

MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday, 7 September 2020 (Afternoon)

In Committee Room 4
(Hybrid Proceeding)

PRESENT:

Lord Hope of Craighead (Chair)
Lord Brabazon of Tara
Lord Goddard of Stockport
Lord Haselhurst
Lord Horam
Lord Liddle
Lord Snape

Jacqueline Lean, Counsel, Department for Transport

WITNESSES:

Kate Dewey (Staffordshire Wildlife Trust)
Peter Miller (HS2)

IN PUBLIC SESSION

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(At 2.00 p.m.)

1. THE CHAIR: Welcome to this, the first hybrid meeting of the Select Committee on the High Speed Rail (West Midlands – Crewe) Bill. We're very grateful to the participants who have taken part already in our virtual meetings. We thought that those sessions went extremely well and it allowed us to make important progress in our work. From now on, we plan to meet in hybrid fashion. That means that some of us will be present in a committee room in the House of Lords, observing social distancing, while others will be dialling in.

2. Today, besides myself, we have Lord Brabazon, Lord Horam, Lord Liddle and Jacqueline Lean, counsel for HS2, in the room. It may be helpful if I were now to set out how this session will work. All of our remote participants are on the Zoom call and we can all see each other. You may need to switch to gallery view to do that. Remote participants will be muted at the start of the meeting. You may control your own muting, but please remember to unmute before speaking. You may receive a prompt on your screen inviting you to do so.

3. So far as possible, we will follow a predetermined 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 the screen. I will then call you to speak at an appropriate point.

4. In order to allow for interventions, I will invite speakers to pause frequently and I will then either call on someone to speak if there's a question to be put, or invite the speaker to continue. We will adjourn for a few minutes' break after about one hour, to allow for the fact that participating in sessions of this kind can be quite tiring for everybody involved. We aim to finish by 4.30 p.m.

5. Participants should have the exhibit bundles open and available. For this session, that is bundles A12, P30 and R78. We will navigate these documents using the numbers in the bottom left hand corner of each page. We shall now begin with petition 33 in the name of Staffordshire Wildlife Trust. Now, Ms Lean, I would be grateful if you would open the proceedings.

6. MS LEAN (DfT): Thank you, my Lord. The petitioner, Staffordshire Wildlife Trust, is a nature conservation charity whose mission statement is to protect and enhance the wildlife and wild places of Staffordshire and promote understanding, enjoyment and involvement in the natural world. The trust owns or manages a number of sites within Staffordshire within the four community areas that we divide the route up into. That is why you don't have a plan on the screen in front of you in the usual way showing the petitioner's land holding because of the extent of the area of interest.

7. In their petition before your Lordships, the petitioner raises some matters which are of general concern to them, about the project's approach to the assessment of sites or mitigation, and some site-specific issues.

8. You have before you in your exhibit pack some correspondence between the promoter and petitioner which sets out some further detail on the promoter's response to the petitioner's case, in addition to the PRD that you have in the R bundle of documents, which also sets out an assurance which was given to the petitioner in respect of concerns raised when they petitioned before the Committee in the other place, and also drawing their attention to assurances that have been given to other petitioners, specifically Staffordshire County Council, which relate to areas of interest that this petitioner has raised.

9. I can also confirm that the promoter has written to the petitioner drawing their attention to the assurance that was offered to them Royal Society of Wildlife Trusts following their appearance before your Lordships in July, and identifying the additional monies being made available to promote and enable the creation and enhancement of habitats along the line of route by third parties. That's also in your exhibit bundle at P32(22).

10. I should also just highlight, my Lord, that there was a further meeting between the petitioner and the promoter's representatives last week at which an additional matter was discussed where an assurance had been given previously to Staffordshire County Council relating to impact on hedgerows. We have forwarded that assurance to the petitioner for their information, and I believe a copy should have also been sent to your Lordships via your clerk earlier today, and I'm told the reference number for that is R109.

11. My Lord, that's all I had intended to say by way of introduction, if that's acceptable.

12. THE CHAIR: I have been told my thing is not charging. That should be all right. Please continue; I beg your pardon.

13. MS LEAN (DfT): My Lord, that was all I intended to say, unless there was anything you particularly wished me to cover further at this stage.

14. THE CHAIR: That's very helpful, thank you. Well, Ms Dewey, would you be kind enough to present your case on behalf of the trust?

Staffordshire Wildlife Trust

Submissions by Ms Dewey

15. MS DEWEY: Thank you. So just to introduce myself, my name's Katherine Laura Dewey; I'm the senior planning officer for Staffordshire Wildlife Trust, or SWT, which I'll probably refer to. I've got 20 years' –

16. THE CHAIR: Can I ask you to pause? I beg your pardon. The way your voice is coming over is not very easy for us to listen to. I think there may be a problem with the connection. If you just pause a moment and we'll see if we can improve it. It may be too much of an echo. Possibly if you're a bit further back from the microphone, it might help.

17. MS DEWEY: I think I may be too far away from the microphone.

18. THE CHAIR: Anyway, see if you can continue; we may be able to adjust ourselves to the way you're speaking as you carry on and we'll do our very best.

19. MS DEWEY: I'll go a bit slower.

20. THE CHAIR: Yes, please.

21. MS DEWEY: So just to say that I have 20 years' experience in the environmental sector and I deal with all planning issues within Staffordshire for Staffordshire Wildlife Trust, from barn conversions up to HS2, all levels of planning.

22. I think you've had an introduction to the wildlife trust and what we cover. We've been involved with the ecology technical group for Phase One which comes into Staffordshire as well. We are part of the ecology review group and we are also part of the Trent and Sow Parklands landscape group, which is working with HS2 around part of the route through Staffordshire.

23. So we have had some discussions with HS2 recently that have satisfied our concerns on a number of issues; that would be the specific local wildlife sites that we've been discussing, and our concerns over priority bird species. But we have two outstanding issues that we'd like to raise today. There are: that we're very concerned that some very important habitats have yet to be identified by HS2 through their surveys where they're not part of the environment statement, and we're concerned that further surveys may not identify these adequately; 2) that irreplaceable habitats on the route have not been fully recognised by HS2 apart from ancient woodland and veteran trees and we believe there are a number of other irreplaceable habitats that need to be treated as such, as part of the design.

24. So basically, I'll go through the problems we feel are there, why they're important and then what we would like HS2 to do about this. So, there are a number of important habitats that are still being discovered along the route and this is borne out by some of our own surveys that we have carried out over the last three years. We have looked at 20 different wildlife –

25. THE CHAIR: Could I ask you, just before we go any further? We're talking about habitats; we do know that under various policies, particular areas are designated as sites of particular interest. Are the habitats you're talking about habitats that have not been identified and designated, have yet to be discovered –

26. MS DEWEY: That's correct, yes.

27. THE CHAIR: Is that what it is?

28. MS DEWEY: Yes, there are a number of habits that HS2 have recognised as of district or county importance within Staffordshire and those we are fairly happy that they will be addressed. But we're concerned that there are other habitats that have not been recognised fully or at all by HS2, and we have a number of examples of where this

has happened and we have found these habitats through surveys, and they have become designated as local wildlife sites. So we're concerned that there are other areas out there that may not be picked up in time for them to be considered in the detailed design.

29. So far, we have looked at 20 sites which have been either extended or increased in their status and seven of these were not valued properly in the environmental statement or were not mentioned at all. So these are the unknowns that we're worried that have been missed and we don't know how many others that may be out there. We estimate probably another 40 sites potentially, but we don't have the resources to find them all, although we are continuing with that work.

30. So one example that I have illustrated in our slides is a site call Bower End Lane hedgerows. So the first of our slides show a picture of that site. In the environmental statement HS2 found that part of this hedgerow, about a third, was an important hedgerow, and that is all. There is no mention of the site in the environmental statement. You can see on page 2 of our exhibits, A12(2), the extent to which it has now been designated. It was designated this year as a county value wildlife site.

31. And particularly importantly, it has an area of woodland associated with it which we think is potentially ancient woodland because it has a lot of indicator species. As you can see on page 3, this site is going to be quite severely impacted by the scheme. Hopefully the maps show where the lane is. So it's going to be widened and also cut through by another access track. So this is just one example of a site that we are concerned that, if we had not identified it as it is very important and designated it, that it may not have been recognised by HS2 and, at this stage, there is very little room here within the Bill limits to avoid this site.

