

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF STAFFORDSHIRE WILDLIFE TRUST

SHEWETH as follows:-

1. A Bill (hereinafter called "the Bill") has been introduced into and is now pending in your honourable House entitled "A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes".
2. The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise.

They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill (“the Authorised Works”) are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
7. Your petitioner is Staffordshire Wildlife Trust, a local nature conservation charity established in 1969 to further the protection and enhancement of wildlife and wild places and promote understanding, enjoyment and involvement in the natural world across Staffordshire. Your petitioner has over 15,000 members and 700 volunteers, many of whom live and work in the area that will be affected by the construction and operation of the Authorised Works. Your petitioner owns or manages 26 nature reserves across the sub-region, totalling over 3500 acres, but work beyond these to promote its objectives throughout their area. Your petitioner is a lead partner in a number of landscape scale nature conservation schemes which aim to restore and create wildlife habitat and promote opportunities for local communities to access wildlife. Your petitioner also campaigns to promote and secure positive outcomes for wildlife through the planning system and is recognised by local authorities across that region as a consultee on planning applications, strategic planning documents, and other matters affecting the area in which those whom it represents live.
8. Your petitioner has been actively engaged with HS2 Ltd and their representatives through hosting bi-lateral meetings and attending Community Forum meetings to which its interests relate (Community Forum Areas 21 and 22). Your petitioner is a member of the route-wide Ecology Technical Group established to provide the means for engagement, consultation and information sharing in order to achieve the best possible outcome for ecology from the high

speed rail proposals. The group has met occasionally with representatives of the promoters of the Bill. Your petitioner is also represented nationally by the Royal Society of Wildlife Trusts, which has been represented at the HS2 Ministerial NGO Roundtable that has met regularly during the preparation of the Bill.

9. Your petitioner's interests and those of its members are injuriously affected by the Bill, to which your petitioner objects for reasons amongst others, hereinafter appearing.

Ecological Information

10. Your petitioner is concerned that the information provided in the Environmental Statement (ES) which was subject to public consultation, was inadequate and insufficient to allow a detailed consideration of ecological impacts (including both cumulative and temporary impacts) in Staffordshire. Your petitioner's aims relating to the protection and enhancement of wildlife species and habitats are directly affected as a result of decisions already made, and that will be made, on the basis of that information. In accordance with the standing orders of your Honourable House, comments on the ES were invited in the newspaper notices that were published when the Bill was deposited. Your Petitioner accordingly sent comments to the promoter of the Bill in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner raised many concerns about the adequacy and accuracy of the ES.
11. Fundamental deficiencies in the ES have been identified by your petitioner, including the following:
 - (a) not all areas impacted by the Proposed Scheme have been surveyed, resulting in significant gaps in ecology data such as a lack of protected species survey coverage surrounding the area of the HS2 track bifurcation (Curborough to Fradley) area;
 - (b) the sourcing, reporting and use of existing ecological data on species and habitats within the study area of the Proposed Scheme is inconsistent and poorly discussed, while much relevant data from previous planning applications along the proposed route has not been used despite information being provided to the Promoters by your petitioner;
 - (c) a number of important mammal species recorded in Staffordshire including legally protected pine marten, priority species brown hare, polecat, harvest mouse and hedgehog, and all deer species, are entirely missing from the ES for Staffordshire. No

data has been collated for these species, and they have not been surveyed or impacts upon them assessed. This is despite many other priority species being addressed in the ES, and the Scope and Methodology Report CT-001-000/1 stating in paragraph 9.2.2 that data to be collated would include records of protected, priority or otherwise notable species within 5km of the route, and in 9.5.5 that the assessment would consider all ecological receptors with the potential to be directly or indirectly affected by the Proposed Scheme, giving brown hare and deer as specific examples;

- (d) the amendments to the DEFRA Biodiversity Offsetting Metric that have been adopted to create the HS2 metric for the calculation of biodiversity units, particularly in relation to ancient woodland;
- (e) in terms of species of principal importance, not all significant impacts are acknowledged or assessed. No assessment is made of impact on bat populations of the considerable time-lag between habitat loss and development of replacement of equivalent value;
- (f) in relation to the locations from which replacement trees and other plants will be sourced, the term 'local provenance' should be changed to 'local origin' and this accurately defined in the ES, as provenance is usually defined as the location where plants have been grown, and does not specify where the plant material or seeds themselves have originated;
- (g) poor consideration is given in the ES to impacts on landscape features such as ponds, tree lines and small copses that are of importance for wildlife, allowing species to move through the landscape;
- (h) Impacts are not set out in the typical tables used in most ecological impact assessment reports, and the reports do not specify, in relation to impacts, the confidence in predictions, their positive or negative nature, their magnitude, extent, duration, reversibility or timing and frequency, or the significance of impacts at different spatial levels. It is also very hard to follow the impacts and mitigation for each receptor as these are all described in the text, rather than being laid out in tables showing clearly the impact, significance and residual effects on each receptor;
- (i) Cumulative effects are not well considered; for example in CFA report 21, Paragraph 7.3.23, reference is made to 22 water bodies affected, most of which are judged to be of local/parish value. While this may be true on an individual basis, there is no assessment of the cumulative impact of loss of all 22.

