

House of Lords and House of Commons

EXAMINATION OF AN ADDITIONAL PROVISION TO A HYBRID BILL

High Speed Rail (West Midlands –
Crewe) Bill

Second Additional Provision
(deposited on 8 February 2019)

Wednesday 13 March 2019

Before:

The Examiners of Petitions for Private Bills:

MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of
Lords
MR COLIN LEE, Clerk of Bills, House of Commons
MR DANIEL GREENBERG, Counsel, House of Commons

MR PAUL IRVING of Winckworth Sherwood appeared as the Parliamentary
Agent for the Bill.

There also appeared:

MR MARK AANENSEN, Parliamentary Clerk, Winckworth Sherwood
MR JAMES O'CONNOR, Partner, Eversheds Sutherland
MR DARREN WHITE, Parliamentary Clerk, Eversheds Sutherland
MS LUCY LAGERWEIJ, Head of Powers & Parliamentary Management, HS2
Ltd
MR STUART RODGERS, Powers and Consents Manager, Hybrid Bill Team,
HS2 Ltd
MR NAYAN PANCHMATIA, Land Referencing Lead, Land & Property, HS2
Ltd
MR PETER MILLER, Head of Environment, HS2 Ltd
MR OWEN KELLY, Associate Director, Land Services, WSP (Land
Referencing)

(2 pm)

1. **MR LEE:** Good afternoon, everyone, and welcome to this public meeting. On 12 September 2017 we, the Examiners, found the High Speed 2 (West Midlands – Crewe) Bill to be hybrid. As a result, the private business Standing Orders of the two Houses applied, and we proceeded to examine the Bill against the relevant Standing Orders. On 23 April 2018 we considered whether the Standing Orders had been complied with in respect of Additional Provision 1. The second Additional Provision to the Bill has now been submitted, and the purpose of this meeting is to examine that Additional Provision and decide whether the Private Business Standing Orders of the two Houses have been complied with.

2. Before we begin, some brief introductions. I am Colin Lee, Clerk of Bills in the House of Commons. To my left is Christine Salmon Percival, Clerk of Private Bills in the House of Lords. To my right is Daniel Greenberg, Counsel for Domestic Legislation in the Office of Speakers' Counsel.

3. Mr Irving, please could you introduce yourself and your team?

4. **MR IRVING:** Good afternoon. If I may, I will ask the members of the team to introduce themselves.

5. **MR LEE:** Yes, of course.

6. **MR IRVING:** My name is Paul Irving. I am appearing today as Agent for the Bill.

7. **MR O'CONNOR:** I am James O'Connor, a partner from Eversheds Sutherland, here on behalf of the Promoter.

8. **MR KELLY:** I am Owen Kelly from WSP. I am the section manager responsible for land referencing.

9. **MR PANCHMATIA:** My name is Nayan Panchmatia. I am the High Speed 2 team Land Referencing Lead.

10. **MS LAGERWEIJ:** I am Lucy Lagerweij, Head of Powers and Parliamentary Management for High Speed 2.

11. **MR RODGERS:** I am Stuart Rodgers, Power & Consents Manager for High Speed 2.

12. **MR MILLER:** I am Peter Miller. I am HS2's Environment & Town Planning Director.

13. **MR WHITE:** I am Darren White, Eversheds Sutherland Parliamentary Agents.

14. **MR AANENSEN:** I am Mark Aanensen, Winckworth Sherwood Parliamentary Agents.

15. **MR LEE:** Thank you. As before, we will consider each Standing Order in turn and invite the Agents and Promoters to prove compliance with it. Where we think this is straightforward we will give a provisional indication immediately or take that as implicit by moving on. If there are cases where we want to reserve judgement we will confer in private briefly at the end of the hearing and then return to public session with our final decision. The transcript for today's proceedings will be available on the Parliamentary website shortly and the proceedings are being webcast.

16. We will start with Standing Order 4. Mr Irving.

17. **MR IRVING:** Mr Aanensen, could I ask you to hand in the newspaper notices? Mr O'Connor, do you prove that each notice contains a concise summary of the purposes of the amendments?
18. **MR O'CONNOR:** I do.
19. **MR IRVING:** Do you prove also that each notice states that a copy of the amendments may be inspected at the places mentioned on pages 2, 3, 4 and 5 of the proof?
20. **MR O'CONNOR:** I do.
21. **MR IRVING:** Do you prove also that those offices include an office in each county and metropolitan district in which works, to which Standing Order 27 applies, are to be constructed?
22. **MR O'CONNOR:** I do.
23. **MR LEE:** Sorry to interrupt, could you speak a little more loudly? The microphones may be recording but I do not think they are, to a great degree, amplifying.
24. **MR IRVING:** I am sorry. Yes. Do you prove that each notice states the time within which objections can be made and where information regarding the submission of petitions may be obtained?
25. **MR O'CONNOR:** I do.
26. **MR IRVING:** Do you prove that each notice is headed and subscribed as described in the proof?
27. **MR O'CONNOR:** I do.

28. **MR IRVING:** I consider that the Standing Order has been complied with, except with regard to time.

