

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Wednesday 23 September 2020 (Afternoon)

Virtual proceeding

PRESENT:

Lord Hope of Craighead (Chair)

Lord Brabazon of Tara

Lord Goddard of Stockport

Lord Haselhurst

Lord Horam

Lord Liddle

Lord Snape

IN ATTENDANCE:

Jacqueline Lean, Counsel, Department for Transport

WITNESSES:

Roger Geffen and Phil Jones (Cycling UK)

Peter Miller (HS2 Ltd)

IN PUBLIC SESSION

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(At 3.00 p.m.)

1. THE CHAIR: Welcome to this final public session of the Select Committee on the High Speed Rail (West Midlands – Crewe) Bill. We are again meeting fully virtually. We offered Roger Geffen of Cycling UK the opportunity to appear before the Committee a second time because his original hearing took place within hours of the publication of the Government’s cycle infrastructure design document, which he considered crucial to the argument he was seeking to make. Having been unable to agree matters with HS2 over the summer, Mr Geffen asked to see us again and we agreed.
2. It may be helpful if I were to now to set out how this session will work. Everyone participating in today’s session is on the Zoom call and we can all see each other. You may need to switch to gallery view to do so. My microphone will remain unmuted throughout; others may control their own muting but please remember to unmute before speaking.
3. As far as possible we will follow a pre-determined order of speaking as set out in my brief, which has been shared with all participants. Unless anticipated in the brief you should wait to be called before speaking. If you wish to intervene at any point, please physically raise your hand so that it can be seen on screen. I will then call you to speak at an appropriate point.
4. In order to allow for interventions, speakers should pause occasionally to allow those questions to be put. I will then either call someone to speak or invite the speaker to continue.
5. We expect this to be a short hearing and will aim to finish by 4.30 p.m. Relevant documents for this hearing, which have all been previously circulated to the Committee, are R76, A8 and P25. Perhaps the most crucial are the three letters sent between the hearings, one dated 20 August from HS2 to Mr Geffen, two dated 14 September from Mr Geffen and HS2 to myself. We shall now begin.
6. This is petition 32, Cycling UK. Now Ms Lean, would you be kind enough to open the proceedings for us?

Cycling UK

7. MS LEAN (DfT): My Lord, I'm grateful. As my Lord has already alluded to, this petitioner appeared before your Lordships' Committee on 28 July. One of the issues they wanted to discuss was the promoter's approach to national standards for the design of roads and alteration of roads and highways in order to make provision for cycling. As you've referred to the updated guidance note, LTN120, which your Lordships have under R117, was published the night before the petitioner's appearance and the petitioner indicated they'd wish to come back, having discussed with HS2 Ltd how it proposed to respond to that new infrastructure design guidance.

8. My Lord, a revised assurance letter was sent to the petitioners on 20 August 2020, being updated to reflect the new guidance notes, LTN120, and there has been an exchange of letters dated 14 September 2020 and I believe another letter should have reached you last night from the promoter regarding a couple of additional matters that were raised in the petitioners' letter in respect of Phase One.

9. My Lord, we've seen an email about lunchtime today with some matters that Mr Geffen may wish to raise in front of you. We had anticipated that this hearing would be limited to looking at issues to do with LTN120; to the extent the matters raised go beyond that, we will do our best to assist as much as we can. We have focused our attention very much on LTN120.

10. THE CHAIR: Thank you very much. Well, Mr Geffen, I think it's over to you. Bear in mind that we have already heard argument from you so this is a supplementary hearing and I'd be grateful if you would make it clear in the course of your submissions exactly what you want us to do for you.

Submissions by Mr Geffen

11. MR GEFFEN: Firstly, thank you very much, Chairman, and may I thank you and all of the members of the Committee for agreeing to hear a second presentation from me in the circumstances that have been described? I very much appreciate it.

12. Let me just outline what I propose to do. I propose very briefly to start with a very quick overview of another key document that came out on the same day as the

LTN120 guidance, and indeed our previous petition hearing. This is the Government *Gear Change* vision, *A Bold Vision for Cycling and Walking*. I just want to touch briefly on a few key paragraphs there that set out the status that the Government attaches to LTN120, obviously backing behind it, and before that one reference to the Government's *Decarbonising Transport: Setting the Challenge*, which in turn set wider policy contexts as to why the Government attaches such importance to cycling, and therefore to getting the cycling infrastructure design guidance right.

13. I will then go through – the bulk of my evidence will focus on what I think is most relevant from LTN120. I will then touch briefly on conflicts that existed even before now between 120 and previous technical guidance, and will touch briefly on some concerns that the Buckinghamshire County Council has had with the wording, ‘due regard’, in the assurance we had in Phase One, which I hope will explain why I’m looking for a stronger assurance in relation to Phase 2A.

14. That point is backed up by some of what I will say about the correspondence that you have seen since our previous hearing where, I have to say, I was not satisfied with HS2’s explanation of what they meant by ‘due regard’ and my fear is that if we don’t secure a stronger assurance than having due regard, that local authorities in Staffordshire and East Cheshire and so on will be facing the same problems in three years’ time that Buckinghamshire and Warwickshire are right now. So, with no further ado, that’s what I propose to do.

15. If I make one reference to a document that I only sent through this morning, but it is literally to read out one sentence from it. This is the ministerial foreword from *Decarbonising Transport: Setting the Challenge*, which the Government published back in May. The Secretary of State’s foreword sets out a six point vision for a net zero transport system, and the point one of that vision is that, ‘Public transport and active travel’, by which they mean, cycling or walking, ‘Public transport and active travel will be the natural first choice for our daily activities’. That is the importance that the Government is attaching onto getting cycling and walking right.

16. So we then move on, as I said, to the policy documents that came up on the same day as the cycling design guidance. This is *Gear Change: A Bold Vision for Cycling and Walking*. That has, at pages 4 and 7 –

17. THE CHAIR: Mr Geffen, sorry to interrupt you. We need to find that document. Do we get a link to it in your letter, which you sent to us?

18. MR GEFFEN: That's right, if you go into the second hyperlink in my email from lunchtime today, open that up and that should take you to *Gear Change*.

19. THE CHAIR: Well, I can find it by clicking on the reference in your letter of 14 September; is that the same document?

20. MR GEFFEN: Yes. It'll be there too, yes. Same document.

21. THE CHAIR: *Gear Change: A Bold Vision for Cycling and Walking*. Is that right?

22. MR GEFFEN: That's the one. Are others content for me to go on? If I see no signals, I will proceed. So *Gear Change* starts out with a foreword from the Prime Minister, which I hope is indication of the policy importance that the Government attaches to this agenda; that's on pages 4-5. I'm literally whistle-stopping through this. Please slow me down if I'm going too fast.

23. Skip forward to page 9 and you will see an infographic in which it sets out the importance in terms of the wider benefits of delivering on the cycling agenda: the health benefits, the wellbeing benefits, reducing congestion, environment, climate change, air quality and economic benefits in terms of reducing ill health, reducing sickness absence, reducing cost to the NHS and so on, and indeed job creation.

24. I will jump on to page 12 where there is another infographic which sets out the importance of that bold vision. I would just cite the final sentence on that page, 'Cycling and walking measures are no longer seen as an afterthought, but have moved to the very heart of considerations for all transport planning at all levels of leadership.' I hope that the relevance of sentences like that are evident.

