

The Woodland Trust

**Evidence on impacts on ancient woodland
on Phase 2a of High Speed 2**

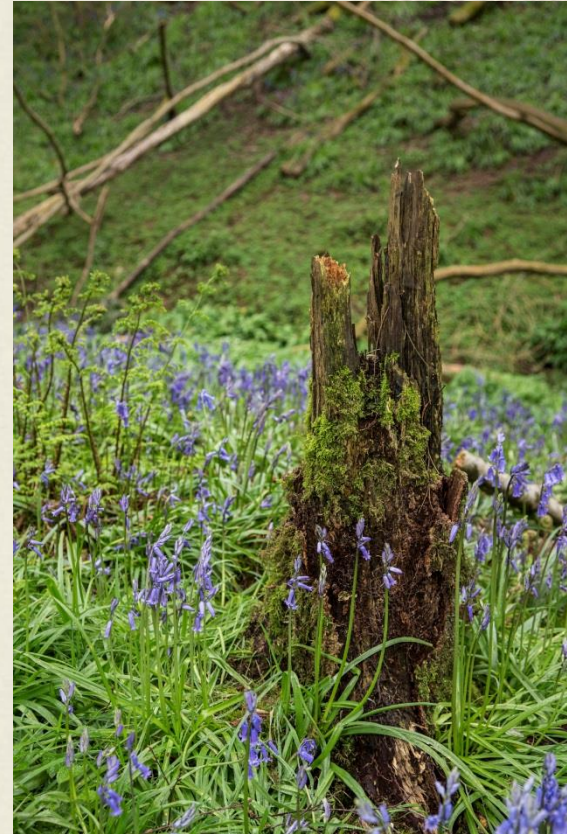


WOODLAND
TRUST

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The Woodland Trust

- Luci Ryan, ecologist with over 20 years' experience
- The Woodland Trust is the UK's woodland conservation charity
- Significant estate
- 500,000 members and supporters
- National authority on ancient woods and trees



Whitmore Wood

Government ambition

- The Government has stated “The Environment Bill will help deliver the government’s manifesto commitment to delivering the most ambitious environmental programme of any country on earth. It is part of the wider government response to the clear and scientific case, and growing public demand, for a step-change in environmental protection and recovery”.
- The National Planning Policy Framework Para 175 (c) says “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient and veteran trees) should be refused, unless there are wholly exceptional reasons”
- “This Government intends to be the first in history to leave our natural environment in a better state than we found it”.
Rishi Sunak, Chancellor, 11 March 2020



Kestrel

Impact of Phase 2a



Brown long-eared bat

- Loss of 9.8 ha from 10 ancient woodlands.
- Only a 7% reduction from what was originally proposed.
- Greater impact on ancient woodland per kilometre than Phase 1.
- Indirect effects on a further 7 ancient woodlands.
- Indirect effects degrade woodland further.
- All losses contribute to the national decline of our ancient woodlands.

We ask the Committee:



Birch Coppice Whitmore Wood

- If ancient woodland is lost, compensation planting at a ratio of 30:1.
- No ancient woodland or ancient/veteran trees should be lost to temporary works.
- All trees planted will be UK and Ireland sourced and grown.
- All the Trust's Assurances are secured in a binding undertaking.

Statement from Natural England



Natural England position on ancient woodland and HS2 Phase 2a February 2020

Natural England purpose

Natural England is the statutory adviser to Government on the natural environment. Our purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's role

Natural England provides advice on the natural environment to Government and to HS2 Ltd. Through our advice we are seeking to minimise environmental damage and to maximise positive outcomes for the natural environment and for people. As a statutory consultee, Natural England is formally consulted on the Environmental Statement for each Phase of HS2.

Purpose of this statement

Natural England is providing this statement for use by the Woodland Trust at the House of Lords Select Committee for HS2 Phase 2a. The statement summarises Natural England's position on Phase 2a and ancient woodland loss.

Natural England's position

It is Natural England's view that HS2 should make a positive impact on the natural environment. Natural England believes that a stronger positive environmental legacy would be achieved by committing to achieving a net gain in biodiversity over the current no net loss proposals.

Natural England supports the National Planning Policy Framework (NPPF) position that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Where loss is unavoidable, strong compensation measures should be put in place. These measures can only partially compensate for loss or damage, and it is right that irreplaceable habitats are therefore outside the calculation of net gain.

In our response to the Phase 2a ES in 2017, we expressed concern at the loss of 10.5ha of ancient woodland and urged HS2 to continue to seek to avoid this loss wherever possible, due to the irreplaceability of this habitat. Natural England was particularly disappointed that the single tunnel option for Whitmore Wood was rejected by the House of Commons Select Committee. This

option would have saved 6ha of ancient woodland, the largest localised loss of AW on the Phase 2a route, amounting to 34% of the total woodland at Whitmore.

In Natural England's 2016 review of HS2's methodology for calculating no net loss of biodiversity, we advised that for HS2, *where ancient woodland is to be replaced by new woods, an area based ratio of 30:1 is appropriate. If that is legally impracticable to implement for Phase 1, it should be implemented for Phase 2.* Natural England strongly believes that the level of compensation needs to be commensurate with the irreplaceable nature of the habitat and with the high standards expected from any government-led scheme that has a significant environmental footprint.