32. HS2 have assured us that, on all road widening, they will try to minimise the impact and I hope this will be the case here, but it's just one site that was not recognised fully in the ES and we're particularly concerned that hedgerows, they may be recognised as important, they may be recognised as species rich, but won't have the level of protection or consideration that a local wildlife site would have, unless HS2 use the wildlife site criteria for Staffordshire to assess them. This is something we've been asking for, for a long time.

33. HS2 say that it's not their job to use the local criteria to assess sites. However,

they already have used the criteria for Staffordshire wildlife sites in the environmental statement to assess breeding and wintering birds groups. So they do use the criteria and we would like them to use that criteria going forward to assess any habitat that they think may be diverse because, this way, they get evaluated much more rigorously and we can see which fall in and outside of that level of protection.

34. It is also good practice, in published guidelines on environmental impact assessments, to use local criteria for these sites. So this is what we would like HS2 to commit to doing as part of their further surveys towards the detailed design is to work with us and to identify further sites that may be of wildlife site importance and make sure that these are assessed correctly.

35. THE CHAIR: Lord Brabazon would like to put a question to you.

36. LORD BRABAZON OF TARA: Thank you, Lord Chairman. I'm looking at slide 3, headed, 'Bower End Lane hedgerows, LWS'. I'm not completely clear; the actual railway is in the tunnel. Am I right in thinking it's towards the bottom of the diagram in a tunnel there?

37. MS DEWEY: That's right.

38. LORD BRABAZON OF TARA: The rest of it is works during the construction period. What's the significance of the right hand picture with what looks like a swimming pool in the middle of it?

39. MS DEWEY: The right hand picture is post construction; the left hand picture is the land being used for that construction, the pink areas; and the one on the right is what it will look like post construction with new hedgerows. The swimming pool is a balancing pond within that field, so all this is other works separate to the tunnel, but, as you can see, Bower End Lane: where the words are there, that's the area of potentially ancient woodland, which is going to be completely destroyed by the structures that will be constructed there.

40. LORD BRABAZON OF TARA: And at the top of the diagram, there is a thing covered by a blue wavy line. What's that, the top of the left hand picture?

41. MS DEWEY: The map is showing changes. I think it was one of the AP2 maps,

so I think that was more changes that were happening for AP2. That's the most up to date design which is why I chose that map, so I'm afraid there's lots of diagrams on it, but that's the most up to date design that we have at the moment.

42. LORD BRABAZON OF TARA: Okay, thank you.

43. THE CHAIR: Can I just follow that up? I may have misunderstood this; I thought that was a motorway: the area enclosed by these blue wavy lines going across the top of the page. Am I wrong about that?

44. MS DEWEY: I think it's an existing railway, I think. Yes, no, it is; it's near to Madeley.

45. THE CHAIR: Yes, but whatever it is, there's a bridge going across it, and it's not a railway, as far as I know, so the obvious candidate would be a motorway.

46. MS DEWEY: I think it is a railway. There are some tracks marked on there.

47. THE CHAIR: I see.

48. MS DEWEY: That's the existing railway there.

49. THE CHAIR: Yes. But the problem which you're talking about, if I've picked you up correctly, is caused by what we see on the left hand of the two pictures, areas coloured pink which are areas to be worked on by HS2 during the construction phase. And we can see that they are using Bower End Lane apparently as a route to carry out works which you say is at risk of destroying, or at least harming, the hedgerows on Bower End Lane.

50. MS DEWEY: That's right.

51. THE CHAIR: And although it's shown in green – shown in the right hand picture as being there, it won't be the same as it is now, I think you are telling us, because of the nature of the works.

52. MS DEWEY: No, you can just about see the yellow areas are cutting into the side of the lane, so that it's wide enough to use. So at least one side will be very much changed. That is an issue with a lot of these small lanes. A lot of them are being used

as access routes, and, of course, old country lanes have generally quite old hedgerows, veteran trees; this is what we'll be coming onto later in terms of irreplaceable habitats, but there are a great number of them. In my following slide after this is another example of a hedgerow that it is not yet designated and that we'll be looking at, but it's one of many that are potentially much more important than HS2 have so far assessed them, and most of them are going to be impacted by these access routes.

53. A lot of it is temporary work as well to widen the roads, but it will stay there permanently. So this is an issue we are trying to work with HS2 to minimise the damage, but we feel that a lot of these habitats need to be fully assessed so that we know what we're working with, and that they get the avoidance mitigation that they deserve, essentially.

54. THE CHAIR: Is the hedgerow at Bower End Lane designated as a local wildlife site?

55. MS DEWEY: It is now. It was designated this year.

56. THE CHAIR: It is being designated.

57. MS DEWEY: Yes, that's right. There are many other similar hedgerows that do not have a designation at the moment that we feel are possibly as important.

58. THE CHAIR: Yes. Lord Horam has a question to put to you.

59. LORD HORAM: There's a picture of an ancient sunken lane in point 5, 'Irreplaceable habitats, definition', on there, further down. Is that actually a photograph of the area we're talking about, or just a photograph of a sunken lane?

60. MS DEWEY: That's just a photograph of a particularly good example. It's not on the route of the railway.

61. LORD HORAM: It's not one in Staffordshire.

62. MS DEWEY: There are very similar ones on the route. We don't have a lot of pictures of examples. But on page 4, the picture of Dawson Lane, that is a genuine one.

63. THE CHAIR: Yes.

64. MS DEWEY: Yes. That's actually impacted very heavily by the route. And that also has a veteran tree that is going to be lost.

65. THE CHAIR: And what do you understand is happening at Dawson Lane? We don't have a picture as we did in the case of – or do we? Is there a picture of the works that are being done there?

66. MS DEWEY: Page 24 of our slides has got that as an example.

67. THE CHAIR: Oh, I see.

68. MS DEWEY: The maps aren't exactly lined up, but it's quite a long stretch of hedgerow. The top left hand map also has a green dot which is where the veteran tree is located. You have a picture showing that it has very big hedge banks. A lot of these old lanes that have very marked hedge banks have got historic importance as well. As you can see, the map showing the pink land take, that whole lane will be widened. This is an example where we hope that perhaps the route could be taken across the field instead, rather than using the lane.

69. In this instance, there seems to be a little bit more room. We're just concerned that, because HS2 haven't surveyed these hedgerows in a lot of detail, that they've been recognised as species rich hedgerows or important hedgerows, but they don't have the status of a local wildlife site. So will they be mitigated to the same degree? And we would like HS2 to use the local wildlife site criteria to help decide which of these habitats need most protection and mitigation.

70. This is an obvious one that we have brought up but we're very concerned that there are a lot of other hedgerows and other habitats that haven't been properly surveyed yet, so there could be a lot of others out there that have don't have the avoidance and the design needed to protect them fully. We're getting to this late stage now, before detailed design, where that information is really critical.

71. HS2 are saying they are going to do further surveys but they don't want to use the local wildlife site criteria which we think would be very useful to use.

72. THE CHAIR: Can we follow that point up in this way? I think your trust is a member of the ecology review group, which is a combination of various bodies with

similar interests to your own. Would it be possible for you to exercise some influence on the way these hedgerows are being dealt with through the work that that review group is going to be doing?

73. MS DEWEY: Possibly. The group tends to review existing survey information and not influence how it's gathered. So HS2 have said that, when they have conducted surveys, they will pass the data to the ecology review group, but we're concerned it needs to be the right kind of data to identify these sites. So unless we go and find them, we're concerned that HS2 will miss them. So it's a little bit of a circular argument in a way. How do we know where they are if nobody's found them? So we will be trying to do some more work on that, but we would just like HS2 to use our criteria to help decide and define where these important habitats are. I think that would be very good practice.

74. THE CHAIR: Thank you.

75. MS DEWEY: Are there any other questions on that issue?

76. THE CHAIR: No, I'm looking around the various faces. I don't see any other people raising their hands. Is that your presentation?