12. Your petitioner seeks assurances from the Government that deficiencies in the ES identified by your petitioner will be remedied by the Promoters, whether by way of an addendum to the ES or otherwise, and that further data gathering and survey work in relation to statutory and non-statutory wildlife sites, ancient woodland, habitats and species of principal importance and species protected by legislation will be undertaken along the route with further opportunity for public consultation on the findings. Your petitioner furthermore requests that the information arising from this exercise and subsequent consultation responses be considered by Parliament, or the select committee, and that appropriate modifications to the proposals be made to address any outstanding ecological matters identified by the findings. One reason this is so vital is that the Environmental Minimum Requirements, which have been produced by the Promoters in draft, contain important obligations which will fall on the Nominated Undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.

Net Gain for Biodiversity

13. Your petitioner is concerned that the Bill as drafted will not achieve the stated aim of 'no net loss' of biodiversity through the works undertaken to mitigate and compensate for the impacts of the proposals on wildlife. Your petitioner believes that there are impacts on important biodiversity assets, which have not been effectively addressed in the Environmental Statement but will have significant and lasting effects on wildlife in Staffordshire. Your petitioner's interests relating to the protection and enhancement of wildlife are directly affected by the current impacts, mitigation and compensation associated with the proposals.
14. Your petitioner requests that further mitigation and compensation measures, in addition to those described in the ES accompanying the bill, are included within the design of the scheme so as to ensure the bill will achieve, as a minimum, its stated aim of 'no net biodiversity loss'. Your petitioner asks that these measures, which are inclusive of, but not exhaustively, set out in this petition be secured within the existing boundary of the limits of land to be acquired, or by incorporating additional land within the limits of land to be acquired, or by working with landowners and appropriate groups further from the scheme boundary, and that appropriate funding and resource be allocated to maintain these measures in perpetuity.
15. Moreover, your petitioner strongly supports the recommendation of the Environmental Audit Committee of your honourable House that '*the Government should aim higher than simply striving for no net biodiversity loss*'. Your petitioner requests

that these recommendations be upheld so that the stated objective is amended to achieve ‘a net biodiversity gain’ and that additional improvements to biodiversity are sought along the route to align with the Government’s own aim to *‘improve the quality and increase the value of the natural environment across England’*.

16. Your petitioner requests that the recommendations of the Environmental Audit Committee are upheld in that the Government establishes ‘a *process to monitor all aspects of the environmental protections needed for HS2 for the 60 years following the start of the construction and operation of the railway, including the biodiversity mitigations, compensations’* and, in addition to this, biodiversity enhancements. This should include the establishment of a publically accountable independent body, comprised of members with sufficient ecological expertise, to manage the process with a remit to advise, monitor, report and enforce against the above amended objective of ‘net biodiversity gain’. Your petitioner requests that the Government undertakes detailed costings for overseeing, monitoring and enforcing the environmental protections so that a sufficient fund is ring-fenced to allow the independent body to fulfil their functions.

Ancient Woodland

17. Your petitioner objects to the extent of ancient woodland loss in Staffordshire associated with the Authorised Works. Natural England states that ancient woodland is *‘an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes’* and describes it as *‘a scarce resource, covering only 3% of England’s land area’*. The Environmental Statement Volume 2 Community Forum Area Reports (CFAs 21 and 22) accompanying the bill identify seven ancient woodlands (listed below), totalling around 37.9 ha, that are directly affected by the construction of the railway in Staffordshire. The ancient woodlands are:

- (a) Roundhill Wood (CFA 21 Drayton Bassett, Hints and Weeford);
- (b) Rookery (CFA 21);
- (c) Big Lyntus (CFA 22 Whittington to Handsacre);
- (d) Ravenshaw Wood (CFA 22);

- (e) Slaish (CFA 22);
- (f) Vicar's Coppice (CFA 22);
- (g) John's Gorse (CFA 22).

