

House of Lords and House of Commons

EXAMINATION OF AN ADDITIONAL PROVISION TO A HYBRID BILL

High Speed Rail (Crewe-Manchester) Bill

second Additional Provision
(deposited on 3 July 2023)

Tuesday 5 September 2023

Before:

The Examiners of Petitions for Private Bills:

MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of Lords
MR JUSTIN LESLIE, Counsel for Domestic Legislation, House of Commons
MR JAMES RHYS, Clerk of Bills, 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
MS JULIET CLARK, Principle Associate, Eversheds Sutherland (International) LLP
MR DARREN WHITE, Parliamentary Clerk, Eversheds Sutherland (International) LLP
MR ALISTAIR DAVIE, Head of Powers and Consents, HS2 Ltd
MR TOBIAS WILKES, Powers and Consents Manager, HS2 Ltd
MR NAYAN PANCHMATIA, Land Referencing Lead, HS2 Ltd
MR PETER MILLER, Environment Director, HS2 Ltd
MR PRZEMEK ZDROJEWSKI, Associate Director, WSP (Land Referencing)

(12.00 pm)

1. **MS SALMON PERCIVAL:** Good morning everyone. Very good to see you all again. Welcome to this public meeting of the Examiners of Petitions for Private Bills. Just for the record, perhaps I could state why we are meeting today. On 24 February 2022, we, the Examiners, found the High Speed Rail (Crewe – Manchester) 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. An additional provision of the Bill was deposited in July 2022 and examined in the following September. On 3 July this year, a second additional provision was deposited. The purpose of this meeting is to examine the further additional provision and decide whether the private business Standing Orders have been complied with.

2. Before we get to the substance, perhaps I can do some introductions and you'll see a new face to my right. If I could introduce James Rhys from the House of Commons who has replaced Tom Healy as Examiner from the House of Commons. And you are familiar with Justin to my left, Justin Leslie, counsel in the House of Commons and I am Christine Salmon Percival from the House of Lords. As you know, we are impartial officers of the two Houses. I'm now going to ask, Mr Irving, if you can do your introductions, please.

3. **MR IRVING:** Thank you. My name is Paul Irving. I'm appearing as Parliamentary Agent for the Bill. Perhaps I can ask my colleagues to introduce themselves.

4. **MS CLARK:** My name is Juliet Clark. I'm working with the parliamentary agency team. I'm a principal associate at Eversheds.

5. **MR WHITE:** I'm Darren White, also from Eversheds, Parliamentary Agents.

6. **MR AANENSEN:** Mark Aanensen from Winckworth Sherwood.

7. **MR ZDROJEWSKI:** Przemek Zdrojewski, Associate Director, of WSP on SLS Contracts.

8. **MR PANCHMATIA:** Good afternoon, Nayan Panchmatia, HS2.

9. **MR DAVIE:** I'm Alistair Davie. I'm head of Powers and Consents for HS2.

10. **MR WILKES:** Tobias Wilkes, HS2.

11. **MR MILLER:** I'm Peter Miller. I'm the Environment and Town Planning Director at HS2.

12. **MS SALMON PERCIVAL:** Many thanks to you all for coming, and welcome. For the purpose of this examination, the Standing Orders in question 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. As usual, we will consider each Standing Order in turn and invite the agents and promoters to prove compliance with it. We shall then, as usual again, 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.

13. Again, as you're very familiar with, I should say that these proceedings are being webcast and that a transcript of today's proceedings will be published in the coming days on the parliamentary website. I shall now invite you, Mr Irving, to start the proof, beginning with Standing Order 4.

14. **MR IRVING:** Thank you very much. Mr Aanensen, I wonder whether you could hand in the newspapers. Ms Clark, do you prove that each notice contains a concise summary of the purpose of the amendments?

15. **MS CLARK:** I do.

16. **MR IRVING:** And do you also prove that each notice states that from 10 July 2023, a copy of the amendments to the Bill may be inspected and copies obtained at a reasonable price at the locations specified in pages 1 to 3 of the proof?

17. **MS CLARK:** I do.

18. **MR IRVING:** Being an office in each of the 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?

19. **MS CLARK:** I do.

20. **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 the parliaments or the private bill office of the House of Commons and where information regarding submission of petitions may be obtained?

21. **MS CLARK:** I do.

22. **MR IRVING:** And do you prove that each notice is headed by the short title of the Bill and is subscribed with the names of the person responsible for the publication of the notice?

23. **MS CLARK:** I do.

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

25. **MS SALMON PERCIVAL:** Are you going to speak to Appendix A at this point?

26. **MR IRVING:** We could look at it at this point or, if you prefer, after Standing Order 4A.

27. **MS SALMON PERCIVAL:** Okay, let's go on to Standing Order 4A and then perhaps we'll stop and we'll talk about Appendix A, or perhaps you'll go through Appendix A with us after 4A.

28. **MR IRVING:** Yes. Right, Mr Davie, do you prove that copies of the amendments and the Bill were made available in the manner and at the offices required by Standing Order 4A?

29. **MR DAVIE:** I do.

30. **MR IRVING:** We consider this Standing Order to be complied with in all respects, except as regards time. But it might be helpful at this point just to have a look at Appendix A.

31. **MS SALMON PERCIVAL:** Perhaps before we do that, I could ask one small question on Standing Order 4? And it's only a point of detail and of curiosity really, which is why, on this occasion, were newspaper notices included in the Dumfries & Galloway Standard but they weren't included in that publication for the Bill itself? – as far as I'm aware, having looked at the proof.

32. **MR IRVING:** Yes. Going back to the Bill itself, they would have been in a local newspaper in the area. It may not have been the same newspaper. Do we know why it was a different newspaper?

33. **MS SALMON PERCIVAL:** I know it appeared on both occasions in the Annandale Herald, and you may have felt that was sufficient. It was only a point of curiosity. I'm not going to press it any further. So let's move on to Appendix A.

34. **MR IRVING:** Yes, I think the point was, in both cases, we did publish in a local newspaper. It may have been the extent of the works, which were rather more limited this time, in relation to AP2 than they were in relation to the Bill, which may explain why we had just one –

35. **MS SALMON PERCIVAL:** That's fine. So, turning to Appendix A.

36. **MR IRVING:** Yes. Appendix A reports on the exercise we undertook to check the extent to which documents were actually available for inspection and you'll see the results of that are included. I won't go through each case but you will see that, in some cases, at some of the libraries, they weren't available at all. In other cases, they were available for part of the time and we did inspect and inspect it again at intervals, both HS2

and our mystery shopper consultant. So, yes, I think that sets out the extent to which they were available. And also, it's worth stressing that where we found they weren't available, we did amend the list of locations where they could be found, both at the specific locations and electronically on the website.

37. The point I would make about this is that, at all times, there was available at an office or location in each of the local authority areas, the documents available for inspection, as is required by the Standing Order.