25. I will jump on to page 20; I hope I am not going too fast. Page 20 of *Gear Change* provides – well, it's the conclusion of theme 1 which is all about better streets for cycling and people. The final couple of paragraphs on page 20 are all about local transport note, LTN208. It's basically headed, 'We will set much higher standards because', as this document says, 'inadequate cycling infrastructure discourages cycling

and wastes public money’. ‘Inadequate cycling infrastructure’ – I’m jumping a sentence, ‘reflects a belief, conscious or otherwise, that hardly anyone cycles, that cycling is unimportant, and the cycles must take no meaningful space for more important road users such as motor vehicles and pedestrians’, and it basically goes on to say that that must change.

26. Jumping to the next paragraph, ‘We have today’ – this was of course 28 July, the day on which I was last presenting to this Committee – ‘The Government has today, alongside this document, published new cycling design guidance, which sets out the much higher design standards we will now require if schemes are to receive funding’.

27. Jumping a sentence, ‘The summary principles are set out in the appendix to this document. We do not seek perfection, but we do demand adequacy; we would rather do nothing than something inadequate’. Jumping a sentence, ‘We will expect local authorities and developers to utilise the guidance in the design of their schemes, regardless of whether they are seeking Government funding’. So that gives some indication of importance of the design standards.

28. Let me jump to page 24. Effectively, it reiterates some of what we just heard, ‘To receive Government funding for local highways investment where the main element is not cycling or walking improvements, there will be a presumption that all new schemes will deliver or improve cycling infrastructure to the new standards laid down, unless it can be shown that there is little or no need for cycling in a particular road scheme’. I will highlight some of HS2’s existing technical standards that is at odds with that guidance.

29. Jumping on again to page 31, and this is the last extract I want to refer to from this document, page 31, the final paragraph says, ‘We will not fund or part fund any scheme that does not meet the new standards and principles described in theme 1 and in the appendix. We will not allow any other agency or body to fund such schemes using any of our money’ – this is the Department’s money.

30. So it is saying, in effect, that although local transport will – we’ll have a bit of a discussion later about the importance of the words ‘standards’ and ‘guidance’ – local transport note 120, as HS2 has pointed out, is guidance, but it’s basically setting out an expectation that local authorities, and other bodies, will use it to define their own

standards, and that, although local authorities are not required by law to adopt it as standards, that if they wanted to receive funding for their schemes, whether they are cycle specific schemes or other transport schemes, they should be adopting the Government's local transport note – LTN120 – the technical guidance in there as standards. I do not see why HS2 should be treated differently.

31. THE CHAIR: Can I ask you to pause there? I'd like you to go back to page 20, please. Can you find it?

32. MR GEFFEN: Yes.

33. THE CHAIR: Page 20, last sentence. At the end of the day, I think the Committee is going to be very interested in the exact wording of any assurance that might be given to you, and I was just interested in that last sentence, because it uses the phrase, 'To utilise the guidance in the design of their schemes'. Is that the kind of phraseology that meets your point?

34. MR GEFFEN: It does indeed. It depends then on what we mean by 'utilise' and I suspect that 'utilise' and 'have regard to' are similar – again, if I had confidence that 'utilise' was effectively to adopt the technical requirements of LTN208, as standards that will only be deviated from by exception rather than as the norm, then I would be happy but I would need to know what we meant by 'utilise' in the same way that I wanted to know what we meant by 'have regard to'.

35. THE CHAIR: Well, it's actually a whole phrase; it's 'utilise the guidance'.

36. MR GEFFEN: Yes.

37. THE CHAIR: It's adopting the wording of the document itself –

38. MR GEFFEN: Yes.

39. THE CHAIR: – is called guidance, 'utilise the guidance'.

40. MR GEFFEN: Utilise the guidance would be good, but I will want to know that by utilising the guidance that HS2 Ltd will, in practice, adopt the technical requirements of the LTN120 guidance as standards for themselves with a deviation process. If there's another way in which HS2 wishes to do that, but that is – then let's discuss that, but that

is the practical effect of what I hope we can achieve so that we know when HS2 is deciding how much land is required in future phases, as well as what to provide within the Bill limits in the current Phase 2A, that it's starting out with the LTN120 as requirements, and only deviates from them by exception. That's really where I want to get to.

41. THE CHAIR: Yes. Well, I'm afraid I interrupted you. So would you go back and carry on with your submissions?

42. MR GEFFEN: Okay. So that's really what I wanted to highlight from the *Gear Change* document. If we now go into the cycle infrastructure design guidance, and let me say before I go further that Phil Jones, who I've asked to be here as a witness, was one of the – effectively, the lead author in drafting this design guidance as he has been for similar guidance adopted by the Welsh Government, and standards adopted by Highways England. So I will be asking him to verify both the status of guidance and standards, and also to clarify anything, any technical points that either the Committee, or indeed HS2, may wish to question. But I will come back to Phil Jones' evidence later.

43. So again, I will provide a similar whistle-stop tour through the cycling infrastructure design guidance. Again, let me start by noting that this has a ministerial foreword. In the third paragraph, 'Poor cycling infrastructure discourages cycling and wastes public money'. In the fifth paragraph, 'Cycling must be placed at the heart of the transport network, with the capital spending, road space and traffic planners' attention befitting that role', so it should be central, not an afterthought, again.

44. At the bottom of that page – this is page 3 – I hope I'm being followed; holler if I'm not. At the bottom of page 3, 'It will be a condition of any future Government funding for new cycle infrastructure that it is designed in a way that is consistent with this national guidance'. And then on the third from last paragraph on the next column, 'Furthermore, to receive Government funding for local highways investment where the main element is not cycling or walking, there will be a presumption that schemes must deliver or improve cycling infrastructure to the standards in this local transport note, unless it can be shown that there is little or no need for cycling in this particular highway scheme'. Again, HS2's approach differs from that. I'll see if Phil wishes to come in. Is it okay to call Phil in at this point straightaway?

45. THE CHAIR: Yes, I think so. It's up to you if want to comment.

46. MR JONES: I wasn't sure if you were going to mention it, but I just saw the last but one paragraph is an interesting use of words. It talks about the document being embedded in local highway design standards, which I thought was an interesting choice of words by the Minister. Thank you.

47. MR GEFFEN: Thank you. That's a useful observation. Yes. Good, okay. If I can carry on, because I now want to refer to paragraph 1.1.2 on page 6, because the wording here is relevant to the assurance that I've suggested that we should be seeking – the assurance we are seeking now is in line with the following wording, the second sentence, 'The cycling level of assessment' – which is an assessment tool set out in appendix A – 'and the junction assessment tool (JAT) at appendix B are new mechanisms introduced to set minimum quality criteria. Only schemes with a minimum score of 70% under the CLoS' – cycling level of assessment tool – 'no critical fails' – and we'll see what critical fails means later – 'and under the JAT no red scored turning movements will generally be considered for funding.' It is a requirement for funding that it should meet those criteria if being put forward by local authorities. I am proposing an assurance that reflects those sort of requirements that are being put to local authorities.

48. I will, in passing, just mention the core principles set out on page 7. The core principles on page 7 refer to coherence, the need for cycle networks and routes to be coherent, direct, safe, comfortable and attractive. You will see later that the cycle level of assessment tool that I just mentioned effectively scores cycle provision in terms of those five criteria: coherence, direct, safe, comfortable and attractive. They are important criteria in cycle-friendly planning.

49. I now want to jump onto page 10. This is from a set of summary principles in the LTN guidance. I want to highlight some of these principles. Principle 6 says that, 'Consideration of the opportunities to improve provision of cycling will be an expectation of any future local highway schemes funded by Government. To receive Government funding for local highways, where the main element is not cycling or walking, there will be a presumption that schemes must deliver or improve cycling infrastructure to the standards in this local transport note, unless it can be shown that

there is little or no need for cycling in a particular highway scheme.’ As I’ve highlighted before, this is not the approach that HS2 has been taking hitherto.

