



Department  
for Transport

Lord Berkeley  
House of Lords  
London  
SW1A 0PW

From the Minister of State  
**Andrew Stephenson MP**

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
E-Mail: [andrew.stephenson@dft.gov.uk](mailto:andrew.stephenson@dft.gov.uk)

Web site: [www.gov.uk/dft](http://www.gov.uk/dft)

Our Ref: MC/309241

21 September 2020

Dear Lord Berkeley,

Thank you for your email and letter of 4 and 9 September respectively, about issues that have arisen in respect of HS2 and the Bored Tunnel proposed by Wendover Parish Council. For ease of reference I will reply to both letters in this response.

Thank you for forwarding the press release 'to build or not to build'. I am convinced that, with the right reforms in place, HS2 will become the spine of the country's transport network, bringing our biggest cities closer together, boosting productivity and rebalancing opportunity fairly across the country. It will also play a key role in achieving the transition to carbon net zero by 2050.

The 'notice to proceed', issued by HS2 in April, provides certainty to thousands of construction workers and businesses across the country at this difficult time. This decision protects jobs and means that work can truly begin on delivering this transformational project.

I'd now like to address the number of queries you raise in your letter regarding the proposal for a bored tunnel in Wendover. All previous correspondence has referred to a mined rather than bored tunnel, and my reply assumes that you are referring to the existing mined tunnel proposal. I will respond to each of the matters you raise individually below.

Firstly, regarding your points on estimating methodologies and the Rail Method of Measurement (RMM suite) – HS2 Ltd adopts several internationally recognised methods of measurement strategies to ensure cost estimates are robust, integrated, consistent, clear, appropriate and auditable. Furthermore, these principles are put in place to enable benchmarking and demonstrate value for money. The following methods of measurement strategies utilised by HS2 include (but are not limited to):

- New Rules of Measurement (NRM)
- Rail Method of Measurement (RMM); and
- Civil Engineering Standard Method of Measurement.

Furthermore, to answer in more detail points raised in your first query, it is incorrect to state that HS2 Ltd has a clear objective of avoiding any changes to their scheme. Where a change to the Phase One design is identified, and is assessed as being a viable scheme adaptation which also improves cost and schedule impacts to the overall HS2 programme, then we will of course explore whether to implement that change. However, in the case of the Wendover short mined tunnel, we are still yet to see a proposal that is viable and that does not have significant cost and schedule impacts on the HS2 programme.

You then move on to query legal advice provided to the Department. Legal advice on this matter was initially supplied by Senior DfT Legal Advisors but also subsequently by Independent Parliamentary Agents. This additional advice was sought in order to demonstrate to local residents that an unbiased party had properly scrutinised the proposals from a legal point of view. It is disappointing that you do not trust the validity of the advice provided. Changing the consented scheme to the petitioner's short mined tunnel is far from being a 'small change', and as I have already previously explained in correspondence, would require significant redesign work, which would cause unacceptable impacts on Phase One opening dates.

I note your ideas to solve the issues encountered with the geology of the Wendover area. Proposals put forward by mbpc Ltd and OTB Engineering both utilised open-faced mining as their construction methodology, which HS2 Ltd, Eiffage Kier engineers and my officials have repeatedly stated is not a viable or safe method of construction in the conditions you describe above. In order to overcome these issues, utilisation of a Slurry Boring Machine would be required in order to construct the short mined tunnel proposal.

Regarding your final point on borehole and GI data being shared with local residents and interested stakeholders, my officials have contacted HS2 Ltd regarding this matter. HS2 Ltd has stated that as a business, they have recently developed a mechanism to enable the sharing of GI data (using a data licence agreement), albeit for GI carried out by EKFB it is deemed that they own the data and would require their agreement to be shared. However, it is not anticipated that they will object to the release of their information. It is worth noting that any GI which has been carried out on land that is not owned by HS2 Ltd, that confirms the presence of contamination, will be subject to GDPR regulations and will require special consideration before, if and when it is released.

Any GI that has been carried out by HS2 Ltd can be shared, and HS2 Ltd will complete a data request form on behalf of Wendover PC and will arrange for the digital documents/data to be provided.

When further GI data becomes available, HS2 Ltd will provide this to Wendover PC if requested.

I hope this reply is of assistance to you.

*Best Wishes,*

A handwritten signature in blue ink, appearing to read 'Andrew Stephenson', with a horizontal line underneath.

**ANDREW STEPHENSON MP**

**MINISTER OF STATE FOR TRANSPORT**