29. **MR LEE:** Thank you. There is one issue which I think, as you know, we would just like to pursue to some degree on this Standing Order, which is notices stating the time within which objections may be made. You have submitted a further note about the fact that the guide and petitioning leaflet had a closing time for petitioning of 3 pm on Friday 15 March instead of 1 pm. You have outlined in that additional document the steps you undertook as a consequence to ensure that all potential petitioners who wanted to raise an objection were aware of the actual closing time of 1 pm on that day. You have outlined the steps taken. How sure are you that that has got through to all those who might potentially be affected?

30. **MR IRVING:** We take the view that, since the relevant documents were replaced from 14 February, and since all the electronic communications contained the correct version, and since the correct version went out in all the letters that went out to inform people in the area of the works, we do feel fairly confident that there should not be anybody who would be under the wrong impression that the relevant time was 3.00 rather than 1.00.

31. **MR LEE:** So everybody in receipt of a letter would have had a letter in the correct form. Who could have obtained the print version in the wrong form?

32. **MR IRVING:** I cannot think of anyone who would have obtained the print version in the wrong form. None of the people who were sent the leaflet would have got it in the wrong form. I cannot really think of how anybody would have obtained the wrong information or the document in the wrong format.

33. **MR LEE:** Okay. Are there any other questions? All right. We concur that this Standing Order has been complied with in all respects except as regards time.

34. Standing Order 4A.

35. **MR IRVING:** Ms Lagerweij, do you prove that copies of the amendments to the Bill were made available in the manner and at the offices mentioned in the notices?

36. **MS LAGERWEIJ:** I do.

37. **MR IRVING:** I think perhaps I should mention here the document that we have attached in Appendix A, which is the mystery shopper survey, where HS2 went round to visit the various deposit locations to identify whether the documents were in fact available. I should say that, since that document was produced, there has been further information that HS2 have been round to check. They wrote to and contacted the people who did not have it available, reminding them that they did need to have it available. They then went round again to check that it was then available.

38. As I understand it there was just one location where it was still not available, and that was the Shropshire Council offices. There is, in fact,

another location within that area where the documents were available, which is the Market Drayton library, which is in Shropshire.

39. It is also the case that there are in fact no works within Shropshire, in any case. They were given a copy of the amendments because they had a copy of the Bill, and just to complete the documentation that they had with them. In fact, they were not required under the Standing Orders to have the AP2 amendments available for inspection there.

40. **MR LEE:** So Additional Provision 2 does not affect Shropshire, and therefore it was just for the purposes of completeness.

41. **MR IRVING:** Yes, that is right.

42. **MR LEE:** It is also worth saying, just as an observation, that we have obviously discussed mystery shopping before on previous occasions. The initial hit rate is actually better than on some previous exercises, and that was true even before what you said about the fact that they have subsequently become available from Staffordshire Borough Council, Lichfield Library and Fradley and Streethay Parish Council.

43. Are there any other questions on this amendment?

44. **MS SALMON PERCIVAL:** Could I just ask about Lichfield Library, where they said they have no space to display? Do you mean that, in remedying that situation, they found a space, or have they just said, "Go and see Lichfield District Council"?

45. **MR IRVING:** No, I understand that the Council told them to make it available at the library and hence they have.

46. **MS SALMON PERCIVAL:** So they had to find a space for it.

47. **MR IRVING:** I do not know what they disposed of in order to accommodate it.

48. **MS SALMON PERCIVAL:** Thank you.

49. **MR LEE:** Thank you. Our conclusion is that the Standing Order has been complied with in all respects except as regards time.

50. We now come to Standing Order 5.

51. **MR IRVING:** Mr O'Connor, do you prove that, insofar as is required by the Standing Orders, each notice contains the particulars given on page 6 of the proof?

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

53. **MR IRVING:** I consider this Standing Order has been complied with.

54. **MR LEE:** Thank you. We have no further questions on that. You can assume that has been proved to our satisfaction.

55. Standing Orders 6, 7, 8 and 9, you state, are not applicable to the Bill. Sorry, I have been corrected from my left. If you want to proceed with the proofs, resuming at Standing Order 6.

56. **MR IRVING:** I prove that Standing Order 6 is not applicable to the amendments to the Bill. I also prove that Standing Order 7 is not applicable to the amendments to the Bill, and in relation to Standing Order 8 and Standing Order 9.

57. **MR LEE:** Thank you. Standing Order 10.

58. **MR IRVING:** I prove that the Bill, as proposed to be amended, is not promoted by a local or general authority. I also prove that the principal office of the Minister in charge of the Bill to which the amendments relate is situated in the London borough of the City of Westminster.

59. Mr White, do you prove that the newspaper notice, marked severally 1 and 2, previously handed in was duly published in the area of the said local authority, once in each of two consecutive weeks, with an interval of not less than six clear days between the two publication dates?

60. **MR WHITE:** I do.

61. **MR IRVING:** Do you prove that the several newspaper notices are in the same terms?

62. **MR WHITE:** I do.

63. **MR IRVING:** Mr Panchmatia, do you prove that the amendments proposed to be made in the Bill relate to works that are to be on lands that are situated in the county of Staffordshire and the unitary district of the Borough of Cheshire East?

64. **MR PANCHMATIA:** I do.

65. **MR IRVING:** Do you also prove that the said local authority areas are the only ones in which any new works to which Standing Order 27 applies are to be constructed, or in which any lands or rights to use lands are intended to be compulsorily acquired?

66. **MR PANCHMATIA:** I do.

67. **MR IRVING:** Mr White, do you prove that the newspaper notices, marked severally 1 to 14 and previously handed in, were duly published in the area of the said local authorities as set out in page 8 of the proof?

