

Hybrid Bill Petition

House of Lords

Session 2017-19

High Speed Rail (West Midlands to Crewe) Bill June 2019

Do not include any images or graphics in your petition. There will be an opportunity to present these later if you give evidence to the committee.

Your bill petition does not need to be signed.

Expand the size of the text boxes as you need.

1. Petitioner information

In the box below, give the name and address of each individual, business or organisation(s) submitting the petition.

The Woodland Trust
Kempton Way
Grantham
NG31 6LL

In the box below, give a description of the petitioners. For example, “we are the owners/tenants of the addresses above”; “my company has offices at the address above”; “our organisation represents the interests of...”; “we are the parish council of...”.

1. The Woodland Trust is the largest woodland conservation charity in the UK and a leading voice in bringing the state of the UK’s trees and woodland to the attention of government, land owners and the general public. We champion and deliver the solutions to protect and revitalise our natural environment – the recreation of wooded landscapes on a national scale.
2. We campaign to ensure that laws governing environmental protection are enforced and that the government is held to account on environmental pledges. We also campaign with the support of local communities, to prevent any further destruction of ancient woods and veteran trees.
3. To further protect the UK’s natural environment, we’ve built up an estate of our own managed woodland covering over 73 square miles across the UK, of which a third is irreplaceable ancient woodland. With a supporter base of half a million we were the first, and remain the most significant contributor to woodland protection, restoration and creation in the UK. We are experts in a natural resource that has the potential to transform the UK’s natural environment and ensure its continued survival.

4. We petitioned both The House of Commons and The House of Lords Phase 1 Select Committees and we petitioned the House of Commons Select Committee on Phase 2a on behalf of ancient woods and trees.

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are [specially and directly affected](#). Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the committee. You will not be entitled to be heard on new matters.

5. The Woodland Trust works to protect the UK's ancient woods and ancient and veteran trees from direct loss and damage. As such the Woodland Trust's charitable aims are adversely affected by this Bill. Under the current scheme, at least 9.8ha and at least 27 ancient/veteran trees are to be lost to Phase 2a of the scheme. When calculated as loss per kilometre of track constructed this represents an increase of 23% when compared to Phase 1.

Ancient Woodland

6. Ancient woodland is land that has been continuously wooded since 1600. England's ancient woodlands and trees represent a living cultural heritage, a natural equivalent to our great churches and castles. They are also our richest terrestrial wildlife habitat and are highly valued by people as places of tranquillity and inspiration.

7. Where ancient woodland is referred to in this petition it means woodland recorded on the Natural England Ancient Woodland Inventory (AWI) or in the process of being added to the AWI. The AWI is the nationally accepted database for identifying ancient woodland, which is maintained by Natural England. It is considered provisional as woodland can both be added and removed from the AWI as and when new evidence becomes available.

Ancient and Veteran Trees

8. A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally. An ancient tree is one that has been allowed to grow old and with great age comes great habitats for wildlife. They will have developed lots of niches that wildlife will settle into - such as cavities for bats and birds, and decaying wood for invertebrates. Ancient trees have passed maturity and are old in comparison with other trees of the same species. They will probably have a wide trunk, which will likely be hollow. And like humans, trees shrink with age so they may have a small canopy.

9. Veteran trees are the survivors; they have the scars of age, but may not necessarily be an old tree. In comparison with ancient trees they will often have a smaller girth. They are likely to bear many of the features found on ancient trees such as decay, fungal fruiting bodies or dead wood. Unlike ancient trees these characteristics haven't necessarily developed through age, and are more likely to have developed as a result of the tree's life or environment.

Biodiversity Value and Heritage

10. Ancient woodland is an irreplaceable resource, of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes.

11. It is a scarce resource, covering only 2.4% of England's land area. In addition ancient and veteran trees outside ancient woodland can be hundreds of years old, provide habitat for many different species and are part of our landscape and cultural heritage. The ancient woodlands along the proposed HS2 railway line are all notable for their differing contributions to landscape, amenity, culture and biodiversity. For example, ancient woodlands provide homes for many of our rarest animals, such as the Bechstein's bat - one of England's rarest mammals, listed on Annex II of the EC Habitats and Species Directive and as near-threatened on the International Union for Conservation of Nature red list.

12. Ancient woodland can have historical and archaeological significance because of low levels of disturbance and they can also be a source of inspiration for local culture and folklore.

Petitioners Concerns – Ancient Woodland Loss

13. Ancient woodland loss – Under the current scheme, at least 9.8ha of ancient woodland are to be lost to Phase 2a of the scheme. When calculated as loss per kilometre of track constructed this represents an increase of 23% when compared to Phase 1. A tunnel at Whitmore Wood (Option D9-113 in the EIA) and another at Clifford's Wood would significantly reduce this impact.

14. 10 woods are directly impacted and a further 7 are indirectly affected. A comprehensive list of the 17 ancient woods affected by the scheme can be found at the end of this section in Tables 1 and 2.

15. At the end of the Hybrid Bill Process for Phase 1 the Promoter committed to providing information on all losses of ancient woodland and the compensation provided for the losses within a stand-alone document referred to as the Ancient Woodland Strategy (AWS). This was deemed necessary because information on ancient woodland loss was scattered across tens of thousands of pages and it was difficult for anybody to have a route wide view of what was proposed.

16. Due to concerns about the content and usefulness of the AWS on Phase 1, the Trust met with then Minister for HS2 (Paul Maynard, who has recently become the Minister for HS2 for a second time, succeeding Nusrat Ghani) in December 2017. It was agreed then, that the current format of the AWS was not acceptable and that the AWS for Phase 2a would need to be written differently. It is of great disappointment that the published AWS for Phase 2a follows exactly the same format and structure as the AWS for Phase 1.

18. It is of further concern that the current AWS states that it will not be updated and future relevant information relating to each ancient woodland will be captured within the respective ESMP [Environmental Site Management Plan] for that location. The whole reason behind the production of the AWS was that the information was scattered across multiple documents, preventing a clear route wide view of the impact of the scheme on ancient woodland. Considering this document has taken nearly two years to publish it is extremely frustrating that the Promoter now intends to revert to multiple reports on individual woodlands. This is unacceptable and the Trust would like the Promoter to commit to updating the AWS. Personal communication with HS2 Ltd. indicates that this may be the case, but we would like official confirmation that this is correct.

19. At the time of petitioning the House of Commons the Trust considered that the AWS was not fit for purpose as many of the figures contained within it appeared to be contradictory. As a result of our appearance before the House of Commons Select Committee the promoter was directed to produce a table of ancient woodland lost and the area of compensation planting proposed. The Trust assumed that this would be done on an individual wood by wood basis. However, this was not what we received. It is vital that the Promoter provides a summary of ancient woodland to be lost and the area of compensation to be provided for each loss in a tabular form so that the numbers can be clearly understood. At present these figures only exist for the entirety of Phase 2a.

20. Despite the current failings of the AWS, the Trust considers that the concept of keeping all information about ancient woodland loss and compensation in one document is a valid one as it makes it easier to hold the Promoter to account. Experience on Phase 1 enabling works, where one of the Trust's assurances has already been breached (Assurance 1976) in relation to ancient woodland, indicates that multiple documentation and poor dissemination of information has been in part, the cause of this failure. Therefore, maintaining an AWS, albeit one containing more detailed information than the present one, will hopefully go some way in preventing such incidents from occurring in future.

21. Ancient and Veteran Trees – the EIA identifies 33 ancient and veteran trees within the proposed construction boundary. Of the 27 that are to be lost, 21 are on the Ancient Tree Inventory (as updated December 2017). The Trust raised the issue of ancient and veteran trees to be lost to temporary works before the House of Commons Select Committee. As a result of our concerns the Promoter was asked to review the Veteran Tree Strategy. This was sent to the Trust in February 2019. Unfortunately, at least 10 ancient and veteran trees still appear to be lost to temporary works such as road realignments and construction compounds.

22. In summary the Petitioner's concerns are as follows:

- The loss of 9.8ha of irreplaceable ancient woodland is unacceptable.
- No ancient woodland or ancient/veteran trees should be lost as a result of temporary land uses, such as haul routes, road realignments and construction compounds.
- Compensation planting should be provided at a minimum ratio of 30:1 as recommended by Natural England in their review of the Promoter's No Net Loss

Calculation.

- Translocation of ancient woodland soils should only be used as a salvage operation of last resort, and should not be implied to be a method of replacing ancient woodland.
- Indirect effects on ancient woodland such as dust, changes to lighting, increases in noise and fragmentation of woodlands should be addressed and reduced. The Promoter does not currently recognise many of these serious impacts.
- The AWS should be maintained into the future as a single point of reference for all impacts on ancient woodland and compensation proposed.
- All trees planted as part of the proposed scheme should be UK sourced and grown.
- Mechanisms for providing ecological compensation planting outside of the Bill area should be considered. This would enable the scheme to provide more and better quality compensation at a landscape scale in accordance with the Lawton Review (2010).
- There should be a series of covenants and/or provisions to secure the future of all the land affected and benefitting from compensatory planting, which will ensure that such woodland is properly monitored, maintained and protected.

Loss of Ancient Woodland and Ancient/Veteran Trees

23. Government policy recognises the importance of the preservation and enhancement of ancient woodland. The Government has made a firm commitment that the existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland. Further clarification is given in the updated National Planning Policy Framework:

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

24. The 2017 Housing White Paper recognised this and set out (Paragraph A38): Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.

25. This commitment to improving ancient woodland protection was reiterated on three separate occasions within 'A Green Future: Our 25 Year Plan to Improve the Environment'. The 25 year plan states that it is complementary to 'Our Industrial Strategy', published in November 2017. In tandem, these documents aim to safeguard our environment and future-proof and economy for generations to come. Thus the environmental and ancient woodland protection should be at the heart of all infrastructure decisions.

26. The Woodland Trust wishes to ensure that the effect on ancient woodland and trees, and the species that depend on them, is firstly avoided and, if that is not possible, minimised so far as is possible. We consider that this national flagship project must set the benchmark for future projects and development across the nation. It should provide a shining example of best practice in enhancing biodiversity. At present it does not.

27. We contend that the proposals have not adequately sought to avoid adverse impacts upon ancient woodland, do not provide appropriate compensation and effective measures to minimise harm nor appropriate compensation nor effective controls relating to implementation. For example, a tunnel at Whitmore Wood would save 5.5ha of ancient woodland from this wood, and a further 0.2ha from Barhill ancient woodland. One of the reasons for not pursuing this option were that "the benefits were not considered

significant to justify the additional cost". It is concerning that the saving of just under 60% of the irreplaceable ancient woodland destroyed by Phase 2a is not seen to outweigh the cost of building a tunnel.

28. The development of a railway through areas of ancient woodland will also cause significant fragmentation of previously connected habitat. Once fragmented, woodlands have small area to perimeter ratios and lack a significant core area. This has a detrimental effect on the habitat which makes the habitat less appealing to specialist woodland species, causing local extinctions. Fragmentation on this scale also undermines woodland value from an amenity point of view because the peaceful centre of the woodland is so much smaller; the visitor does not feel so distanced from noise and physical disturbance. The current location of the line through Clifford's Wood (a mixture of ancient and secondary woodland) is a prime example of this type of fragmentation. A tunnel in this location would keep this woodland block intact.

29. On-going construction activities within and alongside the woodland can make woodland even less appealing for woodland species and visitors alike, because of disturbance caused by noise, lighting and dust.

30. We seek an amendment to the Bill to require that appropriate buffering is designated where any works take place on land adjacent to ancient woodland, and seek an assurance that any buffering required be planted at the earliest opportunity to maximise its impacts on both local amenity and the viability of remaining ancient woodland, and before any works commence in the vicinity of areas of ancient woodland. The Trust already has an assurance on Phase 1 (assurance 2553) which requires the Nominated Undertaker to consult with the Trust on any works within 100m of an ancient woodland. However, we would like this to go further and the Promoter to commit to buffering all ancient woodland impacted by the proposed scheme, prior to works commencing.

31. Government policy repeatedly sets out the need to follow the mitigation hierarchy as set out in the NPPF:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

32. We are concerned that potential means of avoiding impact upon ancient woodland have not been adequately explored or utilised. Further, many of the mitigation and compensation measures proposed are insufficiently detailed and are only to be implemented "if reasonably practicable", with no explanation given as to what this actually means or any evidence of how this has been assessed.

33. The Trust seeks: the adoption of best practice throughout the design, construction and operation of the project; full compensation and mitigation as appropriate; effective control measures during construction and monitoring thereafter; and the full documentation of these measures and procedures in Parliamentary Undertakings and the Environmental Minimum Requirements.

No Net Loss of Biodiversity

34. The Promoter has set itself the aim of no net loss of biodiversity for Phase 2a of the HS2 project. Ancient woodland is irreplaceable and the only way this objective could be achieved is by avoiding any loss or damage to ancient woodland whatsoever.

35. On Phase 1 compensation for ancient woodland loss was included within the no net loss calculation. However, towards the end of the Hybrid Bill process for Phase 1, a

decision was made to remove it and any associated compensation planting from the metric and instead present this in a separate Ancient Woodland Strategy (AWS). This was due to a recommendation within Natural England's "Review of the High Speed 2 No Net Loss in Biodiversity Metric" report that was commissioned by the House of Commons Bill Committee.

36. Furthermore, the latter report recommended that "in the judgement of Natural England, and where ancient woodland is to be replaced by new woods, an area based ratio of 30:1 is appropriate." Recognising that their report was being published during the sitting of the House of Lords Bill Committee, Natural England pragmatically stated that:

- If that is legally impracticable to implement for Phase 1, it should be implemented for Phase 2.

37. As previously discussed, the figures of ancient woodland loss and compensation to be provided are not clear enough. This has made it impossible to determine whether the compensation proposed is at a higher rate than that on Phase 1. What is clear, even from the figures currently available is that compensation is at least two thirds below that recommended by Natural England.

38. It is of further frustration that the AWS repeatedly states that the compensation levels have been determined using "professional judgement". This statement is never backed up by any supporting information and the Trust has never been made party to the calculations used to inform this professional judgement; we are asked to accept it on face value alone. It is in the Trust's professional judgement that the amount of compensation provided for the loss of irreplaceable ancient woodland is too low as it is lower than many of the "replaceable habitats" as calculated by the Promoters own no net loss calculation. Currently, no evidence has been given that shows that the professional judgement of HS2 Ltd staff is any more valid than that of the Trust's ecologists.

39. Ideally, the judgement of Natural England as the government's advisor should be the deciding factor. In the DfT response (published 9th November 2016) to Natural England's NNL report, DfT stated that "the government will:

- publish its '25 year plan for the environment';
- use this engagement to consider how best to compensate for losses to our irreplaceable ancient woodland and other habitats...'

40. HS2 Ltd stated (also dated 9th November 2016) "Defra have agreed to examine ancient woodland compensation through their 25-Year Plan for the Environment." However, there is no such commitment in the 25-Year Plan, so rather than repeating the issue of competing 'professional judgements' for Phase 2a, Natural England's recommendations should be followed.

41. In her introduction to the Government's 25 Year Plan for the Environment the Prime Minister, Theresa May, stated:

- 'We hold our natural environment in trust for the next generation. By implementing the measures in this ambitious plan, ours can become the first generation to leave that environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future'.

42. HS2 is an opportunity to make good on this commitment; the loss of ancient woodland always means there will be net loss of biodiversity, with the environment therefore left in a worse state.

43. The current No Net Loss calculation shows a biodiversity loss of 17% (not including

the loss of ancient woodland) and a significant loss of biodiversity specifically associated with high quality secondary woodland.

Compensation and Mitigation

44. Once the hierarchy of mitigation measures has been followed, any loss of irreplaceable ancient woodland that is considered unavoidable cannot be mitigated, cannot be included in offsetting and so must become the subject of compensatory action. The Woodland Trust seek an assurance that the loss of ancient woodland will be compensated for at a ratio of at least 30:1.

45. The “offsetting metrics” provided by Defra (and currently under review) for replacement planting does not cover ancient woodland, because irreplaceable habitats are excluded from the metric. Consequently we consider that the minimum ratio of planting proposed to compensate for the loss of irreplaceable ancient woodland must logically exceed the maximum ratio that can be calculated using the Defra offsetting metrics or the Promoters own No Net loss Calculation.

46. The compensation for loss of ancient woodland should be set at a minimum ratio of 30:1, based on the recommendation of Natural England in their review of the Promoter’s No Net Loss calculation. The current proposal on Phase 1 falls very short of this figure, and your Petitioner has been unable to derive an accurate figure for Phase 2a due to the lack of clarity in the AWS, which does not provide individual figures of compensation for some ancient woodland loss.

47. All compensation planting should be carried out at a landscape scale as per the ‘Lawton Principles’, an approach endorsed by the Natural Environment White Paper, which champions the role that new woodland must play in supporting biodiversity, reversing fragmentation and building better habitat networks to create landscapes that are more resilient to change.

Tree Provenance

48. The provenance of trees is extremely important in any proposed scheme of compensation planting, given the threat posed by tree diseases from imported plants and the need for new woodland to closely match that which is lost. All trees planted should be produced in a way that represents the minimum risk to biosecurity and also presents the optimum conservation benefits by ensuring that they are raised from seed collected in native UK woods with a broad genetic base to ensure they are more able to adapt to future conditions.

49. Local seed collection and locally sourced trees should form the bulk of the planting mix but using a wider range of UK provenance native species by including some planting stock of non-local, but still UK, provenance will help this by increasing genetic diversity in new native woods which means those woods are better equipped to adapt to future conditions. We urge the nominated undertaker to start procurement processes for UK sourced and grown trees at the earliest opportunity to allow for the lead time in collecting seeds and growing the stock.

50. The Trust has been given an assurance on Phase 1 (assurance 1972) that relates to trees planted as compensation for ancient woodland loss. However, we consider that all trees planted as part of the scheme should be UK sourced and grown. At present, the Promoter has provided us with an assurance on Phase 2a (C50.6) that some tree seed may be sourced from up to 5 degrees latitude south of the planting location. In reality this means that some seed or stock could be imported from the Continent, which poses a serious risk of introducing tree disease. The Trust considers that the Promoter should strive to ensure all trees used are UK sourced and grown and not just the trees planted

for ancient woodland compensation.

Translocation of Ancient Woodland

51. The Promoter is proposing to use translocation of ancient woodland soils and some components of the woodland (e.g. dead wood and coppice stools) as part of the compensation package for ancient woodland loss. Ancient woodlands cannot be translocated. Translocation of soils constitute a salvage operation only, which may add some value to potential receptor sites, but cannot be considered in any way to replace the ancient woodland destroyed. Natural England's Standing Advice states "You can't move an ancient woodland ecosystem because:

- it isn't possible to replicate the same conditions at another site;
- it's no longer an ancient woodland

52. Translocation of ancient woodland soils is a relatively new process and literature on the subject is scarce. There is no information currently available that proves that translocation of soils can offer any measure of compensation for ancient woodland loss. As such, translocation as a form of compensation should not be used to reduce the amount of compensation provided in the form of tree planting.

53. Given the paucity of information relating to the translocation of ancient woodland soils, we request that a detailed methodology statement is prepared for each donor and receptor site where translocation of soils is proposed and that this includes details of subsequent monitoring and maintenance that will be required at the receptor site. Furthermore, the methodology statements will need to identify what a successful translocation will look like, how failure will be identified and what will be done if the translocation fails. The Trust already has an assurance (Assurance 2552) on Phase 1 that relates to this matter and we expect a similar assurance to apply to Phase 2a.

54. The Promoter has committed to a 50 year monitoring programme on Phase 1 and we expect this commitment to apply to all subsequent phases of the scheme. However, it is still not clear on Phase 1 how compensation sites will be managed in the long-term. The Trust would like a commitment for all these sites to be managed in perpetuity. This is in recognition that the planting is to compensate for the loss of ancient woodland that is at least 400 years old.

Temporary Land Take

55. There are currently proposals for temporary land take within Whitmore ancient woodland from the placement of a satellite compound and temporary works that affect an unknown number of ancient and veteran trees.

56. Destroying ancient woodland for temporary land uses is unacceptable. Ancient woodland now makes up such a small part of our landscape that even small losses may have irredeemable impacts on the flora and fauna found in an area. It is not possible for there to be "temporary" land take from an irreplaceable habitat. Any land take will result in permanent destruction of the habitat. We ask that the Bill be amended to disallow any temporary land take within ancient woodland, or of ancient/veteran trees. This was agreed by HS2 Ltd for Phase 1 and we are therefore disappointed that this has not been carried forward to Phase 2a.

57. The Promoter agreed on Phase 1 to remove all temporary works affecting ancient woodland, therefore we do not currently have an assurance relating to this matter as it was not needed. However, given that the commitment not to place temporary works within ancient woodland or to remove ancient/veteran trees for temporary works has not been adhered to, we seek an assurance that all these works will be moved.

58. Temporary land take adjacent to ancient woodland can also have significant impacts upon this irreplaceable habitat. From the current works proposed it is clear that there is a satellite compound at Whitmore Wood which is both within and adjacent to the woodland and a temporary stockpile immediately on the boundary of Tithebarn Wood. Both of these works need moving to prevent impact on ancient woodland.

59. In addition, from the additional information provided in the Veteran Tree Strategy at least 10 ancient/veteran trees are being lost to temporary land take. Furthermore, the Off Route effects identify two road realignments (Great Heywood Road and Yarnfield Lane) that may affect ancient and veteran trees. It is of concern that the identification of the numbers of trees affected was not carried out prior to the publication of the EIA. The Trust seeks an assurance that these temporary road realignments will avoid any ancient and veteran trees in this area.

Future-Proofing

60. In line with the offsetting principles set out above we request that steps are taken to not only manage and monitor new planting but also to respond to failures in the mitigation and compensation planting schemes. Currently, there is no contingency scheme in place for the failure of any of the proposed compensation and mitigation schemes. Clear remedial steps should be set up to enable any losses to be assessed and made good in the next appropriate planting period. Such steps should be included within the environmental management plan to be implemented by the nominated undertaker and in other documentation as appropriate.

61. Legally and financially binding conservation covenants, or similar private agreements, should be seen as being vital to a system for securing the future of these ecological compensation areas (as recognised in the Government's 25 Year Plan for the Environment). New woodland planted as compensation for ancient woodland loss does not enjoy any protection in the National Planning Policy Framework and is therefore vulnerable to potential future development. We seek guarantees that these sites would not be lost to future development from the railway or other forms of development and would be secured to remain as woodland for years to come. Given the difficulties of ensuring local planning consistency along the whole route, an undertaking from the Secretary of State would seem most appropriate in this regard.

62. The Promoter has set up an Ecological Review Group (ERG) on Phase 1, of which the Trust is a member. We request a commitment from the Promoter that this group, or an iteration of it, will be formed in regard to Phase 2a.

Authorisation Procedures

63. Clause 17 of the Bill provides that planning permission is deemed to be granted for the works authorised by the Bill and consequently the statutory controls on development enacted by Parliament in the Town and Country Planning Acts are dis-applied.

64. The Trust accepts that Clause 17, and Schedule 17, of the Bill will enable the local planning authority for the area to exert some influence on the type of development for which powers are being sought by the Promoter. However, this process is yet to be fully tested on Phase 1, so we continue to have grave concerns in relation to the extent of these powers. For example, in respect of the Local Authority's ability to impose conditions about: the conduct of works; the management of impacts; replanting schemes and other measures for woodlands; and biodiversity protection and mitigation. Hence the Trust and local authorities crave leave to comment in further detail on these concerns at the appropriate stage.

65. As indicated earlier, the Bill contains provisions that provide outline planning permission for the development authorised by the Bill and dis-apply a number of other statutory regulation regimes that would normally apply in relation to the construction of works, including the normal provisions of the Town and Country Planning and related Acts, and the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990, Natural Environment and Rural Communities Act 2006, Countryside and Rights of Way Act 2000 and the Wildlife and Countryside Act 1981. We note that in many instances there are streamlined, replacement approval processes proposed in the Bill, which aim in particular to shorten the time taken for decisions to be made and in some cases limit the number of factors that may be taken into consideration.

66. The Trust has an important role as consultees and advisors on development affecting woodlands and their wider environment, and seeks to play a full part as obligatory consultees where the works are likely to affect such areas of woodland. We wish to be among those who are required to be consulted in relation to the following: Code of Construction Practice, Local Environmental Management Plans, Environmental Minimum Requirements, Planning Applications, Groundworks, Utilities Proposals, Planting Proposals and Public Realm Proposals relating to ancient woodland. For Phase 1 Assurance 1968 covers this issue, so we ask for the same assurance on Phase 2a.

67. The Trust wants to ensure the Code of Construction Practice is complied with properly and ask to be fully engaged with the on-going implementation process.

68. The Trust seeks assurances that the nominated undertaker will carry out the compensation for the impact on ancient woodland in accordance with the following requirements and the associated monitoring and maintenance and that these activities are carried out prior to work starting on the construction of the railway. This is critical to ensure that the lag time between the destruction of existing habitats and the creation of new habitats is as short as possible:

- Procurement of trees from local and national nurseries.
- Tree planting should be carried out as soon as is practicable.
- Agreement to methods of working, e.g. translocation method statements.
- Agreement to long term management and monitoring until newly planted trees start to function effectively as woodland habitat.
- Agreement on methods of protecting amenity woodland from the blight of long term works of uncertain timeframe.

Construction Concerns

69. The Woodland Trust expects that the nominated undertaker would agree reasonable hours of operation. Within and adjacent to sensitive habitats such as ancient woodland these would exclude working after dark.

70. We also seek assurances that the nominated undertaker is required to adopt the very highest standards in respect of mitigation of the effects of noise, vibration and dust caused during the construction period and in particular that the construction code replicates best practice requirements applicable to other major construction projects.

71. The Woodland Trust seeks assurances that working practices will be agreed and implemented to minimise effects on ancient woodland during the construction period. There should also be a guarantee that any future changes to industry standards will also be complied with.

Tunnelling and Other Engineering Works

72. We are keen to ensure that every possible step is taken to minimise the loss of irreplaceable ancient woodland rather than to have to compensate for its loss. We ask that opportunities to realign the track as well as reconfiguration of cutting/embankments should be taken to avoid the destruction and damage of irreplaceable habitats such as ancient woodland. For example, a reconfiguration of the cutting at The Grove (Yarlet Wood) could reduce the amount of land take here. We are concerned that many of the alternatives to the proposed scheme have been dismissed without being fully considered, even though they could significantly reduce the impact of the line on the environment.

73. The Woodland Trust asks that the Bill be amended specifically to include a tunnel at Whitmore Wood and another at Clifford Wood. This would significantly reduce the project's impact on these irreplaceable ancient habitats by 60% for this Phase.

74. We also request that no structures associated with tunnels or construction works are erected within ancient woodland and that adjacent works are moved at least 100m away from ancient woodland boundaries.

Operational Railway Issues

75. The operational maintenance required to keep railway lines clear may adversely affect nearby woodland unless carried out with proper care, and therefore we submit that there be provision in a long term management strategy for an agreed set of maintenance standards to be used by contractors and enforced by the nominated undertaker.

Table 1: Ancient Woodland Directly Affected

Name	Grid Reference	Loss (Ha)
Flushing Covert to the west of Lionlodge Covert;	SJ982238	0.2
Town Field Plantation within Ingestre Golf Course;	SJ979242	0.1
The Grove (Yarlet Hill)	SJ913290	1.3
Cliffords Wood	SJ836372	1.3
Birch Wood	SJ870347	0.6
Whitmore Wood	SJ791416	5.5
Hey Sprink	SJ789429	0.2
Barhill Wood	SJ764439	0.2
Unnamed wood between Whitmore and Hey Sprink	SJ786423	0.2
Unnamed wood near Wrinehill Wood	SJ755448	0.1

Table 2: Ancient Woodland Indirectly Affected

Name	Grid Reference	Comments
Cawarden Springs	SK062181	Not clear from EIA what the impact is on this wood. Further information required.
Westfield Covert	SK111165	Edge of wood on the construction boundary.
Tithebarn Covert	SK010231	Edge of wood on construction boundary.
Ingestre Wood	SJ972246	Edge of wood on construction boundary.
Swynnerton Old Park	SJ830399	Construction boundary has moved closer to this wood possibly affecting the setting.
Grafton's Wood	SJ759453	Wood isolated from landscape between HS2 and WCML.
The Lum	SJ762452	Directly adjacent to proposed works on WCML.

3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections. You do not have to complete this box if you do not want to.

The committee cannot reject the Bill outright or propose amendments which conflict with the principle of the Bill. But it can require changes to the Government's plans in response to petitioners' concerns, which can take the form of amendments to the Bill or commitments by HS2 Ltd.

You can include this information in your response to section '2. Objections to the Bill' if you prefer. Please number each paragraph.

76. Ancient woodland is irreplaceable and 9.8ha lost to the proposed scheme is unacceptable. The Trust requests that the Committee responds to our petition by requiring HS2 to amend the proposed scheme to achieve the following;

- a) A tunnel at Whitmore Wood would save over 5.5ha of ancient woodland, and an additional 0.2ha of ancient woodland would be saved from Barhill Wood if this option was taken.
- b) A tunnel at Clifford's Wood would save 1.3ha of ancient woodland.
- c) All temporary works should be moved to avoid impacts on ancient woodland and ancient/veteran trees. For example, the satellite compound at Whitmore Wood and the associated haul route, the stockpile adjacent to Tithebarn Covert, and the trees lost to temporary road realignments.
- d) All ancient woodland is surveyed to inform the environmental baseline, before Royal Assent is given.
- e) Impacts on ancient and veteran trees impacted by the route are properly assessed and reported on, including those affected by off-route effects that have not been clearly identified to date.
- f) A commitment to report on compensation planting for each ancient woodland lost, on a wood by wood basis.

- g) A commitment to continue to update the Ancient Woodland Strategy rather than report impacts on ancient woodland within individual Environmental Site Management Plans (ESMPs).
- h) A commitment by the Promoter to a policy of UK Sourced and Grown for all trees planted as part of the scheme as a means of delivering the highest standards of biosecurity.
- i) The Promoter publically recognises that a scheme that is destroying ancient woodland can never achieve the stated aim of no net loss to biodiversity.
- j) Where the Committee deems ancient woodland cannot be saved, the Promoter should commit to a compensation ratio of 30:1 as per Natural England's review of the No Net Loss calculation.

If you have already petitioned against the High Speed Rail (West Midlands to Crewe) Bill, please give your petition number.

HS2-P2A-099-1; HS2-AP2-063-2

Next steps

Once you have completed your petition template, save it and either email it to hlprivatebills@parliament.uk, post to Private and Hybrid Bill Office, House of Lords, London, SW1A 0AA, or call 020 7219 3231 to arrange a time to deliver it in person.

October 2019

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF LORDS
SELECT COMMITTEE**

**Petition No. HS2-HOL-024:
The Woodland Trust**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-HOL-024, from the Woodland Trust.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at
<http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Woodland Trust ("the Petitioner") is a registered charity dedicated to the conservation, restoration and re-establishment of trees, plants and all forms of wildlife and thereby to secure and enhance the enjoyment by the public of the natural environment. As well as a campaigning organisation, the Petitioner manages its own woodland sites. The Ancient Woodland Strategy for the High Speed Rail (West Midlands – Crewe) Bill identifies a loss of approximately 9.8ha of ancient woodland and 54.2ha of broadleaved woodland as a consequence of construction of the Proposed Scheme.

The Petitioner is a member of the HS2 Ecology Review Group that currently monitors Phase One of HS2. The Petitioner has also been represented at the HS2 National Environment Forum, an NGO Roundtable which has met regularly during the preparation of the Bill. The Petitioner has been actively engaged with the Promoter and its representatives, regarding both the Phase One Act and the Phase 2a Bill, and early development on the draft Phase 2b proposals.

In June 2018 the Petitioner was sent a Promoters Response Document (PRD) for their petition against the Bill (Petition No. HS2-P2A-000099) and in April 2019 the Petitioner

was sent a PRD for their petition against Additional Provision 2 to the Bill (Petition No. HS2-AP2-063), copies of which are attached at Annex A and B. The Petitioner appeared before the House of Commons Select Committee on 24 April 2018 and 11 July 2018.

In the House of Commons Select Committee's First Special Report of Session 2017-19 the Select Committee recommended providing the Petitioner with an undertaking to fund a longer-term ongoing research monitoring exercise on the translocation of the ancient woodland: this should include soil monitoring reports on areas associated with this project.