38. **MS SALMON PERCIVAL:** So, do I take from that that you had them displayed in more than one location within a local authority area? So, in some senses, you had gone over and above what you were required to do, under the Standing Orders?

39. **MR IRVING:** That is right. We did more than the Standing Order actually requires and that partly reflects the fact that it may be that if for a reason it wasn't available for a time at one of those, there is at least another office at which it is available for inspection.

40. **MS SALMON PERCIVAL:** I know that others on this Panel have questions – but perhaps if I can ask just about the colour coding which is, 'newspaper notice on display', that column, which Standing Order is that representing?

41. **MR IRVING:** That's Standing Order 10A.

42. **MS SALMON PERCIVAL:** 10A, right, yes.

43. **MR IRVING:** It's about a place of public resort.

44. **MS SALMON PERCIVAL:** Right, so will you be speaking to this Appendix at Standing Order 10 as well?

45. **MR IRVING:** I don't think we're going to need to do that because when we produced the list of places of public resort at which it was available for inspection, we would only list ones where it was available for inspection.

46. **MS SALMON PERCIVAL:** Right, that's great. Thank you

47. **MR IRVING:** So, I don't think we need to go into that in relation to 10A.

48. **MS SALMON PERCIVAL:** That's a helpful clarification, thank you. And the 'n/a', is that, 'not applicable'? Is that why it's got 'n/a' there in the grey?

49. **MR IRVING:** I assume it's because we didn't treat that as a place of public resort...

50. **MS SALMON PERCIVAL:** Right.

51. **MR IRVING:** – for the purpose of Standing Order 10A in the first place.

52. **MS SALMON PERCIVAL:** And that the rather startling red box...

53. **MR IRVING:** Yes

54. **MS SALMON PERCIVAL:** – really leaps out at you, Manchester City Council, that is because they should have had notice but didn't.

55. **MR IRVING:** There would have been, I think, a copy of the notice with them. There was also a copy of the notice with the – at the public library next door and I think when we come to the 10A list, we will be referring to the public library.

56. **MS SALMON PERCIVAL:** And the same is true of Warrington Borough Council on the last page.

57. **MR IRVING:** Yes, that is my understanding of it.

58. **MS SALMON PERCIVAL:** Right, thank you very much. Justin, I think you may have some questions?

59. **MR LESLIE:** Yes, thank you very much. So, can you just clarify that point again? So this column that deals with newspaper notices, in each case where there's an 'n/a', do we derive from that you're saying that that's not a place of public resort for the purposes of 10A, is that right?

60. **MR IRVING:** I think it's – perhaps I could just ask – perhaps, Mr White, you could just explain what the purpose of that 'n/a' is?

61. **MR WHITE:** They're all parish councils and we rely on the council offices, or the library, which the Standing Orders specifically refer to, as a place of public resort within the area.

62. **MR LESLIE:** Right.

63. **MR WHITE:** Within the relevant local authority area.

64. **MR LESLIE:** Right.

65. **MR WHITE:** So if it's not necessary for us to display the notice. We rely on the parish councils, which seems impractical to display the newspaper notice at because they're quite often parish councillors' private homes, to display a newspaper notice, which is quite lengthy. We rely on the council offices and the libraries as places of public resort within each area required by the Standing Orders.

66. **MR LESLIE:** Right, okay, thank you. Just going forward to Byley, you've recorded in your comments that the Clerk had agreed to provide the documents by appointment but then mystery shoppers were refused access. Could you explain a little bit about what the Clerk agreed to and whether there's anything that HS2 can do to remind the Clerk or rectify that?

67. **MR IRVING:** Could I ask Mr Davie or Mr Wilkes to explain a bit more on that.

68. **MR WILKES:** Yes, so I think I can speak on that one. So we sent initial cover letters, initially letters, to the parish clerk along with all of the other local authorities in April this year and then we had some continuing dialogue up until deposit, making sure that the details were correct, and we did include through that, re-affirmation about what was required by them in that location to make it available to members of the public. That had been agreed. They had received the deposit. We've got proof of delivery on that. It was

then when our partners at WSP carried out the mystery shopper exercise. This was, again, a residential home, as Mr White referenced, that it wasn't available at all hours of the day. So they attempted to arrange an appointment but, unfortunately, that never materialised. The Parish clerk wasn't able to fulfil that. So after I attempted a visit separately on 10 August, I also tried to arrange an appointment and was unsuccessful and it was at that point that we agreed to remove them as a public place for the deposit to be accessed and we redirected them to Middlewich Library and amended our online records so that any member of the public would be redirected there.

69. **MR LESLIE:** Right. And how does that redirection take form? Is that a notice nearby?

70. **MR WILKES:** So both online and on the Government website, on our website, and on the location where you can buy copies of any further documents. We have the list of all public locations, which we have two separate ones: one for libraries and one for local authorities. And so we've updated the one for the local authorities and so for Byley, it says to Middlewich Library and gives the address there.

71. **MR LESLIE:** Right. And just out of curiosity, is Middlewich far away or close to Byley?

72. **MR WILKES:** I'm not exactly sure of the distance but they were pretty close, yes.

73. **MR LESLIE:** Okay, thank you. And then the next line that has a series of 'n/a's is Dumfries and Galloway Customer Services. So, can you just explain what's going on here then? So just going back to the notice, which is the starting point, I suppose, this says somewhere that this is where you can inspect documents but then is it right that you agreed separately that, actually, you'd have to go to Gretna Green to find the material. Is that the case?

74. **MR WILKES:** I can answer that again. Yes, on this one, they received the deposit again and I've got confirmation of that but prior to the mystery shopper commencing a week after the deposit, they made it clear that they were unable to make it publicly available at reasonable hours of the day it was easier for them to redirect to Gretna Green. And, again, that one definitely was very close.

75. **MR IRVING:** I think the point was that it would have been too late to change the newspaper notice by that point but the newspaper notice did correctly identify a library in the area where they could be inspected.

76. **MR LESLIE:** Yes, thank you. And then the next one where there's some 'n/a's is in relation to Kirkpatrick Fleming District Community Council area. So, here the village hall was locked and inaccessible but it says the documents were confirmed to be present. Does that – to me, I've got an image of someone peering through a window and seeing them on a table. Is that ...?

77. **MR WILKES:** I think on this occasion, the village hall was locked but whilst WSP were there at the location, I think a cleaner turned up and let them in and then they were able to confirm that it was there but obviously that's not overly practical for members of the public. So similar to the other ones, we directed to Gretna Green Library.

78. **MR LESLIE:** Right, thank you. And then we come onto Leighton where this is the first instance, I think, of the deposit of the note anyway, saying that the deposit location was a residential home and this comes up a few times. I think it's about five times here. So can you just explain how this happens, that the location address that's agreed turns out to be a residential home? Is that deliberate or accidental?

