MINUTES OF ORAL EVIDENCE

taken before the

**EXAMINERS OF PETITIONS FOR PRIVATE BILLS**

on the

HIGH SPEED RAIL (CREWE – MANCHESTER) BILL

Thursday, 24 February 2022 (Morning)

In Committee Room 4a

PRESENT:

Christopher Stanton, Clerk of Bills in the House of Commons

Christine Salmon Percival, Clerk of Private Bills in the House of Lords

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IN ATTENDANCE:

Paul Irving, Parliamentary Agent, Winckworth Sherwood LLP

Mark Aanensen, Parliamentary Clerk Winckworth Sherwood LLP

James O’Connor, Parliamentary Agent, Eversheds Sutherland (International) LLP

Darren White, Parliamentary Clerk, Eversheds Sutherland (International) LLP

Claire Thomas, Head of Powers and Parliamentary Management, HS2 Ltd

Amber Corfield-Moore, Power and Consents Manager, HS2 Ltd

Nayan Panchmatia, Land Referencing Lead, HS2 Ltd

Peter Miller, Environment Director, HS2 Ltd

Owen Kelly, Technical Director, WSP (Land Referencing)

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**IN PUBLIC SESSION**

 **(At 11.00 a.m.)**

1. MR STANTON: Good morning. It is 11 o’clock. Welcome to the public meeting of the Examiners of Petitions for Private Bills. Can I first state for the record why we are meeting today? The High Speed Rail (Crewe – Manchester) Bill, which is a Public Bill introduced in the House of Commons, has been referred to the Examiners under House of Commons Standing Order 224 and House of Lords Standing Order 83 as being at first sight Hybrid.
2. A Hybrid Bill is a Public Bill which affects specific private or local interests in a manner different from the private or local interests of other persons or bodies of the same category in a way which attracts provisions of the Standing Orders relating to private business.
3. It is our task as Examiners to determine whether the Bill is indeed Hybrid and, if so, to consider whether the private business Standing Orders, which are therefore applicable, have been complied with.
4. Before we get to the substance, I and my fellow Examiner will introduce ourselves. We are impartial officials of both Houses. I am Christopher Stanton, Clerk of Bills in the House of Commons.
5. MS SALMON PERCIVAL: And I am Chris Salmon Percival and I’m Clerk of Private Bills in the House of Lords.
6. MR STANTON: Can I now ask Mr Irving to introduce himself and then suggest that the others who will be giving proofs or speaking this morning also to introduce themselves. Thank you.
7. MR IRVING: Good morning. My name is Paul Irving and I am attending as the agent for the Bill.
8. MR O’CONNOR: My name is James O’Connor. I’m also attending as agent for the Bill.
9. MR PANCHMATIA: My name’s Nayan Panchmatia. I’m in the HS2 land referencing team.
10. MR KELLY: My name is Owen Kelly. I’m responsible for the land referencing from a company called WSP who work on behalf of HS2.
11. MR MILLER: My name is Peter Miller. I’m the Environment and Town Planning Director for High Speed 2.
12. MS CORFIELD-MOORE: My name is Amber Corfield-Moore. I’m the Powers and Consents Manager at High Speed 2.
13. MS THOMAS: My name is Claire Thomas. I’m the interim Head of Powers and Parliamentary Management at HS2.
14. MR AANENSEN: My name’s Mark Aanensen. I’m a parliamentary clerk at Winckworth Sherwoods.
15. MR WHITE: Darren White. Parliamentary clerk at Eversheds Sutherland.
16. MR STANTON: Thank you all very much indeed. I will now briefly explain how the meeting will proceed. The first decision before us is whether the Bill is Hybrid. We have considered this already as Examiners and our conclusion is that it is, indeed, Hybrid because it directly and specially affects private and local interests, for example property owners, along the proposed route of the railway in a way different from how it affects other such persons and interests in the country. We see no reason to hear further evidence on this point and so that will stand as our decision.
17. Our next and main task today is to consider how far the Standing Orders of the two Houses, which thereby apply to the Bill, have been complied with. For the purpose of this Examination, they are private business Standing Orders 4 to 59 in the two Houses and Standing Order 83A in the Lords and Standing Order 224A in the Commons.
18. We shall consider each Standing Order in turn and invite the agents and promoters to prove compliance with it. We will then confer in private at the end of the examination and return to public session with our final view on compliance. And we shall then make a report to the two Houses for the record.
19. Finally, I should say that the proceedings are being webcast, both on video and audio, and that a transcript of today’s proceedings will be published in the coming days on the Parliamentary website.
20. I will now invite Mr Irving to start the proofs, beginning with Standing Order 4. And perhaps after each Standing Order you could pause to allow us to ask any questions that we have before moving on to the next one. Thank you very much.
21. MR IRVING: Thank you. Mr Aanensen, could I ask you, please, to hand in the newspapers? I should mention at this point that, as I think was mentioned in an email last night, what Mr Aanensen has just handed in contains the copies of the actual newspapers, except for five where we have a PDF copy instead. We were expecting that they were supposed to come by guaranteed delivery at 1 o’clock yesterday, the remaining five hard copies of the newspapers. We are expecting they will arrive now this morning. They haven’t arrived yet. Hopefully, they will arrive during the course of the morning and during the course of these proceedings, in which case David Walker will bring them over. But, for the moment, we’re only able to provide PDF copies of those five.
22. MS SALMON PERCIVAL: Would you mind, just for the record, stating which the five newspapers are, please?
23. MR IRVING: Yes. They’re the *Crewe Chronicle* on the two weeks, the *Northwich Guardian* on 3 February, the *Sale & Altrincham Messenger* on 27 January and 3 February.
24. MS SALMON PERCIVAL: Thank you. And the PDFs are taken from where? Are they online? Is that –
25. MR AANENSEN: The PDFs were gained from the advertising companies themselves. So they’re direct PDFs of the insertion in the newspapers.
26. MS SALMON PERCIVAL: Right. So what we haven’t got is anything to show that they’ve actually been put in the newspapers. Is that right?
27. MR AANENSEN: Well, they’ve been directly taken from the PDF copies of the newspapers.
28. MS SALMON PERCIVAL: Fine. Right. Thank you. That was what I was getting at.
29. MR AANENSEN: And, just to update, they have arrived now. So David Walker will be bringing them over at the moment so hopefully we’ll have them by the end of the examination.
30. MR STANTON: Thank you very much.
31. MR IRVING: Mr O’Connor, do you prove that each notice contains a concise summary of the purposes of the Bill?
32. MR O’CONNOR: I do.
33. MR IRVING: And do you also prove, insofar as is required by the Standing Orders, each notice states that, as from 31 January 2022, a copy of the Bill may be inspected and copies obtained at a reasonable price at the locations specified on pages 2 to 7 of the proof?
34. MR O’CONNOR: I do.
35. MR IRVING: And do you prove that these are offices in each of the counties, metropolitan districts, unitary districts and local government areas in which works to which Standing Order 27 applies are to be constructed or lands or rights to use lands are to be compulsorily acquired?
36. MR O’CONNOR: I do.
37. MR IRVING: And do you prove that each notice also states the time within which objections may be made by submission of a petition to the Office of the Clerk of Parliaments or the Private Bill Office of the House of Commons and where information regarding submission of petitions may be obtained?
38. MR O’CONNOR: I do.
39. MR IRVING: And do you prove that each notice is headed by a short title of the Bill and is subscribed with the names of the persons responsible for the publication of the notice?
40. MR O’CONNOR: I do.
41. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time.
42. MR STANTON: Thank you. Chris, would you like to start?
43. MS SALMON PERCIVAL: Yes. Thank you. I wonder if I could bring in Appendix A at the moment because Standing Order 4 and Standing Order 4A are interlinked. And in Appendix A, you have a very helpful table about the deposits of the Bill and, on a small number of occasions, for example Trafford Council, the offices where the notices of the Bill would be available for inspection weren’t open to the public and, therefore, members of the public were redirected to a library instead. And, presumably, the Bill was there and, presumably, that library was open. Does this mean, then, that, strictly speaking, a small number of notices under Standing Order 4 were actually not accurate because they didn’t state the office where the Bill was available for inspection?
44. MR IRVING: Well, they did state offices where it was available for inspection and those included the various libraries to which people were referred when the offices that – in the case of the offices that were temporarily closed. We did also have a note in the newspaper notice to say that – and that is set out in Appendix A – because of the Covid-19 pandemic, deposit locations may have to close temporarily at short notice. So it was making it clear that it might not be possible to inspect them at the offices indicated in the notice.
45. MS SALMON PERCIVAL: Right. So, just for my clarity, even in the circumstances where a council office was closed, for very good reasons to do with Covid, and the members of the public were redirected to a library, both the council office and the library were listed in the notice. So there is no example in the cases where the material wasn’t available at the council offices where there wasn’t also a reference to the alternative location in the notice. So the notice was complete.