In response 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 further discussions are in progress with Department for Environment, Food and Rural Affairs (Defra) and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

The Phase 2A Ancient Woodland Strategy published in January 2018 explains that details of specific measures for long-term management and monitoring for each ancient woodland would be prepared at the relevant detailed design stage.

On 25 June 2018 the Promoter announced a £2m Phase 2A Woodland Fund to help local landowners create new native, broadleaf woodlands and restore existing ancient woodland sites. The Promoter will also scope a long-term project to monitor the environmental impact of moving ancient woodland, to inform any future proposals for the translocation of ancient woodland.

In the Select Committee's Third Special Report of Session 2017-19 the Select Committee welcomed the discussion the Promoter and the Forestry Commission were having regarding Plant Health (Forestry) Order 2005 No. 2517 prohibiting the importation of ash seeds, plants and trees to prevent the spread of dieback of ash (*Chalara*.) on Phase One. The Select Committee encouraged the Promoter to ensure that all conditions are fully met to ensure that the risk of the spread of *Chalara* is minimised and that lesson learnt on Phase One are embedded in any work for the Promoter will undertake for Phase 2a and beyond, and shared more widely so that other infrastructure projects may benefit from the studies.

In response the Promoter has set out that in accordance with the Promoters Ecology Technical Standards, a bespoke Biosecurity Management Plan would be produced.

PETITION NO. HS2-HOL-024

THE WOODLAND TRUST

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ATTACHMENTS

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Annex A	Promoter's Response Document for Petition No. HS2-P2A-000099 against the Bill in the House of Commons - June 2018
Annex B	Promoter's Response Document for Petition No. HS2-AP2-063 against Additional Provision 2 to the Bill in the House of Commons - April 2019
Annex C	Assurance letter – 10 July 2018
Annex D	Assurance letter – 22 February 2019
Annex E	Assurance letter – 9 May 2019
Annex F	HS2 Phase 2a Ancient Woodland Compensation 2019

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.8, 2.9, 2.13, 2.21 - 2.33

ISSUE RAISED: Loss of ancient woodland

**PETITION
PARAGRAPH:**

2.8 A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally. An ancient tree is one that has been allowed to grow old and with great age comes great habitats for wildlife. They will have developed lots of niches that wildlife will settle into - such as cavities for bats and birds, and decaying wood for invertebrates. Ancient trees have passed maturity and are old in comparison with other trees of the same species. They will probably have a wide trunk, which will likely be hollow. And like humans, trees shrink with age so they may have a small canopy.

2.9 Veteran trees are the survivors; they have the scars of age, but may not necessarily be an old tree. In comparison with ancient trees they will often have a smaller girth. They are likely to bear many of the features found on ancient trees such as decay, fungal fruiting bodies or dead wood. Unlike ancient trees these characteristics haven't necessarily developed through age, and are more likely to have developed as a result of the tree's life or environment.

2.13 Ancient woodland loss — Under the current scheme, at least 9.8ha of ancient woodland are to be lost to Phase 2a of the scheme. When calculated as loss per kilometre of track constructed this represents an increase of 23% when compared to Phase 1. A tunnel at Whitmore Wood (Option D9-113 in the EIA) and another at Clifford's Wood would significantly reduce this impact.

2.21 Ancient and Veteran Trees — the EIA identifies 33 ancient and veteran trees within the proposed construction boundary. Of the 27 that are to be lost, 21 are on the Ancient Tree Inventory (as updated December 2017). The Trust raised the issue of ancient and veteran trees to be lost to temporary

works before the House of Commons Select Committee. As a result of our concerns the Promoter was asked to review the Veteran Tree Strategy. This was sent to the Trust in February 2019. Unfortunately, at least 10 ancient and veteran trees still appear to be lost to temporary works such as road realignments and construction compounds.

2.22 In summary the Petitioner's concerns are as follows:

- The loss of 9.8ha of irreplaceable ancient woodland is unacceptable.
- No ancient woodland or ancient/veteran trees should be lost as a result of temporary land uses, such as haul routes, road realignments and construction compounds.
- Compensation planting should be provided at a minimum ratio of 30:1 as recommended by Natural England in their review of the Promoter's No Net Loss Calculation.
- Translocation of ancient woodland soils should only been used as a salvage operation of last resort, and should not be implied to be a method of replacing ancient woodland.
- Indirect effects on ancient woodland such as dust, changes to lighting, increases in noise and fragmentation of woodlands should be addressed and reduced. The Promoter does not currently recognise many of these serious impacts.
- The AWS should be maintained into the future as a single point of reference for all impacts on ancient woodland and compensation proposed.
- All trees planted as part of the proposed scheme should be UK sourced and grown.
- Mechanisms for providing ecological compensation planting outside of the Bill area should be considered. This would enable the scheme to provide more and better quality compensation at a landscape scale in accordance with the Lawton Review (2010).
- There should be a series of covenants and/or provisions to secure the future of all the land affected and benefitting from compensatory planting, which will ensure that such woodland is properly monitored, maintained and protected

2.23 Government policy recognises the importance of the preservation and enhancement of ancient woodland. The Government has made a firm commitment that the existing

area of ancient woodland should be maintained and there should be a net increase in the area of native woodland.

Further clarification is given in the updated National Planning Policy Framework:

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

2.24 The 2017 Housing White Paper recognised this and set out (Paragraph A38): Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.

2.25 This commitment to improving ancient woodland protection was reiterated on three separate occasions within 'A Green Future: Our 25 Year Plan to Improve the Environment'. The 25 year plan states that it is complementary to 'Our Industrial Strategy', published in November 2017. In tandem, these documents aim to safeguard our environment and future-proof and economy for generations to come. Thus the environmental and ancient woodland protection should be at the heart of all infrastructure decisions.

2.26 The Woodland Trust wishes to ensure that the effect on ancient woodland and trees, and the species that depend on them, is firstly avoided and, if that is not possible, minimised so far as is possible. We consider that this national flagship project must set the benchmark for future projects and development across the nation. It should provide a shining example of best practice in enhancing biodiversity. At present it does not.

2.27 We contend that the proposals have not adequately sought to avoid adverse impacts upon ancient woodland, do not provide appropriate compensation and effective measures to minimise harm nor appropriate compensation nor effective controls relating to implementation. For example, a tunnel at Whitmore Wood would save 5.5ha of ancient woodland from this wood, and a further 0.2ha from Barhill ancient woodland. One of the reasons for not pursuing this option were that "the benefits were not considered significant to justify the additional cost". It is concerning that the saving of just under

60% of the irreplaceable ancient woodland destroyed by Phase 2a is not seen to outweigh the cost of building a tunnel.

2.28 The development of a railway through areas of ancient woodland will also cause significant fragmentation of previously connected habitat. Once fragmented, woodlands have small area to perimeter ratios and lack a significant core area. This has a detrimental effect on the habitat which makes the habitat less appealing to specialist woodland species, causing local extinctions. Fragmentation on this scale also undermines woodland value from an amenity point of view because the peaceful centre of the woodland is so much smaller; the visitor does not feel so distanced from noise and physical disturbance. The current location of the line through Clifford's Wood (a mixture of ancient and secondary woodland) is a prime example of this type of fragmentation. A tunnel in this location would keep this woodland block intact.

2.29 On-going construction activities within and alongside the woodland can make woodland even less appealing for woodland species and visitors alike, because of disturbance caused by noise, lighting and dust.

2.30 We seek an amendment to the Bill to require that appropriate buffering is designated where any works take place on land adjacent to ancient woodland, and seek an assurance that any buffering required be planted at the earliest opportunity to maximise its impacts on both local amenity and the viability of remaining ancient woodland, and before any works commence in the vicinity of areas of ancient woodland. The Trust already has an assurance on Phase 1 (assurance 2553) which requires the Nominated Undertaker to consult with the Trust on any works within 100m of an ancient woodland. However, we would like this to go further and the Promoter to commit to buffering all ancient woodland impacted by the proposed scheme, prior to works commencing.

2.31 Government policy repeatedly sets out the need to follow the mitigation hierarchy as set out in the NPPF:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

2.32 We are concerned that potential means of avoiding impact upon ancient woodland have not been adequately explored or utilised. Further, many of the mitigation and compensation measures proposed are insufficiently detailed and are only to be implemented "if reasonably practicable", with no explanation given as to what this actually means or any evidence of how this has been assessed.

2.33 The Trust seeks: the adoption of best practice throughout the design, construction and operation of the project; full compensation and mitigation as appropriate; effective control measures during construction and monitoring thereafter; and the full documentation of these measures and procedures in Parliamentary Undertakings and the Environmental Minimum Requirements.

Table 1: Ancient Woodland Directly Affected

	Grid Ref	Loss (Ha)
Flushing Covert to the west of Lionlodge	SJ982238	0.2
Town Field Plantation within Ingestre Golf	SJ979242	0.1
The Grove (Yarlet Hill)	SJ913290	1.3
Cliffords Wood	SJ836372	1.3
Birch Wood	SJ870347	0.6
Whitmore Wood	SJ791416	6.0
Hey Sprink	SJ789429	0.2
Barhill Wood	SJ764439	0.2
Unnamed wood 2 between Whitmore and Hey Sprink	SJ786423	0.2
Unnamed wood near Winehill wood	SJ755448	0.4 (0.1 in AWS)

Table 1: Ancient Woodland Indirectly Affected

	Grid Ref	Comments
Cawarden Springs	SK062181	Not clear from EIA what the impact is on this wood. Further information required.
Westfield Covert	SK111165	Edge of wood on the construction boundary.
Tithebarn Covert	SK010231	Edge of wood on construction boundary.
Ingestre Wood	SJ972246	Edge of wood on construction boundary.
Swynnerton Old Park	SJ830399	Construction boundary has moved closer to this wood possibly affecting the setting.

Graftons Wood	SJ759453	Wood isolated from landscape between HS2 and WCML.
The Lum	SJ762452	Directly adjacent to proposed works on WCML

PROMOTER'S RESPONSE:

Loss of ancient woodland

1. The Promoters response on this issue is set out on pages 9-13 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A).
2. The Promoter supports the Government's commitment to maintaining existing ancient woodland¹ and to increase native woodland². The Promoter acknowledges the irreplaceability of ancient woodland, and the design of the Proposed Scheme has sought to avoid and reduce loss of or damage to ancient woodland, so far as is reasonably practicable.
3. The vertical and horizontal alignment of the railway has been the subject of detailed considerations and many alternatives have been considered. Ancient woodland is one of the environmental constraints that have been considered, along with others such as the requirement for demolitions of property, noise and visual impacts and effects on agriculture. The Promoter considers that the proposals in the Bill present the best sustainable option taking account of all relevant environmental considerations. Due to sometimes conflicting constraints, it is not always possible in all instances to avoid ancient woodland. As a result, the Proposed Scheme would result in a loss of ancient woodland across 10 woodlands. The Environmental Statement (ES) and the Ancient Woodland Strategy document the avoidance, mitigation and compensation measures that have been incorporated into the Proposed Scheme for each woodland. The Promoter continues to consider ways in which loss of ancient woodland could be further reduced.
4. The main options and alternatives considered by the project, including those alternative routes considered, are outlined in the ES, Volume 5 Technical Appendices Alternatives Report (CT-002-000).
5. The Petitioner also raised this issue in their petition against Additional Provision (AP2) to the Bill in the House of Commons (Petition No. HS2-AP2-063). The Promoter's

¹ Gov.uk. (2012). National Planning Policy Framework - Publications - GOV.UK. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework>

² Gov.uk (2011). Biodiversity 2020: A strategy for England's wildlife and ecosystem services – Publications – GOV.UK. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf:

response is set out in the PRD issued for Petition No HS2-AP2-063 (a copy of which is attached at Annex B).

Request for tunnels at Whitmore Wood and Clifford Wood

6. The design of the Proposed Scheme has been the subject of extensive consideration both in the identification of the route and through the assessment in the Environmental Statement (ES). The options considered prior to deposit of the Bill in July 2017 are described in section 2.5, Community Area Report 4, Volume 2, of the ES. When assessing the design requirements at a particular location the Promoter considers many different criteria, including local topology & ground conditions, constructability, environmental impacts and cost.

7. The guidance on petitioning published by the Private Bill Office in the House of Lords in July 2019 in advance of the petitioning period explained:

“An additional provision is a change to the bill that goes beyond the scope of the existing powers of the bill and which may potentially have an adverse direct and special effect on particular individuals, groups or bodies, over and above any effect on the general public.

Two additional provisions were submitted and considered by the House of Commons Select Committee. However, under the rules governing private bill procedures, it is expressly forbidden to introduce an additional provision in respect of a bill in the second House – in this case, the House of Lords. The Lords Select Committee on the High Speed Rail (London – West Midlands) Bill heard extensive procedural argument on the issue concerning its application to a hybrid bill and concluded that it would be contrary to well-established practice for an additional provision to be included. It can therefore with some confidence be expected that the same would apply to the High Speed Rail (West Midlands – Crewe) Bill.”

Tunnel at Whitmore Wood

8. The largest scale of loss along the Proposed Scheme would be from Whitmore Wood, where the loss of approximately 6.0ha represents more than half of the total loss of ancient woodland. This loss would include approximately 1.5ha of broad-leaved semi-natural ancient woodland and 4.5ha of plantations on ancient woodland sites. The provision of a retaining wall along the north-east of Whitmore north cutting has been included as part of the design of the Proposed Scheme. This has reduced the area of land within Whitmore Wood required for the Proposed Scheme, and thus has reduced losses of ancient woodland habitat.

9. In order to partially compensate for the loss of approximately 6ha of ancient woodland at Whitmore Wood and the loss of ancient woodland at Hey Sprink (wood south-west of) and the unnamed wood south of Hey Sprink, as well as the loss of other non-ancient woodlands within this area, approximately 36ha of native

woodland planting east of Whitmore south cutting and Whitmore north cutting is proposed. Soils and associated seed bank from the affected 6.0ha of ancient woodland would be translocated to a series of 11 areas of woodland creation contiguous with the retained sections of Whitmore Wood and Hey Sprink; all of the receptor sites fall within 700m of the area of woodland lost at Whitmore Wood.

10. New woodland planting has been designed to connect the retained eastern section of Whitmore Wood with semi-natural habitats at Whitmore Heath. Woodland planting would also connect to the woodland fragments between Whitmore Wood and Hey Sprink, forming continuous belts of woodland habitat between the two ancient woodland sites. This connectivity would facilitate the dispersal of species between the new and retained semi-natural habitats.

11. An area of 12.9ha of existing woodland at Whitmore Wood would be subject to woodland management to improve its ecological value in order to partially compensate for the proposed woodland loss at Whitmore Wood. The management and enhancement would include measures such as the removal of invasive plant species, and management of deadwood habitat and trees for the benefit of biodiversity.

12. In March 2018 the Promoter published the Whitmore Heath to Madeley Tunnel Report³.

13. The in principle case for the Whitmore Heath to Madeley tunnel was heard by the House of Commons Select Committee in April 2018, and on 24 May 2018 the Select Committee announced their decision⁴. Having considered the evidence, the House of Commons Select Committee decided that in principle the current Proposed Scheme design, which proposes two short tunnels at Whitmore Heath and Madeley, should not be changed.

14. In the House of Commons Select Committee's Second Special Report of Session 2017-19 the Select Committee stated:

"The Committee confirms the "in principle" decision made in its First Special Report regarding the lowering of the viaduct and an extension of the southern portal at an estimated total cost of £448.2m. The Long Single Tunnel was estimated to cost £608m. The Committee would prefer any additional money available to be spent on benefits for the wider community."

15. In the Promoter's response to the House of Commons Select Committee's Second Special Report of Session 2017 – 2019 the Promoter explained that it had committed a total of £15.7m to funds to benefit the wider community.

3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690888/Whitmore_Heath_to_Madeley_Tunnel_Report_-_15_March_2018.pdf

⁴ <https://publications.parliament.uk/pa/cm201719/cmselect/cmhs2/1085/108502.htm>

Clifford Wood

16. As a result of the heritage review undertaken by the Promoter, Natural England has confirmed that Clifford's Wood would be added to the Ancient Woodland Inventory (AWI). Construction of Swynnerton North cutting and Hatton embankment would result in the permanent loss of approximately 1.3ha of ancient woodland at Clifford's Wood. The Promoter also recognises that the loss of surrounding non-ancient woodlands and the buffering effect of these on the ancient woodland would result in a permanent adverse effect that would be significant at the county level.

17. Approximately 3.3ha of native broadleaved woodland would be provided directly adjacent to the retained ancient woodland at Clifford's Wood. Approximately 2.5ha of native broadleaved woodland would be provided contiguous with retained blocks of planting west of Clifford's Wood and approximately 7.8ha of native broadleaved woodland would be provided at the eastern extent of Clifford's Wood, providing new habitat connectivity to The Stretters woodland to the east. This would partially compensate for the loss of approximately 1.3ha of ancient woodland and the fragmentation of the remaining woodland at Clifford's Wood, as well as to compensate for the loss of other woodlands within the area. Soils and associated seed bank from the affected 1.3ha of ancient woodland would be translocated to an area of woodland creation to the north-west of Clifford's Wood.

18. This planting, once mature, would buffer the The Stretters woodland from adjacent land uses and provide enhanced ecological connectivity between The Stretters and Clifford's Wood. As such the woodland planting would result in a beneficial effect upon The Stretters that is significant at the district/borough level.

19. A tunnel at Clifford Wood could provide greater environmental benefits during operation, however on balance these would likely be outweighed by the significant technical complexities and costs, associated with the introduction of a tunnel in this location.

Additional Provisions

20. The request to include a tunnel at Whitmore Wood and Cliffords Wood would require amendments to the Bill that would necessitate an Additional Provision. The guidance⁵ on petitioning published by the Private Bill Office in the House of Lords in July 2019 in advance of the petitioning period explains:

"An additional provision is a change to the bill that goes beyond the scope of the existing powers of the bill and which may potentially have an adverse direct and special effect on particular individuals, groups or bodies, over and above any effect on the general public.

⁵ See section 1

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/high-speed-rail-west-midlands-crewe-bill-select-committee-lords/petitioning-guidance-17-19/>

Two additional provisions were submitted and considered by the House of Commons Select Committee. However, under the rules governing private bill procedures, it is expressly forbidden to introduce an additional provision in respect of a bill in the second House – in this case, the House of Lords. The Lords Select Committee on the High Speed Rail (London – West Midlands) Bill heard extensive procedural argument on the issue concerning its application to a hybrid bill and concluded that it would be contrary to well-established practice for an additional provision to be included. It can therefore with some confidence be expected that the same would apply to the High Speed Rail (West Midlands – Crewe) Bill.”

Adequacy of the environmental assessment

21. The ES accompanying the Bill fully complies with all UK and EU legal requirements and has been developed in accordance with the accepted best practice methodologies recommended by a range of UK institutional bodies. The document has satisfied the requirements for Parliamentary deposit and the Bill has secured its Second Reading. The Promoter is satisfied there are no fundamental deficiencies in the ES.

22. In determining the ecological baseline to inform the Environmental Impact Assessment for the Proposed Scheme, the Promoter has used the AWI as provided by Natural England. However the AWI is classed as provisional because it is a live dataset, and historically did not include woodlands smaller than 2ha. On this basis, the Promoter commissioned a heritage review of all woodlands that may be affected by the Proposed Scheme. This review considered all available data for these sites (including historic mapping and biological records data) to verify their status. The evidence base was discussed with the Woodland Trust and their views were taken into consideration prior to concluding which woodlands would be included in the AWI. This evidence was then provided to Natural England, who confirmed the addition of the 10 woodlands to the Inventory. The Promoter also understands that Natural England have provided the Woodland Trust with the rationale for their assessment on other woodlands not considered to be ancient.

23. Following a reassessment of the proximity of woodland fragments to the land required for construction of the Proposed Scheme and those areas required for woodland habitat creation, a correction has been made to the figure for loss of ancient woodland from one woodland complex (Wrinehill Wood and adjacent woodland fragments), from 0.4ha to 0.1ha. Consequently a correction to the total loss of ancient woodland was required and has been made within the recently published HS2 Phase 2A Ancient Woodland Strategy, from 10.5ha to 10.2ha.

Surveys of ancient woodland

24. Due to access restrictions it has not been possible to access all affected ancient woodland sites to undertake field survey. Where baseline survey continues to not be

possible prior to Royal Assent, detailed vegetation survey would be undertaken prior to the commencement of construction, to provide a robust baseline to inform any proposed translocation of soils or plant material and inform future targets for monitoring and management. However it should be noted that whilst survey data is considered useful in corroborating whether a woodland is ancient, it is the historic mapping evidence which is most heavily relied upon when undertaking the assessment.

25. The Promoter offered the Petitioner the following assurance on 5 June 2018 with respect to surveys of ancient woodland:

“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.”

Loss of ancient and veteran trees

26. As with ancient woodland, ancient and veteran trees have been assessed by the Promoter as an irreplaceable resource. The Environmental Impact Assessment (EIA) of the scheme has taken a precautionary approach to assessment and all trees within the land required for the construction of the Proposed Scheme are assumed to be lost and are reported as such in the ES. The only exception to this assumption is when the tree is located within an area that is required for mitigation planting only.

27. During detailed design and the construction phase measures contained within the draft Code of Construction Practice (CoCP) would be applied to retain and protect ancient and veteran trees within and adjacent to the proposed works. Where these measures are not possible, appropriate measures would be taken to compensate for the loss.

28. Following the publication of the ES, 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, and by using construction and logistic information, assessed on a site by site basis which tree could likely be avoided and retained. This information was used to inform assurances that were provided to Staffordshire County Council and the Petitioner, as set out below:

“Avoiding damage or loss to ancient woodland

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. “

“Retaining Noddy’s Oak

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."

"Impact on veteran trees

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."

29. Following the deposit of Additional Provision 2 (AP2) to the Bill in the House of Commons the Promoter updated the technical note to account for any additional impacts as a result of the AP2 revised scheme. The updated technical note was shared with the Petitioner on 18 February 2019.

30. Assurances relating to the retention of specific trees were offered to Staffordshire County Council and Cheshire East Council and the Petitioner was notified in a letter of 22 February 2019 (a copy of which is attached at Annex D).

Ancient woodland compensation

31. Please see the Promoter's response to paragraphs 2.44, 2.45, 2.46, 2.47 of Petition No. HS2-HOL-024.

Translocation of ancient woodland soils

32. Please see the Promoter's response to paragraphs 2.51, 2.52, 2.53, 2.54 of Petition No. HS2-HOL-024.

Impacts on ancient woodland from temporary land take

33. Please see the Promoter's response to paragraphs 2.55, 2.56, 2.57, 2.58, 2.59 of Petition No. HS2-HOL-024.

Long term maintenance, management and monitoring

34. Please see the Promoter's response to paragraphs 2.60, 2.61 of Petition No. HS2-HOL-024.

Indirect effects on ancient woodland

35. As well as considering direct loss of habitats, indirect impacts have also been considered for both habitats and species. Where significant effects resulting from such impacts have been identified, these are reported in the ESs. The scope and methodology of the ecological assessment are reported on the Scope and Methodology Report (SMR) Report, Volume 5, of the main ES.

36. The assessment assumes implementation of the measures set out within the draft CoCP which includes sensitive construction practices and the preparation of habitat management plans. For each directly affected ancient woodland site the Promoter would prepare an Ecology Site Management Plan.

37. Section 9 of the draft CoCP requires contractors to implement a range of measures to protect ecological receptors including the following:

- “manage impacts from construction, including the timing of works, on designated sites, protected and notable species and other features of ecological importance such as ancient woodlands and watercourses;

- reduce habitat loss by keeping the working area to the reasonable minimum;

- reinstatement of areas of temporary habitat loss;

- restoration and replacement planting;

- management measures for potential ecological impacts to control dust, water quality and flow, noise and vibration, and lighting;

- provision of a watching brief, where relevant;

relocation or translocation of species, soil and/or plant material, as appropriate;

consultation with Natural England, the Environment Agency, local wildlife trusts and relevant planning authorities prior to and during construction; and

compliance with all wildlife licencing requirements, including those for protected and invasive species and designated sites.”

38. Through design development and the implementation of these control measures no indirect effects have been reported in the ES's of the ancient woodlands listed by the Petitioner in 'Table 1: Ancient Woodland Indirectly Affected' of the petition.

Ancient Woodland Strategy

39. Please see the Promoter's response to paragraphs 2.48, 2.49, 2.50 of Petition No. HS2-HOL-024.

Tree procurement and provenance

40. Please see the Promoter's response to paragraphs 2.48, 2.49, 2.50 of Petition No. HS2-HOL-024.

Request to provide ancient woodland compensation outside of the Bill limits

41. In recognition of Natural England's recommendation for the Proposed Scheme to be an exemplar in going above and beyond best practice in regards to ancient woodland compensation, the Department for Transport established a Woodland Fund for HS2.

42. On Phase One of HS2, a scheme has been developed by the Forestry Commission and has been designed to restore plantations on ancient woodland sites (PAWS) and create new native woodland outside of the limits of the Bill.

43. The Phase One Woodland Fund opened in January 2018, and has so far allocated £1 million of a total £5 million, which will lead to approximately 66ha of new woodland and 51ha of restocking of Plantations on Ancient Woodland Sites (PAWS).

44. In June 2019 the Promoter announced an additional £2 million to create a Phase 2a Woodland Fund.

45. The Promoter intends to develop the principles of the Phase 2a Woodland Fund in due course, noting the current successes of the Phase One fund and any lessons learned.

46. Other HS2 funds such as the Community and Environment Fund (CEF) are already providing additional opportunities to enable the public to access woodland outside of Bill limits.

Environmental covenants

47. Please see the Promoter's response to paragraphs 2.60, 2.61 of Petition No. HS2-HOL-024.

Request to buffer ancient woodland

48. The draft CoCP sets out a number of measures which will be implemented by the nominated undertaker, where appropriate, to protect trees during construction. One of these measures includes the maintenance of a vegetation buffer strip. These buffer strips can only be created in areas where spatial constraints do not apply.

49. Where buffer strips are not reasonably practicable other measures set out in the draft CoCP will be implemented to control the potential impacts from construction works, which would be suitable in mitigating the potential indirect effects of construction.

50. Due to the existing spatial constraints of the scheme design, the Promoter considers the Petitioners request for a 100m buffer strip around every ancient woodland parcel as unfeasible, as it would directly and significantly affect the nominated undertaker ability to design and deliver the scheme within the limits of the Bill.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.15, 2.16, 2.18 - 2.20

ISSUE RAISED: Ancient Woodland Strategy

PETITION
PARAGRAPH: 2.15 At the end of the Hybrid Bill Process for Phase 1 the Promoter committed to providing information on all losses of ancient woodland and the compensation provided for the losses within a stand-alone document referred to as the Ancient Woodland Strategy (AWS). This was deemed necessary because information on ancient woodland loss was scattered across tens of thousands of pages and it was difficult for anybody to have a route wide view of what was proposed.

2.16. Due to concerns about the content and usefulness of the AWS on Phase 1, the Trust met with then Minister for HS2 (Paul Maynard, who has recently become the Minister for HS2 for a second time, succeeding Nusrat Ghani) in December 2017. It was agreed then, that the current format of the AWS was not acceptable and that the AWS for Phase 2a would need to be written differently. It is of great disappointment that the published AWS for Phase 2a follows exactly the same format and structure as the AWS for Phase 1.

2.18 It is of further concern that the current AWS states that it will not be updated and future relevant information relating to each ancient woodland will be captured within the respective ESMP [Environmental Site Management Plan] for that location. The whole reason behind the production of the AWS was that the information was scattered across multiple documents, preventing a clear route wide view of the impact of the scheme on ancient woodland. Considering this document has taken nearly two years to publish it is extremely frustrating that the Promoter now intends to revert to multiple reports on individual woodlands. This is unacceptable and the Trust would like the Promoter to commit to updating the AWS. Personal communication with HS2 Ltd. indicates that this may be the case, but we would like official confirmation that this is correct.

2.19 At the time of petitioning the House of Commons the Trust considered that the AWS was not fit for purpose as many of the figures contained within it appeared to be contradictory. As a result of our appearance before the House of Commons Select Committee the promoter was directed to produce a table of ancient woodland lost and the area of compensation planting proposed. The Trust assumed that this would be done on an individual wood by wood basis. However, this was not what we received. It is vital that the Promoter provides a summary of ancient woodland to be lost and the area of compensation to be provided for each loss in a tabular form so that the numbers can be clearly understood. At present these figures only exist for the entirety of Phase 2a.

2.20 Despite the current failings of the AWS, the Trust considers that the concept of keeping all information about ancient woodland loss and compensation in one document is a valid one as it makes it easier to hold the Promoter to account. Experience on Phase 1 enabling works, where one of the Trust's assurances has already been breached (Assurance 1976) in relation to ancient woodland, indicates that multiple documentation and poor dissemination of information has been in part, the cause of this failure. Therefore, maintaining an AWS, albeit one containing more detailed information than the present one, will hopefully go some way in preventing such incidents from occurring in future.

PROMOTER'S RESPONSE:

The Ancient Woodland Strategy (AWS)

1. The Phase 2a Ancient Woodland Strategy includes information on the loss and extent of compensation in tabular form for each area of ancient woodland directly impacted by the Proposed Scheme, with the exception of Whitmore Wood, Hey Sprink and unnamed wood ancient woodlands. This is due to the interconnected approach of the environmental response to the loss at the three sites due to the proximity and historically being a single woodland parcel.

2. The proposed woodland planting has been designed to connect the retained sections of ancient woodland as well as the woodland fragments between Whitmore Wood and Hey Sprink, forming continuous belts of woodland habitat between the two ancient woodland sites and blocks of non-ancient woodland within the landscape. This connectivity would also facilitate the dispersal of species from the retained areas of ancient and non-ancient woodland into these associated habitats.

Compensation for ancient and non-ancient woodlands

3. Following the appearance of the Petitioner before the House of Commons Select Committee, the Promoter produced a note to the Select Committee to clarify the extent of the compensation planting to both ancient and non-ancient woodland habitat loss.

4. The Promoter confirmed to the Petitioner on 27 February 2019 that the entirety⁶ of the woodland planting reported in the Phase 2a Ancient Woodland Strategy is for the purposes of ancient woodland compensation and provides no contribution to the loss of non-ancient woodland as a result of the Phase 2a scheme (a copy of the report is attached at Annex F).

Breaching assurances

5. During the Phase 2a House of Commons Select Committee the Promoter agreed to produce a guidance document, setting out a step by step process of how a possible non-compliance of an undertaking or assurance could be reported by the public. The draft guidance⁷ on how to report a possible non-compliance was shared with the Petitioner on 21 February 2019.

6. The guidance for the Phase One scheme has been published and the Phase 2a guidance is due to be published on Royal Assent of the Bill.

⁶ As a result of the AP2 revised scheme there is approximately 78ha of ancient woodland compensation

⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818900/CS_How_to_report_a_possible_non-compliance_with_an_Undertaking_or_Assurance.pdf

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF:	The Woodland Trust
PETITION NO:	HS2-HOL-024
PARAGRAPH NO:	2.10 - 2.12, 2.34 - 2.37
ISSUE RAISED:	Biodiversity value and heritage & No Net Loss of biodiversity
PETITION PARAGRAPH:	2.10 Ancient woodland is an irreplaceable resource, of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. 2.11 It is a scarce resource, covering only 2.4% of England's land area. In addition ancient and veteran trees outside ancient woodland can be hundreds of years old, provide habitat for many different species and are part of our landscape and cultural heritage. The ancient woodlands along the proposed HS2 railway line are all notable for their differing contributions to landscape, amenity, culture and biodiversity. For example, ancient woodlands provide homes for many of our rarest animals, such as the Bechstein's bat - one of England's rarest mammals, listed on Annex II of the EC Habitats and Species Directive and as near-threatened on the International Union for Conservation of Nature red list. 2.12 Ancient woodland can have historical and archaeological significance because of low levels of disturbance and they can also be a source of inspiration for local culture and folklore. <i>No Net Loss of Biodiversity</i> 2.34 The Promoter has set itself the aim of no net loss of biodiversity for Phase 2a of the HS2 project. Ancient woodland is irreplaceable and the only way this objective could be achieved is by avoiding any loss or damage to ancient woodland whatsoever. 2.35 On Phase 1 compensation for ancient woodland loss was included within the no net loss calculation. However, towards the end of the Hybrid Bill process for Phase 1, a decision was made to remove it and any associated compensation planting

from the metric and instead present this in a separate Ancient Woodland Strategy (AWS). This was due to a recommendation within Natural England's "Review of the High Speed 2 No Net Loss in Biodiversity Metric" report that was commissioned by the House of Commons Bill Committee.

