



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

30 June 2021

Dear Andrew,

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

Thank you for your letter of 30th March 2021 regarding the role of contractors EK/EKFB in the ongoing review and assessment of the geological conditions at Wendover and the Wendover Mined Tunnel Proposal.

Your response includes several contradictions that I would like to address in a meeting with you and HS2 Ltd at the earliest opportunity.

Firstly, you confirm that neither HS2 Ltd nor the Department have sought a formal assessment of the Wendover Tunnel option on the Wendover section of the HS2 Phase One route from EK/EKFB. However, you also state that “all contractors were charged with identifying and then putting forward efficiencies where possible”. It would therefore be helpful if you could clarify your position because your explanation seems to indicate that EK/EKFB were permitted to identify and put forward efficiencies on all other sections along the route for which they are responsible for apart from the Wendover section. Is it not the case that EK/EKFB were restricted in identifying efficiencies at Wendover because of a specific direction from ministers at the time not to consider the Wendover Tunnel option? How can reducing the efficiency saving opportunities for contractors deliver the best value for money outcome for UK plc?

Secondly, you state that the Mined Tunnel at Wendover would require “new legal powers” and highlight the “impacts this would have on the Phase One project as a whole”. But the recent example of the Transport and Works Act Order procedure being used for a similar efficiency-saving tunnel at Bromford, also on the HS2 Phase One route, indicates that, although new powers were required, such a TWAO procedure there would not delay the project as a whole. The contractors at Bromford rightly identified a tunnel option as being more efficient and less expensive than the current consented scheme. Can you therefore please explain why contractors at Bromford were not working under a specific Ministerial direction that prevented them from considering a tunnel option whereas at Wendover they were? Furthermore, in respect of project delays, it is now apparent that there are significant design issues with the current consented scheme at Wendover that could further delay the HS2 Phase One construction timetable.

Thirdly, you reference your letter dated 21 September 2020 that stated:

“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”.

However, you do not include any evidence or methodology in support of your position. I would therefore be grateful if you could provide evidence that EKFB officials ‘have repeatedly stated that open face mining is not a viable or safe method of construction in the conditions’ at Wendover, and why these conditions at Wendover are so different from those found at Castle Hill and the crossover cavern (Channel Tunnel) and Bluebell Hill (HS1) where mined tunnelling was successfully employed and why this is being proposed by HS2 in the much more hazardous ground conditions and location for the caverns on the approaches to Euston station.

Fourthly, your claim that you and your predecessors have provided full and complete answers to the questions posed and that the response to the FOI request from Mr Murray Stewart “reflects the reality of the situation” is not supported by the Department’s continued failure to share (1) copies of the Infrastructure and Projects Authority (IPA) report into HS2 Ltd.’s consideration of the Short Mined-Tunnel proposal and the “independent” external consultant review into the Short-Mined Tunnel proposal undertaken by KPMG that were both completed in 2018, and (2) the methodologies and costings that formed the basis of the Department’s decision to instruct EKFB to not consider the mined tunnel proposal. That is not “full and complete” or “open and transparent”. To quickly resolve this unfortunate situation, I suggest that a private roundtable meeting is convened at the earliest opportunity to discuss the independent reports and the construction, costs and practicality of the Wendover Tunnel proposal compared to the current consented scheme at Wendover.

There are significant issues with the current scheme at Wendover and new Transport and Works Act Order powers available and in use for tunnel projects across the HS2 Phase One route. This new situation provides a window of opportunity for the Department, HS2 Ltd, Wendover, and the Chilterns AONB to benefit from an independent assessment of the construction, whole life costs and practicality of the Tunnel proposal at Wendover compared to HS2 Ltd.’s proposed scheme.

Such an independent assessment would support your position that full and complete answers have been provided to all the questions posed. However, several key questions remain unanswered, and I believe that a roundtable discussion and independent review would rightly demonstrate that the Tunnel proposal is a viable alternative that would simplify, de-risk and “green” the HS2 Phase One route and deliver significant long-term, whole life cost savings and environmental benefits compared to HS2 Ltd.’s complex and intrusive above surface scheme.

I look forward receiving dates for our meeting to discuss these issues in greater detail.

Yours Tony,

Tony Berkeley