77. MS DEWEY: I've got one further point to make and this is on irreplaceable habitats along the route. So far, HS2 has recognised ancient woodlands and veteran trees as irreplaceable habitats, and I know you've heard from the Woodland Trust a lot about ancient woodland. However, these are not the only irreplaceable habitats present and affected by the route.

78. So the definition of irreplaceable habitats within the national planning framework is habitats that would be technically very difficult, or take significant time, to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. It gives some examples. These include ancient woodlands, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen, but that is not an exhaustive list.

79. We're concerned that there are other irreplaceable habitats that don't have that recognition as yet; there are some important habitats which should be considered to be irreplaceable and these are not being treated in the right way by HS2 as yet. But the

policy towards all irreplaceable habitat is that, in the NPPF, planning permission should be refused unless there are wholly exceptional reasons for affecting or destroying this habitat, and a suitable compensation strategy exists.

80. So we feel it's very important that irreplaceable habitats are recognised and given the right amount of avoidance and mitigation because they need very bespoke mitigation. It's very, very difficult to mitigate for them, but we want the highest level of mitigation there.

81. In our opinion, we have at least four wetland sites across the route which we consider would be irreplaceable or potentially so. More investigation needs to happen into the nature of them. And there's a large number of hedgerows, particularly these sunken lanes, very old hedgerows on boundaries, parish boundaries, along access routes, which we think are potentially ancient. So they also have cultural heritage value as well as ecological value.

82. One of the key points as well is that, as part of the no net loss of biodiversity calculations, irreplaceable habitats can't be included in that calculation. So it will affect how biodiversity is dealt with across the route and these sites need particular attention.

83. In discussions with HS2, we've asked why these haven't been identified, and HS2 said that there is a lack of detailed methodologies and guidance for these other habitats. There is not a definitive list and, for a lot of habitats, there isn't the method to clearly define what would be irreplaceable. Although they have decided so far that the inland salt marsh, one of our local wildlife sites at Lionlodge Covert – we have some very rare inland salt marsh in that area – HS2 have decided that that is replaceable because it has manmade influences. So we don't agree because nobody's recreated inland salt marsh so far, as far as we know. So, it may be possible, but it's not known and on a precautionary basis, we consider that to be irreplaceable until proven otherwise.

84. We also have discussed that HS2 are investigating lowland fen sites on Phase 2B, so they are looking into other habitats, and some of our wetland sites could be included in the lowland fen habitat description. It needs further work to look at that. There are also some guidelines for identifying ancient hedgerows because they are defined as hedgerows that existed before the Inclosure Acts of 1720 to 1840. So a lot of these hedgerows will be on old maps.

85. And the methods for identifying them are similar to ancient woodland: you look at old maps, you look at the features of the hedgerow, look at the indicator plant species, the age of the trees etc, and we know of several local authorities across England who have carried out ancient hedgerow surveys, so it has been done. There are no adopted national guidelines, but there are guidelines out there. And we feel that the lack of guidance is an issue but it shouldn't stop HS2 from trying to identify these habitats because they are very important.

86. So, in the way that Natural England helped with no net loss calculations, and a lot of work was done on that, to take forward that process, what we would like is for HS2 to work with Natural England and the ecology review group to agree some guidelines, interim guidelines, and methods for identifying other irreplaceable habitats, to make sure that at least something is done towards this. It's a national issue; I know Natural England have been working on this issue because planning authorities need to know how to define these habitats as part of local plan, so it is a very relevant issue and we feel that it needs to be addressed, especially for Phase 2B where a lot of different habitats are going to be affected.

87. In the case of 2A, we are a little late in that we can't have any more additional provisions. We can't have any more land to avoid these habitats, but we want them to be recognised as part of the detailed design and given the proper attention and the proper investigation to inform the detailed mitigation because they will need to have translocation of plants, there might be some quite complicated hydrology and soil conditions that need to be replicated, which need a lot more investigation, and we want to make sure that these sites get the best mitigation that we possibly can because they are not replaceable.

88. This is what we're asking, is HS2 to work and agree some guidelines, agree a methodology, and also to adopt a protocol for highly distinctive habitats and the way that they mitigate for them so that the distinctive features of them can be replicated as far as possible. You don't just get a bog standard habitat; you get something as near as possible to what has been lost. At the moment, I know HS2 have some guidelines on rural roads in terms of the character that they're creating. This sort of guidance needs to go further and cover any habitat that's of high distinction, unique or has special features to make sure that those are conserved and replicated as far as possible.

89. Our final slide, just showing an example of a sunken lane with very good hedge banks, something that would be very difficult to replicate, but possibly could be. Also, another site here is a picture of one of our local wildlife sites. It's a wet woodland, and we feel that this could be categorised as lowland fen, one of the irreplaceable habitats mentioned in the NPPF.

90. THE CHAIR: Is that the picture marked, 'Unique wetlands'?

91. MS DEWEY: Unique wetlands, yes. That is a site called Pool House Wood, and it's going to be cut in half by the railway. We're not sure whether it's on peat. That's one of the key aspects of lowland fen, and obviously, peat is quite a unique feature in the landscape. Trying to translocate this and recreate the hydrology that all those plants have developed on – very difficult to find another site that would match that. So we're concerned that that habitat is going to disappear.

92. It may or may not be irreplaceable; we're not sure on that one, but it's one that we feel is very likely to be irreplaceable. So that needs the amount of care as an ancient woodland because it's developed over centuries, and the historic interest, the geological interest, that isn't going to be replaceable, we don't feel. So this does need some special attention and it hasn't actually got any specific mitigation, this site. There's going to be some woodland planting, not wet woodland, not that kind of habitat. So this is a site where we really feel it being irreplaceable would be a key consideration in the detailed design that won't be covered. It's not assessed correctly.

93. THE CHAIR: Okay. Is that the end of your chapter on irreplaceable habitat?

94. MS DEWEY: It is, indeed, and that is the end of my presentation, thank you.

95. THE CHAIR: We'll I'll just look round the room and see whether there are any questions from anybody. Yes, Lord Haselhurst.

96. LORD HASELHURST: Thank you, Chairman. I hesitate to ask a question in the sense that I haven't had any involvement in a wildlife trust or followed in detail how one preserves all aspects of the countryside. So I got the impression from what I've seen in the submission and what has been said by Ms Dewey this afternoon that there's an awful lot we don't know. The promoter of the project is effectively being told that it

has to discover as it goes along, so that something which may be deemed to be an irreplaceable hedge or irreplaceable wetland is then to be confronted.

97. I'm surprised that the trust itself, with all the people who work for it, both professionally and some voluntary efforts, haven't by now got a very clear impression of all the sites that would need to be defended. So we're in an unending situation where, oh, tomorrow something else is discovered, and then a group of walkers or cyclists in a fortnight's time find a site which they think is worthy of preservation. Where does one end? How does the company – how do they reckon up what sorts of actions are required to deal with the situation as a whole and what the cost of that may be.

98. MS DEWEY: That's a very good point and it's a frustration that we share. The situation is that, on any route through any county, there are areas that haven't been surveyed and wildlife trusts as charities do their best to survey their counties. There just isn't the resource to do that very thoroughly. I think about 50% of Staffordshire has been surveyed so far in detail. For the other 50%, there could be anything out there.

99. As we've seen on Phase 2A and Phase One, HS2 has discovered new ancient woodlands that are not on the ancient woodland register because the smaller woodlands have never been investigated, so there is a lot of work to do across the country in terms of designated sites and important habitats that there hasn't been the survey effort.

100. Ideally when a project like this comes along, all the habitats would be accounted for, every borough will have complete survey information, Natural England will have designated all the SSIs necessary. The resources just aren't there to have that complete picture and we have been working on that, but we're a charity, we only have so many resources and so HS2 are always going to find new habitats. It's our job push them to use the right techniques to find them. We know it is an ongoing, process we know the environmental statement was not complete, and we are just wanting to make sure that these habitats get recognised at the right level.

101. Even nationally, there are national guidelines for this, so Natural England, I would say, is a little bit behind on producing these guidelines. We have them for ancient woodland and veteran trees, but other habitats have not got the same attention. It's also scientific knowledge as well. It's quite difficult to know whether something's irreplaceable unless there's evidence as to whether it can be recreated. And all of this is

needing more research. So HS2 is at the forefront of that and having to deal with these unknowns as they crop up.

