of the temporary land-take. Everybody agrees that there are sites available off-site and that is proven if by nothing more than the 11,000 spaces that ExCel manage to find off-site when they need them for the Motor Show or want them for the Motor Show. We cannot designate the site now because this is an area where things change quite rapidly, but there is no issue that a site can be found and there is no issue that we will work with ExCel to find a site. Therefore, in my submission, there is no issue; temporary is just not a problem.

15979. So far as permanent is concerned, we are talking here about the loss of a maximum of 16 HGV spaces—compare ExCel 8 with ExCel 10. Even then, it is clear from the photographs in the bundle that they are by no means always used for articulated lorries that have to park in this way. Often the area seems to be used for Transits which can park ultimately in the undercroft of ExCel 1 or 2, but let us accept that at some very busy times there will be a loss of surface car parking here for up to 16 artics. That has to be taken against the background of the major improvement, massive improvement really to public transport accessibility to ExCel from Crossrail which means that a very large number of existing ExCel space, something between 200 and 400 existing spaces, will be freed up because of, as ExCel's own transport expert says, something like a 10% shift in modal share. Some of those spaces would undoubtedly be in the undercroft and not appropriate for artics, but there will, even under ExCel 2, be surface-level car parking that could perfectly well be used by articulated lorries instead of the sliver that is going to be lost. The only case that Mr Melrose puts against that is, well, they would like to keep the freedom to use those areas for other development.

15980. Ultimately, sir, what this comes down to is ExCel asking us to CPO somebody else's land, a n other's land which also has development potential in order to keep ExCel's development potential. In my submission, the ultimate problem is that whoever the unlucky loser on the AP was would have a very strong case to come along and say, "That's simply unjustified given the minimal impact on ExCel and the massive benefit to ExCel from Crossrail". Therefore, in my submission, there is just no justification in this case to go around CPOing somebody else's land.

15981. If I can then turn to compensation, there are three reasons why it would be wholly inappropriate to depart from the Compensation Code here. First of all, there is the one which we always say, that they are seeking a departure from the Compensation Code and to depart in individual cases or even on an individual project from the Code would be unfair in principle to all the other people around the country who get CPOed who do not have that benefit, so there is a really strong case in equity for not making exceptions here and there and leaving the matter to Parliament on a national public basis to decide what fair compensation provisions are. That is number one.

15982. Number two is if this Committee or indeed Parliament made promoters of infrastructure projects responsible for business losses, then, I would submit very strongly, you would stop any infrastructure projects in the UK dead because it would simply be impossible to finance them.

15983. Thirdly, the policy behind the Code, because one can trot out this Code and ultimately the Code might be terribly unfair and completely wrong, but it is important to understand the policy behind the Code in this case and it is made crystal clear by ExCel's case. ExCel will get a massive benefit from Crossrail and that will be directly reflected in the profitability of their business because so many more people will be able to get to it easily. Crossrail does not get a cut of that massive increase in profitability, that is a matter for ExCel. They get that benefit, that is for them. There is a swing and a roundabout. There is a small disbenefit here from taking land for which they will get compensation, but that has to be seen in the context of the benefit that they get from the infrastructure improvements. Therefore, in my submission, actually this is a case perhaps not surprisingly where the Compensation Code is completely fair, so, in my submission, the Committee should have no hesitation in dismissing the compensation argument. Thank you very much, sir.

15984. **Mr Liddell-Grainger:** Mr Newcombe?

15985. **Mr Newcombe:** Sir, thank you. In the light of the helpful crystallisation of the issues and the substantial amount of agreement between the Promoters on the one hand and your Petitioners on the other, I hope I can take this reasonably shortly. I am conscious that is forever the claim of counsel, but if I go on a little longer, I hope for some indulgence.

⁹⁷ Committee Ref: A176, Excel London—Lorry Management Venue Overview (NEWMLB-17305-007).

⁹⁸ Committee Ref: A176, Impact on Lorry Parking Post DLR Realignment (NEWMLB-17305-009).

 The Petition of the ExCel Centre

Perhaps I could have up please, by way of an aide-memoire A177, I think, which is our position statement.⁹⁹ I do not intend to read this, but it may be helpful if we have the structure of it in front of us.

15986. The matters of agreement massively exceed the area of dispute. There is no dispute between the parties as to the international importance of the ExCel facility, nor, as I understand it, is there any dispute as to the compass, the desirability or the importance of ExCel continuing to develop in order to meet markets. Mr Melrose, I said this very slightly critically of him, used an adjective which is not always helpful of “21st Century” to describe that. What we have to bear in mind is that these types of world showcase, and I do use the words “world showcase” advisedly, for trade involve matters of perception as well as actuality, and a facility which does not have the flexibility to continue to develop is moribund without more. Again there appears to be no dispute as to that.

15987. There is no dispute as to the physical extent potentially in terms of temporary land-take nor permanent. Of necessity in a project such as this, the precise extent, timescale, duration and location of the construction sites will be detailed in due course and it is not susceptible for identification at this stage. I make no complaint, it goes with the project, but the overall ambit of it and order of magnitude is identified. There is no debate but that there are sites available in the area where the effects, which are accepted, will be adverse, merely a debate as to how adverse, which can be prayed in aid and used. Indeed the mitigation which the Promoters encourage and endorse to you is predicated on the use of such matters. Indeed they are offering reasonable purpose to assist in identifying and using those. It follows that the only debate is as to whether or not the Promoters should effectively be asked in polite terms to put up or shut up through a mechanism they themselves have identified in their minutes of 26 June, you will recall, and there is no debate but that the additional provision route is available here. There are sites to which it could be applied and it is no part of today’s proceedings that we need to identify those. The provision is, therefore, there and, as I understand it, in other areas there are additional provisions already being contemplated.

15988. In those circumstances, it is instructive to look at Mr Anderson who was the primary witness on behalf of the Promoters. In answer to my question, the only reason he was able to advance in any sensible transportation planning terms as to why an additional provision should not be promoted to give the additional certainty which the Petitioners say is commercially required, he first of all referred to the Crossrail benefits and then when I asked him, “Well, they are not going to change, are they, whether you have an additional provision or not?”, he very fairly accepted that they would not.

15989. It therefore follows that the promoters own expert in these matters, looking at it in terms of transportation of access, was himself unable to give the Committee any reason why an additional provision should not be promoted. It is highly understandable that Crossrail say to you that those are adverse impacts and nonetheless they are not very big and by a little bit of squidging here and a little bit of squodging there the problem can be dealt with. There are two fallacies to that.

15990. Firstly, squidging and squodging so far as it exists as a technical term is not the sort of thing that one wants for a 21st Century centre for the reason that Mr Melrose identified. Certainly calling lorries forward by mobile phones and saying to the driver, “Can you please go down, if you turn left to the third on the right, you can park outside Mrs Jones until we call you forward”. That is no way to run an international exhibition centre and the additional fallacies, in the way that Ms Lieven put it to Mr Melrose, were to identify. Starting from the existing situation to go around and look at where they are existing as yet under developed areas used for car parking, you can say, “If you save these, Crossrail will bring in more people by rail and therefore you can save”. That is fallacious for two reasons. One is that Crossrail has produced no evidence to the persons of this petition to identify that those savings are going to crystallise in relation to this particular exhibition centre. Even more importantly, identified earlier is a matter of agreement that the development proposals, the continuing development through phase two and, or indeed consented through subsequent phases are an essential an integral part of the ExCel, it cannot stand still. Therefore, it follows that these sites are substantially already bespoke. In those circumstances, Sir, I entirely take Ms Lieven’s point that an additional provision is a polite way of talking around the fact that it would require the giving of powers to the promoters to acquire, under the threat of compulsion, land belonging to others. There is no use being mealy-mouthed about it, that is what we are asking for.

15991. What we are asking the Committee to do, with respect, is to draw that balance. We say that if the ExCel centre is of sufficient importance to warrant that, and again the promoters own highways transportation witness himself was unable to identify any good reason in drawing precisely that balance as to why an additional provision should not be promoted. In those circumstances, Sir, we invite the Committee to debate and rule in the terms set out in the position statement which I will not go through, it is subject to identifying two matters. You will recall that if we look at 1.3, paragraph 1.31, the promoters have not produced nor have any submissions made as to why they should be granted the right permanently to require land which they themselves have accepted that they are only going to require temporarily and this is not the case where the Committee has to deliberate, there simply is no case on behalf of the promoters to justify those powers. Those elements fall.

⁹⁹ Committee Ref: A177, Position Statement on Matters Not Agreed with the Promoter (SCN-20060713-004 to -006).

The Petition of the ExCel Centre

15992. As regards the 500 meters point in paragraph 1.4(1.42), that point was covered by Ms Lieven in cross-examination of Mr Melrose and you will recall the way in which he identified that 500 meters as a planning figure, planning in the sense of a useful yardstick. Of necessity it cannot be a precise figure but that is an indicator of the degree of proximity which we say would be appropriate. I turn then to the question of compensation provision, Sir, and I can deal with that briefly and you will recall it is A178. I say the following things about that. Firstly, it is not in dispute that there are precedents for such site specific or petitioner specific departures from the compensation code. They have to be justified and they have to be applied with caution and discretion but there are precedents for them, that is not the matter in dispute, it is between the promoters on the one hand and the petitioners. Secondly, the arguments which Ms Lieven advanced in cases of the compensation code therefore would be grossly unfair to depart from.

15993. As the Committee will be aware as is common in these things, and I make no criticism of the promoters here, it is common in almost every works bill or transport and works act order I have encountered. The promoters themselves are here bringing provisions to alter in various ways the application of the compensation code so they themselves have put the first breach. What we are talking about is an additional provision here. They are, themselves, modifying in exactly the same way. The position here also is that effectively in those circumstances we are saying that which is sauce for the goose is sauce for the gander but I stress, Sir, we only raise this point with the Committee on the basis that we accept entirely that the onus is on us to justify it here, this is a departure from everything, whereas, in the rest of our case, we say the onus is on

the promoters to justify that which they require. They have not and therefore they need to demonstrate why they put in an additional provision or else promote one.

15994. In respect of the compensation provision, I entirely accept that the onus is on us in my submission. The evidence produced by Mr Melrose is sufficient to overcome that threshold or hurdle. Even with the Committee against me on that, the relevance of the compensation point and the fact that the compensation code, as is well known, has shortcomings within it in the sense that there are limitations on its ability to compensate for business loss reinforcing the earlier points which I was making because if one adds that into the equation of the functioning of ExCel in my submission, the fact that the compensation code has difficulty there reinforces the requirement, underpins the case for the promoters bringing forward an additional provision because that in itself would avoid most of the problem which we, the petitioners, have.

15995. Sir, unless I am reminded of any other points by those who instruct me which I need to draw to your attention now, those are the submissions I would wish to make. Essentially, I will return to where Mr George dealt with the Maersk petition. The promoters simply have not justified the powers they seek here unless and until they carry out the exercise we have sought to encourage them to do, promote and come forward with additional provisions. Those are my submissions unless there is anything else I can assist the Committee with.

15996. **Mr Liddell-Grainger:** Not at this stage. Mr Newcombe, thank you very much indeed. Mr George, would you like to deal with Mendip. I am recessing at half past four. I leave it in your capable hands.

The Petitions of Mendip Rail Ltd

Mr Charles George QC appeared on behalf of the Petitioner.

15997. **Mr George:** Petition 157, Mendip Rail. Mendip Rail is a company jointly owned by aggregate companies Hanson Quarry Products Europe and Foster Yeoman, whose petitions you are going to hear in the Autumn, having been deferred from yesterday. Mendip Rail is an unusual railway company, in that, whilst it owns and maintains its own trains and wagons which transport aggregates on the rail network, particularly on the Great Western but to a lesser extent also on the Great Eastern Lines, it is not a licensed freight train operator. It is in a unique position: it has its own trains, but it contracts with one of the freight operators to provide the train crews for their trains. At the present time, the contracted operator is EWS, but the position could change in the future.

15998. Mendip Rail does not have any property interests in the various goods yards threatened by the Crossrail proposal, with the exception of

Plumstead, which I shall come to in a moment, although its activities depend on there being secure access to goods yards on the Great Western Line and in particular to West Drayton and Acton Goods Yard and Colnbrook. They are also about to take an interest in the Plumstead Goods Yard and are concerned that if that strategic site is lost another should be made available in its vicinity.

15999. I should make it plain that Mendip Rail have always known of the threat of Crossrail to the Plumstead site but they have not known the extent of the threat, and it seems that the extent of the threat still remains uncertain. We will come later to look at what Mr Berryman said on that matter on Tuesday evening of Day 51.

16000. Most of the matters which were raised by EWS applied equally to the Mendip Rail Petition and therefore we can take those matters extremely quickly. Sir, we are heartened at Mendip Rail by the

The Petition of Mendip Rail Ltd

statements which the Committee made yesterday morning, and I refer particularly to Day 52, paragraph 15258, that the Committee was concerned to know exactly where we were going on timetabling and were seeking a response. That is a great encouragement to Mendip Rail. They simply desire to put it on record that they may wish to comment on whatever is forthcoming and that it is very important that the further work takes into account AP3, which concerns, as we understand it, the alteration of the depot sites. That is a very important matter to the whole question of timetabling and it would be wholly artificial if AP3—albeit that it is not yet formally before the Committee—were to be ignored by those who we hope are going to be working very hard on some timetabling over the coming weeks.

16001. Sir, there is one specific point which Mendip Rail is going to be raising in relation to compensation. Because they are not actually operating trains on the line—as I have already explained, they are being driven by others—they do not have the benefit of the railway procedures to ensure compensation for disruptions and so forth. On the other hand, for reasons which will be explained by Mr Taylor, they anticipate that they will suffer considerable losses in the form of additional costs during the construction period and they do seek a specific compensation provision to cover those losses.

16002. Sir, with that said by way of background, I will proceed straight away to call Mr Taylor. There is a bundle of exhibits. You will be delighted, I fancy, to find that it is such a slender bundle, and I am told you will want to give it a number.

16003. **Mr Liddell-Grainger:** Petition Mendip Rail, 157, will be A179.

16004. **Mr George:** Sir, we shall need to make a reference to the EWS exhibit at one point, document A145, if arrangements could be made to put that up on the screen.

Mr Alan Taylor, Sworn

Examined by **Mr George**

16005. **Mr George:** Are you Alan Taylor?
(*Mr Taylor*) I am.

16006. Are you the managing director of Mendip Rail Ltd?
(*Mr Taylor*) Yes.

16007. How long have you held that position?
(*Mr Taylor*) Eleven years.

16008. For how many years have you worked in the rail industry?
(*Mr Taylor*) Thirty-seven years.

16009. For how many years as a rail manager in the quarrying industry?

(*Mr Taylor*) Twenty-six years.

16010. I think you are a member of the Institute of Quarrying.

(*Mr Taylor*) That is correct.

16011. Can you very quickly explain your responsibilities within Mendip Rail.

(*Mr Taylor*) Yes, it is the negotiations of rail haulage contracts, the purchase of rail rolling stock, maintenance contracts and the day-to-day management of Mendip Rail, tying in with all the various bodies such as the Rail Regulator when we do get involved with the Railway Inspectorate.

16012. Would you explain the position about operating trends.

(*Mr Taylor*) Yes. Mendip Rail, as you say, is not a licensed operating company. We manage the trains on behalf of, primarily, Foster Yeoman and Hanson. We are based on a fixed timetable. We weekly alter that timetable and run trains mainly to the South East and the South of England. At the moment EWS is the main haulage contractor that we work with.

16013. I think it is right that you get EWS to haul, in your trains, aggregates from the Mendips up the Great Western Line, and some of them go to the east and all the way out along the line into East Anglia.

(*Mr Taylor*) That is correct.

16014. In addition, you also haul aggregates from places like Dagenham, which come up the Barking Line and through the areas we have been concerned with, the Stratford/Gospel Oak section of the Great Eastern, and up on to various routes around London which we have been talking about earlier on in the hearing.

(*Mr Taylor*) That is correct, yes.

16015. Could we put up your exhibit 1, please.¹⁰⁰ Would you explain graph one for the Committee.

(*Mr Taylor*) Graph one highlights that Mendip Rail moves roughly over six million tonnes a year. Of that, 74% will be affected either on the Great Western Main Line or the Great Eastern by the Crossrail development.

16016. You are not suggesting that will all be wiped out, but bluey-purple colour is the area which is potentially affected because it goes on these lines.

(*Mr Taylor*) Correct.

16017. Then graph two.

(*Mr Taylor*) Graph two highlights that, at the two Mendip Quarries, the 3.6 million tonnes that comes up through Reading and on to the Great Western

¹⁰⁰ Committee Ref: A179, MRL Tonnages affected by Crossrail (LINEWD-15705-001).

The Petition of Mendip Rail Ltd

Main Line (70%) will be affected by Crossrail. So 5.19 tonnes is the total out of the Mendips and 70% will be affected by Crossrail.

16018. Graph three, please.

(Mr Taylor) This is the other tonnage that you related to it which comes from Dagenham, South Wales, the Midlands, into the London area. As you will see, 98% of that tonnage will be affected again by Crossrail.

16019. Therefore you regard the operations you carry out as very much potentially affected by Crossrail.

(Mr Taylor) Correct.

16020. If we could put up, please, Exhibit 2.¹⁰¹

(Mr Taylor) This highlights really the influence of Acton on our operations and it highlights the diversity of all the lines coming across the country. We will see that the ones with the orange dots are where we load material, so it is not just limited to the Mendip Quarries. It includes south Wales, it includes Avonmouth, and then, over on the east, Marks Tey, Parkeston, Dagenham and the Isle of Grain in Kent. You have loading areas around the outside of that and running the trains into the centre all through Acton. The yellow line, for example, represents, from the Mendips, 3.6 million tonnes, and you can see the diverse terminals it serves, down into Kent and up into East Anglia.

16021. Let us turn to the specific topics. So far as the matters of capacity and timetabling are concerned, those have been dealt with by other witnesses. First of all, do you support what they have said?

(Mr Taylor) I do.

16022. Secondly, do you seek the same relief by way of undertaking as they sought, and by that I mean EWS and Freightliner?

(Mr Taylor) I do, yes, because all they are doing is replicating my demands.

16023. Is it right to say that it would not be helpful for you to add anything on those matters because everything has been said?

(Mr Taylor) I think it has, yes.

16024. Just one matter though, do you anticipate any circumstance in which aggregate flows coming from the Mendips are going to remain at existing levels, or do you anticipate them growing by 2015?

(Mr Taylor) They will grow, and they have grown over the years; but I think there is one clear point with aggregates: take this time last year, we did not know that the Olympics was going to happen and I think that is very much the way the aggregates happen, that something occurs and the demand goes up and down. That is really what we are adjusting to, this up and down demand. This is why I have only referred to 2006 in all my exhibits this year, because it is a very fluctuating market. I believe it will grow because of the demise of aggregates, particularly in the Thames Valley.

16025. Secondly, so far as the railway clauses and the Access Option are concerned, a considerable amount of evidence has been given. Do you again support that evidence?

(Mr Taylor) I do, yes.

16026. Do you want to add anything on those matters?

(Mr Taylor) Not at this stage. I think it is for EWS and Freightliner, as my haulier, who are responsible for those; but I think it is important that we keep the access and it is understood and clear on the relief lines (on the Great Western particularly) at all times. I will leave it to others to get the right answer on that. It is essential.

16027. There are just three sites I want to refer to. The first site I want to refer to is West Drayton. I ask if there could be put up on the overhead the Promoters Plain English Heads of Terms about West Drayton.¹⁰² This is a document supplied to the rail companies last week. First of all, when we are dealing with West Drayton I think we have to draw a distinction, do we not, between the West Drayton site, where Lafarge operate, and the site known as West Drayton East, with Hanson?

(Mr Taylor) That is correct, yes.

16028. Let us start with the main site at West Drayton where Lafarge operate. Do you supply them?

(Mr Taylor) We do.

16029. We there see what the Promoters are saying, and they say it would have extinguished EWS but the Promoter is promoting an additional provision whose effect would be to protect the existing Lafarge interest on the site, and it has prepared a draft undertaking giving effect to this. Pausing there, provided that happens and Lafarge are able to continue there and able to receive your trains, would you be content?

(Mr Taylor) I would, yes.

16030. Then it goes on further to say that the Promoter is also promoting a revised depot strategy. That is a matter which is entirely going to depend on whatever we see when AP3 comes out, is it not?

(Mr Taylor) Yes.

16031. And therefore is not really a matter for the present—save if EWS can stay there I imagine you would be delighted?

(Mr Taylor) Exactly, yes.

16032. There are two related matters. Could we please have up on the screen the document which was EWS16, and that is in the EWS bundle of

¹⁰¹ Committee Ref: A179, Mendip Rail Limited—Distribution routes via Acton Yard (LINEWD-15705-002).

¹⁰² Committee Ref: A179, West Drayton, Plain English Heads of terms—The Promoter's position (SCN-20060713-010).

The Petition of Mendip Rail Ltd

documents A145.¹⁰³ This is a list of Bill capacity enhancements which EWS and Freightliner were seeking. If we go to the bottom of the first page where West Drayton is seen, we can see a reference to certain works which are planned there. In the third column they are described as Works 3/9, 3/10 and 3/10A, and they are all matters which are in the Bill and have been environmentally assessed. How important are those works?

(Mr Taylor) As I understand it, they are critical for the working in that area for the timetable to work and for access to our sites and the Colmbrook Branch and the area to make the freight trains blend in with the other trains.

16033. Can you imagine any circumstances in which it would not be essential to have those works before the first Crossrail train ran on the line?

(Mr Taylor) No, I could not.

16034. Could we please scroll down to the next page and the top item and could we blow up the top section, West Drayton, dealing with Works 3/10 and 3/10A-B?¹⁰⁴

(Mr Taylor) Again, I think it is like the previous sheet, it does apply to the working of the trains in that area and the access to our sites in that area and the free running of the trains operating onto and off the Colmbrook branch.

16035. So far as Colmbrook is concerned, it has its access, does it not, from West Drayton?

(Mr Taylor) It does, yes.

16036. Do your trains serve Colmbrook?

(Mr Taylor) Yes, we do.

16037. Are those Works we have just been looking at, 3/9 and 3/10, important also for access to Colmbrook?

(Mr Taylor) As I understand it, yes

16038. No more on that matter. Could we then go back to the Promoters Heads of Terms for Acton.¹⁰⁵ This is what the Promoter has agreed: first of all, to form a working group. I think you are involved in that working group, are you not?

(Mr Taylor) I am, yes.

16039. That says that those will be people who will give due notice of proposed changes and will be consulted on matters such as track layout, programming and possession planning. Is that something which is very important and which you want written down in a document?

(Mr Taylor) It is essential, yes.

¹⁰³ Committee Ref: A145, List of Bill Capacity enhancements and other enhancements mentioned in Crossrail documentation (LINEWD-190605-057)

¹⁰⁴ Committee Ref: A145, West Drayton, List of Bill Capacity enhancements and other enhancements mentioned in Crossrail documentation (LINEWD-190605-058)

¹⁰⁵ Committee Ref: A179, Acton Yard, Plain English Heads of terms—The Promoter’s position (SCN-20060713-011).

16040. As I say, that is being worked on and you have just laid down a market that it is critically important?

(Mr Taylor) It is, yes.

16041. So far as the third matter is concerned, to work with the rail served tenants to reconfigure the site and so forth, and to permit construction of the dive-under and the existing rail served activity, we understand that to be part of AP3 and, therefore, it is premature at this stage; but how important is it to Mendip Rail that you are still able to have access to that site and to the existing tenants there to take your aggregate?

(Mr Taylor) As was shown by my diagram earlier on, I think it is essential for the operation of our trains through the yard and also to the sites that we have got at Acton, which are my two customers; and we must have continuous supply to them.

16042. Could we go back to what we had up there. There is a reference there to the “dive-under”, how important is that?

(Mr Taylor) Again, I think it is essential.

16043. There was talk about the up relief-line at Acton on Tuesday evening. Do you remember that?

(Mr Taylor) I do.

16044. I think at the present you do not send any trains directly north of Acton; they all go into Acton and you split up your trains there. Is that right?

(Mr Taylor) That is correct.

16045. The time might come when you no longer had a contractual relationship with EWS, so what is your view about this up relief-line?

(Mr Taylor) I think there was a comment made by Ms Durham yesterday which I think was that it is essential. If EWS have got full control of the yard that would affect competition and us using different train operators through the site. Also, in the case of any disruption, you have got an alternative line there which is controlled by Network Rail, I imagine.

16046. The last matter here is Plumstead, which is one of the strategic sites in which you are about to acquire an interest. We do not need an exhibit. When Mr Berryman gave evidence, Day 51A at paragraph 15050, he said that was going to look at the question as to whether it was possible to maintain a freight site at Plumstead. How important is it that there should be a freight site at Plumstead?

(Mr Taylor) It is very important because the South East of London is developing, and certainly we have been looking for the last two or three years at putting a depot in that area.

16047. The Thames Gateway area, which is one of the focuses of the Government’s planning, has a substantial area south of the river, does it not, just east of Plumstead?

The Petition of Mendip Rail Ltd

(Mr Taylor) Yes, and there are very limited strategic freight sites in that part of the world. Graham Smith made a comment about “must have rail access”; but any site must have road access as well, planning permissions and also areas to stock materials.

16048. Can we put up on the screen your exhibit MRL3, dealing with compensation.¹⁰⁶ Could we please zoom in on it. I explained that you are seeking a special compensation. Can you please explain the two circumstances during construction which are likely to lead to loss which will be uncompensated unless you have a special provision?

(Mr Taylor) Yes, one will be extended journeys for trains, so we will have to purchase more wagons and locomotives to run our existing business.

16049. **Mr George:** Why will there be extended journeys to trains?

16050. **Mr Liddell-Grainger:** I suspend the sitting until Tuesday, 10 o'clock. There is a division in the House.

¹⁰⁶ Committee Ref: Acton Yard, Plain English Heads of terms — The Promoter’s position (SCN-20060713-011).

Tuesday 18 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Brian Binley
Ms Katy Clark
Mr Philip Hollobone
Kelvin Hopkins

Mrs Siân C James
Mr Ian Liddell-Grainger
Mrs Linda Riordan
Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

16051. **Chairman:** First of all, can I start by reminding the people present that we have agreed once again to dispense with gowns and wigs on behalf of the legal representation so I will not return to this matter until the Autumn. We will take that as standing until we return in October or whenever it is. Today we are hearing a number of petitions. We are re-visiting the Mendip Rail Limited petition. I understand Mr Taylor you are ready.

16052. **Mr Taylor:** Before we begin perhaps I might interpose with one housekeeping matter which relates to information the Committee requested in relation to the costs for providing an acoustic cocoon for the British board of film classification. We have prepared a note which has been provided to the clerk and I think he is going to hand them out. I do not know if you want to give this document a number?

16053. **Chairman:** A180.

16054. **Mr Taylor:** Thank you. I will not go into the detail of what it provides because the Committee can see.

Mr Alan Taylor, recalled

Further examined by **Mr George,** continued

16055. **Mr George:** Thank you, Sir. We were at the very end of the evidence of Mr Taylor. Perhaps we could put up on the screen exhibit MRL3 from document A179 which was the Mendip Rail exhibits.¹ Mr Taylor you were seeking a special compensation provision and I said to you it was for two reasons. When you were cut off last time, you were explaining that the first of those reasons was there would be extended journeys for trains so you would have to purchase more wagons and locomotives to run your existing business, that is at Day 53, paragraph 16055. I then asked you the question why will there be extended journeys to trains and at that point the division came so, could you explain that matter, please?

(Mr Taylor) During the six or seven years construction period there will obviously be periods when the line is closed and when the trains are diverted on diversionary routes so during that period there could be an extra hour or two hours in journey time to London. In that case the round trip

of our locomotives will not occur so we will probably have to maintain the same level of service and purchase or lease additional resources during that period, there is a risk of that happening.

16056. Then, there was a second reason why you thought you would have to acquire additional trains and that, I think, is a question of increased frequency. Could you explain that to the Committee in a couple of sentences?

(Mr Taylor) Yes, for example, Acton Yard might be shut for a week or two weeks whilst some construction work is happening. We will have to stock it up before the event and after the event in which case we have got to find the additional resource to do that.

16057. This is a loss directly occasioned by Crossrail during construction for which you would get no compensation unless the Committee saw fit to include an additional provision.

(Mr Taylor) That is correct.

16058. Or you had an undertaking to that effect?

(Mr Taylor) That is correct.

16059. That concludes your evidence, Mr Taylor.

(Mr Taylor) Yes.

16060. **Mr Taylor:** Sir, I am not going to cross-examine Mr Taylor if only to avoid the problem of Mr Taylor cross-examining Mr Taylor! With the greatest respect, I will move straight to the closing submissions if that is satisfactory.

16061. **Chairman:** Before you do, Mr Taylor, thank you for your evidence.

The witness withdrew

16062. **Mr Taylor:** In large part the concerns raised by Mendip Rail have already been addressed before the Committee so I will make this as brief as possible. Firstly, there is a request that when Mendip Rail is involved in forthcoming work on timetabling, the promoter has explained that the consideration of timetabling will be taken forward as part of the access option process and that process involves necessarily consultation with those interested in the rail industry. The way in which the timetabling incapacity issues are going to be taken forward has been set out and provided to the Committee in the "Crossrail timetable working group and access option processes next steps". So far as capacity and timetabling issues are concerned generally the

¹ Committee Ref: A179, Exhibit MRL 3 (LINEWD-15705-003).

 The Petition of Mendip Rail Ltd

position was explained by Ms Lieven on Day 51, paragraph 15097. In relation to the railway clauses, the same arguments have been raised by Mendip Rail which were raised by EWS and Mr Elvin explained the position with regard to the railway clauses in the Bill on Day 48, paragraph 13676-13678.

16063. The request that there is a guarantee of capacity enhancements will come forward. That has been addressed by Ms Lieven on Day 51, paragraph 15098. The position is, in a nutshell, we are not prepared to commit at this stage to build all the structure enhancements identified. Mr Elvin has given an undertaking in a slightly different form, Day 58, paragraph 13681.

16064. So far as the position regarding the yard at Plumstead is concerned, the petitioners require that not to be lost as a freight site. Mr Berryman explained the position with regard to the Plumstead Yard on Day 51, paragraph 15055 and he explained that Crossrail is going to look at the position of the yard again although he did express doubts that it could be retained as a freight site.

16065. So far as compensation is concerned, Mr Elvin gave an undertaking on Day 48, paragraph 13928 in three parts. Firstly, that industry mechanisms will apply whether the access options used to gain the necessary rights for Crossrail to run or, whether the Bill can be used. Secondly, where an industry mechanism exists it will be used and in my submission that addresses the concerns which Mendip Rail have raised, particularly in relation to additional journey times. The works being done at the moment on the railway give rise to journey times and I am instructed that there are mechanisms that address the compensation in respect of that. Thirdly, where there is no industry mechanism and a new mechanism has to be developed one will be drawn up applying the principle of no net benefit and no net loss. That, in my submission, covers the points being raised by Mendip Rail unless there is anything else that I can assist you with.

16066. **Mr George:** Sir, I can be very brief in closing. When I opened the case for Mendip Rail I explained that many of the matters were those raised by EWS on Day 51 but I want to make four points, if I may, in closing. The first is that Mendip Rail, like EWS, are vitally effected by proposed additional provision three and their concerns at West Drayton and Acton would need to be further articulated but for the fact that additional provision is forthcoming. Of course, at the present time the promoters have the advantage that on the one hand, "Do not worry about your concerns because there is going to be additional provision three", and then we seek to discuss additional provision three we are told that it is not yet before the Committee and therefore it cannot be discussed. I simply lay down a marker that we are encouraged by what we have so far heard about

additional provision three but we will want to review it and consider our position, particularly at West Drayton and Acton in the light of the contents of that provision.

16067. The second matter is compensation and you have seen on the screen what it is we are seeking. That is a matter which, despite what Mr Reuben Taylor said, is quite unaffected by the undertakings that Mr Elvin has given. The position is that Mendip Rail are in a unique position of being a railway company operating a frequent freight service but doing so through a licenced freight operator, at the time being EWS. The industry compensation provisions will, to an extent, compensate EWS for its losses although you may recall that EWS sought additional compensation provisions. Those industry provisions will provide no compensation at all to Mendip Rail in their unique situation and this morning Mr Taylor has explained two circumstances in which he envisages it as virtually inevitable that he will have to invest in further wagons and further trains to deal with the very particular circumstances that are going to arise during the six to seven year construction period. I do not repeat his evidence but if that is accepted and there is no cross-examination of it it seems to be accepted then what we say is, "Why should there be special provision so that they are compensated for those extra costs during the construction period in the way we have set out in MRL3".

16068. The third matter is the question of the freight enhancements. The Committee will recall that the Bill includes a number of freight enhancements that all the timetabling work and modelling has been based on those enhancements and you have heard some further evidence from Mr Taylor about the key importance of the freight works at West Drayton. Those are the works which are 3(9) series and 3(10) series in the Bill. The key importance of the Acton dive under and the key importance of the additional matter we seek is the relief line at Acton and our submission is that all those works ought to be incorporated. The Committee has heard no evidence from anyone to suggest that those works are not necessary. The Committee may recall that Mr Watson of the timetabling group said that the Acton loop was essential when he appeared on Day 48 appearing for the promoters. When Mr Berryman appeared on Day 51 he readily accepted that there was a strong case for the Acton relief line because otherwise freight cannot go east of the Acton yard without going into the Acton yard for the very simple matter that the freight can not go under the dive under. Those are essential matters which Crossrail should be giving undertakings in respect of. The last matter is the question of freight capacity and timetabling. I remind the Committee that Mendip Rail services used all three lines with which the Committee has been dealing in connection with freight. That is the Great Western line itself, the Great Eastern going out to East Anglia and the Barking line going to Thameside.

 The Petition of Mendip Rail Ltd

16069. The last two have been very much affected by the famous pinch point between Stratford and Gospel Oak. If I could ask Mr Fry to put up EWS15, and if you could zoom in a little bit, this was one of the EWS exhibits.² If I could ask the Committee to concentrate on the right hand side of the column because that deals with the key position 2015 freight timetable with Crossrail and freight growth and so far as the Great Western mainline there is a question mark in every box.

16070. If one then goes to the Great Eastern mainline it plainly does not have adequate capacity for freight and there are question marks in all the other boxes. That is the concern of Mendip Rail that there is so much uncertainty in respect of both lines. Mr Reuben Taylor has referred the Committee to a paper which I do not suppose the Committee would have had time yet to read. It has not even got a number. It is called “Crossrail Timetable Working Group and Access Option Process Next Steps”. As I say, Mr Taylor referred to it so I assume that the Committee have it. We received it courtesy of your clerk yesterday afternoon and we are very grateful. Can I simply say that we regard this as a disingenuous document. At a first reading, and indeed a second and third reading, you would assume that there were no question marks in the right hand column. You would assume that the working group as a whole was satisfied that there had been full completion of its task and that performance modelling had been done on the 2015 with-growth position. None of that is the position and the Committee who were here last week on Day

51 may recall that Mr Berryman accepted that there had been no modernising of any freight trains going into or out of any of the goods yards from the Great Western line in that right hand column.

16071. I simply ask the Committee to read this new document carefully—which I am sure the Committee always does—but also with a heavy pinch of salt. That brings me to my last words which are that this report says that a new group is being established. Apparently, the new group is called the Crossrail reference group and apparently it is to take over the timetabling and modelling work. It is very surprising that there was not a single reference last week or the week before to that group but if it is to be set up then that is a step forward. If it is, and the document says it is going to include EWS and Freightliner, that again is a step forward. Why does the document say it is not going to start its work until the end of the summer. One would have thought that it should be starting its work now and be carrying out much of its work during the summer. We shall be responding to that document, it goes to the heart of Mendip Rail’s concerns. Sir, having said that, I simply commend their petition to you and I am grateful to you for hearing this morning.

16072. **Chairman:** Thank you very much. That concludes Mendip Rail’s petition. We now move onto the next petition which is petition 289, “Save Britain’s heritage” and the representative is Adam Wilkinson. Would the Promoters like to set out counsel’s view?

 The Petition of Save Britain’s Heritage.

Mr Adam Wilkinson appeared on behalf of the Petitioner.

16073. **Mr Taylor:** Thank you, Sir. This petitioner raises concerns regarding buildings that have been demolished as a result of the Crossrail project in three broad locations so far as we have been able to ascertain from the exhibits provided. Firstly, they are buildings at the Farringdon East and Smithfield side. Secondly, buildings on the block on the south west quadrant at the junction of Tottenham Court Road and Oxford Street including the Astoria Theatre and lastly buildings at the Hayne Street area associated with the western ticket hall. I am going to take a little time in opening just to introduce the Committee to those buildings if that is satisfactory and just to explain the position briefly in relation to why those buildings are required. Starting firstly with the buildings at Farringdon East and Smithfield, they are to be demolished to make way for the eastern ticket hall of Farringdon station as proposed. The site has also to be used to accommodate ventilation from the Crossrail platforms, MIP access lifts, fire brigade access stairs and an interchange with the London underground platform at the Barbican. If I can ask Mr Fry to

assist me with taking the Committee to some exhibits briefly to show you what the buildings look like. Can we go to 28904A, page one, please.³

16074. Here, on the left-hand side of the slide we can see marked the particular buildings at 5 Lindsey Street and 56-64 Charterhouse Street, and photographs of the building on the corner. The top one being “decorated” is probably the right phrase—the bottom half decoration. If we turn to the next one, please, slide 2, we can see we are looking at the building on the other corner of Lindsey Street, 23 Long Lane.⁴ Again, the photo at the top of the right-hand side is a picture of the building before it was redecorated, and you can see what it looks like at the present time from the photograph below. It has to be noted that the Art Deco features are not original and date from the refurbishment in recent years. The witness Mr Mason will speak to that.

² Committee Ref: A145, Industry Timetable Working Group Progress (LINEWD-190605-054)

³ Crossrail Ref: P115, Smithfield House—5 Lindsey Street Photo and 56-64 Charterhouse Street (LINEWD-28904A-001).

⁴ Crossrail Ref: P115, 23 Long Lane (LINEWD-28904A-002).

The Petition of Save Britain's Heritage

16075. If we turn to the next slide, slide 3, here we are looking at the corner building in Long Lane—20-21 Long Lane.⁵ The Committee will remember that is next-door to the premises that are occupied by another Petitioner Mintel. If we go to the next slide, we go down into Hayne Street and we can see the properties at 8-9 Hayne Street.⁶ On the next slide, 5, here we are looking at a property known as 33-37 Charterhouse Square.⁷ You can see the location of that from the plan on the left. That, as you can see, is what one can describe as a triangular building, the corner piece being at the junction between Hayne Street and Charterhouse Square. None of the buildings you have just seen are within the conservation area in this location, except for the last one in front of you, 33-37 Charterhouse Square. In respect of the loss of that building, an undertaking has been given to the local authority that an appropriate solution for the loss of that building will be provided in consultation with the developers and that there are a range of solutions which may well include the provision of a replica facade. None of the buildings that you have seen in this location are listed.

16076. If I can take you to what is proposed in terms of the Crossrail in this location, on exhibit 28904-006, we can see the ticket hall that is proposed and the escalators here.⁸ There is a lift certainly on the westbound London Underground platform and Crossrail platforms there and the works that specifically affect the building we were just looking at, 33-37 Charterhouse Square, are here. You can see that they are marked as a lift serving the eastbound platform which is there. Mr Berryman will explain why those works are necessary and why it is that that particular building has to be demolished.

16077. Moving away from Farringdon and the Smithfield buildings and on to the south-west quadrant at the junction of Tottenham Court Road and Oxford Street, if we can go to exhibit 28904A-006, please, the Committee, I am sure, is familiar with this particular block of buildings.⁹ The first set of buildings are the buildings that turn the corner, as it were, 1-7 Oxford Street. You can see that those buildings comprise retail units at the ground floor level and I believe that the concerns raised by the Petitioner will relate to the upper storeys. Similarly, the next slide, slide 7, is going round the corner into Oxford Street.¹⁰ You can see 9-15 Oxford Street there and you can see the Clarks shop in the photograph and the entrance to the underground just next door.

16078. Slide 8, please.¹¹ Here we have a photograph of the Astoria Theatre, and its location is indicated on the plan. You will hear evidence that the Astoria is a converted warehouse that was remodelled for its present use in 1968. If we turn to slide 9, the Petitioner raises concerns relating to the loss of the pool and fountains by Centre Point.¹² We will explain the pool and fountains cannot be retained as this area is needed to enable the construction of the large ticket hall and to form new ticket hall entrances. The relocation of the pool will take up available space in the plaza to construct pedestrian routes. We will suggest that it is obvious that Crossrail should provide a station in the Tottenham Court Road location and provide an interchange with the Central Line and the Northern Line. To do that requires substantial works in the location in close proximity to the existing tube lines. In other words, works on the south side of Oxford Street, improvements to the entrances and, of course, the provision of a substantial worksite.