New woodland planting at scale would create a meaningful legacy for the natural environment and for the communities along the route of HS2. It would contribute to the 'Green Corridor' that the scheme intends to create, and to the Government's aims for a Nature Recovery Network and national tree planting goals for net zero.

- HS2's proposed planting is significantly lower (around 7:1) than the 30:1 ratio recommended by Natural England.
- NE wants a net gain in biodiversity – this is impossible if ancient woodland is lost.
- Promoter's own calculation shows a net loss to biodiversity of 17%.

Compensation Planting

- The Trust planted 3 million trees in the 2018/19 season alone. 43% of the total number of trees to be planted over the entire HS2 scheme.
- 30:1 represents just 0.9% of the Government's annual tree planting target of 30,000ha p.a. by 2025.
- Ancient woodland is irreplaceable and compensation offered does not reflect that.
- Solutions exist to reduce the area of ancient woodland lost but have been discounted.
- Removing ancient woodland is contrary to achieving the government's target of Net Zero.



Barn owl and ancient tree

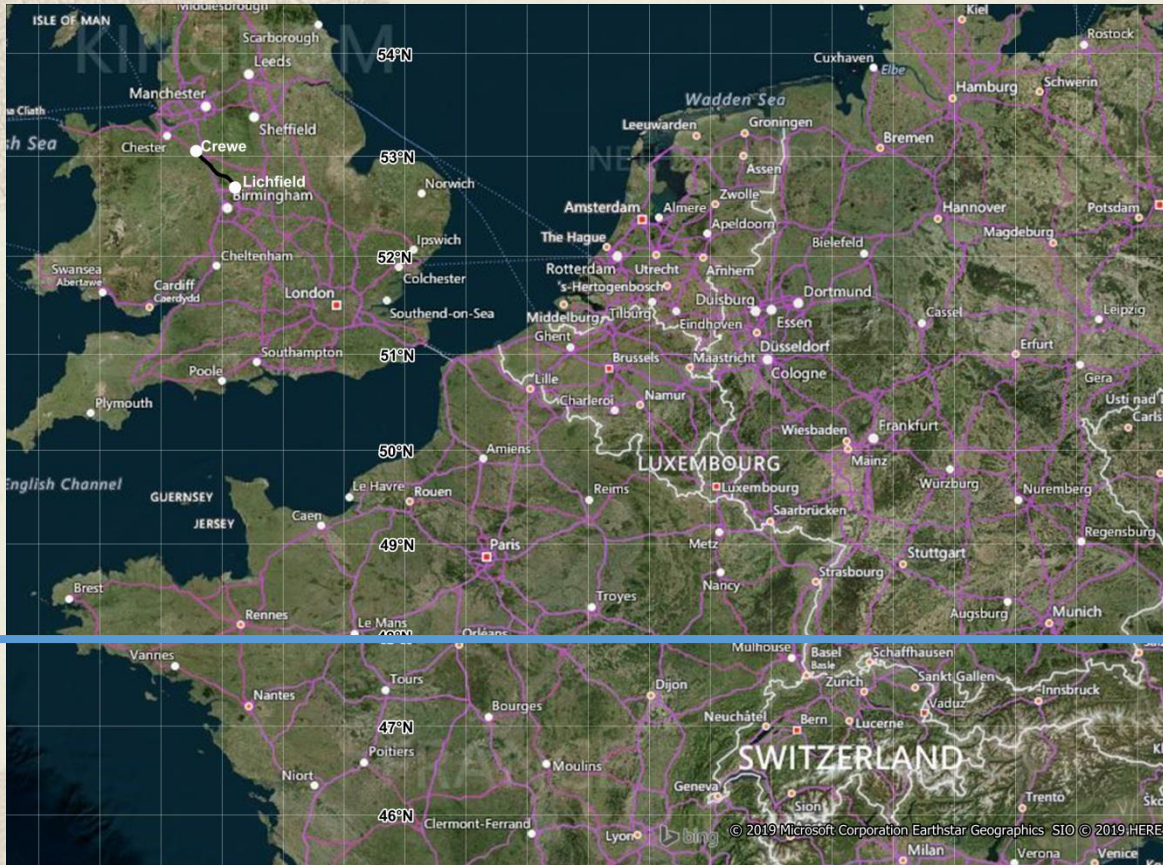
Tree Provenance



UK sourced and grown cherry and oak trees

- Unnecessary biosecurity risks if imported seed and plant material is used.
- The Woodland Trust plant millions of UK sourced and grown trees each year.
- All trees planted on HS2 should be UK and Ireland sourced and grown (UKISG).
- Resilience to climate change is possible using UK seed.

5° Latitude South



- Seed sourcing from 5° south is not necessary for conservation planting.
- Bringing plant material into the UK from Europe increases biosecurity risk.
- Plant passports do not stop this risk – Oak Processionary Moth brought into the UK in 2019 on plant material with a passport.