79. **MR DAVIE:** If I may, the residential address in this case was the home of the Parish clerk. In this case, and it's a general point worth noting, since the pandemic, there has been widespread closure of local community centres and parish council meeting places.

They are less accessible than they once were, at least anecdotally, and in this case, the parish council did not have a place of public resort. The Parish clerk used his home as the correspondence and deposit address but it wasn't a place of public resort. I spoke to him and he advised me that he had not had any enquirers thus far but he was provided with spare copies of the USB stick and spare copies of the usage note for that USB stick, should there be any enquiries that came to his original address, as listed in the newspaper notice.

80. **MR LESLIE:** Okay. Could you just explain to me how that process works then? So when you liaise with the Clerk, do you say to him, 'The address you've given to us, is that your residential address and is that a problem?'

81. **MR DAVIE:** We do attempt to explore it but, to a certain degree, we have to be assured that the parish clerks are aware of what they're doing and their obligations. We make their obligations clear to them in our exploratory contacts. But as a result of this particular deposit, and in the wake of the pandemic, we will be revisiting our processes for future additional provisions because the number of places of public resort have simply shrunk. When it comes to parish councils, community centres and other local meeting places, they aren't available in the numbers that they were and parish clerks are doing this on their own time and using their own properties as potential deposit locations. It is a duty on their part that they are finding hard to discharge.

82. **MR LESLIE:** Thank you

83. **MS SALMON PERCIVAL:** Do you mind if I come in?

84. **MR LESLIE:** Please do.

85. **MS SALMON PERCIVAL:** So when they're approached and the documents are given to these people, you said that they know what they're letting themselves in for but on five occasions it's their residential home so they've said, 'No', they can't display them,

understandably. Are you suggesting that you are going to review that process so that it won't happen again? Because it's quite a lot of times it's happened in this process.

86. **MR DAVIE:** I think what is required for future additional provision deposits, considering this is the 12th deposit HS2 has overseen – we've had three Bills, this is the ninth AP – we have operated in a particular kind of domestic environment. That environment has now changed. Our processes need to change with it. I believe that it would be suitable to have an educational aspect to our outreach to deposit locations in future so that parish clerks and others fully understand what their duties are and that we are sufficiently resourced to provide support to them if necessary, ahead of the deposit itself.

87. **MS SALMON PERCIVAL:** Thank you. And am I right in thinking, perhaps, Mr Irving, I'm directing this at you, that previously you said that actually more places for inspection are used by HS2 than necessary, that even without recourse to the parish clerk, and despite the diminution of places of public resort because of the pandemic, there are still sufficient places for the documents to be made available, that you don't rely on the parish clerk.

88. **MR IRVING:** That's right, that is correct.

89. **MR LESLIE:** Thank you. Now, there are some other queries relating to residential addresses, so thank you for that. The first bit of red that we get on the table relates to Manchester City Council and the note tells us that the town hall was in the middle of a large refurbishment and the mystery shoppers attempted to get access but couldn't but then HS2 employees seemingly did. One thing that struck me was, is there a difference in dynamic between when a mystery shopper comes along to reception in this case and an HS2 employee going along to – I mean, does the HS2 employee say, 'I'm from HS2. Can I see the documents, please?'

90. **MR DAVIE:** Well, we had the two mystery shopper visits to Manchester City Council and I visited myself there on 10 July. I didn't present myself as a member of HS2 staff. I presented myself as a member of the public asking for access to the office listed in the newspaper notice, the legal and democratic services department. As it says in Appendix A, Manchester Town Hall is currently undergoing a multi-year reconstruction. Many of the offices that would be routinely accessible by the public, at least to a desk where they could make their enquiry in person, no longer are. Enquiries are directed to a customer services centre where there are long queues and, really, any enquiry that could be levied at the town hall is levied there.

91. I found when I visited the location, upon request, a member of the legal and democratic services department came to greet me. I explained I was looking for the HS2 documents. They explained in return that the legal and democratic services department was not publicly accessible and escorted me to the building next door, which houses Manchester Central Library where the documents were available.

92. **MR LESLIE:** Right. And is the reason that this is coming up as 'No', on this table, rather than an 'n/a', because you are relying on them?

93. **MR DAVIE:** Well, we had two separate locations here.

94. **MR LESLIE:** Yes.

95. **MR DAVIE:** One is Manchester Central Library.

96. **MR LESLIE:** Yes.

97. **MR DAVIE:** And one is Manchester City Council.

98. **MR LESLIE:** Yes.

99. **MR DAVIE:** And, technically, the deposit that was made at Manchester City Council wasn't available because I was escorted to the one at Manchester Central Library. So this, here, is for the sake of completeness.

100. **MR LESLIE:** Thank you. I'm just looking through the table further. So I think – and I will say about Mere Parish Council. The next place where some red appears is in relation to Warrington Borough Council. Comments to us say that on the first mystery shopper visit, the newspaper notice and USB documents were not available so copies were given to Warrington to display and make available to the public. I didn't quite understand that sentence. Does that suggest that the mystery shopper had that stuff on them and got them out? Or did HS2 find out that this occurred?

101. **MR WILKES:** No, the mystery shoppers, WSP, did carry spares of the newspaper notice and USB sticks.

102. **MR LESLIE:** Oh, really?

103. **MR WILKES:** So, if there was a failure then it could be rectified immediately, rather than getting back to HS2 and then having to re-send something out, and because those two copies covered all of the documents on the USB stick and the newspaper notice and that was felt that was the easiest way to do that.

104. **MR LESLIE:** Right. So the mystery is revealed, is it, when there's a problem detected?

105. **MR WILKES:** Yes. I think we tended to try and call it more a, 'post-deposit check', rather than a mystery shopper, due to that revealing.

106. **MR LESLIE:** But then on the second occasion, another mystery shopper was unable to view the notice and documents. That's right, is it?

107. **MR WILKES:** Yes, that is correct.

108. **MR LESLIE:** But then an employee visited and that was –

109. **MR WILKES:** Yes, that was actually myself on 9 August that I went there. It took a little bit of time but the documents were there and available. So I'm not sure exactly

what the issue was previously. It may have just been the person that was on reception at the time, or just the time available for it.

110. **MR LESLIE:** Right

111. **MR WILKES:** And, as it confirms in those comments, that the newspaper notice was found at several of the local libraries in the area.

112. **MR LESLIE:** Thank you.

113. **MS SALMON PERCIVAL:** Could I jump in about that?

114. **MR LESLIE:** Of course.

115. **MS SALMON PERCIVAL:** The petitioning period, I think, was 4 July to 15 August. Was that right?