16079. There are two quadrants of land on the south side of Oxford Street: Centre Point, which is listed, and the south-west quadrant, which is not. So we would be presenting the case explaining that that leaves, in essence, only one quadrant that can effectively be used. Even then the worksite is very tight. If I can have exhibit 28904A-007 put up, here is a plan of the typical site layout during the station tunnelling excavation.¹³ Unfortunately it is on its side and north is to the right of the plan, so one has to turn oneself around slightly I am always very bad at east/west; I prefer left and right myself.

16080. As you can see, the worksite spans Sutton Row and contains a large number of stalls and workshops and will require access into the site for lorries and vehicles as well as space to move around within the site itself. So far as the buildings on the corner, buildings 1-7 Oxford Street and 9-15 Oxford Street are concerned, if we can go to exhibit 009, here we are the other way round; north is to the left.¹⁴ We can see outlined in red the existing buildings and underneath that in grey what is proposed. It can be seen immediately that right on the corner there is to be constructed a deep station box. That, as Mr Berryman will explain, will mean the corner buildings cannot be retained.

16081. Moving away from that particular quadrant and on to the buildings in the Dean Street area, there are two sites in Dean Street. The first can be seen in exhibit 28904A-016.¹⁵ There you can see on the plan,

⁵ Crossrail Ref: P115, 20-21 Long Lane (LINEWD-28904A-003).

⁶ Crossrail Ref: P115, 8-9 Hayne Street (LINEWD-28904A-004).

⁷ Crossrail Ref: P115, 33-37 Charterhouse Square (LINEWD-28904A-005).

⁸ Crossrail Ref: P115, 33-37 Charterhouse Square, Proposed Conceptual Plan (LINEWD-28904-006).

⁹ Crossrail Ref: P115, 1-7 Oxford Street (LINEWD-28904A-006).

¹⁰ Crossrail Ref: P115, 9-15 Oxford Street (LINEWD-28904A-007).

¹¹ Crossrail Ref: P115, Astoria Theatre, 157-165 Charing Cross Road (LINEWD-28904A-008).

¹² Crossrail Ref: P115, Fountains and Pool, Centre Point (LINEWD-28904A-009).

¹³ Crossrail Ref: P115, Tottenham Court Road, Astoria and Goslett Yard—Typical site layout during station tunnel excavation (LINEWD-28904-007).

¹⁴ Crossrail Ref: P115, Tottenham Court Road, Proposed plaza level showing outline of existing Oxford Street entrance (LINEWD-28904-009).

¹⁵ Crossrail Ref: P115, Tottenham Court Road Western Ticket Hall—Buildings bounded by Dean Street, Oxford Street, Great Chapel Street and Fareham Street (LINEWD-28904A-016).

The Petition of Save Britain's Heritage

on the left-hand side of the page, the site bounded by Oxford Street, Great Chapel Street, Fareham Street and Dean Street, which is to be demolished in order to provide the western ticket hall. If we go to the previous slide, 15, we see the additional site that is to be used to the south side of Fareham Street for the provision of ventilation shaft/emergency escape stairs, lifts and escalators.¹⁶

16082. The works involve the demolition of a listed building, 94 Dean Street, and there has been considerable discussion with Westminster City Council and English Heritage regarding that particular building, including a detailed review conducted looking at retention of the building. You will hear evidence explaining that the conclusion of that review was that Westminster City Council and English Heritage and the Promoters agreed that 94 Dean Street could not be retained because of the proximity of the large shaft. If we go to slide 13 you can see the circular shaft to the right of the worksite location.¹⁷ I should also point out—and, indeed, again, Mr Mason, who will be called to address this, will explain—that the interior of 94 Dean Street has been completely stripped out.

16083. That is a brief overview of the three sites, and I hope that has been of assistance. Just briefly, before we turn to hear from the Petitioner, we would suggest the Committee needs to bear in mind when considering this Petition that there has been close consultation with the relevant local authorities and English Heritage regarding the impact of the Crossrail project on heritage buildings, and in relation to the buildings to be addressed by the Petitioner no objection has been raised by the local authorities or English Heritage to their demolition.

16084. As I have explained, Crossrail will be calling two witnesses after we have heard from the Petitioner: Mr Berryman, who will explain to the Committee why it is the buildings have to be demolished, and Mr John Mason, who is a heritage expert, who will address matters relating to the heritage value of the buildings that are proposed to be demolished. Thank you very much

16085. **Chairman:** Thank you. For the record, the references referred to there will be A182.

16086. **Mr Wilkinson:** Firstly, thank you for the opportunity to address the Committee. We are extremely grateful to be able to put forward our side of the argument—when I say “our side” I am talking about the historical environment, not just the group’s arguments.

16087. I intend to make a statement and call no witnesses, firstly, on the loss to the historical townscape (it is not just individual buildings you are losing here, it is areas and areas of buildings, and areas of character) and, secondly, looking at the necessity of these buildings lost and, thirdly, consider briefly some alternatives, and then let Crossrail take it from there.

16088. If I can start by reading a list of the losses, and then we will look at some of the buildings more closely, because the slides Crossrail put up did not really do justice to these buildings. To start off, the Great Western Main Line’s parcel office at Farringdon will go. Bond Street, 65 Davies Street; around Tottenham Court Road, 94 Dean Street, 135a to 167 Charing Cross Road; 2, 3, 4, 6 and 7 Fareham Street; Goslett Yard; 12 Sutton Row; 3 and 9 Diadem Court; 1a-12 Great Chapel Street; 1-15 Oxford Street. Around Farringdon, 3, 8, 9 and 10 Hayne Street; 2a, 3, 4, 5 Lindsey Street; 20-23 Long Lane; 33, 35, 36, 37 Charterhouse Square. It is not a particularly short list and we hold it can be made even shorter.

16089. If we can possibly look at some of the pictures and start at Farringdon. First, a picture of the Astoria.¹⁸ You saw earlier a slightly larger and more colourful picture. The Astoria is not listed. However, it is a local landmark; it is a building which people know about and care about and feel strongly for. It has been reported in the press that this building is to be lost to Crossrail. It will be lost for a worksite. What will replace it we do not know; whether it will have a similar quality to the townscape we do not know.

16090. Moving on to the next slide, we have got very mixed up here. We are looking at the western area. This is on the corner of Dean Street.¹⁹ It is a pub, a lovely pub, it could be in your local village, it could be in your local town, and has a lovely atmosphere. This, too, would go as part of the scheme.

16091. If we go on to the next slide, there is another picture of this pub showing how it fits into the area with Victorian buildings next-door to it.²⁰ Around the corner, on the left-hand side, you have Diadem Court on Dean Street. This block would go. Again, it is a coherent piece of townscape. They are not ugly buildings; they are handsome buildings; they are very much a part of the local scene.

16092. If we go on to the next slide, we have suddenly gone back to behind the Astoria, and you can see Centre Point rising up behind there.²¹ The building you have there is a Victorian warehouse; a powerful

¹⁶ Crossrail Ref: P115, Tottenham Court Road Western Ticket Hall—Buildings bounded by Dean Street, Fareham Street, Great Chapel Street and Diadem Court (LINEWD-28904A-015).

¹⁷ Crossrail Ref: P115, Tottenham Court Road worksite layout—station box construction (LINEWD-28904-013).

¹⁸ Committee Ref: A182, View of Astoria Theatre (LINEWD-28905-001).

¹⁹ Committee Ref: A182, View of The Bath House, Dean Street (LINEWD-28905-002).

²⁰ Committee Ref: A182, Alternative View of The Bath House, Dean Street (LINEWD-28905-003).

²¹ Committee Ref: A182, View of Sutton Row (LINEWD-28905-004).

The Petition of Save Britain's Heritage

building in shade and unseen, largely, by the public. A decent building, nonetheless, and economically viable in its own right. This would go.

16093. If we go on to the next slide, we have more of the street scene around Charing Cross Road.²² Again, correct me if I am wrong, but I believe these ones are in the area for clearance. Here you have something which is low-rise, well-balanced and a good composition. It is clearly lively; it is used by Sainsbury's at the lower levels and is part of the life of the street and the life of the area.

16094. If we flip over to the next slide, the building at the end of this will come off.²³ It is a nicely detailed building with a handsome, French-style roof, you might say, sticking up high and sharply and performs a very interesting contrast with Centre Point behind. This will be sliced off for the works.

16095. If we move over you see it again in a slightly wider perspective with the townscape around it.²⁴ It may look a bit dirty right now but given a clean it would look splendid and contribute handsomely to the area.

16096. Moving on, we have seen this once before but we see it here from the side.²⁵ It addresses both streets. It has a careful composition and is generally a handsome building.

16097. Moving on to the next slide, these are the fountains at Centre Point.²⁶ The fountains themselves are shaped echoing Seifert's work on Centre Point with the pre-cast concrete ribs. These would be lost. At present it is very awkward for pedestrians but we still struggle over there and enjoy the coolness and freshness the water gives, particularly at this time of year. There is no reason why something could not be put back resembling these fountains, at least with the fountain units themselves which are mentioned in the listing as well.

16098. Moving over, we have a slightly more savoury shot of them here.²⁷ What this does show is the height. It shows a number of things. It shows the church of St Giles behind—a very handsome church. It shows, off to the right, large advertising hoardings which hide the scarred building. Crossrail has an opportunity to do something positive for the townscape rather than taking down old buildings; it can look at areas which could be taken down with

less effect on the historic environment and generally create an opportunity to repair the historic environment and stitch back the fabric.

16099. Moving on, we have a prime example of where it could do this. This is over at Farringdon, on Charterhouse Square.²⁸ Charterhouse Square is a very pleasant square indeed; it is well-planted and surrounded by handsome buildings. The red brick building you see to the right of the picture is a hotel. Next to that is the Charterhouse itself, which is of medieval origins; around the corner University Quadrangle, to the side of that a handsome 1930s building that has been acquired and then, behind me photographing this picture, is a building to be destroyed. However, this ugly brute in front of us, the dark building dating from the 1950s, would survive Crossrail. This would stand there proudly still besmirching the square which it looms over.

16100. We hold that buildings like this would be better off lost to Crossrail and works put on their site. Afterwards, the townscape fits back together rather more carefully than is done with a crass building like this.

16101. On to the next slide.²⁹ The first nine bays of this building here will go. You were shown a picture earlier which is somewhat less attractive. This shows it in its wedge-like form, formed by the proximity to the railway cutting, and this fronts on to the square. To my left is the ugly building we just saw; in the background is the listed Barbican. It is a pretty cohesive area around Smithfield; there are many beautiful buildings, many listed, and those which are not listed generally form the setting of listed buildings. We would argue that this building need not go; that an alternative could be sought which would cut into the building further down to create the access needed to the Barbican platforms.

16102. If we move on over to the next slide, we are over at Tottenham Court Road (we are travel sick by now), looking down Dean Street.³⁰ This would go. It needs a bit of a clean, admittedly, but it is a handsome, Portland Stone-fronted building—at a rough shot, dating from the 1930s, possibly, with some nice detailing on it. Almost Egyptian, almost Art Deco—quite hard to give it a particular place—but the sort of building it is pretty rare to find in a single building around London, but as a part of the townscape perhaps familiar; something you might not notice immediately until you are forced to look up.

16103. Yet, if we go on to the next slide, just opposite it is a rather modern monster which will survive Crossrail, while next door over the road, historic buildings are destroyed.³¹ Again, why is this building

²² Committee Ref: A182, View of Charing Cross Road (LINEWD-28905-005).

²³ Committee Ref: A182, View of Eastern side of Charing Cross Road (LINEWD-28905-006).

²⁴ Committee Ref: A182, Alternative view of Eastern side of Charing Cross Road (LINEWD-28905-007).

²⁵ Committee Ref: A182, View of Charing Cross Road and Goslett Yard (LINEWD-28905-008).

²⁶ Committee Ref: A182, View of the fountains at Centre Point (LINEWD-28905-009).

²⁷ Committee Ref: A182, Alternative view of the fountains at Centre Point (LINEWD-28905-010).

²⁸ Committee Ref: A182, View of Charterhouse Square (LINEWD-28905-011).

²⁹ Committee Ref: A182, Alternative view of Charterhouse Square (LINEWD-28905-012).

³⁰ Committee Ref: A182, View of Fareham Street and Dean Street (LINEWD-28905-013).

³¹ Committee Ref: A182, View of Dean Street (LINEWD-28905-014).

 The Petition of Save Britain's Heritage

not being taken out to give access to the platforms? Why are historic buildings being taken out? Part of that lies in the fact that historic buildings, with their shallower foundations, are rather easier to get rid of than more modern buildings with deeper foundations.

16104. The next slide gives you another view of this particularly unhandsome—for want of a word—building.³² It is an ugly building—there are no two ways about it. I can see, on the right-hand side of the picture there, the pub sign we saw earlier. So all around buildings will go and this one will stand.

16105. The next slide is looking back up Dean Street.³³ All those buildings on the left-hand side will be demolished; they will all go. That is a coherent bit of the townscape. If you look at that block and lay it out as a whole street, you would have, in effect, a small town's high street being destroyed. At the end, on the other side of Oxford Street, is a building, I guess 1950s, 1960s, of no architectural or townscape merit. That building will survive Crossrail in its current form. We hold that buildings like this should be taken down and the works done on those sites rather than on the sites such as the one in front of you in smaller buildings here.

16106. If we go a bit further down the street, we have a look at the buildings next to the pub.³⁴ A handsome Victorian building on the right in the middle of a building which must be Georgian; on the left-hand side, a darker, slightly uncared-for, Victorian building—all having the potential to be handsome and to give a very positive contribution to the townscape.

16107. We move on over to the next slide.³⁵ We are going slightly further up Dean Street. At first this looks like a building of not great merit. If you look more closely you will see arts and crafts detail on it. You see it has a dentil cornice above the windows—these are handmade timber windows—and next to that is a building almost beaux-arts-like with its gentle arched-over windows. Again, an attractive composition. At ground floor perhaps the shop signage could be improved to create a rather more pleasant area, but essentially they are decent buildings.

16108. The next slide, over the page, on this whistle-stop tour, gives a view down Dean Street, with my back to the monster on the other side of Oxford Street.³⁶ Again, it is a lovely old eclectic collection of buildings.

16109. The next slide gives you a closer view of buildings going on in Dean Street and Diadem Court.³⁷ Although the building on the corner may look a bit ugly, cleaned up it will be a good building, and behind it are the small scale buildings you expect when you walk around London—the sorts of things which tourists enjoy in London, seeing the smaller scale, seeing how the townscape works and flows.

16110. If we go on to the next slide, you will see the post office at Rathbone Place.³⁸ Not a building of any architectural merit, although one of certain utility. This is one of the buildings in the area which is not going to be lost to Crossrail but which we hold could in some form or another be used as a worksite or create more space for Crossrail works rather than having to dig down under historic buildings or through historic buildings.

16111. Likewise, the next slide gives you another view around that area.³⁹ Looking up the other side of Rathbone Place, we have a large gap in the townscape. I realise it is being used for lorry parking during the Crossrail works, but around it not much in the way of historical interest or architectural interest.

16112. The next slide, again, shows, just over the road from that site, two buildings that someone has made a really good effort to make look good, but still it is hard to say that they are handsome and contribute well to the townscape, yet these buildings will survive the Crossrail carnage that is coming along.⁴⁰

16113. The next slide is a larger one of the space around and the back of Rathbone Place.⁴¹ Again, the building contributes nothing to the historical environment, and yet if that were to be used for Crossrail as a site and that building destroyed, you could have a chance to put something far better back in its place rather than taking out pieces of historic buildings.

16114. Again the next slide is a slightly better view for your enjoyment.⁴²

16115. The next slide looks at the back of a building on Oxford Street which will survive.⁴³ Again, I cannot quite see how this helps the historic environment, yet this building will survive while decent historic buildings will be destroyed.

³² Committee Ref: A182, Alternative view of Dean Street (LINEWD-28905-015).

³³ Committee Ref: A182, Further alternative view of Dean Street (LINEWD-28905-016).

³⁴ Committee Ref: A182, Further alternative view of Dean Street (LINEWD-28905-017).

³⁵ Committee Ref: A182, Further alternative view of Dean Street (LINEWD-28905-018).

³⁶ Committee Ref: A182, Further alternative view of Dean Street (LINEWD-28905-019).

³⁷ Committee Ref: A182, View of Diadem Court (LINEWD-28905-020).

³⁸ Committee Ref: A182, View of the Rathbone Place (LINEWD-28905-021).

³⁹ Committee Ref: A182, View of the Rathbone Place (LINEWD-28905-022).

⁴⁰ Committee Ref: A182, Alternative view of the Rathbone Place (LINEWD-28905-023).

⁴¹ Committee Ref: A182, Alternative view of the Post Office at Rathbone Place (LINEWD-28905-024).

⁴² Committee Ref: A182, Alternative view of the Post Office at Rathbone Place (LINEWD-28905-025).

⁴³ Committee Ref: A182, Alternative view of buildings on Oxford Street (LINEWD-28905-026).

The Petition of Save Britain's Heritage

16116. If we go on to the next slide, we have Great Chapel Street and Fareham Street, the corner of a building here, which moves around the corner quite easily.⁴⁴ It is small-scale, it is handsome and will be destroyed.

16117. Next door to it is the next slide.⁴⁵ A warehouse that forms a part of that townscape which will be destroyed.

16118. If you go on to the next slide, you have again the wider townscape, the context of these buildings, looking at how they fit together.⁴⁶ If you compare them with the previous slides of those less than handsome buildings, you will agree these are a rather more pleasant and a place you would prefer to be. This is all to make the point about the opportunity of what could be done with Crossrail and what is being missed out on.

16119. The next slide takes us up Great Chapel Street to a building, that hiding behind that is something Georgian, possibly a double-fronted house, it is quite hard to tell from here but with a bit of love, care and attention could be extremely handsome.⁴⁷

16120. Next door to that is the next slide.⁴⁸ A slightly eclectic building but, nonetheless, one which contributes to the area and to the feel of it and to its general vibe.

16121. With the next slide we are back over at Smithfield.⁴⁹ Again, with this block here around Lindsey Street and Hayne Street, we are losing a block of decent, handsome buildings that contribute to the townscape which are economically viable, when there are other buildings in the area which do not make any positive contribution that could be lost. This warehouse would go.

16122. The next slide, next door to this is another really handsome Victorian warehouse, really solid and musty.⁵⁰ One of the surprises is you do not know it is there until you start walking behind the main streets. This would be demolished.

16123. The next slide.⁵¹ I understand this one will go as well. It is quite a sweet-looking little building, something which certainly you would not expect to be right next to the City of London but it is. It

survives there quite happily, contributing to the sense of the place, and this sense of place, once gone, is lost forever.

16124. Next we come on to the Chambers and Partners building, the next slide.⁵² Although it is argued that the art deco additions are merely that, just art added as deco somewhat later, the essential proportions of the building are really rather good. The next slide shows this well, how it turns the corner and on the left-hand slide you will see the Smithfield market Grade II* listed.⁵³ This building forms a setting of the Grade II* market. It has large windows to the ground floor which might be able to drop perhaps, might I suggest it create an entrance to a tube station. It is the sort of building which, we would hold, should survive and yet with Crossrail it will go.

16125. Next one is the next slide, a little butcher's shop, very much a part of the life of the area.⁵⁴ It dates from about 1900 and in the 1930s its interior was altered but it still retains the route to keep the meats cool and a lovely sign, 'Edmund Martin Limited', not too many of those around at the moment. The sort of building which, unfortunately, makes easy pickings for large projects.

16126. We are approaching the end of the slides. The last three are of the corner of Oxford Street and the buildings which would be lost there with the Tottenham Court Road Eastern Development, if we can flip on to that.⁵⁵ Here you see its upper floors. It is a handsome, well-detailed building. It is robust and holds its own against Centre Point and it really should not be lost in this day and age, but rather more likely will that.

16127. Go on to the next slide, you can see how its neighbour turns the corner and forms an important part of the townscape.⁵⁶ Wherever you approach this area from the east, whether it is from St Giles or down New Oxford Street, you get a good view of this building, and the building next to it as well would be lost. It is a nicely-detailed building. Then the final shot seems to be a repeat of the previous slide so you need not worry about that.⁵⁷

16128. **Mr Wilkinson:** The point is is this necessary? Is this loss? I am sorry it was long, but hope you enjoyed it and gave light relief from talking about railway matters, but is this loss really necessary? We hold that it is not really necessary. Over at Smithfield there are alternatives. There is the ugly building I

⁴⁴ Committee Ref: A182, View of Fareham Street and Great Chapel Street (LINEWD-28905-027).

⁴⁵ Committee Ref: A182, View of Fareham Street (LINEWD-28905-028).

⁴⁶ Committee Ref: A182, Alternative view of Fareham Street (LINEWD-28905-029).

⁴⁷ Committee Ref: A182, View of Great Chapel Street (LINEWD-28905-030).

⁴⁸ Committee Ref: A182, Alternative view of Great Chapel Street (LINEWD-28905-031).

⁴⁹ Committee Ref: A182, View of Lindsey Street and Hayne Street (LINEWD-28905-032).

⁵⁰ Committee Ref: A182, View of buildings at Lindsey Street and Hayne Street (LINEWD-28905-033).

⁵¹ Committee Ref: A182, Alternative view of buildings at Lindsey Street and Hayne Street (LINEWD-28905-034).

⁵² Committee Ref: A182, View of Chambers and Partners, Long Lane (LINEWD-28905-035).

⁵³ Committee Ref: A182, View of Chambers and Partners, Long Lane and Lindsey Street (LINEWD-28905-036).

⁵⁴ Committee Ref: A182, View of Edmund Martin Limited, Lindsey Street (LINEWD-28905-037).

⁵⁵ Committee Ref: A182, View of Tottenham Court Road and Centre Point (LINEWD-28905-038).

⁵⁶ Committee Ref: A182, View of Charing Cross Road and Tottenham Court Road (LINEWD-28905-039).

⁵⁷ Committee Ref: A182, Alternative view of Tottenham Court Road and Centre Point (LINEWD-28905-040).

 The Petition of Save Britain's Heritage

showed you, which could be destroyed, and that will drop you straight down on the tracks. Just down Charterhouse Street from there, there is another dreadfully ugly building that contributes nothing positive to the area. This again could be dropped to provide access in some form if needed. These alternatives have not been fully explored by Crossrail and have been looked at possibly cursorily after we have contacted them about it, particularly in that case. With Tottenham Court Road at the eastern end, it appears there has been a lack of co-ordination with the designers associating between London Underground and Crossrail. Surely, the existing entrance to the Underground could be used and adapted rather than knocking down the building in front of you or on the corner here to create that? With the western end of Tottenham Court Road Station, there are a number of buildings in the area which do not contribute to the sense of place and do not contribute to the history and character of that area which, if lost, would not be missed and which, if lost, would possibly give alternatives to getting down to the platforms as opposed to knocking down historic buildings. We have only had cursory discussions with alternative engineers outside of Crossrail about this. We have not been able to fully engage them because, as a small organisation, we do not have the funds to properly engage them. However, we would dearly like to come up with some alternatives. The alternatives, of course, will not be as cheap as knocking down historic buildings, but then it is a question really of how you value your heritage and what price you put on it. Thank you.

16129. **Chairman:** Could I ask one or two questions, Mr Wilkinson?

16130. **Mr Wilkinson:** Please.

16131. **Chairman:** Are you an architect or engineer?

16132. **Mr Wilkinson:** I am a historian and I have a master's in history and language and a master's in historic conservation which is from Oxford in Oxford Brookes. The course gives you a very strong look at all aspects, you are like a jack of all trades, but an expert in none.

16133. **Chairman:** The reason why I ask that is because if your argument is Crossrail has followed a route and taken out a variety of buildings, without some engineering synopsis or direction your case for knocking down other buildings instead of the ones that are being prescribed can be equally guilty of the same offence. You have just taken buildings in the near vicinity and seemed to have said, "They can be knocked down rather than the other ones".

16134. **Mr Wilkinson:** As I say, for us to carry out the study would require a large amount of funding which we do not have. I would like to be able to explore this in further depth and possibly present something to the Committee.

16135. **Chairman:** Have you met with Crossrail?

16136. **Mr Wilkinson:** We have met with Crossrail and discussed in depth some of the alternatives at Farringdon and the answers from Crossrail have been, "Well, it is possible but . . ." and it seemed to come down to a question of expense. That was through the headlines that were done, I think at a high level rather than getting any depth into it.

16137. **Chairman:** The other thing I wanted to ask you about is whilst there are some quite beautiful buildings that you quite properly highlight, there is a number of buildings which are not what they seem to be. The art deco one is one of them. It is not very old at all. These things have been added quite recently. Do you think that is a good enough reason for keeping it?

16138. **Mr Wilkinson:** My argument is not so much the individual buildings, it is about the townscape and how they work together. The art deco building on the corner of Smithfield and Lindsey Street is a handsome building on its own point. I was trying to show you that without the art deco being added to it, you have got a building there which is well-proportioned and which fits in with the area well. In fact, some might argue the paint job is a bit garish and unpleasant, but without it you have got a better building. I very much think buildings such as this do make a contribution to people's lives and to the quality of life as well. It is not just about the architecture in itself, it is about that sense of place that I was talking about which makes Smithfield or the area south of Oxford Street, makes it slightly interesting and different and helps towards getting enjoyment out of it.

16139. **Chairman:** So your argument is beauty is in the eye of the beholder who likes a particular thing around the area and is worth keeping in the landscape?

16140. **Mr Wilkinson:** I think beauty is in the eye of the beholder, some buildings do have an intrinsic value and perhaps this building here has an intrinsic value behind the paint and its particular dimensions, how it addresses the street and how it works as an added point. It is next to a very powerful building indeed, the Grade II star listed meat market, Horris Jones, from the 1860s. It has a very powerful corner and this turns the corner in a more gentle way and addresses that and works with it, the subtle interplay between the two buildings. That is the same for much of the area, it relates to the operation of the markets, a little butcher shop which is tiny in comparison to the platform market yet it works architecturally and functionally as well.

16141. **Chairman:** On the point you raised about Centre Point?

16142. **Mr Wilkinson:** Yes.

16143. **Chairman:** I know hundreds of people who think that should be totally demolished.

 The Petition of Save Britain's Heritage

16144. **Mr Wilkinson:** So do I. I am not saying we should save Centre Point. I was trying to keep away from that sort of discussion and talk about things that people are more familiar with than are not necessarily controversial. A lot of these buildings may not individually be controversial, people probably do not notice them individually, but as a whole they look at that corner of, say, Oxford Street and Tottenham Court Road and say, "Wow, this is pretty nice", but will not tell you directly why and seeing those individual buildings and describing them in a way we have tried to do today.

16145. **Chairman:** I was not advocating it should be demolished, but I am just saying a lot of people do, and, therefore, in the eye of the beholder it is not to be.

16146. **Mr Wilkinson:** Yes.

16147. **Chairman:** If you look at the plans for the whole of that area, that is probably one of the key points in the whole of the West End where interaction and integration can take place.

16148. **Mr Wilkinson:** Yes, it is a very complex operation, I appreciate that.

16149. **Chairman:** Do you not think the new architecture will come with plans, architecture that will equally be very important for the future?

16150. **Mr Wilkinson:** You would really hope that would be the case and there would be safeguards to ensure that, but it comes out of a question of how you value what is there already. Although this end of Oxford Street in front of us has not been valued greatly because it has been left to get dirty and filthy, cleaned up there are some great buildings and alternatives. If you look around the corner from here behind Centre Point, St Giles Court is going to be demolished, surely that demolished site could be used for a few years by Crossrail as an alternative site as storage or to put their machinery or whatever they need to do in the meantime.

16151. **Mrs James:** I wanted to come in here because, as I remember, when we visited this area there are not plans drawn up yet for what would replace these buildings, there are no plans so we cannot compare what could be better in the future. We are left knowing these buildings will disappear and something else is coming in their place.

16152. **Chairman:** One of the reasons I said that is because there are designs to come for the finished article, that is why I asked whether you had managed to meet with Crossrail and discuss?

16153. **Mr Wilkinson:** That did not seem to come up in the discussion. It was focused around looking at the alternatives and what could be done on the sites to mitigate these less desirable effects of what is important to a major scheme. Usually, we are of the opinion of where there is a will, there is a way. As an organisation for the last 30 years, we have come up

with numerous alternatives for historic buildings which have been threatened. It is not me who is straight-talking, it is my organisation which has got a range of expertise available to it in architects and planners and, of course, a few engineers as well. There can be alternatives, you can do alternative things. It is just often what seems like a logical thing to do has side effects to the historical environment that are not properly considered and often are only considered later on in the game once the plans are largely in place.

16154. **Chairman:** I hope that when Mr Taylor brings Mr Berryman in, he will raise one or two of those things and you will have the opportunity to talk with the Chief Executive of Crossrail.

16155. **Mr Wilkinson:** Thank you.

16156. **Chairman:** Thank you very much. Mr Taylor.

16157. **Mr Taylor:** Thank you, sir. I am going to call Mr Berryman.

Mr Keith Berryman, Recalled

Examined by **Mr Taylor**

16158. **Mr Taylor:** Mr Berryman, could you introduce yourself to Mr Wilkinson, please?

(Mr Berryman) I am the Managing Director of Cross-London Rail Links which is the company established by the Government and Transport for London taking forward the Crossrail project.

16159. Can you explain how Crossrail has selected properties for acquisition and demolition and how many of them are listed, please?

(Mr Berryman) We have tried throughout the process of designing the scheme to minimise the amount of property acquisition and demolition that is needed. We have tried to avoid the demolition of listed buildings which is now no small task because there is a very large number of listed buildings. However, due to the positioning of Crossrail stations and the need to interchange with the London Underground lines and other features such as highways, this has not always been possible. Where the demolition of listed buildings has been proposed, we have always undertaken to satisfy ourselves there are no feasible alternatives and, indeed, the design has been changed in several areas where listed buildings would have been affected, most noticeably on Liverpool Street. Between Paddington and Whitechapel there is only one listed building that will be demolished and that is one you have heard about on Dean Street. One building will be internally demolished, it is the site of which its facade is listed. Given the number of listed buildings and monuments on the route, it would be impossible to do the scheme with a smaller number. If we had tried to select bad buildings that we did not like, it would have compromised the integrity of the route and many of the interchanges Crossrail is building.

 The Petition of Save Britain's Heritage

16160. Thank you. Can you explain what consultation has been undertaken on the demolition of listed buildings and buildings in conservation areas, please?

(Mr Berryman) Yes, where we have been talking about the demolition of listed buildings and buildings in conservation areas, we have discussed this with a number of planning authorities and English Heritage. We have explained the reasons for doing demolition and English Heritage have expressed themselves content that these matters will be raised in the Committee. We have had a number of issues particularly with the London Borough of Islington, which you know about, Oxford Street, 38 Charterhouse Square and we have now agreed to retain this building but other local authorities have been content with the demolition. I think it is worth saying here, as was raised a few moments ago, that the designs of the over-site development have not been done. This has been our policy from the beginning. The application for planning consent for those over-site developments will be made through the local authority in the normal way. There are a number of reasons for this. I think it is worth pointing out that if this Committee was to hear what would amount to planning applications on every one of the buildings we have constructed over the sites, we would be here for quite a long time. It is a more efficient and more appropriate way for the local authorities to deal with those issues. In several of the cases that have been mentioned, particularly the Tottenham Court Road and Dean Street site, Westminster City Council has prepared planning routes which quite obviously require impacts on townscapes and something that has to be addressed in the designs of the new buildings that replace those we demolish.

16161. While we are dealing with over-station development, I think it might be helpful, Mr Berryman, if you could take the Committee through one aspect of Information Paper D18.

(Mr Berryman) If I can remember!

16162. Page three. It will come up on the screen and I am sure it will come back to you just as it has done to me when the page was passed to me by Mr Mould.⁵⁸ We can see at the bottom of this page, paragraph 3.4, a draft undertaking on OSD has been prepared by the Secretary of State and published on the DfT website. It proposes a number of factors and a number of steps. Firstly, consultation with local planning authorities prior to a submission of planning application for OSD on a number of matters, those are set out on the next page?

(Mr Berryman) Yes.

16163. Secondly, we see OSDs in or adjacent to conservation areas will be designed in accordance with local, regional and national and spatial local planning policies and in consultation with English Heritage.

16164. Thirdly, in assessing the contribution OSDs will make to the character or enhancement of conservation areas, the quality of buildings that existed prior to demolition will be given material consideration. We can see at the bottom of this page four a heading "Townscape". Paragraph 5.1 explains the demolition buildings, the demolition of buildings and the development of new stations, shafts as a replacement to development will result in changes to the townscape along the Crossrail route impacts on designated conservation areas are set out in section 3, though much of the route is undesignated, the works do affect areas of high quality townscape particularly in central London. In 5.2 we see what is proposed to address that. In exercising their functions to preserve the townscape a local authority would be able to approve the detail of the design and external appearance of the Crossrail buildings as set out in Schedule 7 to the Bill". We have already seen the arrangements for OSD.

(Mr Berryman) Yes, I do recall it and in fact, if my recollection is correct, Mr Elvin referred to this at some length in his opening address when the proceedings started.

16165. Your memory is better than mine, Mr Berryman. Now let us turn away then from the general matters and on to the specifics. Can we start with the examination of the Dean Street and the western ticket hall at Tottenham Court Road

(Mr Berryman) Yes, could we have exhibit 012, please.⁵⁹ This site is bounded by Oxford Street, Great Chapel Street, Fareham Street and Dean Street. The intention is to acquire it and demolish it for the western ticket hall for Crossrail's Tottenham Court Road Station. Members who were on the visit for the British Film Board classification may remember this lot, we went and stood on Oxford Street outside the block. Can we zoom in on that. There will be a ticket hall on this site. Can I have a pointer, Mr Mould, as you are normally accused of stealing it! Oxford Street is directly above the Central Line just here and escalators come down from that Oxford Street entrance into a ticket hall which is at basement level and, from that basement, escalators go down to the Crossrail passages down here and down to the Central Line passages down here. Those are the works which will be built there. At the back of that site there is a shaft which provides ventilation, lifts, emergency escape stairs from the west end of the platforms and so on. In addition, there is a shallow escalator shaft which passes underneath part of that site and that is why we need to demolish the stuff at the back of the site, the Fareham Street site. It would be impossible to keep that with the current state of design. The Petitioner has mentioned this should be moved to a building across the road which is currently occupied by, I think, a Tesco's store which is a rather unprepossessing building. I do not think anyone would argue with that. The problem with that is that building alone is of insufficient size to

⁵⁸ Crossrail Information Paper D18—Listed Buildings and Conservation Areas, billdocuments.crossrail.co.uk

⁵⁹ Committee Ref: P115, Tottenham Court Road Station—3D Axonometric View, Dean Street Ticket Hall (LINEWD-29804-012).

 The Petition of Save Britain's Heritage

provide the facilities which we need. Members of the Committee, who are familiar with the Jubilee Line, will know the scale of the works and the modern Underground railway facility, how large things have to be and that is to fit in with a modern space, so our structures are large and, in this case, the site occupied by Tesco's alone will be insufficiently large to provide and we would need to demolish the next-door buildings and possibly buildings fronting onto Soho Square as well. Even if it is possible, and I very much doubt if it is possible, because it is too far to the east.

16166. On that last point, if we can go to 28904, page 8, we can see the western ticket hall marked on that particular drawing.⁶⁰ If we imagine that ticket hall being moved to the east of the opposite side of Dean Street, can you just explain what the difficulties would be with the ticket hall in that location?

(Mr Berryman) Yes. We would still need a facility of about the same size. The first point to make is that because the building will be moved further to the east, it will be too far from the escape shafts and ventilation shafts to effectively serve them. We cannot move the whole station east, because it is obstructed by the northern line which runs here and we pass directly over that. So we are pretty much fixed as to where the station platforms can go. If we went into the site here, even if it was possible, and I am pretty confident it is not, but even if it was we would have to be working into Soho Square, which is also conservation area, we would need to be taking the building on the corner here which is also a building of some merit, but we would be immediately adjacent to the French protestant church which, I think, is in this site here and would also present some difficulties, so it is really not a very easy thing to do.

16167. Thank you very much. So far as 94 Dean Street is concerned, why cannot that be retained?

(Mr Berryman) 94 Dean Street is around here, just there and there is a 90 millimetre diameter shaft immediately adjacent to it, that is the shaft I just referred to which carries the ventilation structures and all that sort of thing immediately next to it and the escalator shaft was just underneath it, so it makes it impossible to retain it. Moreover, I understand that the elements which led to the list of this building have been substantially removed by the previous owner.

16168. Thank you. Whilst we have got this plan on the screen, shall we just deal with this point about the post office in Rathbone Place and the sorting office?

(Mr Berryman) Yes, the post office is this building, so right at the north of Oxford Street. I mean there is an old saying about railways that you always have the station near the lines, and that is just too far from the railway lines to provide an effective connection to the Crossrail platforms, that is not a realistic suggestion.

16169. It may be suggested that that means you have to move the lines, Mr Berryman; what would you say about that suggestion?

(Mr Berryman) The route for Crossrail, as I think we have given evidence on before, is selected very carefully to avoid deep foundations and other underground obstructions such as other underground lines, deep sewers and the like, to move the whole thing would be a major undertaking and would really be back to square one.

16170. If the whole thing were moved north of Oxford Street and the only site you had was the post office site itself to build the entire Crossrail station with two ticket halls as is presently set out, what is the practicability of that sort of suggestion?

(Mr Berryman) I mean you could not do that. First of all, the site, as you say, would only be one end of the station. You would need to take another site somewhere else and this building is the YMCA, which was one of my very early projects so I know quite a bit about that building, you would have to knock that down, which would be a certain signature to my career, that is the only advantage.

16171. Let us move on to address the eastern ticket hall and in particular dealing with the corner building, 1-7 Oxford Street and 9-15 Oxford Street please, can you explain what construction is necessary and why those buildings have to be demolished?

(Mr Berryman) Yes. Can we have 009 up, please?⁶¹ I think Mr Taylor has already shown you this slide. This shows the staircase which exists at the moment giving access to the Tottenham Court Road station. Obviously we need to keep Tottenham Court Road station as is running whilst Crossrail is built, because it is one of the busiest stations on the underground network and we certainly would not want to close it. We are proposing to build a new escalator from street level to take people down into the ticket hall that would be on that corner and the point about that is that the entrance structure here is constrained on all four sides, we will be putting small diameter piles along the back edge of the structure and we would need to take a huge hole in the facade, there would be hardly any of it left if we were to do this and that would be very, very difficult. In addition, the local authority are very anxious about the layout of the footpaths in this area and retaining those facades would be difficult to give a wider path as we are proposing and I do not think that that would be acceptable to the local authority.

16172. Thank you very much indeed. There was also a suggestion that we should simply use the existing station entrances?

(Mr Berryman) I do not know if the Petitioner has ever been to Tottenham Court Road court on a busy evening, it is absolutely dreadful, the entrances are grossly overcrowded to the point of being dangerous. The station is frequently closed, often because of the underground capacity issue very often

⁶⁰ Committee Ref: P115, Tottenham Court Road Station—Crossrail Proposals (LINEWD-28904-008).

⁶¹ Crossrail Ref: P115, Tottenham Court Road, Proposed plaza level showing outline of existing Oxford Street entrance (LINEWD-28904-009).

 The Petition of Save Britain's Heritage

because of people on the congestion on the staircases and entrances, it would be inconceivable to keep the existing entrance.⁶²

16173. And what will Crossrail do to the number of passengers arriving and departing?

(Mr Berryman) Very significantly increase it, otherwise we would not be building it.

16174. Let us turn to deal briefly with 148 Charing Cross Road.

(Mr Berryman) Have you got picture 11? In order to build the station we need to provide a temporary closure of part of Charing Cross Road and a diversion around the back of Centre Point. In order to do that we will need to demolish 148 Charing Cross Road which is the building on the corner. It is worth pointing out that parliament has already actually once approved demolition of this building in connection with a safety measures scheme some time ago. That was not taken through by London Underground, I understand, due to lack of funding, but parliament consent has already been given to that demolition.

16175. Thank you. Let us have a look now at the Astoria Theatre, why do we need to take the Astoria Theatre site?

(Mr Berryman) The primary reason for our demolition of this site is as a work site to support the station tunnelling activities which take place from the next door site. We have, and you showed in your introduction slide showing the site layout, it is quite a difficult site, it is very congested, as you can see the location in central London is not helpful and it is party to serve the Goslett Yard site, which is immediately to the south, and the Goslett Yard site is virtually completely occupied by a very deep large shaft which contains the escalators and all the other paraphernalia that go with it and in order to build that we need some working space. We do not think that it would be possible to construct from the Goslett Yard site alone and that is why we required the Astoria site as well. Just for reference, the Goslett Yard and the Astoria work sites taken together have a combined of 3,400 square metres which is much smaller than any of the other work sites we have got, such as Hanbury Square and Finsbury Circus which are slightly bigger than that and they are two of the more difficult sites as well. It is worth pointing out that some of the works notably up here may be done slightly earlier than Crossrail hopes because Amey Rail will be doing those works themselves.

16176. Thank you. It may be suggested that perhaps the façade of the Astoria Theatre should be retained; what would you say about that suggestion?