18. Furthermore, due to the provisional nature of the Ancient Woodland Inventory for England (held by Natural England) and the fact that most woodlands under 2 hectares in size are not included on the Inventory unless added through separate assessment, your petitioner is concerned that additional woodlands directly affected by the Authorised Works may be ancient, but have not been appropriately assessed to determine this, and that losses may therefore be greater than identified in the Environmental Statement. One such potential ancient woodland is Little Lyntus near to Lichfield, where access restrictions prevented survey. A number of other woods in Staffordshire were not surveyed due to lack of access, and still others that were surveyed have not had their potential ancient status assessed. Your petitioner requests that all woodlands impacted by the Authorised Works that have potential to be ancient, be assessed using recognised best practice methods and the findings be considered, used and acted upon as detailed in paragraph 12.
19. Woodland planting will not replace ancient woodland habitat and there is insufficient evidence suggesting that translocation of ancient woodland is successful. Any loss of ancient woodland proposed by the scheme will therefore be a significant residual effect on biodiversity which will affect your petitioner's interests relating to the conservation of wildlife species and habitats in their area.
20. Your petitioner requests that additional mitigation is included within the design of the proposed railway to further minimise the loss of ancient woodland habitat from the sites mentioned in paragraph 17 above, as a result of the HS2 proposals. Your petitioner asks that this be achieved through modifying the existing route alignment (vertically or horizontally), through the use of bored and/or green tunnels, and through the establishment of protective woodland buffers.
21. As ancient woodland is irreplaceable, there is no compensation possible for the loss of this resource. Your petitioner requests that where ancient woodland loss occurs, the recommendations of the Environmental Audit Committee will be upheld so that ancient woodlands are '*treated separately from the overall biodiversity no net loss calculation*'.

22. Notwithstanding paragraph 21, your petitioner believes that general woodland loss from ancient woodland sites will still need to be factored into the no net loss/net gain calculations. Your petitioner requests that, where this is applicable, these habitats receive, as stated by the Environmental Audit Committee, *'the maximum score possible on all criteria (distinctiveness, condition and position within ecological networks) to recognise their irreplaceability and to maximise the extent of offsetting provided'*. Your petitioner asks that any woodland creation required through this calculation be used to buffer and extend existing ancient woodlands and provide connective woodland corridors between new and existing woodland sites, working to the Government's stated aim of more, bigger, better and joined spaces for nature, and that it be carried out in advance as far as possible to reduce temporal effects caused by the timescales involved in establishment of mature and functioning woodland. Your petitioner also requests that restoration and long-term management of retained and other existing areas of ancient woodland, in advance wherever possible, be included in compensation measures to prevent any ongoing degradation of this habitat resource and improve its resilience to impacts, rather than the relying purely on translocation and new creation as proposed by the ES in Staffordshire.
23. Your petitioner is concerned about the impact of the construction and operation of the Authorised Works near to the village of Hints, where the route would be in cutting and would result in loss of part of two ancient woodlands, Roundhill Wood and Rookery, causing severance between those woodlands and associated habitats. Your Petitioner considers that the mitigation proposed by the Promoters at this location is inadequate and that a modification to the vertical alignment is required, in conjunction with an 810 metre cut and cover tunnel between Roundhill and Rookery Ancient Woodlands and beyond Brockhurst Lane. This modification would provide greater environmental benefits and better address ecological severance issues. Your Petitioner also notes that a green bridge is proposed at Footpath 14 (ES 3.2.2.21 Map CT-06-120) and believe that this design will not provide adequate mitigation of severance of the movement of species in this location when compared to that of a cut and cover tunnel.

Local Wildlife Sites

24. Your petitioner is concerned about the extent of impacts the railway, as proposed, will have on Local Wildlife Sites (LWS) in Staffordshire. LWSs are core areas of nature conservation importance, which underpin local ecological networks and make an important contribution to national and local biodiversity targets for priority habitats

and species. Your petitioner considers that twenty LWS in Staffordshire would be affected by the construction and operation of the railway, which equates to around 13.8% of all LWS in the district of Lichfield, and around 1.5 % of all LWS in Staffordshire, by number. Your petitioner considers that these impacts on a significant proportion of county-important wildlife assets will have a direct effect on its interests relating to the protection and enhancement of wildlife species and habitats. The LWS sites that, in the view of your petitioner, will be affected include:

- (a) Waggoner's Lane (Hedge 1) SBI (CFA 21 Drayton Bassett, Hints and Weeford)
- (b) Roundhill Wood SBI (CFA 21)
- (c) Rookery SBI (CFA 21)
- (d) Botley House to Bourne Bridge, Bourne Brook BAS (CFA 21)
- (e) Ford (Oxbow Woodland) to Botley House, Bourne Brook Corridor BAS (CFA 21)
- (f) Black Brook: Snake's Hill Oxbow and Black Brook (overview) SBI* (CFA 21)
- (g) Black Brook Corridor: B.B. Bridge to Heart of England Way BAS (CFA 21)
- (h) Rough Leasow SBI (CFA 21)
- (i) Moor Covert and Pool SBI (CFA 21)
- (j) Whittington Heath Golf Course SBI (CFA 22 Whittington to Handsacre)
- (k) Curborough House hedgerows SBI (CFA 22)
- (l) Big Lyntus SBI (CFA 22)
- (m) Fradley Wood BAS (CFA 22)
- (n) Woodend Lock (near) SBI (CFA 22)
- (o) King's Bromley Wharf to Fradley Jn, Coventry Canal SBI (CFA 22)
- (p) Ravenshaw Wood, Black Slough and Slaish SBI (CFA 22)
- (q) Tomhay Wood SBI (CFA 22)

- (r) Vicar's Coppice BAS (CFA 22)
- (s) John's Gorse SBI (CFA 22)
- (t) Tuppenhurst Lane (west of) SBI (CFA 22)

* This site (f) has been re-assessed by Staffordshire Wildlife Trust and the Staffordshire LWS grading committee since the ES was produced and areas of additional habitat have been added, meaning, in your petitioner's opinion, the LWS will be directly impacted.

25. Your petitioner requests that additional mitigation is included within the design of the proposed railway to further minimise the loss of LWS sites, listed in paragraph 24 above, as a result of the construction of the Authorised Works. Your petitioner asks that this be achieved through modifying the existing route alignment (vertically or horizontally), through the use of green tunnels and through the use of other such engineering or ecological solutions as may be suitable to address your petitioner's concerns about habitat loss, fragmentation and disturbance (noise, visual and/or hydrological) in LWS sites. Your petitioner also requests, in addition to the new habitat creation proposed by the ES as the only method of habitat loss compensation in Staffordshire, that mitigation and compensation is provided in the form of restoration and long-term management of retained LWS habitats within and near to the Proposed Scheme, in advance wherever possible, to reverse or prevent any ongoing degradation of these core wildlife resources and improve their resilience to impacts.

Whittington Heath Golf Course Site of Biological Importance

26. Your Petitioner supports the view taken that the mitigation hierarchy be applied and that mitigation and compensation be included in the form of reduced habitat fragmentation of lowland heathland at Whittington Heath Golf Course Site of Biological Importance. Your Petitioner agrees with Staffordshire County Council and considers that a change is required to the location of the new heathland habitat that is proposed between the railway and the A51 near Horsley Brook Farm, illustrated on sheet numbers 3-63 and 3-64 of the deposited plans. Your Petitioner agrees that this habitat would be far better located adjacent to Whittington Heath Golf Course LWS, which is existing heathland, because there would be greater ecological connectivity between the habitats, increasing both heathland value and resilience to environmental change. It would also reduce the technical difficulties of converting farmland into heathland, and could integrate with the golf club's own proposals for mitigation for the loss of their land, which involves the continued operation of the club as an 18 hole course.

Your Petitioner further requests that that additional options for heathland creation or restoration in the local area be considered, especially should full and effective compensation not be achievable adjacent to the LWS, using available data on site suitability, connectivity and potential opportunities such as that collated in the report titled 'Opportunities for Heathland Networks in the Cannock Chase and Cank Wood National Character Area (NCA 67) (Staffordshire Section)' published in 2014 by Staffordshire Wildlife Trust in partnership with Natural England and other local partners.

Waggoner's Lane (Hedge 1) Site of Biological Importance

27. The construction of the railway would result in the substantial loss of much of the Waggoner's Lane (Hedge 1) Site of Biological Importance species-rich hedgerow, which is of great rarity in the part of the County where they are located. Your Petitioner understands that the Promoters propose translocation of the hedgerow. Your petitioner supports others including Staffordshire County Council in their requests that the Bill be amended so as to provide a green bridge at Bangle Lane, to mitigate severance of connectivity for wildlife at this location. Your petitioner seeks assurance that the hedgerow length affected will be translocated onto the proposed green bridge or that additional planting will be included in the scheme to restore hedgerow integrity, and connectivity to existing habitats. In addition your petitioner requires an undertaking that this environmental enhancement will be maintained in perpetuity by the Nominated Undertaker.