102. We have raised this issue in the other place and we've also – through our comments on the environmental statement – so it has been brought up previous to this. We obviously will do our best to put together a list of sites that we know of to present to HS2 for their consideration. But in terms of hedgerows, there are hundreds of hedgerows and whatever we can do, HS2 can also do. So we would like them to investigate this further and make sure these are identified. There's still time to do that and obviously, Phase 2B, we need that that process in place for the future stages to make sure this isn't a last minute issue again.

103. THE CHAIR: Lord Haselhurst, would you like to pursue the point, because –

104. LORD HASELHURST: I would indeed, Chair, thank you. It does seem to me, Ms Dewey, that in your answer, you've underlined my fears. There seems no end in sight to the investigations that may need to be carried out when you are, in fact, asking HS2 to foot the bill at the end, or make a substantial contribution to the footing of the bill.

105. It also puzzles me that during Phase One, when issues of this kind have arisen, that that didn't set the alarm bells ringing very loudly in Staffordshire, and maybe Cheshire as well, that an intensified effort had to be made to identify as many precious sites as possible in anticipation that precisely this kind of issue would crop up once legislative discussion began on deciding whether or not the railway can go ahead.

106. MS DEWEY: I think we were very much aware that local wildlife sites would be affected by Phase 2A and we have done some work on that. In terms of irreplaceable habitats, Phase One, as far as we know, it's just ancient woodlands that are affected, and a couple of veteran trees. At that point, we weren't aware – and there wasn't also the policy in place then either on irreplaceable habitats. So that has come to the fore since Phase One, because 2A is hitting a lot more different habitats. So that's why that issue is being brought up now.

107. We have looked ahead to try to identify more local wildlife sites. It's purely funding that we don't have enough people or enough funding to have looked at the

whole route because there's hundreds of sites.

108. I do know that HS2 have said they will be doing further surveys; they're already planning those further surveys to inform the detailed design, so we just want to make sure they use the local wildlife site criteria and they look at irreplaceable habitat as part of that work. They're going to be doing that work anyway; they've assured us that they will find all the other habitats that may be important to feed into the detailed design, so they will be looking at them anyway. We're just very concerned that they've looking at these criteria for wildlife sites and for irreplaceable habitats as part of that, so that gets fed in and it's not just, 'We've found a nice hedgerow.' Now, it gets the proper level of scrutiny. It's not asking for extra surveys; it's the type of investigation we want carried out.

109. LORD HASELHURST: Therefore, I mean, how long it would take? What is your best guess as to how long it might take for there to be a complete encyclopaedia of all the potential sites in the best of all possible worlds it would be good to protect, because the process has to go on? Decisions are being made about the railway. Construction has started on Phase One. It can't surely, in practical terms, be open ended as to what HS2 might have to provide for.

110. MS DEWEY: Well, I understand that. HS2 have said that there are ongoing surveys planned and this is beyond Royal Assent. So once Royal Assent is granted, there are further investigations to detail the environmental site management plans for the sites, and we have seen these for Phase One. After Royal Assent, the detailed plans come forward for various sites along the route and we will be looking at those as well as part of the process after Royal Assent. Obviously, they are, I presume, carrying on surveys now, because there is a lot to cover.

111. I would say a year. You could look at them all in a year if we had enough people to look at them. But it's mostly hedgerows, I would say, in terms of ancient hedgerows. These four wetlands are already known about; we just need to decide whether they're irreplaceable or not. So it's more looking at the guidelines and looking further into these sites in terms of their properties, as to whether they're irreplaceable or not. That should be part of the ongoing surveys. So whatever timeframe HS2 is working to, I'm not sure what their timetable is for these further surveys that they have planned, but it's

part of forming the detailed design of the various areas along the route.

112. LORD HASELHURST: We will be doubtless hearing what they have to say about that in a moment or two. Thank you very much.

113. MS DEWEY: Thank you.

114. THE CHAIR: Thank you. Any other questions?

115. MS LEAN (DfT): My Lord, might I just ask a clarificatory question of Ms Dewey?

116. THE CHAIR: Yes, of course.

117. MS LEAN (DfT): Ms Dewey, good afternoon. My apologies, I'm afraid I just didn't quite catch the name of the wetland site you gave when you were referring to the picture on A12(5).

118. MS DEWEY: It's Pool House Wood.

119. MS LEAN (DfT): Thank you.

120. THE CHAIR: Would you say that again please? I didn't pick it up.

121. MS DEWEY: Pool House Wood.

122. THE CHAIR: Thank you. Can I just pursue – just looking at the photograph, not so much as the name – what is it about that particular piece of wetland that makes it unique? This is one of the problems, is that there could be room for debate as to whether something is or is not unique. I can understand that removing, let's say, a sand dune may be removing something that's irreplaceable; once you've destroyed the sand dune, you just simply can't put it back, but what you can do in the case of a bit of wetland like this is find somewhere else and create an alternative wetland, and make sure that the species of plants and animals and whatever can inhabit that alternative site, and then you've solved the problem. There must be quite a lot of that sort of argument going on in the course of the works.

123. MS DEWEY: Yes, I agree. That's ideally what would happen if an alternative site was found in similar condition that could be enhanced, for plants to be translocated

to. The issue with wetlands is we need to understand the hydrology of them, because one wet area can look very similar but may have very different properties, in terms of when it dries out, where the water comes from, the pH of the soil. We're not sure whether this is underlying by peat. Obviously, you would have to then translocate peat as well if you wanted to preserve the peat layer underneath the swamp area.

124. As far as we know, this wetland developed from a pool, given the name, that was next to a farm and it's gradually been filled in and it's encroached and this wet woodland was formed within it. So that it's now a wetland rather than a pool.

125. Now what the geological conditions are for that to happen, whether that could be recreated, we don't know. So it's just a site that we would like to see more investigation for; we're just very concerned that there's no particular mitigation for this site. There is woodland planting but not wetland woodland and there's no site that HS2 have put forward that could be an alternative of the same habitat to this site.

126. We have had assurances now that they will look for one, but given that there are fairly unique conditions there, you can't always find that nearby. So these habitats form in a particular location and particular condition. You need to understand them fully in order to then recreate them. So, yes, this is absolutely an argument as to what is going on there and whether it is replaceable or not, and what mitigation would be for that.

127. THE CHAIR: Thank you very much. Well, I think in view of the time that we have reached, Ms Lean, if you wouldn't mind, we perhaps have a short break of a few minutes and then you can come back with your presentation. And Ms Dewey, can I make it clear that when Ms Lean has finished her presentation, you have a right to come back and make any comments you would like to make on that? And of course, if evidence is being led, you can put questions to the witness when he's been giving his evidence. Is that clear? Good. Well, we'll break for five minutes. At the moment it's 14.51; let's say we'll meet again in five minutes' time from the time shown on your clocks. Five minutes.

Sitting suspended.

On resuming –

128. THE CHAIR: Ms Lean, we're now in a position to resume. Would you like to make your presentation, please?

Submissions by Ms Lean

129. MS LEAN (DfT): Certainly, my Lord. My Lord, I'm going to ask Mr Miller to largely give the project's response on this petition. Just a few points of context at the outset, if I may. Firstly, you've heard a lot from the petitioner about valuation or designation and mitigation responses, how do you identify if something is irreplaceable habitat and surveys and suchlike, and I will ask Mr Miller to deal with this in a little more detail. But just to identify at the outset, in terms of the environmental assessment work we've done, alongside the environmental assessment reports, you do also have the scoping and methodology report, which also includes some technical notes on ecological assessment and appraisal, which set out how the project has gone about assessing habitats or species that are affected by the scheme, or potentially affected by the scheme, and how valuations of being of importance at county or district level have factored into that and how the mitigation response has been developed.

130. My Lord, I just highlight that that scoping and methodology report, as well as having drawn on the professional judgment, practice guidance, that there are from the various institutes, was the subject of a consultation with various consultees in draft, and those consultees included Staffordshire Wildlife Trust. And the final scoping and methodology report was then used to carry out – which set out how the assessments were carried out in the environment statement. If it assists, we can provide your Lordship's Committee with that document, or with the specific sections, to deal with the appraisals if that would be helpful. I don't think it's currently in the reference material before you, but just to highlight the way the project has gone about doing its ecological assessments, the methodology for that is set out, and it was something that was consulted on before it was finalised.