50. I can go on to principle 8 on page 11. ‘Cycling infrastructure must join together or join other facilities together by taking a holistic, connected approach’ – sorry – ‘network approach which recognises the importance of nodes, links and areas that are good for cycling. Routes should be planned holistically as part of a network’. Clearly, HS2, as the promoter of some linear infrastructure that cuts through local authorities’ potential cycle networks, requires good liaison at an early stage to make sure that HS2 is supporting and not severing actual or potential cycle route networks.

51. If I can then go on to page 12, principle 12, ‘Major iconic items such as overbridges must form part of a wider properly thought-through scheme’. So again, the importance of bridges, and indeed underpasses, informing connections within local authorities’ networks and making sure that they do not sever them.

52. Finally, principle 18, at the bottom of page 13. ‘Cycle routes must flow, feeling direct and logical. Users should not feel as if they were having to double back on themselves, turn unnecessarily or go the long way round’. Again, this really highlights the importance of HS2 making sure that it is having dialogue with local authorities at an early stage around these issues of network planning.

53. I can go onto page 22. Again, this highlights the importance of network planning. The Government has adopted a process known as the local cycling and walking infrastructure plan process. It’s mentioned there in 3.1.4, local cycling and walking infrastructure plans, LCWIPs. Figure 3.1 describes the stages for local authorities to draw up networks. 3.2.2 references the propensity to cycle tool. This is a tool that local authorities are recommended to identify the key corridors in their cycle route networks. And you can see, onto the next page, a bit of a screengrab of the sort of information you get from the propensity to cycle tool. It is a tool for identifying the most important – identifying and prioritising the most important links in the local cycle network.

54. Again, this is what local authorities have been asked to do over the last three years, during the time – this was a new process from – it was only started in 2017. Phil Jones wrote the guidance for this as well, incidentally, and it’s basically local authority – it’s a new thing for local authorities to be planning networks and it is really – this is

why I really want to stress the importance for HS2 to be contributing to and not undermining the local authority network planning process that local authorities have been going through, and are still going through in many cases.

55. If I can now go on to page 33 and highlight figure 4.1, this outlines the types of a provision that are appropriate for different types of roads depending on the speed limit and the motor traffic flow. Notice that it has nothing to do with the levels of cycle use. It is the types of cycle facility, whether it needs to be a fully separated, fully curbed cycle track, or, at the other end of the spectrum, whether cyclists can ride in mixed traffic, i.e. just share the carriageway, and it depends simply on the speed limit and the motor vehicle flows. This is not the approach that HS2 has been taking up to now. This is a crucial table that I would want to see HS2 taking on board in its technical guidance.

56. Similarly, I would be looking to see that HS2 is taking on board the cycle level of assessment and junction appraisal tools, which I mentioned earlier; they're mentioned again on page 36 in paragraphs 4.5, points 2 through to 4.5.7, and as I say, we will see them again when we get to appendices A and B.

57. Let's move on, if I may, to pages 40-42. These are about the dimensions of cyclists and different types of a pedal cycle, noting that pedal cycles come in all shapes and sizes, by the time you need to allow for people of all abilities, including people with various disabilities, to also be able to cycle in accordance with the Equality Act. It derives from that the necessary turning circles to allow the use of all varieties of pedal cycle.

58. It then goes on to identify the cycle lane and cycle track widths. Those are set out in tables 5.2 and 5.3. 5.2 defines different widths that are appropriate, depending on whether what is being provided is a one-way cycle track or a two-way cycle track, and it also allows for wider cycle lanes and cycle tracks for higher levels of cycle use. That's table 5.2. 5.3 then says, 'Additional width is needed if the cycle track is up against some kind of physical obstruction', so you need more space if you're next to a wall or a post, or something like that, a fairly obvious point. Again HS2 needs to adopt something that is in line with those tables.

59. Similarly, if I can go on to table 5.8 and there's supporting text on page 46. Again this is about maximum gradients, so the steeper a ramp is for a cycle, the harder it is for

cyclists to use it, particularly disabled cyclists, and of course, indeed, for wheelchair users. There's a lot of synergy between what works for cycling and what works for wheelchair users. So the greater the gradient, the shorter the maximum length of that for which that gradient can be in place.

60. If you're going up to 5% gradients, they should desirably be no longer than 30 metres long before you get to, effectively, a flat landing point and then start another gradient if need be. Lower gradients can be longer. That's what that table is doing. Again, we need HS2 Ltd to be adopting similar good practice in line with what the Government is recommending for local authorities.

61. Paragraph 6.11 refers to a point that I raised in my previous evidence session. Our concern that HS2 has not ruled out a 3.65 metre lane or the 7.3 metre carriageway. If I may read from paragraph 6.1.11, 'UK practice has generally adopted a standard carriageway lane width of 3.65 metres or 12 feet, but this should not be taken as a preferred value'. And we'll see some later guidance that is rather clearer is saying it should be avoided. Again, HS2 has not done this so far, to my knowledge.

62. If I may go on to pages 55-56, this is about one-way and two-way cycle tracks. It discusses the pros and cons of one-way and two-way cycle tracks. If I may briefly summarise, it's normal in urban contexts to provide one-way cycle lanes or cycle tracks on both sides of the road, fairly obvious reasons. A two-way cycle track on one side of the road will have two difficulties. One is that the cyclist is effectively having to cross over to get onto it twice, once at the start to join the cycle track, and then to leave it again at the other side in order to continue their journey. That is two unnecessary crossings of a main road.

63. The other difficulty for the two-way cycle track on one side of the road is that every time you cross a side road cyclists in one direction will be coming, as it were, from the direction that drivers emerging from that side road are not expecting, and not expecting to see them. Now, that isn't as much of a problem in more rural areas where there are a fewer side roads, alongside a river or alongside the railway line, where there are few crossing points, so there is a trade-off as to when two-way cycle tracks are acceptable on one side of the road.

64. You will recall that we had a previous discussion about having two-way cycle

tracks on one side of the road on the Yarnfield Lane bridge, and I made the point that this might well be acceptable so long as the crossings that allow cyclists to get onto it and off it at either end are good, bearing in mind what I was saying earlier about the importance of network planning, of a coherent network. So we're not averse to two-way cycle tracks on one side of the road, particularly in more rural areas, where they present fewer problems so long as the connections are good.

65. I now go onto page 76 and particularly table 7.3. This is all about the width of the carriageway where cyclists are expected to share the space, as distinct from the width of cycle tracks when cyclists are separate. I hope this is making sense. This is reflecting the fact that, if cyclists are on the carriageway, then the carriageway needs to be wide enough – either needs to be very narrow and very lightly trafficked so the drivers don't attempt to overtake at all, or it needs to be absolutely wide enough, or lightly trafficked enough, that drivers overtaking is not a problem.

66. However, for relatively busy roads, 7.3 metres, or 3.65 metre lanes, falls in exactly the wrong bandwidth for cyclists to share the carriageway. This is what this table is saying what the appropriate carriageway widths should be, and that point is reinforced – no, I'm sorry, I jumped ahead of myself. I may just find my place because I have got something out of sequence, with apologies.

67. THE CHAIR: When you were searching for that, Mr Geffen, there's an enormous amount in this document and we haven't got a great deal of time. You obviously have drawn our attention to a lot of points of detail which are extremely important, and have a real bearing on what you are asking for, but do we really need much more of this document to get the flavour of the case you are making?

