

HS2 Ltd Phase Two Consultation on the proposed high speed rail route from the West Midlands to Manchester, Leeds and beyond.

Staffordshire Wildlife Trust January 2014

Questions

This consultation is seeking your views on the following questions:

(i) Do you agree or disagree with the Government's proposed route between the West Midlands and Manchester? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the West Coast Main Line.

Staffordshire Wildlife Trust disagrees with the proposed route.

This is due to:

- 1) The flawed design and decision making process resulting from the lack of consideration of all available ecological information, particularly the omission of Local Wildlife Sites, up to date habitat survey information and important species populations, resulting in a massive underestimation of the scheme's impacts on biodiversity (detailed comments are given in answer to question (vii) on the Appraisal of Sustainability (AoS)).
- 2) Within Staffordshire, damage to at least seven Local Wildlife Sites of county value (including one of potential SSSI quality) and four Local Wildlife Sites of district value, at least three Ancient Woodlands, as well as several areas of as yet un-assessed potentially important habitat and many populations of protected or priority species. A great many of these have NOT been recognised within the 'sites of regional importance' compiled by the AoS, including the UK Habitats of Principle Importance, showing that data used and therefore impact assessment is incomplete.
- 3) Poor data collection even for the type of sites included in the assessment, meaning that the two Staffordshire Wildlife Trust owned sites near to the route have not been recognised as such in the reports or maps, despite being noted as a statutory site and UK HPI.
- 4) The lack of recognition that, due to incomplete or less than up-to-date survey information on important habitats and species, potential or candidate SSSIs, SACs or other statutory designated sites could be present on the route but have not yet been recognised. This could include Local Wildlife Sites that have not been recently surveyed or assessed against statutory criteria, as well as qualifying populations of important species. The need to recognise potential sites is an important part of Ecological Impact Assessment.
- 5) Failure to consider within Landscape Strategies the local Biodiversity Action Plans, Green Infrastructure strategies and landscape-scale restoration projects such as the Wildlife Trust's Living Landscape Project areas, information on which is freely available. In Staffordshire the route passes through the Staffordshire Rivers, and Mosses and Meres Living Landscape areas, and five Ecosystem Action Plan areas. No assessment is made as to the impact on these areas, which will not only be bisected, reducing habitat connectivity, but also losing thousands of hectares of land that could potentially be restored.

(ii) Do you agree or disagree with the Government's proposals for:

a. A Manchester station at Manchester Piccadilly?

b. An additional station near Manchester Airport?

No Comment

(iii) Do you think that there should be any additional stations on the western leg between the West Midlands and Manchester?

Additional stations would be likely to cause further environmental impacts, especially if near designated wildlife sites. We would expect any impacts would be fully assessed, avoided and mitigated as part of any scheme, and could, if well designed, result in net biodiversity gain. However, future knock-on development around stations would not be included in any impact assessment and could lead to net damage. If additional stations and their surrounding areas were to be subject to an agreed masterplan guaranteed to enhance biodiversity and other green infrastructure, then additional stations may be acceptable.

(iv) Do you agree or disagree with the Government's proposed route between West Midlands and Leeds? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the East Coast Main Line.

Our comments are the same as for the route between the West Midlands and Manchester. The part of this route that affects Staffordshire is small, and would result in impacts to one LNR which is also a Local Wildlife Site.

(v) Do you agree or disagree with the Government's proposals for:

a. A Leeds station at Leeds New Lane?

b. A South Yorkshire station to be located at Sheffield Meadowhall?

No comment

c. An East Midlands station to be located at Toton?

(vi) Do you think that there should be any additional stations on the eastern leg between the West Midlands and Leeds?

No comment

(vii) Please let us know your comments on the Appraisal of Sustainability (as reported in the Sustainability Statement) of the Government's proposed Phase Two route, including the alternatives to the proposed route?