Ecological Connectivity

28. Your petitioner is concerned about the impacts of landscape severance and fragmentation on wildlife from the HS2 proposals. A key principle of the National Planning Policy Framework is to establish '*coherent ecological networks that are more resilient to current and future pressures*'. However, your petitioner considers that the approach used by the Promoters in assessing and remediating effects on the ecological landscape along the route is deficient and therefore potentially counter-productive towards this aim. For example, the Environmental Statement Volume 2 Community Forum Area Reports (CFAs 21 and 22) identify that 16 watercourses fall within the limits of land to be acquired and used under the Bill, 14 of which will be crossed by the Authorised Works, and up to 58.2 km of hedgerow will be lost within those limits. All of that could adversely affect the ecological landscape in the part of Staffordshire which is affected by the Authorised Works.

29. Section 8 of Volume 3 of the ES omits reference to the key impact of severance of ecological networks and the associated impacts on species. In Staffordshire, this is of particular importance in the Hints area, within CFA21 and the ancient woodland complex west of Fradley in CFA22. The assessment of Impacts on ecological connectivity does not appear to have been informed by connectivity mapping even where a species survey has been carried out. Your petitioner can demonstrate that through partnership working, habitat compensation is most effective and efficient if placed in a strategic framework based on sound evidence and scientific modelling. Your petitioner believes that the Promoter's data is currently insufficient to determine species connectivity requirements in the wider landscape. Furthermore, your petitioner believes that the Environmental Statement presents insufficient evidence that the location, number and design of green over-bridges, as described in the HS2 Information papers, are effective in addressing temporal or permanent landscape fragmentation effects on wildlife. Your petitioner considers that these impacts on the ecological landscape will have a residual and lasting effect on its interests relating to the protection and enhancement of wildlife species and habitats.
30. Your petitioner is concerned that the ecological and visual impact of the Authorised Works will extend beyond the limits of the land to be acquired and used, and are of the view that a combination of permanent mitigation earthworks and planting would reduce the effect of linearity of the railway and severance of the landscape, and that this could be used to also compensate for ecological severance. However your petitioner considers that to achieve this would require mitigation measures on land outside the Bill land limits, rather than only on severed land parcels and temporary working areas within the Bill limits. Proposals should be informed by the findings of the ES and an integrated approach adopted to simultaneously deliver biodiversity enhancement and connectivity. Your petitioner asks your honourable House to require the Promoters, in consultation with your petitioner and other stakeholders, to identify areas which would benefit from off-site planting in terms of landscape, visual, ecological connectivity and biodiversity enhancement and then take forward the process of additional land acquisition, if necessary using powers similar to clause 47 of the Bill but for the purpose of the provision of mitigation and advise the Secretary of State so that land can be acquired.
31. Your petitioner requests that existing habitat data is used, and updated by further field study, to scientifically model current baseline ecological connectivity for wildlife along the route in Staffordshire to ensure the right habitat is located in the right place, including offsetting in advance and further afield than the narrow corridor assessed within the ES. Your

petitioner believes that this data would provide robust evidence about the effects that the railway, as proposed, will have on wildlife movement across landscape and can thus be used for identifying specific locations where mitigation and compensation can be optimised to address these impacts. Such measures would maintain a connected landscape and protect future species populations through consolidation of home ranges and population expansion, enabling climate change adaptation for ecological receptors affected by the Proposed Scheme.

32. Your petitioner requests that additional mitigation and compensation should be included within the design of the Authorised Works, to remedy impacts on ecological connectivity, as identified as part of the modelling approach described in paragraph 31. Your petitioner asks that this should be achieved through the use of green tunnels, the creation of mammal, amphibian and reptile passes and through the use of other proven engineering and ecological solutions that will address the adverse effects of fragmentation and severance on the ecological landscape in Staffordshire. Your petitioner also asks that wherever possible, such measures be carried out in advance of the impacts occurring, to reduce temporal effects caused by habitat establishment timescales.

Impacts on Habitats

Veteran and Mature Trees

33. Your Petitioner is concerned that there is no assessment within the Environmental Statement of the impact on veteran and mature trees outside of woodlands, such as hedgerow and field trees, which are normally a standard habitat or feature included in ecological impact assessment. The only reference to veteran trees in Staffordshire in the Environmental Statement is a single veteran field maple noted on the field boundary of Hanchwood House Wood in Community Forum Area report CFA22, which is assessed as being of local/parish importance but thereafter not mentioned regarding impacts. Mature and veteran trees have not been assessed as natural or cultural assets or components of landscape character and ecological networks despite their importance, which is recognised in the National Planning Policy Framework. This is a significant omission and your petitioner seeks assurance that the ES will be supplemented accordingly and mitigation of loss included during detailed design.