116. **MR WILKES:** That is correct

117. **MS SALMON PERCIVAL:** Yes. So, for Warrington Borough Council, up until 9 August, HS2 wouldn't have had a bad experience with Warrington Borough Council and it wasn't until 9 August that it was checked that those documents were available. So that's six days before the end of quite a lengthy petitioning period. I was wondering why there was that, what is it, 18 days gap between a mystery buyer being unsuccessful and then it being checked on 9 August.

118. **MR DAVIE:** We do try and contact deposit locations immediately where there's been a non-compliance. I'm not entirely sure what communications were specifically had with Warrington.

119. **MS SALMON PERCIVAL:** Yes.

120. **MR DAVIE:** But routinely, we follow up by letter and email to seek resolution.

121. **MS SALMON PERCIVAL:** So, there were other things happening?

122. **MR DAVIE:** Yes.

123. **MS SALMON PERCIVAL:** Yeah. Okay. Fine.

124. **MR WILKES:** Yes. And on 9 August, that one showed that they did have the documents there, just for some reason or another they weren't able to get them on that date. I believe on that occasion, I did ask the receptionist if anyone had enquired and I think they said less than three people in the time that she'd been there in two years.

125. **MS SALMON PERCIVAL:** Right. You have an amazing memory. Thank you. Right, any more questions?

126. **MR LESLIE:** None on Appendix A, no.

127. **MS SALMON PERCIVAL:** So, we're still on Standing Order 4A and going back to 4 – we will get quicker, I promise you – but going back to 4, now, I believe that this same issue arose on API for this Bill, where there was a finding of non-compliance substantively, not just to time with 4. This is because, you have been able to say to us that there are many places where these documents could be viewed, and where they couldn't be viewed, people were re-directed to fairly close by other places to view them (and you have evidence that, actually, not many people asked about them anyway) – but nonetheless, Standing Order 4 states that the notice will name the offices where these documents are available. And the fact is, and I think it's not disputed, they weren't available in all the offices identified in the notice. Am I right in thinking that?

128. **MR IRVING:** That's right. I think we would say though that what Standing Order 4 says, is that the notice will state that copies of the Bill may be inspected at the offices required by the next following order', which offices shall be named in the notice. So what the next following Standing Order requires is that they should be available at an office in each of the local government areas and that is correct that the notice did identify an office in each of the local government areas where the documents were available to be inspected throughout the period.

129. **MS SALMON PERCIVAL:** Now, without testing memories too hard, and my apologies if I am, when there was a finding of substantive breach for the first additional provision, on the grounds that I think one of the libraries might not have been open at all and another one was not open for the whole period, could the same argument have been made?

130. **MR IRVING:** An argument could have been made. I think I did try and make that point but I don't think we'd appreciated quite the view that the Examiners were taking at that point.

131. **MS SALMON PERCIVAL:** Right, thank you.

132. **MR IRVING:** Where I was making the point. But I did try to make the point at that stage that there was at least some office available in each area.

133. **MS SALMON PERCIVAL:** Right, lovely, thank you very much indeed. Have you any further questions of Justin?

134. **MR LESLIE:** I suppose just one point to make is that if you're trying to demonstrate compliance in the terms that you set out, i.e. that you need to provide these various documents in certain local authority areas, it might be helpful when we come on to future additional provisions, if there are future additional provisions, if the equivalent of Appendix A, could try to navigate that a bit better. Because it perhaps isn't entirely clear to us Examiners where there may or may not be breaches of the Standing Order because, if nothing else, the geography of these areas of the country is quite complex and so being able to navigate that with a document more helpfully, could be something that is borne in mind for the future.

135. **MR IRVING:** Well, yes, I take the point. That's something we will definitely look at if and when we have another additional provision.

136. **MR DAVIE:** If I may, as a consequence of the in-person checks that we took further to those, that were conducted by the mystery shopper, we will be evaluating the whole post-deposit workstream where we will look again at post-deposit checks and our contact with deposit locations to make sure that our processes are fit for a post-pandemic world where there are fewer places of public resource and there are many demands on the time and resources of these locations.

137. **MR LESLIE:** Thank you.

138. **MS SALMON PERCIVAL:** Right. Well, I think that we have done 4 and 4A now. So if we could move to 5, please.

139. **MR IRVING:** Thank you. Ms Clark, do you prove that each notice contains the names of the district and parishes in which any land or works are or will be situated in respect of which plans are required to be deposited and the other information set out on page 3 of the proof?

140. **MS CLARK:** I do.

141. **MS SALMON PERCIVAL:** Do you have any questions on 5? Might I just double check – because you’ve struck out paragraph (d) about common land and parkland – and just to confirm that this additional provision doesn’t bring into play paragraph (d).

142. **MR IRVING:** Yes, that is correct.

143. **MS SALMON PERCIVAL:** Thank you. Standing Order 6?

144. **MR IRVING:** Just for the record, just to say I consider that Standing Order 5 has been complied with. Standing Order 6 is not applicable to amendments to the Bill. Nor is Standing Order 7. Standing Order 8, Ms Clark, do you prove that each notice specifies the gauge to be adopted for the proposed tram road and the motive power to be employed?

145. **MS CLARK:** I do.

146. **MR LESLIE:** Can I ask a question about that? Those of us who are railway enthusiasts, I just wondered if you could show me where – I'm looking at The Times, second edition of The Times that you provided. I couldn't actually see where the gauge was specified but I'm certainly missing it because it's quite a long notice. Could someone show me?

147. **MR IRVING:** Well, I've been passed a newspaper notice. It's the third page. At the end of the list of – the section of the works in the various local authority areas, and it's paragraph 2.

148. **MR LESLIE:** Yes. No, thanks, thank you. Your colleague has just shown that to me so that's very helpful. Thank you.

149. **MS SALMON PERCIVAL:** Standing Order 9?

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

151. **MS SALMON PERCIVAL:** Number 10?

152. **MR IRVING:** Number 10. I prove that the Bill, as proposed to be amended, is not promoted by a local or joint 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. 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?

153. **MR WHITE:** I do.

154. **MR IRVING:** And do you prove that the several notices are in the same terms?

155. **MR WHITE:** I do.

156. **MR IRVING:** Mr Panchmatia, do you prove that the amendments proposed to be made to the Bill relate to works which are to be, and lands which are situated, in the metropolitan district of the City of Manchester and the metropolitan borough of Trafford, the unitary districts of the borough of Cheshire East, the borough of Cheshire West and Chester and the borough of Warrington and the local government area of Dumfries & Galloway?

157. **MR PANCHMATIA:** I do.

158. **MR IRVING:** And 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?

159. **MR PANCHMATIA:** I do.

160. **MR IRVING:** And Mr White, do you prove that the newspaper notices marked severally 1 to 22, previously handed in, were duly published in the area of the said local authorities, once in each of two consecutive weeks, with an interval of not less than six clear days between the two publication dates?

161. **MR WHITE:** I do.