2.36 Furthermore, the latter report recommended that "in the judgement of Natural England, and where ancient woodland is to be replaced by new woods, an area based ratio of 30:1 is appropriate." Recognising that their report was being published during the sitting of the House of Lords Bill Committee, Natural England pragmatically stated that:

- If that is legally impracticable to implement for Phase 1, it should be implemented for Phase 2.

2.37 As previously discussed, the figures of ancient woodland loss and compensation to be provided are not clear enough. This has made it impossible to determine whether the compensation proposed is at a higher rate than that on Phase 1. What is clear, even from the figures currently available is that compensation is at least two thirds below that recommended by Natural England.

PROMOTER'S RESPONSE:

Biodiversity and heritage value of ancient woodland

1. The Promoter agrees with the Petitioner on the biodiversity and heritage value of ancient woodland.

No Net Loss in biodiversity

2. The Petitioner raises issues regarding No Net Loss in biodiversity

3. The Promoters response on this issue is set out on pages 38-40 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference a copy of the response is below.

4. The Proposed Scheme has the objective of seeking to achieve No Net Loss in biodiversity at a route-wide level. In order to demonstrate progress towards this objective, habitat losses and gains would be measured using a modified version of the Department for Environment, Food and Rural Affairs' (DEFRA) biodiversity offsetting metric. This has been developed in consultation with DEFRA and Natural England. Further amendments to the metric have been made following the recommendations of an independent review of the methodology undertaken by Natural England in

2016. Details of the metric are set out in the SMR addendum (Methodology for Demonstrating No Net Loss in Biodiversity, Volume 5: Appendix CT-001-002) of the ES.

5. It is important to note that the offsetting metric has not been used to determine mitigation and compensation measures. The approach used for mitigation and compensation is set out in an appendix to the Environmental Statement (ES) (Ecological Principles of Mitigation which is included in Annex E of the SMR Addendum CT-001-002 Part 1). There are no set ratios for habitat creation; rather the approach relies on professional judgement in each context and compensation was developed as part of an iterative design process appropriate to the specific area. As the design of the Proposed Scheme is modified or becomes more detailed, it is intended that the no net loss calculation would be run at appropriate intervals to demonstrate progress towards the project objective. The Promoter would continue to engage with Natural England on this matter as the project develops.

6. While every effort has been made to avoid losses of ancient woodland, there are some instances where, due to other design constraints, losses are unavoidable. The Promoter acknowledges that ancient woodlands are irreplaceable habitats and as such, losses as well as associated compensation measures would not be considered within the scope of the no net loss calculation. A separately produced Ancient Woodland Strategy would outline the specific measures being taken to compensate for unavoidable losses at each site.

7. In relation to the 30:1 replanting ratio, please see the Promoter's response to paragraphs 2.36 and 2.49 – 2.54 of Petition No. HS2-HOL-024.

Net gain

8. The Promoter recognises and supports national policy which is to minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures as set out in the National Planning Policy Framework. The Promoter is satisfied that the approach to no net loss is consistent with this policy.

9. The Promoter notes the ambition set out in 'A Green Future: Our 25 Year Plan to Improve the Environment' and is currently considering the detail of the plan. The plan is still in an early stage and the Promoter would be discussing it with DEFRA and other relevant parties in due course.

Request for a 30:1 ratio

10. Please see the Promoter's response to paragraphs 2.38, 2.39, 2.40, 2.41, 2.42, 2.43 of Petition No. HS2-HOL-024.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.38 - 2.39, 2.40 - 2.43

ISSUE RAISED: Professional judgement

PETITION PARAGRAPH: 2.38 It is of further frustration that the AWS repeatedly states that the compensation levels have been determined using "professional judgement". This statement is never backed up by any supporting information and the Trust has never been made party to the calculations used to inform this professional judgement; we are asked to accept it on face value alone. It is in the Trust's professional judgement that the amount of compensation provided for the loss of irreplaceable ancient woodland is too low as it is lower than many of the "replaceable habitats" as calculated by the Promoters own no net loss calculation. Currently, no evidence has been given that shows that the professional judgement of HS2 Ltd staff is any more valid than that of the Trust's ecologists.

2.39 Ideally, the judgement of Natural England as the government's advisor should be the deciding factor. In the DfT response (published 9th November 2016) to Natural England's NNL report, DfT stated that "the government will:

- publish its '25 year plan for the environment';
- use this engagement to consider how best to compensate for losses to our irreplaceable ancient woodland and other habitats...'

2.40 HS2 Ltd stated (also dated 9th November 2016) "Defra have agreed to examine ancient woodland compensation through their 25-Year Plan for the Environment." However, there is no such commitment in the 25-Year Plan, so rather than repeating the issue of competing 'professional judgements' for Phase 2a, Natural England's recommendations should be followed.

2.41 In her introduction to the Government's 25 Year Plan for the Environment the Prime Minister, Theresa May, stated:

- 'We hold our natural environment in trust for the next generation. By implementing the measures in this ambitious plan, ours can become the first generation to leave that environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future'.

2.42 HS2 is an opportunity to make good on this commitment; the loss of ancient woodland always means there will be net loss of biodiversity, with the environment therefore left in a worse state.

2.43 The current No Net Loss calculation shows a biodiversity loss of 17% (not including the loss of ancient woodland) and a significant loss of biodiversity specifically associated with high quality secondary woodland.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on pages 41-42 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference a copy of the response is below.

2. The information in the Ancient Woodland Strategy is derived from the Environmental Statement (ES). As set out in the Promoter's response to paragraphs 2.5 – 2.7, 2.13, 2.30 – 2.31 and 2.35 of the petition against the Bill in the House of Commons, the ES fully complies with all UK and EU legal requirements and has been developed in accordance with the accepted best practice methodologies recommended by a range of UK institutional bodies.

3. The Promoter has also offered the Petitioner the following assurance on 5 June 2018 regarding Natural England's standing advice:

"The Promoter will require the Nominated Undertaker to have regard to the guidance in Natural England'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."

4. Regarding the Government's 25-year plan for the environment, please see the Promoter's response to paragraph 2.47 of the petition against the Bill in the House of Commons.

Professional judgement

5. As stated in relevant sections above (see the Promoter's responses to paragraphs 2.15 – 2.20, 2.22, 2.43, 2.44 and 2.52 and responses to paragraphs 2.10 – 2.12, 2.40 – 2.42 and 2.47 – 2.48 of the petition) the level of compensation provision included in each case has been derived through professional judgement. The Promoter and its consultants have used professional ecological judgement to identify appropriate mitigation or compensation measures where practicable for each significant ecological effect. This approach is set out in an appendix to the ES (Volume 5, Ecological Principles of Mitigation, Appendix, SMR Addendum, Section 9: CT-001-000/2).

6. The Environmental Impact Assessment was produced on behalf of the Promoter by a team of independent technical experts with unrivalled experience of environmental assessment on similar projects such as, HS1, Crossrail, the Olympics and Thames Tideway. The mitigation and compensation proposed is informed by professional judgement, experience, and an understanding of the factors that contribute to the integrity of a site and to the conservation status of a species or habitat in question.

Government's 25-year plan for the environment

7. Since publication of 'A Green Future: Our 25 Year Plan to Improve the Environment' in 2018 the Government has published a progress report, '25 Year Environment Plan progress report: January 2018 to March 2019',⁸ noting that protections for ancient woodlands have been strengthened in the revised National Planning Policy Framework (NPPF). The revised NPPF⁹ states:

- a. "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".
- b. Exceptional reasons are listed as "for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat".

8. The Promoter considers that its approach is in line with the revised NPPF.

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803266/25yep-progress-report-2019-corrected.pdf

⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Results of the Phase 2a no net loss (NNL) calculation

9. The interim no NNL calculation undertaken for Phase 2a is based on the original Bill scheme submitted to Parliament in July 2017, as amended by SES1 and AP1 ES submitted in March 2018 and SES2 and AP2 ES submitted in February 2019 ('the Proposed Scheme') and relevant undertakings and assurances on the HS2 Phase 2a Register of Undertakings and Assurances as published in July 2018. The output from the NNL in biodiversity calculation currently indicates approximately a -17% deficit in area-based biodiversity units (woodlands, grasslands, other habitats)

10. The calculation at this conceptual stage of the projects design and assessment represents a precautionary approach due to the fact that all habitats within the land required for construction are assumed lost. It is likely that at detailed design it will be possible to retain at least some of the habitats required for construction only.

11. It is important to note that the reported reductions in area-based biodiversity units are not the result of reductions in absolute area of habitats from pre-construction to post-construction. In fact, following establishment of newly created habitats, the Proposed Scheme would result in a significant increase in the overall extent of habitats of principal importance as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006.

12. This is expected to include net increases of approximately 173ha of habitat of principal importance grasslands and approximately 126ha of habitat of principal importance woodlands.

13. The Promoter recognises that the outputs of the calculation show that the goal of demonstrating no net loss has yet to be achieved at this stage of this of the project. However is confident that there remain many good opportunities to improve the overall balance of biodiversity units generated by the Proposed Scheme.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.44 - 2.47

ISSUE RAISED: Appropriate level of compensation

PETITION PARAGRAPH: 2.44 Once the hierarchy of mitigation measures has been followed, any loss of irreplaceable ancient woodland that is considered unavoidable cannot be mitigated, cannot be included in offsetting and so must become the subject of compensatory action. The Woodland Trust seek an assurance that the loss of ancient woodland will be compensated for at a ratio of at least 30:1.

2.45 The "offsetting metrics" provided by Defra (and currently under review) for replacement planting does not cover ancient woodland, because irreplaceable habitats are excluded from the metric. Consequently we consider that the minimum ratio of planting proposed to compensate for the loss of irreplaceable ancient woodland must logically exceed the maximum ratio that can be calculated using the Defra offsetting metrics or the Promoters own No Net loss Calculation.

2.46 The compensation for loss of ancient woodland should be set at a minimum ratio of 30:1, based on the recommendation of Natural England in their review of the Promoter's No Net Loss calculation. The current proposal on Phase 1 falls very short of this figure, and your Petitioner has been unable to derive an accurate figure for Phase 2a due to the lack of clarity in the AWS, which does not provide individual figures of compensation for some ancient woodland loss.

2.47 All compensation planting should be carried out at a landscape scale as per the 'Lawton Principles', an approach endorsed by the Natural Environment White Paper, which champions the role that new woodland must play in supporting biodiversity, reversing fragmentation and building better habitat networks to create landscapes that are more resilient to change.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on pages 22-25 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference a copy of the response is set out below.

Ancient woodland compensation measures

2. Where avoidance and mitigation measures are not considered sufficient to address the effects of the Proposed Scheme on ancient woodland then compensation, in the form of habitat creation, or the enhancement of retained habitat, has been proposed. Where losses of ancient woodland are expected to occur, a range of compensatory measures are proposed by the Promoter, which includes:

- translocation of ancient woodland soils;
- translocation of coppice stools;
- new woodland creation; and
- enhancement and/or restoration of existing woodlands (ancient and non-ancient).

3. It should be noted that the selection of the above measures would be bespoke to each ancient woodland site effected. Enhancement work would include a variety of woodland management activities, including invasive plant species removal, woodland thinning and fencing to prevent animal grazing damage.

4. The salvage and translocation of ancient woodland soils has been included as a compensatory measure that would, where conditions are suitable, act to provide the best opportunity to retain some of the diversity associated with the ancient woodland seed (and bulb) bank, mycorrhiza and other fungi and invertebrates. Such measures would form one part of the compensatory response, and even where ancient woodland soils are translocated, the soils receptor areas would not be considered to represent ancient woodland.

5. The compensation requirements for individual impacts were considered on a 'site by site' basis, taking into account the scale of the impacts and the condition of the woodland affected, before consolidating this into a suitable compensation strategy for the wider local area (e.g. creating larger areas of woodland in one location by consolidating smaller areas of woodland compensation rather than creating smaller areas of woodland creation close to the original loss). This process did not involve the use of a biodiversity offsetting metric or other loss to gain ratios.

6. The proposed ancient woodland mitigation and compensation has been reviewed by Natural England who state in their Environmental Statement (ES) consultation response (29 September 2017):

"We welcome the proposals for compensation of Ancient Woodland based on a range of measures including new woodland planting, translocation of ancient woodland soils and enhancement of existing ancient woodland sites. Compensation planting should be created as close to existing losses as possible, ensure that connectivity between woodlands is maintained and improved; create links between existing ancient woodlands and new woodlands; enable colonisation of new sites by ancient woodland species, extend and provide buffering for existing ancient woodland. We are pleased the proposed compensation measures seek to adopt these principles in order to increase the extent of woodland in the area and enhance connectivity between woodlands. We support HS2's commitment to significant monitoring periods for woodland habitats and look forward to assisting HS2 with the development of the Ecology Site Management Plans (ESMPs) which will be prepared for each of woodland creation areas."

Natural England 30:1 planting recommendation

7. Natural England's review (undertaken in 2016) of the Phase 1 No Net Loss biodiversity metric recommended that:

- "Irreplaceable habitats....notably ancient woodland...are taken out of the HS2>NNL Metric. In these instances losses should not be accounted for using a metric methodology; and
- HS2 Ltd should aim to create 30 hectares of new woodland for every hectare lost, where ancient woodland is to be replaced by new woods"

8. The Department for Transport (DfT) accepted the first recommendation and have since removed ancient woodland and associated compensation measures from the No Net Loss calculations. Losses of ancient woodland and the bespoke package of compensation measures for each of these woodlands are detailed in the Phase 2A Ancient Woodland Strategy.

9. However they were unable to accept the second recommendation as the report also noted that there was 'little evidential basis to justify any one specific ratio'. This was felt to be incompatible with the recommendation to remove ancient woodland from the metric and account for it using a non-metric methodology. The DfT also noted that, given the evidential basis is lacking, this recommendation should be seen as a stimulus for debate. Compensation for ancient woodland losses would be considered through the Government's 25-year plan. In the House of Lord's Select Committee report for the High Speed Rail (London-West Midlands) Bill, it was noted that:

"In particular, we are not persuaded by Natural England's opinion that where ancient woodland is lost, the aim should be to create new woodland on the

scale of 30:1. Having emphasised that changes should be evidence-based, the report seems to have plucked this figure out of the air."

10. As described above, the Promoter considers requirements for each woodland on a 'site by site' basis, this process did not involve the use of a biodiversity offsetting metric or other loss to gain ratios. This approach takes account of the Ancient Woodland Standing Advice which states that:

"Compensation measures should be appropriate for the site and for the scale and nature of the impacts on it."

Ecological mitigation outside of identified limits

11. The ecological surveys undertaken have enabled the Promoter to identify where the appropriate habitat creation should be placed, and habitat connectivity for protected species has been an important consideration.

12. The Promoter considers that habitat creation and landscape planting measures set out in the ES extend far enough to maintain habitat connectivity and no further habitats outside the Bill limits are required.

13. The Promoter has offered the Petitioner the following draft assurance on 5 June 2018 in relation to this issue, which is identical to U&A reference no. 1971 given to the Petitioner for Phase One:

"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."

14. As mentioned above in the response to paragraphs 2.8, 2.9, 2.13, 2.21 - 2.33 of the petition, the Promoter offered the Petitioner an assurance on avoiding damage or loss to ancient woodland

Lawton principles

15. The Promoter considers that the ecological mitigation measures included in the Bill have taken due account of the 'Lawton' principles'. The location and design of habitat creation areas has sought to adhere to the key Lawton principles of 'more, bigger, better and joined'. These aim to result in habitat creation areas which would also enhance and connect habitat parcels within the local area and into areas outside of the operational railway footprint.

16. The Promoter supports the creation of a 'permeable' railway (and associated infrastructure) with underpasses, culverts and green bridges linked to existing habitat,

which is consistent with the recommendations of the Lawton report. This also supports climate change requirements by increasing the resilience of ecological networks and allowing species to move more freely in response to changing climatic conditions.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.48 - 2.50

ISSUE RAISED: Tree procurement and provenance

PETITION PARAGRAPH: 2.48 The provenance of trees is extremely important in any proposed scheme of compensation planting, given the threat posed by tree diseases from imported plants and the need for new woodland to closely match that which is lost. All trees planted should be produced in a way that represents the minimum risk to biosecurity and also presents the optimum conservation benefits by ensuring that they are raised from seed collected in native UK woods with a broad genetic base to ensure they are more able to adapt to future conditions.

2.49 Local seed collection and locally sourced trees should form the bulk of the planting mix but using a wider range of UK provenance native species by including some planting stock of non-local, but still UK, provenance will help this by increasing genetic diversity in new native woods which means those woods are better equipped to adapt to future conditions. We urge the nominated undertaker to start procurement processes for UK sourced and grown trees at the earliest opportunity to allow for the lead time in collecting seeds and growing the stock.

2.50 The Trust has been given an assurance on Phase 1 (assurance 1972) that relates to trees planted as compensation for ancient woodland loss. However, we consider that all trees planted as part of the scheme should be UK sourced and grown. At present, the Promoter has provided us with an assurance on Phase 2a (C50.6) that some tree seed may be sourced from up to 5 degrees latitude south of the planting location. In reality this means that some seed or stock could be imported from the Continent, which poses a serious risk of introducing tree disease. The Trust considers that the Promoter should strive to ensure all trees used are UK sourced and grown and not just the trees planted for ancient woodland compensation.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on pages 30-31 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference a copy of the response is below.

2. As set out in this PRD, in relation to ancient woodland, compensation measures are proposed which would result in the creation of 77.1ha of new mixed deciduous woodland in replacement of 10.2ha of ancient woodland proposed to be lost at 10 sites.

3. Where reasonably practicable, the size and species of replacement trees would be selected to achieve a close resemblance of the original trees most effectively using locally occurring native species of local provenance and taking cognisance of any management plans for immediately adjacent areas of woodland.

4. The Promoter recognises the importance of tree provenance and the need to reduce the risk of tree disease. The Forestry Commission guidance 'Managing ancient and native woodland in England'¹⁰ recommends that a wide genetic base, i.e. a mix of provenances, is used to build in adaptability to an unpredictable future climate.

5. In relation to the procurement of trees, the Promoter has offered the Petitioner the following assurance on 5 June 2018:

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

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

6. Following further discussions on this matter the Promoter is aware that the Petitioner 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

¹⁰ [https://www.forestry.gov.uk/pdf/FCPG201.pdf/\\$FILE/FCPG201.pdf](https://www.forestry.gov.uk/pdf/FCPG201.pdf/$FILE/FCPG201.pdf)

developed through discussions with the Forestry Commission and Natural England and is in line with their advice¹¹.

¹¹ <https://www.forestry.gov.uk/forestry/bee-h-9u3jzs>
<http://publications.naturalengland.org.uk/publication/5629923804839936>

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.51 - 2.54

ISSUE RAISED: Translocation of ancient woodland

PETITION PARAGRAPH: 2.51 The Promoter is proposing to use translocation of ancient woodland soils and some components of the woodland (e.g. dead wood and coppice stools) as part of the compensation package for ancient woodland loss. Ancient woodlands cannot be translocated. Translocation of soils constitute a salvage operation only, which may add some value to potential receptor sites, but cannot be considered in any way to replace the ancient woodland destroyed. Natural England's Standing Advice states "You can't move an ancient woodland ecosystem because:

- it isn't possible to replicate the same conditions at another site;
- it's no longer an ancient woodland

2.52 Translocation of ancient woodland soils is a relatively new process and literature on the subject is scarce. There is no information currently available that proves that translocation of soils can offer any measure of compensation for ancient woodland loss. As such, translocation as a form of compensation should not be used to reduce the amount of compensation provided in the form of tree planting.

2.53 Given the paucity of information relating to the translocation of ancient woodland soils, we request that a detailed methodology statement is prepared for each donor and receptor site where translocation of soils is proposed and that this includes details of subsequent monitoring and maintenance that will be required at the receptor site. Furthermore, the methodology statements will need to identify what a successful translocation will look like, how failure will be identified and what will be done if the translocation fails. The Trust already has an assurance (Assurance 2552) on Phase

1 that relates to this matter and we expect a similar assurance to apply to Phase 2a.

2.54 The Promoter has committed to a 50 year monitoring programme on Phase 1 and we expect this commitment to apply to all subsequent phases of the scheme. However, it is still not clear on Phase 1 how compensation sites will be managed in the long-term. The Trust would like a commitment for all these sites to be managed in perpetuity. This is in recognition that the planting is to compensate for the loss of ancient woodland that is at least 400 years old.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on page 43-44 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference a copy of the response is below.

2. The translocation of ancient woodland soils is recognised as a compensation measure in the Natural England and Forestry Commission Standing Advice and complements the proposed planting areas with soils that contain ancient woodland seed (and bulb) bank, mycorrhiza and other fungi and invertebrates. Where practicable, relocation of coppice stools, saplings and dead wood would also be considered. In the case of planting into translocated ancient woodland soil areas, some faster-growing species are likely to be used to create the shaded conditions needed by the seed in soil brought in from donor sites. These trees would then be removed at an appropriate time to allow the native species to develop and mature.

3. As described above, each ancient woodland site would have an Ecology Site Management Plan (ESMP) that would include details of the species measures for long-term management and monitoring for each ancient woodland. This document would be prepared at the relevant detailed stage of the project.

4. As stated in HS2 Phase 2A Information Paper E2: Ecology, a monitoring duration of up to 50 years would be provided for all locations where the translocation of ancient woodland soils is proposed.

5. The methodology for the translocation of soils is included in the Promoter's requirements and has been appended to the Ancient Woodland Strategy. In light of this the Promoter does not consider that a specific assurance is required for the Proposed Scheme.

6. This issue was raised by the Petitioner at their first appearance before the House of Commons Select Committee on 24 April 2018. As a result, in the House of Commons

Select Committee's First Special Report of Session 2017-2019 the Select Committee recommended:

"The Woodland Trust said that on the A2/M2 link, where translocation had taken place, monitoring was being undertaken, but the Trust's resources were limited which hampered its ability to undertake this work. The Committee would require an undertaking from HS2 to fund a longer-term ongoing research monitoring exercise on the translocation of the ancient woodland: this should include soil monitoring reports on areas associated with this project. As the history of ancient woodland is measured in centuries rather than decades we would expect the monitoring period to take account of the long timescale. This should be an ongoing research project funded adequately to inform any future proposals for translocation of ancient woodland. This project presents a good opportunity to undertake such a study."

7. In the Promoter's response to the House of Commons Select Committee's First Special Report of Session 2017-19 the Promoter stated:

"The Promoter has set out indicative commitment¹² 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. This covers only the management, maintenance and monitoring proposed during the period of establishment. Further discussions are in progress with Department for Environment, Food and Rural Affairs (Defra) and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

The Phase 2A Ancient Woodland Strategy published in January 2018¹⁰ explains that details of specific measures for long-term management and monitoring for each ancient woodland would be prepared at the relevant detailed design stage and included within the relevant iteration of the Ecology Site Management Plan (ESMP) for that location.

In addition, in recognition of the views expressed by the Select Committee, on 25 June 2018 the Promoter announced a £2m Phase 2A Woodland Fund to help local landowners create new native, broadleaf woodlands and restore existing ancient woodland sites. The Promoter will also scope a long-term project to monitor the environmental impact of moving ancient woodland, to inform any future proposals for the translocation of ancient woodland."

8. During the Petitioner's second appearance before the House of Commons Select Committee on 11 July 2018 the topic was discussed again and in the House of

¹² See HS2 Phase 2A Information Paper E2: Ecology

Commons Select Committee's Third Special Report of Session 2017-2019 the Select Committee recommended:

"Since that Report we have been made aware that HS2 has stated that in some areas along the route some of the soils proposed for translocation are subject to the Plant Health (Forestry) Order 2005 No. 2517. This Order prohibits all imports of ash seeds, plants and trees to prevent the spread of dieback of ash (*Chalara*) to regions where the disease is not present. Ash is common in lowland England. We welcome the fact that HS2 is in dialogue with the Forestry Commission about this issue for HS2 Phase 1 and understand that the Forestry Commission will issue HS2 with a single Statutory Plant Notice to authorise soil translocation activity subject to certain conditions being met. We urge HS2 to ensure that all conditions are fully met so to ensure that the risk of the spread of *Chalara* is minimised.

We expect HS2 to ensure that the lessons learned from soil translocation in HS2 Phase 1 are embedded in any work for HS2 Phase 2a and beyond, and shared more widely so that other infrastructure projects may benefit from the studies.

We ask HS2 to ensure that mechanisms to control invasive and extraneous species are used in order to protect all new planting and translocated soils from disease and to promote further growth."

9. In the Promoter's response to the House of Commons Select Committee's First Special Report of Session 2017-19 the Promoter stated:

"The Promoter recognises the importance of tree provenance and the need to minimise the risk of tree disease by following best practice in biosecurity and plant quarantine.

In accordance with HS2 Ltd's Ecology Technical Standards, a bespoke Biosecurity Management Plan will be produced where there is a risk of introducing plant diseases as a result of planting, seeding and remedial works being undertaken.

The salvage and translocation of ancient woodland soils has been included as a compensatory measure for the loss of ancient woodland that will, where conditions are suitable, act to provide the best opportunity to retain some of the diversity associated with the ancient woodland."

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.55 - 2.59

ISSUE RAISED: Temporary land take

PETITION PARAGRAPH: 2.55 There are currently proposals for temporary land take within Whitmore ancient woodland from the placement of a satellite compound and temporary works that affect an unknown number of ancient and veteran trees.

2.56 Destroying ancient woodland for temporary land uses is unacceptable. Ancient woodland now makes up such a small part of our landscape that even small losses may have irredeemable impacts on the flora and fauna found in an area. It is not possible for there to be "temporary" land take from an irreplaceable habitat. Any land take will result in permanent destruction of the habitat. We ask that the Bill be amended to disallow any temporary land take within ancient woodland, or of ancient/veteran trees. This was agreed by HS2 Ltd for Phase 1 and we are therefore disappointed that this has not been carried forward to Phase 2a.

2.57 The Promoter agreed on Phase 1 to remove all temporary works affecting ancient woodland, therefore we do not currently have an assurance relating to this matter as it was not needed. However, given that the commitment not to place temporary works within ancient woodland or to remove ancient/veteran trees for temporary works has not been adhered to, we seek an assurance that all these works will be moved.

2.58 Temporary land take adjacent to ancient woodland can also have significant impacts upon this irreplaceable habitat. From the current works proposed it is clear that there is a satellite compound at Whitmore Wood which is both within and adjacent to the woodland and a temporary stockpile immediately on the boundary of Tithebarn Wood. Both of

these works need moving to prevent impact on ancient woodland.

2.59 In addition, from the additional information provided in the Veteran Tree Strategy at least 10 ancient/veteran trees are being lost to temporary land take. Furthermore, the Off Route effects identify two road realignments (Great Haywood Road and Yarnfield Lane) that may affect ancient and veteran trees. It is of concern that the identification of the numbers of trees affected was not carried out prior to the publication of the EIA. The Trust seeks an assurance that these temporary road realignments will avoid any ancient and veteran trees in this area.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on page 45-47 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A). For ease of reference the response is set out below.

2. The Promoter has identified veteran and ancient trees that would be affected by the construction of the Proposed Scheme. These are described individually in Environmental Statement (ES), Volume 2 Community Area Reports, and at a route-wide level in Volume 3 of the ES. The Promoter recognises veteran and ancient trees as irreplaceable resources and their loss would result in a permanent adverse effect which is quantified as being significant at a district/borough level in each case within the ES.

3. A precautionary approach to assessment has been adopted and all trees within the land required for the construction of the Proposed Scheme are assumed to be lost and are reported as such in the ES. The only exception to this assumption is when the tree is located within an area that would be required for mitigation planting only.

4. Section 12.2 of the draft Code of Construction Practice (CoCP) requires avoidance of unnecessary tree and vegetation removal and protection of existing trees in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations (see paragraph 12.3.7 of the draft CoCP).

5. Where it is not possible to retain an ancient or veteran tree, consideration would be given to compensatory measures, as per recent guidance, including:

- collecting seeds, propagating cuttings and replanting young trees from this
- stock in the surrounding area;
- replanting other young trees of the same species in the surrounding area;

- moving the felled tree to an area of nearby retained woodland or newly planted woodland; and/or
- managing other nearby veteran trees to help to prolong their life and/or introduce additional ecological value.

6. In relation to the request in paragraph 41.2 of the petition, the Promoter has now provided the Petitioner with further information regarding affected veteran and ancient trees including their location on mapped plans.

Assurance on avoiding damage or loss of ancient woodland.

7. Please see the Promoter's response to paragraphs 2.8, 2.9, 2.13, 2.21 - 2.33 of the petition where it is explained that the Promoter has provided the Petitioner with an assurance on avoiding damage or loss of ancient woodland.

The request for the removal of all temporary works affecting ancient woodland

8. Ancient woodland is one of the environmental constraints that have been considered during the development of the scheme when determining the land required temporarily for the construction of the scheme. The Promoter considers that the proposals in the Bill present the best sustainable option taking account of all relevant environmental considerations. Unfortunately due to conflicting constraints, it is not possible in all instances to avoid ancient woodland as a result of temporary works.

9. As set out in the Environmental Minimum Requirements (EMRs) the nominated undertaker would in any event, and apart from the controls and obligations referred to in paragraph 1.1.3 of the EMRs, use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by the Proposed Scheme, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.

Land take at Whitmore Wood

10. The land take at Whitmore Wood has been reduced as far as reasonability practicable to reduce the direct loss of ancient woodland temporary and permanent works. This includes the provision of the Whitmore Wood retaining wall along the north-east of Whitmore North cutting, which was introduced during design development to reduce the area of land within Whitmore Wood required for construction of the Proposed Scheme and the subsequent loss of ancient woodland and habitat.

11. The Whitmore north satellite compound forms part of the land that is required for the construction of the Whitmore Wood retaining wall. The Promoter would continue to seek opportunities through detailed design and the implementation of the Code of Construction Practice to reduce the reported temporary and permanent losses report at Whitmore Wood.

Identification and loss of ancient and veteran trees

12. Information on ancient and veteran trees was not specifically available at the county level for Staffordshire or Cheshire to inform the Environmental Impact Assessment (EIA) of the scheme, but information was obtained from the Woodland Trust Ancient Tree Inventory and through observations during ecological surveys. This data highlighted ancient and veteran trees which are assumed to be lost as a result of the Proposed Scheme, as described in relevant volumes of the Environmental Statement.

13. Prior to the detailed design stage, more detailed surveys would allow for an accurate evaluation of those trees identified during survey work as being potential veteran trees. The surveys would involve recording a detailed description and measuring the diameter of the tree, to confirm whether these trees do meet the criteria to be classified as veteran or ancient.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.60 - 2.61

ISSUE RAISED: Long term maintenance, management and monitoring and environmental covenants

**PETITION
PARAGRAPH:** 2.60 In line with the offsetting principles set out above we request that steps are taken to not only manage and monitor new planting but also to respond to failures in the mitigation and compensation planting schemes. Currently, there is no contingency scheme in place for the failure of any of the proposed compensation and mitigation schemes. Clear remedial steps should be set up to enable any losses to be assessed and made good in the next appropriate planting period. Such steps should be included within the environmental management plan to be implemented by the nominated undertaker and in other documentation as appropriate.

