

# HS2

# Woodland Trust

HS2-HOL-024

# Phase 2a: Ancient Woodland

Ancient Woodlands are areas that have been continuously wooded since at least 1600AD.

The Promoter recognises that Ancient Woodlands are irreplaceable.

The Promoter has sought to avoid and reduce loss of Ancient Woodland during the preliminary design work and amendments to the scheme through the Additional Provisions.

11 Ancient Woodlands are directly affected by the Proposed Scheme. For each woodland there is an associated package of compensation measures.

Approximately 9.8ha of Ancient Woodland would be lost to the Proposed Scheme, this is a reduction from the original scheme deposited in Parliament in 2017, which affected 10.2ha.

To compensate for that loss:

- 78ha of new woodland planting (including 9.6ha of ancient soils translocation).
- 13.4ha of ancient woodland enhancement.



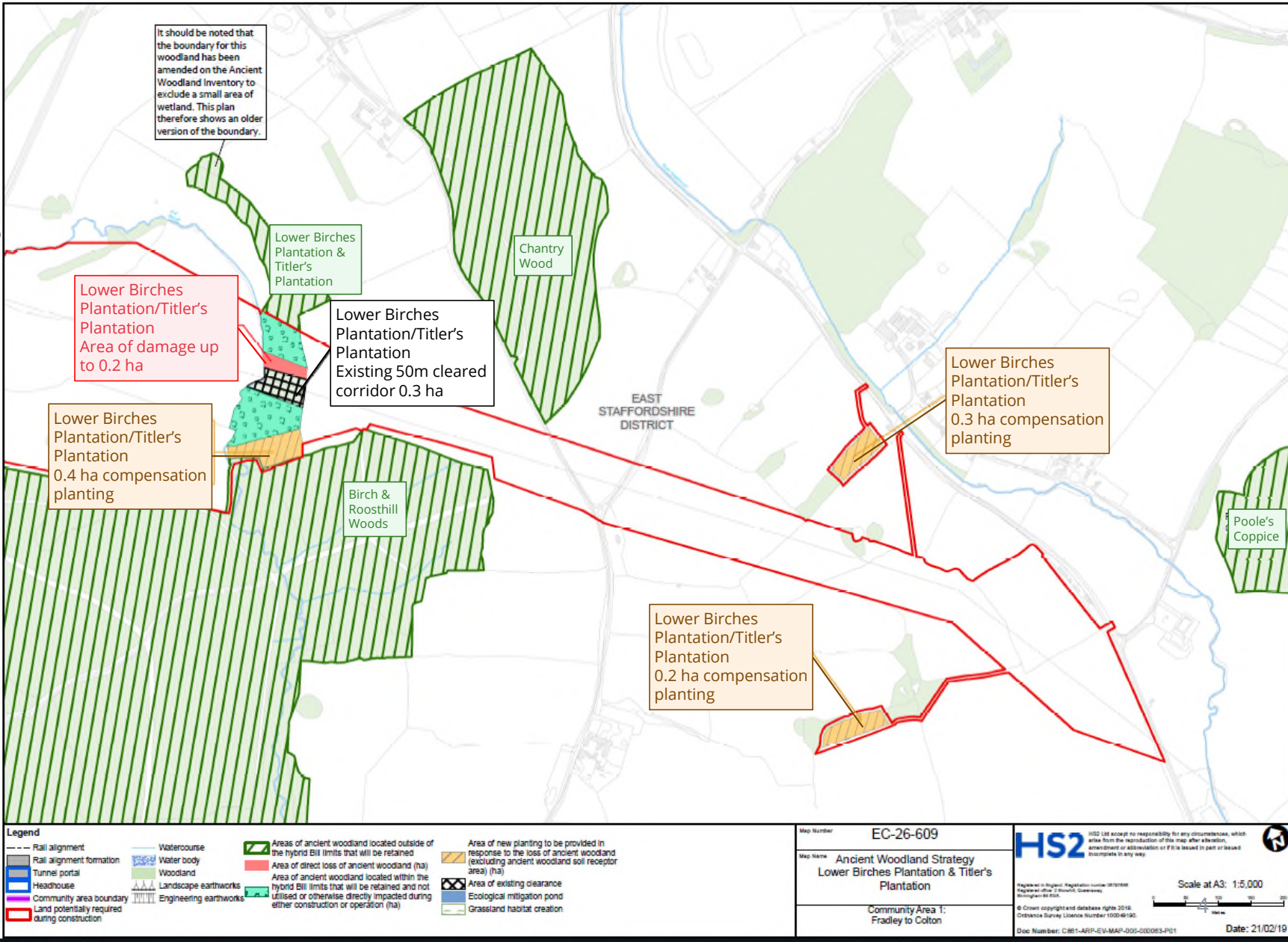
Table 4: Ancient woodland strategy summary: habitat areas (ha) of each category

| Woodland name                                  | Community area (CA) number | Approximate total woodland size (ha) | Direct loss of ancient woodland (ha) | Areas of ancient woodland within the area covered by the hybrid Bill that will be retained (ha) | Significant indirect effects on ancient woodland (ha) | Area of receptor site for ancient woodland soils (ha) | Areas of new planting to be provided in response to the loss of ancient woodland (including ancient woodland soils receptor) (ha) | Enhancement of ancient woodland (ha) | Enhancement of non-ancient woodland (ha) |
|------------------------------------------------|----------------------------|--------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------|
| Lower Birches Plantation / Titler's Plantation | CA1                        | 3.7*                                 | 0.2**                                | 1.6                                                                                             | -                                                     | -                                                     | 0.9                                                                                                                               | -                                    | -                                        |
| Flushing Covert                                | CA2                        | 1.2                                  | 0.2                                  | -                                                                                               | -                                                     | 0.2                                                   | 3.9                                                                                                                               | -                                    | -                                        |
| Town Field Plantation                          | CA2                        | 0.4                                  | 0.1                                  | -                                                                                               | -                                                     | 0.1                                                   | 2.2                                                                                                                               | -                                    | -                                        |
| The Grove                                      | CA2                        | 1.7                                  | 1.3                                  | 0.4                                                                                             | -                                                     | 1.3                                                   | 4.9                                                                                                                               | -                                    | -                                        |
| Birchwood                                      | CA3                        | 0.6                                  | 0.6                                  | -                                                                                               | -                                                     | 0.6                                                   | 7.4                                                                                                                               | -                                    | -                                        |
| Clifford's Wood                                | CA3                        | 16.9                                 | 1.3                                  | -                                                                                               | -                                                     | 1.3                                                   | 13.6                                                                                                                              | -                                    | -                                        |
| Whitmore Wood                                  | CA4                        | 18.9                                 | 5.5                                  | -                                                                                               | -                                                     | 5.5                                                   | 36.0 (combined area of planting in response to losses at three ancient woodland sites in CA4)                                     | 13.4                                 | -                                        |
| Hey Sprink (wood south-west of)                | CA4                        | 3.2                                  | 0.1                                  | -                                                                                               | -                                                     | 0.1                                                   |                                                                                                                                   | -                                    | -                                        |
| Unnamed wood south of Hey Sprink               | CA4                        | 0.9                                  | 0.2                                  | -                                                                                               | -                                                     | 0.2                                                   |                                                                                                                                   | -                                    | -                                        |
| Barhill Wood                                   | CA4                        | 5                                    | 0.2                                  | -                                                                                               | -                                                     | 0.2                                                   |                                                                                                                                   | -                                    | -                                        |
| Wringhill Wood (east of)                       | CA4                        | 3.6                                  | 0.1                                  | -                                                                                               | -                                                     | 0.1                                                   | 5.2                                                                                                                               | -                                    | -                                        |
| <b>Totals</b>                                  | -                          |                                      | 9.8                                  | 2                                                                                               | -                                                     | 9.6                                                   | 78                                                                                                                                | 13.4                                 | -                                        |

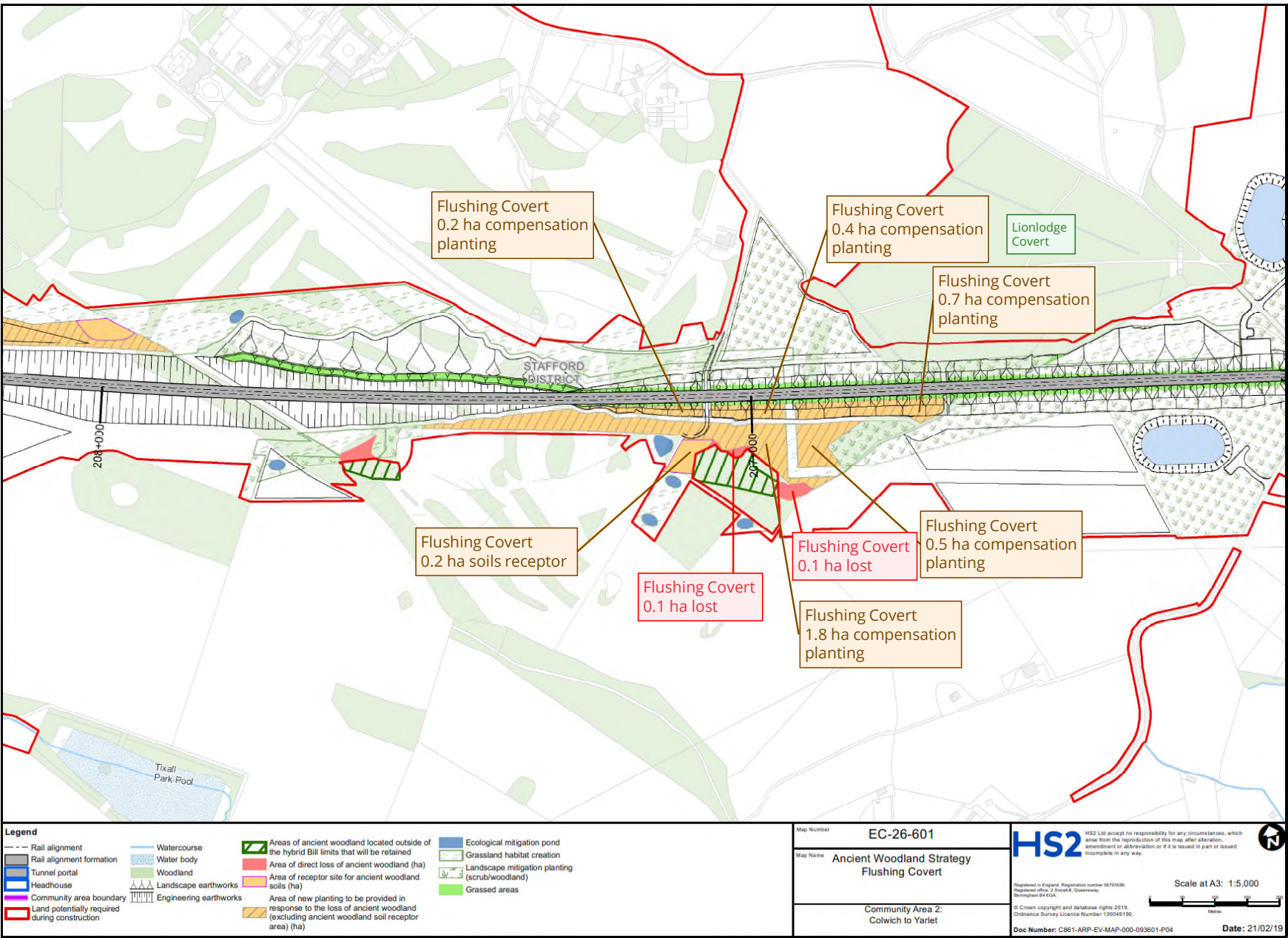
\*It should be noted that the boundary for this woodland has been amended on the Ancient Woodland Inventory to exclude a small area of wetland. \*\*The impact on Lower Birches Plantation / Titler's Plantation is damage as a result of vegetation management required beneath overhead powerlines rather than direct loss of the corridor of vegetation and associated soil, therefore there will be no requirement for an ancient woodland soil receptor area.

CA1:

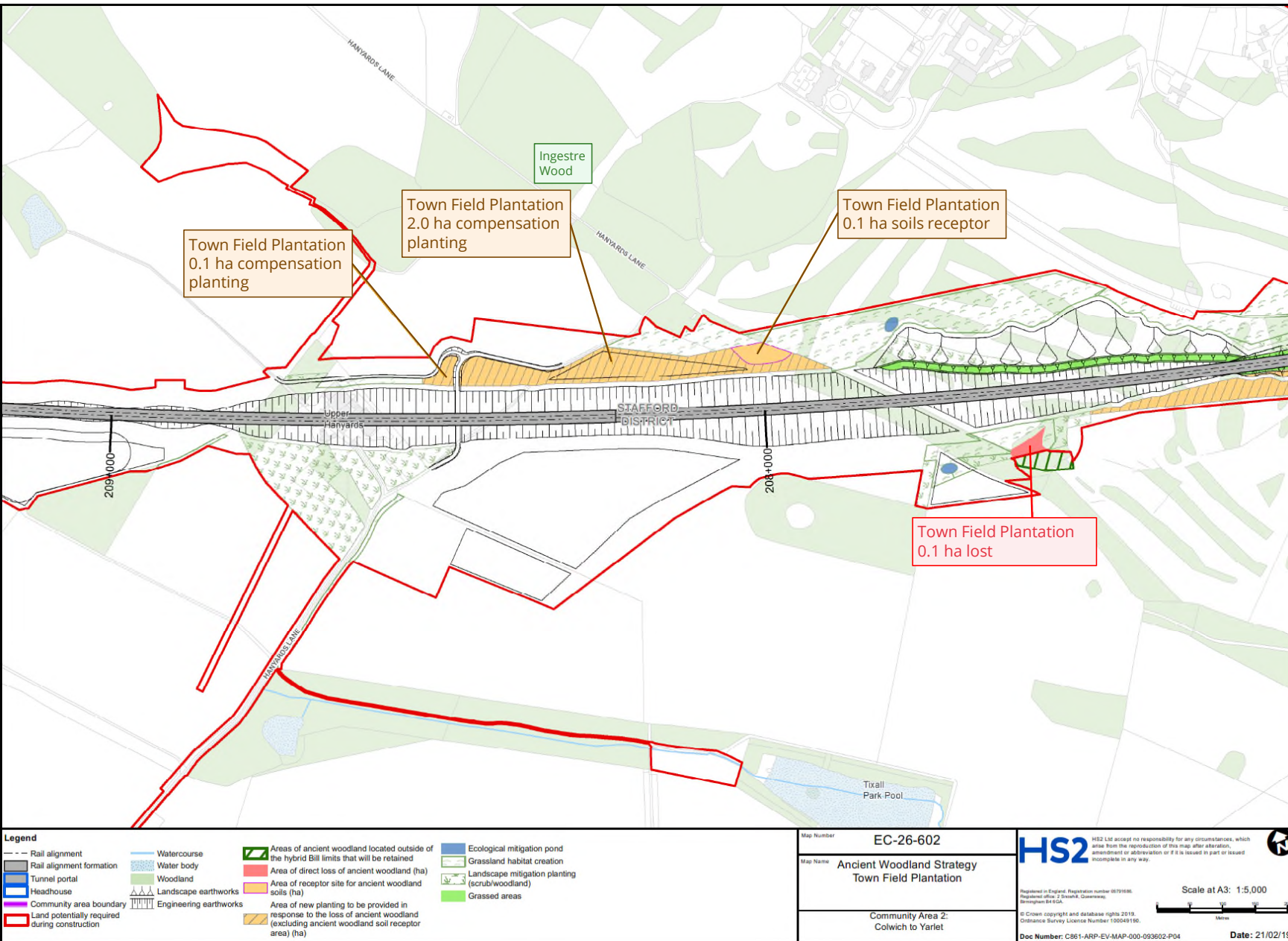
Lower Birches/Titler's Plantation (AW identified by HS2)



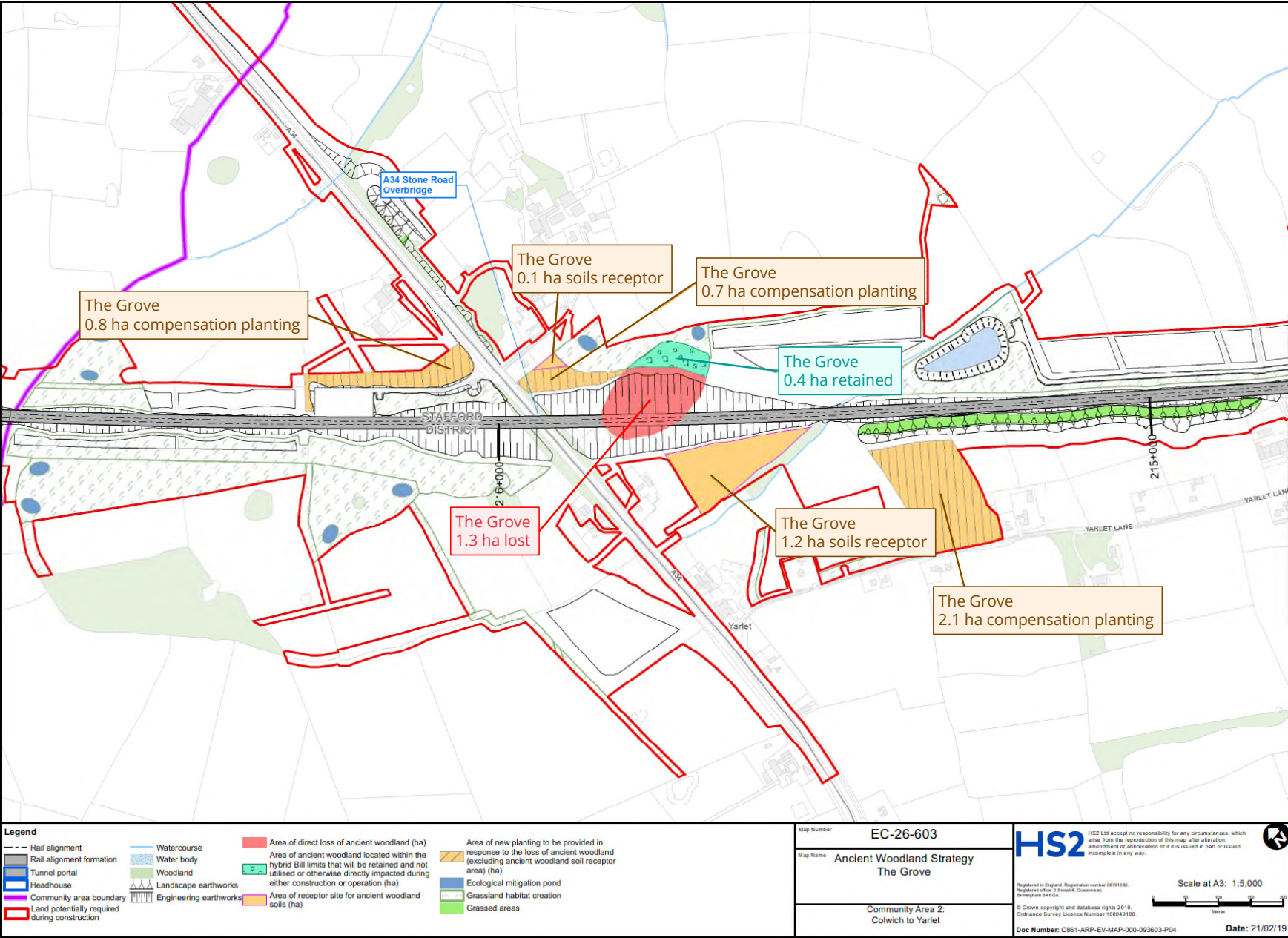
CA2:  
Flushing  
Covert  
(AW identified  
by HS2)