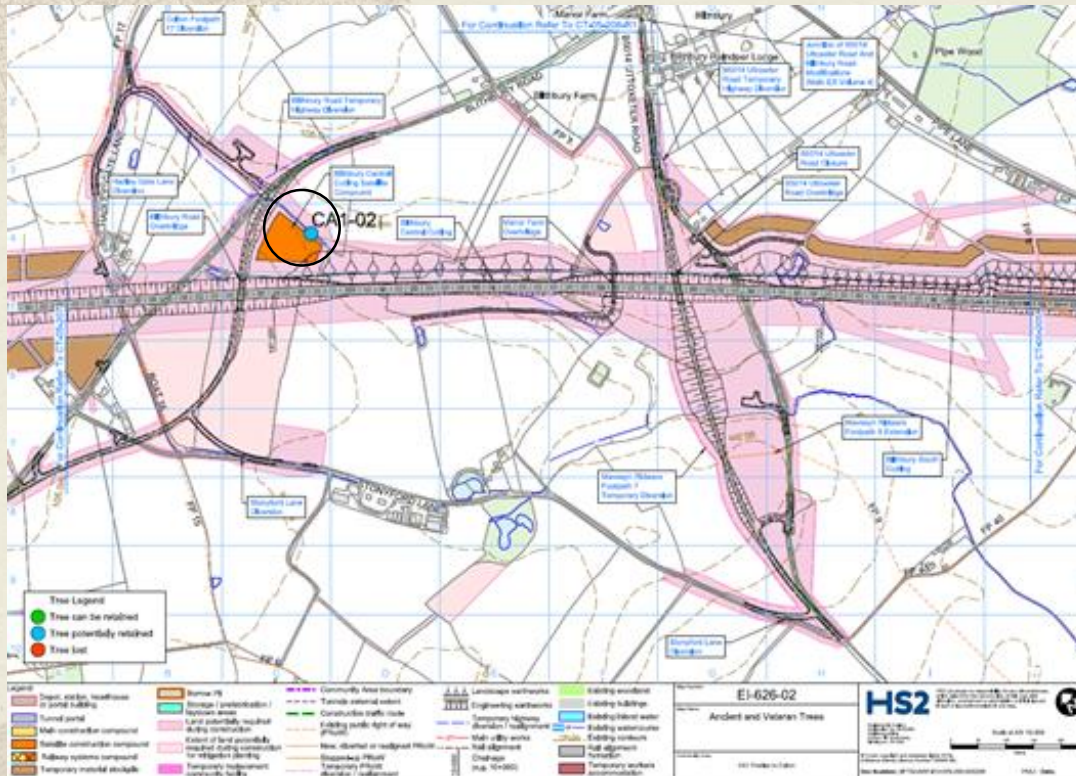
Temporary Works

- Temporary works should not cause permanent impacts.
- 6 veteran trees are being removed due to temporary works
 - Temporary satellite compound
 - Temporary bridleway diversion
 - Haul routes
- 1 ancient woodland is affected by temporary works – Whitmore Wood.
- HS2 is setting a negative precedent.



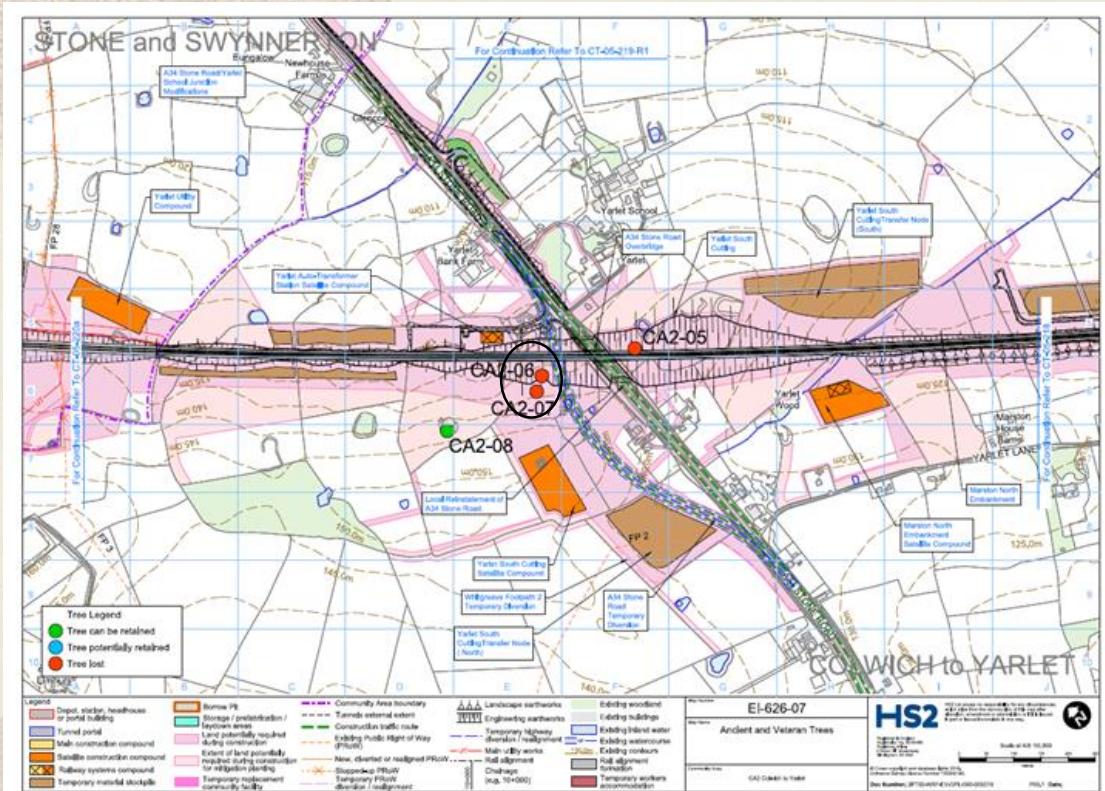
Black poplar

Example - Black Poplar Permanently Lost to Temporary Works



- A declining species in the UK, it is very rare and grows in isolation.
- Lost to a temporary haul route (not shown on maps) associated with Blithbury Central cutting satellite compound.