(Mr Berryman) Well it would be very, very difficult indeed. The traffic arrangements in the area would require so many holes in the front of them there would hardly be anything left and it is not

straightforward to do this kind of work with a propped-up façade in that way, it can be done of course and it is done all the time, but like everything it adds to costs and adds to the timetable and would ultimately add to the environmental disruption which is caused in terms of traffic because of that extension of time.

16177. Thank you. In terms of what would be involved with the façade retention, what physically would have to be done?

(Mr Berryman) It would require a big hole of two storeys high to be created in the façade, that would take about 40% of the length of the façade. The remainder of it would have to be supported with lorries running around, a very high risk of impact causing collapse to the works, it is just not a straightforward and easy thing to do.

16178. Thank you. Let us deal then with the forecourt of Centre Point; what is to be constructed there?

(Mr Berryman) In the front part of Centre Point there are two entrances to be constructed to the Crossrail station, including lift access for MIP persons and basically the area around that will be landscaped to provide pedestrian facilities, the ticket hall extends underneath that part and those are works to be done there.

16179. Is it possible to retain or reinstate the fountains?

(Mr Berryman) It is not possible to reinstate the pool in its current location as it would clash with the location of the new station entrances. The station entrances and where you can put them is very limited because of the things that are underneath, underground. Re-location of the pool would be possible, but it would take up space on the plaza and would obstruct a new pedestrian route which the local authority wants to create down from Oxford Street to Covent Garden.

16180. And what role does the local authority have influencing the final decision of the public space and the plaza area?

(Mr Berryman) As in all other cases where we are replacing buildings or altering the landscape in some way, the local authority have the final say in what goes there as part of the normal planning process. Camden is the local authority on this side of this road. We are just on the boundary here between Westminster and Camden, so the stuff on the west side of the road is on Westminster and on the east side is Camden, so this bit falls into Camden and they are leading discussions on the future of the St Giles Circus area and, in particular, proposals relating to the reinstatement of the work site in front of Centre Point.

16181. Thank you. Let us leave Tottenham Court Road and move to Farringdon Station now. I think perhaps if we have exhibit 28904 page 6 on the

⁶² Crossrail Ref: P115, Tottenham Court Road East, Traffic Management Stage E Outline Map C5(xi) (LINEWD-28904-009).

The Petition of Save Britain's Heritage

screen.⁶³ Mr Berryman, can you just explain briefly what infrastructure Crossrail is constructing on the Lindsey Street site?

(Mr Berryman) Yes. This is in the east end of Farringdon Station, we visited this site when we had our tour round the site. It is the land abounded by Charterhouse Street, Lindsey Street, which is this one, Haynes Street, this little one here, and Long Lane, just here. It is a site used to accommodate ventilation of the Crossrail platforms as well as MIP access, fire brigade access, interchange facilities for London Underground and the Barbican and all that sort of thing, there is quite a lot of stuff to go on this site.

16182. The Petitioner identified a property which they obviously are not fans of at 23-28 Charterhouse Square which, I think, you can see on the plan here although it is not marked, to the north.

(Mr Berryman) Which one, this one?

16183. The latter one, yes.

(Mr Berryman) That is The Royal Bank of Scotland building, is it not?

16184. That is right, yes. Can a ticket hall be positioned in 23-28 Charterhouse Square?

(Mr Berryman) We had a quick look at that and the site itself is not large enough basically, the size of the building. It would also make access to the tracks very difficult, because our lines are over here and above our lines run the Thameslink line and the Metropolitan and Circle lines and what we would have to do is have an escalator going from there at quite an acute angle to get to our platforms which are about here. We have already given evidence at Liverpool Street on the difficulty of tunnelling very close underneath London Underground lines and we clearly do not want to do that and the design of this station is partly predicated on the need to cross underground lines at 90 degrees and keep the impact of them to the minimum possible, so that is the issue there I guess.

16185. Is there also an issue about MIP access?

(Mr Berryman) There would be an issue about MIP access because the ticket hall is there, the platforms are under here, we would have to have at least two, a lift down and then a horizontal connection and another lift down.

16186. Thank you. It might be suggested that perhaps the ventilation and escape aspects that are currently proposed for Lindsey Street could be provided at 23-28 Charterhouse Square, thus enabling a smaller ticket hall on the Lindsey Street site enabling, perhaps, one or two of the buildings to be saved; what would you say about that suggestion?

(Mr Berryman) We again looked at several permutations of how that could work down. It is difficult to move very much of the stuff. The escalator here cannot really move as it will go up into Lindsey Street if we move it further back, so that

means that this extent of the ticket hall is more or less fixed and we have just not really been able to find a way of making this site significantly smaller.

16187. The Petitioner expressed the view that perhaps the existing building on the corner of Long Lane and Lindsey Street, the building which has recently been refurbished to have art deco features added, could be used for a ticket hall; what do you say about that suggestion?

(Mr Berryman) Well the ticket hall footprint, of course, will be considerably larger than that building. I think that building is about that big and the ticket hall is just not big enough to—the building site is just not big enough to provide a ticket hall in line with modern standards. It would be an immense job to underpin it and to build something underneath. It would add very significantly to costs and I think that is a point worth making with all of these things, doing it this way is much, much more expensive and disruptive than doing it by demolition and doing a replacement building.

16188. The last point you and I need to deal with relates to 33-37 Charterhouse Square.

(Mr Berryman) Yes, I think this is the one I was erroneously pointing to first of all, yes.

16189. The suggestion, as I understand it, is that the Metropolitan and Circle eastbound line platform access stairs and footbridge can be moved further east into 38 Charterhouse Square, which the Petitioner does not seem to like quite as much?

(Mr Berryman) I do not think, to be fair to the Petitioner, that is what he means. I think perhaps what he is getting at is that it would be possible with this building here to retain the facade, or easier to retain the facade, and then produce a sensible over-site development behind it, whereas to take this building you have in front of you here, it is very difficult to use it afterwards when the works have been done in the basement. I am sure he will tell me if I am wrong, but I understand that is the case and I do not think he dislikes anything.

16190. Could the Metropolitan and Circle line eastbound platform access stairs and footbridge be moved further east in the way suggested?

(Mr Berryman) Well it would be extremely difficult. The only way we can see of doing it is to build a footbridge over this platform, over the Circle and Metropolitan Line westbound platform down to the eastbound platform, to a point opposite the premises which we talked about and then put a footbridge across there. The difficulty with that is that all around this site under this scenario there would be buildings, so access to this will be very difficult for a crane. This would mean that the footbridge running along here and crossing over would have to be brought in in small bits and assembled and because we could not get columns in here, we would have to put a stretch expanding right the way across the Thameslink and the Circle Line platforms. This would require closures of the line, a couple of weeks possibly, but it would particularly require a longish closure of this platform, the Circle

⁶³ Crossrail Ref: P115, 33-37 Charterhouse Square, Proposed Conceptual Plan (LINEWD-28904-006).

 The Petition of Save Britain's Heritage

Line and Metropolitan Line eastbound platform. That is not unprecedented, of course, the Thameslink westbound platform has been closed for many years, but it would be clearly not advantageous or helpful for people who use that to commute to work.

16191. Last question quickly, Mr Berryman: how long would the eastbound platform at Barbican need to be closed for?

(Mr Berryman) It could be a period of up to six months I would have thought for that.

16192. **Mr Taylor:** Thank you very much indeed.

16193. **Chairman:** We will now adjourn until 2.30 when Mr Wilkinson will have a chance to talk to Mr Berryman.

After a short break

16194. **Chairman:** Mr Wilkinson, would you like to continue?

16195. **Mr Wilkinson:** Mr Berryman, I have got a couple of questions, I will try not to be too long. At what stage in the Crossrail process were external designing heritage advisers employed?

(Mr Berryman) Certainly shortly after my involvement. I started on this project with this company in 2001. One of the first appointments we made was the two historical building advisers, Alan Baxter, and some aspects of a town scale firm, I have forgotten the name of the firm.

16196. Was the route settled on and decided upon before their findings were produced or after?

(Mr Berryman) The underground routes, that is the alignment, if you like, of the tunnels was settled before they were appointed. In fact, generally speaking with minor tweaks the underground route is that which was selected in 1992 for the reason I have already given in evidence earlier. A number of buildings have been built in London with deep foundations which made an alternative route difficult to identify. That route had the benefit of safeguarding for the last 15 years and is therefore must less obstructed by deep foundations. The other thing we did generally speaking was to refer to the areas of surface interest which again would be safeguarded for a long time. It would be quite difficult for a plot of land which has been safeguarded for 15 years, which was the case, to come along and say to the owner of that site, we do not want you any more we are going to take the next door site.

16197. **Chairman:** The whole aspect of the route was debated in the House and it was agreed by the House and while we have been tweaking here and there, the reality is that has been agreed and approved.

16198. **Mr Wilkinson:** I am trying to work out when they became involved and when the considerations were made in the Bill for heritage. The route was

settled before it, that is clear and the site selection came in afterwards and so it almost looks like it is a justification working backwards from the buildings rather than choosing the sites around.

16199. **Chairman:** I understand that, I am guiding you to where we are.

(Mr Berryman) Can I go back on that because there are a large number of underground obstructions in Central London probably for the average person on the street you do not realise how many things they are. The number of options for routes, east and west across London is very, very limited. The fact that this route had been safeguarded for 15 years, parts of it runs under a railway corridor which cannot be developed, it goes between the streets of Farringdon, these were the only realistic options we could identify for a route. It is true to say that the route was, in effect, fixed before the heritage adviser's report was done. That was done many years ago when the original safeguarding was put in place.

16200. **Mr Wilkinson:** The locational points at which the safety shafts would be, was that chosen before or after the heritage advisers were taken on?

(Mr Berryman) That was chosen after the heritage advisers were taken on.

16201. Within the engineering team, are there any engineers with serious conservation experience? I think Brian Walker gave evidence to the Committee at one stage. Is there anyone of his calibre working on conservation matters? How do you come up with solutions for matters or arguments for and against?

(Mr Berryman) We have Alan Baxter who is our adviser on the engineering matters of heritage buildings and conservation and so on. He is a very well-established figure in that area. As I said, he has been involved in the project effectively since it was resuscitated in 2001.

16202. In the process, is there any sort of formula for valuing heritage?

(Mr Berryman) We use a system called GOMMs. Now, if I stretch my memory I will be able to tell you what GOMMs stand for, Guidance on Methodology for Multi Appraisals. It is a process whereby things are weighed against each other, usually subjectively, because that is the way it has got to be, so engineering aspects, cost aspects, environmental aspects, ecology aspects and heritage aspects. They are all put together in a combined assessment of which are the best solutions. That is the system we have used throughout this project since it was resuscitated.

16203. If I can go to a couple of sites, if we move our minds back to Tottenham Court west and if you can put up the plan which was 28904-008, that might be helpful.⁶⁴ When we were looking at this you talked about moving the line which is something we never raised or discussed but we looked at various buildings around there when you were giving

⁶⁴ Committee Ref: P115, Tottenham Court Road Station—Crossrail Proposals (LINEWD-28904-008).

The Petition of Save Britain's Heritage

evidence. Apart from one of the ones which I did flag up in my slide, it is a particularly large building, directly north—on the left hand side of the yellow narrow with the Crossrail logo on it—is there a possibility of that being an alternative way into the tracks and everything else?

(Mr Berryman) That is not the building you pointed out.

16204. I pointed out two.

(Mr Berryman) The building you pointed out was the post office sorting office.

16205. I pointed out several buildings but if you now look at slide 28905.

(Mr Berryman) You put a slide up of this building, that is the post office sorting building.

16206. I did. I also put one up of the buildings I was talking about there.

(Mr Berryman) Is that this building here?

16207. That is the one.

(Mr Berryman) Before you put the slide up, let me point out where tunnels are, they are down here and let me point out the length of escalator that would be required to get down from the basement level down to there and you can see the distance from there to there is very considerably longer.

16208. Is that impossible or not?

(Mr Berryman) My mantra which I repeat to the Committee on every possible occasion is that nothing is impossible in engineering if you are prepared to chuck enough money at it and it is not worth chucking money at it.

16209. Tottenham Court road on the east side.⁶⁵ We talked about the existing entrance, perhaps using the existing entrances could create more space through the existing buildings so an area within the work space that has already been designated or located could be kept. Would that be feasible do you think having an entrance from the eastern side?

(Mr Berryman) You mean using the existing entrance?

16210. Whilst also perhaps an extra one created on the eastern side of that block there as well.

(Mr Berryman) Down there?

16211. Somewhere along there. Rather than having to knock down buildings to create one massive entrance.

(Mr Berryman) You would still have to create the underground space underneath those buildings. Wherever you have the entrance, you still have to create that space. To create that space without knocking the buildings down would be very difficult. If it was a grade-one listed building with an ancient monument perhaps we would do it but it is not.

16212. It has not been investigated?

(Mr Berryman) No, it has not. It is one of those many things where it is not financially feasible.

16213. Thank you. That is all questions I have.

16214. **Chairman:** Mr Taylor, do you wish to come on anything?

16215. **Mr Taylor:** No, thank you.

The witness withdrew

16216. **Chairman:** Mr Taylor, do you want to summarise?

16217. **Mr Taylor:** I will take this very briefly, Sir. Mr Berryman has explained the general approach to the selection of buildings to be demolished in relation to the Crossrail project. Generally, the approach is to avoid listed buildings and indeed buildings within conservation areas. The result of that approach has been, as Mr Berryman described between Paddington and Whitechapel, one listed building has to be demolished, there are modifications to only eight other listed buildings.

16218. In relation to the buildings that are to be lost there has been significant consultation with local authorities, English Heritage and other stakeholders. In relation to particular buildings, there have been reviews as to whether or not buildings can in fact be retained. The process of that consultation has led to the situation where certainly Westminster has raised no concerns about the loss of listed buildings and neither has England Heritage.

16219. The Committee has heard from one borough in relation to the protection of buildings and that was the London Borough of Islington but that matter has been addressed. The fact of the matter is that any major works through the Central urban area of London will necessarily result in changes. What is necessary is a process that ensures that the planning and town scale issues are properly taken into account. The promoter has put forward the station development mechanism which is designed to achieve that and what that mechanism does is to ensure that local authorities retain control over what is to come of the sites after they have been utilised and they can control that and so what comes forward conforms with the policy and is in the public interest. What is to come forward would be discussed with English Heritage and other stakeholders. Indeed, we have already heard in relation to some sites, for example, the Tottenham Court Road site, planning briefs are being prepared. 16220. The petitioners approach of effectively identifying the buildings that are not loved and not liked and then joining the dots up to provide a railway is highly inappropriate. It ignores the engineering and other constraints that exist. For example, we have heard about the Royal Mail site at Rathbone Place. The reality is that Royal Mail has announced the closure of its Paddington sorting office and is moving all of the sorting facilities for

⁶⁵ Committee Ref: A182, View of Charing Cross Road and Tottenham Court Road (LINEWD-28905-039).

The Petition of Save Britain's Heritage

West London to that site. That site is taken. The main sorting office in the future for Central London would be elsewhere. It is simply not a matter that the petitioners have considered. Mr Berryman has explained that in relation to each building and why it has to be demolished, and I am not going to take time going through building by building, and we have got that on record. He has also explained why various alternatives suggested by the petitioner cannot be brought forward. In my submission the justification for the demolitions that were proposed as part of the project has also been aptly demonstrated to the Committee today. Unless there is anything else I can help you with, those are my submissions.

16221. **Mr Wilkinson:** We have asked the Committee to consider alternative solutions for less disruption, or for environment reasons, particularly at Tottenham Court Road and Farringdon. The alternatives; the Crossrail promoters have said it is not impossible to come up with alternatives and there are other solutions, it is a question of cost. The Committee has already addressed Islington's concerns over Fox and Knott Street, I hope they will consider our petition as well. Thank you.

16222. **Chairman:** That concludes petition 289. We now move onto Petition 146.

The Petition of the Royal Borough of Windsor and Maidenhead

Mr Graham Stoker appeared on behalf of the Petitioner.

Sharpe Pritchard appeared as Agent.

16223. **Mr Mould:** The Committee will recall that on day 45 we began to hear the Petition of the Royal Borough of Windsor. We were not able to finish the Royal Borough's Petition on that day, and the position we reached was we heard evidence from a gentleman from Reid who gave evidence on traffic matters, car parking, in relation to Maidenhead Station. The Royal Borough have returned to complete the presentation of their Petition but, in the mean time, as I think the Committee had asked us to do, we went away and had some further discussions with the Royal Borough in relation to the issues which the Royal Borough wished to be taken forward. It was particularly in relation to car parking at Maidenhead Station and the impact of the scheme. Also, it was in relation to the proposals for a small worksite to be sited in Guards Club Park. Mr Binley will remember we had some discussions about that and went away to examine the possibility of using some land to the south of the park underneath the arches, if I can use that well tried phrase.

16224. The upshot is this, I have just had a quick work with Mr Stoker, who, as you know, appears on behalf of the Royal Borough. I have put to him rather swiftly but, nevertheless, helpfully, some proposals that we have which we hope might enable the Royal Borough to be satisfied at this stage with what the Promoter is proposing. What I was proposing to do was to explain what our case is now effectively to the Committee and it may be then that Mr Stoker will ask the Committee for a few moments in which to consider with his clients what those proposals are. Perhaps then we may be able to foreshorten the remaining business of the afternoon in that way. I do not know if that sounds a sensible way to proceed.

16225. **Chairman:** It is a sensible way to proceed. I notice that we have got another batch of evidence which has come in and is repetitious in respect of

much of the evidence which has already given to the Committee. We do not want to spend a lot of time on that.

16226. **Mr Mould:** My intention will certainly be, if we do have to go on to hear matters dealt with in evidence, to foreshorten that process as far as we reasonably may. This Committee is now very well aware of the case.

16227. **Chairman:** Then your suggestion is fine.

16228. **Mr Mould:** Let me spend two or three minutes outlining what we are proposing and then, perhaps, we can take it from there. In relation to the car parking issues, what we say is this, we will work with the Royal Borough of Windsor and Maidenhead, as the local planning authority, to try to procure a developer to build a multi-storey car park and assemble an appropriate site in the vicinity of station for that purpose. The Promoter will contribute initial funding to that development in proportion to the delivery of 100 car parking spaces. That is subject to an appropriate reservation which we make of a claw-back from the revenue gained from the operation of such a car park. You will appreciate that the reason for that is one would expect these days that a successful urban car park would at least pay its way and more from the car parking charges. The Promoter would expect that if that were to be the position here, and we would expect it to be, he would recover, in proportion to his initial funding contribution, a return on his investment in that way. That is what we are proposing there.

16229. The reason I mention the question of assembly of an appropriate site is that you may recall that the shopping Shopenhanger's car park site, which is the car park immediately adjacent to the station on the southern side of the railway line, which is essentially unaffected in the final analysis by the construction of the Crossrail works at

The Petition of the Royal Borough of Windsor and Maidenhead

Maidenhead, is a rather odd shape and there is an adjacent private car park which may lend itself through negotiations to a re-organisation of private and public car parking in that location, a provision of a more appropriate site for any multi-storey provision that was made. That was why we inserted that point there as much for the benefit of the Royal Borough as for the Committee. That is what we propose in relation to car parking. Perhaps Sir Peter recalls an acknowledgement of the point that there was in the evidence that the Committee heard a difference of perception between the Promoter and the Royal Borough about the degree to which there would be a need for car parking to be provided in order to serve the Crossrail. What we tried to do was to cut through that difference of perception and make an arrangement which will enable matters to be taken forward consensually. That is the underlying logic of what we put forward. That is car parking at Maidenhead.

16230. In relation to the Guards Club Park, you will recall there that the issues were very much concerned with the impact of the proposed work sites to serve phrase 1 of the overhead electrification proposals for the Maidenhead Bridge, the need to erect some scaffolding towers along various piers along the north and south side of the bridge to enable some footings to be set up for the electrification on the bridge itself. There was concern about the impact of that on Guards Club Island which presently foots the central pier of the bridge, which is one of those that needs to have certain work done to it, and also the impact on Guards Club Park itself, immediately to the south of which lies the western piers of the bridge which also are going to be the subject of some scaffolding works.

16231. What we are now prepared to offer is we will procure a barge, which may need an additional provision, to deliver scaffolding and other construction materials to serve the scaffold worksites at the central pier of the Maidenhead Bridge. That is to say, the pier which is presently sited on Guards Club Island itself. That barge will be stationed alongside the western bank of the Guards Club Island so it straddles both the north and south of the central pier of the bridge. It will be moored in that location for the duration of phrase 1 of the overhead line electrification works, which, as you recall, is to allow for bird breeding and so on. It is expected to be about 13 months. It will remain *in situ*. The purpose of that is to avoid the need to take scaffolding materials and other construction materials over the footbridge and through the Island itself. That will be done from the barge. We will establish a worksite either underneath the Network Rail railway arches on the western bank of the river, or in the car park of the Guards Club Park itself. That is to be a matter to which we will address in consultation, and by agreement, with the Royal Borough. That worksite will be limited to a site for the delivery of scaffolding and materials for the four scaffolds to serve the western pier to the bridge. That worksite will remain *in situ* for the duration of phase 1, that is the 13 month period.

16232. It will also provide the location for welfare and administration facilities that are required by law as a matter of practice, which we would expect will be housed in caravans brought to the site from behind small commercial vehicles. Again, the nature of those facilities, and precisely what structures or vehicles they are lodged in, would be a matter we would look to agree with the Royal Borough as the planning authority as well. That would remain the case for the duration of the phrase 1 period.

16233. Access for Crossrail personnel to the Guards Club Island via the footbridge would under these arrangements be limited to the personnel themselves carrying only hand tools and any hand-borne materials which from time to time might be required. It would not be the bulk of the scaffolding materials and other construction material which, as I say, will be delivered via the barge to the Island in that way. The idea is that would minimise any risk of damage or environmental impact to the bridge itself, to the Guards Club Park and also to the vegetation and so forth on the island. We are seeking to, as far as we think we reasonably can, meet the concerns of the Royal Borough and of local residents in relation to these worksite arrangements. That is what we are now able to offer to the Royal Borough, the Committee and, of course, to local people as well who have lodged their Petitions and concerns with the Committee. If there is anything I can clarify in relation to that now, I will, but otherwise that is what we invite the Committee and the Royal Borough to consider.

16234. **Chairman:** Mr Stoker, there is an awful lot of undertakings promised there.

16235. **Mr Stoker:** It is promising. The difficulty is I only learnt of this five or 10 minutes ago. I will seek an opportunity, if I may, to take instructions from my clients in the hope that it will satisfy matters.

16236. **Chairman:** How long do you think you will need?

16237. **Mr Stoker:** If you can give me 10 minutes, would that be all right? I want to look at the fine-tuning of this.

After for a short break

16238. **Mr Mould:** Sir, Mr Stoker will confirm this, I am sure, but my understanding is that the terms of the undertakings that I have put forward provide a regime for the provision of additional car parking at Maidenhead Station and for an appropriate solution to the worksite requirement and environmental works at Guards Club Park that the Royal Borough are content to accept, and that we need not trouble the Committee any further at this stage with those issues. I have been asked to say—and I do so gladly—that the provision that I have just made about car parking is intended to be in addition to as opposed to in substitution for the arrangements that we have shown the Committee already, particularly

The Petition of the Royal Borough of Windsor and Maidenhead

in relation to the Silco and Silco Mark 2, which is the car park to the north west of the station building. I hope that that point having been clarified—

16239. **Chairman:** Mr Stoker, have you anything to say?

16240. **Mr Stoker:** No, not really, other than to welcome this. It does meet the concerns. There has been a bit of an exchange of letters on other matters, for instance, and what we would like to do is, if we can, put this all together into a discrete set of words and then lodge them with you in due course, if that is all right. It certainly, for the purposes of today, meets our concerns.

16241. **Chairman:** Thank you very much indeed. Can I congratulate the Promoters and your representatives, and also those people who made representations for the Borough, (including the lone representatives I have been reminded) in the hope that other people will take the experience of the Committee today and build on that and actually, possibly, mirror it in the months to come.

16242. **Mr Stoker:** I will pass that on, sir. Thank you very much.

16243. **Chairman:** Mr Taylor, will you be doing the Tarmac Petition?

16244. **Mr Taylor:** Mr Elvin is here, sir.

16245. **Chairman:** I did not notice the braces! We have been informed they will be here at 3.30.

16246. **Mr Elvin:** We are ready to go when the Committee is.

16247. **Chairman:** Thank you very much. We will suspend until they are here.

After a short break

16248. **Chairman:** We will now look to Petition 330, which is the resumption of the Tarmac Limited part-heard Petition. Mr Kingston, you were examining your second witness.

16249. **Mr Kingston:** Yes, I was. May I say I am sorry if I have kept you waiting.

16250. **Chairman:** It is the reverse; we were waiting for a Member to come in.

16251. **Mr Kingston:** I explained on the last occasion that as far as these Petitioners were concerned they had three specific property interests which were resolved, and that process is still under way. We need to preserve our position with regard to, particularly, the resolution in relation to Paddington to await additional provision 3 which will deal with the temporary powers, but unless there is a strong objection to that course being taken, that is to wait and look to the resolution which is well under way, I do not propose, again, to venture into the site specific matters.

16252. The next matter is that since we last appeared and commenced we have received a document from the Promoter which is the Crossrail Timetable Working Group and Access Option process Next Steps, which I am assuming the Committee has been introduced to.

16253. **Chairman:** It has been circulated.

16254. **Mr Kingston:** We will come back to that. As you said, sir, we were dealing with Mr Garratt's evidence.

Mr Mike Garratt, recalled

Examined by **Mr Kingston,** continued

16255. **Mr Kingston:** One question was asked on the last occasion with regard, effectively, to growth and a consideration of tonne kilometres and the extent to which that was something we could provide information on. Mr Garrett is in a position to do that, by reference to an additional exhibit which I hope you now have and to which I will ask him to speak, if we could have it up, please.⁶⁶

16256. **Chairman:** The reference will be a revised A165.

16257. **Mr Kingston:** Mr Garratt, what is it, please? (**Mr Garratt**) Before I presented forecast figures for tonnages, which is the top left-hand table here, 118 million tonnes rising to 146 million tonnes, I was asked for the equivalent in tonne kilometres, which is the table below that, 22.3 billion tonne kilometres rising to 30.5 billion tonne kilometres. The tables on the right-hand side would reflect if there were higher volumes for coal. I referred to the fact that coal was an issue which was problematic in terms of forecasting because of the proposed Government energy policies, and the right-hand tables refer to a higher scenario for coal.

16258. The short point of any significance, from the Committee's point of view, in terms of demonstrating a growth, please, in terms of rail freight usage of the railways?

(**Mr Garratt**) Yes, if we take the bottom left-hand table, taking 2.3 billion tonne kilometres in 05 rising to 26.7 and reaching 30.5, the basic thinking behind this is that up to 2014 what we are seeing is the rail freight industry recovering its position, achieving further additions and so forth, and then, after 2014, being in a steady state with other modes of transport, and assuming no further government measures such as road pricing which might further favour rail. The growth in tonne kilometres from 26.7 billion tonne kilometres in 2014 through to 2030 and 30.5 represents about a 1% per annum compound growth rate. In fact, that is the compound growth rate for road and rail taken together over the last 15 or so years, so what we are seeing here, really, is the recovery of a steady state.

⁶⁶ Committee Ref: A165, Existing and revised forecasts for higher coal volumes (SCN-20060718-001).

 The Petition of Tarmac Ltd

16259. Thank you. The remainder of your evidence, Mr Garratt, we need to look at in the context of what the Committee has heard since you last, on behalf on Tarmac, occupied your present seat. What I am going to do, sir, if you will permit me, is try and identify what we think are, essentially, four issues having regard to what you have heard and trying to avoid taking you through lots of timetable issues about which you have had much excitement since we were last here. I repeat what I said on the last occasion, if you have heard the message already, have taken it on board and have been able to follow, please will you tell me and I will move to the next point. The first point Mr Garratt should deal with is what seems to be an issue of principle with regard to the approach to timetabling. The first thing I want to ask you is whether here the timetabling exercise is an end in itself or an indicator of capacity in the existence or non-existence of it.

(Mr Garratt) No, it is certainly not an end in itself; it is a means of assessing the availability of capacity on the railway network. It is simply the only mechanism, I think, the rail industry gives to be able to make that judgment.

16260. In that context, the Committee has been told by Mr Berryman on Day 53 15645 and following, in response to a question which, if I am correct on the relevant part of it: “Does it make sense to be going down the line being suggested by this Petitioner and others to timetable in detail for 10 or 15 years in advance?”, the answer came (“it” I think it should be) “does not, and I can give you a couple of examples.” Among the examples were Mrs Berryman’s disturbance by a train at 2.30 in the morning—something much, apparently, to be feared, by the description of it. Mr Garratt, 2015 in terms of forecasting capacity or today’s date—tell us, please, your view on that.

(Mr Garratt) I think it is absolutely essential that the future position is taken into account. I think it is conventional practice in all transport assessments to take into account the conditions that the scheme involved is likely to meet during its lifetime and not at the present day. That is certainly the process adopted in the road sector.

16261. Forgive me. Here it is said that there are some uncertainties in the future (such as the trains Mr Berryman was referring to) being caused because of some work being undertaken in relation to the M1 widening. Outside of those uncertainties which may need to be considered, are other forecasts made with regard to growth in rail freight and the implications of planned development on the rail freight network?

(Mr Garratt) Forecasts are certainly available. They have been prepared by the industry at the request of the Secretary of State in the statement of last July. This is from the Rail Freight Operators’ Association, the Rail Freight Group and the SDA, and they are embodied in forecasts which the Timetable Working Group have available to them and they were assembled by Network Rail.

16262. Is there any reason that you are aware of, in terms of an approach to transport planning in

relation to railways, as to why known and permitted projects, such as those relating to port growth or indeed other railway projects, should not be taken into account at the predicted date of opening, and here we are talking about 2015 in relation to Crossrail?

(Mr Garratt) No I see no reason why they should not be taken into account and we have actually an example of such a procedure in the case of Hutcheson who, in seeking an access option based upon and related to their planning consents on Felixstowe South and Bathside Bay, have engaged with Network Rail on the exercise. Network Rail have insisted that in order to be able to assess its access option application, it would have to pass trains from origin to destination, from Felixstowe to Birmingham and Leeds and so forth, timetable those trains in order to ensure that it could be seen as access on to the application and take it to the ORI and that exercise is more or less complete.

16263. And in relation to proposals such as Hutcheson’s proposals at Felixstowe South or Bathside Bay, has the Minister been involved in a consideration of whether or not those should be permitted?

(Mr Garratt) Well he has in the sense that the Secretary of State has granted those projects consent, predicated on the various railway measures and railway capacities being available.

16264. The second point, the approach then, please, to the assessment of capacity and whether or not one should be taking into account growth, both organic in the sense of general growth of the kind you have talked about and growth from particular projects, you have perhaps covered that already but, as a matter of principle, what is your view, should it be taken into account as at the date of opening of a project like Crossrail?

(Mr Garratt) Well I think it has to be taken into account otherwise it is, if you like, setting aside previous decisions by the Secretary of State insofar as committee schemes are concerned and insofar as organic growth is concerned, that is definitely the approach adopted from the road sector.

16265. Information paper E6, freight operations, paragraph 3.5, tell us that train plans for Crossrail have been prepared on the basis that after the introduction of Crossrail services, freight services will continue to operate at broadly existing levels and that arrival at and departure from freight terminals with connections to and from the Crossrail tracks will be during off-peak periods.⁶⁷ Is that approach with regard to the assessment of existing levels of rail freight consistent or not with the approach taken by the Secretary of State in the assessment of projects such as the four projects you have just spoken about?

⁶⁷ Crossrail Information Paper E6—Freight Operations, billdocuments.crossrail.co.uk

The Petition of Tarmac Ltd

(Mr Garratt) Definitely not consistent and not consistent with the statement of common ground agreed between the court and the then SRA which is now subsumed in the FT role.

16266. On day 53 and in looking at paragraph 15645 when this matter was being considered, Mr Berryman's answer continues from his reference to the train had been introduced at 2.30 in the morning to say that what we can take into account and what we tried to take account are the, if you like, overall trains, so if you take the evidence given by the aggregates industry gentleman yesterday, he is forecasting a growth in the rise of aggregates and, yes, we can take that into account, but not the exact terminals to which it will go. Similarly with containers, we can take an overall view that container traffic will grow and we are prepared to accept that, but we cannot design the timetable to the minute detail which would ultimately be needed. What view do you take about that approach?

(Mr Garratt) Well Network Rail are requiring that minute detail to be taken into account in order to be able to run the test that the capacity is available.

16267. What do you want the Committee to do, please, with regard to this aspect of the matter? First of all, with regard to taking account of growth from no projects and organic growth to 2015, do you want the Committee to have regard to that?

(Mr Garratt) Yes, I do.

16268. Are the forecasts which you spoke to on the last occasion, the forecasts which were encouraged by Mr Darling in his 19 July 2005 statement forecasts which, in your view, are to be taken into account in that exercise or not?

(Mr Garratt) I would say, yes, that those are the forecasts available from the industry as required and requested by the Secretary of State.

16269. So take into account growth, consistent with the Secretary of State's injunction in that statement. Secondly, with regard to the production of a timetable, what do you want the Committee to require the Promoters to do there?

(Mr Garratt) I want the Committee to require the Promoters to show—I would like to ask the Committee to require Crossrail to come up with measures which will allow the forecast levels of rail freight to be operating along with Crossrail trains.

16270. At 2015?

(Mr Garratt) Well at 2015 or perhaps during the lifetime of the project might be a better way of putting it, because 2015 is only the opening day and clearly there is great growth after that.

16271. The third matter as to what you want the Committee to do with regard to the timetabling exercise, on what basis do you want that exercise undertaken, one which is consistent with what has been done elsewhere in relation to infrastructure projects with impacts on the freight network or some other basis?

(Mr Garratt) I would like the normal principles to apply, looking at the impact the scheme will have on future levels or future foreseeable levels of traffic.

16272. Let us just take an example of what might be involved in that. When you were preparing your evidence for your appearance before the Committee, you wrote to Mr Watson, the Chairman of the Timetable Working Group, I think, is that right?

(Mr Garratt) I did.

16273. And one of the questions you asked him was whether or not in the exercise that was undertaken in order to consider capacity, the timetable had been optimised, that is a view taken as to what capacity was effectively available by looking at reducing spaces between trains and that sort of thing, asked him whether that approach had been adopted; what did he tell you?

(Mr Garratt) He told me it had not.

16274. In terms of any conventional approach to a consideration of rail capacity at any particular time, would you ordinarily ignore optimisation of the timetable?

(Mr Garratt) I think one does that at one's peril and the two examples I would like to quote, first of all the West Coast Mainline where a lot of money was wasted in not, as it were, sorting these things out initially and Mr Smith gave evidence earlier for EWS about the great value that was brought by optimising that timetable and co-operation with the train operators. More recently, in the case of the East Coast Mainline, Network Rail produced a document at the end of December which argued that no further capacity was available to accommodate the various aspirations of the passenger train operator. The ORR asked Network Rail to go away and re-examine the timetable to see if some optimisation of the timetable, that is adjusting very slightly some of the existing timings would reveal more paths and Network Rail came out with the document on July 7 demonstrating that in fact more paths could be found to meet the aspirations of the passenger operators, they did in fact find 10 further paths in each direction, eight paths over an eight hour period, ie one an hour, so you can see what can be brought to the party by such optimisation.

16275. And that you would like as part of the exercise that the Promoters should be undertaking?

(Mr Garratt) Well I think it is important on the Great Eastern because examination of the timetable—forgive me for talking about timetable again—shows that in fact it does not operate on a regular clock phase every hour at the same pattern and that should be examined.

16276. Third matter as to the issues which you would like to deal with, access to terminals. This was an issue which arose at day 48, Mr Watson giving evidence at 13718, among other things indicated, "I have already mentioned he need to be absolutely clear about access to terminals on the Great Western and make absolutely certain it is possible to get those

 The Petition of Tarmac Ltd

freight trains in and out without impacting on the Crossrail service". Do you agree with that as an approach?

(Mr Garratt) Absolutely.

16277. What do you want the Committee to do?

(Mr Garratt) I want the Committee to be absolutely sure that the requisite infrastructure to achieve that access to terminals would be in place following Crossrail.

16278. Thank you. You have touched on infrastructure there, let us move to the fourth matter, the infrastructure to be completed. We have an undertaking here contained in a letter which has been put before the Committee of 30 June 2006, is that right?

(Mr Garratt) That is correct.

16279. And what is the basis of that undertaking so far as is material to the point that you want to make, please, Mr Garratt?

(Mr Garratt) Well it seems to me rather vague. It refers to a list of infrastructure in appendix A of the Timetable Working Group report and because of the point you have just made, it is clearly incomplete, otherwise Mr Watson would not have made that point that the work was incomplete with respect to access to terminals. I do know that the Timetable Working Group has now closed, so that letter of 13 in referring to the group being recalled would need to be re-visited.

16280. The last paragraph of the undertaking says, "Any material changes to planned enhancements would be modelled to check that there is no adverse impact overall and capacity of available for users as a whole nor to the formats as established in the TWG report. The TWG would be recalled to review this".

(Mr Garratt) That is correct. It also seems still to be talking about commitment to secure overall levels of operational capacity identified in the report, but that is, I think, at existing trade levels and there is a reference to performance in that latter and I think that should be read in conjunction with appendix C of the Working Group report.

16281. Why?

(Mr Garratt) That is because that is the only table in the Working Group report which discussed performance modelling, the use of rail assist, and it is quite clear looking at appendix C that the number of trains being tested there is the existing number of trains and not a future number of trains.

16282. So existing no future again, infrastructure related to that sort of performance. What do you want the Committee to do, first of all, please, you describe the capacity assessment that you would like undertaken, let us just take that as read as part of this exercise.

(Mr Garratt) Yes.

16283. The second matter with regard what the Promoters should be required to do in terms of identifying the infrastructure which is needed to accommodate Crossrail and freight interest, what do you want the Committee to do?

(Mr Garratt) I want to be sure that the interested parties have had every opportunity to participate in a future, perhaps now, working group, so that it is established on all sides what infrastructure is required to accommodate future levels.

16284. We know, and the Committee has made it clear on at least two or three, if not more occasions that it cannot require that infrastructure should be provided, but one of the things it could do, Mr Garratt, is to ensure that Crossrail services do not function unless and until the infrastructure required to accommodate the interest you have been talking about has been provided. What do you say about the appropriateness of that, please?

(Mr Garratt) I think that is an appropriate mechanism and is, I think, similar to a planning permission.

16285. So, in essence, Crossrail services not to run until such time as the infrastructure necessary to achieve the timetable performance is in place, is that right?

(Mr Garratt) Yes, that is right.

16286. Those, Mr Garratt, are the four points, I think, you wanted to make by way of a summation of your evidence in the context of what the Committee has heard since you last appeared but, as I indicated a little earlier, the Committee has also had, and perhaps not had time to study it in any detail as it only appeared yesterday afternoon, the document I referred to as the Crossrail Timetable Working Group and access option process next steps. Have you had the opportunity of at least reading that through?

(Mr Garratt) Yes, I have, well briefly.

16287. Do not let us descend to the minutiae at least at this stage, but one of the discussions that took place on day 52 involved Miss Lieven and Mr Liddell-Grainger in the context of that discussion, one of the things that Miss Lieven said was, having said she would like to respond briefly to a point in this regard, "As far as commitment to do the timetabling work is concerned, unless I get grabbed from behind"—and I have no idea what she had in mind in that context—"we have a clear commitment to work with the ORR to produce the necessary timetabling information, so the ORR can carry out its normal functions".

16288. So far as if we do not get what we want, we will come back with a concern, I would suggest that we cannot make any judgment on that until we have been through the ORR process. It was that reference to a commitment to work with the ORR to produce the necessary timetabling information that I wanted to ask you about. The document which has been

The Petition of Tarmac Ltd

produced, which was in response to the Committee's queries, does it proceed on the basis that the timetabling information will be produced?

(Mr Garratt) I was a little puzzled by the reference to the ORR because my understanding of the process is that Network Rail would be expected to do the timetabling. Other parties may or may not agree with that exercise and the ORR act as a sort of tribunal to decide who is correct.

16289. What about this document and any commitment in it to producing the timetabling information? Does it commit to the production of the timetabling information as you understand it?

(Mr Garratt) No, I do not think it does.

16290. On that basis, will the Committee get what is needed in order to consider whether or not there is adequate capacity to accommodate, for example, freight interests?

(Mr Garratt) No, I am not satisfied this covers it.

16291. Thank you.

Cross-examined by **Mr Elvin**

16292. **Mr Elvin:** Mr Garratt, the purpose, as you say, is Network Rail has to be satisfied with the timetabling and the robustness of the timetable?

(Mr Garratt) That is correct.

16293. That is done in discussion with the party applying for the Access Option. When that is done there is consultation with the ORR. When the ORR is satisfied that what has been produced is robust and shows operational viability, there is then consultation with other interested parties.

(Mr Garratt) I agree.

16294. The ORR is involved because if the ORR is not satisfied about operational viability which includes timetable robustness, it goes back to the person seeking the Access Option, in this case, Crossrail and Network Rail, to work it out until it does work.