68. **MR WHITE:** I do.

69. **MR IRVING:** Do you prove that the several newspaper notices are in the same terms?

70. **MR WHITE:** I do.

71. **MR IRVING:** I consider that the Standing Order has been complied with in all respects except as regards time.

72. **MR LEE:** Thank you. Standing Order 10A.

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

74. **MR AANENSEN:** I do.

75. **MR IRVING:** Ms Lagerweij, do you prove that reasonable endeavours were made to ensure that copies of the newspaper notice were displayed at each place of public resort mentioned in the said list for two consecutive weeks?

76. **MS LAGERWEIJ:** I do.

77. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

78. **MS SALMON PERCIVAL:** Thank you very much. Could I ask a question about the reasonable endeavours? What sorts of actions were taken, that amounted to reasonable endeavours, to ensure that the newspaper notices were displayed?

79. **MS LAGERWEIJ:** After finding from the mystery shoppers that some of the locations were not displaying the newspaper notices, we made contact via email first off, and then we sent a recorded delivery letter to them reminding them of the display of the notice and the Standing Order requirement. We also followed that up to check that they were displaying the notices, and as of this morning they were all displaying the notices.

80. **MS SALMON PERCIVAL:** Thank you very much.

81. **MR LEE:** We move to Standing Order 11.

82. **MR IRVING:** Mr Aanensen, can you produce the *London Gazette* of 13 February 2019 containing a notice of the amendments to the Bill? Mr O'Connor, do you prove that each notice states the information set out in the proof?

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

84. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

85. **MR LEE:** Standing Order 12.

86. **MR IRVING:** Mr Kelly, do you prove that on 28 January 2019 application was made in writing to every authority having the control of any street or road, the surface of which it is proposed to alter or disturb in the

construction of the underground railway, for directions as to the manner in which the notice required by Standing Order 12 was to be posted?

87. **MR KELLY:** I do.

88. **MR IRVING:** Do you also prove that the notice required by Standing Order 12 was kept posted in the manner described, and at the places set out on Page 11 of the proof?

89. **MR KELLY:** I do.

90. **MR IRVING:** Do you prove that the notice required was posted in some conspicuous position on every such street or road?

91. **MR KELLY:** I do.

92. **MR IRVING:** Mr Panchmatia, do you prove that the notice stated the place or places at which plans of the underground railway would be deposited for public inspection under Standing Orders 27 and 36 with local government offices for areas comprising the street, or road, or any part of it?

93. **MR PANCHMATIA:** I do.

94. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

95. **MR LEE:** I have a couple of questions on this. The first is just to clarify. I think we are clear on this, but obviously "underground railway" in this context means the changes in the additional provision relating to the tunnel plans.

96. **MR IRVING:** That is right, yes.

97. **MR LEE:** A question perhaps for Mr Kelly. Admittedly we have discussed this with other Standing Orders: the requirement about continuous posting for a period of 14 days, could you just describe how you checked, as it were? Did you make more than one visit?

98. **MR KELLY:** We had a team whose role was to continually monitor at the number of locations that were identified with Staffordshire County Council. They went out in rotation over a full 14-day period and ensured that every position was checked every day and, if necessary, a replacement notice was placed if the existing notice was found to be removed.

99. **MR LEE:** Thank you very much. We move to Standing Order 12A.

100. **MR IRVING:** Mr Aanensen, could I ask you to hand over the list marked B? Mr Kelly, do you prove that on 13 February 2019 the notice required by Standing Order 12A was displayed as mentioned on page 11 of the proof?

101. **MR KELLY:** I do.

102. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

103. **MS SALMON PERCIVAL:** A question for Mr Kelly, if I may. The requirement under Standing Order 12A refers to circumstances where the notifiable end was not reasonably accessible or its exact location not readily visible, and in those cases there is requirement that the notice be posted in a prominent position where it was likely to come to the attention of persons seeking to use the footpath or bridleway. Was that a circumstance

you had to deal with in this case? Did you have to put the notices up somewhere else because the ends were not reasonably accessible?

104. **MR KELLY:** We did on a number of occasions. They might be listed in the data that has been submitted. In those cases we placed a notice as close to the notifiable end on the same footpath, so it was clear that it was on footpath one but it just was not in the notifiable position, for the reasons given, that it was inaccessible or it was an inappropriate place to put a notice.

105. **MS SALMON PERCIVAL:** When you say "as close to", it would be a matter of feet then.

106. **MR KELLY:** A matter of metres, yes. We provided a list of the distances between the actual point. There are none that are miles away.

107. **MS SALMON PERCIVAL:** Thank you very much.

108. **MR LEE:** Thank you. Standing Order 13.

109. **MR IRVING:** Mr Aanensen, could I ask you to hand in the list marked C, with Post Office receipts attached thereto signed by the witness?

110. Mr Kelly, do you prove that on 11 and 12 February 2019, as regards to the list marked C, you gave notice in writing, in a form following that set out in Appendix A to the Standing Orders as closely as possible, to the parties mentioned in such lists in accordance with Standing Orders 22 and 24?

111. **MR KELLY:** I do.

112. **MR IRVING:** Do you prove that in the case of the notices forwarded by post, such notices were posted on 11 and 12 February 2019, and that 15 or such notices were returned by the Post Office as undelivered?