46. MR IRVING: That is my understanding, yes.
47. MS SALMON PERCIVAL: Thank you.
48. MR STANTON: And the alternative locations were all in areas of the council offices that were closed, were they?
49. MR IRVING: Yes. That is right. And just to update the note, it refers to Cheshire East Council as one of the ones. The reason why it wasn’t available was that the council office was closed to the public temporarily and they have been asked to refer people to Sandbach Library, which is, again, one of the libraries mentioned on page 2.
50. MR STANTON: Can I ask to do with this? In the case of Cheshire Council you say they’re rectifying the matter. And have you been back to check that it is rectified with your mystery shoppers?
51. MR IRVING: My understanding is that we did check again and they hadn’t rectified it and so that’s why, I think, we’ve asked them to refer people to the Sandbach Library instead.
52. MR STANTON: Right, okay. You say you’ve issued – I think you said you’d issued a reminder about their obligations to some of these place. Is that right?
53. MR IRVING: I think we have – I think we do do that.
54. MS THOMAS: Yes, we do. We’d emailed them. When we found out that they weren’t available for inspection to the mystery shopper, we contacted them and that’s when we established and got confirmation. It’s because they were closed due to the Covid situation.
55. MR STANTON: Right, okay. And are any of them open yet?
56. MS THOMAS: No.
57. MR STANTON: Still not open. Okay. So it remains the case that the notice was directing people to go and look at things in places that are shut, even if there is an alternative available.
58. MR IRVING: That is right, yes.
59. MR STANTON: Okay.
60. MR IRVING: Although the notice did warn people that that might be the case.
61. MR STANTON: Okay. Thank you. And all the redirected places are open.
62. MR IRVING: That’s right.
63. MR STANTON: Okay. Thank you. Still on this one, may I ask that – you say the materials were available from 31 January but the Bill was presented on the 24th and printed on 25 January. Was there a reason for the gap of about a week?
64. MR IRVING: Yes. The reason for that was to – there was – when the environmental statement was initially lodged, there was a missing map. That was rectified and included and made available by 31 January. So we had only deposited that by 31 January. The reason why the newspaper notice referred to 31 January is to allow time to make those deposits.
65. MR STANTON: Thank you very much. Can I ask how many copies you’ve sold?
66. MS THOMAS: So far we’ve had four orders on our online shop.
67. MR STANTON: Right. And what is the reasonable price that you’re charging?
68. MS THOMAS: Each document has a different price.
69. MR STANTON: Alright.
70. MS THOMAS: So –
71. MR STANTON: Give us some examples. What’s the Bill? The Bill’s probably on the back of it but what about the non-technical summary, for example?
72. MS THOMAS: To be honest, I don’t know off the top of my head because every item that’s on the USB stick has an individual price. So there’s over 300 items. It’s an online portal. It’s like a shopping trolley. You can click on what you want and it goes into the shopping bag.
73. MR STANTON: Okay. Right. If you’ve got any examples you’re able to – prices you’re able to find while we’re still meeting –
74. MS THOMAS: We have a price list.
75. MR STANTON: You can come back at the end.
76. MS THOMAS: We have a price list we can give you.
77. MR STANTON: Okay. Thank you very much. And how many electronically have you provided? Do you know?
78. MS THOMAS: So we had four orders on our online shop. And then we’ve had 40 requests via our helpdesk that have asked for information and that’s been varied between hard copies that people have wanted and us directing people to .gov.uk.
79. MR STANTON: Okay. Was there anything else on –
80. MS SALMON PERCIVAL: Not on Standing Order 4.
81. MR STANTON: Okay. Thank you. We’ll reflect on these points that you’ve made at the end. Thank you very much indeed.
82. Move on to 4A now. Thank you very much.
83. MR IRVING: Ms Thomas, do you prove that copies of the Bill were made available in the manner and at the offices mentioned in the notices?
84. MS THOMAS: I do.
85. MR IRVING: And, in relation to that, I think we’ve already drawn your attention to the mystery shopper exercise and the results of that. I’m not sure whether you had any further queries on that.
86. MS SALMON PERCIVAL: If I may ask a question. I think here the proof isn’t quite as the Standing Order states. The Standing Order requires the Bill to be deposited at an office within the relevant areas. The proof says that copies of the Bill were made available in the manner at the offices mentioned in the notices. Now technically that isn’t right, I believe, because there are some offices where it wasn’t available that are listed in the notice and they weren’t available because the offices were closed. Is that right?
87. MR IRVING: I think we would say that the promoters did make them available at those locations but the relevant local authorities have not made them available for inspection. So I think as regards the promoters’ compliance with the Standing Order I think we have done that.
88. MS SALMON PERCIVAL: Right. Standing Order 4A paragraph (1) says, ‘Copies shall be made available for inspection at’, and then looking at sub para (d), ‘at an office in each of the counties’, etc. Now, that’s what you’ve done. That’s what the list shows. I suppose I’m querying what the proof actually says now and perhaps a mismatch between the proof and the Standing Order because the Standing Order doesn’t actually – Standing Order 4A – reference the notices. Do you understand the point I’m making? So Standing Order 4A requires that the Bill be made available for inspection at certain offices and Standing Order 4 says the notice has to say the offices where it is available. But, actually, the proof as drafted, so in a way I’m following up a point that’s perhaps unnecessary, the proof as drafted says that the Bill was made available in the manner and at the offices mentioned in the notices. And it wasn’t available for inspection at all of those offices. But I see no need to pursue this point because I think it's to do with the drafting of the proof, not to do with compliance with Standing Orders. So I won’t take that point any further but it may be a point that we might think about in the drafting of the proof in the future.
89. MR IRVING: Yes. Thank you. Well, we certainly can prove, in any case, that it was made available for inspection at an office in each of those areas.
90. MS SALMON PERCIVAL: Thank you.
91. MR IRVING: I consider that the Standing Order has been complied with in all respects except as regards time.
92. MS THOMAS: I do now have an update on the price list if that’s useful.
93. MR STANTON: Okay. Thank you very much.
94. MS THOMAS: So just some examples. So the non-technical summary we charge £3.50 for. Community area reports range from £6 to £8 and the map books are £7. We charge £25 for the USB stick and, for example, the plans, Parliamentary Plans Volume 1 is £14. And we don’t charge for copies of the Bill or the explanatory notes.
95. MR STANTON: Thank you. That’s helpful. And, just for the record, the non-technical summary is something between 150 and 200 pages from memory. Is that right?
96. Ms THOMAS: Right.
97. MR STANTON: You’re saying that £3.50 is a reasonable price for a colour document of up to 200 pages. Thank you very much. Okay. Thank you for that.
98. Anything else on 4A?
99. MS SALMON PERCIVAL: No.
100. MR STANTON: Nothing? No. Okay. Thank you very much indeed.
101. So, Mr Irving, we can move to 5 then, I think. Thank you.
102. MR IRVING: Thank you. Mr O’Connor, do you prove that each notice contains the names of the districts and parishes in which any lands or works are or will be situated in respect of which plans are required to be deposited and the other information that is set out on page 8 of the proof?
103. MR O’CONNOR: I do.
104. MR IRVING: I consider that this Standing Order has been complied with.
105. MR STANTON: Chris, do you have anything…?
106. MS SALMON PERCIVAL: No questions, thank you.
107. MR STANTON: Not a point on that. Thank you. Let’s move on to the next.
108. MR IRVING: As regards Standing Order 6, I prove this Standing Order is not applicable to the Bill.
109. MR STANTON: Thank you.
110. MR IRVING: Standing Order 7. Mr O’Connor, do you prove that each notice specifies, by reference to the deposited plans, the information set out on page 8 of the proof?
111. MR O’CONNOR: I do.
112. MR IRVING: I consider that this Standing Order has been complied with.
113. MS SALMON PERCIVAL: If I may ask a question.
114. MR STANTON: Yes. Please do come in.
115. MS SALMON PERCIVAL: Just looking at the proof, and I just wondered why the words in square brackets in the first line have been deleted.
116. MR IRVING: I think that this is – that the lines that are deleted refer to a case where it is intended to run on the tramway, carriages or trucks adapted for use upon railways. And I think that is not – I don’t think that is the case here. I think that is the reason why that has been deleted.
117. MS SALMON PERCIVAL: Thank you.
118. MR STANTON: Chris, were you also asking about the words ‘insofar as is required by the Standing Orders’?
119. MS SALMON PERCIVAL: In the first line.
120. MR STANTON: In the first line rather than the – with the deletion later on we can see the point of that.