2.61 Legally and financially binding conservation covenants, or similar private agreements, should be seen as being vital to a system for securing the future of these ecological compensation areas (as recognised in the Government's 25 Year Plan for the Environment). New woodland planted as compensation for ancient woodland loss does not enjoy any protection in the National Planning Policy Framework and is therefore vulnerable to potential future development. We seek guarantees that these sites would not be lost to future development from the railway or other forms of development and would be secured to remain as woodland for years to come. Given the difficulties of ensuring local planning consistency along the whole route, an undertaking from the Secretary of State would seem most appropriate in this regard.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on page 32-35 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A).
2. Appropriate management of created or enhanced/restored habitats would be necessary to achieve the desired target condition of such features. Section 11 of HS2 Phase 2A Information Paper E2: Ecology, explains that the draft Environmental Minimum Requirements (EMRs) for the Proposed Scheme include a commitment to manage and monitor created habitats for an appropriate period to establish those habitats. This is a commitment made by the Secretary of State to Parliament and the nominated undertaker and contractors would be bound by it. A route-wide monitoring strategy would also be implemented which would detail the monitoring requirements for habitats and species and the methods to be used in each instance.
3. The Promoter has set out indicative management, monitoring and maintenance periods for the 'establishment' phase of created habitats in HS2 Phase 2A Information Paper: E2 Ecology. This makes clear that the Promoter does not expect all habitat creation to be complete within short time-frames. Generic establishment monitoring, management and maintenance periods range from 5 years (for example, for open mosaic habitats on previously developed land), to 5-10 years (for hedgerows) and up to 50 years (for woodland creation areas). In exceptional cases (e.g. where there is reason to believe that a habitat would be particularly difficult to create) there may be deviation from the figures provided. In consultation with Natural England, the Promoter intends to identify measurable goals (or 'success criteria') for all habitat areas to be created.
4. Monitoring during the establishment of new habitats would track progress towards these goals. If monitoring shows that these goals have not been achieved within the indicative monitoring and maintenance periods stated, the duration may need to be extended, for example in response to unusual weather conditions such as prolonged drought. Similarly, if it can be confirmed that the required goal has been met earlier than expected, the standard monitoring period may be shortened. The frequency of monitoring would generally decrease with time where establishment towards the agreed objectives is progressing in line with expectations.
5. HS2 Phase 2A Information Paper E20: Maintenance of Landscaped Areas also explains the period of time that the nominated undertaker would manage new habitats and areas of landscape planting. During construction and for a period of time after, any new planting, grassland and habitat creation would be maintained by the nominated undertaker to ensure they become established and are properly maintained. This period of initial maintenance would vary depending on the habitat or feature and the complexity and objectives for the landscape type. Tree planting, for the purpose of screening would likely require up to 5 years maintenance.

6. The Promoter expects that the process of agreeing an appropriate maintenance and monitoring strategy for ecologically-led habitat creation beyond the establishment period would be agreed in conjunction with Natural England. Further discussions are in progress with Department for Environment, Food and Rural Affairs and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

7. After an initial period of maintenance, the nominated undertaker would seek to return the majority of land to previous landowners or other interested parties (such as local wildlife trusts, the Petitioner and local authorities), where agreement can be reached that would ensure the continued objectives of the mitigation are maintained into the future.

8. Where agreement cannot be reached, the land would be retained and maintained by the nominated undertaker, at least until a maintenance agreement is put in place with a suitable owner or party. For land that is retained by the nominated undertaker, the nominated undertaker would appoint a managing company (or companies) to ensure the adequate maintenance of mitigation.

9. The Ecology Review Group would scrutinise the monitoring outputs from newly established habitats and make reasonable recommendations for remedial action where mitigation and compensation measures are not meeting objectives. See the Promoter's response to paragraph 2.62 of the petition below for the Promoter's position on extension of the Ecology Review Group to Phase 2A.

Clause 48 – enforcement of environmental covenants

10. To ensure that relevant obligations and restrictions in such agreements continue after the disposal of the land, clause 48 in the Bill is entitled 'Enforcement of environmental covenants'. Clause 48 applies where the Secretary of State and a landowner agree that the landowner is to be subject to obligations or restrictions regarding works relating to land which have, broadly speaking, the aim of mitigating adverse environmental effects caused by any of the works for the Proposed Scheme.

11. Clause 48 (3) provides that the Secretary of State or an authorised person may enforce the agreement against the landowner or against any person deriving title from or under the landowner. The covenant would also be recorded as a local land charge.

12. Clause 48 (10) allows a court to award exemplary damages against a person who breaches a qualifying provision of such a covenant if they think that it is appropriate to do so in the circumstances.

Assurances offered

13. The Promoter offered the following assurance to the Petitioner on 5 June 2018:

"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')."

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.62

ISSUE RAISED: Ecology Review Group

PETITION 2.62 The Promoter has set up an Ecological Review Group
PARAGRAPH: (ERG) on Phase 1, of which the Trust is a member. We request a commitment from the Promoter that this group, or an iteration of it, will be formed in regard to Phase 2a.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on page 48 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A).
2. A route-wide Ecology Review Group comprised of relevant statutory bodies, non-governmental organisations and local authorities would review the outputs of monitoring for habitat creation sites and provide independent advice on remedial action where appropriate.
3. The Promoter has provided the following assurance to Staffordshire County Council on 8 May 2018:

"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."

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.63 - 2.68

ISSUE RAISED: Authorisation procedures

**PETITION
PARAGRAPH:** 2.63 Clause 17 of the Bill provides that planning permission is deemed to be granted for the works authorised by the Bill and consequently the statutory controls on development enacted by Parliament in the Town and Country Planning Acts are dis-applied.

2.64 The Trust accepts that Clause 17, and Schedule 17, of the Bill will enable the local planning authority for the area to exert some influence on the type of development for which powers are being sought by the Promoter. However, this process is yet to be fully tested on Phase 1, so we continue to have grave concerns in relation to the extent of these powers. For example, in respect of the Local Authority's ability to impose conditions about: the conduct of works; the management of impacts; replanting schemes and other measures for woodlands; and biodiversity protection and mitigation. Hence the Trust and local authorities crave leave to comment in further detail on these concerns at the appropriate stage.

2.65 As indicated earlier, the Bill contains provisions that provide outline planning permission for the development authorised by the Bill and dis-apply a number of other statutory regulation regimes that would normally apply in relation to the construction of works, including the normal provisions of the Town and Country Planning and related Acts, and the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990, Natural Environment and Rural Communities Act 2006, Countryside and Rights of Way Act 2000 and the Wildlife and Countryside Act 1981. We note that in many instances there are streamlined, replacement approval processes proposed in the Bill, which aim in particular to shorten the time taken for decisions to be made and in some cases limit the number of factors that may be taken into consideration.

2.66 The Trust has an important role as consultees and advisors on development affecting woodlands and their wider environment, and seeks to play a full part as obligatory consultees where the works are likely to affect such areas of woodland. We wish to be among those who are required to be consulted in relation to the following: Code of Construction Practice, Local Environmental Management Plans, Environmental Minimum Requirements, Planning Applications, Groundworks, Utilities Proposals, Planting Proposals and Public Realm Proposals relating to ancient woodland. For Phase 1 Assurance 1968 covers this issue, so we ask for the same assurance on Phase 2a.

2.67 The Trust wants to ensure the Code of Construction Practice is complied with properly and ask to be fully engaged with the on-going implementation process.

2.68 The Trust seeks assurances that the nominated undertaker will carry out the compensation for the impact on ancient woodland in accordance with the following requirements and the associated monitoring and maintenance and that these activities are carried out prior to work starting on the construction of the railway. This is critical to ensure that the lag time between the destruction of existing habitats and the creation of new habitats is as short as possible:

- Procurement of trees from local and national nurseries.
- Tree planting should be carried out as soon as is practicable.
- Agreement to methods of working, e.g. translocation method statements.
- Agreement to long term management and monitoring until newly planted trees start to function effectively as woodland habitat.
- Agreement on methods of protecting amenity woodland from the blight of long term works of uncertain timeframe.

PROMOTER'S RESPONSE:

1. The Promoters response on this issue is set out on pages 49-53 of the Promoter's Response Document (PRD) issued for Petition No. HS2-P2A-000099 against the Bill in the House of Commons (a copy of which is attached at Annex A) and for ease of reference is set out below.

2. The Petitioner has been engaged on the Proposed Scheme prior to and after deposit of the Bill in July 2017. As set out in the Promoter's response to paragraphs 2.32, 2.39 and 2.77 – 2.80 of the petition against the Bill in the House of Commons, the Promoter has offered an assurance to engage the Petitioner regarding works within 100m of ancient woodlands. The Promoter has also given an assurance that the Ecology Review Group would be extended to cover the Proposed Scheme (see the Promoter's response to paragraph 2.69 of the petition). The Petitioner is an active member of the Ministerial Roundtable which meets regularly and covers all phases of HS2.

Schedule 17 planning regime

3. As the Petitioner states, the Bill grants deemed planning permission for the work it authorises and establishes a planning regime under Schedule 17 where certain matters and details of the deemed consent are reserved for subsequent planning authority approval. Therefore, prior to the railway being constructed, the required approvals would be obtained from the relevant local planning authority.

4. With regard to the Petitioner's concern that the planning regime is yet to be fully tested, the equivalent provisions were enacted in the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2008 and these regimes operated effectively in the projects delivering high quality design. Schedule 17 to the Phase One Act has been shown to operate effectively since it received Royal Assent.

5. Under paragraph 18 of Schedule 17, where the relevant local planning authority considers that a request for approval affects, 'nature conservation or the conservation of the natural beauty or amenity of the countryside', they must invite the appropriate body to make representations, which is defined by the Bill as Natural England for these matters. Therefore, the Promoter does not consider the Petitioner's request for the planning authority to consult the Petitioner on all submissions necessary as the Schedule 17 already identifies the relevant national agency as the consultee.

6. In relation to the Petitioner's concern regarding the management of impacts on woodland and biodiversity including their protection and mitigation. Before the railway is brought into use, they would be subject to "bringing into use" approval from the relevant local planning authority under paragraph 9 of Schedule 17. The purpose of bringing into use approval is to ensure that appropriate mitigation has been incorporated, and no such work can be brought into use without such prior approval. Further to this, as explained above, the relevant local planning authority would consult Natural England if they consider that the request for bringing into use approval affects 'nature conservation or the conservation of the natural beauty or amenity of the countryside'.

Control of environmental impacts during construction

7. As HS2 Phase 2A Information Paper E1: Control of Environmental Impacts sets out, 'there are three distinct components that, taken together, will effectively control the environmental impacts of the construction and operation of the Proposed Scheme. They are:

- arrangements within the Bill for approving detailed design and construction arrangements;
- policies, commitments and undertakings entered into outside of the Bill; and
- existing legislation, unless expressly or impliedly disapplied or modified by the Bill.'

8. These controls, 'contained in the Bill and in general legislation along with undertakings given by the Secretary of State, will ensure that impacts which have been assessed in the Environmental Statement (ES) will not be exceeded'.

9. The Promoter's response to paragraphs 2.32, 2.39 and 2.77 - 2.80 of the petition against the Bill in the House of Commons sets out the ways in which the impacts from construction would be controlled through the draft Code of Construction Practice (CoCP) and Environmental Minimum Requirements (EMRs).

10. The draft CoCP sets out general standards/controls that the nominated undertaker would put in place to manage environmental effects arising from construction activity. It is accepted that, as part of the EMRs, the draft CoCP would evolve and be subject to refinement and expansion as elements of the design and assessment are developed through the Parliamentary process and passage of the Bill.

11. The commitments made by the Secretary of State through the EMRs are significant for the nominated undertaker. Undertakings and assurances would be recorded on a register compiled by the Secretary of State during the course of the Bill proceedings. The Register would be published in final form at Royal Assent. The Register would form part of the EMRs which would be made contractually binding on any nominated undertaker appointed after Royal Assent.

12. Enforceability of such assurances is through the Secretary of State, who is in turn answerable to Parliament. For further information, please see HS2 Phase 2A Information Paper B5: Compliance with Undertakings and Assurances.

13. The draft EMRs for the Proposed Scheme are based on those already demonstrated to have been highly effective in controlling and reducing the environmental effects of previous projects, such as HS1 and Crossrail. The EMRs are prepared in consultation with line of route planning authorities and relevant statutory stakeholders, given this the Promoter does not believe an assurance to engage with the Petitioner on development of the EMRs is necessary.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION The Woodland Trust

OF:

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.69 - 2.71

ISSUE RAISED: Construction concerns

PETITION
PARAGRAPH: 2.69 The Woodland Trust expects that the nominated undertaker would agree reasonable hours of operation. Within and adjacent to sensitive habitats such as ancient woodland these would exclude working after dark.

2.70 We also seek assurances that the nominated undertaker is required to adopt the very highest standards in respect of mitigation of the effects of noise, vibration and dust caused during the construction period and in particular that the construction code replicates best practice requirements applicable to other major construction projects.

2.71 The Woodland Trust seeks assurances that working practices will be agreed and implemented to minimise effects on ancient woodland during the construction period. There should also be a guarantee that any future changes to industry standards will also be complied with.

PROMOTER'S RESPONSE:

1. Impacts on ecological receptors would be managed during construction through a set of controls which are set out in section 9 of the draft Code of Construction Practice (CoCP). The draft CoCP would require the nominated undertaker to ensure that procedures are implemented to control and limit disturbance to areas of nature conservation interest and protected species in accordance with relevant legislative requirements and accepted industry practice.

2. Paragraphs 2.6 and 2.9 of HS2 Phase 2A Information Paper D3: Code of Construction Practice, state:

“the CoCP sets out a series of measures and standards that the Promoter and the contractors appointed to deliver the Proposed Scheme will be required to meet for the duration of the construction of Phase 1. It will also ensure that potential impacts on people and the natural environment are kept to a

practicable minimum. (...) The CoCP will require the nominated undertaker and its contractors to comply with all the measures set out in it as well as all applicable environmental legislation prevailing at the time of construction. The nominated undertaker and contractors will also be required to comply with relevant local standards and conditions that may be agreed with local authorities.”

3. The statutory framework and draft CoCP provides suitable measures to control potential impacts on people, businesses and the natural environment. In particular, the draft Environmental Minimum Requirements (EMRs) contain control measures and standards to be implemented through the Proposed Scheme.

4. HS2 Phase 2A Information Paper D3: Code of Construction Practice explains “the Phase 2A CoCP is part of the environmental and sustainability commitments that the Government will enter into through the passage of the Phase 2A Bill through Parliament. These commitments are known as the Environmental Minimum Requirements (EMRs)”.

5. The Promoter is satisfied that it has sufficient commitments and assurances within the draft CoCP and the draft Environmental Memorandum to ensure that biodiversity impacts are properly managed and monitored through the construction process, in line with best practice.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.72 - 2.74

ISSUE RAISED: Tunneling and other engineering works

PETITION PARAGRAPH: 2.72 We are keen to ensure that every possible step is taken to minimise the loss of irreplaceable ancient woodland rather than to have to compensate for its loss. We ask that opportunities to realign the track as well as reconfiguration of cutting/embankments should be taken to avoid the destruction and damage of irreplaceable habitats such as ancient woodland. For example, a reconfiguration of the cutting at The Grove (Yarlet Wood) could reduce the amount of land take here. We are concerned that many of the alternatives to the proposed scheme have been dismissed without being fully considered, even though they could significantly reduce the impact of the line on the environment.

2.73 The Woodland Trust asks that the Bill be amended specifically to include a tunnel at Whitmore Wood and another at Clifford Wood. This would significantly reduce the project's impact on these irreplaceable ancient habitats by 60% for this Phase.

2.74 We also request that no structures associated with tunnels or construction works are erected within ancient woodland and that adjacent works are moved at least 100m away from ancient woodland boundaries.

PROMOTER'S RESPONSE:

Tunnel at Whitmore Wood

1. Please see the Promoter's response to paragraphs 2.8, 2.9, 2.13, 2.21 - 2.33 of the petition.

Tunnel at Clifford's Wood

2. Please see the Promoter's response to paragraphs 2.8, 2.9, 2.13, 2.21 - 2.33 of the petition.

Yarlet South Cutting

3. The width of the Yarlet South Cutting has been designed on the basis of precautionary assumptions on the existing ground condition. Following ground investigation data, opportunities would be sought in the design to reduce the slope angle where feasible, reducing the permanent foot print of the scheme, and reduce the impact on the Grove ancient woodland.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.75

ISSUE RAISED: Operational railway issues

PETITION PARAGRAPH: 2.75 The operational maintenance required to keep railway lines clear may adversely affect nearby woodland unless carried out with proper care, and therefore we submit that there be provision in a long term management strategy for an agreed set of maintenance standards to be used by contractors and enforced by the nominated undertaker.

PROMOTER'S RESPONSE:

1. The Petitioner raised issues regarding the operation of the railway in their petition against the Bill in the House of Commons Select Committee (Petition No. HS2-P2A-000099). The Promoter refers the Petitioner back to the original response on page 59 of the Promoter's Response Document (PRD) of June 2018, which is attached at Annex A.

Planting and the operational railway

2. HS2 Phase 2A Information Paper E20, Maintenance of Landscaped Areas, sets out the Proposed Scheme's tree planting:

"Will be designed to minimise risks to the operation of the railway that may arise from falling leaves, root damage and high winds breaking branches or felling trees in the vicinity. In practice, this means a "zone of influence" will be established along the route of the Proposed Scheme, within which the height of vegetation will be limited. This zone may be extended beyond the HS2 security fence, depending on whether the railway is on embankment, at grade or in cutting."

Management and maintenance of proposed woodland planting

3. Please see the Promoter's response to paragraphs 2.37, 2.61, 2.67 and 2.68 of the petition above with regard to the management and maintenance of new planting.

4. As the Promoter's response to paragraphs 2.37, 2.61, 2.67 and 2.68 of the petition makes clear, further discussions are in progress with Department for Environment, Food and Rural Affairs' (DEFRA) Defra and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-HOL-024

PARAGRAPH NO: 2.76

ISSUE RAISED: Petitioner asks

PETITION PARAGRAPH: 2.76 Ancient woodland is irreplaceable and 9.8ha lost to the proposed scheme is unacceptable. The Trust requests that the Committee responds to our petition by requiring HS2 to amend the proposed scheme to achieve the following;

- a) A tunnel at Whitmore Wood would save over 5.5ha of ancient woodland, and an additional 0.2ha of ancient woodland would be saved from Barhill Wood if this option was taken.
- b) A tunnel at Clifford's Wood would save 1.3ha of ancient woodland.
- c) All temporary works should be moved to avoid impacts on ancient woodland and ancient/veteran trees. For example, the satellite compound at Whitmore Wood and the associated haul route, the stockpile adjacent to Tithebarn Covert, and the trees lost to temporary road realignments.
- d) All ancient woodland is surveyed to inform the environmental baseline, before Royal Assent is given.
- e) Impacts on ancient and veteran trees impacted by the route are properly assessed and reported on, including those affected by off-route effects that have not been clearly identified to date.
- f) A commitment to report on compensation planting for each ancient woodland lost, on a wood by wood basis.
- g) A commitment to continue to update the Ancient Woodland Strategy rather than report impacts on ancient woodland within individual Environmental Site Management Plans (ESMPs).

- h) A commitment by the Promoter to a policy of UK Sourced and Grown for all trees planted as part of the scheme as a means of delivering the highest standards of biosecurity.
- i) The Promoter publicly recognises that a scheme that is destroying ancient woodland can never achieve the stated aim of no net loss to biodiversity.
- j) Where the Committee deems ancient woodland cannot be saved, the Promoter should commit to a compensation ratio of 30:1 as per Natural England's review of the No Net Loss calculation.

PROMOTER'S RESPONSE:

Request for a tunnel at Whitmore Wood

1. Please see the Promoter's response to paragraphs 2.8, 2.9, 2.13, 2.21 - 2.33 of the petition.

Request for a tunnel at Clifford Wood

2. Please see the Promoter's response to paragraphs 2.72, 2.73, 2.74 of the petition.

Temporary Impacts on ancient woodland

3. Please see the Promoter's response to paragraphs 2.55, 2.56, 2.57, 2.58, 2.59 of the petition.

Ancient woodland surveys

4. Please see the Promoter's response to paragraphs 2.55, 2.56, 2.57, 2.58, 2.59 of the petition.

Reporting and assessing impacts on ancient and veteran woodlands

5. Please see the Promoter's response to paragraphs 2.44, 2.45, 2.46, 2.47 of the petition.

Reporting of compensation measures

6. Please see the Promoter's response to paragraphs 2.44, 2.45, 2.46, 2.47 of the petition.

The Ancient Woodland Strategy

7. Please see the Promoter's response to paragraphs 2.15, 2.16, 2.18, 2.19, 2.20 of the petition.

Sourcing UK plants

8. Please see the Promoter's response to paragraphs 2.48, 2.49, 2.50 of the petition.

Ancient woodlands contribution to No Net Loss

9. Please see the Promoter's response to paragraph 2.10, 2.11, 2.12, 2.34, 2.35, 2.36, 2.37 of the petition.

The request for a 30:1 ratio

10. Please see the Promoter's response to paragraphs 2.38, 2.39, 2.40, 2.41, 2.42, 2.43 of the petition.

June 2018

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-P2A-000099:
The Woodland Trust**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-P2A-000099, from The Woodland Trust.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at <http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Woodland Trust ("the Petitioner") is a registered charity dedicated to the conservation, restoration and re-establishment of trees, plants and all forms of wildlife and thereby to secure and enhance the enjoyment by the public of the natural environment. As well as a campaigning organisation, the Petitioner manages its own woodland sites. The Ancient Woodland Strategy for High Speed Rail (West Midlands – Crewe) Bill identifies a loss of approximately 10.2ha of ancient woodland within Staffordshire. There would be no loss of ancient woodland in Cheshire due to HS2 Phase 2A. Volume 3 of the Environmental Statement submitted with the Bill notes that 27 ancient and veteran trees would be lost as a consequence of construction of the Proposed Scheme.

The Woodland Trust is a member of the HS2 Ecology Review Group that currently monitors Phase One of HS2. The Trust has also been represented at the HS2 Ministerial Environment NGO Roundtable which has met regularly during the preparation of the Bill. The Petitioner has been actively engaged with HS2 Ltd and their representatives, regarding both Phase 1 and Phase 2A Bills, and early engagement on Phase 2b.

PETITION NO. HS2-P2A-000099

THE WOODLAND TRUST

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HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.24, 3.87

ISSUE RAISED: Summary of Petitioner's concerns

PETITION PARAGRAPH: 2.24 In summary the Petitioners concerns are as follows:

- The loss of 10.5ha (or 10.2ha according to the AWS) of irreplaceable ancient woodland is unacceptable
- No ancient woodland or ancient/veteran trees should be lost as a result of temporary land uses, such as haul routes, road realignments and construction compounds
- Compensation planting should be provided at a minimum ratio of 30:1 as recommended by Natural England in their review of the Promoter's No Net Loss Calculation. Translocation of ancient woodland soils should only been used as a salvage operation of last resort, and should not be implied to be a method of replacing ancient woodland.
- Indirect effects on ancient woodland such as dust, changes to lighting, increases in noise and fragmentation of woodlands should be addressed and reduced. The Promoter does not currently recognise many of these serious impacts.
- The AWS should be maintained into the future as a single point of reference for all impacts on ancient woodland and compensation proposed
- All trees planted as part of the proposed scheme should be UK sourced and grown
- Mechanisms for providing ecological compensation planting outside of the Bill area should be considered. This would enable the scheme to provide more and better quality compensation at a landscape scale in accordance with the Lawton Review (2010).

There should be a series of covenants and/or provisions to secure the future of all the land affected and benefitting from compensatory planting which will ensure that such woodland is properly monitored, maintained and protected.

3.87 Ancient woodland is irreplaceable and 10.5ha lost to the proposed scheme (as set out in the ES) is unacceptable. The Trust requests that the Committee responds to our petition by requiring HS2 to amend the proposed scheme to achieve the following;

a) A tunnel at Whitmore Wood would save over 6ha of ancient woodland, and additional 0.4ha of ancient woodland would be saved from Barhill Wood if this option was taken.

b) A tunnel at Clifford's Wood would save 1.3ha of ancient woodland.

c) All temporary works should be moved to avoid impacts on ancient woodland and ancient/veteran trees. For example, the satellite compound at Whitmore Wood and the associated haul route, the stockpile adjacent to Tithebarn Covert and the trees lost to temporary road realignments.

d) All ancient woodland is surveyed to inform the environmental baseline, before Royal Assent is given.

e) Impacts on ancient and veteran trees impacted by the route are properly assessed and reported on, including those affected by off-route effects which have not been clearly identified to date.

f) A commitment to report compensation planting for each ancient woodland lost, which does not include any planting for secondary woodland lost.

g) A commitment to continue to update the Ancient Woodland Strategy rather than report impacts on ancient woodland within individual Environmental Site Management Plans (ESMPs).

h) A commitment by the Promoter to a policy of UK sourced and grown for all tree planted as part of the scheme as a means of delivering the highest standards of bio security.

i) The Promoter publically recognises that a scheme that is destroying ancient woodland can never achieve the stated aim of no net loss to biodiversity.

j) Where the Committee deems ancient woodland cannot be saved, The Promoter should commit to a compensation ratio of 30:1 as per Natural England's review of the No Net Loss calculation.

PROMOTER'S RESPONSE:

1. The Promoter has set out the response to these requests in the relevant sections of this Promoter's Response Document.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.5, 2.6, 2.7, 2.13, 2.30, 2.31, 2.35

ISSUE RAISED: Loss of ancient woodland

PETITION PARAGRAPH: 2.5 The Woodland Trust works to protect the UK's ancient woods and ancient and veteran trees from direct loss and damage. As such the Woodland Trust's charitable aims are adversely affected by this Bill. Under the current scheme, at least 10.5ha (this is reported as 10.2ha in the recently published Ancient Woodland Strategy (AWS), but no clarification was given on how this total had been calculated) of ancient woodland and at least 27 ancient/veteran trees are to be lost to Phase 2a of the Scheme. When calculated as loss per kilometre of track constructed this represents an increase of 23% when compared to Phase 1.

2.6 Ancient woodland is land that has been continuously wooded since 1600. England's ancient woodlands and trees represent a living cultural heritage, a natural equivalent to our great churches and castles. They are also our richest terrestrial wildlife habitat and are highly valued by people as places of tranquility and inspiration.

2.7 Where ancient woodland is referred to in this petition it means woodland recorded on the Natural England Ancient Woodland Inventory (AWI) or in the process of being added to the AWI. The AWI is the nationally accepted database for identifying ancient woodland. It is considered provisional as woodland can both be added and removed from the AWI as and when new evidence becomes available.

2.13 Ancient woodland loss — Under the current scheme, at least 10.5ha of ancient woodland are to be lost to Phase 2a of the Scheme (now reported by the Promoter as 10.2ha of loss in the AWS). When calculated as loss per kilometre of track constructed this represents an increase of 23% when compared to Phase 1. A tunnel at Whitmore Wood (Option D9-113 in the EIA) and another at Clifford's Wood would significantly reduce this impact.

2.30 We contend that the proposals have not adequately sought to avoid adverse impacts upon ancient woodland, do not provide appropriate compensation and effective measures to minimise harm nor appropriate compensation nor effective controls relating to implementation. For example, a tunnel at Whitmore Wood would save 6ha of ancient woodland from this wood, and a further 0.4ha from Barhill ancient woodland. One of the reasons for not pursuing this option were that "the benefits were not considered significant to justify the additional cost". It is concerning that the saving of over 60% of the irreplaceable ancient woodland destroyed by Phase 2a is not seen to outweigh the cost of building a tunnel.

2.31 The development of a railway through areas of ancient woodland will also cause significant fragmentation of previously connected habitat. Once fragmented, woodlands have small area to perimeter ratios and lack a significant core area. This has a detrimental effect on the habitat which makes the habitat less appealing to specialist woodland species, causing local extinctions. Fragmentation on this scale also undermines woodland value from an amenity point of view because the peaceful centre of the woodland is so much smaller; the visitor does not feel so distanced from noise and physical disturbance. The current location of the line through Clifford's Wood (a mixture of ancient and secondary woodland) is a prime example of this type of fragmentation. A tunnel in this location would keep this woodland block intact.

2.35 It is fundamental that there is proper consideration of the environmental impact of HS2 and that the likely significant effects are accurately assessed, so that appropriate mitigation can be designed to be integral to the project and adequate compensation measures are appropriately secured. The Woodland Trust believes that this has not been the case. At the time of writing, based on the information we have received from the Promoter, it appears not all of the ancient woodlands affected by Phase 2a have been surveyed. We request an assurance that all ancient woodlands will be surveyed prior to any works commencing (including enabling works). This would be consistent with Assurance 1967 on Phase 1 of the scheme.

Table 1: Ancient Woodland Directly Affected

	Grid Ref	Loss (Ha)
Flushing Covert to the west of Lionlodge Covert;	SJ982238	0.2
Town Field Plantation within Ingestre Golf Course;	SJ979242	0.1
The Grove (Yarlet Hill)	SJ913290	1.3
Cliffords Wood	SJ836372	1.3
Birch Wood	SJ870347	0.6

Whitmore Wood	SJ791416	6.0
Hey Sprink	SJ789429	0.2
Barhill Wood	SJ764439	0.2
Unnamed wood 2 between Whitmore and Hey Sprink	SJ786423	0.2
Unnamed wood near Wrinehill wood	SJ755448	0.4 (0.1 in AWS)

Table 1: Ancient Woodland Indirectly Affected

	Grid Ref	Comments
Cawarden Springs	SK062181	Not clear from EIA what the impact is on this wood. Further information required.
Westfield Covert	SK111165	Edge of wood on the construction boundary.
Tithebarn Covert	SK010231	Edge of wood on construction boundary.
Ingestre Wood	SJ972246	Edge of wood on construction boundary.
Swynnerton Old Park	SJ830399	Construction boundary has moved closer to this wood possibly affecting the
Graftons Wood	SJ759453	Wood isolated from landscape between HS2 and WCML.
The Lum	SJ762452	Directly adjacent to proposed works on WCML

PROMOTER'S RESPONSE:

Loss of ancient woodland

1. The Promoter supports the Government's commitment to maintaining existing ancient woodland¹ and to increase native woodland². The Promoter acknowledges the irreplaceability of ancient woodland, and the design of the Proposed Scheme has sought to avoid and reduce loss of or damage to ancient woodland, so far as is reasonably practicable.

¹ Gov.uk. (2012). National Planning Policy Framework - Publications - GOV.UK. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² Gov.uk (2011). Biodiversity 2020: A strategy for England's wildlife and ecosystem services – Publications – GOV.UK. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf:

2. The vertical and horizontal alignment of the railway has been the subject of detailed considerations and many alternatives have been considered. Ancient woodland is one of the environmental constraints that have been considered, along with others such as the requirement for demolitions of property, noise and visual impacts and effects on agriculture. The Promoter considers that the proposals in the Bill present the best sustainable option taking account of all relevant environmental considerations. Due to sometimes conflicting constraints, it is not always possible in all instances to avoid ancient woodland. As a result, the Proposed Scheme would result in a loss of ancient woodland across 10 woodlands. The Environmental Statement (ES) and the Ancient Woodland Strategy document the avoidance, mitigation and compensation measures that have been incorporated into the Proposed Scheme for each woodland. The Promoter continues to consider ways in which loss of ancient woodland could be further reduced.

3. The main options and alternatives considered by the project, including those alternative routes considered, are outlined in the ES, Volume 5 Technical Appendices Alternatives Report (CT-002-000).

Compensation for ancient woodland

4. In response to the Petitioner's concerns in relation to the compensation measures to be employed for ancient woodland, please see the Promoter's response to paragraphs 2.36, 2.49 – 2.54 of the petition below.

5. In response to the Petitioner's concerns on the management of ancient woodland compensation, please see the Promoter's response to paragraphs 2.37, 2.61, 2.67 and 2.68 of the petition below.

Whitmore Wood

6. Please see the Promoter's response regarding the requested tunnel extension in the response to paragraphs 2.81 – 2.83 of the petition.

7. The largest scale of loss along the Proposed Scheme would be from Whitmore Wood, where the loss of approximately 6.0ha represents more than half of the total loss of ancient woodland. This loss would include approximately 1.5ha of broad-leaved semi-natural ancient woodland and 4.5ha of plantations on ancient woodland sites. The provision of a retaining wall along the north-east of Whitmore north cutting has been included as part of the design of the Proposed Scheme. This has reduced the area of land within Whitmore Wood required for the Proposed Scheme, and thus has reduced losses of ancient woodland habitat.

8. In order to partially compensate for the loss of approximately 6ha of ancient woodland at Whitmore Wood and the loss of ancient woodland at Hey Sprink (wood south-west of) and the unnamed wood south of Hey Sprink, as well as the loss of

other non-ancient woodlands within this area, approximately 36ha of native woodland planting east of Whitmore south cutting and Whitmore north cutting is proposed. Soils and associated seed bank from the affected 6.0ha of ancient woodland would be translocated to a series of 11 areas of woodland creation contiguous with the retained sections of Whitmore Wood and Hey Sprink; all of the receptor sites fall within 700m of the area of woodland lost at Whitmore wood.

9. New woodland planting has been designed to connect the retained eastern section of Whitmore Wood with semi-natural habitats at Whitmore Heath. Woodland planting would also connect to the woodland fragments between Whitmore Wood and Hey Sprink, forming continuous belts of woodland habitat between the two ancient woodland sites. This connectivity would facilitate the dispersal of species between the new and retained semi-natural habitats.