113. **MR KELLY:** I do.

114. **MR IRVING:** You will find in Appendix B a note setting out what the position was in relation to the 15 notices that were returned as undelivered.

115. **MR LEE:** I think we will come back to that in questions, if you would like to move on.

116. **MR IRVING:** Mr Kelly, do you prove that the list marked C contains the names of all the owners or reputed owners, lessees or reputed lessees, and occupiers of each parcel of land or house subject to compulsory purchase powers as mentioned on Page 12 of the proof?

117. **MR KELLY:** I do.

118. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

119. **MR GREENBERG:** I have a couple of questions on Appendix B, if I may. Just moving down the list in B, I think it is the fourth bullet point, "One notice returned on 18 February as addressee gone away. New notice served by recorded delivery". This is one of the four notices mentioned above; that is the service between 18 February and 1 March. Do we happen to have the date on which the new notice was served? I take it when you say "served by recorded delivery" you mean "sent and received"?

120. **MR KELLY:** Yes. We have the recorded delivery for that. It was sent and received.

121. **MR GREENBERG:** So, yes.

122. **MR KELLY:** Yes, sorry.

123. **MR GREENBERG:** So that was a successful service at some point before 1 March.

124. On the next bullet point there was one that came back on 18 February. "The correct company was served notice on 11 February". Just explain that to me. This is because you worked out the first one was wrong, so you ignored it and sent one on the 11th. Is that what happened?

125. **MR KELLY:** No, they were sent a notice served in error to the London and Birmingham Railway Limited, who no longer have an interest as their franchise has ended. The correct company, West Midlands Trains, was notified on the 11th as part of the original notification.

126. **MR GREENBERG:** Got it. Fine. Next bullet point, nothing. The penultimate bullet point, "This has been reposted with the correct postage". When was it reposted, please?

127. **MR KELLY:** Immediately on the 20th.

128. **MR GREENBERG:** 20th, lovely. The same question on the last bullet point. "Re-served by First Class post", when was that?

129. **MR KELLY:** They were served between the 4th and the 6th as they were received.

130. **MR GREENBERG:** Same day turnaround.

131. **MR KELLY:** The same day; it was just re-sent by First Class post.

132. **MR GREENBERG:** Thank you.

133. **MS SALMON PERCIVAL:** If I may also ask a question, Mr Kelly. You say that the form follows that set out in Appendix A of the Standing Orders and you use the words "as closely as possible". Is that simply a slight divergence because of the dates being inappropriate in the version that is in Appendix A? I was wondering what "as closely as possible" meant.

134. **MR KELLY:** That is the meaning of it, that it does not follow the dates set out in the Appendix itself.

135. **MR IRVING:** It explains a little bit more about the various types of compulsory acquisition the Bill is authorising. It explains the nature of the compulsory purchase and, in that sense, we have expanded those a little bit to be a little bit more informative.

136. **MS SALMON PERCIVAL:** So it is the notice plus. For the record, could I just mention that on the proof—and I am sorry to go back to Standing Order 12A—we actually do not have that formal preface that Mr Aanensen handed in the list marked B. I know that you said it for the transcript but, in terms of the formality of the proof, it should have been there.

137. **MR IRVING:** That is right, yes. This followed an amendment to the Standing Orders, so the previous form of the proof had not actually contained that. That will need to be picked up next time.

138. **MS SALMON PERCIVAL:** That is fine. Thank you.

139. **MR LEE:** Thank you. That completes the proofs on Standing Order 13. Standing Order 14.

140. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill.

141. **MR LEE:** Do proceed.

142. **MR IRVING:** For Standing Order 15, again I prove that this Standing Order is not applicable to the amendments to the Bill. It is the same in relation to Standing Order 16 and Standing Order 17.

143. Standing Order 18. Mr Kelly, do you prove that on 12 February 2019, as regards the list marked C previously handed in, you gave notice in writing to the parties specified in such lists in accordance with Standing Orders 22 and 24 that stated the intention that the Select Committee to which the Bill had been referred should consider amendments to the Bill, whereby it is proposed that the whole or any part of a work authorised by any former Act, but not constructed, is proposed to be relinquished?

144. **MR KELLY:** I do.

145. **MR IRVING:** Do you also prove that in the case of the notices forwarded by post and specified in the lists marked C that such notices were posted on 12 February 2019, and that none of such letters were returned to the Post Office as undelivered?

146. **MR KELLY:** I do.

147. **MR IRVING:** Do you prove that the list marked C specifies the names of all the owners or reputed owners, lessees or reputed lessees, and

occupiers of each parcel of land in which any part of the work proposed to be relinquished might have been situated?

148. **MR KELLY:** I do.

149. **MR IRVING:** I should just mention that the list marked C contains not only the Standing Order 13 addresses, but also Standing Order 18 addresses. The reason for that was that some of them received both a Standing Order 13 notice and a Standing Order 18 notice.

150. **MS SALMON PERCIVAL:** Could I ask for some clarification? I suspect this Standing Order is not often used.

151. **MR IRVING:** That is right.

152. **MS SALMON PERCIVAL:** It is the first time I have actually come across it. Would you be able please to provide some of the context for requiring this Standing Order? I think it is probably to do with Handsacre Junction.