162. **MR IRVING:** And do you prove that the several newspaper notices are in the same terms?

163. **MR WHITE:** I do.

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

165. **MS SALMON PERCIVAL:** Thank you. Any questions? No? Standing Order 10A?

166. **MR IRVING:** Mr Aanensen, would you mind handing 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 works will be situated?

167. **MR AANENSEN:** I do.

168. **MR IRVING:** Mr Davie, do you prove that reasonable endeavours are 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?

169. **MR DAVIE:** I do.

170. **MS SALMON PERCIVAL:** I'm just looking at the list to see what it says about Manchester.

171. **MR IRVING:** You're right, yes.

172. **MS SALMON PERCIVAL:** It says the library rather than the borough council.

173. **MR AANENSEN:** Yes, that's correct

174. **MS SALMON PERCIVAL:** Yes, great, thank you. And Order 11, thank you.

175. **MR IRVING:** Mr Aanensen, would you mind handing over the London and Edinburgh Gazettes? Ms Clark, do you prove that each such notice contains the information set out on page 5 of the proof?

176. **MS CLARK:** I do.

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

178. **MS SALMON PERCIVAL:** Standing Order 12, thank you.

179. **MR IRVING:** Mr Zdrojewski, do you prove that on 16 June 2023, application was made in writing to every authority having 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?

180. **MR ZDROJEWSKI:** I do.

181. **MR IRVING:** And do you also prove that the notice required by Standing Order 12 was kept posted in every street or road, the surface of which it is proposed to alter or disturb in connection with the construction of the underground railway, and for not less than 14 consecutive days beginning on 4 July 2023?

182. **MR ZDROJEWSKI:** I do.

183. **MR IRVING:** And do you prove that no directions having been received from the relevant authority within the time limit, the notice required was posted in some conspicuous position in every such street or road?

184. **MR ZDROJEWSKI:** I do.

185. **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 the areas comprising the street or road or any part of it?

186. **MR PANCHMATIA:** 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:** Thank you. 12A, thank you.

189. **MR IRVING:** Mr Zdrojewski, do you prove that on 4 July, the notice required by Standing Order – sorry, Mr Aanensen, if you could just hand in the list. I'll take that again. Do you prove that on 4 July 2023, 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 the 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.

190. **MR ZDROJEWSKI:** I do.

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

192. **MS SALMON PERCIVAL:** Thank you. Standing Order 13.

193. **MR IRVING:** Mr Aanensen, would you mind handing in the lists? Mr Zdrojewski, do you prove that on 4 and 5 July 2023, as regards the lists marked, 'C1, C2 and C3', 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?

194. **MR ZDROJEWSKI:** I do.

195. **MR IRVING:** And do you prove that in the case of notices forwarded by post, such notices were posted on 4 July 2023 and that 43 such notices were returned by the Post Office as undelivered? And you'll see, I think, that there is a note on the returned notices set out in Appendix B.

196. **MR ZDROJEWSKI:** Yes.

197. **MR IRVING:** It sets out the notices returned and what action was taken to deal with the returned notices.

198. **MR LESLIE:** Thank you. On appendix B, I'm just trying to piece my way through it. I think there was only – is there one case – there's one case where a notice was returned because for the reason, 'Address Incomplete'. Does that mean that HS2 got the address wrong? Am I right?

199. **MR ZDROJEWSKI:** I think this was the case when we done further research, the address was – there was a slight different between the Royal Mail address as well. So I think we took the best action to actually put this particularly notice on site so that it would come to the attention to the landowner.

200. **MR LESLIE:** Right. And so you say one notice was erected on site. Is that a stick in the ground job or –

201. **MR ZDROJEWSKI:** From my memory, it would have been that either, or putting on a gate or any street furniture, just wherever can be noticed by the landowner.

202. **MR LESLIE:** Thank you. And am I right, is that the only – I think, is that the only example of a case where contact wasn't, in the end, made?

203. **MR ZDROJEWSKI:** I believe so, yes.

204. **MR LESLIE:** Right, thank you. Just to have it on the record, so this particular notice, under our Standing Orders, but when compulsory process gets going, is it right that there'll be further notices under the 65 Act and so on?

205. **MR ZDROJEWSKI:** There will be further research and maybe at that point the landlord will actually come to light, who is he, and maybe the address will change as well. So, yes, there will be further investigation, yes.

206. **MR LESLIE:** Right, thank you.

207. **MS SALMON PERCIVAL:** If I may, I think there is one other place where a notice was erected on site and what I was wondering – it's the penultimate one on the first page of Appendix B – it says that the notice was returned marked, 'Not called for', and I didn't understand what that meant, but maybe that's just the fact of the matter. That's the wording on the returned and –

208. **MR ZDROJEWSKI:** It's precisely that. As far as we understand, Royal Mail would return that to the collection office and they would give the landowner a certain

amount of time to collect it and once that time has passed, they will make a return to us. So we took the next action and we took the direction that the best action would be to erect on site as well.

209. **MS SALMON PERCIVAL:** Lovely, thank you. And another slight point of curiosity, but I'm sure there's a good explanation, is that the second one down on the reverse side of Appendix B says, 'Three notices were returned marked "Not known at this address" and five new parties were hand delivered'. Is that because, I don't know, some families split up or –

210. **MR ZDROJEWSKI:** It's trustees. So this land was owned by a trust and we found out that there was a recent change in the trustees, so the three trustees which were at this point – they were actually replaced by five other names and we basically hand delivered those. So not always one-to-one relation.

211. **MS SALMON PERCIVAL:** You too have a really good memory. Right, I think we were partway through 13.

212. **MR IRVING:** Do you prove that the lists marked C1, C2 and C3 together contains the names of the persons specified on page 7 of the proof, except those owners or lessees whose identities could not after reasonable inquiry be ascertained?

213. **MR ZDROJEWSKI:** I do.

214. **MR IRVING:** I consider the Standing Order as being complied with in all respects except as regards time.

215. **MS SALMON PERCIVAL:** Thank you. We now have quite a raft of Standing Orders that you say aren't applicable to the Bill, so if you'd like to go through those in fairly brisk form.

216. **MR IRVING:** I prove that Standing Order 14 is not applicable to the amendments to the Bill. The same applies in relation to Standing Order 15, 16, 17, 18, 19, 19A, 19B, 20, 21 –

217. **MS SALMON PERCIVAL:** So you can deal with it up to 21 because I think the wording is slightly different for 22 to 24. So you've just covered I think 15 to 21.

218. **MR IRVING:** Yes. I prove that those Standing Orders are not applicable to the amendments to the Bill. Standing Order 22 does not need to be separately proved. The same applies in relation to Standing Order 23 and Standing Order 24. Standing Order 25 – I prove that the Standing Order is not applicable to the amendments to the Bill and I prove the same in relation to Standing Order 25A. Standing Order 26 does not have to be separately proved, which takes us I think to Standing Order 27.