Example 2 -Veteran Beech Trees Lost to Temporary Works



- CA2-07 Veteran beech now permanently lost to a haul route not shown on the maps, not the A34 diversion as originally stated.
- CA2-06 veteran beech now lost to permanent earth works, not a haul route as originally stated.

Need for a Binding Agreement



Newyear's Green Covert

- Assurances are not legally binding in the same way as a contract.
- The Trust has had assurances breached on Phase 1.
- Procedure for dealing with breaches is inappropriate – it's a form of self regulation.
- The Trust requests a binding undertaking to secure all commitments previously given as assurances.

Summary



Wood sorrel Whitmore Wood

1. If ancient woodland is lost, compensation planting at a ratio of 30:1.
2. All trees planted will be UK and Ireland sourced and grown.
3. No ancient woodland or ancient/veteran trees should be lost to temporary works.
4. All the Trust's Assurances are secured in a binding undertaking.



Summary of Evidence – The Woodland Trust

1. Ancient Woodland

- 1.1. Ancient Woodland is land that has been wooded continuously since at least 1600AD.
- 1.2. Ancient woodlands are our richest land-based wildlife habitat.
- 1.3. They are – quite literally - irreplaceable¹.

2. Loss of Ancient Woodland

- 2.1. Loss of ancient woodland cannot be compensated for by creating new woodland – an irreplaceable habitat cannot, by definition be replaced².
- 2.2. The loss of any ancient woodland is therefore a net loss to biodiversity, and of national concern.
- 2.3. As currently proposed, Phase 2a would result in the loss of 9.8 hectares of ancient woodland, from 10 ancient woodlands.
- 2.4. As a nationally important project promoted by Government, High Speed 2 should adopt best practice in relation to its impacts on ancient woodland. The Promoter has set itself an aim of no net loss of biodiversity, but this cannot be achieved because ancient woodland is lost. Ideally the promoter should be going further than no net loss and aiming for net gain, but again, this is impossible due to the destruction of irreplaceable habitat.

3. Impacts of Phase 2a

- 3.1. Phase 2a is 64km long. The loss of 9.8ha of ancient woodland over this 64km means that Phase 2a destroys 15% more ancient woodland per kilometre of track than Phase 1³. 5.5ha of this loss comes from a single woodland, Whitmore Wood.
- 3.2. Phase 2a impacts directly on 10 ancient woodlands, indirectly impacts seven ancient woodlands and causes the loss of at least 27 ancient and veteran trees, 24 of which are recorded on the Ancient Tree Inventory.

¹ “Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat” Natural England Standing Advice on ancient woodland, ancient trees and veteran trees November 2018.

² “Establishing new trees and woodland is not a direct replacement for lost or damaged trees or woodland” Natural England Standing Advice on ancient woodland, ancient trees and veteran trees November 2018.

³ Phase 1 will result in the loss of 30.9ha of ancient woodland over 240km or 0.13ha/km. Phase 2a results in the loss of 9.8ha of ancient woodland over 64km or 0.15ha/km. This is a 15% higher loss per kilometre than Phase 1.

- 3.3. One ancient woodland is affected by temporary works and at least six veteran trees are potentially being lost to temporary works.
- 3.4. The Woodland Trust remains strongly opposed to the loss of any ancient woodland. The House of Commons Committee decided not to insist on the Whitmore to Madeley Tunnel, which would have reduced ancient woodland loss by 56% on this phase. It is vitally important that the remainder of the scheme is scrutinised to avoid any further loss and damage to ancient woodland and the natural environment. This loss is inconsistent with the UK's ambitions around nature based solutions in the run up to COP 26.
- 3.5. The Woodland Trust has four asks of the Committee to achieve this;
- 3.5.1. If the amount of ancient woodland lost cannot be decreased, compensation planting needs to be increased to 30:1. This is supported by Natural England.
- 3.5.2. All trees and shrubs planted need to be UK and Ireland sourced and grown (UKISG). The risk to biosecurity posed by importing trees is too great on a project of this scale.
- 3.5.3. No irreplaceable ancient woodland or ancient and veteran trees outside of woods should be lost to temporary works.
- 3.5.4. All the Trust's assurances are secured as binding agreements.

The Full Evidence

INTRODUCTION

4. The Woodland Trust

- 4.1. My name is Luci Ryan and I am employed by the Woodland Trust as a Lead Policy Advocate on Infrastructure in the Conservation Policy Team. I have an Honours Degree in Ecology and a Masters of Research in Science of the Environment. I am a full member of the Chartered Institute of Ecology and Environmental Management.
- 4.2. The Woodland Trust is the UK's leading woodland conservation charity, and wants to see a UK rich in native woods and trees, for people and wildlife. The Trust aims to achieve this by restoring and improving woodland biodiversity and increasing people's understanding and enjoyment of woods and trees.

