



From Lord Berkeley, 07710 431542  
berkeleyafg@parliament.uk

To:

Andrew Stephenson MP and  
Baroness Vere. Ministers,  
Department for Transport

22 March 2021

Dear Andrew and Charlotte,

**HS2: Ref EKFB's ongoing review and assessment of the geological conditions at Wendover and the Wendover Mined Tunnel Proposal**

I write in connection with issues on the Wendover Mined Tunnel.

In response to my Written Question tabled on 2 February 2021, Baroness Vere stated that EK (now EKFB) contractors have been involved in providing advice to the Department and HS2 Ltd in relation to the ongoing scrutiny of the Wendover Tunnel proposal as it has developed. Indeed, there have been 4 separate references to EKFB's supposedly ongoing assessment of the geological conditions past Wendover and the developing Wendover Mined Tunnel Proposal as follows:

- (1) **21 Sep 20 – Andrew Stephenson MP letter to lord Berkeley** referring to EKFB repeatedly stating that (mining) is not a viable or safe method of tunnelling past Wendover.
- (2) **28 Oct 20 - Andrew Stephenson MP letter to Rob Butler MP** referring to EKFB not identifying the benefits of a mined tunnel past Wendover.
- (3) **6 Nov 20 - Andrew Stephenson MP Letter to Tom Walsh Chair Wendover Parish Council** referring to EKFB not identifying a mined tunnel past Wendover as an efficiency.
- (4) **Parliamentary Question HL12883 tabled 2 Feb 21** by Lord Berkeley to Baroness Vere refers to EKFB 'contractors have been involved in providing advice to the Department in relation to its ongoing scrutiny of the proposal as it has developed.'

Such references give the impression that the Wendover Mined Tunnel proposal has been thoroughly and comprehensively reviewed by EKFB. However, a senior EKFB contact has now confirmed that they have only been involved in one meeting with HS2 Ltd and the DfT to discuss the Wendover Tunnel proposal - in April 2019.

Furthermore, the answers to FOI 0018798 do not provide any evidence of advice or scrutiny of these mined tunnel alternative. In fact, the correspondence in this FoI response appears to set a policy of avoiding any involvement of EK because of the resulting costs and a guessed delay to the project of a year.

It is of course possible, although unlikely, that another member of EKFB has provided documentation and answers to support all the above statements but, if so, it should have been included in the above FoI response. In the absence of any further reports, correspondence, notes

of meetings and with whom, it is clear that EK/EKFB did not provide ongoing evidence or advice to the Department and HS2 Ltd as set out in the above letters and answers.

I am therefore forced to conclude that parliament has been seriously misled by the letters and answers listed above, and by the failure of the above FOI answer to provide this information to support them. If there is further evidence of EKFB's involvement, I trust that you can furnish me with it as a matter of urgency.

I am afraid that, if I do not receive them in a timely manner, I will be forced to conclude that ministers may have misled parliament – reference Paragraph 1.3 c of the Ministerial Code:

*'c. It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;'*

This is a very important issue, since I would suggest that, had the Department and HS2 Ltd allowed EKFB to review and assess the developing proposal for a Short Tunnel at Wendover, then it is entirely feasible that efficiencies similar to those found at Bromford would have been possible, thereby removing one of the main ministerial arguments against the Wendover mined tunnel that it was more expensive.

I look forward to your response.

Best wishes, Tony

Tony Berkeley

Copy Rob Butler MP  
Tom Walsh, Wendover Parish Council