121. MR IRVING: I think –
122. MS SALMON PERCIVAL: It may be that those words are otiose.
123. MR IRVING: Yes. I’m just trying to think what they would have actually added. I certainly don’t think they’re necessary here because we have complied with the Standing Order.
124. MR STANTON: The only thing in 7 that it says is, ‘Where it is proposed to authorise the construction of the tramway’. You are at some places proposing to authorise the construction of the tramway through this Bill. So anyway, I’m not sure that much turns on it but I think we were just interested to know if there was something significant intended by it.
125. MR IRVING: Yes. Sorry, Mr White has just explained now the reason for that. The requirement under the Standing Orders is to publish just in the newspaper in the relevant area. In fact, we’ve published this information in the newspapers in all areas. So we’ve gone beyond what is required by the Standing Order. That is the –
126. MS SALMON PERCIVAL: Very helpful.
127. MR STANTON: Thank you. So it can only be a benefit to people’s knowledge but there was something behind it. Thank you very much indeed.
128. MR IRVING: There was an explanation for that.
129. MR STANTON: Nothing else on 7 I don’t think, Chris.
130. MS SALMON PERCIVAL: No.
131. MR STANTON: Thank you. Let’s move to 8.
132. MR IRVING: Mr O’Connor, do you prove that each notice specifies the gauge to be adopted for the proposed tramway or tram route and the motive power to be employed?
133. MR O’CONNOR: I do.
134. MR IRVING: And I think it will be the same reason for the deletion of those words ‘insofar as is required by the Standing Orders’.
135. MR STANTON: Can you just – are you able to point us to which paragraph of the notice that’s in? I’ve got one of the notices.
136. MR O’CONNOR: Paragraph 4.
137. MR STANTON: Paragraph 4. Thank you very much indeed. Okay. Thank you very much indeed.
138. MR STANTON: And that’s standard gauge.
139. MR O’CONNOR: Yes.
140. MR IRVING: I consider this Standing Order has been complied with.
141. MR STANTON: Fine. Thanks. Nothing else, Chris?
142. MS SALMON PERCIVAL: No.
143. MR STANTON: No. Thank you very much.
144. MR IRVING: Standing Order 9. I prove that this Standing Order is not applicable to the Bill. Standing Order – are we happy to move on to Standing Order –
145. MR STANTON: Happy to go to 10. Sorry, I will say more clearly or more loudly.
146. MR IRVING: Standing Order 10. I prove that the Bill is not promoted by a local or joint authority.
147. I also prove that the principal office of the Minister in charge of the Bill is situated in the London Borough of the City of Westminster.
148. Mr White, do you prove that the newspaper 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?
149. MR WHITE: I do.
150. MR IRVING: And do you also prove that the several newspaper notices are in the same terms?
151. MR WHITE: I do.
152. MR IRVING: Mr Panchmatia, do you prove that the Bill relates to works which are to be and lands which are situated in the counties of Lancashire and Cumbria, the metropolitan district of the City of Manchester, the Metropolitan Borough of Trafford, the Metropolitan Borough of Salford and the Metropolitan Borough of Wigan, unitary districts of Borough of Cheshire East, Borough of Cheshire West & Chester, the Borough of Warrington, the Borough of South Ribble, the City of Preston and the City of Carlisle and the local government area of Dumfries and Galloway?
153. MR PANCHMATIA: I do.
154. 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?
155. MR PANCHMATIA: I do.
156. MR IRVING: Mr White, do you prove that the newspaper notices marked severally 1 to 2 previously handed in was duly published in the area of the said local authorities once in each of the two consecutive weeks with an interval of not less than six clear days between the two publication dates?
157. MR WHITE: I do.
158. MS SALMON PERCIVAL: Could I just ask there? You said 1 to 2 but, actually, it’s 1 to 26.
159. MR IRVING: Sorry, 1 to 26. Sorry.
160. MS SALMON PERCIVAL: And, actually, those 26 include the missing newspaper notices which I think may have arrived.
161. MR STANTON: Are you able to hand them in? That completes the set, then. Thanks, Chris.
162. MS SALMON PERCIVAL: Thank you.
163. MR IRVING: Mr White do you prove that the several newspapers are in the same terms?
164. MR WHITE: I do.
165. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time.
166. MR STANTON: Nothing more to raise, Chris?
167. MS SALMON PERCIVAL: No.
168. MR STANTON: Thank you very much. And we can move to 10A, then. Thank you.
169. MR IRVING: Mr Aanensen, could you hand in the list? The list marked A, sorry.
170. MR STANTON: Thank you very much. Please continue and then we may have something to ask at the end.
171. MR IRVING: Mr Aanensen, 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 works will be situated?
172. MR AANENSEN: I do.
173. MR IRVING: Ms Thomas, 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?
174. MS THOMAS: I do.
175. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time.
176. MR STANTON: Thank you. Chris, have you –
177. MS SALMON PERCIVAL: May I ask if you could tell me what the ‘reasonable endeavours’ involved?
178. MS THOMAS: Yes, of course. So it involved a number of steps. So pre-Bill deposit we wrote to all of the deposit locations informing them that we were planning to deposit a Bill and we explained to them the process of their requirements of displaying and making the material readily available. With that we also produced an easy-read document, which clearly and simply sets that out in plain language that we also provided to them. And we also reminded them of their responsibilities in the cover letter that got sent to them along with the material.
179. Post deposit, that was our mystery shopper exercise that visited the locations to check. We provided the newspaper notice to the mystery shopper so if they were at a location where it wasn’t displayed they could ask for it to be put up and be there where it is displayed. And we also made sure that we remedied any issues that were found at mystery shopper such as locations being closed.
180. MS SALMON PERCIVAL: And did you go back again? Were the notices checked that they weren’t taken down?
181. MS THOMAS: So we only did the mystery shopper exercise once because all of the locations – every local authority area had a notice up for that duration so we didn’t need to go back.
182. MS SALMON PERCIVAL: Thank you.
183. MR STANTON: Was there anything to tell people where these notices were, as it were? I mean, they’re places where the public can have access by definition but if you – I don’t know if there’s any way in which it’s possible to know where they are. Maybe also say how you chose them.
184. MS THOMAS: Yes. So it’s up to the deposit locations to find the location and put it up at their location. So it wasn’t something that we knew beforehand. But, of course, when people visited the location if they wanted to view it they could ask to see, ask where it was. But I think in cases of the library, there’s standard noticeboard areas where they could be displayed.
185. MR STANTON: And quite a lot of them are libraries. I can see why you might have chosen them. One or two not. Anything you want to add about the reasons for the choice of some of these?
186. MS THOMAS: The libraries were either nominated by the deposit locations as an extra location or they were just the closest – they are the libraries in the local authorities affected to the deposit locations –to the local authority offices or parish councils.
187. MR STANTON: Right. Anything else, Chris?
188. MS SALMON PERCIVAL: No, thank you.
189. MR STANTON: Right. Thank you. We can move to 11, please.
190. MR IRVING: Mr Aanensen, can you produce the London and Edinburgh Gazettes of 25 January? Mr O’Connor, do you prove that insofar as is required by the Standing Orders each such notice states the information set out on page 11 of the proof?
191. MR O’CONNOR: I do.
192. MR IRVING: I consider the Standing Order is being complied with in all respects except as regards time.
193. MR STANTON: Thank you. Anything for you, Chris?
194. MS SALMON PERCIVAL: May I ask just for the record? I think I know the reason for this but why was a notice included in the *Edinburgh Gazette*?
195. MR IRVING: Well, we do have, in this case, works in Scotland.
196. MS SALMON PERCIVAL: Can you tell me what they are?
197. MR IRVING: Yes. They are works in connection with a depot at Annandale, which is to be used for stabling trains.
198. MS SALMON PERCIVAL: Thank you very much.
199. MR STANTON: Thank you.
200. MR IRVING: It’s not that the railway is going to Scotland.
201. MR STANTON: Thank you very much. We can move on to 12. Thank you.
202. MR IRVING: Mr Kelly, do you prove that on 12 January 2022 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 tramway and underground railway, for directions as to the manner in which the notice required by Standing Order 12 was to be posted?
203. MR KELLY: I do.
204. MR IRVING: And do you prove that the notice required by Standing Order 12 was kept posted in the places for the duration and in the manner specified on page 12 of the proof?
205. MR KELLY: I do.
206. MR IRVING: Do you prove that, in the case where no directions were received from the relevant authority within the time limit, the notice required was posted in some conspicuous position in every such street or road?
207. MR KELLY: I do.
208. MR IRVING: And do you prove that the notice stated the place or places at which plans of the tramway and underground railway would be deposited for public inspection under Standing Orders 27 and 36 with the local government offices for areas comprising the street or road or any part of it?