153. **MR IRVING:** That is right. It is to do with the junction of the Phase 1 railway with Handsacre Junction. It has been proposed in the Phase 2A Bill to create a slightly different form of that junction with the west coast main line, and so the Phase 2A Bill includes works that replace those, and either modify those works or replace them with other works. As a result of that, the Phase 1 works will not be constructed.

154. **MS SALMON PERCIVAL:** Are those new works associated with any undertakings that have been made?

155. **MR IRVING:** They are, yes. You mean undertakings made on the Phase 1 Bill. There is one in particular which the Phase 2A works cannot comply with. It was an assurance rather than an undertaking, but nevertheless a commitment was given during the course of the promotion of the Phase 1 Bill. Discussions are going on with that landowner to seek an agreement to the variation of that but, in default, we have included amongst the AP2 amendments a provision that would, if necessary, override that assurance.

156. **MR GREENBERG:** Sorry, what do you mean by "override the assurance"?

157. **MR IRVING:** It would dis-apply it in relation to these Phase 2A works.

158. **MR GREENBERG:** If the negotiations failed and you needed an equivalent assurance, how would you get that?

159. **MR IRVING:** There are currently negotiations going on for an agreement with the landowners to set out a new range of assurances that would apply to the new works authorised in the 2A Bill.

160. **MR GREENBERG:** They would be overlaid by new assurances. I get that. I just want you to talk me through this; I should know this, but I do not. Imagine the negotiations failed, and so he thinks his rights are being interfered with. What does he do next in the present timetable?

161. **MR IRVING:** He would petition against it.

162. **MR GREENBERG:** He would be in time to do that. He would keep an eye on the time and make sure that he had protected himself.

163. **MR IRVING:** Yes.

164. **MR LEE:** He has until the end of this week.

165. **MR IRVING:** Yes. They have been made aware of what we are proposing to include in the Phase 2A Bill, both for the works themselves and the provision that would override his previous assurance. It would be open to him to petition against the AP2 amendments, both against the works themselves and against the provision dealing with his assurance.

166. **MR GREENBERG:** So you are saying if he does not bring in a petition, as Colin Lee says, by the end of the week then he has chosen to sail unprotected in relation to the remaining negotiations.

167. **MR IRVING:** That is right, yes.

168. **MR LEE:** We are satisfied on that Standing Order. Standing Order 19.

169. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill and similarly for Standing Order 19A, 19B, 20, 21, and 25.

170. **MR LEE:** Standing Orders 22 to 24 do not need to be proved.

171. **MR IRVING:** Standing Order 25 is not applicable to the amendments to the Bill.

172. **MR LEE:** You prove as such, yes.

173. **MR IRVING:** Yes. We consider compliance with Standing Order 26 is not required.

174. **MR LEE:** Standing Order 26 does not need to be proved. Standing Order 27.

175. **MR IRVING:** Ms Lagerweij, do you prove that on 11 February 2019 there were deposited, in accordance with Standing Order 26, the documents listed at Paragraphs A to D on Page 23 of the proof with the proper officers of the council?

176. **MS LAGERWEIJ:** I do.

177. **MR IRVING:** Do you prove that any deposit is accompanied by a schedule of documents listing the documents so deposited?

178. **MS LAGERWEIJ:** I do.

179. **MR IRVING:** Do you prove that the said proper officers are the proper officers of the county and the unitary district in which it is proposed to authorise the construction of works to which Standing Order 27 applies, or compulsorily to acquire any lands or buildings, or rights to use any lands or buildings?

180. **MS LAGERWEIJ:** I do.

181. **MR IRVING:** Mr Aanensen and Mr White, as regards both Houses, and Ms Lagerweij, as regards the relevant Government departments or public bodies, do you prove that on 8 February in Parliament, and between 11 and 12 February, at Government departments/public bodies, you severally deposited as required by Standing Order 27(9) of the House of

Lords and Standing Order 27(6) of the House of Commons, and in accordance with Standing Order 26, a copy of each plan, section, book of reference, and ordnance map in the Office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons, and at the relevant Government departments and public bodies specified in the list kept under Standing Order 1A?

182. **MR AANENSEN:** I do.

183. **MR WHITE:** I do.

184. **MS LAGERWEIJ:** I do.

185. **MR IRVING:** Mr Rodgers, do you prove that the ordnance maps deposited under the Standing Order are on the scale of 1:50,000, with the line of the railway or tram road delineated on them so as to show its general course or direction?

186. **MR RODGERS:** I do.

187. **MR IRVING:** I consider that this Standing Order has been complied with in all respects, except as regards time.

188. **MS SALMON PERCIVAL:** Again, just for the record, could I clarify that when you refer to "Standing Order 27(6) of the House of Commons Standing Orders", that refers to the consolidated version of Standing Orders rather than the printed 2005 version?

189. **MR IRVING:** Yes, that is right.

190. **MR LEE:** Standing Order 27A.

191. **MR IRVING:** Mr Aanensen and Mr White, as regards both Houses of Parliament, Ms Lagerweij as regards Government departments, and Mr Miller as regards the contents, do you prove that on 8 February 2019 in both Houses of Parliament, and between 11 and 12 of February 2019 in relation to Government departments, you made the deposits of the supplementary environmental information mentioned on page 24 of the proof?

192. **MR AANENSEN:** I do.

193. **MR WHITE:** I do.

194. **MS LAGERWEIJ:** I do.

195. **MR MILLER:** I do.