Underestimation of significance of impacts to 'Other Habitats'

34. Your petitioner is concerned that 'other habitats' considered to be of lower ecological value, such as arable land, improved grassland, ruderal vegetation and scrub are considered to be of local/parish value or have negligible value, despite the fact that some of those areas support a number of notable species. The Scope and Methodology Report CT-001-000/1 specifies in the assessment methodology at 9.6.14 that cumulative impacts include 'The cumulative effects of localised ecological impacts along the length of the railway, for example the potential of cumulative loss of certain habitat types'. This does not appear to have been applied to lower value habitats. The dismissal of large areas of lower-value habitats in the impact assessment means that overall, levels of mitigation and compensation will fall far short of achieving no net loss to biodiversity. No compensatory measures for the loss of arable land, such as enhancing areas nearby with positive features such as those used in arable stewardship options, have been proposed. Your petitioners request that figures for the loss and gain of all habitat types should be provided, the overall impact of the loss within each CFA and at a county level should be assessed, and figures should be produced to ensure an adequate area and quality of compensatory habitat will be provided.

Plant material of Local Origin

35. Given the number of trees and the amount of seed and other plant materials that are proposed to be used in replacement compensation measures across the scheme, and the need to provide materials of local origin, your petitioner seeks clarity from the Promoters that measures will be put in place to satisfy this future demand, and that local sources of plants and seed, for example ponds, wetlands and species-rich meadows will be sought and obtained wherever possible. This would not only ensure a suitable and characteristic flora is established when creating new habitats, but potentially support the management of the donor habitats.

Soil management

36. Your Petitioner has concerns about the source of materials proposed to be used for embankments and mitigation habitats in Staffordshire, and seek assurances from the Promoter that the materials used are appropriate for the local ecology. The Information Paper E3 – Excavated Material and Waste Management - describes the approach on the re-use of excavated material in matters such as formation of embankments, but does not include measures for soil management for ecological habitats such as heathland and

species-rich grassland, where soil type and chemistry is fundamental to successful habitat creation and maintenance: rather the focus is on agricultural soils. The technical note “Ecological Principles of Mitigation Volume 5, Technical Appendices, Scope and Methodology Report Addendum” covers translocation soils only. Your petitioner requests that the Bill should be amended or requirements made of the Promoters to include ecological requirements as part of soils management.

Habitat management

37. Your petitioner believes that the quality and use of appropriate techniques for the establishment, aftercare and long-term management of compensatory habitats, such as ancient woodland and heathland creation areas, is essential. The Environmental Statement does not provide clear provision about such matters. Your petitioner seeks clarity regarding timescales proposed for maintenance of compensatory habitats and about who is responsible for future maintenance. Your petitioner requests that the Bill should be amended to include provision which ensures that habitats are maintained for sufficient time periods to ensure successful compensation (which may be decades in the case of ancient woodland) and that appropriate and agreed future maintenance and monitoring of results is secured and enforced.

Impacts on Species

Barn Owls

38. Your Petitioner is concerned that the predictions in the Environmental Statement about the effect on the conservation status of barn owls and the proposals for compensation are too simplistic. Your petitioner requests that the Promoter should work with your petitioner, the local barn owl group and other bird groups in Staffordshire to formulate area-specific compensation measures and monitoring in order to provide the most effective gain to the overall barn owl population. Your petitioner also asks that a similar broad approach to species conservation be considered for all other species affected by the Authorised Works, as mitigation and compensation measures near to the route will not necessarily provide the most effective and sustainable compensation.

Bats

39. Your petitioner is concerned about the impacts of the construction and operation of the Authorised Works on bats in Staffordshire, and the efficacy of the proposed mitigation. Your petitioner believes the conclusion that impacts will be mitigated is not supported

by robust evidence within the ES. Your petitioner seeks assurance that additional evidence of the efficacy of the proposed measures will be provided from monitoring of other large infrastructure projects, such as HS1. Your petitioner also seeks assurance that the Promoter will provide additional material in relation to bat mitigation as part of the Environmental Statement to meet these concerns, and that such material be required to establish a species monitoring programme in order to inform the development of the High Speed Rail Phase Two scheme.

Farmland birds

40. Your petitioner is concerned that while certain areas with significant numbers of notable birds are highlighted as relevant to the assessment, bird populations as a whole across each CFA are not quantified. This means that only certain areas may have targeted mitigation, leaving other areas and temporary impacts unmitigated. Your petitioner requests that the numbers of breeding and wintering birds that will be affected should be assessed or estimated with best available data, temporary habitat should be provided during the construction phase, and adequate compensatory habitat should be provided once construction is finished.