209. MR KELLY: I do.
210. MR IRVING: I consider that this Standing Order is being complied with in all respects except as regards time.
211. MR STANTON: Thank you. Chris, did you have something?
212. MS SALMON PERCIVAL: Yes. Thank you. I’d like to ask a question to clarify for my own purposes, if I may. Now, the Standing Orders which include dates applicable to Private Bills, if this were a Private Bill then the application would be made on 12 November and notices posted on 20 November and the Bill deposited on the 27th. That’s if it were a Private Bill. In this case, the application was made on 12 January and notices posted on 28 January. That’s a bigger gap. That’s a gap of 16 days rather than eight days. And also the notices are posted after the Bill was introduced. So the time gap is different from the time gap of a Private Bill. Is there any issue in that? Would anyone be harmed by that difference? I’m asking this in the genuine spirit of enquiry.
213. MR IRVING: I think it gives the local authority more time to get back with directions and, from that point of view, I don’t think extending that period causes any harm. In fact, it’s probably helpful.
214. MS SALMON PERCIVAL: And the fact that it happens in a period during which the Bill is introduced rather than a period before a Bill is deposited, if it were a Private Bill, again do you think any detriment would result from that? And, again, I ask in the spirt of genuine enquiry.
215. MR IRVING: I don’t think so because the petitioning period in the case of a Hybrid Bill is not triggered by the introduction of the Bill. So I don’t think that makes any difference.
216. MS SALMON PERCIVAL: Yes. I understand your answer and thank you for that clarification.
217. MR STANTON: Anything else, Chris, on this one?
218. MS SALMON PERCIVAL: No, I haven’t thanks, Chris.
219. MR STANTON: I was just, again slightly for the record, going to ask you – there’s a reference in this proof to underground railway. Are you able just to tell us what the nature, location and extent of the underground railway is, please?
220. MR IRVING: Yes. The underground railway is – there is an underground railway, first, at the Crewe tunnel at the start of this railway. And then, secondly, when the railway comes into Manchester.
221. MR STANTON: Thank you.
222. MR IRVING: As to the length of those areas of tunnel, I’m not sure whether anyone here knows –
223. MR STANTON: There are two places where it’s going underground. Thank you very much.
224. MR IRVING: Yes.
225. MR STANTON: We can move on to 12A, then. Thank you very much.
226. MR IRVING: Mr Aanensen, can you hand in the list marked B?
227. MR STANTON: Thank you. Do you want to begin with the –
228. MR IRVING: Yes. Mr Kelly, do you prove that between 25 and 28 January 2022 the notice required by Standing Order 12A was displayed in a prominent position at each end (‘the notifiable end’) of the part of the footpath or bridleway proposed to be stopped up or diverted, except in those cases listed in list marked B where the notifiable end was not reasonably accessible or its exact location not readily visible? In those cases the notice required was kept posted in a prominent position in some other place where the notice was likely to come to the attention of persons seeking to use the footpath or bridleway.
229. MR KELLY: I do.
230. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time.
231. MR STANTON: Thank you. Chris, did you have anything on this one?
232. MS SALMON PERCIVAL: Two points, if I may. Just a query about what appears to be quite a long list of footpaths where it’s not clear where the end is. As a proportion of footpaths, is that a large proportion?
233. MR KELLY: It’s under half of the footpaths that were notified. I think, in a number of cases, the notifiable end itself sits within the middle of a field or something similar. So a lot of the cases is that we’ve put the notice up where the footpath enters said field as opposed to on a stake in the middle of it, which might anger a farmer more than they already are. So that was generally where that’s happened. And, in some cases, there is just a matter of metres as to where the notifiable end is and they’re not generally on a large scale.
234. MS SALMON PERCIVAL: Lovely. Thank you. And could I ask whether or not any efforts were made to ensure that the notices stayed up?
235. MR KELLY: Yes. And that’s an ongoing exercise. There’s a monitoring programme going on and, if required, replacements are put in place of each specific notice. We’re going three or four times a week checking that they are remaining in place. There has been some issues with the weather not helping us in terms of – rather than notices being removed by persons it’s been by named storms. So we have had to go out and do more intensive monitoring to make sure that they maintain in place after they’ve come down because of the weather that’s caused a bit of a problem over the past few weeks.
236. MS SALMON PERCIVAL: Thank you. Three or four times a week sounds like proper –
237. MR KELLY: Well, that’s about the number of storms I think at the moment.
238. MS SALMON PERCIVAL: I notice that the Standing Order refers to the notices being required to be kept posted rather than just posted, so thank you. That was a very helpful answer.
239. MR KELLY: That’s okay.
240. MR STANTON: Anything else, Chris?
241. MS SALMON PERCIVAL: No, thank you.
242. MR STANTON: Can I ask how long you’re going to keep these efforts up to make sure they’re still there?
243. MR KELLY: I think until 12 March is the intention to keep that –
244. MR STANTON: Until March. But that’s quite a long way in advance of any likely petitioning period, I suppose, but – okay.
245. MR KELLY: Yes.
246. MR STANTON: Okay. Anyway, that’s the answer. Thank you very much indeed. There were two or three of them on this list where it says ‘Footpath not on definitive map’. What’s that getting at in those cases?
247. MR KELLY: Yes. In those cases if you go to inspect the definitive map at the relevant local authority the footpath won’t be listed on there but there is an assumed footpath in those locations. So what we’ve done is we’ve put notices up for those locations. So if you were to look on an Ordnance Survey map, for example, of that area, it wouldn’t be shown on that as being an existing footpath but it is being used as a footpath currently. So we made sure that they were notified as well.
248. MR STANTON: Okay. Thank you very much. And there weren’t any cases where there’s something shown on the map but it just doesn’t exist in real life as a used footpath?
249. MR KELLY: I think there’s some that could improve their maintenance perhaps.
250. MR STANTON: Okay.
251. MR KELLY: Yes, I mean, in all cases – and in some cases I think the definitive map record is slightly off where the actual path itself actually sits in a field. But –
252. MR STANTON: There’s flexibility in that Standing Order to put it in a sensible place where people are going to notice it anyway.
253. MR KELLY: Yes.
254. MR STANTON: Thank you. I don’t have anything else on that one, so thank you. We can move to the next, 13.
255. MR IRVING: Mr Aanensen, can you hand in the lists marked C1, C2, C3 and C4?
256. MR STANTON: I don’t think you can wait for us to go through each before you start speaking so please do speak and we’ll come in at the end. Thank you.
257. MR IRVING: Mr Kelly, do you prove that on 27 January and between 2 to 4 February 2022 as regards those lists 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?
258. MR KELLY: I do.
259. MR IRVING: Do you prove in the case of notices forwarded by post such notices were posted on 27 January and between 2 to 4 February 2022 and that 64 of such notices were returned by the Post Office as undelivered?
260. MR KELLY: I do.
261. MR IRVING: And we do have a note on the returned notices, Appendix B, which explains in relation to the 64 notices which were returned what we did with those.
262. MR STANTON: Thank you. Yes, we’ve seen that. Chris, I think you were wanting to come in on this.
263. MS SALMON PERCIVAL: Yes. Could I ask just a small number of questions about Appendix B, please? My first question is that, on a number of occasions, you say, ‘A party no longer has an interest’. And then on one occasion, ‘Although parties no longer had an interest, newly identified interests were served’. What does, ‘The party no longer has an interest’ mean? Do you mean that the person has relinquished any ownership of the property?
264. MR KELLY: Yes. Yes, that they’ve informed us on investigation. Once we get the returns notice we investigate the reasons behind that. And we’ve had some parties have told us that, ‘We no longer hold an interest in this land and it’s owned by Party X’, or whatever it is. And, therefore, we’ve either already notified them for that or we then have to subsequently send a further notice if that was required.
265. MS SALMON PERCIVAL: Right, thank you. My second question is about the last bullet point in Appendix B where you mention that ‘Five parties no longer had an interest and after further investigation three new parties were identified’. Are you satisfied that, whatever you did to undertake those further investigations that revealed three new parties, that there is no further work that could have been done in relation to any other unknown parties? Because I think there are one or two examples where the interested person wasn’t known.
266. MR KELLY: I think in that specific case there were – I think two of them were in the same property and they were replaced by a single entity. And that’s why the numbers don’t match.
267. MS SALMON PERCIVAL: Right.