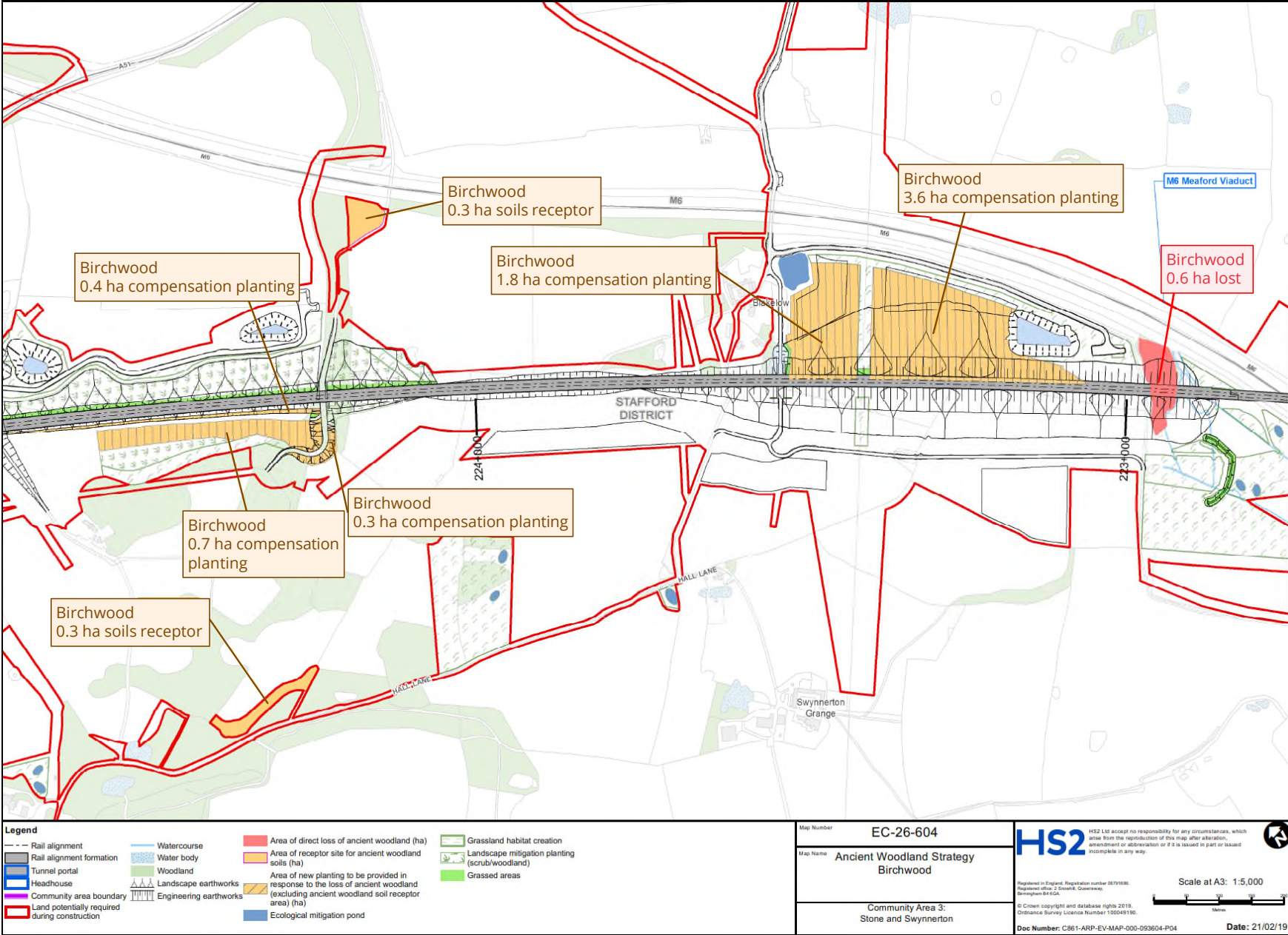
CA2:  
Town Field  
Plantation  
(AW identified  
by HS2)



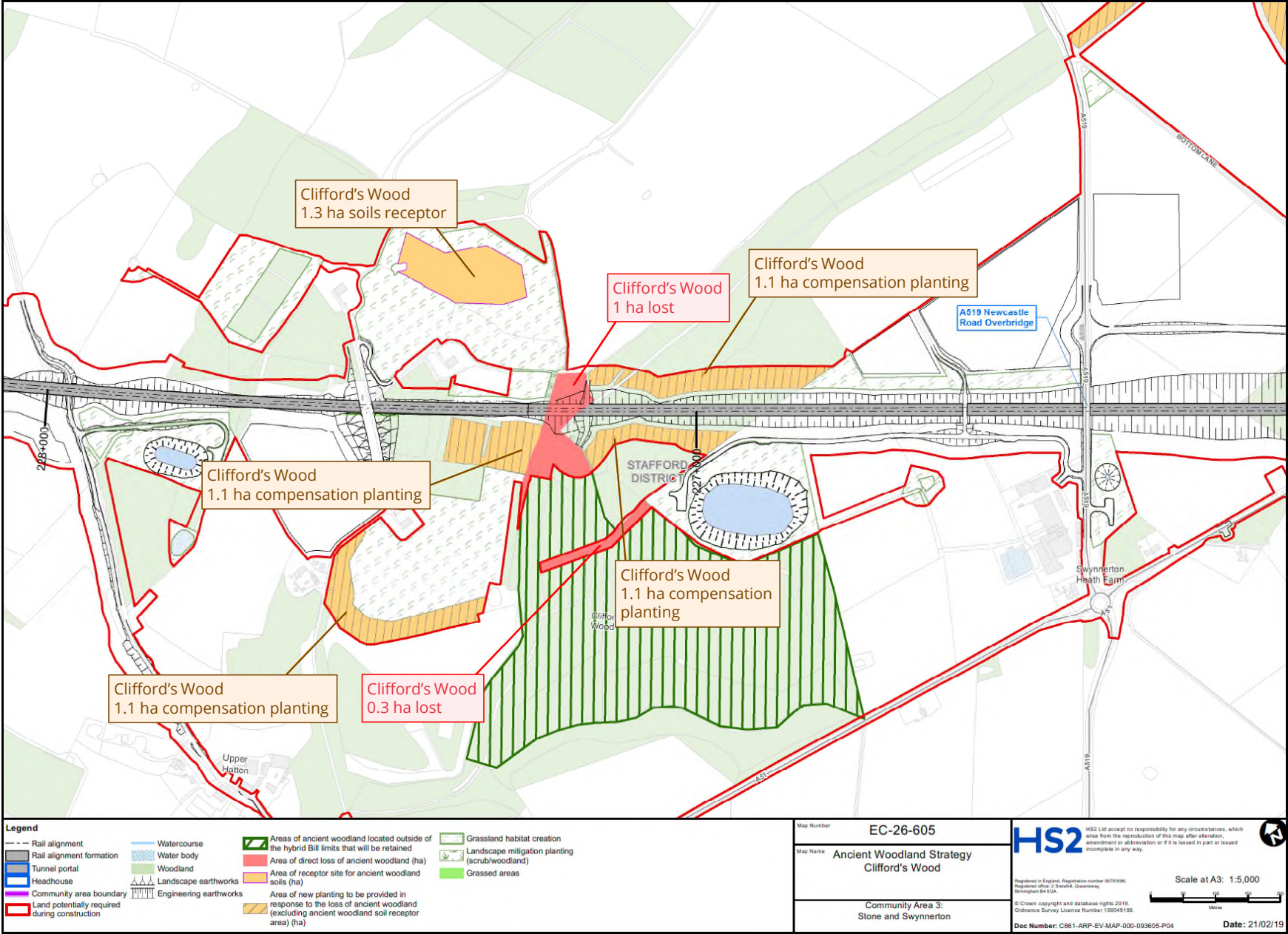
CA2:  
The Grove  
(AW identified  
by HS2)



CA3:  
Birchwood  
(AW identified  
by HS2)

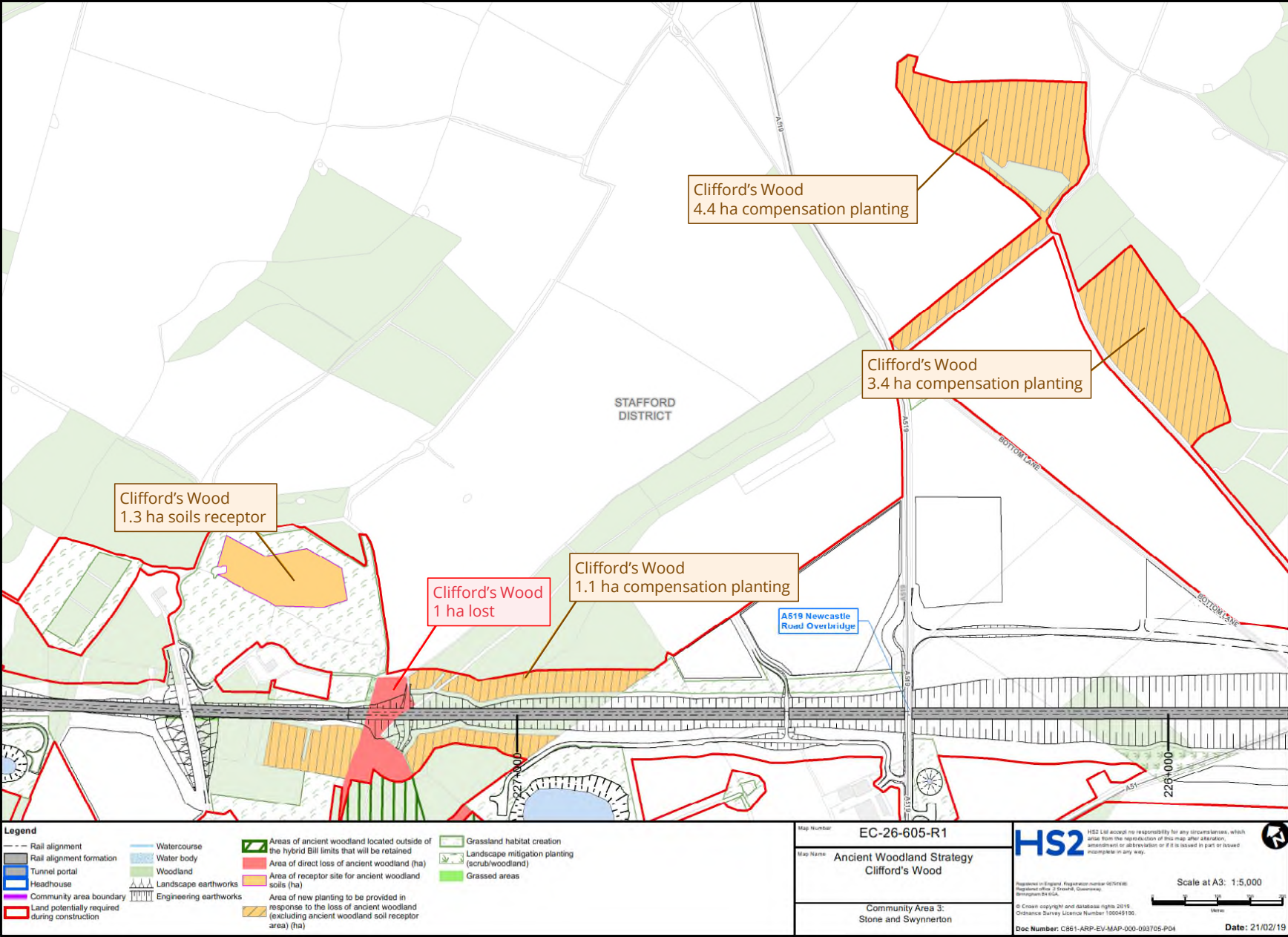


CA3:  
Clifford's Wood  
(AW identified by HS2)



CA3:

Clifford's Wood (AW identified by HS2)

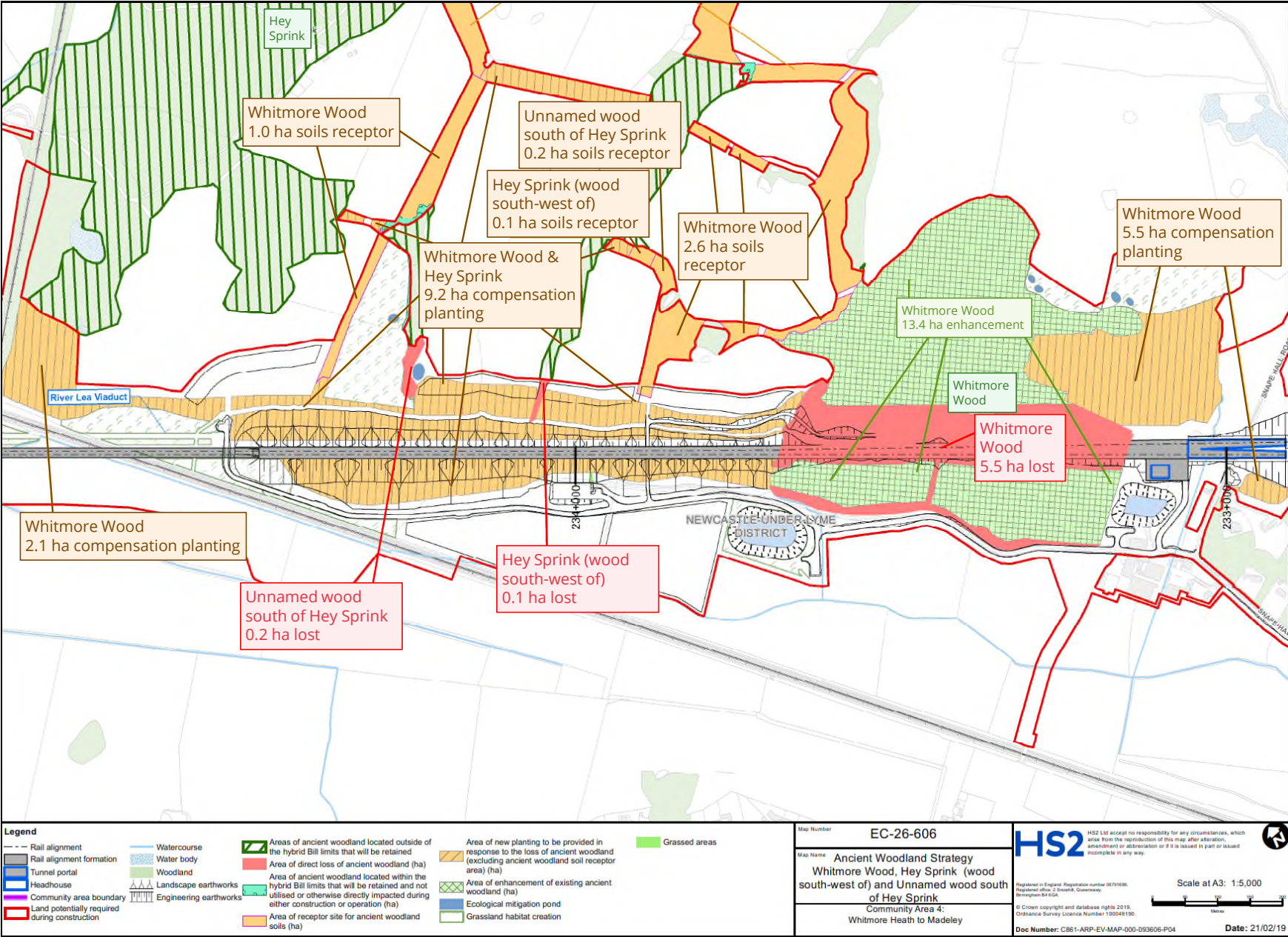


CA4:

Whitmore Wood  
(AW & PAWS)

Hey Sprink  
(wood south  
west of) (AW  
identified by  
HS2)

Unnamed wood  
south of Hey  
Sprink (AW  
identified by  
HS2)

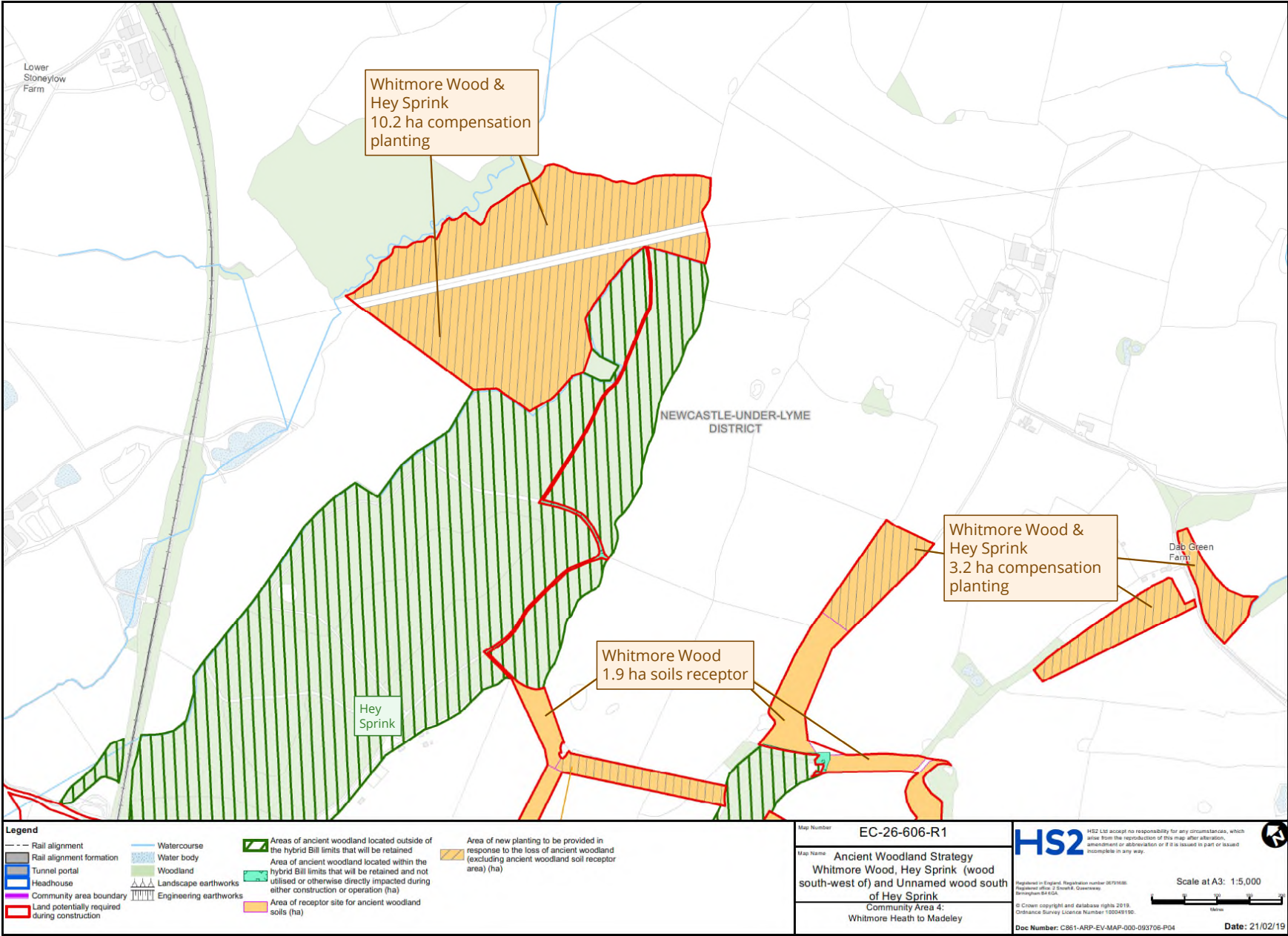


CA4:

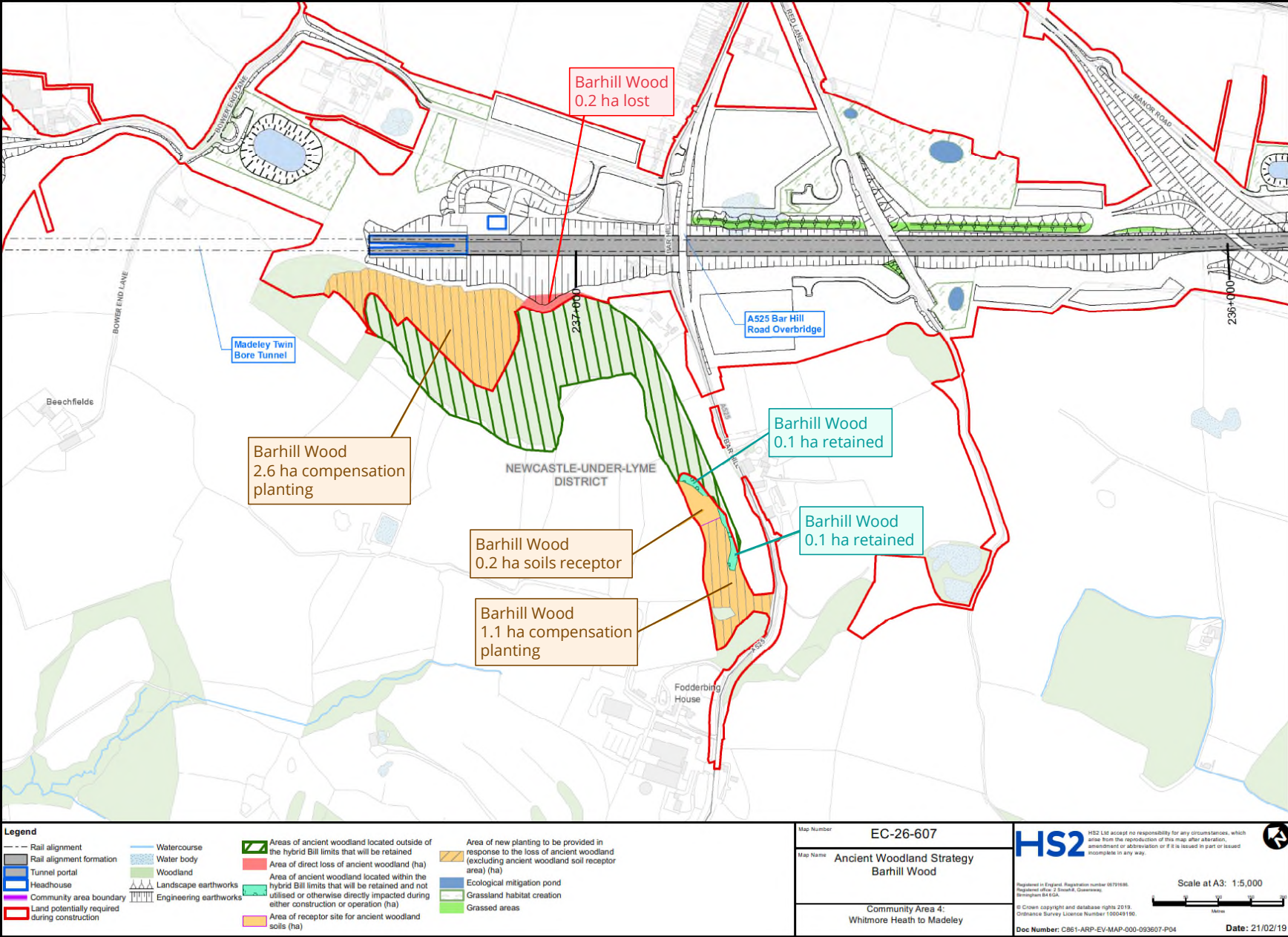
Whitmore Wood (AW and PAWS)

Hey Sprink (AW identified by HS2)

Unnamed wood south of Hey Sprink (AW identified by HS2)

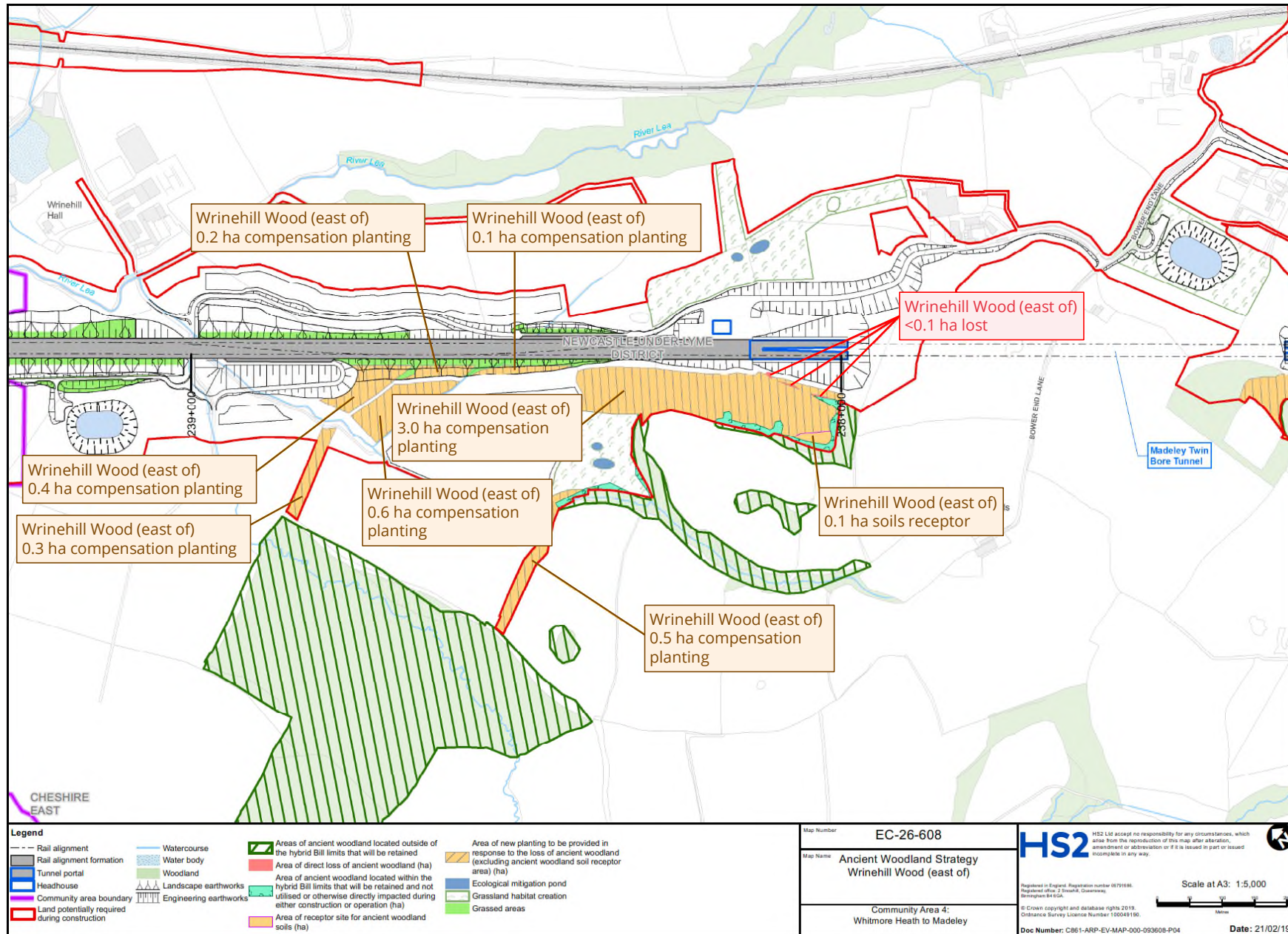


CA4:  
Barhill Wood  
(AW)



CA4:

Wrinehill Wood (east of)  
(AW identified by HS2)



# Ancient Woodland Strategy

The Phase 2a Ancient Woodland Strategy (AWS) has been developed to provide a comparison between ancient woodland losses and the compensatory measures to be adopted in response on a site-by-site basis. It provides additional information on woodlands affected by the Proposed Scheme, for example, proposed soil translocation receptor areas.

The document sets out the Promoter's approach to Ancient Woodland in accordance with national policy including the methodology used to assess impacts and develop compensation measures.

The strategy details for each site, with accompanying plans:

- Baseline condition and valuation.
- Impacts and associated effects as a result of the Proposed Scheme.
- Compensation measures for Ancient Woodland loss.

The information contained within the AWS represents the conceptual design information within the Environmental Statement. Following Royal Assent detailed design information related to each of the Ancient Woodland sites will be contained within the Ecology Site Management Plan (ESMP) for that location.



# Ancient Woodland Compensation

Ancient Woodland compensation has been based upon the scale of the impacts and the condition of the affected area of Ancient Woodland, which differ in terms of both the existing habitat structure and the diversity of the areas concerned. This is detailed in the Ancient Woodland Strategy.

The planting design and species selection will be informed by the characteristics of the woodland habitat which is being lost and/or retained, using the available ecological and site physical characteristics baseline data.

Ancient woodland compensation has been designed to increase the resilience of parcels of existing ancient woodland and where possible, to reconnect isolated parcels of ancient woodland which historically were connected across the wider landscape.



# Translocation of Ancient Woodland soils

It has been assumed that soil material will be translocated to a suitable receptor site at all locations where losses of Ancient Woodland will occur as a consequence of the Proposed Scheme.

During the detailed design process, surveys will be undertaken at all proposed donor and receptor sites to confirm:

- Sites which would benefit from the translocation of Ancient Woodland soils.
- The exact size and location of the receptor sites required.

The process of deciding which woodlands support soils that are appropriate for translocation will involve consultation with Natural England and the Woodland Trust.

Where appropriate, translocation of coppice stools, saplings and dead wood will also be considered during detailed design of these habitat creation areas. Where insufficient soil is recovered to cover the receptor site to an appropriate depth, the remainder of the area will be used for woodland planting.



# Monitoring of translocation of Ancient Woodland soils

The Promoter has set out indicative commitments to the management and monitoring of ecology led habitat creation in support of the Proposed Scheme, and has committed to 50 years of managing and monitoring in all locations where the translocation of Ancient Woodland soils is proposed.

In response to a further recommendation from the HoC Select Committee in their interim report, the Promoter has additionally committed to scoping a long-term project to monitor the environmental impact of moving ancient woodland soils, to inform any future proposals for the translocation of ancient woodland soils.

The Promoter is confident that the outcome of this monitoring will strengthen the scientific understanding of the efficacy of Ancient Woodland soil translocation.



# Phase 2a Funds

The following funds have been announced since the Phase 2a Bill was deposited:

- Cheshire East environment and landscape enhancement fund - £850k.
- the Trent-Sow Parklands and Cannock Chase AONB HS2 Group – £1.5 million.
- the Phase 2a Woodland Fund - £2 million.
- HS2 Community and Environment and Business and Local Economy Funds - £5 million.

## *Example: potential benefits of the Phase 2a Woodland Fund*

The Phase 2a Woodland Fund is intended to help local landowners create new native, broadleaf woodlands and restore existing ancient woodland sites.

Estimates from allocations made to date on the Phase One Woodland Fund grant scheme indicate it could reasonably be expected that a further 170ha of new woodland could be created and 100ha of plantation on Ancient Woodland sites restored.



# Ancient Woodland Compensation: Tree Provenance

The Promoter has committed to growing all planting stock within the UK. Phase One contracts require any imported stock to be grown in the UK for a minimum of two years before being supplied for use on the Scheme.

A proportion of seeds need to be sourced from outside the UK in line with Forestry Commission guidance supported by DEFRA in order to increase the resilience of planting stock and build in adaptability to an unpredictable future climate.

The Promoter seeks to follow the following recommended seed mix:

- 1/3 of seed from same region of provenance.
- 1/3 of seed from source up to 2° south of the growing site.
- 1/3 of seed from slightly warmer climate sources from 2 to 5° of latitude further south than the site.

The import of seeds follows stringent hygiene regulations including detailed proof of origin for seed collection and sourcing; plant passports, certificates and any relevant proof of provenance will confirm the sourcing, collection, storage and delivery process.



# Ecological Site Management Plans

Each Ancient Woodland compensation site will have a site specific Ecological Site Management Plan (ESMP) prepared during detailed design.

The ESMPs will contain:

- Baseline information on the Ancient Woodland site.
- Detailed design information on compensation measures.
- Establishment activities.
- Maintenance regime.
- Monitoring requirements.
- Ecological objectives.

An assurance has been offered to the Woodland Trust that the nominated undertaker (or its contractors) will engage with the Woodland Trust in the preparation of ESMPs for each Ancient Woodland compensation site, and have regard to any reasonable recommendations made by the Trust.



# Ecology Review Group

An independently chaired body whose role, following Royal Assent of the Bill, would be to meet twice per year and scrutinise monitoring data arising from the establishment of new habitats and other ecological mitigation measures. The members include:

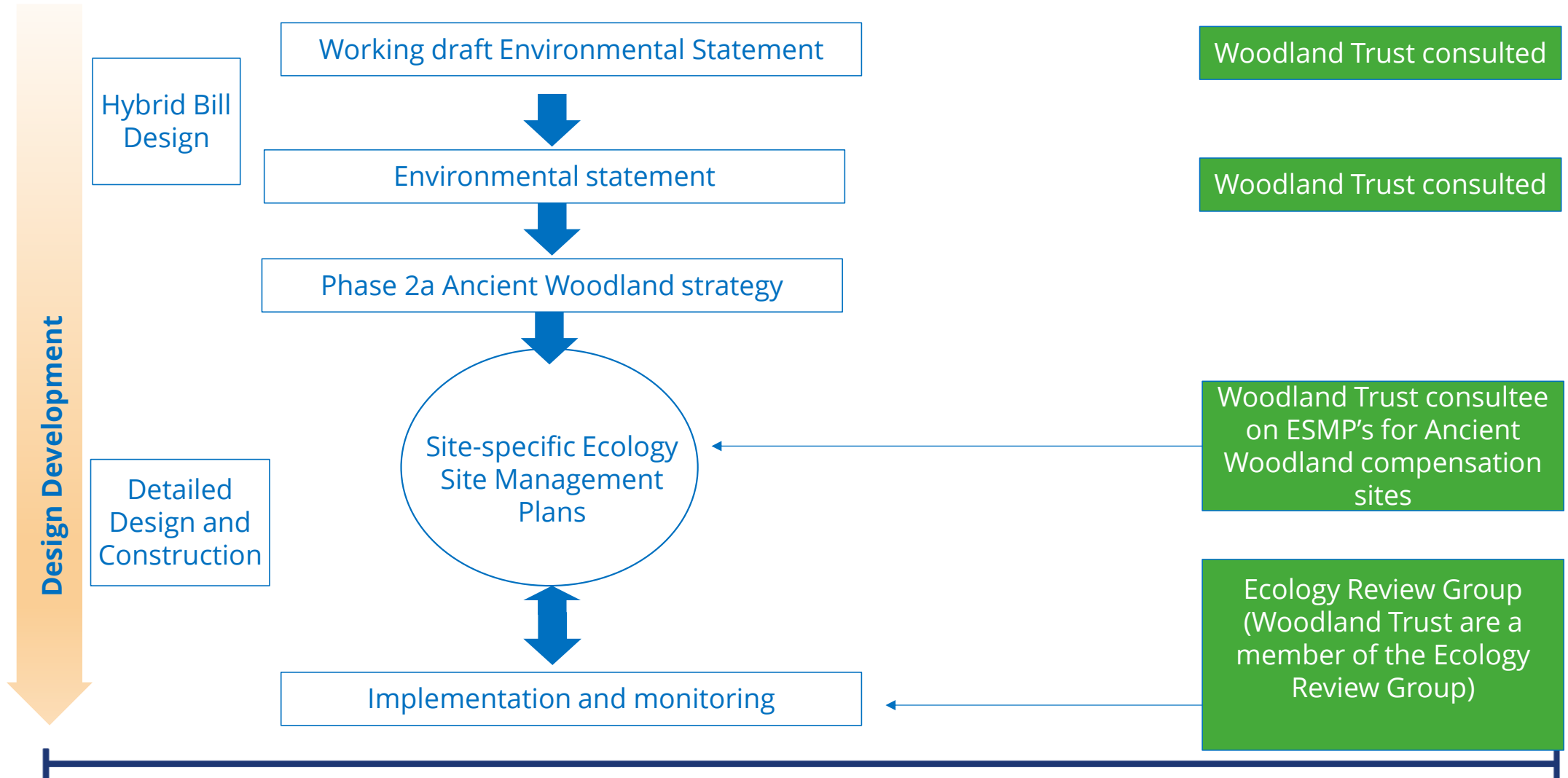
- Natural England.
- Environment Agency.
- Forestry Commission.
- Relevant NGOs – including Royal Society of Wildlife Trusts, local Wildlife Trusts, RSPB, the National Trust and the Woodland Trust.
- Local Planning Authorities.

The function of the Ecology Review Group will be to:

- Scrutinise the data arising from the monitoring of habitats and other ecological mitigation measures.
- Consider the data and recommend reasonable remedial actions where mitigation and compensation measures are not meeting objectives.
- Make reasonable proposals for specific locations for offsite habitat creation with regard to additional mitigation to address any no net loss deficit.



# Engagement with the Woodland Trust



# Approach to Compensation

HS2 Ltd have not used a ratio approach to calculate the amount of compensation provided for ancient woodland lost. Compensation has been developed on a site-by-site basis taking account of the affected woodland.

Natural England (NE) confirmed publicly in February 2016 that this approach was consistent with its standing advice on ancient woodland and development. NE were subsequently asked to review HS2's NNL biodiversity metric (*NATURAL ENGLAND, 2016, Review of the High Speed 2 No Net Loss in Biodiversity Metric*).