5. Context of the evidence

- 5.1. My evidence examines the information and proposals for the construction of High Speed 2 Phase 2a, with particular reference to impacts on ancient woodland and ancient and veteran trees.
- 5.2. The Trust is not against the principle of a high speed rail route, but has serious concerns over the impact of the proposed route upon ancient woodland. The proposed scheme has a significant impact on ten ancient woodlands, and an indirect impact on a further seven. Ancient woodland is irreplaceable and cannot be re-created elsewhere. It is therefore essential that this habitat is protected from loss and damage.
- 5.3. Ancient woodland is the country's richest terrestrial wildlife habitat, home to 256 species of conservation concern as listed on the UK Biodiversity Action Plan. The varied climate and geology of the UK, combined with management by man, has led to a diversity of ancient woodland forms and species associated with them. The extremely long timeframes involved in the formation of these woodland habitats means that they can never be recreated, making them one of the few landscapes in the UK that are truly irreplaceable, as confirmed by Natural England (see below).
- 5.4. Newly planted woods do not provide suitable habitat for many species of conservation concern, so without ancient woodland these species will be lost. Natural England's Standing Advice on ancient woodland (November 2018⁴) is very clear: "*Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.*"

⁴ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

- 5.5. Furthermore, ancient woodland also holds a unique, immeasurable value for all those who visit or have an association with it, a feature of ancient woodland that is difficult to quantify and so is readily ignored.
- 5.6. On Phase 1 of High Speed 2 the House of Commons Bill Committee took forward changes proposed by both the Promoter and Petitioners, and insisted on extending the tunnel under the Chilterns. This reduced the impact on ancient woodland from a worst case scenario of around 45ha of loss to 30.9ha of loss (a 31% reduction from what was originally proposed).
- 5.7. On Phase 2a the impact on ancient woodland has been reduced from a worst case scenario of 10.5ha to 9.8ha. This is a reduction of less than 7% from what was originally proposed. It is very disappointing that so few changes have been incorporated to the scheme to protect ancient woodland.
- 5.8. As a result Phase 2a is more damaging to ancient woodland on a per kilometre basis than Phase 1. The Trust had hoped that the Promoter would have learnt lessons from Phase 1 that would have reduced the impact of Phase 2a.

6. Compensation planting

- 6.1. The Trust wants the scheme to avoid all irreplaceable habitats. If this is not possible, then the Promoter should compensate for this loss at a rate higher than any ratio for “replaceable” habitat.
- 6.2. Any compensation for irreplaceable habitat loss should be set at a dissuasive level to clearly demonstrate that loss of ancient woodland is the option of absolute last resort. It is contradictory to set compensation rates for irreplaceable habitat below that of “replaceable” habitats.
- 6.3. Solutions exist that could have helped HS2 avoid ancient woodland (for example the tunnel at Whitmore) but they have opted for destroying ancient woodland because under their own compensation proposals it is cheaper to compensate for it than protect it – this is incompatible with its irreplaceable value.
- 6.4. This situation exists because the Promoter has relied on their own professional judgement to determine what appropriate compensation is. Their self-imposed penalties for destroying irreplaceable habitat cost less than avoiding it. The government is effectively marking its own homework. The current proposals by the government to create an independent Office of Environment Protection through the emerging Environment Bill are precisely to stop this situation arising.
- 6.5. The Trust has repeatedly raised the lack of adequate compensation as an issue, both on Phase 1 and Phase 2a. HS2 Ltd. has defended their stance by stating that Natural England is happy with what they are proposing. This is not correct.

- 6.6. The Natural England review of the Promoter's No Net Loss of Biodiversity Calculation⁵ (produced during Phase 1 Hybrid Bill) was clear that ancient woodland is not tradeable or replaceable and that the Promoter needed to *"be far more ambitious in its aspirations to compensate effectively for unavoidable losses of ancient woodland"*
- 6.7. Natural England recommended a ratio of 30 hectares of new native woodland planting for every hectare of ancient woodland lost, but pragmatically recognised that this was unlikely to be achieved for Phase 1 due to the late stage the hybrid bill was at. Natural England stated that 30:1 *"should be implemented for Phase 2"*. This is not currently the case.
- 6.8. In February 2020 Natural England supplied a statement for the Woodland Trust (see Appendix 1) to include in this evidence which clearly reiterates what they said in the 2016 report and supports our ask for the compensation to be greatly increased.
- 6.9. Natural England then goes further and requests that HS2 strives for a "net gain in biodiversity". At present this is impossible because not only is HS2 failing by their own calculations to achieve no net loss⁶, any loss of irreplaceable habitat means they have failed before even a single metre of track is laid.
- 6.10. The Trust concurs with Natural England and remains of the view that a ratio of 30:1 should be the starting point for compensation for ancient woodland loss.
- 6.11. Based on the figures provided by HS2 Ltd. in the Ancient Woodland Strategy the amount of compensation provided for the ancient woodland lost is around 7:1. This is significantly less than the 30:1 ratio recommended by Natural England in their report.
- 6.12. To put this ask into context, the Government has *"committed to increase tree planting across the UK to 30,000 hectares of trees per year by 2025"*⁷. The Trust's request to increase the extent of planting for Phase 2a to 294ha is a tiny proportion of this annual commitment (0.9%).
- 6.13. We are in a state of climate and nature emergency. To address this it is fundamental we protect what we have and if that is not possible then levels of compensation need to be commensurate with what is lost. HS2 is failing to do this.
- 6.14. The UK has set a target of 'net zero' carbon emissions by 2050, which is enshrined in the Climate Change Act. The Committee on Climate Change (the CCC) is an independent, statutory body established under the Climate Change Act 2008 to advise Government on achieving 'net zero'.