268. MR KELLY: It was – in that case, those five parties that no longer had an interest – the three new parties were the correct for each interest that was held. So it was the correct number. It doesn’t look right because the numbers slightly don’t tally but, from the investigations that we did, we found, I think, a company had taken over control of the freehold of a property so –
269. MS SALMON PERCIVAL: And then my final question is that, by and large, the vast majority, as we’ve seen by these very long lists, of notices involved using some sort of signed-for process but on a couple of occasions you’ve used first-class post. And I was wondering why you’d used only first-class post and how you could be satisfied that the notice sent by first-class post had actually been received by the recipient?
270. MR KELLY: I think in the cases were we just used first-class post that’s where we had, after initial delivery by a registered method, there was a refusal to accept the notice – because it comes in an envelope that informs you that it is regarding your land with a return address for HS2. So, in some cases, there was a refusal to sign for the document. So to ensure that the document would arrive without the chance of refusal we sent it first class.
271. MS SALMON PERCIVAL: That’s interesting. So, in those cases, the person to whom the document was addressed would have been on notice that there was something that HS2 was trying to give to them, then.
272. MR KELLY: Yes. I mean, they would have – I think they refused signature at the door as opposed to not picking it up – being out and not picking it up – it was a specific one of the cases where someone said, ‘I’m not signing for that.
273. MS SALMON PERCIVAL: Right. That’s a very interesting explanation. Thank you.
274. MR STANTON: Nothing else, Chris?
275. MS SALMON PERCIVAL: No, not from me.
276. MR STANTON: Thank you very much indeed. I don’t have anything to add on that. Thank you very much. I’ll move on to the next one.
277. MR IRVING: Just going over the page to ask Mr Kelly just to prove that the lists marked C1, C2, C3 and C4 contain the names of the persons specified on page 14 of the proof.
278. MR KELLY: They do.
279. MS SALMON PERCIVAL: Actually, I have one further question, if I may, and it is an incredibly detailed point and there might simply be a formatting point. Looking at Appendix B, at the bullets five up and four up from the bottom where it says, ‘One notice was returned on 2 February, etc. Those two bullets say exactly the same thing, whereas all the other bullets are distinguishable. I was wondering whether that was just a repetition or intended to be separate.
280. MR KELLY: I think that’s a repetition, because I think if you do the maths, it does add up to 64 and with that repetition it would actually be 65 which is not the case, it was 64.
281. MS SALMON PERCIVAL: Right, okay.
282. MR KELLY: My proofing, apologies.
283. MS SALMON PERCIVAL: No, not at all.
284. MR STANTON: Thank you for spotting that.
285. MR STANTON: I make it 64 but actually –
286. MS SALMON PERCIVAL: I think nothing turns on that point.
287. MR STANTON: Okay. Alright.
288. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time. Thank you.
289. MR STANTON: Thank you. We can move on to 14 then on frontagers.
290. MR IRVING: Mr Aanensen, can you hand in the list marked D? Thank you. Right, Mr Kelly, do you prove that on 27 January 2022 as regards the list marked D you gave notice in writing to the parties mentioned in such list in accordance with Standing Order 22 and 24 that stated the intention set out on page 14 of the proof?
291. MR KELLY: I do.
292. MR IRVING: And do you prove that in the case of the notices forwarded by post and shown in list marked ‘D’ that such notices were posted on 27 January 2022 and none of such letters were returned by the Post Office as undelivered?
293. MR KELLY: I do.
294. MR IRVING: And do you prove that the list marked ‘D’ contains the names of all the persons described on page 14 of the proof?
295. MR KELLY: I do.
296. MR IRVING: I consider that the Standing Order has been complied with in all respects except as regards time.
297. MR STANTON: Chris, is there anything you want to –
298. MS SALMON PERCIVAL: Nothing from me, thank you.
299. MR STANTON: No, I don’t have anything either, so thank you. If we can move to 15.
300. MR IRVING: Mr Aanensen, can you hand in the list marked E. Mr Kelly, do you prove that on 27 January 2022 as regards the list marked E, you gave notice in writing to the party mentioned in such list in accordance with Standing Orders 22 and 24 that stated the intention to apply for a Bill whereby it’s proposed to authorise the construction of a tramway otherwise affecting or interfering with a tramway and that the notices stated the place or places at which plans of the proposed tramway had been or would be deposited for public inspection?
301. MR KELLY: I do.
302. MR IRVING: Do you prove that the list marked E contains the names of all the persons described on page 15 of the proof?
303. MR KELLY: I do.
304. MR IRVING: And do you prove that in the case of the notices forwarded by post and shown in the list marked E that such notices were posted on 27 January 2022 and none of such letters were returned by the Post Office as undelivered?
305. MR KELLY: I do.
306. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regard to time.
307. MR STANTON: Thank you. It’s not a particular Standing Order compliance point but this is Transport for Greater Manchester Ltd who operate the tram; this won’t be the full extent of your involvement with them though, I’m sure.
308. MR IRVING: No.
309. MR STANTON: Thank you very much. We can move to the next, 16. Thank you.
310. MR IRVING: I prove that the Standing Order is not applicable to the Bill. The same with 17 and with 18, and 19, and 19A, and 20 –
311. MR STANTON: 19B as well.
312. MR IRVING: Yes. 19B, sorry. 20 and 21. Standing Order 25.
313. MR STANTON: For the record, 22-24 do not need to be separately proved.
314. MR IRVING: Yes. Mr Aanensen, can you produce a certificate signed by the city solicitor at Manchester City Council, which is the relevant local authority, as testimony of the consent of the said local authority to the Bill? I consider that this Standing Order has been complied with.
315. MR STANTON: Thank you. Chris, did you have anything on this?
316. MS SALMON PERCIVAL: No.
317. MR STANTON: Thank you very much. We can move to 25A.
318. MR IRVING: I prove that this Standing Order is not applicable to the Bill. And compliance with Standing Order 26 does not have to be separately proved. Standing Order 27 must be proved that between 25 and 28 January you deposited, in accordance with the Standing Order 26, the documents listed A-D on page 24 of the proof with the proper offices of the councils specified on that –
319. MS THOMAS: I do.
320. MR IRVING: – page of the proof. And do you prove that any deposit is accompanied by a schedule of documents, listing the documents so deposited?
321. MS THOMAS: I do.
322. MR IRVING: Do you prove that the said proper offices are the proper offices of the counties, metropolitan district, unitary districts and local government area 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.
323. MS THOMAS: I do.
324. MR IRVING: Mr White and Ms Thomas, in respect of deposit with both Houses of Parliament, and Ms Thomas, in respect of the deposit at Government departments and public bodies, do you prove that on 24 January, you 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 Parliaments and the Private Bill Office of the House of Commons, and between 25 and 31 January at the relevant Government departments and public bodies specified in the list kept under Standing Order 1A?
325. MR WHITE: I do.
326. MS THOMAS: I do.
327. MR IRVING: Ms Corfield-Moore, 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 tramroad delineated on them so as to show its general course or direction?
328. MS CORFIELD-MOORE: I do.
329. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards to time.
330. MR STANTON: Chris, did you have anything there?
331. MS SALMON PERCIVAL: No, thank you.
332. MR STANTON: I think you asked Mr White to respond to the one there, but I think I thought I’d heard Mr O’Connor replying, but was I – no, I was just dreaming though. Thank you very much.
333. MR IRVING: I think it was Mr White.
334. MR STANTON: Thank you very much, must have made a mistake. Thank you. I’ll blame the sound in the room. Thank you so much. We can move to 27A unless there’s anything from Chris.
335. MS SALMON PERCIVAL: No.
336. MR STANTON: Thank you.
337. MR IRVING: Mr White, Ms Thomas and Ms Corfield-Moore, in respect of deposit with both Houses of Parliament, Ms Thomas, in respect of deposit at Government departments and public bodies, and Mr Miller, in respect to the content of the environmental statement, do you prove that on 24 and 26 January you made the deposits mentioned on page 25 of the proof?
338. MR WHITE: I do.
339. MS THOMAS: I do.
340. MS CORFIELD-MOORE: I do.
341. MR IRVING: And Mr Miller, do you prove that the 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?
342. MR MILLER: I do.
343. MR IRVING: Ms Thomas, do you prove that every environmental statement deposited and every non‑technical summary were made available for inspection and for sale at a reasonable price at the offices referred to in Standing Order 27A(7) of the House of Lords and Standing Order 27A(8) to the House of Commons?
344. MS THOMAS: I do.
345. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regard to time.
346. MR STANTON: Thank you. Chris, did you want to ask on this one?
347. MS SALMON PERCIVAL: Yes, thank you. When we were looking at Standing Order 4 and you were asked why the Bill wasn’t made available until 31 January, you mentioned that the environmental statement had originally been deposited with a missing section.