10. An area of 12.9ha of existing woodland at Whitmore Wood would be subject to woodland management to improve its ecological value in order to partially compensate for the proposed woodland loss at Whitmore Wood. The management and enhancement would include measures such as the removal of invasive plant species, and management of deadwood habitat and trees for the benefit of biodiversity.

Clifford's Wood

11. As a result of the heritage review undertaken by the Promoter, Natural England has confirmed that Clifford's Wood would be added to the Ancient Woodland Inventory (AWI). Construction of Swynnerton North cutting and Hatton embankment would result in the permanent loss of approximately 1.3ha of ancient woodland at Clifford's Wood. The Promoter also recognises that the loss of surrounding non-ancient woodlands and the buffering effect of these on the ancient woodland would result in a permanent adverse effect that would be significant at the county level.

12. Approximately 3.3ha of native broadleaved woodland would be provided directly adjacent to the retained ancient woodland at Clifford's Wood. Approximately 2.5ha of native broadleaved woodland would be provided contiguous with retained blocks of planting west of Clifford's Wood and approximately 7.8ha of native broadleaved woodland would be provided at the eastern extent of Clifford's Wood, providing new habitat connectivity to The Stretters woodland to the east. This would partially compensate for the loss of approximately 1.3ha of ancient woodland and the fragmentation of the remaining woodland at Clifford's Wood, as well as to compensate for the loss of other woodlands within the area. Soils and associated seed bank from the affected 1.3ha of ancient woodland would be translocated to an area of woodland creation to the north-west of Clifford's Wood.

13. This planting, once mature, would buffer the The Stretters woodland from adjacent land uses and provide enhanced ecological connectivity between The

Stretters and Clifford's Wood. As such the woodland planting would result in a beneficial effect upon The Stretters that is significant at the district/borough level.

Adequacy of the environmental assessment

14. The ES accompanying the Bill fully complies with all UK and EU legal requirements and has been developed in accordance with the accepted best practice methodologies recommended by a range of UK institutional bodies. The document has satisfied the requirements for Parliamentary deposit and the Bill has secured its Second Reading. The Promoter is satisfied there are no fundamental deficiencies in the ES.

15. In determining the ecological baseline to inform the Environmental Impact Assessment for the Proposed Scheme, the Promoter has used the AWI as provided by Natural England. However the AWI is classed as provisional because it is a live dataset, and historically did not include woodlands smaller than 2ha. On this basis, the Promoter commissioned a heritage review of all woodlands that may be affected by the Proposed Scheme. This review considered all available data for these sites (including historic mapping and biological records data) to verify their status. The evidence base was discussed with the Woodland Trust and their views were taken into consideration prior to concluding which woodlands would be included in the AWI. This evidence was then provided to Natural England, who confirmed the addition of the 10 woodlands to the Inventory. The Promoter also understands that Natural England have provided the Woodland Trust with the rationale for their assessment on other woodlands not considered to be ancient.

16. Following a reassessment of the proximity of woodland fragments to the land required for construction of the Proposed Scheme and those areas required for woodland habitat creation, a correction has been made to the figure for loss of ancient woodland from one woodland complex (Wrinehill Wood and adjacent woodland fragments), from 0.4ha to 0.1ha. Consequently a correction to the total loss of ancient woodland was required and has been made within the recently published HS2 Phase 2A Ancient Woodland Strategy, from 10.5ha to 10.2ha.

Surveys of ancient woodland

17. Due to access restrictions it has not been possible to access all affected ancient woodland sites to undertake field survey. Where baseline survey continues to not be possible prior to Royal Assent, detailed vegetation survey would be undertaken prior to the commencement of construction, to provide a robust baseline to inform any proposed translocation of soils or plant material and inform future targets for monitoring and management. However it should be noted that whilst survey data is considered useful in corroborating whether a woodland is ancient, it is the historic

mapping evidence which is most heavily relied upon when undertaking the assessment.

18. The Promoter has offered the Petitioner the following assurance on 5 June 2018 with respect to surveys of ancient woodland:

“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.”

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.22, 2.43, 2.44, 2.52

ISSUE RAISED: Ancient Woodland Strategy

PETITION PARAGRAPH: 2.15 At the end of the Hybrid Bill Process for Phase 1 the Promoter committed to providing information on all losses of ancient woodland and the compensation provided for the losses within a stand-alone document referred to as the Ancient Woodland Strategy (AWS). This was deemed necessary because information on ancient woodland loss was scattered across tens of thousands of pages and it was difficult for anybody to have a route wide view of what was proposed.

2.16 The AWS for Phase 2a was finally published on 20 February 2018, some 23 months after it had originally been suggested. The exceptionally late publication of this document has hampered the Trust's ability to adequately respond to both consultations on the draft Environmental Statement (ES) and the final ES. Receiving the document only five days before the petitioning period ends means that we have not have adequate time to go back to the Promoter with questions on this fundamental document.

2.17 Due to concerns about the content and usefulness of the AWS on Phase 1, the Trust met with the Minister for HS2 in December 2017. It was agreed then, that the current format of the AWS was not acceptable and that the AWS for Phase 2a would need to be written differently. It is of great disappointment that the published AWS for Phase 2a follows exactly the same format and structure as the AWS for Phase 1.

2.18 It is of further concern that the AWS states that it will not be updated and "future relevant information relating to each ancient woodland will be captured within the respective ESMP [Environmental Site Management Plan] for that location. The whole reason behind the production of the AWS was that the

information was scattered across multiple documents, preventing a clear route wide view of the impact of the scheme on ancient woodland. Considering this document has taken nearly two years to publish it is extremely frustrating that the Promoter now intends to revert to multiple reports on individual woodlands. This is unacceptable and the Trust would like the Promoter to commit to updating the AWS.

2.19 The AWS as it stands for Phase 2a is not fit for purpose. It is supposed to contain details of losses of ancient woodland and compensation measures relating to those losses alone. It is therefore of grave concern that the amount of planting reported in the document (77.1ha) actually includes planting proposed to mitigate for "loss of other non-ancient woodland in the vicinity". There is no explanation as to why the Promoter has done this. Including planting for secondary woodland loss within the compensation for ancient woodland loss is double-counting and it is impossible to tell from the document exactly what is proposed to compensate for the loss of ancient woodland only.

2.20 The reporting on translocation of ancient woodland soils is also misleading with the executive summary stating the following "The compensation measures for the loss of 10.2ha of ancient woodland include 77.1ha of new woodland planting, the translocation of up to 10.3ha of ancient woodland soils and the enhancement of 12.9ha of ancient woodland". On face value this reads as if the translocation of 10.2ha of ancient woodland soils is in addition to the 77.1ha of new woodland planting (which as previously explained is not actually solely for the compensation of ancient woodland loss). In fact, the 10.2ha of ancient woodland soil translocation is included in the figure of 77.1ha. The reporting of these figures in this way is disingenuous and designed to make the compensation proposed look greater than the sum of its parts.

2.22 Despite the current failings of the AWS, the Trust considers that the concept of keeping all information about ancient woodland loss and compensation in one document is a valid one as it makes it easier to hold the Promoter to account. Experience on Phase 1 enabling works, where one of the Trust's assurances has already been breached (Assurance 1976) in relation to ancient woodland, indicates that multiple documentation and poor dissemination of information has been in part, the cause of this failure. Therefore, maintaining an AWS, albeit one containing more detailed information than

the present one, will hopefully go some way to prevent such incidents occurring in future.

2.43 Therefore, it is extremely frustrating that, The Ancient Woodland Strategy for Phase 2a was finally published five days before the end of the petitioning period. This was a full 23 months after we were first promised it. The Trust has had to respond to all consultations on Phase 2a without being in full possession of the facts, and our response to the Petition has been complicated by the late publication of the AWS. This drip feeding of information has been a common issue throughout the whole consultation/Hybrid Bill process on both Phases of HS2. We would like a commitment by the Promoter that all information on Phase 2b will be made available before it reached the Hybrid Bill stage.

2.44 As previously discussed, the Promoter has chosen to include compensation/mitigation planting for the loss of secondary woodland within the figures presented in the AWS. This has made it impossible to determine whether the compensation proposed is at a higher rate than that on Phase 1. What is clear, even from the muddled figures is that is at least two thirds below that recommended by Natural England.

2.52 We consider that we have been hindered considerably in our ability to fully take part in all consultations on Phase 2a as well as this petition because of the extremely late publication of this document. It is of concern that the Promoter is effectively able to withhold such vital information regarding the project, and seemingly publish it as and when they see fit. The Trust is fully aware that this document was seen and commented on by Natural England in August 2017. Why is has taken a further six months for the Promoter to publish it is unknown.

PROMOTER'S RESPONSE:

1. It is the Promoter's understanding that the meeting between the Minister and the Woodland Trust was convened by request of the Minister (Paul Maynard MP) in order to discuss the project and ancient woodland matters with the Trust. As part of the discussion, the Promoter's response to ancient woodland impacts was discussed in consideration of the wider policy context such as the standing advice and (at the time) the forthcoming 25 year plan. It should be noted that the Ancient Woodland Strategy (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.

2. 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 (ES) and all compensatory habitat creation and habitat enhancement currently proposed in response to the loss of ancient woodland.

3. The Petitioner was engaged on impacts to ancient woodland during the passage of the Phase 1 Bill (now the Phase 1 Act 2017) through Parliament. Further to a review undertaken by Natural England in 2016 that recommended that ancient woodland should be excluded from HS2 Ltd's No Net Loss in biodiversity calculation, a separate recognition of losses associated with ancient woodland was required. The AWS for each Phase of HS2 also aims to meet this requirement by providing a single document for reporting this.

4. The Promoter considers that the reporting of the compensation measures set out in the AWS is clear and not disingenuous. The translocation of ancient woodland soils is recognised as a stand-alone compensation measure in the Natural England and Forestry Commission Standing Advice³ and complements the proposed planting areas with soils that contain ancient woodland seed (and bulb) bank, mycorrhiza and other fungi and invertebrates. Where practicable, relocation of coppice stools, saplings and dead wood would also be considered. In the case of planting into translocated ancient woodland soil areas, some faster-growing species are likely to be used to create the shaded conditions needed by the seed in soil brought in from donor sites. These trees would then be removed at an appropriate time to allow the native species to develop and mature. Please see the Promoter's response to paragraphs 2.36 and 2.49 – 2.54 of the petition below for further detail on the Promoter's approach to ancient woodland compensation.

Reporting ancient woodland compensation in the AWS

5. The Promoter does not accept that the AWS as it stands is not fit for purpose. As stated in the AWS, the primary purpose of the 77.1ha of new woodland planting would be to compensate for the loss of ancient woodland. However, with the exception of the planting areas in proximity to the Grove, this proposed new woodland planting is also designed to provide compensation for the loss of other non-ancient woodlands in the vicinity. The location and design of habitat creation areas, has where practicable sought to adhere to the key Lawton Review principles of

³ Natural England and Forestry Commission (2018), Ancient Woodland and veteran trees: protecting them from development,
<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>
<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

'more, bigger, better and joined', aiming to result in areas which would also enhance and connect existing habitat within the local area. Areas of ancient woodland losses and the areas designated as ancient woodland compensation planting sites would not be included in the Promoter's biodiversity metric calculations. In due course design refinements may be made after submission of the Phase 2A Bill, and these may change the effects on ancient woodlands. Any such changes would be subject to further environmental assessment. Should this occur, this document would be revised accordingly. The reporting on the translocation of ancient woodland soils accurately states the extent of ancient woodland soils to be moved and the purpose of its relocation as part of the 77.1ha of new woodland planting in accordance with Natural England and Forestry Commission standing advice: Ancient woodland and veteran trees: protecting them from development (2018). These areas are clearly shown on the maps accompanying the strategy.

6. Following Royal Assent it is expected that future reporting on ancient woodland would be through site specific Ecology Site Management Plans (ESMPs) as defined in the draft Code of Construction Practice. Details of specific measures for long-term management and monitoring for each ancient woodland would be prepared at the relevant detailed design stage and included within the relevant iteration of the ESMP for that location. It is expected that all future relevant information relating to each ancient woodland would be captured within the respective ESMP and not in an updated AWS.

Engagement on affected ancient woodlands on Phase 2A

7. The Promoter continues to engage with the Petitioner, including engagement on the lessons learned from the implementation of Phase 1 relating to ancient woodland. The impacts on ancient woodland were also thoroughly assessed and reported in the ES Volume 2 Community Area reports.

8. The Promoter has sought to engage with the Petitioner from an early stage in the development of the Proposed Scheme. This has included consultation on a heritage review carried out by the Promoter to consider woodlands which may be ancient but are not on the AWI. It has also included engagement post-submission of the Phase 2A Bill on further discussions regarding affected ancient woodlands and their compensation measures, in lieu of publishing the AWS.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.14, 2.25, 2.26, 2.27, 2.28, 2.29, 2.34, 2.37, 2.38

ISSUE RAISED: Petitioners Concerns — Ancient Woodland Loss

PETITION

PARAGRAPH: 2.14 10 woods are directly impacted and a further 7 are indirectly affected. A comprehensive list of the 17 ancient woods affected by the scheme can be found at the end of this section in Tables 1 and 2⁴. A further four woods, which are directly affected by the proposed scheme, are being reviewed by Natural England for possible inclusion on the Ancient Woodland Inventory.

Loss of Ancient Woodland and Ancient/Veteran Trees

2.25 Government policy recognises the importance of the preservation and enhancement of ancient woodland. The Government has made a firm commitment that the existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland. Further clarification is given in the National Planning Policy Framework:

2.26 Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

2.27 Planning permission should be refused for development resulting in the loss or *Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.*

⁴ Please find these included in the response to paragraphs 2.5 – 2.7, 2.13, 2.30, 2.31, 2.35

2.28 This commitment to improving ancient woodland protection was reiterated on three separate occasions within 'A Green Future: Our 25 Year Plan to Improve the Environment'. The 25 year plan states that it is complementary to Our Industrial Strategy', published in November 2017. In tandem these documents aim to safeguard our environment and future-proof and economy for generations to come. Thus the environmental and ancient woodland protection should be at the heart of all infrastructure decisions.

2.29 The Woodland Trust wishes to ensure that the effect on ancient woodland and trees, and the species that depend on them, is firstly avoided and, if that is not possible, minimised so far as is possible. We consider that this national; flagship project must set the benchmark for future projects and development across the nation. It should provide a shining example of best practice in enhancing biodiversity.

2.34 Government policy repeatedly sets out the need to follow the mitigation hierarchy as set out in the NPPF: *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

2.38 The Trust seeks the adoption of best practice throughout the design, construction and operation of the project; full compensation and mitigation as appropriate; effective control measures during construction and monitoring thereafter; and the full documentation of these measures and procedures in Parliamentary Undertakings and the Environmental Minimum Requirements.

PROMOTER'S RESPONSE:

1. Please see the Promoter's response to 2.5 – 2.7, 2.13, 2.30, 2.31 and 2.35 of the petition above in relation to the Promoter's approach to loss of ancient woodland.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.8, 2.9, 2.23.

ISSUE RAISED: Veteran and ancient trees

PETITION PARAGRAPH: 2.8 A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally. An ancient tree is one that has been allowed to grow old and with great age comes great habitats for wildlife. They will have developed lots of niches that wildlife will settle into - such as cavities for bats and birds, and decaying wood for invertebrates. Ancient trees have passed maturity and are old in comparison with other trees of the same species. They will probably have a wide trunk, which will likely be hollow. And like humans trees shrink with age so they may have a small canopy.

2.9 Veteran trees are the survivors; they have the scars of age, but may be a young tree. In comparison with ancient trees they will have a relatively small girth. They may have some of the features found on ancient trees such as decay, fungal fruiting bodies or dead wood. Unlike ancient trees these characteristics haven't developed through age, they are the result of its life or environment.

2.23 Ancient and Veteran Trees — the EIA identifies 33 ancient and veteran trees within the proposed construction boundary. Of these 27 are to be lost 21 are on the Ancient Tree Inventory (as updated December 2017). At least four of these trees are being lost to temporary works. This is completely unacceptable.

PROMOTER'S RESPONSE:

1. The Promoter is engaging with the Petitioner on veteran trees which are affected by the Proposed Scheme.

2. As set out in the draft Code of Construction Practice (CoCP) Paragraph 9.1.5; contractors would, 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. Further controls set out in the draft CoCP Section 12.2 would be implemented to protect retained trees.

3. In respect of trees in Staffordshire, the Promoter has provided the following assurance to Staffordshire County Council on 8 May 2018⁵:

“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.”

4. See the Promoter’s response to paragraphs 2.32, 2.39, 2.77 – 2.80 of the petition in relation to protections for veteran trees and woodland during construction.

5

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705542/Staffordshire County Council - Assurance - 26042018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705542/Staffordshire_County_Council_-_Assurance_-_26042018.pdf)

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.36, 2.49, 2.50, 2.51, 2.53, 2.54

ISSUE RAISED: Mitigation and compensation

PETITION PARAGRAPH: 2.36 We are concerned that potential means of avoiding impact upon ancient woodland have not been adequately explored or utilised. Further, many of the mitigation and compensation measures proposed are insufficiently detailed and are only to be implemented "if reasonably practicable", with no explanation given as to what this actually means or any evidence of how this has been assessed.

2.49 Once the hierarchy of mitigation measures has been followed, any loss of irreplaceable ancient woodland that is considered unavoidable cannot be mitigated, cannot be included in offsetting and so must become the subject of compensatory action. The Woodland Trust seek an assurance that the loss of ancient woodland will be compensated for at a ratio of at least 30:1. At present we do not know the exact level of compensation provided as it has been conflated with planting for secondary woodland.

2.50 The "offsetting metrics" provided by Defra for replacement planting does not cover ancient woodland, because irreplaceable habitats are excluded from the metric. Consequently we consider that the minimum ratio of planting proposed to compensate for the loss of irreplaceable ancient woodland must logically exceed the maximum ratio that can be calculated using the Defra offsetting metrics or the Promoters own No Net loss Calculation.

2.51 The compensation for loss of ancient woodland should be set at a minimum ratio of 30:1, based on and the recommendation of Natural England in their review of the Promoters No Net loss calculation. The current proposal on Phase 1 falls very short of this figure, and your Petitioner has been unable to derive a figure for Phase 2a due to the

confusion in the recently published AWS, which includes planting for secondary woodland mitigation within its figures

2.53 All compensation planting should be carried out at a landscape scale as per the 'Lawton Principles', an approach endorsed by the Natural Environment White Paper which champions the role that new woodland must play in supporting biodiversity, reversing fragmentation and building better habitat networks to create landscape that are more resilient to change.

2.54 Where there is insufficient land within the Bill limits, we seek assurances that additional land is bought forward outside of the current Bill to enable the application of appropriate compensation metrics. The quality and quantity of potential compensation has been constrained as a result of all the compensation falling within the narrow strip of land defined by the Bill limits. Tackling compensation on a landscape scale rather than an artificially delineated area will increase positive ecological outcomes. The Trust has an assurance relating to this matter on Phase 1 (assurance 1971) and we expected it to be repeated on Phase 2a.

PROMOTER'S RESPONSE:

Ancient woodland compensation measures

1. Where avoidance and mitigation measures are not considered sufficient to address the effects of the Proposed Scheme on ancient woodland then compensation, in the form of habitat creation, or the enhancement of retained habitat, has been proposed. Where losses of ancient woodland are expected to occur, a range of compensatory measures are proposed by the Promoter, which includes:

- translocation of ancient woodland soils;
- translocation of coppice stools;
- new woodland creation; and
- enhancement and/or restoration of existing woodlands (ancient and non-ancient).

2. It should be noted that the selection of the above measures would be bespoke to each ancient woodland site effected. Enhancement work would include a variety of woodland management activities, including invasive plant species removal, woodland thinning and fencing to prevent animal grazing damage.

3. The salvage and translocation of ancient woodland soils has been included as a compensatory measure that would, where conditions are suitable, act to provide the

best opportunity to retain some of the diversity associated with the ancient woodland seed (and bulb) bank, mycorrhiza and other fungi and invertebrates. Such measures would form one part of the compensatory response, and even where ancient woodland soils are translocated, the soils receptor areas would not be considered to represent ancient woodland.

4. The compensation requirements for individual impacts were considered on a 'site by site' basis, taking into account the scale of the impacts and the condition of the woodland affected, before consolidating this into a suitable compensation strategy for the wider local area (e.g. creating larger areas of woodland in one location by consolidating smaller areas of woodland compensation rather than creating smaller areas of woodland creation close to the original loss). This process did not involve the use of a biodiversity offsetting metric or other loss to gain ratios.

5. The proposed ancient woodland mitigation and compensation has been reviewed by Natural England who state in their Environmental Statement (ES) consultation response (29 September 2017):

"We welcome the proposals for compensation of Ancient Woodland based on a range of measures including new woodland planting, translocation of ancient woodland soils and enhancement of existing ancient woodland sites. Compensation planting should be created as close to existing losses as possible, ensure that connectivity between woodlands is maintained and improved; create links between existing ancient woodlands and new woodlands; enable colonisation of new sites by ancient woodland species, extend and provide buffering for existing ancient woodland. We are pleased the proposed compensation measures seek to adopt these principles in order to increase the extent of woodland in the area and enhance connectivity between woodlands. We support HS2's commitment to significant monitoring periods for woodland habitats and look forward to assisting HS2 with the development of the Ecology Site Management Plans (ESMPs) which will be prepared for each of woodland creation areas."

Natural England 30:1 planting recommendation

6. Natural England's review (undertaken in 2016) of the Phase 1 No Net Loss biodiversity metric recommended that:

- 'Irreplaceable habitats....notably ancient woodland...are taken out of the HS2>NNL Metric. In these instances losses should not be accounted for using a metric methodology; and
- HS2 Ltd should aim to create 30 hectares of new woodland for every hectare lost, where ancient woodland is to be replaced by new woods'

7. The Department for Transport (DfT) accepted the first recommendation and have since removed ancient woodland and associated compensation measures from the No Net Loss calculations. Losses of ancient woodland and the bespoke package of compensation measures for each of these woodlands are detailed in the Phase 2A Ancient Woodland Strategy.

8. However they were unable to accept the second recommendation as the report also noted that there was 'little evidential basis to justify any one specific ratio'. This was felt to be incompatible with the recommendation to remove ancient woodland from the metric and account for it using a non-metric methodology. The DfT also noted that, given the evidential basis is lacking, this recommendation should be seen as a stimulus for debate. Compensation for ancient woodland losses would be considered through the Government's 25-year plan. In the House of Lord's Select Committee report for the High Speed Rail (London-West Midlands) Bill, it was noted that:

'In particular, we are not persuaded by Natural England's opinion that where ancient woodland is lost, the aim should be to create new woodland on the scale of 30:1. Having emphasised that changes should be evidence-based, the report seems to have plucked this figure out of the air.'

9. As described above, the Promoter considers requirements for each woodland on a 'site by site' basis, this process did not involve the use of a biodiversity offsetting metric or other loss to gain ratios. This approach takes account of the Ancient Woodland Standing Advice which states that:

'Compensation measures should be appropriate for the site and for the scale and nature of the impacts on it.'

Ecological mitigation outside of identified limits

10. The ecological surveys undertaken have enabled the Promoter to identify where the appropriate habitat creation should be placed, and habitat connectivity for protected species has been an important consideration.

11. The Promoter considers that habitat creation and landscape planting measures set out in the ES extend far enough to maintain habitat connectivity and no further habitats outside the Bill limits are required.

12. The Promoter has offered the Petitioner the following draft assurance on 5 June 2018 in relation to this issue, which is identical to U&A reference no. 1971 given to the Petitioner for Phase One:

"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."

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.32, 2.39, 2.77, 2.78, 2.79, 2.80

ISSUE RAISED: Indirect scheme impacts and construction concerns

PETITION PARAGRAPH: 2.32 On-going construction activities within and alongside the woodland can make woodland even less appealing for woodland species and visitors alike, because of disturbance caused by noise, lighting and dust.

2.39 The nominated undertaker should provide and make public detailed plans, method statements, work programmes, and schedules of deliveries in relation to each work site, well in advance of the commencement of operations. The Trust should be notified well in advance of any alterations in methods of construction and construction operations which will affect ancient woodland particularly in relation to site servicing and set up arrangements. The Trust currently has an assurance in relation to this matter on Phase 1 (assurance 1969) and we expect this to be repeated on Phase 2a.

2.77 Construction adjacent to and within ancient woodland can have impacts additional to those caused by direct loss. For example, impacts from lighting, increased noise levels and potential pollution from dust and operation of machinery. In addition to the ten ancient woodlands directly affected by the scheme, there are at least seven ancient woodlands directly adjacent to the proposed works which may be negatively impacted by construction. Whilst the Trust is aware that HS2 Ltd. is committed to producing individual site management plans to address these issues, we request that we are consulted on any works within 100m of an ancient woodland. The Trust already has assurances (nos. 1969 and 2553) that cover this matter on Phase 1 and we expect HS2 Ltd. to agree to a continuation of this on Phase 2a.

2.78 The Woodland Trust expects that the nominated undertaker would agree reasonable hours of operation. Within

and adjacent to sensitive habitats such as ancient woodland these would exclude working after dark.

2.79 We also seek assurances that the nominated undertaker is required to adopt the very highest standards in respect of mitigation of the effects of noise, vibration and dust caused during the construction period and in particular that the construction code replicates best practice requirements applicable to other major construction projects.

2.80 The Woodland Trust seek assurances that working practices will be agreed and implemented to minimise effects on ancient woodland during the construction period. There should also be a guarantee that any future changes to industry standards will also be complied with.

PROMOTER'S RESPONSE:

The draft Code of Construction Practice

1. In relation to mitigation of the effects of any construction works on land adjacent to woodland the Environmental Statement (ES) proposes mitigation measures where likely temporary or permanent effects arising as a result of the Proposed Scheme have been identified.

2. Where reasonably practicable, measures contained within the Phase 2A draft Code of Construction Practice (CoCP)⁶ would be applied to protect and retain ancient and veteran trees within and adjacent to the proposed works area to reduce the number of trees that would be impacted.

3. The draft CoCP would be the means through which the Promoter would manage the effects of the construction of the Proposed Scheme on communities and the environment. It is part of the environmental and sustainability commitments that the Government would enter into through the Bill process. These commitments are known as the Environmental Minimum Requirements (EMRs) and consist of a series of framework documents which would:

- define the ways in which the nominated undertaker would engage with people affected by the Proposed Scheme; and
- explain how measures designed to protect communities and the environment would be put in place alongside detailed design development and construction.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627182/E26_CT-003-000_WEB.pdf

4. The draft CoCP requires the nominated undertaker and its contractors to comply with all the measures set out in it as well as all applicable environmental legislation prevailing at the time of construction. The nominated undertaker and contractors would also be required to comply with relevant local standards and conditions that may be agreed with local authorities. In addition, with regard to trees and woodlands, as set out in Section 12 of the CoCP the following would be implemented, as appropriate:

- provision of contractor guidance for working close to retained aged and veteran trees and areas of retained ancient woodland, and watching briefs as appropriate.

5. This is explained further in HS2 Phase 2A Information Paper D3, Code of Construction Practice (CoCP).

6. The Promoter is satisfied that it has sufficient commitments and assurances within the draft CoCP and the draft Environmental Memorandum to ensure that biodiversity impacts are properly managed and monitored through the construction process.

Working hours

7. HS2 Phase 2A Information Paper D5, Working Hours, defines core working hours from 08.00 to 18.00 on weekdays (excluding bank holidays) and from 08.00 to 13.00 on Saturdays. The nominated undertaker would require that its contractors adhere to these core working hours for each site as far as reasonably practicable or unless otherwise permitted under Section 61 of the Control of Pollution Act 1974. Guidance on site-specific variations to core hours and/or additional hours likely to be required would be included within the Local Environmental Management Plans (LEMPs) produced for each relevant local authority. These plans are explained further in HS2 Phase 2A Information Paper D3, Code of Construction Practice. The LEMPs would be produced with input from the relevant local authority and statutory bodies.

Engagement with the local community during construction

8. The Promoter has committed in the draft CoCP to engage further with local communities on construction matters. Paragraph 5.1.1 of the draft CoCP requires the nominated undertaker and its contractors to produce and implement a stakeholder engagement framework and provide appropriately experienced community relations personnel to implement this.

9. The Community Engagement Framework would detail how local people would be informed in advance of work taking place in their area, including, for example, providing details of any closures to roads or rights of way and details of the working hours applicable. A community helpline staffed 24 hours, 7 days a week would be available during the construction period to handle enquiries from the public.

10. In relation to advance notice of particular construction works draft CoCP states:

'5.1.4 The nominated undertaker and its contractors will ensure that local residents, occupiers, businesses, local authorities and parish councils affected by the proposed construction works, as outlined in the ES, will be informed in advance of works taking place by methods identified in the framework. The notifications will detail the estimated duration of the works, the working hours and the nature of the works. In the case of works required in response to an emergency, the local authority, parish council, local residents, businesses and community resources will be advised as soon as reasonably practicable. All notifications will include the community helpline number.

5.1.5 Information on the works will also be available on the HS2 website and at appropriate locations along the route, which will be identified in the LEMPs.'

Engagement with the Petitioner during construction

11. The Promoter has offered the following assurance to the Petitioner on 5 June 2018:

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

5.1 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.

5.2 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)."

Tree procurement

12. Please see the Promoter's response to paragraphs 2.55 – 2.57 of the petition on tree procurement.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.55, 2.56, 2.57

ISSUE RAISED: Tree procurement and provenance

PETITION PARAGRAPH: 2.55 The provenance of trees is extremely important in any proposed scheme of compensation planting, given the threat posed by tree diseases from imported plants and the need for new woodland to closely match that which is lost. All trees planted should be produced in a way that represents the minimum risk to biosecurity and also presents the optimum conservation benefits by ensuring that they are raised from seed collected in native UK woods with a broad genetic base to ensure they are more able to adapt to future conditions.

2.56 Local seed collection and locally sourced trees should form the bulk of the planting mix but using a wider range of UK provenance native species by including some planting stock of non-local, but still UK provenance, will help this by increasing genetic diversity in new native woods which means those woods are better equipped to adapt to future conditions. We urge the nominated undertaker to start procurement processes for UK sourced and grown trees at the earliest opportunity to allow for the lead time in collecting seeds and growing the stock.

2.57 The Trust has been given an assurance on Phase 1 (assurance 1972) that relates to trees planted as compensation for ancient woodland loss. However, we consider that all trees planted as part of the scheme should be UK sourced and grown. At present the Promoter is stating that some tree seed may be sourced from up to 5 degrees latitude south of the planting location. In reality this means that some seed or stock could be imported from the Continent, which poses a serious risk of introducing tree disease. The Trust considers that the Promoter should strive to ensure all trees used are UK sourced and grown and not just the trees planted for ancient woodland compensation.

PROMOTER'S RESPONSE:

1. As set out in this response document, in relation to ancient woodland, compensation measures are proposed which would result in the creation of 77.1ha of new mixed deciduous woodland in replacement of 10.2ha of ancient woodland proposed to be lost at 10 sites.
2. Where reasonably practicable, the size and species of replacement trees would be selected to achieve a close resemblance of the original trees most effectively using locally occurring native species of local provenance and taking cognisance of any management plans for immediately adjacent areas of woodland.
3. The Promoter recognises the importance of tree provenance and the need to reduce the risk of tree disease. The Forestry Commission guidance 'Managing ancient and native woodland in England'⁷ recommends that a wide genetic base, i.e. a mix of provenances, is used to build in adaptability to an unpredictable future climate.
4. In relation to the procurement of trees, the Promoter has offered the Petitioner the following assurance on 5 June 2018:

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

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

⁷ [https://www.forestry.gov.uk/pdf/FCPG201.pdf/\\$FILE/FCPG201.pdf](https://www.forestry.gov.uk/pdf/FCPG201.pdf/$FILE/FCPG201.pdf)

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.37, 2.61, 2.67, 2.68,

ISSUE RAISED: Long term maintenance, management and monitoring

PETITION PARAGRAPH: 2.37 In addition, there is little or no information on how the nominated undertaker and contractor will be obliged to put mitigation and compensation measures in place as well as monitor and manage them in the decades to come. Given that mitigation and compensation planting is to mitigate/compensate in respect of woodland over 400 years old, the funding of and measures to ensure on-going monitoring and management are crucial. The Trust was pleased with the Phase 1 commitment that compensation sites for ancient woodland loss are monitored for at least 50 years. The Trust requests that this will approach is adhered to in subsequent phases.