*'The 30:1 ratio cited by the Woodland Trust is assumed to have been derived using the Defra offsetting metric. There is little evidential basis, as far as we are aware, to justify this or any other specific ratio. However a commitment to such a ratio would be a clear statement by HS2 Ltd that it recognises the critical importance of ancient woodland and the scale of newly created woodland provided would leave a positive legacy for the natural environment and for the communities along its route. It would also make a significant contribution to delivering the recommendations of the Lawton report and set the standard for future projects.'*

In response HS2 finalised a Woodland Fund for Phase One to extend its ambitions to plant further woodland and restore existing ancient woodlands. This approach has been adopted for Phase 2a.



# Ancient and Veteran Trees

The National Planning Policy Framework (glossary) refers to an ancient or veteran tree as “A tree which, because of its great age, size and condition, is of exceptional biodiversity, cultural or heritage value...”. The assessment in the ES considers these to be irreplaceable.

A precautionary approach to assessment has been adopted for those identified trees within the land required for the construction of the Proposed Scheme, which are assumed to be lost unless they are within areas of habitat creation, and are reported as such in the Environmental Statement.

The Promoter undertook a study of 38 known ancient and veteran trees that were identified and reported as being lost in the Environmental Statement. Following the findings of the report the Promoter was able to provide a commitment to the Woodland Trust, that:

- 15 trees will be retained.
- 6 trees could be retained, subject to further design work.

During detailed design and through the implementation of the Code of Construction Practice measures will be applied to protect and retain ancient and veteran trees, as far as reasonably practicable, within and adjacent to proposed works.



# Whitmore Wood: Request for a Long Tunnel

Whitmore Wood is approximately 17.9ha, and includes semi-natural woodland and Plantation on Ancient Woodland Soils (PAWS), the woodland is located partially within the land required for the Proposed Scheme.

During design development a retaining wall along the north-east of Whitmore North cutting was introduced to reduce the area of land within Whitmore Wood, a result the main Environmental reported a loss of 1.6ha of semi-natural ancient woodland and 4.4ha of PAWS.

The removal of Whitmore Wood Overbridge as part of the Additional Provision 2, reduced the loss of semi-natural ancient woodland at Whitmore Wood by 0.5ha.

The Woodland Trust appeared in support of the case for a continuous tunnel between Whitmore Heath and Madeley before the House of Commons Select Committee in April 2018. In its First Special Report the Select Committee decided that the Proposed Scheme design for two short tunnels at Whitmore Heath and Madeley should not be changed.

The extension requested by the Petitioner would require an additional provision.



# Clifford's Wood: Request for a tunnel

Clifford's Wood (CA3) is approximately 16.9 ha in size and the ES assesses a direct loss of approximately 1.3 ha of this woodland. To compensate for this:

- Approximately 1.3 ha of ancient woodland soils are proposed to be translocated.
- 13.6 ha of new planting is proposed (including ancient woodland soils receptor).

Avoiding any impact on Clifford's Wood ancient woodland would require the inclusion in the Proposed Scheme of a bored tunnel approximately 3.7km in length including:

- Two 150m tunnel portals at each opening.
- One intermediate shaft with headhouse, including hard standing area.
- Approx. 8 no. cross passages.
- Pumped drainage.

Introducing such a tunnel into the Bill would require:

- Additional land outside of Bill limits.
- Additional power requirements.
- Revised construction programme.
- Additional spoil disposal.



# Assurances and Undertakings

There are two types of commitments:

- assurances, which are unilateral written commitments made by the Promoter in a letter or other document (such as an Information Paper), or in petition responses; and
- undertakings, which are binding (usually contingent) agreements between the Promoter and another party, set out in legal documents or given by another means to the Select Committee itself or to Parliament.

Commitments given by the Government during the passage of a HS2 Bill are included in a Register of Undertakings and Assurances held by the Department for Transport (DfT) and finalised at Royal Assent. All commitments included on the Register are binding on the nominated undertaker and the Secretary of State as the project is taken forward.

Undertakings and assurances are ultimately enforced either by recourse to the Courts or Parliament respectively. Following Royal Assent to the Bill, a nominated undertaker is expected to be appointed to construct and maintain Phase 2a of HS2. Any nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances made by the Promoter in regard to construction and operation of the Proposed Scheme.

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# Woodland Trust Assurances

The Woodland Trust has requested that the Promoter's assurances which have been offered to and accepted by them in response to matters raised in their petitions against the Phase 2a Bill now be secured as undertakings.

The Promoter considers it to be appropriate that commitments offered to the Woodland Trust as a national environmental organisation be made in the form of assurances to be included on the Register of Assurances and Undertakings. The Woodland Trust does not enjoy any private interest affected by the Bill which might justify the commitments offered by the Promoter being secured by means of an undertaking.

Registered assurances form part of the HS2 Phase 2a Environmental Minimum Requirements (EMRs). Any nominated undertaker will be contractually bound to comply with those assurances under the HS2 Development Agreement. The Secretary of State has given an undertaking to the House of Commons that he will take such steps as he considers reasonable and necessary to secure compliance with the EMRs.



# Non-compliance of an assurance

If the beneficiary of an undertaking or assurance considers that a commitment has not been complied with they should notify the Promoter.

If following investigation by the Promoter it is determined that there has been a non-compliance, the Promoter will:

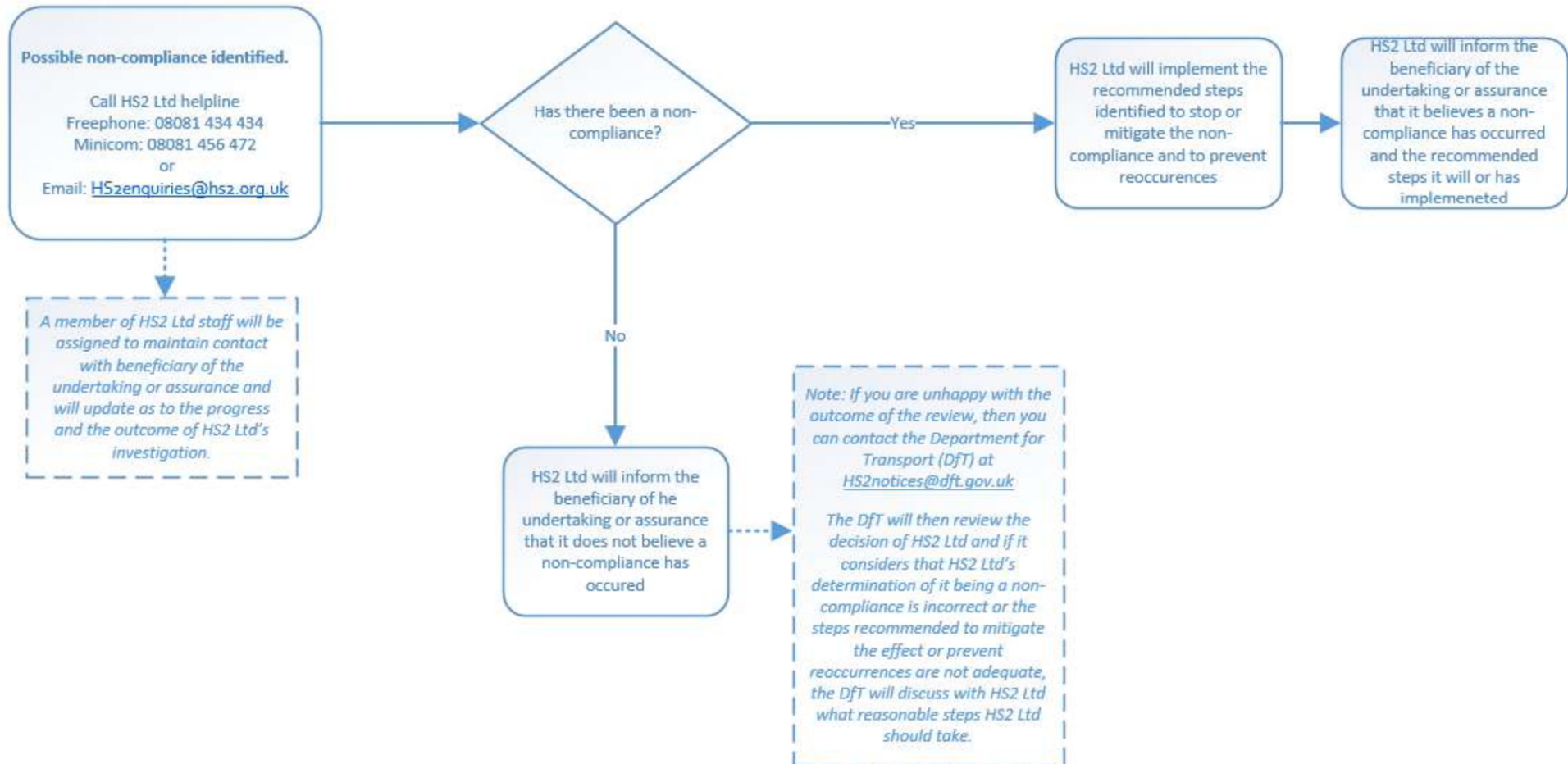
- implement the necessary steps to remedy the breach and to ensure future compliance;
- inform the beneficiary of the undertaking or assurance of these matters.

If it is determined that there has not been a non-compliance, the Promoter will:

- inform the beneficiary of the undertaking or assurance that it does not believe a non-compliance has occurred.



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



This procedure will be implemented and published for Phase 2a once the project has received Royal Assent.

Luci Ryan

Sent via email: [LuciRyan@woodlandtrust.org.uk](mailto:LuciRyan@woodlandtrust.org.uk)

25 October 2019

Dear Luci

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF LORDS SELECT COMMITTEE:  
PETITION HS2-HOL-024 – WOODLAND TRUST**

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that the Trust have concerns about the impact of Phase 2A of HS2 (known as 'the Proposed Scheme') and have submitted a petition on that basis against the Bill in the House of Lords.

The purpose of this letter is to summarise the engagement the Promoter has had with the Trust to date regarding the Proposed Scheme, to outline the various assurances that have already been offered on behalf of the Secretary of State, and to summarise the Promoter's position on the issues that remain of concern to the Trust, in advance of your hearing before the House of Lords Select Committee.

*Assurances offered to the Woodland Trust: original Bill scheme*

The Trust appeared before the House of Commons Select Committee on 24 April 2018 to present evidence as part of the in-principle case for the Whitmore Heath to Madeley tunnel and on 11 July 2018 to present the specific issues raised in their petition (Petition No. HS2-P2A-000099) regarding the Proposed Scheme. As you are aware, the request for a tunnel was ruled out by the House of Commons Select Committee in its First and Second Special Reports. However, as a result of ongoing engagement with you we have offered a series of assurances on your other matters of concern.

A summary of the full assurances that were offered in my letter of 10 July 2018 is set out below:

- Surveys of ancient woodlands – the assurance set out the Promoter's commitment to survey all ancient woodland in Bill limits prior to commencement of construction and to publish the results;
- Avoiding damage or loss of ancient woodland - the assurance set out the Promoter's commitment to follow guidance set out by the Natural England and the Forestry Commission on avoiding damage to or loss of ancient woodland and ancient/veteran trees. Unavoidable loss would be compensated for;

- Environmental mitigation outside of Bill land – the assurance set out the Promoter’s commitment to consider any reasonable and timely opportunities to undertake enhancements of existing ancient woodlands outside Bill limits and consider new opportunities to increase biodiversity gain as an alternative to providing compensation;
- Ancient woodland compensation – the assurance set out the Promoter’s commitment to put in place a management regime ensuring that the ecological objectives of ancient woodland compensation set out in the Ecology Site Management Plan would be achieved within an appropriate timescale;
- Engagement on construction works – the assurance set out the Promoter’s commitment to consult with the Woodland Trust regarding any construction activities undertaken within, or within 100m of, an area of Ancient Woodland which had been assessed as likely to have an adverse effect on the woodland as a result of construction activities. In addition, the assurance set out that prior to commencement any construction works adjacent to or within 100 metres of ancient woodland, the Promoter would engage with the Trust and have regard to any reasonable representations made by the Trust regarding any proposed mitigation (such measures to be on land within Bill limits);
- Provenance of planting stock – the assurance set out the Promoter’s commitment to grow all trees for the Proposed Scheme in the United Kingdom. The assurance also:
  - set out that all planting stock for ancient woodland compensation measures would be sourced and grown within the UK;
  - offered a commitment to use seed stock from the United Kingdom and to ensure some seed stock was to have an origin and provenance from 0° - 5° latitude south of the planting location; and
  - set out that the Promoter would put in place a plant passport for all seed and plant material to reduce risks to biosecurity;
- Engagement on Ecology Site Management Plans (ESMP) - the assurance requires the nominated undertaker to ensure that Ecology Site Management Plans are prepared at detailed design stage in relation to any ancient woodland compensation areas, including translocation of ancient woodland soils. It commits to ensuring that such Ecological Site Management Plans would include bespoke methodologies for translocation of ancient woodland soils in accordance with the High Speed Two Phase 2a Ancient Woodland Strategy. The assurance also set out that the Nominated Undertaker would engage with the Woodland Trust in the preparation of the ESMP's and have regard to any reasonable recommendations made by the Trust;
- Further assurances on veteran trees & ancient woodland - the assurance set out the Promoter’s commitment to explore and, where reasonably practicable, implement options to avoid the need to remove a veteran tree or affect ancient woodland when carrying out works of a temporary nature; and
- Informing Woodland Trust of any further planning applications in relation to Phase 2a works – the assurance set out the Promoter’s commitment to inform the Trust in advance of submitting any planning application under the Town and Country Planning Act 1990 for works outside the

Act limits as defined in clause 60 (2) of the hybrid Bill which might affect ancient woodland or veteran trees.

Prior to the Trust's second appearance before the House of Commons Select Committee the Promoter commissioned a technical note to summarise the ancient and veteran trees reported as being lost as a result of the construction of the Proposed Scheme. Using construction and logistic information the technical note identified trees that could be avoided and retained on a site by site basis. The assurances were offered to the relevant local authorities and the Trust and set out the Promoter's commitment to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a veteran tree identified by the study. The assurance also committed the Promoter to require the nominated undertaker to retain the veteran oak tree colloquially known as "Noddy's Oak" on Newlands Lane and to use reasonable endeavours to ensure that the tree's roots were not damaged during the works to utilities in that area.

All of the assurances offered to the Trust were accepted by Trust and now appear on the HS2 Phase 2a Register of Undertakings and Assurances.

*Further assurances offered to the Woodland Trust: AP2 and SES2*

Following the deposit of Additional Provision 2 (AP2) and Supplementary Environmental Statement 2 (SES2) the Promoter updated the technical note on ancient and veteran trees to account for any additional impacts as a result of the amendments to the Proposed Scheme, and a copy of the report was shared with the Trust on 18 February 2019. As a result of the updated report further assurances were offered to Staffordshire County Council and Cheshire East Council offering enhanced commitments to explore and implement options to avoid in each case the need to remove a veteran tree identified by the study. These assurances were shared with the Trust on 22 February 2019.

Following a discussion with Anneleaze Marquis on 24 April 2019 a second assurance letter was sent to the Trust on 9 May 2019, to set out the Promoter's current position regarding the proposed AP2 amendments and the impact on ancient woodland. Further assurances were offered regarding ancient woodland at the following sites about which you raised concerns:

- Lower Birches Plantation/Titler's Plantation – the assurance sets out the Promoter's commitment to reduce the amount of canopy from the ancient woodland that needs to be cleared as a result of the Proposed Scheme and ensure that no more ancient woodland is removed than is reasonably necessary to safely construct and operate the overhead lines (including any statutory minimum clearance between the overhead lines and the tree canopy);
- Westfield Covert - the assurance set out the Promoter's commitment not to gain access through the Westfield Covert ancient woodland for the construction and maintenance of Woodland and Wetland Habitat Creation and to use reasonable endeavours to avoid any damage to the woodland during the construction of those works;
- Tittensor Chase Local Wildlife Site - the assurance set out the Promoter's commitment to ensure that AP2 construction works do not take place within Tittensor Chase Local Wildlife Site;
- Unnamed woodland to the West of Holly Wood - the assurance set out the Promoter's commitment to ensure that AP2 construction works do not take place within unnamed woodland to the West of Holly Wood; and

- Vicar's Coppice and Tomhay Wood - the assurance set out the Promoter's commitment to ensuring there is no additional loss of ancient woodland at Vicar's Coppice and Tomhay Wood as a result of the works authorised by AP2 above that which is reported in the Phase One Environmental Statement.

In light of these assurances the Trust withdrew from appearing before the House of Commons Select Committee to discuss their concerns with AP2.

#### *Promoter's response to matter raised by the Trust*

Below is a summary of the Promoter's current position on a number of other matters raised in your petition.

#### Request for a 30:1 compensation ratio

The Promoter considers that assessing the appropriate extent of compensation measures should be made for each ancient woodland on a 'site by site' basis taking into account the scale and nature of impacts as reported in the Environmental Statement.

In addition to the compensation measures proposed in the Bill, the Promoter has committed to creating a number of funds that will provide further enhancements to the environmental design of the Proposed Scheme. This includes the establishment a £2m Woodland Fund for Phase 2a, which is intended to restore ancient woodlands and create new native woodlands.

#### Translocation of ancient woodland soils

The Trust has raised concerns regarding the role of translocated ancient woodland soils. The considers translocation of soils an important part of the combination of compensatory measures that will be employed in order to provide the appropriate level of compensation for each ancient woodland loss that occurs as a result of the Proposed Scheme.

The Promoter is committed to undertaking long term monitoring of translocation of ancient woodland soils to inform future research and improve technical understanding. The Promoter is confident that the outcome of this research will strengthen the scientific understanding and value of ancient woodland soil translocation.

#### Ancient Woodland Strategy (AWS)

The AWS does not seek to define national policy regarding avoidance, mitigation and compensation for ancient woodlands. It represents a project specific approach based upon the predicted impacts of the Proposed Scheme and application of ecological expertise and appropriate professional judgement. The Phase 2a AWS provides an area based comparison between the losses of ancient woodland habitat that would occur as a consequence of the scheme and the associated package of compensation measures to be provided in response to those losses. The strategy covers all ancient woodlands identified to be impacted by the Proposed Scheme within the Environmental Statement and all compensatory habitat creation and habitat enhancement currently proposed in response to the loss of ancient woodland.

The information contained within the AWS represents the conceptual design information within the Environmental Statement and includes:

- the strategy details for each site;
- the baseline condition and valuation;
- the impacts and associated effects as a result of the Proposed Scheme; and
- the appropriate level of compensation for each instance of ancient woodland loss.

Following Royal Assent, the nominated undertaker would develop Ecology Site Management Plans (ESMP), which would contain detailed design information related to each of the ancient woodland sites.