131. THE CHAIR: How long has this been going on for? When did it start?

132. MS LEAN (DfT): I'll have to check the dates, I'm afraid, for the consultation on the draft scoping and methodology report; I don't have that to hand. I can see if somebody behind me can provide me with the dates, but the environmental statement, I think, was published, would have been published when the Bill – well the environmental

statement was deposited along with the Bill. I think the scoping and methodology report would have been published at the same time; I'd have to check the dates on the draft report that preceded that.

133. THE CHAIR: Thank you, yes. Anyway, the marker is when the Bill was deposited and really from that point onwards work has been going on, you're saying, to continue to identify sites that require particular care.

134. MS LEAN (DfT): Indeed, my Lord. And Mr Miller will no doubt – I'm always loath to jump in on what Mr Miller may say, because he puts it so much more eloquently than I can – but Mr Miller, I'm sure, will outline the survey that has been continuing since the environmental statement was deposited and the survey work that is still to come, and what that is likely to mean for the project if additional habitats or things that need particular care are identified and what will happen at that stage. I just wish to highlight at the outset that, particularly as concerns were raised around how we have valued, or how we have looked at designated sites, or how we have identified habitats as being irreplaceable habitat or not, that much more technical detail on how we've done that is available in material that was published alongside the environment statement. And we can provide you with that, if that would assist.

135. THE CHAIR: Thank you.

136. MS LEAN (DfT): And I'm told that the consultation on the draft scoping and methodology report took place in 2016. My Lord, perhaps on that, it would be a useful time for me to ask Mr Miller just to respond to the first of the concerns that have been raised by the petitioner around the valuation of different sites or different habitats, and what that means for the mitigation response. My Lord, it may be helpful to have open in this context the promoter's slides P32 through to P33.

Evidence of Mr Miller

137. MR MILLER: Thank you. I think I might just start with trying to clear up the issue of surveying and the information that's actually used for the environmental impact assessment, which I've described on a couple of occasions to this Committee, and which is before the Committee alongside the parliamentary Bill that you're considering. The information comes from a number of sources to inform that environmental impact

assessment, and for ecology that's also true. There are a number of existing sources of information, records as you can well imagine. There are local biological records from biological record centres and there are national sources of information, indeed local specialist sources of information and other sources of published information, which are considered as part of the assessment. And that's further supplemented by actual surveys going on out on site, and I think we're somewhere clear of 60% of those surveys being done for Phase Two of the scheme.

138. But it is true that the biodiversity data in the country is not fully formed. In each county area, the full understanding of biodiversity isn't there. I think that over the years the biodiversity record has been pulled together, I wouldn't say piecemeal because some of it is done very, very well, but it certainly isn't complete or thorough. And so whenever a project like this comes along, you have to do a little bit more than relying on the existing records. And, of course, knowledge is changing all of the time and it is indeed the case – and I think the example cited was ancient woodland – we do indeed look at all of the woodlands alongside HS2 that's potentially affected by HS2 – I think I might have mentioned this in my teach-in – but we also rehearsed that with Natural England and Historic England to double-check to see whether those woodlands do appear on the ancient maps, and indeed whether they are providing some biodiversity interest that is of value. And then the list is updated. So we are active in that space and are contributing to the knowledge along the line of the route.

139. So in some ways a project like HS2 coming along does actually improve the knowledge of the local biodiversity. But there are some gaps and we haven't shied away from that. We have indicated that we will continue our surveys of biodiversity sites and, indeed when we come to it and have a look at the two hedgerow sites cited, I'll talk a little bit more about that. But of course what we're trying to do here is understand what the biodiversity is within the individual sites that we come across and to respond accordingly. And that's not just a result of whether a site is designated or not. What we're doing is we're looking at biodiversity content regardless of whether a site is designated or not, and then we're making decisions about the mitigation, or the compensation, that comes along with that. And so, for example, wetlands, we do affect wetlands – there's no doubt about that – but we do also have a response to wetlands with many hectares of wetland creation included within the scheme.

140. And you heard just last week that – and I showed you some examples of the ancient woodland response and the extent of that within the red line boundary, and how that is further supported with funds to improve biodiversity away from the line of the route and to give others more choice in that mitigation and compensation response. And indeed we've added in, between the last hearing in the Lords and this hearing, a further £2 million biodiversity fund that will further improve that situation. So I think the answer here is that it's not really a case of worrying too much about the designation of the site; it's more to do with the content of the site. And where we haven't been able to assess, or even indeed survey a location, and we have had issues with getting access to land, where we haven't got that information, the environmental assessment takes a precautionary approach towards the biodiversity, and then we take a precautionary approach towards the mitigation and compensation. And then we couple that with further surveys and indeed if we prove that the biodiversity is out there, indeed if we prove that the biodiversity is better, then we will respond differently. But if we find that the biodiversity is not there on site, then we may need to come off of the mitigation or compensation measures that we've originally envisaged in the environmental statement.

141. So there is a bit more to come, but we think our approach is thorough. The assessment methodology is based on the Chartered Institute of Ecology and Environmental Management's methodology, and you've heard and been referred to the scoping and methodology report that was put together for the environmental impact assessment. So we think we've done a very thorough job on this and I think that some of the diagrams that I showed you last week show the extent of the response that HS2 has come up with. But that's not to say that there isn't more to come.

142. THE CHAIR: That is his evidence, is it?

143. MS LEAN (DfT): I have further questions for Mr Miller, my Lord; I'm just pausing in case there were any questions on that part of his evidence before I moved on.

144. THE CHAIR: Ms Dewey, I think you should have a chance to put any questions at this point, if you wanted to.

145. MS DEWEY: Are you saying to me, sorry?

146. THE CHAIR: Do I gather you've nothing to ask at the moment; is that right?

147. MS DEWEY: Well I would like to ask a question, if I could.

148. THE CHAIR: Well please do; go ahead now and, if the Committee have questions, we'll follow after you.

149. MS DEWEY: Okay, one point to make was that we, as a wildlife trust, did comment on the scope and methodology consultation. Whether our comments were listened to is another matter, and we did raise then that our local wildlife site criteria should be part of the methodology. Also, I would like to ask Mr Miller which CIEEM guidelines HS2 follow, because in the guidelines for ecology and environmental assessment there is a section in there – I'll just find it now – where it advises that local sites criteria should be used to evaluate sites. Let me find it.

150. So this is in the 2018 *Guidelines for Ecological Impact Assessment* in the UK, there's a section which says, 'There may be occasions when an undesignated site is considered to meet published criteria for statutory or non-statutory designation or have potential to meet them. This should be used to guide the assessment of importance and discussions should be held with the potential designating authority to see how the site should be treated.' That is in the CIEEM guidelines. So it's perfectly fine to use local designating criteria. Whether it leads to a designation or not, it's the method. They're a bit more locally calibrated to our county, so we feel that that should be used as part of the assessment.

151. THE CHAIR: It was an opportunity to put a question; you're making a bit of a speech just now. Is that a question you're putting to Mr Miller because you need to be very focused as to what exactly you're asking him to reply to?

152. MS DEWEY: Okay, which -

153. MR MILLER: As far as I'm aware, we use the CIEEM methodology that you're talking about. As I understand it, the CIEEM methodology that you're alluding to, to get to the local wildlife site, is a matter of adjustment on a countywide basis. And indeed, the methodology is used differently county to county. But our assessment methodology aims to standardise that so that it applies for the project, and I think that what I'm saying is that the biodiversity – I don't think there's any difference – I think that we are taking account of the biodiversity effectively; it's just it's not our job to then

work out what wildlife site designation is. If indeed you have your own information for the designation of sites, then I think that would be useful for your purpose; that's not our purpose. Our purpose is to work out the biodiversity and respond accordingly; it's not a matter to do with the designation.

154. THE CHAIR: Good, well, any questions from the Committee? No, I think you can continue then please, Ms Lean.

155. MS LEAN (DfT): Thank you. My Lord. Mr Miller, on surveys, can you just assist the Committee? We heard a lot of concerns about hedgerows. If the survey work identifies criteria or factors that would identify a hedgerow not previously identified by the project as being an important hedgerow under the regulations does, in fact, have those characteristics, what would the project do in that situation?