(Mr Garratt) Yes, that is right. My point was that it would be Network Rail who does the timetable exercise for the ORR.

16295. The ORR has to be satisfied and will send it back if the ORR does not think it is robust?

(Mr Garratt) Yes.

16296. There are workings with the ORR to satisfy the independent adjudication of the ORR? There is then only consultation with industry once the ORR is satisfied in its mind that this will work?

(Mr Garratt) There is a consultation with the industry at that point, yes.

16297. In fact the ORR is involved in the process and will not allow consultation until robustness is demonstrated?

(Mr Garratt) Yes.

16298. Thank you. Therefore, and I mean no disrespect to the Committee, whatever the Committee says or does the ORR still has to go through this exercise with Network Rail and the Promoter because the ORR is the independent regulator. These matters still have to be proved to the ORR before there will be consultation and before an Access Option will be granted?

(Mr Garratt) Yes.

16299. The Committee could spend weeks on this and it will mean nothing because the exercise has to be demonstrated to the independent regulator?

(Mr Garratt) There has to be such an exercise in the first place.

16300. Whatever the Committee does, the ORR has to go through this exercise by law.

(Mr Garratt) The ORR has.

16301. Thank you. Can you tell me what Tarmac's timetable is for 2015, please?

(Mr Garratt) No.

16302. So, if you do not know what Tarmac's timetable is for 2015, do you know what it will be for 2030?

(Mr Garratt) No.

16303. Does Tarmac have an Access Option that runs to 2030?

(Mr Garratt) Tarmac is not the train operator.

16304. Does Tarmac have access to a timetable that will guarantee its services in 2030?

(Mr Garratt) No, it does not.

16305. Access Options do not run to 2030, do they?

(Mr Garratt) There are no Access Options yet agreed on the network.

16306. You cannot do an indicative timetable for 2015 or 2030 until you know what all the other demands of the industry are on timetabling?

(Mr Garratt) I would disagree with that. The way Network Rail approach this on any scale—and I have experienced this elsewhere—is to see if the new proposal can fit into the existing timetabling.

16307. Which is what we have done.

(Mr Garratt) The new proposal, and I am speaking from the freight side now to illustrate the point, will take into account growth and will make a projection of the original destination which will be covered. It seems to me that you are able to forecast the Crossrail trains but because it is having an impact upon commitments already made, then it is reasonable to take into account those forecasts running in parallel. Network Rail knew full well about this and they were holding the Timetable Working Group.

16308. Mr Garratt, my point to you is that you are confusing taking account of growth on capacity which we have done with producing a timetable in principle for a period for which there simply is not

 The Petition of Tarmac Ltd

information to draw an indicative timetable. Clearly, growth has to be taken into account and it has been taken into account. What you cannot do is what you have complained about is produce a timetabling exercise which stands good for 2030 because nobody has got an Access Option that takes you until 2030 so to do a timetable is non-sensical but, of course, to take account of capacity does make sense. Do you agree with me?

(Mr Garratt) I agree that it is impossible or impractical to forecast the precise pattern of every freight train in the UK in 2030, of course.

16309. Thank you very much.

(Mr Garratt) However, it is not impossible to go through an exercise which takes those issues into account.

16310. You know full well that the TWG having done an indicative timetable for 2015 that looked at the implications of growth.

(Mr Garratt) I am not sure I am satisfied with that.

16311. Mr Garratt, let us assume, because I do not want to take up Committee time, for a moment that the TWG set its face against looking at growth—and I do not accept for a moment—the Committee has got the report—it can make its own mind up—the position is it will be taken into account by Network Rail when negotiating the Access Option and it will most certainly be taken into account by the ORR when deciding whether or not to accept operational viability, will it not?

(Mr Garratt) I would trust it would.

16312. Again, without any disrespect to the Committee, it is a job which is better suited to Network Rail and to the regulator to resolve issues such as operational viability and timetabling robustness rather than the Select Committee?

(Mr Garratt) Without question, it is an area of detail, I agree, which is more appropriate to Network Rail and a group of informed and interested parties.

16313. Thank you. I only have one other question for you. Can we disinter from two and a half weeks ago. Your figure eight, your forecast part utilisation 2030, it is LINEWD-33005-009.⁶⁸ Can you zoom in on table one, please? The figure we want to look at is 2015. We have got 2014 which is your forecast absent Crossrail, is it not?

(Mr Garratt) Yes.

16314. If we look at the forecast Barking to Willesden or Kings Cross we see 86, that is two-way trains against the number of paths which is 87. You reminded the Committee when you gave evidence for the first time that 98% capacity effectively was full utilisation, you could not get that level of usage out of the paths.

(Mr Garratt) Yes,

16315. At 2014, with or without Crossrail, the system is already at capacity?

(Mr Garratt) Yes, that is right.

16316. So Crossrail does not break the system, if that is regarded as being broken, the system is in that position in any event and has to be addressed by other means?

(Mr Garratt) Let me make something clear here.

16317. Do you agree with my proposition?

(Mr Garratt) I would like to try to give an answer which makes my position clear.

16318. I would like you to answer my question.

(Mr Garratt) Can you ask the question then? I do apologise. I do understand the way these things work.

16319. The position is that 86 two-way trains taking up 87 paths. You have already told the Committee that 90-odd% utilisation is more than the practical capacity in any event. The system without Crossrail in 2014 requires assistance whatever happens and that must be achieved by other means.

(Mr Garratt) The number of paths shown in 2005 is the number of paths in the Working Timetable at the moment and that is not to say more paths cannot be found. The illustration of that is the exercise related to the Havenport inquiry which shows that further paths could be found within the existing Great Eastern which would raise the number of paths. To regard the number of paths in 2005 as capacity is not accurate.

16320. We know there are two extra paths because we can see that in the table below. That is 86 out of 89.

(Mr Garratt) No, the table below is on a per hour basis.

16321. Do you also have the figures—I will come back to that in a second—in the first line? To reach the north London line at Stratford, 53 paths, 170% capacity.

(Mr Garratt) That is correct.

16322. Then we see net demand, 197%. Do these figures not simply make it abundantly clear to anybody with any sense looking at this that that the system is already at, or in excess of, capacity? There may be things that you can do to improve paths in terms of signalisation and the like but the system is already at or over capacity.

(Mr Garratt) I am not sure I can agree with that. If we take that top line, I have got a document here which has been produced by Network Rail which shows that they could find 27 further paths without disturbing any existing trains in 2005. That would raise that 53 to 80 which would be greater than the 75. That is before any further optimisation of the network. This is not my evidence, this is a Network Rail study done by the same team that was part of the Timetable Working Group.

⁶⁸ Crossrail Ref: P108, Forecast Path Utilisation 2030 (LINEWD-33005-009).

The Petition of Tarmac Ltd

16323. That is all very interesting but you spent a lot of time telling us that these were your predictions, here in this figure, about what capacity would be.

(Mr Garratt) No. The number of paths is not my prediction, I have got the Working Timetable extract with me which identifies every one of those 53 paths. This is Network Rail work in all respects.

16324. Whatever the optimisation, whatever the improvements, they have to address the net demand, Forest Gate to Stratford being at 2030, 197%. It is nearly twice over capacity. It will have to be something fairly major in terms of improving the number of paths or optimisation to get that down to a situation which is less than 100%, which is the situation that will allow for growth.

(Mr Garratt) I do not deny that further works either on this route or on other routes will be required to reach that level of utilisation, but that was not the argument that Crossrail was putting, it was that it was over capacity by 2015, which contradicts the evidence of the Havenport's inquiries and more recent work done by Network Rail.

16325. Mr Garratt, what is Tarmac's interest in all of this? You and Mr Kingston have given an interesting dissertation on paths. As I understand it, 90% of Tarmac's business is on the Great Western, is that right.

(Mr Garratt) It is. You are asking me these question, sir—

16326. I am asking you questions about your evidence?

(Mr Garratt) I am answering questions about my evidence. This table covers both the Great Eastern and the Great Western. You continue to ask me questions about the Great Eastern. Tarmac contracts from trains running on the Great Eastern between Essex and London. It is concerned about being squeezed out by the situation which is emerging.

16327. No doubt it will make those representations to the ORR in due course. Thank you Mr Garratt. Re-examined by Mr Kingston

16328. **Mr Kingston:** With regard to the exercise which the Promoters indicate they are going to go through, that is an exercise which will involve discussion with Network Rail and then a submission to the regulator, is that correct?

(Mr Garratt) Yes.

16329. Is that an exercise which will be able to be carried out without producing the "timetable information" which has previously been referred to?

(Mr Garratt) That timetable information will be required.

16330. As far as the Committee is concerned, what is the context for the regulator and, indeed, Network Rail, for the exercise of the regulator's powers here? Does the Crossrail Bill contain anything which, at

the end of the day, might make the regulator somewhat less than useful or redundant if Crossrail does not like the outcome of the exercise?

(Mr Garratt) My understanding is that danger does exist, that, at the end of day, the regulator's powers could be set to one side.

16331. The Promoters have got to produce a timetable which will have to be viewed and considered by the regulator. If that has got to be done, is there any reason why Petitioners should not be permitted to the secrets of that process in order that they can understand and make representations on whether or not, for example, Crossrail should continue to have the powers to override the regulator?

(Mr Garratt) I think it is most important that such interested parties be able to protect their position by so participating.

16332. With regard to 2015, 2030, the process that you have referred to in relation to paths, is optimisation a particularly unusual thing to be considering when looking at whether or not anything could be accommodated on the rail network?

(Mr Garratt) No, it has just been achieved on East Coast Main Line, as I referred to, with useful effect.

16333. If it is not done here, what is the upshot from the point of view of what Crossrail, in effect, is not required to do, whereas any other Promoter of a particular project which would have an impact on the railway would be required to do if they went through the conventional exercise?

(Mr Garratt) The upshot is that they could leave the freight industry without the capacity it would otherwise have enjoyed.

16334. Is that, as you understand it, consistent with what the Secretary of State says should be happening in circumstances such as this?

(Mr Garratt) Absolutely not, the Secretary of State has asked the industry to come forward with forecasts so that in specifying time levels at the specification to Network Rail the Government can ensure that rail freights achieve its potential.

16335. With regard to what was taken into account, I have read to you what was contained in paragraph 3.5 of the information paper E6.⁶⁹ That is that freight services will continue to operate at broadly existing levels. Have you seen any amendment of that information paper indicating that is not the position?

(Mr Garratt) I see very confusing positions in the latest paper, the Next Steps paper, where growth is referred to but not consistently so.⁷⁰ For example, I think the easiest way of explaining this is on the first page of the Next Steps paper, the remit of the working group was reiterated in A and B, and B

⁶⁹ Crossrail Information Paper E6—Freight Operations, billdocuments.crossrail.co.uk

⁷⁰ Committee Ref: P108, Next Steps, Timetable Working Group (SCN-20060718-002).

The Petition of Tarmac Ltd

says: “To accommodate Crossrail services when the effect of growth in freight and other passenger services is taken into account”. In the conclusion this paper states that that remit was achieved, but I cannot see that it has been because neither the growth in other passenger services—and that must mean the TfL services being proposed—as well as the freight growth has not been, as it were—no satisfactory demonstrations have been made that the requisite capacity will be available.

16336. **Mr Kingston:** Thank you, Mr Garratt. Sir.

16337. **Chairman:** Mr Kingston, we initially had two witnesses, but now it has been decided to have a third witness for today.

16338. **Mr Kingston:** No, we have always had three witnesses, and I explained to you on the first day that we had three witnesses. The final one is Mr Peter Dixon. You will recollect someone told you we had three timetabling witnesses and I said that at least two of the three witnesses we had would be very surprised if they were so described, and Mr Dixon is one of those two.

16339. **Chairman:** Your next witness will be dealing with environmental—

16340. **Mr Kingston:** Environmental impact assessment only, that is correct.

16341. **Chairman:** Thank you, Mr Garratt.

The witness withdrew

16342. **Mr Kingston:** If I may, I will call Mr Dixon.

16343. **Chairman:** Mr Kingston, how long do you think you are going to take with this witness?

16344. **Mr Kingston:** Probably for this evidence, 15 to 20 minutes.

16345. **Chairman:** If we can get the stenographers to stay we will extend beyond 4.30 and, maybe, sit until 5.00, which may cause the Committee not to come back at 6.00, which would be helpful to the Committee. So if you could make your points—

16346. **Mr Kingston:** I have been attempting to do so shortly, and will continue to do so, if I may.

Mr Peter Dixon, Sworn

Examined by **Mr Kingston**

16347. **Mr Kingston:** You are Peter Dixon, is that right?

(Mr Dixon) Yes.

16348. You are a Chartered Planning and Development Surveyor, a Member of the Institute of Highways and Transportation and a Member of the Energy Institute. Is that right?

(Mr Dixon) Yes.

16349. In essence, you are someone who has had considerable experience in consideration of the assessment of major projects and their environmental impacts. Is that correct?

(Mr Dixon) Yes, it is.

16350. And that is over now quite a few years. In this instance you have been asked to consider particularly the effects which arise from Crossrail in terms of the way they have been assessed for the purposes of the Environment Assessment and meeting the requirements not only of the United Kingdom but, also, European legislation. Is that right?

(Mr Dixon) Yes, it is.

16351. With regard to the requirements, if we look at the detail of that, we have got, I think, probably the most succinct way of expressing it, by having a look at circular 2 of 99, and perhaps a brief extract from that which tells us, “to ensure that the authority, giving the primary consent for a particular project makes, its decisions in the knowledge of any likely significant effects on the environment there should be an Environmental Impact Assessment.” Yes?

(Mr Dixon) Yes, that has been the requirement of the European Directive.

16352. As the Committee has been reminded of those matters, in any event we perhaps do not need to deal any further with the generalities of the obligation. Let us go to the particulars of how they apply here. In terms of significant environmental effects, Mr Dixon, what is your view about the position here, please?

(Mr Dixon) It seems to me quite plain that the effect upon rail freight interests are potentially significant environmental effects for the purposes of the regulations.

16353. On that basis, what ought to happen with regard to assessment of them?

(Mr Dixon) Those effects should be assessed in the Environmental Statement that accompanies the Bill.

16354. In terms of a failure to do that, what are the consequences?

(Mr Dixon) The decision-maker cannot grant development consent if significant environmental effects have not been assessed before the decision is taken.

16355. In this instance, have you had the opportunity of considering Mr Garratt’s evidence and indeed the evidence of others as to the impacts that Crossrail has on other freight interests?

(Mr Dixon) Yes, I have, and I do not pretend to be a timetabling expert myself, so I rely entirely—

 The Petition of Tarmac Ltd

16356. You are highly unlikely to lose your seat if you say anything like that! Maybe your head, I do not know! Tell us, please, what you have drawn from what the other witnesses have said about the effects on freight?

(Mr Dixon) It seems to me either there are significant effects on rail freight interests or one cannot say with any confidence now that there would not be.

16357. Did you, in the course of preparing for your evidence before this Committee, write to the Promoters to ask them what view they had taken with regard to freight interests and the extent to which they were going to be assumed to be impacted or not?

(Mr Dixon) Yes. Because the Environmental Statement is silent on the subject I wrote to the Promoters and tried to understand what process had been gone through, and someone called Mr Lancaster wrote to me in reply to say that the Environmental Statement had been prepared on the basis of a working assumption that there would have been no impact on rail freight interests.

16358. “A working assumption of no impact on rail freight interests”. Let us suppose, for the moment, and I say it with no disrespect, this Committee and the House remains seized of this right to approve or not the Crossrail proposals—in other words, it is not going to be a regulator who will say whether or not the Bill passes, but this House—what in your view does the Committee need to be satisfied about before it could pass the Bill?

(Mr Dixon) It either needs to be satisfied that there genuinely would be no effects on rail freight interests or, alternatively, that the safeguards were in place to ensure that there could not be beyond the level assessed in the Environmental Statement.

16359. Mr Elvin’s response to this was to say engagingly to the Committee: “Don’t worry; you do not have to worry about all this timetabling difficulties; we will pass it all, after a discussion with Network Rail, to the regulator and the regulator will ensure that these matters are looked at before there is public consultation and before there is any Access Option.” Do you recollect hearing that?

(Mr Dixon) Yes, I do.

16360. We know, of course, that beyond that, if there is not a satisfactory outcome from Crossrail’s point of view, there are powers in the Bill which can override the regulator. Is that correct?

(Mr Dixon) That is my understanding, yes.

16361. In those circumstances, what do you say is the position? Is the Committee able effectively to decant its responsibilities with regard to the assessment of environmental effects to the regulator and say: “Well, he can sort it out as to whether or not there is going to be an effect; that the Bill should pass and when the Bill passes we will hope that the working assumption with regard to freight is proved to be correct”? Would that be appropriate?

(Mr Dixon) No, I do not think it would be. In part, there is an issue of timing. The decision to grant development consent is taken by this Committee. It cannot leave it to some other body later to resolve a significant issue of this kind. I suppose if the issue were resolved before the Committee’s decision were taken and appropriate safeguards could then be incorporated in the Bill to ensure that the regulator’s requirements, for example, in relation to any physical infrastructure that might be needed to secure the Access Option were then ensured by condition, to use a planning analogy, then it would be satisfactory.

16362. At the moment is that mechanism in place?

(Mr Dixon) Not that I am aware of, no.

16363. Have a look at what the potential is here. The first is, obviously, the situation I have described to you, which has been put a few moments ago, which you described as “unsatisfactory”, in terms of satisfying the requirements of the impact assessment legislation. What could the Committee do here practically, please, in order to ensure, in your view, compliance with the requirement in relation to the environmental impact assessment?

(Mr Dixon) The first thing would be to require the Environmental Statement to be supplemented by an assessment of what is now known about the likely effects on rail freight interests. That assessment would enable the effects to be quantified and weighed properly in the judgment about the benefits of the scheme, which I acknowledge are significant benefits, and any mitigation that is needed and any measures to secure that mitigation could then be also identified and secured by appropriate mechanisms in the Bill.

16364. At the moment, none of that is in place. Is that right?

(Mr Dixon) That is my understanding, yes.

16365. Have you seen in anything recently produced (for example, the documents we referred to earlier produced yesterday) which would result in it being in place?

(Mr Dixon) Not as I have seen, no.

16366. A part of what is involved here is, of course, a consideration of what infrastructure might be required in order to alleviate the impacts on other interests as a consequence of the introduction of Crossrail services. Yes?

(Mr Dixon) Yes.

16367. In terms of ensuring the delivery of those and any linkage to an Environmental Impact Assessment, what do you say?

(Mr Dixon) If this was a conventional planning application it would be normal to seek to require any necessary infrastructure by condition or to have what are known as Grampian conditions imposed which prevent the development from being carried

 The Petition of Tarmac Ltd

out or operating until some specific thing was put in place. That is the sort of mechanism that might be appropriate here.

16368. For the Committee to require that before Crossrail services run the infrastructure required to achieve the outcomes asserted should be in place?

(Mr Dixon) Yes, that would be quite a normal form of planning condition.

16369. At least with regard to those elements then, if that were done is there some chance then of compliance with at least that aspect with regard to an Environmental Impact Assessment?

(Mr Dixon) yes, because then what the Committee has been told would happen is enforceable.

16370. All of that, of course, assumes that there has been a process gone through and put before the Committee which has identified what the impacts are, identified the necessary infrastructure and then we have moved to securing it.

(Mr Dixon) Yes, that is right. That is the process that the Directive contemplates.

16371. The first few steps we have heard about already.

(Mr Dixon) Yes.

16372. **Mr Kingston:** Thank you very much, Mr Dixon. Thank you, sir.

Cross-examined by **Mr Elvin**

16373. **Mr Elvin:** I can be short. Mr Dixon, it is common ground between us that in order for an environmental assessment of a particular matter to be required there must be a judgment as to whether it is likely to have a significant effect.

(Mr Dixon) Yes, that is right.

16374. Whether it is likely and whether there are significant effects is a matter of expert judgment, is it not?

(Mr Dixon) It is. Normally, of course, there would be a scoping process in which the Promoter or the applicant and the decision-maker considered those issues together; it would not be an action carried out unilaterally by an applicant. You are quite right, there is a judgment to be made.

16375. Mr Dixon, we are not in the normal planning forum; we are applying the Directive under Article 1(5). I am sure you are well aware of that, Mr Dixon; we are not applying it under planning regulations, are we?

(Mr Dixon) We are not, although the standing orders of the Committee do require environmental statements on all-fours with one prepared under those regulations.

16376. I am sure you have read Standing Order 27A most carefully and you will see that what it requires is something in the form required by Schedule 4 to the Regulations?

(Mr Dixon) That is right, including anything that might be reasonably required.

16377. So if a judgment has been reached supported by the Timetable Working Group that there are likely significant effects, there is no obligation to carry out an environmental assessment of those effects is there?

(Mr Dixon) If that were true, but the scope of the judgment was formed approximately nine months before the Timetable Working Group was. As I understand it what the Timetable Working Group conclusion suggested that there would a—

16378. Mr Dixon, let us cut to the quick and let us not make clever points, the point that you are complaining about now is that the environmental statement does not deal with the particular issues?

(Mr Dixon) That is right.

16379. If the judgment has been reached that it does not require to deal with it because there are not going to be likely significant effects, because we would say that is what the TWG report shows, there is no obligation to carry out environmental assessment of those effects is there?

(Mr Dixon) If it were the case that a reasonable judgment could be formed that there would be no significant effects under this heading, you are right, ultimately that is a matter for the decision-maker, not the applicant.

16380. And the decision-maker is parliament, not just the Committee, it is parliament, because the development consent is the passage of the Bill and grant of royal assent, is it not?

(Mr Dixon) Yes.

16381. **Mr Elvin:** Thank you.

Re-examined by **Mr Kingston**

16382. Mr Dixon, if the judgment needs to be a reasonable one, is it reasonable in circumstances such as this, to make, for example, a working assumption nine months before you ask someone to look at the matter, is that a reasonable way of proceeding?

(Mr Dixon) It would seem to me that you have done a little bit more than simply make an assumption at the outset.

16383. And if you make the assumption and assert that the assumption is supported on the basis of a Timetable Working Group output, may I ask, is that a conclusion that you would expect to see clearly or somewhat opaquely?

(Mr Dixon) I think you would expect to see it clearly and with a rationale to support it.

16384. And if it is not clear what are the consequences in terms of the fairness and openness of the process which is being gone through?

The Petition of Tarmac Ltd

(Mr Dixon) A significant factor for consideration in the European directive and in the English legislation of this, is to ensure public engagement and consultation so that you properly reflect on the decision-making process. Obviously the more opaque the position is the harder it is to meet those requirements.

16385. **Mr Kingston:** Thank you very much. Thank you, sir.

16386. **Chairman:** Mr Dixon, thank you.

The witness withdrew

16387. **Chairman:** Mr Elvin, could I ask guidance? What I was going to do is perhaps give you the opportunity to summarise this now and then Mr Kingston to summarise his side of things, because I think it would be helpful for the Committee if you came back tomorrow and summarised the whole of the freight side of it for the Committee.

16388. **Mr Elvin:** I will do a general closing tomorrow on the last two and a half weeks.

16389. **Mr Binley:** Might I ask a question through you, Chairman, of Mr Kingston? Just for my own understanding, because we have heard some sizeable legal argument and that that seems to me to be primarily about the house rather than this Committee. However, when I tried to get into my mind what you want us to do, I am stuck on two points. The first is that it seems to be proved to me that Crossrail have got there is not going to be enough capacity. The second is that the regulator has to agree that when the capacity is arrived at it is fairly dealt with with freight and passenger. Given those circumstances, what did you think the Committee could do?

16390. **Mr Kingston:** The Committee could, we would say should, require the Promoters to deal with the environmental effects of this proposal in terms of its impacts on freight and that—

16391. **Mr Binley:** With respect, sir, and my apologies, we have already heard that that case has been answered seemingly legally, that case has been dealt with about the environmental assessment and back to the major point about timetabling and I do not understand what this Committee can do about this particularly. I understand the legal points and I am trying to shove those to one side to get to the nub of my question.

16392. **Mr Kingston:** If I am not answering your question you will tell me, but the response today has been, in essence, to say to Mr Garratt, look this is all terribly difficult about the timetable and working out what the effects are going to be and what the effect of Crossrail will be, you can safely leave that, can you not, to be worked out with Network Rail. It will then go to the regulator and the regulator will say whether or not “it is all right”, but all of that

takes place, does it not, against a background of everyone in that process knowing that if Crossrail does not like the outcome, it has, what might be described as, a fallback position in order to ensure that it gets its way. That process and the fairness of it is not to be achieved in circumstances where the negotiation takes place with everyone knowing that that can be the outcome.

16393. The second matter, if you will forgive me, the second matter is that whatever the position with regard to the regulator, whatever his powers, it is not appropriate for the Committee effectively, we would submit, to push all of this issue off to the regulator on the basis that it is all very difficult, particularly in the context of environmental impact assessments. It is the decision maker that has got to make the decision, it is not the regulator who makes a decision on environmental impact certainly. It may be that the regulational process would contribute to that in due course, but we know from the document we saw yesterday that we are not going to see a timetable, we are not, on the basis of this document, going to get the information which Mr Liddell-Grainger thought I think he was going to get from what I have seen of his question, we are not therefore going to know and be able from a Petitioner’s point of view to see what the effects are and we do not think the Committee will be able to. What you will get is what you have had so far, which is a series of generalised assertions that really we have taken into account growth and depending on which document you are reading, we have taken a view about it being something which can be accommodated or not, the working assumption process, it is not a satisfactory process from certainly the point of view of here the user and you have had this pressed on you before and I will not go around it again in deference to it, but you have been reminded of the distinction between the operating companies and the users. Tarmac are users, they have not been admitted to be—and I do not mean it unkindly—the magic circle of the Timetable Working Group—we cannot contribute to that process. We are in that sense powerless without the Committee to assist us in requiring the Promoters to produce the information which we have referred to today, that is why we are here, we are not here—

16394. **Mr Binley:** I am grateful to you, sir. Can I thank you, because I really did need an understanding in rather simple terms, you have been very kind and gratified my simple mind, thank you.

16395. **Chairman:** What was also produced to the Committee was clear evidence that the capacity for growth is not actually going to be there in our timetable anyway. Are you suggesting to this Committee that we take measures to insist that the price of that falls on the whole on the whole of the Crossrail project?

16396. **Mr Kingston:** No, that would not be right. May I remind you of what Mr Garratt said. Mr Garratt told you that for any other person who seeks

 The Petition of Tarmac Ltd

consent in whatever way for a project which requires rail capacity, they are effectively required to sit down and look at the date of opening and during the life of the project of the effect of their proposal on railway capacity. The way in which they do that and we have given you an example, it is but an example, the way in which that is done and was done for the port proposals at Felixstowe/Bathside Bay, is not to say, "Well, here is today's timetable, can your trains run?" because today's timetable has simply responded to the demands made on it, that that is why the process is gone through which Mr Garratt described as "optimising the timetable", so what you do and what any promoter of any project is required to do, is to look at the timetable now, go through the optimisation, that is asking, "If we run this thing as efficiently as possible, what paths will there be?" When he has looked at it on that basis he then says, "Well we have looked at it running as efficiently as possible, we are going to add this number of trains, can that number of trains be fitted in without additional infrastructure?" If they can, if you will forgive me for doing it this way, he gets his ticket, because the network is already able to accommodate him. If he cannot and you heard, I think, some examples of this in relation to Hutchison on the Felixstowe/Nuneaton line, if he cannot fit all his trains then, then not surprisingly somebody requires him to put his hand in his pocket and pay for the improvements.

16397. **Chairman:** And who would that be?

16398. **Mr Kingston:** The consenting authority, whoever it might be. In the case of the port proposals it would be the Secretary of State who would have said, "You can have your consent for your port proposal, but because you are going to run a lot of these containers on the railway and the railway cannot accommodate you without improvements, you must pay for the improvements", and by way of effectively conditions, legal requirements, the improvements are then paid for.

16399. What has happened here, and what Mr Garratt was trying to explain to you, is that the Committee has been told, "Look", and Mr Elvin was doing it this afternoon, "in 2015 the network is already in trouble, it cannot accommodate it. Look at the number of paths available now, look at the 2015 position with growth, it cannot work". But what the Promoters have failed to do here is to optimise the timetable as at today, look at the amount of number of paths available and then ask whether the network could cope in 2015 without Crossrail and that exercise is not an unusual one, that is precisely the exercise which Hutchison, as Mr Garratt explained, had had to go through in order to get, if I can put it colloquially again, their development ticket and there is no reason, we would submit to you, why Crossrail should not have to do the same thing, optimise the timetable, and when you have optimised it, put in the known permitted projects, that those are going to happen, those you can predict in terms of past requirements, and then

ask the question "What does Crossrail do?" because that is a fair and consistent way of asking the question, consistent, that is, with everything else that has been permitted by the Secretary of State elsewhere and at the moment what the Committee is getting, as we see it, is a skewed assessment of capacity which results or enables Crossrail to say, "Well you cannot accommodate growth without us, why should we have to pay and why should we have to be responsible for infrastructure which is going to be required in any event?" but they can only say that on a basis of a failure to optimise the timetable. So our plea is nothing to do with wanting something special, or something different, we are simply saying to the Committee, please will you ensure as a matter of fairness and openness that the Promoters come to you on a basis which is consistent with exercises undertaken elsewhere and which puts before the Committee and Petitioners the sort of timetabling exercise which everyone else has to do, the sort of timetabling exercise which will allow us to say, "yes, Crossrail does not have an impact" or "no it does" and it should therefore identify the infrastructure improvements required.

16400. We ask nothing else, but it is important if the Committee is at the end of the day to reach conclusions which will promote overall efficiency on the rail network and just perhaps I should make it clear, Tarmac do not come to the Committee with any sense of negative approach with regard to Crossrail and I told you in opening that we think that it is an excellent project in its conception and has the potential for very, very significant benefits and we have made that clear, so we are not going to be, if I can put it this way, the knocking club, but on the other hand there are significant interests here, not just Tarmac's commercial interests, but significant float interests here which if they are not secured in a way something like the one I have rather crudely described, will put the Committee in a position which it will be making recommendations with regard to the passing of a Bill which, so far from ultimately assisting the reputation of the railways as a provider of an efficient service, will actually harm it. Thank you.

16401. **Chairman:** Mr Elvin, did you want to add anything?

16402. **Mr Elvin:** I have got three points. What Mr Kingston and Tarmac singularly failed to explain to the Committee that if all these things are done ordinarily what he fails to acknowledge is that they are ordinarily done in the negotiation of the Access Option, which Mr Garratt agreed with me is done between the person seeking access to the rail, Network Rail. Operational viability is then worked out, put to the regulator and if the regulator is satisfied, there is that industry consultation. That is a transparent and public exercise. What Mr Kingston cannot explain to this Committee is why the Committee should have to insist that this exercise is done outside the normal industry standard. We have

The Petition of Tarmac Ltd

got Mr Twigg's letter of 29 June. The way we wish to take Crossrail forward is to promote an Access Option which will be dealt with, it is expected, during the passage of the Bill. It may not be dealt with by this Committee but it may be dealt with by the Lord's Committee. It depends on the time limits but it is expected to be known in the life time of the Bill passage. In my respectful submission, it makes absolute nonsense to make the Committee and Crossrail to go through hoops which it has to go through in any event as part of the normal industry regulation. What Tarmac are, in effect, asking the Committee to do is to impose a further requirement on Crossrail to do the exercise before the regulator and Network Rail.

16403. What we have done so far is to show the Committee that we take the matter seriously and there is a matter for considerable optimism in that we form with TWG which has reported so far as work has been done. A significant amount of work has been done and you have seen that clearly there is scope for optimism and that capacity exists. The position, therefore, in my respectful submission, on the Bill powers is that we are seeking the Access Options as our primary means. I have already explained to the Committee why a project that Mr Smith for EWS could not bring himself to say is a major project. Why Parliament should not have some degree of security that what he is approving it has been told it will provide, it will be provided. We have that fallback position. It is not intended that fallback position will have to be justified in due course because of the Access option and I will return to that when I do my closing tomorrow. You have got that in Mr Twigg's letter of 20 June and information papers H3 and H4. We could not make it clearer, in my respectful submission.

16404. Just before I deal with the last point, the Committee probably has not had a huge amount of time to absorb the letter that was sent to Mr Liddell-Grainger on the Committee's request on the timetabling next steps because it might help the Committee if I show them.⁷¹ This is the evidence which we have to show to go towards operational viability and you will see within those we have to show timetable robustness, does the timetable meet the rules of the plan, section running times, headway margins, et cetera and infrastructure loading. Can the infrastructure physically accommodate the load requirement? The very two types of issue that the Committee have had time and time again by the freight industry are matters which go towards operational viability and, therefore, are part of the exercise for Network Rail and the ORR. I hope that shows the Committee that these are not just empty words, these are issues which are being addressed and will have to be addressed. As I said, Mr Kingston does not explain why they should be plucked out of that normal process and done in a

premature way at this stage when we have already demonstrated that there is significant work done on the work in hand.

16405. On environmental assessments, the point goes nowhere for reasons I explored with Mr Dixon. The judgment has been reached and it is a judgment which exists today, whether there is likely to be significant effect. The nine months point does not go anywhere, we have put in a number of supplementary environmental statements to the Committee. The Committee has not yet seen the final one because the final set of additional provisions will have another environmental assessment in due course. It is a continuing process which runs throughout the Bill as matters change and, if a different position had materialised as a result of the transport working group, then no doubt a different position would have materialised so far as environmental assessment is concerned, you would have had another document. The position is this, the judgment has been exercised based now on the transport group working group that there is unlikely to be a significant effect. That is based on the reasons that the group made clear. If Parliament takes a different view, then no doubt Parliament will tell us to produce another Environmental Statement, but for the reasons I have indicated, we do not consider that to be necessary. Thank you, Sir.

16406. **Mr Kingston:** I will not abuse the time having made a closing submission a few moments ago and if I demonstrate over much enthusiasm you will stop me, I am sure. Let me deal with the point. I have not demonstrated why this process should be abstracted from the normal industry regulation. You, I respectfully submit, will want to ask yourselves how many rail regulator Access Options have been negotiated against a background of a requirement on the regulator hovering in with the Bill here, if Crossrail do not like the result the powers already in the Bill to effectively override the regulator. Mr Elvin will tell you now that Crossrail will bid by the outcome of the rail regulator process, will not keep any reserve powers available and will effectively therefore drop the draconian fallback that is preserved. He might be in a stronger position to poke his finger at me and say, "Why did you want this Committee to interfere in what is essentially an industry process?", but the whole process with Network Rail and the regulator takes place against a background effectively of the powers held. If we do not like this we can do something about it as long as the Committee can be persuaded to preserve those powers. That is why in this situation, with these powers available within the Bill, the Committee should involve itself and should do and say what was said by Ms Lieven in response to Mr Liddell-Grainger, produce the necessary timetabling information and then the Committee can be satisfied. Mr Elvin says it is nonsense. We heard that the Promoters and, in effect, the Committee should have to go through these hoops when there are normal industry regulation procedures available.

⁷¹ Crossrail Ref: P108, Extract of correspondence from CLRL to the Committee, Issues for Systems modelling to prove operational viability (SCN-20060718-003).

The Petition of Tarmac Ltd

Please, will you ask yourselves when you are deliberating what is normal about this situation and the powers I have referred to.

16407. The second point with regard to Environmental Impact assessments, within less than 90 seconds of each other Mr Elvin tells you that there has been a reasonable informed judgment with regard to rail freight impacts and tells you there is scope for optimism that the capacity exists. This is not, is it, with respect, a situation in which we should be effectively spinning the wheel and hoping that the ball falls into the right compartment. The Committee, I respectfully submit, is entitled to and should expect that the Promoters produce the information that demonstrates not that there is optimism for the capacity that exists but that the capacity does exist and there will not therefore be the impact on rail freight which has been identified by Mr Garratt and through Mr Dixon in terms of process. Without that I say with great respect, the Committee will not perform the essential supervisory function with regard to the development and the powers.

16408. The final point is Mr Elvin says, "Well we have set up a timetable working group and the timetable working group, in the enthusiasm for reading yesterday's exciting paper, will be subsidised by the Crossrail reference group.

16409. The Crossrail reference group, it said, will take forward this process, but it will always be taking it forward against a background of deficient assessment because of the failure to approach the capacity exercise in the way that would be usual and would be effective with regard to optimising the timetable. As far as the Timetable Working Group is concerned, superficially one might say, "That is what the report says", but there is evidence before the Committee that that exercise is deficient. The Committee ought, we submit, to be careful not to allow this Bill to pass without the Promoters demonstrating that the impacts we have referred to are going to be addressed. I will not repeat what I said earlier, sir, we have set out our position, unless there is anything else you would like me to deal with?

16410. **Chairman:** Thank you very much indeed. That concludes today's hearing. Thanks to the stenographers who are working late again. We shall resume in this room at 10 o'clock tomorrow morning.

Wednesday 19 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Brian Binley
Kelvin Hopkins
Mrs Siân C James

Mr Ian Liddell-Grainger
Mrs Linda Riordan
Dr John Pugh

Ordered: that Counsel and Parties be called in.

16411. **Chairman:** Can I remind people that the Committee this morning will rise at about a quarter to 12 so that people can get coffee and also for Prime Minister's Questions. This morning we are dealing with four re-hearing Petitions: Petition 183, 184, 190 and 194. Before we do that, Mr Elvin, you are going to sum up the freight industry.

16412. **Mr Elvin:** I was, sir, but I was slightly surprised to be handed three lengthy letters from Bircham Dyson Bell this morning without any notice which attempts to reargue the freight case and to put in further evidence to the Committee.

16413. **Chairman:** There was three letters in my place when I sat down this morning and I was even more perturbed to get them in that way. If you can leave it with us and the clerks we can liaise on this matter and look at it later. If there are matters which you have identified that you want to deal with, you may do so, but if you want more time later, that can be arranged.

16414. **Mr Elvin:** I suspect, if the Committee is willing to entertain the freight industry, having yet another bite of the cherry having spent two and a half weeks on this—

16415. **Chairman:** Let me say, I was quite perturbed yesterday where we had a return by Tarmac which seemed to go on and on and on. I think if we had given them enough rope yesterday we would be dealing with that issue for the next month or so.

16416. **Mr Elvin:** Can I give you an example and I will leave the point. You will see one of the letters—I am not sure it is easy to identify the difference—freight on electric slow lines of the Great Eastern Main Line, which is a two-paged letter that is seeking to go over matters on which Mr Berryman gave evidence on day 53. Mr Straker had ample opportunity to cross-examine him. Mr Berryman deals with it on day 53 at paragraphs 15647, in chief led by Ms Lieven. He is then cross-examined by Mr Straker. If leading Counsel did not bring the points up it does seem to me a little rich for the agents to try and revisit the issue now.

16417. **Chairman:** Yesterday, when we were hearing evidence, I think you were more than kind to the freight industry in letting them be repetitious in their arguments in relation to the freight industry. All I can say is that we can liaise a little later on on these

matters, but I think you made your point yesterday where you said there are channels for these to be dealt with.

16418. **Mr Elvin:** I am going to set it out for you again this morning. We will leave that for the Committee to handle, and if you want us to put anything else in writing, let us know and we will assist you in writing. Can I tell the Committee that there are two further information papers which should have been circulated. One which will go in respect of the re-hearing of Petitioners which is a revised strategy in relation to offering re-housing. There is also a new information paper G5 which sets out the revised depot and stabling strategy, that is to say, what is now proposed and will be promoted through the next AP, a change in the depot from Romford to the western side. I do not propose to say anything more about that, no doubt, we will come back at a later stage.

16419. That said, I would like to turn to our general submissions on the rail Petitions, focusing particularly on the freight issue of which you have heard so much. Sir, you should have a note in writing which should make life a little easier for the shorthand writers and the Committee clerk.

16420. A great deal of time has been spent before the Committee by the freight industry raising issues related to capacity and access which, while they may be genuine issues, are ones not for the Bill or the Committee. The Promoter does not, of course, dispute the importance of the use of rail by the freight industry or aggregates industries but much, if not most, of what is being put before you can be dealt with in one of the following ways. Firstly, the issues arise in any event due to existing capacity constraints on the network. Secondly, they do not arise because Crossrail does not generate significant capacity issues or, thirdly, they fall to be addressed by the normal regulatory processes in seeking an Access Option from Network Rail with the approval of the Office of the Rail Regulator.

16421. The freight sector has been at pains to point out the importance of its operation but the Committee may think its approach to the issues of capacity almost as if Crossrail were engaged in attempt of theft. It has been anxious to stress the shortcomings of the assessments made to date, the issues which remain to be addressed, and, by strong implication, the virtual entitlement of the freight sector to take up future capacity in the network.

The Promoters' Closing submissions relating to Railway Industry Issues in the Bill

16422. The reality is that the public interest lies in striking a balance between the various rail interests, passenger and freight, and it is indisputable, giving the approval in principle of the Bill, that Crossrail is a major project demanding major investment to achieve a range of objectives in the public interest. I will remind you of what Mr Steel of ATOC said on day 48, that the rail industry was firmly in favour of Crossrail. I have quoted that.