Delivery of Ecological Mitigation and Enhancement Measures

Code of construction practice: drafting

41. Your petitioner is concerned that the draft Code of Construction Practice (“CoCP”) is inadequate in a number of respects as regards the areas in respect of which your petitioner has interests, and that the wording used is often too imprecise. Your petitioner intends to discuss its detailed concerns with the Promoters but in the event that agreement is not reached, your petitioner will ask your honourable House to require the Promoters to amend the draft CoCP accordingly. In addition, your petitioner respectfully asks your honourable House to require the Promoters to undertake that where the Nominated Undertaker or its contractor complies with the control measures set out in the final CoCP and those measures prove to be ineffective, flexibility will be given to explore alternative control measures and the most suitable option adopted. The term, ‘reasonably practicable’ has been used frequently throughout the CoCP but it is not clear how this will be defined or who will decide what is ‘reasonably practicable’ in each circumstance. Your petitioner seeks assurances that the definition of ‘practicable’ will not be unduly influenced by time and monetary constraints. Your

petitioner has similar concerns about the local environment management plans (“LEMPs”) which will accompany the code of construction practice, but unfortunately cannot make further comment as even an early draft of a LEMP has not been available other than a template contained in the draft environmental minimum requirements, and so your petitioner reserves its position on that aspect.

Code of construction practice: ecology

42. Your petitioner is concerned that the draft CoCP does not include sufficient detail to give confidence that adequate ecological protective measures will be adopted when the works are carried out, and that those measures will be informed by relevant expertise or incorporate appropriate techniques. The proposed Environmental Minimum Requirements and Environmental Management System are also very generalised. Your petitioner asks your honourable House to require assurances that the Promoters and the Nominated Undertaker will follow BS 42020 Biodiversity in planning and development – Code of practice and that local planning authorities and other local stakeholders, like your petitioner, will have a meaningful role in detailed design of mitigation measures and in LEMP preparation.
43. Your petitioner seeks assurance that LEMPs will be prepared in a manner which ensures that effective mitigation and compensation of ecological impacts will be consistently applied. In addition, your petitioner seeks further assurance that LEMPs will ensure that compensation habitat design is appropriate for the impacts being mitigated and in line with any biodiversity priorities identified in the local area, while delivering habitats of biodiversity value. For example: through basing planting on National Vegetation Classification communities and locally occurring examples of high value habitats; preparing habitat specifications; monitoring those habitats once planted, and allowing for intervention should the specifications not be met.

Code of Construction Practice: Maintenance and Monitoring

44. Your petitioner requires assurance that a minimum of five years aftercare from the time of planting or restoration will be provided in order to support establishment of newly planted habitats and landscape planting, and that during this period dead or defective material will be replaced or remedial measures taken to secure the mitigation proposed. Your Petitioner also seeks assurance that in addition long term management and habitat monitoring will be secured so that the mitigation incorporated into the project is sustainable. Your petitioner recognises that aftercare has been dealt with in one of the

Information Papers produced by the Promoters, but ask that the proposals contained in the paper be incorporated into a binding undertaking.

Community fund

45. Your petitioner requests that the Promoters should be required to establish a community fund of an appropriate value which should be made available for the use of public bodies, charities and other organisations such as your petitioner as a means to offset the environmental and other damage that will be caused to the environment in Staffordshire, in the absence of any gain. The fund should enable your petitioner and others to provide for replacement and additional facilities or other mitigation.

Timing of ecological mitigation

46. Your petitioner is of the view that the implementation of ecological mitigation measures should not be regarded at a later stage but as an integral part of the construction process. For example, protected species mitigation and habitat translocation needed due to the construction works at ancient woodland sites will require translocation of woodland soils and vegetation to the mitigation site at the ground clearance stage of the main works. In other cases instatement of mitigation and compensation planting at an early stage is required to maintain the ecological resource and avoid long time periods of diminished habitat function that would adversely affect species populations. Such measures could also serve to make important habitats more resilient to planned impacts, set up new corridors and allow species to move or change foraging routes before construction. Your petitioner asks your honourable House to require that the Promoters undertake appropriate measures to achieve these aims, including a requirement that ecological mitigation or compensation will be undertaken, where appropriate, in advance of, or as part of, the site clearance process, and that in the case of habitat and species translocation, the appropriate receptor areas will be ready and established prior to the relevant impacts being made.