The results presented for impacts to biodiversity in the Appraisal of Sustainability are flawed, due to the failure to use all available data on ecologically important sites, features and species; much of which is

easily available from local biological records centres. Other relevant data not held centrally could have been compiled over the four years since the route began to be considered.

- Omission of local Landscape Strategies

Local Biodiversity Action Plans, a necessary consideration for other strategic plans such as Local Plans, have not even been mentioned. Under the Staffordshire Biodiversity Action Plan, the county is divided into Ecosystem Action Plan areas based on robust background data on geology, landscape and habitats. The route passes through five of these areas: Urban, River Gravels, Central Farmland, Cannock Chase Heaths and Wooded Quarter. It also impacts the Staffordshire Rivers, and Mosses and Meres Living Landscape project areas.

Many local authorities also have Green Infrastructure strategies, based on recently collected evidence that set out ambitions, and in some cases specific projects, to be progressed as part of Local Plans.

Despite this information being freely available on the internet or on request, potential impacts on these strategies has been omitted.

- Omission of Local Wildlife Sites (LWS)

The selection of ecological sites to be considered by the AoS, outside of those European and Nationally designated, is bizarre, and contrary to normal planning practice for any other assessment including for strategic plans, SEA, EIA and any other ecological assessment regarding proposed development.

'Sites of regional importance' have no definition based on any clear threshold, policy or legislative act. The types of sites included cover a range of potential values for wildlife, while Local Wildlife Sites, which are assessed against standardised criteria and are given status in national planning policy, are blatantly omitted. While LWS are non- statutory designations, National Character Areas, Habitats of Principle Importance, Ancient Woodlands and Wildlife Trust reserves are also non- statutory sites which have been included in the assessment irrespective of their legal or policy status. Local Nature Reserves require a relatively low minimum wildlife value for designation compared to many other criteria, the priority for these sites being community value, and designation is not comprehensive or consistently spread across districts, often depending on the time, priorities and resources of each local authority, which must own or control them. They are therefore not necessarily a good indicator of biodiversity value. Ancient Woodlands, while having a better definition, vary in quality and the level of survey undertaken, and many under 2 hectares are not included in the inventory. UK Habitats of Principal Importance are a valuable indicator but Natural England's records are woefully out of date and not at all comprehensive, whereas many local records centre have additional data. Wildlife Trust Reserves are usually of high biodiversity value, newly acquired or mainly visitor orientated sites may not be. The inclusion of Wildlife Trust reserves but not those of other organisations such as RSPB, Woodland Trust, Plantlife the National Trust and local authorities is also highly inconsistent. In fact we would argue that because the label 'nature reserve' can be applied by any organisation without strict definitions or a minimum ecology value, use of recognised designations and biodiversity valuation criteria only should be used to identify important areas in terms of ecology.

The National Planning Policy Framework clearly states:

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,²⁴ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

²⁴ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

(Circular 06/2005 makes reference to Local Wildlife Sites and the forthcoming (at the time) Defra guidelines on their selection)

In summary, there appears to be no sound reason as to why data on LWS has been omitted from the AoS. The effect of this data shortfall is however significant. Failure to acknowledge LWS in the AoS for phase 1 resulted in a massive underestimation of the schemes impacts on biodiversity.

Having cross-referenced the AoS maps of Key Environmental Features with our own records of Local Wildlife Sites and also Phase 1 Habitat survey data, it is apparent that several sites of both county and district importance have not been recognised by the AoS, as they have not been picked up in the data on 'regionally important sites', despite many of them containing UK HPI habitats. We would be pleased to make this detailed data available to HS2 Ltd.

- Lack of consideration of Species populations

Populations of European protected species (EPS) have not been considered, despite there being a reasonable amount of data available on their presence due to the requirement for survey information for licensable activities such as development. Populations of hazel dormouse, otters, various species of bats and great crested newts are known to be present along the route.