196. **MR IRVING:** Mr Miller, do you prove that the supplementary environmental information deposited is prepared by persons who have sufficient expertise to ensure the completeness and quality of the information, and that it takes into account the matters referred to in regulation 18(4)(c) of the EIA regulations?

197. **MR MILLER:** I do.

198. **MR IRVING:** Ms Lagerweij, do you prove that the supplementary environmental information deposited and a separate, non-technical summary were made available for inspection and for sale at a reasonable price at the offices referred to in Standing Order 27(A)(7) of the House of Lords and Standing Order 27(A)(8) of the House of Commons as mentioned on page 24 of the proof?

199. **MS LAGERWEIJ:** I do.

200. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

201. **MR GREENBERG:** On Mr Miller's second proof on the person with sufficient expertise, just explain what that means. It is presumably people who have taken a qualification.

202. **MR MILLER:** Yes, through the environmental assessment we have a number of experts and specialists who carry out the study work. We have to look at each of their qualifications and they have to provide proof to us that they are qualified to carry out the work.

203. **MR GREENBERG:** What are those qualifications? What sort of animal are they?

204. **MR MILLER:** There is a range of people. We have ecological specialists, for example, noise specialists, and we have generalists who are involved with the production of environmental impact assessments and have great experience of that. The contractors that we employ mainly come from our supply chain.

205. **MR LEE:** It is probably fair to say that it is a term not unfamiliar to us because it has echoes in the provisions relating to Standing Order 224A where the examiners have similar responsibilities in relation to the independent assessment.

206. Standing Order 28 has been repealed, so we move to Standing Order 29.

207. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments of the Bill. I also prove that Standing Order 30 is not applicable to the amendments of the Bill, and similarly in relation to Standing Order 30A, 31, 32 and 33.

208. **MR LEE:** Standing Order 34.

209. **MR IRVING:** Ms Lagerweij, do you prove that on 11 February 2019 you deposited, in accordance with Standing Order 26, a copy of the deposited plan, section and book of reference, together with a copy of any ordnance map marked in accordance with Standing Order 34(B) at the Government bodies set out on Page 29 of the proof?

210. **MS LAGERWEIJ:** I do.

211. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

212. **MS SALMON PERCIVAL:** Could I ask, and forgive my ignorance, why it is that in this Standing Order the various Government departments and public bodies are listed rather than just not referenced to Standing Order 1A?

213. **MR IRVING:** I cannot think of any particular reason why that should be the case. As it happens, we have just followed the wording of the proof, which, because of the way it is worded, requires a mention to be made of the specific bodies. I am not too sure what the reason for that was, I am afraid. It probably goes back some time.

214. **MS SALMON PERCIVAL:** The same applies to Standing Order 45, so I will not ask the question again. It just may be another opportunity to slim down what is otherwise a rather complex document.

215. **MR IRVING:** Yes, we might be able to make that more consistent.

216. **MR LEE:** Standing Order 35.

217. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill.

218. **MR LEE:** Standing Order 36.

219. **MR IRVING:** Mr Aanensen, could you please hand in the list marked D signed by the witness?

220. Ms Lagerweij, do you prove that between 11 and 13 February 2019 you deposited, in accordance with Standing Order 26, a copy of so much of the deposited plan, section and book of reference as relates to their respective local government areas with the respective officers mentioned in the list marked D?

221. **MS LAGERWEIJ:** I do.

222. **MR IRVING:** Do you prove that the said list marked D identifies the officer of each local authority in Standing Order 36(1)(a) and confirms that those local authorities are the only such authorities to which the plan, section or book of reference relates?

223. **MS LAGERWEIJ:** I do.

224. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

225. **MR LEE:** Thank you. Standing Order 37.

226. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill, and similarly in relation to Standing Order 38.

227. **MR LEE:** Standing Order 39.

228. **MR IRVING:** Ms Lagerweij, do you prove that between 11 and 12 February 2019 you deposited, as specified in the Standing Order 1A list, and in accordance with Standing Order 26, copies of the amendments to the Bill?

229. **MS LAGERWEIJ:** I do.

230. **MR IRVING:** I prove that those are the only deposits required to be made under Standing Order 39. I consider that this Standing Order has been complied with in all respects except as regards time.

231. **MR LEE:** Are there any questions? Thank you.

232. Standing Order 40 has been repealed, so Standing Order 41.

233. **MR IRVING:** Ms Lagerweij, do you prove that on 11 February 2019 you delivered, in accordance with Standing Order 26, a copy of the amendments to the Bill at the office of each of the highway authorities mentioned on Page 32 of the proof?

234. **MS LAGERWEIJ:** I do.

235. **MR IRVING:** Do you prove that the said highway authorities are the only recipients specified in Standing Order 1A?

236. **MS LAGERWEIJ:** I do.

237. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

238. **MR LEE:** Thank you. Standing Order 42.

239. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill, and similarly with regards to Standing Orders 43 and 44.

240. **MR LEE:** Standing Order 45.

241. **MR IRVING:** Mr Aanensen and Mr White regarding both Houses of Parliament, and Ms Lagerweij as regards to government departments, do you prove that on 8 February in Parliament and on 11 February as regards government departments you deposited, in accordance with Standing Order 201 of the House of Lords, Standing Order 209 of the House of Commons, in the offices mentioned in the proof, and in accordance with Standing Order 26, at the places mentioned on Page 35, the Estimate of Expense as required by the Standing Order?