2.61 The Promoter has committed to a 50 year monitoring programme on Phase 1 and we expect this commitment to apply to all subsequent phases of the scheme. However, it is still not clear on Phase 1 how compensation sites will be managed in the long-term. The Trust would like a commitment for all these sites to be managed in perpetuity. This is in recognition that the planting is to compensate for the loss of ancient woodland that is at least 400 years old.

2.67 In line with the offsetting principles set out above we request that steps are taken to not only manage and monitor new planting but also to respond to failures in the mitigation and compensation planting schemes. Currently there is no contingency scheme in place for the failure of any of the proposed compensation and mitigation schemes. Clear remedial steps should be set up to enable any losses to be assessed and made good in the next appropriate planting period. Such steps should be included within the environmental management plan to be implemented by the

nominated undertaker and in other documentation as appropriate.

2.68 Legally and financially binding conservation covenants or similar private agreements as being vital to a system for securing the future of these ecological compensation areas. A point recognised in the Government's 25 Year Plan for the Environment. New woodland planted as compensation for ancient woodland loss would not enjoy any protection in the National Planning Policy Framework and would therefore be vulnerable to potential future development. We seek guarantees that these sites would not be lost to future development from the railway or other forms of development and would be secured to remain as woodland for years to come. Given the difficulties of ensuring local planning consistency along the whole route, an undertaking from the Secretary of State would seem the most appropriate in this regard.

PROMOTER'S RESPONSE:

1. Appropriate management of created or enhanced/restored habitats would be necessary to achieve the desired target condition of such features. HS2 Phase 2A Information paper E2: Ecology, Section 11 explains that the draft Environmental Minimum Requirements (EMRs) for the Proposed Scheme include a commitment to manage and monitor created habitats for an appropriate period to establish those habitats. This is a commitment made by the Secretary of State to Parliament and the nominated undertaker and contractors would be bound by it. A route-wide monitoring strategy would also be implemented which would detail the monitoring requirements for habitats and species and the methods to be used in each instance.

2. The Promoter has set out indicative management, monitoring and maintenance periods for the 'establishment' phase of created habitats in the HS2 Phase 2A Information Paper: E2 Ecology. This makes clear that the Promoter does not expect all habitat creation to be complete within short time-frames. Generic establishment monitoring, management and maintenance periods range from 5 years (for example, for open mosaic habitats on previously developed land), to 5-10 years (for hedgerows) and up to 50 years (for woodland creation areas). In exceptional cases (e.g. where there is reason to believe that a habitat would be particularly difficult to create) there may be deviation from the figures provided. In consultation with Natural England, the Promoter intends to identify measurable goals (or 'success criteria') for all habitat areas to be created.

3. Monitoring during the establishment of new habitats would track progress towards these goals. If monitoring shows that these goals have not been achieved within the indicative monitoring and maintenance periods stated, the duration may need to be

extended, for example in response to unusual weather conditions such as prolonged drought. Similarly, if it can be confirmed that the required goal has been met earlier than expected, the standard monitoring period may be shortened. The frequency of monitoring would generally decrease with time where establishment towards the agreed objectives is progressing in line with expectations.

4. HS2 Phase 2A Information Paper E20: Maintenance of Landscaped Areas also explains the period of time that the nominated undertaker would manage new habitats and areas of landscape planting. During construction and for a period of time after, any new planting, grassland and habitat creation would be maintained by the nominated undertaker to ensure they become established and are properly maintained. This period of initial maintenance would vary depending on the habitat or feature and the complexity and objectives for the landscape type. Tree planting, for the purpose of screening would likely require up to 5 years maintenance.

5. The Promoter expects that the process of agreeing an appropriate maintenance and monitoring strategy for ecologically-led habitat creation beyond the establishment period would be agreed in conjunction with Natural England. Further discussions are in progress with Department for Environment, Food and Rural Affairs and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

6. After an initial period of maintenance, the nominated undertaker would seek to return the majority of land to previous landowners or other interested parties (such as local wildlife trusts, the Petitioner and local authorities), where agreement can be reached that would ensure the continued objectives of the mitigation are maintained into the future.

7. Where agreement cannot be reached, the land would be retained and maintained by the nominated undertaker, at least until a maintenance agreement is put in place with a suitable owner or party. For land that is retained by the nominated undertaker, the nominated undertaker would appoint a managing company (or companies) to ensure the adequate maintenance of mitigation.

8. The Ecology Review Group would scrutinise the monitoring outputs from newly established habitats and make reasonable recommendations for remedial action where mitigation and compensation measures are not meeting objectives. See the Promoter's response to paragraph 2.69 of the petition below for the Promoter's position on extension of the Ecology Review Group for Phase 2A.

Clause 48 – enforcement of environmental covenants

9. To ensure that relevant obligations and restrictions in such agreements continue after the disposal of the land, clause 48 in the Bill is entitled 'Enforcement of environmental covenants'. Clause 48 applies where the Secretary of State and a landowner agree that the landowner is to be subject to obligations or restrictions

regarding works relating to land which have, broadly speaking, the aim of mitigating adverse environmental effects caused by any of the works for the Proposed Scheme.

10. Clause 48 (3) provides that the Secretary of State or an authorised person may enforce the agreement against the landowner or against any person deriving title from or under the landowner. The covenant would also be recorded as a local land charge.

11. Clause 48 (10) allows a court to award exemplary damages against a person who breaches a qualifying provision of such a covenant if they think that it is appropriate to do so in the circumstances.

Assurances offered

12. The Promoter has offered the following assurance to the Petitioner on 5 June 2018:

“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').”

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.33,

ISSUE RAISED: Buffering ancient woodland

PETITION PARAGRAPH: 2.33 We seek an amendment to the Bill to require that appropriate buffering is designated where any works take place on land adjacent to ancient woodland and seek an assurance that any buffering required be planted at the earliest opportunity to maximise its impacts on both local amenity and the viability of remaining ancient woodland and before any works commence in the vicinity of areas of ancient woodland. The Trust already has an assurance on Phase 1 (assurance 2553) which requires the Nominated Undertaker to consult with the Trust on any works within 100m of an ancient woodland. However, we would like this to go further and the Promoter to commit to buffering all ancient woodland impacted by the proposed scheme, prior to works commencing.

PROMOTER'S RESPONSE:

1. The Natural England and Forestry Commission standing advice 'Ancient woodland and veteran trees: protecting them from development' (2018) states that mitigation measures depend on the type of development but with regard to buffering could include –

'leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)'.

2. As described above in the Promoter's response to paragraphs 2.32, 2.39, 2.77, 2.78, 2.79 and 2.80 of the petition, the draft Code of Construction Practice (CoCP) contains provisions for works close to retained aged and veteran trees and areas of retained ancient woodland in section 12. This response also outlines the assurance provided to engage with the Petitioner during construction.

3. The Ancient Woodland Strategy includes descriptions of woodland planting to buffer ancient woodlands such as Clifford's Wood, Lodge Covert, Barhill Wood and Wrinehall Wood.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.10, 2.11, 2.12, 2.40, 2.41, 2.42, 2.47, 2.48

ISSUE RAISED: No net loss in biodiversity

PETITION PARAGRAPH: 2.10 Ancient woodland is an irreplaceable resource, of great importance for its wildlife soils recreation, cultural value, history and the contribution it makes to our diverse landscapes.

2.11 It is a scarce resource, covering only 2.7% of England's land area. In addition ancient and veteran trees outside ancient woodland can be hundreds of years old, provide habitat for many different species and are part of our landscape and cultural heritage. The ancient woodlands along the proposed HS2 railway line are all notable for their differing contributions to landscape, amenity, culture and biodiversity. For example, ancient woodlands provide homes for many of our rarest animals, such as the Bechsteins bat - one of England's rarest mammals listed on Annex II of the EC Habitats and Species Directive and as near-threatened on the International Union for Conservation of Nature red list.

2.12 Ancient woodland can have historical and archaeological significance because of low levels of disturbance and they can also be a source of inspiration for local culture and folklore.

No Net Loss of Biodiversity

2.40 The Promoter has set itself the aim of no net loss of biodiversity for Phase 2a of the HS2 project. Ancient woodland is irreplaceable and the only way this objective could be achieved is by avoiding any loss or damage to ancient woodland whatsoever.

2.41 On Phase 1 compensation for ancient woodland loss was included within the no net loss calculation. However, towards the end of the Hybrid Bill process for Phase 1, a decision was made to remove it and any associated compensation planting from the metric and instead present this in a separate Ancient Woodland Strategy (AWS). This was due to a recommendation within Natural England's "Review of the High Speed 2 No Net Loss in Biodiversity Metric" report that was commissioned by the House of Commons Bill Committee.

2.42 Furthermore, the latter report recommended that "in the judgement of Natural England, and where ancient woodland is to be replaced by new woods, an area based ratio of 30:1 is appropriate." Recognising that their report was being published during the sitting of the House of Lords Bill Committee, Natural England pragmatically stated that:
If that is legally impracticable to implement for Phase 1, it should be implemented for Phase 2.

2.47 In her introduction to the Government's 25 Year Plan for the Environment the Prime Minister stated:

'We hold our natural environment in trust for the next generation. By implementing the measures in this ambitious plan, ours can become the first generation to leave that environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future'.

2.48 HS2 is an opportunity to make good on this commitment, loss of AW always means net loss to biodiversity, and an environment in a worse state.

PROMOTER'S RESPONSE:

1. The Proposed Scheme has the objective of seeking to achieve No Net Loss in biodiversity at a route-wide level. In order to demonstrate progress towards this objective, habitat losses and gains would be measured using a modified version of the Department for Environment, Food and Rural Affairs' (DEFRA) biodiversity offsetting metric. This has been developed in consultation with DEFRA and Natural England. Further amendments to the metric have been made following the recommendations of an independent review of the methodology undertaken by Natural England in 2016. Details of the metric are set out in the SMR addendum (Methodology for Demonstrating No Net Loss in Biodiversity, Volume 5: Appendix CT-001-002) of the ES.

2. It is important to note that the offsetting metric has not been used to determine mitigation and compensation measures. The approach used for mitigation and compensation is set out in an appendix to the Environmental Statement (ES) (Ecological Principles of Mitigation which is included in Annex E of the SMR Addendum CT-001-002 Part 1). There are no set ratios for habitat creation; rather the approach relies on professional judgement in each context and compensation was developed as part of an iterative design process appropriate to the specific area. As the design of the Proposed Scheme is modified or becomes more detailed, it is intended that the no net loss calculation would be run at appropriate intervals to demonstrate progress towards the project objective. The Promoter would continue to engage with Natural England on this matter as the project develops.

3. While every effort has been made to avoid losses of ancient woodland, there are some instances where, due to other design constraints, losses are unavoidable. The Promoter acknowledges that ancient woodlands are irreplaceable habitats and as such, losses as well as associated compensation measures would not be considered within the scope of the no net loss calculation. A separately produced Ancient Woodland Strategy would outline the specific measures being taken to compensate for unavoidable losses at each site.

4. In relation to the 30:1 replanting ratio, please see the Promoter's response to paragraphs 2.36 and 2.49 – 2.54 of the petition above.

Net gain

5. The Promoter recognises and supports national policy which is to minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures as set out in the National Planning Policy Framework. The Promoter is satisfied that the approach to no net loss is consistent with this policy.

6. The Promoter notes the ambition set out in 'A Green Future: Our 25 Year Plan to Improve the Environment' and is currently considering the detail of the plan. The plan is still in an early stage and the Promoter would be discussing it with DEFRA and other relevant parties in due course.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.45, 2.46,

ISSUE RAISED: Professional judgement

PETITION PARAGRAPH: 2.45 It is of further frustration that the AWS repeatedly states that the compensation levels have been determined using "professional judgement". This statement is never backed up by any supporting information and the Trust has never been made party to the calculations used to inform this professional judgement; we are asked to accept it on face value alone. It is in the Trust's professional judgement that the amount of compensation provided for the loss of irreplaceable ancient woodland is too low as it is lower than many of the "replaceable habitats" as calculated by the Promoters own no net loss calculation. Currently no evidence has been given that shows that the professional judgement of HS2 Ltd staff is any more valid than that of the Trust's ecologists.

2.46 Ideally, the judgement of Natural England as the government's advisor should be the deciding factor. In the DfT response (published 9th November 2016) to Natural England's NNL report, DfT stated that "the government will:

- publish its '25 year plan for the environment';
- use this engagement to consider how best to compensate for losses to our irreplaceable ancient woodland and other habitats...' HS2 Ltd stated (also dated 9th November 2016) "Defra have agreed to examine ancient woodland compensation through their 25-Year Plan for the Environment." However, there is no such commitment in the 25-Year Plan, so rather than repeating the issue of competing 'professional judgements' for phase 2a, Natural England's recommendations should be followed.

PROMOTER'S RESPONSE:

1. The information in the Ancient Woodland Strategy is derived from the Environmental Statement (ES). As set out in the Promoter's response to paragraphs 2.5 – 2.7, 2.13, 2.30 – 2.31 and 2.35 of the petition, the ES fully complies with all UK and EU legal requirements and has been developed in accordance with the accepted best practice methodologies recommended by a range of UK institutional bodies.

2. The Promoter has also offered the Petitioner the following assurance on 5 June 2018 regarding Natural England's standing advice:

"The Promoter will require the Nominated Undertaker to have regard to the guidance in Natural England'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. Regarding the Government's 25-year plan for the environment, please see the Promoter's response to paragraph 2.47 of the petition above.

Professional judgement

4. As stated in relevant sections above (see the Promoter's responses to paragraphs 2.15 – 2.20, 2.22, 2.43, 2.44 and 2.52 and responses to paragraphs 2.10 – 2.12, 2.40 – 2.42 and 2.47 – 2.48 of the petition) the level of compensation provision included in each case has been derived through professional judgement. The Promoter and its consultants have used professional ecological judgement to identify appropriate mitigation or compensation measures where practicable for each significant ecological effect. This approach is set out in an appendix to the ES (Volume 5, Ecological Principles of Mitigation, Appendix, SMR Addendum, Section 9: CT-001-000/2).

5. The Environmental Impact Assessment was produced on behalf of the Promoter by a team of independent technical experts with unrivalled experience of environmental assessment on similar projects such as, HS1, Crossrail, the Olympics and Thames Tideway. The mitigation and compensation proposed is informed by professional judgement, experience, and an understanding of the factors that contribute to the integrity of a site and to the conservation status of a species or habitat in question.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.58, 2.59, 2.60,

ISSUE RAISED: Translocation

PETITION PARAGRAPH: 2.58 The Promoter is proposing to use translocation of ancient woodland soils and some components of the woodland (e.g. dead wood and coppice stools) as part of the compensation package for ancient woodland loss. Ancient woodlands cannot be translocated. Translocation of soils constitute a salvage operation only, which may add some value to potential receptor sites, but cannot be considered in any way to replace the ancient woodland destroyed. Natural England's Standing Advice states "You can't move an ancient woodland ecosystem because:

- it isn't possible to replicate the same conditions at another site;
- it's no longer an ancient woodland"

2.59 Translocation of ancient woodland soils is a relatively new process and literature on the subject is scarce. There is no information currently available that proves that translocation of soils can offer any measure of compensation for ancient woodland loss. As such, translocation as a form of compensation should not be used to reduce the amount of compensation provided in the form of tree planting.

2.60 Given the paucity of information relating to the translocation of ancient woodland soils we request that a detailed methodology statement is prepared for each donor and receptor site where translocation of soils is proposed and that this includes details of subsequent monitoring and maintenance that will be required at the receptor site. Furthermore, the methodology statements will need to identify what a successful translocation will look like, how failure will be identified and what will be done if the translocation fails. The Trust already has an assurance (Assurance 2552) on Phase

1 that relates to this matter and we expect a similar assurance to apply to Phase 2a.

PROMOTER'S RESPONSE:

1. The translocation of ancient woodland soils is recognised as a compensation measure in the Natural England and Forestry Commission Standing Advice and complements the proposed planting areas with soils that contain ancient woodland seed (and bulb) bank, mycorrhiza and other fungi and invertebrates (see the Promoter's response to paragraphs 2.36, 2.49 – 2.54 of the petition above). Where practicable, relocation of coppice stools, saplings and dead wood would also be considered. In the case of planting into translocated ancient woodland soil areas, some faster-growing species are likely to be used to create the shaded conditions needed by the seed in soil brought in from donor sites. These trees would then be removed at an appropriate time to allow the native species to develop and mature.

2. As described above, each ancient woodland site would have an Ecology Site Management Plan (ESMP) that would include details of the species measures for long-term management and monitoring for each ancient woodland. This document would be prepared at the relevant detailed stage of the Project.

3. As stated in HS2 Phase 2A Information Paper E2: Ecology a monitoring duration of up to 50 years would be provided for all locations where the translocation of ancient woodland soils is proposed.

4. The methodology for the translocation of soils is included in the Promoter's requirements and has been appended to the Ancient Woodland Strategy. In light of this the Promoter does not consider that a specific assurance is required for Phase 2A.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.62, 2.63, 2.64, 2.65, 2.66,

ISSUE RAISED: Temporary land take and works

PETITION PARAGRAPH: 2.62 There are currently proposals for temporary land take within Whitmore ancient woodland from the placement of a satellite compound and temporary works that affect an unknown number of ancient and veteran trees.

2.63 Destroying ancient woodland for temporary land uses is unacceptable. Ancient woodland now makes up such a small part of our landscape that even small losses may have irredeemable impacts on the flora and fauna found in an area. It is not possible for there to be "temporary" land take from an irreplaceable habitat. Any land take will result in permanent destruction of the habitat. We ask that the Bill be amended to disallow any temporary land take within ancient woodland, or of ancient/veteran trees. This was agreed by HS2 Ltd for Phase 1 and we are therefore disappointed that this has not been carried forward to Phase 2a.

2.64 The Promoter agreed on Phase 1 to remove all temporary works affecting ancient woodland, therefore we do not currently have an assurance relating to this matter as it was not needed. However, given that the commitment not to place temporary works within ancient woodland or to remove ancient/veteran trees for temporary works has not been adhered to, we seek an assurance that all these works will be moved.

2.65 Temporary land take adjacent to ancient woodland can also have significant impacts upon this irreplaceable habitat. From the current works proposed it is clear that there is a satellite compound at Whitmore Wood which is both within and adjacent to the woodland and a temporary stockpile immediately on the boundary of Tithebarn Wood. Both of

these works need moving to prevent impact on ancient woodland.

2.66 In addition, from the limited information currently available at least four ancient/veteran trees are being lost to temporary land take, including the nationally significant Noddy's Oak; a tree with a girth in excess of 8m which is being lost to a temporary road widening for construction traffic. In addition the Off Route affects identify two road realignments (Great Heywood Road and Yarnfield Lane) which may affect ancient and veteran trees. It is of concern that the identification of the numbers of trees affected was not carried out prior to the publication of the EIA. The Trust seeks an assurance that these temporary road realignments will avoid any ancient and veteran trees in this area.

PROMOTER'S RESPONSE:

1. The Promoter has identified veteran and ancient trees that would be affected by the construction of the Proposed Scheme. These are described individually in Environmental Statement (ES), Volume 2 Community Area Reports, and at a route-wide level in Volume 3 of the ES. The Promoter recognises veteran and ancient trees as irreplaceable resources and their loss would result in a permanent adverse effect which is quantified as being significant at a district/borough level in each case within the ES.

2. A precautionary approach to assessment has been adopted and all trees within the land required for the construction of the Proposed Scheme are assumed to be lost and are reported as such in the ES. The only exception to this assumption is when the tree is located within an area that would be required for mitigation planting only.

3. Section 12.2 of the draft Code of Construction Practice (CoCP) requires avoidance of unnecessary tree and vegetation removal and protection of existing trees in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations (see paragraph 12.3.7 of the draft CoCP).

4. Where it is not possible to retain an ancient or veteran tree, consideration would be given to compensatory measures, as per recent guidance, including:

- collecting seeds, propagating cuttings and replanting young trees from this
- stock in the surrounding area;
- replanting other young trees of the same species in the surrounding area;
- moving the felled tree to an area of nearby retained woodland or newly planted woodland; and/or
- managing other nearby veteran trees to help to prolong their life and/or introduce additional ecological value.

5. In relation to the request in paragraph 41.2, the Promoter has now provided the Petitioner with further information regarding affected veteran and ancient trees including their location on mapped plans.

6. In respect of the tree referred to by the Petitioner as Noddy's Oak, the Promoter has offered the following assurance to Staffordshire County Council on 8 May 2018:

"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."

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.69

ISSUE RAISED: Ecology Review Group

PETITION PARAGRAPH: 2.69 The Promoter has set up an Ecological Review Group (ERG) on Phase 1, which the Trust is a member. We request a commitment from the Promoter that this group, or an iteration of it will be formed in regard to Phase 2a.

PROMOTER'S RESPONSE:

1. A route-wide Ecology Review Group comprised of relevant statutory bodies, non-governmental organisations and local authorities would review the outputs of monitoring for habitat creation sites and provide independent advice on remedial action where appropriate.

2. The Promoter has provided the following assurance to Staffordshire County Council on 8 May 2018:

"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."

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.70, 2.71, 2.72, 2.73, 2.74, 2.75, 2.76

ISSUE RAISED: Authorisation procedures

PETITION PARAGRAPH: 2.70 Clause 17 of the Bill provides that planning permission is deemed to be granted for the works authorised by the Bill and consequently the statutory controls on development enacted by Parliament in the Town and Country Planning Acts are dis-applied.

2.71 The Trust accepts that Clause 17, and Schedule 17, of the Bill will enable the local planning authority for the area to exert some influence on the type of development for which powers are being sought by the Promoter. However this process is yet to be fully tested on Phase 1, so we continue to have grave concerns in relation to the extent of these powers, for example in respect of the Local Authority's ability to impose conditions about the conduct of works, the management of impacts, replanting schemes and other measures for woodlands and biodiversity protection and mitigation, and they crave leave to comment in further detail on these concerns at the appropriate stage.

2.72 The Trust is concerned that, as many of the mechanisms for implementing mitigation and compensation measures will fall to local planning authorities to consider and determine, those authorities are able to do so effectively in pursuit of the shared and reasonable desire to improve the local amenity of their areas and ensure that mitigation works are of the highest quality both with regard to the biodiversity and amenity value of mitigation and compensation works, through appropriate tree planting according to the Lawton Principles. The Trust therefore asks that the promoter consults the Trust on all submissions to local planning authorities.

2.73 As indicated earlier, the Bill contains provisions which provide outline planning permission for the development

authorised by the Bill and dis-apply a number of other statutory regulation regimes which would normally apply in relation to the construction of works, including the normal provisions of the Town and Country Planning and related Acts, and the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990, Natural Environment and Rural Communities Act 2006, Countryside and Rights of Way Act 2000 and the Wildlife and Countryside Act 1981. We note that in many instances there are streamlined, replacement approval processes proposed in the Bill, which aim in particular to shorten the time taken for decisions to be made and in some cases limit the number of factors that may be taken into consideration.

2.74 The Trust has an important role as consultees and advisors on development affecting woodlands and their wider environment, and seeks to play a full part as obligatory consultees where the works are likely to affect such areas of woodland. We wish to be among those who are required to be consulted in relation to the following: Code of Construction Practice, Local Environmental Management Plans, Environmental Minimum Requirements, Planning Applications, Groundworks, Utilities Proposals, Planting Proposals and Public Realm Proposals relating to ancient woodland.

2.75 The Trust wants to ensure the Code of Construction Practice is complied with properly and ask to be fully engaged with the on-going implementation process.

2.76 The Trust seeks assurances that the nominated undertaker will carry out the compensation for the impact on ancient woodland in accordance with the following requirements and the associated monitoring and maintenance and that these activities are carried out prior to work starting on the construction of the railway. This is critical to ensure that the lag time between the destruction of existing habitats and the creation of new habitats is as short as possible:

- Procurement of trees from local and national nurseries
- Tree planting should be carried out as soon as is practicable
- Agreement to methods of working, e.g. translocation method statements.
- Agreement to long term management and monitoring until newly planted trees start to function effectively as woodland habitat.

- Agreement on methods of protecting amenity woodland from the blight of long term works of uncertain timeframe.

PROMOTER'S RESPONSE:

1. The Petitioner has been engaged on the Proposed Scheme prior to and after deposit of the Phase 2A Bill in July 2017. As set out in the Promoter's response to paragraphs 2.32, 2.39 and 2.77 – 2.80 of the petition the Promoter has offered an assurance to engage the Petitioner regarding works within 100m of ancient woodlands. The Promoter has also given an assurance that the Ecology Review Group would be extended to cover the Proposed Scheme (see the Promoter's response to paragraph 2.69 of the petition). The Petitioner is an active member of the Ministerial Roundtable which meets regularly and addresses all phases of HS2.

The Schedule 17 planning regime

2. As the Petitioner states, the Bill grants deemed planning permission for the work it authorises and establishes a planning regime under Schedule 17 where certain matters and details of the deemed consent are reserved for subsequent planning authority approval. Therefore, prior to the railway being constructed, the required approvals would be obtained from the relevant local planning authority.

3. With regard to the Petitioner's concern that the planning regime is yet to be fully tested, the equivalent provisions were enacted in the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2008 and these regimes operated effectively in the projects delivering high quality design. Schedule 17 to the Phase One Act has been shown to operate effectively over the year since it received Royal Assent.

4. Under paragraph 18 of Schedule 17, where the relevant local planning authority considers that a request for approval affects, 'nature conservation or the conservation of the natural beauty or amenity of the countryside', they must invite the appropriate body to make representations, which is defined by the Bill as Natural England for these matters. Therefore, the Promoter does not consider the Petitioner's request for the planning authority to consult the Petitioner on all submissions necessary as the Schedule 17 already identifies the relevant national agency as the consultee.

5. In relation to the Petitioner's concern regarding the management of impacts on woodland and biodiversity including their protection and mitigation. Before the railway is brought into use, they would be subject to "bringing into use" approval from the relevant local planning authority under paragraph 9 of Schedule 17. The purpose of bringing into use approval is to ensure that appropriate mitigation has been incorporated, and no such work can be brought into use without such prior approval. Further to this, as explained above, the relevant local planning authority would consult Natural England if they consider that the request for bringing into use approval affects 'nature conservation or the conservation of the natural beauty or amenity of the countryside'.

Control of environmental impacts during construction

6. As HS2 Phase 2A Information Paper E1: Control of Environmental Impacts sets out, 'there are three distinct components that, taken together, will effectively control the environmental impacts of the construction and operation of the Proposed Scheme. They are:

- arrangements within the Bill for approving detailed design and construction arrangements;
- policies, commitments and undertakings entered into outside of the Bill; and
- existing legislation, unless expressly or impliedly disapplied or modified by the Bill'.

7. These controls, 'contained in the Bill and in general legislation along with undertakings given by the Secretary of State, will ensure that impacts which have been assessed in the Environmental Statement (ES) will not be exceeded'.

8. The Promoter's response to paragraphs 2.32, 2.39 and 2.77 - 2.80 of the petition sets out the ways in which the impacts from construction would be controlled through the draft Code of Construction Practice (CoCP) and Environmental Minimum Requirements (EMRs).

9. The draft CoCP, explained further in the Promoter's response to paragraphs 2.32, 2.39 and 2.77 - 2.80 of the petition, sets out general standards/controls that the nominated undertaker would put in place to manage environmental effects arising from construction activity. It is accepted that, as part of the EMRs the draft CoCP would evolve and be subject to refinement and expansion as elements of the design and assessment are developed through the Parliamentary process and passage of the Bill.

10. The commitments made by the Secretary of State through the EMRs are significant for the nominated undertaker. Undertakings and assurances would be recorded on a register compiled by the Secretary of State during the course of the Bill proceedings. The register would be published in final form at Royal Assent. The Register would form part of the EMRs which would be made contractually binding on any nominated undertaker appointed after Royal Assent.

11. Enforceability of such assurances is through the Secretary of State, who is in turn answerable to Parliament. For further information, please see HS2 Phase 2A Information Paper B5: Compliance with Undertakings and Assurances.

12. The draft EMRs for the Proposed Scheme are based on those already demonstrated to have been highly effective in controlling and reducing the environmental effects of previous projects, such as HS1 and Crossrail. The EMRs are prepared in consultation with line of route planning authorities and relevant statutory

stakeholders, given this the Promoter does not believe an assurance to engage with the Petitioner on development of the EMRs is necessary.

Assurances requested at petition paragraph 2.76

13. In relation to the procurement of trees please see the response to paragraphs 2.55 – 2.57 of the petition above.

14. In relation to the timing of tree planting please see paragraph 10.2 of HS2 Phase 2A Information Paper E2: Ecology:

“10.2. Ecological works such as planting and habitat creation for translocated species will be planned early within the construction programme so that new habitats are created as soon as reasonably practicable, and to ensure the time between habitat loss and the creation of new habitats is minimised.”

15. In relation to the methods of working adjacent to woodlands and translocation of soils please see the Promoter’s responses to paragraphs 2.32, 2.39 and 2.77 – 2.80 and paragraphs 2.36, 2.49 and 2.54 respectively.

16. In relation to the long term management of woodlands please see the response to paragraphs 2.37, 2.61, 2.67 and 2.68.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.81, 2.82, 2.83,

ISSUE RAISED: Tunnelling and other engineering works

PETITION PARAGRAPH: 2.81 We are keen to ensure that every possible step is taken to minimise the loss of irreplaceable ancient woodland rather than to have to compensate for its loss. We ask that opportunities to realign the track as well as reconfiguration of cutting/embankments should be taken to avoid the destruction and damage of irreplaceable habitats such as ancient woodland. For example, a reconfiguration of the cutting at The Grove (Yarlet Wood) could reduce the amount of land take here. We are concerned that many of the alternatives to the proposed scheme have been dismissed without being fully considered, even though they could significantly reduce the impact of the line on the environment.

2.82 The Woodland Trust asks that the Bill be amended specifically to include a tunnel at Whitmore Wood and another at Clifford Wood. This would significantly reduce the project's impact on these irreplaceable ancient habitats by 60% for this Phase.

2.83 We also request that no structures associated with tunnels or construction works are erected within ancient woodland and that adjacent works are moved at least 100m away from ancient woodland boundaries.

PROMOTER'S RESPONSE:

1. The vertical and horizontal alignment of the railway has been the subject of detailed considerations and many alternatives have been considered. Ancient woodland is one of the environmental constraints that have been considered, along with others such as the requirement for demolitions of property, noise and visual impacts and effects on agriculture. The Promoter considers that the proposals in the Bill present the best sustainable option taking account of all relevant environmental considerations.

Yarlet south cutting

2. As set out in Volume 2, Community Area 2 Report: Yarlet to Colwich, the Proposed Scheme includes the Yarlet South Cutting which would be 1.3km in length, up to 21m in depth and 122m in width. The report states:

“8.4.19 Construction of the Yarlet South cutting will result in the permanent loss of approximately 1.3ha (76%) of ancient woodland at The Grove, which is to be added to the AWI. The permanent loss of ancient woodland will result in a permanent adverse effect on this habitat that is significant at up to county level.”

3. The report also states that “[planting of native broadleaved woodland of] approximately 1.6ha in two locations on the north side of Yarlet South cutting would partly compensate for the loss of 1.3ha at The Grove”.

4. In relation to the width of the cutting, the Promoter has made a general commitment that in the exercise of the powers of the Bill no more land would be acquired compulsorily than the Promoter reasonably considers is needed to secure the construction and operation of the Proposed Scheme in a timely and economic manner.

5. The Promoter has also published draft Environmental Minimum Requirements (EMRs) for the Proposed Scheme which set out the environmental and sustainability commitments that would be observed in the design and construction of the Proposed Scheme.

6. As outlined in paragraphs 4.2 - 4.11 of HS2 Phase 2A Information Paper E1: Control of Environmental Impacts, the draft EMRs include:

- Specific requirements – ‘including that the nominated undertaker will in any event, and apart from the controls and obligations set out in this paper, use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by the Proposed Scheme, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme’;

Whitmore to Madeley tunnel

7. The Petitioner requests an extended tunnel to remove effects at Whitmore and Cliffords woods. The Phase 2A route announced by the Secretary of State in November 2015 proposed two short tunnels at Whitmore Heath and Madeley. Following a review of the route selection alternatives in 2016, the two short tunnels were taken forward into the scheme included in the Bill (known as the “Proposed Scheme”), subject to further design refinement. A single tunnel option was considered as part of the route section alternatives but not selected. This was because the

environmental benefits were not judged to be sufficient to justify the additional costs associated with the single tunnel scheme.

