



From Lord Berkeley
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Andrew Stephenson MP
Minister for HS2
Department for Transport
London SW1

9 September 2020

Dear Andrew,

HS2 Phase 1 - Wendover issues

I write to comment on and seek your response to a number of issues that have arisen in respect of HS2 and the Bored Tunnel proposed by Wendover Parish Council. I received from them a copy of the letter which Rob Butler MP wrote to Wendover Parish Council dated 18 August 2020 together with appendices which included your letter to Rob Butler MP dated 30 March 2020 (attached).

I do not think that the responses from either Rob Butler, the Secretary of State or yourself are adequate reasons for closing down this option and so I set out some of these below; and copy this letter to Rob Butler as well.

1. You quote the HS2 Select Committee Report that the House of Commons Select Committee rejected the bored tunnel solution 'primarily on the grounds of cost.' There is now strong evidence from the recent Public Accounts Committee Report on HS2 and elsewhere that Parliament has been misled on costs which, at that stage, were produced by HS2, who had a clear objective of avoiding any changes to their scheme. It is now clear that HS2's estimating methodology was flawed - with this comment applicable to both the Bill scheme and alternatives, and so I do not think it credible to rely on HS2 cost estimates as a reason for rejecting the alternative. See my comments on this below
2. Your letter to Rob Butler dated 27 May 2020 refers to discussions on costs during the Oakervee Review. I was present at all the meetings at which costs were discussed and I wish to put the record straight on some your comments. Mr Byng was not a member of the Review Panel although I did request officials that he should be allowed to sign an NDA to allow him to have open discussions with HS2 and the panel on costs. This was refused by officials on the spurious grounds that Mr Byng was supporting some petitioners to the Phase 2A Bill. In fact, his role was to act as an expert witness, which should not have prevented him from signing an NDA for the Oakervee Review discussions.

it is perhaps surprising therefore that KPMG were appointed to provide a comparison between the estimates of HS2 and Mr Byng, when KPMG were involved in an advisory role on many other parts of the HS2 work and had clearly signed an NDA. As we found out at the meeting at which both parties presented their cost estimates and methodology, and in subsequent discussions with KPMG, it was clear that KPMG, whatever their expertise elsewhere, appeared to be completely unqualified to provide any kind of credible comparison. In the end, their assessment came much close to the results provided by Mr Byng. This was clearly another case of NDA's being used to silence anyone who might have a disagreement with HS2.

3. The RMM Suite. You state in your letter 'we have always made it clear that this methodology (RMM Suite) is intended for use on Network Rail projects on the conventional network and not for new high-speed railways'. This reason for ignoring Mr Byng's methodology for HS2 was never mentioned during the cost discussions during the Oakervee Review work as a reason for rejecting his approach. This is particularly surprising when HS2 were clearly involved in the development of the RMM Suite. See the attached pages from the current version, from which you will see that High Speed Two (HS2) Limited were thanked for their help in developing the documents; In addition, at least 17 of the other companies and organisations listed have been and continue to be involved in the development of the HS2 project including setting its cost limit.

In the foreword to the current, 2018, version of the RMM suite you will see that, in the third paragraph, its intent and purpose is described and in the final paragraph, there are thanks to the industry development, which includes High Speed Two (HS2) Limited "*for their active collaboration to bringing a fit-for-purpose product to industry*".

So, can you please refer me to where your statement about the uses of the RMM Suite was made, and why the methodology of estimating of costs for high speed and conventional railways is so different? When did ministers make such a decision, on what grounds, and how did they inform the industry?

4. Changes to a Hybrid Bill. Finally, you mention the legal advice about the process of seeking subsequent changes to a hybrid bill and the Committee's decision that none should be permitted at the stage of the Second House proceedings. You quote legal advice from two sources that substituting a bored tunnel scheme for the Bill scheme would require such a change, and that this would cause much delay and cost to the project. I am sure that I could find equally experienced legal advice (some of which Wendover PC has found) which would disagree with the advice you received – sadly it all depends on who is paying for that advice.

However, there is precedent for making such small changes using the Transport and Works Order process, which was used successfully on HS1. Experience on such orders is that, if ministers wanted the work done quickly this is achieved, but there are many other examples of where T&W takes a few years. In the case of the Wendover Bored Tunnel, if ministers really wanted to achieve this change at minimum cost and delay, the process is largely in their hands.

5. Geology on the route of the tunnel. Another reason for rejecting the Wendover Bored tunnel scheme was given as poor ground conditions and a high-water table. This is often found in tunnel schemes, and we encountered some challenging water problems during the construction of the Channel Tunnel, which is of course below the water table. These problems are all soluble by the experienced engineers we have in the UK in designing a suitable boring machine and safe method of working. Again, if HS2's engineers and consultants were told to go and design a suitable tunnel scheme for the ground conditions likely to be encountered, I am absolutely confident that they could do so and would probably come up with a very similar scheme to that proposed by Wendover PC's experts.
6. I also understand that further boreholes are planned for this area; it would surely be fair to provide all the subsoil and geological information to Wendover PC and their experts rather than seeking legal advice as to what is reasonable to give to interested parties. There is nothing confidential about geological information - only possible embarrassment, which I hope can be avoided. I trust therefore that you can instruct HS2 to provide all the information that they have to Wendover DC without any further delay.

I conclude that it appears to me the very comprehensive work that has been undertaken by HS2 and your Department on identifying reasons for not investigating the mined tunnel option is entirely due to ensuring that no stone is unturned so that that it does not get built, because it involves change and would somehow reflect badly on HS2's expertise. I suggest that, if ministers actually believed, as I do (knowing the area well and having been involved in building the Channel Tunnel), that a tunnel in this location would be really beneficial to the people of Wendover and the

surrounding areas, they could make this change. It would demonstrate that you were listening to people who were not opposing the project as such but trying to improve it for everyone's benefit.

Perhaps it is time for you, as the new minister for HS2, having reviews all the evidence, to instruct HS2 to go ahead with the bored tunnel option with a view to building it, having obtained the necessary new powers and undertaken the necessary environmental and other studies as a matter of urgency.

Best wishes, Tony

Lord Berkeley