68. MR GEFFEN: Yes. We are close to everything I want to draw out. I made sufficient points about where the conflicts arise. If I may just – there is one point I wanted to draw out which is where, on page 84-85, where this document says that pedestrians and cyclists should normally not be sharing space, HS2's technical guidance says the opposite. I wanted to highlight page 100, which is a table about what types of junction design are suitable depending on the traffic flows and speeds.

69. This is relevant to the discussion of the A34/A51 junction that we talked about last time I was giving evidence. I think it would be fairly clear that again, what this table is

saying is that it's okay to provide uncontrolled crossings if the traffic volumes are low – if the traffic volumes are low and the speed limits are low. On the other hand, for higher traffic volumes or speeds, then a signalised crossing or a grade separated crossing, i.e. a tunnel or a bridge, is necessary. I think that the A34/A51 junction is going to fit into that second line in that table; in other words, the speed limit is 40 or 50 mph, and the vehicle flows are going to be above 10,000 total vehicle flows. Therefore, it should have been at least a signalised crossing if not grade separated. And again HS2 seemed to be resisting that sort of provision.

70. I will dip in on page 108, which just shows some pictures of how cycle tracks should be designed, whether they are one-way or two-way cycle tracks when crossing side roads, so to make sure that the cycle track has priority at likely traffic side roads, and both those junctions are self-explanatory. And then I'm ready to go onto appendices A and B, which I mentioned earlier.

71. I won't go into detail on these, but you will see that the cycle level assessment tool, as I mentioned earlier, identifies various criteria and the scoring mechanism where the criteria I mentioned earlier, coherent, direct, safe, attractive, so on, each of those can be quantified and there are things that can be green lit, as these are really good. There are amber lit – green scores two, amber scores one, red is really not very good, scores zero, but then there is a column for a very small number of critical fails.

72. If the criteria for a cycle facility has a critical fail, it should simply not happen. And overall, there should be enough twos and ones to achieve 70% overall. That's the point I made earlier about the 70% score under CLoS. As I say, I hope that HS2 will adopt similar scoring criteria.

73. There is a similar process in appendix B for scoring junctions. Junctions don't have any equivalent critical fails, but again, there are criteria against those – well, there are more quantified measures of those five criteria, and again, there should be sufficient scorings of two or one, that the total scoring adds up to 70%. I hope that provides a sufficient indication of why the assurance I'm seeking references, those scoring criteria.

74. That's all I have to say about LTN120. I did want to then just go on and highlight some of the existing mismatches between HS2's existing guidance; is this a moment to pause for any questions?

75. THE CHAIR: No. I think we've followed everything you put before us, thank you very much.

76. MR GEFFEN: Okay. In that case, let me just briefly move on, firstly to the extract that we were provided with from HS2 Ltd's technical standards. We've never seen the full thing; it's unpublished. Again, I provided this as an attachment in the email I circulated at lunchtime. Let me know when you're ready for me to go into this.

77. THE CHAIR: Yes. I think it's – well, I wonder, we've got four attachments.

78. MR GEFFEN: Oh, sorry, there wasn't one of my attachments. I apologise. It wasn't one of my attachments. I think it was a previous exhibit.

79. THE CHAIR: Yes, I don't see it in that particular group, I must say.

80. MR GEFFEN: It wasn't, sorry. I think it was the previous exhibit, and this is where I'm going to get stuck on not having lined up my references. Would it help – I'm not sure if the clerks or the Committee support are able to find a reference, if I go on in the meantime to talk about the attachments that I did send, just for ease. So I hope somebody can help me with finding the references to the technical standards document under the guidance note document that I'm pretty sure have been previously referenced as exhibits.

81. In the meantime, can I go on to what I had to say about Buckinghamshire, and the four attachments I provided earlier?

82. THE CHAIR: Yes. I hope you won't be too long on this.

83. MR GEFFEN: I'm going to be very brief because all that I'm trying to do here is to cite that in the first of the attachments, so this is a document from 2017, Buckinghamshire County Council as they then were, they are now Buckinghamshire Council, set out a whole raft of interfaces where they wanted cycle infrastructure provided at various crossing points and they spelt out a whole series of these interfaces.

84. I will just cite two examples on page 12 of this document you will see that they were seeking a ramped gradient at the crossing of Hartwell Lane of 1:20. That is the 5% gradient that I touched on when I was talking about gradients earlier. Similarly on the

very next page, Waddesdon bridleway, this has already now since been opened as a very popular cycle route, but it's going to need to be redesigned at the crossing point of HS2. Again, Bucks were identifying the need for a 1:20 path, three metres of width.

85. And then if we jump to the next attachment which was a business case that Buckinghamshire provided two years later, where they were basically being asked to still spell out what the requirements were and why they were justified, basically reiterating things that they'd already said in 2017 that ought to have been in line with the Government's previous design guidance, LTN208, and indeed to the Welsh guidance and to the London cycling design guidance that HS2 Ltd were supposedly having regard to under the previous assurance that Cycling UK was given in relation to the Phase One Bill.

86. And yet here is Buckinghamshire, two years later, still having to make a business case, in 2019, for the things that it had requested as early as 2017. And you will see on page 6 that it was still asking for that Lower Hartwell Bridge to have a 1:20 gradient and for realigned ramps on the Waddesdon greenway. So these were things that they'd asked for in 2017 and they're still having to make a business case for them in 2019. Let me read an email from an officer at Buckinghamshire Council, and again, I sent this as an attachment.

87. 'I don't think we could claim that anything in the business case is particularly ground breaking in terms of technical complexity or cycle infrastructure design standards. For the most part, they are attempts to make sure that bridge ramps are pointing in the right direction, are three metre wide and are of reasonable gradients. I suppose what I'm trying to illustrate is that our experience has been that HS2 Ltd has shown no commitment to delivering quality cycling infrastructure as part of Phase One. If Bucks hadn't committed significant time and resource to this as a local authority then there wouldn't be any conversations at all about cycling infrastructure quality on HS2 line through Bucks. The relatively minor changes we are seeking have consistently been met with problems and obstructions on HS2's side, while HS2-led highway design during the period has developed and changed considerably. I know Warwickshire CC has been having a similar experience'.

88. He concludes by saying, 'We're still in discussions but we shouldn't have had to

fight this hard.’ And I would echo his point, if HS2 Ltd had been having proper due regard to the design standards that it has had due regard to in Phase One, then Bucks would not be having those sorts of difficulties. And really, as I say, this is why I’m seeking assurance that is stronger than just having ‘due regard’ in order to save Staffordshire officers, and East Cheshire officers, and other officers further north on the route from similar hassle, and indeed from additional costs.

89. THE CHAIR: Ms Lean, you’d like to interrupt here.

90. MS LEAN (DfT): No, my Lord, I just wanted to ask if Mr Geffen could clarify what the email he was just reading from was, because I couldn’t find that in the attached – I couldn’t automatically – I couldn’t tally it up with the attachments I had that were forwarded to me at lunchtime. I’d just be grateful for clarification of which email it was.

91. THE CHAIR: That’s a fair point. I was looking through the other attachments and I couldn’t find the wording you were quoting from. Are they the four documents that we were sent accompanying the Bucks interface and the Buckinghamshire greenway?

92. MR GEFFEN: Yes. My apologies. I didn’t send that email because I was still waiting for clearance from the officer in question as to whether he was happy for me to do that. He said afterwards that he was happy to have that quoted. He asked to be merely named as an officer of Buckinghamshire Council.