348. MR IRVING: Yes.
349. MS SALMON PERCIVAL: For the purposes of this Standing Order, are you able to confirm that the deposited environmental statement that has been proved to have been deposited on 24 and 26 January was complete?
350. MR IRVING: That’s right, because that’s why I think two dates are mentioned there. And the second date is when the deposit was completed by the addition of that missing material.
351. MS SALMON PERCIVAL: Right, thank you very much.
352. MR STANTON: That’s 26 January?
353. MR IRVING: Yes, that’s right.
354. MR STANTON: Okay, thank you. Can I ask, unless Chris has anything more –
355. MS SALMON PERCIVAL: No.
356. MR STANTON: You prove that the environmental information deposited was prepared by persons who have sufficient expertise to ensure the completeness and quality of the information. Please could you say for the record who they are and how you assessed their expertise and assured yourself of that.
357. MR MILLER: We procured competent organisations as part of the practice of developing HS2, and those competent organisations are well versed in the practice of EIA in the UK and beyond. They also provide competent specialists for all relevant topics under EIA and those competent experts sign off on – sign off the documents themselves. And there’s a list of those responsible people on gov.uk.
358. MR STANTON: Right, thank you.
359. MR MILLER: You asked about –
360. MR STANTON: I can’t look it up right now, but are you able to – I don’t know if these are all individuals or if they’re actually firms involved as well.
361. MR MILLER: You asked about the organisations. They include organisations like Arup, Environmental Resources Management (ERM), Jacobs, amongst others.
362. MR STANTON: Thank you. And can I ask what the reasonable price was for the statement, if anyone has that? When you said it was for sale at a reasonable price.
363. MR MILLER: I think we dealt with that.
364. MS THOMAS: Yes, so that would be –
365. MR STANTON: Same as before, was it?
366. MS THOMAS: Yes it is because each document’s got an individual price.
367. MR STANTON: You gave some examples of prices earlier, so the non-tech summary was £3.50 or something, wasn’t it? Chris, that’s everything?
368. MS SALMON PERCIVAL: Yes.
369. MR STANTON: Thank you. We can move to the next one. Thank you.
370. MR IRVING: Mr White, Ms Thomas in respect of deposit in both Houses of Parliament, and Ms Thomas in respect of deposit at Government departments and public bodies, do you prove that on 24 January you deposited, in accordance with Standing Order 26, copies of an ordnance map in the office of the Clerk of the Parliaments and Private Bill Office of the House of Commons, and between 25 and 31 January at the specified Government departments and other public bodies mentioned on pages 25 and 26 of the proof?
371. MR WHITE: I do.
372. MS THOMAS: I do.
373. MR IRVING: Ms Corfield-Moore, do you prove that the ordnance map so deposited on a scale of not less than 1/10,000 with the line of the proposed tramway or trolley vehicle system marked on it?
374. MS CORFIELD-MOORE: I do.
375. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regard to time.
376. MR STANTON: Thank you. And just for the record, there’s no trolley vehicle system, it’s just a tramway we’re talking about here, isn’t it? Thank you. Chris, anything else?
377. MS SALMON PERCIVAL: Nothing from me, thanks.
378. MR STANTON: Thanks very much. We can move on to the next one. Thank you.
379. MR IRVING: Standing Order 30. I prove that this Standing Order is not applicable to the Bill. Similarly, Standing Order 30A, Standing Order 31, Standing Order 32. Moving then to Standing Order 33, Ms Thomas, do you prove that between 25 and 28 January you deposited, in accordance with Standing Order 26, a copy of the deposited plans and sections as relate to the portion of any work affecting the banks, foreshore or bed of any river at the Environment Agency, being the relevant public body specified in the appropriate list kept under Standing Order 1A?
380. MS THOMAS: I do.
381. MR IRVING: And do you prove that the depth of every proposed tunnel below the bed of any river, or the span and headway of every proposed bridge over every river, included in the plan, are marked on the copies of the plan so delivered or sent?
382. MS THOMAS: I do.
383. MR IRVING: And do you prove the plan is based on an ordnance map and therefore there is no requirement for an ordnance map to be deposited under paragraph 2 of this Standing Order?
384. MS THOMAS: I do.
385. MR IRVING: I consider this Standing Order as being complied with in all respects except as regards time.
386. MR STANTON: Just again a minor point, the proof that was read out says that, ‘between 25 and 28 January you deposited a copy’. Was there a particular date on – do you know the particular date on which this happened?
387. MS THOMAS: We delivered it on the 25th and the 28th because the 28th was a second delivery containing the environmental statement map book that was not included on the 25th.
388. MR STANTON: Okay. There were actually two waves of it.
389. MS THOMAS: Yes.
390. MR STANTON: Okay, thank you very much indeed. We can move to the next one.
391. MR IRVING: Ms Thomas, do you prove that between 25and 31 January you deposited, in accordance with Standing Order 26, a copy of the deposited plan section (if any) and book of reference together with a copy of any ordnance map marked in accordance with Standing Order 34(b) at the Government departments and other public bodies specified on page 99 of the proof?
392. MS THOMAS: I do.
393. MR IRVING: I consider this Standing Order has been complied with in all respects except as regards time.
394. MR STANTON: Chris, anything?
395. MS SALMON PERCIVAL: Nothing from me. Thank you.
396. MR STANTON: No? Nor, me. Thank you very much. We can move to the next.
397. MR IRVING: Standing Order 35. I prove that this Standing Order is not applicable to the Bill. Standing Order 36, Mr Aanensen, can you hand in the list marked F? Okay.
398. MR STANTON: Yes, we’re ready.
399. MR IRVING: Ms Thomas, do you prove that between 25 and 28 January 2022 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 (except in the case of two parishes where no relevant offices exist), mentioned in the list marked F.
400. MS THOMAS: I do.
401. MR IRVING: We have – that addition to the proof which refers to two parishes where no relevant offices exist is explained in a note which we have submitted. It seems that they’re, as you’ll see from the note, it seems that there were two parishes where there is no parish council or officers with whom the plan section, book of reference could be deposited, so we actually made them available at a library in the same – as close as possible to the parish.
402. I think that explains what’s happened. I think we would take the view that it is not – there hasn’t been a non-compliance with the Standing Order because it was impossible to deposit these documents with offices of a council that doesn’t exist.
403. MR STANTON: So you’re saying that you consider the Standing Order has been complied with except as to time, is that – but maybe you’re about to reach that point.
404. MR IRVING: I was about to say that, yes. I consider the Standing Order has been complied with in all respects except as regards time.
405. MR STANTON: Thank you. Chris, did you want to come in on this? Because it – I’m not sure that there’s a sort of impossibility clause or anything in the Standing Order as it refers. But Chris, you may want to start.
406. MS SALMON PERCIVAL: How will people know where to go if it’s not gone to the parish council?
407. MS THOMAS: So on our deposit list for Tatton Parish Council, we’ve put the library down as the deposit location and the same for Bostock, we’ve actually put the library down to be where to go.
408. MS SALMON PERCIVAL: And are those libraries close to where the parish council chair or offices would be?
409. MS THOMAS: They are the closest library to that parish.
410. MS SALMON PERCIVAL: Are they within the parish?
411. MS THOMAS: I don’t know for sure, but I don’t think they are within the parish boundary.
412. MS SALMON PERCIVAL: And I assume, therefore, that the library was seen to be the best mitigation even though it perhaps wasn’t within the parish boundary.
413. MS THOMAS: That’s right.
414. MS SALMON PERCIVAL: I think those are my questions but I share the view that, because something is impossible, I don’t – I might challenge you – whether or not it constitutes a breach, given that it’s open for the promoters to mitigate the situation but there are obviously different ways of mitigating and some will be better than others, but I’ll just leave that point there.
415. MR STANTON: I don’t think there’s anything more for me to add either. I think it’s something we’ll reflect on at the end of the meeting before we call parties back in for our views and conclusions. Thank you.
416. MR IRVING: And I realised there was one further proof to that which are, Ms Thomas, do you prove that the list marked F identifies the officer of each local authority in Standing Order 36(1)(a) and confirm that those local authorities are the only such authorities to which the plan, section and book of reference relates?
417. MS THOMAS: I do.
418. MS SALMON PERCIVAL: I’ve noticed that the list does helpfully identify by an asterisk the two parish councils at which you couldn’t make the deposit.
419. MS THOMAS: That’s right.
420. MR STANTON: Thank you. Yes, I think we can move to 37.