8. Following deposit of the Bill in July 2017, further work has been undertaken to understand the potential advantages of an alternative single tunnel option (a 6.4km long twin bored tunnel with porous portals, two shafts at minimum safe depth below the tracks of the West Coast Main Line railway). The results of that work are set out in a report published on 15 March 2018[1]. Overall there are environmental and engineering benefits of the single tunnel option compared to the Proposed Scheme although these would come at a considerable increase in the cost of the Phase 2A.

9. The in principle case for the Whitmore Heath to Madeley tunnel was heard by the Select Committee in April, and on 24 May the Select Committee announced their decision. Having considered the evidence, the Select Committee has decided that in principle the current scheme design, which proposes two short tunnels at Whitmore Heath and Madeley, should not be changed. A copy of the Select Committee's report can be found at

<https://publications.parliament.uk/pa/cm201719/cmselect/cmhs2/1085/1085.pdf>.

10. In relation to the compensation measures proposed for Whitmore & Clifford wood, please see the Promoter's response to paragraphs 2.5 - 2.7, 2.13, 2.30, 2.31, 2.35 and 3.87 of the petition above.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.84

ISSUE RAISED: Operational railway issues

PETITION PARAGRAPH: 2.84 The operational maintenance required to keep railway lines clear may adversely affect nearby woodland unless carried out with proper care, and therefore submit that there be provision in a long term management strategy for an agreed set of maintenance standards to be used by contractors and enforced by the nominated undertaker.

PROMOTER'S RESPONSE:

Planting and the operational railway

1. HS2 Phase 2A Information Paper E20, Maintenance of Landscaped Areas sets out, the Proposed Scheme's tree planting:

"Will be designed to minimise risks to the operation of the railway that may arise from falling leaves, root damage and high winds breaking branches or felling trees in the vicinity. In practice, this means a "zone of influence" will be established along the route of the Proposed Scheme, within which the height of vegetation will be limited. This zone may be extended beyond the HS2 security fence, depending on whether the railway is on embankment, at grade or in cutting."

Management and maintenance of proposed woodland planting

2. Please see the Promoter's response to paragraphs 2.37, 2.61, 2.67 and 2.68 of the petition above with regard to the management and maintenance of new planting.

3. As the Promoter's response to paragraphs 2.37, 2.61, 2.67 and 2.68 of the petition makes clear, further discussions are in progress with Department for Environment, Food and Rural Affairs' (DEFRA) Defra and Natural England regarding an appropriate approach to on-going management, maintenance and monitoring beyond the establishment period.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-P2A-000099

PARAGRAPH NO: 2.21, 2.85, 2.86

ISSUE RAISED: Unmapped ancient woodlands

PETITION PARAGRAPH: 2.21 The AWS was also supposed to contain the reasoning behind the non-inclusion of eleven woods on the AWI (HS2 Ltd. personal communication with the Trust in August 2017). There is nothing in this document that covers that information. The questions the Trust raised in the last consultation on Phase 2a have still not been answered.

2.85 When the Promoter undertook the survey work to inform the Environmental Statement they identified a number of woods along the route which were not currently on the AWI. The Trust also supplied the Promoter with a list of woods that we considered may be unmapped ancient woodland. As a result of this work a further ten woods were added to the ancient woodland inventory. However, of the eleven woods discounted as possible ancient woodland by the Promoter, personal communication with Natural England, the body responsible for additions to the AWI, has indicated that they were reviewing four of these woods for possible consideration. These are:

Hurst Wood and Hurst Wood Pit
Lion Lodge Covert
Yarlet Wood
The Grange/Randilow Farm

2.86 At the time of writing we are still waiting to hear if these woods will be added to the ancient woodland inventory or not. Correspondence with NE indicates that they are still waiting for information from the Promoter on all of the woods that they discounted as ancient. This information was originally expected to be within the AWS according to discussions with the Promoter in August 2017. However, it has not been included. Therefore, the Trust reserves its right to ask for

further amendments to the scheme if these woods are subsequently found to be ancient by Natural England.

PROMOTER'S RESPONSE:

1. With regard to the reasoning behind the non-inclusion of woods on the Ancient Woodland Inventory (AWI), as set out with the Ancient Woodland Strategy, please see the Promoter's response to paragraphs 2.5-2.7, 2.13, 2.30, 2.31 and 2.35 of the petition above in relation to the heritage review of all woodlands that may be affected by the Proposed Scheme. The evidence base was discussed with the Woodland Trust on a number of occasions and their views were taken into consideration prior to concluding which woodlands the Promoter would recommend for inclusion in the AWI. The Promoter provided further rationale via correspondence to the Petitioner on those woodlands not considered to be ancient.
2. This evidence has now been provided to Natural England who maintain and update the Inventory in England. Natural England have now completed their assessment of the woodlands that the Promoter did not consider to be ancient, and as the Promoter understands, have passed back their conclusions to the Petitioner.

April 2019

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-AP2-063:
The Woodland Trust**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-AP2-063, from the Woodland Trust.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at
<http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Woodland Trust ("the Petitioner") is a registered charity dedicated to the conservation, restoration and re-establishment of trees, plants and all forms of wildlife and thereby to secure and enhance the enjoyment by the public of the natural environment. As well as a campaigning organisation, the Petitioner manages its own woodland sites. The Ancient Woodland Strategy for High Speed 2 (HS2) Phase 2A identifies a loss of approximately 9.8ha of ancient woodland within Staffordshire. There would be no loss of ancient woodland in Cheshire due to HS2 Phase 2A.

The Petitioner is a member of the HS2 Ecology Review Group that currently monitors Phase One of HS2. The Petitioner has also been represented at the HS2 Ministerial Environment NGO Roundtable which has met regularly during the preparation of the Bill. The Petitioner has been actively engaged with the Promoter and their representatives, regarding both Phase 1 and Phase 2A Bills, and early engagement on Phase 2B.

In June 2018 the Petitioner was sent a PRD for their petition against the Bill (Petition No. HS2-P2A-000099), attached at Annex A. The Petitioner appeared before the House of Commons Select Committee on 24 April 2018.

The Petitioner was sent an assurance on veteran trees that were assumed to be lost as a result of the Proposed Scheme on 25 February 2019.

PETITION NO. HS2-AP2-063

THE WOODLAND TRUST

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ATTACHMENTS

Title
Annex A: PRD for petition against the Bill (Petition No. HS2-P2A-000099)
Annex B: veteran tree assurances
Annex C: ancient and veteran trees report

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.3

ISSUE RAISED: Non-AP2 petition issues

PETITION PARAGRAPH: 2.3 This Petition is not a standalone document; it should be read in conjunction with our first petition to the House of Commons Select Committee on Phase 2a.

PROMOTER'S RESPONSE:

1. On 9 February 2019 the Promoter deposited the second Additional Provision to the Bill (AP2) in Parliament, which proposes further changes to the Bill. The Petitioner has requested that their AP2 petition be read in conjunction with against their petition against the Bill (Petition No. HS2-P2A-000099).

2. As explained in the petitioning guidance on the House of Commons Select Committee website, individuals or organisations affected by the Bill, but not affected by the Additional Provision (AP), do not have the right to be heard by the Select Committee in relation to the AP. This also applies where a petitioner asks for something that is not included in the AP.

3. The Select Committee have said that they will hear issues solely in relation to the changes that are proposed in AP2. To help the Select Committee manage the AP2 petition hearings, the Promoter expects to assist the Committee by identifying those points raised directly in relation to the changes proposed as part of AP2, and any that fall within the scope of the original Bill or AP1 proposals.

4. Please see the link to the petitioning guidance on the Select Committee website <https://www.parliament.uk/business/committees/committees-a-z/commons-select/high-speed-rail-west-midlands-crewe-bill-select-committee-commons/petitioning-guidance-17-19/petitioning-against-the-bill-17-19/>

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.4

ISSUE RAISED: Affected ancient woodland

PETITION PARAGRAPH: 2.4 The changes proposed by AP2 mean that there are now 11 ancient woodlands directly affected and 8 ancient woodlands indirectly affected by the proposed works. This is an increase in one directly affected wood. In addition, there are: several ancient woodlands adjacent to the proposed works where the impact of the changes is not made clear in the AP; and 2 wood pastures on the Wood Pasture and Parkland Inventory potentially affected by the proposed changes under AP2.

PROMOTER'S RESPONSE:

1. Following the deposit of the second Additional Provision to the Bill (AP2) a total of 11 ancient woodlands would be affected as a consequence of the Proposed Scheme.
2. On the basis of the heritage review undertaken by the Promoter, there is an additional woodland, Lower Birches Plantation/Titler's Plantation, which does not appear on the Ancient Woodland Inventory (AWI) but is considered to be potentially ancient. This woodland is partially within the area subject to the Parkgate grid supply point connection AP2 amendment. The amendment would result in up to 0.2ha of additional ancient woodland being subject to tree height reductions, where necessary. The Parkgate grid supply point connection would therefore, on a precautionary basis, result in a new permanent adverse effect on this potential ancient woodland. The wholesale clearance of vegetation and removal of ancient woodland soils would be avoided.
3. Details regarding the loss and the proposed compensation are detailed in the Promoters response to paragraph 2.5 and 2.6 of the petition.
4. The change to the alignment in the Whitmore Heath to Madeley AP2 amendment would result in a small reduction in the extent of ancient woodland lost at Whitmore Wood AWI and Hey Sprink (wood south-west of) AWI (by 0.6ha) compared to those reported in the main Environmental Statement (ES), as amended by the first

Supplementary Environmental Statement (SES1) and the second Supplementary Environmental Statement (SES2).

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

6. The Promoter uses a number of data resources to establish the ecological baseline conditions to support the Environmental Impact Assessment (EIA) of the Proposed Scheme, as set out in the Scope and Methodology Report. In addition to survey information collected for the Proposed Scheme, the Promoter considers this to be adequate for the purposes of the ecological impact assessment.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.5, 2.6

ISSUE RAISED: Lower Birches Plantation/Titler's Plantation

PETITION PARAGRAPH: 2.5 In our original Phase 2a petition the Trust requested that all temporary works affecting ancient woodland and ancient/veteran trees be moved as the loss of irreplaceable habitat to temporary activities is unacceptable. Only minor changes have been made and furthermore, a new ancient woodland not previously directly affected is now directly affected by temporary works.

2.6 Lower Birches Plantation/Titler's Plantation (Community Area 1 – Fradley to Colton) – Titler's plantation is not currently on the Ancient Woodland Inventory, but HS2 Ltd.'s heritage study indicates that it is likely to be unmapped ancient woodland and so has assessed it as if it were already on the Ancient Woodland Inventory. This area of woodland already contains an easement for an overhead powerline. However, the proposed works include a temporary diversion of this powerline which will necessitate the relocation of this easement. Whilst the supporting report indicates that this will only involve crown reduction to maintain an adequate clearance between the powerline and the vegetation, rather than total clearance of trees and vegetation, the Supplementary Environmental Statement 2 reports a loss of 0.2ha of ancient woodland. The Trust is concerned that this discrepancy indicates that ancient woodland will be impacted by temporary works. As set out in our original petition the loss of ancient woodland to facilitate temporary activities is not acceptable.

Request

The Trust requests a formal assurance that there will be no loss of ancient woodland from Lower Birches Plantation/Titler's Plantation.

PROMOTER'S RESPONSE:

1. Lower Birches Plantation/Titler's Plantation covers approximately 3.7ha and is partially located within the land required for the second Additional Provision to the Bill (AP2). The woodland has not been subject to surveys due to access restrictions; however aerial photography suggests that the site supports semi-natural mixed broadleaved woodland located on the eastern bank of Pur Brook. The woodland sits within an agricultural landscape of pasture and arable fields, hedgerows and mixed broadleaved woodland. The Ancient Woodland Inventory (AWI) sites of Birch and Roosthill Woods and Chantry Wood are located to the south and east of Lower Birches Plantation/Titler's Plantation.
2. On the basis of the heritage review undertaken by the Promoter, Lower Birches Plantation/Titler's Plantation is considered to be potentially ancient. It has been recommended to Natural England that it is added to the AWI. Lower Birches Plantation/Titler's plantation is of up to county value.
3. Lower Birches Plantation/Titler's Plantation is partially within the area subject to the AP2 amendment relating to the grid supply point connection to National Grid Parkgate substation. The AP2 amendment would require the temporary diversion of an existing overhead powerline, which already passes through a 50m wide managed corridor in the woodland. The works would involve cutting back trees that would otherwise infringe on the minimum clearances between the trees and the powerline. The amendment would result in up to 0.2ha of additional woodland being subject to tree height/crown reductions to comply with the minimum clearance below the temporary power line; the wholesale clearance of vegetation and removal of ancient woodland soils would be avoided. As ancient woodland cannot be recreated the permanent loss would remain an adverse effect that is significant at up to the county level.
4. 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
5. This woodland habitat creation would partially compensate for the impact to approximately 0.2ha of ancient woodland at Lower Birches Plantation / Titler's Plantation.
6. The woodland planting has been designed to increase the size of two existing small woodlands as well as providing improved connectivity between Lower Birches/Titler's Plantation and Birch and Roosthill Woods ancient woodland, and non-ancient woodlands and semi-natural habitats within the local landscape. The woodland planting would also connect to a larger area of woodland planting that mitigates non-

ancient woodland losses immediately to the west of Lower Birches/Titler's Plantation. This connectivity would facilitate the dispersal of species between the retained areas of ancient and non-ancient woodland into these associated habitats.

7. The Promoter previously wrote to the Petitioner on 5 June 2018 to offer several assurances which were provided on Phase One. This included:

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.7

ISSUE RAISED: Trent Wood

PETITION PARAGRAPH: 2.7 Trent Wood (Community Area 3 Stone to Swynnerton) – Trent Wood is a plantation on ancient woodland adjacent to the A34 road. In the original Supplementary Environmental Statement this wood was approximately 500m away from the construction boundary, so was not considered by the Trust to be affected. However, changes under AP2 now place this wood directly adjacent to a utility diversion and the placement of traffic signals. The Community Area report states that there is overlap between the Ancient Woodland Inventory designation and the road carriageway and although the land take appears to affect 0.3ha of the woodland, this is incorrect and all works will remain in the carriageway. If the Ancient Woodland Inventory map in this area is inaccurate then the Promoter needs to raise this issue with Natural England to have the maps corrected. However, the proposed works are so close to the existing woodland that the Trust considers there is potential for Trent Wood to be impacted by indirect effects such as noise, dust and altered lighting.

PROMOTER'S RESPONSE:

1. Trent Wood Local Wildlife Site (LWS) and Ancient Woodland Inventory Site (AWIS) sits adjacent to the land required for an Additional Provision 2 to the Bill (AP2) amendment (Additional land for the permanent diversion of an underground telecommunications cable along the A34 Fillybrooks and A51 Bury Bank).

2. The works, which comprise the permanent removal of an underground telecommunications cable and the installation of the new diverted utility, would be entirely contained within the highway boundary of the A34 where this passes adjacent to the boundary of Trent Wood. Given that the proposed works occur within the adjacent road carriageway, a buffer width of 15m would not be considered practicable.

3. The nature and scale of works associated with this amendment are minor, with little risk to exceed the existing baseline conditions from the A34 which is already subject to the indirect effects of road traffic. It has therefore been assessed that there would be no significant effects to Trent Wood as a result of these works.
4. Potential indirect effects, such as noise, dust and altered lighting would be controlled through the implementation of avoidance and protection measures set out in the draft Code of Construction Practice (CoCP).

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.8

ISSUE RAISED: Westfield Covert

PETITION PARAGRAPH: 2.8 Westfield Covert (Community Area 1 – Fradley to Colton) - Since the publication of the original Environmental Statement Westfield Covert has been added to the Ancient Woodland Inventory. In the original Environmental Statement this ancient woodland was on the boundary of the proposed construction area. However, the area of woodland subsequently added to the Ancient Woodland Inventory crosses the proposed construction boundary. Whilst accompanying maps in AP2 show the area around Westfield Covert being planted with trees, the only way to access the planting site appears to be through the existing ancient woodland. The Trust requests that further information is made available as to how HS2 Ltd. will avoid any damage to Westfield Covert.

Request

Until that time, the Trust considers that Westfield Covert is potentially directly affected by the proposed scheme and seeks an assurance that it will not be damaged by access works.

PROMOTER'S RESPONSE:

1. Westfield Covert, covering an area of approximately 1.2ha, is located near Kings Bromley, partially within land required for habitat creation as part of the Proposed Scheme.
2. As part of the Environmental Impact Assessment for the Proposed Scheme, reported in the main Environmental Statement, Westfield Covert was assumed to be ancient woodland and to be added to the Ancient Woodland Inventory.

3. Approximately 3ha of woodland habitat creation to the north of Bourne embankment was proposed at West Covert in order to expand the woodland and to improve connections of the ancient woodland to other semi-natural habitats surrounding Kings Bromley Gravel Pits.
4. It is likely that access to create and maintain the area of proposed woodland habitat creation would be provided as part of an existing access from Rugeley Road.
5. As previously explained, the Select Committee have said that they would hear issues solely in relation to the changes that are proposed in the second Additional Provision to the Bill.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.9

ISSUE RAISED: Pipe Wood

PETITION PARAGRAPH: 2.9 Pipe Wood (Community Area 1 – Fradley to Colton) – the proposed works were previously over 200 metres away from Pipe Wood. However, amendments proposed under AP2 in relation to the creation of a new children's home mean that the works are now directly adjacent to Pipe Wood. The information on what is proposed here is scant, and as such the Trust requests that HS2 provides further information as soon as possible. For the avoidance of doubt, the Trust has added Pipe Wood to the list of ancient woodlands that we consider are indirectly affected by Phase 2a.

Request

We seek an assurance that Pipe Wood will be appropriately buffered (at least 30m) from the relocated childrens' home.

PROMOTER'S RESPONSE:

1. Pipe Wood Local Wildlife Site (LWS) and Ancient Woodland Inventory Site (AWI) sits adjacent to a site proposed for the relocation of Mayfield Children's Home. The works would comprise the development of a replacement facility on the site of the former Westwood School, adjacent to Rugeley School.
2. The Promoter is working with the Priory Group in providing the replacement facility. The Priory Group is seeking separate planning permission that would allow construction of the replacement facility to be completed in advance of construction works in the vicinity of Mayfield Children's Home.
3. Pipe Wood LWS and AWI would not be directly impacted by construction of the replacement facility. The closest point of construction of the facility is directly adjacent to Pipe Wood LWS and AWI site.

4. Any potential indirect effects to Pipe Wood LWS and AWIS would be controlled via measures set out in the draft Code of Construction Practice (CoCP).

5. Any separate planning permission brought forward by the Priory Group would require its own consents process and include a separate environmental assessment in order to satisfy the local planning authority.

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.10

ISSUE RAISED: Tithebarn Covert

PETITION PARAGRAPH: 2.10 Tithebarn Covert (CA2: Colwich to Yarlet) – This ancient woodland was already directly adjacent to the proposed construction boundary under the original Environmental Statement. However, proposed amendments to utilities in this area have extended the construction boundary further around the wood, increasing the impact of the works. Whilst, the boundary has not been extended into the ancient woodland, it is disappointing that the Trust's request to move the temporary stockpile on the western boundary of the wood have not been complied with. Proposed mitigation planting adjacent to the woodland is shown on the maps as being grassland and ponds only, but the text in the accompanying Community Area report states it is a mixture of grassland and deciduous woodland.

Request

The Trust requests clarification on this. We also request an assurance that appropriate buffering will be planted along the proposed cutting at Moreton.

PROMOTER'S RESPONSE:

1. Although Tithebarn Covert Ancient Woodland Inventory Site (AWIS) is located adjacent to the area subject to the second Additional Provision to the Bill (AP2) amendment for the diversion of a National Grid gas pipeline and a new utility compound, west of Colwich Bridleway 35 accommodation overbridge, the woodland is not directly affected. The AP2 revised scheme would therefore not give rise to any new or different significant effects upon the designated feature of this AWIS.
2. Habitat creation adjacent to Tithebarn Covert primarily comprises of areas of grassland and pond habitat creation, primarily for great crested newt habitat creation, but also to buffer and enhance the woodland in the longer term. A linear area of

woodland habitat creation is proposed adjacent to the Moreton cutting, as well as additional woodland habitat creation on the opposite side of the route and between Tithebarn Covert and Jewstrump Covert. The primary function of these areas of woodland creation is to in part compensate for the indirect impacts to Tithebarn Covert.

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.11

ISSUE RAISED: Tittensor Chase

PETITION PARAGRAPH: 2.11 Tittensor Chase (Community Area 3 Stone to Swynnerton) – this is an area of wood pasture on the Wood Pasture and Parkland Inventory which under the original Environmental Statement was a significant distance away from the proposed construction boundary. AP2 proposes the construction of a power supply connection for the Whitmore Heath Tunnel to run along the north-eastern edge of this wood pasture. There is very little information in the Community Area report to explain exactly what is proposed in this location and how the impacts on Tittensor Chase have been assessed.

Request

The Trust requests further information about what the Promoter proposes to do here and an assurance that this wood pasture will be avoided.

PROMOTER'S RESPONSE:

1. Tittensor Chase Local Wildlife Site (LWS) and Ancient Woodland Inventory Site (AWIS) sits adjacent to the land required for the second Additional Provision to the Bill (AP2) amendment for the provision of a power supply to Whitmore Heath tunnel. It is assumed that the works comprising the installation of two sets of cables laid underground within a single trench would be entirely contained within the highway boundary of Chase Lane where this passes adjacent to the boundary of Tittensor Chase. Given that the proposed works occur within the adjacent road carriageway, a buffer width of 15m would not be reasonably practicable.

2. However, 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.

3. The context of the existing site should be noted in that it is an LWS and AWIS adjacent to an existing main road, which is already subject to the indirect effects of road traffic. It has therefore been assessed that there would be no significant effects to Trent Wood as a result of these works. Potential indirect effects, such as noise, dust and altered lighting would be controlled through the implementation of avoidance and protection measures set out in the draft Code of Construction Practice (CoCP).

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PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.12

ISSUE RAISED: Hey Sprink

PETITION PARAGRAPH: 2.12 Hey Sprink (Wood South West of) (Community Area 4 – Whitmore Heath to Madeley) - This was a new addition to the Ancient Woodland Inventory at the time of the original Environmental Statement, and construction of the Lea South Embankment is causing a loss of 0.2ha from this woodland. However, the Trust has noted that modifications proposed under AP2 move the construction boundary and three temporary materials stockpiles away from this wood. Based on the revised mapping the direct impact of the scheme causing loss of woodland would appear to have been removed.

Request

However, this apparent positive change is not reflected in the Community Area report, and the change in impact on this woodland is reported as the loss being reduced from 0.2 to 0.1ha. As the revised construction boundary does not appear to enter this wood the Trust requests clarification regarding the impact of the AP on this wood.

PROMOTER'S RESPONSE:

1. The main Environmental Statement (ES), as amended by the second Supplementary Environmental Statement (SES2), reported the loss of 0.2ha (7%) of broadleaved woodland from Hey Sprink (wood south-west of) Local Wildlife Site (LWS) and Ancient Woodland Inventory Site (AWIS), which would result in a permanent adverse effect on the structure and function of the site that is significant at the county level. The AP2 amendment for additional land, and changes to Bill powers to the vertical and horizontal alignment between Hatton South cutting and Madeley Bridleway 1 accommodation green overbridge, specifically the horizontal changes at the Lea South embankment, would reduce the loss of woodland from Hey Sprink (wood south-west of) LWS and AWIS by approximately 0.1ha. This would give rise to a

different significant effect on Hey Sprink (wood south-west of) LWS and AWIS, however this would not change the level of significance as reported in the main ES, and as amended by SES2.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.13

ISSUE RAISED: Unnamed woodland to the west of Holly Wood

PETITION PARAGRAPH: 2.13 Unnamed Woodland to the West of Holly Wood (SJ7964445857) (Community Area 4 – Whitmore Heath to Madeley) – The proposed construction boundary was previously over 3km from this area of ancient woodland. However, the provision of a power supply to power the tunnel boring machine for the Whitmore Tunnel means that the proposed works are now adjacent to this wood. Information regarding the proposed works is scant and the Community Area report does not mention this wood by name despite it falling within the new construction boundaries.

Request

The Trust requests further information about the works proposed in this area and an assurance that this wood will not be impacted.

PROMOTER'S RESPONSE:

1. It is assumed that the works in proximity to unnamed woodland to the west of Holly Wood, relating to the second Additional Provision to the Bill (AP2) amendment for the provision of a power supply to Whitmore Heath tunnel, comprising the installation of two sets of cables laid underground within a single trench, would be entirely contained within the highway boundary. This amendment was therefore scoped out for ecological assessment and no new or different significant effects on the woodland are anticipated.

2. Any potential indirect effects, such as noise, dust and altered lighting on the ancient woodland would be controlled through the implementation of avoidance and protection measures set out in the draft Code of Construction Practice (CoCP).

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PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.14

ISSUE RAISED: Grafton's Wood and The Lum

PETITION PARAGRAPH: 2.14 Grafton's Wood and The Lum (Community Area 4 – Whitmore Heath to Madeley) - these two areas of ancient woodland are currently bisected by the West Coast Mainline. Under the original Environmental Statement the construction boundaries relating to works on the West Coast Mainline were directly adjacent to these woods. The Trust is pleased to see that according to the AP2 maps the works in this area have been moved and the The Lum is no longer affected by works on the West Coast Mainline and Grafton's wood is only affected by works on the proposed HS2 route to the south. Neither wood is mentioned in the accompanying Community Area report so the Trust requests that HS2 Ltd. confirms that the maps are correct and that the construction boundaries for the works on the West Coast Mainline have been moved away from these woods.

Request

The Trust requests an assurance that The Lum will not be impacted.

PROMOTER'S RESPONSE:

1. Grafton's Wood and The Lum falls outside of the construction boundary for the Proposed Scheme and would therefore not be subject to any direct impacts.
2. Any potential indirect effects, such as noise, dust and altered lighting would be controlled through the implementation of avoidance and protection measures set out in the draft Code of Construction Practice (CoCP).

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PROMOTER'S RESPONSE TO PETITION OF: The Woodland Trust

PETITION NO: HS2-AP2-063

PARAGRAPH NO: 2.15

ISSUE RAISED: Amendments made to Phase 1

PETITION PARAGRAPH: 2.15 The additional provision on Phase 2a shows that changes are proposed to works that were authorised under the Phase 1 Hybrid Bill, which already has Royal Assent. Some of these changes result in reduced levels of compensation on Phase 1.

Phase 1 Woods affected Phase 2a AP2

Name of Wood	Comments
Tomhay Wood	Affected by Phase 1 works but changes under AP2 indicate that the construction boundary has increased in this area
Vicar's Coppice	Affected by Phase 1, but widening of Wood End Lane under Phase 2a AP2 appears to increase the impact on this wood

Requests

The Trust seeks assurances;

- that the changes under AP2 will not result in further loss of ancient woodland from Vicar's Coppice than that already permitted under the Phase 1 Hybrid Bill, and
- that the changes proposed under AP2 do not result in any loss of woodland from Tomhay Wood

PROMOTER'S RESPONSE:

1. The design of the second Additional Provision to the Bill (AP2) amendment for additional land required for modifications to A515 Lichfield Road and Wood End Lane junction and widening of Wood End Lane, alternates between the north and south side of Wood End Lane to avoid the loss of valuable ecological features, where reasonably practicable. These 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.

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 Assurances¹.

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 petition².

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.

Yours sincerely



Oliver Bayne

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

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

² 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

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 Assurances¹. 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.

Yours sincerely



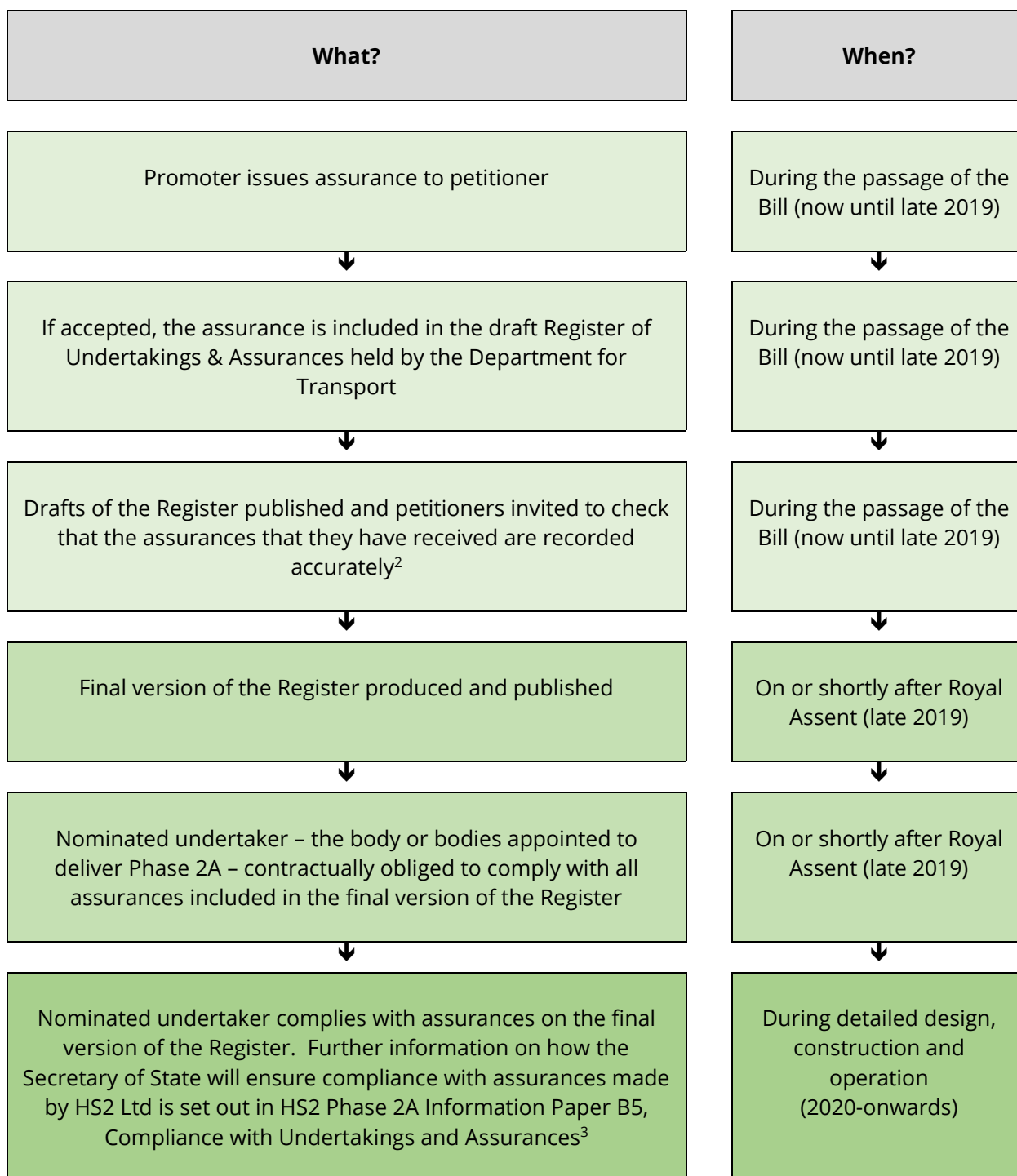
Oliver Bayne

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

¹ 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



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

³ 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.