93. THE CHAIR: Well, you’ve read it –

94. MR GEFFEN: It was copy and paste, so that you’ve got access to that text.

95. THE CHAIR: Ms Lean, are you content it was simply read into the transcript? I think to save time rather than searching for another document, we should just move on. Are you content with that?

96. MS LEAN (DfT): I am – just possibly if Mr Geffen or one of his team could forward it to the HS2 team in case Mr Miller would like to look at it if he needs to respond to anything later in the hearing.

97. MR GEFFEN: Okay, I will do that in the suitable breaks so that I'm not having to interrupt my own flow. I haven't got backup support to unearth documents. I've not got anyone listening to me and able to do that so I'm going to have to do it myself, probably at a pause.

98. And have we, in the meantime, got any references to the technical standard and the cycle – and HS2's cycling guidance note?

99. THE CHAIR: Sorry to press you, Mr Geffen, but time is pressing against us. The broadcasters are with us only for a limited period so I can't let you run on for too long. How much longer do you think you're going to be?

100. MR GEFFEN: I am probably five minutes from finishing. Do you mind if I just read extracts from these documents if it's going to be difficult to find them?

101. THE CHAIR: Are these documents we have before us, or are you going to send them by email to Ms Lean?

102. MR GEFFEN: Again, I can send them by email. As I say, I thought they were exhibits anyway, but I just – I'm afraid I didn't check out the reference numbers. My apologies for that.

103. THE CHAIR: I think, to save time, if you read off – read them out and send them by email to Ms Lean, if you would. When you go.

104. MR GEFFEN: So if I may start with the technical standards document and on page ix, it contains some box text which explains the purpose of box text in the rest of the document. So in box text it says, 'Mandatory clauses are differentiated from the main text of this document by the use of a black box. They contain the word "shall" to indicate their status as a requirement. That is the first requirement'.

105. We go on then; there are a number of black boxes, one of which talks about the design basis. This is now on page – at the start of section 6 – that a decision should be made about the design basis for the particular roads, and I am going to now paragraph 6.2.2 that, 'Unless otherwise specified in appendix A, roads designed to the design basis as existing', so that is when HS2 is replacing on a like-for-like rather than doing any upgrades. 'Unless otherwise specified in appendix A, roads designed to design basis as

existing shall match the design standards of the adjacent road’. This is at odds with what I highlighted earlier about the need to make sure that opportunities are taken to improve cycling conditions in the context of other schemes, to reference back some of the quotes I made earlier from *Gear Change* and from LTN120.

106. None of the other requirements in these documents, in any way, relate to the design standards for cycling. We have, as things stand, no technical design requirements for cycling in HS2’s guidance note, as far as I can tell, and this is something I really hope we can get rectified.

107. If I can go lastly into the guidance, the HS2’s guidance note on its approach to cycling provision, section 5, paragraph 5.1.3, ‘Where the proposed works involve replacing or diverting an existing road or route with no cycling facilities currently provided, designers will generally make no specific provision for cycle ways, unless there is a demonstrable need’.

108. I cited extracts, including from the ministerial foreword to the LTN120 guidance, which said that is not in line with what the Government is calling on from local authorities; they are expected to make provision unless there is no demonstrable need. In other words, the assumption is the other way round. The onus is on the local authority in that case to demonstrate that there is no need.

109. And finally, I wanted to highlight on page 12 of this document some italicised note that effectively dis-applies the Highways England design tables. This note relates to three tables from Highways England’s design standards CD195, and they are equivalent tables to three of the tables I highlighted from LTN120 earlier, so what type of facilities are relevant, depending on the speed and flow of traffic. You’ll remember I mentioned those tables earlier.

110. Your equivalent tables in CD195 are tables E1.1, E3.26, E3.41, and what this note says about those tables is, ‘Note the requirements in CD195 do not apply to local highway authority roads, although aspects may be used as guidance where appropriate. However, particular care will be needed if applying tables E1.1, E3.26 and E3.41, to local roads because they refer to speed limits rather than 85th percentile traffic speeds, and take no account of actual or likely cycle usage’.

111. In other words, HS2 designers are free to ignore the Highways England design standards. This is really quite disconcerting that, despite saying in their assurance to us they would have regard to design standards such as the HS2 design standards, they've effectively saying, 'Ignore them if you don't like them'. This is exactly why I hope we can achieve a stronger assurance.

112. THE CHAIR: I think you really leave it there, Mr Geffen. I think you've really hit the point in your last two or three sentences.

113. MR GEFFEN: Okay. Thank you very much. I have some suggested text for the assurance I would seek to secure. Do you want me to do that now or shall we wait for that from – after questioning?

114. THE CHAIR: I think let's proceed with the reply, and if you can provide your texts to Mr Turner so he put it out on email, that would be helpful.

115. MR GEFFEN: Okay.

116. THE CHAIR: Now, Ms Lean, I'm sorry, we're really rather pushing you a bit because we're getting rather close for time, but could you –

117. MR GEFFEN: I apologise for that.

118. THE CHAIR: – make your response?

Response by Ms Lean

119. MS LEAN (DfT): Certainly my Lord. My Lord, I should start by saying I'm conscious that, on 28 July, Mr Mould outlined the provisions in the Bill which address the consents needed from the highway authority in respect of roads where HS2 is realigning or altering, or creating new highways. My Lord, if it assists, that's set out in a little detail in the transcript from 28 July. So I'm happy to – unless it would assist my Lord in repeating that detail, I will just touch on the role of highway authority briefly in my reply.

120. Similarly, Mr Miller also gave evidence on that occasion as to how HS2 approaches national guidance and standards, and again, I wasn't proposing to call Mr Miller to repeat that unless it can particularly assist.

121. THE CHAIR: Right, so you'd like us to look back at the transcript and pick up what was said there.

122. MS LEAN (DfT): My Lord, if that would be acceptable to your Lordship, I'm just conscious of time; I mean no discourtesy, just more – not to repeat what Mr Mould and Mr Miller have already outlined.

123. My Lord, if I can start by saying that obviously, LTN120 is obviously a reasonably new publication and it is one that the project is itself looking at and is looking at, at present, with regards to its own internal standards that you heard about and its own internal guidance. So we are not in a position as yet to put forward any revised or reviewed guidance documents or standards before the Committee today. That process is going on at present of looking at LTN120, looking at what it says, and looking at how that accords with both the existing standards and guidance that HS2 has, and indeed other guidance to which HS2 must have regard when looking at highways matters.

124. My Lord, you've been taken to LTN120 in some detail, but just going back to what this document is about, you have it at R117. You've been taken to the purposes of the application, summaries of requirements which you have on R117(8). My Lord, what it makes clear, firstly, that local authorities are responsible for setting the design standards for their own roads, but that this guidance provides a recommended basis for those standards based on a number of principles. And later on, there'll be an expectation that local authorities will demonstrate that they have given due consideration to this guidance when designing new cycling schemes and in particular, when applying for Government funding that includes cycle infrastructure. It also makes clear that it should be looked at by designers as well as local authorities.

125. My Lord, I pull that out to make clear that this document does not say in its summary of requirements and its purpose what is set out in this document must be adopted by local authorities as their standards. It's to inform and to provide the basis for the standards that they adopt and their own designs when they are looking at cycling schemes.

126. My Lord, I stress that because that is perhaps slightly at odds with what Cycling UK is asking for HS2 to do, which is to adopt as standards the requirements of LTN120.

127. THE CHAIR: Yes, I have in front of me now, because John Turner has sent it out by email, the full text of the requested assurance. Do you have that, Ms Lean?