421. MR IRVING: I prove that this Standing Order is not applicable to the Bill. Similarly with Standing Order 38, Standing Order 39. Ms Thomas, do you prove that between 25 and 31 January 2022 you deposited, as specified in the appropriate list kept under Standing Order 1A and in accordance with Standing Order 26, copies of the Bill?
422. MS THOMAS: I do.
423. MR IRVING: I prove that these deposits 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.
424. MR STANTON: Thank you. Chris, did you want to –
425. MS SALMON PERCIVAL: Nothing from me, no.
426. MR STANTON: And you got confirmation from the Government departments and public bodies that they’d received them, did you?
427. MS THOMAS: Proof of delivery, yes.
428. MR STANTON: Thank you. I have no further points on that. So we can move to beyond 39 and 40 is no longer in existence, so we can move to 41.
429. MR IRVING: Mr Aanensen, can you please hand in the list marked G? Ms Thomas, do you prove that between 25 and 28 January you delivered, in accordance with Standing Order 26, a copy of the Bill at the office of each of the highway authorities mentioned in the list marked G?
430. MS THOMAS: I do.
431. MR IRVING: And do you also prove that the said list marked G contains the name of every recipient or recipients specified in Standing Order 1A?
432. MS THOMAS: I do.
433. MR IRVING: I consider this Standing Order has been complied with in all respects except as regards time.
434. MR STANTON: Nothing else, Chris?
435. MS SALMON PERCIVAL: No.
436. MR STANTON: Thank you. We can move to 42. Thank you.
437. MR IRVING: Ms Thomas, do you prove that between 25 and 28 January you delivered, in accordance with Standing Order 26, a copy of the Bill to the public body specified in the appropriate list kept under Standing Order 1A?
438. MS THOMAS: I do.
439. MR IRVING: I consider that the Standing Order has been complied with in all respects except as regards time.
440. MS SALMON PERCIVAL: Nothing from me.
441. MR STANTON: Nothing from you. Nothing from me, either. Thank you very much indeed. We can move to 43, but I think you’re saying it’s not applicable.
442. MR IRVING: 43, I prove that the Standing Order is not applicable to the Bill and Standing Order 44. Standing Order 45, Ms Thomas, do you prove that on 24 January 2022 you deposited, in accordance with Standing Order 2A(1) of the House of Lords and Standing Order 2A(9) of the House of Commons in the office of the Clerk of Parliaments and in the Private Bill Office and the Vote Office of the House of Commons and between 25 and 28 January in accordance with Standing Order 26 at the Government departments and other public bodies listed on page 35 of the proof an estimate of expense and any copy of it required by Standing Order 45?
443. MS THOMAS: I do.
444. MR IRVING: Mr White, 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?
445. MR WHITE: I do.
446. MR IRVING: Ms Thomas, do you prove that the estimate was made by Mark Thurston, Chief Executive of HS2 Ltd and is signed by him?
447. MS THOMAS: I do.
448. MR IRVING: I consider that this Standing Order has been complied with in all respects except as regards time.
449. MR STANTON: Thank you very much. Chris, did you have anything to add?
450. MS SALMON PERCIVAL: No, I didn’t.
451. MR STANTON: Just in case anyone is interested, the estimate of expense total is £17.2 billion. I think we can move to the next one. Thank you.
452. MR IRVING: Standing Order 47; Mr Panchmatia, do you prove that you 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?
453. MR PANCHMATIA: I do.
454. MR IRVING: And that the statement shows the name of that area, the total number of those houses in that area, and the total number, so far as can be ascertained, of persons residing in them.
455. MR PANCHMATIA: I do.
456. MR IRVING: Ms Thomas, do you prove that on 24 January 2022, 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?
457. MS THOMAS: I do.
458. MR IRVING: I prove the Bill does 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 in which houses are.
459. MS SALMON PERCIVAL: May I ask about whether or not there was any difficulty in relation to ascertaining the number of people residing in the houses, because I noticed that in parentheses it does say in the proof, ‘So far as can be ascertained’. Were there any particular problems about ascertaining the total number of persons?
460. MR PANCHMATIA: We did quite a lot of referencing on the property ownerships, including referencing Land Registry titles, land interest questionnaires and calls, and through that process we ascertained the numbers of those properties and the people residing in those properties.
461. MS SALMON PERCIVAL: So you’re confident that the numbers you’ve got is complete? Thank you.
462. MR STANTON: I’ve nothing else to ask on that one, either. Thank you very much. Mr Irving, you can complete, I think, this one.
463. MR IRVING: I consider this Standing Order has been complied with in all respects except as regards time.
464. MR STANTON: Thank you. 48.
465. MR IRVING: Ms Corfield-Moore, do you prove that every deposited plan is drawn to a scale of not less than 1/15,000 and describes the lands which, or rights to use, which may be compulsorily acquired and describes the line or situation of the whole of the work and the lands in or through which it is to be constructed or altered, or through which any communication to or from the work may be made?
466. MS CORFIELD-MOORE: I do.
467. MR IRVING: And do you prove that there’s no alternative line or work laid down on the plan?
468. MS CORFIELD-MOORE: I do.
469. MR IRVING: And do you prove that the limits of lateral deviation from the line of the proposed work are defined upon the plan, and all lands included within those limits are marked on it?
470. MS CORFIELD-MOORE: I do.
471. MR IRVING: And 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?
472. MS CORFIELD-MOORE: In the case of a tunnel by a dotted line should that say?
473. MR STANTON: The tunnel should be shown by a dotted line under 48(2).
474. MR IRVING: Yeah, sorry, that was – yeah.
475. MR STANTON: There’s an error on the proof.
476. MR IRVING: Yes, it should be a tunnel.
477. MS CORFIELD-MOORE: I do in respect of a tunnel.
478. MR IRVING: Thank you.
479. MS SALMON PERCIVAL: It’s simply an error on the face of the proof, is that right?
480. MS CORFIELD-MOORE: I believe so, yes.
481. MR IRVING: Yes.
482. MS SALMON PERCIVAL: Thank you.
483. MR IRVING: And do you also 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?
484. MS CORFIELD-MOORE: I do.
485. MR IRVING: I consider that this Standing Order has been complied with.
486. MR STANTON: Thank you. Chris, apart from that item, nothing else?
487. MS SALMON PERCIVAL: No.
488. MR STANTON: No. Thank you very much. 49, please.
489. MR IRVING: Ms Corfield-Moore, do you prove that the plans show the brooks and streams to be directly diverted into any intended waterway, cut, reservoir or aqueduct, or into any intended alteration of them for supplying them with water?
490. MS CORFIELD-MOORE: I do.
491. MR IRVING: I consider that this Standing Order has been complied with.
492. MR STANTON: Chris, anything for this one?
493. MS SALMON PERCIVAL: Not from me.
494. MR STANTON: Not from me. We can go to 50.
495. MR IRVING: Ms Corfield-Moore, do you prove that the plan has marked on it the distances in kilometres from one of the termini?
496. MS CORFIELD-MOORE: I do.
497. MR IRVING: I consider that this Standing Order has been complied with.
498. MR STANTON: Right, thank you. Next one.
499. MR IRVING: Ms Corfield-Moore, do you prove that where it is proposed to divert, widen or narrow any public carriage road, navigable river, canal, railway or tramroad, the course of the diversion and the extent of the widening or narrowing is marked upon the plan, and where it is intended to divert any public footpath or bridleway, the course of the diversion is marked upon the plan, and 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?
500. MS CORFIELD-MOORE: I do.
501. MR IRVING: I consider that this Standing Order has been complied with.
502. MR STANTON: Chris, anything?
503. MS SALMON PERCIVAL: Nothing, no.
504. MR STANTON: No more for me. Thank you. We can move to the next.
505. MR IRVING: Ms Corfield-Moore, do you prove that where it just proposed to construct or alter a tramway, the plan indicates the proposed position of each tramway in relation to the street or road in which it is to be laid and where not along the centre, the distance from an imaginary line drawn along the centre of such street or road?
506. MS CORFIELD-MOORE: I do.
507. MR IRVING: And do you prove that where the tramway is to be laid so that between any points for a distance of 10 metres or upwards, the space intervening between the outside of the footpath on the either side of the street or road and the nearest rail of each tramway will be less than three metres, the tramway between those points is indicated on the plan by a thick dotted line on the side or sides where the narrow places occur and that the width of the street or road at those places is also marked on the plan?
508. MS CORFIELD-MOORE: I do.
509. MR IRVING: And do you also prove that double lines, including passing places, are indicated on the plan by a double line and the distance between the centre lines of each line of tramway is marked on it?
510. MS CORFIELD-MOORE: I do.
511. MR IRVING: And do you prove that distance in kilometres from one of the termini of each tramway are marked on the plan?
512. MS CORFIELD-MOORE: I do.
513. MR IRVING: And do you prove that the total length of the street or road upon which each tramway is to be laid, and the length of each double and single portion of the tramway and the total length of the doubled and single portions respectively, are stated on the plan?