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

220. **MR IRVING:** Mr Wilkes, do you prove that between 3 and 4 July you deposited, in accordance with Standing Order 26, the documents listed A to D on page 12 of the proof with the proper officers listed there?

221. **MR WILKES:** I do.

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

223. **MR WILKES:** I do.

224. **MR IRVING:** Do you prove that the said proper officers are the proper officers of the metropolitan unitary district 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 and lands or buildings, the rights to use any lands or buildings?

225. **MR WILKES:** I do.

226. **MR IRVING:** Mr Davie, Mr White and Mr Aanensen, in respect of deposits in Parliament, and Mr Wilkes in respect of deposits at government departments and public bodies, do you prove that on 3 July 2023 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 Bills of the House of Commons and between 3-6 July, at the relevant government departments and public bodies specified in the list kept under Standing Order 1A?

227. **MR AANENSEN:** I do.

228. **MR WHITE:** I do.

229. **MR WILKES:** I do.

230. **MR DAVIE:** I do.

231. **MR IRVING:** Mr Wilkes, 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?

232. **MR WILKES:** I do.

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

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

235. **MR IRVING:** Standing Order 27A; Mr Davie, Mr White, and Mr Aanensen, in respect of deposits in Parliament, Mr Wilkes, in respect of deposit at government departments and public bodies, and Mr Miller, in respect of the content of the supplementary environmental information, do you prove that on 3 July 2023 in Parliament and between 3-6 July 2023, that government departments and public bodies you severally deposited in accordance with Standing Order 26 copies of supplementary environmental

information containing the information referred to in Standing Order 27A i(a), ii and v, of the House of Lords, and Standing Order 27A, i, ii, and vi of the House of Commons in the office of the Clerk of Parliaments, the Private Bill Office and the House of Commons, and the offices of any government departments or public bodies of which copies of the Bill are required by Standing Order 39 as specified in the list kept under Standing Order 1A to be deposited?

236. **MR AANENSEN:** I do.

237. **MR WHITE:** I do.

238. **MR DAVIE:** I do.

239. **MR WILKES:** I do.

240. **MR MILLER:** I do.

241. **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 it takes into account the matters referred to in Regulation 18.4(c) of the EIA regulations?

242. **MR MILLER:** I do.

243. **MR IRVING:** Mr Wilkes, do you prove that the supplementary environment statement and the separate non-technical summary also deposited were made available for inspection and for sale at a reasonable price at the offices referred to in Standing Order 27A(vii) of the House of Lords and Standing Order 27A(viii) of the House of Commons?

244. **MR WILKES:** I do.

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

246. **MS SALMON PERCIVAL:** Thank you. I wonder if I can ask – I think it's a question you've had before which is about the persons who have sufficient expertise and

whether or not you can give some more information about who prepared the environmental information?

247. **MR MILLER:** Yes. I'll take that. The project published a competency statement on the .gov websites and that outlines all of the organisations and the individuals. I don't think they're named specifically but their competencies are set out saying what role they've taken to carry out the assessment and that they are competent persons. So, that's set out on the .gov website and I believe that was published on 3 July.

248. **MS SALMON PERCIVAL:** Thank you very much. Justin, James, no? Lovely. Right. 28.

249. **MR IRVING:** Standing Order 28 was repealed in 1964. Standing Order 29; I prove that this Standing Order is not applicable to the amendments of the Bill. I prove the same in relation to Standing Order 30. I prove the same in relation to Standing Order 30A and in relation to Standing Order 31, and in relation to Standing Order 32, and in relation to Standing Order 33.

250. Standing Order 34, Mr Wilkes, do you prove that between 3-6 July you deposited in accordance with Standing Order 26 a copy of the deposited plans, section if any, and Book of Reference together with a copy of any Ordnance map marked in accordance with Standing Order 34B at the departments and other public bodies specified on page 16 of the proof?

251. **MR WILKES:** I do.

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

253. **MS SALMON PERCIVAL:** I think – I'm on page 27 of proof but I can see other people have got bigger versions so maybe the pagination's different.

254. **MR IRVING:** Right, yes. You have the A4 copy, do you?

255. **MS SALMON PERCIVAL:** I think we've done Standing Order 34?

256. **MR IRVING:** 34, yes. Standing Order 35. I prove that this Standing Order is not applicable to the amendments to the Bill. Standing Order 36. Mr Aanensen, would you mind handing the list marked 'D'? Mr Wilkes, do you prove that between 3-6 July, you deposited in accordance with Standing Order 26 a copy of so much of the deposited plans section and Book of Reference as relates to the respective local government areas with the respective offices mentioned in the list marked 'D'?

257. **MR WILKES:** I do.

258. **MR IRVING:** And do you prove that the said list marked 'D' identifies the officer of each local authority in Standing Order 36.1A and confirms that those local authorities are the only such authorities to which the plan, section or Book of Reference relates?

259. **MR WILKES:** I do.

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

261. **MS SALMON PERCIVAL:** Standing Order 36, which we're looking at now, if I could look at the list. You've given us the list of individuals and office holders who have got the Book of Reference – who received the Book of Reference etc. And they include parish clerks and I recognise one of the names as one of the parish clerks who didn't have space to show the documentation for HS2. What were they doing with the Book of Reference? What were they expected to do under Standing Order 36?

262. Standing Order 36(1)(a) says that they will be deposited for public inspection with the officer of each local authority.

263. **MR IRVING:** Yes, so they are deposited for public inspection, the officers of each local authority, and the officer of each local authority is to permit any person to inspect it.

264. **MS SALMON PERCIVAL:** And it makes me wonder, as you imagine after our conversation about the deposit of documents early on, whether the parish clerks did actually offer it for public inspection.

265. **MR IRVING:** I think – well perhaps – is this a case where they would have been a library – they would have made the documents available at a library in the parish area. I think they would have discharged their duty through making it available at a local library in the parish.

266. **MS SALMON PERCIVAL:** And apologies for this if I'm missing the point because it's a point that's just occurred to me, having looked at the list. Why isn't a mystery shopper exercise performed in relation to the Book of Reference? Isn't it as much needed? I mean, do you think it needs to be proved in the same way you did with the documentation?

267. **MR WILKES:** The documentation includes the Book of Reference.

268. **MS SALMON PERCIVAL:** It includes it.

269. **MR WILKES:** So, all of those libraries that were the places of public resort included the Book of Reference.

270. **MS SALMON PERCIVAL:** Right. Right. So, my point was misconceived. Right, okay. Thank you. Do you have any questions? Okay.

271. **MR IRVING:** Standing Order 37. I prove this Standing Order is not applicable to the amendments of the Bill. I prove the same in relation to Standing Order 38. Turning to Standing Order 39. Mr Wilkes, do you prove that between 3-6 July you deposited as

specified in the appropriate list kept under Standing Order 1A in accordance with Standing Order 26, copies of the amendments to the Bill?