242. **MR AANENSEN:** I do.

243. **MR WHITE:** I do.

244. **MS LAGERWEIJ:** I do.

245. **MR IRVING:** Ms Lagerweij, do you prove that the Estimate of Expense is prepared in the form set out in Appendix B to the Standing Orders, or as near to it as circumstances permit?

246. **MS LAGERWEIJ:** I do.

247. **MR IRVING:** Do you prove that the estimate was made by Mark Thurston, Chief Executive HS2 Ltd, and is signed by him?

248. **MS LAGERWEIJ:** I do.

249. **MR IRVING:** I consider that this Standing Order has been complied with in all respects except as regards time.

250. **MS SALMON PERCIVAL:** Could I ask one question of Ms Lagerweij? What does it mean "as near to it as circumstances permit" in the Estimate of Expense?

251. **MR IRVING:** That is just to reflect the particular nature of the works described in our Bill, adapting that to the categories of works set out in the Estimate of Expense.

252. **MR LEE:** Obviously the list in Appendix B is a very long list, and presumably things that do not apply do not appear in the Estimate.

253. **MR GREENBERG:** Is that the only change?

254. **MR IRVING:** I think that is the only change.

255. **MR GREENBERG:** Just in parentheses, if I may, I know we have had this discussion before, but one reason for sometimes slightly being a bit more complicated in the proof is that we do not have to have questions like that. If you have made some changes it is probably best to say, "But we have struck out the ones that did not apply," and then we know exactly what is going on. I know it would add a line or two, but it would mean that we know exactly what is going on.

256. **MR IRVING:** I take your point. We will try to do that next time.

257. **MR LEE:** That is Standing Order 45. Standing Order 46 has been repealed. Standing Order 47.

258. **MR IRVING:** Mr Panchmatia, do you prove that you have prepared a statement in accordance with the requirements of Standing Order 47 in respect of any area to which that Order applies, in which it is proposed to authorise the acquisition, compulsorily or by agreement, of any specified land on which houses are standing, and that the statement shows the name of the area, the total number of those houses in the area, and the total number, so far as can be ascertained, of persons residing in them.

259. **MR PANCHMATIA:** I do.

260. **MR IRVING:** Mr Aanensen, do you prove that on 8 February 2019 you deposited in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons a copy of the statement?

261. **MR AANENSEN:** I do.

262. **MR IRVING:** I prove that the amendments to the Bill do not confer, revive or extend the time limited for the exercise of any power to acquire, compulsorily or by agreement, in any area to which Standing Order 47 applies any specified land on which houses are standing. I consider that this Standing Order has been complied with in all respects except as regards time.

263. **MR LEE:** Thank you. Standing Order 48.

264. **MR IRVING:** Mr Rodgers, do you prove that every deposited plan is drawn to a scale of not less than 1:15,000, and describes the lands as mentioned on Page 36 of the proof?

265. **MR RODGERS:** I do.

266. **MR IRVING:** Do you prove that there is no alternative line or work laid down on the plan?

267. **MR RODGERS:** I do.

268. **MR IRVING:** Do you prove that the limits of lateral deviation from the line of the proposed works are defined upon the plan and all lands included within those limits are marked on it?

269. **MR RODGERS:** I do.

270. **MR IRVING:** Do you prove that where a viaduct or tunnelling is intended the tunnel or viaduct is marked on the plan and, in the case of a viaduct, by a dotted line?

271. **MR RODGERS:** I do.

272. **MR IRVING:** Do you prove that where, under any Standing Order, a length is required to be stated on the deposited plan it is stated in kilometres and metres?

273. **MR RODGERS:** I do.

274. **MR IRVING:** I consider that this Standing Order has been complied with.

275. **MR LEE:** Standing Order 49.

276. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill, and similarly Standing Order 50.

277. **MR LEE:** Standing Order 51.

278. **MR IRVING:** Mr Rodgers, do you prove that where it is proposed to divert, widen or narrow any public carriage road, navigable river, canal, railway or tram road, the course of the diversion and the extent of the widening or narrowing is marked upon the Plan?

279. **MR RODGERS:** I do.

280. **MR IRVING:** Do you prove that where it is intended to divert any public footpath or bridleway, the course of the diversion is marked upon the plan?

281. **MR RODGERS:** I do.

282. **MR IRVING:** Do you prove that where it is intended to apply for powers to make any lateral deviation from the course of the proposed diversion of any public footpath or bridleway, the limits of such deviation are defined upon the plan?

283. **MR RODGERS:** I do.

284. **MR IRVING:** I consider that this Standing Order has been complied with.

285. **MR LEE:** Thank you. Standing Order 52.

286. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill, similarly Standing Order 53.

287. **MR LEE:** Standing Order 54.

288. **MR IRVING:** Mr Panchmatia, do you prove that the deposited book of reference is in the same terms and contains the names of all the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands and houses which, or rights to use which, may be compulsorily acquired, or which are rendered liable to the imposition of an improvement charge, except as stated on Page 39 of the proof?

289. **MR PANCHMATIA:** I do.

290. **MR IRVING:** I consider that this Standing Order has been complied with.