128. MS LEAN (DfT): I do. I just need to put my hand on it. Yes, my Lord, I do.

129. THE CHAIR: And it begins by saying, 'The promoter shall adopt the requirements of the note', and so on and so forth.

130. MS LEAN (DfT): Yes.

131. THE CHAIR: Right, yes. So that's a difference between you: that's the standard that Mr Geffen is urging upon us, and you're saying that that is something you can't accept; we need to know why.

132. MS LEAN (DfT): Yes. Well my Lord, I should start by saying we only saw the terms of the draft assurance sought at lunchtime today, so I can only speak from the discussions that I've had with the wider team about the issues that arise with what is sought. It's obviously not had scope to go through any sort of approvals process as it would in the usual way.

133. So my Lord, as I said, the first difference between us is they seek an assurance that we will adopt the requirements of that document as standards. My Lord, the starting point of my response is that that is essentially asking us to go further than what the guidance asks local authorities to do, in a sense. Clearly what's set out in that document is meant to provide the basis for any standards that the local authorities may set and it's obvious that the local authorities are meant to show that they have given due consideration to what it says. But the document doesn't say the local authority must adopt this as standards and these must be the standards. That's the only point I make in that regard.

134. My Lord, I've drawn out the language there of due consideration when designing new cycling schemes in 1.1.1. My Lord, the Committee may recall that the promoter has previously given commitments in respect of its approach to national guidance. My Lord, I'm sorry to jump around a little, but if I could ask you to turn up exhibit P25(39). So for Mr Geffen's assistance, these are the promoter's exhibits that we exchanged ahead of the previous appearance in July.

135. THE CHAIR: I'll see if I can find that. I'm not quite sure where it is now. I've a sheaf of emails. P25.

136. MS LEAN (DfT): P25 and it's page 39.

137. THE CHAIR: Yes.

138. MS LEAN (DfT): My Lord, this is a letter from October 2019, but I thought it might be a useful reference point. My Lord, this obviously does set out to some degree the promoter's response to cycling standards and guidance, and the requests in the petition. And My Lord, it sets out in the bottom third of the page, the position that's set out in the promoter's response document, drawing attention to information paper E5, roads and public rights of way, which states that, 'The design of cycling infrastructure would be informed by relevant advice and guidance published by the Department for Transport and Highways England'. Further, 'Due regard would also be given to applicable aspects of other reference documents, including the Welsh Government's active travel design guidance in relation to rural roads, Transport for London's London cycling design standards in relation to urban roads, and other relevant standards or guidance (or successor documents of similar scope as appropriate)'. And it goes on to set out the assurance that was given to this petitioner before the House of Commons Select Committee, which was that, 'The Secretary of State should require the nominated undertaker to' – it's over the page – 'have due regard to the principles of the relevant up-to-date cycling standards and guidance'. That's the irrelevant for the purposes of today.

139. THE CHAIR: Of course, the problem with that, for our purposes, is that the House of Commons didn't have the latest LTN120 before them, did they?

140. MS LEAN (DfT): No, they didn't, my Lord. But that assurance was offered to the petitioner. My Lord, that assurance was subsequently revised to – in an assurance that was offered in August 2020, which I believe My Lord should have separately; it's not included in that exhibit pack.

141. THE CHAIR: It's a fairly short one, 'It shall require the nominated undertaker to have due regard to the guidance contained in LTN120'.

142. MS LEAN (DfT): Yes, essentially. So my Lord, the promoter's approach has been consistent throughout, which is that its designs will be informed by the relevant advice and guidance and it will have regard to such other relevant guidance as there may be. My Lord, the promoter's position is that that's the appropriate position in terms of an assurance rather than going further and imposing requirements in one guidance document on the promoter.

143. My Lord, it's a related point, and to a degree, it picks up what I was just saying, which is that, clearly in the context of what HS2 is doing, which isn't designing new cycling schemes, we are dealing with roads, the existing highways that have to be altered or realigned, or have works done to them in order to facilitate the railway that's coming through, or some creations of new sections of highway, that LTN120 isn't the only guidance which is, or standards which are, relevant to looking at the highway designs which are being taken forward as part of the HS2 project.

144. My Lord, some reference I think has been made previously to the design manual for roads and bridges, which contains mandatory standards – black box is mandatory, 'You must do this', with scope for departure and deviation in respect of motorways and trunk roads – but generally provides guidance – is generally used as guidance elsewhere. Obviously, my Lord, that is in DMRB that the figure for a single carriageway, 3.65, so a two-way carriageway of 7.3 metres that Mr Geffen was concerned about, is to be found.

145. My Lord, I don't suggest that that requirement must be what HS2 does along all of these roads because it's in DMRB. I say that by way of illustration that there are other guidance documents and other standards that need to be brought to bear in HS2's consideration of developing and reviewing its own standards, whereas, my Lord, the assurance sought by the petitioner in the terms that it's now sought, essentially says, 'Adopt what is in LTN120'.

146. My Lord, clearly cyclists are a very important group, sorry to put in those terms, of road users, but obviously, there are needs of other road users that also have to be borne in mind when HS2 is taking forward its designs, and careful consideration needs to be given, and is being given by HS2 Ltd, and no doubt will be being given by local authorities and others along the line of the route in light of LTN120, about what LTN120 may mean for the approaches that they have been adopting today to all the

standards or the guidance they have been using to date. HS2 is going through that process in the same way that those bodies will be, but essentially, to require now that what is an LTN120 is what those standards should be essentially would be to short circuit that process of consideration that's going on at the moment.

147. My Lord, the third point I wish to make is that, obviously, the focus today has been very much on standards that HS2 should adopt, but as I alluded to at the beginning, the final decision on the roads that HS2 is altering or creating doesn't sit with HS2 and it doesn't sit with HS2 standards. The highway authority that will be responsible for those roads is the body that will need to consent to approve the works that are being taken forward. So although obviously it's understandable why Cycling UK might wish to say, 'Well HS2, you should design to these requirements', ultimately, the decision on the specification for any particular road, or the provision that is made for different road users in respect of any particular road, sits with the highway authority following the consents process that is set out in the Bill.

148. And my Lord, I've got to my note where I've got the references in the transcript. Mr Mould outlined the consenting process at 9, 16-24 of the transcript, if that assists, and references schedule 4 to the Bill, specifically paragraphs 12 and 13.

149. THE CHAIR: Could you give me that reference? Is it a paragraph number or a line number?

150. MS LEAN (DfT): Sorry, it's line – I think it's paragraphs number 16-24, my apologies.

151. THE CHAIR: Paragraph 16-24?

152. MS LEAN (DfT): 16-24.

153. THE CHAIR: Sorry, 16-24.

154. MS LEAN (DfT): That's where Mr Mould discusses it in the transcript, and in the Bill, it's schedule 4, part 3, paragraphs 12 and 13.

155. THE CHAIR: Yes.

156. MS LEAN (DfT): And clearly, there's a process that will be gone through with

the local highway authorities during the design process, pre-application stage, so that the particular roads that are being affected or being created, that the design for those is taken forward in line with discussions with the highway authority to understand what they want. So there is that work stream that has to be gone forward. So to some degree, what is in HS2 standards can't tie the local authority's hands for what the local authority ultimately considers to be the appropriate solution for this road in this location.

157. Fourthly, my Lord, the other point I just wish to raise in this context of the potential difficulties with requiring HS2 to adopt LTN120 as standards essentially now is, my Lord, we'll all be aware from petitioners you've previously heard, and from evidence Mr Miller has previously given, about the nature of some of the roads that are being affected in the Staffordshire area.