16423. The Committee may find it helpful when reflecting on the attitudes of some within the freight industry to review, for example, the evidence of Mr Smith of EWS on day 51, paragraphs 14874 till 14875, when under cross-examination from Ms Lieven, Mr Smith could not even bring himself to admit that Crossrail was a large-scale and long-term investment. We say that is indicative of the sort of attitude we have been faced with.

16424. The rail industry is of major national importance for many reasons. However, that does not make it either reasonable or realistic to demand, as many Petitioners have, that Crossrail should be required to resolve. Such matters lie outside the Bill and, if you will forgive me for saying, sir, the concerns are ones which are under consideration by the Secretary of State, and, indeed, raised by Mr Hopkins in a PQ to the Secretary of State on 11 July. He received an assurance from the Secretary of State that these matters were under active consideration.

16425. I repeat our opening statement without reading it out on day 48, paragraphs 13669 to 13691. The reason I do that is because I said a lot on that day, which I am not going to repeat today, about there being adequate capacity on the Great Western for rail passengers. There is clearly legitimate concern that for those coming into London from the West on passenger services—and I know it is a matter that was raised by Mrs James in particular as a concern—there is not a capacity issue so far as the west is concerned. You will know from our evidence that we gave that there are some minor beneficial effects to the works proposed at Paddington and, indeed, that further works to upgrade that part of the network are proposed in any event. I have not set that out here because I have set that out at length in opening.

16426. I turn first to the Access Option. It is essential that the Promoter can be sure that the Crossrail service will operate at the levels that Parliament have been told that it will. Raising finance for the project depends on there being secure track and station access rights sufficient to run the level and quality of service necessary to realise the benefits of the project. That security must be provided over a timescale which enables potential investors to have some security that there will be return on their investment. There is a precedent found for this security in section 17 of the London Olympic Games and Paralympic Games Act 2006.

16427. The issue then is whether it is by means of an Access Option or by means of Bill powers that the security should be provided. We have given you our detailed position in information papers H3 and H4.

16428. The Committee has heard Petitions from a large section of the freight community who are concerned about the implications of the Crossrail Bill on the ability of the industry to grow in the future. The consistent theme is one of fear concerning the scope of the Bill powers in relation to the utilisation of capacity. Rather than utilise the Bill powers, some Petitioners have submitted that an Access Option should be sought pursuant to the existing rail regulatory regime. We confirmed on day 48 in opening that this was the approach that was going to be adopted, see paragraphs 13675 and following on day 48. It is anticipated that the Access Option will be obtained during the passage of the Bill and before it passes to the House of Lords. Once the Access Options have been granted, the Promoter has indicated that it will review the extent of the Bill powers and cut them back accordingly. Until the Access Option has been granted, it is not possible to specify the nature of the amendments that will be pursued. As you know, sir, the Minister, Mr Twigg, wrote a letter on 29 June of this year confirming the approach which is also the approach set out in information papers H3 and H4. So, there is no doubt—and we repeat the points we have made so often during the last few weeks—an Access Option is being pursued for Crossrail. It will be considered by Network Rail and the OFF under the existing and unmodified regulatory regime. Network Rail and ORR will want to be satisfied of operational viability, and once they are, the industry will be consulted. Operational viability includes matters such as demonstrating a robust timetable and that the infrastructure will be sufficient.

16429. We have set out our position in greater detail in the paper that was provided at the Committee's request, the Crossrail Timetable Working Group and Access Options process *Next Steps* which we referred to briefly yesterday and was sent to the Committee at your request.

16430. The issues which will have to be demonstrated to Network Rail and the ORR are set out on the fifth page of that paper and at appendix C. It explains all the many elements that go into improving operational viability, which include the two factors I have mentioned and on which the rail industry has focused in the last couple of weeks. It will not be considered, as Professor O'Keefe believed, on the basis that Crossrail should have a priority, that is what he said on day 51, paragraph 15022. This misunderstanding undermines the Professor's evidence because the basic premise upon which his allegations of conflict with EU law is flawed. No modification would be made, of course, until the regulatory regime under the Bill became law, so the Access Option currently sought will be under the current law and in accordance with the normal industry practices. Contrary to Mr Kingston's suggestions for Tarmac, day 54,

The Promoters' Closing submissions relating to Railway Industry Issues in the Bill

paragraph 16394, there is no threat hanging over the ORR's head. The Access Option must be granted according to the current law and practices. Indeed, you may well think, sir, that the freight industry would be the first to challenge a decision by the ORR which sought to depart from current law and industry practices.

16431. The Bill powers are highly likely to change. The relationship of the Bill powers to the existing regulatory regime and to European law is highly likely to change as the Minister has already pointed out. It would therefore be premature and may well be a pointless exercise for the Committee to concern itself with issues relating to the relationship of the Bill to the existing regulatory regime and to the EU directives.

16432. I turn to deal briefly with the duration of the Access Option which was a point raised. As to the appropriate duration of the Access Option, that matter is one best left to Network Rail and to the ORR to determine on the evidence presented to those bodies according to normal practices. The EU Directive and the transposing regulations both make it clear that Access Options can be granted that exceed 10 years in duration in exceptional circumstances: "In particular where there is large-scale and long-term investment and particularly where such investment is covered by contractual commitments". That is regulation 18(9) of the Railway Infrastructure and Management Regulations 2005.

16433. It is apparent that the regulatory regime recognises that Access Options may need to be of longer duration in order to enable the financial security necessary for the funding of the project to be obtained. We suggest that it is obvious that Crossrail is "large-scale" and "long-term investment" despite Mr Smith and EWS's unwillingness to accept that on day 51.

16434. Capacity: The Timetable Working Group's conclusions that there is sufficient capacity for Crossrail and freight growth on the GWML is made clear. That covers concerns of the aggregate industry about which the Committee heard much last week. The TWG included substantial representation from the freight sector and, as Mr Watson told you on day 48, reached substantial agreement on the report. It is all the more curious that having done so they should now be seeking to distance themselves from it for the purposes of their Committee appearance.

16435. Despite criticism from some Petitioners, it is clear that TWG has carried out a significant amount of work. This was made clear not only by Mr Watson on day 48 (see paragraphs 13697 and following) but it was confirmed by Mr Steel for ATOC on day 48, at paragraph 13904. What he said was: "There has been a considerable amount of joint working, in particular the Timetable Working Group has carried out some good work, as has the Rail Industry Stakeholders' Forum, and the

Government has brought forward proposals which in principle begin to address many of our concerns including information papers H1-4 dealing with railway matters". He goes on in similar vein.

16436. Of course, while it is correct that work remains to be done, clearly much work has already been done to show the Committee that there are sound reasons for considering capacity issues are not created by Crossrail.

16437. So far as traffic from the haven ports is concerned, Crossrail makes virtually no impact, and any impact there is balanced by the provision of the Chadwell Heath Loop, which was dealt with on day 53.

16438. As far as the Great Eastern Mainline from the Thames Ports is concerned, the Timetable Working Group concluded that there was insufficient capacity for the freight growth beyond 2015 because of the capacity constraint between Forest Gate and Stratford even if Crossrail did not come along. The Committee will recall that Mr Garratt's own figures in his table 8 lend support to the Working Group's own conclusions and what he said yesterday, day 54 at 16329 in response to questioning from me and when I put to him the 197% for 2030 he did not deny that further works either on this route or on other routes will be required to reach that level of utilisation.

16439. Mr Steel of ATOC also agreed that work would have to be done ahead of Crossrail to improve capacity on the Great Eastern; again day 48, paragraphs 13930-13932. The point is made by reference to the tables appended to the Working Group report that Crossrail makes the position worse. However, this argument fails to acknowledge that what is made worse is already not working because the system is at capacity without Crossrail. Crossrail cannot break what is already broken. A solution to the capacity constraint on the Great Eastern Mainline has to be found whether Crossrail is constructed or not. It is therefore a problem that does not fall for Crossrail to solve.

16440. There are two candidates to alleviate the capacity constraint that is forecast to constrain freight growth on the GEML, GOB and the Felixstowe/Nuneaton proposals. Both are list candidates for TIF funding. Felixstowe to Nuneaton is nothing to do with Crossrail issues, because of course it is work related to the expansion of the Haven Ports where Crossrail does not have an impact. The reality is that without Crossrail these schemes have to be progressed by the Department of Transport and the freight industry acting together if the anticipated growth on the Great Eastern Mainline is to be accommodated.

16441. So far as timetabling is concerned, it is for Network Rail and the ORR under existing regulatory procedures that determine how existing capacity will be allocated in the future. How Network Rail and the rail regulator allocate that

The Promoters' Closing submissions relating to Railway Industry Issues in the Bill

capacity as between freight and passenger services is a matter for those bodies. It follows that the issue of timetabling capacity is one for those bodies to consider as part of the access option process. Any detailed concerns in relation to capacity can be raised by the Petitioners with the Network Rail and ORR during consultation on the access options. No doubt the work of the TWG will be used as a basis for further work by Network Rail and the ORR as part of the access option process and indeed Mr Garratt agreed yesterday, day 54, paragraphs 16293-16302, that if the timetabling work was not robust the ORR would not proceed to consultation, but would not approve the access option until that work was robust.

16442. The *Next Steps* paper that we put in explains what is now proposed to be done, with a group to replace the TWG and take forward the timetabling and access matters. The group may be reconstituted, but it is unlikely there will be representation from all end users. Firstly, it would be far too unwieldy and impracticable to have every traffic type represented on the committee and members of the Committee who, I am sure, are well used to sitting on committees, can imagine how unwieldy a committee that has not only the current representatives on the TWG, but has all end users represented as well, would be a very difficult committee to operate in practice.

16443. Secondly, the railway industry, in adopting the route utilisation strategy forecasts growth and the TWG reflected this in any event, notwithstanding Mr Garratt's views for Tarmac. And, thirdly, none of the end user interest has a track access option.

16444. When the Committee asks itself whether there is anything it should do in response to the points made by the freight industry, it is important to have regard to what Mr Garratt accepted yesterday, day 54, at 16303-16305 and the Committee will recall that I put to Mr Garratt and I quoted the relevant passages, that whatever conclusion the Committee reaches, as a matter of law Network Rail and the ORR still have to go through this process and still have to do the exercise, be satisfied of operational viability and consult the industry before any access option can be granted.

16445. Further, when re-examined, Mr Garratt made it clear—this is paragraph 16399 yesterday—that the forecasting and finding future capacity for freight is an industry-wide responsibility and he noted that the Secretary of State asked the industry to come forward with forecasts so that in specifying time levels at the specification to Network Rail the Government can ensure that rail freight achieves its potential.

16446. There is, therefore, no point in giving the undertakings sought by the various petitioners that further timetabling work should be required by the Committee as part of the Bill process by the TWG. Timetabling work now needs to be done as part of the access option application rather than through the TWG and I hope our *Next Steps* paper and our reassurance to the Committee makes that perfectly clear.

16447. So far as the infrastructure to be provided is concerned, this too is a matter which can be determined through the access option process. Network Rail and/or the office of rail regulator can impose conditions requiring infrastructure to be provided as a pre-condition to the operation of the service, I made that clear on day 48, 13889. There is further work which is required to reach a position where it is clear what infrastructure is definitely necessary and what infrastructure is not necessary. Mr Watson confirmed that to set the infrastructure in stone now before the design and the timetable are finalised would not be sensible—day 48, 13890. Therefore, the undertaking given by the Promoter on day 48, and that is paragraphs 13861-13865 and following, is entirely appropriate and it is intended to give sufficient assurance to the Committee at this stage in the design process.

16448. Turning now briefly to the three final issues. Particular sites: the Promoter has explained that it is working to identify with greater precision the extent of the land that it requires in relation to site occupied by railway related petitioners. It is intended that once this work is complete, undertaking can be provided that will limit the land take associated with Crossrail. This is consistent with the general approach to Crossrail which is to minimise land take.

16449. On the strategic freight sites issue, no compensation should be payable to freight operators for the loss of strategic freight sites in which they do not hold an interest. The SFS scheme itself indicates that a strategic freight site can be lost where it is compulsorily acquired and does not provide for alternative sites or compensation to be payable.

16450. Finally, on the question of compensation, the Promoter has set out its position regarding compensation in an undertaking to the Committee given on day 48, 13928, which clarified the intention given, IP H2, and that is in three parts, industry mechanisms will apply whether the access option or Bill powers are used; where an industry mechanism for compensation exists it will be used; where an industry mechanism for compensation does not exist and one has to be drawn up, the principle of no net benefit and no net loss will be applied.

16451. Some Petitioners have sought to have the industry mechanisms extended so that compensation would be provided for Crossrail

The Promoters' Closing submissions relating to Railway Industry Issues in the Bill

works in circumstances where no compensation would be payable if Network Rail carried out the work and we say that is inappropriate. The Promoters have provided clarification regarding the ability to use part G of the network code to block certain works. Part G of the network code should be disapplied because if it is not train operators will be able to delay or prevent Crossrail from being constructed as considered and approved by parliament. It would be inappropriate to provide train operators with the ability to hold the project to ransom.

16452. Those are our general submissions on the last two and a half weeks and unless the Committee wants me to clarify anything, I do not propose to say anything more unless we need to respond in writing to the letters put in this morning.

16453. **Chairman:** Thank you very much indeed. We now move on to the petitions that we are going to take collectively, petitions 183, Alastair and Eleanor Ferguson, 184 Gerald Collins and Mona Hatoum, 190 Eleanor Ferguson again and 194 Caroline Hamilton.

The Petitions of Alastair and Eleanor Ferguson, Gerald Collins and Mona Hatoum and Caroline Hamilton.

Mrs Eleanor Ferguson, appeared on behalf of the Petitioners.

16454. **Chairman:** Mr Mould, you are responding?

the Promoter prepared to make that commitment?" and I said that that was not the position, but I would go away and we would review the position and we would report back to the Committee with our position following that and that is what I propose to do now and then obviously that will set the scene, I hope, for anything further Ms Ferguson wants to say.

16455. **Mr Mould:** Yes, I am.

16460. The context for our response is this: we have a policy which, for those who have read it or wish to know it, is set out in information paper C8 which deals with the purchase of property in cases of hardship and we have it as GEN18-001 and we will put it on to the screen.¹

16456. **Chairman:** Do you want to set out the context?

16457. **Mr Mould:** Yes, if I may, because the members of the Committee will recall, particularly, I think, Mrs James and Messrs Binley and Liddell-Grainger, we heard these Petitioners on day 40, I think it was. Ms Ferguson, who sits to my right, set out the nub of the Petitioners' concerns and, for the record, this is set out in paragraphs 10433 and following and the position is this, just to set the scene: the Petitioners are the owners of flats within a building at 61 Princelet Street in Spitalfields. All but Ms Ferguson herself and her husband, I think, are presently owner occupiers living in their flats as their homes and our understanding is that Ms Ferguson and her husband will shortly take up occupation of their flat, they have been either living or working abroad and are shortly to resume occupation of their flat.

16461. The upshot is that that policy has been clarified since the hearing of Ms Ferguson's Petition on Day 40 and it embraces, as indeed was always intended, a willingness on the part of the Promoter to purchase residential owner-occupiers' property where the impact of Crossrail's works does, or is predicted to, following Royal Assent and the completion of the detailed design of the scheme, result in living conditions within the property concerned being disturbed to such an extent that the home becomes not being capable of occupation for a period of at least three months.

16458. The concern that they brought to the Committee was that the buildings are located adjacent to, and indeed overlooking, the proposed Hanbury Street work site and the concern was, and I think the concern shared by the Committee on that day, that the impact of the operation of that work site, which is expected to last for some months, would be sufficiently serious as to render occupation of those flats during that period essentially unacceptable, because of noise and disturbance and we certainly made it clear for our part that we expected that particularly the noise and disturbance generated by the operation of the work site would be such as to merit noise insulation and temporary rehousing under our noise and disturbance mitigation policy for a period that would be significant and we expect it would significantly exceed three months in duration, so that was the position.

16462. That judgment as to whether those circumstances are in place is to be made no earlier than nine months before the start of works in the vicinity of the site in question. The reason for that is to enable, obviously, Royal Assent to take place and the scheme to proceed in earnest, but in particular detailed designs to be completed so that a predictive judgment can be made in the full knowledge of the expected impact of the scheme in the light of the predictions that are made following detailed design.

16459. Against that context, the Petitioner has asked that the Promoter should now commit to buying their properties and the question put to me was, "Is

16463. As things stand, allowing for efforts that will be made in that context to minimise the impact of the Hanbury Street worksite on these and other local householders, we acknowledge the likelihood that

¹ Crossrail Information Paper C8—Purchase of Property in Cases of Hardship, billdocuments.crossrail.co.uk (LINEWD-GEN18-001).

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

that criterion which I have just outlined under the hardship policy will embrace these Petitioners, and if they maintain their application for the Promoter to buy out their properties on account of that predicted impact of Crossrail works at Hanbury Street worksite on the enjoyment of their homes, within that policy process, the case for the purchase of those properties on that ground of hardship is likely to be made out.²

16464. However, our position is that we are not prepared to make an unequivocal commitment to buy the properties of the Petitioners now before Royal Assent and before that detailed design has taken place, and nor otherwise than in accordance with the policy that we have carefully prepared and clarified in the way that I have explained. We do not believe that that would be a justified use of public money at this stage, and we believe that the process and policy that I have outlined gives sufficient and reasonable comfort to the Petitioners that at an appropriate stage in advance of the works taking place in the vicinity of their homes they will have the opportunity under the aegis of that policy to approach the Secretary of State and to place their concerns before him and to ask him then to operate his policy in their favour.

16465. There is, of course, nothing to stop the Petitioners applying in advance of that time—that is to say, in advance of nine months before the works are expected to begin in the vicinity of the Hanbury Street worksite—and such an application would be open to them in accordance with the terms of the hardship policy generally, but it would not be open to them to make that application simply on the grounds of the expected disturbance and impact of the worksite upon their homes per se—that is to say, without showing some other compelling reason to sell, through a medical condition or something of that kind, as set out in the policy—in advance of that date some nine months before the scheme.

16466. That has been explained to the Petitioners in some details in letters which have been sent out to each of them on 10 July. Those letters are being ingested and are in the bundle that the Committee has before them at GEN18-017 and following, and I believe that hard copies of those letters were passed to Miss James a few days ago. That is our position and we have sought to draw what we hope is a sensible and a reasonable balance between seeking to give a level of comfort through the clarification of our hardship policy to the Petitioners, recognising their concerns, but at the same time a recognition of the wider public interest in the need to judge carefully what level of commitment is appropriate and justified at this stage, and, of course, the Committee will clearly understand, very much with an eye on the effect that any commitments that we make may have on other residential and commercial occupiers and owners elsewhere along the route. We

have sought to draw the balance in that way, and that is the position that I commend to the Committee.

16467. The position we had reached last time was, effectively, Ms Ferguson had made her case. Obviously I am very happy, if that is the Committee's will, that she should have an opportunity to say some more now or, alternatively, if the Committee would like to hear from Mr Smith on some more of the detail of how the policy would operate I can call him to the stand, but the Committee may feel that what I have said sets out our position and it is appropriate at this stage to hear Ms Ferguson.

16468. **Chairman:** I think you are right. Ms Ferguson, you have the right to present your argument.

16469. **Ms Ferguson:** I would like to make a few points. My situation is exactly the same as at the earlier hearing, in that I am the owner of a second-floor flat, as Mr Mould pointed out. Caroline, sitting behind me, is the owner of a ground-floor flat and Mr Collins is the owner of a top-floor flat. In his opening address Mr Mould highlighted something of my position. It is partially correct; my husband and I spend some time working abroad—he is working in Siberia at the moment—and we are flitting backwards and forwards trying to make the best of what we can out of it, and when we are not here our position is that we try to rent out the flat. So that is what our position is. We are not sure as and when we will be returning to the UK but it will, I suspect, be in the not-too-distant future, but at the moment the property is rented out, but that is likely to change.

16470. What I would say is that Mr Mould has talked about this change in the policy, and frankly, neither Caroline, Gerry nor myself can really see any difference from what was there beforehand. What they have done is made a couple of cosmetic changes to the actual wording so that instead of making us actually suffer the hardship for three months, or whatever it is, what they are saying is: "If we predict that the hardship is there then we will consider the hardship policy". What they are also saying is that: "We will not actually make you go out and go through the charade of trying to sell the property", and all of us know that it would simply be an impossibility to try and sell the properties.

16471. I am going to come back in a second to the various grounds under the hardship policy but I would like to take one step back, if I may. I bought the property that we have in 2001 and Caroline and Gerry bought their properties a little bit before I did, and like every purchaser of a property I did my local searches, I did my homework with the solicitors I employed, and at that time I was told (and this is set out at page 10 of my Petition—it was specifically requested of the London Underground Safeguarding Team what the position was in relation

² Crossrail Ref: P90, Properties potentially affected by noise at Hanbury Street (TOWHLB-GEN01-003).

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

to Crossrail), and I quote: “The property should not be adversely affected by Crossrail as it lies outside the safeguarding zone to the south of the proposed tunnelling route.” That is the information that I got. That was fine. I relied on that—

16472. **Chairman:** Was that in written form?

16473. **Ms Ferguson:** Yes, it is in my—

16474. **Chairman:** Can we have a copy of that?

16475. **Ms Ferguson:** I can certainly get you a copy of the letter I received from London Underground.

16476. **Chairman:** Thank you.

16477. **Ms Ferguson:** That was in written form and confirmed in writing to my solicitors at the time I bought the property. On the strength of that I went ahead and bought the property. If I had known that Crossrail were going to change their minds in 2003 and do something completely different and to have the work that is proposed now, I would not have touched it with a barge pole. Caroline and Gerry are in exactly the same position.

16478. I think we take the view, just as individuals—and I think you, possibly, as Members of the Committee will understand our position—that when you buy a property it is your property to do what you choose with. In other words, it is an asset that is capable of realisation at any time that you like; you can move out of the property, if you like; you do not have to give a reason; you do not have to be getting divorced; you do not have to fit any of these other criteria, you can simply move if you like. We would also take the view that we should be able to rent the property—quite an ordinary thing that people do if they are moving away from a period of time for work or other commitments. We certainly would not expect to find major construction work for two years, or whatever it is, likely to be longer, outside your front window and the potential of some other nebulous body out there saying: “Well, we are going to make a decision as to whether or not we think it is tolerable for you to be there for three months and then we are going to move you in, move you out and move you back again.”

16479. It is news to me today from Mr Mould that Crossrail’s position was: “We have already crossed that hurdle”, and as far as they are concerned the three months has been established. That was not in their proposal, that was not in their letter of 10 July to any of us, and their position at that point in time was purely and simply that when we get to the stage of doing the detailed design, whenever that may be at some future date, then they will look at the situation and then they will make a decision. As far as I am concerned, that is unacceptable. We were in a position that we all bought our properties in reliance of the fact that Crossrail was going to be

somewhere else, not where it is now. It seems to me that having relied on that we should not be in any way prejudiced by what the current proposals are. 16480. Interestingly enough, it seems that Mr Berryman of Crossrail, in fact, agreed with us, albeit it has not filtered down to those that wrote the letter on 10 July. If I could refer you to paragraph 6751 (this is the evidence on 18 April—I think it was in connection with the residents of Mayfair and others and their Petition), I think at that time Mr Berryman was being asked by the Chairman on that day about the various options for alignment. Mr Berryman said, and I quote: “There are always local variations that are possible but you need to bear in mind that some of the sites on the route have been reserved for occupation for Crossrail for a number of years. The landowners are well aware of those sites. It would be quite difficult to come at a late stage and say, ‘We were going to take that building out but we are going to take this building out instead’, particularly if the developer had based his plans on what we had originally proposed . . .”

16481. As far as I can see, that is exactly what we did; we were well aware of the sites, we were well aware of the route that Crossrail was planned to take and we based our plans on what they had originally proposed. You may say to me: “Well, things change, times change, we will never build anything in London if that is the case”. I say: “Fine; I accept plans change”, but I do not see why the three of us should be in a position of having to suffer simply because Crossrail have changed their minds about exactly what it is they are going to do, when we, in all good faith and honesty, bought these properties and relied on the information which was then available to us. We are not talking about a hundred years ago; I am talking about buying a property in 2001.

16482. Turning now to what we have got as a situation now, the current safeguarded route was put forward, I think, by Crossrail and finally went through in 2003. The net effect of all of this is that none of us can sell the property on the open market. We cannot do anything with it, because even if we could find somebody (I do not know where we would find them) who was happy to go along with the Crossrail proposal, the hardship policies and such like, under Crossrail’s own rules if someone was to buy at this stage in knowledge of the Crossrail proposals as they now stand, they would not be eligible for the hardship proposals. That means it is impossible to sell these properties on the open market. That means we are thrown back on to the mercies of Crossrail, and if we cannot shoehorn ourselves into their hardship policy then what it means is that if this project never goes ahead, for example, and if there is no funding (there does not seem to be any funding at the moment for the project), how long are we supposed to wait in that position?

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

16483. Crossrail has been on the go, I understand, for more than 15 years. Are we supposed to wait and do nothing; sit tight and lose all the options for our various life options that are perfectly reasonable options for people to take? The other point is, we cannot rent the properties out because—and this is where I personally have a problem—Crossrail make a residential qualification and say you must actually be living in the property for the previous six months before anything clocks in. So all of us, living our own ordinary lives, are locked into this scheme because Crossrail changed their mind from what we were originally told. There we are waiting.

16484. Mr Mould said: “Yes, yes, yes, but these three Petitioners can all apply at a much earlier stage under the hardship policy.” That is right—if we are getting divorced, if we are sick or if we need to move somewhere else, eg larger premises or for employment. On whose judgment? Divorce and sickness, well perhaps, but why should we not just be able to move because we want to move? What is wrong with that? Why should we not be able to rent out the property just because we happen to be working abroad? It seems to me a wholly ridiculous situation that we have been placed in because of Crossrail.

16485. What Crossrail have indicated, and Mr Mould in his address to you, and in their letter, is that they have made much of this change, in that they are no longer going to make us suffer the hardship but it is what is “predicted”. All three of us would say that Crossrail can predict perfectly well right now what is going to happen because if they cannot I am not sure what all of us are doing here. If they are now going to turn round and say: “We are going to do something completely different” then it makes me wonder why we and you, in particular, have been sitting here for however many weeks and months it is. What am I actually talking about if they are going to change their minds and come up with some new plan? It seems to me that they can predict.

16486. This is an aerial shot, if you like, of the property. You can see the bit that is headed up with a little white flag that says “Britannia House. Now going to be retained”, and, underneath that, “Will act as noise barrier”. Perpendicular to that we have another little row of buildings and this is where we are; this is where number 61 is. It says: “Mixed use including residential”. That means there are shops on the ground floor and the rest are residents’ flats. “Maybe eligible for (I presume) Temporary Housing. Also acts as a noise barrier.” So they predict we are going to be a noise barrier. In other words, what we are going to be there to do is to make the lives of everybody else round about a good deal more tenable. If that is the case, it rather suggests to me that our lives as a noise barrier are going to be somewhat untenable and intolerable.

16487. It seems, also, that what we are actively being used for is used by Crossrail to protect other properties. We are being used as an environmental

factor. It seems to me this was one of the fundamental reasons why Crossrail were preferring this site at Hanbury Street than some of the other sites because there was this barrier effect from our flats in conjunction with Britannia House.

16488. I refer you to document B4.³ This is some of the information that was provided in the response to the Petition. It is dealing in connection with acquisition of land for compulsory purchase, and it is talking here, at paragraph 2, about situations where the power (ie compulsory purchase) might be used to acquire land in order to help those affected by the project. One of the criteria here to allow Crossrail to go ahead and purchase the property is where it is “For use in mitigating the effect of the Crossrail works on the environment”. It seems to me that that is what we are.

16489. The first bullet point sets out that if land (property) is being used in mitigating the effects of the Crossrail works on the environment, then that seems to be justification, under this clause, 7(4), for the properties to be purchased. So Crossrail seem quite happy to be able to predict that we are a noise barrier but what they also seem to be able to predict, and this comes up at page 34 in my Petition, is that there will be a necessity for temporary re-housing for something like nine to twelve months. I think Mr Mould referred to it as “some months”. Nine to twelve months is not “some months”; nine to twelve months is half the length of this project. It is a very, very long time. What if the situation varies? If when we get to this stage in the future, if when they have done their detailed designs they somehow change their minds and it appears in the mind of Crossrail that it is tolerable for us to put up with the situation for two months and x-number of days, then they are going to turn round and say: “I am sorry, we are not going to do anything about you.” In the mean time, as far as we are concerned, that is an intolerable situation. They have the means to deal with the situation, we are quite clearly a noise barrier and I think some of your Committee saw the photographs before and have a good idea of the proximity of the house and of the flats to the actual work. We just find this whole situation intolerable.

16490. Our view is that what will happen is that they will look at their scheme of work—if you look at it, things jump about; there are three months here, three months there—but it gives us no certainty whatsoever and leaves us, as I have explained earlier, in a state of total limbo. If this project does not go ahead and we do not get divorced and we do not get sick and we are not able to prove to Crossrail that we need to move to larger premises for business or other reasons, we are stuck. The properties cannot be sold; we can do absolutely nothing.

16491. They mention their hardship policy as if it was written in tablets of stone. It is not; it is a discretionary policy—a creation of Crossrail. In

³ Crossrail Information Paper B4—Acquisition of Land Outside the Limits of Deviation, billdocuments.crossrail.co.uk, (LINEWD-IPB4-001).

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

other words, they can deal with that situation, and there is a clause in it which allows for exceptional circumstances. I would certainly suggest to all of you on the Committee that our condition is exceptional.

16492. If Crossrail has somewhere in their minds—and I think Mr Mould alluded to this—a fear that they are going to be setting some sort of precedent on how they deal with blight that could impact on others, quite frankly, I would hope that they would deal with others in a reasonable way, in whatever way they deal with us. They have the ability to say: “Yes, we understand. You are a noise barrier, you have this huge impact, you are going to be stuck and locked into this situation, it is very unpredictable, these are exceptional circumstances and, in light of that, we will go ahead and make that commitment to buy your properties now.” We think it is perfectly reasonable that they should do so.

16493. There is one other point I would like to make. They talk also about temporary re-housing and whatever. If I could refer you to some documents which I had lodged previously, in July 2004, Caroline and myself, following a meeting that we had with some of the people from Crossrail at the actual flats, wrote a letter to Crossrail setting out some of our concerns. If I could refer you to page 7 of this, if you look at the bottom two paragraphs (a) and (b), this is all on the subject of relocation.⁴ I think you can see there what we said was that: “Before we can even consider relocating, we made it clear that we must have answers to a large number of important questions, none of which you appeared to be able to provide at our meeting. You therefore promised to provide us with a detailed response . . .” One of these points was well, this is fine, but what do our mortgagees have to say about all of this if we are going to be shunted out? Their security is going to be devalued. We said how are you going to deal with that situation? How are you going to deal with the situation of insurance and all these other issues? It was back in 2004 that these issues were raised.

16494. If I can refer you to page 11 in the same bundle of documents, this is the reply we got from Mr Mantey of Crossrail, and I think it is dated 17 August 2004.⁵ At that time he says: “The detailed questions at the end of your letter highlight some of the problems associated with long-term temporary relocation and because of the length of the proposed construction works at Hanbury Street we accept that temporary alternative accommodation may not be the best solution for affected occupiers.” It seems to me that Crossrail have accepted the practical situation that we are in is a problem; it cannot be dealt with. So that that is yet another point which I would say points to the one solution, which is that Crossrail should make a commitment now; it should be written into the Bill that allows for us to have the

option for those properties to be purchased. It seems to me wholly unreasonable that we should be put in a situation of total uncertainty, falling back on a hardship policy that is so narrow in ambit it is almost impossible to use unless you can somehow persuade Crossrail at a much later date in the future, if and when it happens, that we are an exceptional circumstance.

16495. So the three of us would be asking you, as the Committee, that it should be written into the legislation that all three of us have the option to sell our properties to Crossrail at that point onwards from when the Bill goes through, and that that should be at market value to, effectively, put us in the position as if Crossrail had never happened. In other words, the position that we were all expecting to be in when, in good faith, we bought those properties in the first place.

16496. **Chairman:** Mr Mould, do you want to respond?

16497. **Mr Mould:** Yes, I will seek to respond to the points raised. As I say, I do have Mr Smith here, so if the Committee would like to hear from him on the details—

16498. **Chairman:** Before you do that, there are some questions I would like an answer to. The three months at this site (and we have had a lot of evidence on the Hanbury site); bearing in mind some of the questions that have been raised and the answers that have been given, it could be considerably longer than that. There was even the business of on-street/off-street parking during construction on this particular site. Given that, it is going to be considerably longer than three months, whichever option is undertaken.

16499. **Mr Mould:** Sir, I sought to make it clear when I spoke to you a few moments ago that our expectation is that on current assessments the impact of the operation of the Hanbury Street worksite on these properties and these Petitioners occupying them as their homes is likely to render those homes incapable of reasonable residential occupation for a period of greater than three months. On that basis, we would expect the predictive exercise that I mentioned, under the terms of the hardship policy, at nine months before the works begin, would show that these Petitioners fall within the embrace of the policy, and the Secretary of State would expect to, at that stage, be asked to purchase their interests.

16500. What I have impressed upon them is that the reason we are not prepared to make that commitment now is that the Bill has not had Royal Assent, we have not carried out detailed designs and, in our judgment, it is appropriate that matters should be dealt with in accordance with the process in the timeline that I have outlined and as set out in the policy in its current form. If we buy these and other Petitioners' properties in advance of Royal Assent then, in our submission, that is not an appropriate and a proper basis for spending public

⁴ Crossrail Information Paper B4—Acquisition of Land Outside the Limits of Deviation, billdocuments.crossrail.co.uk, (LINEWD-IPB4-001).

⁵ Committee Ref: A183, Correspondence from CLRL to Ms Eleanor Ferguson, 17 August 2004 (SCN-20060719-002).

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

money. There is no distinction to be drawn in that sense between the impact of proposed worksites on these Petitioners and the impact of proposed worksites on other neighbouring residents who may be affected by the works.

16501. **Chairman:** I understand that argument, I understand about three months which may be extended to six or nine months, whatever it is. What I am saying here is, it is very clear that there is going to be a considerable amount of time, nine months, or whatever is the case. If we have an agreement now or we put it in the Bill, then what you are saying is that in the eventuality that they will come under the normal process and be allowed to get compensation and have their property sold, if we put it in the Bill it will absolutely make a guarantee in advance, so they would be given the comfort of knowing that they would be covered in every eventuality, whereas if we do not do that their property is blighted until such time as a decision is taken one way or the other.

16502. **Ms Ferguson:** If I can say, I was not asking to buy the property in advance of Royal Assent, I was asking for it to be written into the Bill.

16503. **Mr Mould:** Sir, there is an important distinction to be drawn between the blighting effects of proposed public works at this stage in the process, which the Committee will be very familiar with, and there are statutory processes which deal with that, and one of the purposes of the hardship policy that we have put on the screen before you today is, in certain circumstances, to extend redress on the discretionary policy basis beyond the statutory provisions, but on the same basic criteria that the statute provides. The reason for that is that it would be wrong, as a matter of policy, to create a whole different swathe of redress to those who are potentially blighted by public schemes beyond that which has been laid down by Parliament. That is one point.

16504. The next question is this: these Petitioners' concern as presented to this Committee on the previous occasion, as I understand it before today, is that they accept that the actual impact of the operation of the worksite if and when Crossrail actually comes to be built will be such as to make their lives intolerable if they were to continue to live in their homes. I have explained that we accept, viewing matters as we do at the moment, that that is likely to be the case and on that basis our policy will require the Secretary of State to buy their properties at a time not earlier than nine months before the works begin in Hanbury Street. That is the position.

16505. That being the case, taking those two points and putting them in the balance, I respectfully do not accept that there is a justification for going beyond the policy which, as I say, we accept will embrace these Petitioners in due time and to enshrine that provision within the Bill itself.

16506. **Chairman:** I know the point is made that you expect it will affect them, what we are saying is these are exceptional circumstances. I am posing the question: these seem to be exceptional sets of circumstances, and if that is so why can we not do it now rather than later? We have done it before and you have identified other pieces of land which you think are exceptional. Why not this?

16507. **Mr Mould:** Sir, there is nothing, with respect, exceptional about the position of these Petitioners. That is demonstrated by the fact that, as we have said, on the basis of what we and they expect to be the impact of the operation of the Hanbury Street worksite on their enjoyment of their homes, the policy will require us to buy their propriety interests. What we are not prepared to do is to make that commitment now before the Bill is passed into law. It is a straightforward question of timing. That is the position we find ourselves in.

16508. **Mrs James:** Ms Ferguson has made a potent argument about the fact that her property and that of other people in her block of flats is blighted now. The fact is it is affecting them now and it will affect their property values now as an asset and as a home.

16509. **Mr Mould:** I accept that is what she says, that is why I draw the crucial distinction between the blight argument and the impact of the works on the occupation argument. It is the latter that was the basis for the Petitioner's concerns on the previous occasion and which we have sought to resolve. In that sense, these Petitioners are in the same position as many, many properties in the vicinity of the proposed Crossrail route. Those whose land is going to be compulsorily required under the terms of the Bill for the purposes of Crossrail, those parties, provided that they are occupied by their owners as homes or they are occupied by small businesses which fall within the requisite criteria, those properties may be the subject of blight notices and the Secretary of State may be required to acquire them in advance of the scheme.

16510. We have extended that statutory blight procedure to embrace certain categories of other properties which are not required for the purposes of Crossrail, but which we accept in certain circumstances, such as the need to move because of a medical condition or because of family circumstances, which was touched on by the Petitioner as a matter of policy. The Secretary of State accepts that there will be circumstances of that kind where it would be appropriate for him, as a matter of discretion, to extend the statutory blight scheme. He is not prepared—and this has never been done in relation to any public work scheme of this kind—to extend the statutory blight procedures on a general basis to embrace all those many thousands of properties that, due to their being in the vicinity of the proposed line of Crossrail, may or may not be subject to the uncertainties which have been mentioned today.

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

16511. I make this submission to you advisedly. If we were to do that, it would create a very great risk indeed that projects of this kind simply would not be able to go ahead because the financial imposition placed upon the public purse would be sufficient to stopping the prosecution of the project. That is why in the context of the Channel Tunnel rail link, for example, this debate was had, as I recall, and the same position was taken by the Promoter on that occasion. As I understand it, it was accepted certainly by Parliament and, I believe, by the Select Committee. If we are going to go on to that point, that is our response.

16512. It is important that the Committee distinguish, with respect, between the actual impact of the works when they are in operation and the predicted effects of those works, which we have said our policy, in its clarified form, is now able to deal with, and the more general question of the blighting effect of the prospect of Crossrail, which is dealt with under the statutory provisions and that carefully judged extension of that on a discretionary basis under this hardship policy. It is fair to say that if the Petitioners believe that they come within one of those carefully judged extended categories of the statutory blight scheme, then it is open to them to make an application under the policy today, and the Secretary of State will consider it. There is that form of address to them.

16513. **Mr Binley:** Mr Mould, I know when a batsman is on a sticky wicket and I must tell you that I believe you are on a sticky wicket, quite frankly, valiantly trying off the back foot to defend a situation which I find, quite frankly, to be indefensible. Here we have Crossrail coming along and telling these people, “We are going to make living in that flat intolerable and we are going to make it almost impossible for you to have the normal freedoms with regard to ownership of that flat that every owner of property in this land normally has”. Their concern is properly brought to this Committee which is set up to deal with matters of that kind, so we are not talking about a normal planning situation. The very fact that this Committee is meeting makes this a different matter. My concern is that if we accept what you are saying, I do not understand how we allow the people who come to us to be properly treated in the way that this Committee ought to treat them. We have to make a decision about the Petition they bring. It seems to me that you are saying, “Yes, they can have their house purchased but it is up to some Secretary of State at a future date”, when the very reason for this Committee is to make decisions now to protect against the “might or might not” of that future date. My question is how do we achieve our role in these circumstances to protect these people who through no fault of their own have had inflicted on them Crossrail. It might be for the national good but it still causes them serious problems. Why is it not possible to make a commitment to say, “We will if . . .”. It is

relatively easy to lay out the concerns where, “if happens” and it seems to me they have laid them out very clearly. Why is that not possible?

16514. **Mr Mould:** I am not sure that we are saying anything different, you and I.

16515. **Mr Binley:** You are, you are saying you cannot give them that undertaking.

16516. **Mr Mould:** I have said that if matters, following Royal Assent and on completion of the detailed design of the scheme, remain—

16517. **Chairman:** Mr Mould, this firm alarm will continue for a few minutes, so, please, continue on if you can bear it.

16518. **Mr Mould:** I have a lot to contend with and the fire alarm is probably the least of my worries! Sir, before I continue, I can perhaps make one point which I know Mr Elvin is keen that the Committee should be reminded of. That is that as a matter of fact, the question of the shaft in Hanbury Street is going to be the subject of Additional Provision 3, so it may or may not, subject to the views this Committee express about that and Parliament’s to the Committee’s report, ultimately become a feature of the scheme. I think it is right that I should proceed with my submissions on the footing that is at least on the cards. That is our position at the moment.