291. **MR GREENBERG:** Just on Appendix C, If I may, this resulted in certain site notices being erected on or near the land in question, and of course we do not have something here like you have, for example, in relation to Standing Order 12A, where you include a specific reference to being placed in a place likely to come to the attention of the people concerned. I just need to hear from you on "or near" because, of course, round the corner can be near, but it is not going to come to the attention of the relevant people. Could you just tell us what "near" meant?

292. **MR KELLY:** Yes. They were placed either at the entrance to the land in question or along the hedgerow of the land in question, where we had an unknown party. There were a number of plots that were in the same block of land, hence why there is a fewer number of unknown notices as compared to the actual number of entries in the book of reference.

293. **MR GREENBERG:** I understand that. The hedgerow?

294. **MR KELLY:** This would be adjacent to the plot.

295. **MR GREENBERG:** I see. So if you are on the plot you see that bit of hedgerow and you see a notice.

296. **MR KELLY:** Yes.

297. **MR GREENBERG:** Got you. Again, that is quite a helpful phrase from earlier in the proof, because that is what you must consider when you bundle the notices: are they likely to come to the attention of the person concerned? It might be worth trotting that out again.

298. **MR LEE:** Thank you. Standing Order 55.

299. **MR IRVING:** Mr Rodgers, do you prove that every deposited section is drawn to the same horizontal scale as the plan to which it relates and to a vertical scale of not less than 1:1,250?

300. **MR RODGERS:** I do.

301. **MR IRVING:** Do you prove that every deposited section shows the surface of the ground marked on the plan, the intended level of the proposed work, the height of every embankment, the depth of every cutting, and a datum horizontal line by reference to Ordnance Survey or Chart datum?

302. **MR RODGERS:** I do.

303. **MR IRVING:** Do you prove that the datum line is the same throughout the whole length of the work and any branch of it?

304. **MR RODGERS:** I do.

305. **MR IRVING:** Do you prove that where tunnelling or a viaduct is intended it is marked on the section?

306. **MR RODGERS:** I do.

307. **MR IRVING:** Do you prove that wherever the extreme height of any embankment or the extreme depth of any cutting exceeds 1.5 metres, the extreme height over, or depth under, the surface of the ground is marked in figures upon the section?

308. **MR RODGERS:** I do.

309. **MR IRVING:** Do you prove that where any bridge or viaduct of more than three arches intervenes in any embankment, or where any tunnel intervenes in any cutting, the extreme height or depth is marked in figures on each of the parts into which the embankment or cutting is divided by the bridge, viaduct or tunnel?

310. **MR RODGERS:** I do.

311. **MR IRVING:** I consider that this Standing Order has been complied with.

312. **MR LEE:** Standing Order 56.

313. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill.

314. **MR LEE:** Standing Order 57.

315. **MR IRVING:** Mr Rodgers, do you prove that the line of railway or tram road marked on the section corresponds with the upper surface of the rails?

316. **MR RODGERS:** I do.

317. **MR IRVING:** Do you prove that the distances on the datum line are marked to correspond with those on the deposited plan?

318. **MR RODGERS:** I do.

319. **MR IRVING:** Do you prove that a vertical measure from the datum line to the line of the railway or tram road is marked in metres or parts of a metre at the commencement and termination of the railway or tram road?

320. **MR RODGERS:** I do.

321. **MR IRVING:** Do you prove that at each end of a section of railway or tram road with a consistent gradient, that gradient is also marked?

322. **MR RODGERS:** I do.

323. **MR IRVING:** Do you prove that wherever the line of the railway or tram road is intended to cross any waterway or otherwise than on the level any public carriage road, railway or tram road, the height of the intended railway or tram road over, or depth under, the surface of the waterway, road, railway or tram road, and the height and span of each arch of any bridge and viaduct by which the railway or tram road will be carried over the waterway, road, railway or tram road are marked in figures at every crossing, and that where the railway or tram road will be carried across any such public carriage road, railway or tram road on the level, the crossing is so described on the section?

324. **MR RODGERS:** I do.

325. **MR IRVING:** I consider that this Standing Order has been complied with.

326. **MR LEE:** Standing Order 58.

327. **MR IRVING:** I prove that this Standing Order is not applicable to the amendments to the Bill, and similarly Standing Order 59.

328. **MR LEE:** Finally, Standing Order 83A of the House of Lords, which is Standing Order 224A of the House of Commons.

329. **MR IRVING:** Mr O'Connor, do you prove that each notice published under Standing Order 10 states that any person who wishes to make comments on the supplementary environmental information should send them to the persons, to the places, and in the manner specified on Page 42 of the proof?

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

331. **MR IRVING:** Do you prove that 29 March 2019 falls no earlier than the 42nd day after the first publication of the notice?

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

333. **MR IRVING:** I prove that the supplementary environment information is prefaced with a statement that the information is being deposited as supplementary environmental information under this Order. I consider that this Standing Order has been complied with.

334. **MR LEE:** Thank you very much. On the basis of the proofs given and the prior discussion we had, we do not need to have any private deliberation, so I think we can proceed immediately to our conclusions.

335. We have concluded that the following Standing Orders that are applicable have not been complied with, namely: 4, 4A, 10, 10A, 11, 12, 12A, 13, 18, 27, 27A, 34, 36, 39, 41, 45 and 47. In each case the non-compliance relates only to the time referenced in the relevant Standing Order and the consequences thereof. Thank you. That concludes the meeting.

The Examination was adjourned at 3.10 pm.