All these species are protected under domestic law and through The Conservation of Habitats and Species Regulations 2010 which transpose the Habitats Directive for application in the UK. Under those regulations, when making a decision about whether or not to proceed with HS2 in its proposed form, the appropriate authority will have to ascertain whether three specific tests are passed – to paraphrase: the project has to be necessary for “Imperative reasons of overriding public interest” (IROPI); there have to be no satisfactory alternatives; and there must be no major impact on the conservation status of the particular species. We believe, without any data on EPS that it is not possible to be certain that these tests can be passed at the point at which decisions are made on the final route of Phase 2.

As well as these species, many priority species under section 41 of the Natural Environment and Rural Communities (NERC) Act are present, including a range of mammals, wetland and farmland birds. Priority species demand a duty of public authorities which are obliged to have due regard to their conservation. Without any such data having informed the route design, this duty cannot have been carried out.

- Poor Collation and use of Ecological data

A vast amount of available data has not been utilised by HS2 Ltd in its baseline and assessments.

The Sustainability Statement Appendix E4 – Biodiversity states:

‘2.3.2. There are also a number of non-statutory, locally listed designations, information on which is held by a number of sources, notably the Wildlife Trusts and local data sources. The occurrence of particular species is not known at this stage, ...’

Local biological records centres hold thousands of species records, but this data was not requested or searched by HS2 Ltd. Although not comprehensive, this data would have indicated many key populations or hot spots which could potentially have been avoided by the route.

‘2.10.2. Data on other features of ecological value including ponds and hedgerows was not available.’

This is an absolutely false assertion. Certainly for Staffordshire, and for many other counties, there is a wealth of data available from local biological records centres, including Phase 1 habitat survey data coverage in many areas (which includes basic information on hedgerows and ponds), as well as species data which could help to indicate higher quality features (e.g. protected amphibians, rare plants).

There are in addition hundreds of specific surveys that have been carried out for various purposes including development applications, that are still in the process of being uploaded to central records centres, but which contain information on habitats including hedgerows and ponds, as well as many protected and priority species. Had HS2 wanted to use this data, it would have been a reasonably straightforward task to request, or support, LRCs (perhaps in partnership with Natural England) to collate this data in a more usable form, given the years of lead-in time available up to this point.

The Sustainability Statement Appendix E4 – Biodiversity states that ‘information about the Wildlife Trusts’ Nature Reserves (partial coverage only) was obtained from <http://www.wildlifetrusts.org>.’ The Wildlife Trusts national website and national office will not always have the most up-to-date data from all 47 Trusts. Despite acknowledging the ‘partial coverage’ HS2 Ltd obviously did not contact individual wildlife trusts and record centres along the route for this information.

The report document also states that ‘information about other designated sites was obtained from MAGIC at Magic <http://magic.defra.gov.uk>. This source too is not up-to-date, as surveys carried out by Wildlife Trusts and other bodies are constantly discovering new habitats that may be worthy of designation.

(viii) Please let us know your comments on how the capacity that would be freed up on the existing rail network by the introduction of the proposed Phase Two route could be used?

We do not have detailed comments on this aspect but suggest using capacity in a way that would most reduce carbon emissions and other environmental impacts, possibly including increased freight carriage.

(ix) Please let us know your comments on the introduction of other utilities along the proposed Phase Two line of route?

We welcome the fact that HS2 Ltd has been looking into provisions for other 'utilities', and especially mention of integration with flood management schemes.

However we are very disappointed and surprised that under 'Maximising the benefits of our infrastructure' (section 11 of the Phase 2 Consultation Document July 2013) there is no mention at all of Green Infrastructure. As well as flood management, HS2 should integrate with all other environmental strategies and improvement schemes active along the route; firstly in order to avoid conflict, and secondly to contribute to their targets. This would seem an obvious way to ensure most effective use of money and delivery of appropriate government / local priorities, all of which would mean additional economic and social gains. Landscape restoration, access facilities such as cycle/ bridle/ footpaths, other water management such as restoring water quality, forestry, soil conservation and of course, biodiversity are all elements which would provide many beneficial ecosystem services to people and businesses along the route.