156. MR MILLER: Well I think the example is in the evidence. If you go to A12(2), as referred to from Staffordshire Wildlife Trust, this is Bower End Lane, and as I understand it, Bower End Lane, the sunken lane, has local wildlife site characteristics akin to ancient woodland. Now our approach here is that if we end up having to widen the road, and disturb the biodiversity in this location, we would include translocation measures to enable that woodland – sorry, that hedgerow – to then thrive. So we do have woodland – sorry, I've got a bit of echo; I don't know if that's in Parliament or not. I'll try and continue; hopefully, you can hear me. But that would be part of our response to translocate whatever existing biodiversity in that hedgerow that we can.

157. MS LEAN (DfT): Perhaps, Mr Miller, this is a convenient time to turn to Bower End Lane, which we have in the petitioner's exhibits at A12(3).

158. MR MILLER: Yes.

159. MS LEAN (DfT): I think, my Lord, if I may just clarify one point, that is: the feature to the north of both of those screenshots is the West Coast Main Line.

160. THE CHAIR: Which is a railway line.

161. MS LEAN (DfT): It is, the West Coast Main Line.

162. THE CHAIR: Yes.

163. MS LEAN (DfT): Mr Miller, can you explain what is happening to Bower End Lane as part of the proposed scheme and why are those works being done to it?

164. MR MILLER: Yes. You can see at the bottom, it was pointed out earlier, that this is the Madeley tunnel, and you can see the tunnel portal just to the right-hand side. That's the southern tunnel portal of the Madeley Tunnel. Now you can't see the northern portal on this, but there is a northern portal to the other end of the tunnel which needs to be serviced. And there are two things that are going on in this location. If you look at Bower End Lane right in the middle, where it describes Bower End Lane in capital letters, the bit sort of going up and down the page is the area, the principal area, of the local wildlife site hedgerow, and I believe the area which, I think, is akin to the ancient woodland characteristics.

165. Just to the top of that road, you can see the green dots, the yellow area I pointed out to you earlier; the route goes away on the right-hand side. And that joins up with a road called Bar Hill Road, and that's a location where this railway needs to get access for maintenance and emergency vehicles: maintenance and emergency vehicles to the northern tunnel portal because the HS2 safety plan for a train in distress going through a tunnel is to take it out of the tunnel, and then decant passengers outside of the tunnel itself. So, God forbid that there was a fire, that's the practice that comes into play. And, indeed at each tunnel portal mouth, there are reception areas that need to be serviced to make sure that there's a safe egress of passengers from trains.

166. So that route, if you follow it from the right-hand side along the page horizontally, bear left into Bower End Lane and turn right into what is known as Madeley bridleway 5 realignment, which actually is a track, it takes you all the way down to the northern tunnel portal. The maintenance vehicles for services, railway services, at the tunnel portal need to be accommodated with heavy goods vehicles from time to time, and indeed emergency service vehicles. And you can read those as being heavy goods vehicles if you think of perhaps the larger-scale fire engines that we see on our roads.

167. The other thing that's going on here, just adjacent to Bower End Lane, the swimming pool is, in fact, a balancing pond. We altered the nature of the land because of the tunnel through here and we have to think about the surface drainage which occurs in any case across the land and what effect the railway actually has on that surface water

so that it doesn't become a problem to third parties. So we have facilities like this all the way along the line of the route. And you can see there that there's a turning head and, from time to time, a heavy goods vehicle with a sludge removal vacuum has to come in and has to clean that out from time to time.

168. So here we've got a sunken lane, if we go back to the picture in A12(1) – and I did check this – this is actually Bower End Lane. This is a picture which is extracted from Google Earth. And so you can use Google Earth; you can virtually walk along Bower End Lane on Google Earth and indeed it is sunken. And you can see on here that there is a verge. It's sort of shallow on one side to the left and it's a bit wider on the right-hand side. Now what I think will happen here in due course is that, during the detailed design – and this is part of our general commitment to Staffs County Council – is to look at these sorts of lanes. And I think it's fair to say that in this part of Staffordshire, and alongside the railway, the access routes are alongside very rural narrow lanes. And I think when you've been out on your site visit, you might well have experienced a bit of that. So that's the nature of it. But in order to accommodate those vehicles that I've just described, it's necessary to think about the widening.

169. Now we've assumed in the environmental impact assessment that that is a widening of up to 5.5 metres, so that will extend into that sunken lane as it's currently shown here. And it may well be the case that we can reduce that but I think you can see that there's quite a few overhanging branches. It may well be that we can alter the branches over the sunken lane to accommodate vehicles. Indeed, we might be able to provide passing places that you see in these sort of rural lanes from time to time to accommodate vehicles in either direction. So here we've got to find a way through the detailed design and, as I said, the commitment we have with Staffordshire County Council generally is to look to make improvements in these circumstances and to try and retain much of the rural character that we can when we're affecting these types of lanes. Now at the moment this particular site is not included on the list for Staffordshire. There's a list of a dozen, maybe more, sites that we've agreed with Staffordshire that we'll take a very close at. Just looking at this, I think that this ought to be added to the list; it will be looked at in any case but is something that we will take up and work out in due course.

170. There was one thing I did want to pick up again on A12(3) that, where you get on

and get off of Bower End Lane at either end, you can see that we have to put a turning circle in there. And these vehicles don't turn on a sixpence and that will have to be accommodated. So there will be some effects on this hedgerow, and I think we've already said to Staffordshire Wildlife Trust that we will continue to look at this and see how much we can preserve. And it may well be that we can be successful in preserving quite a lot of this woodland, and to avoid any translocation.

171. MS LEAN (DfT): Mr Miller, just two points of clarification if I may. Mr Miller, you referred to the Staffordshire County Council list, but am I right in thinking that there's also assurance to Staffordshire County Council regarding impact on hedgerows which was included within the reference material earlier today, R109, which talks generally about seeking to reduce those sort of impacts where it's necessary to carry out road widening works that may impact on hedgerows?

172. MR MILLER: Yes, that's primarily designed to preserve as much of the rural character of the lanes as practically possible. So we've got onside with that with Staffordshire County Council.

173. THE CHAIR: Lord Haselhurst has a question.

174. LORD HASELHURST: Thank you, Chair. I think it might just be worth observing, so far as A12(1) and its depiction of Bower End Lane is concerned, that already that the edges are being gouged into by traffic. These were lanes, and something similar serves the village in which I live, one and a half miles of negotiation of a lane that's either that width or not much wider. And modern farm equipment, whereas previously it was pony and cart, is now very large. And even two motor cars cannot pass each other on a tarmac base. So they start to ruin the hedgerows already, so that is a factor that's there and it might just be that, with the improvements that might flow as a result of HS2, they will become more easily navigable.

175. MR MILLER: I think there is an opportunity to, in a way, go with the flow here and, as you point out, farm machinery has got taller and wider over the years. Certainly where I live, it's quite frightening, going round some rural bends, what you come across. Here I think there may be a reasonable compromise where we could look at those passing places, give up a little to, in a way, gain a lot and try and preserve as much as we can of the hedgerows here. Really, we don't want to be in the position to have to

translocate existing hedgerow material. That seems to me to be an action of last resort really and we should be really doing our best, and I believe we have got that commitment in place, to ensure that we provide a good compromise in these sorts of circumstances.

176. MS LEAN (DfT): My Lord, I was going to ask Mr Miller to move onto the other site that was particularly referred to, Dawson Lane, on A12(4). Mr Miller, again, can you just assist with what is happening here and why Dawson Lane is being affected for the project in this location?

177. MR MILLER: Yes. Dawson Lane, there's a very useful photograph. I was reminded I drove down there and faced a tractor coming the other way, and you realise what's going on on these rural lanes. Again, this is typical of the area; it's quite remote, I think as you know, and these lanes do accommodate some pretty heavy farming activities. In this location, it's notable for a farm which has a huge production of potatoes and indeed, during potato harvesting seasons, they use these lanes almost in a one-way kind of fashion in order to maintain their operation. So we know this is quite difficult territory to navigate.