16519. Perhaps I should deal with Mr Binley’s point because that was interrupted by the fire alarm. Can we put up the hardship policy, please, and go to 003.⁶ I am not sure there is any significant difference between us. As you know, the hardship policy is drawn in such a way as to set out certain criteria which an applicant must satisfy in order to fall within the policy to cause the Secretary of State to acquire his or her property. The one that we are focusing on today, which is a key point in relation to these Petitions, I make that very clear, is at the bottom of the page, “compelling reason to sell”. I just want to draw this to your attention as the context for our point. Paragraph 3.5.1 says: “The applicant (Ms Ferguson) must demonstrate that there is a compelling reason to sell and that save for circumstances falling under para 3.5.2d hardship will occur if a sale is not possible”.

16520. If we turn to the next page and turn to paragraph 3.5.2d, we see (d): “Where the serious effect (that is to say of Crossrail) is itself a compelling reason to move”, (ii) “If the carrying out of construction works does or is predicted by the Promoter to affect the enjoyment of the property for a continuous period of not less than three months to such an extent that future occupation of that property is not reasonably practicable”. At 3.5.4 you see ground (d) is directly related to the construction works. In the case of ground (d) (i) or (ii): “An offer will not be made to buy earlier than nine months in

⁶ Crossrail Information Paper C8—Purchase of Property in Cases of Hardship, billdocuments.crossrail.co.uk (LINEWD-GEN18-003 to -004).

 The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

advance of the start of the construction works in the vicinity. If an application under this ground is made early in the life of the scheme the applicant may be asked to reapply later”.

16521. The final point, turning to the bottom of the page, is that where we are dealing with this ground of an application, that is to say the effects of the works themselves, it is not necessary—as was alerted to by the Petition—also to show that there have been reasonable endeavours made to sell.

16522. In short order, what Ms Ferguson would need to do would be to show that the effects of the works themselves at Hanbury Street, if that worksite goes ahead, would be such as to make her and her colleagues—

16523. **Mr Binley:** I think I understand your point.

16524. **Mr Mould:** The only point between us is tiny.

16525. **Mr Binley:** I do not think it is. I think you have missed my point. My point is this Committee does not make the decision about the hardship, but you are saying that somebody in future will make a decision about whether the hardship is enough to qualify for the purchase. I am saying, I want a more positive view than that. I think this is unfair to these people in the circumstances of this particular set of flats. I am asking why something more positive cannot be done?

16526. **Mr Mould:** In that case, sir, you are asking us to make a radical change to the statutory and particular extra statutory arrangements that apply in relation to blight. You are effectively asking us to commit ourselves to buying the properties of those who we can see are likely in due time to be seriously affected by the scheme and to buy those properties at a time when the scheme itself has not yet been passed into law. That is an extension of the blight provision.

16527. **Mr Binley:** With respect, that is not the case. I am asking you to say, “We will buy these properties if, if, if . . . and these people will have that letter and that will give them the support of this Committee without waiting to see whether or not a view might be given in their favour at a later date.

16528. **Mr Mould:** That is why I say I do not believe there is any difference between us because I have effectively said that under the terms of the policy, if Crossrail obtains Royal Assent, if the prediction is that upon the completion of this detailed design that the works on Hanbury Street—that being a feature of this scheme—will be to render the occupation of these intolerable for more than three months, then the Secretary of State will buy these properties.

16529. **Mr Binley:** Forgive me, you have missed my point. This is a very defensive position about “if hardship” “if this” “if that”, I want a more positive position for these good people who are in this

situation through no fault of their own simply because the nation wants Crossrail to happen and disturb them. I therefore believe that they should have some responsibility. That is my view. I am coming to you because we sit as a Committee to suggest this and to say, “I want something more positive”, and to say, “We will buy this property if this goes ahead, if the finances are arranged and if these things occur”.

16530. **Mr Mould:** If this goes ahead, if the finance is arranged—

16531. **Mr Binley:** I could say more about it in more detail but you get the point.

16532. **Chairman:** Mr Mould, may I interrupt. I think we need to move on. Many members of the Committee have made it perfectly clear that they are very sympathetic to these cases. I ask that that be taken away with you because the only way we are going to settle this matter is that the Committee will have to make a decision at some point. Bearing in mind, Mrs Ferguson, I have got to say to you, we may all be pre-empting because we have not taken the decision about where such a shaft should be at the present time. It may not be on the site that we are talking about, it may be nearby.

16533. **Ms Ferguson:** I appreciate that, but I appreciate also that will be a decision the Committee will make, it maybe that one can follow on from the other.

16534. **Chairman:** I understand your feelings on it, but we have also been lobbied by other groups who have a view and we have to take all of those matters into consideration which we will do in the future. I think Mr Mould has seen quite clearly from the responses of the Committee today that if that decision is taken, then we are fairly sympathetic to the points which you have raised today in your Petition. I think what we have got to do is allow Mr Mould to go away with that and come back to see if any further comfort can be drawn. If it is not, then the Committee has its option as a full Committee to take its decision one way or the other.

16535. **Mr Pugh:** This question is for Mr Mould. If I am to understand your submission correctly, is it the case that you never made any commitment throughout the entire length and breadth of these proceedings that could, in the event, be covered by the compensation system which requires the act to go through Royal Assent and so on? That is your argument. Essentially you are saying the effect may well be the same in terms of the plaintiff in this case and you are not going to give that in advance. Looking back over all of the Petitions we have had with Crossrail, is it the case that in no event have Crossrail made any concession whatsoever to anybody whose case may, at a latter date, be covered by the compensation system with or without statute?

The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

16536. **Mr Mould:** The reason I hesitated is that whilst I have a reasonably good knowledge of what we have done, I do not want to give an answer which is inadvertently a misleading answer. If you will allow me to consult about that so I can give an answer which I am confident with.

16537. **Chairman:** If you cannot come up with it in the next minute or two then you have only got until 2:30 today or tomorrow morning, it would be helpful.

16538. **Mr Mould:** If you will allow me a minute or two I maybe able to answer the point straightaway.

16539. **Ms Ferguson:** Perhaps while Mr Mould is checking I can say one thing. I feel very uncomfortable that the three of us are effectively being sacrificed for the greater good of many, that sort of argument. I feel very strongly that they seem to be saying, "Just because it has never been done before we are not going to do it now". I can understand why you cannot write a hardship policy that takes into account everybody's individual situations. To me, that is the whole reason why we have an exceptional circumstances clause at the end of it which allows for the reality of people's lives to be taken into account. Mr Mould has focused a lot purely on the impact of the project as and when it happens, that is part of it, but the other part is the impact now, the fact that we cannot sell these properties. If this project does not go ahead, or if it is delayed for 50 years, we cannot sell these properties or rent them out, we are stuck. That is why we are Petitioning.

16540. **Chairman:** I well understand that, but I think you also have to understand that we, as a Committee, are charged with listening to every aspect of it, the Promoter, yourself and the Petitioners. We have to view all of those and, at the end of the day, we must then report to Parliament. Parliament thinks Crossrail is a good thing and it will occur, all we can do is report on that. We cannot stop it, we can only give our best thoughts on that. When that is done, Parliament will then decide whether or not Crossrail goes ahead. It has indicated that it will. We cannot prejudge any of that, that can only be done by Parliament itself. We have our thoughts in mind and it is at least to say that you have put up a strong argument there which has been unusual in that it has been recognised by most of the Committee. They are prepared to say there is a difference in this case than others we have heard.

16541. **Mr Mould:** The answer to Dr Pugh's question is that we have made no commitment in relation to acquisition of any property which is not required for the purposes of the Crossrail scheme. I put it that way because there is a small number of properties which will be required at a very early stage in the process of the construction of the scheme, an advanced stage, in other words, in the process of the construction of the scheme, where we have entered into agreements on a contingent basis to acquire those properties in advance of the works to enable us

to make early process. That is quite clearly a different category of a situation than that with which we have here where we do not propose to acquire the properties and do not need to acquire the properties in order to carry out the scheme.

16542. **Chairman:** In that case, I think from the Promoter's standpoint, we are aware and know your views. We are also aware of the Petitioner's views. The Committee, at some point in the future, will take a decision on that in its report to Parliament, but Parliament itself will decide on such matters.

16543. **Mr Mould:** I am very reluctant to try the Committee's patience, but if I can make one further point. We have placed before you the revised hardship policy, please, do not be misled by the approval date at the bottom of the page which says 91205, I am afraid that is incorrect. This is the version which has been revised in the last two or three weeks to embrace the position of the concerns.

16544. I would ask the Committee when it is considering this matter to look carefully, as I know you will, at paragraph 3.5, because it does not just deal with the point which you are focussing on today, which is cases where the works themselves are going to be neighbouring residential properties incapable of reasonable occupation, but it does deal with those other particular categories under which compelling reason to sell may be accepted such as a move to larger and different premises, financial pressures and so on and I stress to the Committee that as far as it has expressed concerns about not being able to sell at this time, it would be wrong for the Committee to go away with the sense that our policy does not seek to embrace and to address concerns of that kind in certain categories of case. I hope the Committee has that point.

16545. **Chairman:** Can we just leave it there and just to repeat to you that the Committee has not actually made its decision on where this should actually be, so I do not want to pre-empt that. When we make our decision, which will be in the near future, then we will know which way forward to go, but if you have any further views on this, the last time you will have an opportunity, if you wish to make any further statement on that or extra on that, it is 10am next Tuesday.

16546. **Mr Mould:** I do make it clear that we have considered this carefully and our position, and clearly we do not see eye to eye with a member of the Committee, but our position is that we do see the kind of changes to our approach that the Committee will see and the position of the Committee is a suggestion that we should consider would be a very radical change to statutory arrangements on blight and I do make that point and repeat that point.

16547. **Chairman:** So we are fairly clear then, other than the statement you have made you are not going back?

The Petitions of Alastair and Eleanor Ferguson; Gerald Collins and Mona Hatoum; and Caroline Hamilton

16548. **Mr Mould:** I am certainly not prepared to be so disrespectful as to say that we will not go away and think any further about what the Committee has said, of course we would not do that, but I do make it clear that I have been very robust in my response.

16549. **Chairman:** You have, but let me be even more robust, 10 am on Tuesday morning is the last opportunity, other than that we will be considering this matter by the summer.

16550. The last word, Ms Ferguson, if you would like to say a few words?

16551. **Ms Ferguson:** Hopefully I have said it all, my position is fairly straightforward. You wrote these policies in good faith, we are in this situation through no fault of our own. It is not just a question of what happens if the project goes ahead, it is what happens if the project does not go ahead for a number of years and I think Mr Mould said there was nothing exceptional about these properties. Believe me there is if you are in our position. As far as we can see we are in a position where we are virtually on top of this site, we are in the position where we are exceptional as against every other home owner in the land who cannot sell their property if they want to, who cannot rent out their property when they want to, who cannot do all the normal things that people do and who is waiting at

the whim of Crossrail to see whether or not they might or might not at a later stage accept us on to a policy and Mr Mould says, "Well, well, well, it is not just the work, there are these other situations", but they are incredibly limited. Do we have to get divorced, fall sick, or want to move to larger premises in order to qualify, because that is actually what it boils down to? There is no other route to go. He seems to be suggesting to all of you that there is this sort of general kind of cosy cover that will allow us to apply at an earlier stage; there is not, so if we cannot sort ourselves under these general specific headings in their policy and just let us leave at this. Let us suppose in the short term that Crossrail is delayed because they cannot get funding, that means that we cannot get on to this policy. If the project goes ahead then he is saying well we will have a look at the design schedule as and when it happens and then we will really think about it, so from our point of view that is totally and utterly unacceptable and we would ask the Committee to make its decision and have it written in its procedure at this stage.

16552. **Chairman:** Thank you very much. That concludes the petition. Can we just, before we conclude the day, wish you a good journey home and also that you do not have to get divorced. The Committee will next meet at 2.30 this afternoon in private and tomorrow in private and the next public session will be next Tuesday, at 10 am.

Tuesday 25 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Brian Binley
Mr Philip Hollobone
Kelvin Hopkins

Mrs Siân C James
Mr Ian Liddell-Grainger
Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

16553. **Chairman:** Can I first of all start off by saying that we have a particular announcement to make at the beginning. It is that the Committee were informed last week that two members of the Promoter's legal team have been given QC status and we want to congratulate them. Can I say, I am not one for titles, and everybody knows that, but we regard this a bit of trade recognition. In that respect, we have two bottles of Amber Nectar and two cards. Well done.

16554. **Mr Mould:** That is very kind of you. We will declare that! It used to be the prelude to the collapse of one's practice but we are hoping that will not happen

16555. **Ms Lieven:** We think we might have a few more months guaranteed.

16556. **Chairman:** Ms Lieven, do you have anything to add?

16557. **Ms Lieven:** I have got one thing to say which is that the Committee may have noticed that there were a number of large landowner Petitioners who were listed for today and I have been asked to say that we have reached a substantial measure of agreement with them in respect of the over-station development agreements. In those circumstances we have agreed to defer them until the autumn, but in the strong hope that they will not have to appear then. There is no business today other than the Committee's announcement.

16558. **Chairman:** That is another piece of good news. That is two pieces of good news and now the bad news, if I can start.

16559. This Select Committee started meeting 23 weeks ago in January, 2006. So far we have had 399 Petitioners to deal with since then, sitting up to eight times a week and there are still, at the moment, 145 further Petitioners remaining to be heard. As many of you know, the Government has already introduced two sets of amendments to the Bill which alter the proposed railway works so as to extend the impact of the Bill itself. These amendments are known as "additional provisions". As we are all aware, when a Bill like this is amended it can end up affecting people who were not affected by the original scheme or, in contrast, it can change the way in which people are affected. It is essential, therefore, that these people have an opportunity to petition against the Bill so that they can tell this Committee how the amendments will affect them.

16560. The Government is preparing to bring forward a third set of amendments to the Bill. Petitioners against these and any other amendments we ask to be made to the Bill must also be heard by this Committee before we can make our final decision and then report it to the House.

16561. Therefore, we have decided to make the following interim decisions of the Committee public at this time in order to allow the Government to undertake the necessary work to bring some amendments forward as we do not accept that the current proposals in the Bill as they are presently devised are sufficient for the success of this important scheme.

16562. Provision of information: at the outset, let me state on behalf of the Committee that we would like to ensure that each Petitioner against the Bill clearly understands what commitment have been offered to them through the general undertakings which have been described in Committee as information papers. The Committee has heard a great deal of assurances from the Promoters in the last seven months. Many of these have been helpful to the Committee and to the Petitioners. However, we are concerned that many Petitioners may not be clear which undertakings apply to their particular case. With this in mind, we ask the Promoters to write to every Petitioner whose property is affected on the route to state specifically which undertakings apply to their problem and what those undertakings mean. Understandably, many Petitioners have requested personal letters of comfort to explain their position. We feel that the Government should be as transparent in this process as possible and provide such letters where possible as a matter of course.

16563. On matters relating to compensation and compulsory purchase, we feel that the following guidance and instructions are necessary at this time.

16564. Smithfield Market Tenants Association: the Committee agreed that the tenants of Smithfield Market are not covered by the Compensation Code in an appropriate manner due to the exceptional and historic nature of their business. The Committee invites the Promoters to draw up an alternative provision which would provide the tenants with the right to claim compensation in circumstances where a specific level of loss is experienced.

The Interim Decisions of the Committee

16565. Charterhouse Street: following the Petition of Save Britain's Heritage, we would also ask the Promoter to explore and assess alternatives to the compulsory purchase of 33-37 Charterhouse Street.

16566. EMI Limited: the Committee has listened carefully to the case of EMI. We recognise that the increased value of the building would have to be built into any compulsory purchase order negotiation. Therefore, in order to keep the cost to the public purse as low as possible, we believe that the Petitioners should be subject to a CPO as soon as practicable after Royal Assent.

16567. Grand Central Sound Studios: Similarly, in the case of Grand Central Sound studios, the Committee agreed that the exceptional technical nature of the Petitioner's business required protection against potential disruption from the works. We ask that sound mitigation work is carried out before construction commences where possible.

16568. Shenfield: we will discuss the cases presented to us about Shenfield in detail in our report. At this stage, we wish the Promoters to demonstrate that they have worked closely with the local community to ensure that appropriate noise insulation is provided to those who will be affected by the additional noise of the Crossrail works. The Committee would also like the Promoter to look again at the possibility of using the existing sidings at Shenfield as highlighted by Mr Jardine on 29 March, paragraph 6145.

16569. London Borough of Havering: in the case of the London Borough of Havering, the Committee has found certain merit with the Petitioner's case. At this stage, we invite the Promoters to find a way to provide appropriate access for mobility impaired people to the developed station in the location of the current ramp. In the same way we expect access to all Crossrail stations to be developed with awareness of the access needs of people with impaired mobility.

16570. Southend Arterial Action Group: we are aware that these Petitioners did not have the opportunity to fully finish their case. However, the Committee agreed with the Petitioner that the cul-de-sac was not appropriate for the level of access proposed. We believe that the Promoters must find either an alternative access to this worksite or an adequate solution to this particular problem.

16571. Freight: the Committee is persuaded that the freight industry faces an increasing challenge with current capacity insufficient for the needs of growth in the industry, and we believe that the Government should take steps to address this. However, the Committee believes that these issues are largely the responsibility of Network Rail and others and not wholly that of the Crossrail project. We will return to this issue in our full report. The Committee is concerned about the uncertainty regarding the

Access Option and asks the Promoter to ensure that the Committee is updated on these issues later in the year.

16572. Ealing Broadway: the Committee asks the Promoter to demonstrate that a good cross platform interchange could be made available at Ealing Broadway between the Reading and Crossrail lines.

16573. Paddington: issues regarding Paddington Station will be dealt with in detail in our report. At this time, we ask the Promoters to replace the footbridge at Westbourne Terrace with one that fully complies with modern safety and disability standards for users. We would also like to thank the Promoters at this time for their helpful decisions on dust mitigation in their area.

16574. Christchurch, Spitalfields and Bow Bell Church Stepney: similarly, the Committee was pleased with the undertakings given by the Promoters to both these churches, however, we wish to clearly state for the record that these churches should receive top tier mitigation, they should not be expected to pay for the monitoring of any impact on the structures of the churches due to the tunnelling. We expect the Promoters to pay for independent assessment and monitoring of both these churches during the works.

16575. Spitalfields: the Committee heard a great deal of concern from the people in the Spitalfields area, especially those affected by the Hanbury Street shaft. This is something we will focus on in detail in our report. Needless to say, we do agree that the Hanbury Street shaft is the appropriate area for the shaft. At this stage, we are concerned that there has been a certain lack of clear information about the project in the area and we feel that a certain amount of action is necessary in the locality immediately. We are concerned that local residents feel that there are times when they have not been properly informed and times when they were poorly advised during the consultation process. This has led to huge concern and distress in the local area about the extent of the Crossrail project. We have heard all the evidence put to the Committee and wish to make it clear that the scale of the works and the length of construction in the area have been largely overstated. We believe that the Crossrail project must revisit the problems in the Spitalfields area. We want the Promoters to set up a monitoring body with Tower Hamlets Borough Council and representatives within the community, especially those from the local schools affected by the works. This body must meet monthly in order to provide up-to-date information to local residents about the project.

16576. We would also like Crossrail to open up a one-stop-shop in the area for the duration of the works to enable local people to report concerns and help ensure that the works by the contractor meets with dust and noise requirements set out by the Promoters in the same way as it has been very helpful in the Paddington area.

The Interim Decisions of the Committee

16577. In this respect, we would also like this office, working with appropriate Government agencies, to advertise how local individuals wishing to work on the project may apply for jobs connected with the project in Whitechapel and elsewhere.

16578. We understand that the Promoters have reached an agreement with Swanlea School regarding the hours the lorries in the area will operate. This agreement must apply to any road which a school faces onto in the area. We are particularly concerned with access to Buxton Road and the traffic entering Valance Road. We want the Promoter to ensure that it employs staff to enforce access rules 24 hours a day. We are concerned that the large number of asthma sufferers and those with other respiratory illnesses should be protected from sources of dust which we understand to be the highest indication of these particular illnesses in the UK. With this mind, we expect staff securing the roads to ensure that access is only given to lorries properly and securely covered and that access is only given to lorries strictly where necessary. We expect the safety and health of the children and local residents in that area to be the Promoters first priority.

16579. The Promoters must provide a regular liaison meeting with each school to monitor these arrangements and to support the schools during the full period of the work.

16580. We also expect the Promoter to work with other Government departments, particularly the DfES, to ensure that the schools in the area are in no way disadvantaged by the works.

16581. Historic buildings in Spitalfields: we also heard a great deal of evidence about listed buildings in the Princelet Street area. We want the Promoters to come back to the Committee in the autumn and demonstrate clearly that an individual assessment has been made of each listed and historic building in the area and that appropriate mitigation has been put in place.

16582. We also expect the Promoter to monitor these buildings throughout the tunnelling process and for a minimum of seven years thereafter following the completion of the process. Equally, we expect the Promoter to pay for the repair of any damage that occurs due to the tunnelling and associated works. These buildings must be repaired in a manner appropriate to the age of the building.

16583. In respect of the Petitioners who are the owners of flats within the building at 61 Princelet Street in Spitalfields, Alistair and Eleanor Ferguson, Ms Hamilton and Mr Collins and Ms Hatoum, we recognise that these people will be extraordinarily affected by the Hanbury Street shaft. We want the Promoters to take steps to ensure that these properties are compulsorily purchased and to provide the Petitioners with individual letters of comfort guaranteeing that the flats will be bought before the work begins.

16584. Liverpool Street Station: the Committee has been asked to consider a variety of issues at Liverpool Street Station. We are sympathetic to the argument for enhancing ticket hall facilities at Liverpool Street Station. We have carefully considered the three final options presented to the Committee and have decided to ask the Promoters to amend the Bill to enable options 3b and 7c with the extended gate line, removing the necessary retail units, to come forward as an integral part of the Crossrail project at Liverpool Street station. We were not convinced that it was reasonable to pursue option 4a. Equally, we are not persuaded that the implementation of option 7c should be delayed.

16585. Greenwich: The major issue arising from Petitions in the Greenwich area was the need for a station at Woolwich. We will refer to this issue in detail in our report. At this time we wish to state that we have carefully examined all the evidence put before us and we are clearly convinced of the essential need for a Crossrail station in Woolwich, an area which includes some of the poorest wards in the United Kingdom.

16586. We noted that the Promoter's calculations of cost of this station showed that it would provide exceptional value for money and we require the Promoters to bring forward the necessary additional provision to add this to the Bill. We would also ask the Promoters to work with the local Council to ensure that the Crossrail station is fully integrated into the local transport infrastructure.

16587. As I conclude I would like to stress again that the Committee is not publishing a report at this stage. A transcript of these decisions will be made available later today in the usual places. The Committee will resume in the autumn to hear further cases—we will also hear one or two cases tomorrow morning in this room—to deliberate over possible subsequent amendments and then to deliver a full report on the Bill as soon as possible.

16588. **Ms Lieven:** Thank you, Sir.

16589. **Chairman:** Thank you.

Wednesday 26 July 2006

Before:

Mr Alan Meale, in the Chair

Mr Philip Hollobone
Kelvin Hopkins

Sir Peter Soulsby

Ordered: that Counsel and Parties be called in.

16590. **Chairman:** The Committee has commenced. Today we are hearing petitions, firstly, of Mr John Payne and then from The Open Spaces Society and The Ramblers Association.

The Petition of Mr John Payne

The Petitioner appeared in person

16591. **Chairman:** Ms Lieven?

16592. **Ms Lieven:** Mr Mould is doing this one, sir.

16593. **Mr Mould:** Sir, Mr Payne is the owner of a residential property at 22 Stanhope Terrace, that is the property which you see shaded in brown with the number 195 on the plan in front of you.¹ It lies, as you see, just to the north of the Bayswater Road in Bayswater and it is a property beneath which the running tunnels of the railway, particularly the eastbound running tunnel, are proposed to be located at a tunnel depth of approximately 26 metres below ground level.

16594. My understanding is that Mr Payne is raising concerns about the design of the railway in relation to groundborne noise and also is going to revisit the question of alternative alignments for the central section of the railway. I believe that Mr Winbourne is here again to say something about that. So far as the first issue is concerned, the Committee has heard extensively from Mr Rupert Thornley-Taylor. He is here again today if we need to hear more from him. I rather think we may not, but we will hear what the Petitioner says on that. I should say that predicted groundborne noise from the operation of the railway on the assumption of the design and maintenance of the railway, in accordance with the undertakings which we have given and with which the Committee is now very familiar, is at a level which is below 30 dB(A)L_{Amax}S.

16595. **Mr Mould:** In relation to the issue of alternative alignments, the Committee has heard in response to the Residents Association of Mayfair's Petition back in the spring extensive evidence from Mr Berryman on the work which had been done in relation that and other alternatives, and I can give the references to that evidence in due course when we have heard from the Petitioner. That is all I propose to say.

16596. **Chairman:** Mr Payne, you worried me greatly when you first came in this morning with that huge bag; I thought it was full of evidence. I hope it is not, because we have already heard quite a lot on the Paddington area on groundborne noise in that area, so it is really down to you to present the case in the best way that you can.

16597. **Mr Payne:** Thank you very much, sir. Sir, I am John Payne. I am Chairman of the Hyde Park and Stanhope Terrace Residents Association and Chairman and shareholder of the company which owns the freehold of the land and buildings known as 25-31 Hyde Park Gardens and 22-35 Stanhope Terrace W2. I will refer to this as "the estate". I live at 23 Stanhope Terrace, a lower ground floor flat.

16598. The estate consists of originally a terraced block of houses surrounded by gardens and vaults. It was constructed circa 1830s of brick with stucco finish and it was converted in the 1950s to form eight apartments on five floors plus a deep residential basement. The footings are of stepped-out brickwork. It is an impressive listed building situated on the edge of Hyde Park and within a conservation area. A copy of an illustrated article in the *Architect Building News* dated 28 May 1953 describes the block and its conversion in some detail. It is in my accompanying exhibits. The freeholders acquired utilising the leasehold format 1993 two years ago after a lengthy battle of 10 years with the Church Commissioners. Your Petitioner has sought an undertaking from the Promoter to use floating slab track in the construction of the railway as a measure to mitigate the effects of groundborne noise and vibration in the tunnelling below the estate if the scheme should go ahead. This is not likely to be sufficient in any event so I am advised, as you will hear shortly. There is potential for direct and continuing damage to our buildings which will only be about 16 metres above the works. This is contrary to the impressions given out by Crossrail along the route. I am advised that Crossrail calculations forwarded to me require detailed examinations. Your Petitioner has considered for some time that

¹ Crossrail Ref: P117, Location of Petitioner, 22 Stanhope Terrace (WESTCC-35903-001).

 The Petition of Mr John Payne

there is a better route for the central London section linking the stations of Paddington, Farringdon and Liverpool Street. I am aware of the long-standing outlying plans for the northern interchange route.

16599. I have here with me in support my neighbour, Martin Horgan. I attended the hearing of Petition number 326 of Mrs Marina Morrison-Atwater and the Residents' Society of Mayfair and St. James. As a result I have been able to compress the delivery of my Petition taking advantage of some of their evidence. I have deposited, with your Clerk, copies of annex papers in a ring book together with those of Mr Winbourne. I shall call Mr Norman Winbourne FRICS as my expert witness. You have already had his extended qualifications before you for petition 326. Can I call Mr Winbourne.

Mr Norman Winbourne, recalled

Examined by **Mr Payne**

16600. **Mr Payne:** Mr Winbourne, I want to go as quickly as possible through your papers in your bundle so you can explain their significance and the importance of each case. Mr Winbourne, let us go through them, please.

(Mr Winbourne) I am working through these bundles from the back, the oldest is at the back and what I intend to do is to very quickly describe the significance of each sheet. I know that you are sitting in the recess beyond the date when Parliament has risen and I am trying to leave it so it is at least possible this morning that the papers are there before you. They will simply state the significance of each sheet and then carry on quickly then we will go back to questions and answers, that is the arrangement. The first one at the back is the original Crossrail route which was canvassed back in the 1989-1991 Bill.² The point about it is that it has been changed and any calculations as to whether one route is superior to the other with regard to passenger usage and so on are completely out of date. This is the original route, they have taken off the north western section and they are changing it regularly.

16601. **Chairman:** Just before we proceed, can we list it as A1A4.

(Mr Winbourne) Next are two sheets which are at the back and front of one of my very first reports in February 1992 and that is the date of it.³ Mr Dennis Hunt and I, an engineer whose name appears on that paper, had looked at alternative routes and I would like you to look at the back sheet which is the map.⁴ The reason I am showing you that is that is the route which Crossrail say they had evaluated for you as

you will see in a moment. It has been altered significantly but they have not bothered to give your Committee, the Government, the Mayor or anybody else evaluations of what has been altered. They are still playing around with the February 1992 alignment. Therefore, they are suggesting that they have evaluated fairly and cannot possibly settle. The next thing is single sheet which is item number eight at the top.⁵ The date is 15 September 1992 and it states that there was going to be a report to Westminster City Council, I have not brought all the papers, I have got a filing cabinet full of papers and I have selected very carefully here what to show you. I am simply wishing to draw to your attention their number one, the last couple of lines where it says that the route is, as far as practicable, within the existing Metropolitan and Circle Lines which of course would be obvious to you. The recommendation 2.1 that the joint Promoters of the Crossrail Bill, London Underground and British Rail, be asked to submit a formal response. I can tell you they did and I can tell you part of what came out of that. The next two sheets are not of particular significance, except to say that in correspondence to the Corporation of London, because their plan was coming up as well, my office is in the City as you see at that time it was in Queen Victoria Street not far from where it is now, and the point is I got a bland and soft answer, they were not bothering with anything really.⁶ That has been the way of the City Corporation all the way through. The next item is again two sheets but it is from something about three quarters of an inch thick which was the actual report which I got a copy of eight years later from Sir Michael Clapham by Halcrow, the engineers who advised on the original scheme.⁷ They did a jolly good report which is dated January 1993 as you can see from the front sheet of that. The point about it is that they did a descent proper alternative evaluation which I have read carefully. They criticised certain things, of course they did, they said some things were better such as at Farringdon and so on. What they never did was consult with me. They were not asked to come back and liaise and consult and say what do you think about this? It never happened in the entire time of the Bill. In other words we were kept away from it. I never got a copy of this report, Sir Michael Clapham did and he assumed I got one, he was leading the residents of Mayfair at the time, he is dead now unfortunately. He was former head of the CBI.

16602. **Mr Payne:** The next topic please, Norman?

(Mr Winbourne) The next page is a proper map of the Crossrail alternative route and what I have brought to your attention, and I can provide

² Committee Ref: A184, Information on proposed CrossRail (joint development by London Underground Limited and Network SouthEast) (WESTCC-35905-095).

³ Committee Ref: A184, CrossRail Bill—Petitions and Objections, Winbourne Martin French, February 1992 (WESTCC-35905-093).

⁴ Committee Ref: A184, Central Area Route Plan, Winbourne Martin French, February 1992 (WESTCC-35905-094).

⁵ Committee Ref: A184, Consideration of Alternative Route, City of Westminster, 15 September 1992 (WESTCC-35905-092).

⁶ Committee Ref: A184, Correspondence from Winbourne Martin French to Corporation of London, CrossRail Safeguarding—Alternative Route, 29 October 1992 (WESTCC-35905-090).

⁷ Committee Ref: A184, Technical Note 85, Alternative Alignment, Halcrow Report, January 1993 (WESTCC-35905-088).

 The Petition of Mr John Payne

coloured copies of these in the recess if you so require but I have kept it simple as I said, if you look at the bottom left hand side you see “City compromised route” and if you look at the date in long hand on the right hand corner you see “March 1993”.⁸ There is no doubt that Crossrail have known about this ever since then and what it amounts to is that between Farrington and Barking and Moorgate/Liverpool Street and so on there is a middle route and that is what matters and that is the one that they are not going to evaluate for you unless there is serious significance. This shows the Liverpool Street Station somewhat to the north of where that is and it is at the northern margins of Liverpool Street and Moorgate where it is a lot cheaper and easier to put a station and it would reverse some of the flows in Liverpool Street Station and make it less crowded and the whole thing would work a lot better if it went on less valuable property and also that would take advantage of open spaces as part of the route.

16603. The next point, please?

(Mr Winbourne) The other point is that it goes straight out onto the surface line, they have knocked down a viaduct, for taking spoiling out of by rail. You will see, because it goes around all the stations on the north side, there must be better opportunities to take the spoil in and out via rail somewhere along that route, King’s Cross, Euston or wherever. The next is not to be read now, an article that was published at the end of 1993 by myself in the *Estates Gazette*, we worked very hard to condense it.⁹ I would say that something like 70% of what is there will still remain valuable, possibly more, obviously the reason changes. The next is very important and it would appear to be out of sequence, it is the 1991 safeguarding direction which I drew to your attention when I was giving evidence in Mayfair.¹⁰ I got it from the Department on 7 July 2001 by letter which is why I put it in on the date of order. What I wish to draw to your attention is towards the end of it in the guidance notes, if somebody can find that, that is about four pages in, on page 2 there are various things I have highlighted. I will not bore you with this. If you come to page 3 of the guidance notes, this is the particular thing that matters and this is the bit that is not generally published and I propose to read it: “The Department suggests that, in response to the appropriate question in the Additional Enquiry”—that is by solicitor’s order letter—authorities respond along the following lines: the property is/is not within the limits of land subject to consultation for Crossrail”—those are the surface limits of course we are talking about there and then it says: “The property is/is not within 133 metres of an area of surface interest for Crossrail.” I

think I said 144 or something when I gave evidence before and I would like to correct that, please.¹¹ This is seriously significant because if you took that right across London you are looking at something like about a quarter of a mile across. The next item is simply a press extract from 29 July 2001 from the *Sunday Telegraph* and it refers to buildings which have been damaged by the Jubilee Line, contrary to the evidence that you have been given all the way through that it was pretty easy-going.¹² Of course, they mention Big Ben because they could not avoid it. For example, the article says some buildings have had more than six inches. This is the Jubilee Line and we are dealing with Crossrail, which is two and a half times as big in physical terms and exponentially much worse. So there is a clear-cut report in 2001 about the effect of tunnelling. The next is simply what I believe to be the Crossrail 2 options.¹³ It is not terrible important except to show that it is King’s Cross-Victoria-Central Line. That is almost not new. The fact is the original cross-London rail link is of 1980, it is a British Rail scheme, and it is Euston to Victoria, so what they have been doing all the time, I do not know. The fact is it is published matter and I have not got it with me but I can get copies in colour with handouts of real discussion documents signed by the head of British Rail at the time. The proposal was Victoria to Euston and what they have done of course is to reserve St Pancras Station for their Crossrail 2. So they are pretty good at grabbing thing from other people.

16604. The next, please.

(Mr Winbourne) The next thing is very important. I do not intend to go through every detail of it but it is a meeting note of December 2001.¹⁴ I would like to draw to your attention first the heading which is not up on the VDU. It says “Apologies” and “Notes by distribution”, and among those distribution people is Mr Keith Berryman who we have heard many times. Now this meeting note dealt with—and we will be dealing with these points in questions and answers so I do not want to go through them in detail now—all the differences between the northern interchange route and the other route and also what they call the Wigmore alignment but what I call, and I now use the correct title, the Cavendish Square option. That was what it was referred to as in correspondence and they changed the name to make it mysterious and divert attention from Cavendish Square, and I will show you why in a minute. Can I just say that anything I say is not addressed to your Committee of course or to the Government as a whole or to the previous Government as a whole. It

⁸ Committee Ref: A184, Central Area Route Plan, Winbourne Martin French, February 1992 (WESTCC-35905-094).

⁹ Committee Ref: A184, Crosslink—Making the Connection, *Estates Gazette*, 6 November 1993 (WESTCC-35905-084).

¹⁰ Committee Ref: A184, Department of Transport, Guidance and Explanatory Notes for Local Planning Authorities to accompany Safeguarding Directions for the CrossRail Project—Westbourne Park to Mile End Section, 7 July 2001 (WESTCC-35905-079).

¹¹ Committee Ref: A184, Department of Transport, Guidance and Explanatory Notes for Local Planning Authorities to accompany Safeguarding Directions for the CrossRail Project—Westbourne Park to Mile End Section, 7 July 2001 (WESTCC-35905-081).

¹² Committee Ref: A184, Historic Buildings subsiding because of Tube tunnelling, *The Sunday Telegraph*, 29 July 2001 (WESTCC-35905-073).

¹³ Committee Ref: A184, Crossrail II Options (WESTCC-35905-072).

¹⁴ Committee Ref: A184, Crossrail meeting with Residents’ Association of Mayfair, meeting note, 12 December 2001 (WESTCC-35905-067).

 The Petition of Mr John Payne

is directed to the people who have not taken notice when they should have done. I hope that that is totally understood, Chairman, if I seem a bit strong in what I am saying.

16605. **Chairman:** “Terse” is probably the word for it.

(Mr Winbourne) Terse, well, precisely. The next thing is an article, one of two which were published under my name.¹⁵ This is the short version which appeared in a magazine called *Valuer*, which is published by the Institute of Revenue Rating and Valuation, and it was a condensed version for *Valuer* which is estate surveyors and estate agents, of something that appeared in the *Civil Engineering Surveyor* which was much longer. If I can draw to your attention what looks like an aerial photograph in the middle. That was published in the press and therefore the people who published this magazine got hold of it. It is a European Space Agency satellite imaging of the damage caused by settlement across London by the Jubilee Line and that shows the central London sections. If you look towards the right of it about two-thirds of the way across, you will see a pretty large orangey-yellow patch. That is the Southwark area where I was involved in the case that I referred to when I gave evidence previously and the building was very badly damaged.

16606. **Mr Payne:** Next please.

(Mr Winbourne) The next is correspondence, letters—and I have not given you all the replies and things to keep it short—from the well-known solicitors Charles Russell, acting for the residents of Mayfair, and that repeated a great deal of what was said at that meeting in terms when they asked for the appointment of an independent referee, and this is 2002. It was brushed aside under the Government Code for major schemes. It was brushed aside by a silly answer from Crossrail and we were going to take it further but the then Chairman of the Association, Geoffrey Howard died and things rather went astray at that point. We lost him soon after we had lost Sir Michael Clapham. I draw your attention particularly to page 3 of that letter at the top.¹⁶ It refers to the Cavendish Square option, which is the proper name of the Wigmore alignment and at the 12 December meeting “Mr Winbourne identified . . .” and so on. Okay? The reason for that being stressed now is because the use of that route properly evaluated, and that is not quite what we have got from Mr Schabas unfortunately, does not touch Mr Payne’s property at all or that whole area. It goes under Edgware Road.

16607. **Chairman:** At what point are we going to get to Paddington?

(Mr Winbourne) We will get to that in a moment. I just want to go through these exhibits because I think it is terribly important from a legal point of view, sir. The next one we do not need to spend any time on but it is an alternative route that goes between Heathrow and Gatwick and joins up Paddington and Victoria, and it was not on Mr Schabas’s shopping list. The next one is a copy of a report that went in with the Petition by Bircham Dyson Bell. Then we come to three plans which you need to extend from your bundle. The first one is what they say is the northern alignment and it is in fact the same as the one in February 1992 that I told you about at the beginning. This is the northern alignment. This is a scaled down copy of a very large plan that was handed to Mr Maurice Applewhite by Mr Toren Smith over there in about last October/November. We have had copies of these, that is why I have copied them, and this purports to show the northern alignment. It is presumably what has been given to everybody, including your good selves and your Committee. It is rubbish because it is the original plan at the back that they are reproducing with the two possible routes, or something very much like it, it is not a compromise route that I told you about earlier. The next one is their evaluation of the Wigmore Street alignment, as they put it.¹⁷ They did not come and ask me about it. They did not consult. They just did what they thought they would show you as the Wigmore Street alignment, which is wrong, and they showed Cavendish Square but only as a working area not as a station end. They call it a “working area”. They do not mention Cavendish Square anywhere. They call it the Wigmore Street alignment. Cavendish Square is pivotal. I think they do this to divert attention. That is my impression. Moving on to the next plan. This is too small for you to read everything on it but it has the northern alignment and Wigmore alignment on it. I have spoken to your Clerk, Chairman, and if you wish to have larger, more legible, easier to read copies I could provide them during the recess. We do not need to go through all the details on them now. What I simply want to draw your attention to, if I may, is that the green line through the top part of the plan, which is the northern interchange route, and the orange or yellowy line, which is the Wigmore alternative, if they call it that, I call it the Cavendish Square option. The point about it is that you will see that it goes from Paddington, if I work from the west, down under Edgware Road. It does not go anywhere near Mr Payne’s property at all—that is one of the reasons he brought me here—and then goes under Portman Square and then carries on. This is only an indicative outline and not meant to be an engineer’s solution, you do understand, sir. Okay. It is for evaluation but they never evaluated it. They only evaluated what they thought they would.

16608. **Mr Payne:** Next please.