514. MS CORFIELD-MOORE: I do.
515. MR IRVING: I consider that this Standing Order has been complied with.
516. MR STANTON: Thank you. We have no questions on that, so we can move on. 53 won’t take long.
517. MR IRVING: I prove that this Standing Order is not applicable to the Bill. Standing Order 54, Mr Kelly, do you prove that the deposited books of reference are in the same terms and contain 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 except those owners or lessees whose identity could not, after reasonably inquiry, be ascertained and describes such lands and hazards respectively?
518. MR KELLY: I do.
519. MR IRVING: And we have a note which explains the position about the unnamed entries.
520. MR STANTON: Thank you. Chris, before Mr Irving concludes, do you want to – you had some questions, do you?
521. MS SALMON PERCIVAL: Well, just one inquiry which is that Appendix D cites the 504 unknown entries. I wonder what proportion that is, because 504 sounds like quite a big number, but I suspect it might be quite a small portion. Can you give an idea of what proportion that is?
522. MR KELLY: It was like 6,500 plots.
523. MS SALMON PERCIVAL: Right, okay.
524. MR KELLY: Of which 504 entries within that.
525. MS SALMON PERCIVAL: Right, that’s very helpful, thank you.
526. MR STANTON: And quite a lot of them are about mines and minerals. Can you just give it a little bit more explanations of what’s involved there?
527. MR KELLY: Well, in those cases, and that makes up over 91% of the entries in the book of reference where it’s unknown. And in those cases, the land itself is generally registered and are titled, and there is an exclusion on the title for the mines and minerals interests, and the exclusion is – it’s not noted as to who that is excluded to. It just says it is excluded from the registration. So we’ve made inquiries with, I suppose what we’ve considered to be, bodies who might have an interest in it and done site inquiries and asked the landowners whether they had any record as to who might own the mines and minerals, and we were unable to get a clear answer. So we reverted to putting up unknown notices in those cases. And it notes, there’s been no body that’s – or people who have come forward in the case of those.
528. I think the scheme in itself is an area perhaps there is potentially more mines and minerals that would be considered of worth in that part of the country as opposed to perhaps what we’d experienced on previous lengths of HS2. So that might be why it’s –there is more of note in this instance.
529. MR STANTON: And that’s 459 sort of bits of land on the surface that you don’t –
530. MR KELLY: Yeah.
531. MR STANTON: Where you don’t know the minerals – could be a much smaller number of interested people, I suppose.
532. MR KELLY: Yes. It could be and I think in the notice it explains that that actually resulted in a smaller number of site notices because in a lot of cases, those plots are subdivisions of an existing piece of land or an existing title that has the exclusion on. So we considered them together as the notice to cover that number of plots on a single notice on that piece of land.
533. MR STANTON: I see. So apart from the minerals issue, there’s just – I think there’s just 45 –
534. MR KELLY: That’s right, yeah.
535. MR STANTON: Okay.
536. MR KELLY: And as is also noted there, there were a small proportion of those that we were able to identify prior to the SO13 exercise, the Standing Order 13 notification exercise. So the number had reduced from what’s in the book of reference by a small margin.
537. MR STANTON: And how would you react if somebody came forward tomorrow, for example?
538. MR KELLY: We would serve them with the prerequisite notice to say, ‘Here’s the Standing Order 13 notice’ and explain to them the process.
539. MR STANTON: Anything else, Chris, on that? Okay, thank you very much indeed. We can move on to the next one, but you may need – I think you need to finish your words.
540. MR IRVING: Yes. This Standing Order has been complied with.
541. MR STANTON: Thank you.
542. MR IRVING: Standing Order 55. Ms Corfield-Moore, 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 and 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, the datum line is the same throughout the whole length of the work and any branch of it?
543. MS CORFIELD-MOORE: I do.
544. MR IRVING: Do you also prove that where tunnelling or a viaduct is intended, it is marked on the section?
545. MS CORFIELD-MOORE: I do.
546. MR IRVING: And 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, and 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?
547. MS CORFIELD-MOORE: I do.
548. MR IRVING: I consider that this Standing Order has been complied with.
549. MR STANTON: Thank you. 56.
550. MR IRVING: This Standing Order is not applicable to the Bill.
551. MR STANTON: Thank you.
552. MR IRVING: Standing Order 57. Ms Corfield-Moore, do you prove that the line of railway or tramroad marked on the section corresponds with the upper surface of the rails?
553. MS CORFIELD-MOORE: I do.
554. MR IRVING: And do you prove that the distances on the datum line are marked to correspond with those on the deposited plan, the vertical measure from the datum line to the line of the railway or tramroad is marked in metres or parts of a metre at the commencement and termination of the railway or tramroad, and at each end of a section of railway or tramroad with a constant gradient, that gradient is also marked?
555. MS CORFIELD-MOORE: I do.
556. MR IRVING: And do you prove that wherever the line of the railway or tramroad is intended to cross any waterway or (otherwise than on the level) any public carriage road, railway or tramroad, the height of the intended railway or tramroad over, or depth under, the surface of the waterway, road, railway or tramroad; and the height and span of each arch of any bridge and viaduct by which the railway or tramroad will be carried over the waterway road, railway or tramroad, are marked in figures at every crossing and that where the railway or tramroad will be carried across any such public carriage road, railway or tramroad on the level, the crossing is so described on the section?
557. MS CORFIELD-MOORE: I do.
558. MR IRVING: I consider that this Standing Order has been complied with.
559. MR STANTON: Thank you. We don’t have questions on that one. Thank you.
560. MR IRVING: Ms Corfield-Moore, do you prove that all the distances on the deposited section of a tramway are marked to correspond with the distances marked on the deposited plan, and that the gradients of the road on which the tramway is to be laid are also the mark on the section?
561. MS CORFIELD-MOORE: I do.
562. MR IRVING: I consider this Standing Order has been complied with.
563. MR STANTON: Chris, any points?
564. MS SALMON PERCIVAL: Nothing from me, thanks.
565. MR STANTON: Thank you. We can proceed. 59.
566. MR IRVING: 59. I prove that this Standing Order is not applicable to the Bill. And Standing Orders House of Lords 83A and House of Commons 224A. 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 environmental statement should send them to the Secretary of State for Transport and that they should be received on or before 31 March 2022 and should be made in the manner set out on page 42?
567. MR O’CONNOR: I do.
568. MR IRVING: And do you prove that 31 March 2022 falls no earlier than the 56th day after the first publication of the notice?
569. MR O’CONNOR: I do.
570. MR IRVING: I consider that this Standing Order has been complied with.
571. MR STANTON: Chris, do you have anything on this one?
572. MS SALMON PERCIVAL: Just for clarification, if I may, that, in order to respond or comment on the environmental statement, you’re not suggesting it can only be done electronically. It can be done in letter form as well if necessary. It’s just that there is an email address – oh, I see, no, I can see the –
573. MR IRVING: Sorry.
574. MS SALMON PERCIVAL: My fault.
575. MR STANTON: And any email received up to the moment before midnight would be acceptable?
576. MR O’CONNOR: So the notice is until before 23.45 on 31 March.
577. MR STANTON: 23.45. Right. Alright. Nothing else on that one? In that case I think we’re at the conclusion of the proofs, isn’t that correct, now, Mr Irving?
578. MR IRVING: I think that is right, yes.
579. MR STANTON: Thank you. We’re now going to have a short – I don’t know how short but we will have a time of deliberation in private. So can I ask people to leave the room, but don’t go too far please, and we will call you back into the room to hear our conclusions when we’re ready. Thank you.

*The hearing adjourned*

*On resuming—*

1. MR STANTON: Thank you for waiting. The meeting is resumed in public. So I can confirm that we have concluded that the following Standing Orders that are applicable have not been complied with as to time and those are Standing Orders 4, 4A, 10, 10A, 11, 12, 12A, 13, 14, 15, 27, 27A, 29, 33, 34, 36, 39, 41, 42, 45 and 47. And those will not be particularly surprising to the promoters and those here.
2. In addition, we have found a non-compliance with Standing Order 4, on the grounds that the notice stated that the Bill could be inspected and obtained at places where it has not been possible for that to be done, and Standing Order 36, on the grounds that there were two parish councils with whom the plans etc were not deposited, although we do recognise the mitigations that you have put in place in those circumstances.
3. We will report to the Houses accordingly and the Standing Orders Committees will meet in due course to consider our report.
4. That concludes the meeting of the Examiners and we thank you all very much indeed for attending today. Thank you.