158. You've heard in particular I think concerns were expressed about Bower End Lane and the proposed widening there, and Dawson Lane and the proposed widening there, particularly in areas where there were hedgerows, sunken lanes or woodland that it's thought might have ancient woodland characteristics.

159. And My Lord, we drew your attention in response to those petitioners to assurances that have been given to Staffordshire County Council as the highway authority for that area and you do have that included in the promoter's exhibit bundle before you today. It starts at P25(46). The relevant assurance is assurance 12, which you have on P25(53) which is essentially that the promoter will require the nominated undertaker, in exercising the powers under the Bill, to carry out road widening works to explore and, where reasonably practicable, implement options to avoid the need to remove existing hedgerows during the widening works, for example, by carrying out widening on only one side of the road, so far as can be done within existing powers etc.

160. So that is just another factor, or another constraint, that it may be – and I only say may be, because I'm not suggesting that we've gone through and applied LTN120 to all of the roads that were being raised in concern there – but my Lord perhaps can see how a potential conflict could arise between a requirement to have certain widths, or certain off or on-road cycle provision, and how that might sit with other commitments that have been given around minimising land take or avoiding impacts on hedgerows or sunken lanes here.

161. My Lord, I don't suggest it would, or that that's a problem. It's just an illustration of the fact that there are other considerations which have to be brought in to bear in deciding what the right design solution is for an individual road, which sits a bit more uncomfortably with a standard being imposed at this stage.

162. My Lord, there are a couple of other points I think I need to pick up. Mr Geffen referred to two documents but I think variously as standards and as guidance. The first document that Mr Geffen referred to, which I don't think is included in the exhibit pack because I've not been able to find it and I'm sure I will be told if I'm wrong, is an HS2 technical standard for roads, which was the first document that Mr Geffen quoted from. I would just say, I certainly don't mean to suggest that Mr Geffen has selectively quoted, but obviously all passages needs to be put in context. And, for example, the part that Mr Geffen was quoting from, I think, about, I suppose like for like, does form part of a wider section about, 'There are different design solutions that may need to be adopted. The options are one, two, three or four, one of which was like for like', but you've just got to choose one. So it is perhaps a bold statement that those passages perhaps just do need to be put in context.

163. My Lord, the second document was a cycling guidance document. You do have extracts from that in the promoter's bundle from before, starting at P25(24). And forgive me – I don't think – I don't know that this document has all of the passages that Mr Geffen cited but, my Lord, obviously P25(24), 'Guidance note, HS2 approach to cycling provision', this is a draft document which was shared with the petitioner in February for comment.

164. I understand we haven't had comments back because I understand that's been awaiting the publication of LTN120, and it was provided an extract, as I understand it, because we were also awaiting to review some aspects of this document against the LTN120. My Lord, you have some extracts there, so the cycle design principles, section 5, identifying scope for cycling provision. And Mr Geffen did cite from this part of the document which is page 27.

165. Mr Geffen cited you from paragraph 5.1.3 which you have on page 27. And if I perhaps could – again, it's about reading things and putting things in context. To draw attention to two points: firstly, that what is being talked about there is replacing or

diverting an existing road or route with no cycling facilities provided. And I apologise if this seems a strange point to make, but clearly one point that's raised in the LTN120 is about networks and routes, and certainly where we're only diverting a section of a road, it is clearly relevant, in my submission, to have regard to the bits that you're not diverting. So again, paragraph 5.1.3 needs to be seen in that context, about, where you're only altering a section of the road, clearly it's relevant to see what provision there is on either side which aren't in Bill limits, and what we're not affecting. So it shouldn't be seen as perhaps as negative a matter as it was put forward.

166. It should be read at 5.1.4 of the document, which says that, 'However, where there is an opportunity to provide new cycle ways or off-route cycle routes to connect with existing routes, or new routes with a realistic prospect of being delivered by others within the surrounding area, designers should discuss these opportunities with key stakeholders, especially the relevant highway authority, at the earliest opportunity. For example, some of the contractors' haul roads and temporary accesses to construction compounds or other temporary routes could be retained to provide the basis for new cycle tracks or bridleways at the end of the construction period.'

167. So, my Lord, I thought it was important to draw that out because the suggestion seemed to be that HS2's citing guidance document was running contrary to the objectives and the aspirations that are expressed in the recent documents about providing better cycling provision, cycling improvement, whereas actually, it can be seen at 5.1.4 the designers are, in fact, being asked to look for those opportunities to do that very thing.

168. My Lord, there was also reference made to the A34/A51 junction which was discussed in a little detail on 28 July. Again, my Lord, I know that Mr Mould and Mr Miller gave evidence –

169. THE CHAIR: Yes, we can bear all that in mind. I think you don't need to go back over that ground again.

170. MS LEAN (DfT): I'm grateful. Just for your reference, it starts at paragraph 173 of the transcript.

171. THE CHAIR: Yes.

172. MS LEAN (DfT): My Lord, I think there's just a couple of other points I should perhaps pick up on, on the LTN120 – sorry, that was the main points I wished to put across, but just a couple of small points on LTN120. One of the things that's sought in the assurance is that – sorry, my Lord, I'm jumping around – is that there should be an aim to achieve a minimum 70% score in the cycle level of service, CLoS, and junction assessment tool, JAT, audits in LTN120, and shall record the reasons for any departure from the standards.

173. My Lord, what I just wanted to draw attention to is the purpose of those, or the reason for those assessments that we see in LT120. They're discussed in paragraph 1.1.2 of LTN120, R117(8). My Lord, Mr Geffen read you the paragraph starting from the second sentence, but if I can ask that the first sentence just be noted, which is that, 'The guidance contains tools which give local authorities flexibility on infrastructure design and sets a measurable quality threshold to achieve when designing cycling schemes'. And then it goes on to talk about CLoS and JAT.

174. So, essentially, these are about those sorts of schemes and particularly where funding is being sought for that, and my Lord can see the criteria, for example, for which a CLoS assessment has to be done against, in annexe A, which you have starting at page R117(164). The first point to make is obviously, HS2 is not bringing forward a cycling scheme; it is making alterations to a highway network which impact on the existing network and which obviously need to look at provision for all users. But just in terms of schemes for which funding is being sought, for example, and looking at the criteria that need to be assessed in the CLoS assessment, it's perhaps apparent why this doesn't seem to be perhaps readily applicable to HS2.

175. So, for example, on page 164, things that need to be looked at are continuity and wayfinding.

176. THE CHAIR: Do we need to go into all this detail?

177. MS LEAN (DfT): No, my Lord, we don't.

178. THE CHAIR: Alright.

179. MS LEAN (DfT): It was just an illustration; it's something that's asked for in the

assurance. From the promoter's perspective, it would not be appropriate to require HS2's proposed amendments to the highways to go through a CLoS and a JAT assessment. My Lord, I was just trying to draw attention to the fact that this is really about something slightly different, as you can see from the criteria within the CLoS assessment. I wasn't proposing to go through it in any detail.

180. My Lord, the only other point to make on LTN120 is that it does acknowledge in chapter 14, for example at paragraph 14.4.7, and chapter 14 is dealing more specifically with integrating cycling with highway improvements and new developments, that obviously when new highways are being planned, you should give careful consideration to walking and cycling at an early stage to ensure that sufficient land is available, but it does identify that where schemes are in development and land is already fixed, then authorities should essentially try and incorporate cycling facilities as best they can. They talk about rethinking of space provision going to motor traffic, but there is an acknowledgement in LTN120 that there are some projects and schemes which may already have their land requirements fixed, which needs to be borne in mind when you are looking at applying the guidance.