⁵ Natural England 12 October 2016

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565691/review-of-hs2-no-net-loss-metric.pdf

⁶ HS2's own No Net Loss Calculation on Phase 2a shows a loss of 17% with no clear plan as to how this will be addressed

⁷ Rebecca Pow, Defra, 3 March 2020 written answer to parliamentary question

- 6.15. The CCC advice is clear that both protection of and substantial expansion of existing woodland cover is required to meet the Government's legal commitment. Trees play a central role in the mitigation of climate change because carbon sequestration is one of the most significant ecosystem services they provide, with total carbon stocks in UK forests (including soil) circa 3,780 million tonnes of carbon dioxide equivalent⁸.
- 6.16. Ancient woodlands are one of our most important and irreplaceable nature based solutions to climate change. As well as acting as large existing carbon sinks, they are essential in tackling the nature crises, with over half of UK woodland species in decline⁹. The biodiversity contained within ancient woodlands (species, genetic diversity, ecosystem relationships) is also a fundamental insurance policy to support the ability of the UK's woodland cover to adapt to a changing climate. Removing ancient woodland and failing to compensate adequately for this loss is contrary to achieving the Government-target of net zero and reversing wildlife loss.

7. Tree Procurement and Tree Provenance

- 7.1. The cultural, economic and environmental importance of trees is now widely acknowledged. They improve biodiversity, reduce air pollution, intercept rainfall, provide shade and reduce heat absorption in cities and towns. The cultural benefits provided by trees are also significant, offering both physical and mental health benefits.
- 7.2. The Woodland Trust is therefore extremely concerned about the role pests and diseases are playing in increasing the pressure that trees and woods are facing in a changing climate.
- 7.3. Unfortunately we have seen a significant escalation in the introduction of pests and diseases over the past 30 years. There have been two particularly severe pandemics: Dutch elm disease and ash dieback. The total cost of ash dieback to the UK is estimated to be £15 billion¹⁰. There are at least 47 other known tree pests and diseases that could arrive in Britain.
- 7.4. The Woodland Trust requests all trees planted for woodland loss on Phase 2a of HS2 to be UK and Ireland sourced and grown (UKISG). This will reduce biosecurity risks and still enable adaptation for climate change.
- 7.5. The Trust has only used UK sourced and grown trees since 2014. In the 2018/2019 planting season alone, we planted 3 million trees. It is not unreasonable to ask the Promoter to undertake this commitment.
- 7.6. The Promoter has offered the following assurance, which the Trust does not accept:

⁸ <https://www.forestresearch.gov.uk/tools-and-resources/statistics/forestry-statistics/forestry-statistics-2018/uk-forests-and-climate-change/forest-carbon-stock/>

⁹ State of Nature Report 2019 <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

¹⁰ <https://www.woodlandtrust.org.uk/press-centre/2019/05/ash-dieback-predicted-to-cost-15-billion/>

The Secretary of State will require the Nominated Undertaker to:

- (i) grow all trees for the Proposed Scheme in the United Kingdom;*
- (ii) seek to use planting stock for ancient woodland compensation measures that is sourced and grown within the UK; [Ph1 U&A 1972]*
- (iii) when sourcing tree seed stock for the purposes of the Proposed Scheme, to use reasonable endeavours to source such seed stock from the United Kingdom whilst recognising that, in line with the Secretary of State's commitment to planning for future resilience to climate change, some seed stock is to have an origin and provenance from 0° - 5° latitude south of the planting location;*
- (iv) to put in place a system of plant passports for all seed and plant material to reduce risks to biosecurity.*

- 7.7. Sourcing seed stock from 0° to 5° latitude south means that seed can be sourced from the continent. If the objectives are for growing commercial timber, where speed of growth and straightness are important traits, then consideration should be given to using more southerly provenances to ensure sufficient yield is achieved. However, HS2 Ltd. is not in the business of timber production.
- 7.8. A Government-funded research report was published in 2019¹¹ and a Policy Advice Note jointly published by the Forestry Commission, Natural England and the Woodland Trust in June 2019¹² accompanied it. This states that [our emphasis] *“planting appropriate southerly provenance **is a valid choice for maintaining and enhancing timber production**, but is not proven for enhancing resilience by increasing the genetic diversity on site”*
- 7.9. Much of the compensation for ancient woodland lost will be planted on soils salvaged from the destruction of ancient woodland. The commitment by the Promoter to only *“seek to use planting stock for ancient woodland compensation measures that is sourced and grown within the UK”* is not good enough and represents a real risk to biosecurity.
- 7.10. In plain English, bringing in plant material from outside of the UK carries unnecessary risk, that is not commensurate with any perceived benefits and Natural England recognise this. The promoter does not need to source material from outside of the UK (as shown by the Trust’s own example) and doing so adds an element of unnecessary biosecurity risk.
- 7.11. Furthermore, the commitment to put in place a passport system for plants and seeds is no guarantee of preventing import of harmful pests and diseases. Oak Processionary Moth was imported and spread across the UK on plant material that was passported last year. This risk could be completely eliminated if HS2 Ltd. commits to UK and Ireland sourced and grown plant material.
- 7.12. The Trust asks the Committee to require HS2 Ltd. to confirm that all tree stock planted as part of the HS2 scheme will be UK and Ireland sourced and grown.