178. I'll just perhaps take you to the top right-hand diagram. You can see Dawson Lane there and its sort of serpentine nature. And, in fact, on the top left-hand corner, I think Kate Dewey highlighted the fact that the photograph was taken where the green spot is, which gives you a useful reference. So you know what you're dealing with. Here we've got to find a way, because it's really quite remote in this location, to get access to actually start up the construction sites. So the way we're going to do that is from the right-hand side, coming along Dawson Lane, following that serpentine route to a location just a little bit further along, to create a site set-up area. Once we get that in place, and the site set-up area on the right-hand side of the top right diagram – you can see that with that sort of orange lozenge kind of shape there – once we get those in place, we will then be able to put in a haul route in between. And then our temporary usage of this during construction can then be reduced.

179. So I should say here that, ultimately, Dawson Lane will still be required for some lighter maintenance activities. There is what's called the Blithbury substation, which is not shown on this diagram, but it's off to the left-hand side of these drawings. That's an

electrical facility that will from time to time require a heavy goods vehicle or a low loader to go in, or transit type vans to go in. And so that lane will have to take a service vehicle a bit like that. Similarly, there are balancing ponds in this area, and the heavy goods vehicle with the sludge kind of vacuum arrangement on it will have to go in from time to time to clear up any articulates, or sludge, which indeed forms at the bottom of those facilities. But it should be light use, sort of maybe once or twice a year in the future.

180. So really what we're dealing with here is the construction situation. Again, here we're looking to try and create a 5.5 metre width, and our plans – as you can see the top right-hand plan – does require us to eat into the hedgerows here. Again, this is one which is on the list with Staffs County Council that we'll be looking at very carefully: looking at it very carefully, not only for our own sake, and the general amenity of the sunken lane for those using the lane, but also to make sure that we've got everything working well for the farms in this location.

181. So there are quite a few things that are going on. Ultimately, I think that we are likely to keep the lane to the least width that we can and to try and provide some passing lanes, sorry passing spaces, once again, but we have to work this out in the detailed design. So there is a bit more to come there. We've included, in our assessment, the full assessment of taking the hedgerows down. If it comes to it, we might take part of one side down. If it comes to it, we might also be able to preserve that in the way that we've described for Bower End Lane. There's a little bit more to come here, I'm afraid.

182. LORD BRABAZON OF TARA: Can I ask one?

183. THE CHAIR: Yes, please do, Lord Brabazon.

184. LORD BRABAZON OF TARA: This is a public highway, is it?

185. MR MILLER: It is, yes.

186. LORD BRABAZON OF TARA: Yes.

187. THE CHAIR: Any other questions? Yes, please continue then, Ms Lean.

188. MS LEAN (DfT): My Lord, the final point I was going to ask Mr Miller to cover

was the question of irreplaceable habitat. And, Mr Miller, can you assist with the definitions or the guidance that the project has been working to in terms of irreplaceable habitat and how it goes about identifying whether something is or isn't irreplaceable habitat for the purposes of the ES assessment?

189. MR MILLER: Well, we do follow the existing guidance and the habitats that we've identified are ancient woodlands and the ancient veteran trees; those are the ones that feature along this line of route. We have no cause to think that there is anything that we've missed along the line of the route. And so I don't think that there is anything that points to any other aspect of irreplaceable habitat in the list that I think appears in the NPPF and that was quoted earlier on.

190. But I would go back on the point about the assessment that we do carry out. We look at each of the sites and their biodiversity content. Where we don't have all the information, we take the precautionary approach, and we mitigate and compensate accordingly. So we believe there is a comprehensive mitigation plan in place. There are some areas of land that we know we still need to find but all of that is known. So that's where we are with irreplaceable habitat. I have no reason to think that Natural England would quarrel with that. In fact, I've no knowledge that they think we've done the assessment in an incorrect manner.

191. THE CHAIR: Could you explain, Mr Miller, what the work of the ecology review group is going to be? Is that within your area of knowledge?

192. MR MILLER: Yes. We've got a slide on this. Sorry, let me find that for you.

193. MS LEAN (DfT): Mr Miller, I believe it's slide 5, P30(5).

194. MR MILLER: Yes, sorry, my computer with the slides on it has just turned off, so I've just got to refer to the paper copy.

195. LORD BRABAZON OF TARA: Oh yes, I've got it here.

196. LORD HORAM: What number is that?

197. LORD BRABAZON OF TARA: P30(5).

198. MR MILLER: Yes, P30(5). The ecological review group is essentially to keep us

honest around the promise that we've made for the monitoring and the outcome for the biodiversity. And you can see the membership there; it's weighted pretty heavily in favour of all of those organisations, either statutory or from a non-governmental organisation perspective, who have interests in environmental matters, who have the opportunity to contribute and indeed challenge us on the information that we are providing from our monitoring data. This was originally put together on Phase One of the project, and we've continued the theme in the setting up of this for Phase 2A. And this enables further scrutiny of, as the three bullets say at the end there, the results of monitoring and habitats and the ecological mitigation measures.

199. So where we will be getting further survey results, if indeed we need to add further compensation measures in to account for those, then we will do. You might ask, well, how do we account for that if we've included all the mitigation and compensation lands within the Bill, and indeed we have made those provisions. But we also have an emerging estate that we will purchase, so some land parcels; whilst they might be small on the plans on the moment, we may well end up buying small farms outright. Indeed, that is the case on Phase One and there are opportunities which start to emerge that will enable us to put further mitigation back should the need arise.

200. Indeed, we also have been talking with third parties, including Staffs Wildlife Trust, who actually we think is a good recipient of further ecology mitigation and compensation measures. I don't think we've quite got that across the line yet and, hopefully, we can find something with them to do. But here the scrutiny is really taking place.

201. THE CHAIR: The slide tells us that this body would be to meet up to twice per year, which seems to me to be rather far apart for the body to be exercising much by way of ongoing influence as the development is proceeding. How much influence can the group really bring to bear on the work you've been describing to us this afternoon?

202. MR MILLER: Well, we are committed and this project, it's a long haul project. We are going to be around for the best part of a decade through Phase 2A. And what I would say is that, in the first instance, we will be carrying out not only the additional surveys that we've identified, but we will be carrying out early works mitigation. So where – and this is what's happened on Phase One – a lot of the Phase One works, the

early works, have been putting in woodland, indeed, providing grasslands, improving wetlands, and that sort of thing. So there's a first bite of it, if you will, where we will be putting in those green measures from the outset. So the ecological review group will get that first-hand.

203. Then that essentially clears the way for the heavy engineering and railway works that you see on some of these drawings. And it's necessary for us to move the ecology away to new homes, you know, new ponds for great crested newts and that sort of thing, do that early, then get on with the engineering works. And then there's a process of restoration which comes into play, and we have to put together our plans for all of that. So there'll be ecological site management plans for all of the works that are proposed. We're happy to share that with recipients where it's appropriate to do so, so you'll get to see that.

204. Then you get to see the results and, yes, you might see that from once or twice a year but the reality is that those sites will be going in, those ecological works will be going in, on a seasonal basis in any case. So once or twice a year is probably about right to see the picture emerging.

205. And then the restoration plans we actually have to agree with the local planning authority. If those include further mitigation and compensation measures for biodiversity, those measures will be included then, and indeed those measures will be shared with the ecological review group, or indeed Staffs Wildlife Trust, where it's relevant to them. And we will settle those arrangements in due course and through the detailed design.

206. So there's quite a lot going on through time and each year I think that there'll be a good look in on overall performance, and there's plenty of time to catch up on that performance as well if something is found to be lacking. If we went through a drought season, for example, that may well occur. And it may well be that we have to put more trees back in to compensate. We will account for that in due course.

207. THE CHAIR: Thank you.

208. MS LEAN (DfT): My Lord, that was all I had by way of questions for Mr Miller. There were just a few points I wanted to pick up by way of a sort of final statement, if

that was acceptable.

209. THE CHAIR: Any questions from anybody else? Ms Dewey, any questions from you?

210. MS DEWEY: I would like to ask a quick question. If Staffordshire Wildlife Trust is aware of some irreplaceable habitats, and we present a list of these to HS2, would they be considered and looked into further?