(Mr Winbourne) The next was put in before which is my Tube interchanges, but I would like to add two or three things that are not in the previous evidence.

¹⁵ Committee Ref: A184, Institute of Revenue Rating and Valuation—Blight in the Tunnel, Valuer, April/May 2002 (WESTCC-35905-066).

¹⁶ Committee Ref: A184, Correspondence from Charles Russell LLP to CLRL, Cavendish Square Option (WESTCC-35905-060).

¹⁷ Committee Ref: A184, Plan of Wigmore Street Alignment (WESTCC-35905-035).

 The Petition of Mr John Payne

One of them is I have added in this time a little photocopied plan of the Paris Metro with some rings round some of the stations where they have the interchanges that I am talking about.¹⁸ There is a little note I did in 2005 that we do not need to go through now. The other thing is partly through haste because we thought we were going to be on before Easter, well Maurice Applewhite was but the rest of us were not. The point is that there were three major interchanges overlooked and one variation, which is on the last page of that section, where it says Earl's Court.¹⁹ It was not mentioned that this creates a direct route also from Heathrow to Gatwick on existing railways. If you have an interchange at Earl's Court you have got an interchange with the main Tube system. You can either go to Gatwick from Earl's Court via Wimbledon or Clapham Junction. The point is people have a choice of airports and it is not for people going between the two, although some may. It is mainly for the people of London to be able to easily get to all the airports by using the Tube system. There were two other points that got missed out. One of them is Aldgate, Fenchurch Street and Tower Hill/Tower Gateway are all very close together and could be linked by travelators and Cannon Street at the back is only 200 hundred metres apart. Thousands of people walk between the two now. It is not even an accredited interchange and it should be. The next item is my CV which you do not need me to go through, except that I happened to leave out the fact that I was responsible for drafting, with the Council solicitors, something called the LCC General Powers Act 1958 which is the forerunner of the section 37 of the Land Compensation Act 1973. That is of minor interest. Then there is—and I hope you got this but if you have not I have put it in—my critique of the written critique of the operation of the National Compensation Code, as they put forward because it was supposed to have been forwarded after I saw you before with Mayfair and of course it is equally relevant to Mr Payne.²⁰ I think that completes the bundle as far as I am concerned.

16609. Mr Winbourne, let us go through my exhibits now. Can we go from the front to the back instead of from the back to the front?

(*Mr Winbourne*) By all means.²¹ Well, the only point that I would make is that of course your particular flat is the only thing that they have shown in black, not the rest of the block, and you are concerned with the entire block and it is in joint ownership of course, and that is in between the two turrets. To say it is nearer one—it gets hit by both so you are going to get two lots of shockwaves and you are going to get then compensation grouting from both tunnels

which may even merge. The concrete might even merge and get connected. It is probably too far away to connect your foundations but I would not rule it out. Then you have got the entire block which is, of course, 1830s and so on, but we will come to that. The next item is your groundborne noise contours evidence.²² I do not propose to comment on that one.

16610. Thank you. Next, please.

(*Mr Winbourne*) The next thing is the important one as far as I am concerned, which is the letter from Mr Toren Smith, in the corner there, with enclosures which came from Mott MacDonald.²³ That shows the entire block, of course, which is more sensible. There is a pretty rosey photocopy of the block, we have got some slightly better ones later.²⁴ The general description is correct. I am now on the third page. It says "Building response: maximum settlement 21mm".²⁵ Firstly, I do not believe it and, secondly, 21mm is nearly an inch in old money. That is a big crack if you get one: big. These are very old buildings of load bearing construction, we are not talking about frame buildings, we are talking about load bearing 1830s listed building construction, which is all along the route, not just here. Then it says, lower down, the building is in the negligible category. Whose description of negligible? It must be theirs, not mine. Then it says that the most critical configuration occurs when both tunnels have been constructed. I am not quite sure what they mean but what I think it might mean is the point I made that you are going to have two lots of shockwaves one after the other, probably six or nine months apart or something, the boring machine will go in one way and then come back in the other, and then you will have up to a year's of compensation grouting depending on what is required on both tunnels surrounding it. The most important piece now is their diagram, Section A-A details, which is the next page.²⁶ If you could bring up the top half on the screen. The two dimensions which matter—this is being economical with the truth—are the ones in the middle: 26.9 metres and 26.6 metres down to the line of the tunnels, which you appreciate is the centre point of the tunnels indicated by a little circle. That does not give you the impression of what the works really mean. These works are 18 metres across in each case, they are huge. They are only about 16 metres below the foundations—footings, not foundations—old-fashioned brick step footings, of

¹⁸ Committee Ref: A184, RATP Metro Map, www.ratp.fr (WESTCC-35905-035).

¹⁹ Committee Ref: A184, Tube Interchanges (WESTCC-35905-029).

²⁰ Committee Ref: A184, Criticism of Information Paper C2—Operation of the National Compensation Code ("The Code") by N. J. Winbourne, 15 April 2006 (WESTCC-35905-025).

²¹ Committee Ref: A184, Location of Petitioner, 22 Stanhope Terrace (WESTCC-35905-003).

²² Committee Ref: A184, Groundborne Noise Contours Route Window C3: Hyde Park and Park Lane Shafts (WESTCC-35905-004).

²³ Committee Ref: A184, Correspondence from CLRL to Mr John Payne, Listed Building Assessments, 23 September 2004 (WESTCC-35905-005).

²⁴ Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), View and Location (WESTCC-35905-006).

²⁵ Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), Building Response (WESTCC-35905-007).

²⁶ Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), Section A-A Details (WESTCC-35905-008).

The Petition of Mr John Payne

these buildings. That is 16 metres or about 50 feet in old money. We will deal with that in more detail in a minute when we get to questions and answers.

16611. Next, please.

(Mr Winbourne) The next one is quite important.²⁷ Again, the quality of the photocopying could be better. I apologise for that, we should have lightened it on the machine. The buildings look much nicer than they would appear. In fact, they look very nice indeed. We are fortunate to have a critique from a major architectural magazine, the *Architectural Building News* 1953, telling everything about the buildings, how they were converted into flats and everything, with the assistance of the architects concerned, Clyde Young and Bernard Engle.²⁸ Bernard Engle is pretty well-known, I have met him on a couple of jobs, and he is still practising. We have got another one, have we not?

16612. There is one left.

(Mr Winbourne) I am not quite sure what your notes at the top mean, I will leave that to you, Mr Payne, if the Committee wants it.²⁹ I think these are not showing contours of sound, they are showing the tunnels, if I read it right. What they are showing, as usual, is the internal diameters of the tunnels. There is a vent shaft or something, I think it is an emergency intervention point that you can see the end of here, which is the one under Speaker's Corner.

16613. This one is at Victoria Gate.

(Mr Winbourne) You tell me, Mr Payne, there is a sketch somewhere which shows that it extends to Victoria Gate to the left, as it were, of the picture we are looking at.

16614. That is right.

(Mr Winbourne) There is a ventilation entrance at Victoria Gate. So you have got a lot of mucking up of Hyde Park. You have got a £200 million emergency intervention point here and you have got the two running tunnels significantly underneath Mr Payne's and his friends and colleagues' properties.

16615. If I may just interrupt on that. My little calculation at the top is really I paced out the distance between my deep lower basement flat and the Central Line in the Bayswater Road, and it is 80 metres. So I am 80 metres away from the Central Line. I can hear some noise, and again it is daytime noise, it does not run in the evenings, but obviously Crossrail is going to run all night. According to my expert witness here, I am only 16 metres away from Crossrail with all their predictions, so I feel that it has cast some doubt on the noise chart which says it is going to be 25, 27, 35, 40 or whatever. I think there

should be a bit more consideration of the figures. Thank you. Are we moving on now to the questions and answers, Mr Winbourne?

(Mr Winbourne) I have got to find them. Wait a minute.

16616. Previously, you gave mainly compensation evidence for the Residents' Society of Mayfair & St James and the Grosvenor Residents, which I shall call "the Society", but would your evidence apply to all areas?

(Mr Winbourne) Yes, for people in your area, Covent Garden, Soho, Spitalfields, rich or poor, the physical facts are much the same; only the property values vary, people do not.

16617. You kept mainly to compulsory purchase law and compensation, why was that?

(Mr Winbourne) So as not to clash with Michael Schabas' evidence and for hearing time constraints.

16618. You explained the out-of-date compensation and spoke of 1845 Acts, but it would still be a lot of money, is that right? Even though we do not get a fair answer there have to be physical effects to claim, you said.

(Mr Winbourne) Yes. You would get paid out only for structural repairs and identifiable physical damage and costs and interest for your own set of 80 flats, maybe 20% down on capital values, and you would then have to fight that, but still running into millions, and that would be repeated widely across London.

16619. **Mr Mould:** Sir, forgive me for interrupting the presentation but the Committee will be aware that we have prepared a note setting out, we hope in relatively straightforward terms, the compensation entitlement that individual petitioners can expect depending on their circumstances. In order to short circuit this, I am very happy to send that note with an appropriate covering letter to Mr Payne explaining what we would expect his entitlement under the code to be.

16620. **Chairman:** That would be helpful anyway. Mr Payne, how much more do you have on this compensatory evidence to do with your presentation?

16621. **Mr Payne:** I do not think a great deal.

16622. **Chairman:** We will proceed.

(Mr Winbourne) I might say, Chairman, I would like to see that note and I hope Mr Payne would have a right of reply.

16623. **Mr Payne:** Why do you say that level of claim, Mr Winbourne?

(Mr Winbourne) Even where you only have tunnels, not stations, the effects will be severe.

16624. How severe? I have been told that it will be light. Has there been concealment?

²⁷ Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), Section A-A Details (WESTCC-35905-011).

²⁸ Committee Ref: A184, Conversion of fifteen houses into flats: 24-38 Hyde Park Gardens, Architectural Building News, 1953 (WESTCC-35905-011).

²⁹ Committee Ref: A184, Cross section and plan of Crossrail tunnels at Hyde Park Shaft (WESTCC-35905-019).

 The Petition of Mr John Payne

(Mr Winbourne) They compare all the time the much smaller Jubilee Line Extension and they have concealed, or not brought forward, some heavy damage claims which I have referred to in the bundle.

16625. Can you specify the danger signs for my block?

(Mr Winbourne) This is the most important point. By simple arithmetic and by analysing the little sectional Mott MacDonald line drawing provided by Crossrail to you on 23 September 2004 as Listed Buildings Assessment.³⁰ One can see that the dimensions are confusing. Mott MacDonald show 29.6 metres dimension from ground level to the central point of a reduced circle representing the tunnel, or 26.6 metres from your lower ground floor level. But those twin tunnels are each eight metres in diameter. I refer you to Professor Mair's evidence when he showed you the Channel Tunnel boring machines. There is a picture of it. Eight metres is the diameter of the tunnel and that includes extra depth but that does not include compensation grouting, which is a huge band surrounding it. Eight metres in diameter, so from the centre—I am being very pedantic here deliberately, Chairman, I hope you will bear with me—add another half a diameter or radius of four metres of extra depth and beyond that each tunnel has five metres surrounding irregular band width of concrete compensation grouting to add, making altogether nine metres from the tunnel centre to the bottom of the works, 18 metres in total diameter. Therefore, on Mott MacDonald's figures the total depth from the ground level to the bottom of the Crossrail tunnelling works, the bottom end, is about 35.6 metres or 32.6 metres from Mr Payne's lower ground floor. As your 1830s buildings' brick footings are another four feet six deep, and I have seen the original plans Mr Payne has got as the owner, or, say, 1.4 metres below the floor level, those old footings, old brick 1830s footings, are only 34.2 metres from the bottom of the entire works in-between. Conversely, coming upwards from the bottom to the top of the Crossrail work measures 18 metres. As I said, the irregular top level of each tunnel works, because you do not quite know where the compensation grouting is going to go in the soil, is also nine metres from the tunnel centre point which leaves you with heavily pressurised concrete grouting only 16.2 metres or less straight down from your 1830s brick footings or, say, around 50 feet. Crossrail running trains' vibrations might well be felt right through the building. I imagine you might get regular train vibrations, whatever Crossrail witnesses may assert purely from subjective predictions, because you are directly above one tunnel, close to another, which has been recorded. I gather that you already hear and feel the much smaller Central Line 80 metres away and I understand from Mr Payne that has been recorded by Westminster City Council but they have not answered further inquiries from him. As the tunnels

are only a platform width's apart, and you can see the drawing anyway but the drawing minimises the widths of the tunnels and everything, possibly the compensation grouting from both tunnels might actually touch, might be merging together, and connecting physically according to the ground conditions en route. If there are fissures in the clay or whatever this will happen, as sure as God made little apples. That would compound vibrations. I am talking about pure basic fourth form physics.

16626. What about our buildings cracking up from structural settlements?

(Mr Winbourne) That is likely, maybe virtually certain. Crossrail will tell you 21mm ground movement, which is just under an inch, an inch is 24mm, is negligible for ground settlement and somehow acceptable, which I say is rubbish. It may have to be accepted, but it is not acceptable. Also, their calculations seem to rely upon the Jubilee Line Extension, not the full-sized comparable tunnels of the Channel Tunnel Rail Link where up-to-date information ought to be available by now. Even so, I have direct professional experience of a twisted and steel-framed building with one inch cracks from the Jubilee Line Extension. Imagine if that had been 1830s traditional load bearing brickwork stucco houses like yours, and then imagine the tunnels, or whatever, are two and a half times as big, physically two and a half times as big, never mind what physicists would do with exponential changes.

16627. What about mitigation works? Will we get help from others affected?

(Mr Winbourne) You will get some help but not a lot. The big property groups are employing Ove Arup and others to see that their likely damage is minimised. They are agreeing wherever they can to suit themselves, and that is okay, I do not blame them. They may actually want Crossrail, so they may be catering to each other and they may be neutral so far as your greater damage is concerned and you can stew in your own juice perhaps and so can a lot of other people.

16628. Mr Winbourne, apart from other serious Crossrail issues for my Petition of cost, routing, environmental issues and structural damage, do you complain about other authorities and, if so, why?

(Mr Winbourne) Yes, and I propose to skip through this quicker, Mr Payne. For years various Council leaders and others have been sort of Crossrail 'groupies' and there has been massive press and PR support. During the previous Bill period, and, Mr Chairman, you may find this a bit surprising, at the consultation meetings run by Crossrail, the Westminster Planning Officer would come in and sit with them virtually as part of the team.

16629. Can you point to any overriding fatal flaws in Crossrail's plan? Is there any one particular issue which should put back Crossrail's programme for further consideration regardless of all else?

³⁰ Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), Section A-A Details (WESTCC-35905-008).

 The Petition of Mr John Payne

(Mr Winbourne) Yes, it is the danger at Oxford Circus which they are not addressing. There have been failures of duty on all sides by not addressing Crossrail's predictable worsening of serious overcrowding in Oxford Circus Station and Oxford Street. Years ago, public safety issues caused Crossrail to be shut out of any direct connection to Oxford Circus with a proper double-ended station. Ever since then, those continuing problems have been sidestepped by the planners. A separate Crossrail station entrance in Hanover Square will not prevent passengers who want to change trains simply walking between, as Crossrail admit. One can compare large numbers in the City walking 200 metres from Cannon Street to the Bank which is not a prescribed interchange—ludicrous. The Oxford Circus problems were recorded in the minuted meeting on 12 December 2001, a copy of which has been annexed, between Crossrail and a five-man team representing the then Residents' Association of Mayfair.³¹ Crossrail's response has been to confuse the problem by diverting attention with odd descriptions of my plans of the Cavendish Square scheme named mysteriously as 'The Wigmore Alignment' by them. Their plans are neutered with the large brownfield Cavendish Square car park shown as a working area only and not an Oxford Circus Station expansion site, so they also cut out the key issue of Oxford Circus Station being an interchange with Bond Street. This, in my opinion, is done to protect Crossrail's unsustainable Brook Street, Mayfair alignment for their Bond Street Station, because if you accept the alignment of Cavendish Square and Wigmore Street because it is superior, their alignment goes out of the window.

16630. **Chairman:** At what point are we going to concentrate on your properties and Paddington? At the moment you seem to be all over the central London area. I think you have made the point, and I think that you can accept that separate points on the alignment have actually been made, but we are here today to hear a Petition about how it affects your property.

16631. The second thing is in relation to Mr Winbourne's comments about 'groupies' in relation to councillors. If that is the case, which is lodged, then Parliament is too because Parliament has taken the view that Crossrail is good and it has given us the line to work to. What we can do is alter it here and there, but we have been given a task and Parliament has decided by and large on that task, so we cannot alter it all. We can alter parts of how that is arrived at, but certainly the route is not going to be redesigned.

(Mr Winbourne) Sir, we were about to come on to how it affected the block.

16632. Well, please do.

(Mr Winbourne) Can I just interpose and say this because I am saying this with the greatest deference to Parliament, please understand that: I have already told you that I think you and Parliament have been sold a pup about what the alternatives which have been looked at were.

16633. You made that point the first time.

(Mr Winbourne) Yes, but the other point is this: that I have read that direction a number of times and it refers to the stations. I do not think it refers specifically to how you get to those stations and I simply politely point that out again because serving those stations, I do not think the scheme should go ahead until they have addressed the problems in that and I will come to that in a minute. Then seriously, but this is obviously up to your Committee and Parliament and I can only make suggestions to you, Parliament is sovereign, the Crown is sovereign and I understand that and, as I said earlier, there is no question of lack of deference to Parliament, but I was referring to one or two individuals when I talked about groupies and I was not thinking about Parliament.

16634. Well, let's skip on in particular to Paddington and deal with that.

16635. **Mr Payne:** To keep matters as brief as possible, how do you see the main topics dividing up?

(Mr Winbourne) First of all, for you, the immediate concerns for you and your home block; secondly, environmental issues and best practice for scheme implementation; and, thirdly, wider issues and best transport solutions. In London there has to be a proper compromise between the transport issues and the good of the environment and this includes advanced compliance with UK and EU environmental law.

16636. What is best practical practice please, in your opinion?

(Mr Winbourne) There are generally environmental and construction issues which will apply to any route chosen and which ought to be prescribed as best practice before you start, not in answer to complaints late in the day. This should be addressed to get the least worst effects on people or the best answer leading to a preferred route. That should have been done first, but it was not. Crossrail even entered into advanced property deals, 17 it appears from their own evidence and probably some from the outset.

16637. Having identified and prescribed best practice, what else should follow?

(Mr Winbourne) The optimum route or routes should be chosen with the least stress and best overall transportation results, but there would be some trade-offs even before public consultation.

16638. Can you point to cases of public best practice along your lines?

³¹ Committee Ref: A184, Crossrail meeting with Residents' Association of Mayfair, meeting note, 12 December 2001 (WESTCC-35905-067).

 The Petition of Mr John Payne

(Mr Winbourne) I am going to skip a bit here because it was in my previous evidence when I explained how we did it when I was at the GLC and it is in my CV, but the same sifting of having two or three routes and people looking at it applied to the M25, rival cross-Channel schemes and so on. In London, the Jubilee Line Extension was rerouted partly under mainline railways. Equally, the Channel Tunnel Rail Link was rerouted in response to a public inquiry to run under the North London railway. More recently, and this is one my office is dealing with at the moment, for Yorkshire Water's Hull waste water tunnel scheme, and this is for a three-metre internal diameter sewer tunnel under that city, which is much smaller than Crossrail, but the principle is identical, there were three main alignments and there were sub-alignments on that which were circulated. Ove Arup and other engineers were involved, well-known firms, and I think it might have even included Mott MacDonald, but that is not important, they were all top firms. It was all circulated and then it was down to public consultation with the alternatives. That has not been done either.

16639. How do you see the underlying difference in procedures with Crossrail?

(Mr Winbourne) In about 1988, there was basically lobbying by two main property groups, one for King's Cross and one for Tottenham Court Road. Rosehaugh & Stanhope were for King's Cross and MEPC were for Tottenham Court Road, which got selected and a lot of their then property interests were all along the route and you find them repeatedly in this area. The West End estate agents were all happy. Mr Schabas has already told this Committee that the Halcrow route took only six weeks to plan in 1989 and we have all been stuck with it since. The engineers were invited to plan under areas of shallow, traditional brick foundations and footings, just like yours, to avoid piled buildings with some construction savings, but with other heavy losses arising instead. Nobody thought to explain otherwise to the engineers, as far as I can see. The 1991 Safeguarding Directions and the Drivers Jonas Environmental Statement of the time were put together afterwards in support. Drivers Jonas, by the way, identified some very weak ground in Brook Street, Mayfair, and I have not looked back to see how it applies in your area. Meanwhile, their economist repeatedly stonewalled enquiries about whether there would be development gains because there are not very much, apart from to the people selected and he only said, "Crossrail would underwrite existing property values". The answer to that is yes, when it is finished, but not with all the hassle in between.

16640. Did you have consultations?

(Mr Winbourne) Mr Schabas showed how the GB Rail Group river route was set aside. Separate RAM consultations in 2001 and 2002, and they are in the bundle, got similar bland answers. Also, Cross

London Rail Links ignored searching letters from well-known solicitors, Charles Russell, acting for RAM which dealt with that.

16641. How do you see the House of Commons' Direction and why do you think it was put down?

(Mr Winbourne) Well, I do not wish to criticise Parliament. I think that it would be very wrong of me to do so. Sir, it is your admonition that I was concerned about earlier and I have taken heed. What I am saying is that I think a lot of people on the inside, civil servants, people with influence and so on, have got involved with fixing it. I am not blaming particular Ministers or Members or anybody, but I am simply saying that it is part of the process. That is what I am trying to get over.

16642. Can you point to environmental agencies not performing?

(Mr Winbourne) Can I just say before I answer your question, I did mention the property deals before, that some of these are going to be beneficial and I hope most of them would be, but the issue is one of transparency. If they have got 17 deals, which they say they have, for repurchase with no basis in law, then something is wrong somewhere because that means that deals have been done with big freeholders, people like the City Corporation and others, and they are not worrying about the other people who may be displaced. Therefore, there is not equal treatment. There is a very good reason why repurchase is not allowed in London or any big city or towns that you might represent. The point is that ownerships are fragmented in the towns. Out in the country, yes, it is fairly easy to arrange for repurchase of a farmer's field or something like that if it is not required for a road or whatever it may be, but in London or other cities there is no statutory requirement for repurchase.

16643. **Mr Mould:** I am sorry to interrupt, but it is now 11 o'clock and you have asked, I think, certainly on two occasions if we can hear what the concerns about the Petitioner's property. We have touched very briefly and tangentially on that in relation to settlement, but apart from that, which I think took all of about two minutes of this presentation, you have been hearing far-reaching complaints and support for a range of other alternatives. You have made the point that this House has already made a judgment about the principle of Crossrail which embraces the broad alignment of the route which this Committee is considering and I do wonder, with respect, whether the Committee is being much assisted by the line of evidence that we are now embarked upon. I would invite you, sir, respectfully, if you think it appropriate, to ask that the Petitioner should concentrate on the issues which arise in relation to his property rather than more generalised concerns about alternatives to the Crossrail scheme.

16644. **Chairman:** Thank you very much for that view. I think all of us here have heard many speeches like this on the floor of the House. I have been trying

The Petition of Mr John Payne

to draw Mr Payne back to the issue of his Petition which is about the properties which concern him. The wider-reaching trawls of debate have been done in this House and will continue to be done in this House, so I do not think we need to keep revisiting the case of the alignment and the whole scope of the Bill itself. You are now questioning in your evidence Parliament itself and decisions which have already occurred, but that in particular is not a matter that we can deal with. Parliament has decided and instructed us to take this forward. That part of it really you are not going to make any progress on whatsoever, it is just chatting. What I and other members of the Committee want to hear is your case, your evidence about your properties and how it concerns you in your Petition, so perhaps we can move on quickly.

16645. **Mr Payne:** Can you point to environmental agencies not performing?

(Mr Winbourne) Yes, Crossrail is assisted by compliant—

16646. **Chairman:** Mr Payne, we are back again to the broader scheme. Is this going to relate directly?

16647. **Mr Payne:** Yes, it is really because at each stage we get more examination of the Crossrail scheme.

16648. **Chairman:** But we have not heard any reference to your properties at all yet.

16649. **Sir Peter Soulsby:** Chairman, can I just reinforce the point which you have been making. We, as a Committee, have heard and read many arguments for alternative alignments for this route and we may or may not have views on those issues and we may or may not express them somewhere else, but they are not really the task in hand as far as this Committee is concerned. Similarly, we have heard much evidence in the Committee on subsidence and compensation being adequate or otherwise and again we are not really hearing anything new here, but it is just adding to what we are already well aware of and may well wish to discuss elsewhere.

16650. **Chairman:** The discourse which we wish to concentrate on is how it affects you in your Petition, so perhaps we can concentrate on that, and not on the broader alignment all the time. This is evidence which we have already received and all Petitioners are told about repetitious argument and we really do not want to spend much time on that, and I think we have spent quite enough already, so perhaps you can get to the meat of your Petition and deal with that.

16651. **Mr Payne:** It is just that I am very concerned about the next stages and the agencies that really do look after us.

16652. **Chairman:** My advice is, therefore, that when you are looking at the presentation of your case, you refer directly to how it affects your Petition, your properties. It is something you are going to have to do, otherwise I am going to have to call a halt to this. *(Mr Winbourne)* Could I deal with two then out of the three that I was going to refer to? The City of Westminster—Mr Payne has not had his answers about the vibrations from the Central Line, for example. I understand this is good news and they have long last woken up about Paddington Station which may affect Eastbourne Terrace and, therefore, the alignment, with respect, sir, could affect Mr Payne for the reasons we have given. Secondly or thirdly, they have only dealt with Cavendish Square to protect the car parking. I find it difficult to believe that the City of Westminster were not aware of what we were driving at via Crossrail with regard to the alternative, so I do not think that he has been well served by Westminster. The other thing is that English Heritage are not here, as I understand it. I think this is quite important, sir, and it is up to you, but the fact is that English Heritage, in my understanding, are bypassing the House of Commons and going direct to the House of Lords. That seems to me to be shutting the stable door after the horse has bolted.

16653. **Chairman:** But that is not up to us. If they choose to take a particular route like that, we are all held at that. Similarly, Westminster's case, if they make a good case or a poor case, that is entirely down to them as to what argument they use. We are not here to discuss either Westminster or—

16654. **Mr Payne:** We are just looking for protection really. That is what we are looking for.

(Mr Winbourne) If I may just go further through this bundle to assist you, Mr Payne, and I am very conscious of what the Chairman has said, if you go to page 7 of draft 3, you see you have a question there.

16655. What about the Crossrail tunnels under my home? In the published limits of deviation and wider reserved zones of 133 metres in the unpublished guidance notes to the 1991 Crossrail Safeguarding Direction, would your routes be less damaging?

(Mr Winbourne) Well, leaving aside my routes, what I am saying is that Crossrail is about the worst route you could have chosen from this point of view. If those outer zones and demarcations were marked out with freedom of information on the ground, I think there would be a massive public outcry because they would be across your area and everywhere else. We are stuck with the 1989 central London Crossrail route planned by good Halcrow engineers, but acting under crass instructions of London Underground. Then we go on to comparisons which the Chairman does not want, so, if I may, I will leave out why the route should go to airports because it is obvious, so I think we go to page 9.

 The Petition of Mr John Payne

16656. In Society evidence you cited a list of outline proposals for escalators and travelators linking up pairs of central London stations. Is the list in your evidence here?

(Mr Winbourne) Yes, except, as I have said, I would extend it. I will not go on to that. There are also outer London minor improvement schemes that you could look at Park Royal and Ealing and all sorts of other places. There are about 50 places where you could do an improvement before you even started to do major routes across London.

16657. I am most interested in your proposed travelator from Paddington Praed Street to the western end of Lancaster Gate Tube Station. People use regular, longer walking routes already, but how do you see that one and indeed any others helping my area?

(Mr Winbourne) Crossrail cite congestion on the Bakerloo Line, presumably Paddington to Oxford Circus. The Lancaster Gate travelator would give you relief for that and the Central Line west of Oxford Circus. The Central Line eastern sections are already relieved by the Jubilee Line and other lines are relieved in other ways. Oxford Circus is the sole interchange between three main lines and I have already referred to my Portland Place interchange. Those two things with Lancaster Gate would relieve everything and it would cost a great deal less money.

16658. Reverting to the full-size tunnelling under my home, what do you say about the size of tunnels and the nearness to the basements, the questions of noise and vibration and the dangers of Listed buildings threatened with settlement? First of all though, can you explain why you think they are avoiding the use of floating slab track?

(Mr Winbourne) I do not know why they are avoiding it. The floating slab track system ought to be a given, it ought to be automatic, except for tunnelling under Hyde Park or similar places with no stress to people. The parallel is with normal ameliorating works for airports or new roads, such as sound barrier fencing and double glazing. Perhaps Crossrail are simply delaying the unavoidable and perhaps there will be a late grand concession.

16659. What about tunnelling?

(Mr Winbourne) Tunnelling and compensation grouting are the really serious potential nuisances. Professor Mair's evidence is economical, chiefly about the first shockwaves and so on, and you are going to get two. One photo only of a CTRL tunnel-boring machine shows the Select Committee the twin, eight-metre diameter, twin Crossrail tunnels. Each eight metres will include linings, but not the further wide ring around each tunnel of about five metres thickness of pressurised concrete compensation grouting going on a long time and causing repeated ground movements. The primary purpose of compensation grouting is to surround and protect the tunnel itself and not your home or anyone else's. Furthermore, pressure injection of concrete grouting requires a wider area. Professor

Mair is assuming grouting injected at prescribed angles from under a lot of Conservations Areas and Listed buildings and arguably even the US Embassy and the Canadian High Commission. If you look at his diagrams, where is he going to get his grouting in from? He needs to look at that very carefully and he has skipped over that, in my opinion. There is no mention of the mining out by hand of vast stations and emergency intervention points of the same size as City Thameslink and the new St Pancras Station. However, getting back to your area, I wonder if he assumes grouting from under places that are near you which are quite important and in Mayfair it looks as if he wants to do it from under Claridges Hotel. Broadly speaking, the pressure of compensation grouting squeezes upwards, in the case of Crossrail, towards the foundations and basements of Listed buildings, like yours. The reason is that the opposing compression forces by the ground below and on either side—this is simple mechanics—are stronger than from the thinner layer of land and buildings above. Furthermore, there are some risks of haphazard physical connections between the grouting with some buildings. If so, all the floating slabs in the world will not make much difference. Crossrail have kept quiet about the distances and true depths as between basements in general and their tunnelling works, while offering comparisons with the much smaller JLE works. Nevertheless, the JLE has caused widespread settlement of land and buildings on large sections of its route across central London, as is shown by the European Space Agency's satellite colour imaging published in the national press. That is also reproduced in my own article which I referred to earlier, sir, and it was in my longer previous article.

16660. **Chairman:** You have mentioned there that no matter how much use is made of floating slab track, it is not going to make a difference, yet item 3 of the Petition is asking specifically for the use of floating slab.

(Mr Winbourne) I think, with respect, sir, in this case what I am saying is that floating slab track should be a given anyway, unless you are going under roads and parks where there is no one to bother and if they can vary it and save money, okay, but under offices, houses, shops, wherever people happen to be, I think there should be floating slab track as a given, number one. Number two, I have direct experience of building in Southwark which the Committee can visit and see the cracks and feel the vibrations. That building is still standing and I referred to it in my previous evidence. What happened there was that compensation grouting quite obviously connected vibrations not from the Jubilee Line in that case, but it was after the shockwave of the Jubilee Line went through and so on and the grouting started that they connected the main line to the building when the vibrations started right away from the main line long before the Jubilee Line was finished. If you get physical connection, this is what happens and that building shuddered and shook and as a result became useless for its purpose as a recording studio. We are dealing with

 The Petition of Mr John Payne

Mr Payne, but I have seen evidence previously about recording studios and it has all been fudged. You are probably going to hear some more, I am informed, later from people in Soho, so it is possible I might be back.

16661. I am not quite sure if that is a yes or a no.
 (Mr Winbourne) Yes, the answer is by all means it should be there if you are going under residential areas anyway, but I very much doubt whether it will be enough for Mr Payne's building for all the reasons I have given.

16662. **Mr Payne:** Just because of the size of this tunnel and the concrete that surrounds it.

16663. **Chairman:** I just found it unusual that you should be petitioning for floating slabs and then criticising their use in your Petition.

(Mr Winbourne) Sir, can I answer that straightaway. Mr Payne wrote his Petition long before he came to me.

16664. **Mr Payne:** I have very little left now, sir. Have we finished, Mr Winbourne?

(Mr Winbourne) Yes, as far as I am concerned, unless there are any questions anyone wants to ask.

The witness withdrew

16665. **Mr Payne:** There has been very little consultation on alternative alignments. Mr Norman Winbourne's Cavendish Square option should be properly considered. The evidence suggests that there are problems concerning noise and vibration from other recent schemes, such as the Channel Tunnel Rail Link and the Jubilee Line Extension. I am used to some noise from the much smaller Central Line and, therefore, I seek an undertaking that the Promoters utilise the most modern form of floating slab track. Reliant on avoiding the social costs this puts on Westminster City Council and local amenity groups, my experience has found them lacking and, therefore, my faith is not entirely with them. Crossrail is to be a 24/7 rail link. Currently the only sound which may possibly wake my slumbers is the sound of the nightingales in the gardens that surround. This puts a heavy responsibility on the Select Committee to make the right recommendations. Thank you for listening to my humble Petition and this concludes my submissions.

16666. **Mr Mould:** Sir, insofar as noise and vibration are concerned, in contrast to the Central Line which is a rigidly fastened track system, as you have heard from Mr Thornely-Taylor, the proposed construction techniques in relation to the Crossrail railway beneath the surface are to up-to-date, modern standards and the expectation is that deploying those standards, including where necessary floating slab track, will achieve a noise environment within residential and other properties at the surface over the railway which we predict to be acceptable. We are not, I should say, proposing at this stage that it would be necessary to install

floating slab track at this location because our predictions do not justify deploying that technique, but, as we have made clear in evidence to the Committee, in any location where the standard system that we propose is predicted during the detailed design causing levels of groundborne noise exceeding the relevant assessment criteria of 40dB(A)LA_{max,S}, an enhanced track support system will be installed, so that is the approach that we are taking, of which the Committee is well aware from the evidence of Mr Thornely-Taylor. We have explained that we have assessed the propensity for disturbance due to vibration due to the operation of the underground railway and Mr Thornely-Taylor has given evidence in relation to that. Suffice to say that our assessment has shown that that is not predicted to give rise to disturbance or substantial impact to those residing at the surface over the running tunnels.

16667. Turning briefly to settlement, if I can cut through what you have heard about that, you have been shown at page 7, I think it is, of the Petitioner's exhibits an extract from the Listed buildings assessment carried out by our consulting engineers in relation to the Petitioner's properties.³² That is in accordance with the settlement policy and process, of which you have heard a great deal of evidence during the course of these hearings, and you see from that that the prediction from that assessment is that the building in question will not suffer any appreciable damage. Cutting through the point, the Petitioner's company is entitled to call for a settlement deed under our policy and, as part of that process, it will be open to the Petitioner through his advisers, if he chooses to do so and wishes to do so, to make representations to us in relation to the assessments which have been carried out and, with that point having been made, I do not propose to take the Committee's time correcting some of the factual areas which have been put forward in relation to the assessment carried out thus far. It seems to me that is better dealt with through that process rather than troubling the Committee with that at this stage. Those, I think, are the points which have been raised in relation to the Petitioner's property itself.

16668. In relation to the other matters, suffice to say that the Committee has heard evidence from Mr Berryman in response to the Residents' Association of Mayfair Petition on Day 24 in relation to the consideration of alternative alignments. Mr Berryman dealt with, amongst other things, Cavendish Square at paragraphs 6787 to 6794 and, in summing up our position, Ms Lieven dealt with the matter at paragraph 6853 and it may just be helpful to remind the Committee that what we said was, "So far as our consideration of alternatives is concerned, we have over the past years considered alternatives in very considerable detail and at the end of the day it comes down to a professional

³² Committee Ref: A184, Building Response Assessment 25-28 Hyde Park Gardens (including 22 Stanhope Terrace), Building Response (WESTCC-35905-007).

 The Petition of Mr John Payne

appraisal that the alternative schemes do not provide sufficient additional benefits, and in most cases provide no additional benefit and, indeed, additional disbenefit. In particular, they do not relieve the overcrowding on the Central Line, they produced other problems on other lines . . . ” and so on. I will not bore the Committee any further by repeating matters, but those are the points I wish to make in relation to that.

16669. **Kelvin Hopkins:** I have a question or two on the floating slab track. I can well believe that Crossrail will be far less noisy than the Tube lines, particularly the old, cut-and-cover, rattling Circle Line and so on, but nevertheless it is going relatively close to particularly a basement or lower ground-floor flat. Would it not be reasonable to err on the side of generosity to residents by putting in a floating slab track whenever it goes clearly close to where people are living rather than trying to trim, because I know that there is a cost to incur, but to trim the cost which, compared with the overall cost of the project, is fairly small, but putting in floating slab track erring, as I say, on the generous side to residents in this particular case rather than having to fit retrospectively following complaints or whatever which might be much more difficult? It may be a technical question which is better addressed to Mr Berryman rather than to yourself.

16670. **Mr Mould:** Well, Mr Berryman, as is his wont, has been whispering in our ear and it may be sensible if I do ask him to deal with that. Yes, he has said what I thought he might. The point is that we do not judge there to be any material benefit from taking the line that you have suggested and I think Mr Thornely-Taylor has explained to the Committee that the approach we take is that we have

a design criterion which is what it will be designed and maintained to which is, as you know, 40dB(A)LAmax. Achieving that, and in the case of this Petitioner predicting to achieve well below that, by an appropriate form of track design will actually produce an environment that is, on experience, acceptable. That being the case, and as we expect to be able to achieve that without the need to resort to the cost and increased maintenance liabilities associated with the installation of floating slab track, it simply is not, we say, justified. Using the more conventional methods that we are proposing will achieve an environment that is, objectively viewed, acceptable for this and other residents in the vicinity, so it is just not a valuable additional design step for us to take. That is our answer to that point.

16671. **Chairman:** Thank you very much. Mr Payne, the last word?

16672. **Mr Payne:** I just think that I and my expert witness have shown that there are some doubts as to the tunnel which is about four times as big as a small tunnel and even though the Central Line is very old and it is built on old, wooden foundations and that Crossrail will have a smooth track and all the rest of it, it is just the size and looking at the physical size of it and the evidence, I just feel that Crossrail feel that maybe they will recalculate later and fine-tune. At the end of the day, for the residents trying to sleep at night, trying maybe to run a business from home or whatever, really there are going to be some very big social costs. I just have no faith in the current specification they have provided. Thank you.

16673. **Chairman:** That concludes the hearing on that Petition. We now move to Petition Number 91 of the Open Spaces Society and the Ramblers Association.

The Petition of the Open Spaces Society and the Ramblers Association.

Mr Eugene Suggett appeared as Agent.

16674. **Chairman:** First of all, I have got the wrong representative on my list.

16675. **Mr Suggett:** Thank you, sir. Yes, I was going to say something about Mr Selwyn’s absence in a moment.

16676. **Chairman:** Ms Lieven?

16677. **Ms Lieven:** Sir, I think it might be helpful to the Committee if I made a quick opening because this is a totally different issue on a different bit of the route. The Open Spaces Society and the Ramblers, as I understand it, appear effectively on one issue. They may have a few more general points to make, but there is one substantive issue before the Committee which concerns what is called Dog Kennel Bridge which is a bridge on the western section of the route. Perhaps Mr Fry could put up on

the scanner a map.³³ It is an area of the route the Committee, I think, has not spent much time on. Dog Kennel Bridge is a bridge which is not a road bridge and it lies between, it is difficult to see on this map, Iver Station and Taplow Station and the motorway is the M25, just so the Committee has some kind of sense of the geography of this. In respect of Dog Kennel Bridge, the Bill scheme is to demolish the bridge and not reprovide a bridge. In all other cases where a bridge is to be demolished, it is reprovided. There have been two issues about Dog Kennel Bridge.

16678. Firstly, it is one of a number of bridges which were originally designed by Isambard Kingdom Brunel which have been known generically through the project as the ‘Brunel bridges’, four of which the

³³ Crossrail Ref: P117, Location of Dog Kennel Bridge, Iver (SCN-20060726-001).

The Petition of the Open Spaces Society and the Ramblers Association

Committee may have realised were Listed by English Heritage in April 2006. Dog Kennel is one of the Listed bridges. That is one aspect.

16679. The other aspect is that of pedestrian access. So far as the Listed building issue is concerned, there have been very extensive discussions, which the Committee happily has not had to be involved in at all, between ourselves and English Heritage as to how to approach these bridges because, as Mr Berryman will explain, the reason that Dog Kennel Bridge has to be demolished is to provide the overhead electrification on the Great Western Line with sufficient clearances. There has been, as I said, very considerable discussion and engineering input with English Heritage and an agreement has been reached with English Heritage by which two of the four Listed buildings can be saved and two of the four still have to be demolished. There are two non-Listed Brunel bridges which can also be saved. English Heritage are happy with that decision and have indicated so quite clearly in writing and, I have to say, it has been a position that has been reached after many meetings and much discussion. This is not something that English Heritage has come to lightly. Buckinghamshire County Council also raised the issue of keeping Dog Kennel Bridge and decided not to appear before the Committee after English Heritage agreed the position with the Promoter. Sir, so far as heritage issues are concerned, they have effectively been agreed with those bodies which are primarily concerned with them.