Impact of enabling works on ecology

47. Your petitioner is concerned that the ES does not cover the impacts of and mitigation for utility diversions required as a result of the Authorised Works being carried out in Staffordshire. Impacts on designated sites, ancient woodland and other habitats of principal importance, and protected species have not been assessed or efforts made to minimise and mitigate impacts, and there is a lack of control over impacts such as

hedgerow and tree loss which would result in biodiversity and landscape impact. Works that have the potential to cause significant impacts in Staffordshire include those to accommodate the National Grid Pipeline at the ancient woodland complexes of Ravenshaw Wood, Black Slough and Slaish; or impacts due to potential vegetation loss resulting from use of Public Rights of Way and tracks for temporary access as part of the off-route works to the West Coast Main Line. Given that these diversions are an integral part of the works, your petitioner requires assurances that the off-route works will be subject to the same scrutiny and environmental control as the main works and that impacts will be properly assessed and mitigated in the final scheme. Your petitioner asks that the Promoters should be required to provide evidence in the form of more detailed ecological assessments and landscape and visual impact assessments to be submitted in support of applications for utilities diversion works, demonstrating how proper assessment has led to appropriate suggestions for mitigation and the protection of the environment.

Impact of temporary works on ecology

48. Your petitioner requests assurances that ecological issues will be fully taken into account prior to establishing temporary compounds and materials storage locations. In particular landscape character and features that support ecological connectivity such as hedgerows, small woods, field trees and ponds need to be considered in compound location and design.

Impacts of waste and spoil disposal on ecology

49. The disposal of waste off site is not anticipated to have a significant impact in Staffordshire but in the event that there is a requirement for off-site disposal of inert excavated wastes, your petitioner supports the integrated design approach (Volume 3 paragraph 14.1.19) and would ask your honourable House to require the Promoters to ensure that the Nominated Undertaker liaises with stakeholders at the earliest opportunity to identify appropriate disposal schemes. Such schemes could include the restoration of closed quarries for the establishment of land for wildlife habitat, which may be more practicable and widely agreeable than the use of additional agricultural land for ecological mitigation.

Cumulative and Secondary Impacts on Ecology

50. Your petitioner has concerns about the way in which cumulative and secondary impacts on ecology have been dealt with in the Environmental Statement. Those concerns include:

- (a) indirect, secondary and cumulative impacts on ecology have been omitted from the ES;
- (b) no cross reference is made within the ecology impact assessments to impacts in other sections which might also impact on ecology;
- (c) the possibility of the extraction of minerals before sterilisation as part of the Authorised Works is a major concern of your petitioner, but the potential effects on the ecology are not considered at all in the Environmental Statement;
- (c) other 'secondary' impacts on ecology such as the re-building of demolished properties, farm re-structuring and knock-on development being encouraged or enabled as a result of the scheme have not been assessed or even mentioned, despite the social and economic implications of these being well covered in other sections of the ES, and the clear potential for these to impact ecology which would not occur without the scheme;
- (d) other related issues have been scoped out of the assessment, for example The Scope and Methodology report (Ct-001-000/1) states under Waste and Material Resources paragraph 16.1.4 that: 'The likely significant environmental impacts and effects from the use of materials (e.g. aggregate, concrete, brick and steel) for the construction of the Proposed Scheme will not be addressed in the EIA.';
- (e) there is no evidence in the Ecology sections of the CFA reports that environmental and other trends have been considered when predicting the future baseline, or assessing significance of impacts. Not only is climate change a trend, but future changes in agricultural grant schemes, water abstraction licencing, species declines or expansions, planned biodiversity enhancement projects and the designation of new local wildlife sites are all factors that should have been considered when judging the significance of impacts over the life of the scheme.

51. Your petitioner requests that the Promoter carries out additional assessment of the potential impacts to ecology of indirect and secondary activities caused by the

Authorised Works, environmental trends and other cumulative impacts, and on how these impacts are proposed to be mitigated and compensated.

52. For the foregoing and connected reasons your petitioner respectfully submits that, unless the Bill is amended as proposed variously above and in accordance with the results of further ecological investigations, the Bill should not be allowed to pass into law.
53. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your petitioner and other clauses and provisions necessary for its protection and benefit are omitted therefrom.

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the property, rights and interests of your petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your petitioner in the premises as your Honourable House shall deem meet. AND your petitioner will ever pray, &c.

Sharpe Pritchard LLP

Agents for Staffordshire Wildlife Trust

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON - WEST MIDLANDS)
BILL

PETITION OF
STAFFORDSHIRE WILDLIFE TRUST

AGAINST, By Counsel, &c.

Sharpe Pritchard LLP
Elizabeth House
Fulwood Place
London WC1 V 6HG
Parliamentary Agents