¹¹ <https://www.forestresearch.gov.uk/research/genetic-considerations-provenance-choice-native-trees-under-climate-change-england/>

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809733/Policy_Advice_Note_Final180619.pdf

8. Temporary Works

- 8.1. Ancient woodland and ancient and veteran trees are irreplaceable. Any works affecting them will cause permanent damage. Hence, the Trust considers that no ancient woodland or ancient and veteran trees should be lost to temporary works and the Promoter should amend works in these areas to avoid these individual trees.
- 8.2. The legacy of temporary works should be exactly that; temporary. It should be possible to return land used for temporary works to its original use. Ancient woodland and ancient and veteran trees cannot be reinstated once removed. To lose irreplaceable habitat to activities described as temporary is an unjustifiable act of long term environmental damage.
- 8.3. The Trust raised this issue before the House of Commons Select Committee on Phase 2a and we were pleased that the Committee's special report stated the following:
 - 8.3.1. *The Trust's position is that no irreplaceable habitat including individual trees should be removed for temporary works; HS2 has assured us that it will continue dialogue with the Woodland Trust to ensure that the risks to such trees are raised at an early stage of detailed design and we welcomed the assurance by Counsel for the Secretary of State that, as many as possible of the veteran trees identified as being at risk under temporary works which lie at the very edge of these areas would be preserved. Where this is not possible we expect mitigation measures to be incorporated into the detailed design where appropriate.*
- 8.4. HS2 Ltd. subsequently published an Ancient and Veteran Tree technical note, where they had reviewed all the individual ancient and veteran trees outside of woodland impacted by Phase 2a.
- 8.5. Originally, one ancient tree and eight veteran trees were to be lost to temporary works. The review by HS2 Ltd. has saved the ancient tree. However, the fate of the remaining eight veteran trees impacted by temporary works is more complex;
 - 8.5.1. Two of the veteran trees (CA2-01 and CA2-06) which had previously been described as being lost to temporary works, are now noted to be lost to permanent works; namely a gas diversion and earthworks. It is not clear why HS2 Ltd. has previously referred to these works as temporary.
 - 8.5.2. Five of the veteran trees are labelled as "*possible to retain, subject to detailed design works*" (CA1-02, CA1-04, CA2-03, CA4-01, CA4-11)
 - 8.5.3. One of the veteran trees (CA2-07) is marked as not possible to retain.

- 8.6. The Trust recognises the work that HS2 Ltd. has done to reduce the number of veteran trees impacted, which includes a reduction in trees affected by permanent works.
- 8.7. However, we request more certainty that the five veteran trees labelled as possible to retain will now be retained. The Trust is not involved in the detailed design process as this is not part of any public consultation. We are concerned that these trees may be overlooked if no formal commitment to save them is made now, or HS2 Ltd. may determine that the works are now permanent as with CA2-01 and CA2-06.
- 8.8. With reference to the beech tree CA2-07 which HS2 Ltd. say cannot be saved from a temporary haul route, The Trust requests that this is reviewed again.

Ancient Woodland Loss to Temporary Works

- 8.9. There is a loss of 5.5ha of ancient woodland from Whitmore Wood, which is the largest single loss of ancient woodland to the entire HS2 scheme (1,2a and 2b). Part of this loss is caused by the placement of a temporary satellite compound. To lose ancient woodland to temporary aspects of the scheme is completely unacceptable.
- 8.10. The Trust requests that the committee directs HS2 Ltd. to reconsider the placement of this compound to minimise the loss to this ancient woodland.

9. Need for a Binding Agreement

- 9.1. To date HS2 Ltd. has only ever offered the Trust assurances, which are not legally enforceable in the same way as an undertaking or contract.
- 9.2. Unfortunately, the Trust has had three of our Assurances breached on Phase 1. As a result of these breaches, which the Trust had to inform HS2 Ltd. of, it became apparent that HS2 Ltd. had no procedure in place to deal with such breaches. For an organisation that had, at that point, issued over 3000 assurances, this was a significant oversight.
- 9.3. As a result of the Trust's experience we had no option but to raise this before the House of Commons Select Committee on Phase 2a, which directed the Promoter to put a procedure together detailing how breaches of assurance will be enforced (see Appendix 2 for details).
- 9.4. Unfortunately, the way the procedure created by HS2 Ltd. works is that HS2 themselves get to determine if an assurance has been breached. If the Petitioner is not happy with the response they can escalate this to the Secretary of State, whose decision is final. This means that HS2 Ltd and the Department for Transport are effectively self-regulating. On a scheme of this size and complexity this is not appropriate.