211. THE CHAIR: Are you able to answer that, Mr Miller?

212. MR MILLER: Yes, I'll answer that. I think we should treat that in exactly the same way as the way we treat ancient woodland. We've had quite a number of sites from the Woodland Trust, as you heard last week and in my teach-in, that, if areas are thought to have been ancient woodland, would we consider them? And the answer to that is yes, but we need to do the tests on it that may well include survey, to prove one way or another whether that is ancient woodland. I think we're happy to take that on for irreplaceable habitat.

213. I assume that means that we're not going to be surveying the whole of the county; it will be alongside the railway works. But, yes, we're happy to look at that with the Staffs Wildlife Trust. And I think we do generally have a good relationship with Staffs Wildlife Trust; I think we've been able to answer an awful lot of their questions through time and, indeed, even last week. So we want to maintain a good working relationship. And indeed we have been looking at – just to reiterate the point – we have been looking at a mitigation possibility, or an opportunity, on one of their areas of land. I do rather hope that they will change their tune on that because we think there's a really good outcome on a wetlands site that they own that we think that we could contribute to and have improved biodiversity as a result. So we are looking for those sort of partnering opportunities too.

214. THE CHAIR: Thank you very much.

215. MS LEAN (DfT): My Lord, my apologies, may I just ask a point of clarification with Mr Miller, just arising out of the issue just canvassed with Ms Dewey?

216. THE CHAIR: Yes.

217. MS LEAN (DfT): Thank you. Mr Miller, just to confirm, one of the requests from Staffordshire Wildlife Trust, I think, was around identifying a definition of irreplaceable habitat or potentially accepting a list of sites that Staffordshire Wildlife Trust consider to constitute irreplaceable habitats. Just to be clear, in terms of the project looking at that, is that looking at the list and then applying the project's own judgement to it, or is it accepting as irreplaceable habitat sites the sites which Staffordshire Wildlife Trust may put forward on their own definition of what does or doesn't constitute such habitat?

218. MR MILLER: They will need to be a recognised irreplaceable habitat. I'm afraid it's not the project's job – I mean, this may come across a bit harsh – but the project cannot make policy; it's not in the business of making policy. That would need to be done by Natural England, and it's important that that route is followed. And there's a real danger that a project like ours could inadvertently set a precedent that would have unintended consequences for a wide-range of different projects. So we don't create policy like that. I know the big project when it comes along, in some ways, has an influence over policy but we are not the policymakers. So Staffs Wildlife Trust would have to be taking that up – if they wanted to extend the list of irreplaceable habitats – they would have to justify that with Natural England and indeed get the policymaker and the government adviser to make that policy commitment, and on an evidenced basis. It's not our job.

219. THE CHAIR: I think perhaps it's for you to sum up now. And if you're going to do that, I wonder whether you could take us through the assurance letter which was written in regard to the House of Lords' concern, which is at P30(18); that's the letter of 23 October 2019, which we perhaps ought to look at just to remind ourselves how much of the ground we've been looking at it covers. It's P30(18).

Closing submissions by Ms Lean

220. MS LEAN (DfT): Yes. Indeed, my Lord, I'm happy to do that. My Lord, this was a letter written in response to outstanding petition issues back in October of last year. It sets out under sub-headings what were understood to be key issues in the petition. The first issue that's considered on page 18 is the local wildlife site data. This is the first issue that was covered this afternoon with Mr Miller where he's explained

that the project considers it's used a robust methodology for identifying and assessing value and impacts, and identifying appropriate mitigation on affected sites, and that the project has focused on the value of the habitat affected, not been driven by designation. My Lord, it also identifies on page 19 the sort of material that has been drawn on, including surveys, which has informed the evidence base for that assessment.

221. At P39(19), the second main issue from the petition that's responded to are impacts and mitigation on particular local wildlife sites. My Lord, I should pause here briefly. The petition before your Lords only refers, I believe, to one specific local wildlife site – Lount Farm local wildlife site – which hasn't been canvassed today, although a greater number of sites were raised in the petition before the other place.

222. My Lord, if I can segue slightly at that point, two of the sites that were mentioned by Ms Dewey today, Lionlodge Covert and Pool House Woods, which were particular wetlands or salt marshes that she identified that the trust were concerned about and concerned about our response to, they were specifically raised in the petition before the other place. And you have the promoter's response document to the petition included in the R bundle. And My Lord, just for your note if it's helpful, the specific response in respect of Lionlodge Covert is at R78(50). And My Lord, the petition response document sets out briefly why the promoter does not consider that that particular site is irreplaceable habitat.

223. And Pool House Wood is addressed at R78(56) which, again, explains the mitigation response to Pool House Wood. I merely mention it in that context because, whilst they were raised before you today, you won't have any exhibits on that because it wasn't expressly raised in the petition itself, but there is information on those sites included within the reference material.

224. THE CHAIR: Okay.

225. MS LEAN (DfT): My Lord, in terms of Lount Farm local wildlife site, returning back to P30(19), the environmental statement has identified a residual adverse impact on Lount Farm wildlife site, and you have more information about that, if it assists, at P30(6) and P30(7). And the project is looking for potential sites to compensate for that residual adverse impact that's assessed in the environmental statement. When I say looking for sites, looking for opportunities to provide compensation for that residual

impact that's assessed in the environmental statement. And as part of that work, one of the sites that's been looked at is Wolseley Centre which is the headquarters for the Staffordshire Wildlife Trust, and Mr Miller has referred to that briefly a few moments ago.

226. In terms of the remainder of the issues, I've covered Lount Farm local wildlife site, which is also covered on P30(19) and P30(20). Irreplaceable habitats is then covered on P30(20) and, in addition to setting out the project's position that the only instance of the irreplaceable habitat that the project has identified as being affected on Phase 2A are ancient woodlands and ancient veteran trees, it also notes importantly that the NPPF specifically states that the framework doesn't contain specific policies for nationally significant infrastructure projects, which include the proposed scheme, as it's being promoted under a Bill. And I just highlight that because I'm conscious that Ms Dewey made reference to other provisions of the NPPF which talk about planning permission being granted where there would be a loss of irreplaceable habitat.

227. My Lord, the final issue covered in the letter at P30(20) is that of priority birds. That hasn't been raised before you today but, briefly, the promoter has set out, for example, in its petition response document how the project has looked at assessing and reporting impact on bird populations, and that it doesn't consider that it's necessary to produce a separate strategy document in relation to mitigation for priority birds.

228. My Lord, I should probably just clarify in that context – I hope Mr Miller will be forgiven if he interjects if I've got this wrong – on Phase One, there is an action plan that was being developed in respect of barn owls, and that is essentially the exception to a specific strategy for birds, and I am instructed that an action plan is also being developed in respect of potential impacts on barn owls affected by Phase 2A. So that's just the one caveat – qualification – to that statement, but it's not felt necessary to have a strategy per se for impacts on birds in light of the assessment in the environmental statement. My Lord, unless there's anything I can assist with further, that was all I proposed to say.

229. THE CHAIR: Good. Well thank you very much indeed. Back to you Ms Dewey for a final summing up by you in reply to what we've just been hearing from Ms Lean.

Closing submissions by Ms Dewey

230. MS DEWEY: Thank you. That was particularly useful on those lanes to see more detail of what's going on there. I think we will take this forward to the ecology review group in terms of looking at irreplaceable habitats, looking at mitigation for particular areas and we will certainly be talking to Natural England in terms of where they are with matters of policy on that. We will do our best to try to put forward some more information for HS2 to consider and look forward to having further discussions on how we mitigate for these sites as we learn more about them.

231. THE CHAIR: I think that's very helpful, Ms Dewey. I mean, Mr Miller has made it clear that his door is open and any information you would like to bring to his attention, I understand him to be willing to look at very carefully. So that process of dialogue is the way forward I would have thought. It's certainly a very useful way forward in view of the problems which inevitably arise in a project of this kind.

232. Well, thank you very much indeed for your presentation and your summing up, Ms Lean, and for your evidence and presentation as well. I think the time has come for us to end this particular session. We will resume our hearings on Wednesday – no hearing tomorrow – but we will resume on Wednesday and we're meeting then at 12 noon. That having been said, I think we can bring the proceedings today to an end. Thank you very much.