Yours sincerely

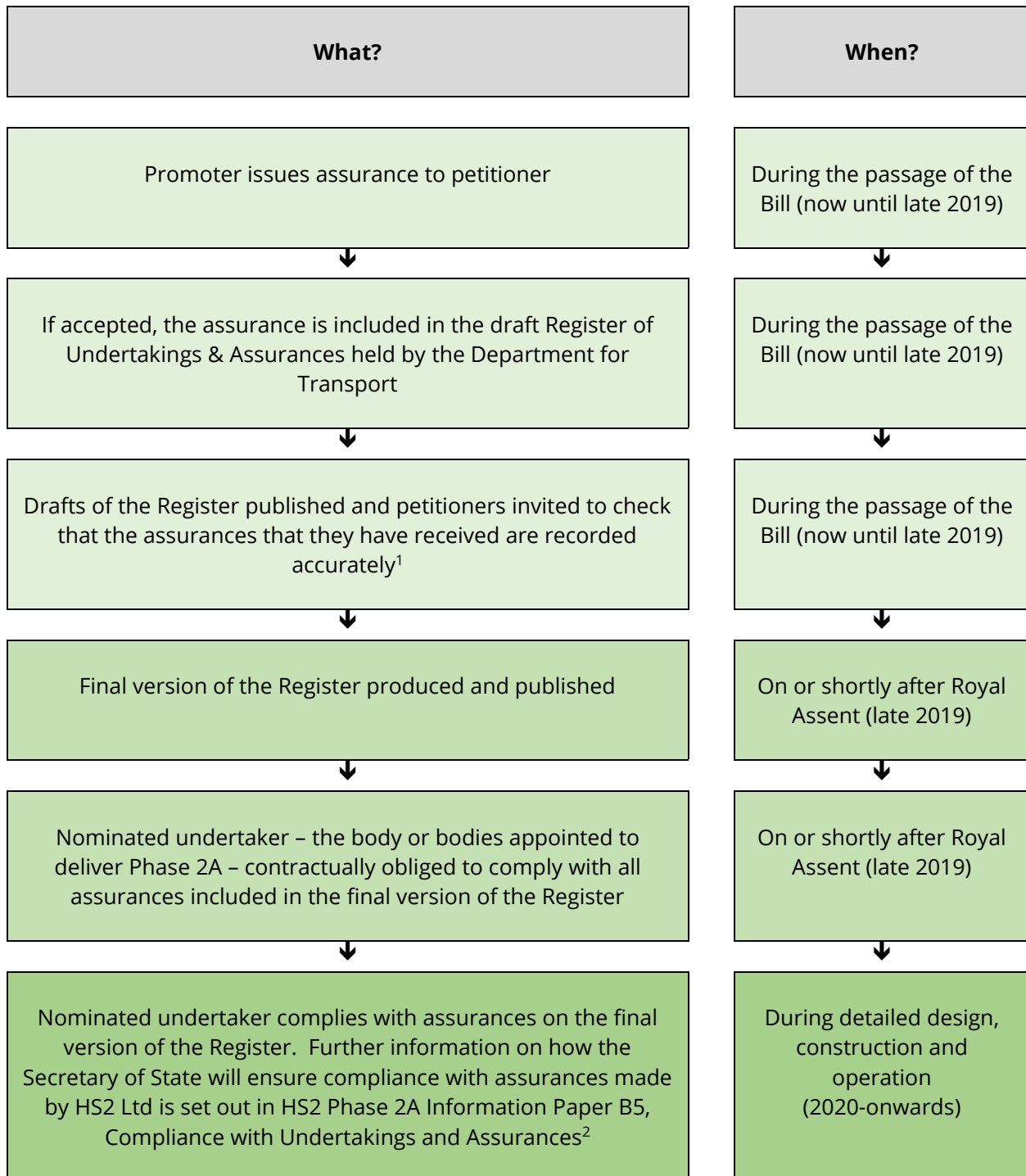


Oliver Bayne

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

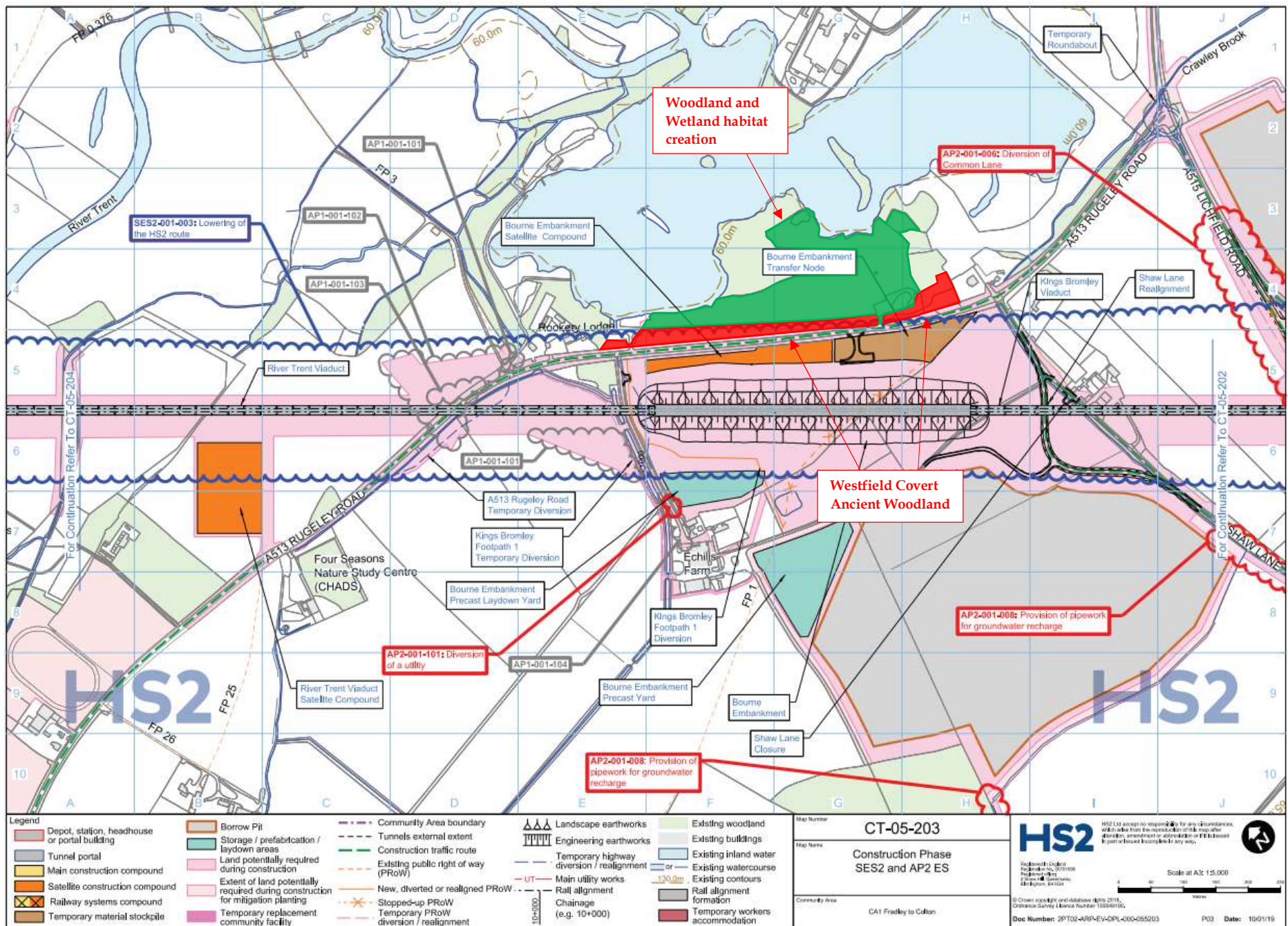
Annex A

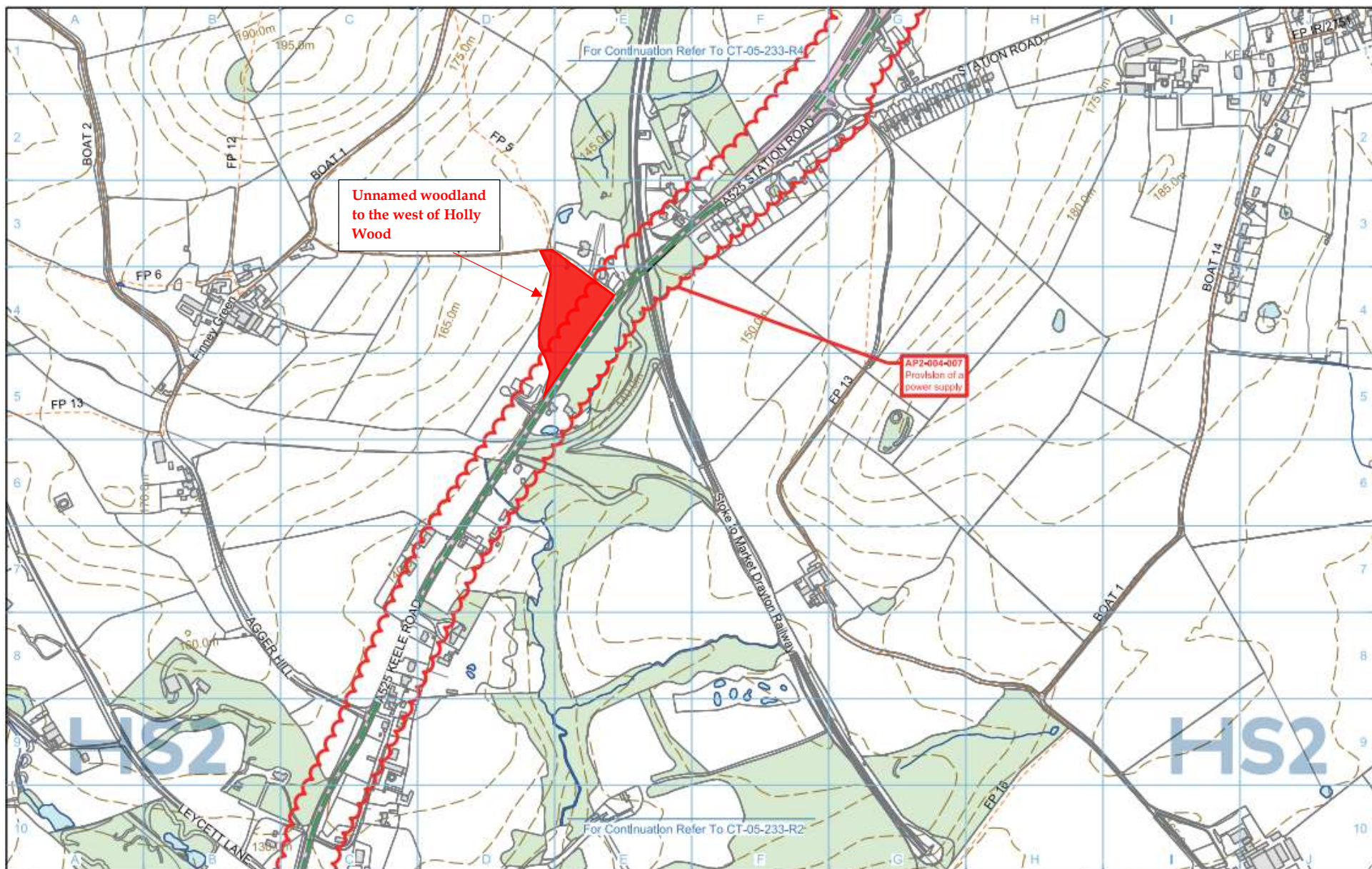
ASSURANCES: STEPS AND TIMING



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

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





Legend				
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	Rail alignment	Temporary workers accommodation
		Temporary PRoW diversion / realignment	Challage (e.g. 10+000)	

Map Number
CT-05-233-R3

Map Name
Construction Phase SES2 and AP2 ES

Community Area
CMA Withmore Heath to Moleley

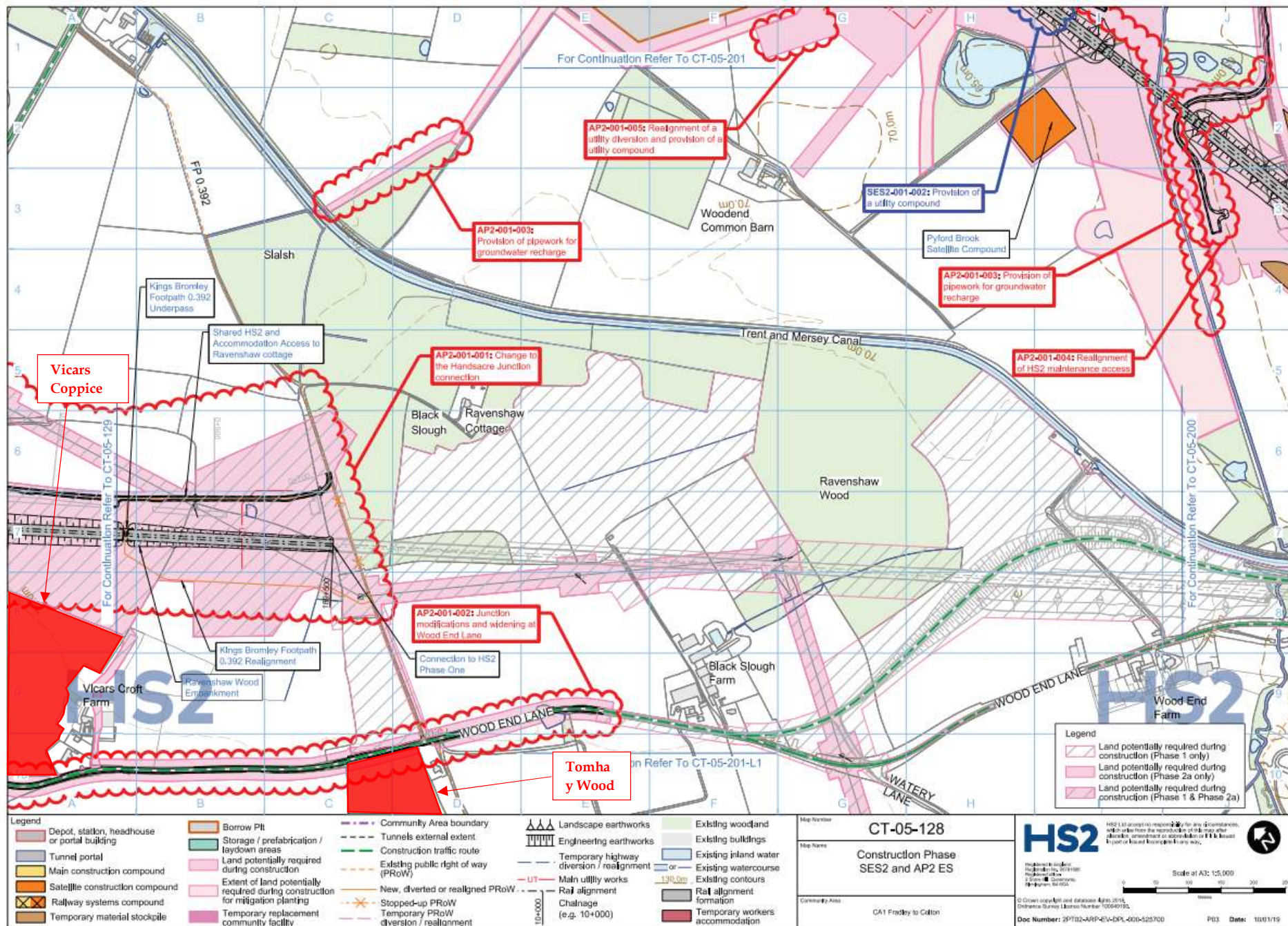
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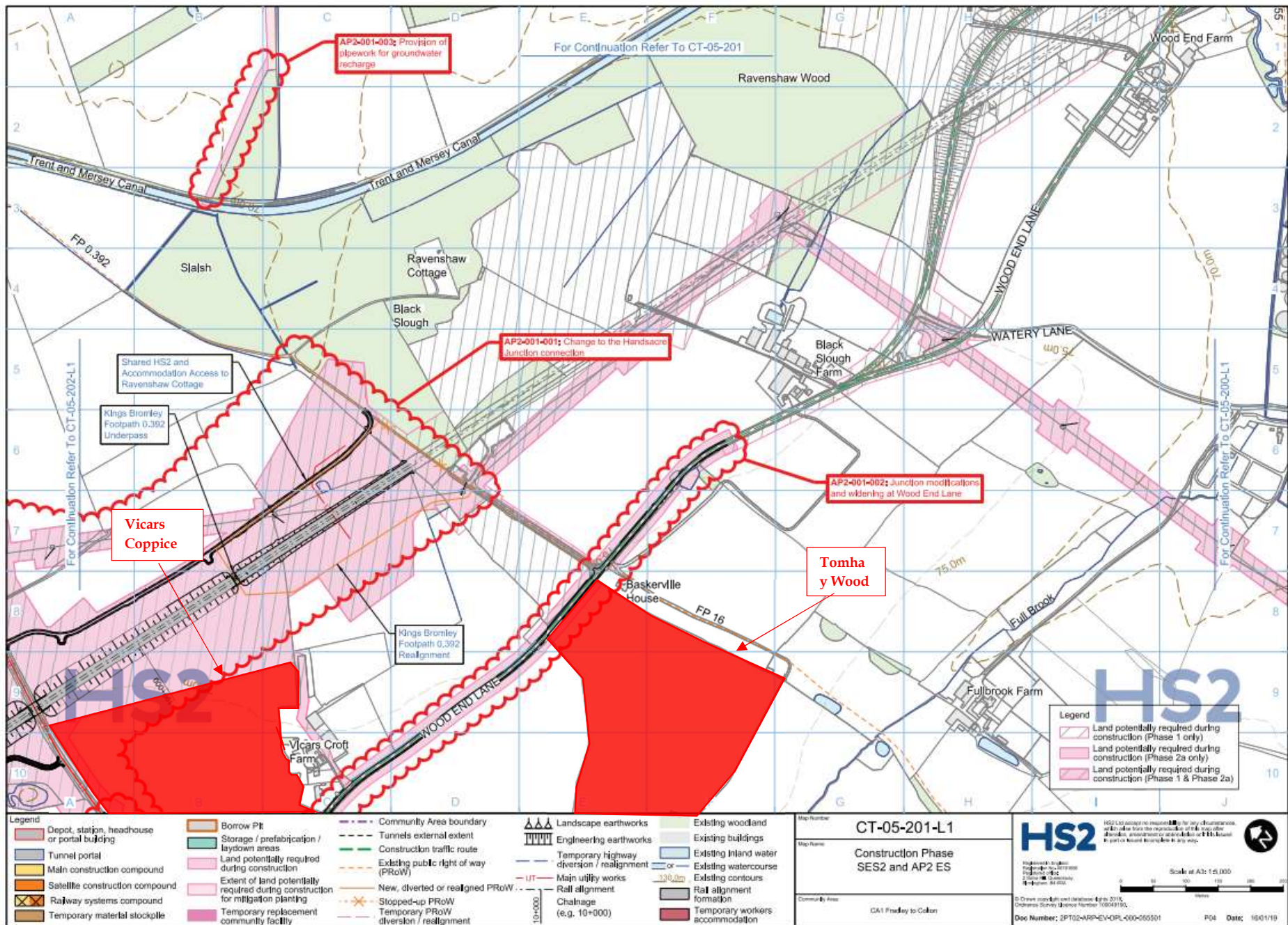
HS2 Ltd accept no responsibility for any inaccuracies, whether arising from the reproduction of this map or otherwise, and shall not be liable for any loss or damage in any way.

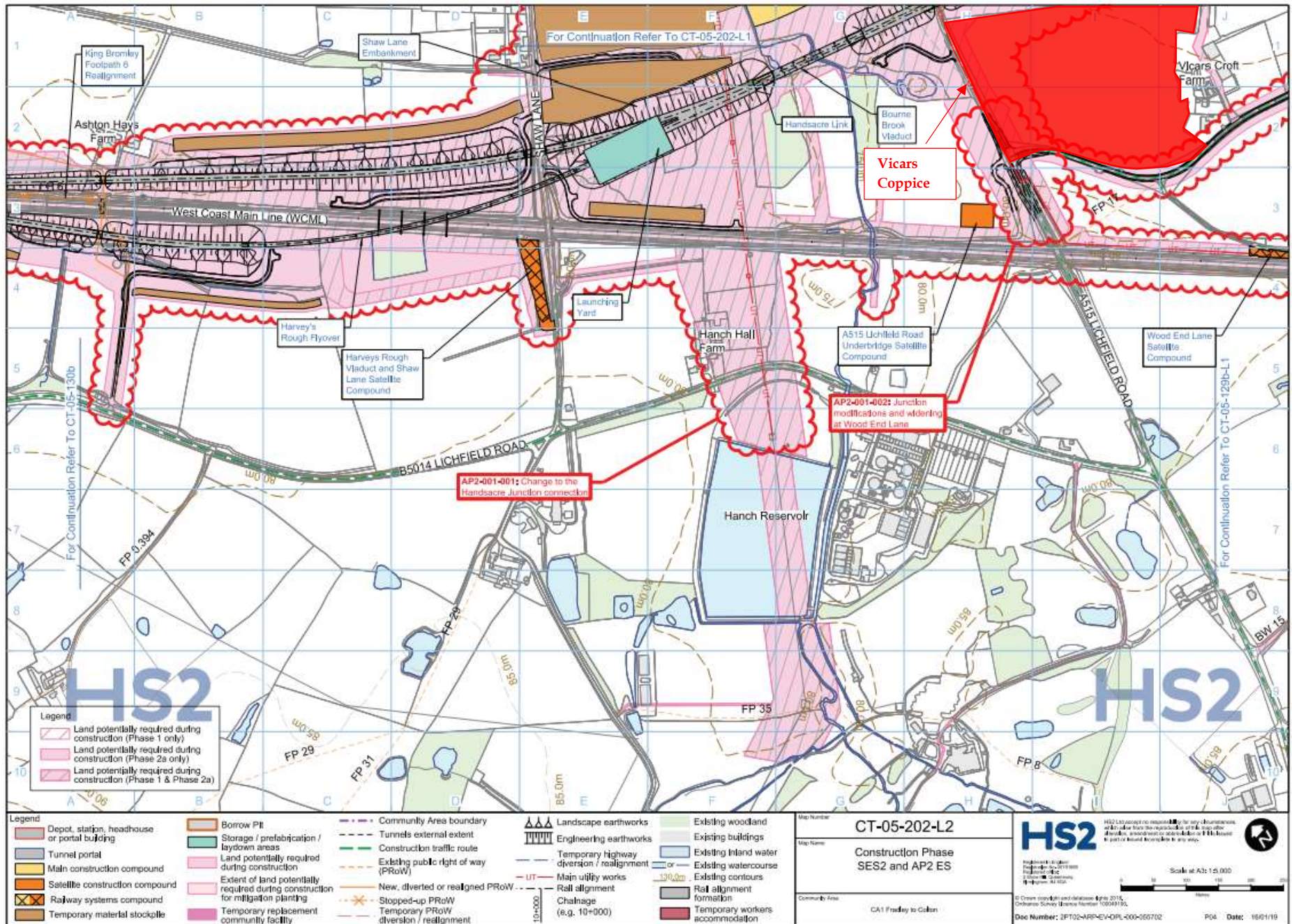
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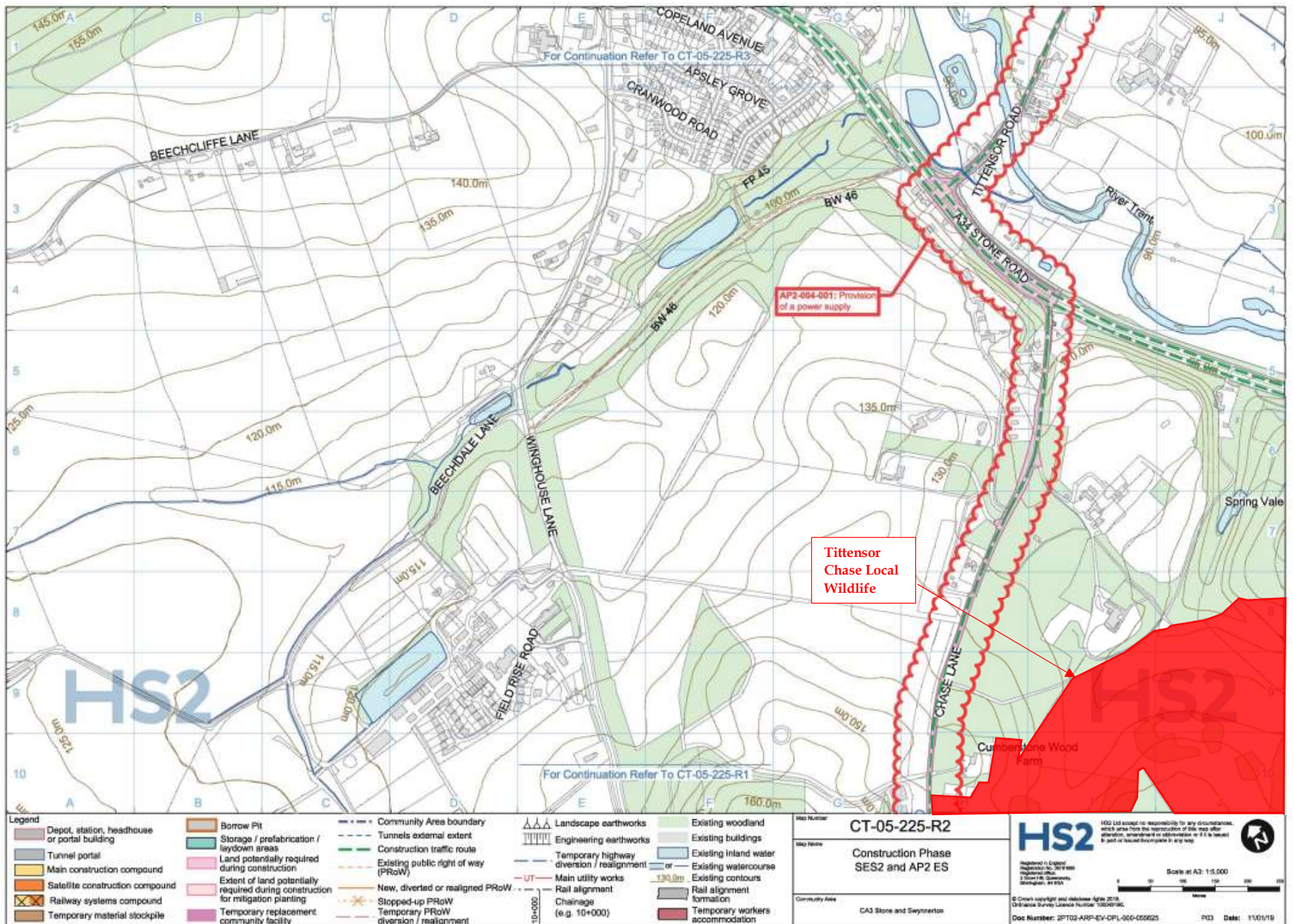
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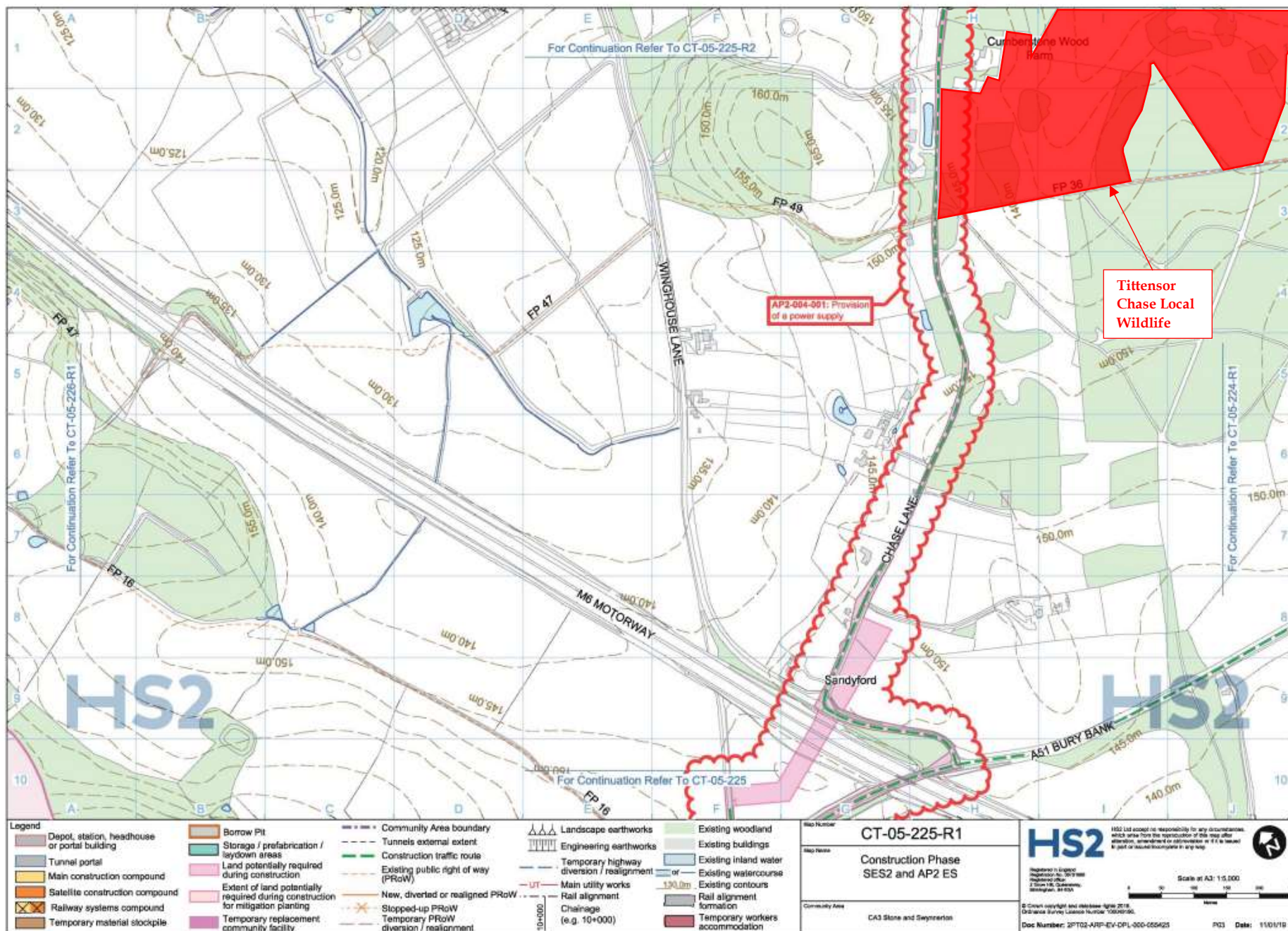
P03 Date: 11/01/19











HS2 Phase 2a: Ancient Woodland Compensation

Request from Select Committee

During the Woodland Trust's Select Committee appearance the Promoter was asked whether the 77.1ha of compensation woodland planting reported in the Phase 2a Ancient Woodland Strategy (2018) as being in response to the loss of 6.2ha of ancient woodland, contributes to both ancient and non-ancient woodland habitat loss.

Response

The Promoter can confirm that the entirety of the 77.1ha of woodland planting reported in the Phase 2a Ancient Woodland Strategy (2018) is for the purposes of ancient woodland compensation and provides no contribution to the loss of non-ancient woodland as a result of the Phase 2a scheme.

The HS2 Phase 2a Supplementary Environmental Statement 2 and Additional Provision 2¹ reports will result in the level of ancient woodland compensation being increased to 78ha of woodland habitat creation (and a reduction in route-wide impact to ancient woodland from 10.2ha to 9.8ha)..

In addition to the 77.1ha of woodland planting the following compensation measures have been committed to by the Promoter for ancient woodland:

- 13.4ha of enhancement of ancient woodland at Whitmore Wood; and
- 9.6ha of ancient woodland soils to be translocated to receptor sites.

The Phase 2a Supplementary Environmental Statement 2 and Additional Provision 2 reports the loss of semi-natural² (non-ancient) woodland has increased from 54.2ha to 60.1ha, in order to mitigate for this loss approximately 183ha of woodland habitat creation has been proposed.

The extent of woodland compensation for ancient woodland loss and woodland habitat creation for non-ancient woodland loss, have been reported separately due to their different mitigation functions, requirements, and management regimes. Ancient woodland compensation is also excluded from the Promoters No Net Loss calculation given the habitat is considered irreplaceable.

No set ratio has been used in determining an appropriate level of response with regards to ancient woodland compensation. In each case, this has been derived through professional judgement, taking into account the scale of the impacts and the condition of the woodland affected. The design of individual habitat creation areas has also responded to other interests including landscape form and character, heritage values, and agricultural operations.

Phase 2a AP2 Revised Scheme			
Woodland habitat loss		Extent of compensation/mitigation	
Ancient Woodland lost	9.8ha	Ancient woodland compensation	78ha
		Enhancement of ancient woodland	13.4ha
		Ancient woodland soils translocated	9.6ha
Semi-natural ⁴ (non-ancient) woodland lost	60.1ha	Woodland habitat creation	183Ha

² Includes both broadleaf woodland and wet woodland, both habitats of principle importance, defined within section 41 of the Natural Environment and Rural Communities (NERC) Act

The Promoter is confident that the above measures are robust and represent a proportionate response to the loss of ancient woodland that is expected to occur as a consequence of the scheme and are in line with current relevant standing advice.

The Phase 2a Ancient Woodland Strategy will be updated as a result of the amendments of the Supplementary Environmental Statement 2 and Additional Provision 2.