- 9.5. The Trust's experience of resolving the breach of our assurances was long and protracted and we only received reports on the breaches after we instructed lawyers to pursue this matter. This is an unacceptable and expensive process.
- 9.6. The Trust considers the current process to be inadequate as the recipient of an assurance has no means of securing an independent arbiter to adjudicate on any dispute with HS2.
- 9.7. Therefore, the Trust requests that the Committee directs HS2 Ltd. and the Secretary of State to enter into a binding undertaking in favour of the Trust to secure all commitments given previously by way of letters of assurance.

10. Conclusion

- 10.1. In the Trust's opinion, the Promoter's approach of viewing the protection of irreplaceable ancient woodland as adding unreasonable costs and delays is not consistent with the Government's environmental aspirations. These are clearly set out in the National Planning and Policy Framework, the 25 year plan for the environment and the Environment Bill currently going through parliament. The Government's has stated¹³: "The Environment Bill will help deliver the government's manifesto commitment to delivering the most ambitious environmental programme of any country on earth. It is part of the wider government response to the clear and scientific case, and growing public demand, for a step-change in environmental protection and recovery."
- 10.2. Whilst any reduction in ancient woodland loss is positive, based on the information available the Trust believes that any reduction proposed by the Promoter is likely to be on a small scale, given that the largest loss of 5.5ha from Whitmore Wood was endorsed by the House of Commons Phase 2a Select Committee.
- 10.3. Phase 2a of High Speed 2 has a more detrimental impact on the environment per kilometre than Phase 1. This undermines the Government's claim that concern for the environment is a fundamental tenet of Government policy.
- 10.4. The Trust is not convinced that the proposed "enforcement" of Assurances is fit for purpose as it lacks the necessary independence from the Promoter of the scheme to ensure fair arbitration of assurance breaches. The Trust's experience of breaches assurances on Phase 1 has not been positive, and we remain unconvinced that this situation is improving.

¹³ <https://www.gov.uk/government/publications/environment-bill-2020/30-january-2020-environment-bill-2020-policy-statement>

10.5. In summary the Woodland Trust would like the Promoter to commit to the following:

10.5.1. A redesign of the proposed works so that no ancient woodland or ancient or veteran trees are lost to temporary works.

10.5.2. Compensation planting of new native woodland will be increased from that currently proposed and be in accordance with the recommendation of Natural England at a ratio of at least 30:1 to the area of ancient woodland destroyed.

10.5.3. All trees procured for the scheme will be UK and Ireland sourced and grown.

10.5.4. HS2 Ltd and the Secretary of State will enter into a binding undertaking in favour of the Trust to secure all commitments given previously by way of letters of assurance.

Appendix 1

Natural England position on ancient woodland and HS2 Phase 2a

February 2020



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Natural England purpose

Natural England is the statutory adviser to Government on the natural environment. Our purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's role

Natural England provides advice on the natural environment to Government and to HS2 Ltd. Through our advice we are seeking to minimise environmental damage and to maximise positive outcomes for the natural environment and for people. As a statutory consultee, Natural England is formally consulted on the Environmental Statement for each Phase of HS2.

Purpose of this statement

Natural England is providing this statement for use by the Woodland Trust at the House of Lords Select Committee for HS2 Phase 2a. The statement summarises Natural England's position on Phase 2a and ancient woodland loss.

Natural England's position

It is Natural England's view that HS2 should make a positive impact on the natural environment. Natural England believes that a stronger positive environmental legacy would be achieved by committing to achieving a net gain in biodiversity over the current no net loss proposals.

Natural England supports the National Planning Policy Framework (NPPF) position that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Where loss is unavoidable, strong compensation measures should be put in place. These measures can only partially compensate for loss or damage, and it is right that irreplaceable habitats are therefore outside the calculation of net gain.

In our response to the Phase 2a ES in 2017, we expressed concern at the loss of 10.5ha of ancient woodland and urged HS2 to continue to seek to avoid this loss wherever possible, due to the irreplaceability of this habitat. Natural England was particularly disappointed that the single tunnel option for Whitmore Wood was rejected by the House of Commons Select Committee. This

option would have saved 6ha of ancient woodland, the largest localised loss of AW on the Phase 2a route, amounting to 34% of the total woodland at Whitmore.

In Natural England's 2016 review of HS2's methodology for calculating no net loss of biodiversity, we advised that for HS2, *where ancient woodland is to be replaced by new woods, an area based ratio of 30:1 is appropriate. If that is legally impracticable to implement for Phase 1, it should be implemented for Phase 2.* Natural England strongly believes that the level of compensation needs to be commensurate with the irreplaceable nature of the habitat and with the high standards expected from any government-led scheme that has a significant environmental footprint.

New woodland planting at scale would create a meaningful legacy for the natural environment and for the communities along the route of HS2. It would contribute to the 'Green Corridor' that the scheme intends to create, and to the Government's aims for a Nature Recovery Network and national tree planting goals for net zero.

Appendix 2 – HS2’s non-compliance reporting procedure

How to report a possible non-compliance with an Undertaking or Assurance