On 10 July 2018 the Trust was offered the below assurance for proportionate engagement on our plans for ancient woodland compensation, in particular the methodology being applied if ancient woodland soils are being translocated:

“The Promoter will require the nominated undertaker to ensure that Ecology Site Management Plans, as described in High Speed Two Phase 2a Information Paper E2: Ecology, are prepared at the detailed design stage in respect of any ancient woodland compensation areas, including translocation of ancient woodland soils, and that the Nominated Undertaker (or its contractors) will engage with the Woodland Trust in their preparation and have regard to any reasonable recommendations made by the Woodland Trust. The Promoter will require the nominated undertaker to ensure that such Ecological Site Management Plans include, where relevant, bespoke methodologies for translocation of ancient woodland soils in accordance with the requirements for translocation of such soils described in the High Speed Two Phase 2a Ancient Woodland Strategy”.

In addition, as requested in the Trust’s petitions against the Bill in both the House of Commons and the House of Lords, the Promoter has provided the following assurance to Staffordshire County Council to replicate the Ecology Review Group formed for Phase One:

“Following Royal Assent of the Bill, the Promoter will extend the Ecology Review Group, comprised of relevant statutory bodies, non-governmental organizations and local authorities, to cover the Proposed Scheme. The Group reviews the outputs of monitoring for habitat creation sites in respect of the Proposed Scheme and makes recommendations for remedial action where appropriate. The Ecology Review Group may, for the avoidance of doubt, be combined with such a group established for HS2 Phase One”.

This assurance was shared with the Trust on 10 July 2018.

### *Engagement with the Trust*

Ongoing engagement with the Trust is crucial to the design development of the Proposed Scheme. In terms of engagement with you it is our understanding there is a good working relationship between the Trust and the Promoter to date. Below is a summary of that engagement:

- Since Autumn 2017 the Trust has attended a route-wide monthly teleconference meeting with the Promoter to discuss key issues for each Phase of the scheme. This was initially driven by works undertaken under the Phase One Bill but was expanded to include all of the proposed works under the Phase 2a Bill, as amended by the two Additional Provisions, and the emerging proposals under the proposed Phase 2b Bill;

- The Trust is a member of the route-wide Ecology Review Group (ERG) for Phase One. In addition to the Woodland Trust, the ERG comprises the relevant statutory bodies, non-governmental organisations and local authorities. Meetings have been taking place since Spring 2017 and the ERG meets twice a year to review the outputs of monitoring for habitat creation sites in respect of the Phase One scheme and makes recommendations for remedial action where appropriate. A pre-cursor meeting is planned in November this year to discuss how future ERG meetings would run. As explained above, an assurance provided to Staffordshire County Council on 8 May 2018 confirmed that following Royal Assent of the Bill, the Promoter will extend the ERG to cover the Proposed Scheme;
- The Trust attends quarterly Ministerial roundtable meetings; and
- On 10 December 2018 the Trust met with the Promoter to discuss issues regarding ancient/veteran trees and to update them on the House of Commons Select Committee timetable.

If you have any further queries please don't hesitate to contact Anneleaze Marquis, Petition Adviser on 075 0060 8747 or [anneleaze.marquis@hs2.org.uk](mailto:anneleaze.marquis@hs2.org.uk).

Yours sincerely



**Oliver Bayne**

Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

**High Speed Two (HS2) Limited**

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Luci Ryan  
The Woodland Trust  
Kempton Way  
Grantham  
NG31 6LL

By email to: [LuciRyan@woodlandtrust.org.uk](mailto:LuciRyan@woodlandtrust.org.uk)

5 June 2018

Dear Luci

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:  
PETITION P2A-000099 – THE WOODLAND TRUST**

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that you have a number of concerns about the impact of Phase 2a of HS2 (known as 'the Proposed Scheme') and have submitted a petition on that basis against the Bill in the House of Commons.

I am writing to set out our position in relation to the issues you have raised in the petition for the Woodland Trust ('the Trust') and the measures identified to address some of the Trust's concerns.

I note the Trust's request that a number of assurances given for Phase 1 of HS2 for the protection of ancient woodlands should be replicated on Phase 2A. I am writing to you, on behalf of the Secretary of State for Transport, to offer the Trust the assurances set out in sections 1 – 6 below:

1. Surveys of ancient woodlands
2. Avoiding damage or loss of ancient woodland
3. Environmental mitigation outside of Bill land
4. Ancient woodland compensation
5. Engagement on construction works
6. Provenance of planting stock

I also include:

7. Assurances given to Staffordshire County Council

These may be of interest to the Trust given the concerns raised regarding veteran tree loss and the continuance of the Ecology Review Group formed for Phase 1.

I appreciate that there may be other issues raised in the Trust's petition which you would like to continue to discuss, however I hope these assurances are a good starting point and will enable a

productive discussion at the meeting planned for 13 June. A full response to the Trust's petition will be set out in the Promoter's Response Document which you will receive ahead of your Select Committee appearance.

In the assurances below, "the Nominated Undertaker" refers to the body or bodies appointed by the Secretary of State to carry out the powers conferred under the Bill to construct and maintain the scheme. The Nominated Undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of Phase 2A. As explained above, "the Promoter" refers to the Secretary of State for Transport and "the Proposed Scheme" refers to Phase 2A of HS2.

1. Surveys of ancient woodlands

In relation to the Trust's concerns regarding surveys of ancient woodlands prior to works, I offer the following assurance on behalf of the Secretary of State, which replicates Phase 1 U&A 1967:

"1.1 Prior to commencement of construction, the Promoter will, or will require the Nominated Undertaker, to survey the ancient woodlands identified within Bill limits and publish the results as soon as is reasonably practicable."

2. Avoiding damage or loss to ancient woodland

I note the Trust's concerns with regard to protecting ancient woodland. I therefore offer the following assurance on behalf of the Secretary of State, which replicates Phase 1 U&A 1970:

"2.1 The Promoter will require the Nominated Undertaker to have regard to the guidance in Natural England's and the Forestry Commission's Standing Advice (Ancient Woodland and veteran trees: protecting them from development) on avoiding damage to or loss of ancient woodland or ancient and veteran trees and for compensation for any unavoidable loss."

3. Environmental mitigation outside of Bill land

The Trust has intimated that it would welcome the Promoter taking further land to provide ecological compensation. The Promoter considers that the land within the Bill limits is sufficient to mitigate the environmental impacts reported in the Environmental Statement, however I am pleased to offer the following assurance on behalf of the Secretary of State, replicating Phase 1 U&A 1971, in order to facilitate consideration of appropriate alternatives:

"3.1 Provided it does not increase project costs and subject to obtaining any necessary consents and permissions, the nominated undertaker will consider any reasonable and timely opportunities that arise to undertake enhancements of existing ancient woodlands outside Bill limits as an alternative to providing compensation as authorised by the Bill and consider new opportunities, where reasonably practicable, to maximise biodiversity gain."

4. Ancient woodland compensation

The Trust has highlighted that the lag time between works impacting on habitat and the creation of ecological mitigation should be as short as possible. I appreciate this concern and are willing to offer the following assurance on behalf of the Secretary of State, slightly amended from Phase 1 U&A 1974 to reference the relevant Phase 2A Information Paper and ecology site management plans:

"4.1 The Promoter will ensure that a management regime is in place to ensure, as far as reasonably practicable, that the ecological objectives of ancient woodland compensation set out in the ecology site management plan are achieved within an appropriate timescale. The appropriate period of monitoring and management of new habitats is set out in HS2 Phase 2a Information Paper E2: Ecology ('Phase 2a IP E2')."

#### 5. Engagement on construction works

I note the Trust's request in paragraphs 2.39 and 2.77 of the petition for the continuance of Phase 1 U&As 1969 and 2553 regarding engagement with the Trust on works adjacent to ancient woodland. I offer the below assurance on behalf of the Secretary of State, which has combined U&As 1969 and 2553 (with a slight amendment shown in red):

"5.1. The Secretary of State will require the Nominated Undertaker to:

5.1.1. Consult with the Woodland Trust in respect of any construction activities undertaken within, or within 100m of, an area of Ancient Woodland which have been assessed as likely to have an adverse effect on the woodland, as reported in the Environmental Statement deposited with the Bill.

5.1.2. Where any works authorised by the Bill are to be undertaken adjacent to or within 100 metres of an area of ancient woodland, the Promoter will require the nominated undertaker, within a reasonable time, prior to commencement of **those construction activities to which this paragraph applies**, to engage with the Petitioner in respect of such works and to have regard to any reasonable representations made by the Petitioner regarding any proposed mitigation (such measures to be on land within Bill limits)."

#### 6. Provenance of planting stock

I appreciate the concerns raised by the Trust in paragraphs 2.55-2.57 of the petition, regarding the provenance of planting stock to be used for the Proposed Scheme. I offer the below assurance on this matter on behalf of the Secretary of State, which combines Phase 1 U&As 1972 and 2554:

"6.1. 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;

(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) put in place a system of plant passports for all seed and plant material to reduce risks to biosecurity."

#### 7. Assurances given to Staffordshire County Council

As well as the assurances offered to the Trust above, you may be interested in the following assurances provided to Staffordshire County Council on 8 May 2018.

In relation to the loss of veteran trees the Promoter has provided the following assurances:

*"Impact on veteran trees*

13. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Trees to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a Veteran Tree.

In this assurance: "Veteran Trees" means those trees within the administrative boundary of Staffordshire County Council and identified in:

- paragraph 8.3.27 of the Community area report for CA1, Fradley to Colton, in Volume 2 of the Environmental Statement;
- paragraphs 8.3.27 and 8.3.28 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement;
- paragraph 8.3.28 of the Community area report for CA3, Stone and Swynnerton, in Volume 2 of the Environmental Statement;
- paragraph 8.3.29 of the Community area report for CA4, Whitmore Heath to Madeley, in Volume 2 of the Environmental Statement; and
- paragraph 8.3.20 and 8.3.21 of the Community area report for CA5, South Cheshire, in Volume 2 of the Environmental Statement."

*"Retaining Noddy's Oak"*

32. The Promoter will require the nominated undertaker to retain the veteran oak tree colloquially known as "Noddy's Oak" on Newlands Lane, Stockwell Heath during construction of the works related to the Proposed Scheme in the area. With regards to Natural England and Forestry Commission standing advice on ancient woodland and veteran trees, and taking account of paragraph 12.2 of the draft Code of Construction Practice particularly in relation to root protection zones, the nominated undertaker will further use reasonable endeavours to ensure that the tree's roots are not damaged during the works to utilities in that area."

With respect to the Trust's request at paragraph 2.69 of the petition to replicate the Ecology Review Group formed for Phase 1, the Promoter has provided the following assurance to Staffordshire County Council:

"20. Following Royal Assent of the Bill, the Promoter will extend the Ecology Review Group, comprised of relevant statutory bodies, non-governmental organisations and local authorities, to cover the Proposed Scheme. The Group reviews the outputs of monitoring for habitat creation sites in respect of the Proposed Scheme and makes recommendations for remedial action where appropriate. The Ecology Review Group may, for the avoidance of doubt, be combined with such a group established for HS2 Phase One."

If accepted, the assurances set out in sections 1 – 6 above will be included in the Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published regularly during the passage of the Bill and it will be finalised after Royal Assent. A Nominated Undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances<sup>1</sup>.

I hope that the information set out above gives you the comfort required on these issues.

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<sup>1</sup> A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>

If you have any queries please don't hesitate to contact Amber Corfield-Moore, Petition Manager, on 020 7944 8683 and [amber.corfield-moore@HS2.org.uk](mailto:amber.corfield-moore@HS2.org.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'O Bayne', with a stylized flourish at the end.

**Oliver Bayne**

Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

Luci Ryan  
Woodland Trust  
Kempton Way  
Grantham  
Lincolnshire  
NG31 6LL

10 July 2018

Dear Luci

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:  
PETITION P2A-000009 – THE WOODLAND TRUST**

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that you have a number of concerns about the impact of Phase 2A of HS2 (known as 'the Proposed Scheme') and have submitted a petition on that basis against the Bill in the House of Commons.

I previously wrote to you on 5 June to offer the Trust several assurances (detailed below) which were provided on Phase One. This letter contains further assurances offered following discussion of the Trust's petition issues since June 2018.

For ease of reference this letter includes the previous assurances outlined in my letter of 5 June:

1. Surveys of ancient woodlands
2. Avoiding damage or loss of ancient woodland
3. Environmental mitigation outside of Bill land
4. Ancient woodland compensation
5. Engagement on construction works
6. Provenance of planting stock
7. Assurances given to Staffordshire County Council

The additional assurances are set out in the following sections:

8. Engagement on Ecology Site Management Plans
9. Further assurances on veteran trees & ancient woodland
10. Informing Woodland Trust of any further planning applications in relation to Phase 2a works
11. Reporting of woodland mitigation

## 1. Surveys of ancient woodlands

In relation to the Trust's concerns regarding surveys of ancient woodlands prior to works we offer the following assurance on behalf of the Secretary of State, which replicates Phase One U&A 1967:

*1.1 Prior to commencement of construction, the Promoter will, or will require the Nominated Undertaker, to survey the ancient woodlands identified within Bill limits and publish the results as soon as is reasonably practicable.*

## 2. Avoiding damage or loss to ancient woodland

We note the Trust's concerns with regard to protecting ancient woodland. We therefore offer the following assurance, which replicates Phase One U&A 1970:

*2.1 The Promoter will require the Nominated Undertaker to have regard to the guidance in Natural England's and the Forestry Commission's Standing Advice (Ancient Woodland and veteran trees: protecting them from development) on avoiding damage to or loss of ancient woodland or ancient and veteran trees and for compensation for any unavoidable loss.*

## 3. Environmental mitigation outside of Bill land

The Trust has intimated that it would welcome the Promoter taking further land to provide ecological compensation. We consider that the land within the Bill limits is sufficient to mitigate the environmental impacts reported in the Environmental Statement, however are pleased to offer the following assurance – replicating Phase One U&A 1971 – in order to facilitate consideration of appropriate alternatives:

*3.1 Provided it does not increase project costs and subject to obtaining any necessary consents and permissions, the nominated undertaker will consider any reasonable and timely opportunities that arise to undertake enhancements of existing ancient woodlands outside Bill limits as an alternative to providing compensation as authorised by the Bill and consider new opportunities, where reasonably practicable, to maximise biodiversity gain.*

## 4. Ancient woodland compensation

The Trust has highlighted that the lag time between works impacting on habitat and the creation of ecological mitigation should be as short as possible. We appreciate this concern and are willing to offer the following assurance, slightly amended from Phase One U&A 1974 to reference the relevant Phase 2a information paper and ecology site management plans:

*4.1 The Promoter will ensure that a management regime is in place to ensure, as far as reasonably practicable, that the ecological objectives of ancient woodland compensation set out in the ecology site management plan are achieved within an appropriate timescale. The appropriate period of monitoring and management of new habitats is set out in HS2 Phase 2a Information Paper E2: Ecology ('Phase 2a IP E2').*

## 5. Engagement on construction works

We note the Trust's request in petition paragraphs 2.39 and 2.77 for the continuance of Phase One U&As 1969 and 2553 regarding engagement with the Trust on works adjacent to ancient woodland. We

offer the below assurance, which has combined U&As 1969 and 2553 (with a slight amendment shown in red):

*5.1. The Secretary of State will require the Nominated Undertaker to:*

*5.1.1. Consult with the Woodland Trust in respect of any construction activities undertaken within, or within 100m of, an area of Ancient Woodland which have been assessed as likely to have an adverse effect on the woodland, as reported in the Environmental Statement deposited with the Bill.*

*5.1.2. Where any works authorised by the Bill are to be undertaken adjacent to or within 100 metres of an area of ancient woodland, the Promoter will require the nominated undertaker, within a reasonable time, prior to commencement of **those construction activities to which this paragraph applies**, to engage with the Petitioner in respect of such works and to have regard to any reasonable representations made by the Petitioner regarding any proposed mitigation (such measures to be on land within Bill limits).*

## **6. Provenance of planting stock**

We appreciate the concerns raised by the Trust in paragraphs 2.55-2.57 of the petition, regarding the provenance of planting stock to be used for the Proposed Scheme. We offer the below assurance on this matter, which combines Phase One U&As 1972 and 2554:

*6.1. 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;*
- (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) put in place a system of plant passports for all seed and plant material to reduce risks to biosecurity.*

Following further discussions on this matter I am aware that the Trust does not agree that the 0° - 5° latitude planting requirement is necessary to ensure resilience to climate change and has argued all planting stock should be sourced from the UK. It has been explained that this requirement has been developed through discussions with the forestry commission and Natural England and is in line with their advice which can be found on the links below:

<https://www.forestry.gov.uk/forestry/bee-h-9u3jzs>

<http://publications.naturalengland.org.uk/publication/5629923804839936>

## 7. Assurances given to Staffordshire County Council

As well as the assurances offered to the Trust above, you may be interested in the following assurances provided to Staffordshire County Council on 8 May 2018.

In relation to the loss of veteran trees the Promoter has provided the following assurances:

### Impact on veteran trees

*13. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Trees to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a Veteran Tree.*

In this assurance: "Veteran Trees" means those trees within the administrative boundary of Staffordshire County Council and identified in:

- paragraph 8.3.27 of the Community area report for CA1, Fradley to Colton, in Volume 2 of the Environmental Statement;
- paragraphs 8.3.27 and 8.3.28 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement;
- paragraph 8.3.28 of the Community area report for CA3, Stone and Swynnerton, in Volume 2 of the Environmental Statement;
- paragraph 8.3.29 of the Community area report for CA4, Whitmore Heath to Madeley, in Volume 2 of the Environmental Statement; and
- paragraph 8.3.20 and 8.3.21 of the Community area report for CA5, South Cheshire, in Volume 2 of the Environmental Statement.

### Retaining Noddy's Oak

*32. The Promoter will require the nominated undertaker to retain the veteran oak tree colloquially known as "Noddy's Oak" on Newlands Lane, Stockwell Heath during construction of the works related to the Proposed Scheme in the area. With regards to Natural England and Forestry Commission standing advice on ancient woodland and veteran trees, and taking account of paragraph 12.2 of the draft Code of Construction Practice particularly in relation to root protection zones, the nominated undertaker will further use reasonable endeavours to ensure that the tree's roots are not damaged during the works to utilities in that area.*

With respect to the Trust's request at paragraph 2.69 of the petition to replicate the Ecology Review Group formed for Phase One, the Promoter has provided the following assurance to Staffordshire County Council:

*20. Following Royal Assent of the Bill, the Promoter will extend the Ecology Review Group, comprised of relevant statutory bodies, non-governmental organisations and local authorities, to cover the Proposed Scheme. The Group reviews the outputs of monitoring for habitat creation sites in respect of the Proposed Scheme and makes recommendations for remedial action where appropriate. The Ecology Review Group may, for the avoidance of doubt, be combined with such a group established for HS2 Phase One.*

## 8. Engagement on Ecology Site Management Plans

The Trust also asked how the information currently included in the Ancient Woodland Strategy will be captured and logged during detailed design. As discussed with the Trust, it is the Promoter's intention that an Ecology Site Management Plan (ESMP) will be produced for each woodland compensation site as outlined in Phase 2a Information Paper E2: Ecology. Rather than further updates to the Ancient Woodland Strategy the Promoter expects that further iterations of the design for ancient woodland mitigation will be captured in the ESMPs.