272. **MR WILKES:** I do.

273. **MR IRVING:** I prove that those 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.

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

275. **MR IRVING:** Standing Order 40 was repealed in 1986. Standing Order 41; Mr Aanensen, would you mind handing in the list marked 'E'?

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

277. **MR IRVING:** Mr Wilkes, do you prove that between 3-4 July, you delivered in accordance with Standing Order 26, a copy of the amendments of the Bill at the office of each of the Highway Authorities mentioned in the list marked 'E'?

278. **MR WILKES:** I do.

279. **MR IRVING:** And do you prove that the list marked 'E' contains the name of every recipient or recipients specified in Standing Order 1A?

280. **MR WILKES:** I do.

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

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

283. **MR IRVING:** Standing Order 42. I prove that this Standing Order is not applicable to the amendments to the Bill. I prove the same in relation to Standing Order 43, and same in relation to Standing Order 44. Turning to Standing Order 45. Mr Davie, in respect of deposit in Parliament and Mr Wilkes, in respect of deposit at all government departments and public bodies, do you prove that, on 3 July in Parliament, and between 3-6

July 2023 at government departments and public bodies, you severally deposited in accordance with Standing Order 201 of the House of Lords and Standing Order 209 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 in accordance with Standing Order 26 at the government departments listed on page 19, an estimate of expense and any copy of it required by Standing Order 45?

284. **MR WILKES:** I do,

285. **MR DAVIE:** I do.

286. **MR IRVING:** Mr Davie, do you prove that the estimate of expenses prepared in the form set out in Appendix to the Standing Orders or as near to it as the circumstances permit?

287. **MR DAVIE:** I do.

288. **MR IRVING:** And do you prove that the estimate was made by Mark Thurston, chief executive of HS2 Ltd and is signed by him?

289. **MR DAVIE:** I do.

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

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

292. **MR IRVING:** Standing Order 46 was repealed in 1990. Standing Order 47, Mr Panchmatia, do you prove that you prepared a statement in accordance with the requirements of Standing Order 47 irrespective of any area to which that order applies in which is it proposed to authorise the acquisition compulsorily or by agreement of any specified land on which houses are standing?

293. **MR PANCHMATIA:** I do.

294. **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 or persons residing in them?

295. **MR PANCHMATIA:** I do.

296. **MR IRVING:** Mr Davie, do you prove that on 3 July, you deposited in the offices of the Clerk of Parliaments and the Private Bill office of the House of Commons a copy of the statement?

297. **MR DAVIE:** I do.

298. **MR IRVING:** And I prove that the amendments of the Bill do not revive or extend the time limit 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 omitted the reference to confer, which I don't think I actually – on reflection that actually makes sense. It's – this is about the reviving or extending the powers. Mr Wilkes, do you prove that the list marked 'E' contains the name of every recipient or recipients specified in Standing Order 1A?

299. **MR WILKES:** I do.

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

301. **MS SALMON PERCIVAL:** Could I ask about the reference to the total number of persons residing in the Houses? Because there is that caveat, 'so far as can be ascertained'. Is there a reasonably high level of confidence that the total number is the complete number?

302. **MR PANCHMATIA:** In the forms of referencing that we follow to establish, including Land Registry titles, including site visits, including land interest questionnaires and

other forms of referencing that we carry out to establish people, persons residing in those properties.

303. **MS SALMON PERCIVAL:** Right. So, there are a variety of checks to try to ensure that the number is as certain as can be?

304. **MR PANCHMATIA:** Correct.

305. **MS SALMON PERCIVAL:** Thank you. Standing Order 48.

306. **MR IRVING:** Standing Order 48. Mr Davie, 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 the rights to use, which may be compulsorily acquired or which are rendered liable to the imposition of an improvement charge 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?

307. **MR DAVIE:** I do.

308. **MR IRVING:** And do you prove that there is no alternative line or work laid down on the plane?

309. **MR DAVIE:** I do.

310. **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?

311. **MR DAVIE:** I do.

312. **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 tunnel by a dotted line?

313. **MR DAVIE:** I do.

314. **MR IRVING:** And 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 meters?

315. **MR DAVIE:** I do.

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

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

318. **MR IRVING:** Standing Order 49. I prove that this Standing Order is not applicable to the amendments to the Bill. Standing Order 50. Mr Davie, do you prove that the plan has marked on it the distances in kilometres from one of the termini?

319. **MR DAVIE:** I do.

320. **MR IRVING:** I consider that this Standing Order has been complied with. Standing Order 51. Mr Davie, do 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?

321. **MR DAVIE:** I do.

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

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

324. **MR IRVING:** Standing Order 52. I prove that this Standing Order is not applicable to the amendments to the Bill. I prove the same in relation to Standing Order 53. Turning to Standing Order 54, Mr Panchmatia, do you prove that the deposited Book of Reference is on 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 those owners or lessees whose identity could not, after reasonable inquiry, be ascertained and describe such lands and houses respectively?

325. **MR PANCHMATIA:** I do.

326. **MR IRVING:** I consider that this Standing Order has been being complied with and you'll see that there is a note about – a note on the content of the Book of Reference and describing the situations where it wasn't possible to identify the owner or occupier.

327. **MS SALMON PERCIVAL:** No. Thank you.

328. **MR IRVING:** Standing Order 55. Mr Davie, 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? It 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?

329. **MR DAVIE:** I do.

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

331. **MR DAVIE:** I do.

332. **MR IRVING:** And do you prove that where tunnelling or a viaduct is intended, it is marked in the section?

333. **MR DAVIE:** I do.

334. **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?

335. **MR DAVIE:** I do.

336. **MR IRVING:** I consider that this Standing Order has been complied with. Standing Order 56. I prove that this Standing Order is not applicable to the amendments to the Bill. Turning to Standing Order 57. Mr Davie, do you prove that the line of railway or tramroad marked on the section corresponds with the upper surface of the rails?

337. **MR DAVIE:** I do.

338. **MR IRVING:** And do you prove that the distances on the datum line are marked to correspond with those on the deposited plan? That a 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 the section of railway or tramroad with a constant gradient, that gradient is also marked?

339. **MR DAVIE:** I do.

340. **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?

341. **MR DAVIE:** I do.

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

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

344. **MR IRVING:** Standing Order 58. I prove that this Standing Order is not applicable to the amendments to the Bill. I prove the same in relation to Standing Order 59. I'm turning to Standing Order 224A. Ms Clark, do you prove that each note is published under Standing Order 10 states that any person who wishes to make comments on the supplementary environmental information should send them to the Secretary of State for Transport, that they should be received on or before 11.45 pm on 31 August 2023 and should be made in the following manner by sending them either by post, to Freepost, HS2, AP2, by email to HS2AP2@ipsos.com or made at, so or made online at https – that will have the email address specified there – as specified by the relevant Minister?