16680. Therefore, as far as the Open Spaces and the Ramblers are concerned, the primary issue, as I understand it, is the pedestrian access. Now, the reason why we are not re-providing a pedestrian bridge here is two-fold. First of all, there is no public right of way across this bridge. That is completely clear in the documentation. There is a slightly strange situation in which there is a footpath on either side of the bridge and if Mr Fry can put up 006.³⁴ One can see from that—this is the bridge here with a footpath to the north and a footpath to the south—for reasons that the Committee does not have to go into, there is no public right of way across that bridge. It is not on the definitive map which, as some members of the Committee may know, is the local authority's list of all highways and footpaths. There is a notice on the bridge, if Mr Fry can put up 005, which clearly states that there is no right of way.³⁵ There is an agreement effectively between Buckinghamshire County Council and what was then British Rail by which part of the footpath to the north was dedicated and it clearly follows from that agreement that there is no right of way across the bridge. That in is, in my submission, indisputable. The Committee may think, "Ah, well, this is the Promoter being unduly legalistic" because there may

not be any right of way, but it is self-evident people have to get from one side of the bridge to the other, and which, I must admit, was my instinctive reaction.

16681. We then come to the evidence of Mr Berryman and the Promoter's surveys. The Promoter has surveyed usage of this bridge on four separate occasions on sunny weekends in June and those surveys show not a single person used that bridge on those days. Mr Berryman will produce some pictures that show the state of the pedestrian access to the bridge on the day he visited, which I hope will convince the Committee that pedestrian usage is somewhere between little and non-existent. That is the reason why the level of usage is simply so low that it cannot possibly be justified to re-provide the bridge at this location. Of course we do not say that nobody has ever used it, maybe they have, but we have carried out extensive investigations and the level of usage is, as I say, minimal. I hope that is enough to set the scene for the Committee at this stage. I do intend to call Mr Berryman because he has been there and can perhaps paint the position more graphically to the Committee.

16682. **Chairman:** Mr Suggett?

16683. **Mr Suggett:** Sir, I am called Eugene Suggett and I am the agent for your Petitioners, The Open Spaces Society and The Ramblers Association. Our petition is number 91. I am rather sorry to say that I am here at very short notice in replacement of Mr Bernard Sullivan who until this week was meant to be our parliamentary agent. Mr Sullivan is quite seriously ill and in hospital today and cannot be here. Whereas Mr Sullivan would have known both the Bill and the drill, so to speak, inside out, I am afraid I have only had since the other day to acquire anything like a knowledge of either. I am a Rights of Way Policy Officer at the Ramblers Association. I am not a lawyer and I should apologise in advance for what I am afraid will be a somewhat amateurish presentation on my part. If I seem ill-prepared, please be assured it is not through any intended discourtesy to your Committee.

16684. Unless the Committee wishes otherwise, I will assume you are satisfied with the descriptions of the petitioning organisations where they appear in paragraph H and paragraph I in the Petition. Put briefly, both organisations seek to safeguard the beauty of the countryside, to promote walking as a recreation and as a means of transport and to protect and extend the network of public footpaths and other ways used principally for walking. As your Petitioners indicate in paragraph J, we support the long-term advantages of this Bill, if passed, it will be beneficial to our members and to all those travelling through and across London. Sir, generally we are happy with what is proposed; we would be happier still if, through the work of your Committee, there could be sorted out certain significant misgivings which we have about the effect of some of the Bill's

³⁴ Crossrail Ref: P117, Dog Kennel Bridge—Pedestrian Links (LINEWD-9104-006).

³⁵ Crossrail Ref: P117, Dog Kennel Bridge Highways Act Notice [en rule]Western Parapet at Southern End (LINEWD-9104-005).

The Petition of the Open Spaces Society and the Ramblers Association

detailed provisions. In a few moments I would like to call one witness, Mr Paul Graham, and he will deal with paragraph J8.

16685. Before I call Mr Graham, could I take your Committee through the rest of the first provisions and comment on them. First, paragraphs 12 and 15, we are pleased that the Promoter has altered its proposals for tunnelling and its proposals for Romford depot. That enables us to withdraw paragraphs 12 and 15.

16686. Secondly, we have noted the Promoter's responses to our Petition. While of course we accept these are given in good faith and the Promoter will do its best to keep the detrimental effect of the works to a minimum, these effects really are unavoidable during the years that it will take for the works to be carried out and many people will be put to a great deal of disturbance throughout that period. That being so, we submit that it is important that the codes of practice for the contractors to be agreed with the local authorities along the local route are rigorously enforced and we hope the Bill, if it is passed, will provide for the rigorous enforcements of those codes of practice.

16687. Sir, the Bill affects a number of much enjoyed and well-loved parks and other open spaces. Some of those will be affected temporarily and some forever. Sir, your Committee will have seen other petitions and other evidence concerning many of these parks and open spaces. Our own Petition fully supports them and we hope that Parliament will ensure this loss and damage is kept to a minimum and that any such land unavoidably used will be restored as swiftly as may be to its proper purpose with whatever enhancements as may be practicable.

16688. Sir, paragraph 3 of this Petition sets out several concerns about mainly temporary effects on highways. Both your Petitioners, as organisations, are concerned with the protection of public footpaths and the Open Spaces Society also wishes to safeguard the rights of horseriders and cyclists. We suppose there should not be too much difficulty in ensuring that local residents are properly informed and warned about any diversions or temporary stoppings-up of footpaths and similar ways during the carrying out of the works. What troubles us is it is less easy for non-locals, people casually out walking, riding or cycling who are not residents of the area, to be kept informed of works so they are not faced with unexpected extinguishments or diversions. We urge that important information on this kind of closure is made available as widely as possible and our organisations can assist with that if they are consulted when the arrangements are being worked out in detail and also if we are notified when they are to be put into effect.

16689. Sir, we are not happy the with Promoter's response to our paragraph 14, with regard to the Warren Lane shaft but the Council of the London

Borough of Greenwich has told us they will take our views into account when they deal with that site in detail. If the Committee is to accept the representations of the London Borough of Greenwich on providing a station for which we may have further comments to make—

16690. **Chairman:** Could I just stop you there, because we did yesterday.

16691. **Mr Suggett:** Thank you.

16692. **Chairman:** Perhaps you could write us a note about your further comments?

16693. **Mr Suggett:** Thank you. Finally, before I call Mr Graham, we respectfully request the Committee to approve the amendments which we have submitted with this Petition. Our attempts will probably need to be more expertly drafted, but we would be grateful if you could approve the amendments more or less on those lines.

16694. The first of our proposed amendments requires the replacement of Dog Kennel Bridge and the second of them would enable the nominate contractor to seek a contribution towards the cost of replacement even if it were to be accepted that the bridge is not a highway at present, as seems to be contended by the Promoters.

16695. Now with leave of the Committee, would I like to call Mr Paul Graham, please. A map goes with Mr Graham's evidence. Could that be put up on the screen, please.³⁶

Mr Paul Graham, Sworn

Examined by **Mr Suggett**

16696. **Mr Suggett:** Mr Graham?

(Mr Graham) My name is Paul Michael Graham. I live at Grove Hurst, Langley Park Road in Iver in Bucks. I have lived in Iver since 1980 and the nearby West Drayton for four years before that. I am the Footpath Secretary of the Iver District Countryside Association and was formerly its General Secretary. I have organised group walks and footpath maintenance parties in Iver and the immediate surrounding area for over two decades. I have used the Dog Kennel Bridge many times on walks and seen other people using it and the footpaths on either side of it. I am presenting evidence on behalf of the Open Spaces Society and the Ramblers Association in support of their Petition relating to the Crossrail Bill and the proposed amendments in Schedule 13/9 and Schedule 3, paragraph 14. The Petitioners urge, if the Grade II listed bridge has to be removed, it should be replaced and a provision should be made for its dedication of public right of way. The summary of the history of the bridge, the associated right of way, is appended to my evidence. I will not

³⁶ Committee Ref: A185, Open Spaces Society and the Ramblers Association—Dog Kennel Bridge and surrounding footpath network (LINEWD-9105-008).

 The Petition of the Open Spaces Society and the Ramblers Association

read that out as you wish. The National Parks and Access to the Countryside Act 1949 defined the route of walk path 36, henceforth known as Iver 15 including the above deviations caused by Britannic Cradleworks that are now the ground workings of the railway with a section of footpath 15 between the canal and railway which did not appear on the draft definitive map. In retrospect, this was a bad mistake. However, the public has used the Dog Kennel Bridge without let or hindrance ever since 1882 to the present day. In 1990, when Crossrail was first proposed, an officer of recommendation that the Buckinghamshire County Council reconstruct and maintain Dog Kennel Bridge if necessary was agreed but not actioned. The rights of way network is highlighted by the Petitioners of Buckinghamshire County Council and South Bucks District Council. We understand that these petitions have not been withdrawn but have not been supported before your Committee solely on the grounds of costs of representation. Under our voluntary bodies, local authorities feel they must be represented by counsel if they appear. The demolition of the bridge will cause a diversion of one and a half kilometres for pedestrians. This is unacceptable, particularly as the two alternatives involve using the entire lengths of the busy Thorney Lane North and South or Market Lane; part of the latter has no footwork. This part of Iver between Langley and West Drayton is the narrowest part of the park; removal of the vital link at Iver 15 would leave only one right of way running north-south, Iver 16, and the far east of the park, circular or through parks in the south of Iver and surrounding area would be severely limited as a result, and the accompanying map shows this. In a document, *Actions and Visions*, for the Coln Valley Regional Park 2006-09, one of the key objectives of the regional park authority is to “maintain right of way and vehicle access over Dog Kennel Bridge”. We find paragraph 15 on page 21 of the Promoter’s response puzzling. They say: “an agreement was reached at that time between the Petitioner and the British Railways Board” and so on. It is puzzling because in the present Petition, the Petitioner is The Open Spaces Society and The Ramblers Association, with whom the British Railways Board entered into another agreement. We think this may be a reference to Buckinghamshire County Council, but we submit whatever agreement may have been made in the early 1990s between the Board and the Highway Authority nothing in it detracts from our case. The replacement of the bridge is essential and the rights of way network is not to be severed through the removal of this important link. To my knowledge, no evidence exists about the costs of either replacement or retention of the bridge. Crossrail should be challenged to prove that neither option is realistic. However, the cost of a replacement footbridge for pedestrians only is likely to be in the order of £100,000, whereas the total cost of the Crossrail scheme estimated by them to be £10 billion. The replacement bridge would, therefore, be about a 100,000th of the total, a trivial amount. In a transport scheme of this kind designed to have many

benefits for the traveling public is unconceivable and ludicrous that such an important part of the rail-link should be severed permanently.

16697. **Mr Suggett:** I have no additional questions. If there are questions from the Committee, Promoters or elsewhere?

Examined by The Committee

16698. **Kelvin Hopkins:** Can I just ask, you did not put the Grand Union Canal on your map?

(Mr Graham) The Grand Union Canal, it runs through the middle. It has got the word “canal” on it. It is also a public right of way, P17.

16699. Does that have a bridge over it?

(Mr Graham) There is, yes.

16700. Footpath 15 A goes over it?

(Mr Graham) I tried to keep things simple at that point but yes, there is a bridge over it. Footpath 17 runs on the south side of that canal for the whole width of that map and there is a bridge called Leeds Bridge crossing it to the north.

16701. **Mr Hollobone:** You said the footpath was not on the documentation in terms of rights of way. That was a mistake when the documentation was drawn up?

(Mr Graham) Yes.

16702. Are there any particular local factors which, in your opinion, would have led to the footpath not being included? In your expert opinion, why do you think the mistake was made?

(Mr Graham) Ever since I have lived in Iver, and I do not dispute this, the notice, that you will have seen a photograph of, has been there. The mistake was made many years ago after the Countryside and Rights of Access Act 1949 and it was at that point I think the mistake was made, when that section of the park between that canal and the bridge was not put on the definitive map because prior to that there had been unauthorised deviations.

16703. Is there anything peculiar between the land and the canal?

(Mr Graham) No, none at all no. Part of it is farmed, that is the part to the left, and part of it is now the industrial estate, that is the part between the bridge and Iver Station.

16704. **Mr Hollobone:** Thank you.

16705. **Chairman:** Ms Lieven?

Cross-examined by **Ms Lieven**

16706. **Ms Lieven:** Just a few questions, sir. On that last point, Mr Graham, between the bridge and the canal, there is a pre-cast concrete factory, is there not?

 The Petition of the Open Spaces Society and the Ramblers Association

(Mr Graham) That is right. That is the western edge of the industrial estate, yes. You see it as you walk north along Iver 15A to your right-hand side.

16707. Can I ask, when did you last walk across the bridge?

(Mr Graham) In February this year.

16708. Because you said in your evidence in chief that it was a footpath “without let or hindrance”. If we can put up our 001, to start with first of all on the south side of the bridge there is a gate which is certainly locked on Sundays, is there not?³⁷

(Mr Graham) I have never seen it locked in my life.

16709. I will ask Mr Berryman.

(Mr Graham) That padlock appears to be fairly new, I may say; the gate is not.

16710. I will ask Mr Berryman about that. Also, if you look at 004 the footpath is at the present time extremely seriously overgrown.³⁸

(Mr Graham) No. That is perfectly walkable. This is the footpath 15A. On the right-hand side is the fence to the cement works, the edge of the industrial estate. It has been there for many decades. On the left-hand side are some trees and bushes planted in about 1990. It is true they have grown up and it is true, because of the planting, the trees getting larger, they will in the future require more maintenance. That particular stretch is particularly lush and growing because of a leak from the concrete works. They very kindly, instead of keeping the waste water themselves, let it flow into the park, hence the lushness there. To my mind, that is a perfectly acceptable country footpath. In fact, you can see the wade-through in the middle of the long grass people have walked. There is no obstruction.

16711. You may not have any knowledge of this matter, but I feel I should ask you. It is right, is it not, by the British Railways 2 Act 1992 powers were given by Parliament to demolish the bridge and not replace it?

(Mr Graham) I could not say that. I understand that in general terms but I cannot answer that.

16712. You have given an estimate of £100,000 to provide a replacement bridge.

(Mr Graham) In that order.

16713. Is that from your own expertise or have you had an engineer look at it?

(Mr Graham) It was an estimate based, it is true, on the 1990 deliberations that I have seen record of in the county council at the time. It may well exceed that now but it is in the six-figure range.

³⁷ Crossrail Ref: P117, Dog Kennel Bridge—Locked gate to south of bridge, 4 June 2006 (LINEWD-9104-001).

³⁸ Crossrail Ref: P117, Dog Kennel Bridge Links—Public Footpath 15A, mid point walking north (LINEWD-9104-004).

16714. I think I should put this to you, it will be Mr Berryman’s evidence that a light weight steel replacement bridge, so a cheap bridge as opposed to a brick replacement, would cost in the region of £1.4 million which is £1 million more than the scheme in the Bill. Obviously the demolition itself costs something so that is why the differential is important. That will be the evidence which Mr Berryman will give but you are not an engineer, Sir **(Mr Graham)** No, but I find it difficult to believe that has risen ten-fold in the last 10 years.

16715. Thank you very much, Mr Graham, those are all my questions.

16716. **Mr Suggett:** I have no re-examination except to say that I think when you said the path was not put on the map according to the Countryside and Rights of Way Act 1949, you meant the National Paths of Access to the Countryside Act.

(Mr Graham) I am sorry, I got the wording wrong.

16717. Thank you very much.

The witness withdrew 16718. **Ms Lieven:** Can I call Mr Berryman, sir. While Mr Berryman is making his way to the witness chair can I say two things. First of all, it is not between Taplow and Iver, as I am sure Member of the Committee will have realised, it is between Langley and Iver for the transcript. The other thing I should have said in opening is that the reason we are hearing this is I am afraid both Mr Berryman and I have managed to get thoroughly confused about the route by now. I should have said in opening that the reason we are hearing this petition today is that if the Committee do find for the Petitioners and we should replace the bridge, it will need to be dealt with by an additional provision and therefore I am afraid we will have to ask the Committee to make a decision on this issue either today or within the next few days because the Committee are aware of the very tight timetable on additional provisions which is the whole reason why we asked for an interim decision yesterday and I should have said that in opening.

Mr Keith Berryman, recalled

Examined by **Ms Lieven**

16719. **Ms Lieven:** Mr Berryman, you are well known to the Committee but perhaps you could tell Mr Graham and Mr Suggett who you are.

(Mr Berryman) I am the Managing Director of Cross London Rail Links which is the company set up by the Government and Transport for London to assist with the promotion of this Bill.

16720. Can you briefly describe the proposals in the Bill for Dog Kennel Bridge?

(Mr Berryman) Yes, it is very brief. The intention is to demolish it and remove it completely.

16721. That is because of overhead line electrification?

 The Petition of the Open Spaces Society and the Ramblers Association

(Mr Berryman) There are two reasons, the first one you mentioned, the overhead line electrification. Secondly, we are proposing to put a fifth track there. You may recall when we were hearing evidence from the freight interests we spoke at some length about the additional infrastructure we were providing to accommodate freight to make sure that it was not disadvantaged by the Crossrail scheme and one of those things is a long loop in this area which will mean putting a fifth track in. The solution which we have adopted at some of the other Brunel bridges of lower the track would not be very helpful here for the simple reason that it would not accommodate that fifth track.

16722. I do not believe that this Petitioner is arguing that we should retain the existing bridge so I do not intend to ask you for the detailed justification on that but can you re-assure the Committee as to whether we have given consideration to that option?
(Mr Berryman) We have given consideration to putting a light weight bridge up—

16723. Sorry, retaining the existing bridge first.
(Mr Berryman) We have given consideration to that option, yes. That would be quite expensive, about £4.5 million, mainly because it would require this additional span to be constructed to go over the fifth track. It also would be quite problematic in terms of disturbing the existing structure.

16724. Can we then turn to why we are not providing a replacement bridge. Firstly, again briefly, what evidence have you seen that supports the position that there is no public right of way over Dog Kennel Bridge?
(Mr Berryman) There is written evidence, of course, which I think has already been discussed but the main thing is the plaque on the side of the bridge which says quite specifically there is no public right of way on the bridge.

16725. That is exhibit 005.³⁹ Has there been any suggestion that plaque, through legal mechanisms, has been challenged, in other words the statement by British Rail, then Network Rail, and Railtrack that there was no public right of way, has that been challenged by anybody to your knowledge?
(Mr Berryman) Not to my knowledge, no.

16726. Then perhaps the crucial issue for your evidence, why are we not providing, even if there is not a right of way, can you tell us your own observations as to the state of and usage of the bridge and then we will come to the surveys.
(Mr Berryman) Yes. I was particularly interested in this bridge, it is one of the more difficult ones to get to and I had not seen it with my own eyes until June this year when I went on a trip to have a look at it and if we could see number one, please.⁴⁰ I noticed

that across the route that leads to the bridge there is a substantial gate with a padlock on it which is photographed there and it may be old or new but it was certainly there on 4 June, I saw it there. Notwithstanding that, Mrs Berryman is on picture two, she decided that there was a path there and she would make her way along it.⁴¹ The unfortunate woman's only source of recreation is visits to points of interest on the Crossrail route.

16727. I have to say we very deliberately produced this photograph at this stage, a bit of light relief at the end of summer term.

(Mr Berryman) As you can see she is dressed for a hike but we will not dwell on that. Then we went further up the path if I could look at number three, please.⁴² That is the bottom end of the path which was mentioned. It clearly looked as if no-one had walked on it, notwithstanding what was just said a few moments ago. Then, can we look at the next slide after that which I think is number four.⁴³ That is a slide you have already seen. It does not look as if anybody had walked along it for quite some time. The branches were intermeshed at the top and it would need significant maintenance for someone to walk along it. Therefore, I arranged for counts to be done of the number of pedestrians who use this bridge over a couple of weekends, if I could have number seven please.⁴⁴ This was the count for 10 June, now it has been pointed out by learned counsel that this was a day when England were playing football and so there might not have been many walkers that day but it was a lovely sunny day. There was not a single user of the bridge. We arranged for a count to be done the next day, that is slide number eight, please.⁴⁵ I can bore you by showing you lots of these but they have all got zero on them. We had four counts done in all on good sunny weekends and there was nobody using the footpath at all, not a single person. In addition, I did not, as you will gather from the state of the path, I did not go to the north end of the path because it was too overgrown but a member of my staff did go to path during the week and she had great difficulty finding it because the steps which lead up from the canal bank had been broken down and clearly they are not easily usage by walkers, you have to be quite a determined person to get up there. She found again great difficulty in using the path indicating that it had not been used for some time?

16728. Thank you. I think the last point you need to cover is the cost. Why does putting up a very simple pedestrian bridge cost as much as £1.4 million?

³⁹ Crossrail Ref: P117, Dog Kennel Bridge Highways Act Notice [en rule]Western Parapet at Southern End (LINEWD-9104-005).

⁴⁰ Crossrail Ref: P117, Dog Kennel Bridge—Locked gate to south of bridge, June 2006 (LINEWD-9104-001).

⁴¹ Crossrail Ref: P117, Dog Kennel Bridge—Access from Public Footpath 15, June 2006 (LINEWD-9104-002).

⁴² Crossrail Ref: P117, Dog Kennel Bridge Links—Public Footpath 15A, Bucks County Council way mark at southern end (LINEWD-9104-003).

⁴³ Crossrail Ref: P117, Dog Kennel Bridge Links—Public Footpath 15A, mid point walking north (LINEWD-9104-004).

⁴⁴ Crossrail Ref: P117, Pedestrian and Cycle Count—Dog Kennel Bridge Links, 10 June 2006 (LINEWD-9104-007).

⁴⁵ Crossrail Ref: P117, Pedestrian and Cycle Count—Dog Kennel Bridge Links, 11 June 2006 (LINEWD-9104-008).

 The Petition of the Open Spaces Society and the Ramblers Association

(Mr Berryman) It needs foundations. Basically, it would have to be founded on some kind of structure, probably a pile structure. It is a busy mainline railway, the piling would have to be done during possession. Its foundation would be a significant proportion of the total cost. The actual bridge superstructure would probably not be more than £0.5 million or so or that kind of range. We estimate the total cost to be approximately £1.4 million.

16729. I would not want the Committee to have any concern that we bumped this up in order to support our case. Has this figure been reached using the same quantity surveyor processes, whatever they may be, as other parts of the Crossrail scheme?

(Mr Berryman) Indeed. Our quantity surveyors are responsible for all cost estimates and they are all done on the same basis.

16730. Things like contingencies are the same?

(Mr Berryman) Yes, exactly.

16731. I think that is everything I wanted to ask you, Mr Berryman.

16732. **Mr Hollobone:** Would we be having this discussion if there were demonstrable public right over the railway?

(Mr Berryman) No.

16733. There would be no question at all of building a replacement bridge?

(Mr Berryman) If there is no public right of way there would be no question.

16734. Who owns the bridge?

(Mr Berryman) Network Rail.

16735. They would be responsible for the padlock we see in the picture?

(Mr Berryman) No, the farmer, Mr Rainard, is responsible for that.

16736. Does he just lock it on Sundays?

(Mr Berryman) I do not know. I have only been there myself in recent weeks. I presume that he locks it when he is not going backwards and forwards across the bridge.

16737. I notice on one of your counts on Sunday 11, for example, the day of the British Grand Prix, that there was nobody on the bridge. Presumably if it is locked on Sundays, people would know that it is not the best day to cross the bridge?

(Mr Berryman) Well, we have looked at Saturdays as well.

16738. Is it weekends it is locked at or is it just Sundays?

(Mr Berryman) I do not know the days it is locked. We would have to arrange to full week of observation.

16739. What kind of foundations does the existing bridge have? Would it be possible to use those for the basis of a replacement?

(Mr Berryman) It would be quite difficult. It will be spread footings in the bottom of the cut. The difficulty would be when you demolish the existing bridge.

16740. The bridge is sound.

(Mr Berryman) The other point to make is, as I said earlier on, there is a fifth track to be provided so there would clearly be new foundations required on one side in any event.

16741. **Chairman:** I have one or two questions. How important historically is this bridge?

(Mr Berryman) It was attributed to I K Brunel, along with nine other bridges which were affected. We have had a long dialogue with English Heritage about this. We have arranged to preserve four of the nine bridges by lowering the track, which we can do in those cases. Basically English Heritage would like us to preserve all nine but they recognise the reality of the situation.

16742. The one thing that stands out is that we have never had a photograph of the bridge.

(Mr Berryman) We have not actually got one otherwise we would show you one. It is very difficult to see. It is in a cutting and you can get oblique views of it but the only person who can get a square-on view of it is the engine driver of the train.

16743. **Chairman:** It does seem extraordinary if it is a Brunel bridge, that English Heritage are allowing it to be demolished.

16744. **Mr Hollobone:** Do we know why the bridge was built?

(Mr Berryman) It was probably built as an accommodation bridge for a farm. There are others who know more than I but that is usually why they were built.

16745. **Chairman:** If it is dismantled it will be destroyed, it will not be go anywhere else?

(Mr Berryman) I think it is worth mentioning that these are what English Heritage would describe as “vernacular” bridges of the time. There are over 100 of these bridges attributed to Brunel on the Great Western alone and there are many others in other parts of the country. I have spent happy years working in a bridge design office and it is the kind of bridge you would put out to a relatively junior member of staff to design. It is not like a main bridge viaduct that he would have actually done himself.

16746. There is a footway next to it. What is going to be done in relation to this extra siding?

(Mr Berryman) If the extra siding goes in, the footway is a little way back from the edge of the embankment so that will not be disturbed.

The Petition of the Open Spaces Society and the Ramblers Association

16747. It will not be problematic. Do you think anything extra could be done to service the needs of people who use the footpath?

(Mr Berryman) We think the number of people who use the footpath is vanishingly small. If it was a footpath which was getting used, even if it was getting 20 or 30 people in a weekend, there would be no question of our replacing it.

16748. If you look at the old photograph, which is overgrown, there is still clear evidence that people have been using it as a footpath because of the lack of growth?⁴⁶

(Mr Berryman) I am not sure that there is actually because they would have to be very small people because the trees go like that.

16749. If you look, there is still a noticeable difference, albeit in the centre and it could be trampled in mud, but there is a difference.

(Mr Berryman) There is. I wondered what caused that. We tried to push our way through and it is quite difficult to get through. I just do not know if it was animals or what. I have no idea.

16750. **Mr Hollobone:** How many replacement footbridges is Crossrail building along its route?

(Mr Berryman) I would have to seek guidance. A very small number.

16751. **Ms Lieven :** We think the answer to that, sir, is two but I would not wish that to be taken as complete gospel. Those are the instructions I am getting at the moment.

(Mr Berryman) It is certainly a very small amount. I have to say in most cases footways are associated with roads and we are rebuilding a number of roads so a number of footpaths on those will obviously be taken into account.

16752. **Chairman:** Thank you very much. Mr Suggett?

Cross-examined by **Mr Suggett**

16753. **Mr Suggett:** Just a couple of questions please. I think you said you had made just the one visit to this site?

(Mr Berryman) Myself, yes.

16754. And that was in June?

(Mr Berryman) Yes, that is right.

16755. So you have never seen the path in February or November or any other time like that?

(Mr Berryman) I have not personally but obviously we have looked at it over the time. We have had quite a number of visits to the site by members of the team and no-one has ever seen anyone walking along it. I do not have photographs with me of November or February.

16756. Do you recognise that June is the month of the year when paths of this sort are just about as overgrown as they ever get?

(Mr Berryman) Well, I would imagine that there is more growth in June, yes.

16757. I think it is fair to say that it is the experience of Ramblers Association volunteers that June is about the worst of months as they go for path clearance and so on. Would you accept that?

(Mr Berryman) Yes, this is 4 June. It is just the beginning of June. I am not an expert on the matter of clearing footpaths but it sounds plausible to me. It sounds reasonable.

16758. **Mr Suggett:** I think that is really all I would like to ask, thank you very much.

16759. **Chairman:** Thank you. Ms Lieven, do you want to sum up?

16760. **Ms Lieven :** Just one or two points, sir. First of all, I would suggest that there are two separate issues here. One is whether the existing building should be preserved and the other is whether a replacement should be provided. As far as the existing building is to be preserved, sir, it is not a point being taken expressly by the Ramblers but I do want to stress that this is a matter that the Promoters have looked at incredibly carefully. We have had many, many meetings with English Heritage and other concerned bodies about it. We have had many, many conferences about it. A huge amount of effort has been put into this subject and agreement reached with English Heritage. I am sure the Committee are well aware there are lots of issues on Crossrail that are enormously important that have hardly touched the Committee's concerns and this is one of them. So I would not want for a moment the Committee to think we are going round knocking down listed structures or Brunel bridges generally without having done everything we reasonably could to preserve them.

16761. I would ask the Committee to remember what Mr Berryman said, there are something like 100 of these bridges still existing. We were at a point where English Heritage appeared likely to appear in Committee on this ready to call an historic buildings expert to deal with the matter in detail. We obviously did not feel it was appropriate to do that today, but (i) I would urge the Committee to take into account the amount of thought and effort that has gone into this matter; (ii) the fact that English Heritage are now content having been deeply interested in this; and (iii) that none of the local authorities concerned—and it is not just Buckinghamshire, there are district councils all the way along with these bridges—have chosen to bring it to Committee, nor perhaps more importantly have SAVE chosen to bring it to Committee even though it was a matter that was raised in their Petition. So I would suggest, sir, that the position on that is really quite clear.

⁴⁶ Crossrail Ref: P117, Dog Kennel Bridge Links—Public Footpath 15A, mid point walking north (LINEWD-9104-004).

 The Petition of the Open Spaces Society and the Ramblers Association

16762. As far as re-provision is concerned, perhaps in the light of the Committee's questions we should just put up the Petitioner's exhibit number 8.⁴⁷ I think this one sets out the position clearest. Clearly we are not stopping people who want to walking across the bridge on the footpath. To get round back on to the footpath route is undoubtedly longer, undoubtedly less convenient, but there is a way of doing that, either by coming west or by going east, so this is not a complete break, although that is not to diminish the fact that people would have to walk longer and walk on roads.

16763. In my submission, there are two key points of re-provision. First, there is no doubt in law that it is not a public right of way, no possible doubt. It is not on the definitive map. British Rail have for years asserted their right over the bridge and that has never been contested by the local authority that has statutory duties in this respect. Associated with that is the fact that Parliament has already granted power to knock down the bridge and not re-provide in the 1992 British Railways Act.

16764. Equally important, in my submission, is the very, very low level of usage. The Committee should not get the wrong impression, we are not for one moment saying that Mr Graham is lying when he says he used it or that nobody uses it. I would agree that the photograph shows that some people have at some point been along that footpath because one can see the slightly different level of growth. There is no contest that once in a blue moon somebody uses it, but what the evidence very clearly shows is that the level of usage is absolutely minimal. That is not just from the photographs. Yes, June is a particularly lush month and photographs could be deceptive, but we went to the trouble of getting four surveys all day on two consecutive weekends and, although June is overgrown, if we had done it in February we would have been told that nobody walks in February because of the weather, so we did it in what would probably be the month when there are likely to be walkers if there are walkers using these paths. On very pleasant days, very typical days, yes, there are football matches but football matches do not go on all day, and we saw no usage whatsoever, which is quite startling for a footpath relatively close to urban areas.

16765. In my submission, and to some degree it comes back to a point that perhaps Mr Hopkins made on the earlier petition, £1.1 million in the context of £10 billion or £12 billion, or however many billion it is, does not seem like very much money, but it is a heck of a lot of money in my submission to throw at a bridge that perhaps one or two people a week maximum are using, a heck of a lot of money, which could be better spent by the public purse. That is really the way to look at these additional costs that people want to latch on to Crossrail. The real issue is not what percentage of 10

billion is it; the real issue is spending 1.1 million of taxpayers' money on something which is of so little public benefit.

16766. I think that is all I need to say except that on the list of footbridge replacements there are, I am now instructed, four in the Bill and the Committee yesterday asked us to make further provisions in respect of the Westbourne Park footbridge, so that will make five. I think that is all, sir, thank you.

16767. **Chairman:** May I just ask one question of Mr Berryman. It was a failing on my part not to do so earlier. There were gates on that, I presume it was built initially for a farmer, and there were gates with locks on them. How will the access for the farmer or whoever it is be dealt with there?

16768. **Ms Lieven:** I can answer and I will get it wrong. Why does Mr Berryman not answer and he will get it right?

(Mr Berryman) The farmer is a Mr Rayner, who is a very large industrial farmer in that area, he owns a large number of farms in the area. We have discussed the matter with him and he has several alternative routes that he can use and he has not raised any objection to the bridge's removal.

16769. **Chairman:** The whole of the access for the owner is dealt with, or being dealt with?

(Mr Berryman) Yes.

The witness withdrew

16770. **Ms Lieven:** He has been informed all the way along and he chose not to petition. Unless there is anything else, sir, thank you.

16771. **Chairman:** Mr Suggett, you have the last word.

16772. **Mr Suggett:** Thank you very much. Sir, in the light of what your Petitioners have been saying about the importance of Dog Kennel Lane and its bridge in the local highway network, I grant you that it would have looked rather better if on the occasions when the surveyors went down there with their clipboards and so on that there had been a good few more users of this path instead of nobody on three occasions, and I think from the count on a survey that was done in April one user. Bold as it might seem for us to do, the Ramblers Association and the Open Spaces Society's evidence is that this is an important path and we ask you to accept that, and that it is well used even if no use chanced to coincide with the surveys that were done.

16773. Sir, if we were seeking to protect an urban or suburban path and were arguing that it was an important utilitarian link well used by commuters getting to work or children going to school and pensioners getting to the shops, the surgery or the post office, and then no public use was made of it on the days when the surveyors came we might look well and properly embarrassed. Sir, this is a rural

⁴⁷ Committee Ref: A185, Open Spaces Society and the Ramblers Association—Dog Kennel Bridge and surrounding footpath network (LINEWD-9105-008).

The Petition of the Open Spaces Society and the Ramblers Association

location and the use is primarily recreational and recreational use does not necessarily occur every day. However strategic a path may be, recreational use can fluctuate in its frequency. One of the visits by the surveyors, the one that is mentioned in the Promoter's response, was between seven and 10 o'clock in the morning and between seven and 10 o'clock in the morning is not necessarily a time of day when you would expect much use of a rural path used chiefly for recreation. Mr Berryman's own visit was there on the Saturday when I think I understood him to say that England was playing, to which I suppose the entire nation was glued to its television sets for, and I think he said he went the following day as well when, as far as I could make out, the entire nation had an hangover, so it is not entirely surprising that that was not the busiest of weekends with regard to that path.

16774. Could I turn to the point about overgrowth. Clearance of overgrowth of a public right of way is the duty of the highway authority and if they have not complied with it, as here apparently, it does not follow that use of the way is minimal nonetheless. People can be deterred from using rights of way during the growing season and by bushes, briars, nettles and so on. Our experience is there has to be fairly intensive use of a path before it has a significant effect on overhanging vegetation. We do not claim that there is massive intensive use of this way. Here is the growth that you would expect on a narrow path in a rural location in the growing season. The photograph does show that there has been, I would like to venture to ask you to find, quite significant use. There is a path there and in one of the other photographs showing nettles there was a clear course through nettles on the right-hand side of the photograph. You can just about make out on the right-hand side of that the patch of nettles disappears and there is a way through. That is more or less what you would expect at this time of the year on very many paths.

16775. Could I mention the locks. We are not sure how long these locks have been there but there has clearly been use of the path despite those. No doubt there would be more use but for the fact that they are there. In a sense, the overgrowth and the locks almost add to the case for retaining the route. If there is use of this sort in these conditions then what more use might there be if the path was more favourable in its aspect to users.

16776. Anyway, recreational walking is on the increase. I wish I had brought the statistics to show you that. Things like the General Household Survey and the Day Visits Survey show that more and more people are taking up recreational walking. Even if it was shown that this path was no use now, it could still be vital in the future. We urge that it should be protected for that reason. In Part 2 of the Countryside and Rights of Way Act 2000, Parliament shows that it considers certain categories of paths to be of special importance, and we submit this is one of them. I am talking about sections 60

and 61 of the Countryside and Rights of Way Act to do with rights of way improvement plans. In preparing the rights of way improvement plan the highway authority is supposed to have regard to the extent to which the network meets the present day needs of the public and also the likely future needs. To quote from the statutory guidance that goes with these rights of way improvement plans: "Local highway authorities should consider the adequacy of routes from centres of population or routes which can be used in conjunction with public transport which allow people to gain easy access to countryside from where they live". Also in the context of rights of way improvement plans: "Highway authorities are supposed to consider the adequacy of links which create circular routes and better facilities for walkers, including dog walkers, runners and cyclists".

16777. This path is close to the residential community of Slough, particularly its easternmost suburb of Langley, and to the west Drayton and to Richings Park and to Iver, and it fits those criteria about circular routes and access to the countryside fairly and squarely, but without Dog Kennel Bridge this way will become redundant, useless and an awful waste. People will have to use roads instead in places without pavements and the walk down a country road or lane these days is no longer the pleasurable experience it once was with the road holding capabilities of modern cars which enable them to go at massive speeds on winding lanes so that a walker is passed by vehicles going at 60 miles an hour or more literally only inches away. The figure for pedestrian deaths on the road averages out at 14 pedestrians a week and the removal of this bridge will not do anything to lower that figure.

16778. The point about whether a right of way exists may not be absolutely crucial, but although it is not on the definitive map, the evidential effect of section 56 of the Wildlife and Countryside Act 1981 is that the definitive map is definitive in what is included on it, it is not definitive in its omissions, so the omission of a path from it is without prejudice to the fact that a right of way may exist over it. It cannot really be said that there is no right of way over it, it can simply be said that there is no record of a right of way. A right of way might have come into existence before the definitive map was drawn up. If, as the witness suggested, there was use without let or hindrance prior to 1950 when it is believed that the science first appeared and before the definitive map was drawn up then a right of way may well exist by prescription, notwithstanding omission from the definitive map.

16779. Finally, we were going to say it will cost £100,000 to provide a replacement bridge which certainly correspondence with the local authorities back in 1989 or 1990 suggested might be the figure. I wish the rather higher figure that has appeared today had not been quoted. It has taken us a bit by surprise. Even so, we would like to submit that this

The Petition of the Open Spaces Society and the Ramblers Association

is a bridge, for the reasons we have given, that should be saved and that is still not the most enormous of sums within the context of the whole Bill.

16780. We would like the Committee to recognise the importance of this bridge and to approve our amendment so as to keep the bridge and save the public right of way. Although this Petition is brought on behalf of OSS and the RA, it is in a sense brought for the public as well. It is not for our own interests, it is to safeguard the way for the benefit of the public. On behalf of the OSS and the Ramblers, thank you very much.

16781. **Chairman:** Thank you.

16782. **Ms Lieven:** Sir, there is just one very small point. Mr Suggett made reference to us doing a survey at seven to 10 in the morning. I do not want the Committee to think there was anything nefarious about that. There was one earlier survey done in April on a Thursday to check whether there was any commuting, anybody walking to school or work, and that was done in the morning to check whether there were any movements but, again, all the answers were zero. That was why it was done at seven to ten, it was not in order to catch non-ramblers on a Sunday morning.

16783. **Chairman:** Mr Suggett, you do have the last word.

16784. **Mr Suggett:** We were not supposing there was any nefarious choice of that time, we simply make the point that use can be irregular.

16785. **Chairman:** Thank you very much, that concludes the Petition. What I am going to do now is suspend the Committee and clear the room whilst

we consider this particular matter. Just for a bit of organisational help, it might be better if we leave the room and you stay.

After a short break

16786. **Chairman:** Can I just say that the Committee has had a deliberation on this. We want to say that we are not minded to apply for extra provision to require a new bridge or replacement bridge to be built. However—however—we are not minded either to make a decision on this matter today. We want the parties to go away and examine other ways that might facilitate a solution of the problem, and therefore we ask them to keep on discussing matters. We are perturbed and we have not closed the decision that we may retain a foot access over this line. However, we are not minded at this present time to make application for provision for a replacement bridge to be built. So we are asking for the Promoters and the Petitioners to go away and see if there are ways there that a solution can be found and to do that as quickly as possible, and when that is done we will return to the subject in due course.

16787. Now, ladies and gentlemen, this is the finest announcement that I have had to make in the last seven months. We are about to break, other than for a private session in September for Committee members and others who are invited to be at that meeting, for the summer recess, long after our colleagues have already disappeared over the nearest horizon! We wish you all a very pleasant summer and hope to see you all when we return.

16788. **Ms Lieven:** Sir, on behalf of the Promoters and the Counsel team, we wish all the Committee a very good summer and a very well-earned break, at least from Crossrail. I know you will be working but at least it will be a break from Crossrail.