The Trust has spoken positively of the engagement from the project so far on Phase One and you have suggested that the Trust would take comfort in a commitment for proportionate engagement on our plans for ancient woodland compensation, in particular the methodology being applied if ancient woodland soils are being translocated. On behalf of the Promoter I can offer the following assurance:

*8.1 The Promoter will require the nominated undertaker to ensure that Ecology Site Management Plans, as described in High Speed Two Phase 2a Information Paper E2: Ecology, are prepared at the detailed design stage in respect of any ancient woodland compensation areas, including translocation of ancient woodland soils, and that the Nominated Undertaker (or its contractors) will engage with the Woodland Trust in their preparation and have regard to any reasonable recommendations made by the Woodland Trust. The Promoter will require the nominated undertaker to ensure that such Ecological Site Management Plans include, where relevant, bespoke methodologies for translocation of ancient woodland soils in accordance with the requirements for translocation of such soils described in the High Speed Two Phase 2a Ancient Woodland Strategy.*

## 9. Further assurances on Veteran Trees & ancient woodland

The Trust has raised concerns against the assumed loss of several veteran trees and areas of ancient woodland for works which, although necessary to construct the Proposed Scheme, are temporary in nature and not a permanent part of the railway. As set out in the Veteran Tree report shared with the Trust on 15 May 2018, a precautionary approach to assessment has been adopted and all trees within the land required for construction of the Proposed Scheme are assumed to be lost (except when the tree is located within an area that is required for mitigation planting only). As set out in paragraph 9.1.5 of the draft Code of Construction Practice contractors will, where it is reasonably practicable, reduce any habitat loss within the land required for the Proposed Scheme by keeping the working area to the minimum required for construction of the Proposed Scheme.

The Promoter recognises the Trust's concern over impacts arising from temporary works and, building on the assurances already given to Staffordshire County Council (see section 7), is prepared to offer the following assurances on this matter:

*9.1 The Promoter will require the Nominated Undertaker, in exercising the powers of the Bill, to carry out works of a temporary nature which the Environmental Statement reports might result in the loss of any Veteran Trees or Ancient Woodland to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a Veteran Tree or affect the Ancient Woodland.*

*In this assurance:*

*'Veteran Tree' means those trees identified within the Veteran Tree Report shared with the Woodland Trust on 15 May 2018, or any thereof before Royal Assent.*

*'Ancient Woodland' means habitat identified as ancient woodland in the Environmental Statement and any Supplementary Environmental Statements prior to Royal Assent.*

*9.2. The Promoter will require the nominated undertaker in carrying out the authorised works to ensure that, of those trees identified as Veteran Trees in the Veteran Tree report shared with the Trust on 15 May 2018, no more than the nine Veteran Trees identified therein as likely to be lost, will be damaged or destroyed as a result of temporary construction works, save in unforeseen circumstances. And further scrutiny will be given to preserving these nine trees in line with assurance 9.1 above and the draft Code of Construction Practice.*

*9.3 The Promoter will require the nominated undertaker to update the Veteran Tree Report after deposit of the Supplementary Environmental Statement.*

The Trust have also raised concerns about our ability to protect retained trees within the construction boundary or adjacent to construction. The Trust have been directed to section 12.2 of the draft Code of Construction Practice which sets requirements on contractors to retain and protect trees in the vicinity of construction, according to the relevant British standards.

#### 10. Informing Woodland Trust of any further planning applications in relation to Phase 2a works

The Trust has indicated it would welcome a commitment for the nominated undertaker to inform the Trust should the project need to undertake any further works outside the powers of the Phase 2a Bill or Act). The Trust has recognised that should the project seek planning consent for works outside the limits of the Phase 2a Bill this will be subject to a further application process to which the Trust may be able to respond as it would any other comparable planning application. In order to build on the strong engagement with the Trust the Promoter is willing to offer the following assurance:

*10.1 The Promoter will require the nominated undertaker to inform the Woodland Trust in advance of submitting any planning application under the Town and Country Planning Act 1990 for works outside the Act limits as defined in clause 60(2) of the hybrid Bill which, in the reasonable opinion of the nominated undertaker may affect ancient woodland or veteran trees.*

#### 11. Reporting Ancient Woodland Compensation

The Trust has queried the Promoter's reporting of ancient woodland mitigation in the Ancient Woodland Strategy published 20 February 2018 and has asked for clarity regarding the intended compensation for ancient woodland and mitigation for other woodland loss.

The Promoter recognises the Trust's concern for greater clarity in the provision of compensation for ancient woodland. I can confirm in this letter that the Promoter intends to review the contribution of the 77.1ha of woodland planting for ancient woodland compensation and non-ancient woodland. The AWS would be revised accordingly at the end of this process and would include a clear presentation of ancient woodland compensation areas, separate from other non-ancient woodland compensation.

In the assurances set out above, "the nominated undertaker" refers to the body or bodies appointed by the Secretary of State to carry out the powers conferred under the Bill to construct and maintain the scheme. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of Phase 2A.

If accepted, the assurance set out above will be included in the Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published

regularly during the passage of the Bill and it will be finalised after Royal Assent. A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances<sup>1</sup>.

I hope that the information set out above in relation to the issues raised in your petition to the House of Commons gives you the comfort required in order to withdraw your petition.

Petitions may be withdrawn by sending an email or letter to the Private Bill Office of the House of Commons informing the Clerk to the Select Committee that you wish to withdraw your petition<sup>2</sup>.

If you have any queries please don't hesitate to contact Amber Corfield-Moore, Petition Manager, on 020 7944 8683 and [amber.corfield-moore@HS2.org.uk](mailto:amber.corfield-moore@HS2.org.uk).

Yours sincerely



**Oliver Bayne**

Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

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<sup>1</sup> A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>

<sup>2</sup> Contact details can be found on the Select Committee website at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/high-speed-rail-west-midlands-crewe-bill-select-committee-commons/contact-us-17-19/>

**High Speed Two (HS2) Limited**

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Luci Ryan  
Woodland Trust,  
Kempton Way,  
Grantham,  
Lincolnshire,  
NG31 6LL

By email to: [LuciRyan@woodlandtrust.org.uk](mailto:LuciRyan@woodlandtrust.org.uk)

22 February 2019

Dear Ms Ryan,

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:  
PETITION P2A-000009 – The Woodland Trust**

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that the Woodland Trust has a number of concerns about the impact of Phase 2A of HS2 (known as 'the Proposed Scheme') and submitted a petition on that basis against the Bill in the House of Commons.

I wrote to you previously on 10 July 2018 to offer you assurances on Veteran Trees, which for reference are reproduced below:

**Impact on Veteran Trees**

"13. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Trees to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a Veteran Tree.

In this assurance:

"Veteran Trees" means those trees within the administrative boundary of Staffordshire County Council and identified in:

- paragraph 8.3.27 of the Community area report for CA1, Fradley to Colton, in Volume 2 of the Environmental Statement;
- paragraphs 8.3.27 and 8.3.28 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement;
- paragraph 8.3.28 of the Community area report for CA3, Stone and Swynnerton, in Volume 2 of the Environmental Statement;
- paragraph 8.3.29 of the Community area report for CA4, Whitmore Heath to Madeley, in Volume 2 of the Environmental Statement; and
- paragraph 8.3.20 and 8.3.21 of the Community area report for CA5, South Cheshire, in Volume 2 of the Environmental Statement."

## **Retaining Noddy's Oak**

"32. The Promoter will require the nominated undertaker to retain the veteran oak tree colloquially known as "Noddy's Oak" on Newlands Lane, Stockwell Heath during construction of the works related to the Proposed Scheme in the area. With regards to Natural England and Forestry Commission standing advice on ancient woodland and veteran trees, and taking account of paragraph 12.2 of the draft Code of Construction Practice particularly in relation to root protection zones, the nominated undertaker will further use reasonable endeavours to ensure that the tree's roots are not damaged during the works to utilities in that area".

During the Woodland Trust's appearance at Select Committee the Promoter said it would look to provide assurances where additional Veteran Trees could be retained or where options could be explored to potentially retain them during detailed design. Since the deposit of Additional Provision 2 (AP2) the Promoter has published a further report on the Veteran Trees that were assumed to be lost as a result of the Proposed Scheme. A copy of The Ancient and Veteran Trees (EI-626) report which details our findings was sent to you on 18 February 2019.

I am writing to notify you that as a result of the further work we have offered enhanced assurances to Staffordshire County Council on the following Veteran Trees:

- "1. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Beech tree referred to as CA2-08 in the Ancient and Veteran Trees (EI-626) Report.
2. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Ash tree referred to as CA4-07 in the Ancient and Veteran Trees (EI-626) Report."

In addition we have offered assurances to Staffordshire County Council on the following individual Veteran Trees:

- "1. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Tree to explore and, where reasonably practicable, implement options to avoid removal of the Black Poplar tree referred to as CA-02 in the Ancient and Veteran Trees (EI-626) Report.
2. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Tree to explore and, where reasonably practicable, implement options to avoid removal of the Horse-Chestnut tree referred to as CA2-03 in the Ancient and Veteran Trees (EI-626) Report.
3. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Ash tree referred to as CA3-01 in the Ancient and Veteran Trees (EI-626) Report.
4. Subject to the Promoter no longer needing to undertake works to the west of the A53 Newcastle Road in the vicinity of Whitmore heath (south) Tunnelling Facility, the Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate Oak trees referred to as CA4-02, CA4-03, CA4-04 and CA4-05 in the Ancient and Veteran Trees (EI-626) Report.

5. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate Oak tree referred to as CA4-08 in the Ancient and Veteran Trees (EI-626) Report.
6. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate oak tree referred to as CA4-09 in the Ancient and Veteran Trees (EI-626) Report."

Please note that the part of the assurance offered to Staffordshire County Council on 8 May 2018 which refers to CA5 ("paragraph 8.3.20 and 8.3.21 of the Community area report for CA5, South Cheshire, in Volume 2 of the Environmental Statement.") will now be offered to Cheshire East as these Veteran Trees fall within their administrative boundary.

A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances<sup>1</sup>. The assurance process is set out below.

If you have any queries please don't hesitate to contact Martin Wells, Senior Petition Manager on [Martin.Wells@HS2.org.uk](mailto:Martin.Wells@HS2.org.uk).

Yours sincerely



**Oliver Bayne**

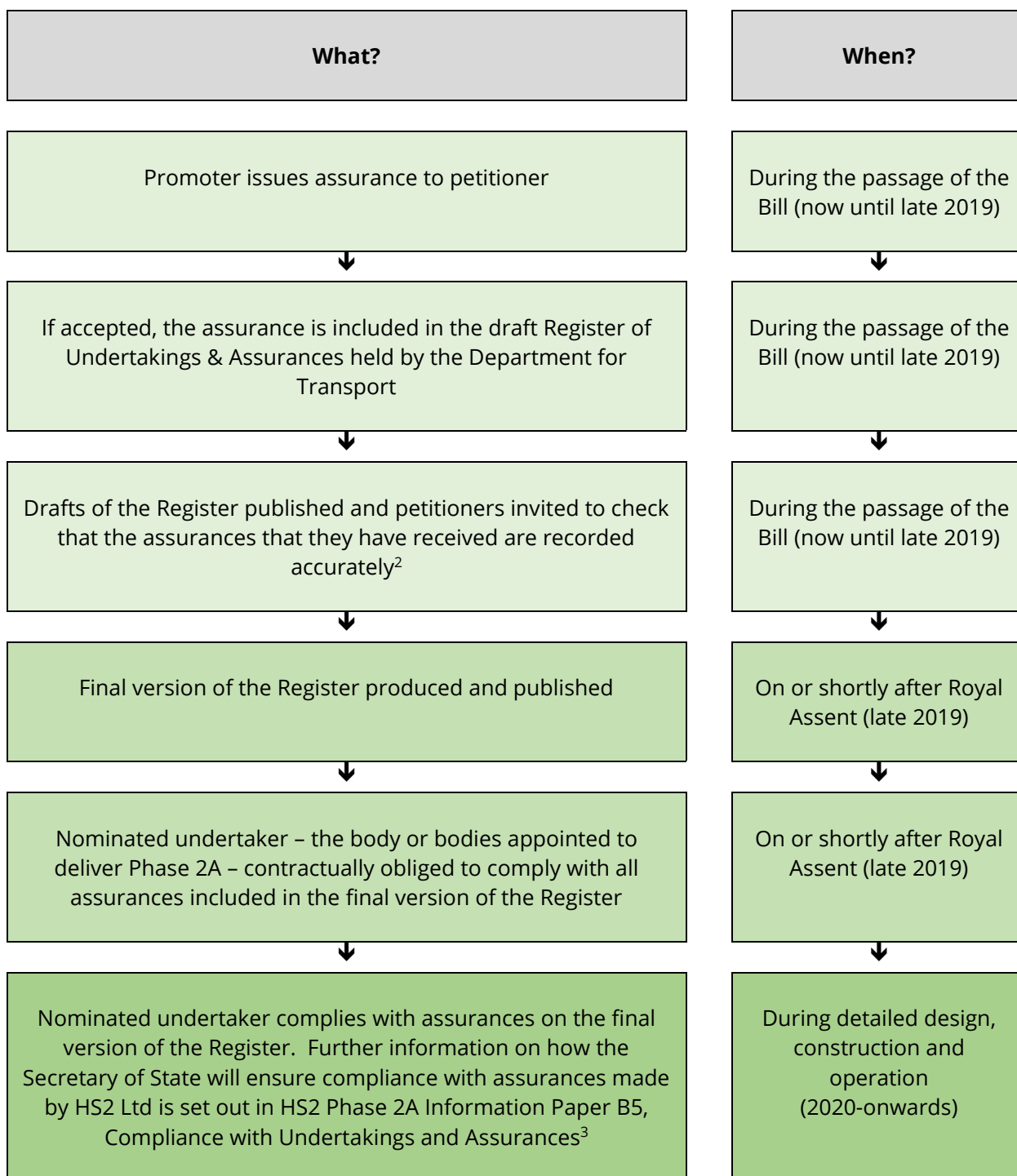
Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

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<sup>1</sup> A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>

## HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

### ASSURANCES: STEPS AND TIMING



<sup>2</sup> The latest draft of the Register can be found at <https://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances>

<sup>3</sup> A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>

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Luci Ryan  
Woodland Trust  
Kempton Way  
Grantham  
Lincolnshire  
NG31 6LL

9 May 2019

Dear Ms Ryan

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – ADDITIONAL PROVISION 2 - HOUSE OF COMMONS SELECT COMMITTEE: PETITION HS2-AP2-063 – THE WOODLAND TRUST**

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that the Woodland Trust have a number of concerns about the impact of the proposals in Additional Provision 2 (AP2) to the Bill in the House of Commons and have submitted a petition on that basis.

On 24 April 2019, following a discussion with Anneleaze Marquis, it was agreed that we would write to set out our current position regarding the proposed AP2 amendments and the impact on ancient woodland and to provide you with copies of the previous assurances on veteran trees that were sent on 10 July 2018 and 22 February 2019

Parkgate grid supply point connection

Following the deposit of AP2 a total of 11 ancient woodlands would be affected as a consequence of the proposed Phase 2A scheme. Lower Birches Plantation/Titler's Plantation is a newly effected woodland which provides for a temporary diversion of an existing overhead power line which already passes through a 50m wide managed corridor in the woodland.

The works would involve height/crown reductions to comply with the minimum clearance below the temporary power line which would affect 0.2ha of Lower Birches Plantation/Titler's Plantation. The wholesale clearance of vegetation and removal of ancient woodland soils would be avoided. With that in mind I am writing to you, on behalf of the Secretary of State for Transport, to offer you the following assurance:

"The Secretary of State will require the nominated undertaker to, when constructing the temporary overhead line diversion required at Lower Birches Plantation/Titlers Plantation to facilitate the Parkgate Grid Supply Point Connection to:

- a) reduce, as far as practicable, the amount of Ancient Woodland canopy that is required to be cleared as a result of the Proposed Scheme.
- b) crown reduce/coppice no more Ancient Woodland than is reasonably necessary to safely construct and operate the overhead lines (including any statutory minimum clearance between the overhead lines and the tree canopy)."

In addition, to mitigate for the 02.1ha of potential ancient woodland that is impacted by the proposed scheme approximately 0.9ha of native broadleaved woodland is proposed to be provided across three locations:

- directly adjacent to Lower Birches Plantation/Titler's Plantation and Birch and Roosthill Woods;
- adjacent to an existing woodland south of Newborough End Farm; and
- adjacent to existing woodland to the east of Chantry Farm.

#### Westfield Covert

At Westfield Covert, approximately 3ha of woodland habitat creation to the north of Bourne embankment was proposed. This was to expand the woodland and to improve connections of the ancient woodland to other semi-natural habitats surrounding Kings Bromley Gravel Pits.

Access to create and maintain the area of proposed woodland habitat creation is likely to be provided as part of an existing access from Rugeley Road.

#### Tittensor Chase Local Wildlife Site

It is assumed that the works associated with the provision of a power supply to Whitmore Heath tunnel would pass adjacent to the boundary of Tittensor Chase Local Wildlife Site. These works would include the installation of two sets of cables laid underground within a single trench and would be entirely contained within the highway boundary of Chase Lane.

The nature and scale of works associated with this amendment are minor, with little risk to exceed the existing baseline conditions from the highway which is already subject to the indirect effects of road traffic. It has therefore been assessed that there would be no significant effects to Tittensor Chase as a result of these works.

#### Unnamed woodland to the West of Holly Wood

Works in proximity to the unnamed woodland to the west of Holly Wood relate to the provision of a power supply to Whitmore Heath tunnel. These work would be entirely contained within the highway boundary and would include the installation of two sets of cables laid underground within a single trench.

#### Vicar's Coppice and Tomhay Wood

The AP2 amendment for additional land required for modifications to A515 Lichfield Road, Wood End Lane junction and widening of Wood End Lane would alternate, where reasonably practicable, between the north and south side of Wood End Lane to avoid the loss of valuable ecological features. These ecological features include:

- Tomhay Wood local Wildlife Site (LWS) and Ancient Woodland Inventory Site (AWIS);
- Vicar's Coppice BAS and AWIS;

- Woodend Lane (hedge 1) BAS;
- the single pond within the area subject to the amendment and;
- other woodland habitat.

As a result of this approach, approximately 1.1km of the hedgerow within the area subject to this amendment along Wood End Lane would be retained.

Overall, there is a reduction in losses of ancient woodland resulting from the AP2 revised scheme.