345. **MS CLARK:** I do.

346. **MR IRVING:** And do you prove that 31 August 2023 falls no earlier than the second day after the first publication of the notice?

347. **MS CLARK:** I do.

348. **MR IRVING:** Sorry, 42nd day after the first publication of the notice.

349. **MS CLARK:** I do.

350. **MR IRVING:** I prove that the supplementary environmental 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.

351. **MS SALMON PERCIVAL:** Thank you. I think that brings us the end of the Standing Orders. If I could ask if my colleagues have any questions. I have one because I haven't got it clear in my mind and I wonder if I could resuscitate Standing Order 36 and list 'D'. It's the one where I mentioned the Book of Reference and the list containing parish clerks, some of whom I know from my own recollection having looked at the mystery shopper list, would've given their residential home.

352. And I think what's troubling me is the precise requirements of Standing Order 36, which says that 'a copy of so much the Book of Reference as relates to such areas shall be deposited for public inspection with the officer of each local authority'. And then it goes on to say, 'The officer with whom any such document is so deposited shall permit any person at all reasonable hours', so quite onerous, 'of the day to inspect it'.

353. Now, the evidence from the mystery shopper exercise is that some of those parish clerks gave their residential address and so I'm assuming that the documentation deposited under Standing Order 36 went to their residential address.

354. And what I'm not clear is whether or not Standing Order 36 has been satisfied, given that, for very good reasons, those particular addresses of those officers were not available for public inspection.

355. **MR IRVING:** As I understand it those documents were made available at a local library in the area and so that the Standing Order doesn't require them to be made available at the residence at which they were – the documents – were deposited. But they would, in those circumstances, have been made available at a local library for inspection. Perhaps I could just have confirmation of that position. Where he wasn't able to have them available for inspection at his or her residence, they were made available at a local library.

356. **MS SALMON PERCIVAL:** I think we heard, didn't we, that they were part of the documentation deposited at the long list in Standing Order 4, so they would've been –

357. **MR WILKES:** They're available at every library listed and that's where, on the contact list, the address was amended to reflect the local – care of the local library.

358. **MS SALMON PERCIVAL:** Justin, you've got a question.

359. **MR LESLIE:** Is there a point about what Standing Order 36 means when it's referring to a local authority? So, the list you provided us with, is your interpretation of that term is that you mean largely parish councils? Is that right?

360. **MR IRVING:** The local authority here does include parish councils. In relation to Standing Order 4 and 4A, as regards the newspaper notice; that is the principal local authorities, but in relation to 36, it includes the parish councils.

361. **MR LESLIE:** Yes, it may include the parish council but I think I'm just reflecting on a point we discussed earlier that, in relation to the mystery shopper exercise, you made the point that even where there was an issue with accessing the material in relation to particular parish council area, compliance could still be shown because elsewhere within that local authority district the local authority area access could still be given to the documents.

362. Say for example, if there was a problem with one of the – if there was a problem with one of the parish councils, you would go to the Gretna Green Library, for example. I think the basis on which you're saying that you're compliant with Standing Order 4 was because the list that you gave to us was demonstrating how you'd gone above and beyond what was required for that Standing Order.

363. But just in relation to this one, Standing Order 36, are you saying that the local authority – the term 'local authority' here means 'parish council', which is why you've listed only parish council offices in list 'D', or is there some other? Because you then made reference to the libraries, the local libraries. So, I wondered if you were trying to make a similar argument that, because they were available elsewhere in a local library, that got you home on Standing Order 36.

364. **MR IRVING:** In relation to that Standing Order – yes, I think we would say that, in relation to the parish officers who received the documents in accordance with 36, they were then under requirement to make them available, and I'm not sure incidentally, to what extent we can prove compliance with their obligations. But anyway, as I understand it, where they weren't able to have them on the deposit – available for inspection at their own residence, they were available for inspection at a local library in the parish.

365. **MS SALMON PERCIVAL:** I think your argument is, isn't it, that Standing Order 36 doesn't say, 'And they must make them available at the address to which they've been sent'. There's no obligation about which address, so long as they've made arrangements for them to be available.

366. **MR IRVING:** Yes, that's right. They can discharge their duty by having them available at the local library. And I think that is the –

367. **MR AANENSEN:** Yes, there's examples in where they've nominated a library, where a local parish council has nominated a library, for instance, the town of Wilmslow nominated Wilmslow library as their deposit location.

368. **MS SALMON PERCIVAL:** Right.

369. **MR IRVING:** It wouldn't, in all cases, be at their own residence.

370. **MS SALMON PERCIVAL:** Yes, that's lovely. Thank you very much indeed. I think we've all got to the point where we'll go into private session for a few moments. I hope it won't be too long. So we'll now suspend proceedings.

The Examination was suspended from 1.35 pm until 1.46 pm

371. **MS SALMON PERCIVAL:** Apologies for the wait. The meeting is resumed in public. We have concluded that the following Standing Orders that are applicable have not been complied with for reasons of time: Standing Orders, 4, 4A, 10, 10A, 11, 12, 12A, 13, 27, 27A, 34, 36, 39, 41, 45 and 47.

372. If I may add, as I'm sure you imagined, we did have a discussion about the substantive issues in relation to Standing Order 4 and the fact that some of the premises were not open as discovered by the mystery shopper exercise. First of all, we would like to welcome the fact that you're doing a review and I give much encouragement to you in doing that; I think that's a good idea.

373. I would also like to reiterate a point that was made during our examination, which is that there is an unsatisfactory aspect of there being a notice which includes addresses that aren't going to work – although we have taken the argument that of all the addresses, those which were fully open satisfied the requirements of the Standing Orders, and the addresses where they weren't available – the documents weren't available for inspection – were a case of HS2 in fact being more generous with the number of venues at which it was going to display these documents for inspection.

374. So we wouldn't like to be seen to be discouraging that more generous approach, but, as we said during the examination, I think in future it would be very helpful indeed if a distinction could be drawn between where the offices are open and the documents can be inspected in compliance with the Standing Orders and they are open at sufficient addresses to satisfy the Standing Order, and then, on the other hand, where addresses are over and above and where some of them may not be open. That should be clarified.

375. So there would be two lists rather than the one. That would make certainly our job a lot easier and possibly yours as well, because you might not have gone through quite such a level of interrogation.

376. We were interested, given the requirements of Standing Order 4A, that you were quite extensive in the different sorts of venues that you chose, the different levels of local authority and I think perhaps in addition to making that distinction between compliance and non-compliance, some explanation of the choice of venue would be helpful to the examiners as well.

377. So with those comments and a great deal of thanks for all your hard work and for with the thoroughness of your answers, this proceeding is now over. Thank you.