181. THE CHAIR: I think you can really draw your submissions to an end fairly quickly, can you?

182. MS LEAN (DfT): I can, my Lord. There's just one final point that I should raise in respect of a point that was made about CD195, 'Adopting the requirements of Highways England's designing for cycle traffic for changes to highway infrastructure affecting the strategic road network'.

183. This was something that was raised in the House of Commons and the promoter set out its position in the comments that HS2 Ltd follows the standards laid out in interim advice note 195(16) when diverting or working on the strategic road network, but that is works to or on the strategic road network. So just in case, there seemed to be a suggestion that HS2 said it didn't do that.

184. My Lord, I'm sorry I have taken longer than I hoped to but the promoter's position essentially remains, for the reasons given, that the assurance it has offered is appropriate, which is that it will have due regard to what is set out in the LTN120, along with the other guidance documents that it is looking at in highways. It is in the process

of reviewing its own internal standards and its own internal guidance in light of LTN120, and will be discussing those documents with the various external stakeholders that it speaks to on these matters, for example the highway sub-group and the cycle proofing working group, as that process is taken forward, and with respect, it's the promoter's position, there is no need to require the promoter to go further and impose the rather more stringent obligations that Cycling UK is seeking. Unless I can help you further.

185. THE CHAIR: Thank you very much, thank you. Any questions from members of the Committee? I don't think so. Mr Geffen, I can give you five minutes to sum up on your side, please. We've been through all the documents. I don't think you should go back to the documents; it's just a few final words, if you wouldn't mind.

Closing submissions by Mr Geffen

186. MR GEFFEN: Thank you very much. And I think I saw a hand from Phil as if you wanted to come in on something. I'll start by going through it through the points that Ms Lean has just made. Phil, do indicate points where you want to come in.

187. The first point – and I'll paraphrase rapidly – the first point was that it was too onerous to say, 'Adopt the standards, complete lock, stock and barrel', as it were. This is effectively what local authorities are being asked to do. There is flexibility, as we said in our letter to you, Mr Chairman, that the adoption of a standard does not mean it has to be applied, all of the requirements have to be applied in every circumstances. This includes the point about woodlands, where there are – and indeed everywhere where there are existing constraints, whether those are existing buildings, existing woodlands, existing Bill limits.

188. The standards have been – LTN120 has been designed to allow local authorities the flexibility to aim for desirable standards and to compromise to minimum standards, but to avoid critical fails, because that is where something becomes thoroughly unsafe. Effectively, we're not asking HS2 to do anything more onerous than what the Government is expecting local authorities to do if they are to receive funding. I don't believe it is unduly onerous to make an assurance in those terms, so long as it has the departures process as explained.

189. The point was made twice that HS2 is a railway, and yet this is – I cited twice in my earlier evidence that that LTN120 is still expected to apply for schemes where – I’m just trying to find the wording – where cycling is not the main element.

190. THE CHAIR: I think we could just take that point. Can you go, please –

191. MR GEFFEN: It’s principle 6 in the LTN120 that is relevant here. The points that local authorities might not agree was the second point made. Well, at this point the guidance local authorities should be adopting – and HS2, I hope, will be adopting – is the same stuff and, indeed, the example of Buckinghamshire indicates that it was Bucks who were pressing for the previous design standards to be applied and it was HS2 that’s been actively dragging its feet.

192. Now, what I hope this assurance will achieve is to get local authorities and HS2 Ltd on the same page as to what guidance they’re following. So that shouldn’t be a consideration that prevents the adoption of the guidance as standards with the flexible that I’ve talked about.

193. I’ve talked about woodland. The point about the technical guidance that I referenced and that wasn’t in our evidence bundle, this is the document that we only got to see once, and even then we only got to see it in extracts back in 2017, having only been told about it belatedly. This was mentioned in my – we haven’t gone into this point about whether HS2 has failed to meet its obligation to have to engage with these cycle proofing working group. I’ll come back to the cycle proofing working –

194. THE CHAIR: I don’t think you need go into that. We have the correspondence about that and we can read what’s said by you and also the reply.

195. MR GEFFEN: The point I wanted to make is that we’ve only seen extracts. The plea was that everything has to be taken in context and yet we have only seen extracts of that document ourselves, so we’re in no better position than anyone else to understand that in context. I’ve only had extracts of that document. I do think it’s a real shame that that has not been made publicly available; I don’t understand why not.

196. Ms Lean referred to paragraph 5.1.3; this was about – in the HS2 cycling design guidance document, the general presumption against provision. That, again I’m afraid is

contrary to the ministerial foreword, the last paragraph that Phil cited in his earlier contribution, that, ‘The Department will work with the highways and transportation professionals to ensure that guidance is understood by local authorities and their supply chains, so that it is embedded in local highways design standards’. So it is that point. I think the word ‘embedded’, that it should be embedded in HS2’s standards too, and I think that ‘embedding’ may be a useful form of wording.

197. My last point is about the role of the cycle proofing working group. As we discussed last time I was giving evidence to this Committee, the cycle proofing working group did not meet for a very long time, but has now been renamed as the cycle walking infrastructure group. As it happens, it’s due to have its first meeting in a very long time and its first meeting ever as renamed on Friday.

198. So my question would be, if I may just put one final question to HS2 Ltd, either through Ms Lean, or through its witnesses, if there is a willingness to consider a form of words that would be more acceptable than the assurance that I put forward at this point, but gives us greater reassurance that the guidance of LTN120 will, in practice, be adopted, as far as is possible within Bill constraints and all the other constraints. If we can find a form of words, is Friday’s meeting of the cycle and walking infrastructure group or something very soon after that, is there an opportunity to just negotiate the form of words before this Committee finalises its business? I don’t know procedurally whether there is a route to do that, or a willingness on HS2’s part. I would ask those two questions.

199. THE CHAIR: We have to finish the hearing now because members of the Committee have commitments, and the broadcasters have to terminate their proceedings as well. So thank you very much indeed, both of you. I’m sorry it’s been a bit of a rush and the way the proceedings have continued, and I’m sorry about the delay at the beginning.

200. That concludes the session on this petition. As I said at the beginning of this particular meeting, this is our final public hearing. We now need to go away and consider the petitions and prepare our report. We’ll announce a publication date in due course.

201. Before we adjourn, I’d like to put on record the Committee’s thanks to all those

who have helped us to conclude these proceedings under particularly trying circumstances since we began our sessions in March. We've seen counsel and witnesses for HS2 appear before us many times, but we also extend our sincere thanks to those who work behind the scenes to make these sessions happen as we have moved from fully physical in March to virtual, and then to hybrid hearings.

202. More particularly, we would like to thank all the petitioners and their witnesses for their patience and their flexibility as to our schedule, and the manner of the meetings that had been forced upon us by events from time to time, that you have been extremely cooperative with us and we are extremely grateful and it is very happy that we can end these proceedings on that note, wishing you all a safe time, as we continue to encounter the present difficulties.

203. Ms Lean, you have a point to make.

204. MS LEAN (DfT): I do, my Lord. If I may just extend thanks on behalf of the promoter to your Lordship's Committee for the time and consideration you have given to the matters before you in some unusual circumstances, and also echo the thanks to those within Parliament and elsewhere who have made it possible.

205. THE CHAIR: That's very kind of you. We appreciate those remarks very much indeed. Well, I think it's time to terminate these proceedings and I shall simply wish you all a good evening and we shall produce our report in due course.