Further to ongoing discussions you have had with Anneleaze regarding the above woodlands, I am writing to you, on behalf of the Secretary of State for Transport, to offer you the following assurance:

"In this assurance

|                                            |                                                                                                                                                                                                                                         |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Additional Provision 2                     | means the High Speed (West Midlands-Crewe) Bill Additional Provision as deposited in the House of Commons on 8 February 2019                                                                                                            |
| Phase One ES                               | means the environmental statement prepared in relation to the High Speed Rail (London- West Midlands) Act 2017                                                                                                                          |
| Promoter                                   | means the Secretary of State (or any successor Secretary of State or Minister holding the transport portfolio) and includes so far as relevant any nominated undertakers exercising any powers or functions under the Bill once enacted |
| Tittensor Chase Local Wildlife Site        | means the site which is on the Ancient Woodland Inventory as at the date of this assurance and is shown indicatively edged red on the attached plan                                                                                     |
| Tomhay Wood                                | means the site which is on the Ancient Woodland Inventory as at the date of this assurance and is shown indicatively edged red on the attached plan                                                                                     |
| Unnamed Woodland to the West of Holly Wood | means the site which is on the Ancient Woodland Inventory as at the date of this assurance and is shown indicatively edged red on the attached plan                                                                                     |
| Vicar's Coppice                            | means the site which is on the Ancient Woodland Inventory as at the date of this assurance and is shown indicatively edged red on the attached plan                                                                                     |
| Westfield Covert Ancient Woodland          | means the site which is on the Ancient Woodland Inventory as at the date of this assurance and is shown indicatively edged red on the attached plan                                                                                     |
| Woodland and Wetland Habitat Creation      | means the site which is shown indicatively edged green on the attached plan                                                                                                                                                             |

1. Westfield Covert

The Promoter will not seek to gain access through the Westfield Covert Ancient Woodland for the purposes of constructing and maintaining the Additional Provision 2 Woodland and Wetland Habitat Creation and will use reasonable endeavours to avoid any damage to that woodland during the construction of those works.

2. Tittensor Chase Local Wildlife Site

The Promoter will ensure that Additional Provision 2 construction works do not take place within Tittensor Chase Local Wildlife Site.

3. Unnamed woodland to the West of Holly Wood

The Promoter will ensure that Additional Provision 2 construction works do not take place within Unnamed Woodland to the West of Holly Wood.

4. Vicar's Coppice and Tomhay Wood

The Promoter will require that there is no additional loss of Ancient Woodland at Vicar's Coppice and Tomhay Wood as a result of the works authorised by Additional Provision 2 above that which is reported in the Phase One ES."

If accepted, these assurances will be included in the Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published regularly during the passage of the Bill and it will be finalised after Royal Assent. A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. The assurance process is set out in Annex A.

If you have any further queries please don't hesitate to contact Anneleaze Marquis, Petition Adviser on 075 0060 8747 or [Anneleaze.Marquis@hs2.org.uk](mailto:Anneleaze.Marquis@hs2.org.uk).

Yours sincerely

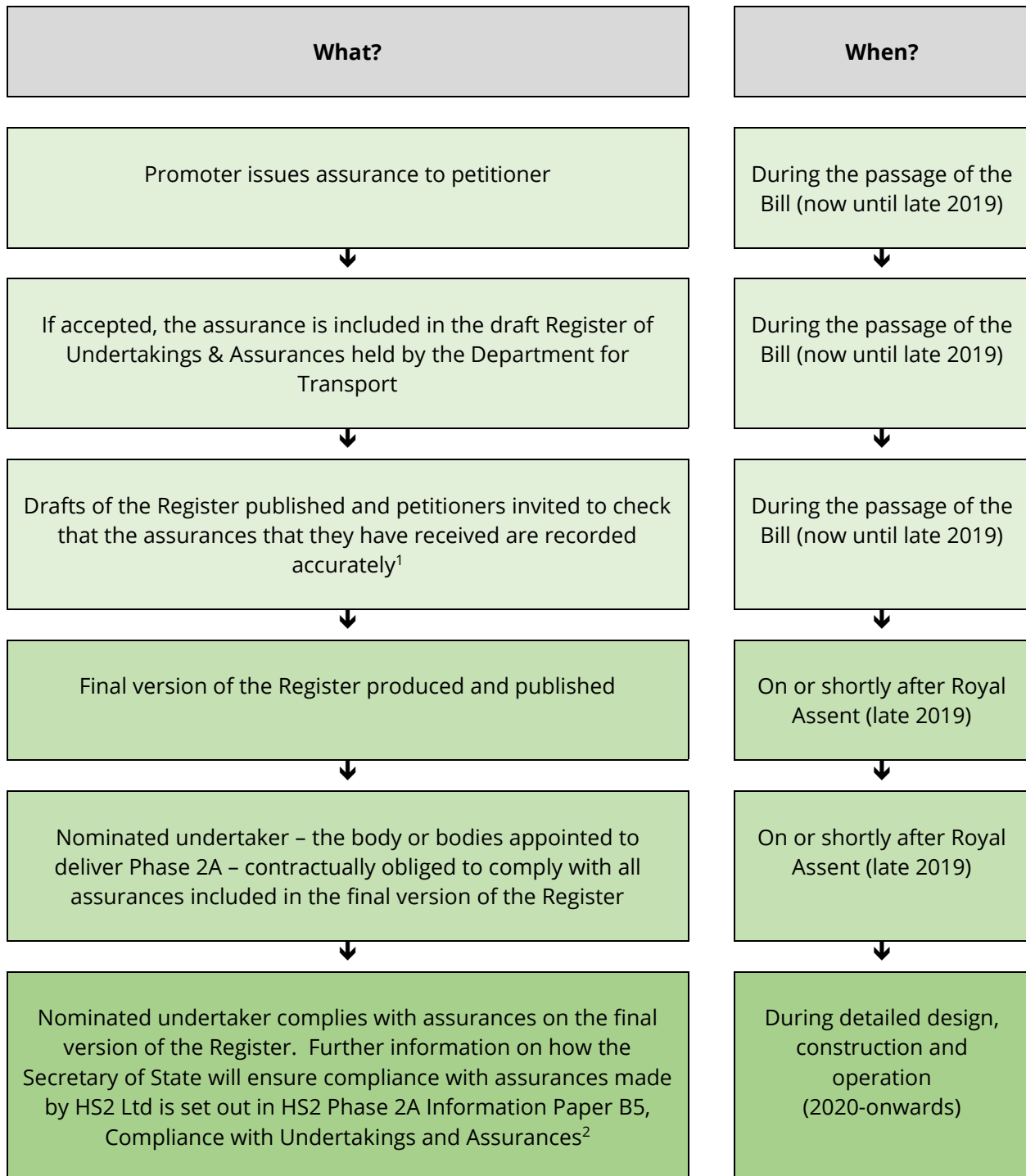


**Oliver Bayne**

Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

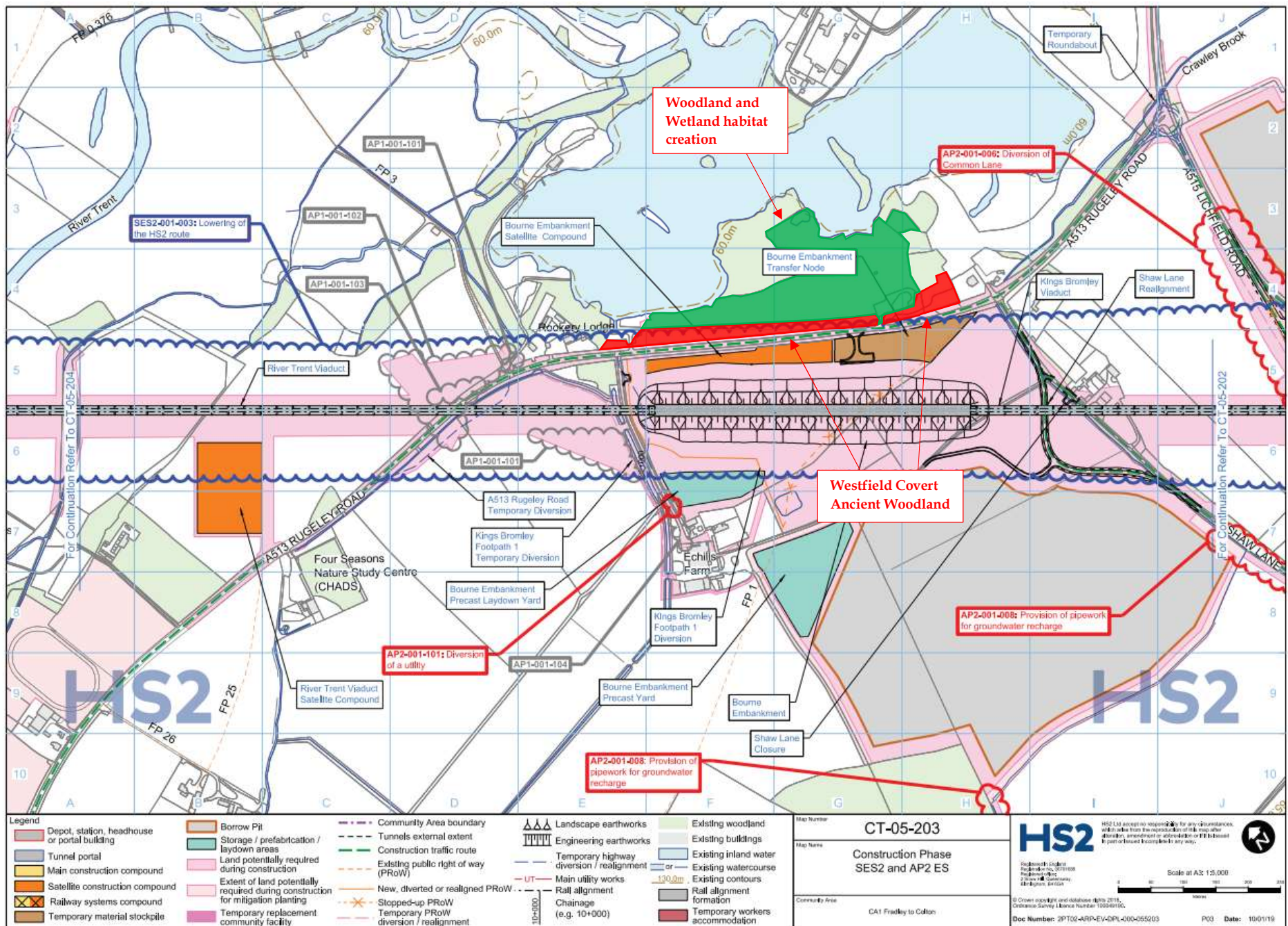
## Annex A

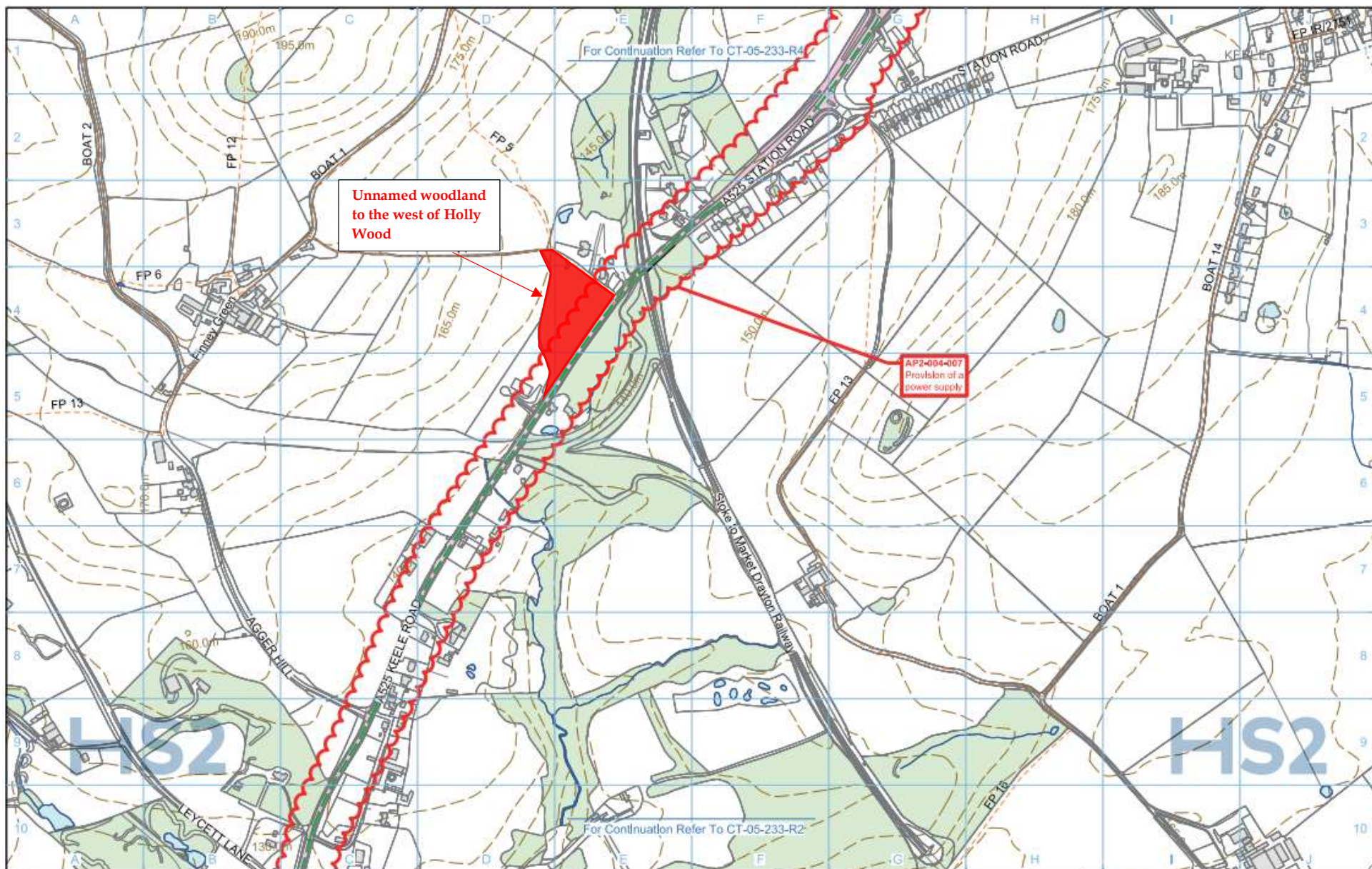
### ASSURANCES: STEPS AND TIMING



<sup>1</sup> The latest draft of the Register can be found at <https://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances>

<sup>2</sup> A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>





|                                              |                                                                                 |                                        |                                           |                                 |
|----------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|---------------------------------|
| <b>Legend</b>                                |                                                                                 |                                        |                                           |                                 |
| Depot, station, headhouse or portal building | Borrow Pit                                                                      | Community Area boundary                | Landscape earthworks                      | Existing woodland               |
| Tunnel portal                                | Storage / prefabrication / laydown areas                                        | Tunnels external extent                | Engineering earthworks                    | Existing buildings              |
| Main construction compound                   | Land potentially required during construction                                   | Construction traffic route             | Temporary highway diversion / realignment | Existing inland water           |
| Satellite construction compound              | Extent of land potentially required during construction for mitigation planting | Existing public right of way (PRoW)    | or                                        | Existing watercourse            |
| Railway systems compound                     | Temporary replacement community facility                                        | New, diverted or realigned PRoW        | UT                                        | Existing contours               |
| Temporary material stockpile                 |                                                                                 | Stopped-up PRoW                        | Main utility works                        | Rail alignment formation        |
|                                              |                                                                                 | Temporary PRoW diversion / realignment | Challage (e.g. 10+000)                    | Temporary workers accommodation |

|                |                                    |
|----------------|------------------------------------|
| Map Number     | CT-05-233-R3                       |
| Map Name       | Construction Phase SES2 and AP2 ES |
| Community Area | CMA Wiltshire Heath to M40         |

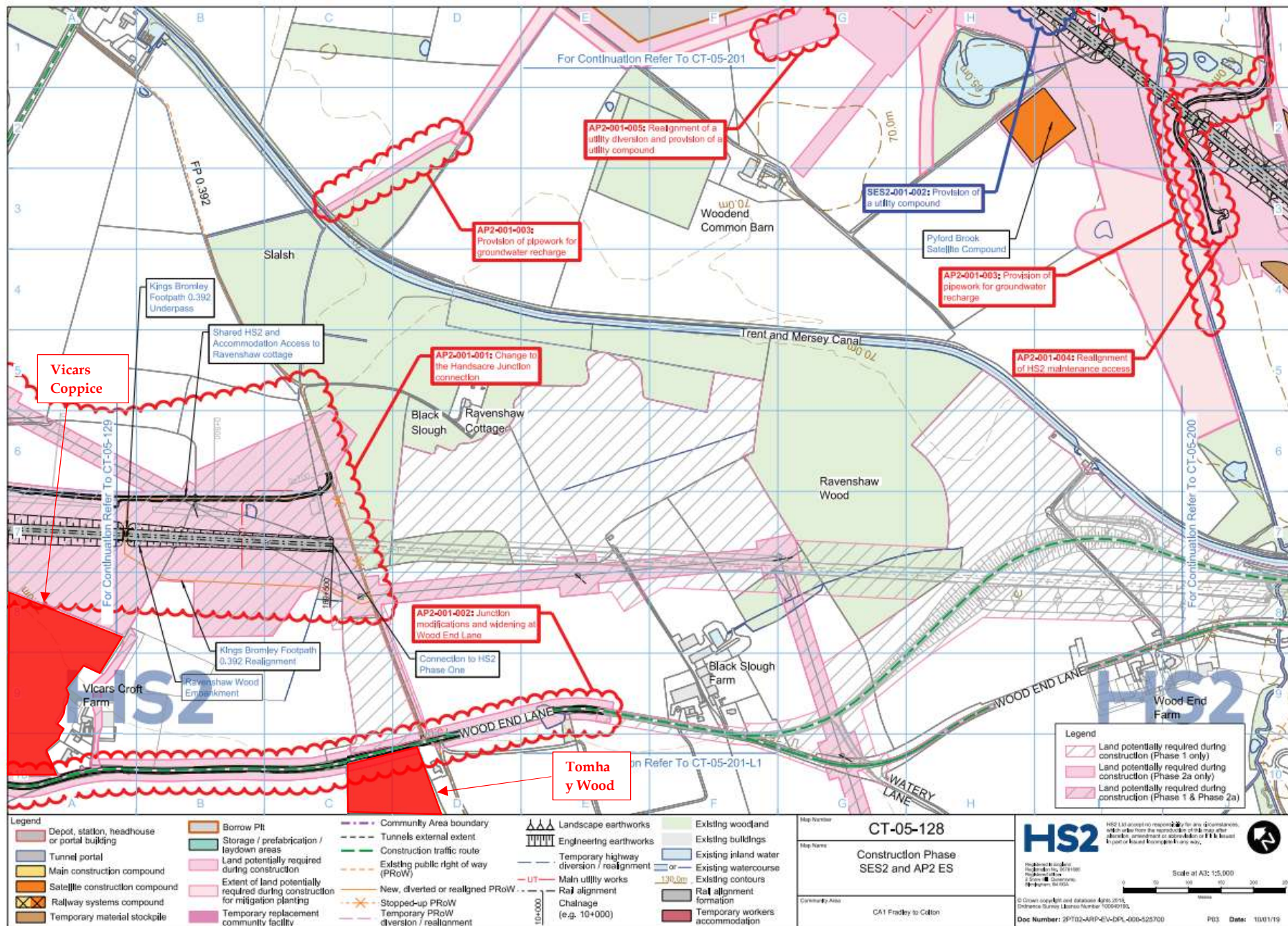
**HS2**

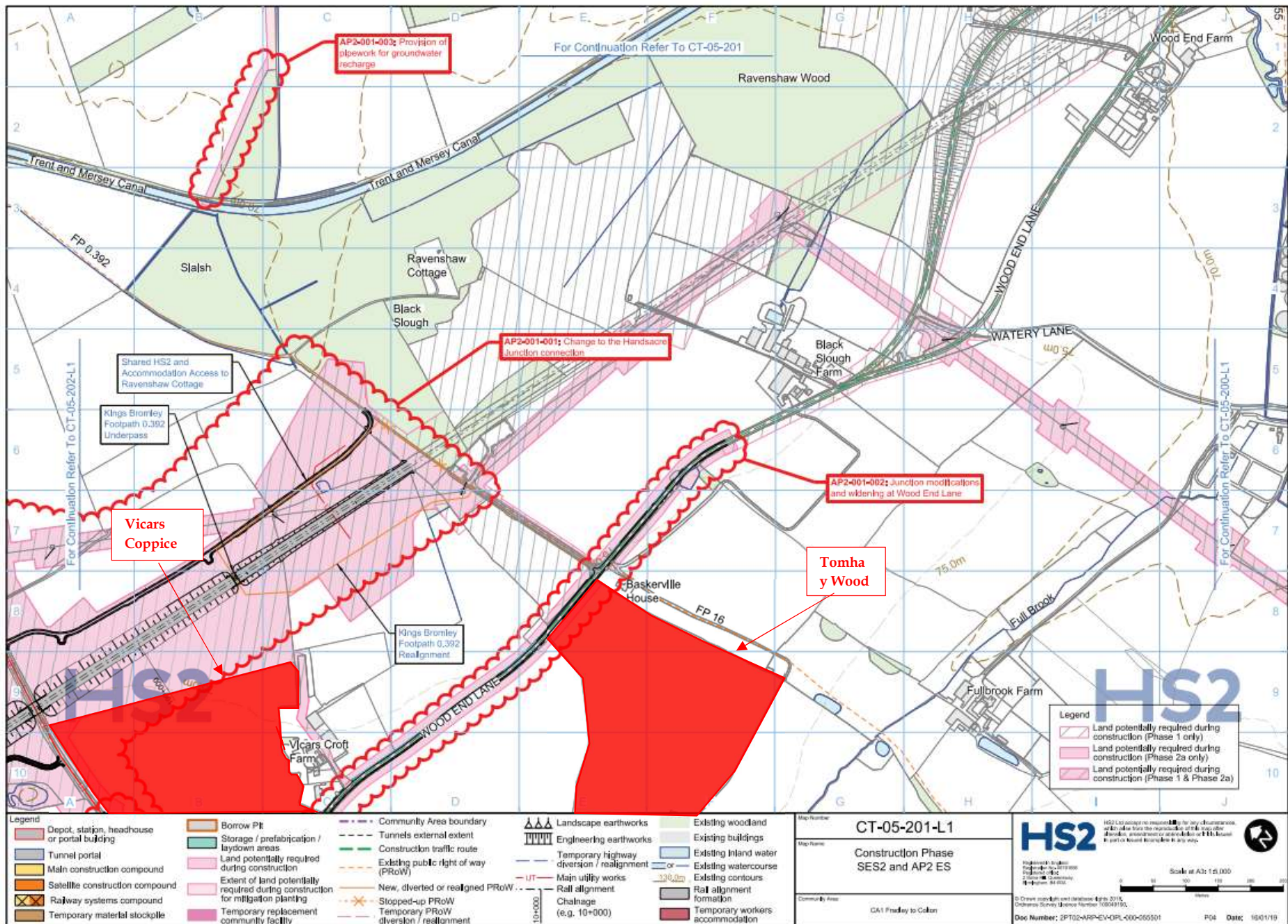
HS2 Ltd accepts no responsibility for any inaccuracies, omissions or errors in this map, which may arise from the reproduction of this map, or from the use of the map for any purpose other than that for which it was prepared.

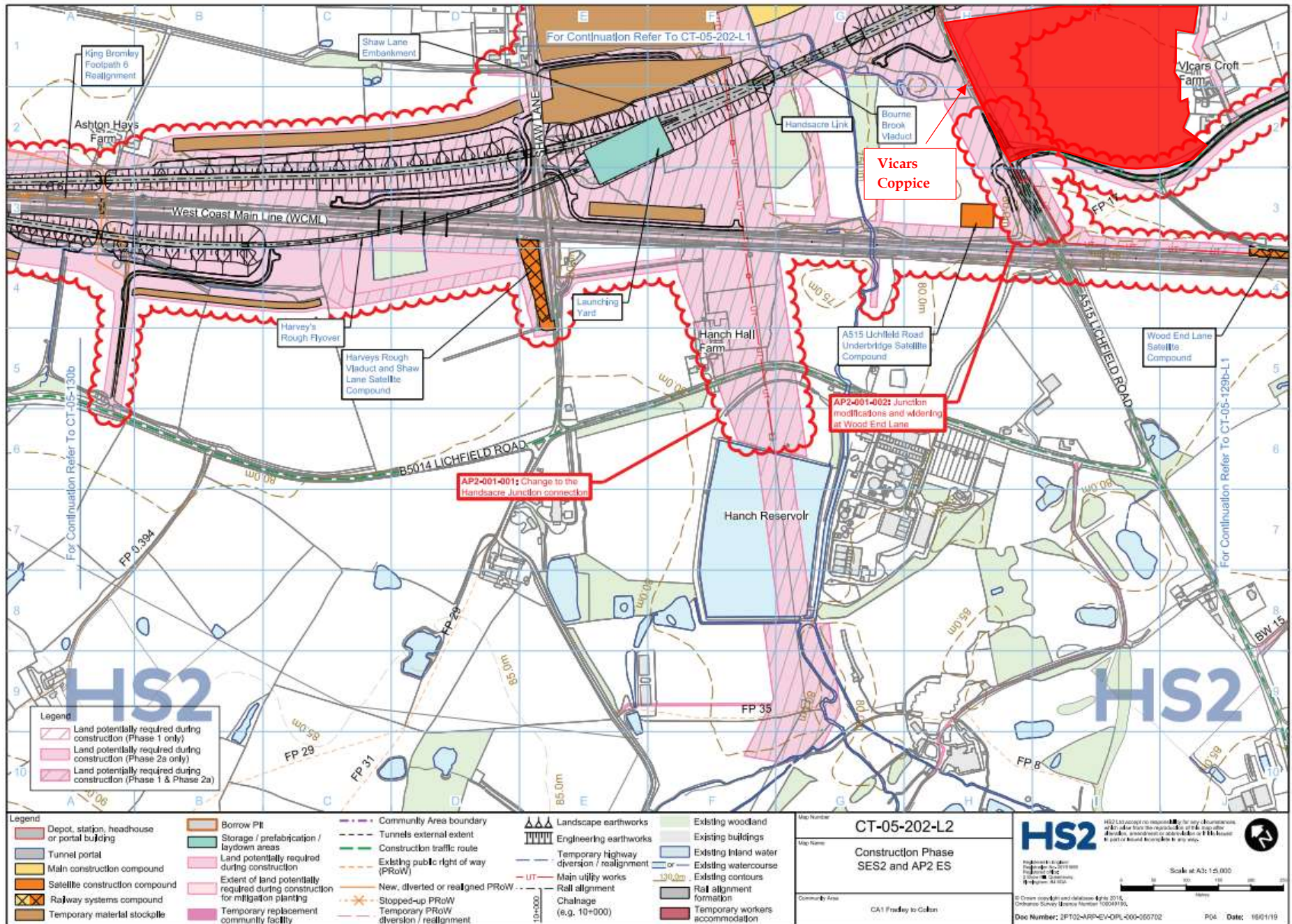
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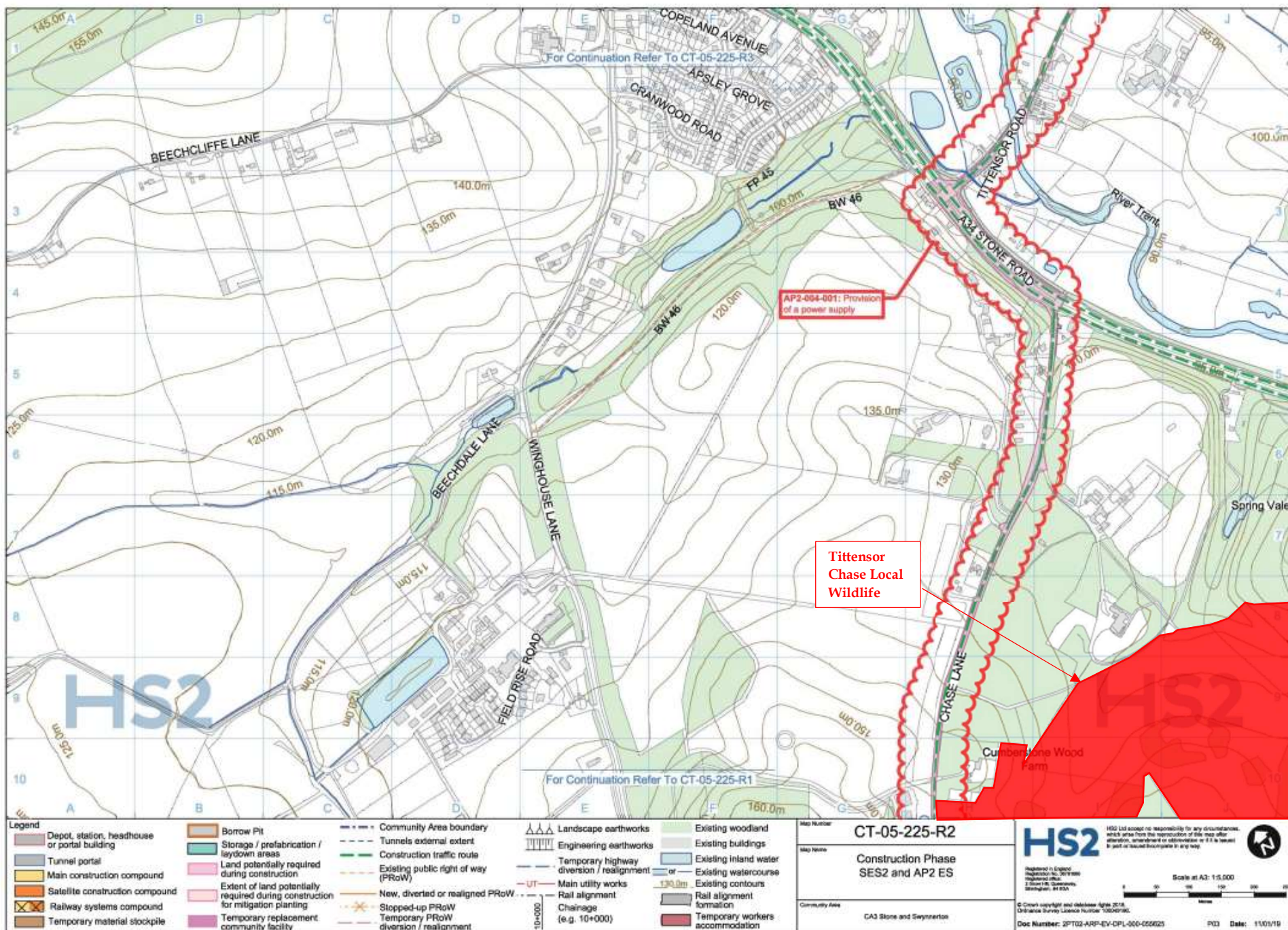
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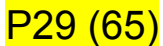
P03 Date: 11/01/19













# Natural England's Review of HS2 Ltd's No Net Loss Metric

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November 2016

# Government policy relating to biodiversity

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- The current Government strategy on Biodiversity is set out in 'Biodiversity 2020: a strategy for England's wildlife and ecosystem services' (Defra, 2011).
- The Strategy follows from the Convention on Biodiversity (CBD) Strategic Plan 'Aichi' targets, which seek to halt loss of biodiversity world-wide by 2020 and move towards net gain.
- The Mission by 2020 is "to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people".
- Strategy is clear that this involves action in a lot of disciplines, e.g. agriculture, fisheries, nature conservation.
- Partnerships encouraged – not individual organisation tasked with delivering on their own.
- There is no obligation under the convention or domestic policy requiring individual projects to achieve a net gain.

# No Net Loss

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- 'No net loss' is a term used to describe the desire to see damages resulting from human activities balanced by at least equivalent gains, in order to result in no overall loss of biodiversity.
- The Proposed Scheme has the objective of seeking to ensure no net loss to biodiversity. In evidence given to the Environmental Audit Committee, Defra acknowledged that this was challenging for a scheme such as HS2.
- Biodiversity in its entirety is impossible to measure so a metric is used as a proxy to provide an assessment of biodiversity value, and quantify losses and gains.
- The White Paper 'The Natural Choice' (2011) made a commitment to 'establish a new voluntary approach to offsetting and will test this in a number of pilot areas'. Defra piloted offsetting metrics from 2012-14.
- The HS2 metric is based on this Defra metric. It was developed in consultation with Defra and Natural England.
- Unlike the Defra metric, it is used to measure losses and gains, not inform the level of compensation required. There is currently no statutory requirement to use a metric.

# House of Commons Select Committee recommendation and response

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## **Select Committee Second Special Report of Session 2015-16:**

“303. We direct the Promoter to identify an independent third party arbiter to review the different net loss metrics and publish its findings so that HS2 Ltd can be challenged on its figures if appropriate. Natural England is one possibility”

## **Government response document:**

“89. The Promoter will work with the Department of Environment, Food and Rural Affairs to identify an appropriate independent body to review the no net loss calculations.”

*Following this commitment, Natural England were identified as the independent body, and agreed to review the calculation.*

# Natural England's review of the No Net Loss (NNL) Calculation

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- After scrutinising HS2's metric, Natural England made a total of 21 recommendations to refine the metric.
- All recommendations are individually responded to in HS2 Ltd's response to Natural England (9<sup>th</sup> November 2016).
- HS2 agrees with the vast majority of the recommendations.
- The next slides cover what we consider to be the headline recommendations and our response to them.
- Next steps are covered at the end of the presentation.

# Natural England's review of the No Net Loss (NNL) Calculation

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**NE recommendation:** That irreplaceable habitats and protected areas, notably ancient woodland and Sites of Special Scientific Interest are taken out of the metric.

**HS2 response:** HS2 agrees that ancient woodland should be removed from the calculation and will remove ancient woodland from the metric, so ancient woodland losses can be accounted for through a non-metric approach.

However, the logic of treating SSSI habitat separately is not clear. Measures to compensate for loss of land within SSSIs have been developed in consultation with Natural England and will be discussed further with them at the detailed design stage.

[NB: Where irreplaceable habitat such as ancient woodland falls within a SSSI, it will be removed from the calculation]

# Natural England's review of the No Net Loss (NNL) Calculation

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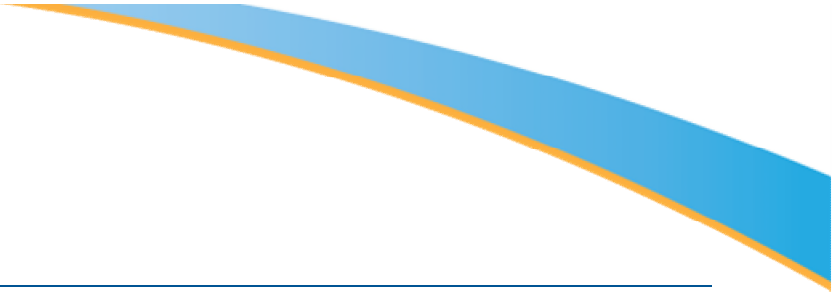
**NE recommendation:** Where ancient woodland is to be replaced by new woods, replanting should be undertaken at a ratio of 30 hectares for every hectare lost.

**HS2 response:** HS2 cannot accept this recommendation, as the report does not provide enough evidence for this to be implemented. We also believe that to use such a ratio would only be compatible with a metric approach, this would be inconsistent with Natural England's recommendation to remove ancient woodland from the metric. Defra have agreed to examine ancient woodland compensation through their 25-Year Plan for the Environment.

# A 30:1 ratio for replanting

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- HS2 Ltd have not used a ratio approach to calculate the amount of compensation provided for ancient woodland lost (HS2's approach to ancient woodland compensation is set out in an ancient woodland pack alongside these slides)
- In their report, Natural England state that there is 'little evidential basis' to justify a specific ratio. Natural England recommend the removal of ancient woodland from the metric as they state "losses should not be accounted for using a metric methodology".
- The ratio would only be applicable if new planting were the only measure HS2 Ltd were adopting as compensation, in reality, measures used will also include restoration of existing ancient woodland and translocation of ancient woodland soils.
- In their report, Natural England note that HS2 Ltd already follows or goes beyond current best practice in relation to ancient woodland compensation. Earlier in 2016, they confirmed that HS2 Ltd's approach adheres with their standing advice.



## The 30:1 ratio in practice

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- With a current loss of 30.4ha of ancient woodland, replanting at a 30:1 ratio would mean an area of new woodland approximately 900ha in size.
- For an idea of scale, this is broadly equivalent to the city of Chichester.
- Due to the nature of the land the railway typically runs through, further land take is most likely to be agricultural land.

# Natural England's review of the No Net Loss (NNL) Calculation

**NE recommendation:** Phase Two should seek to achieve a net gain for biodiversity

**HS2 response:** We recognise and support national policy which is 'to minimise impacts on biodiversity and provide net gains in biodiversity where possible' (NPPF)

We believe that our approach to NNL is consistent with this policy. The NNL metric at this early stage in the design of HS2 is based on cautious assumptions. Similarly the metric assumes that all the land in the Bill is used, when HS2 Ltd has a policy to, as far as reasonably practicable, reduce land take.

It also does not include any of the biodiversity benefits that may be generated by the funds that the project has provided, or from the commitments in the Environmental Minimum Requirements to use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by Phase One.

These funds go above and beyond our No Net Loss commitment and could offer an opportunity to realise a net gain for replaceable habitats.

## Next Steps

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The report notes that HS2 should go further in order to compensate for the loss of irreplaceable ancient woodland. HS2 agrees and in response will:

- Seek to maximise woodland planting on land bought in relation to HS2 – initial estimates suggest that this will be up to 50ha
- Establish a £5 million fund to support third party woodland planting projects to provide woodland creation beyond what is required under standing advice from Natural England and the Forestry Commission

The Ecology Review Group will be asked for its views on how the £5 million fund is distributed.

The Ecology Review Group will also be able to make reasonable proposals for offsite habitat creation opportunities until such time as no net loss is achieved.

HS2 Ltd. will work with Natural England to update the metric. The calculation is currently being re-run, incorporating the recommendations outlined in the report. This will be made available publically ahead of Royal Assent.